



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

## **BUSINESS PAPER ORDINARY COUNCIL MEETING 27 OCTOBER 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 **Ordinary Council Meeting** will be held in the Koreelah Room, Tenterfield Shire Council Chambers, on **Wednesday 27 October 2021** commencing at **9.30 am**.

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.

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## ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Confirmation of Previous Minutes
6. Tabling of Documents
7. Urgent, Late & Supplementary Items of Business
8. Community Consultation (Public Access)
9. Mayoral Minute
10. Recommendations for Items to be Considered in Confidential Section
11. Open Council Reports
  - Our Community
  - Our Economy
  - Our Environment
  - Our Governance
12. Reports of Delegates & Committees
13. Notices of Motion
14. Resolution Register
15. Confidential Business
16. Meeting Close

## **CLOSED COUNCIL**

### **Confidential Reports**

#### **(Section 10A(2) of The Local Government Act 1993)**

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals others than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act,) the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) The discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### **Resolutions passed in Closed Council**

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

# 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. CONFIRMATION OF PREVIOUS MINUTES

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### 7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

### 8. COMMUNITY CONSULTATION (PUBLIC ACCESS)

## **9. MAYORAL MINUTE**

## **10. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION**

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## **15. CONFIDENTIAL BUSINESS**

### **CONFIDENTIAL**

(ITEM ECO19/21)	LOT 26 DP 735029 SUGARBAG ROAD
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

## **16. MEETING CLOSED**

**(ITEM MIN22/21) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Elizabeth Melling

**RECOMMENDATION**

**That the Minutes of the following Meeting of Tenterfield Shire Council:**

- **Ordinary Council Meeting – 22 September 2021**

**as typed and circulated, be confirmed and signed as a true record of the proceedings of these meetings.**

**ATTACHMENTS**

- 1** Minutes - 22 September 2021 15 Pages

# MINUTES



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

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 22 SEPTEMBER 2021**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Koreelah Room, Tenterfield Shire Council Chambers on Wednesday, 22 September 2021 commencing at 9.30 am

**ATTENDANCE**

Councillor Peter Petty (Mayor)  
Councillor Greg Sauer (Deputy Mayor)  
Councillor Don Forbes  
Councillor John Macnish  
Councillor Brian Murray  
Councillor Tom Peters  
Councillor Michael Petrie

**ATTENDANCE VIA ZOOM**

Councillor Bob Rogan  
Councillor Gary Verri  
Councillor Bronwyn Petrie

**ALSO IN ATTENDANCE**

Chief Executive (Daryl Buckingham)  
Acting Executive Assistant & Media (Elizabeth Melling)  
Chief Corporate Officer (Kylie Smith)

**ATTENDANCE VIA ZOOM**

Director Infrastructure (Fiona Keneally)

*Clause 254(b) of the Local Government (General) Regulation 2005 requires that the names of the mover and seconder of the motion or amendment are recorded and shown in the Minutes of the meeting.*

Website: [www.tenterfield.nsw.gov.au](http://www.tenterfield.nsw.gov.au)

Email: [council@tenterfield.nsw.gov.au](mailto:council@tenterfield.nsw.gov.au)

#### **WEBCASTING OF MEETING**

*I advise all present that this meeting is being 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.*

#### **OPENING AND WELCOME**

##### **CIVIC 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.*

##### **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.*

##### **APOLOGIES**

Nil.

#### **DISCLOSURE & DECLARATIONS OF INTEREST**

- 180/21** **Resolved** that Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Name	Type	Item
Cr. John Macnish	Non Pecuniary Significant	ITEM ENV15/21 – 2021/22 Local Heritage Places Fund Applications

(Michael Petrie/Bronwyn Petrie)

##### **Motion Carried**

#### **(ITEM MIN21/21) CONFIRMATION OF PREVIOUS MINUTES**

- 181/21** **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:

- Ordinary Council Meeting – 28 July 2021
- Extraordinary Council Meeting – 11 August 2021

as typed and circulated, be confirmed and signed as a true record of the proceedings of these meetings.

(Greg Sauer/Tom Peters)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil.

**URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

Nil.

**COMMUNITY CONSULTATION (PUBLIC ACCESS)**

Nil.

**MAYOR MINUTE**

Nil.

**PROCEDURAL MOTION**

- 182/21** **Resolved** that (ITEM GOV63/21) Election of the Deputy Mayor - 4 September 2021 to 4 December 2021 and (ITEM GOV64/21) Council Delegates on Committees, External Boards & Associations - period 4 September to 4 December 2021 be brought forward in the Agenda to be dealt with before any other items.

(Tom Peters/Brian Murray)

**Motion Carried**

**(ITEM GOV63/21) ELECTION OF THE DEPUTY MAYOR - 4 SEPTEMBER 2021 TO 4 DECEMBER 2021**

**SUMMARY**

The purpose of this report is for Council to elect the Deputy Mayor for the proceeding term, being from 4 September 2021 to the Local Government Elections on 4 December 2021.

**RECOMMENDATION:**

- (1) That the Chief Executive, as Returning Officer, call for nominations for the election of Deputy Mayor for the term 4 September 2021 to the Local Government Election on 4 December 2021; and
- (2) Council to determine the form of ballot to be used if so required, conditional on no Councillor attending the meeting via audio visual. If Councillors are attending via audio visual, the vote must be by Open Vote; and
- (3) Following the election, the Returning Officer declare Cr ..... elected as Deputy Mayor for the period 4 September 2021 to the Local Government Election on 4 December 2021.

(Greg Sauer/Michael Petrie)

*Returning Officer - Chief Executive, Daryl Buckingham advised that one (1) nomination only for the position of Deputy-Mayor was received.*

*The Returning Officer declared Cr Greg Sauer elected as Deputy-Mayor for the period 4 September 2021 to 4 December 2021.*

**183/21 Resolved that**

- (1) The Chief Executive, as Returning Officer, call for nominations for the election of Deputy Mayor for the term 4 September 2021 to the Local Government Election on 4 December 2021; and
- (2) Council to determine the form of ballot to be used if so required, conditional on no Councillor attending the meeting via audio visual. If Councillors are attending via audio visual, the vote must be by Open Vote; and
- (3) Following the election, the Returning Officer declare Cr Greg Sauer elected as Deputy Mayor for the period 4 September 2021 to the Local Government Election on 4 December 2021.

(Greg Sauer/Michael Petrie)

**Motion Carried**

**(ITEM GOV64/21) COUNCIL DELEGATES ON COMMITTEES, EXTERNAL BOARDS & ASSOCIATIONS - PERIOD 4 SEPTEMBER TO 4 DECEMBER 2021**

**SUMMARY**

The purpose of this report is for Council to resolve the Councillors who are to be the Council delegates and sit on the Council and Community Committees for the three (3) months from 4 September 2021 until 4 December 2021.

**184/21 Resolved that Council determine the representation on external bodies, specific purpose committees and other associations as listed below for the proceeding period, 4 September 2021 to 4 December 2021;**

	Representation	Delegate/s 2019-2021
<b>Specific Purpose Committees</b>		
Audit & Risk Committee	Mayor + 1 Councillor	Mayor, Cr Don Forbes
Contributions/Donations Assessment Panel	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Michael Petrie, Cr John Macnish, Cr Bob Rogan, Reserve Cr Gary Verri
Australia Day Awards Committee	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Don Forbes, Cr John Macnish, Cr Greg Sauer, Reserve Cr Gary Verri
Sir Henry Parkes Memorial School of Arts Joint Management Committee	Mayor + 1 Councillor	Mayor, Cr Greg Sauer
Tenterfield Saleyards Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Don Forbes, Cr Michael Petrie
Aboriginal Advisory Committee	Mayor + 1 Councillor	Mayor, Cr Bronwyn Petrie

Heritage Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Brian Murray, Cr Bronwyn Petrie
Disability, Inclusion & Access Advisory Committee	1 Councillor + 1 Alt Councillor	Cr Don Forbes, Cr Bob Rogan (alt)
Parks, Gardens & Open Space Advisory Committee	2 Councillors	Cr Greg Sauer, Cr Brian Murray
Arts & Culture Advisory Committee	2 Councillors	Cr Gary Verri, Cr Bronwyn Petrie
Tourism Advisory Committee	Mayor + 2 Councillor	Mayor, Cr Bob Rogan, Cr Gary Verri
Youth Advisory Committee	Mayor + 2 Councillor	Mayor, Cr Bronwyn Petrie, Cr Greg Sauer
Legume to Woodenbong Road	Mayor + 1 Councillor	Mayor, Cr Gary Verri
<b>External Boards, Committees &amp; Organisations</b>		
Country Mayors Association	Mayor	Mayor
Arts North West	Nil	Cr Verri – Board Member
Border Region Organisation of Councils (BROC)	Mayor + 1 Councillor	Mayor, Cr Brian Murray
Northern Inland Regional Waste	Mayor + 1 Councillor	Mayor, Cr Bob Rogan
North West Weight of Loads Group	1 Councillor	Cr Gary Verri
Local Health Advisory Committee	Mayor	Mayor
Tenterfield Shire Local Traffic Committee	Mayor + 2 Councillors	Mayor, Cr Gary Verri, Cr Tom Peters
Local Emergency Management Committee	Mayor + 1 Councillor	Mayor, Cr Michael Petrie
Bushfire Management Committee	1 Councillor	Cr Tom Peters
NSW RFS Service Level Agreement Liaison Committee	Mayor +1 Councillor	Mayor, Cr Tom Peters
Australian Rural Roads Group	Mayor	Mayor P Petty
Tenterfield Liquor Accord	1 Councillor	Cr Don Forbes
NSW Public Libraries Association	1 Councillor	Cr John Macnish
Granite Borders Landcare Committee Inc	1 Councillor	Cr Bronwyn Petrie
Northern Tablelands Regional Weeds Committee	1 Councillor	Cr Tom Peters
Murray Darling Association	Mayor/and or Deputy Mayor + 1 Councillor	Mayor, Deputy Mayor + Cr Don Forbes
Tenterfield FM Radio Association	1 Councillor	Cr Tom Peters
Community Safety Precinct Committee	Mayor	Mayor
Southern Downs Regional Council Highway Taskforce Alliance	Mayor + 1 Councillor	Mayor, Cr Gary Verri
Bruxner Way Joint Committee	Mayor + 1 Councillor	Mayor, Cr Brian Murray
Joint Regional Planning Panels	Mayor, Deputy Mayor + 1 Councillor as alternative	Mayor, Deputy Mayor + Cr Bob Rogan (Alt)
National Timber Councils'	2 Councillors + 1 Councillor as alternative	Cr Bronwyn Petrie, Cr Michael Petrie + Cr Gary Verri (Alt)
<b>Community Engagement Forums</b>		

Our Society	Mayor + 3 Councillors	Mayor, Cr Greg Sauer, Cr Brian Murray, Cr John Macnish
Our Economy	Mayor + 3 Councillors	Mayor, Cr Bob Rogan, Cr Michael Petrie, Cr Greg Sauer
Our Environment	Mayor + 3 Councillors	Mayor, Cr Gary Verri, Cr Bronwyn Petrie, Cr Tom Peters

(Greg Sauer/John Macnish)

**Motion Carried**

## OPEN COUNCIL REPORTS

*Property Specialist, Neville Coonan entered the meeting, the time being 9.37am.*

## OUR COMMUNITY

### **(ITEM COM21/21) CATEGORISATION OF RESERVES IN ACCORDANCE WITH CROWN LAND MANAGEMENT ACT**

#### **SUMMARY**

Under the Crown Land Management Act 2016, Council must initially assign one or more Community Land Categories to Crown Reserves after becoming the manager. Council must notify the Minister (NSW Department of Planning, Industry and Environment) of the assigned categories. Council was appointed as the Crown Land Manager of three (3) Reserves from 18 June 2021.

The purpose of the Report is to advise Council of the process of assigning categories and to recommend the appropriate categories for each of the three (3) Reserves.

#### **OFFICER'S RECOMENDATION:**

That Council:

- (1) Categorise R22044 as General Community Use;
- (2) Categorise R22042 as Park;
- (3) Categorise R42597 as Sportsground and Park; and
- (4) Advise the Minister of the assigned categorisations.

## **AMENDMENT**

That Council:

- (1) Categorise R22044 as General Community Use;
- (2) Categorise R22042 as General Community Use;
- (3) Categorise R42597 as Sportsground and Park; and
- (4) Advise the Minister of the assigned categorisations.

(Bronwyn Petrie/John Macnish)

**Amendment Carried**

**185/21** **Resolved** that Council:

- (1) Categorise R22044 as General Community Use;
- (2) Categorise R22042 as General Community Use;
- (3) Categorise R42597 as Sportsground and Park; and
- (4) Advise the Minister of the assigned categorisations.

(Brian Murray/Don Forbes)

**Motion Carried**

*Property Specialist, Neville Coonan left the meeting, the time being 9.56am.*

**(ITEM COM22/21) ALCOHOL FREE ZONES - TENTERFIELD, DRAKE & URBENVILLE - 31 OCTOBER 2021 TO 30 OCTOBER 2025**

**SUMMARY**

The aim of this report is to request Council to re-establish the current Alcohol Free Zones (EFZ) in Tenterfield, Drake and Urbenville.

**179/21** **Resolved** that Council:

- (1) Receive and note the report "Alcohol Free Zones - Tenterfield, Drake and Urbenville".
- (2) Engage in consultation re the re-establishment of the following alcohol free zones, effective from 31 October 2021 to 30 October 2025:

**Tenterfield**

All public places that are public roads, footpaths or public car parks within the area bounded by the following:

- Naas Street between Pelham Street and East Street
- East Street between Naas Street and Douglas Street
- Douglas Street between East Street and Pelham Street
- Pelham Street between Douglas Street and Naas Street

**Drake**

Proposed Zones are as follows:

- Bruxner Highway / Fairfield Street between Stuart Street and Picarbin Street

- Alison Street (South) from Bruxner Highway / Fairfield Street to Drake Community Hall
- Alison Street (North) from Bruxner Highway / Fairfield Street to Koreelah Street

Urbenville

Proposed Zones are as follows:

- Stephen Street between Boomi Street and Tooloom Street.
- Beaury Street between Boomi Street and Tooloom Street.
- Boomi Street between Beaury Street and Stephen Street.
- Welch Street between Beaury Street and Stephen Street.
- Urban Street between Deane Street and Lindsay Street.
- Tooloom Street between Beaury Street and Lindsay Street.; and further

- (3) Subject to no objections, the Alcohol Free Zones as detailed in the report be re-established by Council.

(Greg Sauer/Michael Petrie)

**Motion Carried**

**OUR ECONOMY**

Nil

*Manager Planning and Development Services, Tamai Davidson entered the meeting, the time being 9.59am.*

*Councillor John Macnish, left the meeting, the time being 9.59am.*

**OUR ENVIRONMENT**

**(ITEM ENV14/21) PLANNING PROPOSAL - LEP AMENDMENT SCHEDULE 5 - HERITAGE HOUSEKEEPING AMENDMENT**

**SUMMARY**

The purpose of this report is to advise Council of the outcome of the advertisement of Planning Proposal 2021-3616 Heritage Housekeeping Amendment and seek Council's resolution to finalise the amendment to *Tenterfield Local Environmental Plan 2013* to allow for the addition of eight (8) new heritage items to Schedule 5.

**180/21 Resolved that Council:**

- (1) Support the finalisation and making of the Planning Proposal as exhibited.

- (2) Forward the Planning Proposal to Parliamentary Counsel for drafting of the Instrument and their opinion;
- (3) Authorise Council staff to make any necessary minor amendments to the proposal during the drafting of the instrument in consultation with Parliamentary Counsel and the Department of Planning, Industry and Environment; and
- (4) Delegate to the Chief Executive the power to make the plan on behalf of Council as the local plan-making authority under section 3.36(2) under the *Environmental Planning and Assessment Act, 1979*.

(Brian Murray/Greg Sauer)

**Motion Carried**

**(ITEM ENV15/21) 2021/22 LOCAL HERITAGE PLACES FUND APPLICATIONS**

**SUMMARY**

The purpose of this report is to present to Council the applications received for the Local Places Heritage Fund for the 2021/22 financial year. This year a total of eighteen (18) applications were received for maintenance and conservation works across the Shire which have been reviewed by staff and Council's Heritage Advisor.

**OFFICER'S RECOMMENDATION:**

That Council:

- (1) Endorses the offers of funding, as detailed in the attachment to this report, and forwards a Letter of Offer to the eligible applicants; and
- (2) Redistribute any funding not accepted, or not claimed by the claim date, amongst completed projects.

**AMENDMENT**

That Council:

- (1) Endorses the offers of funding, as detailed in the attachment to this report, and forwards a Letter of Offer to the eligible applicants; and
- (2) Redistribute any funding not accepted, or not claimed by the claim date, amongst completed projects, with priority funding given to the property 305 Rouse Street, Tenterfield.

(Greg Sauer/Tom Peters)

**Amendment Carried**

**188/21** **Resolved** that Council:

- (1) Endorses the offers of funding, as detailed in the attachment to this report, and forwards a Letter of Offer to the eligible applicants; and
- (2) Redistribute any funding not accepted, or not claimed by the claim date, amongst completed projects, with priority funding given to the property 305 Rouse Street, Tenterfield.

(Michael Petrie/Brian Murray)

**Motion Carried**

*Manager Planning and Development Services, Tamai Davidson left the meeting, the time being 10.06am.*

*Councillor John Macnish, re-entered the meeting, the time being 10.06am.*

**OUR GOVERNANCE**

**(ITEM GOV36/21) MONTHLY OPERATIONAL REPORT - JULY/AUGUST 2021**

**SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2020/2021 Operational Plan.

**189/21** **Resolved** that Council receives and notes the status of the Monthly Operational Report for July/August 2021.

(Brian Murray/Michael Petrie)

**Motion Carried**

**(ITEM GOV43/21) CHRISTMAS/NEW YEAR CLOSEDOWN - 2021/2022**

**SUMMARY**

The purpose of this report is to advise Council of proposed Christmas/New Year close down arrangements for Council staff.

**181/21** **Resolved** that Council endorse the closedown periods for the Christmas/New Year 2021/2022 period as follows:

- Indoor staff – close of business Friday, 17 December 2021, reopening Tuesday, 4 January 2022;
- Outdoor staff – close of business Thursday, 16 December 2021, reopening Thursday, 6 January 2022.

(Greg Sauer/John Macnish)

**Motion Carried**

**(ITEM GOV55/21) CIVIC OFFICE - UPDATE OF POLICY**

**SUMMARY**

The purpose of this report is to update the listed policies aligned with Civic Office.

**191/21** **Resolved** that Council adopt the updated Councilor Expenses & Facilities Policy 1.160.

(Michael Petrie/Greg Sauer)

**Motion Carried**

**(ITEM GOV56/21) LOCAL GOVERNMENT NSW ELECTION & ANNUAL CONFERENCE - 28 FEBRUARY TO 2 MARCH 2022**

**SUMMARY**

The purpose of this report is for Council to consider Council representation and Council's voting delegate at the Local Government NSW Annual Conference to be held in Sydney from Monday, 28 February 2022 to Wednesday, 2 March 2022 and election.

**192/21** **Resolved** that Council:

- (1) Approve the attendance of the Mayor and Chief Executive to represent Council at the Local Government NSW Annual Conference in Sydney, Monday, 28 February to Wednesday, 2 March 2022.
- (2) Endorse the Mayor as the voting delegate of Tenterfield Shire Council for the upcoming election and Annual Conference.
- (3) Endorse the following motions for submission to the 2022 Local Government NSW Annual Conference.
  - (a) That LGNSW lobbies the NSW State Government to request that NSW Rural Fire Service, as a duty of care, undertake an increased level of bush fire risk management plan activities, including increased hazard reduction burns and increased numbers of fuel load assessment on both public and private land.
  - (b) That LGNSW requests the NSW State Government to seek an amendment to the Local Land Services Act 2013 where the assumption of guilt under Section 60(N)(1) is replaced by the need for demonstration of an offence committed by the landholder.
  - (c) That LGNSW lobbies the NSW State Government to implement a state bond system applying to all Renewable Energy Projects across NSW to

provide funds for decommissioning and land remediation at the conclusion of the projects.

- (d) That LGNSW call on the NSW State Government to increase resourcing for Crown Lands to address the back log of Native Title Claims and Land Claims over Crown Land to encourage the wider Community use of these reserves and implement a process (including agreement with interested parties that identifies the compensation payable to interested groups) to enable certainty when considering new or enhanced infrastructure on Crown Land where claims exist or are pending.

(Donald Forbes/Brian Murray)

**Motion Carried**

*Manager Customer Service, Governance & Records, Erika Bursford entered the meeting the time being 10.15am.*

**(ITEM GOV57/21) RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL COUNCILS IN NSW - DRAFT GUIDELINES - AUGUST 2021**

**SUMMARY**

The purpose of this report is to provide to Council the Risk Management and Internal Audit for Local Councils in NSW draft guidelines, issued by the NSW Office of Local Government in August 2021.

- 193/21** **Resolved** that Council receive and note the Risk Management and Internal Audit for Local Councils in NSW draft guidelines.

(Donald Forbes/Michael Petrie)

**Motion Carried**

*Manager Customer Service, Governance & Records, Erika Bursford left the meeting and Acting Manager Finance and Technology, Jessica Wild entered the meeting, the time being 10.18am.*

**(ITEM GOV58/21) 2020/21 FINANCIAL STATEMENTS TO BE REFERRED FOR AUDIT**

**SUMMARY**

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the Chief Executive and the Responsible Accounting Officer.

- 194/21** **Resolved** that Council;

- (1) In relation to the Financial Statements and in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended):
  - a) Council resolves that in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2021 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under; and
  - b) That the Financial Statements be approved and signed by the Mayor the Deputy Mayor, the Chief Executive and the Responsible Accounting Officer.
- (2) That the Financial Statements be referred to Council's Auditor for audit; and
- (3) That the audited Financial Statements be forwarded to the Office of Local Government by 31 October 2021; and
- (4) That the Chief Executive Officer be delegated authority to place the Audited Financial Statements on public exhibition from Monday, 1 November 2021 if possible (or the soonest practicable alternative date if not) and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 24 November 2021 if possible (or the soonest practicable alternative date if not); and
- (5) That the audited Financial Statements be presented at the meeting of Council to be held on 24 November 2021 if possible in accordance with Section 419(1) of the Local Government Act 1993 (as amended) or alternatively at the soonest practicable date as determined by the Chief Executive Officer.

(Tom Peters/Greg Sauer)

**Motion Carried**

**(ITEM GOV59/21) CAPITAL EXPENDITURE REPORT AS AT 31 JULY 2021**

**SUMMARY**

The purpose of this Report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This Report outlines Council's financial progress against each project.

**195/21** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 July 2021.

(Michael Petrie/Greg Sauer)

**Motion Carried**

**(ITEM GOV60/21) CAPITAL EXPENDITURE REPORT AS AT 31 AUGUST 2021**

**SUMMARY**

The purpose of this Report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This Report outlines Council's financial progress against each project.

- 196/21** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 August 2021.

(Brian Murray/Tom Peters)

**Motion Carried**

**(ITEM GOV61/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 JULY 2021**

**SUMMARY**

The purpose of this Report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005 a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

- 197/21** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 July 2021.

(Brian Murray/Bob Rogan)

**Motion Carried**

**(ITEM GOV62/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 AUGUST 2021**

**SUMMARY**

The purpose of this Report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005 a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

- 198/21** **Resolved** that Council:

- (1) Receive and note the Finance and Accounts Report for the period ended 31 August 2021.
- (2) Approve the refinancing of the Tenterfield Creek Dam Wall Safety Upgrade Loan to the value of \$3,087,671.80 at an indicative interest rate of 2.63% for a fixed period of 20 years with the Commonwealth Bank.

(Greg Sauer/Michael Petrie)

**Motion Carried**

*Acting Manager Finance & Technology, Jessica Wild left the meeting, the time being 10.39am.*

**REPORTS OF DELEGATES & COMMITTEES**

Nil.

**NOTICES OF MOTION**

Nil.

**RESOLUTION REGISTER**

**(ITEM RES4/21) COUNCIL RESOLUTION REGISTER -  
AUGUST/SEPTEMBER 2021**

**SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that outlines all resolutions of Council previously adopted and yet to be finalised.

**199/21** Resolved that Council notes the status of the Council Resolution Register to August/September 2021.

(Greg Sauer/Brian Murray)

**Motion Carried**

**CONFIDENTIAL BUSINESS**

Nil.

**MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 10.48am.

.....  
Councillor Peter Petty  
Mayor/Chairperson

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM COM23/21</b>
<b>Subject:</b>	<b>COMMUNITY CONTRIBUTIONS/DONATIONS - 2021/2022 FINANCIAL YEAR</b>

<b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b>	
<b>CSP Goal:</b>	<b>Community</b> - COMM 2 - Health and quality of life are supported by a wide range of recreation and leisure opportunities.
<b>CSP Strategy:</b>	Enrich the cultural life of the community by supporting a variety of cultural events and activities for the community and visitors.
<b>CSP Delivery Program</b>	Enrich the cultural life of the community by supporting a variety of cultural events and activities for residents and visitors.

## SUMMARY

The purpose of this report is to advise Council of the applications received requesting financial support through Council's Community Donations/Contributions Policy and for Council to adopt the donations for the 2021/2022 financial year.

## OFFICER'S RECOMMENDATION:

**That Council adopt the individual allocation of community contributions / donations to a total of \$45,000, as detailed below.**

<b>No</b>	<b>Organisation</b>	<b>Project</b>	<b>Amount \$</b>
<b>1</b>	<b>Drake Primary School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>2</b>	<b>Jennings Public School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>3</b>	<b>Mingoola Public School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>4</b>	<b>St Joseph's Convent Schools</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>5</b>	<b>Sir Henry Parkes Memorial Primary School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>6</b>	<b>Tenterfield High School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>7</b>	<b>Urbenville Public School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>8</b>	<b>Woodenbong Public School</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>9</b>	<b>TAFE</b>	<b>Presentation Night</b>	<b>150.00</b>
<b>10</b>	<b>Drake Primary School</b>	<b>Learn to Swim - contribution to transport</b>	<b>550.00</b>
<b>11</b>	<b>Urbenville Public School</b>	<b>Learn to Swim - contribution to transport</b>	<b>550.00</b>
<b>12</b>	<b>Westpac Helicopter Rescue Service</b>	<b>Helicopter Rescue Service - Annual Contribution</b>	<b>2,000.00</b>
<b>13</b>	<b>Tabulam SES</b>	<b>Upper Clarence Art Exhibition</b>	<b>500.00</b>
<b>14</b>	<b>Liston Hall Committee</b>	<b>Annual contribution to assist with operating costs</b>	<b>500.00</b>
<b>15</b>	<b>Bolivia Hall Committee</b>	<b>Annual contribution to assist with operating costs</b>	<b>500.00</b>
<b>16</b>	<b>Legume Hall Committee</b>	<b>Annual contribution to assist with operating costs</b>	<b>500.00</b>
<b>17</b>	<b>Drake Hall Committee</b>	<b>Annual contribution to assist with operating costs</b>	<b>500.00</b>
<b>18</b>	<b>Urbenville Hall Committee</b>	<b>Annual contribution to assist with operating costs</b>	<b>500.00</b>

## Our Community No. 23 Cont...

19	Steinbrook Hall Committee		Annual contribution to assist with operating costs		500.00
20	Sunnyside Hall Committee		Annual contribution to assist with operating costs		500.00
21	Mingoola Hall Committee		Annual contribution to assist with operating costs		500.00
22	Torrington Hall Committee		Annual contribution to assist with operating costs		500.00
23	Tenterfield Highlander Pipe Band		Annual contribution to assist with operating costs		500.00
			Sub-Total		\$9,050.00
No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
24	SSAA Tenterfield	Contribution towards purchase of Huskvana TS242 TXDX 42in Cut Mower	\$4,000.00	\$1,000.00	Target Group - Youth
25	Tenterfield Showground Trust	Contribution towards purchase of a 22,500L Water Tank for installation at the Tenterfield Showgrounds	\$2,495.00	\$1,000.00	Target Group – Community
26	Tenterfield Show Society Inc	Contribution towards purchase of a Hanging System to display restored photographs	\$1,738.88	\$800.00	Target Group – Community
27	PROBUS Club of Tenterfield	Contribution towards coach hire for social outings	\$2,000.00	\$0	Targeted other project
28	Seniors Week Committee	Contribution to the cost of funding Seniors Week activities	\$3,000.00	\$3,000.00	Target Group – Aged
29	Bolivia Progress Association Inc.	Contribution to the cost of installing a concrete slab at the base of the disabled ramp	\$5,350.00	\$1,350.00	Target Group – Community
30	Country Women's Association of NSW - Tenterfield Evening Branch	Contribution towards the cost of luncheon to celebrate 100 year anniversary of Country Women's Association of NSW	\$1,000.00	\$500.00	Support for events
31	Rotary Club of Tenterfield & Lions Club of Tenterfield	Contribution towards the cost of running the annual Christmas Carnival	\$800.00	\$800.00	Support for events
32	Liston Hall Committee Inc	Contribution towards repairs to coldroom and purchase of Bowls mats	\$3,457.50	\$1,000.00	Target Group – Community
33	Mingoola Hall Management Committee Inc	Contribution towards building bookshelves for the Library in Mingoola Hall	\$3,950.00	\$1,000.00	Target Group – Community
34	Urbenville Progress Association Inc.	Contribution towards the annual running costs of a small bus with wheelchair hoist	\$5,000.00	\$2,500.00	Target Group – Community & Aged

## Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
35	Steinbrook Progress Association	Contribution towards earthworks to beautify and address OH & S issues to both access way and new forecourt at Steinbrook Hall and finishing the accessway to negate erosion at Steinbrook Hall	\$5,500.00	\$2,000.00	Target Group – Community
36	Tenterfield Chamber of Tourism, Industry & Business	Contribution towards the Tenterfield True Shop Local Campaign	\$4,000.00	\$0	Does not fit policy criteria
37	Tenterfield Autumn Festival Inc.	Contribution towards the cost of running the 2022 Tenterfield Autumn Festival	\$3,000.00	\$1,000.00	Support for events
38	Tenterfield Show Society Inc.	Contribution towards the cost of providing children's entertainment at the 2022 Tenterfield Show	\$4,000.00	\$1,000.00	Target Group – Youth
39	Tenterfield Community College Inc.	Contribution towards the purchase of 1 roll of wadding to make quilts	\$1,000.00	\$500.00	Target Group – Community
40	Tenterfield Horticultural Society Inc	Contribution towards erecting a brass plaque at the base of a maple tree to be planted in Bruxner Park to commemorate the Horticultural Society's 90th Anniversary	\$200.00	\$200.00	Target Group – Community
41	The Oracles of the Bush Inc	Contribution toward providing prize money for the annual amateur performance and written poetry competitions	\$3,000.00	\$2,000.00	Support for events
42	Torrington Memorial Hall	Contribution towards the purchase of an 11KVA generator to run the hall in case of emergency	\$4,000.00	\$0	Targeted other project
43	Tenterfield District Cricket Association	Contribution towards the repair of the TDCA mechanical roller	\$1,736.57	\$1,000.00	Target Group – Youth
44	Tenterfield Veterans Golf Association	Contribution toward the Tenterfield Veteran's Golf Association's Autumn Festival of Golf Event	\$3,000.00	\$1,500.00	Target Group – Community & Aged
45	Tenterfield Show Society Poultry Club	Contribution toward the repair of stumps under the poultry pavilion	\$2,000.00	\$1,200.00	Target Group – Community

## Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
46	Tenterfield High School	Contribution toward funding student rewards	\$1,000.00	\$0	Schools not eligible – Govt funding available
47	Tenterfield RSL Sub Branch	Contribution toward the production and installation of interpretive panels for two Artillery guns mounted in front of the Memorial Hall	\$1,500.00	\$1,500.00	Target Group – Community
48	Tenterfield Benevolent Society	Contribution toward the development of Story Tree - an on-line Puppetry & Stage Craft learning resource	\$4,000.00	\$1,000.00	Target Group – Youth
49	Torrington Memorial Hall	Contribution towards replacement of the fire doors at the Hall	\$3,400.00	\$2,000.00	Target Group – Community
50	Tenterfield Rugby League	Contribution toward replacement of a lighting pole	\$3,558.40	\$2,000.00	Target Group – Community
51	Legume Progress Association Inc	Contribution toward erection of a Legume Hall sign as a beautification project	\$1,000.00	\$1,000.00	Target Group – Community
52	Legume Progress Association Inc	Contribution toward the purchase and installation of six commercial wall mounted fans	\$3,410.00	\$0	Property Maintenance Issue
53	Tenterfield and District Community FM Radio Association Inc.	Contribution toward replacing ageing equipment and upgrading software	\$8,768.97	\$1,000.00	Target Group – Community
54	The Saddlers Mountain Bike Club Tenterfield	Contribution toward the purchase of 2 way radios, GPS Emergency Locator Beacon and a Remote/High Risk First Aid Kit and In kind support from Council to provide and erect safety/cyclists road signs and waiving of permit fees for monthly club rides	\$1,500.00	\$1,000.00	Target Group – Community
55	Tenterfield Men's Shed	Contribution towards the purchase of a difibrillator and renewal of registration of water trailers	\$2,081.00	\$2,081.00	Target Group – Community & Aged
56	Jubullum	Contribution towards purchase of materials to complete Skate Park	\$9,920.00	\$0	No Quote, no financials provided – Target Grants
<b>Sub Total</b>			<b>\$104,366.32</b>	<b>\$34,931.00</b>	

Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
		<b>Sub Total</b>	<b>\$9,950.00</b>	<b>\$9,950.00</b>	
		<b>TOTAL</b>	<b>\$114,316.32</b>	<b>\$44,881.00</b>	

## BACKGROUND

In July 2021 Council adopted the Community Donations/Contributions Policy which states as follows:

*The Council, in preparing the Operational Plan Budget for the ensuing Financial Period, shall allocate an amount to be available to meet requests from community bodies for donations or contributions.*

*After adoption of the Operational Plan Budget, Council will call for applications from Local Voluntary/Community Organisations for contributions/donations. No requests for donations/contributions will be considered throughout the year.*

*Individual applications will be for a maximum amount of \$4,000.00.*

*Unless special circumstances exist as determined by the Mayor and Chief Executive, Council's policy is not to contribute to charitable appeals. Clause 211 (3) of the Local Government (General) Regulation 2005 states that "all such approvals and votes lapse at the end of a Council's financial year".*

An amount of \$45,000 was allocated in the 2021/2022 Operational Plan Budget and applications/submissions were invited through Council's fortnightly newsletter "Your Local News", via advertisements in local media, and on Council's website. Closing date for applications was 5:00 pm on Friday, 24 September 2021.

## REPORT:

Council has previously determined to consider a contribution/donation to the following groups/organisations without the need for an application to be submitted each year.

No.	Organisation	Project	Amount \$
1	Drake Primary School	Presentation Night	150.00
2	Jennings Public School	Presentation Night	150.00
3	Mingoola Public School	Presentation Night	150.00
4	St Joseph's Convent Schools	Presentation Night	150.00
5	Sir Henry Parkes Memorial Primary School	Presentation Night	150.00
6	Tenterfield High School	Presentation Night	150.00
7	Urbenville Public School	Presentation Night	150.00
8	Woodenbong Public School	Presentation Night	150.00
9	TAFE	Presentation Night	150.00
10	Drake Primary School	Learn to Swim – contribution to transport	550.00
11	Urbenville Public School	Learn to Swim – contribution to transport	550.00
12	Westpac Helicopter Rescue Service	Helicopter Rescue Service – Annual Contribution	2,000.00
13	Tabulam SES	Upper Clarence Art Exhibition	500.00
14	Liston Hall Committee	Annual contribution to assist with operating costs	500.00

## Our Community No. 23 Cont...

No.	Organisation	Project	Amount \$
15	Bolivia Hall Committee	Annual contribution to assist with operating costs	500.00
16	Legume Hall Committee	Annual contribution to assist with operating costs	500.00
17	Drake Hall Committee	Annual contribution to assist with operating costs	500.00
18	Urbenville Hall Committee	Annual contribution to assist with operating costs	500.00
19	Steinbrook Hall Committee	Annual contribution to assist with operating costs	500.00
20	Sunnyside Hall Committee	Annual contribution to assist with operating costs	500.00
21	Mingoola Hall Committee	Annual contribution to assist with operating costs	500.00
22	Torrington Hall Committee	Annual contribution to assist with operating costs	500.00
23	Tenterfield Highlander Pipe Band	Annual contribution to assist with operating costs	500.00
		<b>Sub-Total</b>	<b>\$9,050.00</b>

An Assessment Committee comprising Mayor Peter Petty, Deputy Mayor Greg Sauer, Councillor John Macnish, Councillor Michael Petrie and Councillor Gary Verri, supported by Chief Executive Daryl Buckingham, Chief Corporate Officer Kylie Smith, and Community Development Officer Rebekah Kelly met on Wednesday, 13 October 2021 to assess the applications.

In addressing the thirty three (33) applications received, the Assessment Committee used the Selection Criteria as well as the direction of Council's Community Strategic Plan to address the various target groups - (eg Aboriginal, aged, youth) a physically and mentally healthy community, and support for events and public spaces.

The organisation, amount sought and recommended allocation, together with relevant comments are outlined in the table below:

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
24	SSAA Tenterfield	Contribution towards purchase of Huskvana TS242 TXDX 42in Cut Mower	\$4,000.00	\$1,000.00	Target Group - Youth
25	Tenterfield Showground Trust	Contribution towards purchase of a 22,500L Water Tank for installation at the Tenterfield Showgrounds	\$2,495.00	\$1,000.00	Target Group - Community
26	Tenterfield Show Society Inc	Contribution towards purchase of a Hanging System to display restored photographs	\$1,738.88	\$800.00	Target Group - Community
27	PROBUS Club of Tenterfield	Contribution towards coach hire for social outings	\$2,000.00	\$0	Targeted other project
28	Seniors Week Committee	Contribution to the cost of funding Seniors Week activities	\$3,000.00	\$3,000.00	Target Group - Aged

## Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
29	Bolivia Progress Association Inc.	Contribution to the cost of installing a concrete slab at the base of the disabled ramp	\$5,350.00	\$1,350.00	Target Group – Community
30	Country Women's Association of NSW - Tenterfield Evening Branch	Contribution towards the cost of luncheon to celebrate 100 year anniversary of Country Women's Association of NSW	\$1,000.00	\$500.00	Support for events
31	Rotary Club of Tenterfield & Lions Club of Tenterfield	Contribution towards the cost of running the annual Christmas Carnival	\$800.00	\$800.00	Support for events
32	Liston Hall Committee Inc	Contribution towards repairs to coldroom and purchase of Bowls mats	\$3,457.50	\$1,000.00	Target Group – Community
33	Mingoola Hall Management Committee Inc	Contribution towards building bookshelves for the Library in Mingoola Hall	\$3,950.00	\$1,000.00	Target Group – Community
34	Urbenville Progress Association Inc.	Contribution towards the annual running costs of a small bus with wheelchair hoist	\$5,000.00	\$2,500.00	Target Group – Community & Aged
35	Steinbrook Progress Association	Contribution towards earthworks to beautify and address OH & S issues to both access way and new forecourt at Steinbrook Hall and finishing the accessway to negate erosion at Steinbrook Hall	\$5,500.00	\$2,000.00	Target Group – Community
36	Tenterfield Chamber of Tourism, Industry & Business	Contribution towards the Tenterfield True Shop Local Campaign	\$4,000.00	\$0	Does not fit policy criteria
37	Tenterfield Autumn Festival Inc.	Contribution towards the cost of running the 2022 Tenterfield Autumn Festival	\$3,000.00	\$1,000.00	Support for events
38	Tenterfield Show Society Inc.	Contribution towards the cost of providing children's entertainment at the 2022 Tenterfield Show	\$4,000.00	\$1,000.00	Target Group – Youth
39	Tenterfield Community College Inc.	Contribution towards the purchase of 1 roll of wadding to make quilts	\$1,000.00	\$500.00	Target Group – Community
40	Tenterfield Horticultural Society Inc	Contribution towards erecting a brass plaque at the base of a maple tree to be planted in Bruxner Park to commemorate the Horticultural Society's 90th Anniversary	\$200.00	\$200.00	Target Group – Community
41	The Oracles of the Bush Inc	Contribution toward providing prize money for the annual amateur	\$3,000.00	\$2,000.00	Support for events

## Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
		performance and written poetry competitions			
42	Torrington Memorial Hall	Contribution towards the purchase of an 11KVA generator to run the hall in case of emergency	\$4,000.00	\$0	Targeted other project
43	Tenterfield District Cricket Association	Contribution towards the repair of the TDCA mechanical roller	\$1,736.57	\$1,000.00	Target Group - Youth
44	Tenterfield Veterans Golf Association	Contribution toward the Tenterfield Veteran's Golf Association's Autumn Festival of Golf Event	\$3,000.00	\$1,500.00	Target Group - Community & Aged
45	Tenterfield Show Society Poultry Club	Contribution toward the repair of stumps under the poultry pavilion	\$2,000.00	\$1,200.00	Target Group - Community
46	Tenterfield High School	Contribution toward funding student rewards	\$1,000.00	\$0	Schools not eligible - Govt funding available
47	Tenterfield RSL Sub Branch	Contribution toward the production and installation of interpretive panels for two Artillery guns mounted in front of the Memorial Hall	\$1,500.00	\$1,500.00	Target Group - Community
48	Tenterfield Benevolent Society	Contribution toward the development of Story Tree - an on-line Puppetry & Stage Craft learning resource	\$4,000.00	\$1,000.00	Target Group - Youth
49	Torrington Memorial Hall	Contribution towards replacement of the fire doors at the Hall	\$3,400.00	\$2,000.00	Target Group - Community
50	Tenterfield Rugby League	Contribution toward replacement of a lighting pole	\$3,558.40	\$2,000.00	Target Group - Community
51	Legume Progress Association Inc	Contribution toward erection of a Legume Hall sign as a beautification project	\$1,000.00	\$1,000.00	Target Group - Community
52	Legume Progress Association Inc	Contribution toward the purchase and installation of six commercial wall mounted fans	\$3,410.00	\$0	Property Maintenance Issue
53	Tenterfield and District Community FM Radio Association Inc.	Contribution toward replacing ageing equipment and upgrading software	\$8,768.97	\$1,000.00	Target Group - Community
54	The Saddlers Mountain Bike Club Tenterfield	Contribution toward the purchase of 2 way radios, GPS Emergency Locator Beacon and a Remote/High Risk First Aid Kit and In kind support from Council to provide and erect safety/cyclists road signs and waiving of	\$1,500.00	\$1,000.00	Target Group - Community

Our Community No. 23 Cont...

No.	Organisation	Project	Amount Sought \$	Recommended Amount \$	Comment
		permit fees for monthly club rides			
55	Tenterfield Men's Shed	Contribution towards the purchase of a difibrillator and renewal of registration of water trailers	\$2,081.00	\$2,081.00	Target Group – Community & Aged
56	Jubullum	Contribution towards purchase of materials to complete Skate Park	\$9,920.00	\$0	No Quote, no financials provided – Target Grants
		<b>Sub Total</b>	<b>\$104,366.32</b>	<b>\$34,931.00</b>	
		<b>Sub Total</b>	<b>\$9,950.00</b>	<b>\$9,950.00</b>	
		<b>TOTAL</b>	<b>\$114,316.32</b>	<b>\$44,881.00</b>	

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

The applications for 2021/2022 are varied with a strong focus on community.

**2. Policy and Regulation**

- Council Policy 1.031 – Community Donations/Contributions
- Local Government (General) Regulations 2005

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

An amount of \$45,000 was allocated in the 2021/2022 Operational Plan Budget.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Recommendation supports the measures outlined in Council's Integrated Planning and Reporting documents.

**8. Project Management**

Nil.

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member: Elizabeth Melling  
 Approved/Reviewed by Manager: Daryl Buckingham, Chief Executive  
 Department: Office of the Chief Executive  
 Attachments: There are no attachments for this report.

Our Community No. 23 Cont...

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM COM24/21</b>
<b>Subject:</b>	<b>2022 AUSTRALIA DAY AWARDS &amp; AUSTRALIA DAY EVENT</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Community</b> - COMM 4 - The community is welcoming, friendly, and inclusive where diverse backgrounds are respected and celebrated.
<b>CSP Strategy:</b>	The individual unique qualities and strong sense of local identity of Tenterfield Shires towns and villages is respected, recognised and promoted.
<b>Delivery Plan Action:</b>	Promote the liveability of Tenterfield Shire as a place to live, work and invest.
<b>Operational Plan Action:</b>	Support marketing activities and events to promote Tenterfield as a place to, play, live and invest.

#### **SUMMARY**

The purpose of this report is for Council to endorse arrangements for judging of Australia Day Awards as per Council's Australia Day Awards & Citizenship Ceremonies Policy (attached) and outline recommended arrangements for the 2022 Australia Day event.

#### **OFFICER'S RECOMMENDATION:**

**That Council approves:**

**(1) The calling of nominations for 2022 Australia Day Awards in the following categories:**

- **Citizen of the Year;**
- **Young Citizen of the Year;**
- **Sportsperson of the Year;**
- **Emergency Services Volunteer of the Year or Group;**
- **Community Event of the Year.**

**(2) That nominations for the 2022 Australia Day Awards open Thursday, 4 November 2021 and close at COB on Friday, 10 December 2021.**

**(3) That judging by the Australia Day Selection Panel be undertaken in the Koreelah Room, at 2.00 pm on Thursday, 13 2022.**

#### **BACKGROUND**

From November to December 2021, Council will be calling for nominations for the 2022 Australia Day Awards in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Emergency Services Volunteer of the Year or Group
- Community Event of the Year

Our Community No. 24 Cont...

These Awards recognise outstanding contributions to the local community and/or sports during 2021 and are the focal point of the COVIDsafe celebratory event planned for Australia Day, Wednesday, 26 January 2022.

## **REPORT:**

### **Australia Day Awards**

Nominations for Australia Day 2022 will open on the Council website Thursday 4 November 2022. Articles in "Your Local News" will be included from Thursday 4 November 2021.

2021 has been a difficult year world wide as people tackled the restrictions of the COVID pandemic. The impact of the restrictions on sporting events and community events will certainly have a follow on in the receipt of nominations for these categories, however members of our community have still been doing great things in spite of, and perhaps because of, the difficulties faced through the continuing drought, bushfire aftermath and COVID.

In order to attract interest, Council will again do a mail out to all community groups and associations as well as a step up in advertising through *Your Local News* and local media outlets.

The Selection Panel for judging of the Australia Day Awards will need to comprise Mayor, Deputy Mayor, two other Councillors with another Councillor as reserve. This generic Committee make up is necessary for this Report as the new committees will not be decided until the newly elected Council are inducted on Wednesday 12 January 2022. It is suggested that the Selection Panel meet at 2.00 pm Thursday, 13 January 2022.

The closing date for nominations will be Friday, 10 December 2021. Copies of all nominations which meet the criteria will be provided to members of the Selection Panel at the suggested Selection Panel judging, Wednesday 12 January 2022.

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

- Request for Australia Day 2022 Awards nominations will be circulated throughout the Shire wide community.
- Village communities will be invited to participate in the live screening event should Council endorse this activity.

### **2. Policy and Regulation**

- Council's Australia Day Awards & Citizenship Ceremonies Policy 1.016

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

Budgeted item with additional grant funding to be sought.

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

Nil.

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

Nil.

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

Our Community No. 24 Cont...

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member:

Elizabeth Melling

Approved/Reviewed by Manager:

Daryl Buckingham, Chief Executive

Department:

Office of the Chief Executive

Attachments:

**1** Australia Day Awards Citizenship  
Ceremonies

5  
Pages



## AUSTRALIA DAY AWARDS & CITIZENSHIP CEREMONIES

### Summary:

The purpose of this policy is to provide clear direction to the giving of Australia Day Awards to nominated members of the Tenterfield Shire Community.

<b>Policy Number</b>	1.016
<b>File Number</b>	N/A
<b>Document version</b>	Version 4.0
<b>Adoption Date</b>	26 February 2020
<b>Approved By</b>	Council
<b>Minute Number</b>	3/20
<b>Consultation Period</b>	N/A
<b>Review Due Date</b>	February 2022 – 2 years
<b>Department</b>	Civic Office
<b>Policy Custodian</b>	Chief Executive
<b>Superseded Documents</b>	Australia Day Awards Protocol 18/15 – 25.2.2015 Australia Day Awards 40/18 – 28.3.2018
<b>Related Legislation</b>	N/A
<b>Delegations of Authority</b>	Chief Executive

### 1. Overview

The intention of this policy is clarify arrangements for Tenterfield Shire Council's Australia Day celebrations, particularly regarding the protocol of the Tenterfield Shire Australia Day Awards.

In addition, the Federal Government (Department of Home Affairs) have issued an Australian Citizenship Code which states: *"Local Government Councils must hold a citizenship ceremony on 26 January as part of their Australia Day celebrations. Councils that conferred citizenship on less than 20 people in the previous year are exempt from this requirement"*.

### 2. Policy Principles

Activities of the Council's Australia Day celebrations will be inclusive of all residents of the Tenterfield Shire Local Government area. Activities must be secular, non-discriminatory and embrace all members of our community. The Australia Day celebrations will include a non-denominational prayer/blessing by a person of the Mayor's choosing.

Council will hold a citizenship ceremony where possible on Australia Day, although conferral of citizenship for any 12 month period is generally less than 20 people.

### **3. Policy Objectives**

The giving of annual Australia Day Awards celebrates and acknowledges community, sporting and cultural contributions within Tenterfield Shire.

Holding a citizenship ceremony on Australia Day provides the opportunity for all Australians, by birth or by pledge, to reflect on the common bond of citizenship in our diverse society. It provides an opportunity to celebrate our democratic values, equality and respect for each other, and think about what unites us as Australians.

### **4. Policy Statement**

The following Australia Day Awards will be advertised and awarded at each Australia Day Celebration:

- Citizen of the Year;
- Young Citizen of the Year;
- Sports person of the Year (any age);
- Emergency Services Volunteer of the Year or Group, and
- Community Event of the Year.

### **5. Scope**

The following general eligibility criteria will apply for nominations to all Award categories:

- Nominees must be Australian citizens at the time of nomination;
- Nominees may be residents in Tenterfield Shire Local Government Area or non-residents involved with a Tenterfield Shire based organisation, or individual endeavour within Tenterfield Shire, at the time of nomination;
- Unsuccessful nominees may be re-nominated in subsequent years;
- Self-nominations will not be accepted;
- Awards will not be granted retrospectively, and
- Sitting State and Federal politicians and current Vice-Regal Officers are not eligible. Consideration of retired politicians and officers would be for work in addition to their official duties.

### **Nominations**

Nominations must be completed on the Council Nomination Form which is available from Council's Administration Office or on the Council website. Nominations open at the beginning of March and close mid-December each year. Advertisements calling for nominations will be placed in the local press, on community notice boards, on Council's website and in other Council publications (e.g. Your Local News Newsletter and Tenterfield in Touch Newsletter).

On receipt of the nomination, nominators will be advised by letter that the nomination has been received and that they will be contacted confidentially closer to Australia Day if the person/organisation they have nominated has been selected to receive an Award.

## **Award Criteria**

### ***Citizen of the Year***

Aims to recognise outstanding achievement during the past year and/or contribution to the local community over a number of years. To be eligible, the person must be 26 years or older on 26 January of the relevant year.

### ***Young Citizen of the Year***

Aims to recognise outstanding achievement during the past year and/or contribution to the local community over a number of years. To be eligible, the person must be under 26 years of age on 26 January of the relevant year.

### ***Sportsperson of the Year***

For contribution to sport in the local area. The nominee's approach and efforts to advance in their chosen activity and their performance over the past year are considered.

### ***Emergency Services Volunteer of the Year or Group***

Aims to recognise outstanding services of volunteers involved in emergency situations. Not necessarily a volunteer for an emergency service organisations such as State Emergency Services or Rural Fire Service. No age criteria applicable.

### ***Community Event of the Year Award***

Presented to the person/group/organisation who has staged the most outstanding community event during the past year. Community groups who raise funds are eligible.

## **6. Accountability, Roles & Responsibility**

### **Elected Council**

Council will nominate a Selection Panel comprising:

- the Mayor;
- three (3) Councillors, and
- one (1) Councillor as reserve in the event that a member of the Panel is unavailable on the date selected for judging of the Awards.

The Selection Panel will meet in the first working week of January. Copies of all nominations which meet the criteria will be provided to members of the Selection Panel prior to the Christmas Close-Down period.

In assessing the nominations, the Selection Panel may consider:

- The benefit to the community from the nominee's service or contribution;
- Other outstanding achievements by the nominee;
- Other recognition of the nominee's contribution or work, including publicity;
- Whether the nominee worked as part of a team and their role within the team;
- Whether the nominee has had assistance from Council, Government or other grants;
- Whether the nominee has had to overcome any particular difficulties or disability, and
- Who has benefited most from the work of the nominee.

The selection of recipients will reflect the nominations received and information available to the Selection Panel at the time.

#### **Presentation of Awards**

The Awards will be presented on Australia Day, 26 January, each year at the Tenterfield Shire Council Australia Day Ceremony.

Invitations will be forwarded to the recipients of all categories for the previous year.

Invitations will be issued to all nominees and nominators prior to Australia Day. At the Awards Ceremony, the recipient of each category will then be announced.

Awards for each category will be as follows:

- **Citizen of the Year** – Framed Official Australia Day Certificate and Citizen of the Year Lapel Pin;
- **Young Citizen of the Year** – Framed Official Australia Day Certificate and Young Citizen of the Year Lapel Pin;
- **Sportsperson of the Year** – Engraved Medallion with Presentation Case and Australia Day Lapel Pin;
- **Emergency Services Volunteer of the Year** – Framed Official Australia Day Certificate and Australia Day Lapel Pin;
- **Community Event of the Year** – Framed Official Australia Day Certificate.

#### **Withdrawal of Award**

Tenterfield Shire Council reserves the right to withdraw an Award if further information or the recipient's conduct draws the Citizen of the Year or Young Citizen of the Year Awards into disrepute.

### **7. Australian Citizenship Ceremony**

Ceremonies to be conducted as per the Australian Government Australian Citizenship Ceremonies Code 2019 which follows the *Australian Citizenship Act 2007* and *Australian Citizenship Regulation 2016*.

Tenterfield Shire Local Government area generally does not have more than 20 conferrals of Australian Citizenship in any 12 month period. Therefore, in addition to the required ceremony on Australia Day – 26 January, a citizenship ceremony should be conducted on Australian Citizenship Day – 17 September, if there are any candidates.

Other citizenship ceremonies will be held in Tenterfield Shire Local Government area as follows:

- 10.00 am at an Ordinary Council Meeting (preferred)
- Private ceremonies where the requirement for Australian Citizenship is urgent.

#### **Legal Requirement**

There are 3 legal requirements under the Citizenship Act that must be strictly adhered to when conducting citizenship ceremonies:

- An Authorised presiding officer (Mayor and Chief Executive) – this role cannot be delegated.
- Reading the preamble
- The Pledge of Commitment

**Dress Code**

Conferees to be instructed to adhere to Council's dress code as required by the Australian Government (Department of Home Affairs):

- Smart casual;
- National/cultural dress welcomed.

**8. Definitions**

Nil.

**9. Related Documents, Standards & Guidelines**

Nil.

**10. Version Control & Change History**

Version	Date	Modified by	Details
V1.0	25/02/15	Council	Adoption of Original Policy (Res No. 18/15)
V2.0	22/12/16	Council	Revised Policy Adopted (Res No. 320/16)
V3.0	28/03/18	Council	Revised Policy Adopted (Res No. 40/18)
V4.0	26/02/20	Council	Revised Policy Adopted (Res No. 3/20)

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Property Specialist
<b>Reference:</b>	<b>ITEM COM25/21</b>
<b>Subject:</b>	<b>LEASING OF COUNCIL OWNED PROPERTY</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Community</b> - COMM 2 - Health and quality of life are supported by a wide range of recreation and leisure opportunities.
<b>CSP Strategy:</b>	Work with key stakeholders and the community to lobby for adequate health services in our region and greater accessibility to regional services.
<b>CSP Delivery Program</b>	Represent, advocate and lobby for the continued improvement of our local and regional health services.

### **SUMMARY**

The purpose of this report is to present an opportunity for BackTrack Works (BackTrack) to establish a Youth Hub facility on Council owned land that is currently occupied by NSWRFs under a Service Agreement. NSWRFs have provided written support for BackTrack to establish the facility within the NSWRFs compound at 50 Francis Street, Tenterfield described as Lot 1 Section 37 DP 758959.

*It is noted that the address of the property has been referred to as 3 Francis Street in the past including in the Service Agreement which is incorrect. The correct address is 50 Francis Street, Tenterfield*

### **OFFICER'S RECOMMENDATION:**

#### **That Council:**

- (1) Acknowledges that Council entered into a "Service Agreement" with NSWRFs which was executed in December 2011. The Agreement provides NSWRFs a Licence to enter and use the premises at 50 Francis Street, Tenterfield.**
- (2) Notes the written concurrence provided by NSWRFs for the proposed Leasing or Licensing of part of 50 Francis Street, Tenterfield (Lot 1 Section 37 DP 758959 - within the NSWRFs compound) to BackTrack for a term of up to 5 years for the purpose of a Youth Hub and that NSWRFs agree to share the toilet and associated facilities with BackTrack for the term of the Lease or Licence.**
- (3) Delegate authority to the Chief Executive to enter into a new License over part of Lot 1 Section 37 DP 758959 (within the NSWRFs compound) for a 5-year term, subject to the summarized terms and conditions included in the Report.**
- (4) Authorises the License to be signed under the Seal of Council by the Mayor and Chief Executive.**

Our Community No. 25 Cont...

## BACKGROUND

BackTrack (<https://backtrack.org.au>) is a not for profit organization. It has a 15-year record of:

- Keeping kids alive,
- Keeping kids out of jail, and
- Helping them chase their hopes and dreams

BackTrack have applied to Council for a Lease over part of Lot 1 Section 37 DP 758959 (50 Francis Street, Tenterfield) and within the NSW Rural Fire Service Control Centre (NSWRFS) compound.

Lot 1 Section 37 DP 758959 - 50 Francis Street, Tenterfield (Parent Site) is identified on the following image.



BackTrack's intent is to establish a containerised Youth Hub for local young people that have been identified through BackTrack's service partners in the Tenterfield locality as being disadvantaged and/or whose challenges are not typically being fully addressed by other local organisations – in our words 'Young People who are falling through the cracks of society'.

This Outreach Project is being funded and supported by Sony Foundation, through monies raised by the Fire Fight Australia – Concert for National Bushfire Relief and specifically targeted at regions most impacted by the 2020 bushfires.

Our Community No. 25 Cont...

The proposed development will comprise 2 x 20ft and 1 x 40ft shipping containers, with some landscaping and ancillary structures. The approximate land area occupied by the proposed Youth Hub is 153 sqm. (18m x 8.5m).

The proposal is for a semi-permanent facility and BackTrack are seeking a lease for a minimum 5-year term with a commitment of all parties to re-visit this Agreement in the same spirit of collaboration in 2026.

A copy of the Letter of Application is appended as Attachment 1.

The site and location plan provided with the application is appended as Attachment 2.

A concept plan for the proposed container buildings is appended as Attachment 3.

## REPORT:

The parent site (Lot 1 Section 37 DP 758959 - 50 Francis Street, Tenterfield) has a land area in the order of 10,000 sqm of which 4,650 sqm (62m x 75m) is within a fenced compound used/occupied by NSWRF. The occupation is provided for in a "Service Agreement" between the Council and NSWRF which was executed in December 2011. Clause 6 and Schedule 1 of the Agreement deal with the occupancy of Council land and buildings by NSWRF. Clause 6.2 provides NSWRF a Licence to enter and use the premises. Schedule 1 lists the Fire Control Centre at 3 Francis Street as premises occupied by NSWRF. A copy of the Service Agreement is appended as Attachment 4.

The proposal to utilize the subject land is the result of numerous meetings between Council officers and BackTrack to find a suitable site for the facility. Sites considered have included the Showgrounds, SES site, Other parts of 50 Francis Street outside the RFS compound and the Saleyards.

The subject site is considered the best overall opportunity in terms of:

- The location which is attractive to BackTrack, whereas other sites presented where not attractive to them or had flooding issues.
- The land is Council owned, operational land
- The land is above flood level
- NSWRF are supportive of the project and sharing facilities.

## NSWRF Support

The Area Manager for the Northern Tablelands Team (Glenn Byrnes) on behalf of NSWRF provided Council with a letter fully supporting the proposed establishment of a new 'containerised' Youth Hub inside the existing Tenterfield Fire Control Centre compound at 50 Francis Street. Extracts from the letter are:

*Given the fact that this project has been funded through monies raised by the Fire Fight Australia-Concert for National Bushfire Relief and we are aware that BackTrack Works is already undertaking rural bushfire recovery work in the surrounding region, we see strong alignment in the value proposition for this innovative venture.*

*In terms of site specifics, RFS has confidence that our plans to share the Tenterfield Fire Control Centre site compound and some of its services and facilities are satisfactorily captured under the broad-based 'rules of engagement' stated below:*

- *Shared access to the site via the established driveway;*
- *Maintain clearance at all times of the area designated for helicopter landing /take-off;*

Our Community No. 25 Cont...

- *Shared use of the toilet facilities and related amenities (noting we are confident that proposed capacity of the Youth Hub, along with our own use of the facilities does not impose the need for additional facilities);*
- *Youth Hub site containers to hook up to RFS Power and Water Services via a metered supply outlet;*
- *RFS to retain full and complete control of the site during times of Local or State emergency*
- *Youth Hub to assume shared responsibility and ownership for site security.*

A copy of the letter of support is appended as Attachment 5.

### **Proposed License**

BackTrack have applied for a Lease however preliminary legal advice is that a License would be a more appropriate tenure given that BackTrack will not have exclusive use of the area and NSWRFs have a License under the Service Agreement.

It is proposed to offer BackTrack a new License over approximately 153 square metres of Lot 1 Section 37 DP 758959 (within the NSWRFs compound) subject to the following principle terms and conditions:

- (1) **Upfront Payment:** \$3,000 excluding GST upfront payment to cover the initial and ongoing administration costs and Licence preparation costs. It also covers the cost of Council's legal fees estimated at \$880.00
- (2) **Term:** 5 years.
- (3) **Annual Rent:** Nil.
- (4) **Rent Review:** Annual CPI adjustment.
- (5) **Outgoings:** Nil paid by the tenant.
- (6) **Insurance:** The tenant is to insure the buildings and provide public risk insurance.
- (7) **Services:** BackTrack to install meters for power and water usage and pay for such usage in addition to the rental.
- (8) **Shared Access & Amenities:** The tenant is to enter into a documented memorandum of understanding with NSWRFs regarding shared access and shared use and cleaning of the toilets and related amenities.
- (9) **Repairs and maintenance:** The tenant is responsible for all repairs and maintenance of its facilities.
- (10) **Expiry of the License:** The tenant is to remove all of its facilities from the site and make good the site unless agreed otherwise by the parties.
- (11) **Termination of License:** Each party may terminate the License by providing 6 months notice. No compensation is payable by either party.
- (12) **Legal and License preparation.** BackTrack is responsible for its own legal and other License fees.
- (13) **Development Application:** BackTrack to obtain required development approvals.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Our Community No. 25 Cont...

The parent site is Council owned, operational land and the Youth Hub is proposed to be within the NSWRFs compound. Given that Backtrack is a not for profit, community focused organisation, additional community consultation is not considered necessary.

## **2. Policy and Regulation**

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Environmental Planning and Assessment Act 1979
- Real Property Act 1990

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

There will be minimal financial impact due to upfront payment covering Council's administration and legal costs associated with the Licence negotiating and preparation costs. BackTrack will be paying for their usage of power and water.

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

No assets will be vested in Council from actioning the License. The tenant will be required to remove all buildings/containers and make good the site at the end of the License unless agreed otherwise by the parties.

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

Nil

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

A solicitor has provided preliminary advice that a Licence would be the appropriate tenure. A solicitor will be engaged to prepare the License in order to ensure that all legal aspects are considered.

The tenant will be required to hold insurance for their activities as a condition of the License.

## **7. Performance Measures**

BackTrack is a not for profit organization with funding for the Youth Hub sourced from Sony Foundation. The operations of BackTrack in supporting disadvantaged youth is a benefit to the Tenterfield Shire community and the economy.

## **8. Project Management**

Some project management is required to negotiate the License terms and deal with the documentation.

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

Prepared by staff member: Neville Coonan

Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer

## Our Community No. 25 Cont...

Department:

Office of the Chief Corporate Officer

Attachments:

- |          |   |          |
|----------|---|----------|
| <b>1</b> | Attachment 1 (Attachment Booklet 1) - Backtrack Letter of Application | 2 Pages  |
| <b>2</b> | Attachment 2 (Attachment Booklet 1) - Site & Location Plan            | 1 Page   |
| <b>3</b> | Attachment 3 (Attachment Booklet 1) - Concept Plan                    | 1 Page   |
| <b>4</b> | Attachment 4 (Attachment Booklet 1) - Service Agreement               | 17 Pages |
| <b>5</b> | Attachment 5 (Attachment Booklet 1) - NSWRFSS Letter of Support       | 2 Pages  |

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Director Infrastructure
<b>Reference:</b>	<b>ITEM ECO15/21</b>
<b>Subject:</b>	<b>SUPPLY OF QUARRY MATERIALS FOR MISCELLANEOUS WORKS TENDER RFT 02-21/22</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Economy</b> - ECON 8 - Our existing businesses and industry are supported to reach their full potential and provide quality goods and services both locally and to a wider market.
<b>CSP Strategy:</b>	Maximise the accessibility of business and industrial operations to ensure the exchange of goods and services is supported by sustainable infrastructure.
<b>CSP Delivery Program</b>	Delivery of survey and design works for infrastructure services, including stormwater drainage, transport, water and sewer infrastructure.

#### **SUMMARY**

The purpose of this report is to provide Council with a Report and Recommendation on the Tender Evaluation associated with the Supply of Quarry Materials for Miscellaneous Works RFT 02-21/22

#### **OFFICER'S RECOMMENDATION:**

**That Council accept all submitted tenders as a panel of preferred suppliers for the Supply of Quarry Materials for Miscellaneous Works**

#### **BACKGROUND**

Council seeks quotations for supply of quarry materials for particular packages of capital works as required. As Council's capital works program is extensive over the next two years, a tender was advertised to build a panel of preferred suppliers to minimize the repetitive administrative procurement tasks involved in the preliminary stages of projects and to assist with estimating and funding applications.

#### **REPORT:**

Tender RFT 02-21/22 opened on the 17<sup>th</sup> August 2021 and closed 15<sup>th</sup> September 2021 for the Supply of Quarry Materials for Miscellaneous Works.

This Tender is to provide Council with a list of preferred suppliers to assist with works programs and so meets our obligations under the Local Government Act 1993 and Tenterfield Shire Council Procurement Policy.

Council has a substantial upcoming program of capital works due to many successful grant funded works received in recent months. The projects vary in location and it is necessary to find supply sources across and adjacent to the Tenterfield Local Government Area to achieve best value for money for council in delivering projects.

This Request for Tender is for a preferred supplier list for a period of 12 months.

## Our Economy No. 15 Cont...

The suppliers may be given the option of a further one (1) year extension for up to three (3) years, subject to a satisfactory evaluation from, and at the discretion of the Council.

Late conforming Tenders may be considered as reasonable quotations and are to be treated in accordance with Tenterfield Shire Council's Procurement Policy for each twelve month period. There is no competitive advantage in the submission of a late Tender as all prices for services offered under this Tender are schedule of rates, fixed for the term of twelve (12) months from the award of the contract. Prior to each twelve (12) month extension of the contract (if granted) the suppliers may resubmit the price schedule, with any rate adjustments required to Council for the proceeding twelve months. Council will consider the rate review prior to agreeing to or rejecting an extension of the contract (generally increases will only be considered in reference to CPI increases and price of fuels, etc.).

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

The supply of quarry materials will be on an intermittent and as required basis and community engagement would be dealt with under a project specific brief. This Tender is only to provide a list of approved suppliers.

#### **2. Policy and Regulation**

Tenterfield Shire Council Policy 1.164  
NSW Local Government Act 1993  
NSW Local Government Amendment Act 2019  
NSW Local Government (General) Regulation 2005  
NSW Procurement Policy Framework  
TSC Buy Local Policy  
TSC Procurement Procedure  
TSC Tendering Procedure  
TSC Code of Conduct

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

This tender does not apply to one specific budget; the LTFP implications will be dealt with at a project specific level and managed by the project manager for that project. Access to a wide range of suppliers throughout the Shire and neighboring regional areas assists operational purchasing decisions to provide best value for money at a project level.

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

Asset Management will be project specific and in line with Council's current Road Asset Management Plan.

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

Works will generally occur in conjunction with, and assisting, Council's day labour workforce and operations.

Our Economy No. 15 Cont...

## 6. Legal and Risk Management

This Tender will provide Council with a panel of preferred suppliers for the supply of quarry materials.

## 7. Performance Measures

The engagement of suppliers will assist Council with achieving performance measures and standard specifications on specific projects, in particular current NSW and Federal Government funding stimulus projects.

## 8. Project Management

Project Management will be project specific. The panel of preferred suppliers for the supply of quarry materials will provide Council with a resource to complete projects effectively and efficiently and to required specifications.

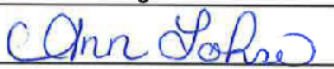
**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	Fiona Keneally
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department
Attachments:	<b>1</b> Tender Opening Form - Submissions 1 - RFT 02 21-22 - 15 September Page 2021

**COMMERCIAL – IN - CONFIDENCE**

TENDER/QUOTATION NAME:	<b>RFT 02 21/22</b> <b>Supply of Quarry Materials for Miscellaneous Work</b>	
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Tender Box Opened at:	15/09/2021	2:00pm
	(Date)	(Time)

	Name	Signature
Tender Box Opened by (Authorised Officer):	Ann Lohse	
In the presence of:	John Haddock	
	Shayle Graham	
Other people in attendance:		

**Tender Receipt Record:**

No.	Tenderer Name	Address	Price Offered
1	Grahamas Quarry	1 Craig Street Kyogle NSW 2474	\$ as per schedule
2	Hutchinson Quarries Pty Ltd	518 Pink Gum Lane, (PO Box 1071) Warwick QLD 4370	\$ as per schedule
3	Kembul Pty Ltd Trading as AB Contracting (NSW)	162 Sandy Flat Road SANDY FLAT NSW 2372	\$ as per schedule
4	MJ Smith Ground Preparation Pty Ltd	PO Box 31 WOODENBONG NSW 2476	\$ as per schedule
5	Northern Rivers Civil	PO Box 46 DEEPWATER NSW 2371	\$ as per schedule
6	Quarry Solution	Petersons Quarry Road CORAKI NSW 2471	\$ as per schedule
7	Towns Contracting Group Pty Ltd	5 Riley Street TENTERFIELD NSW 2372	\$ as per schedule

**COMMERCIAL – IN - CONFIDENCE**

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Asset & Program Planning
<b>Reference:</b>	<b>ITEM ECO16/21</b>
<b>Subject:</b>	<b>ENGINEERING POLICIES - REDUNDANT</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.
<b>CSP Strategy:</b>	We have a well-designed and functioning road network suitable for all users now and take into consideration future network consumption and demand.
<b>CSP Delivery Program</b>	Asset Planning, Policy and Management provide strategic direction and information to Council enabling the sustainable management of its asset portfolio as a whole.

#### **SUMMARY**

This report provides Council the opportunity to remove redundant engineering policies that have now been included in the Road Asset Management Plan.

#### **OFFICER'S RECOMMENDATION:**

**That Council resolve to remove the following redundant policies;**

- a) Policy 2.041 Dust Abatement**
- b) Policy 2.070 Gutter Crossings**
- c) Policy 2.110 Kerb and Gutter – Contributions (Corner Lots)**
- d) Policy 2.111 Kerb and Gutter - Replacement of Granite Gutter Blocks**
- e) Policy 2.193 Standard Engineering Design Drawings**
- f) Policy 3.192 Road Naming**

#### **BACKGROUND**

Council has adopted the Road Asset Management Plan that includes the detail contained in a number of separate engineering policies. The individual policies are now redundant.

#### **REPORT:**

A number of policies relating to engineering matters were included within the Road Asset Management Plan and as this information is now contained within one formal document, the old individual policies are redundant. This rationalises the extent of policy documents and allows stakeholders in the community to source the information at one point rather than a number of separate policy documents.

A summary of these policies includes;

## Our Economy No. 16 Cont...

Policy 2.041 Dust Abatement: dealing with sealing of short sections of gravel road for the benefit of property owners with houses near the road so as to reduce the effects of dust caused by passing traffic.

Policy 2.070 Gutter Crossings: advising that where Council disturbs a properly constructed gutter crossing, the cost of restoration is to be charged to the works, while in all other instances the cost of work on gutter crossings is to be paid for by the landowner.

Policy 2.110 Kerb and Gutter: Contributions (Corner Lots): dealing with the contributions for kerbing and guttering construction alongside boundaries of corner lots.

Policy 2.111 Kerb and Gutter: Replacement of Granite Gutter Blocks : advising that where concrete kerb and gutter works are to be undertaken to replace granite and guttering blocks, that such works will not be undertaken without prior consultation with the community, affected adjacent landowners and Council's Heritage Advisor.

Policy 2.193 Standard Engineering Design Drawings: sets out Council's required standards for the construction of new Engineering infrastructure by Council or developers.

Policy 3.192 Road Naming: setting out the procedure in respect of naming roads and address management requirements of the NSW Address Policy, NSW Addressing User Manual, and the Geographical Names Board (GNB) of NSW Retrospective Address Policy Guidelines and NSW Land & Property Information.

## COUNCIL IMPLICATIONS:

### 1. Community Engagement / Communication (per engagement strategy)

During the process of reviewing the Road Asset Management Plan, the document was placed on public display for community consultation on two separate occasions before being adopted by Council in July 2021. No further consultation is considered to be warranted to formally remove the redundant policies.

### 2. Policy and Regulation

The current policy documents have been included within the Road Asset Management Plan.

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

As the details and requirements of the policies is the same under the Road Asset Management Plan, there are no financial implications.

### 4. Asset Management (AMS)

Consolidating some of the Council engineering policy information assists in streamlining the management of current and future asset.

### 5. Workforce (WMS)

No implications.

### 6. Legal and Risk Management

The legal legislation and risk implications of these redundant policies is now reflected in the Road Asset Management Plan.

Our Economy No. 16 Cont...

**7. Performance Measures**

No implications.

**8. Project Management**

No implications.

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	David Counsell
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department
Attachments:	There are no attachments for this report.

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Asset & Program Planning
<b>Reference:</b>	<b>ITEM ECO17/21</b>
<b>Subject:</b>	<b>ENGINEERING POLICY UPDATES</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.
<b>CSP Strategy:</b>	We have a well-designed and functioning road network suitable for all users now and take into consideration future network consumption and demand.
<b>CSP Delivery Program</b>	Asset Planning, Policy and Management provide strategic direction and information to Council enabling the sustainable management of its asset portfolio as a whole.

#### **SUMMARY**

The purpose of this report is to submit to Council policies relating to engineering and infrastructure that are being updated.

#### **OFFICER'S RECOMMENDATION:**

**That Council receive and adopt the updated policies;**

- a) Policy 2.060 Footpath Paving and Contributions.**
- b) Policy 2.130 Construction & Maintenance of Property Access from Council Roads.**
- c) Policy 2.131 Maintenance of Nature Strips and Road Verges.**
- d) Policy 2.161 Disposal of Minor Assets including Plant, Material and Equipment.**
- e) Policy 2.162 Public Gates and Vehicle Bypasses.**
- f) Policy 2.180 Roadside Memorials / Commemorative Markers.**
- g) Policy 2.201 CBD Works.**

#### **BACKGROUND**

Council has a number of policies relating to engineering matters that were due for review in 2020. The policies within this report are being updated.

#### **REPORT:**

A number of policies relating to engineering functions that were last adopted in 2017 need to be updated. The policies have been revised to suit Council's current policy document format with minor changes made to update the previous title of 'Chief Operating Officer' to the current 'Director Infrastructure', and to amend revision dates. More specific updating details of individual policies include;

## Our Economy No. 17 Cont...

## Policy 2.060 Footpath Paving and Contributions

- No change has been made to the current contribution requirements.

## Policy 2.130 Construction &amp; Maintenance of Property Access from Council Roads.

- Minimum width of 4 metres is required to match Council's standard drawing.

## Policy 2.131 Maintenance of Nature Strips and Road Verges

- Reference to Noxious Weed Policy altered to guidelines.

## Policy 2.161 Disposal of Minor Assets including Plant, Material and Equipment

- Reference to the sale of second hand pipes at 30% value has been removed as the Fees and Charges no longer has a specific price listing. As the condition of old pipes is variable, there are issues for risk liability and probity to sell pipes at a set value, and surplus pipe are sold by auction to avoid probity issues.

## Policy 2.162 Public Gates and Vehicle Bypasses

- Updated reference to Transport for NSW (formerly RMS)
- Updated reference to Road Asset Management Plan (formerly Road Network Management Plan)

## Policy 2.180 Roadside Memorials / Commemorative Markers

- Updated reference for Transport for NSW (formerly RMS)

## Policy 2.201 CBD Works

- General Manager title amended to Chief Executive.

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

The intention and requirements of the policies has not changed significantly from the previous versions and consultation has not been undertaken.

**2. Policy and Regulation**

The current documents are due for review and therefore it is appropriate that the current policies are updated.

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

Update of the policies clarifies contributions to adjacent works by private landowners for kerb and footpath works.

**4. Asset Management (AMS)**

Updating of engineering policies assists with considerations undertaken towards management of current assets and future asset renewal works.

**5. Workforce (WMS)**

No implications.

Our Economy No. 17 Cont...

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

The revision of Council's engineering policies ensures the documents relate to current legislation and that the responsibilities of relevant stakeholders are clearly identified.

## **7. Performance Measures**

No implications.

## **8. Project Management**

The revision of Council's engineering policies allow current relevant documents to be utilised in the consistent management of infrastructure.

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	David Counsell
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department
Attachments:	<b>1</b> Attachment 6 (Attachment Booklet 36 1) - Engineering Policies - Updates Pages

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Asset & Program Planning
<b>Reference:</b>	<b>ITEM ECO18/21</b>
<b>Subject:</b>	<b>RAIL NETWORK SAFETY INTERFACE AGREEMENT</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Economy</b> - ECON 8 - Our existing businesses and industry are supported to reach their full potential and provide quality goods and services both locally and to a wider market.
<b>CSP Strategy:</b>	Maximise the accessibility of business and industrial operations to ensure the exchange of goods and services is supported by sustainable infrastructure.
<b>CSP Delivery Program</b>	Delivery of survey and design works for infrastructure services, including stormwater drainage, transport, water and sewer infrastructure.

#### **SUMMARY**

The purpose of this report is to advise Council of a change in the Rail Infrastructure Manager for the Country Regional Network in 2022

#### **OFFICER'S RECOMMENDATION:**

**That Council note the report and delegate authority to the Chief Executive or the Director Infrastructure to enter into a new Rail Interface Agreement with UGL Regional Linx Pty Ltd in 2022.**

#### **BACKGROUND**

The Country Regional Rail Network operations and maintenance is currently managed by John Holland Rail Pty Ltd as the appointed Rail Infrastructure Manager. Council has received advice that in January 2022 the role of Rail Infrastructure Manager will be taken over by UGL Regional Linx Pty Ltd.

#### **REPORT:**

Railways within the Country Regional Network are managed by a Rail Infrastructure Manager on behalf of Transport for New South Wales that in recent years has been John Holland Rail Pty Ltd. The management of safety in relation to road and railway corridor crossings is undertaken through Rail Interface Agreements between the Rail Infrastructure Manager and Councils across NSW.

Under the Rail Safety National Law (NSW) legislation with regard to interface co-ordination of rail infrastructure and public roads, the rail infrastructure manager must seek to enter into an interface agreement with the road manager of public roads crossing the railway line for the purpose of managing risks. Under the same legislation, the road manager of a public road must also identify risks that arise from any rail or road crossing that is part of the road infrastructure and seek to enter into an interface agreement with the rail infrastructure manager. Council has road infrastructure crossing into railway lands including road pavements and stormwater pipes.

Where Council is undertaking road works or general maintenance near railway level crossings and railway bridges, it is required to submit a Third Party Access Application to enter onto Transport for NSW Land. This generally applies to any work within one

Our Economy No. 18 Cont...

metre of the rail line. The rail land generally takes priority over the road corridor. This is similar to the existing Transport for New South Wales protocol for obtaining approval to undertake works impacting the state highways.

If the railway is an operational line, Councils are also required to provide an authorised Protection Officer for work in the rail corridor to implement any required worksite protection arrangements. However in Tenterfield shire this does not apply as the railway lines are non-operational interfaces.

Rail Infrastructure Manager role is currently undertaken by John Holland Rail Pty. Council has been advised that as of 30 January, 2022 the Rail Infrastructure Manager will be UGL Regional Linx Pty Ltd and they are seeking to have similar rail interface agreements in place from that date.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

The Interface Agreement is an operational function under Council's Transport goal to have an effective interconnected transport system that is safe, efficient and affordable for us as a community.

#### **2. Policy and Regulation**

- The Rail Safety National Law (NSW) legislation has responsibilities for authorities involved in road and rail interfaces.

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

There are no additional budgetary implications from this new Agreement except for staff time to process and manage the process as in previous years.

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

There are no changes to Council's assets and our transport strategy includes that we have an interconnected transport system that is safe for the community.

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

No implications.

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

There are safety management implications set down under the Rail Safety National Law (NSW) state legislation that includes defining roles and responsibilities at interfaces to manage risk.

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

No implications.

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

The Rail Interface Agreement is managed through the Transport function of Council.

**Fiona Keneally**  
**Director Infrastructure**

## Our Economy No. 18 Cont...

Prepared by staff member: David Counsell

Approved/Reviewed by Manager: Fiona Keneally, Director Infrastructure

Department: Engineering Department

Attachments:

<b>1</b>	UGL Regional Linx letter July 2021	1 Page
<b>2</b>	UGL Regional Linx letter August 2021	1 Page
<b>3</b>	John Holland letter September 2021	1 Page



To whom it may concern

July 2021

Dear Sir/Madam

**Subject: Safety Interface Coordination - Country Regional Rail Network - Safety Interface Agreements**

I write to advise that UGL Regional Linx Pty Ltd (UGL RL) has been awarded the contract to operate and maintain the railway known as the Country Regional Network by the asset owner, Transport for New South Wales. As such, UGL RL will become the accredited Rail Infrastructure Manager under Rail Safety National Law and is due to take up the Country Regional Network operations and maintenance contract on 30 January 2022.

It is UGL RL's understanding that the current Rail Infrastructure Manager, John Holland Rail Pty Ltd has established appropriate safety interface agreement/s with your organisation that will cease to have effect when UGL RL take over as the accredited Rail Infrastructure Manager of the CRN.

Accordingly, UGL RL is seeking to enter into an interface agreement with your organisation to satisfy our mutual obligations under Rail Safety National Law. This will require the parties subject to the agreement to be identified in the agreement executed between UGL RL and your organisation. This will be the case, even if the risk controls and the interface physical characteristics remain unchanged.

The process of updating the interface agreements may only require a site visit to verify that the current agreement is valid including the definition of the risks to be controlled by each party at the interface. Should these details be verified and agreed, then all that may be required is to update the document to reflect the details of the interfacing parties leading to execution (signing) such that the agreement becomes valid under law. Should other matters be identified during the site visit then the agreement will be updated accordingly prior to execution.

Our contact for this process is Mr Miguel Rodrigues. Miguel can be contacted at [miguel.rodrigues@uglregionallinx.com.au](mailto:miguel.rodrigues@uglregionallinx.com.au) in the first instance.

Can you please advise Miguel of your availability to commence the changeover or update of the relevant agreements so that UGL RL can engage with you to finalise these documents prior to take up in January 2022.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Pistak', written over a horizontal line.

John Pistak  
Chief Executive Officer  
UGL Regional Linx

UGL Regional Linx Pty Ltd  
Mezzanine, 40 Miller Street, North Sydney NSW 1060  
Locked Bag 903, North Sydney NSW 2060  
T (+61) 2 8925 8925 | F (+61) 2 8925 8926  
UGL | ACN 646 771 011 | [ugllimited.com](http://ugllimited.com)

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David Counsell & Fiona Keneally  
Tenterfield Shire Council  
[Infrastructure@tenterfield.nsw.gov.au](mailto:Infrastructure@tenterfield.nsw.gov.au)

12<sup>th</sup> August 2021

Dear David and Fiona,

**Subject: Action to progress Safety Interface Agreements for the Country Regional Rail Network**

You will have received correspondence previously from UGL Regional Linx Pty Ltd (UGL RL), advising that UGL RL has been awarded the contract to operate and maintain the railway known as the Country Regional Network (CRN) by the asset owner, Transport for New South Wales and that consequently UGL RL will become the accredited Rail Infrastructure Manager for the CRN under Rail Safety National Law as of 30 January 2022.

During the ten years in which John Holland Rail Pty Ltd was Rail Infrastructure Manager for the CRN, under Rail Safety National Law you and they were to have established appropriate safety interface agreement/s to meet your respective agreed safety obligations for interfaces to the CRN. As previously indicated, those safety interface agreement/s will cease to have effect when UGL RL take over as the accredited Rail Infrastructure Manager of the CRN.

Accordingly, UGL RL is seeking to enter into interface agreement/s with you prior to 30 January 2022, to ensure that each of us has satisfied our mutual obligations under Rail Safety National Law. This requires the parties subject to the agreement/s to be identified in the agreement executed between you and UGL RL. This will be the case, even if the risk controls and the interface' physical characteristics remain unchanged.

The process of updating the interface agreements may only require a site visit to verify that the current interface agreement is valid, including the definition of the risks to be controlled by each party at the interface. Should these details be verified and be agreed not to have impactfully changed, then the current safety interface agreement/s might simply be amended to identify that the role of Rail Infrastructure Manager is now with UGL RL, leading to execution (signing) such that the agreement becomes valid under law. Should other matters be identified during the site visit then the agreement will be updated accordingly prior to execution.

The role of Interface Coordinator has now been taken on by myself, Brendan Kavanagh, who can be contacted at [brendan.kavanagh@uglregionallinx.com.au](mailto:brendan.kavanagh@uglregionallinx.com.au). In order to progress the changeover or updating of your relevant agreement/s with UGL RL, in line with Rail Safety National Law, we ask that you immediately respond to this correspondence, informing us of your understanding of the status of your current safety interface agreement/s, ideally providing an electronic copy of the same. You will be contacted directly by me in the coming weeks to agree on a course of action leading to the execution of our new interface agreement/s prior to 30 January 2022.

Yours sincerely,

Brendan Kavanagh

A handwritten signature in black ink, appearing to read 'B Kavanagh'.

**Interface Coordinator UGL**

**Regional Linx**

[brendan.kavanagh@uglregionallinx.com.au](mailto:brendan.kavanagh@uglregionallinx.com.au)

0438198691

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**CUSTOMERS.** 



30 September 2021

Tenterfield Shire Council  
Attention: General Manager  
247 Rouse Street  
Tenterfield NSW 2372

Via email: [council@tenterfield.nsw.gov.au](mailto:council@tenterfield.nsw.gov.au)

To the General Manager,

**Notification of Change for the Country Regional Network**

John Holland Rail Pty Ltd (JHR) formally writes to advise you of the upcoming changes in relation to the operation and management of the Country Regional Network (CRN) on behalf of our Client, Transport for NSW (TfNSW).

JHR can confirm the change in operational and maintenance responsibility for the CRN will occur at 1159 hours on 29 January 2022. From 0000 hours 30 January 2022, JHR will no longer operate and maintain the CRN and UGL Regional Linx (UGLRL) will assume custodianship of the CRN rail infrastructure, property assets and network control activities for a contract period of 10 years with TfNSW. UGLRL will be the accredited Rail Infrastructure Manager (RIM) for the CRN.

Future Interface Agreement requirements to meet safety management obligations will be coordinated by UGLRL. UGLRL will contact you in the coming months to progress entering into new agreements as required under Rail Safety National Law. Any new agreement will replace any existing agreement held with JHR.

From 30 January 2022, please contact the below nominated UGLRL representative regarding all interface agreement matters:

- Mr Miguel Rodrigues: Phone: 0433 165 691 - Email: [miguel.rodrigues@uglregionallinx.com.au](mailto:miguel.rodrigues@uglregionallinx.com.au)
- Please contact JHR's Assurance Project Officer Nicole Frances via email [Nicole.Frances@jhq.com.au](mailto:Nicole.Frances@jhq.com.au) should you have questions regarding your current interface agreement with JHR.

**Note:** For community enquiries please continue to contact JHR's CRN enquiry number 1300 661 390 or email [CRN.Enquiry@jhq.com.au](mailto:CRN.Enquiry@jhq.com.au) up until 29 January 2022.

We would like to thank you for your collaboration, support and at times, patience, as we worked to improve the network and keep people and freight moving in regional NSW. We're proud to have served the communities and businesses of regional NSW through our work on the Country Regional Network.

Regards,

A handwritten signature in blue ink, appearing to read "MJ", with a horizontal line extending to the right.

Matt Jones  
Chief Executive Officer  
John Holland Rail  
Country Regional Network

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Water & Waste
<b>Reference:</b>	<b>ITEM ENV16/21</b>
<b>Subject:</b>	<b>TENTERFIELD DAM SAFETY EMERGENCY PLAN 2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Environment</b> - ENVO 11 - Secure, sustainable and environmentally sound infrastructure and services underpin Council service delivery.
<b>CSP Strategy:</b>	Water is used carefully in Council's buildings, parks, sporting grounds and daily operations.
<b>CSP Delivery Program</b>	Ensure effective and efficient delivery of water services in accordance with existing service levels.

#### **SUMMARY**

This Report is to provide an updated Dam Safety Emergency Plan (DSEP) for Tenterfield Creek Dam for Council Adoption.

The updated DSEP includes legislative changes introduced in 2019 by Dam Safety NSW (DSNSW), upgrades to the Dam Wall, Flood Warning System and Operational Procedures.

#### **OFFICER'S RECOMMENDATION:**

**That Council adopts the Dam Safety Emergency Plan (DSEP) for Tenterfield Creek Dam.**

#### **BACKGROUND**

The NSW Public Works, Dams & Civil Technologies was commissioned by Tenterfield Shire Council to prepare a Dam Safety Emergency Plan (DSEP) for Tenterfield Creek Dam completed in 2016, to fulfil obligations under the;

- Australian National Committee on Large Dam's (ANCOLD) Guidelines on Dam Safety Management, 2003; and
- Dam Safety Committee's (now Dam Safety NSW) Guidance Sheet DSC 2G.

#### **REPORT:**

The updated Dam Safety Emergency Plan was undertaken by Council's Water and Waste Engineering Team, to fulfil new obligations under the;

- [Dams Safety Regulation 2019](#).
- [Dams Safety Act 2015](#).
- Australian National Committee on Large Dam's (ANCOLD) Guidelines on Dam Safety Management, 2003; Australian National Committee on Large Dams <https://www.ancold.org.au/>.
- Dam Safety NSW Guidance Sheet DSNSW 2G.

Tenterfield Shire Council has updated this Plan due to New Dam Wall construction in 2018, updates to the Drinking Water Management System (DWMS) in 2018, updates to the Drought Management Plan (DMP) in 2019 and upgrade to the Flood Warning System in 2021.

Our Environment No. 16 Cont...

The Dam Safety Emergency Plan (DSEP) outlines capabilities of the dam in emergencies, chain of responsibilities, risks, inspection and reporting protocols. The Plan is designed to provide clear information and directions for Councils emergency protocols and Local Emergency Management Committee.

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

### **2. Policy and Regulation**

- [Dams Safety Regulation 2019](#).
- [Dams Safety Act 2015](#).
- Australian National Committee on Large Dam's (ANCOLD) Guidelines on Dam Safety Management, 2003; Australian National Committee on Large Dams <https://www.ancold.org.au/>.
- Dam Safety NSW Guidance Sheet DSNSW 2G.

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

Inspection regime, documentation, control, IT capabilities and administrative requirements are expanded with new legislative requirements.

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

The Dam Safety Emergency Plan (DSEP) includes inspection requirements that contributes to the assessment of asset condition and potential future works, informing strategy development for future Dam asset management plans.

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

Nil.

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

Non-Compliance risk provides individual and corporation fines as a maximum from \$500 individually, to \$3,000 for corporate.

### **7. Performance Measures**

Nil

### **8. Project Management**

Nil

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	Gillian Marchant
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department

## Our Environment No. 16 Cont...

## Attachments:

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Attachment 7 (Attachment Booklet 2) - Dam Safety Emergency Plan for Tenterfield Creek Dam | 118 Pages |
| <b>2</b> | Attachment 8 (Attachment Booklet 3) - Appendices A - I                                    | 87 Pages  |

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Water & Waste
<b>Reference:</b>	<b>ITEM ENV17/21</b>
<b>Subject:</b>	<b>LIQUID TRADE WASTE POLICY UPDATE</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Environment</b> - ENVO 11 - Secure, sustainable and environmentally sound infrastructure and services underpin Council service delivery.
<b>CSP Strategy:</b>	Waste from our operations is managed to reduce the volume and take advantage of recycling opportunities available to us.
<b>CSP Delivery Program</b>	Provide effective and efficient delivery of sewerage services across to the townships of Tenterfield and Urbenville.

#### **SUMMARY**

The purpose of this report is for Council to review and adopt the updated Liquid Trade Waste Regulation Policy aligned with Water & Waste.

#### **OFFICER'S RECOMMENDATION:**

**That Council adopts the updated Liquid Trade Waste Regulation Policy 2.130**

#### **BACKGROUND**

The Liquid Trade Waste Regulation Policy adopted 23 September 2020, required updating due to changes in regulation as Liquid Trade Waste Management Guidelines – 2021 requiring inclusion in policy review.

#### **REPORT:**

The policy has been amended and updated to ensure standardisation of Council documents including legislative changes, and allowing ongoing review requirements to be scheduled on a 3 yearly basis.

#### **COUNCIL IMPLICATIONS:**

##### **1. Community Engagement / Communication (per engagement strategy)**

The revised policies require no consultation periods as there are no Community Engagement implications as a result of this report.

##### **2. Policy and Regulation**

- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007.
- Liquid Trade Waste Regulation Procedure – May 2016
- Liquid Trade Waste Management Guidelines – 2021

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

N/A

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**4. Asset Management (AMS)**

N/A

**5. Workforce (WMS)**

N/A

**6. Legal and Risk Management**

There are no legal implications as a result of this report.

**7. Performance Measures**

N/A

**8. Project Management**

N/A

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:

Gillian Marchant

Approved/Reviewed by Manager:

Fiona Keneally, Director Infrastructure

Department:

Engineering Department

Attachments:

**1** Liquid Trade Waste Policy 3 Pages



## LIQUID TRADE WASTE REGULATION

### Summary:

The purpose of this policy is to provide clear direction to ensure the proper management of liquid trade waste discharges to Council's sewerage system.

<b>Policy Number</b>	2.130
<b>File Number</b>	N/A
<b>Document version</b>	V5.0
<b>Adoption Date</b>	
<b>Approved By</b>	Council
<b>Endorsed By</b>	Executive Management Team
<b>Minute Number</b>	
<b>Consultation Period</b>	N/A
<b>Review Due Date</b>	July 2024 – 3 years
<b>Department</b>	Office of Director of Infrastructure
<b>Policy Custodian</b>	Manager Water & Waste
<b>Superseded Documents</b>	V4.0
<b>Related Legislation</b>	Local Government Act 1993 Local Government (General) Regulation 2005 NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007. Liquid Trade Waste Regulation Procedure – May 2016 Liquid Trade Waste Management Guidelines – 2021
<b>Delegations of Authority</b>	Chief Executive, Directors, Managers

### 1. Overview

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality.

This Policy serves to ensure the integrity of Council's sewage reticulation and treatment systems by ensuring businesses and industry comply with discharge conditions.

### 2. Policy Principles

The principle of this policy is to ensure Council may accept trade waste into its sewerage system as a service to businesses and industry.

### **3. Policy Objectives**

The objective of this Policy is to ensure the proper management liquid trade waste discharges to Council's sewerage system under Section 68 of the Local Government Act 1993.

### **4. Policy Statement**

A person wanting to discharge liquid trade waste to Council's sewerage system must, under Section 68 of the Local Government Act 1993, obtain the prior approval from Council.

Failure to obtain Council's approval to discharge liquid trade waste or comply with the conditions of approval is an offence under Section 626 and 627 of the Act for which penalties apply.

Council has developed a comprehensive Liquid Trade Waste Regulation Procedure to support this Policy. The Procedure is concerned with the approval, monitoring, and enforcement process for liquid trade waste discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges.

### **5. Scope**

This Policy has therefore been developed to ensure the proper management liquid trade waste discharges to Council's sewerage system to:-

- protect public health;
- protect the health and safety of Council employees;
- protect the environment from the discharge of waste that may have a detrimental effect;
- protect Council assets from damage;
- assist Council to meet its statutory obligations;
- provide an environmentally responsible liquid trade waste service to the non-residential sector;
- encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- promote water conservation, water recycling and bio-solids reuse;
- ensure compliance of liquid trade waste dischargers with Council's approved conditions;
- provide operational data on the volume and composition of industrial and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and
- ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

### **6. Accountability, Roles & Responsibility**

#### **Elected Council**

Adopt and support the Liquid Trade Waste Policy.

#### **General Manager, Executive and Management Teams**

Continue to support the Liquid Trade Waste Policy.

#### **Management Oversight Group**

Continue to support the Liquid Trade Waste Policy.

#### **Individual Managers**

Responsible for ensuring compliance with Policy, Regulation and guidelines.

## 7. Definitions

Liquid Trade Waste means all liquid waste other than sewage of a domestic nature.

## 8. Related Documents, Standards & Guidelines

- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007.
- Liquid Trade Waste Regulation Procedure – May 2016
- Liquid Trade Waste Management Guidelines – 2021

## 9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	23/02/11	Council	Adoption of Original Policy (Res No. 56/11)
V2.0	23/04/14	Council	Reviewed/Amended (Res. No. 131/14)
V3.0	18/05/16	Council	Reviewed/Amended (Res No. 120/16)
V4.0	23/09/20	Council	Review/Amended (Res No. 196/20)
V5.0		Council	Regulation Change

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM GOV65/21</b>
<b>Subject:</b>	<b>MONTHLY OPERATIONAL REPORT - SEPTEMBER 2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
<b>CSP Strategy:</b>	Council's decision making processes are open, accountable and based on sound integrated planning.
<b>CSP Delivery Program</b>	Promote and support community involvement in Council decision making process.

#### **SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2020/2021 Operational Plan.

#### **OFFICER'S RECOMMENDATION:**

**That Council receives and notes the status of the Monthly Operational Report for September 2021.**

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member:	Elizabeth Melling
Approved/Reviewed by Manager:	Daryl Buckingham, Chief Executive
Department:	Office of the Chief Executive
Attachments:	<b>1</b> Attachment 9 (Attachment Booklet 102 4) Monthly Operational Report - Pages September 2021

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM GOV66/21</b>
<b>Subject:</b>	<b>DISCLOSURE OF INTEREST RETURNS 2020/2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council fosters a strong organisational culture which strives for best practice in all operations with a supportive corporate governance framework.
<b>Delivery Plan Action:</b>	Ensure compliance with regulatory and statutory requirements and that operations are supported by effective corporate management.
<b>Operational Plan Action:</b>	Complete and lodge Annual Financial Statements in accordance with statutory requirements.

#### **SUMMARY**

The purpose of this Report is to document the tabling of the Disclosure of Interest Returns for the period 2020/2021.

#### **OFFICER'S RECOMMENDATION:**

**That Council note the tabling of the Disclosure of Interest Returns for the period 2020/2021.**

#### **BACKGROUND**

Sections 440 and 440AA of the Local Government Act, 1993 determine the making of the Model Code of Conduct which prescribes the pecuniary interest and other matters to be disclosed in the Disclosures by Councillors and Designated Persons Return.

#### **REPORT:**

A Councillor or Designated Person must make and lodge with the Chief Executive, a Disclosure by Councillors & Designated Persons Return within three (3) months after:

- Becoming a Councillor or designated person;
- 30 June of each year, and
- The Councillor or designated person becoming aware of an interest they are required to disclose which has not been previously disclosed.

In accordance with this requirement and to ensure compliance, the Disclosure of Interest Returns will be tabled at the October 2021 Ordinary Council Meeting.

#### **Summary of Disclosure of Interest Returns**

##### **Councillors**

No. of Returns      10

##### **Staff**

No. of Returns      27

No. Outstanding    0

Our Governance No. 66 Cont...

## COUNCIL IMPLICATIONS:

### 1. Community Engagement / Communication (per engagement strategy)

Nil.

### 2. Policy and Regulation

- Local Government Act 1993
- Tenterfield Shire Council Code of Conduct 2018
- Government Information (Public Access) Act 2009
- Related Party Disclosure Policy
- Designated Persons Policy

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

Nil.

### 4. Asset Management (AMS)

Nil.

### 5. Workforce (WMS)

Nil.

### 6. Legal and Risk Management

Returns for Councillors and staff are posted on Council's website in line with requirements of the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act) in order to provide government information to the public to maintain and advance a system of responsible and representative democratic government.

The GIPA Act directs agencies to make publicly available, 'open access information', including by requiring agencies to publish certain information on their website. Section 6 of the GIPA Act refers to this as 'mandatory proactive release of certain information', unless there is an overriding public interest consideration against disclosure of the information.

### 7. Performance Measures

Returns are received within the timeframe and posted on Council's website.

### 8. Project Management

Nil.

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member:	Elizabeth Melling
Approved/Reviewed by Manager:	Daryl Buckingham, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Our Governance No. 66 Cont...

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM GOV67/21</b>
<b>Subject:</b>	<b>COUNCIL RECESS PERIOD - 2021/2022 &amp; DELEGATION FOR CHIEF EXECUTIVE LEAVE PERIOD, MAYOR CIVIC &amp; CEREMONIAL DUTIES AND PROPOSED COUNCIL MEETING DATES</b>

<b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b>	
<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Services to our community are provided in a professional, friendly and timely manner consistent with our corporate values.
<b>CSP Delivery Program</b>	Deliver Customer Service and Business Services in the support of corporate outcomes.

## SUMMARY

The purpose of this report is for Council to approve recess arrangements and provide the Mayor and/or Deputy Mayor, and the Chief Executive with delegations over the recess period and provide delegation for Acting Chief Executive during period of leave of Chief Executive.

To recommend the dates for the Ordinary Council Meetings – January 2022 to January 2023. In accordance with s356 of the NSW Local Government Act 1993, Council is required to meet at least ten (10) times per year, each time in a separate month. With the proposal to be ratified by the newly elected Council at their 12 January 2022 meeting.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Note the closedown period for Staff from 17 December 2021 to 4 January 2022.**
- (2) Note Councils' elections held on 4 December 2021 are likely to be declared between 21 and 23 December 2021 and the elected positions are vacant during this period.**
- (3) Resolve to hold the first meeting of the new Council on 12 January 2022 with the following dates for meetings as follows:**
  - a) Ordinary Council Meetings be held in each month of the calendar year with the exception of January 2023;**
  - b) Council Meetings be held on the fourth Wednesday of the meeting month at a time to be determined, with the exception of December 2022 which will be held on the third Wednesday of the month; and**

Our Governance No. 67 Cont...

- c) Ordinary Council Meetings be held each month in the "Koreelah Room", Council Administration Building with the exception of two meetings to be held in Drake and Urbenville.**
- (4) Pursuant to Section 377 of the Local Government Act 1993, delegate authority to the Chief Executive and Chief Corporate Officer (Acting/Chief Executive in the absence of the Chief Executive) jointly to exercise any function of Council during the recess period with the exception of:**
- Determination of applications for all dwelling types and ancillary structures where significant objections have been received;  
Rezoning matters;  
Subdivision applications; and  
Entering into Leases and Licences.**
- (5) That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2022 Ordinary Council Meeting of Council to be held on 23 February 2022.**
- (6) That Council grant Civic and Ceremonial authority to the Mayor during the period of 4 December 2021 and 12 January 2022.**

## **BACKGROUND**

At its Meeting of 22 September 2021, Council resolved:

### **Resolution 190/21**

*That Council endorse the closedown periods for staff for the Christmas/New Year 2021/2022 period as follows:*

- Indoor staff – close of business Friday, 17 December 2021, reopening Tuesday, 4 January 2022;*
- Outdoor staff – close of business Thursday, 16 December 2021, reopening Thursday, 6 January 2022.*

Under the Act, all current Councillors and Mayors elected by the Councillors cease to hold their civic offices on election day – Saturday 4 December 2021.

This means that Councils will be without a governing body from 4 December 2021 until the declaration of the election between 21 and 23 December 2021 at the earliest.

Because the declaration of Council elections will coincide with the Christmas/New Year period, Tenterfield Council will not be meeting until Wednesday 12 January 2022.

Councils that elect their Mayor will be required to meet within 3 weeks of the declaration of the ordinary election to hold a mayoral election.

Council therefore needs to ensure that the appropriate delegations are in place for the Chief Executive so that they can continue to exercise the functions of the Council as

Our Governance No. 67 Cont...

required in the period between election day and the first meeting of the Council following the election.

Councils that elect their Mayor will not have a Mayor in the period between election day and the first meeting after the election when the Mayoral election is held.

Council are able to authorise their Chief Executive to exercise the civic and ceremonial functions normally exercised by the Mayor during this period in the absence of a Mayor.

In accordance with s365 of the NSW Local Government Act 1993, Council is required to meet at least ten (10) times per year, each time in a separate month.

### **REPORT:**

There may be development applications under the standard process which would require Council to determine between the last Ordinary Meeting of Council in 2021 and the first Ordinary Meeting of Council in 2022. In this regard, it is considered prudent to delegate authority to the Chief Executive and Chief Corporate Officer to determine those applications that cannot wait until the first Ordinary Meeting in February.

In addition, any other function of Council should be delegated to ensure the effective and efficient operations of the Council during the recess period.

Civic and Ceremonial functions do occur during the December end of year period, for example School Presentations. There are also some Celebratory functions and Shire staff Christmas Parties of which the Mayor would normally attended.

### **Recommendations**

#### **Options**

1. That Council grants delegated authority to the Chief Executive and Chief Corporate Officer (Acting/Chief Executive in the Chief Executives absence) in accordance with the recommendation.
2. That Council grants Civic and Ceremonial authority to the Chief Executive during the period of Council recess.
3. That Council grants Civic and Ceremonial authority to the Mayor/and Deputy Mayor during the period of 4 December 2021 and 12 January 2022 in accordance with the recommendation.

The fixing of the time and date of meetings is a matter for Council to determine. In determining these matters, Council should consider the availability of Councillors and the convenience to the public.

Council currently meets at 9.30am for the monthly Council Meeting and the current practice is for Council meetings to be conducted on the fourth Wednesday of each month, except January.

As the fourth Wednesday of the month in December falls within the Christmas holiday period, the Council Meeting in December is held on the third Wednesday of the month.

Our Governance No. 67 Cont...

In recent periods Council has held one (1) Ordinary Meeting of Council in a rural area of the Shire each calendar year. Since 1996 there have been eight (8) rural locations where the Council has held Ordinary Council Meetings.

Giving consideration to when locations last hosted a Council Meeting and balancing meetings across different sections of the Shire, the following schedule of rural meetings is proposed:

2017 – Torrington (February) and Urbenville (August);  
2018 – Mingoola and Jennings/Wallangarra;  
2019 – Wallangarra & Bolivia;  
2020 – Legume (Covid-19 Impacted)  
2021 – Torrington (Covid-19 Impacted)  
2022 – Drake & Urbenville (Suggested)

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

Closedown arrangements and emergency contacts for the period have been advertised through "Your Local News", local media and are available on Council's website and phone message.

Holding meetings in rural locations spread throughout the Shire increases the in-person accessibility to Council Meetings for communities that are geographically dispersed from Tenterfield.

### **2. Policy and Regulation**

Section 377 of the Local Government Act 1993 provides for delegations to the Chief Executive and Chief Corporate Officer.

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

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

Nil.

Attending Council meetings in village areas twice per year, has been included in the Civic budget.

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

Nil.

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

Nil.

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

It is important for Council to delegate functions to the Chief Executive/Acting Chief Executive to enable Council to lawfully make decisions of Council during the recess period. Failure to grant delegated authority may result in non-compliance of legislative provisions.

### **7. Performance Measures**

Our Governance No. 67 Cont...

The performance measure for compliance with all legislative requirements is included in Council's Delivery Program.

**8. Project Management**

Nil.

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member:	Elizabeth Melling
Approved/Reviewed by Manager:	Daryl Buckingham, Chief Executive
Department:	Office of the Chief Executive
Attachments:	<b>1</b> Pre-Election Guide 9 Pages

# Pre-election guide

for councils

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2021



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## Introduction

This Guide provides guidance to councils on key tasks that need to be completed prior to the council election. The Guide also provides guidance to councils on the rules, restrictions and other considerations that apply to the decisions councils make and the way they exercise their functions in the lead up to the election.

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## Preparation and confirmation of non-residential electoral rolls

Under the *Local Government Act 1993* (the Act), all non-resident owners, occupiers and ratepaying lessees of rateable land in each local government area are eligible to vote at council elections. These electors are referred to below as 'non-residential electors'.

There are two non-residential rolls:

- the roll of non-resident owners of rateable land, and
- the roll of occupiers and rate-paying lessees.

These are referred to below as the non-residential rolls.

After each election, the non-residential rolls lapse and the general manager must prepare new rolls for the next election and keep them updated.

Councils need to ensure that everyone eligible to vote at their elections, including non-residential electors, can do so.

Councils should provide information, including eligibility criteria and the process for making a

claim for inclusion on the non-residential rolls on their websites.

Councils should also make their customer service staff aware of this so that they can assist any person wishing to make a claim for inclusion on the rolls.

The non-residential rolls must include the names of the persons who:

- have applied, at any time, for the inclusion of their name in the relevant roll, and
- on the closing date (40 days prior to the election) are, in the opinion of the general manager, qualified for inclusion in that roll.

This means that when preparing the non-residential rolls, the general manager must:

- include the names of all persons who have previously applied for enrolment, and
- check that those persons continue to be eligible to be enrolled.

Forty days before election day, general managers must finalise the non-residential rolls.

In the case of council elections administered by the Electoral Commissioner, the general manager must certify each roll as being, in the general manager's opinion, a roll of the persons who on the closing date are qualified for inclusion in the roll. The Commissioner must confirm the non-residential rolls after they are certified by the general manager.

In the case of council elections administered by a provider other than the NSW Electoral Commissioner, the general manager must confirm each roll if, in the general manager's opinion, the roll contains the names of the persons who on the closing date are qualified for inclusion in the roll.

Further information about the preparation of non-residential rolls is available at the NSW Electoral Commission's website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au).

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## **Use of council resources, council publications and other activities prior to the elections**

Councils and all council officials should be mindful of the need to maintain community confidence in the integrity of the performance of the council's functions and activities in the lead-up to elections.

Councils also need to be mindful of how the community may perceive any of their activities or actions during this time.

### **Use of council resources for election purposes**

Council resources (including council information) are public resources and must be used ethically, effectively, efficiently and carefully.

The rules governing the use of council resources for election purposes are prescribed under the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and councils' codes of conduct. There are two key obligations:

- Cause 8.17: This provides that council resources (including council staff), property or facilities must not be used for the purpose of assisting anyone's election campaign unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- Cause 8.18: This provides that council letterhead, council crests, council email or social media or other information that

could give the appearance it is official council material must not be used for the purpose of assisting anyone's election campaign.

Councils and all council officials should consider the following matters to ensure compliance with clauses 8.17 and 8.18:

- council "resources" include council ICT (including phones, social media sites, phone, email addresses), intellectual property, staff and council facilities
- council resources including intellectual property should not be used by candidates in such a way to suggest they are supported or endorsed by the council
- the prohibition on the use of council resources does not only apply to each councillor's election campaign – it also applies to the election campaigns of others including other candidates
- the prohibition on the use of council resources also applies to council staff campaigning for election to another council or council staff supporting the election campaign of other candidates
- it is permissible to use council facilities but on the same terms as all other candidates including the payment of any advertised fee for use
- breaches by councillors and staff are grounds for disciplinary action.

### **Staff political activities**

There is no outright ban on staff participation in candidates' campaigns under the Model Code of Conduct.

This is in recognition of the implied freedom of political communication under the Australian Constitution. This provides that legislation cannot impermissibly burden political communication (including participation in political activities) other than for a legitimate public purpose and only in a way that is proportionate to that purpose.

However, clause 7.5(b) of the Model Code of Conduct places an obligation on staff to

ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Risks to manage in relation to staff participation in political activities include the following:

- staff do not participate in campaigning activities during work time
- staff do not use council resources for campaigning purposes (see clauses 8.17 and 8.18)
- managing interactions between staff and councillors whose campaigns they are supporting
- managing community perceptions arising from council staff participation in councillors' campaigns.

## **Council publications during the "regulated period"**

To keep elections fair, and ensure voters are not misled, there are strict rules about the information that candidates and their supporters can publish or distribute.

These rules are prescribed under the *Local Government (General) Regulation 2021* (the Regulation) and are enforced by the relevant election manager.

These rules apply during what is known as the "regulated period". The "regulated period" starts when the electoral rolls close 40 days before election day and ends on election day.

The key requirement is that all "electoral material" published or distributed during the "regulated period" must contain the name and address of the person who authorised the material and the name and address of the printer.

This is an important electoral integrity measure which is designed to ensure electors can verify the bona fides of electoral material that is printed, published, distributed, or publicly

displayed for campaigning purposes during the "regulated period".

The key definitions are contained in clause 356A of the Regulation.

"Electoral material" is defined very broadly under the Regulation. It means anything, including without limitation a 'how-to-vote' card, poster or advertisement, containing "electoral matter" (whether in a tangible or an electronic form).

"Electoral matter" is in turn defined to include:

- any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election, or
- the name of a candidate at any election, the name of the party of any such candidate, the name or address of the committee rooms of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

Councils need to be aware that their publications may contain "electoral matter" and may therefore be inadvertently captured within the definition of "electoral material".

Whether a council publication constitutes "electoral material" is an assessment that needs to be made by each council on a case-by-case basis.

A council publication that makes no reference to the mayor or councillors who are candidates and does not carry their images or statements will not constitute "electoral material" if it is not intended or likely to affect voting at the election.

However, council publications that promote the achievements of the council may potentially have this effect and therefore may

constitute "electoral material" even if they do not carry the images or statements of the mayor or councillors.

Affected publications may include:

- the mayoral column where the mayor is a candidate
- any publication or material carrying the name and/or images of the mayor or councillors who are candidates
- the end of term report – because this identifies the activities and achievements of the council over its preceding term, it has the potential to impact on voting at the election (further information on this is provided below).

The requirements that apply to council publications published or distributed during the "regulated period" containing "electoral matter" can be easily satisfied by including in it the name and address of the general manager and the printer of the publication.

However, the perceptions that this may give rise to, including that the council is a participant in the election and that council resources may be seen to have been utilised to support the campaigns of the incumbent mayor and councillors, are not as easily addressed.

Mitigation strategies to address this risk may include:

- publishing the mayoral column in the 40 days preceding the election as a generic council column
- deferring issuing potentially affected publications until after the election.

## **Publication of the end of term report**

Under the currently applicable (March 2013) *Integrated Planning and Reporting Guidelines for Local Government in NSW*, a report on the progress of implementation of the Community Strategic Plan (the end of term report) must be presented at the final meeting of an outgoing

council.

Because the end of term report identifies the activities and achievements of the council over its preceding term it may potentially constitute "electoral material" for the purposes of the Regulation because of its potential to impact on voting at the election.

The provisions in the Regulation relating to "electoral material" do not prevent the end-of-term report being presented to the council or from being published on a council's website as part of the business papers of the meeting.

However, councils should be mindful of the requirements of the Regulation relating to "electoral material" when issuing the end of term report as a publication during the "regulated period".

## **Attendance at community events**

Mayors and councillors will continue to need to exercise their official functions in the lead up to the election. This is both permissible and appropriate.

Mayors or councillors who are candidates may continue to attend or preside over council-arranged or community events in the lead up to the election in an official capacity.

However, mayors or councillors who are candidates must not use council arranged events that they attend in an official capacity to actively campaign for re-election.

## **Media comment**

There is nothing to prevent the mayor or councillors who are candidates from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

When making media and any other public comment, mayors and councillors should continue to comply with the council's adopted media policy.

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## **Council decision-making**

### **Caretaker restrictions**

Under the Regulation, councils are required to assume a "caretaker" role in the four weeks preceding the election day (see clause 393B).

The caretaker restrictions are designed to prevent outgoing councils from making major decisions that will bind the new council or limit its actions.

The caretaker period for the 4 December 2021 local government elections commences on Friday 5 November 2021 and ends on Saturday 4 December 2021.

During the caretaker period, councils, general managers and other delegates of councils (other than a joint regional planning panel, a local planning panel or the Central Sydney Planning Committee) must not exercise the following functions:

- enter into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger)
- determine a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period, or
- appoint or reappoint the council's general manager (except for temporary appointments).

"Controversial development application" means a development application for designated development under section 4.10 of the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions during community consultation.

Councils should plan ahead to avoid the need to make these types of decisions during the caretaker period.

In certain circumstances, these functions may be exercised with the approval of the Minister.

### **Timing of the first meeting of the new council following the election**

In response to changing postal delivery services, on the advice of the NSW Electoral Commission, the time for the receipt of postal votes has been extended to 13 days after election day.

This change has been made to provide a greater opportunity for valid postal votes to be received and counted.

This change will mean that the council elections held on 4 December 2021 are not likely to be declared before 21 December 2021.

Councils should schedule the timing of their first meetings following the election on this basis.

Councils that elect their mayor must hold a mayoral election within 3 weeks of the declaration of the ordinary election and are required to schedule a meeting for this purpose within 3 weeks of the declaration of the election.

When scheduling the first meeting following the election, councils will also need to factor in the Christmas/New Year period.

## **Delegations during the election period**

Under the Act, all current councillors and mayors elected by the councillors cease to hold their civic offices on election day 4 December 2021.

This means that councils will be without a governing body from 4 December 2021 until the declaration of the election between 21 and 23 December 2021 at the earliest.

Because the declaration of council elections will coincide with the Christmas/New Year period, it is possible that some councils may not meet for some time after election day.

As noted above, councils that elect their mayor will be required to meet within 3 weeks of the declaration of the ordinary election to hold a mayoral election.

Prior to the election, councils should ensure that appropriate delegations are in place for their general managers so that they can continue to exercise the functions of the council as required in the period between election day and the first meeting of the council following the election.

Councils may wish to consider delegating all delegable functions to the general manager at the last meeting before the election for the period between election day and the first meeting of the council following the election.

Councils that elect their mayors will not have a mayor in the period between election day and the first meeting after the election when the mayoral election is held.

There is nothing to prevent councils from authorising the general manager to exercise the civic and ceremonial functions normally exercised by the mayor during this period in the absence of a mayor.

The Office of Local Government is aware that some councils that elect their mayors have expressed a preference that the outgoing

mayor should continue to exercise the functions of mayor in the period between election day and the holding of the mayoral election after the election.

There is nothing to prevent councils from authorising the outgoing mayor to continue to exercise the civic and ceremonial functions normally exercised by the mayor during this period in the absence of a mayor should they wish to do so, (even though the outgoing mayor will have ceased to hold any civic office in the council as of the day of the election).

Given the possibility that the outgoing mayor may not be re-elected at the election and may therefore cease to be accountable to the council and the community, councils should refrain from making any delegations to the outgoing mayor.



**(ITEM GOV68/21) COUNCILLOR INDUCTION AND CORE TRAINING PROGRAM**

**REPORT BY:** Elizabeth Melling

**SUMMARY**

The purpose of this report is to present to Council for endorsement a program to induct all Councillors elected for the next Council term at the December 2021 Local Government Election.

The report also outlines a program for the delivery of training or refresher training to all elected members who make up the new Council with regard to the core requirements of being an elected representative in Local Government.

**OFFICER'S RECOMMENDATION:****That Council:**

- (1) Note the Councillor Induction Plan outlined and Professional Training scheduled for delivery on Monday 17 and Tuesday 18 January 2021; and**
- (2) Note the date of Wednesday 12 January 2022 as the newly elected Council Induction, including Committee Representation; Meeting dates, Committee Representation and "Oath of Office/Affirmation of Office."**

**BACKGROUND:**

Council elections are scheduled for Saturday the 4 December 2021 for the election of the ten (10) Councillors to represent the Tenterfield Shire over the remaining term of two years nine months.

The new Council could be made up of at least 3 new Councillors to that of its previous composition. The Shire is divided into five Wards which require two Councillors to be elected to represent each Ward.

**REPORT:**

With the commencement of the new Council it will be a requirement to meet with all Councillors to ensure that everyone is appropriately inducted into the Council, this includes:

- Personal introductions;
- Issuing of equipment;
- Issuing council email addresses;
- Outlining the current monthly meeting schedule and information transfer;
- Outline administrative processes;
- Briefings from each department.
- Meeting dates
- Sub-Committee Representation
- Oath of Office

The initial induction is recommended to be conducted on Wednesday 12 January 2022 at a time to be confirmed. Along with "Oath of Office/Affirmation of Office" of all Councillors.

Our Governance No. 68 Cont...

In addition to the initial induction of Councillors there is also a need to put all Councillors through a core training program (or refresher program for returning Councillors) that addresses the core responsibilities and competencies of a Councillor.

Council staff have arranged for a Quotation and booked face to face training over a two-day period for "all" newly elected Councillors with Local Government NSW. This workshop will provide newly elected Councillors with an understanding of their role and responsibilities in leading and supporting their communities while following state & federal legislation, state regulations and adopted Council Policies.

Other topics include:-

- Code of Conduct
- Community Leadership
- Finance
- Meeting Procedures
- Social Media
- Composition, Structure and Operational Functions of Local Government

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement/ Communication (per engagement strategy)**

Nil

#### **2. Policy and Regulation**

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005.

#### **3. Financial (LTFP)**

Councillor training has a current year budget allocation. Training costs will be covered by this.

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

Nil

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

Nil

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

Nil

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

Nil

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

Nil

### **ATTACHMENTS**

There are no attachments for this report.

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Director Infrastructure
<b>Reference:</b>	<b>ITEM GOV69/21</b>
<b>Subject:</b>	<b>NEW SPECIFIC PURPOSE COMMUNITY PROJECT ENGAGEMENT COMMITTEE</b>

<b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b>	
<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
<b>CSP Strategy:</b>	Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region.
<b>Delivery Plan Action:</b>	Provide sound and inclusive decisions using the Community Engagement Strategy to guide our interactions.
<b>Plan Action:</b>	Comply with the regulatory and legislative requirements of Councils as outlined by the Office of Local Government and other bodies.

## SUMMARY

The purpose of this report is for Council to consider a proposed addition to the Committee Register the 2021/22 year being a Specific Purpose Committee being the Tenterfield Youth Precinct & Mountain Bike Trailhead Stakeholder Advisory Committee to provide information and recommendations on representation for the Tenterfield Youth Precinct & Mountain Bike Trailhead Project. This Committee will be limited to the timeframe for Community collaboration on the project and in accordance with the Community Engagement Strategy.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Adopts the following additional proposed Specific Purpose Committee;**  
**Tenterfield Youth Precinct & Mountain Bike Trailhead Stakeholder Advisory Committee**
- (2) Determines the Councillor representative (1) for the proposed Specific Purpose Committee; and**
- (3) Determines Community Representation Groups and / or positions to be invited to reside on the Special Purpose Committee; and**
- (4) Authorises the Chief Executive to incorporate the proposed Advisory Committee into the Committee Register structure for 2021/22.**

## BACKGROUND

Council was successful in receiving funding through the NSW Public Spaces Legacy Program (PSLP). Funding was available to Councils that demonstrated a significant acceleration of their planning decision process between 1 September 2020 and 30 June 2021. At the August 2020 Ordinary Council Meeting Council identified the Tenterfield

Our Governance No. 69 Cont...

Skate Park Upgrade as a project to include in the initial application for the PSLP funding, *Resolution 161/20*.

Applications underwent initial assessment and Council submitted a formal application to the NSW PSLP 2020-21 Program in March 2021. The Tenterfield Youth Precinct & Mountain Bike Trailhead and Jennings Playground Funding Agreement was executed on the 2<sup>nd</sup> June 2021.

The Funding Agreement and approved Project Plan provide details of the Project deliverables, and include the construction of a pump track, upgrade of skate park and associated car-parking and landscaping, including BBQ and picnic facilities, bike racks, amenities, bike repair and wash station, drinking water and signage.

#### **REPORT:**

As per Council's original adoption of the Committee Structure, *Resolution 12/17*, the terms of reference for any future community engagement should be able to be aligned with a Community Strategic Plan goal area and clearly linked to the objective identified for this area of Council's Delivery Program.

Council's Community Engagement Strategy (16 December 2020 (Res No. 283/20)) outlines the process for involving the Tenterfield Shire community in Council's strategic planning and decision-making processes, ranging from the development of Council's Ten (10) Year Community Strategic Plan and policy positions to the annual Operational Plan.

This Strategy sets guidelines for engagement on matters and the Tenterfield Youth Precinct & Mountain Bike Trailhead is categorized as –

*Locality Based / High Impact: Locality improvement and site-specific matters and events. For example, development applications in accordance with statutory requirements, construction of Council facilities, and works in central business districts.*

In line with our existing framework a Council Committee / advisory group may be utilised on specific occasions where the Project is categorised - Locality Based / High Impact.

A specific purpose community engagement stakeholder advisory group / committee is proposed to bring together Councillor/(s) and Council staff, representatives of stakeholder groups and community individuals with relevant expertise and knowledge to provide input and feedback to support the project initiation phase of the construction of NSW Public Space Legacy Program (PSLP) - Tenterfield Youth Precinct and Mountain Bike Trailhead at Crown Street Tenterfield.

The group will provide an engagement forum for discussions with the community (and feedback) on the development of desirable outcomes of the Project.

An expected outcome of the Tenterfield Youth Precinct & Mountain Bike Trailhead Stakeholder Advisory Group is the development of preferred / desired concept options for inclusion in a design and construct request for tender process.

The Advisory Group will assist to formulate Council's specific requirements for the integration of a pump track and upgrades to the skate park with existing facilities to create an inclusive space for all members of the community.

Our Governance No. 69 Cont...

Council's tender process and evaluation for the Project will be in accordance with legislative requirements and Council policies. The procedures and outcomes of these Council activities limit the opportunities for public input and the scope for certain community engagement.

The proposed committee directly relates to the delivery of service Community Goals in the Community Strategic Plan and align with the Services Council has committed to delivering these Community Goals and Strategies.

Representation considered appropriate for this Committee include –

- Councillor (x1)
- Council's Project Manager (Committee Chairperson)
- Council's Community Development Officer
- Moombahlene LALC (x1)
- Tenterfield High School - School Captains (2 x Youth Representative)
- Tenterfield Cycling Community / Mountain Bike Club Representatives (x2)
- Council Officers as required and relevant to the Project phase (ie Director Infrastructure; Chief Corporate Officer; Manager Property; Crown Land Manager etc)

Council will issue an invitation to the nominated community groups / positions outlining the role of the committee and requesting representation thereof. Should a group choose to decline an invitation of representation, this will not impact on the viability and function of the committee.

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

The Committee will provide a level of engagement with the community through a direct and prescribed approach to community input within the Committee Framework.

### **2. Policy and Regulation**

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

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

Nil.

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

Nil.

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

Nil.

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

Nil.

### **7. Performance Measures**

Nil.

Our Governance No. 69 Cont...

### **8. Project Management**

The Committee will provide input and feedback to support the project initiation phase of the construction of NSW Public Space Legacy Program (PSLP) - Tenterfield Youth Precinct and Mountain Bike Trailhead at Crown Street Tenterfield.

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	Fiona Keneally	
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure	
Department:	Engineering Department	
Attachments:	<b>1</b> DRAFT Specific Purpose Stakeholder Group	1 Page
	<b>2</b> Attachment 10 (Attachment Booklet 4) - Community Engagement Strategy	20 Pages

**SPECIAL PURPOSE COMMUNITY ENGAGEMENT - Tenterfield Youth  
Precinct & Mountain Bike Trailhead**

**DRAFT**

**Function / Purpose**

To bring together Councillor/(s) and Council staff, representatives of stakeholder groups and community individuals with relevant expertise and knowledge to provide input and feedback to support the project initiation phase of the construction of NSW Public Space Legacy Program (PSLP) - Tenterfield Youth Precinct and Mountain Bike Trailhead at Crown Street Tenterfield.

**Expected Outcomes**

Provide key recommendations of required outcomes of the Design and Construct Request for Tender (D&C RFT).

Development of preferred / desired design options for inclusion in the D&C RFT as Council's specific requirements for the integration of a pump track and upgrades to the skate park with existing facilities to create an inclusive space for all members of the community.

PSLP Project deliverables - Construction of a pump track, upgrade of skate park and associated carparking and landscaping, including BBQ and picnic facilities, bike racks, amenities, bike repair and wash station, drinking water and signage.

The group will provide an engagement forum for discussions with the community (and feedback) on the development of desirable outcomes of the Project.

Note - The committee members do not form part of the TSC tender evaluation panel for the Project.

**Responsible Officer**

Chief Executive

**Meetings**

Monthly (x3) TBC

**Suggested Representation**

- Councillor (x1)
- Council's Project Manager
- Council's Community Development Officer
- Moombahlene LALC (x1)
- Tenterfield High School - School Captains (2 x Youth Representative)
- Tenterfield Cycling Community / Mountain Bike Club Representatives (x2)
- Council Officers as required and relevant to the Project phase (ie Director Infrastructure; Chief Corporate Officer; Manager Property; Crown Land Manager etc)

Council will issue an invitation to the nominated community groups / positions outlining the role of the committee and requesting representation thereof. Should a group choose to decline an invitation of representation, this will not impact on the viability and function of the committee.

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Management Accountant
<b>Reference:</b>	<b>ITEM GOV70/21</b>
<b>Subject:</b>	<b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 30 SEPTEMBER 2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council is a financially sustainable organisation, delivering value services to the Community.
<b>CSP Delivery Program</b>	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

#### **SUMMARY**

The purpose of this Report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005 a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

#### **OFFICER'S RECOMMENDATION:**

**That Council Receive and note the Finance and Accounts Report for the period ended 30 September 2021.**

#### **BACKGROUND**

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The Report must be made up to the last day of the month immediately preceding the meeting.

#### **REPORT:**

A reconciliation of cash books of all funds has been carried out with the appropriate bank statements. A certified schedule of all Council's investments showing the various amounts invested is shown as an attachment to this report.

##### **(a) Reconciliation of Accounts**

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as at 30 September 2021.

Cash Book Balances on this date were as follows:-

General (Consolidated)	\$10,013,081.02	Credit
General Trust	\$ 382,340.85	Credit

##### **(b) Summary of Investments**

Our Governance No. 70 Cont...

The attachment to this report is a certified schedule of all Council's investments as at 30 September 2021 showing the various invested amounts and applicable interest rates.

### **Concealed Water Leakage Concession Policy Update**

For the month of September 2021 one concession was granted to the value of \$1,422.63 under Council's Concealed Water Leakage Concession Policy.

### **603 Certificates**

Number of applications for 603 Certificates as to Rates and Charges. During the sale of a property a 603 Certificate is usually requested to identify if there are any outstanding or payable fees to Council by way of rates, charges or otherwise in respect of a parcel of land. There were 22 applications for 603 Certificates in September 2021.

In the calendar year to date, there have been 343 applications compared to 172 applications for the same period last year. For the full 2020 year, there was a total of 279 applications.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Nil

#### **2. Policy and Regulation**

- Investment Policy (Policy Statement 1.091)
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

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

Nil

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

Nil

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

Nil

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

Nil

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

Nil

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

Nil

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

Our Governance No. 70 Cont...

Prepared by staff member:	Jessica Wild	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	<b>1</b> Investment Report as at 30 September 2021	1 Page

**TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 30 SEPTEMBER 2021**

Financial Institution	Issuer Rating	Investment Term	Maturity Date	Interest Rate	Amount	Percentage Exposure
NAB	AA-	30 Days	29/Oct/21	0.05%	1,500,000.00	25.00%
<b><u>TOTAL NAB INVESTMENTS</u></b>					<b><u>1,500,000.00</u></b>	<b><u>25.00%</u></b>
Commonwealth Bank	AA-	2 Months	26/Oct/21	0.30%	3,000,000.00	50.00%
<b><u>TOTAL CBA INVESTMENTS</u></b>					<b><u>3,000,000.00</u></b>	<b><u>50.00%</u></b>
Westpac	AA-	3 Months	28/Oct/21	0.14%	1,500,000.00	25.00%
<b><u>TOTAL WESTPAC INVESTMENTS</u></b>					<b><u>1,500,000.00</u></b>	<b><u>25.00%</u></b>
<b>INVESTMENTS TOTAL</b>					<b>6,000,000.00</b>	<b>100.00%</b>

**Summary**

I hereby certify that the investments as shown herein, have been invested in accordance with Section 625 of the Local Government Act 1993, and associated Regulations, and in accordance with Council policy and procedures.

\_\_\_\_\_  
**Responsible Accounting Officer**

**By:**

\_\_\_\_\_  
**J.Wild**

\* Except as highlighted in the associated Council Report.

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Management Accountant
<b>Reference:</b>	<b>ITEM GOV71/21</b>
<b>Subject:</b>	<b>CAPITAL EXPENDITURE REPORT AS AT 30 SEPTEMBER 2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council is a financially sustainable organisation, delivering value services to the Community.
<b>CSP Delivery Program</b>	Collaborate and deliver resources with other organisations to ensure a variety of cost effective services across the service area.

#### **SUMMARY**

The purpose of this Report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This Report outlines Council's financial progress against each project.

#### **OFFICER'S RECOMMENDATION:**

**That Council receive and note the Capital Expenditure Report for the period ended 30 September 2021.**

#### **BACKGROUND**

The Capital Expenditure Report indicates to Council the financial progress of each project against the forecast expenditure for that project. The information has also been set out to show which Council service the expenditure relates to.

#### **REPORT:**

The carry-forward budgets for capital projects not completed in the 2020/21 year will be presented in the first Quarterly Budget Review. These projects account for the most significant capital expenditure variances at this stage of the financial year, which is to be expected.

Staff are reminded to proceed with their capital projects as early as possible in the year, so that the funds can be spent within the financial year as per the operational plan and budget. The purpose of this is to avoid excessive carry forward projects across future financial years and to achieve the projects that Council presented in the Operational Plan for the current year.

#### **COUNCIL IMPLICATIONS:**

##### **1. Community Engagement / Communication (per engagement strategy)**

Nil

##### **2. Policy and Regulation**

- Local Government Act 1993
- Local Government (General) Regulation 2005

Our Governance No. 71 Cont...

- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

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

Nil

**4. Asset Management (AMS)**

Nil

**5. Workforce (WMS)**

Nil

**6. Legal and Risk Management**

Nil

**7. Performance Measures**

Nil

**8. Project Management**

Nil

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

Prepared by staff member:	Jessica Wild	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	<b>1</b> Attachment 11 (Attachment Booklet 5) September 2021 Capital Expenditure Report	<b>2</b> Pages

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Management Accountant
<b>Reference:</b>	<b>ITEM GOV72/21</b>
<b>Subject:</b>	<b>REPORT ON LOAN BALANCES</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council is a financially sustainable organisation, delivering value services to the Community.
<b>CSP Delivery Program</b>	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

#### **SUMMARY**

The purpose of this Report is to inform Council of its loan balances as at 30 June 2021.

#### **OFFICER'S RECOMMENDATION:**

**That Council notes the loan balance as at 30 September 2021 was \$13,562,472.75 (\$13,708,476.21 as at 30 June 2021).**

#### **BACKGROUND**

Council resolved at its meeting on 24 August, 2011 (Resolution 380/11) that a Report be provided every three (3) months summarizing Council's debt levels and that the report should include the date the loan is taken out, the amount of the original loan, the current balance owing, the term of the loan, the interest rate and the payment details.

#### **REPORT:**

Loan payments are being made in accordance with the loan agreements. Council's loan balance as at 30 September 2021 was \$13,562,472.75 (\$13,708,476.21 as at 30 June 2021).

The ANZ loan for the Tenterfield Creek Dam Wall Safety Upgrade (originally obtained in May 2018 for \$3,450,000) was refinanced with Commonwealth Bank on 29 September 2021 for the principal remaining on the loan of \$3,087,671.80, at a lower interest rate of 2.59% p.a.

As at 30 September 2021, the Debt Service Cover Ratio based on the current 2021/2022 budget is 5.77x (the benchmark is >2.00x).

#### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Council's projected loan borrowings are included in the 2021/22 Operational Plan.
- 2. Policy and Regulation**

Our Governance No. 72 Cont...

- Section 621 of the Local Government Act allows a Council to borrow at any time for any purpose allowed under the Act subject to any restrictions imposed by the Minister in accordance with Section 624 of the Act.
- Borrowing Policy

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member: Jessica Wild

Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer

Department: Office of the Chief Corporate Officer

Attachments: **1** Loan Register as at 30 September 2021 1 Page

**Tenterfield Shire Council**  
**Loans Schedule**  
**30-September-2021**

Loans Details								Principal
FUND	PURPOSE	AMOUNT	OBTAINED FROM	DATE OBTAINED	DUE DATE	RATE OF INTEREST	INTERVALS AT WHICH PAYABLE	Principal Balance as at 30 September 2021
General Fund	Infrastructure 2020/21	4,048,952	Commonwealth Bank of Australia	31/03/2021	29/03/1941	2.69%	Half Yearly	3,971,995.46
General Fund	Infrastructure 2019/20	1,000,000	Commonwealth Bank of Australia	15/06/2020	15/06/2040	2.90%	Half Yearly	962,472.77
General Fund	Main Street Upgrade	1,200,000	National Australia Bank	25/02/2015	25/02/2025	3.70%	Half Yearly	470,805.20
Sewer	New Sewerage Treatment Plant	2,500,000	National Australia Bank	30/05/2008	30/05/2033	7.81%	Half Yearly	1,762,953.26
Water	Dam Wall Construction (1)	3,450,000	CBA (Refinanced from ANZ)	25/05/2018	30/09/2041	2.59%	Half Yearly	3,087,671.80
Water	Dam Wall Construction (2)	3,051,000	Commonwealth Bank of Australia	5/06/2019	6/06/2022	2.52%	Half Yearly	2,810,320.03
Water	Urbenville Water Treatment Plant	375,000	National Australia Bank	5/02/2009	5/02/2033	6.47%	Half Yearly	263,020.63
Waste	Rehabilitation	1,250,000	National Australia Bank	21/12/2012	21/12/2022	5.45%	Quarterly	233,233.60
<b>TOTAL</b>								<b>13,562,472.75</b>

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Management Accountant
<b>Reference:</b>	<b>ITEM GOV73/21</b>
<b>Subject:</b>	<b>UPDATE TO 2020/21 FINANCIAL STATEMENTS</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council is a financially sustainable organisation, delivering value services to the Community.
<b>CSP Delivery Program</b>	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

#### **SUMMARY**

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2021. The Financial Statements have been updated as a result of the audit process to include a disclosure highlighting that Council had a negative Unrestricted Cash balance of \$1.2 million as at 30 June 2021. Auditors have requested that the updated Financial Statements be presented to Council for approval and re-signing.

#### **OFFICER'S RECOMMENDATION:**

**That Council;**

**(1) In relation to the updated Financial Statements and in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended):**

- a) Council resolves that in its opinion the updated General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2021 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under; and**
- b) That the updated Financial Statements be approved and signed by the Mayor, the Deputy Mayor, the Chief Executive and the Responsible Accounting Officer.**
- c) Acknowledge the addition of a disclosure relating to note C1-2, that Council had a negative Unrestricted Cash balance of \$1.2 million as at 30 June 2021.**

**(2) Note that the audited Financial Statements will be forwarded to the Office of Local Government upon the completion of the Auditor's Report.**

**(3) Acknowledge the ongoing governance and treasury management difficulties Council faces with the current structure of many grant and**

Our Governance No. 73 Cont...

**disaster funding payments, and advocate for changes to the timing of these cash payments from State and Federal governments.**

## BACKGROUND

As per Section 416(1) of the Local Government Act 1993 (as amended), a Council's Financial Statements for a year must be prepared and audited within four (4) months of the end of the reporting period concerned.

The statutory process that must be followed is that:

1. A statement as required under section 413(2) (c) must be made by resolution and signed by the Mayor, one (1) Councillor, the Chief Executive and the Responsible Accounting Officer.
2. The Financial Statements must then be referred to the Council's Auditor, and once audited the statements must be included in Council's Annual Report.
3. Copies of the Audited Financial Statements must then be lodged with the Office of Local Government by 31 October 2021.
4. As soon as practicable after Council receives a copy of the Auditor's report, the Statements must be placed on public exhibition for a period of seven (7) days and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report. This act of giving notice of the meeting is required to be delegated to the Chief Executive as technically the notice of meeting cannot be set until the final audited Statements and Audit Report are received, however, subject to any matters raised during the audit, the Audited Statements and Audit Reports will be presented at the Council Meeting to be held on 24 November 2021.

It should be noted that Council's Audit & Risk Committee was provided with the draft set of Financial Statements at the Audit and Risk Committee meeting held on Friday 27 August 2021 and comments received have been fed into revisions of these draft financial statements.

## REPORT:

A draft of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for Council for the year ended 30 June 2021 was referred for audit at the Council meeting held on 22 September 2021. This report included the following statement:

Council staff expect further guidance from the auditors on Note C1-2 as there was a negative Unrestricted Cash Balance on 30 June 2021, which is not an ongoing issue and has since returned to a positive figure.

As a result of feedback from auditors, a disclosure relating to this issue in Note C1-2 has been included in the Financial Statements as below:

## Our Governance No. 73 Cont...

Council's negative unrestricted cash of \$1.2 million represents a breach of section 409(3) of the LG Act and may also constitute a breach of section 410(3) of the LG Act. Due to timing differences in the receipt of payments of funds for infrastructure projects in the final quarter of 2020/21 Council has utilised restricted funds to keep these projects progressing without seeking Ministerial approval. At 30 June 2021 Council had Disaster Recovery Funding Arrangement (DRFA) claims in excess of \$3.0 million as contract assets (refer Note C1-5) for works delivered during the financial years 2019/20 and 2020/21. Post 30 June 2021 these restricted funds have been refunded as project funding has been received.

The updated financial statements are now being presented to Council for re-signing, to approve the addition of this disclosure.

This issue is the result of the timing difference between when Council has incurred expenditure on grant-funded works and disaster recovery (DRFA) works, and the delay in receiving the cash payments from the various State and Federal funding bodies. This is an issue that has previously been reported to Council, most recently in the March 2021 Quarterly Budget Review report at the 19 May 2021 Council Meeting. This report included the following statement from the Responsible Accounting Officer:

It should be noted that Council is still awaiting payment for a number of outstanding receivables from the 2019-20 Financial Year, particularly for Disaster Recover Funding Arrangements (DRFA) works carried out after fires and storms.

The funding structure of many of the grant-funded works and DRFA works undertaken by Council (wherein cash is received after expenditure has been incurred) presents significant ongoing difficulties for Council's treasury management, as Council's finance system is currently not sophisticated enough to ensure compliance with Section 409 (3) (a) and (c) of the Local Government Act 1993.

As a result, it was only when the 2020/21 Financial Statements were being finalised that it became apparent that there was negative unrestricted cash as at 30 June 2021 such that, some externally restricted cash was used to fund grant projects for which claims are made in arrears of expenditure by Council.

While this is technically a breach of the Local Government Act 1993, Council maintains it is essentially a timing variation and the funding will still be used for the purposes for which it was intended.

Further, if restricted receivables were taken into account, as evidenced by the level of contract assets relating to grant funded projects recognised as at 30 June 2021 of \$7.417 million (see Note C1-5) it is clearly evident that Council had enough current assets to meet its restricted cash commitments. The grant funds were already approved according to the signed grant agreements, and Council was therefore never at risk of not receiving the funds.

Council conducts frequent bank reconciliations and monitors available cash in line with its treasury cash management responsibilities on a regular basis. In a holistic cash management sense, there is no issue with Council's liquidity as is evidenced by Council's consolidated cash position as at 30 June 2021.

The requirement of Section 409 (3) (a) and (c) of the Local Government Act 1993 means

Our Governance No. 73 Cont...

Council would have to borrow funds for bridging finance to cover these payments received in arrears even though it had sufficient cash on hand to cover these costs i.e. if a council is managing its funds holistically why should there be a need to borrow, even from one fund to another let alone externally from a financial institution. Seeking approval from the Minister for a short term bridging finance arrangement creates unnecessary administrative inefficiency, for both Council and the Minister's office, for what is essentially a timing issue where there is no risk of the funds not being received.

What this has highlighted again however is the problem with councils of our size being funded in arrears for grant projects or being required to make a co-contribution for grant funded projects, both issues that Council was successful in moving motions about at this year's LGNSW conference.

Council acknowledges however, that there needs to be improvements made to its recording and monitoring of cash received for specific purposes to ensure there is no breach of the relevant sections of the Local Government Act 1993 in the future.

Council has also written to the Office of Local Government to request an extension to lodge the audited Financial Statements 2020/21 under Section 416 (2) of the NSW Local Government Act 1993. This follows a request from the Audit Office NSW on 15 October 2021, as the auditors have indicated that they cannot guarantee the finalisation of the audit report by the submission date of 31 October 2021. The Financial Statements will be forwarded to the Office of Local Government upon the completion of the Auditor's Report.

Once the 2020/21 Financial Statements have been finalised, the Auditor's Reports and analysis will be presented to Council and the public at Council's Ordinary Meeting to be held on 24 November 2021, in accordance with Section 419 (1) of the Local Government Act 1993 (as amended).

### **Certification**

Under section 413(2)(c) of the Local Government Act 1993 (as amended), before audit certificates can be issued, it is necessary for Council to adopt a resolution to be attached to the Financial Statements stating that:

Council's Annual Financial Statements and Special Purpose Finance Statements are being prepared in accordance with:

- The Local Government Act 1993, (as amended) and the Regulations made thereunder;
- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- The Local Government Code of Accounting Practice and Financial Reporting.

These statements must be signed by the Mayor, one (1) other Councillor, the Chief Executive and the Responsible Accounting Officer. A copy of the required statement to be signed is included in the attached draft Financial Statements. It has been assumed, similar to past practice, that the Mayor and Deputy Mayor will sign this statement in conjunction with the Chief Executive and Manager Finance & Technology as the Responsible Accounting Officer. It should be noted that the unaudited Financial Statements reflect an opinion only, and are not legally binding.

### **COUNCIL IMPLICATIONS:**

Our Governance No. 73 Cont...

**1. Community Engagement / Communication (per engagement strategy)**

The Audited Financial Statements form part of Council's Annual Report and therefore represents an integral part of the Integrated Planning and Reporting Framework. The Audited Financial Statements provide an important avenue for the review of Council's progress by any interested stakeholders including the Community and Council is required to exhibit the audited Financial Statements.

It is a requirement that as soon as practicable after receiving a copy of the Auditor's report, that the Statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report. As advised above, this should occur at the November Ordinary Council Meeting.

**2. Policy and Regulation**

There are no Policy issues arising out of this report.

**3. Financial (Annual Budget & LTFFP)**

The Financial Statements are Council's primary form of review on Council's sustainability and the financial performance of Council throughout the reporting period. For this reason, they remain a crucial part of the performance measurement framework and the financial performance as disclosed should be a serious consideration in any future decision making.

**4. Asset Management (AMS)**

There are no specific asset management issues arising out of this report.

**5. Workforce (WMS)**

There are no workforce issues arising out of this report.

**6. Legal and Risk Management**

The preparation, audit and review of Council's Financial Statements ensure compliance with:

- The Local Government Act 1993, (as amended) and the Regulations made there under;
- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board;
- The Local Government Code of Accounting Practice and Financial Reporting.

**7. Performance Measures**

There are no performance measure issues arising out of this report.

**8. Project Management**

There are no project management issues arising out of this report.

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

## Our Governance No. 73 Cont...

Prepared by staff member:	Jessica Wild	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	<b>1</b> Attachment 12 (Attachment Booklet 5) - Updated Annual Financial Statements for the year ended 30 June 2021	101 Pages

**(ITEM RC24/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC.**

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**REPORT BY:** Greg Sauer

The following item is attached for information:

- Delegates Report – October 2021

**RECOMMENDATION**

**That Council receive and note the Delegates Report for the Murray Darling Inc. for October 2021.**

**ATTACHMENTS**

- 1** Murray Darling Association - Delegates Report October 2021 6 Pages



## MDA Delegates Report

October 2021

*The Murray Darling Association (MDA) is Australia's peak body representing local government across the Murray-Darling Basin.*

*The following report should be tabled at council and provides delegates and their councils with an overview of MDA activities and engagements.*



### **A note from the Murray Darling Association CEO:**

*Welcome to the new look MDA Delegates Report. There's been a bit of a break since our last report in April, so there is heaps of news and events to catch up on.*

*In a year much like the last, there have been plenty of challenges to navigate and wins to celebrate across the Murray-Darling Basin. Our operations, much like those of almost all businesses, agencies and associations have been variously affected by COVID-19.*

*Against this background it is pleasing to report on so many activities and achievements that highlight the benefits and the consistency of your membership, in the face of ever-changing situations.*

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## 1. National Conference

### 1.1 77th National Conference Connectivity: Connecting Councils and Catchments

The MDA's 2021 National Conference & AGM ended in Wentworth in May with a study tour of the Menindee Lakes coinciding with vital flows not seen for many years.

The [minutes](#) and [recordings](#) of all events and presenters are available on the MDA website.



National President Cr David Thurley OAM and BCLP Graduate John Scriven.

### 2.1 78th National Conference Economics, Dams, and Infrastructure

The 78<sup>th</sup> National Conference & AGM will be held in **Albury, 19-21 September 2022** at the **Albury Entertainment Centre**.



National President Cr David Thurley OAM and Wentworth Shire Council Mayor Susan Nicholls, Civic Reception – Historic Wentworth Gaol, May 2021

In a year where much has been disrupted and affected by COVID-19, it comes as no surprise that the towns, regions, and countries to emerge quickest and strongest are those with innovative, connected local leadership.

This can be said doubly so for local government and the communities of the Murray Darling Basin. Basin councils have, after all, spent years building connections, infrastructure and resilient economies across catchments and communities.

A resilient economy, and infrastructure to support it, is essential to our people. In the same way, a healthy river system must have a balance of flow and harvest. **There is no future on a dry system.**

The MDA's 78<sup>th</sup> National Conference & AGM is your opportunity to be part of the solution – to join the conversation, to inform future policy, and to engage with the innovators, scientists, educators, and leaders of our time.

[Join us in Albury](#), home to the winding Murray River and its waterways; where local, technical, and political leaders will come together to tackle the big issues of the Basin and forge a future for councils, catchments, and communities.



## 2. Basin Communities Leadership Program

The Basin Communities Leadership Program in Victoria and South Australia has been postponed, with COVID throwing another hurdle in the way. After discussions with participants, who expressed an overwhelming preference to take part in the program in-person rather than virtually, the MDA decided to delay the remaining workshops until a time between December 2021 and March 2022.

The program is offering up to **15 fully funded places per program**, each valued at \$4,800 at no cost to the participant beyond their time and travel. The program involves an on-line guided learning component, a two-day face to face workshop, and the option to **attend the MDA National Conference** with free registration to engage with other community leaders from across the Basin.

Limited places are available.

**REGISTER NOW!**

*To find out more about the program and how your council can get involved, contact:*

Tim Phillips Communications and Engagement Officer  
Phone: [\(03\) 5480 3805](tel:0354803805) Email: [t.phillips@mda.asn.au](mailto:t.phillips@mda.asn.au)



Collarenebri BCLP: (left to right) CEO Emma Bradbury, Bridgette Fitzgerald, Luke & Dylan Farr, Cr John Campbell, Christine Ford, and the amazing Julia Spicer. (Not pictured) Thomas Connor, Shelly Filips, Keith Whiteman, Ang Pasang Rai, Julie Privett, Denielle Smith, and Mark Shephard

## 3. Submissions & Inquiries

Following a submission in August, the MDA provided evidence to the Select Committee inquiry into Floodplain Harvesting.

The MDA put forth recommendations on floodwater management, the implementation of effective models of consultation & engagement, and the issuing of temporary access licences with specific conditions that must be met before permanent licences can be issued.

The MDA submission to the Select Committee on Floodplain Harvesting NSW Legislative Council August 2021 is available for viewing on the [NSW parliament website](#).



#### 4. Key Meetings & Events

The below table summarises the association's key engagements with the Basin communities.

Date	Event/Meeting	Location
29/03/21-09/04/21	Delivery of the MDA Basin Communities Leadership Program	Cunnamulla, Dirranbandi, St George, Collarenebri
06/04/21	Presentation to Namoi Unlimited Board Meeting	Held Virtually
15/04/21	MDBA Peak Groups Meeting	Held Virtually
28/06/21	Productivity Commission Meeting	Held Virtually
06/07/21	Meeting with Jim Bentley – CEO Water Division DPIE	Held Virtually
07/07/21	Dharnya Day – NAIDOC Celebrations	Barmah
08/07/21	Murray-Darling Basin July Peak Groups Meeting	Held Virtually
20/07/21	Griffith City Council – Council workshop address	Held Virtually
21/07/21	One Basin CRC All Partner Meeting	Held Virtually
26/07/21	Carina Wyborne ANU – Climate Change and the Murray-Darling Basin	Held Virtually
30/07/21	Rose Jackson MLA – NSW Opposition Water	Held Virtually
03/08/21	Paul Weller – Victorian Water Committee – Dairy	Echuca
04/08/21	Matt Pinnegar – ALGA CEO	Held Virtually
25/08/21	Local Government [SEC=OFFICIAL]	Held Virtually
31/08/21	MRLGA Water Position Paper- Consultant Presentations	Held Virtually
08/09/21	MRLGA Water Position Working Group – Consultation	Held Virtually
15/09/21	Reconnecting River Country Program – Peak Body Focus Group	Held Virtually
16/09/21	Basin Officials Committee – MDA Presentation	Held Virtually
21/09/21	GM Terry Dodds – Murray River Council	Held Virtually
21/09/21	Hon Damian Drum MP	Echuca
24/09/21	Select Committee Inquiry into Floodplain Harvesting – presentation	Held Virtually
28/09/21	Murray-Darling Healthy Rivers Program Grants Information Session 2	Held Virtually

#### 5. Region 6 Annual Stakeholder Symposium

The Region 6 Annual Stakeholder Symposium 2021 will be held in **Murray bridge, South Australia** on **13-14 October** at the **Bridgeport Hotel**. The Symposium consists of two key events:



**Day one** of the Symposium participants will hear from local expertise across four panel sessions (environmental, delivery partners, agriculture, and local government), with discussion and Q & A facilitated by a prominent expertise-based Chair.

**Day two** will see participants attend a field trip circumnavigating the Lower Lakes and cross the Barrages.

To take part in the Region 6 Annual stakeholder Symposium [FIND OUT MORE](#) and [REGISTER](#).

## 6. Working towards Vision 2025

Vision 2025 is the Murray Darling Association's five-year Strategic Plan. It sets out the association's goals and describes the strategies we will implement to achieve them.

Vision 2025 is built upon the foundations established by the 2016-19 Strategic Plan, and confirms our place as the Basin's primary driver in local leadership and policy development.

To view the current Strategic Plan, visit the [MDA website](#), or contact the office on [\(03\) 5480 3805](tel:0354803805)

Goal	How	Reference
Local Leadership/Leadership and Engagement	<ul style="list-style-type: none"> <li>Basin Communities Leadership Program</li> </ul>	Delivered in 2021 <ul style="list-style-type: none"> <li>Cunnamulla,</li> <li>Dirranbandi,</li> <li>St George,</li> <li>Collarenebri</li> </ul>
Science & Education	<ul style="list-style-type: none"> <li>Progress towards establishing the Virtual Centre of Excellence.               <ul style="list-style-type: none"> <li>Providing a virtual space for local government and stakeholders across the Basin to collaborate and innovate.</li> </ul> </li> </ul>	SAC_Minutes_0012 <b>4.4.2</b> , The Strategic Advisory Committee met virtually on 22/09/21.
Inform better government policy	<ul style="list-style-type: none"> <li>Reconnecting River Country Peak Body Focus Group</li> </ul>	Held Virtually, hosted by the NSW Government DPIE
Exchange information & facilitate informed debate	<ul style="list-style-type: none"> <li>77<sup>th</sup> National Conference &amp; AGM, Wentworth 2021 (<i>Networking and open debates with region representatives &amp; the Basin communities</i>).</li> <li>The MDA is continuing to cultivate its strategic relationships with the Basin LGAs, allowing for a more informed and interconnected decision and policy making process (<i>Upcoming Region 6 Annual Stakeholder Symposium 2021, 13-14 October</i>)</li> </ul>	77 <sup>th</sup> National Conference & AGM <ul style="list-style-type: none"> <li><a href="#">MDA AGM Meeting Minutes – 19 May 2021</a></li> <li>Region 6 Annual Stakeholder Symposium</li> <li><a href="#">Region 6 Annual Stakeholder Symposium</a></li> </ul>
Engagement in policy process	<ul style="list-style-type: none"> <li>Meeting with Jim Bentley – CEO Water Division DPIE</li> </ul>	Held Virtually

## 7. Region Meetings

Our 12 regions meet quarterly. Each meeting is an incredible opportunity to collaborate with councils in your region and hear from fantastic guest speakers. To find out when your next region meeting is, please contact your chair or our office on (03) 5480 3805.

To find out more about what is happening in other MDA regions, please head over to [www.mda.asn.au](http://www.mda.asn.au) where all region meeting minutes are available.

## 8. Committee of Regional Chairs

The Murray Darling Association held its inaugural *Committee of Regional Chairs* meeting on Monday 27 September 2021. The committee meets bi-monthly for the purpose of knowledge sharing, regional development, and inter-regional collaboration.

The MDA makes all board meeting [Minutes](#) available on the MDA website.



## 9. Operational Changes

### 9.1 Farewell and Welcome

Over the last few months, we have farewelled two of our excellent staff, Jessica Maher, and James Marshall. We have also gained a new member in Tim Phillips, the new Communications and Engagement Officer.



**Tim Phillips**

Tim joined the Murray Darling Association in August 2021 in the role of Communications and Engagement Officer. With a background in Hospitality, Signwriting, and holding a Bachelor of Creative Arts (Graphic Design), Tim is well poised to support the MDA in its representation and support of the communities within the Murray-Darling Basin.

*"This is an exciting role that brings together my personal interest and a terrific opportunity to apply and extend my professional experience."*

### 10.1 Make a difference as the new CEO

Cr David Thurley OAM, National President of the Murray Darling Association for local government confirmed on 1 September 2021 that the Murray Darling Association is searching for a new chief executive to lead the organisation into the future.

This is an incredible opportunity for someone who is passionate about delivering high quality outcomes for councils and communities, working with leaders and Governments across the Murray-Darling Basin.

Make a **difference** and [APPLY NOW!](#)

Would you like to know [MORE?](#) [MEDIA RELEASE](#)



**For further information please contact the Murray Darling Association:**

Tim Phillips Communications and Engagement Officer Phone: [\(03\) 5480 3805](tel:0354803805) Email: [t.phillips@mda.asn.au](mailto:t.phillips@mda.asn.au)



<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM RES7/21</b>
<b>Subject:</b>	<b>COUNCIL RESOLUTION REGISTER - OCTOBER 2021</b>

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council fosters a strong organisational culture which strives for best practice in all operations with a supportive corporate governance framework.
<b>CSP Delivery Program</b>	Ensure that the performance of Council as an organisation complies with all statutory reporting guidelines and information is available to decision makers.

#### **SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that outlines all resolutions of Council previously adopted and yet to be finalised.

#### **OFFICER'S RECOMMENDATION:**

**That Council notes the status of the Council Resolution Register to October 2021.**

**Daryl Buckingham**  
**Chief Executive**

Prepared by staff member:	Elizabeth Melling	
Approved/Reviewed by Manager:	Daryl Buckingham, Chief Executive	
Department:	Office of the Chief Executive	
Attachments:	<b>1</b> Attachment 13 (Attachment Booklet 6) - Resolution Register - October 2021	40 Pages