



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 20 DECEMBER 2023

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room", Council Administration Building, 247 Rouse St, Tenterfield NSW, on **Wednesday 20 December 2023** commencing at **9.30 am**.

Glenn Wilcox
General Manager

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

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## **15. MEETING CLOSED**

**(ITEM MIN11/23) CONFIRMATION OF PREVIOUS MINUTES**

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

**RECOMMENDATION**

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

- **Ordinary Council Meeting – 22 November 2023**

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

**ATTACHMENTS**

- 1** Unadopted Minutes - Ordinary Council Meeting 22 November 2023 15 Pages



**MAYORAL MINUTE****(ITEM MM1/23) MAYORAL MINUTE - DONATION OF AWARD VOUCHER / GIFT CERTIFICATE TO SENIOR CITIZEN COMMITTEE, TENTERFIELD.****SUMMARY**

I, Mayor Bronwyn Petrie intend to move the following Mayoral Minute relating to Council's recent Award for winning "Council Crown Land Management Excellence Award" for the "Tenterfield Youth Precinct".

Council was successful in receiving funding through the NSW Public Spaces Legacy Program (PSLP). The PSLP funding allocated to the Tenterfield Youth Precinct and Mountain Bike Trailhead was \$1,750,000.

Council was also successful in receiving funding through the NSW Streets as Shared Spaces (SASS) program. The SASS funding allocated for this program is \$500,000 and included project management.

Upon completion of the project Council self-nominated for the Council Crown Land Management Award.

Media Release - Community Achievement Awards for NSW & ACT

*"This excellence Award recognises a Council that demonstrates outstanding community service ethos, dedication, and commitment to their communities as a Crown land manager.*

*Tenterfield Shire Council manages the two-hectare Old Powerhouse Reserve. The Reserve has undergone a remarkable metamorphosis, emerging as a dynamic Youth Precinct nestles at the heart of town. It now welcomes residents of all ages, offering a rich tapestry of recreational, social, and cultural activities. Its carefully designed infrastructure includes a skatepark, mountain bike skills track, yarning circle, and accessible pathways, fostering inclusivity and accessibility for all. Through community engagement and collaboration, the reserve has not only revitalised the town's spirit but also reinforced its sense of identity. The Council's visionary approach has truly transformed this space into a thriving community hub." (Media Release exert from Community Achievement Awards for NSW & The ACT Facebook Page.)*

As part of winning the Council Crown land Management Excellence Award Council received:

- a) A Bartercard – Gift Certificate to the value of \$500.00 and,
- b) A reflections Holidays Parks Gift voucher to the value of \$750.00 (Voucher No. REF226018 /Exp 01 Nov 2024).

**RECOMMENDATION****That Council:**

**Donate the Award Voucher/Gift Certificate to the Senior Citizen Committee Tenterfield.**

There are no attachments for this report.

|                      |                                                                   |
|----------------------|-------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                              |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager                                     |
| <b>Reference:</b>    | <b>ITEM COM14/23</b>                                              |
| <b>Subject:</b>      | <b>DRAFT DISABILITY INCLUSION ACTION ACTION PLAN FOR ADOPTION</b> |

#### **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.                                                                                        |

#### **SUMMARY**

The purpose of this report is to present a draft Disability Inclusion Action Plan to Council for adoption and subsequent placing on public exhibition for comment.

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

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

- (1) Adopts the draft Disability Inclusion Action Plan as attached: and**
- (2) Places the document on public exhibition for a period of twenty-eight (28) days.**

#### **BACKGROUND**

Under the Disability Inclusion Act (DIA) 2014, Councils are required to develop Disability Inclusion Action Plans (DIAP) in consultation with people with a disability (PWD).

A DIAP demonstrates local government's commitment to PWD on improving access to services, facilities and jobs and is also designed to change perceptions about people with a disability.

#### **REPORT:**

Tenterfield Shire Council Disability Inclusion Action Plan aims to protect and improve the quality of life for all community members in Tenterfield Shire by working with others to create a place where everyone can fully participate in their community.

In alignment with the NSW Disability Inclusion Plan (DIP), Council's DIAP focuses on four key areas:

- Developing positive community attitudes and behaviours
- Creating liveable communities
- Supporting access to meaningful employment
- Improving access to mainstream services through better systems and processes

Council will continue to ensure that access and inclusion is embedded into our systems and processes, and to be responsive to issues as they arise. Council's annual reporting framework along with ongoing consultation with Council's Disability Inclusion and Access Advisory Committee will track and report progress of the DIAP actions.

Our Community No. 14 Cont...

## **COUNCIL IMPLICATIONS:**

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

This plan was developed through research of best practice examples in the creation of more accessible places; demographic analysis of disability rates in our local government area; review of other DIAP's and relevant literature; and through community engagement sources.

This plan has been formulated from a review of the previous DIAP and community feedback including a printed and online survey, one-on-one conversations and a public charette held at Tenterfield Public Library on 15 February 2023; and feedback received as part of the development of Council's Community Strategic Plan (CSP).

The DIAP survey feedback was invited from 21 January to 24 February 2023 and promoted via Council's media streams including website, Your Local News printed newsletter, Tenterfield-in-Touch e-News, Council's Facebook page and a Media Release distributed to all local media channels. Accessible printed versions of the survey were made available at all Council community touchpoints and local social service providers. In total, 14 surveys were completed with 7 submitted online and 7 in hard copy format.

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

- Disability Inclusion Act 2014 (NSW)
- Commonwealth Disability Discrimination Act 1992 (DDA 1992)
- NSW Anti-Discrimination Act 1977 (ADA)
- Government Sector Employment Act 2013 (GSE Act)

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

No changes recommended.

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

No changes recommended.

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

No changes recommended.

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

Under the Disability Inclusion Act 2014, Councils are required to develop Disability Inclusion Action Plans.

### **7. Performance Measures**

Nil.

### **8. Project Management**

Nil.

Our Community No. 14 Cont...

**Glenn Wilcox**  
**General Manager**

|                               |                                                             |          |
|-------------------------------|-------------------------------------------------------------|----------|
| Prepared by staff member:     | Glenn Wilcox, General Manager                               |          |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                               |          |
| Department:                   | Office of the Chief Executive                               |          |
| Attachments:                  | <b>1</b> Draft Disability Inclusion Action Plan 2023 - 2027 | 34 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 ECO26/23</b>                                                           |
| <b>Subject:</b>      | <b>CAMPERVAN &amp; MOTORHOME CLUB OF AUSTRALIA (CMCA)<br/>RV PARK PROPOSAL</b> |

|                                                               |                                                                                                                                                   |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                   |
| <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 on practicalities and legislation regarding the Campervan & Motorhome Club of Australia's proposal for a campervan and RV park at 44 Francis St – Lot 2 Section 37 DP 758959 – Tenterfield and seek a resolution from Council.

### OFFICER'S RECOMMENDATION:

#### That Council:

**Resolve to not consent to the signing of the proposed Development Application.**

### BACKGROUND

The Campervan & Motorhome Club of Australia (CMCA) has approached Council with a proposal (attached) to establish an RV park at 44 Francis St – Lot 2 Section 37 DP 758959. The site is currently used by Tenterfield Transport Museum. CMCA proposes to lease the site under a formal agreement with the Museum.

Using the Transport Museum site for caravans/RV's requires the lodgment of a Development Application (DA) with Council, including having the consent of the owner of the land (Council) and compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

The Regulation states:

***Subdivision 1 Operation of caravan parks and camping grounds.***

***71 Factors for consideration before approval is granted.***

*(1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—*

*(a) in accordance with Division 3, Subdivisions 1–8, or*

Division 3, Subdivisions 1-8 sets out requirements including, but not limited to, the following;

Our Economy No. 26 Cont...

- Minimum site area of 1 hectare, and while the entire site comprises 1ha, the Transport Museum occupies at least one quarter of this area, so the site is not considered capable of meeting this requirement;
- provision of amenities – shower, toilet & laundry facilities
- minimum setbacks to boundaries and roads
- internal roads and parking
- lighting, water supply, sewerage, drainage, electricity supply

In order for Council to sign any proposed DA it will be necessary for the applicant to demonstrate full compliance with the Regulation.

**REPORT:**

As stated in the "BACKGROUND" advice, the site is less than the minimum area required by legislation. As well, the site also has a Council water bores which would need to be fenced with access area – further reducing the area.

The site is less than ideal as it slopes to Tenterfield Creek to the west. This is recognised by the CMCA in its report.

The site is in the immediate vicinity of the Showground Trust-owned caravan park. If the proposed RV park was established, it would likely result in loss of business to the Showground Trust park and other commercial tourist parks in Tenterfield.

Tenterfield has three privately-owned commercial caravan parks. These establishments pay Council rates and charges and comply with Council regulations. And despite CMCA's claims the "self-contained" RV market is different/distinct and does not compete with commercial caravan parks, the owners of the town's existing caravan parks are highly likely to view any development of a "free" RV park in town as unfair competition to their own businesses - unfair competition supported by Council.

The CMCA report claims its proposed park would attract "about 1,200 visitor nights per year, providing an economic impact of least \$180,000" – meaning each RV visitor would have to spend \$150/night in Tenterfield. This \$150/night figure looks to be overstated – with no real foundation and not supported by any verifiable, independent study.

Also, the CMCA report overstates the cost of powered caravan/camping sites. At the time of writing (11 December), powered sites in Tenterfield were \$35 to \$38/night, not \$50 to \$60/night as stated in the CMCA report. Unpowered sites were \$25/night, not \$40/night as stated.

There are risks of users "over-staying" at the free site with the problem of getting such people to move on ultimately falling to Council.

**COUNCIL IMPLICATIONS:**

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

No community engagement has been undertaken on this. Nor has any engagement of existing Tenterfield caravan parks and their owners.

**2. Policy and Regulation**

- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.*

Our Economy No. 26 Cont...

- As mentioned in BACKGROUND, the proposed site does not meet the minimum 1ha area.
- In order for Council to sign any proposed DA it will be necessary for the applicant to demonstrate full compliance with the Regulation.

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

Nil – if recommendation adopted.

**4. Asset Management (AMS)**

Nil – if recommendation adopted.

**5. Workforce (WMS)**

Nil – if recommendation adopted.

**6. Legal and Risk Management**

Nil – if recommendation adopted.

**7. Performance Measures**

Nil – if recommendation adopted.

**8. Project Management**

Nil – if recommendation adopted.

**Glenn Wilcox  
General Manager**

|                               |                                                                                                                                                                                                                                                             |          |                                                              |          |          |                                                                |         |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------|----------|----------|----------------------------------------------------------------|---------|
| Prepared by staff member:     | Bruce Mills, Senior Advisor Communication & Economic Development                                                                                                                                                                                            |          |                                                              |          |          |                                                                |         |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                                                                                                                                                                                                               |          |                                                              |          |          |                                                                |         |
| Department:                   | Office of the Chief Executive                                                                                                                                                                                                                               |          |                                                              |          |          |                                                                |         |
| Attachments:                  | <table> <tr> <td><b>1</b></td> <td>CMCA RV Park Proposal - Francis Street, Tenterfield NSW 2372</td> <td>17 Pages</td> </tr> <tr> <td><b>2</b></td> <td>Showing locations of Council bores at the Francis Street site.</td> <td>2 Pages</td> </tr> </table> | <b>1</b> | CMCA RV Park Proposal - Francis Street, Tenterfield NSW 2372 | 17 Pages | <b>2</b> | Showing locations of Council bores at the Francis Street site. | 2 Pages |
| <b>1</b>                      | CMCA RV Park Proposal - Francis Street, Tenterfield NSW 2372                                                                                                                                                                                                | 17 Pages |                                                              |          |          |                                                                |         |
| <b>2</b>                      | Showing locations of Council bores at the Francis Street site.                                                                                                                                                                                              | 2 Pages  |                                                              |          |          |                                                                |         |

|                      |                                                         |
|----------------------|---------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>            |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning Property & Development |
| <b>Reference:</b>    | <b>ITEM ENV15/23</b>                                    |
| <b>Subject:</b>      | <b>TENTERFIELD BAND HALL</b>                            |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                 |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Environment</b> - Our natural environment will be protected, enhanced and promoted for future generations.                                                   |
| <b>CSP Strategy:</b> | Town and Village planning supports and enhances local place making principles to deliver sustainable land use management practices for our natural environment. |

**SUMMARY**

The purpose of this report is to notify Council of the intentions of the Leechs Gully Progress Association (LGPA) not to proceed with the relocation of the Tenterfield Band Hall. It is recommended that Council utilise funds not expended by LGPA to undertake priority repairs to the Band Hall and seek Expressions of Interest for use of the hall under a future agreement. A copy of the correspondence received is included as Attachment 2.

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

- (1) Accept the return of the Band Hall offer from Leechs Gully Progress Association;**
- (2) Request the Leechs Gully Progress Association withdraw Development Application 2023.075 for the Removal of the Band Hall from 12 Crown Street, Tenterfield.**
- (3) Raise no objection to Leechs Gully Progress Association amending existing Development Application 2023.076 for the erection of a hall on the site at Leechs Gully Road, Tenterfield at no further cost to Council.**
- (4) Utilise the funds not expended by Leechs Gully Progress Association to undertake priority repairs to the building.**
- (5) Seek Expressions of Interest for the use of the hall.**

**BACKGROUND**

At its ordinary meeting of 24 February 2021 Council resolved as follows;



Our Environment No. 15 Cont...

**16/21** **Resolved** that Council:

- (1) Supports the gifting of the Band Hall to the Leechs Gully Progress Association subject to the association being responsible for:
  - (a) Ensuring the Band Hall can fit on the property by conducting an identification survey;
  - (b) Ensuring the Band Hall transfer meets heritage requirements;
  - (c) Paying for all costs associated with the relocation of the Band Hall;
  - (d) All upkeep and maintenance on the band hall once ownership is formally transferred to the association.
- (2) Allocates up to \$50,000 to the Leechs Gully Progress Association towards the costs associated with the items in (1) above.
- (3) Negotiates with the Leechs Gully Progress Association on the proposed relocation of the Band Hall.

(John Macnish/Bronwyn Petrie)

**Motion Carried**

A copy of the previous report to Council of 24 February 2021 is included as Attachment 1.

**REPORT:**

As a result of this resolution, the LGPA prepared two (2) Development Applications for the removal of the Band Hall from 12 Crown Street, Tenterfield and the Installation of the Building at Leechs Gully Road, Tenterfield.

Given Council's involvement as owners of the Band Hall an external consultant was engaged by the Department of Planning & Environment under the 'Flying Squad' scheme to undertake an assessment of the application. As part of this assessment a number of matters were identified which required further information and consideration by the applicant. At the time of receipt of the LGPA correspondence Council was awaiting these matters to be addressed.

As per Council's resolution an amount of \$50,000.00 was allocated to LGPA towards the costs associated with the relocation of the Band Hall. To date, Council has provided an amount of \$8,332.00 to LGPA, with \$41,668.00 remaining with Council.

LGPA have requested Council allow LGPA to continue with the processing of Development Application 2023.076 for the erection of a hall on the site at Leechs Gully Road, Tenterfield subject to amended plans yet to be lodged.

In this regard, and in accordance with Clause 37 of the *Environmental Planning & Assessment Regulation 2021*, an "...applicant may, at any time before a development application is determined, apply to the consent authority for an amendment to the development application."

Should LGPA wish to amend their current application to reflect an alternate proposal they are able to do so via the normal process in the NSW Planning Portal. Any future amended proposal will be subject to the same assessment criteria as applied to the Band Hall proposal and will be required to be re-notified and assessed on its merits in accordance with the relevant provisions of the *Environmental Planning & Assessment Act, 1979*.

Our Environment No. 15 Cont...

Matters previously raised in the assessment of the Band Hall relocation proposal will still remain and will be required to be addressed, including, but not limited to, site plan indicating carparking and traffic movement, interaction with the existing Rural Fire Service building, provision of amenities and access to the building and consideration of noise impacts.

### COUNCIL IMPLICATIONS:

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

No implications.

#### 2. Policy and Regulation

- No implications

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

Of the \$50,000.00 allocated to LGPA, \$8,332.00 has been expended by the group. It is recommended that the remaining funds (\$41,668.00) be utilized to undertake priority repairs – generally identified in the table below in green and subject to final quotations.

#### 4. Asset Management (AMS)

As reported to Council in February 2021, a rough estimate of \$200,000.00 was identified to undertake repairs to the Band Hall building. Taking into consideration cost increases since this time, the below table provides further estimates for works required. Note: the amounts are estimates only and would need to be verified by seeking quotations for the specific works.

| Item                                                                                                                                                                                               | Action                                                                                                                                                                              | Est amount           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>External</b>                                                                                                                                                                                    |                                                                                                                                                                                     |                      |
| <b>Front entry/awning – Ramp and decking in poor condition Asbestos lining Pest attack and loose roof sheeting.</b>                                                                                | <b>Need to remove and reconstruct entire entrance, include disability access ramp and steps built to standard. Provide new double access doors and facilitate disabled parking.</b> | <b>\$ 120,000.00</b> |
| <b>External Painting.</b>                                                                                                                                                                          | <b>Paint to recommended schedule.</b>                                                                                                                                               | <b>\$ 35,000.00</b>  |
| <b>Outside brick stumps are crumbling and in poor condition inside are ok from visual inspection, but further investigation required. Floor feels uneven with a crest through the centre rear.</b> | <b>Inspect internal stumps. Replace any damaged stumps with new and pack remaining to level flooring will need to be re stumped in future.</b>                                      | <b>\$ 15,000.00</b>  |
| <b>Gutters have corroded through</b>                                                                                                                                                               | <b>Replace all gutters and downpipes. Ensure discharge is running into stormwater.</b>                                                                                              | <b>\$ 5,000.00</b>   |

Our Environment No. 15 Cont...

|                                                                                     |                                                                                                                            |                                          |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Downpipes are not connected.</b>                                                 |                                                                                                                            |                                          |
| <b>Weatherboards are damaged in numerous locations.</b>                             | <b>In conjunction with external painting, replace damaged section of cladding.</b>                                         | <b>\$ 5,000.00</b>                       |
| <b>Evidence of overflowing gutters with dry rot to fascias and bubbled soffits.</b> | <b>Replace damaged timbers and repaint to match replace any damaged soffits checking for asbestos prior to disturbing.</b> | <b>\$ 30,000.00</b>                      |
| <b>Pest attack to front of awning posts.</b>                                        | <b>Engage pest inspector to ensure no current pest activity.</b>                                                           | <b>\$ 400.00</b>                         |
| <b>Capping loose from front awning and sheeting lifted.</b>                         | <b>remove capping and secure steel sheet.</b>                                                                              | <b>If front entry/awning not rebuilt</b> |
| <b>Roof is corroding not leaking but losing shape.</b>                              | <b>Roof needs to be replaced.</b>                                                                                          | <b>\$ 60,000.00</b>                      |
| <b>TOTAL EXTERNAL</b>                                                               |                                                                                                                            | <b>\$ 270,400.00</b>                     |
| <b>Internal</b>                                                                     |                                                                                                                            |                                          |
| <b>Kitchen fit out.</b>                                                             | <b>deteriorating</b>                                                                                                       | <b>\$ 20,000.00</b>                      |
| <b>Internal painting.</b>                                                           |                                                                                                                            | <b>\$ 15,000.00</b>                      |
| <b>Carpet replacement.</b>                                                          |                                                                                                                            | <b>\$ 20,000.00</b>                      |
| <b>TOTAL INTERNAL</b>                                                               |                                                                                                                            | <b>\$ 55,000.00</b>                      |
| <b>OVERALL TOTAL</b>                                                                |                                                                                                                            | <b>\$ 325,400.00</b>                     |

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Roy Jones****Acting Chief Corporate Officer**

Prepared by staff member:

Tamai Davidson, Manager Planning Property &amp; Development

Approved/Reviewed by Manager:

Roy Jones, Acting Chief Corporate Officer

Department:

Office of the Chief Corporate Officer

Attachments:

**1** Attachment 1 - Council Report - 24 February 2021

7 Pages

Our Environment No. 15 Cont...

|          |                                                                               |            |
|----------|-------------------------------------------------------------------------------|------------|
| <b>2</b> | Attachment 2 - Letter to Council<br>from Leechs Gully Progress<br>Association | 2<br>Pages |
|----------|-------------------------------------------------------------------------------|------------|

|                      |                                                                                                                          |
|----------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                                             |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning Property & Development; Fiona Keneally, Director Infrastructure                         |
| <b>Reference:</b>    | <b>ITEM ENV16/23</b>                                                                                                     |
| <b>Subject:</b>      | <b>DEVELOPMENT APPLICATION 2022.015 - 9 LOT SUBDIVISION - Request for Council consideration of delay in road sealing</b> |

|                                                               |                                                                                                                                                                 |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                 |
| <b>CSP Goal:</b>                                              | <b>Environment</b> - Our natural environment will be protected, enhanced and promoted for future generations.                                                   |
| <b>CSP Strategy:</b>                                          | Town and Village planning supports and enhances local place making principles to deliver sustainable land use management practices for our natural environment. |

### SUMMARY

Development Application 2022.015 for a Nine (9) Lot Subdivision on Geyer's Road, Tenterfield was approved under staff delegation on 5 April 2022 subject to conditions. The final survey plan was subsequently endorsed by Council on 5 June 2023 subject to the payment of a monetary bond for roadworks not completed at that time. The developer now requests Council to extend the timeframe for the bond and review the conditions of consent in relation to the width of the road.

### OFFICER'S RECOMMENDATION:

#### That Council:

- (1) Agree to the extension of the Bond Agreement to 30 June 2024;**
- (2) Agree to the modification of consent conditions 10 and 11 of Development Consent 2022.015 to reduce the gravel width from 6m to 5m and bitumen road seal from 6m to 4m;**
- (3) Not accept any contribution toward the cost of the bitumen seal. Developer is to undertake all approved works associated with the construction of the road and accesses;**
- (4) Advise the developer to lodge a Modification application to the Development Consent via the NSW Planning Portal to formally modify the consent conditions.**

### BACKGROUND

Development Application 2022.015 was lodged with Council for assessment of a nine (9) lot rural residential subdivision on 2 February 2022 and approved by Council on 5 April 2022 subject to conditions. A copy of the Development Consent can be found at Attachment 1.

On 5 June 2023 Council issued the Subdivision Certificate and final plan of survey for the 9 lot subdivision subject to the payment of a road bond for works not completed at that time. Council's standard practice is to require all conditions of consent to be complied with prior to issue of the Subdivision Certificate, however there is provision

Our Environment No. 16 Cont...

for Council to accept a monetary bond for works yet to be completed. The final survey plan has now been registered and the lots created.

A Council gravel quarry, referred to as 'Geyer's Pit' is located at the western extent of the unformed Crown Road and is accessed by a right of carriageway. The site is operational land that is not for general public use and has been in use by Council as a minor source of material for local roads and hardstand area for in excess of 30 years. Council has recently undertaken rehabilitation works within the site and will continue to access the site as operationally required.

**REPORT:**

A monetary bond was accepted from the developer (based on a quote for works received at the time) and Council holds this amount in a trust account until such time as the works are completed. A time frame of six (6) months was agreed to which lapsed on 19 November 2023 and the roadworks have not been completed.

On 28 November 2023 the developer wrote to Council seeking a six (6) month extension for the bond agreement and on 5 December 2023 wrote to Council requesting the following in addition to the extension;

Development Application Number 2022.015

Mr Glenn Wilcox  
General Manager  
Tenterfield Shire Council

Dear Glenn,

Rose and I would like to ask Council to review the conditions as set out in our 'Notice of Determination of a Development Application' as follows;

- Condition number 10 and 11: The construction of a 6m wide bitumen sealed road adjoining Lots 41, 42, 43, 44, 45, 46 and 47, changing this to a 4m wide bitumen sealed road.
- We believe this width of road is better suited to the environment of our development, as it is also a no through road to the council land.
- We ask if we can build a 5m wide gravel road to begin with, correctly drained and prepared, only bitumen sealing it when Council's quarry operations have ceased and the initial heavy truck movements into our development for construction work have ceased.
- We offer a contribution to the cost of the new bitumen seal 4m x 500m of \$15,000 and propose council pay the balance when due.
- Concerning the unsealed entry off Geyers Road, before you enter our rural development, we offer to prepare the base for bitumen as we begin to build our road, asking if council will bitumen it at their cost.

We have engaged Alan Bulmer to construct the road and have already bought the pipes to drain the road ready for construction.

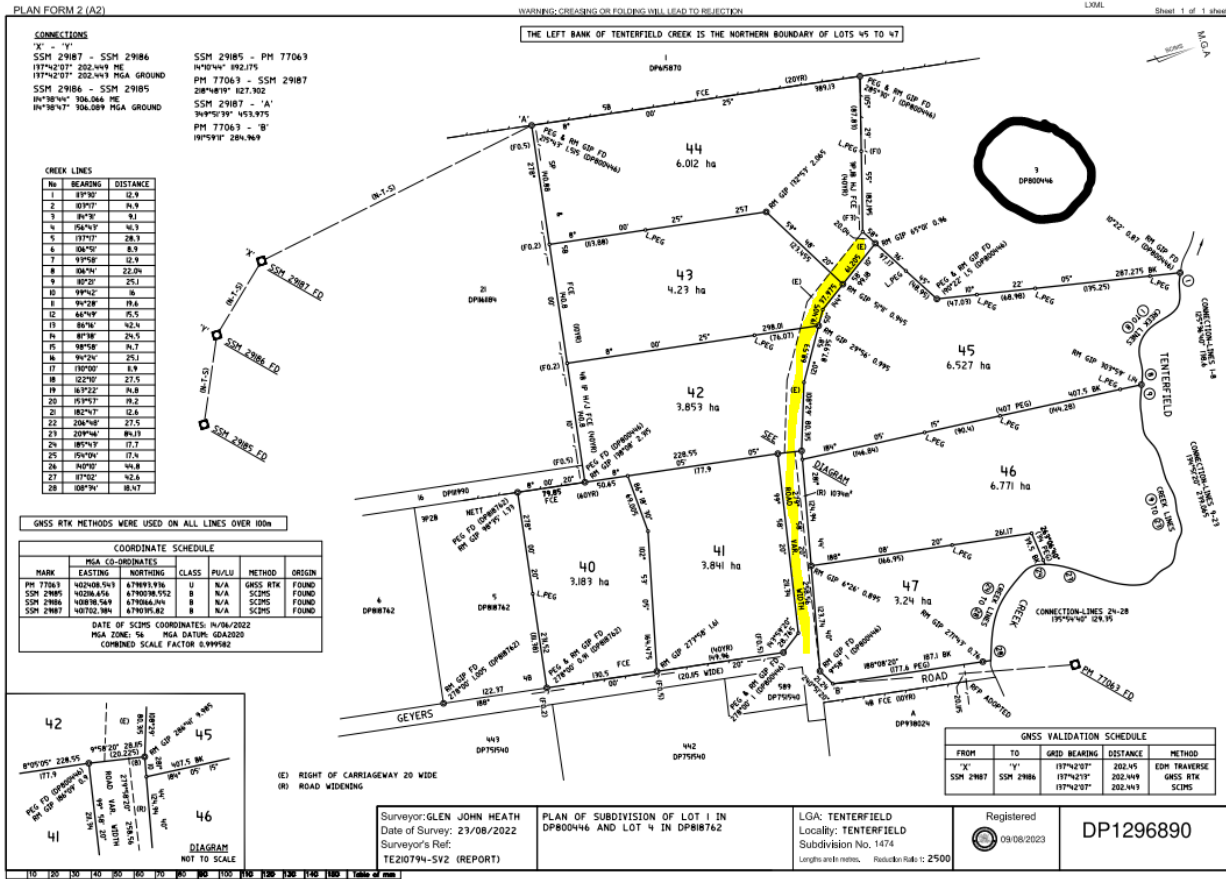
Thank you for your consideration,

The request to modify conditions 10 and 11 is supported.

Our Environment No. 16 Cont...

The request for the extension of time is supported to allow for completion of the road construction. The developer has indicated that the contractor can begin works early in 2024.

A copy of the subdivision plan (below) identifies the access road (yellow) to the Council site (circled).



A request for Council to seal the entrance from Geyers Road into the unnamed road has also been made.

It is deemed a potential financial risk to Council to accept responsibility for sealing of the road. Due to the instability of world oil prices, bituminous sealing rates can vary significantly. The area for sealing is minor, therefore has the potential to attract an escalated rate if works were to be required as a single project visit to the Tenterfield area. Payment by Council including a contribution of \$15,000 by the developer is not supported.

The unsealed entry off Geyers Road is considered appropriate for its existing use. The request to seal at Council's cost is not supported. The developer is to be responsible for undertaken all approved works associated with the construction of the road and accesses to each lot.

**COUNCIL IMPLICATIONS:**

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

Our Environment No. 16 Cont...

Not required.

**2. Policy and Regulation**

- Environmental Planning & Assessment Act, 1979
- Local Government Act 2019

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

The developer is responsible for the construction of the road to service the lots created under the approved subdivision, with the road also servicing Council's land.

**4. Asset Management (AMS)**

No changes.

**5. Workforce (WMS)**

No implications.

**6. Legal and Risk Management**

No implications.

**7. Performance Measures**

No implications.

**8. Project Management**

No implications.

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

|                               |                                                                                                  |
|-------------------------------|--------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Tamai Davidson, Manager Planning Property & Development; Fiona Keneally, Director Infrastructure |
| Approved/Reviewed by Manager: | Roy Jones, Acting Chief Corporate Officer                                                        |
| Department:                   | Office of the Chief Corporate Officer                                                            |
| Attachments:                  | <b>1</b> Notice of Determination - DA 2022.015 <span style="float: right;">9 Pages</span>        |



|                      |                                                                                             |
|----------------------|---------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning Property & Development                                     |
| <b>Reference:</b>    | <b>ITEM ENV17/23</b>                                                                        |
| <b>Subject:</b>      | <b>DEVELOPMENT APPLICATION 2021.080 GENERAL INDUSTRY, 6133 New England Highway, Bolivia</b> |

|                                                               |                                                                                                                                                                 |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                 |
| <b>CSP Goal:</b>                                              | <b>Environment</b> - Our natural environment will be protected, enhanced and promoted for future generations.                                                   |
| <b>CSP Strategy:</b>                                          | Town and Village planning supports and enhances local place making principles to deliver sustainable land use management practices for our natural environment. |

### SUMMARY

The purpose of this report is to present to Council for determination Development Application (DA) 2021.080 for the purposes of a General Industry at 6133 New England Highway for approval subject to conditions.

### OFFICER'S RECOMMENDATION:

#### That Council:

- (1) Approve Development Application 2021.080 for a General Industry on Lot 13 DP 853518, 6133 New England Highway, Bolivia subject to conditions as contained in the attached Notice of Determination (Attachment 2).**

### BACKGROUND

DA 2021.080 for the establishment of a General Industry (receival, storage, processing, manufacturing, and distribution of quarry products) was lodged with Council on 29 June 2021. (Refer Attachment 3 – Proposed Plans)

The application has been notified to adjoining and adjacent landowners on two (2) separate occasions during the process of the application after modifications were made to the proposal. The application was also referred to Transport NSW on two (2) occasions seeking comment in relation to traffic matters.

The application has been assessed by an external consultant, as, at the time of lodgment of the DA, Council's Manager of Planning, Property & Development had declared a non-pecuniary interest in the proposal, being a neighboring property to the applicant. This non-pecuniary interest no longer exists.

### REPORT:

Refer to consultant's report contained in Attachment 1.

### COUNCIL IMPLICATIONS:

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

DA notified on two (2) occasions to adjoining and adjacent landowners and available on Council's website.

- 15 October 2021 – 5 November 2021 – 1 Submission received

Our Environment No. 17 Cont...

- 26 September 2023 – 23 October 2023 – 2 Submissions received

The submissions have been addressed in the consultant's report.

## **2. Policy and Regulation**

- Environmental Planning & Assessment Act, 1979
- Tenterfield Local Environmental Plan 2013
- Tenterfield Development Control Plan 2014

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

No implications.

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

No implications.

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

No implications.

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

No implications.

## **7. Performance Measures**

No implications.

## **8. Project Management**

No implications.

**Roy Jones**

**Acting Chief Corporate Officer**

|                               |                                                                        |          |
|-------------------------------|------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Tamai Davidson, Manager Planning Property & Development                |          |
| Approved/Reviewed by Manager: | Roy Jones, Acting Chief Corporate Officer                              |          |
| Department:                   | Office of the Chief Corporate Officer                                  |          |
| Attachments:                  | <b>1</b> Attachment 1 - Planning Assessment Report - DA 2021.080       | 38 Pages |
|                               | <b>2</b> Attachment 2 - Draft Notice of Determination - Cracker Quarry | 11 Pages |
|                               | <b>3</b> Attachment 3 - DA 2021.080 General Industry Plans             | 22 Pages |

|                      |                                         |
|----------------------|-----------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>           |
| <b>Submitted by:</b> | Gillian Marchant, Manager Water & Waste |
| <b>Reference:</b>    | <b>ITEM ENV18/23</b>                    |
| <b>Subject:</b>      | <b>BOONOO BOONOO RFT</b>                |

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

## SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with RFT 03 23/24 Tender - Boonoo Boonoo Landfill Cell 5, Leachate and Stormwater Construction.

## OFFICER'S RECOMMENDATION:

### That Council:

**Accept the tender of Townes Contracting for RFT 03 23/24 Tender - Boonoo Boonoo Landfill Cell 5, Leachate and Stormwater Construction for a contract total of \$3,600,421.55 inclusive of GST.**

## BACKGROUND

Tenterfield Shire Council owns and operates a major landfill under EPA licence 11435, The current cells known as 1 and 2 are full and Council needs to construct a new waste cell to manage the Shires waste. The construction is required to meet EPA Guidelines for Solid Waste Landfills (2016).

Preparation of the tender documentation was undertaken by Council's consultant Tonkin Engineering. Documentation included design drawings and specifications (Cell5, Stormwater and Leachate), Bill of Quantities (BOQ) and Construction Quality Assurance (CQA). Final approval for construction was granted by EPA on the 15<sup>th</sup> September 2023.

Tender RFT03 23/24 was advertised on the 7<sup>th</sup> October 2023, initially to close on the 29<sup>th</sup> November 2023. Several requests from prospective tenderers for an extension of closing time were received, and the tender closing time subsequently amended to the 6<sup>th</sup> December.

## REPORT:

This report provides an overview of the Tenders and selection criteria.

Based on the below tender evaluation, Townes Contracting is recommended as the preferred tenderer for RFT03-23/24.

## Our Environment No. 18 Cont...

| Tender No. | Tender rating | Company Name         | Price               |                 |                   | insurance product & public liability/workcover / | ISO 9001(Quality Management Systems), ISO 14001 (Environmental management) and ISO 45001 (Safety Management Systems). | Conformance with the tender Specification | QA Requirement  | Serviceability | Design allowance | Liason Council/Consultants | Comments                                                             |
|------------|---------------|----------------------|---------------------|-----------------|-------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------|----------------|------------------|----------------------------|----------------------------------------------------------------------|
|            |               |                      | Non Price Score 40% | Price Score 60% | Total Price Score |                                                  |                                                                                                                       |                                           |                 |                |                  |                            |                                                                      |
| 1          | 2             | Durack Civil Pty Ltd | 31.9                | 33.8            | 65.7              | y                                                | Y                                                                                                                     | Y                                         | Y-comprehensive | Y              | Some             | y                          | Good recommendation, would undertake works in a professional manner  |
| 2          | 3             | Smith Plant          | 28.3                | 36.4            | 64.7              | y                                                | Y-certificates                                                                                                        | Y                                         | Y               | Y              | Y                | y                          | Good recommendation, would undertake works in a professional manner  |
| 3          | 1             | Towns Contracting    | 37.5                | 40.7            | 78.2              | y                                                | Y-certificates                                                                                                        | Y                                         | Y-comprehensive | Y              | Y                | y                          | Great recommendation, would undertake works in a professional manner |
| 4          | 4             | Valley Earthworks    | 34.9                | 30.9            | 65.8              | y                                                | Some                                                                                                                  | Y                                         | Y-comprehensive | Y              | Some             | Y                          | Great recommendation, would undertake works in a professional manner |

A separate confidential document is presented to Council detailing financial tender evaluation.

### COUNCIL IMPLICATIONS:

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

Nil required for this project.

#### 2. Policy and Regulation

- EPA Guidelines for Solid Waste Landfills (2016)
- Pollution Incident Response Management Plan
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2014
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

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

The project is fully funded by Council through its Waste Reserve.

#### 4. Asset Management (AMS)

Cell 5 construction is to comply with EPA Guidelines for Solid Waste Landfills (2016). The Asset Management Plan includes space saving operational practices (using an alternative cover, and compaction rates), and protocols to not allow waste from other Shires, to ensure longevity of the new cell.

#### 5. Workforce (WMS)

Council staff will undertake duties associated with Project Management of the delivery of the contract, this relates to man-hours assigned to the project.

#### 6. Legal and Risk Management

While risks are present for large contracts, all respondents to the tender have the correct insurance requirements and have lodged responses for any legal obligations which may affect delivery, minimising the risks for Council.

#### 7. Performance Measures

Our Environment No. 18 Cont...

Consultants Tonkin has been engaged as Quality Assurance Manager for the works.

### **8. Project Management**

Council staff will undertake the Project Management on the project. This is a substantial project and reporting requirements are enforced by EPA.

### **Fiona Keneally Director Infrastructure**

|                               |                                                |
|-------------------------------|------------------------------------------------|
| Prepared by staff member:     | Gillian Marchant, Manager Water & Waste        |
| Approved/Reviewed by Manager: | Fiona Keneally, Director Infrastructure        |
| Department:                   | Engineering Department                         |
| Attachments:                  | <b>1</b> CONFIDENTIAL - Tender Results 2 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 GOV83/23</b>                            |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT NOVEMBER 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 2023/2024 Operational Plan.

**OFFICER'S RECOMMENDATION:**

**That Council:**

**Notes the status of the Monthly Operational Report for November 2023.**

**Glenn Wilcox**  
**General Manager**

|                               |                                                        |             |
|-------------------------------|--------------------------------------------------------|-------------|
| Prepared by staff member:     | Lee Sisson, Governance Officer                         |             |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                          |             |
| Department:                   | Office of the Chief Corporate Officer                  |             |
| Attachments:                  | <b>1</b> Monthly Operational Report -<br>November 2023 | 39<br>Pages |

|                      |                                                                                                                                 |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                                                    |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer                                                                                       |
| <b>Reference:</b>    | <b>ITEM GOV84/23</b>                                                                                                            |
| <b>Subject:</b>      | <b>RE-PRESENTATION OF 2022/2023 FINANCIAL STATEMENTS TO COUNCIL POST INITIAL REFERRAL OF 27 SEPTEMBER 2023 DRAFT STATEMENTS</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 comply with statutory requirements in relation to the General-Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2023. The Financial Statements were initially referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the Chief Executive, and the Responsible Accounting Officer on 27 September 2023.

However, material changes were required during the audit process specifically on impairment of assets and its treatment in the financial statements. Due to the materiality of these changes, Council is required to re-present the Statement by Councillor and Management for the updated financial statements.

### OFFICER'S RECOMMENDATION:

**That Council.**

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

- a) Council resolves that in its opinion the General-Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2023 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under; and**
- b) That the Financial Statements be approved and signed by the Mayor, the Deputy Mayor, the Interim General Manager, and the Responsible Accounting Officer.**

**(2) That the Financial Statements be referred to Council's Auditor for audit; and**

**(3) That the audited Financial Statements be forwarded to the Office of Local Government by 22 December 2023; and**

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- (4) That the Interim General Manager be delegated authority to place the Audited Financial Statements on public exhibition as soon as practically possible in January/February 2024; and**
- (5) That the audited Financial Statements be presented at the meeting of Council to be held in February/March 2024, in accordance with Section 419(1) of the Local Government Act 1993 (as amended) or alternatively at the soonest practicable date as determined by the Interim General Manager.**

### **BACKGROUND**

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

The statutory process that must be followed is that:

1. A statement as required under section 413(2) (c) must be made by resolution and signed by the Mayor, one (1) Councillor, the General Manager, and the Responsible Accounting Officer.
2. The Financial Statements must then be referred to the Council's Auditor, and once audited the statements must be included in Council's Annual Report.
3. Copies of the Audited Financial Statements must then be lodged with the Office of Local Government by 31 October 2023. **Please note: Council had to seek an extension till 22 December 2023 to lodge the Audited Financial Statements.**
4. As soon as practicable after Council receives a copy of the Auditor's report, the Statements must be placed on public exhibition for a period of seven (7) days and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report. This act of giving notice of the meeting is required to be delegated to the General Manager as technically the notice of meeting cannot be set until the final audited Statements and Audit Report are received, however, subject to any matters raised during the audit, the Audited Statements and Audit Reports will be presented at the Council Meeting to be held in February/March 2024.

### **REPORT:**

A draft of the General-Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for Council for the year ended 30 June 2023 are attached to this report to be referred for audit.

Once the 2022/2023 Financial Statements have been audited, the Auditor's Reports and analysis will be presented to Council and the public at Council's Ordinary Meeting to be held in February/March 2024, in accordance with Section 419 (1) of the Local Government Act 1993 (as amended).

### **Overall Result:**

The draft Income Statement identifies a Net Operating Result for the year of \$37.21M (\$16.67M in 2021/2022) including capital income.



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Council's draft operating result excluding capital income and capital contributions is showing a profit of \$3.54M compared with a \$1.16M surplus in 2021/2022.

It should be noted that this is a **preliminary result** which considers the changes during the audit process and is still to be finalised by New South Wales Audit Office.

The Audited Financial Statements will be presented to Council in February/March 2023.

The Annual Financial Statements are prepared on an accrual basis.

Key Factors to which have contributed to the net result during the Financial Year 2022-23:

- Operating Grants - 100% of Financial Assistance Grant for 2023/2024 received in 2022/2023 financial year totaling \$6.327M.
- Interest Income – Council received approximately \$1.06 Million in Interest Revenue compared to \$122K for FY 2021/2022. This was due to the financial market reaction to rise in interest rates by the Reserve Bank.
- Depreciation Expense – Council was required to undertake an indexation activity as part of FY 2021/2022 Financial Statements. The impact of this indexation treatment and subsequent accounting treatment of impairment of assets due to natural disaster has resulted in a net increase in depreciation of \$879K. In FY 2021/2022 Depreciation was \$7.85M compared to \$8.73M in FY 2022/2023.
- Net Loss on Disposal of Asset – Council recognised \$2.53M in Net loss of disposal of asset. This was primarily related to Infrastructure assets with Roads and Bridges which were deemed impaired and required replacement. **Please note: Depreciation Expense and Net Loss on Disposal of Asset are non-cash expenses.**

### **Water and Sewer Fund Results**

As per the draft Special Purpose Financial Statements, the Water Fund has made a draft surplus of \$367K (\$404K in 2021/2022) before capital income, and the Sewer Fund has made a draft surplus of \$668K (\$800K in 2021/2022) before capital income.

The surplus will be reinvested into their respective funds to be used for asset renewal and upgrade required as per Council Asset Management Strategy.

### **Certification**

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

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

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

These statements must be signed by the Mayor, one (1) other Councillor, the General Manager, and the Responsible Accounting Officer. A copy of the required statement to

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be signed is included in the attached draft Financial Statements. It has been assumed, like past practice, that the Mayor and Deputy Mayor will sign this statement in conjunction with the General Manager and Manager Finance & Technology as the Responsible Accounting Officer.

Please note: The above Statements were signed by Council on 27 September 2023 and this report requires a re-present due to material changes identified as part of the audit process.

## **COUNCIL IMPLICATIONS:**

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

The Audited Financial Statements form part of Council's Annual Report and therefore represents an integral part of the Integrated Planning and Reporting Framework. The Audited Financial Statements provide an important avenue for the review of Council's progress by any interested stakeholders including the Community and Council is required to exhibit the audited Financial Statements.

It is a requirement that as soon as practicable after receiving a copy of the Auditor's report, that the Statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report. As advised above, this should occur at the February/March 2024 Ordinary Council Meeting.

As the end date of the Annual Report submission was 30 November 2023 the financial statements referred in the annual report were the initial copy referred to audit post 27 September 2023 signing.

Council had to seek extension from Office of Local Government to submit its financial statements. The extension request is till 22 December 2023. Council will submit its completed audited financial statements prior or on 22 December 2023.

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

There are no Policy issues arising out of this report.

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

The Financial Statements are Council's primary form of review on Council's sustainability and the financial performance of Council throughout the reporting period. For this reason, they remain a crucial part of the performance measurement framework and the financial performance as disclosed should be a serious consideration in any future decision making.

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

There are no specific asset management issues arising out of this report.

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

There are no workforce issues arising out of this report.

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

The preparation, audit and review of Council's Financial Statements ensure compliance with:

- The Local Government Act 1993, (as amended) and the Regulations made there under.

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- The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
- The Local Government Code of Accounting Practice and Financial Reporting.

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

There are no performance measure issues arising out of this report.

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

There are no project management issues arising out of this report.

**Glenn Wilcox**  
**General Manager**

|                               |                                                                         |
|-------------------------------|-------------------------------------------------------------------------|
| Prepared by staff member:     | Roy Jones, Acting Chief Corporate Officer                               |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                           |
| Department:                   | Office of the Chief Corporate Officer                                   |
| Attachments:                  | <b>1</b> Re-presented Draft Financial Statements<br>as at 30 June 2023. |

|                      |                                                               |
|----------------------|---------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                  |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer                     |
| <b>Reference:</b>    | <b>ITEM GOV85/23</b>                                          |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 30 NOVEMBER 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 note the Finance and Accounts Report for the period ended 30 November 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 of 30 November 2023.

Cash Book Balances on this date were as follows: -

|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 32,521,975.00 | Credit |
| General Trust          | \$69,074.00      | Credit |

##### (b) Summary of Investments

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

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

For the month of November 2023, no 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 22 applications for 603 Certificates in November 2023.

In the calendar year to date, there have been 222 applications compared to 308 applications for the same period last year.

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

Please note: Council is currently undertaking its Annual Financial Statements and Audit reporting requirements for 30 June 2023. However, a detailed analysis has been presented for 30 November 2023.

| <b>RESTRICTED CASH ANALYSIS</b>                                                | <b>AS AT 30<br/>NOVEMBER 2023</b> | <b>AS AT 30 JUNE<br/>2023</b> |
|--------------------------------------------------------------------------------|-----------------------------------|-------------------------------|
|                                                                                |                                   |                               |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                            | <b>\$41,591,050</b>               | <b>\$34,891,004</b>           |
|                                                                                |                                   |                               |
| <b>EXTERNALLY RESTRICTED CASH</b>                                              | <b>\$37,872,023</b>               | <b>\$28,078,266</b>           |
|                                                                                |                                   |                               |
| <b><i>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</i></b>         | <b>\$16,363,007</b>               | <b>\$9,285,089</b>            |
| GRANT-RELATED - <i>GENERAL</i> (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES) | \$15,806,919                      | \$8,670,754                   |
| GRANT-RELATED - <i>WATER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$345,723                         | \$168,056                     |
| GRANT-RELATED - <i>SEWER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | -                                 | -                             |
| GRANT-RELATED - <i>WASTE</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$210,365                         | \$446,279                     |
| GRANT-RELATED - <i>STORMWATER</i> (EXCL DEVELOPER CONTRIBUTIONS)               | -                                 | -                             |
| BRUXNER WAY WIDENING                                                           | -                                 | -                             |
|                                                                                |                                   |                               |
| <b><i>INCLUDED IN DEVELOPER CONTRIBUTIONS</i></b>                              | <b>\$1,083,286</b>                | <b>\$870,032</b>              |
| DEVELOPER CONTRIBUTIONS - <i>GENERAL</i>                                       | \$817,755                         | \$651,144                     |
| DEVELOPER CONTRIBUTIONS - <i>WATER</i>                                         | \$109,187                         | \$94,296                      |
| DEVELOPER CONTRIBUTIONS - <i>SEWER</i>                                         | \$67,588                          | \$53,994                      |
| DEVELOPER CONTRIBUTIONS - <i>WASTE</i>                                         | \$81,683                          | \$63,921                      |
| DEVELOPER CONTRIBUTIONS - <i>STORMWATER</i>                                    | \$7,073                           | \$6,677                       |
|                                                                                |                                   |                               |

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|                                                                                                       |                     |                     |
|-------------------------------------------------------------------------------------------------------|---------------------|---------------------|
| <b>INCLUDED IN RFS RESERVES</b>                                                                       | <b>\$58,061</b>     | <b>\$111,166</b>    |
| RFS RESERVES                                                                                          | \$58,061            | \$111,166           |
|                                                                                                       |                     |                     |
| <b>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER EXCL GRANT RELATED, DC AND RFS ABOVE)</b> | <b>\$20,367,669</b> | <b>\$17,811,979</b> |
| WATER                                                                                                 | \$1,980,751         | \$1,210,136         |
| SEWER                                                                                                 | \$6,996,331         | \$6,763,527         |
| WASTE                                                                                                 | \$10,325,444        | \$8,464,494         |
| STORMWATER                                                                                            | \$1,026,069         | \$991,481           |
| TRUST FUND                                                                                            | \$69,074            | \$382,341           |
|                                                                                                       |                     |                     |
| <b>INTERNAL RESTRICTIONS</b>                                                                          |                     |                     |
| PLANT AND VEHICLE REPLACEMENT                                                                         | -                   | -                   |
| EMPLOYEES LEAVE ENTITLEMENTS                                                                          | -                   | -                   |
| SPECIAL PROJECTS                                                                                      | -                   | <b>\$5,500,000</b>  |
|                                                                                                       |                     |                     |
| <b>UNRESTRICTED FUNDS</b>                                                                             | <b>\$3,719,027</b>  | <b>\$1,312,738</b>  |

### Further Financial Reporting

Finance and Accounts report for the Tenterfield Shire Library and Saleyards have been presented below. These reports aim to present to the Tenterfield Shire Community a more transparent and clear functioning of the business units and its performance.

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**Tenterfield Shire Library:**Tenterfield Shire Council Library  
Finance Report as at 30 November 2023

| Library Services                                                | 23/24 Full Year Budget | Amendments to Budget for September QBR | 23/24 Review 1 Budget (Anticipated June 2024 Result) | 23/24 YTD Actuals | 23/24 % Spent (Review 1 budget) | Budget Remaining (Review 1 budget) |
|-----------------------------------------------------------------|------------------------|----------------------------------------|------------------------------------------------------|-------------------|---------------------------------|------------------------------------|
| <b>Operating Income</b>                                         |                        |                                        |                                                      |                   |                                 |                                    |
| Library Operating Subsidy Income                                | 25,871                 | 40,840                                 | 66,711                                               | 66,711            | 100.00%                         | 0                                  |
| Library Sundry Income                                           | 0                      | 0                                      | 0                                                    | 792               | 0.00%                           | 792                                |
| Library Fees & Charges Income                                   | 6,242                  | 0                                      | 6,242                                                | 808               | 12.95%                          | 5,434                              |
| <b>TOTAL OPERATING INCOME</b>                                   | <b>32,113</b>          | <b>40,840</b>                          | <b>72,953</b>                                        | <b>68,312</b>     | <b>93.64%</b>                   | <b>6,226</b>                       |
| <b>Operating Expenditure</b>                                    |                        |                                        |                                                      |                   |                                 |                                    |
| Library Wages & Administration Expenses                         | 390,382                | 128,344                                | 518,726                                              | 147,320           | 28.40%                          | 371,406                            |
| Library Resources (Books, DVDs, etc)                            | 25,910                 | 0                                      | 25,910                                               | 9,691             | 37.40%                          | 16,219                             |
| Database Subscriptions                                          | 3,152                  | 0                                      | 3,152                                                | 3,041             | 96.49%                          | 111                                |
| Contribution to Regional Library Service                        | 9,726                  | 0                                      | 9,726                                                | 9,336             | 95.99%                          | 390                                |
| Electricity                                                     | 22,051                 | 10,000                                 | 32,051                                               | 10,974            | 34.24%                          | 21,077                             |
| Telephone & Communications                                      | 9,040                  | 0                                      | 9,040                                                | 2,661             | 29.44%                          | 6,379                              |
| Cleaning                                                        | 19,038                 | 0                                      | 19,038                                               | 2,754             | 14.47%                          | 16,284                             |
| Rates & Charges                                                 | 2,192                  | 0                                      | 2,192                                                | 2,118             | 96.62%                          | 74                                 |
| Insurance                                                       | 5,512                  | (5,000)                                | 512                                                  | 166               | 32.49%                          | 346                                |
| Building & Asset Maintenance                                    | 35,010                 | (25,086)                               | 9,924                                                | 1,574             | 15.86%                          | 8,350                              |
| Building Operations                                             | 7,538                  | 0                                      | 7,538                                                | 3,267             | 43.34%                          | 4,271                              |
| IT & Software                                                   | 22,901                 | 2,000                                  | 24,901                                               | 0                 | 0.00%                           | 24,901                             |
| Rental of Premises                                              | 525                    | 0                                      | 525                                                  | 0                 | 0.00%                           | 525                                |
| Depreciation                                                    | 44,816                 | (3,364)                                | 41,452                                               | 0                 | 0.00%                           | 41,452                             |
| <b>TOTAL OPERATING EXPENDITURE</b>                              | <b>597,793</b>         | <b>106,894</b>                         | <b>704,687</b>                                       | <b>192,901</b>    | <b>27.37%</b>                   | <b>511,786</b>                     |
| <b>NET OPERATING SURPLUS / (DEFICIT)</b>                        | <b>(565,680)</b>       | <b>(66,054)</b>                        | <b>(631,734)</b>                                     | <b>(124,590)</b>  |                                 | <b>(505,560)</b>                   |
| <b>Capital Income</b>                                           |                        |                                        |                                                      |                   |                                 |                                    |
| Local Priority Grant Income                                     | 13,246                 | 6,954                                  | 20,200                                               | 20,200            | 100.00%                         | 0                                  |
| Public Library Infrastructure Grant - Refurbishment of the Libr | 0                      | 2,631                                  | 2,631                                                | 2,631             | 99.98%                          |                                    |
| <b>TOTAL CAPITAL INCOME</b>                                     | <b>13,246</b>          | <b>9,585</b>                           | <b>22,831</b>                                        | <b>22,831</b>     | <b>100.00%</b>                  | <b>0</b>                           |
| <b>Capital Expenditure</b>                                      |                        |                                        |                                                      |                   |                                 |                                    |
| Local Priority Grant 2020/21                                    | 0                      | 10,544                                 | 10,544                                               | 9,522             | 90.31%                          | 1,022                              |
| Local Priority Grant 2021/22                                    | 0                      | 19,329                                 | 19,329                                               | 13,283            | 68.72%                          | 6,046                              |
| Public Library Infrastructure Grant - Refurbishment of the Ten  | 0                      | 2,631                                  | 2,631                                                | 2,563             | 97.40%                          | 68                                 |
| Local Priority Grant 2022/23                                    | 0                      | 24,900                                 | 24,900                                               | 553               | 2.22%                           | 24,347                             |
| Local Priority Grant 2023/24                                    | 13,246                 | 6,954                                  | 20,200                                               | 3,545             | 17.55%                          | 16,655                             |
| <b>TOTAL CAPITAL EXPENDITURE</b>                                | <b>13,246</b>          | <b>64,358</b>                          | <b>77,604</b>                                        | <b>29,467</b>     | <b>37.97%</b>                   | <b>48,137</b>                      |
| <b>Liabilities</b>                                              |                        |                                        |                                                      |                   |                                 |                                    |
| Library Photocopier Lease Payments                              | 7,000                  | 5,527                                  | 12,527                                               | 3,271             | 26.11%                          | 9,256                              |
| <b>TOTAL LIABILITIES</b>                                        | <b>7,000</b>           | <b>5,527</b>                           | <b>12,527</b>                                        | <b>3,271</b>      | <b>26.11%</b>                   | <b>9,256</b>                       |
| <b>NET CAPITAL SURPLUS / (DEFICIT)</b>                          | <b>(7,000)</b>         | <b>(60,300)</b>                        | <b>(67,300)</b>                                      | <b>(9,907)</b>    |                                 | <b>(57,393)</b>                    |
| <b>NET OVERALL SURPLUS / (DEFICIT)</b>                          | <b>(572,680)</b>       | <b>(126,354)</b>                       | <b>(699,034)</b>                                     | <b>(134,497)</b>  |                                 | <b>(562,953)</b>                   |

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**Livestock Saleyards**Tenterfield Shire Council - Livestock Saleyards  
Finance Report as at 30 November 2023

| Livestock Saleyards                                | 23/24 Full Year Budget | Amendments to Budget for September QBR | 23/24 Review 1 Budget (Anticipated June 2024 Result) | 23/24 YTD Actuals | 23/24 % Spent (Review 1 budget) | Budget Remaining (Review 1 budget) |
|----------------------------------------------------|------------------------|----------------------------------------|------------------------------------------------------|-------------------|---------------------------------|------------------------------------|
| <b>Operating Income</b>                            |                        |                                        |                                                      |                   |                                 |                                    |
| Saleyards Dues Income                              | 46,818                 | 0                                      | 46,818                                               | 5,405             | 11.54%                          | 41,413                             |
| WHS Surcharge Income                               | 17,167                 | 0                                      | 17,167                                               | 1,935             | 11.27%                          | 15,232                             |
| Agents Licence Fees Income                         | 13,109                 | 0                                      | 13,109                                               | 13,118            | 100.07%                         | 9                                  |
| Sundry Income - Saleyards                          | 2,722                  | 0                                      | 2,722                                                | 1,162             | 42.69%                          | 1,560                              |
| <b>TOTAL OPERATING INCOME</b>                      | <b>79,816</b>          | <b>0</b>                               | <b>79,816</b>                                        | <b>21,620</b>     | <b>27.09%</b>                   | <b>58,214</b>                      |
| <b>Operating Expenditure</b>                       |                        |                                        |                                                      |                   |                                 |                                    |
| Operation Costs                                    | 25,821                 | 0                                      | 25,821                                               | 12,509            | 48.45%                          | 13,312                             |
| Saleyards Asset Maintenance                        | 45,286                 | 0                                      | 45,286                                               | 20,935            | 46.23%                          | 24,351                             |
| Depreciation - Saleyards                           | 78,561                 | 3,962                                  | 82,523                                               | 0                 | 0.00%                           | 82,523                             |
| <b>TOTAL OPERATING EXPENDITURE</b>                 | <b>149,668</b>         | <b>3,962</b>                           | <b>153,630</b>                                       | <b>33,444</b>     | <b>21.77%</b>                   | <b>120,186</b>                     |
| <b>NET OPERATING SURPLUS / (DEFICIT)</b>           | <b>(69,852)</b>        | <b>(3,962)</b>                         | <b>(73,814)</b>                                      | <b>(11,824)</b>   |                                 | <b>(61,972)</b>                    |
| <b>TOTAL CAPITAL INCOME</b>                        | <b>0</b>               | <b>0</b>                               | <b>0</b>                                             | <b>0</b>          | <b>0.00%</b>                    | <b>0</b>                           |
| <b>Capital Expenditure</b>                         |                        |                                        |                                                      |                   |                                 |                                    |
| Improvements to Loading Ramps & Traffic Facilities | 0                      | 55,813                                 | 55,813                                               | 13,910            | 24.92%                          | 41,903                             |
| <b>TOTAL CAPITAL EXPENDITURE</b>                   | <b>0</b>               | <b>55,813</b>                          | <b>55,813</b>                                        | <b>13,910</b>     | <b>24.92%</b>                   | <b>41,903</b>                      |
| <b>NET CAPITAL SURPLUS / (DEFICIT)</b>             | <b>0</b>               | <b>(55,813)</b>                        | <b>(55,813)</b>                                      | <b>(13,910)</b>   |                                 | <b>(41,903)</b>                    |
| <b>NET OVERALL SURPLUS / (DEFICIT)</b>             | <b>(69,852)</b>        | <b>(59,775)</b>                        | <b>(129,627)</b>                                     | <b>(25,734)</b>   |                                 | <b>(103,875)</b>                   |

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

Nil.

**2. Policy and Regulation**

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

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**



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Nil.

**8. Project Management**

Nil.

**Glenn Wilcox**  
**General Manager**

|                               |                                                     |
|-------------------------------|-----------------------------------------------------|
| Prepared by staff member:     | Roy Jones, Acting Chief Corporate Officer           |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                       |
| Department:                   | Office of the Chief Corporate Officer               |
| Attachments:                  | <b>1</b> Investment Report - as at 30 November 2023 |

|                      |                                       |
|----------------------|---------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>  |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager         |
| <b>Reference:</b>    | <b>ITEM GOV86/23</b>                  |
| <b>Subject:</b>      | <b>POLICIES FOR PUBLIC EXHIBITION</b> |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

**SUMMARY**

Council will be required to appoint a new General Manager in 2024 and as part of the preparation of this appointment a number of key policies have been developed to support the appointment process and to ensure that the Total Remuneration Packages offered to senior staff comply with policy guidelines.

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

**Place the following Policy documents on public display and seek public input prior to consideration to adopt at the February 2024 Council meeting:**

- (1) Communication Device Policy**
- (2) Mobile Phone Policy**
- (3) Annual Leave Policy**
- (4) Motor Vehicle Policy**
- (5) Appointment of the General Manager**

**BACKGROUND**

The appointment of a General Manager is legislated under the local Government Act 1993. Council will also be appointing two senior staff positions which require supporting policies as to total remuneration packages.

**REPORT:**

The NSW Local Government Act 1993 and the Office of Local Government establishes guidelines for the appointment of a General Manager.

To complement the appointment process and the contract to be signed, Council should establish policies on the provision of motor vehicles and other items to be included in the Total Remuneration Package.

The following policies have been prepared or reviewed for public notification:

- (1) Communication Device Policy
- (2) Mobile Phone Policy
- (3) Annual Leave Policy

Our Governance No. 86 Cont...

- (4) Motor Vehicle Policy
- (5) Appointment of the General Manager

Each Policy contains a reason for its creation.

The Policies will also relate to the Appointment of the two Senior staff positions that are presently vacant and the private use of motor vehicles by staff shall require transition arrangements as required under the NSW Local Government Award.

### **COUNCIL IMPLICATIONS:**

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

All policies shall be advertised to the community for information and to allow for written advice prior to Council adoption.

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

- The attached policies have been developed to assist Council in the appointment of Senior staff members including a General Manager.

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

Staff appointments will be in accordance with long term budgets.

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

Motor vehicle assets and management will fall under the policies.

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

The attached policies will be applied to all new staff where a motor vehicle is required for that position.

Existing staff who have a motor vehicle will retain financial protection under the NSW Local Government Award for the period of time legislated under that award. The replacement costs of motor vehicles will be applied from the changeover period.

No staff will be permitted to enter a Novated Lease with Council from the adoption of the Draft policy.

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

Council must follow the appointment process for a general manager and senior staff. All staff appointed requiring a motor vehicle for the position will be required to comply with the policies as adopted.

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

Nil.

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

Nil.

**Glenn Wilcox**  
**General Manager**

Our Governance No. 86 Cont...

Prepared by staff member: Glenn Wilcox, General Manager  
Approved/Reviewed by Manager: Glenn Wilcox, General Manager  
Department: Office of the Chief Executive  
Attachments:

|          |                                           |             |
|----------|-------------------------------------------|-------------|
| <b>1</b> | Draft - Communication Policy              | 7 Pages     |
| <b>2</b> | Draft - Mobile Phone Policy               | 4 Pages     |
| <b>3</b> | Draft - Annual Leave Policy               | 5 Pages     |
| <b>4</b> | Draft - Motor Vehicle Policy              | 18<br>Pages |
| <b>5</b> | Draft - Appointment of General<br>Manager | 5 Pages     |

|                      |                                       |
|----------------------|---------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>  |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager         |
| <b>Reference:</b>    | <b>ITEM GOV87/23</b>                  |
| <b>Subject:</b>      | <b>APPOINTMENT OF GENERAL MANAGER</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.                                           |

#### **SUMMARY**

This report has been prepared to request Council to seek quotations for the Appointment of a General Manager in 2024.

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

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

- (1) Call for Expressions of Interest and quotations from suitably qualified organisations to advertise, undertake interviews and to develop the General Managers performance criteria post appointment; and**
- (2) That Council place advertisements in the week commencing 15<sup>th</sup> January 2024 to 2<sup>nd</sup> February 2024.**

#### **BACKGROUND**

Council's permanent General Manager resigned from Council and left its employ in October 2023. Council has appointed an Interim General Manager as permitted under the Local Government Act 1993 to fill the vacant position. This Interim position will end unless extended in April 2024.

#### **REPORT:**

This report is to establish a lead time to request quotations from suitably qualified consultants to advertise, seek applicants, to host interviews and to establish performance criteria for a new General Manager in 2024.

The current interim General Manager will end the position as per the contract in April 2024 unless an agreed extension is negotiated.

The appointment process must be as per the Policy – Appointment of a General Manager.

#### Advertising Timetable – April Commencement

1. Quotations will need to be requested from suitable consultants prior to Christmas 2023. Consultants will be contacted by phone and follow up email. Three consultants will be contacted to allow a review of services and pricing.
2. A Special Council meeting or a select committee of Councillors can determine the acceptance of and appoint a suitable consultant.

Our Governance No. 87 Cont...

3. Advertising of the position of General Manager must be undertaken from Monday 8th January 2024 until Friday 2nd February 2024 (3 weeks)
4. Interviews will be required to be undertaken in the week commencing 12<sup>th</sup> February 2024 and subsequent interviews undertaken following that time, along with psychometric testing, referee checks and other checks as determined under the policy.
5. A Special Council meeting may need to be held to formally appoint a General Manager and to establish delegations for that appointment.
6. The General Manager appointed will require four to six weeks to move to Tenterfield.
7. Based on this timetable the interim General Manager, will finalise his contract as of 29<sup>th</sup> March 2023.

It is important that Council appoints the right person that has the knowledge to manage finances and can maintain a very tight budget position. The person will also need to think outside the square to bring about community, economic and political support to ensure that Tenterfield Shire remains a viable and positive organisation.

If Council is not supportive of any applications for the General Manager, it is advised to not rush the process, but to readvertise to find the right person and skills.

#### **COUNCIL IMPLICATIONS:**

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

Council has a policy to consider at the December meeting on the Appointment of a General Manager. Council is also required to comply with the Local Government Act and Office of Local Government guidelines for this appointment.

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

- As stated above.

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

Council will be required to establish a Total Remuneration Package to be advertised with the application and the standard contract.

The total remuneration package shall include a cash amount, the required superannuation contribution payable, and the cash component shall be reduced where the appointed General Manager requires a motor vehicle as per the policy, housing or other allowable inclusions for salary offset.

The TRP is the maximum payment to the General Manager as determined by Council.

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

Nil.

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

The General Manager is the only position that must be appointed by a Council.

All other staff are appointed by a General Manger as per the workforce plan total number of full-time staff and as per budgets availability.

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

Our Governance No. 87 Cont...

Council is required to follow its own policies and the legal framework around this appointment.

### **7. Performance Measures**

All General Managers should be provided with written performance guidelines in accordance with the Standard Contract.

A failure to establish the performance criteria or to undertake performance reviews is a failure under the contract provisions but more importantly a poor management practice to discuss and correct work practice or community concerns. A performance review is a two-way review at this level to firstly identify the good or bad performance of a General Manager and secondly to reflect on council decisions and its performance that may impact the workability of the General Manager.

### **8. Project Management**

**Glenn Wilcox**  
**General Manager**

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

|                      |                                      |
|----------------------|--------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b> |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager        |
| <b>Reference:</b>    | <b>ITEM GOV88/23</b>                 |
| <b>Subject:</b>      | <b>S355 COMMITTEE NOMINATIONS</b>    |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                             |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Leadership</b> - Resources and advocacy of Council are aligned to support the delivery of the community vision outlined in the Community Strategic Plan. |
| <b>CSP Strategy:</b> | Work with key stakeholders and the community to lobby for adequate health services in our region.                                                           |

---

**SUMMARY**

Council resolved to establish a committee under S355 of the Local Government Act 1993.

The purpose of the Committee is to allow Council as the Tenant to the Tenterfield School of Arts property to support Volunteers to open and provide educational activities and other events provided under the Lease.

**OFFICER'S RECOMMENDATION:**

**That Council:**

- (1) Consider all nominations for the positions on the Section 355 Committee as provided, and**
- (2) Appoint up to three (3) community representatives that could cover the three public areas (Museum, Theatre and Cinema) in the School of Arts Building.**

**BACKGROUND**

Council at its November 2023 Ordinary Meeting resolved to establish a Committee under S355 Local Government Act 1993 as amended. The Committee will have up to three community representatives.

Council advertised for representation to the committee which closed on Friday 15<sup>th</sup> December 2023.

**REPORT:**

This report is to request Council to formalise the appointment of a community-based committee to support the voluntary provision of services, tourist information, education and other activities permitted under the Lease.

The proposed S355 Committee is separate from the Lease requirements of the Joint Committee.

Council has advertised for vacancies on the S355 Committee to the community.

The S355 Committee makeup allows for up to three (3) volunteer members to cover the delivery areas.



Our Governance No. 88 Cont...

### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Council advertised for up to three vacancies on the proposed s355 committee.  
Advertising closed on Friday 15<sup>th</sup> December 2024.
- 2. Policy and Regulation**
  - As per the proposed draft S355 Committee constitution.
- 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.

**Glenn Wilcox**  
**General Manager**

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

|                      |                                                                                          |
|----------------------|------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                     |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager                                                            |
| <b>Reference:</b>    | <b>ITEM GOV89/23</b>                                                                     |
| <b>Subject:</b>      | <b>REVIEW OF COUNCIL GOVERNANCE - OFFICE LOCAL GOVERNMENT SELF ASSESSMENT GUIDELINE.</b> |

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

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

### **SUMMARY**

A review has been undertaken with the assistance of staff to determine Council's policies, guidelines, and structure.

The Review has been based on the Office of Local Governments Self-Assessment Guidelines.

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

**That Council:**

**Note the review and that prior to the next Council General Election that staff will review or develop Policies and Procedural documents for Council approval.**

### **BACKGROUND**

Councils are required to adopt policies and strategic directions to support the delivery of services, budgets, and community-based outcomes.

This report has been prepared to identify areas of review, policy needs and processes to assist in the health and safety aspects, council direction, legislative requirements, and compliance.

### **REPORT:**

The Interim General Manager with the assistance of the general staff have undertaken a review of Councils governance areas against the Office of Local Governments Self-Assessment Guidelines.

This is an operational review and was to determine if staff are aware of policies and process required to support the Councils operations.

The Following list has been compiled for future review or development.

### **The following areas have been identified for review.**

- End of Term CSP Report (prepared at end of Council term).
- Develop a New Community Strategic Plan with Community input.
- Develop a new Workforce Management Plan and Organisational structure.

## Our Governance No. 89 Cont...

- Review the Roads and Bridges Asset Plan and depreciation levels.
- Develop a quarterly newsletter to go out with the Rates.
- Review Councils Values and Undertake an Organisational culture survey.
- Identify Councillor training programs.
- Provide all staff with an annual code of conduct document.
- Report annual Code of Conduct complaints.
- Develop a staff training register annually.
- Review the gifts and Benefits process.
- Develop a communications device policy.
- Develop / Review business ethic guideline for tendering / purchases and contractors.
- Prepare a Business Continuity Plan and Risk Management procedures.
- Prepare a Fraud Control plan.
- Call for expressions of Interest in an Internal Audit Committee (after Sept 2024).
- Develop a Legislative Compliance Policy and Register.
- Call for expressions of interest to provide Legal Services (Panel).
- Review the Procurement, and Disposal of Assets policy and procedures.
- Develop a procedure for third party complaints on the disposal of assets.
- Review the Local Preference purchasing process.
- Develop a privacy management plan.
- Review the GIPA Act and Councils procedures.
- Council to Formally Appoint a Public Officer.
- Review and develop a Contracts Register.
- Develop a Communications Policy and Procedure as per s705 LGA.
- Develop a Complete Policy Register.
- Establish formal Executive Management meetings and minutes.
- Review all staff and Mayoral delegations.
- Establish a publicly available delegation register.
- Develop a Report Template to advise of a Closed Session of Council in compliance with the Act and Code of Meeting Practice.
- List all Council Committees on the website.
- Review Committee charters.
- Develop new Councillor information documents or links on Council's website (September 2024 election).
- Develop structure Councillor training program for post September 2024.
- Develop Councillor/ staff interaction policy and training.
- Review complaints handling policy / procedure to meet reduction in staff numbers and service obligations.
- Develop an App to report complaints, maintenance, and other items by the community.
- Develop an internal reporting policy to report under the Public Interest Disclosures Act.
- Develop an Information and Communication Technology Strategic Plan for the 2024/25 budget.
- Review Strategic Land Use Planning Instruments and update as required.
- Review DCPs and Planning Policies to determine relevance and address community issues raised.
- Develop / Review a Local Approvals Policy.
- Undertake a Review of Planning process against ICAC guidelines.
- Review planning contributions plans.
- Develop a Graffiti Removal register.
- Review Local Orders Policy and procedure.

## Our Governance No. 89 Cont...

- Develop a noncompliance register or unauthorised develop.
- Develop training plan for enforcement staff and Council procedures for the issue of fines.
- Review onsite sewerage management policy.
- Develop / Review Stormwater Management plan and cost estimates for 2024/25 budget.
- Review / develop a waste management strategy, waste depot management plans and transfer station management plans.
- Develop / review Companion Animals Management Plans.
- Review Councils registration of dogs on the NSW Registration system.
- Review procedures for inspection and compliance with the Swimming Pools Act and Regulations.
- Update Asset Management strategies and undertake independent reviews of asset classes.
- Develop Asset Maintenance programs and budgets for 2024/25 financial year and LTFP.
- Review all land assets and land use as Community / Operational and determine a land disposal strategy for lands.
- Review / develop a register of leases and licenses.
- Review the Long-term Financial Plan to identify asset maintenance or improvements and to determine future SRV requirements.
- Review all Crown reserve incomes and expenditure as required by the Act or Lease.
- Review the Investment policy.
- Develop a Loans Policy and a Loan request procedure.
- Review the Pensioner Rebate process and reporting.
- Review the Debt Recovery process and calling for external companies to support this process.
- Review the procedures or develop procedures for internal financial controls and transactions.
- Review Councils operation generally in terms of the National Competition policy especially in areas of Private Works or Services.
- Review or develop a Social Community Strategic Plan.
- Review the Disability Action Plan (December 2023).
- Develop guidelines for accessibility to Council facilities.
- Develop a Community Participation and Engagement Plan including arrangements for consultation with Local Aboriginal Land Councils.
- Review and develop customer service standards to meet the reduction in staff numbers and income.
- Develop a Communication Policy.
- Council to review and determine cultural planning needs and develop public Arts Policy.
- Develop an Economic / Tourism Strategy to address changes resulting from the highway Bypass.
- Develop a new Workforce Strategy to address the reduction in staff numbers, resources, and community service areas.
- Develop a complete Human Resources manual, and policy suite to cover recruitment through to resignation / retirement.
- Develop a policy for the employment of a General Manager (contract).
- Develop Consultative Committees as required under the Act.
- Develop an EEO Policy.
- Develop a staff training policy and budget annually.

Our Governance No. 89 Cont...

- Review and develop WH&S guidelines and procedures with Councils Insurers and undertake training of staff, Councillors and Volunteers.
- Develop a Secondary Employment Policy.
- Develop a policy around emergency service leave to support staff.

**Policy Documents to be developed or reviewed include.**

- Code-of-Conduct-for-Committee-Members-Delegates-of-Council-Council-Advisors.
- Contract Management Policy.
- Councillor Expense Policy.
- Cyber Security Guidelines.
- Loan Policy and Procedure.
- Mobile Phone Policy January.
- Mobile Phones in the Workplace.
- Motor Vehicle Policy.
- Policy - EEO Policy.
- Policy - Fraud and Corruption.
- Policy - Related Parties.
- Policy - Annual Leave Policy.
- Policy - Appointment of General Manager.
- Policy - Code-of-Conduct-for-Staff-
- Policy - Communication Devices.
- Policy - Complaint Management.
- Policy - Compliance- Enforcement-Policy April.
- Policy - Councillor & Staff Interaction.
- Policy - Councillor Access to Information.
- Policy - Credit Card Policy.
- Policy - Drug & Alcohol Policy.
- Policy - GIPA Publication Guide GIPA.
- Policy - Grievance.
- Policy - Leave for Civil Emergencies Policy.
- Policy - Model-Code-of-Conduct-for-Local-Councils-in-NSW-updated-
- Policy - Payment of Expenses and the Provision of Facilities.
- Policy - Privacy Management Plan.
- Policy - Procurement and Disposal Policy.
- Policy - Records Management.
- Policy - Secondary Employment Policy.
- Policy - Smoke Free Workplace.
- Policy - Social Media.
- Policy - Staff Education and Training.
- Policy - Staff Surveillance Policy.
- Policy - Statement of Business Ethics.
- Policy - WH &S Management System.
- Policy - WORK FORCE PLAN and STRATEG.Y
- Policy LOAN -Project Plan and Business Case Template.
- Policy Work from Home.
- Procedures-for-the-Administration-of-the-Model-Code-of-Conduct-for-Local-Councils-in-NSW-updated-August-2020.
- Release of information form CCTV.
- Risk Management Policy.
- S355 Committee Guidelines Manual.
- Self-assessment - ITC failure.
- Volunteer Management Procedure.
- Volunteer Risk Management Procedure.

Our Governance No. 89 Cont...

### **COUNCIL IMPLICATIONS:**

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

Required as policies and strategies are developed.

**2. Policy and Regulation**

- As noted above.

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

N/a - Costs undertaken within budgets.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

As required and training of staff will form part of this process.

**6. Legal and Risk Management**

Reviewed by Council as presented.

**7. Performance Measures**

This should form a part of the senior managers performance review process to ensure Council remains compliant with legislation and workforce requirements.

**8. Project Management**

Nil.

**Glenn Wilcox**  
**General Manager**

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

**(ITEM RC19/23) REPORT OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE COUNCIL - LOCAL TRAFFIC COMMITTEE - MEETING MINUTES - THURSDAY 7 DECEMBER 2023**

---

**REPORT BY:** David Counsell, Manager Asset & Program Planning

**OFFICER'S RECOMMENDATION**

**That Council resolves.**

- (1) That the minutes of the Local Traffic Committee meeting held Thursday 7 December 2023 be adopted; and**
- (2) That no objection be raised to the proposal to relocate the Manners Street Bay stop into Rouse Street adjacent to Bruxner Park, and that Council formally advise Transport NSW and NSW TrainLink of support for their Coach Stop Relocation Request; and**
- (3) That Council install a 30-tonne gross mass limit to be applied on the Hawkins Gully Bridge located 1.6km along Billirimba Road; and**
- (4) That Council raise no objection to the Killarney Border Ranges Trail Ride on 23<sup>rd</sup> and 24<sup>th</sup> March 2024 subject to NSW Police approval being obtained and standard conditions of compliance including traffic management and safety, as well as public liability insurance being held and**
- (5) That Council request the applicant for proposed transport depot development for Lot 150 Western Boundary Road to submit detailed drawings of the proposed access intersection and further information to demonstrate how the operation will comply with Transport NSW suggestions including.
  - a) A revised swept path for the largest design vehicle (B-Double) demonstrating site ingress from the northbound lane on Western Boundary Road can be accommodated is provided to Council's satisfaction; and**
  - b) It is successfully demonstrated that heavy vehicles originating from the New England Highway could feasibly perform a U-turn within the existing local road network.****

**ATTACHMENTS**

- |                                                                                                |                   |
|------------------------------------------------------------------------------------------------|-------------------|
| <b>1</b> Tenterfield Shire Council - Local Traffic Committee Meeting - Minutes 7 December 2023 | <b>4</b><br>Pages |
|------------------------------------------------------------------------------------------------|-------------------|

**(ITEM RC20/23)** REPORT OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE COUNCIL - WORKS & SERVICES COMMITTEE - MEETING MINUTES - WEDNESDAY 6 DECEMBER 2023

---

**REPORT BY:** Glenn Wilcox, General Manager

**RECOMMENDATION**

**That the report and recommendations from the Tenterfield Shire Council - Works & Services Committee meeting of 6 December 2023 be received and adopted.**

**ATTACHMENTS**

- |                                                                                                                     |            |
|---------------------------------------------------------------------------------------------------------------------|------------|
| <b>1</b> Draft Meeting Minutes - Tenterfield SHire Council - Works & Services Committee - Wednesday 6 December 2023 | 4<br>Pages |
|---------------------------------------------------------------------------------------------------------------------|------------|



**(ITEM RC21/23) REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE COUNCIL - FINANCE COMMITTEE - MEETING MINUTES WEDNESDAY 6 DECEMBER 2023**

---

**REPORT BY:** Roy Jones, Acting Chief Corporate Officer

**RECOMMENDATION**

**That the report and recommendations from the Tenterfield Shire Council - Finance Committee meeting of 6 December 2023 be received and adopted.**

**ATTACHMENTS**

- |                                                                                                                    |            |
|--------------------------------------------------------------------------------------------------------------------|------------|
| <b>1</b> Draft Meeting Minutes - Tenterfield Shire Council - Finance Committee Meeting - Wednesday 6 December 2023 | 4<br>Pages |
|--------------------------------------------------------------------------------------------------------------------|------------|

**(ITEM RC22/23)** REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE COUNCIL - AUDIT, RISK & IMPROVEMENT COMMITTEE - MEETING MINUTES 20 SEPTEMBER 2023

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**REPORT BY:** Roy Jones, Acting Chief Corporate Officer

**RECOMMENDATION**

**That the report and recommendations from the Audit, Risk and Improvement Committee meeting of 20 September 2023 be received.**

**ATTACHMENTS**

- |                                                                                            |            |
|--------------------------------------------------------------------------------------------|------------|
| <b>1</b> Adopted Minutes - Audit, Risk & Improvement Committee - Meeting 20 September 2023 | 4<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 RC23/23</b>                                              |
| <b>Subject:</b>      | <b>ALTERNATIVE USE FOR VISITORS INFORMATION CENTRE</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**

This report advises Council of alternative uses for the former Visitors' Information Centre at 157 Rouse St; likely costs to repurpose the building; and offers two recommendations, either:

Retain the building and undertake renovations, or sell the property by accepting a formal offer, or sell by auction after considering quotes from agents.

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

**This report should be considered with the recommendation of the Finance Committee Meeting.**

#### **BACKGROUND**

At its 22 November 2023 Meeting, Council resolved the following:

*"#210/23 Resolved that Council: Authorises the General manager to suspend the sale of 157 Rouse Street whilst he conducts a review of the benefits and costs of Council retaining ownership of the property and requests the General manager to provide a report and recommendations to the Ordinary Meeting of 28 February 2024."*

Basically, to withdraw the property from sale pending review by General Manager of alternative uses. The General Manager has inspected the property with staff and looked at options for leasing areas of the building.

#### **REPORT:**

##### **Option 1:**

On initial inspection, the building could be leased with a potential rent up to \$1000/week for professional tenancy e.g., government office, accountant, solicitor.

Council would need to under take some repairs. A review of the air conditioning system would need to be carried out due to ensure it remained serviceable.

##### **Option 2:**

Divide the building into two sections – 193m<sup>2</sup> front (Section 1, 128m<sup>2</sup> and Section 2, 65m<sup>2</sup>) and rear (Section 3, 56.5m<sup>2</sup>). The rear section (3) would rent for approx. \$250/wk. while the front section would be reduced to approximately \$750/week. Again, this would require Council to physically separate the two areas based on the current wall and door layouts. Council would need to separate electrical connections and metering, while still undertaking maintenance.

Report of Committee No. 23 Cont...

**Option 3:**

Divide into three sections, as per attached floorplan. Section (1) 128m<sup>2</sup> has direct access via automatic doors to Rouse St as well as side door on the northern side. It has a separate office and storeroom and direct access to kitchenette and toilets. Section (2) 65m<sup>2</sup> has direct access via double doors at the southeast end and access to the common area toilets at the rear. Section (3) 56.5m<sup>2</sup> has direct access to carpark, kitchenette (on northern wall) and separate storeroom and access to internal toilets and larger staff kitchen area, if needed.

The areas could potentially be leased at suggested market rates of:

Section (1) \$500/week plus outgoings  
Section (2) \$250 to \$300/wk plus outgoings  
Section (3) \$250/week plus outgoings

For this to be possible the following changes/upgrades would be needed:

- A dividing wall between Sections (1) and (2) at the join-line on eastern wall (past extension joint)
- Electrical upgrade/changes to provide three separate electricity meters.
- Air-conditioning upgrade to provide three separate units. The building is currently served by a single, older unit that has reached its service life and its replacement has been previously quoted at \$15K to \$25K, depending on full scope of works needed. Installing three separate air-con units could cost considerably more.
- Currently a single, small HWS located in Section (3) serves both kitchenettes. A separate unit may be needed in the kitchenette in Section (1)
- Painting is needed for exterior and interior of the building.

No formal or approximate quotes for the above have been sought.

**Option 4:**

Council re-advertises the premises for sale and due to lower market, set another sales price. Sell by normal purchase but preferably by auction.

Council has been advised that a second formal offer to buy the building is coming, even though Council has advised Real Estate Agents it has put the sale on hold.

Should Council reject this offer, it would be a more transparent process to go to public auction – allowing the community to witness the sale and the price being offered or paid.

**COUNCIL IMPLICATIONS:**

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

The community is aware of Council's financial position and moves undertaken to cut costs through staff and service reductions, and importantly reductions in capital expenditure.

Closure of formal visitor information services and sale of the VIC have been widely discussed / debated in the community.

Report of Committee No. 23 Cont...

**2. Policy and Regulation**

Nil.

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

Withdrawing the former VIC Centre at 157 Rouse St from sale would mean potential of up \$700K, less selling costs, would not be realised to assist with Council's fiscal repair strategy.

Further that leasing the building will increase Council costs without substantial annual return due to the maintenance levels and costs to break apart electrical wiring.

**4. Asset Management (AMS)**

Retaining the property would result in on-going asset maintenance/depreciation costs.

**5. Workforce (WMS)**

Retaining the property would add some staff costs and management time.

**6. Legal and Risk Management**

See above.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Glenn Wilcox**  
**General Manager**

|                               |                                                                  |
|-------------------------------|------------------------------------------------------------------|
| Prepared by staff member:     | Bruce Mills, Senior Advisor Communication & Economic Development |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                    |
| Department:                   | Office of the Chief Executive                                    |
| Attachments:                  | There are no attachments for this report.                        |

|                      |                                                                                                                                      |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                                                                 |
| <b>Submitted by:</b> | Peter Murphy, Councillor                                                                                                             |
| <b>Reference:</b>    | <b>ITEM NM3/23</b>                                                                                                                   |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - WAIVER OF COUNCIL CHARGES - MINGOOLA HALL MANAGEMENT COMMITTEE INC. - GRANT FUNDED DISABILTY AMENITY WORKS</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**

A Notice of Motion was received by Councillor Peter Murphy on Monday 11 December 2023. Details below.

**NOTICE OF MOTION:****That Council:**

**Waive Council's \$10,000 administrative support charges claim against the Mingoala Hall Management Committee Inc. in respect of the grant funding and project management of Council's Mingoala Disability Toilet amenity and associated, miscellaneous works.**

**BACKGROUND**

A Notice of Motion was received by Councillor Peter Murphy. Copy below.

**REPORT:****COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**
- 2. Policy and Regulation**
- 3. Financial (Annual Budget & LTFP)**
- 4. Asset Management (AMS)**
- 5. Workforce (WMS)**
- 6. Legal and Risk Management**
- 7. Performance Measures**

Notice of Motion No. 3 Cont...

**8. Project Management**

**Glenn Wilcox**  
**General Manager**

|                               |                                           |
|-------------------------------|-------------------------------------------|
| Prepared by staff member:     | Peter Murphy, Councillor                  |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager             |
| Department:                   | Office of the Chief Executive             |
| Attachments:                  | There are no attachments for this report. |

|                      |                                                    |
|----------------------|----------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>               |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media     |
| <b>Reference:</b>    | <b>ITEM RES11/23</b>                               |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - NOVEMBER 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 November 2023.**

**Glenn Wilcox**  
**General Manager**

|                               |                                                                                           |
|-------------------------------|-------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Elizabeth Melling, Executive Assistant & Media                                            |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                                             |
| Department:                   | Office of the Chief Executive                                                             |
| Attachments:                  | <b>1</b> Actions Report (Resolution Register) <span style="float: right;">21 Pages</span> |