



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 30 JUNE 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 **Friday 30 June 2023** commencing at **9.30am**.

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

# 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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### 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**

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### **OUR ENVIRONMENT**

### **OUR GOVERNANCE**

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**14. CONFIDENTIAL BUSINESS**

**15. MEETING CLOSED**

**(ITEM MIN5/23) 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 – 24 May 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 24 May 2023 | 16<br>Pages |
|----------|----------------------------------------------------------------------|-------------|

|                      |                                                                  |
|----------------------|------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                             |
| <b>Submitted by:</b> | Bruce Mills, Senior Advisor Communication & Economic Development |
| <b>Reference:</b>    | <b>ITEM ECO11/23</b>                                             |
| <b>Subject:</b>      | <b>RECOMMENDATION FOR FUTURE OF VISITOR INFORMATION SERVICES</b> |

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

|                      |                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Economy</b> - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities. |
| <b>CSP Strategy:</b> | Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.                                          |

#### **SUMMARY**

The purpose of this report is to advise Council of the best course of action for visitor information services and for the future of the Visitors' Information Centre (VIC) at 157 Rouse Street, Tenterfield, including review of two Expressions of Interest (EOIs) from parties interested in taking over Visitor Information Services.

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

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

- (1) Council defers the appointment of a community group to operate out of the visitor center until it explores further options that have been identified;**
- (2) Cease services at the Visitors' Information Centre (VIC), 157 Rouse St at the close of business, Friday, 14 July 2023 as a component of council's fiscal repair strategy; and**
- (3) Work with the Chamber of Commerce and other interested parties to identify alternative social enterprise models to deliver visitor information services in a sustainable but effective manner.**

#### **BACKGROUND**

As a component of its fiscal repair strategy, Council is working to redress budget deficits through efficiency gains, service reductions and sale of under-performing assets.

Visitor Information Services were identified as an area for cost-savings, and following

#### **Resolution 33/23**

##### ***Resolved*** that Council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, not-for-profit, community group or private sector operator to manage the day-to-day visitor information services of the Tenterfield Visitors' Information Centre (VIC).*

Our Economy No. 11 Cont...

*(Peter Murphy/Tim Bonner)*

**Motion Carried**

Council called for Expressions of Interest (EOI) for community groups and others to take over the day-to-day running of information services at the Visitor Information Centre.

Three parties submitted EOIs, two community groups – Make It Tenterfield and Tenterfield Social Development Committee (The Hub) and a private individual Ms Alicia Blyth of AB Celebrations.

Make It Tenterfield withdrew its EOI (22 May 2023) and the two remaining EOIs are attached. **(SEE CONFIDENTIAL ATTACHMENTS)**

However, given the outcome of the Special Rates Variation and the Independent Pricing and Regulatory Tribunal (IPART) response, more immediate service reductions and asset sales will be required, and Council needs to consider including the Visitor Information Services as a component of its fiscal repair strategy

**REPORT:**

In the report to Council ECO2/23 – OPTIONS FOR COMMUNITY MANAGEMENT OF THE TENTERFIELD VISITORS' INFORMATION CENTRE, savings of approximately \$125,000 per year were identified at the Visitor Information Centre if Council moved to have other parties take over the day-to-day running of the visitor information services.

The Chief Executive, Daryl Buckingham and staff have considered the two (Confidential) Expressions of Interests.

Regardless, if the best EOI was accepted, depreciation and maintenance costs for the building at 157 Rouse Street of approximately \$30,000 to \$35,000/per year (depreciation \$28,000) would remain. In the current financial environment these are considered expensive and beyond Councils' financial ability, Council does not have the budget to address any maintenance issues. Council also has a large deficit that it needs to reduce without the need to borrow further finance. As such it has been identified that Council needs to find alternative ways to deliver visitor services. Benchmarking and research has identified that several other Councils of similar size are implementing social models.

It should be noted that other larger Councils have taken similar action. For example, the Eurobodalla Shire Council has closed its Information Centres at Narooma and Batemans Bay, selling the Batemans Bay Visitor Centre Building (for \$1.55m) last year following a consultant's report showing the Centre's were a financial burden with questionable return, with surveys apparently finding less than 10 per cent of visitors used them.

Should Council resolve to accept the Officer's Recommendation and cease operations at the Visitor Information Centre, Council staff are mindful of the need for visitor information services to continue.

The Tenterfield Chamber of Tourism, Industry and Business and Shire business operators have already formed a committee to examine options for providing visitor information through other avenues, including on-line and brochure stands in local hotels/motels/Rouse Street and local businesses. Council should work with the Chamber and support, where possible, actions in this area.

Our Economy No. 11 Cont...

## COUNCIL IMPLICATIONS:

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

The community is aware of Council's financial position and its current drive to cut costs through staff and service reductions and asset sales.

Council has advertised (on-line and press) for Expressions of Interest for the running of the Visitor Information Centre and visitor information services as part of the process, and asset sales have clearly been on Council's agenda for many months.

### 2. Policy and Regulation

- Nil

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

Ceasing physical visitor information services at the Visitor Information Centre would deliver identified staff and running cost savings. Long-term, sale of the building at 157 Rouse Street would provide cash injection and on-going depreciation/maintenance savings.

### 4. Asset Management (AMS)

The sale of an under-performing asset would deliver longer-term savings in maintenance/depreciation.

### 5. Workforce (WMS)

Reduction staff costs and management time.

### 6. Legal and Risk Management

Nil.

### 7. Performance Measures

Nil.

### 8. Project Management

Nil.

## Daryl Buckingham Chief Executive

Prepared by staff member: Bruce Mills, Senior Advisor Communication & Economic Development

Approved/Reviewed by Manager: Daryl Buckingham, Chief Executive

Department: Office of the Chief Executive

Attachments: **All Confidential**

|          |                                                                       |            |
|----------|-----------------------------------------------------------------------|------------|
| <b>1</b> | Expression of Interest One -<br>Covering Letter <b>Confidential</b>   | 1<br>Page  |
| <b>2</b> | Expression of Interest One -<br>Summary <b>Confidential</b>           | 1<br>Page  |
| <b>3</b> | Expression of Interest Registration<br>One - Form <b>Confidential</b> | 3<br>Pages |
| <b>4</b> | Expression of Interest Registration<br>Two - Form <b>Confidential</b> | 3<br>Pages |

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b> |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer               |
| <b>Reference:</b>    | <b>ITEM GOV33/23</b>                         |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT 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. |

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**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 May 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 - May 2023 | 82 Pages |
|                               | <b>2</b> Organisational Chart                  | 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 GOV34/23</b>                                                            |
| <b>Subject:</b>      | <b>IPART - SPECIAL RATE VARIATION APPLICATION FOR 2023-2024 - DETERMINATION</b> |

|                                                               |                                                                                                                                                                    |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                    |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan. |
| <b>CSP Strategy:</b>                                          | 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 about IPART's decision on Council's Application for a Special Rate Variation of 43% (including rate peg) in 2023/2024 and 43% (including rate peg) in 2024/2025 representing a cumulative increase of 104.49%.

Council's application has not been approved in full. Instead, Council have been approved a one – year permanent Special Rate Variation of 43% (including rate peg).

This Report recommends that Council accept the 43% (including rate peg) as per IPART's decision for the FY 2023/2024 on a permanent basis to be applied on Council's rating structure.

The Special Rate Variation is to ensure council maintains and renews assets, maintains service levels to a satisfactory level and condition, ensures and improves financial sustainability and is all the more urgent in the current uncertain economic and environmental conditions, with significant investments required in Council's transport network.

### OFFICER'S RECOMMENDATION:

#### That Council:

- (1) Receive IPART's decision on the Special Rate Variation.**
- (2) Council accepts the 43% (including rate peg) as per IPART's decision for the FY 2023/2024 on a permanent basis to be applied in full on Council's rating structure for the purpose of maintaining current service levels, maintenance and renewal of assets and enhancing financial sustainability.**
- (3) Request the Chief Executive Officer to implement productivity improvements identified in the application, and if not, provide rationale for not implementing**

Our Governance No. 34 Cont...

### **BACKGROUND**

As at 30 June 2022 Council's Own Source Operating Revenue was 32.79% which is significantly below the Office of Local Government benchmark of greater than 60%. This indicates that Tenterfield Shire Council is highly dependent on external grants and contributions for operational purposes, that is unsustainable in the long term.

Council resolved through resolution (156/22) on 27 July 2022 to commence community engagement to support an application to IPART for a proposed Special Rate Variation comprising of a permanent increase of 43% (including rate peg) in 2023/24 and 43% (including rate peg) in 2024/25, representing a cumulative increase of 104.49% using the current rating structure to determine yield.

Community consultations and information sessions were held between April 2022 to September 2022 where Council requested community feedback and provided face to face meetings with executive staff to go through concerns and/or comments regarding the Special Rate Variation.

Additionally, several Councillor Workshops have been held between January 2022 and September 2022 discussing community feedback and the impact of Special Rate Variation on Council's financial sustainability and the impact on community.

On 26 October 2022 Council resolved through Resolution (237/22) *that Council:*

- (1) *Request the Chief Executive Officer 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.*
- (2) *Receive the report on Notification to IPART of Intent to Apply for a Special Rate Variation*
- (3) *Receive the report on community engagement undertaken between April 2022 to September 2022 and its outcomes.*
- (4) *Receive a further report that will include a draft Application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for an increase to the ordinary rate income, on the confirmed percentage increase as resolved by Council as part of this meeting.*

The Special Rate Variation is focused on Council being able to fund asset maintenance and renewal.

The Special Rate Variation has been driven by the need to achieve an increase in revenue in a short period. This is to ensure that Council has sufficient cash to fund renewal and maintenance of its assets that have been under pressure due to prolonged reduction in maintenance and renewal.

Budget constraints have been highlighted even more so in recent years due to natural disasters and adverse weather events. There are also cash management difficulties

Our Governance No. 34 Cont...

associated with grant expenses compared to the timing of the income and Council's lack of reserves. The extra financial burdens include, but are not limited to:

1. The rate peg for the 2023/24 financial year (4.2% for the FY 2023/24) which will not cover Council's exponential increase in operating expenditure due to high inflation primarily driven by economic conditions;
2. Additional audit and internal costs;
3. Rising emergency services levy costs;
4. Cost shifting proposed by State Government to Tenterfield Shire Council by transferring Rural Fire Service assets and associated depreciation to Council;
5. Increasing inflationary pressures, including but not limited to cost of materials, transport and contract cost; and
6. Real declining value of Financial Assistance Grants by the Commonwealth to Council.

A brief timeline of events have been presented below:

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.

On 2 November 2022 Council notified IPART for its Intention to apply for a Special Rate Variation for 43% (including rate peg) in 2023/2024 and 43% (including rate peg) in 2024/2025.

On 12 December 2022 Council had formally applied for a Special Rate Variation of 43% (including rate peg) in 2023/2024 and 43% (including rate peg) in 2024/2025.

10 February 2023 to 3 March 2023 IPART received 72 submissions from stakeholders as part of IPART consultation criteria.

24 March 2023 to 4 April 2023 Council provided revised and additional information to IPART.

13 April 2023 to 5 May 2023 IPART re-opened its consultation to provide stakeholders an opportunity to comment on the revised materials. IPART received 17 submissions during this period.

In June 2023, IPART advised Council of its determination of Council's application (Attachment 1).

Council's application has not been approved in full. Instead, Council have been approved a one – year permanent Special Rate Variation of 43% (including the rate peg) for FY 2023/2024.

**REPORT:**

The New South Wales Local Government Act 1993 requires Council to sustainably manage its assets, resources, and finances.

Our Governance No. 34 Cont...

Council on 25 May 2022 adopted its ten year long term financial plan as part of the Integrated Planning and Reporting Framework (Resolution 98/22). The plan forecasts a 'Net Operating Result before Grants and Contributions provided for Capital purposes' deficit range between \$3.5M and \$5.7M in the general fund for the next ten years without a special rate variation.

With this in mind, and noting Council's current financial position, Council has little option but to increase its revenue or significantly reduce costs through service reductions to close the financial gap of continuing forecasted operational deficits. The community engagement undertaken through Councils CSP process has shown strong opposition to service reductions and a preference to see no increase or a decreased percentage increase in rates. In combination, these views result in a financially unsustainable Council. Even with additional income proposed, the current inflationary environment may make it difficult to achieve current service levels used to forecast the increase in income for the application.

This significant challenge is forecasted as a result of:

1. Upgraded core infrastructure assets for Council as a result of grant funded works (e.g. replacing timber bridges with concrete bridges, and widening and sealing of Mount Lindesay Road),
2. New and upgraded community assets (e.g. public toilets, playgrounds and community halls),
3. The increased cost of asset replacement,
4. Increasing cost of managing grants applications and acquittals, and
5. Increased costs due to meeting regulated requirements (e.g. audit costs, emergency services levy, and ongoing disaster recovery management).

For Council to address this type of operating result it has four options available to it. These are:

1. Reducing service levels,
2. Sell and/or dispose of assets that will reduce the associated on-going expenses,
3. Increase income raised through rates, user fees and charges,
4. A combination of the above options.

The Independent Pricing and Regulatory Tribunal of NSW (IPART) is responsible for setting the amount by which Council may increase its general income, which mainly comprises rate income. This increase is known as the rate peg.

Council's income base from rates is fixed. The rate peg for 2023/2024 determined by IPART is 4.2% for Tenterfield Shire Council. In real terms, the cost to deliver services and maintain community assets to current service levels increases above the rate peg amount each year, compounding the impact on Council's financial position over a number of years leading to the need for additional income.

Councils are under constant pressure to deliver the same services for less which is an unsustainable model. This includes mandatory requirements and costs associated with it to function as a Local Government entity. Tenterfield Shire Council has very limited opportunity to materially increase own source revenue and as a result an increase in rates, combined with further operational efficiencies, is the most viable solution for a financially sustainable Council.

Our Governance No. 34 Cont...

### **IPART's decision on the Special Rate Variation**

Council's application to IPART has not been approved in full. Based on the assessment of Council's application against the OLG Guidelines and consideration of stakeholder submission Council has been approved a one - year permanent Special Variation of 43%.

The one – year SRV of 43% approved is consistent with the first year of the Council's proposed 2-year SRV of 104.49%. This means that Council can raise up to an additional \$1.87 million in rates revenue (above the actual rate peg of 4.2%) in 2023/2024. Council will permanently retain this increased income in its rate base.

The special rate variation is subject to the following conditions

- The Council uses the additional income for the purpose of funding the proposed program

**Responsible Accounting Officer Comments** – Consistent with previous report to Council and submission to IPART the additional income will be spent on the maintenance, renewal, and upgrade of Councils assets. Based on the application to IPART the distribution of additional income will be as follows:

75% of additional income – Roads, Transport, Stormwater and Drainage.

15% of additional income – Buildings Renewal and Maintenance

10% of additional income – Other assets (e.g. swimming pool, parks and open spaces).

- The Council report in its annual report for each year from 2023/2024 to 2027/2028 (inclusive)
  - The program of expenditure that was actually funded by the additional income, and any differences between this program and the proposed program;
  - Any significant differences between the council's actual revenues, expenses and operating balance and the projected revenues, expenses and operating balance as outlined in the Long-Term Financial Plan, and the reason for those differences;
  - The outcome achieved as result of the additional income;
  - The productivity saving and cost containment measures the council has in place, the annual saving achieved through these measures, and what these savings equate to as a proportion of the council's total annual expenditure.
  - Whether or not the productivity improvements identified in its application have been implemented, and if not, the rationale for not implementing them.

**Responsible Accounting Officer Comments** – Council to ensure future efficiency measures by:

- Commence service reductions and continue service review
- Asset rationalization – by updating Councils Asset Management Plan and Road Asset Maintenance/Management Plan
- Regular review of organisational structure – As presented to IPART as a leaner organisational model, which would mean cuts to staff and services
- Seeking increased grants funds that can be used for operating expenses

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- Managing rural fire service assets on the council's financial statement
- Resolution to no additional operating or capital expenditure unless approved by the council or offset by other savings or grant funding.
- Council intends to sell parcels of land.
- Consistent with RAO recommendation on Quarterly Budget Review Statement – Strongly recommend selling underperforming assets.
- IPART also found that compared to other councils in its OLG group, the council has less Full Time Equivalents, a similar population to FTE ratio, a lower average cost per FTE, and a higher operating expenditure per capita.

Council has already commenced significant efficiency measures and reduction in operational expenses. This is reflected by Council currently undertaking organisational structural changes to align skills and qualifications of employees to better align with service delivery and organisational requirements. This includes redeployment and internal transfers of employees in consultation with employees, which has also reduced services in some areas.

With this, Council will ensure:

- Improved financial sustainability by reducing the General Fund operating deficit,
- Provide additional funding to meet asset renewal funding requirements,
- Improve Council current cash position (unrestricted cash), and
- Meet compliance obligations under the Local Government Act 1993 and other forms of legislation.

### **Impact on ratepayers**

IPART in making its determination for not approving council application in full of 104.49% over 2 years considered the significant impact on ratepayers especially those who live in pockets of Tenterfield Shire with high levels of socio-economic disadvantages.

With the 43% (including rate peg) for 2023/2024 Tenterfield Shire Council average residential rates will still be lower than the average for its neighboring councils, and broadly in line with the average for comparable council. This equates to a cash increase of \$267 per year or approx. \$5.50 per week.

Council's average farmland rates will still be lower than the average for its neighboring councils. This equates to a cash increase of \$692 per year or approx. \$13.31 per week.

Council's average business rates will be higher than the average estimated rates for similar councils such as OLG Group 10 and comparable councils by income and SEIFA, but below the average rates of its neighboring council's. This equates to a cash increase of \$612 per year or approx. \$11.77 per week.

A detailed indicative annual increase in average rates under the approved SRV is on Pg. 38 – Table 5.2 of IPART Determination.

**Responsible Accounting Officer Comments** – Please note IPART's final report table 5.2 indicative annual increase in average rates under the approved Special Variation 2023/2024 on pg. 38 is based on the 2019 base date valuations at the time of submission of the application. Council has received the 2022 base date valuations from the Valuer General and this has resulted in a small variance of the average rates for

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each category from the 2019 base date valuations rating structure included in the application to 2022 base date valuations rating structure.

Further "A routine increase in a ratepayer's land value by the Valuer – General does not mean that ratepayer's rates will automatically increase. The impact on rates depends on whether the land value has increased or decreased compared to others in the ratepayer's local government area" (IPART Final Report, pg. 10 – Effect of land valuation on rates)

### **Council's hardship policy**

IPART acknowledges that the decision to approve one- year 43% would still have a large impact on some rate payers. However, this should be contextualized against comparable councils (Pg 39 – Table 5.3 – Comparison of the council's average rates with those of other councils for period of the approved SV(\$)).

Council has in place its hardship policy. This policy plays an important role in mitigating the impact of an SRV on vulnerable ratepayers. Council offers assistance in the form of:

- Extending the period of time in which the outstanding rates may be repaid (i.e. an alternative payment arrangement or schedule)
- Writing off any accrued interest.

### **Further Financial Challenges**

Even with the 43% (including rate peg) SRV Council's Operating Performance Ratio will not be met with OLG benchmark of 0% or higher for the next 10 years.

Councils net cash to income is projected to increase over the next 10 years and provide higher projections than under the Baseline scenario.

For Council to reduce its funding for capital projects with external bank loans it is strongly recommended that recommendations put forward by IPART in its determination be actioned as a matter of urgency and selling of underperforming assets to be a priority. These activities will result in short term cash flow benefit to council and further selling of assets will reduce the maintenance and capital work associated with those under performing assets for Council's future.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication**

Nil.

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

- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Local Government State Award
- An SRV requires compliance with S508(a) of the Local Government Act 1993 and associated guidelines and regulations.
- Independent Pricing and Regulatory Tribunal (IPART) processes

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

The 43% (including rate peg) will result in additional income of \$1.87 Million for Council. This 43% will be permanently applied in Council rating structure.

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Even with the 43% (including rate peg) Council will need to borrow from external banks to fund its Capital Projects.

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

Based on the application to IPART the distribution of additional income will be as follows:

75% of additional income – Roads, Transport, Stormwater and Drainage.

15% of additional income – Buildings Renewal and Maintenance

10% of additional income – Other assets (e.g. swimming pool, parks and open spaces).

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

Nil at the time of the writing of the report, however work would be required to adapt the learner village model.

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

Nil

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

Nil.

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

Nil.

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

|                               |                                                                                           |
|-------------------------------|-------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Roy Jones, Manager Finance & Technology                                                   |
| Approved/Reviewed by Manager: | Daryl Buckingham, Chief Executive                                                         |
| Department:                   | Office of the Chief Corporate Officer                                                     |
| Attachments:                  | <b>1</b> IPART - FINAL REPORT - SPECIAL VARIATION APPLICATION FOR 2023-24 - DETERMINATION |

|                      |                                                                                                                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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 GOV35/23</b>                                                                                                                                                                          |
| <b>Subject:</b>      | <b>OPERATIONAL PLAN 2023/2024 INCLUDING STATEMENT OF REVENUE POLICY 2023/2024 – 43% Special Rate Variation one year only (Rate Peg 4.2% plus permanent increase above Rate Peg of 38.80%)</b> |

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

## SUMMARY

The purpose of this Report is for Council to adopt the Tenterfield Shire Council Operational Plan 2023/2024, including Statement of Revenue Policy and Budget, following the completion of the public exhibition period which took place from 26 April 2023 to 23 May 2023 and for the Operational Plan 2023/2024 to be included within the current Tenterfield Shire Council Delivery Program.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) **Adopts the Tenterfield Shire Council Operational Plan 2023/2024 as attached.**
- (2) **Adopts the following documents as part of the Tenterfield Shire Council Operational Plan 2023/2024:**
  - (a) **Tenterfield Shire Council Budget for 2023/2024**
  - (b) **Tenterfield Shire Council Statement of Revenue Policy for 2023/2024, and**
  - (c) **Tenterfield Shire Council Fees and Charges for 2023/2024.**
- (3) **In accordance with the provisions of Section 355 of the Local Government Act 1993, makes, fixes and levies the rates for the year ending 30 June 2024 for the following rating categories:**

#### Farmland:

**A Farmland rate of 0.00221791 cents in the dollar on the current land values of all rateable land in the Local Government Area being Farmland, with a base rate of \$565.00 per annum (the total revenue collected from this base amount represents 24.42% of the total revenue collected from this category of land);**

#### Residential – Tenterfield:

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**A Residential – Tenterfield rate of 0.00471567 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$429.00 per annum (the total revenue collected from this base amount represents 46.07% of the total revenue collected from this category of land);**

**Residential – Tenterfield (Urban):**

**A Residential – Tenterfield rate of 0.00424040 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$429.00 per annum (the total revenue collected from this base amount represents 21.46% of the total revenue collected from this category of land);**

**Residential – Urbenville:**

**A Residential – Urbenville rate of 0.00614341 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$380.00 per annum (the total revenue collected from this base amount represents 44.98% of the total revenue collected from this category of land);**

**Residential – Jennings:**

**A Residential – Jennings rate of 0.00793143 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$380.00 per annum (the total revenue collected from this base amount represents 45.80% of the total revenue collected from this category of land);**

**Residential – Drake:**

**A Residential – Drake rate of 0.00934866 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$380.00 per annum (the total revenue collected from this base amount represents 46.24% of the total revenue collected from this category of land);**

**Residential – Other:**

**A Residential – Other rate of 0.00348330 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$186.00 per annum (the total revenue collected from this base amount represents 22.63% of the total revenue collected from this category of land);**

**Business – Tenterfield:**

**A Business – Tenterfield rate of 0.01500728 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$769.00 per annum (the total revenue collected from this base amount represents 34.22% of the total revenue collected from this category of land);**

**Business – Urbenville:**

**A Business – Urbenville rate of 0.00586185 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$344.00 per annum (the total revenue collected**

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from this base amount represents 43.92% of the total revenue collected from this category of land);

**Business – Jennings:**

A Business – Jennings rate of 0.00450282 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$344.00 per annum (the total revenue collected from this base amount represents 42.68% of the total revenue collected from this category of land);

**Business – Drake:**

A Business – Drake rate of 0.00876257 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$344.00 per annum (the total revenue collected from this base amount represents 44.77% of the total revenue collected from this category of land);

**Business – Other:**

A Business – Other rate of 0.00479513 cents in the dollar of the current land values of all rateable land within this category, with a base rate of \$371.00 per annum (the total revenue collected from this base amount represents 22.56% of the total revenue collected from this category of land);

**Mining:**

A Mining rate of 0.02030295 cents in the dollar on the current land values of all rateable land in the Local Government Area where the dominant use is for a coal mine or metalliferous mine, with a base rate of \$614.00 per annum (the total revenue collected from this base amount represents 42.42% of the total revenue collected from this category of land).

- (4) In accordance with the provisions of Section 552 of the Local Government Act 1993, Council makes, fixes and levies a Water Supply Availability Charge on all land rateable to the Water Supply Charge and other water charges for the year ending June 2024, as follows:
- (a) Residential - \$711.00 per property and/or connection per annum;
  - (b) Residential Strata - \$534.00 per property and/or connection per annum;
  - (c) Mt Lindesay Private Line - \$886.00 per property and/or connection per annum;
  - (d) Rural Other - \$711.00 per property and/or connection per annum;
  - (e) Non Residential - Meter connection: 20mm - \$711.00 per property and/or connection per annum;
  - (f) Non Residential - Meter connection: 25mm - \$711.00 per property and/or connection per annum;
  - (g) Non Residential - Meter connection: 32mm - \$711.00 per property and/or connection per annum;

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- (h) Non Residential - Meter connection: 40mm - \$1,070.00 per property and/or connection per ann**
  - (i) Non Residential - Meter connection: 50mm - \$1,665.00 per property and/or connection per annum;**
  - (j) Non Residential - Meter connection: 80mm - \$4,275.00 per property and/or connection per annum;**
  - (k) Non Residential - Meter connection: 100mm - \$6,680.00 per property and/or connection per annum;**
  - (l) Non Residential - Meter connection: 150mm - \$15,020.00 per property and/or connection per annum;**
  - (m) Voluntary & Charitable Organisations - \$136.50 per property and/or connection per annum;**
  - (n) Services installed solely for the purpose of firefighting – No Charge.**
- (5) In accordance with Section 502 of the Local Government Act, makes, fixes and levies a stepped tariff for the charge for water consumed by Residential customers (to be by measure of metered water consumption) at the rate of \$5.90 per kilolitre for water consumption between nil (0) and 450 kiloliters per annum, and \$9.20 per kilolitre for water consumed over 450 kilolitres per annum.**
- (6) In accordance with Section 502 of the Local Government Act, that Council makes, fixes and levies a stepped tariff for the charge for water consumed by Rural/Mt Lindesay customers (to be by measure of metered water consumption) at the rate of \$5.90 per kilolitre for water consumption between nil (0) and 450 kilolitres per annum, and \$9.20 per kilolitre for water consumed over 450 kilolitres per annum.**
- (7) In accordance with Section 502 of the Local Government Act, makes, fixes and levies a stepped tariff for the charge for water consumed by Non-Residential customers (to be by measure of metered water consumption) at the rate of \$5.90 per kilolitre for water consumption between nil (0) and 1,000 kilolitres per annum, and \$9.20 per kilolitre for water consumed over 1,000 kilolitres per annum.**
- (8) In accordance with Section 502 of the Local Government Act 1993, makes, fixes and levies a minimum water consumption account charge of \$25.00 for each of the six (6) monthly billing periods. Further, that if at the time of reading a water meter it is found to be damaged or has stopped, an account will be issued based on the previous two corresponding water bills.**
- (9) In accordance with the provisions of Section 501(1) and 502 of the Local Government Act 1993, makes, fixes and levies a Sewerage Service Availability Charge of \$1,390.00 on all Residential land in the Tenterfield and Urbenville Town Areas and is:**
  - (a) connected to the Council's sewer main, or**

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- (b) not connected to the Council's sewer main but any part of the property is no more than 75 metres from the Council's sewer main; and**
- (c) land from which sewerage can be discharged into the sewers of Council for the year ending June 2024.**

**Further, that in respect of Residential Flat Buildings a Sewerage Availability Charge will be made equal to the number of residential flats multiplied by the service charge for a single connection**

- (11) In accordance with the provisions of Sections 501(1) and 552 of the Local Government Act 1993, Council makes, fixes and levies Annual Access Charges for Commercial and Non-Residential Sewerage for the year ending June 2024, as follows:**

**A Sewerage Access Charge will be incurred proportional to the customer's water connection diameter plus a pay-for-use charge based on the water used, calculated in accordance with the following connection options and the formula following subparagraph "k" below:**

- (a) Non Residential - Meter connection: 20mm - \$1,390.00 per occupancy per property per annum;**
- (b) Non Residential - Meter connection: 25mm - \$1,390.00 per occupancy per property per annum;**
- (c) Non Residential - Meter connection: 32mm - \$1,800.00 per occupancy per property per annum;**
- (d) Non Residential - Meter connection: 40mm - \$2,800.00 per occupancy per property per annum;**
- (e) Non Residential - Meter connection: 50mm - \$4,366.00 per occupancy per property per annum;**
- (f) Non Residential - Meter connection: 80mm - \$11,175.00 per occupancy per property per annum;**
- (g) Non Residential - Meter connection: 100mm - \$17,460.00 per occupancy per property per annum;**
- (h) Non Residential - Meter connection: 150mm - \$39,295.00 per occupancy per property per annum;**
- (i) Voluntary & Charitable Organisations - \$268.00 per occupancy per property per annum;**
- (j) Services installed solely for the purpose of firefighting – No Charge.**

- (k) The formula to calculate Non-Residential Sewerage Charges is:**

**AC +SDF x (C+UC)**

**Where:**

**AC = Access Charge**

**SDF = Sewerage Discharge Factor (determined by type/use)**

**C = Customers Annual Water Consumption in kilolitres**

**UC = Sewerage Usage Charge**

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- (12) Makes, fixes and levies a Sewerage Usage Charge of \$3.35 per kilolitre in 2023/2024.**
- (13) Makes, fixes and levies Trade Waste Annual Charges for the year ending June 2024, as follows:**
- (a) Non-Residential Trade Waste Fee: Category 1 - \$194.00 per property per annum**
  - (b) Non-Residential Trade Waste Fee: Category 2 - \$194.00 per property per annum**
  - (c) Non-Residential Trade Waste Fee: Category 3 - \$927.00 per property per annum**
- (14) Makes, fixes and levies Trade Waste Usage Charges for the year ending June 2024, as follows:**
- (a) Non-Residential Trade Waste Usage Charge: Compliant - \$2.20 per kilolitre**
  - (b) Non-Residential Trade Waste Usage Charge: Non-Compliant - \$22.00 per kilolitre**
- (15) In accordance with section 501 of the Local Government Act 1993 makes, fixes and levies the Waste Management Facility Charge of \$305.00 per property per annum for the year ending June 2024.**
- (16) In accordance with sections 496 and 501 of the Local Government Act 1993 makes, fixes and levies Waste Collection Charges for the year ending June 2024, as follows:**
- (a) Residential Waste Collection: 120L Bin - \$483.00 per service per annum**
  - (b) Residential Waste Collection: 240L Bin - \$621.00 per service per annum**
  - (c) Non-Residential Waste Collection: 120L Bin - \$483.00 per service per annum**
  - (d) Non-Residential Waste Collection: 240L Bin - \$621.00 per service per annum**
- (17) In accordance with sections 496 and 501 of the Local Government Act 1993 makes, fixes and levies Recycling Collection Charges for the year ending June 2024, as follows.**
- (a) Residential Recycling Collection - \$93.50 per service per annum**
  - (b) Non-Residential Recycling Collection - \$93.50 per service per annum**
- (18) In accordance with section 496A of the Local Government Act 1993 makes, fixes and levies Stormwater Management Charges for the year ending June 2024, for properties within the Tenterfield, Urbenville and Jennings town areas where there is a structure.**
- (a) Residential – \$25.00 per annum**

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- (b) Residential Strata Title Per Unit - \$12.50 per annum**
  - (c) Non-Residential: <350m square - \$25.00 per annum**
  - (d) Non-Residential: 350m square-1200m square - \$50.00 per annum**
  - (e) Non-Residential: 1200m square-5000m square - \$221.00 per annum**
  - (f) Non-Residential: >5000m square - \$357.00 per annum**
- (19) Provides three (3) waste vouchers per annum to be issued with the annual rates notice and that the value of these vouchers be equivalent to the fee for a small box trailer of \$33.00 each.**
- (20) Borrowings:  
Nil borrowings – subject to service level reductions and further amendments proposed in the amended Operational Plan for 2023/2024.**
- (21) In accordance with the provisions of Section 566(3) of the Local Government Act 1993, determines that the extra interest charges on overdue rates and charges will be levied at the maximum rate allowable and as advised by the Office of Local Government on a daily simple interest basis for the financial year ending 30 June 2024.**
- (22) In accordance with the provisions of Section 405(6) of the Local Government Act 1993, places a copy of its adopted Operational Plan 2023/2024 on its website within 28 days.**

## **BACKGROUND**

In accordance with the Local Government Act 1993, Council must prepare a number of plans that detail how Council intends to deliver services and infrastructure in the short and long term. These plans are to be based on priorities that have been identified through community engagement in the planning process and established in a Community Strategic Plan.

Council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives of the Community Strategic Plan. The Operational Plan identifies the individual actions and activities that will be undertaken in a specific year to achieve the commitments made in the Delivery Program.

## **REPORT:**

Section 8C of the Local Government Act 1993 provides the following principles for Integrated Planning and Reporting that apply to Councils:

- a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.*
- b) Councils should identify strategic goals to meet those needs and aspirations.*
- c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.*

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*d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.*

*e) Councils should regularly review and evaluate progress towards achieving strategic goals.*

*f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.*

*g) Councils should collaborate with others to maximize achievement of strategic goals.*

*h) Councils should manage risks to the local community or area or to the council effectively and proactively.*

*i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.*

Council's current Delivery Program 2022/2026 incorporates the Community Strategic Plan and an annual Operational Plan that communicates to the residents of Tenterfield Shire the priorities for that year. The draft Operational Plan 2023/2024 details the actions and programs to be undertaken to support the Delivery Program and the Community Strategic Plan.

Council placed the draft Operational Plan including the Budget, Statement of Revenue Policy, and Fees and Charges for 2023/2024 on public exhibition from 26 April 2023 to 23 May 2023. Two submissions have been received and have been provided as an attachment.

Please note IPART's final report table 5.2 indicative annual increase in average rates under the approved Special Variation 2023/2024 was based on the 2019 base date valuations at the time of submission of the application. Council has received the 2022 base date valuations from the Valuer General and this has resulted in a small variance of the average rates for each category from the 2019 base date valuations rating structure included in the application to 2022 base date valuations rating structure. This has been included in the Operational Plan/Statement of Revenue Policy.

### **Water Infrastructure Charge**

Council resolved at their Ordinary Meeting of 26 October 2022 to rescind the Water Infrastructure Charge and provide credit/credits to the selected affected property assessments in the 2023/2024 financial year. This credit is to be reflected on the 2023/2024 annual rates and charges notice. Approximately \$199,353.00 in total will be credited to the applicable localities for 2019/2020 Tenterfield, Urbenville & Jennings - 2020/2021 Urbenville & Jennings - 2021/2022 Jennings - 2022/2023 Jennings.

### **COUNCIL IMPLICATIONS:**

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

The draft Operational Plan 2023/2024 has been on public exhibition for a period of 28 days, from 26 April 2023 to 23 May 2023 for community review and comment. Two submissions were received from the community.

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## 2. Policy and Regulation

- Local Government Act 1993 – Sections 8A 1(c), 8C, 405.
- NSW Local Government (General) Regulations 2021;
- NSW Local Government Integrated Planning and Report Guidelines 2021.

## 3. Financial (Annual Budget & LTFP)

The Operational Plan 2023/2024 includes Council's detailed annual budget, along with the Council's Statement of Revenue Policy, which includes the proposed rates, fees and charges for the financial year 2023/2024.

## 4. Asset Management (AMS)

Asset management implications in the delivery of the Operational Plan activities will need to be provided for in the budget for 2023/2024 and subsequent years, where identified.

## 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 draft Operational Plan 2023/2024 for public exhibition for a period of at least 28 days, for public review and comments. Following Council's Ordinary Meeting of 26 April 2023, the draft Operational Plan was exhibited from 26 April 2023 to 23 May 2023, to meet this requirement.

## 7. Performance Measures

Nil.

## 8. Project Management

Nil.

**Kylie Smith**  
Chief Corporate Officer

|                               |                                                                                                                                                                                                                |          |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Erika Bursford, Manager Customer Service, Governance & Records; Penny Robertson, Revenue Officer; Jessica Wild, Management Accountant; Roy Jones, Manager Finance & Technology; Lee Sisson, Governance Officer |          |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer                                                                                                                                                                           |          |
| Department:                   | Office of the Chief Corporate Officer                                                                                                                                                                          |          |
| Attachments:                  | <b>1</b> TSC Delivery Program & Operational Plan 2023-2024                                                                                                                                                     | 83 Pages |
|                               | <b>2</b> Statement of Revenue Policy 2023-2024                                                                                                                                                                 | 29 Pages |
|                               | <b>3</b> TSC Fees & Charges 2023-2024                                                                                                                                                                          | 60 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 GOV36/23</b>                                     |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 31 MAY 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 31 May 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 31 May 2023.

Cash Book Balances on this date were as follows:-

|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 28,912,773.00 | Credit |
| General Trust          | \$ 382,340.85    | Credit |

##### (b) Summary of Investments

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The attachment to this report is a certified schedule of all Council's investments as at 31 May 2023 showing the various invested amounts and applicable interest rates.

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

For the month of May 2023, zero concessions 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 10 applications for 603 Certificates in May 2023.

In the calendar year to date, there have been 86 applications compared to 161 applications for the same period last year.

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

| <b>RESTRICTED CASH ANALYSIS</b>                                                                              | <b>AS AT 31 MAY 2023</b> | <b>AS AT 30 JUNE 2022</b> |
|--------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------|
|                                                                                                              |                          |                           |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                                                          | <b>\$35,295,114</b>      | <b>\$37,107,638</b>       |
|                                                                                                              |                          |                           |
| <b>EXTERNALLY RESTRICTED CASH</b>                                                                            | <b>\$32,358,708</b>      | <b>\$31,625,799</b>       |
|                                                                                                              |                          |                           |
| <b><i>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</i></b>                                       | <b>\$13,766,632</b>      | <b>\$14,401,703</b>       |
| GRANT-RELATED – GENERAL (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES)                                      | \$12,880,363             | \$13,785,826              |
| GRANT-RELATED - WATER (EXCL DEVELOPER CONTRIBUTIONS)                                                         | \$438,740                | \$615,877                 |
| GRANT-RELATED - SEWER (EXCL DEVELOPER CONTRIBUTIONS)                                                         | -                        | -                         |
| GRANT-RELATED - WASTE (EXCL DEVELOPER CONTRIBUTIONS)                                                         | \$447,529                | -                         |
| GRANT-RELATED - STORMWATER (EXCL DEVELOPER CONTRIBUTIONS)                                                    | -                        | -                         |
|                                                                                                              |                          |                           |
| <b><i>INCLUDED IN DEVELOPER CONTRIBUTIONS</i></b>                                                            | <b>\$841,956</b>         | <b>\$467,232</b>          |
| DEVELOPER CONTRIBUTIONS - GENERAL                                                                            | \$639,109                | \$347,608                 |
| DEVELOPER CONTRIBUTIONS - WATER                                                                              | \$85,142                 | \$37,565                  |
| DEVELOPER CONTRIBUTIONS - SEWER                                                                              | \$50,721                 | \$41,455                  |
| DEVELOPER CONTRIBUTIONS - WASTE                                                                              | \$61,148                 | \$36,595                  |
| DEVELOPER CONTRIBUTIONS - STORMWATER                                                                         | \$5,836                  | \$4,009                   |
|                                                                                                              |                          |                           |
| <b><i>INCLUDED IN RFS RESERVES</i></b>                                                                       | <b>\$127,205</b>         | <b>\$92,098</b>           |
| RFS RESERVES                                                                                                 | \$127,205                | \$92,098                  |
|                                                                                                              |                          |                           |
| <b><i>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER EXCL GRANT RELATED, DC AND RFS ABOVE)</i></b> | <b>\$17,622,915</b>      | <b>\$16,664,766</b>       |

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|                               |                    |                    |
|-------------------------------|--------------------|--------------------|
| WATER                         | \$1,085,275        | \$2,180,603        |
| SEWER                         | \$6,619,774        | \$5,703,375        |
| WASTE                         | \$8,544,962        | \$7,372,548        |
| STORMWATER                    | \$990,563          | \$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>\$2,936,406</b> | <b>\$5,481,839</b> |
|                               |                    |                    |

### March 2023 Quarterly Budget Review – Consultancy Expenses

A review of consultancy expenses has been conducted in line with contractor and consultancy expenses definition and the scope of work for which external sources are used. Upon review, Council's consultancy expenditure is \$77,413.98 instead of \$619,802.17 as shown in March QBR.

The \$542,388.19 difference is Contractor costs. Of this total \$372,593.43 is for Grant or Disaster Recovery Work.

### 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.

Our Governance No. 36 Cont...

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member: Roy Jones, Manager Finance & Technology  
Approved/Reviewed by Manager: Daryl Buckingham, Chief Executive  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Investment Report - 31 May 2023

|                      |                                                     |
|----------------------|-----------------------------------------------------|
| <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 GOV37/23</b>                                |
| <b>Subject:</b>      | <b>CAPITAL EXPENDITURE REPORT AS AT 31 MAY 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 31 May 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 March 2023 Quarterly Budget Review at the May 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.

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**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 - May 2023 <b>3</b> Pages |

|                      |                                                                                                     |
|----------------------|-----------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                                |
| <b>Submitted by:</b> | Daryl Buckingham, Chief Executive                                                                   |
| <b>Reference:</b>    | <b>ITEM GOV38/23</b>                                                                                |
| <b>Subject:</b>      | <b>UPDATE - NEGOTIATIONS WITH NATIONAL TRUST REGARDING SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS</b> |

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

|                      |                                                                                                                                                         |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - The community is supported by accessible and equitably distributed facilities and recreational opportunities for people of all ages. |
| <b>CSP Strategy:</b> | Recognise and plan for the accessibility needs of our community.                                                                                        |

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#### **SUMMARY**

The purpose of this Report is to provide an update on negotiations with the National Trust Australia (NSW) with regards to the future operations of the Sir Henry Parkes Memorial School of Arts (SHPMSoA).

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

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

**(1) Temporarily ceases operations of the following services on 30 July 2023:**

- (a) Cinema,**
- (b) Theatre and**
- (c) Sir Henry Parks Museum.**

#### **BACKGROUND**

Due to the financial constraints of Council, and as a part of its fiscal repair strategy, a report was presented at the April Ordinary Council meeting (ITEM COM4/23) proposing an alternative operating model for the SHPMSoA. Council resolved for the Chief Executive Officer to enter into discussion with the National Trust Australia (NSW) to negotiate an agreement for the SHPMSoA may continue in operation in a financially sustainable way.

#### **REPORT:**

The Chief Executive Officer of Tenterfield Shire Council commenced discussions with the Chief Executive and Board of the National Trust Australia (NSW) late 2022 in relation to identifying options for continued sustainable operations of the SHPMSoA.

The CEO, Mayor and Deputy Mayor had further discussions with the National Trust via ZOOM to confirm and further advise the National Trust, that as a part of Council's fiscal repair strategy, it was likely that Council would cease operating the Cinema, Theatre and the Sir Henry Parkes Museum effective 30<sup>th</sup> July 2023 pending a council resolution to do so.

The National Trust negotiations were both productive and collegial, the National Trust understood Councils' financial challenges. The National Trust has agreed to explore alternative ways that it might operate the facility based on its other models they also informed us that it might take some time for the board to work through the structure

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and do the house keeping required. The National Trust President, Ms Katheryn Pitkin AM agreed to continue working collaboratively together to find a solution for this important space,

Discussions will be ongoing and both parties are committed to resolve a mutually beneficial agreement for the ongoing operations of the SHPMSoA for the community.

Reopening will be pending on negotiations and entering an agreed alternative operating model and agreement with the National Trust Australia (NSW)

### **COUNCIL IMPLICATIONS:**

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

Commercial negotiations - consultation not applicable.

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

- Asset Management Policy
- Community Strategic Plan
- Legislative Compliance Policy
- Risk Management Policy
- School of Arts Theatre Cinema Front of House Policy
- School of Arts Collections Acquisition and Deaccession Policy
- Work Health and Safety Policy
- Employee Relations Policy

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

There will be financial savings and budget repair as well as positive human resource and capability implications.

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

There are no Asset Management implications to report pending negotiations being finalised.

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

There are no WMS implications to report pending negotiations being finalised.

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

Nil.

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

Nil.

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

Nil.

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

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

**(ITEM RC6/23) REPORT OF COMMITTEE & DELEGATES - BORDER REGIONAL ORGANISATIONS OF COUNCILS - MINUTES FRIDAY 19 MAY 2023**

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**REPORT BY:** Cr. Bronwyn Petrie - Mayor

The Border Regional Organisations of Councils met at St George on Friday 19 May 2023. Minutes and associated papers of the meeting are attached.

**RECOMMENDATION**

**That the report of the Border Regional Organisation of Councils and associated papers from 19 May 2023 be received and noted.**

**ATTACHMENTS**

|          |                                               |          |
|----------|-----------------------------------------------|----------|
| <b>1</b> | BROC Minutes - Friday 19 May 2023             | 9 Pages  |
| <b>2</b> | BROC Presentation - Bureau Flood Forecaste    | 13 Pages |
| <b>3</b> | BROC - Disaster Recovery Funding Arrangements | 25 Pages |
| <b>4</b> | BROC - NSW SES                                | 3 Pages  |
| <b>5</b> | BROC - Presentation Regional Development      | 4 Pages  |
| <b>6</b> | BROC - MOU Cross Border Template              | 17 Pages |

**(ITEM RC7/23) REPORT OF COMMITTEES & DELEGATES - COUNTRY MAYORS ASSOCIATION - FRIDAY 26 MAY 2023**

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**REPORT BY:** Cr. Bronwyn Petrie - Mayor

The Country Mayors Association met in Sydney on Friday 26 May 2023. Minutes of the following meeting is attached, together with a copy of I.P.A.R.T presentation:

- Ordinary Meeting (26 May 2023)
- I.P.A.R.T presentation

**RECOMMENDATION**

**That the report of the Country Mayors Association of NSW and associated papers from 26 May 2023 be received and noted.**

**ATTACHMENTS**

- 1** Country Mayors Association of NSW Inc. - Minutes 16 Pages
- 2** IPART presentation to Country Mayors Ass Inc. 10 Pages

|                      |                                                |
|----------------------|------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>           |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media |
| <b>Reference:</b>    | <b>ITEM RES5/23</b>                            |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - MAY 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 May 2023.**

**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: **1** Resolution Register - May 2023 22 Pages