



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 28 FEBRUARY 2024

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 28 February 2024** 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

## **CLOSED COUNCIL**

### **Confidential Reports**

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

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

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

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

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

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

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

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

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

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

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

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

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

# AGENDA

## COMMUNITY CONSULTATION (PUBLIC ACCESS)

### WEBCASTING OF MEETING

This meeting will be recorded for placement on Council's website and livestreamed on Council's YouTube Channel for the purposes of broadening knowledge and participation in Council issues and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

### 1. OPENING & WELCOME

#### 2. (A) OPENING PRAYER

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

#### (B) ACKNOWLEDGEMENT OF COUNTRY

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

### 3. APOLOGIES

### 4. DISCLOSURES & DECLARATIONS OF INTEREST

### 5. CONFIRMATION OF PREVIOUS MINUTES

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### 6. TABLING OF DOCUMENTS

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## **8. MAYORAL MINUTE**

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

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### **OUR COMMUNITY**

### **OUR ECONOMY**

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**14. CONFIDENTIAL BUSINESS**

**CONFIDENTIAL**

|                |                                                                                                  |
|----------------|--------------------------------------------------------------------------------------------------|
| (ITEM ENV2/24) | URBENVILLE, MULLI MULLI, WOODENBONG - URBENVILLE WATER SUPPLY PROJECT LAGOON CONSTRUCTION TENDER |
|----------------|--------------------------------------------------------------------------------------------------|

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

**15. MEETING CLOSED**



**(ITEM MIN3/24) CONFIRMATION OF PREVIOUS MINUTES**

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

**RECOMMENDATION**

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

- **Ordinary Council Meeting – 20 December 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 20 December 2023 19 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 ECO3/24</b>                                                    |
| <b>Subject:</b>      | <b>REQUEST FOR LEASE OF TENTERFIELD SCHOOL OF ARTS RESOURCE 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**

The purpose of this report is to consider a request to enter into a leasing arrangement with Tenterfield's National Monument Association Inc. (TNMAI) for use of the School of Arts Resource Centre and Business Service Office Building, Rouse Street, Tenterfield to house the 'Butler Collection'.

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

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

- (1) Seek the consent of the National Trust of Australia (New South Wales) and Governor to sublease the Resource Centre building; and**
- (2) Subject to the consent of the National Trust of Australia (New South Wales) and Governor, agree to enter into a peppercorn sub-lease arrangement with Tenterfield's National Monument Association Inc. for use of the School of Arts Resource Centre and Business Service Office Building, 201 Rouse Street, Tenterfield for a period of twelve (12) months, with option to renew; and**
- (3) Delegate to the General Manager authority to negotiate leasing details.**

#### **BACKGROUND**

TNMAI was formed in July 2019 centered around a vision to restore Tenterfield's built heritage as part of promoting Tenterfield's fundamental role in our Nation's history.

*The TNMAI Constitution objects are to be and operate as a charitable institution to promote the nation-building role of the region, its town and the people of Tenterfield and further to maintain the built and cultural assets that witness the region's unique history, as is sustainable under Federal and State Government Legislation and funding available at the time and in doing so:*

- a) To own and/or assist to restore and maintain built assets that evidence the town's and its region's history;*
- b) To hold in trust, curate and maintain artefacts, photographs, digital assets and stories that evidence the town's and its region's history;*

Our Economy No. 3 Cont...

- c) To develop, maintain and operate facilities that sustain and promote the town's and its region's history;*
- d) To be proactive and innovative in the orchestration of cultural tourism markets, which help to maintain the activities of the Association;*
- e) To align the activities of the Association with the broader plans of Tenterfield Shire Council and related community groups;*
- f) To invest in a range of financial and commercial mechanisms in order to assist in the delivery of these objects;*
- g) To promote and achieve asset renewal, asset maintenance and curatorial excellence;*
- h) To undertake and obtain fundraising, sponsorship, bequests and donations;*
- i) To grow and develop the Association's meaning of monument;*
- j) To grow and development the Association and its facilities, operations and assets through internal growth, mergers, alliances, joint ventures and acquisitions;*
- k) To do anything necessary or desirable to achieve any or all of these objectives.*

TNMAI has commenced and substantially completed components of Stage 1 of a Streetscape Project, where grant funding has supported the replacement and restoration of four (4) heritage facades in the Tenterfield central business district.

**REPORT:**

TNMAI is seeking a leasehold of the School of Arts Resource Centre building with a view to developing it into a public gallery promoting the history of Tenterfield captured in film and photography. The building is currently vacant.

TNMAI have been in active discussions for some time with members of the Butler family regarding TNMAI becoming custodians of the locally renowned Butler collection of photography featuring Tenterfield.

Alfred B. Butler came to Tenterfield in 1886 to evidence the building of the railway, which subsequently led to the establishment of AB Butler Studios, which saw him capture a significantly large number of images documenting Tenterfield's early history.

Today, the 'Butler Collection' represents the most intact captured record of Tenterfield's history and significant moments and also houses rare photographic equipment, including cameras and enlargers, with one camera dating from the 1880s being only one of three (3) left in the world. It also contains a library of rare books including chemical formulas that pre-date Kodak.

TNMAI are already custodians of another substantial collection of cameras and photography equipment, bestowed by the late Brian Melville.

TNMAI aims to develop a suitable premises to exhibit these works for all to appreciate and view the Resource Centre building as suitable given its close proximity to the School of Arts and accessible main street location.

Whilst the building is limited in size, TNMAI propose a rotating exhibition space to demonstrate the potential of the project without significant financial cost for the association.

Our Economy No. 3 Cont...

### **COUNCIL IMPLICATIONS:**

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

Council's current lease of the School of Arts complex with the National Trust of Australia (New South Wales) requires Council to obtain the consent of the "Landlord and Governor" prior to any sublease of the building. Should Council agree to the proposed lease by TNMAI a request will be made to the National Trust.

The building is currently not in use by Council, apart from storage.

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

No implications.

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

An initial lease period of twelve (12) months at a peppercorn rent of \$1.00 is proposed. TNMAI agree to actively pursue grant funding opportunities to undertake minor repairs to the building including failing paint on exterior windows, repainting of internal, removal of kitchen, sanding and polishing of interior floor. Cabinetry would be required to house items no currently exhibited all at the cost of TNMAI.

At the conclusion of the twelve (12) months a commercial lease would be negotiated.

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

Maintenance of the Resource Centre Building is the responsibility of Council under the provisions of the lease held between Council and the National Trust of Australia (New South Wales). TNMAI have indicated their proposal to seek grant funding to aid in minor repairs to the building.

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

Nil

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

Insurances for the contents of the building to be obtained by the lessee.

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

No implications.

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

No implications.

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

Prepared by staff member: Tamai Davidson, Manager Planning Property & Development  
Approved/Reviewed by Manager: Glenn Wilcox, General Manager  
Department: Office of the Chief Corporate Officer  
Attachments: There are no attachments for this report.

|                      |                                                               |
|----------------------|---------------------------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                                 |
| <b>Submitted by:</b> | Gillian Marchant, Manager Water & Waste                       |
| <b>Reference:</b>    | <b>ITEM ENV1/24</b>                                           |
| <b>Subject:</b>      | <b>UPDATED WATER CONCESSION FOR MEDICAL CONDITIONS POLICY</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>                                          | Our community is educated, encouraged and supported to implement sustainable strategies for the management and protection of our natural resources. |

## SUMMARY

The purpose of this report is to provide an updated Water Concession for Medical Conditions Policy

## OFFICER'S RECOMMENDATION:

**That Council:**

**Receive and adopt the Water Concession for Medical Conditions Policy.**

## BACKGROUND

The Water Concession for Medical Conditions Policy, was last reviewed in 2017 and the policy is scheduled for review.

## REPORT:

The policy has been reformatted and the relevant information remains the same, the policy allows members of the community a reasonable discount in water billing, who are faced with financial constraints due to their medical condition.

The policy also allows street identification of meters to ensure prioritization and service checks before interruptions in supply occur which could impact the medical equipment needed for dialysis.

## COUNCIL IMPLICATIONS:

- 1. Community Engagement / Communication (per engagement strategy)**  
No formal community engagement required, communication through website and newsletters to inform community members is recommended.
- 2. Policy and Regulation**
  - Previously adopted policy Water Concession for Medical Conditions Policy in 2017
- 3. Financial (Annual Budget & LTFP)**  
Minor budget inclusion to undertake policy concession rebate under current fees and charges 2023/24 totaling a maximum rebate of \$590/year/household.
- 4. Asset Management (AMS)**

Our Environment No. 1 Cont...

Inclusion of colour highlighting for meters when required.

**5. Workforce (WMS)**

Minor impacts for processing rebates and operational staff.

**6. Legal and Risk Management**

N/A

**7. Performance Measures**

N/A

**8. Project Management**

N/A

**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> Water Concession for Medical<br>Conditions Policy | <b>3</b><br>Pages |

|                      |                                                                      |
|----------------------|----------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                         |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                                       |
| <b>Reference:</b>    | <b>ITEM GOV8/24</b>                                                  |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT FOR DECEMBER 2023 AND JANUARY 2024</b> |

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

### 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 December 2023 & January 2024.**

**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>December 2023 - January 2024 | 44<br>Pages |

|                      |                                                                                 |
|----------------------|---------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                    |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology          |
| <b>Reference:</b>    | <b>ITEM GOV15/24</b>                                                            |
| <b>Subject:</b>      | <b>PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023</b> |

|                                                               |                                                                                                                                                      |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                      |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>                                          | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <b>CSP Delivery Program</b>                                   | Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.                                    |

### SUMMARY

The purpose of this Report is to present to Council the Audited Financial Statements for the year ended 30 June 2023, in accordance with the provisions of Section 418 of the *Local Government Act 1993*.

### OFFICER'S RECOMMENDATION:

**That Council notes the Audited Annual Financial Statements for the year ended 30 June 2023.**

### BACKGROUND

The Local Government Act 1993 contains specific requirements to be followed in relation to the presentation of Council's statutory Financial Statements. In summary the procedures are listed below:

1. The prepared Financial Statements are required to contain Certificates to be signed in accordance with a Resolution of Council. Council authorised the signing of the Certificates by Resolution at the Ordinary Meeting held on 27 September 2023.
2. The Financial Statements and Certificates referred to in item one (1) are then referred to Council's Auditor.
3. Due to material changes required during the audit process which were specific to impairment of assets and its treatment in the financial statements Council was required to re-present the Statement by Councillor and Management. The Financial Statements and Certificates were signed on 20 December 2023.
4. As soon as practical after receiving the Auditor's Report, Council must forward a copy of the Audited Financial Statements to the Office of Local Government (OLG). These documents were forwarded to the OLG on Thursday 21 December 2023.
5. A Public Notice must be provided of Council's intention to present its Audited Financial Statements. Council provided a Public Notice which was published in the Tenterfield Star on 15 February 2023. Council's Financial Statements have been on Council website since 21 December 2023.



Our Governance No. 15 Cont...

6. Anyone can make written submissions to Council regarding its Audited Financial Statements or Auditor's Reports for a period of 7 (seven) days after the Reports have been presented to Council.

It should be noted that Council's Audit, Risk and Improvement Committee was provided with the draft set of Financial Statements at the Audit, Risk and Improvement Committee meeting held on Tuesday 20 September 2023. The Committee recommended that Council should refer the draft Statements for Audit, which Council did at the 27 September 2023 Ordinary Council meeting. Due to the material changes the updated Financial Statements were presented to Audit, Risk and Improvement Committee on 13 December 2023.

### **Request for Extension to Lodge Financial Statements to Office of Local Government**

The Audit Office of New South Wales requested Council on 17 October to seek an extension to lodge the audited Financial Statements 2022/2023 under 416 (2) of the NSW Local Government Act 1993. Council complied with the request and wrote to the OLG to request an extension. The audited Financial Statements were forwarded to the Office of Local Government upon the completion of the Auditor's Report on 21 December 2023.

### **REPORT:**

The Auditor's Report states that Council's accounting records have been kept in accordance with relevant Legislation and Accounting Policies.

Council received a Qualified Opinion on the Report on the general-purpose financial statements with Basis for this opinion being – Non recognition of Rural Fire Fighting equipment.

Council through resolution (157/22) on 27 July 2022 had adopted receiving a Qualified Opinion due to non-recognition of Rural Fire Service Assets.

Council's Financial Statements and Key Performance Indicators for the year ended 30 June 2023 reveal that Council is highly dependent on operating grants and has limited avenues to increase its Own Source Revenue as depicted with a below benchmark ratio of 24.08% (benchmark >60%).

### **Overall Result:**

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

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

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.

Our Governance No. 15 Cont...

- 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.**

**Results by Fund**

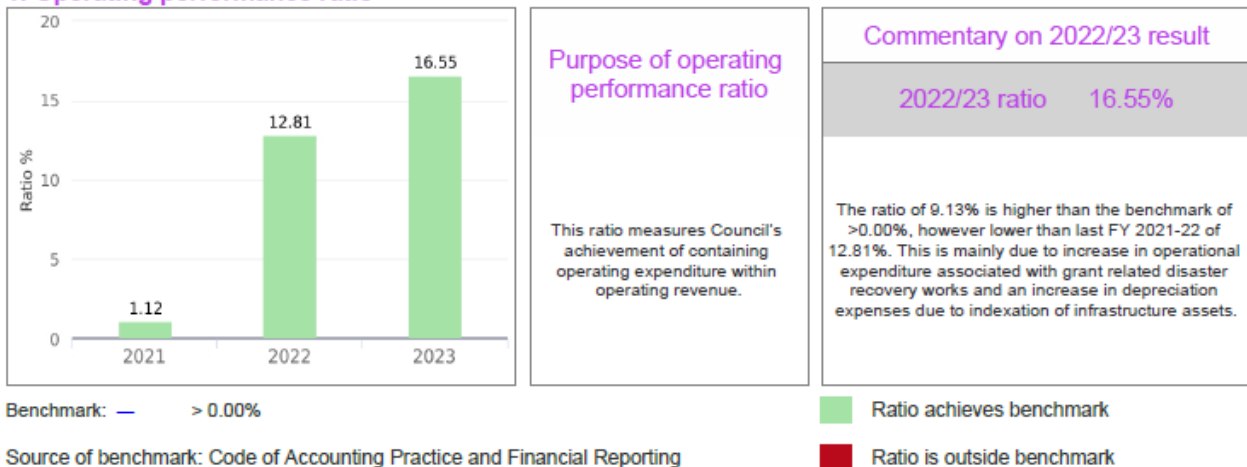
As per the Special Purpose Financial Statements, the Water Fund has made a surplus of \$367K (\$404K in 2021/2022) before capital income, and the Sewer Fund has made a surplus of \$668K (\$800K in 2021/2022) before capital income.

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

**Financial Graphs and Ratios**

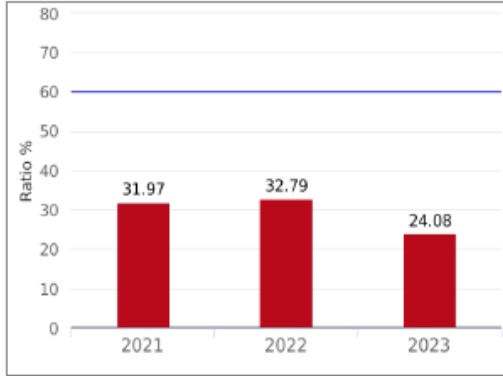
Council’s financial performance can be seen in the following graphs of the operating financial ratios:

**1. Operating performance ratio**



Our Governance No. 15 Cont...

2. Own source operating revenue ratio



Purpose of own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary on 2022/23 result

2022/23 ratio 24.08%

Council ratio of 25.07% is below the benchmark ratio (>60.00%) in the FY 2022-23. Council was partially successful in its IPART application for a Special Rate Variation and was approved 43% rates increase (including rate peg) for FY 2023-24. The impact of this determination should reflect a better ratio result in FY 2023-24. Council is also considering sale of underperforming assets to increase its operating ratio for next financial year.

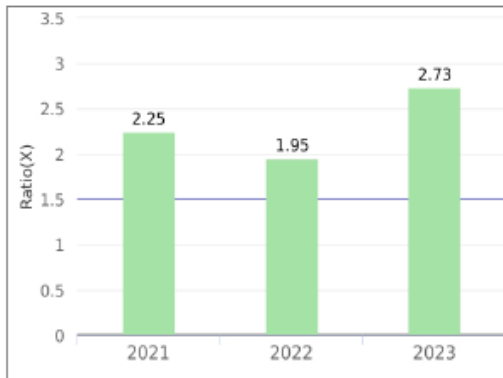
Benchmark: — > 60.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

3. Unrestricted current ratio



Purpose of unrestricted current ratio

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Commentary on 2022/23 result

2022/23 ratio 2.73x

Council ratio of 2.73x is above the benchmark of (1.50x) and slightly higher than previous year ratio of 1.95x. Council continues to address its unrestricted funds and maintain good governance over its working capital to ensure the ratio is above the benchmark.

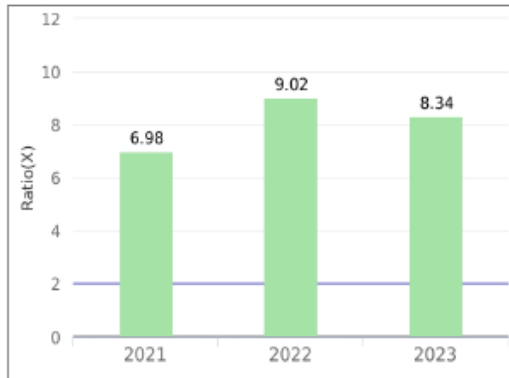
Benchmark: — > 1.50x

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

4. Debt service cover ratio



Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

Commentary on 2022/23 result

2022/23 ratio 8.34x

Council continues to maintain its ratio above the benchmark of (>2.00x). Council aims to improve its funding source (through Special Rate Variation and selling of assets) to reduce future borrowings and monitor its borrowing and loan repayment capacity by focusing on long term – intergenerational asset creation.

Benchmark: — > 2.00x

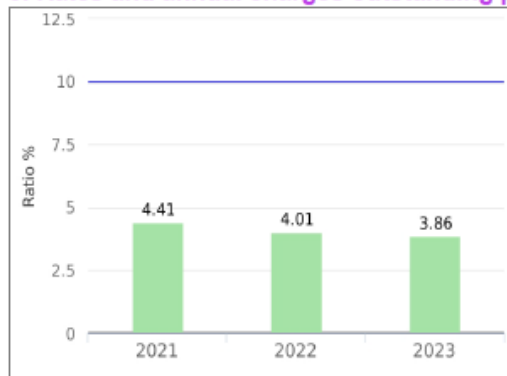
Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

Our Governance No. 15 Cont...

5. Rates and annual charges outstanding percentage



**Purpose of rates and annual charges outstanding percentage**

To assess the impact of uncollected rates and annual charges on Council’s liquidity and the adequacy of recovery efforts.

**Commentary on 2022/23 result**

2022/23 ratio 3.86%

Council ratio of 3.86% is well within the benchmark of (<10%). Council ratio has further improved from 4.01% in last financial year.

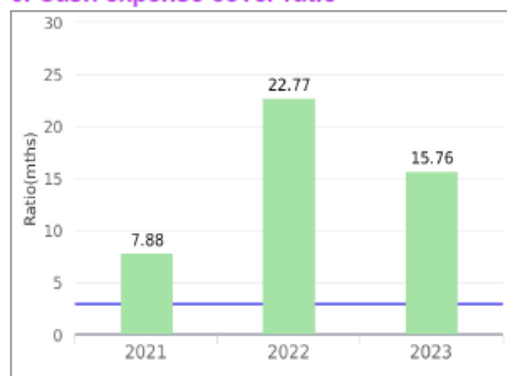
Benchmark: — < 10.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

6. Cash expense cover ratio



**Purpose of cash expense cover ratio**

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

**Commentary on 2022/23 result**

2022/23 ratio 15.76 months

Council ratio of 19.05 months is well above the benchmark of (>3 months). This is predominately due to council being in receipt of grants and contribution for both operational and capital purposes. Council also received 100% of Financial Assistance Grant for FY 2023-24 in FY 2022-23 which has resulted in a strong cash expense ratio.

Benchmark: — > 3.00months

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

Audit representatives have confirmed their presence at the February 2024 Ordinary Council Meeting via video conference to provide an overview of Council’s financial position and to answer any questions that Councillors may have regarding the Audited Financial Statements.

**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.

**2. Policy and Regulation**

- Local Government Act 1993

Our Governance No. 15 Cont...

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

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

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)**

Council's impairment assessment did not identify the impairment to Council's IPPE assets impacted from February 2022 flood even. This resulted in a material prior period error of \$17.3 million.

Council as part of its Financial Statements 30 June 2024 is required to undertake revaluation of roads and bridges. Council will be conducting an onsite comprehensive revaluation of its roads, bridges and other transport assets to ascertain the true value of these assets and their respective conditions. This will lead into future maintenance and capital works required across the shire.

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

There are no workforce issues arising out of this report.

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

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

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

### **7. Performance Measures**

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

### **8. Project Management**

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

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

|                               |                                                                                        |
|-------------------------------|----------------------------------------------------------------------------------------|
| Prepared by staff member:     | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology                 |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                                          |
| Department:                   | Office of the Chief Corporate Officer                                                  |
| Attachments:                  | <b>1</b> Tenterfield Shire Council - Audited Financial Statements 2022-2023. 120 Pages |

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV9/24</b>                                                    |
| <b>Subject:</b>      | <b>QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023</b>               |

|                                                               |                                                                                                                                                      |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                      |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>                                          | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <b>CSP Delivery Program</b>                                   | Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.                                    |

### SUMMARY

The purpose of this Report is to provide Council with a Quarterly Budget Review Statement in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

### OFFICER'S RECOMMENDATION:

#### That Council:

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

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

Our Governance No. 9 Cont...

## BACKGROUND

Regulation 203 of the Regulation states that:

- (1) Not later than two months after the end of each quarter (except the June quarter), the Responsible Accounting Officer of a Council must prepare and submit to the Council a Budget Review Statement that shows, by reference to the estimate of income and expenditure set out in the Council's Statement of Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A Budget Review Statement must include or be accompanied by:
  - (a) a Report as to whether or not the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and
  - (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A Budget Review Statement must also include any information required by the Code to be included in such a statement.

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

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

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

## REPORT:

The original budget adopted by Council indicated that the Net Operating Deficit at the end of the 2023/24 financial year was expected to be **(\$679,004)**. The Operating Deficit was **(\$323,972)** when capital grants and contributions were included. This was based on budgeted total revenue of \$26,488,672 and budgeted total operating expenditure of \$26,812,644.

In the September 2023 Quarterly Budget Review, the net effect of changes resulted in a decline of **(\$3,299,719)** from the projected deficit of the original budget, to result in a projected Net Operating Deficit of **(\$3,978,723)** excluding capital grants and contributions.

**In the December 2023 Quarterly Budget Review, the net effect of changes made has resulted in an improvement of \$48,300 from the projected deficit of the September 2023 revised budget, to result in a projected Net Operating Deficit of **(\$3,930,423)** excluding capital grants and contributions.**

Our Governance No. 9 Cont...

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

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

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

---

Total Continuing Operating Revenue

For the 2023/24 year, Council originally budgeted for a negative Operating Ratio (deficit) both including and excluding Capital income of (1.22%) and (2.60%) respectively.

This was updated in the September 2023 Quarterly Budget Review to 42.50% and (12.59%) respectively. This was due to grant funding capital works carried forwards from previous year of approximately \$17 million. Further, grants carried forward for operational purposes totaled approximately \$4.3 million.

This has improved in the December 2023 Quarterly Budget Review to 52.11% and (11.60%) respectively. This is primarily due to increased investment income from higher interest rates for term deposits.

**Comment by the Responsible Accounting Officer:**

The report clearly indicates that the projected financial position as at 30 June 2024 is unsatisfactory. Noting, this is primarily due to funding and timing of grants despite administrations ongoing operational deferrals. However, compared to the previous quarter Council finances has improved in the December quarter. This is due to a reduction in employee cost by maintaining a moratorium on recruitment and high yielding interest returns on Council term Deposits and On Call account. For Council to reduce its operating deficit (excluding impact of carry forwards) Council needs to reduce its operating expenses and increase operating revenue.

In saying this, a key challenge facing council is its ability to generate own sourced operating revenue. Council as part of its audited financial statements had a ratio of 24.08% which is well below the benchmark of greater than 60%.

Council's cash position has been positive unrestricted as of 31 December 2023 primarily due to advance payment of the Financial Assistance Grant in June 2023, Increase in interest earned and reduction in payroll associated costs.

As required under the Regulation, some remedial actions continue to be proposed as part of the December 2023 review, including that:

- a) No additional operating or capital expenditure outside of the recommendations in this review be approved by Council unless they are offset by other savings (e.g. with road works such as re-sheeting, with a plan to reduce maintenance costs) or grant funded, and even then only where there will be no additional operating costs as a result of the expenditure i.e. if capital related expenditure, it should be for the replacement of existing assets only, not new assets;



Our Governance No. 9 Cont...

- b) Acknowledge the ongoing governance and treasury management difficulties Council faces with the current structure of many grant and disaster funding payments, and advocate for changes to the timing of these cash payments from State and Federal governments.
- c) Council continues to explore increase in operational income by considering selling assets and to reassess current commercial lease agreements.

While the above will not return the operating position to surplus by 30 June 2024, the aim is to continue to ensure the financial sustainability of Council in the longer term.

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

### **Operational Budget Review:**

Council once again reduced budgets significantly and deferred operational expenditure as part of the 2023/24 budget process. This included a review of the operational expenditure by the Executive Management Team with departmental managers and a further review of capital income and expenditure with a view to align the budget with the Original adopted budget. As shown in the December Quarterly Budget Review, the unsatisfactory financial position continues to be a risk to Council's financial sustainability.

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

As of September 2023, it was estimated that \$3.4Million from the 2022/23 financial year is owed to Council in reimbursement for Flood Events AGRN 1012 which took place in February 2022. For the December 2023 year to date Council additionally spent a further \$2 Million. Council as at December 2023 is awaiting the cash reimbursement.

The December 2023 budget review has increased the Operational Expenditure budget by \$2.2 million. The majority of this increase is due to \$1.3 million in new operational grants as shown in the table below, and an addition of \$609k of depreciation costs.

| <b>Service Area</b> | <b>Expenditure Allocations</b>                                 | <b>Budget</b> |
|---------------------|----------------------------------------------------------------|---------------|
| Water Supply        | Integrated Water Cycle Management Strategy Grant - Stage 2     | \$ 1,118,942  |
| Water Supply        | Urbenville & Woodenbong Floodplain Risk Management Study Grant | \$ 200,000    |
| Transport Network   | School Zone Projects Shovel Ready - Safety Minor Works Grant   | \$ 18,500     |
| Civic Office        | National Australia Day Grant 2024                              | \$ 10,000     |

Our Governance No. 9 Cont...

### Capital Budget Review:

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

The December 2023 budget review has increased the Capital works expenditure budget by \$12.4 million, mainly due to several new capital grants that have been awarded to Council; while a number of Council-funded capital works projects have been removed for deferral to future financial years.

The total value of new capital expenditure grants added to the budget is \$14.6million as shown below:

| Service Area      | Capital Grant Project                                                                | Total Project Budget |
|-------------------|--------------------------------------------------------------------------------------|----------------------|
| Transport Network | Betterment of Molesworth Street Bridge                                               | \$ 7,485,776         |
| Sewerage Service  | Betterment of Molesworth Street Sewer Line                                           | \$ 2,500,000         |
| Transport Network | Fixing Country Roads: Mt Lindesay Road, New England Highway to Washpool Creek Bridge | \$ 4,019,887         |
| Water Supply      | New Grid Urbenville Water Supply Project (additional grant funding)                  | \$ 640,650           |

### Cash and Investment Review:

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

As at 31 December 2023 Council reported a **positive unrestricted cash balance of \$2,971,658. Considering this, Council has transferred \$400,000 to the Plant Replacement Reserve and \$200,000 to the Employee Leave Entitlement Reserve. As council is required to initially make payments for milestone infrastructure projects (grant funded) \$1.5 Million has been allocated to Reserve called – Special Projects – Infrastructure Projects Requiring Milestone Expenditure.** Council's unrestricted cash balance as at 31 December 2023 is **\$871,658.**

However, cash remains a major concern given that this is a very small amount and by not having sufficient funds within internal restrictions Council is at a higher risk to use externally restricted cash for general purpose. This would result in a breach of the Local Government Act.

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

Our Governance No. 9 Cont...

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

Further, a declaration as to the preparation of bank reconciliations is also required. Bank reconciliations occur on a daily basis with a full reconciliation performed on a monthly basis. The full reconciliation for the December 2023 quarter occurred on 09 January 2024.

#### **Contracts:**

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

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

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

#### **COUNCIL IMPLICATIONS:**

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

Nil.

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

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

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

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

In the December 2023 Quarterly Budget Review, the forecast Operating Position has been revised to a surplus of \$41,151,716 (including capital grants and contributions) and an **Operating Deficit of (\$3,930,423) (excluding capital grants and contributions)**.

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

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

Nil.

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

Nil.

Our Governance No. 9 Cont...

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

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

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

The impact of the recommended budget variations on Council's main key performance indicator is detailed in the Quarterly Budget Review Statement.

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

Nil.

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

|                               |                                                                             |          |
|-------------------------------|-----------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology      |          |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                               |          |
| Department:                   | Office of the Chief Corporate Officer                                       |          |
| Attachments:                  | <b>1</b> Quarter 1 - Budget Review for the quarter ended - 31 December 2023 | 11 Pages |

|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                   |
| <b>Submitted by:</b> | Erika Bursford, Manager Customer Service, Governance & Records |
| <b>Reference:</b>    | <b>ITEM GOV10/24</b>                                           |
| <b>Subject:</b>      | <b>MODEL PUBLIC INTEREST DISCLOSURE POLICY</b>                 |

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

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

#### **SUMMARY**

The purpose of this report is to adopt the NSW Ombudsman's Model Public Interest Disclosure Policy, by 1 April 2024, in line with the requirements of the *Public Interest Disclosures Act 2022*.

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

**That Council adopt the NSW Ombudsman's Model Public Interest Disclosure Policy, as amended, for use by Tenterfield Shire Council.**

#### **BACKGROUND**

Council policies are instruments that communicate decisions and directions for pursuing Council's specific goals. Regular reviews of Council policies are required, to maintain currency of these decisions and directions, and to ensure policies are delivering the outcomes desired from such policies. NSW government authorities and agencies also determine when model policies are required to be implemented by NSW councils, such as when legislative updates occur.

#### **REPORT:**

The *Public Interest Disclosure Act 2022* (PID Act) is designed to encourage public officials to report serious wrongdoing and to protect them when they do. All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the PID Act. As part of the implementation of the PID Act 2022, the NSW Ombudsman has issued a model Public Interest Disclosure Policy for NSW government agencies, including local government, for customisation and application to their specific organisation.

#### **COUNCIL IMPLICATIONS:**

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

The Public Interest Disclosure Policy is a model policy issued by the NSW Ombudsman's Office for use by NSW government agencies, including local government. It is a legislated requirement for Council to have the Public Interest Disclosure Policy in place by 1 April 2024.

Our Governance No. 10 Cont...

**2. Policy and Regulation**

As detailed in the attached policy.

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Roy Jones**

**Acting Chief Corporate Officer**

Prepared by staff member:

Erika Bursford, Manager Customer Services,  
Governance & Records

Approved/Reviewed by Manager:

Roy Jones, Acting Chief Corporate  
Officer/Manager Finance & Technology

Department:

Office of the Chief Corporate Officer

Attachments:

**1** Model Public Interest Disclosure Policy 24 Pages

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV11/24</b>                                                   |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 31 DECEMBER 2023</b>          |

|                                                               |                                                                                                                                                      |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                      |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>                                          | Ensure 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 31 December 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 31 December 2023.

Cash Book Balances on this date were as follows: -

|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 27,224,986.00 | Credit |
| General Trust          | \$69,074.00      | Credit |

#### (b) Summary of Investments

Our Governance No. 11 Cont...

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

### Concealed Water Leakage Concession Policy Update

For the month of December 2023, three (3) concessions were granted under Council's Concealed Water Leakage Concession Policy totaling \$2,057.40.

### 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 23 applications for 603 Certificates in December 2023.

In the calendar year to date, there have been 245 applications compared to 324 applications for the same period last year.

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

| <b>RESTRICTED CASH ANALYSIS</b>                                                | <b>AS AT 31<br/>DECEMBER 2023</b> | <b>AS AT 30 JUNE<br/>2023</b> |
|--------------------------------------------------------------------------------|-----------------------------------|-------------------------------|
|                                                                                |                                   |                               |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                            | <b>\$41,294,060</b>               | <b>\$34,891,004</b>           |
|                                                                                |                                   |                               |
| <b>EXTERNALLY RESTRICTED CASH</b>                                              | <b>\$38,322,402</b>               | <b>\$28,078,266</b>           |
|                                                                                |                                   |                               |
| <b><i>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</i></b>         | <b>\$16,845,335</b>               | <b>\$9,285,089</b>            |
| GRANT-RELATED - <i>GENERAL</i> (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES) | \$16,382,223                      | \$8,670,754                   |
| GRANT-RELATED - <i>WATER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$331,921                         | \$168,056                     |
| GRANT-RELATED - <i>SEWER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | -                                 | -                             |
| GRANT-RELATED - <i>WASTE</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$131,191                         | \$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                       |
|                                                                                |                                   |                               |
| <b><i>INCLUDED IN RFS RESERVES</i></b>                                         | <b>\$197,193</b>                  | <b>\$111,166</b>              |
| RFS RESERVES                                                                   | \$197,193                         | \$111,166                     |
|                                                                                |                                   |                               |



Our Governance No. 11 Cont...

|                                                                                                  |                     |                     |
|--------------------------------------------------------------------------------------------------|---------------------|---------------------|
| <b>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER GRANT RELATED, DC AND RFS ABOVE)</b> | <b>\$20,196,588</b> | <b>\$17,811,979</b> |
| WATER                                                                                            | \$1,832,139         | \$1,210,136         |
| SEWER                                                                                            | \$6,990,984         | \$6,763,527         |
| WASTE                                                                                            | \$10,276,556        | \$8,464,494         |
| STORMWATER                                                                                       | \$1,027,835         | \$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>\$2,971,658</b>  | <b>\$1,312,738</b>  |

### Further Financial Reporting

Upon the adoption of the Quarterly Budget Review for December 2023 Council staff will recommence showing Financial Reporting for certain business units.

### COUNCIL IMPLICATIONS:

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

Nil.

#### 2. Policy and Regulation

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

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

Nil.

#### 4. Asset Management (AMS)

Nil.

#### 5. Workforce (WMS)

Nil.

#### 6. Legal and Risk Management

Nil.

#### 7. Performance Measures

Nil.

Our Governance No. 11 Cont...

**8. Project Management**

Nil.

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

|                               |                                                                        |           |
|-------------------------------|------------------------------------------------------------------------|-----------|
| Prepared by staff member:     | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |           |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                                          |           |
| Department:                   | Office of the Chief Corporate Officer                                  |           |
| Attachments:                  | <b>1</b> Investment Report as at 31 December 2023                      | 1<br>Page |

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV12/24</b>                                                   |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 31 JANUARY 2024</b>           |

|                                                               |                                                                                                                                                      |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                      |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>                                          | Ensure 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 31 January 2024.**

### 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 31 January 2024.

Cash Book Balances on this date were as follows: -

|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 27,251,995.00 | Credit |
| General Trust          | \$69,074.00      | Credit |

#### (b) Summary of Investments

Our Governance No. 12 Cont...

Attachment to this report is a certified schedule of all Council's investments as of 31 January 2024 showing the various invested amounts and applicable interest rates.

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

For the month of January, four (4) concessions were granted under Council's Concealed Water Leakage Concession Policy totaling \$4,021.46.

### **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 17 applications for 603 Certificates in January 2024.

In the calendar year to date, there have been 17 applications compared to 16 applications for the same period last year.

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

| <b>RESTRICTED CASH ANALYSIS</b>                                                | <b>AS AT 31<br/>JANUARY 2024</b> | <b>AS AT 30 JUNE<br/>2023</b> |
|--------------------------------------------------------------------------------|----------------------------------|-------------------------------|
|                                                                                |                                  |                               |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                            | <b>\$41,321,069</b>              | <b>\$34,891,004</b>           |
|                                                                                |                                  |                               |
| <b>EXTERNALLY RESTRICTED CASH</b>                                              | <b>\$37,946,711</b>              | <b>\$28,078,266</b>           |
|                                                                                |                                  |                               |
| <b><i>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</i></b>         | <b>\$16,416,110</b>              | <b>\$9,285,089</b>            |
| GRANT-RELATED - <i>GENERAL</i> (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES) | \$16,015,702                     | \$8,670,754                   |
| GRANT-RELATED - <i>WATER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$290,785                        | \$168,056                     |
| GRANT-RELATED - <i>SEWER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | -                                | -                             |
| GRANT-RELATED - <i>WASTE</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$109,623                        | \$446,279                     |
| GRANT-RELATED - <i>STORMWATER</i> (EXCL DEVELOPER CONTRIBUTIONS)               | -                                | -                             |
| BRUXNER WAY WIDENING                                                           | -                                | -                             |
|                                                                                |                                  |                               |
| <b><i>INCLUDED IN DEVELOPER CONTRIBUTIONS</i></b>                              | <b>\$1,159,364</b>               | <b>\$870,032</b>              |
| DEVELOPER CONTRIBUTIONS - <i>GENERAL</i>                                       | \$886,230                        | \$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>                                         | \$89,286                         | \$63,921                      |
| DEVELOPER CONTRIBUTIONS - <i>STORMWATER</i>                                    | \$7,073                          | \$6,677                       |
|                                                                                |                                  |                               |
| <b><i>INCLUDED IN RFS RESERVES</i></b>                                         | <b>\$175,905</b>                 | <b>\$111,166</b>              |
| RFS RESERVES                                                                   | \$175,905                        | \$111,166                     |
|                                                                                |                                  |                               |

Our Governance No. 12 Cont...

| <b>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER GRANT RELATED, DC AND RFS ABOVE)</b> | <b>\$20,195,333</b> | <b>\$17,811,979</b> |
|--------------------------------------------------------------------------------------------------|---------------------|---------------------|
| WATER                                                                                            | \$1,957,593         | \$1,210,136         |
| SEWER                                                                                            | \$6,938,665         | \$6,763,527         |
| WASTE                                                                                            | \$10,202,764        | \$8,464,494         |
| STORMWATER                                                                                       | \$1,027,236         | \$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>\$3,374,357</b>  | <b>\$1,312,738</b>  |

### Further Financial Reporting

Upon the adoption of the Quarterly Budget Review for December 2023 Council staff will recommence showing Financial Reporting for certain business units.

### Update on Completion of Financial Statements 30 June 2023.

On 16 February 2024, correspondence was received from Director Financial Audit from the NSW Audit Office advising that the final phase for the Audit for 30 June 2023 had been completed and provided Council with a copy of the Final Management Letter highlighting issues found during this phase of the Audit.

The Final Management Letter identified the below points for Council to assess and rectify.

Prior Year Matters not resolved by management:

- 1) Rural Fire-Fighting equipment and building not recognised in the financial statements.

Current year matters:

- 1) Infrastructure, property, plant and equipment (IPPE) impairment assessment.
- 2) Unauthorised remote access to Council's systems.
- 3) Lack of review of bank signatories.
- 4) Lack of adherence to related party policy.
- 5) Outdated Employee relations policy.

The Final Management Letter which include Council Officers responses will be tabled at the Audit, Risk and Improvement committee.

### COUNCIL IMPLICATIONS:

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

Our Governance No. 12 Cont...

**2. Policy and Regulation**

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

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member: Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology

Approved/Reviewed by Manager: Glenn Wilcox, General Manager

Department: Office of the Chief Corporate Officer

Attachments: **1** Investment Report as at 31 January 2024

1  
Page

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV13/24</b>                                                   |
| <b>Subject:</b>      | <b>CAPITAL EXPENDITURE REPORT AS AT 31 DECEMBER 2023</b>               |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <b>CSP Delivery Program</b>                                   | Collaborate and deliver resources with other organisations to ensure a variety of cost effective services across the service area.                                                                                      |

### SUMMARY

The purpose of this report is to show the Year-to-date (YTD) financial progress of Capital Works projects against the budget.

### OFFICER'S RECOMMENDATION:

**That Council note the Capital Expenditure Report for the period ended 31 December 2023.**

### BACKGROUND

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

### REPORT:

The carry-forward budgets for capital projects that are ongoing from the 2022/23 year, in particular grant-funded works, were adopted in the first Quarterly Budget Review at the November 2023 meeting. The budgets for a number of new grants received in the current financial year were also adopted.

The Capital Expenditure Report has been updated to show the current list of approved capital projects, as well as the proposed budget changes for capital projects to be presented to Council at the February 2024 meeting (as part of the December 2023 Quarterly Budget Review).

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

Our Governance No. 13 Cont...

### **COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

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

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

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:

Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology

Approved/Reviewed by Manager:

Glenn Wilcox, General Manager

Department:

Office of the Chief Corporate Officer

Attachments:

**1** December 2023 - Capital Expenditure Report

**5**  
Pages



|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV14/24</b>                                                   |
| <b>Subject:</b>      | <b>REPORT ON LOAN BALANCES 31 DECEMBER 2023</b>                        |

|                                                               |                                                                                                                                                      |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                      |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b>                                          | Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.                                           |
| <b>CSP Delivery Program</b>                                   | Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.                                    |

## SUMMARY

The purpose of this Report is to inform Council of its loan balances as at 31 December 2023

## OFFICER'S RECOMMENDATION:

**That Council notes the loan balance as at 31 December was \$20,607,338.08 (\$20,681,751.53 as at 30 September 2023).**

## BACKGROUND

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

## REPORT:

Loan payments are being made in accordance with the loan agreements. Council's loan balance as at 31 December 2023 was \$20,607,338.08 (\$20,681,751.53 as at 30 September 2023).

## New Loans Taken Out between reporting periods 30 June 2023 to 31 December 2023

No New Loans were taken out during the reporting period.

## Bridging Finance

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

On 27 June 2023 Council activated the drawdown facility to manage its cash flow. This was mainly due to delay in the receipt of the Advance Financial Assistance Grant payment. The Office of Local Government has been informed.

Our Governance No. 14 Cont...

As at 31 December 2023 Council did not use any amount from this facility to transfer into its General Fund for business operations.

**Council's Audited Debt Service Cover Ratio based as at 30 June 2023 is 8.3x (benchmark is >2.00x). The ratio has improved primarily due to receipt of Financial Assistance Grant and other revenue from grants in May/June 2023.**

**Indicative Debt Service Ratio as at 31 December 2023 is 9.73x (benchmark is >2x).**

#### **COUNCIL IMPLICATIONS:**

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

Council's projected loan borrowings are included in the 2023/24 Operational Plan. For 2023/24 Operational Plan Council has indicated a Nil Borrowing. The Office of Local Government has been notified of this. If Council seeks to borrow funds for the FY 2023/24 the Office of Local Government will be notified at that time.

**2. Policy and Regulation**

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

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Glenn Wilcox  
General Manager**

Prepared by staff member: Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology

Approved/Reviewed by Manager: Glenn Wilcox, General Manager

Department: Office of the Chief Corporate Officer

Our Governance No. 14 Cont...

Attachments:

**1** Loan Register as at 31 December  
2023

1  
Page

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                           |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer/Manager Finance & Technology |
| <b>Reference:</b>    | <b>ITEM GOV16/24</b>                                                   |
| <b>Subject:</b>      | <b>COUNCILLORS - PROVISION OF SUPERANNUATION 2024-2025</b>             |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |
| <b>Delivery Plan Action:</b>                                  | Deliver continuous improvements in Council's business, processes and systems.                                                                                                                                           |
| <b>Operational Plan Action:</b>                               | Ensure adequate and effective internal controls are in place for all financial management and purchasing functions.                                                                                                     |

## SUMMARY

On 23 February 2022 Council resolved through resolution 30/22 that Council

- 1) Notes the Report and Determination of the NSW Parliament; and
- 2) Forgo the payment of superannuation for all current term Councillors until the next election of Council – September 2024.

The purpose of this report is to seek Council's direction on Councillor Superannuation payments effective Financial Year 2024-2025.

A Council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.

Any superannuation contribution paid is of course a deduction from the existing allowance and not an amount in addition to the existing allowance, refer attachment.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) (a) Implements superannuation payments for all Councillors for the financial year commencing 1 July 2024, under the Commonwealth Superannuation legislation as superannuation if the Councillor were an employee of Council; or
  - (b) Forgo the payment of superannuation for all current term Councillors until the next annual budget for Financial Year 2024-2025 and subsequently assess Councillor Superannuation on an annual basis.

Our Governance No. 16 Cont...

## **BACKGROUND**

There have been some recent legislative changes which affect Councillor payments. The NSW Government in order to strengthen the performance and sustainability of local government have introduced a reform to enable Councillors to be paid superannuation contributions. That Bill, now the *Local Government Amendment Act 2021* was passed by the NSW Parliament on 13 May and assented to on 24 May 2021.

A copy of that law as passed by the Parliament reads as follows:-

### **1.3 Amendments concerning superannuation payments for councillors**

#### **Section 254B**

Insert after section 254A—

#### **254B Payment for superannuation contributions for councillors**

- (1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
  - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
  - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
  - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

Our Governance No. 16 Cont...

**Commonwealth superannuation legislation** means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

**Superannuation account** means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

#### **REPORT:**

There have been some recent legislative changes which affect Councillor payments. The NSW Government in order to strengthen the performance and sustainability of local government have introduced a reform to enable Councillor's to be paid superannuation contributions.

As Council is reviewing the Long Term Financial Plan of Council, in line with the Integrated Planning and Reporting processes, it is appropriate for Council to resolve the intention of the current term of Council to assist in the accurate projections.

#### **COUNCIL IMPLICATIONS:**

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

Nil required.

**2. Policy and Regulation**

- Local Government Amendment Act 2021 No 11 – Payment of the *provision of Superannuation to Councillors*.

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

The Draft Annual Budget for 2024/2025 and the Long Term Financial Plan are currently under development. The determination of the matter in this report will be included an amount to cover the increase (if applicable) brought about the following the resolution of this report.

**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: Roy Jones  
Approved/Reviewed by Manager: Glenn Wilcox, General Manager  
Department: Office of the Chief Corporate Officer

Our Governance No. 16 Cont...

Attachments:

|          |                                              |        |
|----------|----------------------------------------------|--------|
| <b>1</b> | LGNSW Councillor Superannuation Contribution | 1 Page |
|----------|----------------------------------------------|--------|

|                      |                                                           |
|----------------------|-----------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                      |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media            |
| <b>Reference:</b>    | <b>ITEM GOV17/24</b>                                      |
| <b>Subject:</b>      | <b>NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2024</b> |

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

|                                 |                                                                                                                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>                | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>            | Ensure 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>Delivery Plan Action:</b>    | Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region.                                               |
| <b>Operational Plan Action:</b> | Participate in regionals organisations of Council and other joint bodies to advance the needs of the Tenterfield Shire and the surrounding regions.                                                                     |

#### **SUMMARY**

The purpose of this report is for Council to consider the attendance of the Mayor and one other representative at the National General Assembly of Local Government 2024 in Canberra, 2 – 4 July 2024 and the 2024 Australian Council of Local Government on Friday 5 July.

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

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

- (1) Approve the attendance of Mayor Bronwyn Petrie and one other representative of Council at the National General Assembly of Local Government 2024, 2024 Australian Council of Local Government to be held in Canberra, 2 – 5 July 2024.**

#### **BACKGROUND**

Each year Council budgets for the attendance of the Mayor and Chief Executive at this very important Local Government event. The Mayor is Council's voting delegate.

In addition to attending the National General Assembly (NGA) which incorporates the Regional Forum, the opportunity is taken, while in Canberra, to meet with our Federal politicians to discuss issues of importance to our Shire and to lobby for funding where appropriate.

This year on Friday 5 July 2024 the Australian Council of Local Government will be held at the conclusion of the National General Assembly.

#### **REPORT:**

The theme of the 2024 National General Assembly is "*Building Community Trust*".

This year's event will include a wide range of forums and opportunities to engage directly with the Federal Government, including:



Our Governance No. 17 Cont...

- Regional Cooperation and Development Forum on Tuesday 2 July (from 9.00am);
- Sessions on national priorities, including housing, disaster resilience, and energy transition, on Tuesday 2 July (from 3.00pm);
- Federal Parliamentary, policy voting, and other sessions on Wednesday 3 and Thursday 4 July (9.00 - 5.00pm); and
- Australian Council of Local Government (ACLG) on Friday 5 July (8.00am – 4.00pm).

A significant number of motions will be put to the Assembly, generating lively, vigorous and constructive debate. All of the motions that are supported at the NGA are submitted to the Australian Local Government Association (ALGA) Board for consideration and aim, ultimately, to advance the cause of Local Government and the communities we seek to serve.

An email regarding ALGA and calling for motions for the 2024 NGA was sent 11 January 2024. Council has scheduled discussions on proposed "Motions" for submission to the National General Assembly at its 14 February 2024 Councillor Workshop.

ALGA is seeking motions that align with the theme of "Building Community Trust" and identify opportunities for new federal programs and policies that will support councils to build trust, both in our communities and as a local delivery partner for the Australian Government.

Attached is the discussion paper which will help you to prepare your motions, which are submitted online at [www.alga.com.au](http://www.alga.com.au) until 29 March 2024.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Councillor Expenses and Facilities Policy 1.160.

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

- Registration "ALGA" - \$945.00 x 2 = \$1,890.00 (Early Bird prior to 7 June 2024)
  - Registration "Regional Forum" - \$275.00 x 2 = \$550.00
  - Accommodation – Policy allows \$350.00 per night x 2 (4 nights)= \$2,800
  - Example - A by Adina (*5 minutes' walk to conference*) = \$1,030 x 2 = \$2,060
  - Return Airfare – Approximately \$650.00 x 2 = \$1,300
  - General Assembly Dinner - \$175 x 2 = \$350
- Total Estimate for two people = \$6,150**

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

Nil.

Our Governance No. 17 Cont...

**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:     | Elizabeth Melling, Executive Assistant & Media |
| Approved/Reviewed by Manager: | Glenn Wilcox, General Manager                  |
| Department:                   | Office of the Chief Executive                  |
| Attachments:                  | <b>1</b> 2024 NGA - Discussion Paper 24 Pages  |

**(ITEM RC5/24)** REPORT OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE COUNCIL - WORKS & SERVICES COMMITTEE - MEETING MINUTES - WEDNESDAY 14 FEBRUARY 2024

---

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

### **RECOMMENDATION**

**That the report and recommendations from the Tenterfield Shire Council - Works & Services Committee meeting of 14 February 2024 be received and adopted.**

### **ATTACHMENTS**

- |                                                                                                   |            |
|---------------------------------------------------------------------------------------------------|------------|
| <b>1</b> DRAFT Unadopted Minutes - Tenterfield Shire Council - Works & Services Committee Meeting | 4<br>Pages |
|---------------------------------------------------------------------------------------------------|------------|

**(ITEM RC6/24)** REPORT OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE COUNCIL - SCHOOL OF ARTS, MUSEUM, THEATRE & CINEMA S355 COMMITTEE - MEETING MINUTES - THURSDAY 15 FEBRUARY 2024

---

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

### **RECOMMENDATION**

**That the report and recommendations from the Tenterfield School of Arts S355 Committee meeting of 15 February 2024 be received and adopted.**

### **ATTACHMENTS**

- |          |                                                                                                                                   |         |
|----------|-----------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>1</b> | DRAFT Unadopted Minutes - Tenterfield School of Arts, Museum, Theatre & Cinema S355 Committee Meeting - Thursday 15 February 2024 | 4 Pages |
| <b>2</b> | Reviewed Fees & Charges - School of Arts                                                                                          | 1 Page  |

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                  |
| <b>Submitted by:</b> | Glenn Wilcox, General Manager                         |
| <b>Reference:</b>    | <b>ITEM NM1/24</b>                                    |
| <b>Subject:</b>      | <b>MOTION TO RESCIND COUNCIL RESOLUTION NO.256/23</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**

The purpose of this report is to consider a rescission motion in relation to Council Resolution Number 256/23 (Item 5/23 Finance Committee Meeting Minutes) with regard to the future of the Tenterfield Visitor Information Centre submitted by Councillors Bronwyn Petrie, John Macnish and Geoff Nye on 14 February 2024 and a motion to correct the intention of the Resolution 5/23 Finance Committee Minutes.

#### **COUNCILLOR RECOMMENDATION:**

- (1) **That Council consider the Notice of Motion as submitted to rescind Part resolution 256/23 (Point 5/23) of the Ordinary Council Meeting held 20 December 2023 in relation to ITEM RC21/23 Report of Committee & Delegates – Tenterfield Shire Council – Finance Committee – Meeting Minutes Wednesday 6 December 2023, namely:**

**“That Council:**

**256/23 Resolved** that the report and recommendations (as listed below) from the Tenterfield Shire Council - Finance Committee meeting of 6 December 2023 be received and adopted.

**1/23 Resolved** that the Finance Committee adopt the Terms of Reference.

**2/23 Resolved** that Council:

- (1) *The high-cost requirements for the Billirimba Road to Steinbrook Hall collection route requires deferment of the collection route.*
- (2) *The additional collection routes of Geyers Road, Sunnyside Loop Road and Washpool Creek Road should be accepted as the new collection routes to be implemented over the following financial year, subject to a minimum of 50% plus return of completed ratepayers survey.*

**3/23 Resolved** that the Finance Committee adopt the proposed 2024/25 Budget Timetable.

**4/23 Resolved** that the Finance Committee note the Draft Rating Structure based on October 2023 Supplementary Valuations.

**5/23 Resolved** that Council:

- (1) *Negotiate to lease the Tenterfield Visitors Information Centre to a Not-For-Profit Associations; and*
- (2) *Authorise the General Manager to negotiate a commercial lease with all Real Estate Agents and interested parties.*

(Peter Murphy/Greg Sauer)

Notice of Motion No. 1 Cont...

**Motion Carried**

*Amended Draft Minutes – Finance Committee – 6 December 2023*

*Resolutions dealt with "in seriatim"*

*Resolutions #'s 1/23, 2/23, 3/23 & 4/23 – Carried*

*Resolution # 5/25 as amended – Carried*

*(For – Crs Greg Sauer, Peter Murphy, Tom Peters, Geoff Nye, John Macnish, Peter Petty & Tim Bonner.*

*Against – Crs Bronwyn Petrie & Kim Rhodes)*

**And replace Point 5/23 of that resolution with the wording contained in the Notice of Motion being:**

**That Council:**

- (1) Does not act on any previous resolutions of Council in relation to the sale or lease of the previous Visitors Information Centre at 157 Rouse Street Tenterfield,**
- (2) Offer to Ten FM a commercial lease arrangement through a local real estate agency for the rear room as shown on the attached plan at a weekly rental of \$250.00,**
- (3) Seek quotations from local real estate agencies to hold an auction of 157 Rouse St Tenterfield in April 2024, and**
- (4) Set a reserve in Committee to allow the sale of the 157 Rouse Street Tenterfield.**

**Presented by Councillor Bronwyn Petrie (Mayor); Councillor John Macnish and Councillor Geoffrey Nye.**

**BACKGROUND**

Councils Finance Committee recommend to Council that:

**RECOMMENDATION:**

**That the report and recommendations from the meeting of be received and adopted.**

Prior to moving the Minutes of the Finance Committee an amendment was made to the minutes to represent the Councillors belief of the minute passed at that Committee meeting.

The revised minute therefore read and adopted by Council at its December 2023 Ordinary Meeting was;

**"5/23 Resolved** that Council:

- (3) Negotiate to lease the Tenterfield Visitors Information Centre to a Not-For-Profit Associations; and*
- (4) Authorise the General Manager to negotiate a commercial lease with all Real Estate Agents and interested parties."*

Notice of Motion No. 1 Cont...

**REPORT:**

In accordance with Councils Code of Meeting Practice the General Manager has received a Notice of Motion to Rescind resolution 256/23 (Point 5/23).

It is noted from the Code of Meeting Practice that;  
Rescinding or altering council decisions 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10. Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10. Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost. Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same. Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 N/A

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

The General Manager was notified that a rescission motion was to be presented to Councils February meeting. At this time, the General Manager has not acted on the resolution as passed at Councils December Ordinary Meeting.

**COUNCIL IMPLICATIONS:**

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

The proposed sale of the Tourist Centre has been discussed as part of the special rate review submitted to IPART. Community discussion and submissions have occurred in the past. The proposed leasing of a section of the tourist center building have been considered by Council previously.

**2. Policy and Regulation**

## Notice of Motion No. 1 Cont...

In accordance with Councils adopted Code of Meeting Practice.

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

The proposed sale of the asset will be in accordance with information submitted to the community and to IPART as part of the Special Rate Review process.

**4. Asset Management (AMS)**

Nil

Note: the proposed Notice of Motion is consistent with past decisions of Council to sell the old Tourist Information Centre.

**5. Workforce (WMS)**

Nil

**6. Legal and Risk Management**

Low risk

**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:                  | <b>1</b> Rescission Motion Letter - 14<br>February 2024 | 1<br>Page |
|                               | <b>2</b> Floor Plan                                     | 1<br>Page |



|                      |                                                 |
|----------------------|-------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>            |
| <b>Submitted by:</b> | Bronwyn Petrie, Mayor                           |
| <b>Reference:</b>    | <b>ITEM NM2/24</b>                              |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - COBB &amp; CO COACHES</b> |

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

|                      |                                                                                                                                                                      |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.                |
| <b>CSP Strategy:</b> | The individual unique qualities and strong sense of local identity of Tenterfield Shires towns, villages and community groups is respected, recognised and promoted. |

#### **SUMMARY**

A Notice of Motion was received by Councillors Bronwyn Petrie and Greg Sauer on Wednesday 14 February 2024. Details below.

#### **NOTICE OF MOTION:**

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

- (1) Hire 2 Cobb & Co Coaches from Drayhorse Shires Boonah for the weekend of the 3<sup>rd</sup> and 4<sup>th</sup> August in the lead up to the 100-year anniversary of the last official Cobb & Co coach run in Australia (between Yuleba and Surat QLD) which will co-ordinate with following events in Toowoomba and Ipswich,**
- (2) That Council allocate the required funds in the 2024/2025 budget, namely \$1,895.00 per day plus GST for the 6–8-seater coach and \$3,795.00 per day plus GST for the 20-seater, and meantime seek grant funds for these costs,**
- (3) That Council hold an even in Tenterfield on the 3<sup>rd</sup> August, and Liston on the 4<sup>th</sup> August, with a charge per head to ride in the coaches,**
- (4) That Council supports and investigates the identification of the Deepwater to Tenterfield and Tenterfield to Maryland Cobb & Co route as a Cobb & Co Heritage (or Tourist) Drive within the Tenterfield Shire, with reference to the necessary authorities including Traffic Committee, Transport for NSW and if necessary, the Geographical naming Board,**
- (5) And that Council seeks grant funds to design and install heritage interpretative signage at Cobb & Co changing stations on the route between Deepwater and Maryland within the Tenterfield Shire.**

#### **BACKGROUND**

A Notice of Motion was received from Councillors Bronwyn Petrie and Greg Sauer.

Notice of Motion No. 2 Cont...

**REPORT:**

Bronwyn Petrie  
'Briarleigh'  
248 Scrub Rd  
Tenterfield NSW 2372

14 February 2024

Mr Glenn Wilcox  
General Manager  
Tenterfield Shire Council  
Rouse Street  
Tenterfield NSW 2372

Dear Glenn

The Councillors whose name and signature below require that the following motion be included in the February 2024 Ordinary Business paper please:-

1. That Council hire 2 Cobb & Co coaches from Drayhorse Shires Boonah for the weekend of the 3rd and 4<sup>th</sup> August in the lead up to the 100 year anniversary of the last official Cobb & Co coach run in Australia (between Yuleba and Surat QLD) which will co-ordinate with following events in Toowoomba and Ipswich,
2. that Council allocate the required funds in the 2024/25 budget, namely \$1895.00 per day plus GST for the 6-8 seater coach and \$3795.00 per day plus GST for the 20 seater, and meantime seek grant funds for these costs,
3. that Council hold an event in Tenterfield on the 3rd August, and Liston on the 4<sup>th</sup> August, with a charge per head to ride in the coaches,
4. that Council supports and investigates the identification of the Deepwater to Tenterfield and Tenterfield to Maryland Cobb & Co route as a Cobb & Co Heritage (or Tourist) Drive within the Tenterfield Shire, with reference to the necessary authorities including Traffic Committee, Transport NSW and if necessary the Geographical Naming Board,
5. and that Council seeks grant funds to design and install heritage interpretive signage at Cobb & Co changing stations on the route between Deepwater and Maryland within the Tenterfield Shire.

Kind regards

Cr Bronwyn Petrie (Mayor)

Cr Greg Sauer

Notice of Motion No. 2 Cont...

**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**
- 8. Project Management**

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

Prepared by staff member: Bronwyn Petrie, Mayor  
Approved/Reviewed by Manager: Glenn Wilcox, General Manager  
Department: Office of the Chief Executive  
Attachments: **1** Photo of Cobb & Co Coaches 1 Page  
**2** Map of Cobb's Coach Ride - QLD 1 Page

|                      |                                      |
|----------------------|--------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b> |
| <b>Submitted by:</b> | Bronwyn Petrie, Mayor                |
| <b>Reference:</b>    | <b>ITEM NM3/24</b>                   |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - CCTV</b>       |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                      |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.                |
| <b>CSP Strategy:</b> | The individual unique qualities and strong sense of local identity of Tenterfield Shires towns, villages and community groups is respected, recognised and promoted. |

---

**SUMMARY**

A Notice of Motion was received by Councillors Bronwyn Petrie and Kim Rhodes on Wednesday 14 February 2024. Details below.

**NOTICE OF MOTION:**

**That Council:**

- (1) That Council seek grant funding and/or other funds for the installation of CCTV at Jubilee Park, the Youth Precinct and Bruxner Park,**
- (2) That Council is provided with regular progress reports on funding, preparation, and the reporting date back to Council.**

**BACKGROUND**

A Notice of Motion was received from Councillors Bronwyn Petrie and Kim Rhodes.

**REPORT:**

*Bronwyn Petrie  
'Briarleigh'  
248 Scrub Rd  
Tenterfield NSW 2372*

*14 February 2024*

*Mr Glenn Wilcox  
General Manager  
Tenterfield Shire Council  
Rouse Street  
Tenterfield NSW 2372*

*Dear Glenn*

*The Councillors whose name and signature below require that the following motion be included in the February 2024 Ordinary Business paper please:-*

Notice of Motion No. 3 Cont...

1. *That Council seek grant funding and/or other funds for the installation of CCTV at Jubilee Park, the Youth Precinct and Bruxner Park,*
2. *that Council is provided with regular progress reports on funding, preparation, and the reporting date back to Council.*

*Kind regards*

*Cr Bronwyn Petrie (Mayor)*

*Cr Kim Rhodes*

**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**
- 8. Project Management**

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

|                               |                                           |
|-------------------------------|-------------------------------------------|
| Prepared by staff member:     | Bronwyn Petrie, Mayor                     |
| 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> | Bronwyn Petrie, Mayor                |
| <b>Reference:</b>    | <b>ITEM NM4/24</b>                   |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - SOLAR</b>      |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

**CSP Goal:** **Environment** - Our natural environment will be protected, enhanced and promoted for future generations.

**CSP Strategy:** Deliver affordable and effective wastewater management solution for the community.

---

**SUMMARY**

A Notice of Motion was received from Councillors Bronwyn Petrie and Peter Murphy on Wednesday 14 February 2024. Details below.

**NOTICE OF MOTION:**

**That Council:**

- (1) That Council seek grant funding and/or other funding to install solar at all Tenterfield Shire Council water and sewer treatment plants, depots, administration buildings and the Tenterfield Swimming Pool, and**
- (2) That Council is provided with regular progress reports on funding, preparation, and the reporting date back to Council.**

**BACKGROUND**

A Notice of Motion was received from Councillors Bronwyn Petrie and Peter Murphy.

**REPORT:**

*Bronwyn Petrie  
'Briarleigh'  
248 Scrub Rd  
Tenterfield NSW 2372*

*14 February 2024*

*Mr Glenn Wilcox  
General Manager  
Tenterfield Shire Council  
Rouse Street  
Tenterfield NSW 2372*

*Dear Glenn*

*The Councillors whose name and signature below require that the following motion be included in the February 2024 Ordinary Business paper please:-*

Notice of Motion No. 4 Cont...

1. *That Council seek grant funding and/or other funding to install solar at all Tenterfield Shire Council water and sewer treatment plants, depots, administration buildings and the Tenterfield Swimming Pool, and*
2. *that Council is provided with regular progress reports on funding, preparation, and the reporting date back to Council.*

*Kind regards*

*Cr Bronwyn Petrie (Mayor)*

*Cr Peter Murphy*

**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**
- 8. Project Management**

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

Prepared by staff member: Bronwyn Petrie, Mayor  
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> | Bronwyn Petrie, Mayor                                 |
| <b>Reference:</b>    | <b>ITEM NM5/24</b>                                    |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - TENTERFIELD DAM MASTER PLAN</b> |

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

|                      |                                                                                                                                                                      |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.                |
| <b>CSP Strategy:</b> | The individual unique qualities and strong sense of local identity of Tenterfield Shires towns, villages and community groups is respected, recognised and promoted. |

#### **SUMMARY**

A Notice of Motion was received by Councillors Bronwyn Petrie and Greg Sauer on Wednesday 14 February 2024. Details below.

#### **NOTICE OF MOTION:**

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

- (1) Prepare a Master Plan as a priority, to allow a range of recreational activities at the Tenterfield Town Dam including walking trails, bird viewing platforms, fishing, water activities and passive recreation,**
- (2) That Council seek grant funding to prepare the Master Plan as soon as possible, and**
- (3) That Council is provided with regular progress reports on grant funding, preparation community input and the reporting date back to Council.**

**Do not delete this line**

#### **BACKGROUND**

A Notice of Motion was received from Councillors Bronwyn Petrie and Greg Sauer.

#### **REPORT:**

*Bronwyn Petrie  
'Briarleigh'  
248 Scrub Rd  
Tenterfield NSW 2372*

*14 February 2024*

*Mr Glenn Wilcox  
General Manager  
Tenterfield Shire Council  
Rouse Street  
Tenterfield NSW 2372*



Notice of Motion No. 5 Cont...

*Dear Glenn*

*The Councillors whose name and signature below require that the following motion be included in the February 2024 Ordinary Business paper please:-*

- 1. That prepare a Master Plan as a priority, to allow a range of recreational activities at the Tenterfield Town Dam including walking trails, bird viewing platforms, fishing, water activities and passive recreation,*
- 2. That Council seek grant funding to prepare the Master Plan as soon as possible, and*
- 3. That Council is provided with regular progress reports on grant funding, preparation community input and the reporting date back to Council.*

*Kind regards*

*Cr Bronwyn Petrie (Mayor)*

*Cr Greg Sauer*

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

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

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

Notice of Motion No. 5 Cont...

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>              |
| <b>Submitted by:</b> | Elizabeth Mmelling, Executive Assistant & Media   |
| <b>Reference:</b>    | <b>ITEM RES1/24</b>                               |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - JANUARY 2024</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 January 2024.**

**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 25 Pages               |