



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

**BUSINESS PAPER**  
**EXTRAORDINARY COUNCIL**  
**MEETING**  
**WEDNESDAY, 11 AUGUST 2021**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that an **Extraordinary Council Meeting** will be held in the Koreelah Room - Tenterfield Shire Council Chambers, on **Wednesday 11 August 2021** commencing at **3.00pm**.

Daryl Buckingham  
**Chief Executive**

**Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.**

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
  - Prejudice the commercial position of the person who supplied it, or
  - Confer a commercial advantage on a competitor of the Council; or
  - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

### **Remoteness**

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

### **Relatives, Partners**

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### **No Interest in the Matter**

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### **Disclosure and participation in meetings**

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

### **Participation in Meetings Despite Pecuniary Interest (S 452 Act)**

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

### **Disclosures to be Recorded (s 453 Act)**

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

~~o0o~~~

## ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Business of the Meeting
6. Meeting Close

# AGENDA

## WEBCASTING OF MEETING

This meeting will be recorded for placement on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

## 1. OPENING & WELCOME

### 2. (A) OPENING PRAYER

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

### (B) ACKNOWLEDGEMENT OF COUNTRY

*"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."*

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. BUSINESS OF THE MEETING

(ITEM COM20/21) BUSHFIRE COMMUNITY, RESILIENCE FUND - COUNCIL  
LED COMMUNITY GRANT APPLICATIONS .....5

## 6. MEETING CLOSED

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Corporate Administration Officer
<b>Reference:</b>	<b>ITEM COM20/21</b>
<b>Subject:</b>	<b>Bushfire Community, Resilience Fund - Council Led Community Grant Applications</b>

<b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b>	
<b>CSP Goal:</b>	<b>Community</b> - COMM 1 - Tenterfield Shire is a vibrant, welcoming and safe community.
<b>CSP Strategy:</b>	Develop major cultural and community events and festivals in partnership with the community and other stakeholders.
<b>CSP Delivery Program</b>	Enrich the community by supporting a variety of diverse cultural events and activities.

## SUMMARY

The purpose of this Report is to provide Council with the opportunity to propose projects for grant funds under the Black Summer Bushfire Recovery Grants Program.

## OFFICER'S RECOMMENDATION:

### That Council:

**(1) Endorse seven (7) Projects totaling \$4,234,000 under the Black Summer Bushfire Recovery Grants Program, being for:-**

- **Drake Village Revitalisation (Drake Hall alternative access road and associated drainage, Pathways and Open Space along Bruxner Highway to Timbarra Street & parking and road crossing to include Bus Stop Parking and Highway Crossing – \$2,900,000;**
- **Rural Addressing all LGA area including Drake and Torrington (For current properties with no RAN) - \$220,000;**
- **Removal Dead Trees in Tenterfield Shire (Roadside Vegetation, Dead Trees Tenterfield Park and the remainder of Dead Trees from Dead Tree Program – \$344,000;**
- **Mingoola Hall upgrades to include a stand-alone accessibility friendly disabled toilet - \$120,000;**
- **Northern Border Walk Signage 44 Directional Cross Road Signs, Location Signs - \$190,000;**
- **Installation of Industrial Ceiling Fans, Emergency Lighting and Upgrade of Switchboard at Memorial Hall - \$220,000; and**
- **Pool Equipment Upgrades (Pool Heating, Blankets and Other Equipment) - \$240,000.**

Our Community No. 20 Cont...

**(2) Endorse one (1) project to upgrade Bruxner Park Stairs and Ramp Improvements under the Regional Tourism Activation Fund – Stream 2**

**BACKGROUND**

On Wednesday, 4 August 2021 a Council Workshop was held regarding proposed projects and allocation of expenditure to both the Black Summer Bushfire Recovery Grant Program and the Regional Tourism Activation Fund – Stream 2.

The Black Summer Bushfire Program grant intended outcomes are to empower local communities to address local bushfire recovery priorities, including through creation of jobs, sustainable infrastructure and community investment targeted at the specific needs of the community and to rebuild and grow the economy of the local communities impacted by the bushfires.

This grant funding for Black Summer Bushfire Recovery Grant Program opened on 22 July 2021 and closes 2 September 2021 and the funding has been made available through the National Recovery and Resilience Agency. Successful applicants will be announced by the end of 2021 - projects must be completed by 31 March 2024.

The Regional Tourism Activation Fund – Stream 2 opened on 16 June 2021 and closes on 11 August 2021, this funding has been made available by Department of Regional NSW. Successful applicants will be announced from November 2021 and all projects need to be completed by 30 June 2023.

Stream 2 is focused on encouraging inclusive and accessible visitor experience at unique and high impact tourism and events infrastructure. This funding will support projects that enhance the visitor experience for people with a disability and accessibility requirements to function independently and with equity and dignity through the delivery of universally designed tourism precincts, services and environments.

**REPORT:**

Black Summer Bushfire Recovery Grants Program funding envelope has been allocated to each eligible local government area (LGA) to ensure all LGA's have the opportunity to receive funding. Tenterfield Shire Council has been placed under category 1 for funding up to \$4.5 million - this has been determined by the impact of bushfires on the local government area. The highest ranked projects in each LGA will be recommended for funding until funds are exhausted. Projects may not receive the full grant amount requested and allocated funds may be redirected to higher ranking project proposals within NSW.

The projects within this fund must address one or more of the following kinds of recovery or resilience needs:

- Social recovery and resilience
- Economic recovery and resilience
- Recovery and resilience of the built environment

The Projects must satisfy one or more of the criteria – such as \* address an urgent and unmet need resulting directly from the 2019-20 bushfires. (For further details please refer to page 8 of the Grant Opportunity Guidelines – Black Summary Bushfire Recovery Grants Program - Attachment 1 (Attachment Booklet) in order to receive the funding.

## Our Community No. 20 Cont...

Seven (7) projects have been allocated for Council to apply under the Black Summer Bushfire Recovery Grant Program Funding out of the \$4.5 million that has been allocated to the Local Government Area. These projects are:

- Drake Village Revitalisation - \$2,900,000  
(Drake Hall alternative access road and associated drainage, Pathways and Open Space along Bruxner Highway to Timbarra Street & Parking and road crossing to include Bus stop Parking and Highway Crossing);
- Rural Addressing all LGA area including Drake and Torrington - \$220,000; (For current properties with no RAN);
- Removal Dead Trees in Tenterfield Shire – \$344,000  
(Roadside Vegetation, Dead Trees Tenterfield Park and the Remainder of Dead Trees from Dead Tree program);
- Mingoola Hall Upgrades to include a stand-alone disabled toilet - \$120,000;
- Northern Border Walk - \$190,000  
(Signage 44 Directional Cross Road Signs, Location Signs);
- Installation of Industrial Ceiling Fans, Emergency Lighting and Upgrade of Switchboard at Memorial Hall - \$220,000; and
- Pool Equipment Upgrades - \$240,000  
(Pool Heating, Blankets and Other Equipment).

Regional Tourism Activation Fund - Stream 2 - Attachment 2 (Attachment Booklet) – Regional Tourism Activation Fund – Program Guidelines) Visitor Accessibility and Inclusion enhancements funding that aims to encourage inclusive tourism by improving accessibility and inclusion at destinations and visitor experience for people with disability. This funding has specific focus on projects that improve accessibility and inclusion at unique and high impact tourism venues and destinations. The funding available within Stream 2 is a minimum \$50,000 up to a maximum of \$500,000 and is competitive funding.

Applicants are required to demonstrate that their project is unique and high impact by providing:

- Key visitation data including forecasted annual visitation and the forecasted expenditure per visitor to generate a value per visitor analysis
- A data sheet to inform a benefit to cost ratio assessment
- Letters of support from the relevant destination Network and/or local tourism organisations that support the claim of uniqueness and high impact.

In the Council held on Wednesday 4 August 2021, it was discussed to submit an application to improve the Bruxner Park Stairs and Ramp within this funding.

**COUNCIL IMPLICATIONS:****1. Community Engagement / Communication (per engagement strategy) w**



Our Community No. 20 Cont...

There has been a council workshop to discuss the particular funding stream inclusions informed by many community engagement sessions over the past 2 years.

## **2. Policy and Regulation**

- Tenterfield Shire Council Community Strategic Plan
- Tenterfield Shire Council, Disability Inclusion Action Plan
- Northern New England High Country Regional Economic Development Strategy 2015-2022
- New England North West Regional Plan 2036
- 20 year economic vision for Regional NSW
- NSW Government – Statewide Destination Management Plan
- NSW Visitor Economy Strategy 2030
- Destination Country & Outback Destination Management Plan 2018-2020

## **3. Financial (Annual Budget & LTFP)**

Council will need to ensure that there is adequate budget for all proposed projects and be aware that acceptance of further funding for projects may impact our ability to deliver these projects and existing projects set out in the Operational Plan.

Black Summer Bushfire Recovery Grant Program and Regional Tourism Activation Fund – Stream 2– will be up to 100 per cent of eligible project expenditure.

## **4. Asset Management (AMS)**

Any potential new asset development arising on council owned/managed land from these funds will have an impact on Council's Long Term Financial Plan and Asset Register.

## **5. Workforce (WMS)**

There is a significant increase in administration of these grants and additional project staffing may require to facilitate these funds.

## **6. Legal and Risk Management**

In making the recommendation, consideration has been given for the ability to deliver projects within exiting resource allocations and the impact of the COVID-19 outbreaks.

For all projects that are proposed to be located within Crown Land Reserves, the Native Title Act 1993 and Aboriginal Land Rights Act 1983 provide rights and interests to Aboriginal and Torres Strait Islander peoples.

Native Title and Aboriginal Land Claim searches will need to be conducted. The project will also need to be assessed against an approved Plan of Management. A determination of the impact of each these will need to be completed prior to any work commencing on any successful applications.

Native Title implications will need to be assessed by Councils Native Title Manager.

There is a risk that negotiations may be required with Aboriginal peoples before the projects can proceed.

Our Community No. 20 Cont...

There is also a risk that compensation may be payable should the works proceed. The level of compensation (if any) is not able to be determined at this stage.

#### **7. Performance Measures**

Performance measures pertain to the grant delivery and outcomes matching the grant criteria. Acquittal also to demonstrate compliance with expenditure.

#### **8. Project Management**

Projects prioritised for submission will be developed independently by staff or by the organisation lodging their submission.

**Kylie Smith**  
**Chief Corporate Officer**

Prepared by staff member:	Jodie Condrick	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	<b>1</b> Attachment 1 (Attachment Booklet) Black Summer Bushfire Recovery Grant Opportunity Guidelines PDF (3)	32 Pages
	<b>2</b> Attachment 2 (Attachment Booklet) Regional Tourism Activation Fund Program Guidelines	9 Pages