



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 24 MAY 2023

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", Council Administration Building, 247 Rouse St, Tenterfield NSW, on **Wednesday 24 May 2023** commencing at **9.30 am**.

Daryl Buckingham
Chief Executive

COMMUNITY CONSULTATION – PUBLIC ACCESS

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.00 am and 9.30 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

### Community Consultation (Public Access)

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. Mayoral Minute
9. Recommendations for Items to be Considered in Confidential Section
10. Open Council Reports
  - Our Community
  - Our Economy
  - Our Environment
  - Our Governance
11. Reports of Delegates & Committees
12. Notices of Motion
13. Resolution Register
14. Confidential Business
15. 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

## COMMUNITY CONSULTATION (PUBLIC ACCESS)

### WEBCASTING OF MEETING

This meeting will be recorded for placement on Council's website and livestreamed on Council's YouTube Channel 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

*"Tenterfield Shire Council would like to acknowledge the Ngarabal people, the traditional custodians of this land that we are meeting on today, and also pay our respect to the Jukembal, Bundjalung, Kamilaroi, Githabul and Wahlubul people of our Shire, and extend our respect to all people."*

### 3. APOLOGIES

### 4. DISCLOSURES & DECLARATIONS OF INTEREST

### 5. CONFIRMATION OF PREVIOUS MINUTES

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

### 8. MAYORAL MINUTE

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

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### **OUR COMMUNITY**

### **OUR ECONOMY**

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**14. CONFIDENTIAL BUSINESS**

**CONFIDENTIAL**

(ITEM COM5/23) PROVISION OF STREET SWEEPING SERVICES - CONTRACT NO 05-22/23

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret. (Tenders )

(ITEM ECO6/23) SALE OF COUNCIL OWNED LAND - 'BENDALL'S' 8933 NEW ENGLAND HIGHWAY, TENTERFIELD.

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(ITEM ECO7/23) PROVISION OF CONCRETE SERVICES TENDER RFT 06-22/23

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

**15. MEETING CLOSED**



**(ITEM MIN4/23) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Elizabeth Melling, Executive Assistant & Media

**RECOMMENDATION**

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

- **Ordinary Council Meeting – 26 April 2023**

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

**ATTACHMENTS**

- |                                                                                |            |
|--------------------------------------------------------------------------------|------------|
| <b>1</b> Unadopted Minutes - Ordinary Council Meeting- Wednesday 26 April 2023 | 9<br>Pages |
|--------------------------------------------------------------------------------|------------|

|                      |                                                          |
|----------------------|----------------------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                            |
| <b>Submitted by:</b> | David Counsell, Manager Asset & Program Planning         |
| <b>Reference:</b>    | <b>ITEM EC08/23</b>                                      |
| <b>Subject:</b>      | <b>MT LINDESAY ROAD BRYANS GAP ROAD LAND ACQUISITION</b> |

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

|                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Transport</b> - The Tenterfield Shire has an effective transport network that is safe efficient and affordable for us as a community.                                         |
| <b>CSP Strategy:</b> | Deliver a well-designed, safe road network, including carparking, footpaths and cycleways, that is suitable for all users now and take into consideration future network demand. |

#### **SUMMARY**

The purpose of this Report is to seek Council concurrence to commence investigations of the Mt Lindesay Road Reserve near Bryans Gap Road for proposed rehabilitation works and undertake necessary acquisition of land for the proposed road formation.

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

##### **That Council:**

- (1) Agree to commence investigation of the Mt Lindesay Road public road reserve with respect to proposed rehabilitation works near Bryans Gap Road, and**
- (2) Agree to the acquisition of land adjacent to Mt Lindesay Road for road widening purposes necessary for road rehabilitation, and**
- (3) Authorise the Chief Executive to execute any documents for the acquisition and to authorise payment of any compensation with the landowners.**

#### **BACKGROUND**

It has been identified that a section of Mt Lindesay Road could encroach private property boundaries and it is necessary to formalise the road reserve where proposed rehabilitation works could be undertaken.

#### **REPORT:**

It has been identified that a section of Mt Lindesay Road may encroach onto private property near the Bryans Gap Road intersection and it is necessary to confirm the location of the road formation in respect to the dedicated road reserve.

An external grant funding application has been successful and is being finalised to enable rehabilitation of the pavement on Mt Lindesay Road immediately north of Tenterfield including this location.

Previous land surveys in 1984 indicated that fence lines near the intersection may be up to 14 metres from the true property boundary. It may be necessary to acquire a section of land from adjoining landowners to accommodate the pavement works under this project.

Our Economy No. 8 Cont...

Once agreement is made with a landowner to acquire the portion of land required for the road purposes, a registered surveyor will then be engaged to prepare an acquisition survey plan which is used for purposes of land valuation and compensation assessment, the compensation amount payable in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

### **COUNCIL IMPLICATIONS:**

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

Any land acquisition dealings would be undertaken directly with affected landowners, subject to Council approval.

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

- Land Acquisition (Just Terms Compensation) Act 1991.
- Roads Act 1993

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

The costs of the acquisition would include independent valuation of the respective property area, compensation assessment for proposed closed road in exchange of the land required for road purposes, survey costs, plan registration costs and other legal costs. These costs would be funded from Councils Formalise Road Reserves budget.

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

The acquisition is necessary to ensure Council's transport assets are contained within a public road reserve.

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

Nil.

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

It is necessary to ensure the road formation is located within a public road reserve.

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

Nil.

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

The land acquisition would be managed by Council's Engineering Department with the assistance of registered land surveyors, property valuers and Council's lawyers.

### **Fiona Keneally Director Infrastructure**

|                               |                                                  |
|-------------------------------|--------------------------------------------------|
| Prepared by staff member:     | David Counsell, Manager Asset & Program Planning |
| 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> | David Counsell, Manager Asset & Program Planning         |
| <b>Reference:</b>    | <b>ITEM ECO9/23</b>                                      |
| <b>Subject:</b>      | <b>MT LINDESAY ROAD – BOUNDARY ROAD LAND ACQUISITION</b> |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Transport</b> - The Tenterfield Shire has an effective transport network that is safe efficient and affordable for us as a community.                                         |
| <b>CSP Strategy:</b> | Deliver a well-designed, safe road network, including carparking, footpaths and cycleways, that is suitable for all users now and take into consideration future network demand. |

**SUMMARY**

The purpose of this Report is to seek Council concurrence to commence investigations for the acquisition of land adjacent to Mt Lindesay Road to allow for future road enhancement works at the Boundary Road intersection.

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

- (1) Agree to commence investigation of Mt Lindesay Road for the purpose of detailed design of a future roundabout at Boundary Road intersection, and**
- (2) Agree to the acquisition of land adjacent to Mt Lindesay Road for the purpose of future roundabout construction, and**
- (3) Authorise the Chief Executive to execute any documents for the acquisition and to authorise payment of any compensation with the landowners.**

**BACKGROUND**

It is proposed that a future intersection enhancement of Mt Lindesay Road and Boundary Road, incorporating Old Ballandean Road, be designed for a roundabout that would provide improved road safety and equal access for each road. It will require widening of the road reserve to accommodate the road formation and utilities.

**REPORT:**

Intersection safety enhancement of the Mt Lindesay Road, Boundary Road and Old Ballandean Road has been identified as a roundabout for improved road safety. No successful funding has been obtained for this project to date. In order for improved opportunity for funding and delivery of the project, it is considered that a detailed design should be completed, and land acquisition undertaken. This would allow better scoping of the complete project and provide a shovel ready project with access to the required land footprint. Relocation of any utilities such as watermains and drains could also be prepared for or undertaken.

Acquisition areas would vary dependent upon the final road design, however it is likely that areas between 200 sq. m. and 500 sq m. could be required. It is considered that

Our Economy No. 9 Cont...

a small area of the road already encroaches private property due to the old road reserve alignment.

Once agreement is made with a landowner to acquire the portion of land required for the road purposes, a registered surveyor will then be engaged to prepare an acquisition survey plan which is used for purposes of land valuation and compensation assessment, the compensation amount payable in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Due to the time likely to be needed to complete the survey and road design, then to follow on with correspondence with landowners and subsequent legal actions to formally acquire land, it would be possibly a year to finalise. Therefore, costs would fall under future budgets probably in 2024, allowing further opportunity to obtain external funding to assist with the project delivery.

### **COUNCIL IMPLICATIONS:**

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

Any land acquisition matters would be undertaken directly with affected landowners, subject to Council approval.

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

- Land Acquisition (Just Terms Compensation) Act 1991.
- Roads Act 1993

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

The costs of the acquisition would include independent valuation of the respective property area, compensation assessment for proposed closed road in exchange of the land required for road purposes, survey costs, plan registration costs and other legal costs. These costs would be funded from Councils Formalise Road Reserves budget in forward years.

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

The acquisition is necessary to ensure Council's transport assets are contained within a public road reserve. There is a current issue that should be addressed, however the undertaking of further action to accommodate a future roundabout design would enhance the ability to seek and deliver any future external grant funding opportunities.

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

Nil.

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

It is necessary to ensure the road formation is located within a public road reserve. The action would also reduce risk to future road upgrading works by ensuring legal access.

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

No implications.

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

The land acquisition would be managed by Council's Engineering Department with the assistance of registered land surveyors, property valuers and Council's lawyers.

Our Economy No. 9 Cont...

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

Prepared by staff member: David Counsell, Manager Asset & Program Planning

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> | David Counsell, Manager Asset & Program Planning           |
| <b>Reference:</b>    | <b>ITEM ECO10/23</b>                                       |
| <b>Subject:</b>      | <b>SHERRATT ROAD TORRINGTON - ROAD RESERVE ACQUISITION</b> |

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

|                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Transport</b> - The Tenterfield Shire has an effective transport network that is safe efficient and affordable for us as a community.                                         |
| <b>CSP Strategy:</b> | Deliver a well-designed, safe road network, including carparking, footpaths and cycleways, that is suitable for all users now and take into consideration future network demand. |

#### **SUMMARY**

The purpose of this Report is to seek Council concurrence to commence investigation for the acquisition of Crown Land at Torrington to create formal road reserve over Council maintained roads including Sherratt Road, Tomtoy Avenue and Eschman Lane.

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

##### **That Council:**

- (1) Agree to commence investigations for the formalisation of a road reserve for Sherratt Road, Tomtoy Avenue and Eschman Lane, and**
- (2) Undertake necessary searches, survey and plan preparation for the compulsory acquisition of Crown Land to form public road reserves.**

#### **BACKGROUND**

It has been identified that sections of Council maintained streets in Torrington are not located within a road reserve and it is necessary to formalise a public road reserve along the road formation used by the public.

#### **REPORT:**

Sections of Torrington streets including Sherratt Road, Tomtoy Avenue and Eschman Lane travel across the crown reserve referred to as Torrington Common, and it is necessary to formalise a road reserve along the road formation used by the public. Sherratt Road travels between Torrington Road and Silent Grove Road, while both Tomtoy Avenue and Eschman Lane commence at Sherratt Road.

The compulsory acquisition of land from the crown reserve will require a survey plan to be prepared identifying the proposed road reserve as a separate allotment from the reserve residue before lodging for consent to acquire. A number of searches are also required including a Native Title Register search, Environmental Heritage Reports, Aboriginal Land Claim Register search, consultation with the Department of Planning Industry and Environment, and Local Land Services.

Once this information is obtained, a separate report would be presented to Council to clarify the status of all searches and to obtain resolution to seek the Ministers approval to lodge formal acquisition application.

Our Economy No. 10 Cont...

### **COUNCIL IMPLICATIONS:**

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

The land acquisition to dedicate public road reserves in this matter will be in consultation with the Office for Local Government and the Crown Lands Office.

**2. Policy and Regulation**

- Land Acquisition (Just Terms Compensation) Act 1991.
- Roads Act 1993

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

The costs of the road reserve dedication would involve title search fees and expenses, survey costs, plan registration costs and legal costs. These costs would be funded from Councils Formalise Road Reserves budget in forward years.

**4. Asset Management (AMS)**

The acquisition is necessary to ensure Council's transport assets are contained within a public road reserve.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

It is necessary to ensure the road formation is located within a public road reserve.

**7. Performance Measures**

No implication.

**8. Project Management**

The land acquisition would be managed by Council's Engineering Department and Crown Lands officers.

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

|                               |                                                  |
|-------------------------------|--------------------------------------------------|
| Prepared by staff member:     | David Counsell, Manager Asset & Program Planning |
| 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> | David Counsell, Manager Asset & Program Planning |
| <b>Reference:</b>    | <b>ITEM ENV4/23</b>                              |
| <b>Subject:</b>      | <b>MOLESWORTH STREET DRAINAGE PIPE EASEMENT</b>  |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                              |
|----------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Environment</b> - Our natural environment will be protected, enhanced and promoted for future generations.                |
| <b>CSP Strategy:</b> | Deliver total water cycle management approach including water conservation and complying with relevant acts and legislation. |

**SUMMARY**

This Report relates to the construction of a storm water drainage system through private property out into Molesworth Street. It is necessary that Council obtain an easement over the area of land that includes the storm water pipe

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

- (1) Agree to seek an easement over the drainage pipe in Lot 4 Molesworth Street and payment of any compensation of the affected land; and**
- (2) Authorise the Chief Executive to approve any compensation amount once an independent valuation has been undertaken and execute any associated documents to finalise the easement.**

**BACKGROUND**

In 2010 Council constructed a storm water drainage pipe through private property in Molesworth Street aimed at providing drainage from the rear of the property. While the drainage pipes were installed, an easement has not been formally acquired to protect the pipe.

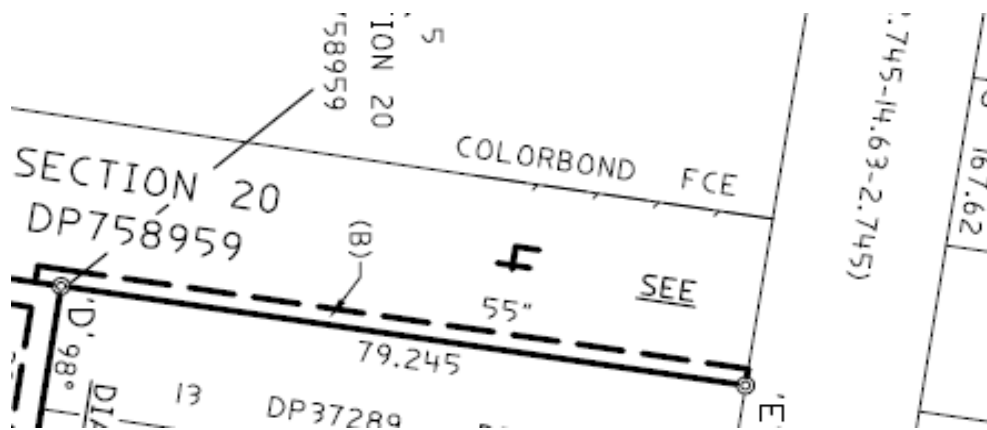
**REPORT:**

Council constructed a drainage pipe through vacant private property in Molesworth Street to provide drainage from the rear of the property.

The storm water pipe discharges into the Molesworth Street drainage system and involved the installation of a concrete drainage pipe 80 metres in length along the eastern boundary of Lot 4 DP 758959 and a connecting junction pit at the northwestern corner of Lot 1 DP 515122.

A previous concept involved an open swale drain in Lot 1 DP 515122, however the intention of this Report is to obtain an easement over the constructed pipe and pit drainage assets that were constructed.

Our Environment No. 4 Cont...



### COUNCIL IMPLICATIONS:

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

The land acquisition matters are being undertaken directly with affected landowners, subject to Council approval.

#### 2. Policy and Regulation

- Compensation as set out in the *Land Acquisition (Just Terms Compensation) Act 1991*.
- Local Government Act 1993

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

The cost of obtaining an easement would include valuation and compensation for the property restriction of the land required, plan registration costs and legal costs. These costs would be funded from the Storm Water Management Ffund.

#### 4. Asset Management (AMS)

The dedication of an easement is necessary to protect a storm water asset constructed by Council.

#### 5. Workforce (WMS)

Nil.

#### 6. Legal and Risk Management

It is necessary to protect infrastructure constructed by Council.

#### 7. Performance Measures

No implications.

#### 8. Project Management

The easement acquisition would be managed by Council's Engineering Department.

Our Environment No. 4 Cont...

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

Prepared by staff member: David Counsell, Manager Asset & Program Planning

Approved/Reviewed by Manager: Fiona Keneally, Director Infrastructure

Department: Engineering Department

Attachments: There are no attachments for this report.

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b> |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer               |
| <b>Reference:</b>    | <b>ITEM GOV23/23</b>                         |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT APRIL 2023</b> |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b> | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

**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 2022/2023 Operational Plan.

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

**Receives and notes the status of the Monthly Operational Report for April 2023.**

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

|                               |                                                  |          |
|-------------------------------|--------------------------------------------------|----------|
| Prepared by staff member:     | Lee Sisson, Governance Officer                   |          |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer             |          |
| Department:                   | Office of the Chief Corporate Officer            |          |
| Attachments:                  | <b>1</b> Monthly Operational Report - April 2023 | 84 Pages |

|                      |                                                  |
|----------------------|--------------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                    |
| <b>Submitted by:</b> | David Counsell, Manager Asset & Program Planning |
| <b>Reference:</b>    | <b>ITEM GOV24/23</b>                             |
| <b>Subject:</b>      | <b>DISPOSAL OF DAMAGED STEEL STRUCTURE</b>       |

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

|                      |                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Transport</b> - The Tenterfield Shire has an effective transport network that is safe efficient and affordable for us as a community.                                         |
| <b>CSP Strategy:</b> | Deliver a well-designed, safe road network, including carparking, footpaths and cycleways, that is suitable for all users now and take into consideration future network demand. |

#### **SUMMARY**

The purpose of this Report is to seek Council approval to dispose of a damaged steel structure asset.

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

**That Council agree to the disposal of the damaged steel structure as surplus scrap material.**

#### **BACKGROUND**

A steel structure purchased for a temporary creek crossing was damaged in bush fires while in position on Paddys Flat Road North in 2019. This structure is not able to be used on public roads and is unviable to be repaired, therefore it is a surplus asset held by Council.

#### **REPORT:**

In 2018 Council purchased a steel structure as a temporary bridge to minimise the impacts of load limits across the road network. The bridge was placed over Unnamed Creek on Paddys Flat Road North in September 2018 following the failure of the timber bridge; however this location was heavily impacted by bush fires in late 2019.

The bridge was 15 metres in length and 3 metres wide with a mass of approx. 8 tonnes consisting of a substructure of steel I beams and a steel plate deck.

The steel bridge was significantly damaged by the heat of the fire and had to be replaced to allow public access. The damaged structure is not able to be used on public roads and is not viable to be repaired, therefore it is a surplus asset.

As the steel structure can no longer be used as a bridge on a public road and is surplus to Council's operational requirements, it is proposed that it be disposed of through sale by tender of scrap material.

#### **COUNCIL IMPLICATIONS:**

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

Tender for the purchase of the structure would be advertised on Council's website

Our Governance No. 24 Cont...

## **2. Policy and Regulation**

- Procurement Policy.
- Asset Management Strategy
- Roads Act 1993

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

The disposal through sale for scrap material should provide a financial return for the material component.

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

The structure is no longer able to be used and is a surplus Council asset.

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

No implications.

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

The steel structure cannot be used as a bridge on a public road due to the significant structural damage. Further there would be a risk of liability if Council were to seek to sell the structure as a functioning bridge. Therefore the asset would be sold as scrap material.

## **7. Performance Measures**

No implications.

## **8. Project Management**

The sale would be managed through Council's Engineering Department.

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

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

|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                   |
| <b>Submitted by:</b> | Erika Bursford, Manager Customer Service, Governance & Records |
| <b>Reference:</b>    | <b>ITEM GOV25/23</b>                                           |
| <b>Subject:</b>      | <b>TENTERFIELD SHIRE COUNCIL CODE OF MEETING PRACTICE 2023</b> |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <b>CSP Delivery Program</b>                                   | Ensure compliance with regulatory and statutory requirements and that operations are supported by effective corporate management.                                                                                       |

## SUMMARY

The purpose of this Report is to advise Council that the Tenterfield Shire Council Code of Meeting Practice is required to be adopted following amendments, as issued by the NSW Office of Local Government, by 30 June 2023.

## OFFICER'S RECOMMENDATION:

### That Council:

**Adopt the Tenterfield Shire Council Code of Meeting Practice, as amended.**

## BACKGROUND

The aim of the Tenterfield Shire Council Code of Meeting Practice is to achieve and conduct Council and Committee meetings which are orderly, efficient and earn the respect of the community, Council and Committee meetings which display open government and allow access and participation by the community, and standards which promote and contribute to the democratic process.

## REPORT:

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

Our Governance No. 25 Cont...

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The NSW Office of Local Government has issued updated amendments to the Model Code of Meeting Practice for adoption by NSW councils by 30 June 2023. The amendments reflect technology changes to the methods by which council and committee meeting attendees take part in meetings. This includes the use of audio-visual systems (i.e. Zoom, Microsoft Teams etc) for the conduct of meetings.

### **COUNCIL IMPLICATIONS:**

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

Nil. The NSW Office of Local Government has directed that the amendments to the Model Code be adopted by 30 June 2023.

**2. Policy and Regulation**

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

**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: Erika Bursford, Manager Customer Service,  
Governance & Records

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

Department: Office of the Chief Corporate Officer

Attachments: **1** TSC Code of Meeting Practice 2023 43 Pages



|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                   |
| <b>Submitted by:</b> | Erika Bursford, Manager Customer Service, Governance & Records |
| <b>Reference:</b>    | <b>ITEM GOV26/23</b>                                           |
| <b>Subject:</b>      | <b>FRONT COUNTER AND FRIDAY CLOSURES SURVEY APRIL 2023</b>     |

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

|                             |                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>        | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <b>CSP Delivery Program</b> | Promote and support community involvement in Council decision making process.                                                                        |

#### **SUMMARY**

The purpose of this Report is to present to Council the results of a Front Counter Hours and Friday Closure Survey undertaken from 23 March 2023 to 24 April 2023 to collect community feedback on the trial to close the Tenterfield Shire Council main administration building's customer service counter from 1pm to 2pm on Mondays to Thursdays and remain closed all day on Fridays.

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

**That Council continue the trial of reduced face to face and telephone customer services, until 30 November 2023, by:**

- (1) Closing the main administration building customer service counter on days of business, from 1pm to 2pm, for the purpose of staff lunch breaks, and**
- (2) Closing the main administration building customer service counter on Fridays, authorising the Chief Executive Officer to take any action to adjust services due to community feedback.**
- (3) Conduct a second customer feedback survey on the trial closures, to be conducted in October and November 2023, with results to be provided to Council's Ordinary Meeting of 20 December 2023.**

#### **BACKGROUND**

Council resolved at the Ordinary Council Meeting of 28 September 2022 to undertake a trial of closing the main administration customer service front counter on Mondays to Thursdays, from 1pm to 2pm, and closing the front counter all day on Fridays, with customer service staff available to take phone calls (Resolution No. 201/2022). A Front Counter Hours and Friday Closure Survey has been conducted to seek community comment on the impact of the trial.

#### **REPORT:**

The Front Counter Hours and Friday Closure Survey was conducted from 23 March 2023 until 24 April 2023. The survey was advertised in Your Local News, sent out as a push

Our Governance No. 26 Cont...

notification on the mobile application, placed on the front opening page of Council's website and displayed on Council's electronic noticeboards.

20 hard copies of the survey were printed out and placed at the administration building Front Counter. 20 hard copies were placed at the Library. 20 hard copies were placed at the Visitor Information Centre. An electronic version was made available on Council's website, for completion online. All survey results were anonymous.

Council received a total of twelve (12) completed surveys, comprising:

- 5 draft surveys completed by Councillors
- 2 hard copies completed by the community
- 5 online surveys completed on the website

It is not possible to undertake detailed analysis at this time due to the very low number of surveys completed by the community. It is recommended to continue the trial until the end of November 2023 and conduct the survey again in October and November 2023.

Responses and comments from completed surveys are provided as an attachment.

#### **COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- Customer Service Charter 2022
- Customer Service 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.

Our Governance No. 26 Cont...

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

Prepared by staff member: Erika Bursford, Manager Customer Service,  
Governance & Records; Lee Sisson, Governance  
Officer

Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Office of the Chief Corporate Officer

Attachments: **1** TSC Front Counter and Friday Closures Survey April 2023 3  
Pages

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>          |
| <b>Submitted by:</b> | Roy Jones, Manager Finance & Technology               |
| <b>Reference:</b>    | <b>ITEM GOV27/23</b>                                  |
| <b>Subject:</b>      | <b>QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2023</b> |

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

|                             |                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>        | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <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 provide Council with a Quarterly Budget Review Statement in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

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

##### **That Council:**

**Adopts the March 2023 Quarterly Budget Review Statement and recommendations therein that:**

- a) No additional operating or capital expenditure outside of the recommendations in this review be approved by Council unless they are offset by other savings (e.g. with road works such as re-sheeting, with a plan to reduce maintenance costs) or grant funded, and even then only where there will be no additional operating costs as a result of the expenditure i.e. if capital related expenditure, it should be for the replacement of existing assets only, not new assets;**
- b) Acknowledge the ongoing governance and treasury management difficulties Council faces with the current structure of many grant and disaster funding payments, and advocate for changes to the timing of these cash payments from State and Federal governments;**
- c) Council continues to explore increases in operational income by considering selling assets and reassessing commercial lease agreements to increase cash flow to meet requirements for the financial year in line with original budget.**

#### **BACKGROUND**

Regulation 203 of the Regulation states that:

- (1) Not later than two months after the end of each quarter (except the June quarter), the Responsible Accounting Officer of a Council must prepare and

Our Governance No. 27 Cont...

submit to the Council a Budget Review Statement that shows, by reference to the estimate of income and expenditure set out in the Council's Statement of Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.

- (2) A Budget Review Statement must include or be accompanied by:
  - (a) a Report as to whether or not the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and
  - (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A Budget Review Statement must also include any information required by the Code to be included in such a statement.

The Code referred to is the Code of Accounting Practice and Financial Reporting. While earlier versions of the Code had an Appendix that listed minimum requirements, these were removed a few years ago as they are of no relevance to the Financial Statements (which is the main purpose of the Code).

In the absence of any instructions in the Code, the Quarterly Budget Review Statement publication issued in 2010 by the then Division of Local Government, NSW Department of Premier and Cabinet has been used as a guide to the preparation of this Quarterly Budget Review.

The quarterly review should act as a barometer of Council's financial health during the year and it is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in its Operational Plan.

#### **REPORT:**

The original budget adopted by Council indicated that the Net Operating Deficit at the end of the 2022/23 financial year was expected to be **(\$1,266,008)**. The Operating Deficit was **(\$904,893)** when capital grants and contributions were included. This was based on budgeted total revenue of \$23,976,002 and budgeted total operating expenditure of \$24,880,895.

In the September 2022 Quarterly Budget Review, the net effect of changes made resulted in a decline of **(\$1,519,664)** from the projected deficit of the original budget, to result in a projected Net Operating Deficit of **(\$2,785,672)**.

In the December 2022 Quarterly Budget Review, the net effect of changes made has resulted in a further decline of **(\$1,754,414)** from the projected operating deficit of the original budget, to result in a projected Net Operating Deficit of **(\$4,540,086)**.

**In the March 2023 Quarterly Budget Review, the net effect of changes made has resulted in a slight improvement of \$28,576 from the projected operating deficit of the December QBR, to result in a projected Net Operating Deficit of (\$4,511,510).**

The Operating Performance Ratio is an example of demonstrating whether Council is making an operating surplus or deficit and can be expressed including or excluding Capital income. Both are included in this quarters' Report.

Our Governance No. 27 Cont...

The Operating Performance Ratio (excluding Capital income) is defined as:

Total Continuing Operating Revenue (excluding Capital grants and contributions) –  
Operating Expenses

---

Total Continuing Operating Revenue

For the 2022/23 year, Council originally budgeted for a negative Operating Ratio (deficit) both including and excluding Capital income of (3.77%) and (5.36%) respectively.

This changed in the September 2022 Quarterly Budget Review to 56.39% and (10.74%) respectively. This was due to grant funding capital works carried forwards from previous year of approximately \$37 Million. Further, grants carried forward for operational purposes totaled approximately \$1.7 Million.

As a result of the December 2022 Quarterly Budget Review, the Operating Ratios are now forecast at 52.54% including Capital income, and (15.96%) excluding Capital income.

**As a result of the March 2023 Quarterly Budget Review, the Operating Ratio are now forecast at 57.74% including Capital Income, and (15.59%) excluding Capital income.**

**Comment by the Responsible Accounting Officer:**

The report clearly indicates that the projected financial position as at 30 June 2023 is unsatisfactory. Further action needs to be taken to address this issue urgently to reduce operating deficit in this financial year and into the future years. Noting, this is primarily due to funding and timing of grants despite administrations ongoing operational deferrals.

Council's cash position has been positive unrestricted as of 31 March 2023 primarily due to drawdown of \$3.1 Million loan as part of the adopted Operational Budget for 2022-23.

As required under the Regulation, some remedial actions continue to be proposed as part of the December 2022 review, including that:

- a) No additional operating or capital expenditure outside of the recommendations in this review be approved by Council unless they are offset by other savings (e.g. with road works such as re-sheeting, with a plan to reduce maintenance costs) or grant funded, and even then only where there will be no additional operating costs as a result of the expenditure i.e. if capital related expenditure, it should be for the replacement of existing assets only, not new assets;
- b) Acknowledge the ongoing governance and treasury management difficulties Council faces with the current structure of many grant and disaster funding payments, and advocate for changes to the timing of these cash payments from State and Federal governments.
- c) Council continues to explore increase in operational income by considering selling assets and to reassess current commercial lease agreements.

Our Governance No. 27 Cont...

While the above will not return the operating position to surplus by 30 June 2023, the aim is to continue to ensure the financial sustainability of Council in the longer term.

It is recommended that Council focuses on increasing own source funding and minimising the reliance on external loans in the future.

### **Special Rate Variation Application:**

On 26 October 2022 Council resolved (237/22) to request the Chief Executive Officer to notify the Independent Pricing and Regulatory Tribunal of its intent to apply under section 508A of the Local Government Act 1993 for a Special Rate Variation of 43% (including the rate peg) in 2023/2024 and 43% (including the rate peg) in 2024/2025 to be a permanent increase retained within the rate base, for the purpose of maintaining current service levels, maintenance and renewal of assets and enhancing financial sustainability.

As a result of the above, in December 2022 Council has formally applied for a Special Rate Variation. IPART will provide its final determination in end May – mid June 2023.

### **Operational Budget Review:**

Council once again reduced budgets significantly and deferring operational expenditure as part of the 2022/23 budget process. This included a detailed review of the operational expenditure by the Executive Management Team and a further review of capital income and expenditure with a view to align the budget with the Original adopted budget. As shown in the March Quarterly Budget Review, the unsatisfactory financial position continues to be a risk to Council's financial sustainability.

Operational expenses (e.g. equipment and materials) continue to be impacted by inflation and therefore are rising at a rate that far exceeds Council's increase in revenue each year (for both General fund services, as well as Waste, Water and Sewer operations). The rate peg and cost shifting from the State Government to councils has also had an impact on Council's bottom line as has our success in obtaining grant funding.

Council also continues to face challenges in treasury management of cash-flow due to the many grant-funded and disaster recovery (DRFA) works being funded in arrears (wherein cash is received after expenditure has been incurred).

The March 2023 budget review has increased the Operational Expenditure budget by \$458,000. Majority of the increase in expenditure items are listed below:

| <b>Service Area</b>   | <b>Expenditure Allocations</b>                                                                                                                               | <b>Budget</b> |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Sewerage Services     | Urbenville Desludge Lagoons                                                                                                                                  | \$ 247,800    |
| Workforce Development | Consultancy Risk Management (\$65K), Workplace Health and Safety (\$24K), Employee Leave Entitlement (\$20K) Community Recovery Officer (\$31K)              | \$ 140,000    |
| Water Services        | Water Network Maintenance and Testing (\$28k), Water Purchase Southern Downs Regional Council (\$10K), Interest on Dam Wall Loan (due to refinancing \$9.8K) | \$ 49,000     |

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|                  |                                                                                       |           |
|------------------|---------------------------------------------------------------------------------------|-----------|
| Waste Management | Boonoo Boonoo Landfill Operating costs (\$29K), Bulk Bin Trade Waste Operating (\$6K) | \$ 35,000 |
|------------------|---------------------------------------------------------------------------------------|-----------|

The Operational expenditure budget additions also includes new operational grants which Council has received, totaling \$22,000 as below:

| Service Area             | Grant Project                                                             | Total Project Budget |
|--------------------------|---------------------------------------------------------------------------|----------------------|
| Community Development    | Autumn Holiday Break 2023                                                 | \$ 7,000             |
| Environmental Management | Millbrook Park Flying-Fox Camp Management Plan Grant (Additional Funding) | \$ 15,000            |

### Capital Budget Review:

The Capital Budget Review format allows Council to analyse any additional Capital expenditure to be incurred in the current financial year and the extent to which monies have already been expended. The report also indicates how Council is to fund the Capital expenditure for the year.

The March 2023 budget review has increased the Capital Works Expenditure budget by \$8.9 Million, mainly from several grant-funded projects as outlined below:

| Service Area      | Capital Grant Project                                                             | Total Project Budget |
|-------------------|-----------------------------------------------------------------------------------|----------------------|
| Transport Network | Fixing Local Roads - Paddys Flat Road South, Tabulam                              | \$ 2,999,116         |
| Transport Network | Fixing Country Bridges Program (FCBP) - Koreelah Creek Bridge, White Swamp Road   | \$ 1,416,420         |
| Transport Network | FCBP - Mole River Bridge, Springfield Road                                        | \$ 1,308,221         |
| Transport Network | FCBP - Acacia Creek Bridge, Patersons Road                                        | \$ 767,229           |
| Transport Network | FCBP - Acacia Creek Bridge, Tooloom Street Legume                                 | \$ 713,128           |
| Water Supply      | Cowper St Mains Replacement - Transport NSW Contribution                          | \$ 200,000           |
| Water Supply      | Regional Leakage Reduction Program grant (requires Council contribution \$23,131) | \$ 92,522            |

### Cash and Investment Review:

The cash and investment review provides the balance of the current internal and external restrictions of Council's funds. These figures have been updated in the March Quarterly Budget Review to reflect changes to grant balances and other movement in both internally and externally restricted cash. The forecast balances for the end of the financial year are an estimate based on the assumption of all income and expenditure in the budget being fully realised. As a result, the final balances are not fully determined until the end of the financial year.



Our Governance No. 27 Cont...

As at 31 March 2023 Council reported a **positive unrestricted cash balance of \$2,396,101**. This was a positive result and is predominately due to drawdown of \$3.1 Million loan in March 2023 to fund Council Funded Capital Works. However, cash remains a major concern given that this is a very small amount and there is no ability to re-establish internally restricted funds e.g. for Employee Leave Entitlements, or Plant & Vehicle Replacement. By not having sufficient funds within internal restrictions Council is at a higher risk to use externally restricted cash for general purpose. This would result in a breach of the Local Government Act.

The Quarterly Budget Review also includes a reconciliation of Council's cash and investments on hand as at 31 March 2023.

This Report requires a statement in respect of whether all investments are in accordance with the requirements of Section 625 of the Local Government Act 1993, the accompanying Regulation and Council's Investments Policy. This statement, in combination with the monthly investment report, ensures that Council is complying with these statutory, regulatory and policy requirements.

Further, a declaration as to the preparation of bank reconciliations is also required. Bank reconciliations occur on a daily basis with a full reconciliation performed on a monthly basis. The full reconciliation for the March 2023 quarter occurred on 03 April 2023.

### Developer Contributions

The balances of the Developer Contribution reserves as of 31 March 2023 are:

|                                               |                   |
|-----------------------------------------------|-------------------|
| Plan Preparation and Administration           | \$ 14,784         |
| Roads                                         | \$ 370,121        |
| Emergency Services                            | \$ 28,934         |
| Community and Civic Facilities                | \$ 15,837         |
| Open Space, Sporting and Recreation           | \$ 5,301          |
| New Multi-Residential Development (7.12)      | \$ 3,492          |
| New commercial/ industrial development (7.12) | \$ 100,760        |
| Waste Fund                                    | \$ 51,501         |
| Stormwater Fund                               | \$ 5,836          |
| Water Fund                                    | \$ 85,142         |
| Sewer Fund                                    | \$ 50,721         |
| <b>TOTAL</b>                                  | <b>\$ 732,429</b> |

### Contracts:

The Reporting Framework requires the identification of contracts entered into in the preceding quarter, which exceed specified expenditure limits. The limit for reporting contracts in the QBRS is one percent (1%) of revenue from continuing operations, or \$50,000, whichever is less.

Our Governance No. 27 Cont...

### **Consultancy and Legal Expenses:**

The current expenditure as at 31 March 2023 on qualifying consultancies and legal fees are identified in the QBRs and this expenditure is budgeted for and, given the size and nature of Council's operations, is considered reasonable.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

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

It is important for Council to note that the adoption of this budget review approves the variations identified in the attached Report and that the cumulative effect of the budget variations should be considered when reviewing this budget.

In the March 2023 Quarterly Budget Review, the forecast Operating Position has been revised to a surplus of \$45,709,895 (including capital grants) and an **Operating Deficit of (\$4,511,510) (excluding capital grants)**.

As indicated in the report, the deficit excluding capital grants is not a satisfactory outcome and therefore remedial action has been proposed in accordance with the Local Government (General) Regulation 2005.

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

Nil.

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

Nil.

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

The Budget Review is submitted to Council in accordance with Clause 203(1) of the Local Government (General) Regulation 2005.

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

The impact of the recommended budget variations on Council's main key performance indicator is detailed in the Quarterly Budget Review Statement. Due to year end accounting adjustments other performance ratios won't be available until the Audited Financial Statements are completed.

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

Nil.

Our Governance No. 27 Cont...

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

|                               |                                                        |
|-------------------------------|--------------------------------------------------------|
| Prepared by staff member:     | Roy Jones, Manager Finance & Technology                |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer                   |
| Department:                   | Office of the Chief Corporate Officer                  |
| Attachments:                  | <b>1</b> Quarterly Budget Review - March 2023 10 Pages |

|                      |                                                            |
|----------------------|------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>               |
| <b>Submitted by:</b> | Roy Jones, Manager Finance & Technology                    |
| <b>Reference:</b>    | <b>ITEM GOV28/23</b>                                       |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 30 APRIL 2023</b> |

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

|                             |                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>        | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <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 April 2023.**

#### **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 April 2023.

Cash Book Balances on this date were as follows:-

|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 25,401,266.00 | Credit |
| General Trust          | \$ 382,340.85    | Credit |

##### (b) Summary of Investments

Our Governance No. 28 Cont...

The attachment to this report is a certified schedule of all Council's investments as at 30 April 2023 showing the various invested amounts and applicable interest rates.

### Concealed Water Leakage Concession Policy Update

For the month of April 2023, two (2) concessions totaling \$754.62 were granted under Council's Concealed Water Leakage Concession Policy.

### 603 Certificates

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 18 applications for 603 Certificates in April 2023.

In the calendar year to date, there have been 76 applications compared to 129 applications for the same period last year.

### Cash and Investments – Detailed Analysis of External Restrictions

| <b>RESTRICTED CASH ANALYSIS</b>                                                                       | <b>AS AT 30 APRIL 2023</b> | <b>AS AT 30 JUNE 2022</b> |
|-------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|
|                                                                                                       |                            |                           |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                                                   | <b>\$31,783,606</b>        | <b>\$37,107,638</b>       |
|                                                                                                       |                            |                           |
| <b>EXTERNALLY RESTRICTED CASH</b>                                                                     | <b>\$ 30,798,737</b>       | <b>\$31,625,799</b>       |
|                                                                                                       |                            |                           |
| <b>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</b>                                       | <b>\$ 13,455,088</b>       | <b>\$14,401,703</b>       |
| GRANT-RELATED - GENERAL (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES)                               | \$ 12,441,711              | \$13,785,826              |
| GRANT-RELATED - WATER (EXCL DEVELOPER CONTRIBUTIONS)                                                  | \$ 559,388                 | \$615,877                 |
| GRANT-RELATED - SEWER (EXCL DEVELOPER CONTRIBUTIONS)                                                  | -                          | -                         |
| GRANT-RELATED - WASTE (EXCL DEVELOPER CONTRIBUTIONS)                                                  | \$ 453,989                 | -                         |
| GRANT-RELATED - STORMWATER (EXCL DEVELOPER CONTRIBUTIONS)                                             | -                          | -                         |
| BRUXNER WAY WIDENING                                                                                  | -                          | -                         |
|                                                                                                       |                            |                           |
| <b>INCLUDED IN DEVELOPER CONTRIBUTIONS</b>                                                            | <b>\$769,100</b>           | <b>\$467,232</b>          |
| DEVELOPER CONTRIBUTIONS - GENERAL                                                                     | \$573,269                  | \$347,608                 |
| DEVELOPER CONTRIBUTIONS - WATER                                                                       | \$85,142                   | \$37,565                  |
| DEVELOPER CONTRIBUTIONS - SEWER                                                                       | \$50,721                   | \$41,455                  |
| DEVELOPER CONTRIBUTIONS - WASTE                                                                       | \$54,132                   | \$36,595                  |
| DEVELOPER CONTRIBUTIONS - STORMWATER                                                                  | \$5,836                    | \$4,009                   |
|                                                                                                       |                            |                           |
| <b>INCLUDED IN RFS RESERVES</b>                                                                       | <b>\$138,895</b>           | <b>\$92,098</b>           |
| RFS RESERVES                                                                                          | \$138,895                  | \$92,098                  |
|                                                                                                       |                            |                           |
| <b>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER EXCL GRANT RELATED, DC AND RFS ABOVE)</b> | <b>\$16,435,654</b>        | <b>\$16,664,766</b>       |

Our Governance No. 28 Cont...

|                               |                  |                    |
|-------------------------------|------------------|--------------------|
| WATER                         | \$254,310        | \$2,180,603        |
| SEWER                         | \$6,510,563      | \$5,703,375        |
| WASTE                         | \$8,298,987      | \$7,372,548        |
| STORMWATER                    | \$989,453        | \$1,025,899        |
| TRUST FUND                    | \$382,341        | \$382,341          |
|                               |                  |                    |
| <b>INTERNAL RESTRICTIONS</b>  |                  |                    |
| PLANT AND VEHICLE REPLACEMENT | -                | -                  |
| EMPLOYEES LEAVE ENTITLEMENTS  | -                | -                  |
| SPECIAL PROJECTS              | -                | -                  |
|                               |                  |                    |
| <b>UNRESTRICTED FUNDS</b>     | <b>\$984,869</b> | <b>\$5,481,839</b> |

**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.

Our Governance No. 28 Cont...

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

Prepared by staff member: Roy Jones, Manager Finance & Technology

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

Department: Office of the Chief Corporate Officer

Attachments: **1** Investment Report as at 30 April 2023 **1** Page

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>          |
| <b>Submitted by:</b> | Roy Jones, Manager Finance & Technology               |
| <b>Reference:</b>    | <b>ITEM GOV29/23</b>                                  |
| <b>Subject:</b>      | <b>CAPITAL EXPENDITURE REPORT AS AT 30 APRIL 2023</b> |

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

|                             |                                                                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>        | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <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 Year-to-date (YTD) financial progress of Capital Works projects against the budget.

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

**That Council receive and note the Capital Expenditure Report for the period ended 30 April 2023.**

#### **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 2021/22 year were adopted in the first Quarterly Budget Review at the November 2022 meeting. The budgets for a number of new grants received in the current financial year were also adopted. Further updates to the Capital Expenditure budgets were adopted in the December 2022 Quarterly Budget Review at the February 2023 Council meeting. The Capital Expenditure Report has been updated to show the current list of approved capital projects.

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.



Our Governance No. 29 Cont...

**2. Policy and Regulation**

- Local Government Act 1993
- Local Government (General) Regulation 2005
- 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:     | Roy Jones, Manager Finance & Technology                         |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer                            |
| Department:                   | Office of the Chief Corporate Officer                           |
| Attachments:                  | <b>1</b> Capital Expenditure Report - April 2023 <b>3</b> Pages |

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b> |
| <b>Submitted by:</b> | Roy Jones, Manager Finance & Technology      |
| <b>Reference:</b>    | <b>ITEM GOV30/23</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 31 March 2023

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

**That Council notes the loan balance as at 31 March was \$21,148,595.71 (\$18,399,100.48 as at 31 December 2022).**

#### **BACKGROUND**

Council resolved at its meeting on 24 August, 2011 (Resolution 380/11) that a Report be provided every three (3) months summarising Councils 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 31 March 2023 was \$21,148,595.71 (\$18,399,100.48 as at 31 December 2022).

#### **New Loans Taken Out between reporting periods 1 July 2022 to 31 March 2023**

On 22 March 2023 Council approved (Resolution 27/23) to drawdown a loan of \$3.1 Million for Transport Infrastructure (and supportive plant items) with the Commonwealth bank for 20 years at an interest rate of 5.62%. The actual rate of interest at time of drawdown was 5.57%.

Council Loan Register as at 31 March 2023 attached.

#### **Bridging Finance**

At the Council Meeting held on 12 January 2022, Council approved the establishment of a Corporate Markets Loan with the National Australia Bank, with a drawdown facility limit of \$5,000,000 for a rollover period of 90 days, to function as a cash reserve to fund external restrictions when required.

Our Governance No. 30 Cont...

As at 31 March 2023 Council has not required to use the drawdown facility and managing its cash flow. The Office of Local Government will also be notified once Council decides to use this facility.

The Debt Service Cover Ratio based as at 30 June 2022 is 9.08x (the benchmark is >2.00x). This ratio improved slightly from the financial year ending 30 June 2021 (when the ratio was 6.98x).

The Debt Service Cover Ratio based as at 31 March 2023 is 5.64x (benchmark is >2.00x). The ratio is expected to improve on receipt of Financial Assistance Grant and other revenue from grants in May/June 2023.

### **COUNCIL IMPLICATIONS:**

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

Council's projected loan borrowings are included in the 2022/23 Operational Plan.

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

- 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: Roy Jones, Manager Finance & Technology  
Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Loan Register as at 31 March 2023 1 Page

|                      |                                                                                       |
|----------------------|---------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                  |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media                                        |
| <b>Reference:</b>    | <b>ITEM GOV31/23</b>                                                                  |
| <b>Subject:</b>      | <b>DELEGATION FOR CHIEF EXECUTIVE WHILST ATTENDING NATIONAL GENERAL ASSEMBLY 2023</b> |

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

|                             |                                                                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>        | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <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 provide delegation for an Acting Chief Executive during period of absence of the Chief Executive.

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

**That Council approve the temporary appointment of Chief Corporate Officer, Kylie Smith to the position of Acting Chief Executive for the period Monday 12 June 2023 to Friday, 16 June 2023 inclusive.**

#### **BACKGROUND**

Chief Executive - Daryl Buckingham will be absent attending the 2023 National General Assembly during the period Monday, 12 June 2023 to Friday, 16 June 2023 inclusive with Chief Corporate Officer, Kylie Smith appointed to the position of Acting Chief Executive. Council will need to approve this temporary appointment.

#### **REPORT:**

The functions of the Chief Executive (General Manager) should be delegated to ensure effective and efficient operations of the Council whilst the Chief Executive and Mayor are attending the Australian National General Assembly.

The Acting Chief Executive will undertake all delegations of the Chief Executive during his period of absence.

#### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Nil.
- 2. Policy and Regulation**  
Section 377 of the Local Government Act 1993 provides for delegations to the Chief Executive.

Our Governance No. 31 Cont...

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

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

**7. Performance Measures**

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, Executive Assistant & Media |
| Approved/Reviewed by Manager: | Daryl Buckingham, Chief Executive              |
| Department:                   | Office of the Chief Executive                  |
| Attachments:                  | There are no attachments for this report.      |

|                      |                                                                      |
|----------------------|----------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                 |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media                       |
| <b>Reference:</b>    | <b>ITEM GOV32/23</b>                                                 |
| <b>Subject:</b>      | <b>ANNUAL REMUNERATION FOR COUNCILLORS AND THE MAYOR - 2023-2024</b> |

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

|                                 |                                                                                                                                                      |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>                | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>            | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <b>Delivery Plan Action:</b>    | Deliver continuous improvements in Council's business, processes and systems.                                                                        |
| <b>Operational Plan Action:</b> | Ensure adequate and effective internal controls are in place for all financial management and purchasing functions.                                  |

#### **SUMMARY**

The purpose of this Report is to address the recent determination of the NSW Local Government Remuneration Tribunal which handed down an increase in the fees payable to Councillors and the Mayor of 3.0% for the 2023/2024 financial year.

The increase applies to both the minimum and maximum allowable rates for both Councillors and the Mayor. Council is required to determine at which rate it sets fees for both Councillors and the Mayor within the minimum and maximum allowable amounts for the upcoming financial year. In the past Tenterfield Council have applied the "maximum" allowable amount for both Councillors and Mayor.

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

##### **That Council:**

- (1) Notes the Report and Determination of the NSW Remuneration Tribunal 27 April 2023; and**
- (2) Sets the level of fees payable to all Councillors at \$13,030 per annum effective from 1 July 2023 to 30 June 2024; and**
- (3) Sets the additional fee payable to the Mayor at \$28,430 per annum effective from 1 July 2023 to 30 June 2024; and**
- (4) Sets the reimbursement amount for approved travel using own vehicle as per the Local Government (State) Award, where a Council vehicle is unavailable.**

#### **BACKGROUND**

The full report of the Local Government Remuneration Tribunal (the Tribunal) is attached to this Report.

Our Governance No. 32 Cont...

The Local Government Remuneration Tribunal is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to Mayors, Councillors, and Chairpersons and Members of County Councils.

The Tribunal's annual review commenced in October 2022 when it wrote to all Councils and the President of Local Government NSW inviting submissions regarding fees and categories. The Tribunal received 18 written submissions, of which 15 were from individual Council's.

Under Section 239 of the LG Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every three years, with the last review completed in 2020.

For the 2023 review the Tribunal undertook an extensive examination of the categories, criteria, and allocation of councils into each of the categories. Statistical and demographical data coupled with population data from the 2021 Census providing the basis of the review.

Nine (9) submissions were received from councils requesting recategorisation and five (5) of these requested the creation of new categories. Complexities of remaining financially sustainable whilst maintaining services and providing new infrastructure were also highlighted. Recategorisation requests were mainly made by the larger metropolitan and regional councils, who are experiencing high growth and demand for services.

Local Government NSW (LGNSW) requested the Tribunal increase fees by the maximum 3% but argued that this increase does not "*address the historic undervaluation of work performed by elected representatives and the substantial responsibility associated with the local government.*" LG NSW used economic and wage data including Consumer Price Index, national and state wage cases and market comparability and cited that remuneration has been reduced by inflationary pressures and capping of remuneration increases.

It was also suggested that the low level of remuneration poses a barrier to encouraging participation and diversity of candidates within communities.

In accordance with section 239 of the *Local Government Act 1993*, the categories of general-purpose councils are determined as follows:

| <b>Metropolitan</b>                                 | <b>Non-metropolitan</b>                                       |
|-----------------------------------------------------|---------------------------------------------------------------|
| • Principal CBD                                     | • Major Regional City                                         |
| • Major CBD                                         | • Major Strategic Area                                        |
| • <b>Metropolitan Major</b> ( <i>new category</i> ) | • Regional Strategic Area                                     |
| • Metropolitan Large                                | • Regional Centre                                             |
| • Metropolitan Medium                               | • Regional Rural                                              |
| • Metropolitan Small                                | • <b>Regional Large</b> ( <i>new category</i> )               |
|                                                     | • <b>Rural</b> ( <i>Tenterfield, Glen Innes, Kyogle etc</i> ) |

Tenterfield Shire Council is classified in the **Rural (38)** category.

Our Governance No. 32 Cont...

Council can choose to set their fees at either the maximum rate prescribed for the category or a lesser rate above the minimum for the category. Previously Tenterfield Shire Council has resolved to set the Councillor fee and the Mayoral fee at the upper level of the respective categories.

### REPORT: RANGES

The Tribunal has determined the following range for the Rural category for the 2023-2024 financial year:

|                 |                      |
|-----------------|----------------------|
| All Councillors | \$9,850 to \$13,030  |
| Mayor           | \$10,490 to \$28,430 |

In the 2022 – 2023 financial year the Councillor remuneration range was set as follows:

|                 |                      |
|-----------------|----------------------|
| All Councillors | \$9,560 to \$12,650  |
| Mayor           | \$10,180 to \$27,600 |

In the 2021-2022 financial year the Councillor remuneration range was set as follows:

|                 |                     |
|-----------------|---------------------|
| All Councillors | \$9,370 to \$12,400 |
| Mayor           | \$9,980 to \$27,060 |

### CALCULATIONS

In the 2022-2023 financial year (*Current year*) Councillor remuneration was set as follows:

|                 |                                                  |
|-----------------|--------------------------------------------------|
| All Councillors | \$12,650 x 10 ( <i>Full twelve (12) months</i> ) |
| Mayor           | \$27,600                                         |
| <b>Total</b>    | <b>\$154,100</b>                                 |

If Council were to apply the maximum annual increase of 3.0% in determining the Councillor and Mayoral fees for 2023-2024, **with the current 9 Councillors**, the following fees would apply.

|                 |                                                   |
|-----------------|---------------------------------------------------|
| All Councillors | \$13,030 x 9 ( <i>Current Councillor cohort</i> ) |
| Mayor           | \$28,430                                          |
| <b>Total</b>    | <b>\$145,700</b>                                  |

In addition, as per Council's "Payment of Expenses and Provision of Facilities to Councillors Policy" this will continue to be paid as per the Local Government (State) Award amount for the approved travel of Councillors using their own vehicle.

### COUNCIL IMPLICATIONS:

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

Nil required.

#### 2. Policy and Regulation

- As determined by the Local Government Tribunal under Sections 239 and 241 of the *Local Government Act 1993*.
- Relates to "Council's Payment of Expenses and Provision of Facilities to Councillors Policy".



Our Governance No. 32 Cont...

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

The Annual Budget for 2023/2024 has included an increase of 3 % for the annual remuneration for Councillors and the Mayor. Councillor numbers remain at nine (9), not the full complement of ten (10), as Council awaits Ministerial confirmation of its vacancy Ward D.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Daryl Buckingham  
Chief Executive**

|                               |                                                |          |
|-------------------------------|------------------------------------------------|----------|
| Prepared by staff member:     | Elizabeth Melling, Executive Assistant & Media |          |
| Approved/Reviewed by Manager: | Daryl Buckingham, Chief Executive              |          |
| Department:                   | Office of the Chief Executive                  |          |
| Attachments:                  | <b>1</b> Annual Determination - 27 April 2023  | 47 Pages |
|                               | <b>2</b> OLG NSW Circular 23-03                | 2 Pages  |

|                      |                                                                                                       |
|----------------------|-------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                                  |
| <b>Submitted by:</b> | Peter Petty, Councillor                                                                               |
| <b>Reference:</b>    | <b>ITEM NM1/23</b>                                                                                    |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - INVESTIGATE THE EXTENSION OF WASTE SERVICES TO BILLIRIMBA ROAD, TENTERFEILD</b> |

|                                                               |                                                                                                                     |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                     |
| <b>CSP Goal:</b>                                              | <b>Environment</b> - Our natural environment will be protected, enhanced and promoted for future generations.       |
| <b>CSP Strategy:</b>                                          | Deliver an affordable waste management solution for the community to best manage waste and recycling opportunities. |

## SUMMARY

The purpose of this Notice of Motion is to allow Council to receive a Report on the viability and interest of residents in extending waste service collection along Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall. Consideration of this Report is given under Section 3.9 of Council's "Code of Meeting Practice - 2018."

## OFFICER'S RECOMMENDATION:

**That Council receive a Report on the viability and interest of residents in extending waste service collection along Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall.**

## BACKGROUND

With closer settlement and building blocks within proximity to Tenterfield's central business district being developed in the Steinbrook area, an extended waste collection service would be of great benefit to these residents.

If the waste collection service extension was approved, it would assist Council in raising more revenue for the Waste Department. The service extension would also support more residents recycling within the shire.

An initial survey of the residents along the proposed route would seek concurrence from residents of their interest in accessing waste service collections.

## REPORT:

With closer settlement and building blocks within proximity to Tenterfield's central business district being developed in the Steinbrook area, an extended waste collection service would be of great benefit to these residents.

If the waste collection service extension was approved, it would assist Council in raising more revenue for the Waste Department. The service extension would also support more residents recycling within the shire.

## COUNCIL IMPLICATIONS:

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

To develop the report for future Council consideration, communication with the potential recipients of the service to gauge their need and intended usage would be necessary.

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## **2. Policy and Regulation**

- Protection of the Environment Operations (POEO) Act 1997
- Protection of the Environment Operations (Waste) Regulation 2014
- Waste Avoidance and Resource Recovery Act 2001
- Solid Waste Landfills Environmental Guidelines 2016
- Waste Minimisation and Management Act 1995
- Local Government Act 1993 Version Page 6 of 6 Section:
- Local Government General (Regulations) 2021
- Contaminated Recycling Bin Policy 2022

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

Operational budget allocation may be needed in the 2023/24 budget to undertake the report depending on staff availability and any technical reports needed to determine cost of the service. It is estimated this will be the equivalent of \$5,000 added into the budget.

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

The Fleet Asset Management Plan may need review, as will any consideration of collection route proposed in the report should the recommendation be adopted.

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

It is anticipated that the report would be undertaken in house with some technical support depending on workload.

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

Nil at this stage however consideration of a report in future will look at risks associated with the financial viability of any proposed service and the expectation management of intended services users as the report is developed for further consideration by Council.

## **7. Performance Measures**

Nil other than the management of the report via the Operational Plan and Resolution Register updates of Council should it be successful in line with current staff resources.

## **8. Project Management**

Nil.

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

Prepared by staff member: Peter Petty, Councillor  
Approved/Reviewed by Manager: Daryl Buckingham, Chief Executive  
Department: Office of the Chief Executive  
Attachments: **1** Notice of Motion - Cr Peter Petty 1 Page

|                      |                                                 |
|----------------------|-------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>            |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media  |
| <b>Reference:</b>    | <b>ITEM RES4/23</b>                             |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - APRIL 2023</b> |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                             |                                                                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>        | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <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.                                                             |

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**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 April 2023.**

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

Prepared by staff member: Elizabeth Melling, Executive Assistant & Media  
 Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
 Department: Office of the Chief Executive  
 Attachments: **1** Resolution Register - April 2023 20 Pages