



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

ADDENDUM ITEMS FOR ORDINARY COUNCIL MEETING 30 JUNE 2023

Notice is hereby given pursuant to Clause 7(1) of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room", Administration Building, 247 Rouse Street, Tenterfield NSW 2372, on **Friday 30 June 2023** commencing at **9.30am**.

Daryl Buckingham
Chief Executive

AGENDA

10. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

(ITEM GOV39/23)	PROPOSED AMENDMENTS TO OPERATIONAL PLAN 2023/2024.....	2
(ITEM GOV40/23)	AFFIXATION OF COUNCIL SEAL ON CORPORATE MARKET LOAN FACILITY	7
(ITEM COM6/23)	CROWN LANDS PLAN OF MANAGEMENT RESERVE R57957	9

Department:	Office of the Chief Corporate Officer
Submitted by:	Erika Bursford, Manager Customer Service, Governance & Records
Reference:	ITEM GOV39/23
Subject:	PROPOSED AMENDMENTS TO OPERATIONAL PLAN 2023/2024

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Leadership - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.
CSP Strategy:	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.
CSP Delivery Program	Provide sound and inclusive decisions using the Community Engagement Strategy to guide our interactions.

SUMMARY

The purpose of this Report is to advise Council of proposed amendments to the Tenterfield Shire Council Operational Plan 2023/2024, including amended financial budget, following IPART advice of 16 June 2023, and to place on public exhibition the proposed amendments, from 30 June 2023 to 28 July 2023.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Place the proposed amendments to the Tenterfield Shire Council Operational Plan 2023/2024 on public exhibition on Council's website for 28 days from 30 June 2023 to 28 July 2023 for community review and comment, and**
- (2) Consider a further Report after 28 July 2023 to be brought back to Council for adoption of the amendments to the Tenterfield Shire Operational Plan 2023/2024.**

BACKGROUND

Council has previously drafted and exhibited the Operational Plan 2023/2024, including financial budget, with this period concluding on 23 May 2023. The NSW Independent Pricing and Regulatory Tribunal (IPART) provided its decision on Council's Special Rate Variation (SRV) application on 16 June 2023. As reported in the IPART SRV report presented earlier to this Ordinary Council Meeting of 30 June 2023, Council has received a partial approval of the SRV application, being a one-year permanent rate rise of 43% (including the annual rate peg) for 2023/2024. The effect of the reduced income from the original application of a permanent rate rise of 43% each year for two years is that Council is now required to identify and reduce services and expenditure previously proposed in the Operational Plan 2023/2024, and place these proposed changes on public exhibition for 28 days for community review and comment.

REPORT:

Proposed amendments to the Operational Plan 2023/2023 are as follows:

Our Governance No. 39 Cont...

Page 8 - Changes to The Structure (in red text).

Page 9 - Changes to Areas of Responsibility (in red text).

Page 11- 2023/24 - Funding Summary – Budget Forecast – Post IPART determination, reductions and consolidations.

Page 12 - Four Year Operating Result Forecast – 43% 1 year only 2023/24 then 2.5% subsequent years.

Pages 13 to 24 - Summary of Capital Works for 2023- 2027 – reduced Capital Works per attached list below from draft \$2,075,059. Capital works in the 2023/2024 financial year, \$146,000 in 2024/2025 Financial year, \$390,750 2025/2026 Financial year and \$63,400 in 2026/2027 financial from the draft Operational Plan.

Theatre & Museum Complex	2023/2024	2024/2025	2025/2026	2026/2027
Centenary Cottage Museum – Fire Security System Renewal			5,500	
Parks, Gardens & Open Space				
Federation Park – Renewal of Floodlights to New Technology (SRV)	250,000			
Minor Park Asset Replacements e.g. park benches		16,000		14,000
Buildings & Amenities				
Residence – 53 Wellburn Lane – Renew bathroom		40,000		
Residence – 53 Wellburn Lane – Replace carpet		30,000		
Residence – 29 High St – Renew bathroom	40,000			
Residence – 134 Manners St – Renew bathroom			28,000	
Residence – 134 Manners St - Renew kitchen			9,750	
Residence – 134 Manners St – Renew roof			20,800	
Child Care Centre – Replace air-conditioning unit	6,500			
Child Care Centre – Renew Roof	32,500			
Community Hall Drake – Replace tiles in bathroom	13,000			
Community Hall Legume – Kitchen fitout/Main entry roof			54,600	
FM Radio Station – Renew roof		60,000		
Swimming Complex				
Swimming Pool – Equipment Replacement	25,000			
Asset Management & Resourcing				
Tenterfield Depot – Training & Amenities Block			250,000	
Legume Depot – Shed 2 – Exterior cladding	7,800			
Legume Depot – Shed 1 – Renewal				49,400
Liston Store – Renewal			22,100	
Transport Network				
Concrete Bridge	105,111			
Causeways	278,163			
Footpaths Capital Works	100,000			

Our Governance No. 39 Cont...

Road Renewal – Gravel Roads (D class roads)	325,759			
Gravel Resheets	316,226			
Rural Road Rehabilitation	480,000			
Urban Road Rehabilitation	125,000			
Kerbing & Guttering	20,000			
Gravel Pit Rehabilitation (additional \$50K)	50,000			
	2023/2024	2024/2025	2025/2026	2026/2027
Capital Works Reductions Total	2,075,059	146,000	390,750	63,400

Page 25 - Budget Forecast – General Fund (including Waste & Stormwater) showing 2023/24 43%, then 2.5% the next 3 years, (changes highlighted).

Pages 28 to 37 Community, Economy, Environment, Transport & Leadership. Changes made to the actions that the responsible officers will report on in the Monthly Operational Report after the reduction and consolidation of service units. Changes have been made in red text, some actions have been deleted.

Changes to Service Units - Key Outputs (in red text) and Section Budgets (highlighted):

Page 38 - 1. Civic Office – Reduction Contributions & Donations (Section 356 of LGA) \$35k, and additions to Key Outputs – (Policies & Codes & NAIDOC week).

Page 39 - 2. Organisation Leadership – additions to Key Outputs (Communications, Disability Action Plan, Community Advisory Committee, Interagency Management).

Page 40 - 3. Economic Growth – Change of title, reduction and movement of key outputs to Organisation Leadership.

Page 41 - 4. Arts, Culture & Library – Combined Community Development, Theatre & Museum Complex & Library Services (Reduction of 50K in community development position).

Page 44 - 6. Emergency Services – ESL Contribution reduction from forecast \$63,122.

Page 46 - 7. Finance & Technology – Rates income @ 43% SRV for 2023/24, then 2.5% for following years.

Page 53 - 12. Buildings & Amenities – Reductions as per list.

Page 55 - 13. Parks, Gardens & Open Space – Reductions as per list.

Page 57 - 14. Swimming Complex – reduction in 2023/24 only by 25K, refer to list.

Page 59 - 15. Asset Management reductions as per list.

Page 64 - 18. Transport Network – reduced rural road maintenance \$800k, Reduced Capital works \$1,700,260 2023/24 only as per list.

Page 76 - Changes to Appendix 2 Our Services – reduction of 1 listed service (Culture, Theatre and Museum in red text).

Our Governance No. 39 Cont...

Following the end of the public exhibition period of 28 days on 28 July 2023 the amendments to Operational Plan 2023/2024 and any community comments will be provided to Council for final consideration and adoption.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The proposed amendments to the Operational Plan 2023/2024 will be placed on public exhibition on Council's website for a period of 28 days, for community review and comment. The proposed amendments to the Operational Plan 2023/2024, and any community submissions received, will then be brought back to Council for final review and adoption.

2. Policy and Regulation

- Local Government Act 1993 – Sections 8A 1(c), 8C, 405.

3. Financial (Annual Budget & LTFP)

The proposed amendments to the Operational Plan 2023/24 includes changes to Council's capital works and service delivery related expenditure.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

In accordance with Sections 405(3) and 405(5) of the Local Government Act 1993, Council is required to provide the proposed amendments to the Operational Plan 2023/2024 for public exhibition for a period of at least 28 days, for public review and comments.

Advertising of the availability of the amendments to the plan will be done on Council's website, Facebook page and Your Local News for review and comment by the community.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Prepared by staff member: Erika Bursford, Manager Customer Service, Governance & Records; Lee Sisson, Governance Officer; Jessica Wild, Management Accountant; Roy Jones, Manager Finance & Technology

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

Our Governance No. 39 Cont...

Department:

Office of the Chief Corporate Officer

Attachments:

- | | | |
|----------|---|-------------|
| 1 | Proposed Amendments - TSC
Delivery Program & Operational
Plan 2023-2024 | 78
Pages |
|----------|---|-------------|

Department:	Office of the Chief Corporate Officer
Submitted by:	Roy Jones, Manager Finance & Technology
Reference:	ITEM GOV40/23
Subject:	AFFIXATION OF COUNCIL SEAL ON CORPORATE MARKET LOAN FACILITY

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	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 that the Council Seal was used to complete the documentation associated with the establishment of the Corporate Market Loan for \$5,000,000.00 from the National Australia Bank (NAB) through Council Resolution 14/22.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Retrospectively resolve to apply the Council Seal solely for documentation purposes to establish the Corporate Market Loan in accordance with resolution 14/22.**

BACKGROUND

On 12 January 2022 Council approved through Resolution 14/22 the establishment of a Corporate Market Loan with National Australia Bank with a draw-down facility of \$5,000,000 for a rollover period of 90 days, to function as a cash reserve to fund external restrictions when required.

REPORT:

Council's Manager Finance and Technology has been in discussion with NAB to establish the NAB Corporate Market Facility prior to 30 June 2023. The delay in receiving the Financial Assistance Grant advance payment has resulted in this facility being established prior to 30 June 2023 in order for Council to continue its financial operational purposes from the General Fund without breaching the Local Government Act 409 (3).

As part of establishing the facility documentations were sent by National Australia Bank on 23 June 2023 which required the affixation of Council Seal on the Letter of Offer and to be duly signed by the General Manager (Chief Executive) and the Mayor.

Considering the time frame associated and the need to get documentations back to National Australia Bank prior to 30 June 2023 the Council Seal was used.

Our Governance No. 40 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Revised Borrowing Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Council's Borrowing Policy
- Council's Affixing of Council's Seal to Documents 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:	There are no attachments for this report.

Department:	Engineering Department
Submitted by:	Fiona Keneally, Director Infrastructure
Reference:	ITEM COM6/23
Subject:	CROWN LANDS PLAN OF MANAGEMENT RESERVE R57957

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Community - The community is supported by accessible and equitably distributed facilities and recreational opportunities for people of all ages.
CSP Strategy:	Provide safe and accessible public spaces and places that are well maintained, clean and fun.

SUMMARY

The purpose of this Report is to present Council with the results of public consultation and to obtain a Council Resolution to adopt the Plan of Management for Crown Reserve R57957. The Reserve is over Lot 1 Sec. 28 DP 758959 and Lot 7320 DP 1143501.

OFFICER'S RECOMMENDATION:

That Council:

Adopt the Plan of Management for Jubilee Park – Crown Reserve R57957 pursuant to Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016.

BACKGROUND

The Crown Land Management Act 2016 (CLM Act) came into effect on July 1, 2018 with a requirement that all councils appointed to manage Crown Land reserves manage such land as if it were public land under the Local Government Act 1993 (LG Act). R57957 is a Crown reserve that is managed as 'community' land under the LG Act and a Plan of Management (PoM) is required for all 'community' classified land.

R57957 was historically devolved to Council which meant that Council was responsible for the maintenance and care of the Reserve but were not in a position to manage or approve uses or buildings on the Reserve.

Section 39 of the LG Act requires that any draft PoM for a Crown Reserve, including the first Plan of Management prepared, is required to be referred to the Department of Planning, Industry, and Environment – Crown Lands (the Minister) as the owner of the land, in draft form to seek the consent of the Minister.

A draft PoM was prepared over R57957 in accordance with:

- The original categorisations approved by the Minister (Park)
- The Reserve purpose which is for Public Recreation
- The CLM Act and published guidelines for drafting a PoM

At the Ordinary Meeting of Council 22 March 2023 (Res 29/23) Council resolved to –
 (1) Endorse the draft Plan of Management Jubilee Park – Crown Reserve R57957; and
 (2) Forward to the Crown Lands Minister for approval prior to the compulsory community consultation period.

Our Community No. 6 Cont...

REPORT:

On 23 March 2023 the draft Plan of Management was referred to the Department of Planning and Environment – Crown Lands (the Minister) as the owner of the land, in draft form to seek consent of the Minister, with approval granted on the 5 May 2023 to progress to public exhibition, after minor amendments were made, for a period of 28 days allowing 42 days for the acceptance of submissions.

Accordingly, the documents were made available on Council's website on the 5 May 2023 and submissions were accepted until 5pm Tuesday 20th June 2023.

A total of one (1) submission was received and is included as an attachment to this Report. The following table summarises and addresses relevant issues raised as a result of the public exhibition.

Comment / Issue Raised	Staff Response
<p>To be read in conjunction with my earlier Submission re: OPHR POM – Crown Reserve R22044, emailed 29/1/23, as there are comments relevant to both POMs.</p> <p>For a small town and population, Tenterfield is well endowed with parks, open spaces, recreational areas, sports grounds. Jubilee Park is close to several of these areas, all easily accessible. The Old Power House Reserve/Youth Precinct is underway and the area will be highly developed. The beauty of Jubilee Park is due mainly to its quiet, spacious and casual atmosphere, the large established trees providing shade during summer, extensive and fairly level grassed areas plus the remarkable Jubilee Rotunda. Toilet facilities, non delineated parking, the children's playground and the exercise equipment add to the park's attraction for locals and visitors alike. Respect the amenity for nearby residents, the high school and commercial area. These important factors should be acknowledged in the Corporate Objectives 1.2. For these and safety reasons I am concerned about the proposed basketball court.</p> <p>2.3 Categorisation of the reserve. It is General Community Use, Area of Cultural Significance (Jubilee Rotunda) and this Natural Area can flood.</p>	<p>Noted. Comments previously addressed in Addendum Agenda OCM Wednesday 22 March 2023 Business Paper.</p> <p>Noted. Council's Corporate objectives for the park are stated in this section (1.2).</p> <p>Noted. The Reserve is categorized in accordance with advice from the Department of Planning, Industry and Environment – Crown Lands, the guidelines set out in the Local Government (General) Regulation 2021, and Practice Note 1: Public Land</p>

Our Community No. 6 Cont...

<p>The established exercise equipment area and sculpture are not shown on the Figures in this POM.</p> <p>2.5/7.2 add platypus.</p> <p>2.7 Culturally significant land due to the presence of the Jubilee Rotunda, its historic and recent use for entertainment notably music.</p> <p>3.1 Overview. Council’s Resourcing Strategy for this reserve must be an ongoing priority despite current financial difficulties. It is an understated but highly valued community asset.</p> <p>3.3 Use of the land and structures Maintain/improve the amenities block and kiosk.</p> <p>3.5 Further development. The proposed basketball court must be located appropriately and safely considering proximity to the road, the playground, other park uses and users. Its presence could be a dangerous distraction to passers by.</p> <p>3.9 Signs to include historic information sign regarding the heritage listed rotunda.</p> <p>5.1 NOTE ` ... peaceful enjoyment of the land by others’</p>	<p>Management (Department of Local Government Amended 2000)</p> <p>Noted. The conceptual drawing details Lot 7320 DP 1143501 – proposed as Sportsground (part) and natural watercourse (part). The drawings contained in the PoM are conceptual and subject to final detailed design. No changes are proposed to existing exercise equipment and sculpture at Lot 1, Section 28 – DP 758959 (featured in Figure 6)</p> <p>This section refers to endangered or threatened species under the Biodiversity Conservation Act 2016. The platypus is not currently listed.</p> <p>Under Section 36D of the LG Act, the reserve has not been identified as an Area of Cultural Significance. The Jubilee Rotunda included in 2.7 as a locally significant item of Environmental Heritage under Tenterfield Local Environmental Plan 2013 (LEP)</p> <p>Noted – implemented through Council’s Delivery Program and Operational Plan</p> <p>Some improvements to the amenities block are included in the Stronger Country Communities Fund R5 and will be subject to budgetary constraints.</p> <p>The drawings contained in the PoM are conceptual and subject to final detailed design. The facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p> <p>Noted – Council may consider this in future funding opportunities.</p>
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Our Community No. 6 Cont...

<p>5.3 Development and Use. Subject to careful assessment of the OPHR/Youth Precinct patronage and activities following completion with extensive community consultation.</p>	<p>Noted</p>
<p>6.2 Proximity to the road and children's playground – basketballs going off the court area.</p>	<p>Noted</p>
<p>6.3 Development and Use. Reasonable upgrading of the toilet block is a priority. The kiosk is used during community events and improvements would be beneficial to patrons of both reserves.</p>	<p>The facilities will be designed and constructed in accordance with current standards and site and budget constraints.</p>
<p>Finally, justifiable projects, adequate and appropriate funding, professional supervision and construction are expected with no shortfalls/overruns nor extra costs to the community.</p>	<p>Some improvements to the amenities block are included in the Stronger Country Communities Fund R5 project and will be subject to budgetary constraints. Kiosk comment noted – Council may consider this in future funding opportunities.</p>
	<p>Noted</p>

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

The documents were made available on Council's website on the 5th May 2023 and submissions were accepted until 5pm Tuesday 20th June 2023. Appropriate advertising was undertaken.

Community Consultation has been undertaken and taken into consideration in the preparation of the draft PoM. Three (3) onsite meetings were held with school groups, key stakeholders, and the indigenous community. School students also participated in a survey to identify what features they would like to see in the precinct. An outdoor basketball court in Tenterfield featured prominently in survey responses.

2. Policy and Regulation

- Local Government Act 1993 (NSW)
- Local Government Act 1993 (NSW)
- Local Government Regulation 2021 (NSW)
- Crown Land Management Act 2016 (NSW)
- Aboriginal land Rights Act 1983 (NSW)
- Native Title Act 1993 (CTH)

Our Community No. 6 Cont...

3. Financial (Annual Budget & LTFFP)

There will be costs involved with reviewing the Plan not more than every 10 years. These costs would not exceed the appropriate planning required in managing Council assets.

There will also be operational costs associated with the management of infrastructure and garden areas in the reserve as Council is the Crown Land Manager. However, Council historically and currently maintains this reserve.

4. Asset Management (AMS)

Given that Council already manages the lands and the activities carried out thereon the most significant change will be infrastructure depreciation and a minor increase in maintenance

5. Workforce (WMS)

Nil change.

6. Legal and Risk Management

There are significant risks involved in continuing to manage the reserve without an approved PoM in place.

In accordance with the Crown Land Management Act 2016 and Local Government Act 1993, Council will be required to manage the reserve in accordance with the approved POM and the reserve purpose which is Public Recreation.

7. Performance Measures

Plans of Management are to be reviewed regularly but not more than every 10 years.

8. Project Management

Nil.

Fiona Keneally
Director Infrastructure

Prepared by staff member:	Fiona Keneally, Director Infrastructure	
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure	
Department:	Engineering Department	
Attachments:	<ol style="list-style-type: none"> 1 Submission - Plan of Management Jubilee Park Manners Street Tenterfield 2 Plan of Management - Jubilee Park, Manners St, Tenterfield 3 Correspondence Dept Planning & Environment 4 May 2023 	<p>1 Page</p> <p>38 Pages</p> <p>1 Page</p>