

AGENDA



OUR VISION

To be a financially sustainable Council fostering community connection through transparent decision-making and open communication; nurturing our natural environment, heritage and community lifestyle through balanced, sustainable strategic planning and management practices.

BUSINESS PAPER ORDINARY COUNCIL MEETING 27 AUGUST 2025

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 27 August 2025** commencing at **9:30 AM**.

Hein Basson
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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AGENDA

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
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

WEBCASTING OF THE PUBLIC FORUM AND MEETING

The public forum and 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.

COMMUNITY CONSULTATION (PUBLIC FORUM)

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

We acknowledge the Ngarabal, Jukembal, Bundjalung, Kamilaroi, Githabul and Wahlubul people as the traditional custodians of various parts of the Tenterfield Shire.

3. APOLOGIES

4. DISCLOSURES & DECLARATIONS OF INTEREST

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7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

8. MAYORAL MINUTE

9. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

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13. RESOLUTION REGISTER

14. CONFIDENTIAL BUSINESS

CONFIDENTIAL

(ITEM COM21/25)	REVISED CONTRACT AWARD RECOMMENDATION FOR FOUR BRIDGES DESIGN & CONSTRUCT RFT 15 24/25
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That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(ITEM COM22/25)	TENDER EVALUATION FOR PROFESSIONAL SERVICES CONTRACT FOR TENDER PREPARATION AND ASSOCIATED SERVICES - RFT 16- 24/25
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That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(ITEM ENV16/25) SEWER MAINS RELINING AND CCTV RFQ 01-25/26
TENDER AWARD 2025

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

(ITEM ENV17/25) HERITAGE ADVISOR POSITION

That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

15. MEETING CLOSED

(ITEM MIN7/25) CONFIRMATION OF PREVIOUS MINUTES

REPORT BY: Allison Graham

RECOMMENDATION

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

- **Ordinary Council Meeting – 25 July 2025**

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

ATTACHMENTS

- 1 Unadopted Meeting Minutes Ordinary Council Meeting 23 July 2025 27 Pages**

MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 23 JULY 2025

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", 247 Rouse St, Tenterfield, NSW, 2372 on Wednesday 23 July 2025 commencing at 9:30 AM

ATTENDANCE

Councillor Bronwyn Petrie - Mayor (from 11.42am to 1.26pm)
Councillor Greg Sauer - Deputy Mayor and Chair
Councillor Owen Bancroft
Councillor Tim Bonner
Councillor Peter Murphy
Councillor Tom Peters
Councillor Peter Petty
Councillor Greg Purcell
Councillor Kim Rhodes
Councillor Roger Turner

ALSO IN ATTENDANCE

General Manager (Hein Basson)
Director Corporate Services (Liz Alley)
Director Infrastructure Services (Matthew Francisco)
Executive Assistant & Media (Allison Graham)

Clause 254(b) of the Local Government (General) Regulation 2005 requires that the names of the mover and seconder of the motion or amendment are recorded and shown in the Minutes of the meeting.

Website: www.tenterfield.nsw.gov.au

Email: council@tenterfield.nsw.gov.au

Recording of the Community Consultation Session ~~2025~~ Council Meeting commenced at 9.15am.

Tamai Davidson, Manager Planning and Development Services attended via Audio/Video Link at 9.15am.

WEBCASTING OF MEETING

The Deputy Mayor read the following:

I advise all present that this meeting is being recorded for placement on Council's website 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.

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Mr Murray Finnerty, addressed Council on Item ENV12/25 – Development Application 2025.40 Five (5) Lot Rural Residential Subdivision – 37 Neagles Lane, Tenterfield, him being against the officer's recommendation.

Mr Lindsay Clark, addressed Council on Item ENV12/25 – Development Application 2025.40 Five (5) Lot Rural Residential Subdivision – 37 Neagles Lane, Tenterfield, him being in favour of the officer's recommendation.

OPENING AND WELCOME

The Deputy Mayor welcomed everyone to the July Council Meeting.

CIVIC PRAYER

The Deputy Mayor read the following:

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.

ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor read the following:

We acknowledge the Ngarabal, Jukembal, Bundjalung, Kalkadji, Githabul and Wahlubul people as the traditional custodians of various parts of the Tenterfield Shire.

APOLOGIES

107/25 **Resolved**

That the Mayor's application for leave of absence (for the majority of the meeting) as well as her application to join the meeting via Audio/Video link for a period of time, be accepted.

(Kim Rhodes/Peter Petty)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

That councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Name	Type	Item
Nil.		

(ITEM MIN6/25) CONFIRMATION OF PREVIOUS MINUTES

108/25 **Resolved**

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

- Ordinary Council Meeting – 23 June 2025

As typed and circulated, be confirmed and signed as a true record of the proceedings of these meetings, with the following amendments:

- That the following wording "Recording of the Community Consultation Session started at 9.00am" be inserted at the very top of page two (2).
- That the following wording "Recording of the session was paused at 9.20am" on page two (2) just above the wording "Recording of the session commenced at 9.30am" be inserted.
- That the term "Mayor" on page four (4) be changed to "Mayoral" to read "Mayoral Minute".

(Owen Bancroft/Kim Rhodes)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

**(ITEM ECO6/25) MINOR CHANGE TO FACILITY PERMITTED USE
LICENCE: TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND
BUSINESS**

SUMMARY

The purpose of this report is to make Council aware of three minor changes that have been made to the Facility Permitted Use License between Council and the Tenterfield Chamber of Tourism, Industry and Business (TCTIB).

109/25 Resolved

That Council:

Approves the three (3) further changes made to clarify consultation and operational responsibilities in the Facility Permitted Use License document since the last Council Meeting held on 23 June 2025, as detailed in the body of the report.

(Peter Petty/Kim Rhodes)

Motion Carried

**(ITEM ENV13/25) PURCHASE OF HYDRAULIC EXCAVATOR FOR BOONOO
BOONOO LANDFILL**

SUMMARY

To improve the existing management of the Boonoo Boonoo Landfill facility, the purchase of a hydraulic excavator is proposed.

110/25 Resolved

That Council:

- 1. Allocates the funds for the purchase of the hydraulic excavator for the Boonoo Boonoo Landfill from Council's Waste Reserve.**
- 2. Approves the purchase of a hydraulic excavator that is suitable for use at the landfill for an amount of up to \$249,999 excluding GST.**

(Peter Petty/Kim Rhodes)

Motion Carried

MAYORAL MINUTE

**(ITEM MM1/25) MAYORAL MINUTE - LOCAL GOVERNMENT NSW REPORT
COST SHIFTING 2025**

111/25 Resolved

That Council:

1. Notes the findings of the LGNSW Cost Shifting report for the 2023/2024 financial year.
2. Places a copy of the cost shifting report on Council's website so that our communities can access it.
3. Writes to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently address these costs through a combination of regulatory reform and appropriate funding.

(Greg Sauer/Peter Petty)

Motion Carried

**RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN
CONFIDENTIAL SECTION**

112/25 Resolved

That:-

- a) the meeting be closed to the public and members of the press because of the need for confidentiality, privilege or security, as specified below and provided for under Section 10A(2) of the Local Government Act, 1993; and
- b) the Agenda and associated correspondence, unless specified are not to be released to the Public as they relate to a matter of either personal hardship, personal matters, trade secrets or matters which cannot be lawfully disclosed.

(Gregory Purcell/Tim Bonner)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

**(ITEM COM17/25) COUNCILLOR WORKS/SERVICE REQUESTS - JUNE
2025**

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that reports on the progress with Councillor Work/Service Requests, and as an opportunity to develop an understanding of other factors and considerations impacting the execution or progress of these requests.

113/25 **Resolved**

That Council:

Notes the status of the Councillor Works/Service Requests for the month of June 2025.

(Tim Bonner/Peter Petty)

Motion Carried

OUR ECONOMY

Nil.

OUR ENVIRONMENT

(ITEM ENV12/25) DEVELOPMENT APPLICATION 2025.040 FIVE (5) LOT RURAL RESIDENTIAL SUBDIVISION - 37 NEAGLES LANE, TENTERFIELD

SUMMARY

Development Application 2025.040 for a five (5) lot rural residential subdivision at 37 Neagles Lane, Tenterfield, is presented to Council with a recommendation for approval subject to conditions. The application is presented to Council as a matter of 'public interest' where Council is in receipt of objections to the proposal under the provisions of Council Policy '*Limit of Delegated Authority in dealing with Development Applications and Complying Development Certificates.*'

Tamai Davidson, Manager Planning and Development Services presented the report via Audio/Video Link from 10.04am.

MOTION

That the matter be deferred until further information pertaining to the impact on roads, sewerage concerns and the high water table can be obtained.

(Kim Rhodes/Peter Murphy)

Upon being put to the meeting, the motion was declared lost.

For the Motion were Crs PM Murphy, TP Peters and K Rhodes Total (3).

Against the Motion were Crs G Sauer, O Bancroft, TB Bonner, PP Petty, GP Purcell
and RT Turner Total (6).

114/25 **Resolved**

That Council:

- 1. Approves Development Application 2025.040 subject to conditions as contained in Attachment 1 to the report.**
- 2. Notifies those persons who made submissions in relation to the development application of Council's decision.**

(Peter Petty/Owen Bancroft)

Motion Carried

Councillor Murphy raised a **Point of Order** for the voting to be by Division, upon which the Deputy Mayor responded that no point of order is necessary to be raised as a Division is procedurally required for this Council Resolution, as the item under consideration by Council constitutes a planning matter.

Upon being put to the meeting, the motion was declared carried.

For the Motion were Crs G Sauer, O Bancroft, TB Bonner, PP Petty, TP Peters, GP Purcell and K Rhodes Total (7).

Against the Motion were Crs PM Murphy and RT Turner Total (2).

Tamai Davidson, Manager Planning and Development Services, left the Meeting via Audio/Video Link at 10.49am.

OUR GOVERNANCE

(ITEM GOV52/25) NSW ELECTORAL COMMISSION: REQUIREMENTS OF THE ELECTORAL FUNDING ACT 2018

SUMMARY

The purpose of this report is for Council to adopt changes to the scheduled meeting date in November 2025.

115/25 **Resolved**

That Council:

Notes the information distributed by the NSW Electoral Commission regarding Councillors' compliance with the *Electoral Funding Act 2018*, as is detailed in the body of the report.

(Owen Bancroft/Kim Rhodes)

Motion Carried

(ITEM GOV53/25) CHANGE TO SCHEDULE OF COUNCIL MEETINGS FOR 2025 & NOMINATING DELEGATES TO ATTEND THE 2025 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

SUMMARY

The purpose of this report is for Council to adopt changes to the scheduled meeting date in November 2025.

116/25 Resolved

That Council:

- (1) Approves the General Manager, Mayor and Deputy Mayor to attend the 2025 Local Government NSW Annual Conference to be held at Penrith from 23 to 25 November 2025.**
- (2) Moves the Ordinary Council Meeting for November from the scheduled fourth Wednesday of the month (26 November 2025) to the next day being Thursday, 27 November 2025, to allow for return travel by the General Manager, Mayor and Deputy Mayor from the Local Government NSW Annual Conference to be held at Penrith 23 to 25 November 2025.**

(Kim Rhodes/Roger Turner)

Motion Carried

(ITEM GOV54/25) AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING MINUTES - 4 MARCH 2025

SUMMARY

Council's Audit, Risk and Improvement Committee (ARIC) had their Ordinary Meeting on Tuesday, 4 March 2025.

The adopted and signed minutes of this meeting are attached to the report for the information of Council.

117/25 Resolved

That Council:

Notes the adopted and signed minutes from the Audit, Risk and Improvement Committee meeting of 4 March 2025.

(Peter Murphy/Gregory Purcell)

Motion Carried

SUSPENSION OF STANDING ORDERS

118/25 Resolved

That standing orders be suspended for the purpose of a morning tea break, the time being 10.53am.

(Peter Petty/Peter Murphy)

Motion Carried

Recording of the session was paused at 10.53am.

RESUMPTION OF STANDING ORDERS

119/25 Resolved

That the meeting be resumed at 11.16am.

(Peter Petty/Tim Bonner)

Motion Carried

Recording of the session resumed at 11.16am.

(ITEM GOV55/25) FINANCE AND ACCOUNTS - PERIOD ENDED 30 JUNE 2025

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 2021* 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.

Addition financial information on Water Leakage, 603 Certificates, and financial business units is presented for Councilor and community information.

120/25 Resolved

That Council:

Notes the Finance and Accounts Report for the period ended 30 June 2025.

(Kim Rhodes/Peter Murphy)

Motion Carried

(ITEM GOV56/25) REPORT ON LOAN BALANCES 30 JUNE 2025

SUMMARY

The purpose of this Report is to inform Council of its loan balances as at 30 June 2025.

121/25 Resolved

That Council notes the loan balance as of 30 June 2025 was \$19,393,720 (\$19,220,705 as at 31 March 2025).

(Kim Rhodes/Tom Peters)

Motion Carried

(ITEM GOV57/25) NEW FEES AND CHARGES FOR 2025/2026

SUMMARY

The purpose of this report is for Council to adopt new Fees and Charges for the 2025/2026-Financial Year and placing them on public exhibition for 28 days.

122/25 Resolved

That Council:

Adopts the new Fees and Charges as stipulated below and put them on public exhibition for a period of 28 days:

- **Water charges for the bores at Drake, Legume, Liston and Torrington - \$3.85 per kilolitre.**

(Peter Petty/Gregory Purcell)

Motion Carried

(ITEM GOV58/25) COMPETITIVE NEUTRALITY COMPLAINTS POLICY - UPDATE

THINK I NOW HAVE IT RIGHT WITH THE FINAL VERSION OF THE POLICY IN THE NEW FORMAT SUMMARY

The purpose of this report is to review and update the Competitive Neutrality Complaints Policy.

123/25 Resolved

That Council:

Adopts the revised and updated Competitive Neutrality Complaints Policy.

(Gregory Purcell/Tom Peters)

Motion Carried

Mayor Bronwyn Petrie attended the meeting via Audio/Video-link at 11.42am.

(ITEM GOV59/25) MONTHLY OPERATIONAL REPORT FOR JUNE 2025

SUMMARY

The purpose of this report is to provide a report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2024/25 Operational Plan.

Due to the relevant managers being unwell and on sick leave, and/or the relevant positions responsible for the functions being vacant, the Livestock Saleyard, Parks, Garden & Open Space, Asset Management & Resourcing, Commercial Works, Stormwater Drainage, Transport Network and Plant, Fleet & Equipment reports are unfortunately unavailable.

124/25 Resolved

That Council:

Notes the status of the Monthly Operational Report for June 2025.

(Peter Petty/Kim Rhodes)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

Nil.

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES6/25) COUNCIL RESOLUTION REGISTER 2025

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. The updating of this report has been progressed with many actions that have now been finalised within the software system and no longer showing up in this report.

125/25 **Resolved**

That Council notes the status of the Council Resolution Register to June 2025.

(Peter Petty/Kim Rhodes)

Motion Carried

SUSPENSION OF STANDING ORDERS

126/25 **Resolved**

That standing orders be suspended to move into the closed session part of the meeting, the time being 12.28pm.

(Gregory Purcell/Tim Bonner)

Motion Carried

The recording of the session was paused at 12.28pm.

The General Manager, Director Corporate Services, Director Infrastructure Services and the Executive Assistant and Media left the room at 12.34pm.

CONFIDENTIAL BUSINESS

(ITEM GOV51/25) ANNUAL PERFORMANCE REVIEW 2024/25: GENERAL MANAGER

That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

SUMMARY

The purpose of this report is for Council to note the outcome of the annual performance review of the General Manager held on 19 June 2025, and to

consider the recommendations of the Review Committee following this evaluation process.

127/25 Resolved

That Council:

- 1. Notes the outcome of the annual performance review of the General Manager held on 19 June 2025.**
- 2. Unanimously approves the recommendations of the Review Committee following this evaluation process.**

(Peter Petty/Peter Murphy)

Motion Carried

The General Manager returned to the room at 12.15pm.

The Director Corporate Services and the Executive Assistant and Media returned to the room at 1.21pm.

RESUMPTION OF STANDING ORDERS

128/25 Resolved

That Council moves into Open Session again, the meeting, the time being 1.24pm.

(Kim Rhodes/Tom Peters)

Motion Carried

The recording device was turned on, the time being 1.25pm.

In accordance with Section 253 of *Local Government Regulations (General) 2005*, the Deputy Mayor read the resolutions as resolved whilst in Closed Council, as follows:

(ITEM GOV51/25) ANNUAL PERFORMANCE REVIEW 2024/25: GENERAL MANAGER

That Council:

-
1. **Notes the outcome of the annual performance review of the General Manager held on 19 June 2025.**

2. **Unanimously approves the recommendations of the Review Committee following this evaluation process.**

MEETING CLOSED

There being no further business the Deputy Mayor declared the meeting closed at 1.26pm.

Councillor Greg Sauer
Deputy Mayor/Chairperson

Department:	Office of the Director Corporate Services
Submitted by:	Elizabeth Alley, Director Corporate Services
Reference:	ITEM COM19/25
Subject:	ACKNOWLEDGEMENT OF TENTERFIELD TOURISM GROUP QUARTERLY REPORT FROM APRIL TO JUNE 2025

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal: **Economy** - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities.

CSP Strategy: Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.

SUMMARY

The purpose of this report is to present to Council the Tenterfield Chamber of Tourism, Industry and Business (TCTIB) Report 7 under the funding agreement between TCTIB and Council. The Tenterfield Tourism Group (TTG) is required to report quarterly on activities within 30 days of the end of the quarter. The attached report covers the period from 1 April 2025 to 30 June 2025.

OFFICER'S RECOMMENDATION:

That Council:

1. Acknowledges receipt and notes the contents of Report 7 from the Tenterfield Chamber of Tourism, Industry and Business (TCTIB) for the period from 1 April 2025 to 30 June 2025.
2. Requests more detailed information in due course from the TCTIB with regards to the following excerpt from their report:

The TTG understand that the final instalment from the current agreement between TSC and TCTIB of \$50,000 will be distributed to the TTG from the TSC for the financial year 25/26 and would request a continuation of this funding arrangement for an additional three-year period with consideration by the councillors of increased funding per annum.

3. Notes that the current Operational Plan/Delivery Program makes allowance for an additional \$50,000 (indexed) per year for the next three years.

BACKGROUND

Council entered into a funding agreement with the TCTIB on 3 October 2023 to provide and execute an annual plan for tourism in the Tenterfield region.

The services requirement within the funding agreement (October 2023), states that the:

recipient will provide services for the Purpose including but not limited to:

- (a) Visitor information, memberships and related member services and support;
- (b) Product development; and

Our Community No. 19 Cont...

- (c) *Marketing, advertising and promotion, including face-to-face, print, social media, online targeted and general advertising, SEO and promotional campaigns.*

The reporting requirements of the agreement are to report on a quarterly basis and:

- (i) *Identify the amount of Funds expended in connection with the Permitted Purpose in the preceding Quarter (Funds Expended) against the Funds provided by Council (Funds received) with evidence of such expenses incurred; and*
- (ii) *Contain such other information required to complete the Report.*

REPORT:

The Tenterfield Tourism Group is required to report quarterly on activities within 30 days of the end of the quarter. The attached report covers the period from 1 April 2025 to 30 June 2025. This report was received by Council on 28 July 2025.

Key highlights from 1 January 2025 to 31 March 2025 include:

- Maintained flow of new content on social media.
- Continued professional relationship with the Stanthorpe Chamber and the Granite Belt Wine Country.
- 'Experience Tenterfield' brand complete and rollout of the new brand and transfer of the Tenterfield True brand commencing.
- Licence Agreement between TSC and TCTIB for use of the foyer at the Sir Henry Parkes Memorial School of Arts building for an Information Centre - ongoing. **The Licence Agreement has now been signed by all the stakeholders.**
- Continued distribution of Tenterfield brochures and maps to participating retail, hospitality and local attractions.
- Experience Tenterfield website launched with a complete rebuild and refresh with fresh layouts, navigation, structure and content.
- Continued relationship with the New England High Country Group (NEHC) – 4,552 NEHC map/guides collected and distributed.
- Revised content in Visitor Quick Guides and ordered 20,000 copies as well as secured Granite Belt Magazine for the next 12 months.

Financial highlights include:

- Tenterfield Tourism Group bank balance was \$46,729.41 (as of 31 March 2025).
- During the quarter \$9,613.59 was spent on 'Experience Tenterfield' website, \$6,048.00 was spent on social media, \$2,686.20 was spent on brochures, \$189.57 was spent on incidentals for Google Drive subscriptions and renewals and \$1,980.00 was spent on branding.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

2. Policy and Regulation

Nil.

3. Financial (Annual Budget & LTFP)

Our Community No. 19 Cont...

As per Councils 2024/2025 budget, where adequate provision has been made to cover the \$50,000 payable to TCTIB in terms of the funding agreement.

Commentary General Manager: The following excerpt from the TCTIB-report is important for Councillors to take note of:

The TTG understand that the final instalment from the current agreement between TSC and TCTIB of \$50,000 will be distributed to the TTG from the TSC for the financial year 25/26 and would request a continuation of this funding arrangement for an additional three-year period with consideration by the councillors of increased funding per annum.

It is suggested for more detailed information in this regard to be requested from the TCTIB, in order for Council to further consider this matter.

The current Operational Plan/Delivery Program makes allowance for \$50,000 (indexed), per year, for the next three years, to support the TCTIB.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

As per the executed agreement between Council and the Tenterfield Chamber of Tourism, Industry and Business – as is quoted under the “Background” section of this report.

8. Project Management

Nil.

Hein Basson
General Manager

Prepared by staff member:	Elizabeth Alley, Director Corporate Services
Approved/Reviewed by Manager:	Hein Basson, General Manager
Department:	Office of the Director Corporate Services
Attachments:	<div> 1 Tenterfield Chamber of Tourism Industry and Business - Tourism Group Report 7 </div> <div> 4 Pages </div>



Tenterfield Tourism Group

REPORT 7

DATE: 1st April - 30th June 2025

MISSION: *To build a vibrant and proactive tourism and business community in the Tenterfield Shire making it a great place to visit.*

TENTERFIELD TOURISM GROUP (TTG)

A Tenterfield Tourism Group (TTG) has been formed as a subcommittee of the Tenterfield Chamber of Tourism Industry and Business (TCTIB) delegated by the Board. The aim for 2025 is to execute the annual plan for tourism in the region. TSC provided TCTIB \$100,000 funding. This funding was received in late November 2023. A further \$50,000 was provided on 1 July 2024.

Chair : Kathryn (Kat) Davis

Members:

Sharon Tierney

Nick De Git

Michele Grass

Sue Walsh

Jim Stuart

Roxanne Bancroft-Stuart

Carey Greenhill

Tim Bonner and Kim Rhodes (TSC Representatives)

Meetings held during this quarter:

Meetings were held every 2nd Monday of the month commencing at 5.30pm.

ACTIVITIES ACHIEVED THIS QUARTER

(1) Maintained flow of new content on socials through Sera Wright
VOLUNTEER HOURS - 2

(2) Continued professional relationship with the Stanthorpe Chamber and the Granite Belt Wine Country (GBWC) for continued collaboration between the 2 towns.
VOLUNTEER HOURS - 2

(3) 'Experience Tenterfield' brand complete and rollout of the new brand and transfer of the Tenterfield True brand commencing.
VOLUNTEER HOURS - 3

(4) License Agreement between TSC and TCTIB for the use of the foyer at the Sir Henry Parkes Memorial School of Arts for an Information Centre, including branding guidelines, organising fit out and volunteers training and rostering; WPS and necessary insurance obtained.
VOLUNTEER HOURS - 20



- (5) Continued distribution and collection of Tenterfield brochures and maps to participating retail, hospitality and local attractions

VOLUNTEER HOURS - 3 +

- (6) Experience Tenterfield website launched with a complete rebuild and refresh with fresh layouts, navigation, structure and content. Consolidated all key information and rewritten where needed, created a more engaging, user-friendly layout that surfaces the important details.
Over 150 listings uploaded and updated — all info is in place, formatted consistently, and connected to the main pages (See & Do, Stay, Eat & Drink). Some listings appear in multiple categories where relevant.

Custom navigation was added to single listings so users can return to listing pages — this wasn't standard but makes a big difference to usability.

Seasons page and 4 x corresponding pages for each season - updated from the old site

History & Heritage page - rewritten and updated from the old site

Scenic Drives page - rewritten and updated from the old site

Visitor Info/Contact Us/Getting Here page updated from the old site

3 x blog articles highlighting info from history pages

Mobile responsiveness and design improved where needed (this has to be checked with every edit or update made)

Image refresh — reviewed nearly 1,000 images, pulled out ~50 strong ones, and used them site-wide to create an updated feel

VOLUNTEER HOURS - 15

- (7) Continued relationship with the New England High Country Group (NEHC) 4,552 NEHC map/guides collected and distributed. Currently planning video footage for all LGA's in Autumn and Spring of 2025. Tenterfield's video shoot will take place 29th October.

VOLUNTEER HOURS - 2

- (8) Revised content in Visitor Quick Guides and ordered 20,000 copies as well as secured Granite Belt Magazine for the next 12 months.

VOLUNTEER HOURS - 3

It is estimated that since the TCTIB have formally taken back tourism an estimated 50 VOLUNTEER HOURS have been spent solely on Tourism related activities this quarter.

1st April to 30 June 2025 TTG Finances

Bank balance on 31st March 2025 = \$46,729.41

Bank Balance on 30th June 2025 - \$26,212.05

Investment this quarter has gone into the rebuild and launch of the Experience Tenterfield Website (8713.59 + 900), continued social media posts with Sera J Wright (6048), finalising branding assets (1650) and adjustment to last hero video (330), brochures (2686.20), Incidentals for Google Drive subscriptions and renewals (162.82 + 26.75).



MATTERS ARISING

- ❖ TTG continues to parsimoniously use financial resources made available to TCTIB by TSC and have been prudent and considered in regards to expenditure. Providers used by the TTG continue to generously discount costs at the request of the TTG. Come the next financial year the TCTIB will be looking at establishing a tiered membership system; focusing on businesses within the tourism industry to help support continued investment in tourism for the Tenterfield Shire.
- ❖ The TCTIB/TTG is very proud and committed to run tourism for Tenterfield in a business led manner with business owners within the Tenterfield Shire, understanding the needs of tourism and the business community. However with 9 volunteers (business owners and business representatives within the Shire); what is evident more than ever is that given the volume of voluntary time committed to tourism services in the admin, media, event and relationship space for Tenterfield, it is strongly suggested that a paid position or multiple part time positions for Tenterfield Tourism be explored. The TCTIB have contracted an administrative assistant for both TCTIB and TTG on an ad-hoc basis in the interim being mindful of expenditure. Having spoken to numerous LGA's along the New England in recent months, Tenterfield is the only town that have an entire volunteer administration for tourism services. Given tourism is one of Tenterfield's main sources of economic development which impacts hospitality, construction, accommodation, retail, maintenance and so many other service provisions like cleaning, gardening and property maintenance to name a few; more investment and people power is needed in this space. The TTG will encourage business owners to participate in meetings and initiatives moving forward to get as many 'hands on deck'; as possible to ensure Tenterfield Tourism a success.

TASKS TO TAKE PLACE FOR 2025-

Moving forward for 2025/2026 the main activities apart from continued social media and content creation will be to, update current and create new signage throughout the Shire and create a strong partnership with surrounding villages.

Depending on timeframe, resources and funding the Tourism Group would also like to do their best to chip away at the below initiatives -

- TCTIB to lead advocacy with TSC for increased funding for local tourism support.
- TCTIB to work with TSC to gain access to, and update all fixed signage in parks, at shire entry points, on maps at public facilities etc.
- Develop key messages for locals to share with visitors about what to see and do in Tenterfield
- Initiate an outbound media relationship program directly with media targets and partner agencies
- Use existing social media channels to continue telling the story of existing tourism assets that highlight Tenterfield's unique attractions with a focus on natural beauty, historical sites, unique assets and seasonal events
- Establish new campaigns and event incentives to attract visitors to new events
- Annually review and update ATDW (Australia Data Tourism Warehouse) listing and work with experts to ensure PR opportunities are established and maximised
- Bring key stakeholders together to develop an annual event calendar with cross selling, marketing and packaging of experiences, services and assets.
- Create and promote new experience tourism products that showcase the region's strengths including nature, seasons, adventure, heritage and indigenous knowledge



- Organise events and festivals that work on the region's seasonal appeal and natural beauty, that target specific or niche visitor market segments
- Coordinate efforts and share resources with NEHC and GBWC (Granite Belt Wine Country) to maximise visitor numbers
- Work with Villages for each to create a signature event
- TCTIB in partnership with Business NSW and Tafe NSW to provide training and support for local tourism operators to enhance their skills and improve service quality

The TTG understand that the final instalment from the current agreement between TSC and TCTIB of \$50,000 will be distributed to the TTG from the TSC for the financial year 25/26 and would request a continuation of this funding arrangement for an additional three year period with consideration by the councillors of increased funding per annum. The TCTIB and Tourism Group are currently looking at continued initiatives in line with the DMP (Destination Management Plan) and the TCTIB Strategic Plan and are consulting professionals as to best use of any funding focusing on high results to the Tenterfield Shire for the years to come. Once we have a concrete plan we will make this available to the TSC for consideration.

We thank the Tenterfield Shire Council for their continued support and look forward to many more years of collaboration together. We understand that with the business led Tenterfield Chamber taking handle of the tourism component from council allows the council to focus on other major initiatives, vital workings and events to make Tenterfield an even more amazing place to work, live and visit and we hope that our collaboration continues well into the future.

Please feel free to contact us if there are any questions on the above.

We look forward to hearing from you.

Kind regards,

Kathryn (Kat) Davis
(President TCTIB)

30 June 2025

Department:	Office of the Director Corporate Services
Submitted by:	Liz Alley, Director Corporate Services
Reference:	ITEM COM18/25
Subject:	LIBRARY SERVICES POLICY - UPDATE

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Community - Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.
CSP Strategy:	Provide opportunities for residents to enjoy access to arts, festivals, sporting activities, recreation, community and cultural activities.

SUMMARY

The purpose of this report is to review and update the Library Services Policy.

OFFICER'S RECOMMENDATION:

That Council:

Adopts the revised and updated Library Services Policy.

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.

The Library Services Policy was last reviewed on 26 October 2022.

REPORT:

This Policy has been reviewed and amended for accuracy, where required.

The main reason for the extensive review of the Library Services policy is to bring it in line with recommendations from the NSW State Library for best practice. The policy has been updated to include many additional elements of library services and operations that were needed to be clearly outlined for library staff and library patrons.

Additions to the policy include:

- A detailed outline of the overdue procedures including the three notices, mailing fees and replacement costs when loans become long overdue. It also outlines that a member will be unable to borrow until replacement costs are paid or books returned.
- A detailed outline of parental responsibility regarding children in the library including access to the internet, library material censorship, use of library resources and spaces as well as a section on unattended children.
- A detailed section on patrons' responsible use of the library and resources including a section on the right for library staff to direct patrons to leave if a person contravenes this policy (and the membership agreement). A section has

Our Community No. 18 Cont...

also been added on exclusions and banning members and non-members for breaches.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Not necessary in this instance.

2. Policy and Regulation

- *Library Act 1939 (NSW)*
- *Library Regulation 2018 (NSW)*
- *State Library NSW Guidelines for Local Government Authorities*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Library Books.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

This Policy outlines processes to maintain safety for staff and patrons of the Library.

7. Performance Measures

Nil.

8. Project Management

Nil.

Hein Basson
General Manager

Prepared by staff member:

Liz Alley, Director Corporate Services

Approved/Reviewed by
Manager:

Hein Basson, General Manager

Department:


Office of the Director Corporate Services

Our Community No. 18 Cont...

Attachments:

1 LIBRARY SERVICES POLICY
2025

13
Pages

POLICY NAME	LIBRARY SERVICES POLICY	
Date Adopted	Council Meeting Date	
Resolution Number	XXX/25	
Policy Custodian	Director Corporate Services	
Policy Development Officer	Librarian	
Review Date	3 years from resolution date	
Relevant Legislation	<i>Library Act 1939 (NSW)</i> <i>Library Regulation 2018 (NSW)</i> State Library NSW Guidelines for Local Government Authorities <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>Classification (Publications, Films and Computer Games) Act 1995 (Cth)</i>	
Related Documents	Library use and safety procedure Tenterfield Public Library Conditions of Use	

POLICY OBJECTIVES

The objectives of this policy are:

- ~~-To define the conditions of membership for borrowers to the Tenterfield Public Library service;~~
- ~~-To define the general conditions and requirements for users of the Public Internet Access service at Tenterfield Public Library;~~
- ~~-Detail the responsibilities of library customers in using the library services and facilities; and~~
- ~~-Inform the public of collection parameters, guidelines used for acquisition and discarding, act as a management tool for staff as well as being used to support State Library Grant applications.~~

POLICY STATEMENT

The Library Services Policy:

- Defines conditions of membership;
- Defines general conditions and user requirements for Internet Access;
- Details library customers' responsibilities;
- Provides guidelines for acquisition and discarding;
- Informs the public of selection criteria for collections;
- Defines parameters of Library collections;

- Acts as a management tool for staff; and
- Supports State Library Development Grant Applications for Collections.

POLICY SCOPE

5.1 Library Membership Categories

Adult – eighteen (18) years and over who are residents of Tenterfield Shire or non-residents who work on a regular basis, attend an educational institution or conduct private business regularly within the Tenterfield Shire are eligible for membership without charge. A membership card will be issued on completion of a membership application form and provision of satisfactory proof of identity and address in the Tenterfield Shire or neighbouring areas (e.g. driver's licence, rates notice or rent receipt, Centrelink card etc.). If an applicant is suspended from borrowing from any other library, in so far as this can be determined, they are not eligible for membership.

Young Adult – fourteen (14) years to under eighteen (18) years. Applications by persons in this group must be signed by a guarantor, that is, a parent, caregiver or other responsible adult who will be liable for any fees and charges accrued, but not paid, by the young adult member. The guarantor must provide proof of identity, Tenterfield Shire residency and contact details.

Junior – under fourteen (14) years of age. The membership application must be signed by a guarantor, that is, a parent, caregiver or other responsible adult who will be liable for any fees and charges accrued. The guarantor must provide proof of identity, Tenterfield Shire residency and contact details.

Visitor – persons who do not meet the criteria for the above memberships may pay a deposit (as per Council's Fees and Charges schedule) which will be refunded at the request of the Visitor when all loans have been returned and the receipt for the deposit is produced.

Digital – persons who wish to only access online library resources (e-Resources) such as databases and eBooks. Digital members must be a resident of Tenterfield Shire or the Wallangara/Stanthorpe area. Digital members must provide proof of identity and residency.

Conditions of Use

All members must abide by the Conditions of Use as agreed to when applying for membership.

5.2 Issues and Renewals

General Loan Conditions - It is the responsibility of the borrower to manage their borrowing, that is, keep borrowed items free from damage, monitor the due dates of their borrowed items and return the items on or before the due date.

Loan period – 28 days. eResources are generally loaned for 14 days but may vary according to the hosting website.

Maximum renewals per item: two (2) provided that the item has not been reserved by another borrower. After two (2) renewals the items must be returned to the library by the due date.

Maximum loans – twenty (20) items, visitor membership – five (5) items.

Reference Collection – not for loan, must be used within the library.

Family History collection – only able to be borrowed by members of the Family History Group, otherwise treated as reference resources.

Talking books – a maximum of ~~five (5)~~ 10 at any one time.

DVD's/ Music CDs - a maximum of ~~five (5)~~ 10 at any one time.

Magazines - a maximum of ~~five (5)~~ 10 at any one time.

5.3 Membership Cards

No library materials will be issued without the borrower's membership card. The first card will be issued free of charge. A fee (as per Council's Fees and Charges Schedule) will be charged for lost and damaged cards. Unauthorised use of another borrower's membership card will result in suspension of borrowing privileges. Borrowers are responsible for advising the library of any changes in their personal and contact details.

5.4 Reservations

Registered members may place reserves on up to four (4) items at any one time.

5.5 Inter-Library Loans

Items not held by Tenterfield Public Library may generally be obtained from other libraries. When requesting such items, patrons will be asked to pay charges incurred for postage (other Public Libraries) and/or fees (University or Special Libraries). Limited quantities of large print, talking books, non-fiction and multicultural items are available from NSW State Library free of postage charges. Items may be withheld or returned and borrowing privileges will be suspended if clients fail to pay charges incurred.

Lost or damaged items obtained by inter-library loan will incur charges set by the lending library and failure to pay will result in suspension of borrowing privileges. Patrons are liable for any fees incurred even if they fail to collect the requested item.

5.6 Overdue Loans

Overdue notices will be issued once items become overdue. No overdue fines apply but long overdue items will be invoiced if not returned. No further items may be borrowed, that is, borrowing privileges will be withdrawn until overdue items are returned or replacement charges (as per Council's Fees and Charges Schedule) are paid.

- **Overdue Notice 1:** The library will issue overdue notices to patrons once items become overdue. This notice may be either emailed or posted, depending on the member's preference on their library membership form. No overdue fines apply. A postage fee of \$1.40 will be charged to members who request notification by post. No further items may be borrowed, that is, borrowing privileges will be withdrawn until overdue items are returned.
- **Overdue Notice 2:** The library will issue a second overdue notice if the customer has not returned the items before the next generated overdue notice. All second overdue notices are sent by post and a postage fee of \$1.40 will be charged to members. No further items may be borrowed, that is, borrowing privileges will be withdrawn until overdue items are returned.
- **Overdue Notice 3:** The library will issue a third overdue notice if the customer has not returned the items before the next generated overdue notice. The item is now considered to be long overdue. Long overdue item replacement costs will be displayed on the overdue notices if not returned, along with a \$12.00 processing fee. No further items may be borrowed, that is, borrowing privileges will be withdrawn until overdue items are returned or replacement charges (as per Council's Fees and Charges Schedule) are paid.

5.7 Loss or Damage

Borrowers shall be required to pay for damage to library resources and for replacement of lost items. The fee charged will be for the replacement value plus a processing fee (as per Council's Fees and Charges Schedule). Failure to make appropriate arrangements to pay the fee will result in suspension of borrowing privileges. Lost items which have been paid for and later found become the property of the borrower and no refund will be given.

The ~~Library Coordinator~~ Librarian shall retain discretionary power to override the above conditions in special cases. A cleaning fee may be charged (as per Council's Fees and Charges Schedule) for items that can be salvaged.

6. Public Computer and Internet use

Tenterfield Public Library endeavours to provide the people of the Tenterfield Shire with open access to ideas and information. The Internet is an information resource which enables the library to offer access to information beyond the confines of its collection.

By providing public Internet access, the library will enhance the depth and scope of its existing collection and will provide an opportunity for citizens to navigate the Internet for themselves for pleasure and lifelong learning.

6.1 Responsibility

~~Tenterfield Shire Council does not condone access to pornographic, violent or illegal material.~~

Library members are required to use their library card as identification when making a computer/internet booking. Visitors and other casual library users are required to show identification such as a driver's license when making a computer/internet booking.

Access to the internet by children under the age of 18 is the responsibility of the child's parent or guardian. Censorship is deemed to be the right and responsibility of the parent or guardian of library users under the age of eighteen (18) years.

Readers and visitors are not permitted to access, download or print pornographic, offensive or objectionable material, and must comply with the **Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)**. Readers and visitors must not in any way breach or infringe copyright. If a reader or visitor repeatedly infringes copyright using Library systems or computers, library staff will terminate reader accounts and access to computers and systems in line with the **Copyright Amendment (Service Providers) Act 2018 (Cth)**.

Readers and visitors are not permitted to use library computers or its network for any unlawful or inappropriate purpose. This includes but is not limited to modifying or gaining access to restricted files or data belonging to others, installing software on the library's computers, and accessing illegal or prohibited websites. The library or library staff are not liable for the consequences of unauthorised use.

Consequently, while the library does not monitor or take responsibility for information accessed through the Internet, library staff may disallow access to websites which may be inappropriate for use in a public library. Persons who continue to access offensive or illegal material following a warning may be refused further library Internet use and/or excluded from the library.

6.2 Charges

Public access to the Internet in the library will be free of charge as described in the Library Act 1939, Section 10, Guideline 2 – Free access <http://www.sl.nsw.gov.au/public-library-services/guidelines-section-10>. Printing charges will apply as listed in Council's current Fees and Charges schedule.

6.3 Rules and Procedures

The Library Coordinator shall determine and review procedures in relation to length of session, age restrictions, downloading, staff assistance, user documents and other operational matters as the need arises.

7.1 The Right to Read and Access to Library Services for all

Tenterfield Public Library supports the Australian Library Association's statements on *Public Library Services, Free Access to Information, Libraries and Literacies, Library Services for People with a Disability, Information Literacy for All Australians, and Professional Conduct*.

Use of Library and Library Materials

Tenterfield Public Library operates under the *Library Act 1939 and the Library Regulation 2018*. Clause 14 of the *Library Regulation 2018* defines the proper use of a library, and by extension, the scope of a library's services.

Proper Use of a Library

A person must not, without the consent of the governing body for the library, use a library for a purpose other than reading, consulting or borrowing the library material of the library or for any other library service or information service.

Damaging Library Material or Equipment

(1) A person must not damage, deface or improperly interfere with any library material of a library or any equipment provided by a library for the purposes of accessing library material.

(2) For the avoidance of doubt, turning down the page of a book or otherwise causing any printed matter or the like to become creased is damaging library material.

Deliberate Misplacing or Hiding of Library Material

A person must not willfully misplace or hide any library material, or any record of the library material, of any library.

Noise

A person must not, by speech or otherwise, make any more noise in a library than is reasonably necessary for the use of the library.

Eating and Drinking Prohibited

A person must not eat or drink in a library otherwise than on those parts of the premises set aside for that purpose by the governing body for the library.

Library Users May Be Directed to Leave

A library staff member may direct a person to leave the library and not re-enter the library for such period as the staff member directs, if the staff member is of the opinion that:

- The person has contravened any provision of this part or policy.
- The person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
- A person to whom such a direction is given must comply with the direction.

Exclusions and banning members and non-members

Any person entering the libraries must comply with the Conditions of Use as agreed to when applying for membership. If a customer breaches or behaves contrary to the Conditions of Use, the following consequences may be incurred, depending on the nature and severity of the unacceptable behaviour:

(a) 48-hour exclusion from the library for persistent but low-level unacceptable behaviour.

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(b) Banning from the library for more serious breaches, for a period as specified, following the process of verbal warnings and incident reports.

(c) Immediate banning from the library for dangerous, abusive, anti-social or unlawful behaviour. Unacceptable behaviour of this severity may also result in NSW Police being called. The Library Manager has the authority to ban a person from the libraries for longer periods. This ban may take effect immediately or after the specified ban process of verbal warnings and incident reports, depending on the nature and severity of the unacceptable behaviour.

Ban letters will include details of: (a) The Conditions of Entry that were breached; (b) The period of the ban; and (c) The appeal of rights and procedures. For persons under the age of 18 years, the written notification will be addressed to the parent or guardian except when the person is legally an independent minor.

Children and Young People

Tenterfield Public Library is committed to serving the information and recreation needs of young people. The library strives to provide a welcoming environment and provides targeted resources and programs to meet the needs of young people.

Parental responsibility

Parents/guardians of children and young people are solely responsible for the young person's access to and use of the library's facilities including the physical space, the library collection, internet usage, and eResources.

Children and young people using the library collection

Tenterfield Public Library's general collection may contain publications that have been classified 'Unrestricted' and films and computer games that have been classified 'G' (General), 'PG' (Parental Guidance) or 'M' (Mature) in accordance with the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*. This material is available to all people, including young people, without restrictions.

Children and young people using the library internet and wi-fi services

Parents/guardians are responsible for ensuring that their child's selection and use of materials in the library's general collection accords with any restrictions the family may wish to set. The library encourages parents/guardians to consult with their child to develop clear rules regarding access to resources that accord with the family's personal values and beliefs.

Library staff are available to assist young people in the use of the Internet, and to recommend websites on particular subjects. A number of appropriate websites have been selected for inclusion in the library's electronic collections. Library staff do not supervise or monitor children using the internet in the library, so there is a risk that unsupervised children may be subject to cyber bullying.

Junior and young adult library users (under the age of 18) must have the consent of their parents/guardians before using the internet and must be members of the library.

Unattended children

Children under 12 years of age must not be left unsupervised in the library. Unsupervised children and young people can be at risk in any public place, including libraries. Library staff do not supervise children and there is a risk that unattended children may leave the library at any time, hurt themselves, or be approached by strangers. Children left alone in a library can also become distressed or disruptive. Parents/guardians must remain within the building for the length of the child's visit. Library staff may question an unattended child to establish the reason they are attending the library and/or the length of their visit.

Parents who leave a child unattended in a public library are exposing their child to potential harm and may be committing an offence under section 228 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* and may be reported as such to the Department of Communities and Justice or the police. Young people who disturb other library users may be excluded from the library under clause 17 of the *Library Regulation 2018 (NSW)*.

There may be occasions where a staff member is concerned about the welfare and wellbeing of an unattended child who is aged between 12 to 18. Staff may seek out the child's parent/guardian if there are behavioural concerns or risks associated with the lack of supervision.

Unattended children and library study areas

Children (ages 12-18) may only use the back library study areas if they are members of the library or accompanied by an adult, and they require them for quiet study only.

Unattended children during school hours in NSW school terms

To access the library during school hours children (under the age of 17 years) will need to be accompanied by a parent/care giver regardless of library membership.

7. Collection Development

Tenterfield Public Library was originally established as a School of Arts Library. It has been rehoused in premises which are a combination of a new building and the adaptive reuse of an old one. There are community service points at Drake and Urbenville.

7.2 Censorship

Tenterfield Public Library respects the rights of its clients to pursue their own interests, on the understanding that:

- Censorship is vested in State and Federal Governments, not the local public library or its staff;
- Prohibited materials may not be accessed in the library (including prohibited sites on the Internet); and
- Parents and guardians are held responsible for their children's selection of library resources and use of library services.

7.3-Selection Criteria for Acquisitions

One or more of following criteria will be applied:

- Accuracy and reliability of information
- Currency Popularity/reputation of author
- Suitability of format and level for target audience
- Physical durability
- Cost
- Local interest
- Relevance to local collections
- Ease of use
- Storage considerations

7.4 Selection Methods

Selection methods/tools include:

- Reviews
- Visiting book suppliers
- Online book suppliers
- Best seller lists
- Book award lists
- Client and staff suggestions
- Online and print catalogues
- Bookshop visits
- Donations (subject to normal selection criteria)

7.5 Formats

Any format deemed suitable in accordance with the selection criteria may be collected.

7.6-Exclusions

The provision of prescribed textbooks is considered to be the responsibility of educational institutions. Some of this material may be provided where it serves the general interest.

7.7-Multiple copies

Generally, only single copies of a title will be purchased.

7.8 Collection Maintenance

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The collection is continually evaluated for effectiveness, currency, quality and integrity. Stock may be discarded if it meets one or more of the following criteria:

- Damaged
- Obsolescent (information dated/incorrect)
- Low circulation
- Duplicate copies available

Rare and important books may be relegated to Stack. ~~Discarded stock in reasonable condition may be sold, given to charitable organisations or to another library at the discretion of the Manager Library Services.~~

8. Collections

8.1 Reference Collection

The Reference Collection will consist of up-to-date information resources in any format for use in the library.

8.2 Legal Information Access Centre

The Legal Information Access Centre comprises up-to-date plain language law resources as prescribed by LIAC, State Library of New South Wales, for use in the library.

8.3 George Woolnough Collection

Contains important local history resources as well as books by local authors.

8.4 Indigenous Collection

This is a growing lending collection of adult and junior fiction and non-fiction resources of particular interest to the indigenous community. These resources are part of the borrowing collection.

8.5 Adult Non-Fiction

This collection encompasses a broad range of interests and culture, information and factual material which will assist individuals in their life-long learning needs and recreational pursuits with an emphasis on current information. This collection will support and complement library services and programming.

8.6 Junior Non-Fiction

The junior non-fiction lending collection encompasses the broad range of knowledge for informational, recreational, cultural and general educational purposes while paying particular attention to a juvenile target audience.

8.7 Young Adult Non-Fiction

The Young Adult non-fiction is a lending collection that encompasses a broad range of knowledge for informational, recreational, cultural and general educational purposes that would be of particular interest to young adults.

8.8 Adult Fiction

Fiction collections consist of high interest, popular, bestselling and enduring works in all genres and formats to involve all ages and encourage the love of reading for pleasure.

8.9 Young Adult Fiction

This is a lending collection especially for persons 13-18 years of age. It includes:

- Popular works, both Australian and other;
- Classics;
- Award-winning titles; and
- Titles requested by the target group.

8.10 Junior fiction

This is a lending collection especially for persons under 13 years. It includes:

- Popular works, both Australian and other;
- Classics;
- Award-winning titles; and
- Titles requested by the target group.

8.11 Easy Picture Books

This is a lending collection of picture books to interest children 0-7 years of age.

8.12 Large Print Books

This lending collection is intended primarily for visually impaired people. Any available genre in accordance with Adult Fiction and Non-Fiction criteria may be included. Large Print books are generally purchased as a shared resource of Northern Tablelands Cooperative Library Service.

8.13 Talking Books

This lending collection is appropriate for visually or literacy impaired people and for multitasking. Any available genre in accordance with the Adult Fiction and Non-Fiction and Junior Fiction criteria may be included. Adult Talking books are generally purchased as a shared resource of Northern Tablelands Cooperative Library Service.

8.14 Digital resources

Access is available via the library website and online catalogue to our supported digital platforms. These include e-Books, e-Audiobooks, e-Magazines, e-

Newspapers and e-Comics through Tenterfield Library and outside sources, such as the State Library of New South Wales. These resources are reviewed annually.

Access to a growing selection of digital content is purchased as a shared resource of Northern Tablelands Cooperative Library Service as well as a collection wholly owned by Tenterfield Public Library.

8-15 Music on Compact Discs

The music on compact discs lending collection includes classical, jazz, country & western, easy listening and popular music. It is generally a joint collection of the Northern Tablelands Cooperative Library service.

8-16 Digital Video Discs (DVD's)

The collection includes documentaries, do-it-yourself, travel guides, movies, and television series and also includes junior resources and donations.

8-17 Language Kits

The Language Kits are designed for self-paced learning to assist native English speakers to learn languages other than English. Translation dictionaries for languages are held in the Reference Collection.

8-18 Periodicals

This small range, relative to budget allocation, addresses various local interests.

8-19 Newspapers

One national and one local newspaper are purchased. ~~page on Council's website.~~

8-20 Local/Family History

The collection includes:

- The local Tenterfield Star newspaper is bound and preserved as part of the historical hardcopy collection (1956-2024). The Tenterfield Star (1875-1955) is also available online for searching via a link on the library's online catalogue
- A range of historical newspapers on microfilm and print;
- Historical records in print and microform;
- Books and journals about local areas, and
- Tenterfield Family History Group collection for members of this group. ~~which has been catalogued and shelved.~~

Other Resources

The library may on occasion purchase high interest resources to lend to library members.

VERSION CONTROL & CHANGE HISTORY

Previous Versions	Date of Adoption by Council	Resolution #	Author/Editor	Summary of Changes
V.1	23/08/17		Council	Adoption of Policy
V.2	28/02/18	Res 17/18	Council	Reviewed Policy
V.3	24/03/21	Res 64/21	Council	Reviewed Policy
V.4	26/10/22	Res 220/22	Council	Reviewed Policy
V.5			Librarian	Bring in-line with NSW State Library best practice

Department:	Office of the General Manager
Submitted by:	Allison Graham, Executive Assistant & Media
Reference:	ITEM COM20/25
Subject:	COUNCILLOR WORKS/SERVICE REQUESTS - JULY 2025

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that reports on the progress with Councillor Work/Service Requests, and as an opportunity to develop an understanding of other factors and considerations impacting the execution or progress of these requests.

OFFICER'S RECOMMENDATION:

That Council:

Notes the status of the Councillor Works/Service Requests for the month of June 2025.

BACKGROUND

Council's adopted "Councillor and Staff Interaction Policy", amongst other things, makes mention of the following:

- 4.2 Section 232 of the *Local Government Act 1993* (the Act) states that the role of a Councillor is as follows:
- (a) to be an active and contributing member of the governing body
 - (b) to make considered and well-informed decisions as a member of the governing body
 - (c) to participate in the development of the integrated planning and reporting framework
 - (d) to represent the collective interests of residents, ratepayers and the local community
 - (e) to facilitate communication between the local community and the governing body

The above-mentioned Policy makes provision for a Works/Service Request Procedure in Schedule 2 of this Policy document, as follows:

1. Works/Service requests from Councillors are to be submitted to the following email address: council@tenterfield.nsw.gov.au
2. These requests are to be clearly marked "Works/Service Request", with a brief outline of the identified problem area, the exact location, and a succinct description of the background – if and where applicable.

Our Community No. 20 Cont...

3. Works/Service Requests that are not submitted to the above-mentioned Council email address, or not clearly marked "Works/Service Request" may not be appropriately dealt with in accordance with this procedure due to potential misinterpretation and/or scarce resources.
4. Works/Services Requests are requests submitted by Councillors for staff's further attention, over and above the operational and works program that Council has already approved as part of the annual Operational Plan and Budget.
5. Therefore, Works/Service Requests are to not to be viewed as requests that should take priority over other scheduled works and operations that have already been planned for execution as part of effective and efficient management practices.
6. Rather, all Works/Service requests will be objectively assessed by the relevant Manager and/or Director and be appropriately scheduled for attention in a cost-effective manner – considering budgetary provisions and constraints. It may be the situation that insufficient funds are available to satisfactory address a particular problem, in which case the problem will have to be referred to the following financial year for budgetary considerations. Unsafe or emergency situations will receive priority attention.
7. Administrative staff will properly capture all Works/Service Requests in Council's official records management system and allocate items to the appropriate staff member for the necessary attention.
8. A monthly report with all Works/Service Requests will in future be presented to Council as part of the Council Meeting Business Papers for progress monitoring.

REPORT:

Although the information presented in this report may not be complete and current, it is envisaged that this report will be further honed and refined into the future.

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

This Works/Service Requests system provides for the community to have their voice heard through their local representatives.

2. Policy and Regulation

Local Government Act 1993

Councillor and Staff Interaction Policy

3. Financial (Annual Budget & LTFFP)

Works/Services Requests are requests submitted by Councillors for staff's further attention, over and above the operational and works program that Council has already approved as part of the annual Operational Plan and Budget. Therefore, Works/Service Requests are to not to be viewed as requests that should take priority over other scheduled works and operations that have already been planned for execution as part of effective and efficient management practices.

Our Community No. 20 Cont...

The above considerations make it difficult for staff to at times satisfy community expectations, as financial, human and time resources are scarce commodities.

4. Asset Management (AMS)

Developed asset management plans should ideally drive Council's decision making around the allocation of resources for its infrastructure maintenance and renewal.

5. Workforce (WMS)

Council's workforce numbers have been cut back over the last number of years. Council is slowly starting to build a new workforce with a "can do" and "I care" approach to matters.

6. Legal and Risk Management

The Works/Service Requests received will be assessed by the relevant directors and managers from a legal and risk management perspective to ensure, as far as is possible, the safety of residents and ratepayers.

7. Performance Measures

A monthly report will in future be presented to Council, in order to monitor the progress with Works/Service Requests lodged, and as an opportunity to develop an understanding of other factors and considerations impacting the execution or progress of these requests.

8. Project Management

Works/Service Request lodged may become a project in its own right, depending on the nature and extent of requests.

Hein Basson
General Manager

Prepared by staff member:	Allison Graham, Executive Assistant & Media	
Approved/Reviewed by Manager:	Hein Basson, General Manager	
Department:	Office of the General Manager	
Attachments:	1 2025 As at July_Councillor Works_Services Requests	8 Pages

Councillor Work/Service Request Report

As at July 2025

Councillor Work/Service Request	Councillor	Date	Department	Status
Resident - Request for work to have a Camphor Laurel tree trimmed on the southside of Woodward Park, Drake - The tree has grown out over the resident's fence at 14 Allison Street, Drake and is shading out the sun in winter and contributing to dampness in the house	Cr Turner	20/03/2025	Open Space, Regulatory & Utilities Supervisor Parks and Gardens Coordinator	08/04/2025: came in via on-line form on Council website, added to Councillor Works/Services Requests 12/05/2025: Open Space, Regulatory & Utilities Supervisor - this is request is ongoing due to resourcing. The works for trimming of tree to occur when scheduling allows. 30/06/2025: Due to extended leave of absence of the Open Space, Regulatory & Utilities Supervisor, the Parks and Gardens Coordinator has been to this record for his information to investigate tree trimming scope of work required.
Legume toilets are unusable when it rains (boggy)- Also a track to the cemetery where Anzac Day is celebrated needs work	Cr Bonner	31/03/2025	Open Space, Regulatory & Utilities Supervisor Works Department	12/08/2025: Status for scheduling requested to Open Space, Regulatory & Utilities Supervisor 08/04/2025: Works Manager - scheduled for gravel to be place on track section in front of toilet and track on section to cemetery. 11/04/2025: Building and Property Co-Ordinator - posed the question to Open Space, Regulatory & Utilities Supervisor could the muddy area be blocked off and allow the muddy area to be levelled off for the grass to grow back or close that section of the road near the toilets all together, and they need to park either near the hall or on the pull off area near on the road.

Councillor Work/Service Request Report				As at July 2025
Jennings Community Park, Visitors parking immediately adjacent to covered picnic area and in children's playground	Cr Murphy	03/04/2025	Open Space, Regulatory & Utilities Supervisor	13/05/2025: Open Space, Regulatory & Utilities Supervisor - advised there is additional gravel to be placed in the problem section that gets muddy 13/05/2025: Works Manager - offered assistance to the Open Space, Regulatory & Utilities Supervisor for supply of Gravel. 12/06/2025: Works Manager - Council will take appropriate action while working in the area doing Mount Lindesay stabilisation at Legume and doing the resheet at Cullendore St.
			Maintenance Works Coordinator	10/07/2025: Maintenance Works Coordinator; to be completed by end of August 2025, the Works Department will now remove the top layer that includes soil on some sections, fill with gravel and then roll, making the area more stable.
			Open Space, Regulatory & Utilities Supervisor	10/04/2025: Director of Infrastructure and Services - Signs have been ordered, relevant websites such as Google Maps will be asked to remove the unapproved information from the websites. Signage arrived Quotes have been requested for Bollards
			Building & Property Coordinator	05/06/2025: Director of Infrastructure Services advised further signage on order. 10/07/2025: Building & Property Coordinator - signage to be installed, bollard quotations received at cost in excess of \$20,000, will wait to see outcome of installed signage. 06/08/2025: Building & Property Coordinator - signs have been installed the park will be

Councillor Work/Service Request Report				As at July 2025
<p>A truck from the Mitre 10 Hardware Store is constantly being parked on the access road for Dr. Pilgrim's surgery</p> <p>Works carried out by council contractors on the Liston Fire Shed requires a small alteration to avoid future complication - material costs roughly under \$200, possibly no labour costs</p>	Cr Petrie	15/04/2025	Community Compliance Officer (Ranger) Acting Director Infrastructure Services	monitored for campers. There has been no campers that Council is aware of since installation of both signs.
				<p>05/05/2025: Acting Director Infrastructure Services – records indicate private internal road on lots. A request for information has also been sent to Crown Lands.</p> <p>12/06/2025: Still awaiting an update on information from Crown Lands.</p> <p>10/07/2025: No further update yet received from Crown Lands.</p> <p>12/08/2025: Gillian Marchant confirmed no further update received from Crown Lands.</p> <p>05/02/2025: Building and Property Coordinator - Had spoken to the contractor, and he explained that: - The existing wet system, has been left exposed so if there is a blockage it will come out there instead of going back up inside - Straps were installed around the pipes instead of brackets to avoid excess holes eliminating more areas to leak - The 90mm pipe is a charged line and doesn't need a normal fall</p> <p>15/05/2025: Building and Property Coordinator – will arrange a date to meet on site with the Liston RFS, once the Director Infrastructure Services returns from leave along with the builder who completed the works to discuss further.</p> <p>10/07/2025: Building & Property Coordinator in process of scheduling a date.</p>
	Cr Bonner	14/01/2025	Building and Property Coordinator	<p>*reason for late reporting, EA has been added to this record recently</p>

Councillor Work/Service Request Report				As at July 2025
Ongoing drainage issues corner of Welch and Stephen Street Urbenville - Salma Sarmini	Cr Bonner	23/04/2025	Works Manager Maintenance Works Coordinator	Works crew attended to in week of 16/12/2024, works were completed at that time. Noted in IN24/6E1CA55C linked to this record as per Works Managers request, no further notes. 10/07/2025: Maintenance Works Coordinator - this to be investigated and if further works are required it shall be scheduled for operator with other upcoming drainage works in Urbenville. 17/07/2025: Works Manager - Information to be requested from Manager Water & Waste regarding when the upcoming flood study at Urbenville will be scheduled.
Liston Hall Committee - Request to attend to matters outlined below before the November 100 years celebration for painting the exterior hall & Financial assistance for the event	Cr Bonner	05/05/2025	Building and Property Coordinator	30/06/2025: Executive Assistant - Financial assistance for the event was discussed with the Committee members by phone, after correspondence sent in March 2025 noting outstanding 2024 -2025 Community Contributions amount of \$500 awarded to the Liston Hall had not yet been claimed for and it may help them with their planning. 14/07/2025: Building and Property Coordinator - the building is scheduled for painting both interior and exterior in the 2026/2027 financial period with as budget of \$42,000 provided.
When the culvert/bridge near Patersons Road on the Mount Lindesay Road might need some attention - it is an ongoing concern	Cr Bonner	11/06/2025	Works Manager	13/06/2025: Works Manager - this rectification has been at the top of the last two Works Department programs but conflicting priorities have overridden this work. It will be completed in the coming months.

Councillor Work/Service Request Report				As at July 2025
Flagstone Creek Road - Request gravelling this road as a priority due to the slippery nature of the material.	Cr Bonner	30/06/2025	Works Manager	10/07/2025: Maintenance Works Coordinator; Flagstone Road has been fully graded with gravel added at time of grading, with replacement of a collapsed pipe. 16/07/2025: Works Manager - 24/25 FY did not include a gravel resheeting budget. The RAMP states our service levels for each type of road and Flagstone Rd is a D Class road which will not generally attract gravel resheet funding. This road had DRFA funding and some resheeting was claimed and therefore re-instated. The comments that the road needs gravel are correct but Council needs to allocate funding for this to occur. We combined DRFA with Mtce \$ to grade this road.
444 Rouse Street including Rouse Street North Culvert due to heavy vehicles parking & working on the recent resurfacing of Cowper Street.	Cr Rhodes	30/06/2025	Director Infrastructure Services	30/06/2025: Executive Assistant – unable to locate a customer service record relating to previous complaint. 12/08/2025: Maintenance Works Coordinator - Grass section affected by heavy vehicle parking in Road Reserve beside 444 Rouse Street has been tidied and divots fixed. Potholes have been filled on Rouse Street north. Further investigation by the Works Manager underway on the Causeway on requirements for a section to be refaced.
Low branches, Billirimba Road, seeking understanding who is responsible to cut low lying limbs?	Cr Rhodes	30/06/2025	Director Infrastructure Services	

Councillor Work/Service Request Report				As at July 2025
Broken Pipe, Cyril Smith Drive	Cr Rhodes	30/06/2025	Director Infrastructure Services	<p>30/06/2025: Councillor Rhodes has been requested to supply more information as there was no address, particular point of the road noted or full residents details in the request to determine where broken pipe is.</p> <p>17/07/2025: Councillor Rhodes – has sent further text messages to this lady to no avail. Will have to wait until she decides to have a further complaint to me & I will then explain to her that I need more details to ensure TSC staff can deal with such matters.</p> <p>12/08/2025: Maintenance Works Coordinator – Works Officer has inspected the road and located a pipe that has the top out of, potentially the same one that this request is for (as no particular point was noted) a pipe allocation number to be assigned for scheduling of work on pipe.</p>
Need for chevron corner reflectors – citing accident at Wylie Creek	Cr Bonner	21/07/2025	Works Manager	<p>01/08/2025: Works Manager - Defect created DN01363. Will add chevrons to existing posts that guide north bound traffic.</p>
The owner of the house opposite the newly opened Parrots Nest Restaurant has hammered steel pickets on the road reserve presumably to prevent people parking	Cr Petrie	21/07/2025	Works Manager/Infrastructure Administration	<p>12/08/2025: It has been advised the posts were placed there during a wet weather event by resident due to area being quite boggy.</p>
Event Road closure request - for Liston Hall Committee - Closure needed from level with the Fire Shed to just above the fence for the new bore - Will not impact on resident access to their homes	Cr Bonner	21/07/2025	Infrastructure Administration	<p>21/07/2025: Infrastructure Administration - I have responded and requested further information as well as to fill out the event application form.</p>

Councillor Work/Service Request Report				As at July 2025
Items from Urbenville Progress Association;	Cr Bonner	23/07/2025	Works Manager Open Space, Regulatory & Utilities Supervisor Manager Water & Waste	06/08/2025: Executive Assistant – sought further clarification from Councillor Bonner on Tooloom Road as to be it breaking up and the Hospital Car Park as this may be an asset of NSW Health, Works Department will seek confirmation. Clarification also sought for waste fees to be relating to Tenterfield Shire Council transfer stations and not a comparison to other shires, Cr Bonner was advised Waste fees are set as per Council's annual fees and charges and therefore are the same across all transfer stations, pricing boards are updated when fees change annually, operators have a copy of the fees and charges for operation. 12/08/2025: Maintenance Works Coordinator – Tooloom Road, patching works done, when grant funding is received heavier patching works can be scheduled. Main Street patching works done.
<ul style="list-style-type: none"> -Shade sail keeps getting damaged from a kids climbing on it and they have asked for its removal - Shelter at cemetery needs attention - Bus shelter needs repair - Tooloom road up over the mountain and past windy hill – (road breaking up) - Footpath along Beaurty St needs attention. - Hospital car park out front is boggy and unusable when wet - Stop sign near hall and servo needs attention - Main Street potholes and removal of some handicap signs - Tip fees seem higher than some other places (meaning all TSC Transfer Stations) 	Cr Rhodes Cr Bancroft	24/07/2025		12/08/2025: Maintenance Works Coordinator – Works completed consisting of cutting away grass edges to road edge, the footpath was built up with topsoil and levelled to reduce chances of water flow. The drainage channel beside the road edge was re-dug/cleared from the Hospital (neighbouring property above) to down below the driveway of 135 Pelham street.
Requesting that the Ranger look into livestock roaming on Plains Station Road, between Chauvel Road and Frasers Cutting	Cr Turner	25/07/2025		18/08/2025: Ranger - Has patrolled the area on a regular basis and in the last few weeks there have been no cows out on Plain Station Road, the horse has also left the area. Will monitor the situation. In regard to

Councillor Work/Service Request Report				As at July 2025
				the horse there are talks with the locals that if they are able to secure to horse in the yard council will attend and deal with it. None of the cows have any ear tags or branding to identify an owner.

Department:	Office of the Director Infrastructure Services
Submitted by:	Gillian Marchant, Manager Water & Waste
Reference:	ITEM ENV15/25
Subject:	ASSESSMENT OF KERB-SIDE WASTE COLLECTION FOR THE RESIDENTS OF TENTERFIELD SHIRE

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 an affordable waste management solution for the community to best manage waste and recycling opportunities.

SUMMARY

This report was requested by Council to provide information and assessment for the collection of hard kerb-side waste for the residents of Tenterfield Shire.

OFFICER'S RECOMMENDATION:

That Council:

Receives and notes the report and acknowledges that Council supplies waste services to the community (including waste vouchers) within constrained budgets with no increase to waste charges for residents for the 2025/26-financial year, with scarce resources and under a restrictive EPA-waste licence regarding a maximum tonnage of waste that can annually be received at the Boonoo Boonoo landfill, which waste services largely accommodate the community's needs for the responsible disposal of waste.

BACKGROUND

Tenterfield Shire Council has received requests, over the years to provide a kerb-side known as hard stand waste collection. Reports have been supplied to Council on these occasions demonstrating the costs to Council. It is worth noting that Council supplies free waste vouchers now valid for three years to residents to utilise for these types of bulky collections.

Reports have previously been supplied to Council regarding the costs of the voucher system in a report in the August 2018 Council Meeting Business Paper. An excerpt of the report details costs to Council as:

In the 2017/2018 financial year, 14,565 vouchers were issued to residential ratepayers. In 2017-2018 financial year the vouchers were set at \$13 per voucher. This equated to \$189,345.00 of revenue that Council might not potentially realise. Approximately 3,883 vouchers were used by ratepayers last year, equating to \$50,479 of revenue that was not realised by Council.

To update these figures in the 2024/25 financial year, the vouchers were set at \$34 per voucher and 15,885 issued. This equated to \$540,090.00 of revenue that Council might not potentially realise. Totalling the vouchers used include the 2024/25 financial year where 4,090 vouchers were utilised, re-issued vouchers 2023/24 total 233 and

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2022/23, total 208 create a final total 4,531 total last year equating to \$154,054 of revenue that was not realised by Council.

Council operates under EPA waste licence 11435 for Boonoo Boonoo which states:

- General solid waste (non-putrescible) must not exceed 2,000 Tonnes/year.
- General solid waste (putrescible) must not exceed 2,000 Tonnes/year.
- Asbestos Waste must not exceed 2,000 Tonnes/year.
- Waste tyres must not exceed 2,000 Tonnes/year.

Noting that in 2024/25 the tonnage received at Boonoo Boonoo was approximately 3,220 Tonnes.

REPORT:

Despite the Voucher system in place to provide for bulky items, hard stand waste collection requires Council to maintain disposals in accordance with legislation and regulation. The Tenterfield Shire Council's operates under EPA waste disposal regulations and license, these regulations are prescriptive and cover a wide range of wastes including appropriate methods of disposal. For example, Council has a cost in fees and charges related to acceptance of white goods. The cost of accepting white goods increases if the goods are not degassed with a certificate of compliance at a cost to council of \$136/each. The underlying reasoning is to ensure ozone depleting substances are not released into the atmosphere. To ensure these types of waste goods are disposed of correctly there would need to be a limitation for exclusion of white goods from a hard stand waste collection.

Other limitations to the collection would include: e-waste, fencing wire (barbed wire and mesh), tyres, mattresses, chemicals and asbestos. These items would need to be excluded from any hard waste collection service offered to Tenterfield shire residents.

There would need to be a list and explanation of why we can't collect these materials (example below).

Some simple do's and don'ts

- This is a bulky waste collection service, smaller items will not be collected. Please continue to put small items in your red bin.
- E-waste will not be collected (computers, TVs, printers). Please drop off at our resource recovery centre at Tenterfield, or at waste transfer stations in Drake, Liston, Legume, Torrington or Urbenville.
- Green waste will not be collected (tree and shrub pruning's, grass clippings). Please drop at our resource recovery centre at Tenterfield, or at waste transfer stations in Drake, Liston, Legume or Urbenville.
- Fridges/white goods will not be collected as degassing certification is required.
- Other items that will not be collected include: vehicle tyres, fencing wire (barbed wire and mesh), mattresses, dangerous or hazardous materials (including liquid waste, car batteries, asbestos), industrial or building waste (including paint), concrete, gas bottles.

About the Collection

- A crew of two staff/contractors per truck will be needed to operate the collection service so items should be no heavier than what two people can lift.
- The volume of waste per household must not exceed 2 cubic metres in volume (one small box trailer) and no item is to be longer than 1.5 metres.

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- Items are to be left on the kerb where you normally position your rubbish bin, making sure it does not obstruct or endanger pedestrians or traffic.
- We reserve the right to refuse the collection of any item.

Options for Collection

To undertake a hard collection for the shire villages of Liston, Legume, Drake, Urbenville, Torrington and Tenterfield Council there are two options.

Option 1: Engage contractors to pick-up the waste, ensuring all waste for disposal is measured by weighbridge before sorting for furniture, metals etc. to enable final disposal at Boonoo Boonoo (note delays in construction of Cell 5 have severely reduced the ability to receive additional waste, including license condition for total waste received) or recycling.

Option 2: Utilise Council staff (works department) to load and sort materials for final disposal at Boonoo Boonoo (note delays in construction of Cell 5 have severely reduced the ability to receive additional waste, including license condition for total waste received) or recycling.

Cost Factors

The following cost factors were identified as a minimum requirement to undertake a hard stand/kerb pick-up.

Advertising to ensure the Do's and Don'ts and collection information provided is understood by the residents of the shire.

Costs for staff/contractors over an expected timeframe, of around 15-38 days for all of the villages in the Shire.

Costs for increased, waste received at the Boonoo Boonoo, operational time for compacting, etc.

Total cost for Kerbside as hard stand waste collection estimated from Council's fees and charges with a total tonnage expected from the villages of 1932 tons (noting license conditions regarding total tonnage would be exceeded). A second option of approximately 40% or potential 773 tons (Table below) is provided as a lower bound estimate.

Kerbside Collection Costs				
Requirements for Kerbside	Size	Estimated Cost	Size at 40% Kerbside	Estimated Cost
Advertising	1	\$4,000.00	1	\$4,000.00
Administration	20	\$3,000.00	20	\$3,000.00
Trucks	38	\$79,648.00	15	\$31,440.00
Staff/Contractors (labour)	2 x 7.6 x 38	\$86,640.00	2 x 7.6 x 15	\$34,200.00
Transport	38	\$6,270.00	15	\$2,475.00
Weighbridge tickets	1	\$31,440.00	1	\$17,280.00
Sorting	262 x 1	\$78,600.00	144 x 1	\$43,200.00
Boonoo Boonoo Operations	38 x 2	\$22,268.00	15 x 2	\$8,790.00

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TOTAL		\$311,866.00	\$144,385.00
Total Without Sorting		\$233,266.00	\$101,185.00

The cost of sorting is quite significant, consideration should be given to the benefits of sorting from an environmental viewpoint as compared to sending the entire amount to landfill.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Community advertising information would be a requirement, especially the 'Do's and Don'ts'.

2. Policy and Regulation

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

3. Financial (Annual Budget & LTFP)

Operational budgets would need adjustment to account for the additional waste collection services including general waste and/or recycling.

Increased costs would also be incurred administratively through rates and educational materials.

4. Asset Management (AMS)

Increased wear and tear on operational plant, roads and other infrastructure.

5. Workforce (WMS)

Resources would be required to collate loads, weighbridge tickets, files, contractual agreements, financial budgets, purchase etc.

6. Legal and Risk Management

Some issues with utilizing staff as strains/sprains/injuries for lifting. Major risk of receiving unacceptable items, adding to liabilities.

Approval from EPA to the increased tonnage would need to be received, should Council wish to proceed with this proposal.

7. Performance Measures

Performance measures would be linked to tonnage totals for reporting licence conditions.

8. Project Management

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Project Management would be required for staff and/or contractors

Matthew Francisco
Director of Infrastructure Services

Prepared by staff member:	Gillian Marchant, Manager Water & Waste
Approved/Reviewed by Manager:	Matthew Francisco, Director of Infrastructure Services
Department:	Office of the Director Infrastructure Services
Attachments:	There are no attachments for this report.

Department:	Office of the Director Infrastructure Services
Submitted by:	Gillian Marchant, Manager Water & Waste
Reference:	ITEM ENV14/25
Subject:	RECREATIONAL USE OF THE TENTERFIELD DAM WATER SUPPLY

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 total water cycle management approach including water conservation and complying with relevant acts and legislation.

SUMMARY

The purpose of this report is to provide an overview of the requirements, resources and budgets required to deliver recreational use at the Tenterfield Dam.

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

Receives and notes the contents of the report and reassesses the development of recreational facilities at the Tenterfield Dam once the inadequate funding regime for the local government sector has been successfully addressed by the State and Commonwealth Governments and additional funding streams become available to Council's General Fund to properly fund the maintenance and renewal costs associated with its existing pool of assets.

BACKGROUND

The Tenterfield Dam was initially constructed in the 1930's to provide a water supply for the town of Tenterfield. The wall was upgraded initially in the 50's to raise the height of the wall. Recently in 2018, the Dam wall was further upgraded as a mass buttress to strengthen the existing wall and limit the liability of Dam breaks.

The Dam has been sustained as Tenterfield's only water supply till the 1990's when the first secondary supply bore came online, this was extended in 2019 to a bore field, securing Tenterfield's water supply into the future.

Benefits have been identified in utilizing water bodies recreationally including; psychological, physical and cultural. This was witnessed through the drought with a rutted sidetrack, as access to view the level of the Tenterfield Dam by many members of the community.

Recreational use for Tenterfield Dam has a long history, commenced initially by Council staff, who wanted to provide all season walking track and bird hides to support the benefits of psychosocial and physical activities. Economic considerations halted this preliminary scoping.

Workshops were conducted with Council in 2020, providing a guide for further development regarding the project aims as:

- Create a usable space for the community and visitors to engage with the dam;

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- Provide learning opportunities about the dam, wildlife and local history;
- Ensure the design caters for all potential users;
- Creating community partnerships to ensure the best outcomes;
- Providing a muster point in event of dam failure.

The workshop also detailed key information including:

- This project will be multi-staged and over many years, depending on funding;
- The dam licence will have to be amended to allow recreational use;
- Potential Aboriginal land claims;
- No infrastructure can be utilised until the new Water Treatment Plant is operational;
- Motorised vehicles and swimming will **NOT** be permitted;
- There will be no access to the Dam wall;
- Access will need to be maintained around the whole dam, for Council maintenance and emergency services;
- Essential facilities, such as toilets, will be prioritised;
- Linkages to walking / bike tracks and other recreational areas, e.g. Tenterfield Park;
- Review of environmental factors;
- Ongoing maintenance.

Council undertook resolutions to further progress the recreational use of the Dam, (Attachment 1).

The dominant land use in the catchment is cattle grazing. Tenterfield Creek experiences extended periods of low flow with the dam being prone to algal outbreaks. The dam is prone to effects from both drought and flood.

There is farming and estate housing close to the dam. Currently the housing estate has low density, but this may increase in the future. Agriculture is the predominant activity upstream.

A grant was awarded under NSW Fisheries with complications imposed by Fisheries for provision of payment.

A summary of the activities in the catchment and potential hazard sources have been assessed as below.

- Wastewater discharge (direct) – No;
- Onsite sewage systems (septics) - scattered rural properties/farms, low density, one house at boundary of dam;
- Industries (factories, active or old mines) – No;
- Livestock (cattle, pigs, dairy, related troughs) - Yes, pig farm on Scrub Rd;
- Permanent human presence - Not urban;
- Non-permanent (itinerant) human presence (camp sites) - No camping;
- Farming - Yes (including equipment, spills, hydrocarbons and pesticides);
- Stormwater runoff – rural;
- Wildlife – Yes;

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- Roads / other infrastructure (e.g. fuel stations / depots) - New England Highway (HAZMAT incidents).

Based on above, the catchment is unprotected. There is the need for water treatment (Viridis, 2022 and review conducted in 2025).

A presentation was delivered to Council at the Councillor Workshop on 11th December 2024, attended by representatives of NSW Health and Department of Climate Change, Energy, the Environment and Water (DCCEW).

REPORT:

Tenterfield Dam is a small 1300ML Dam the shape of the dam, with many invisible outcrops of rock (navigational issues-Figure 1), narrow boundaries and is home to many rare and endangered fish (aquatic) and bird species, that has the potential to limit recreation.



Figure 1 Dam showing Rocks in Drought

Council and Council staff would like to see recreational utilisation, of the Dam, conflict exists over the types of recreational activities that could be supported. Limitations include the requirements of NSW Health, (see ADWG (2017), Research Report 24--Recreational Access to Drinking water in Catchments, (CRC, 2006)), as the Tenterfield Dam is the primary water source for the community's water supply.

Correspondence with NSW Health for recreational use of Tenterfield's potable supply dam includes:

- NSW Health strongly supports water utilities protecting the quality of their drinking water supplies. This includes protecting drinking water storage dams from recreational activities that can introduce pathogens, petroleum chemicals and other hazards to the source water for their drinking water supplies.

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- It is well recognised that exposure of reservoirs and catchment areas to public access can contribute to pathogens in reservoirs. People pose the greatest risk of contamination to drinking water supplies as they are able to carry many of the pathogens that pose risks to other people. Recreational access to drinking water catchments has been conclusively shown to have negative impacts on drinking water quality.
- Catchment protection remains the first and most important barrier in the multiple barrier approach to protecting drinking water quality.
- The first guiding principle of the Australian Drinking Water Guidelines is that '**The greatest risks to consumers of drinking water are pathogenic microorganisms. Protection of water sources and treatment are of paramount importance and must never be compromised.**'
- The second guiding principle is also relevant, which includes '**Prevention of contamination provides greater surety than removal of contaminants by treatment, so the most effective barrier is protection of source waters to the maximum degree practicable.**'
- NSW Health strongly encourages Tenterfield Shire Council to continue to protect the Tenterfield Water Supply Dam from recreational activity. Increasing the risks present in a catchment increases the need to address any shortfall in the ability of current water treatment infrastructure to meet the microbial health-based target.

Tenterfield sources raw water from the Tenterfield Dam (off the Tenterfield Creek).

Tenterfield Creek is in the east of the Border Rivers catchment and is a tributary of the Dumaresq River, which forms part of the state border between Queensland and NSW.

Tenterfield Creek's total catchment area to town is 83 km² of which 33 km² drains into the upstream water supply dam. The other tributary catchments draining into the town catchment are Groombridge's Creek (19 km²), Curry's Gap Creek (17 km²) and two other unnamed creeks east of the town (14 km²).

A risk assessment was undertaken highlighting the recreation use of the Dam including a Strength, Weakness, Opportunities and Threats (SWOT) Analysis, Risk is often viewed as negative however positive risk are also factors for consideration, these positive risks where initially identified through the SWOT analysis, along with negative risk.

SWOT - Analysis

Strengths

The key strengths of the Recreational Use of the Dam are:

- Fewer customer complaints/requests for opening the dam;
- Benefits psychological community health;
- Benefits physiological community well-being;
- Provides a potential for increased tourism;
- May provide increases to Local economy;
- Water Filtration Plant completed.

Weaknesses

The key weaknesses for the Recreational Use of the Dam are:

- Limited financial resources;
- Limited ability to raise revenue;
- Insufficient human resources;
- Low capacity to develop and deliver significant strategic goals;
- Size of Dam;

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- Public perception of treatments required for potable supply and management as a low value function;
- Infrastructure requirement (track, vehicle access);
- The dam licence will have to be amended to allow recreational use;
- Current boundary issues, narrow;
- Submerged rock and potential debris creating navigational and swimmer liability;
- No masterplan limits opportunities for funding;
- Potential for unregulated camping;
- Waste generation and collection.

Opportunities

The key opportunities the Recreational Use of the Dam may take advantage of are:

- Leadership and best practice in all aspects of water management;
- Develop new master plan;
- Increase community education;
- Increase community consultation processes;
- MOU, with fisheries to reduce surveillance and monitoring costs (upon completion of facilities);
- Additional Staff including ranger (upon completion of facilities);
- Introduction of an entry fee (upon completion of facilities-to aid in maintenance/operations).

Threats

The key threats to the Recreational Use of the Dam are:

- Potential Aboriginal land claims;
- ADWG (Australian Drinking Water Guidelines);
- Potential for water quality degradation, nutrient loading, turbidity;
- Public health risk, algal blooms, body-contact activities, increased appropriate water quality monitoring and reporting (increasing costs);
- Acceptance of such health risks by customers;
- Current required level of treatment;
- Additional treatment requirements, uncertainties, and costs that may be incurred;
- Invasive species, use of live bait;
- Boating activities use of electric, gasoline- and diesel-powered engines inclusion of boat inspection/washing stations;
- Increased risk rating NSW Health;
- Pets and livestock (horses), introducing pathogens;
- Increased liability and associated insurance costs;
- Critically endangered wildlife including aquatic species;
- Climate change and more frequent natural disasters, like droughts;
- Lack of focus on water strategic vision;
- Water staff and Senior staff time currently taken up on operational issues;
- Surveillance requirements, technology (cameras and staff);
- Operational opening and closing times (no infrastructure as amenities or lighting);
- Public injury rescue requirements.

The SWOT identifies key areas for Council to plan for, in undertaking a Masterplan for recreational use of the Dam. Estimates were also undertaken as a guide to provide the total vision for Tenterfield based on previous community consultation and direct community requests.

The estimates include a base total estimate including \$210,000 for the master plan, recreational management plan and risk assessment and total works estimate to provide the infrastructure required and staffing (Attachment 2-graph 1). Total estimate as

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\$4,403,850. These costs were broken into annual costs for budgeting as well as staffing (Attachment 2-graph 2 and 3).

To obtain grant funding to initiate works it is expected that a masterplan is available to provide the areas for costs and vision, making a masterplan a vital lynchpin for furthering the Tenterfield Dam recreational project.

Commentary: General Manager

I understand that:

- This matter had been on Council's agenda for some time now, and that it is viewed to be important to pursue by some Councillors.
- A project of this nature could potentially have some benefits for the Tenterfield community – viewed from an economic development perspective.
- A project of this nature could add to the perception within the community that Council is progressive, and getting things done.
- A project of this nature will potentially bring benefits to the business sector but will not generate any additional income for Council; on the contrary, it will create significant additional capital and operational expenses for Council.
- The creation and ongoing maintenance and operational cost of any new and additional assets will have to be funded, as are identified in Attachment 1 to this report.
- Any expenses associated with the recreational use of the dam will have to be funded from Council's General Fund, as it would be inappropriate and illegal to fund these costs from the Water Fund. It is well known that the General Fund is struggling and is inadequate to fund the ongoing maintenance and renewal of e.g. Council's local roads network.
- Capital grant funds could potentially be sourced but is typically only the "tip of the proverbial iceberg"; the ongoing maintenance and operational costs over the lifespan of the newly created assets will be much higher than the initial capital costs. There are no grant funds available for operational costs and these costs will have to be borne by ratepayers.
- This project has not been raised as part of the community consultation sessions in the lead-up to the development of a new suite of Integrated Planning and Reporting (IP&R) documents, and as such has not been included in the Community Strategic Plan, our Council's Delivery Program or Operational Plan. Therefore, it does not form a part of Council's identified and adopted strategic objectives as part of its strategic planning process.
- All communities within the Tenterfield Shire raised their concerns about Council's local roads network during the above-mentioned consultations, them being concerned about the general condition of some roads and the general lack of maintenance provided by Council to its rural road network.

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- Council is primarily an "Infrastructure Council", meaning that its focus should be on managing its infrastructure (roads, bridges, culverts, causeways, water and sewer reticulation and waste facilities) to the best of its ability.
- Council's financial position is perceived to have been improved from a year or so ago, and the "books" are certainly looking better, however, Council – like many other rural Councils – is not in a satisfactory financial position, as it cannot fund the ongoing maintenance and renewal costs of its current assets into the future.
- The ongoing advice over the last number of years from Council's responsible accounting officer has been for Council not to create any new assets, which is also in line with Council's Fiscal Repair Strategy.
- IPART will need demonstrated proof of *productivity improvements and cost containment strategies the council has realised in past years, and plans to realise over the proposed special variation period*. If Council is not in a position to explain and demonstrate these mentioned results to IPART, any further Special Rate Variation (SRV) applications from Council will not be approved.

In the rest of my commentary, I am going to focus on the current situation with Council's **unsealed** road network, and the severe lack of funding that is applicable to this category of Council's local roads network from Council's General Fund. (My thanks and appreciation go to Council's Director Infrastructure Services, Mr. Matthew Francisco, for making this information available.)

The following considerations are relevant:

- ❖ Council has around 1,000km (980km) of unsealed roads.
- ❖ These local roads are subdivided into a hierarchy of different "classes" or "levels", i.e.
 - Class B – Primary Rural (frequency of re-sheeting 15 years)
 - Class C – Secondary Rural (frequency of re-sheeting 20 years)
 - Class D – Local Access (frequency of re-sheeting – none except for safety/trafficability)
- ❖ Currently, the available budget for grading is approximately \$1 million. There is no current budget for re-sheeting. Historically, around \$1 to \$1.5 million had been available for these purposes.
- ❖ The following amount of funding is needed in order to have a satisfactory rural road network:
 - Class B – Grading: \$600,000 plus Re-sheeting: \$872,000 (every 7 years)
 - Class C – Grading: \$1.6 million plus Re-sheeting: \$2.6 million (every 10 years)
 - Class D – Grading: \$400,000 plus Re-sheeting: None, except for safety/trafficability
 - Total budget: \$6,072,000 per annum.
- ❖ Therefore, Council has a shortage of around \$5 million each and every year to properly maintain its rural (unsealed) road network.
- ❖ This above-mentioned deficit of \$5 million needs to be viewed against the background that Council also has inadequate funding for its sealed local road

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network, as well as its bridges, culverts and causeways. The total amount could therefore well be in the order of \$10 million. (Council staff is currently updating Council's asset management plans, and more detailed information will shortly become available.)

Given the above facts and considerations discussed above, I am unfortunately not in a position to recommend to Council to currently pursue this project, as it is not in a financial position to properly maintain its existing assets. Creating new assets will just exacerbate this unfortunate situation.

This has to be my "without fear or favour" advice as it would not, to my mind, be a responsible financial recommendation for Council to pursue a project of this nature under its current financial circumstances.

Once the current inadequate funding regime of the local government sector has been successfully addressed by the State and Commonwealth Governments, and increased funding streams become available to Council, the situation can be reassessed – if high on the priority list of the community at the time.

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

Community engagement was undertaken in 2020. The Masterplan would need to be exhibited for community consultation once completed.

2. Policy and Regulation

- *Water Management Amendment Act 2014*
- *Integrated Water Cycle Management (IWCM) 2018*
- *Australian Drinking Water Guidelines*
- *Public Health Act 2010 (NSW)*
- *Public Health Regulation 2022 (NSW)*
- *Dams Safety Act 2015 (NSW)*
- *Dams Safety Regulation 2019 (the Regulation).*
- *ISO 55001 Asset Management*
- *ISO 9001 Quality Management Systems*
- *Local Government Act 1993 (NSW)*
- *Waste Minimisation and Management Act 1995 (NSW)*
- *The Protection of the Environment Operations (POEO) Act 1997 (NSW)*
- *Waste Avoidance and Resource Recovery Act 2001 (NSW)*
- *Local Government (General) Regulation 2021 (NSW)*

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- Tenterfield Shire Council's Water Quality and Safety Policy

3. Financial (Annual Budget & LTFFP)

Costs would need to be allocated to undertake the masterplan. Further budgets and infrastructure costs would need to be sourced and allocated. Infrastructure would need to be included in long-term financial planning once completed.

Potential implications for a future SRV

IPART applies the criteria in the Office of Local Government's Special Variation Guidelines to assess councils' applications for a Special Rate Variation. One OLG criteria for a special variation is:- *The IP&R documents or the council's application must explain the productivity improvements and cost containment strategies the council has realised in past years, and plans to realise over the proposed special variation period.*

Should Council proceed with the implementation of the recreational area at the Dam and commence incurring the capital and recurring expenditure, would make it difficult to explain as a cost containment strategy. As noted in the report, depending on what activities are permitted, the capital and recurrent costs could be significant. Please refer to the cost estimates in Graphs 1, 2 and 3 of the attachment.

4. Asset Management (AMS)

Not yet required would need to be included as an asset once works/infrastructure completed.

5. Workforce (WMS)

Not yet required, would need to develop positions, allocate FTE's, budgets and increase numbers of parks and gardens workforce. Note additional reporting, administration and asset management requirements.

6. Legal and Risk Management

Risk assessment and SWOT undertaken with safety and insurance risks rated high to very high (Attachment 3-figure 2). These very high risks are listed below.

- Potential legal issues with acquisition of buffer zones and crown lands;
- Increased liability for injury (submerged rock and current no access-rescue);
- Limited financial resources;
- Limited ability to raise revenue;
- No masterplan;
- Waste generation and collection;
- Dam license amendment;
- Potential water quality degradation;
- Current level of treatment, potential increases required, NSW Health requirements;
- Surveillance, operations;
- Amenities.

Further Risk assessment would be required under the ADWG (2017) Guidelines.

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7. Performance Measures

Delivery of masterplan and Recreational Plan as fit for the community with aspects of community consultation and submission.

8. Project Management

Not required until consultants engaged to deliver Masterplan.

Matthew Francisco

Director of Infrastructure Services

Prepared by staff member:

Gillian Marchant, Manager Water & Waste

Approved/Reviewed by
Manager:

Matthew Francisco, Director of Infrastructure
Services

Department:

Office of the Director Infrastructure Services

Attachments:

1	Attachments - CO27082025_1	3
	Ordinary Council Meeting 27th	Pages
	August 2025	

Attachments

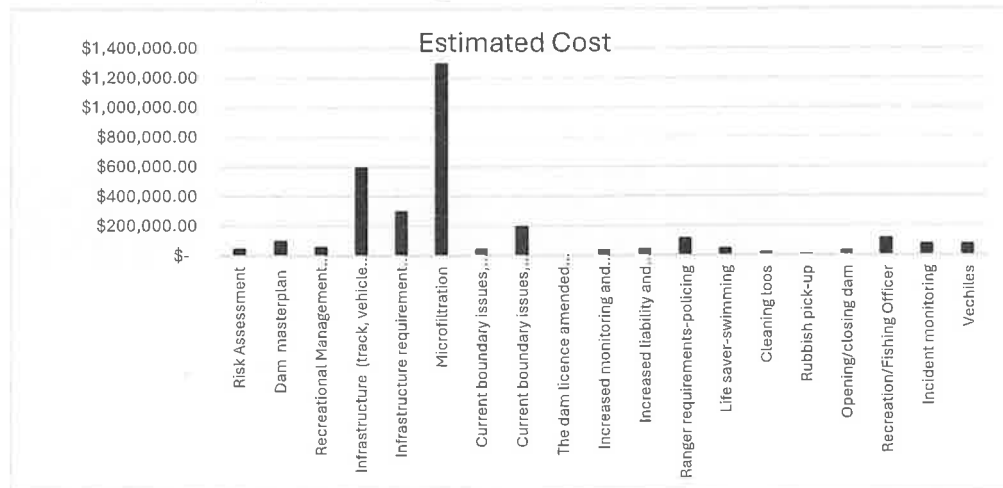
Attachment 1-Notice of Motions

20.09.2020 Notice of Motion - Tenterfield Town Dam for Recreational Activities Resolved that Council investigate the opportunities that may be available near and including the town dam for recreational activities with a view to producing a master plan for presentation to the Council and subsequently the community.

Data imported from Resolution Register:

- 1.10.20 Scheduled for discussion at Councillor Workshop 21/10. Meeting with invited community members (due to COVID) 27/10.
- 1.12.20 Meetings held, results consolidated and provided for comment. Survey of parks underway. Focus group established.
- 15.4.21 Site inspection with focus group held preliminary designs under investigation.
- 6.5.21 Investigation into possible grants underway
- 11.6.21 - 9.9.21 Investigations continue-note awarded fishing platform grant.
- 18.10.21 Signed Deeds of Grant
- 12.11.21 Platform planning underway.
- 18.07.22 Action reassigned to Marchant, Gillian by Melling, Elizabeth - Cr Bob Rogan no longer involved with Council.
Action reassigned to Keneally, Fiona by Melling, Elizabeth - Cr Rogan no longer involved with Council.
Action reassigned to Marchant, Gillian by Melling, Elizabeth - Returned to GM.
Note masterplan grant applied for 14/07/2022.
Fishing Platform fence has been altered to accommodate platform, re-quotations supplied and approved, meeting due 21/07/2022.
- 10.08.22 Waiting for grant decision for Masterplan
- 8.09.22 New application for Master plan grant submitted.
- 17.10.22 Waiting on Grant notification
- 11.11.22 Grant unsuccessful awaiting on additional application
- 08.12.22 Waiting on additional grant advisement
- 14.2.23 Application submitted Regional Drought Resilience Planning (RDRP) Program, project Glen Inness and Tenterfield Building Community Regional Resilience14.
Additional application unsuccessful from 8/9/2022
- 10.03.23 Waiting on additional advisement, additional joint application submitted with Glenn Innes
- 06.04.23 Waiting on advisement
- 10.05.23 Waiting on advisement
- 14.07.23 Waiting on advisement
- 08.08.23 Melling, Elizabeth Report in Draft form?, Waiting on grant submissions advisements for dam masterplan.
- 14.09.23 Waiting on grant advisement
- 13.10.23 Waiting on grant advisement
- 10.11.23 Waiting on grant advisement
- 17.02.24 Reviewing potential grant.
- 13.04.24 Searching for grants.
- 13.05.24 Investigating new DPE grant
- 7.06.24 Investigating grant options

Attachment 2-Graphs estimating costs



Graph 1 Total estimate \$4,403,850



Graph 2 Annual Total Costs \$613,850 & Graph 3 Staffing Annual Costs \$438,850

Attachment 3-SWOT Analysis

Weaknesses	Initial	Opportunities	Threats	Initial/
The key weaknesses for the Recreational Use of the Dam are:				
The key opportunities the Recreational Use of the Dam may take advantage of are:				
The key threats to the Recreational Use of the Dam are:				
• Limited financial resources.	4	• Leadership and best practice in all aspects of water management.	• Polluted Aboriginal land claims	3
• Limited ability to raise revenue.	4	• Develop new master plan.	• Polluted for water quality degradation, nutrient loading, turbidity	4
• Insufficient human resources.	4	• Increase community education.	• Public health risk, viral blooms, body-contact activities, increased appropriate water quality monitoring and reporting (increasing costs)	4
• Low capacity to develop and deliver significant strategic goals.	3	• Increase community consultation processes.	• Acceptance of such health risks by customers.	4
• Size of Dam.	3	• AMOU, with focus on reducing surveillance and monitoring costs (upon completion of facilities).	• Current required level of treatment.	4
• Public perception of the benefits required for potable supply and management to allow value function.	3	• Additional staff including ranger (upon completion of facilities).	• Additional treatment requirements, uncertainties, and costs that may be incurred.	4
• Infrastructure requirements (road, vehicle access).	4	• Introduction of a entry fee (upon completion of facilities and to maintain stock operations).	• Invasive species, use of live bait.	4
• The dam license will have to be amended to allow recreational use.	4		• Baiting activities use of electric, gasoline- and diesel-powered engines inclusion of boat inspection/launching stations.	3
• Current boundary issues, access.	4		• Increased risk rating NDM Health	4
• Submerged rock and potential debris creating navigational and safety liability.	4		• Pests and livestock (harmful, introducing pathogens.	4
• No masterplan funds opportunities for funding.	4		• Increased liability and associated insurance costs.	3
• Potential for emergency response.	3		• Critically endangered wildlife including aquatic species.	3
• Waste generation and collection.	4		• Climate change and more frequent natural disasters, like droughts.	3
			• Lack of focus on water strategic value	3
			• Water staff and Senior staff time currently taken up on operational issues.	3
			• Surveillance requirements, technology (cameras and staff).	3
			• Operational opening and closing times (no infrastructure as amenities or lighting).	4
			• Public injury rescue requirements.	4

Figure 2 Risk assessment

Department:	Office of the General Manager
Submitted by:	Allison Graham, Executive Assistant & Media
Reference:	ITEM GOV74/25
Subject:	ALLOCATION OF THE COMMONWEALTH GOVERNMENT'S FEDERAL ASSISTANCE GRANTS PROGRAM 2025/26

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

SUMMARY

The purpose of this report is to advise Council of the NSW Grants Commission's efforts to more equitably distribute the Commonwealth Government's Financial Assistance Grants to the 128 local government bodies in NSW.

OFFICER'S RECOMMENDATION:

That Council:

Notes the information distributed by the Local Government Grants Commission and how they calculate financial assistance grants relating to the 2025-26 estimated entitlements.

BACKGROUND

The Local Government Grants Commission policy is to provide information to Councils about the way this Commission calculates the Commonwealth Government's Financial Assistance Grants (FAGs).

REPORT:

An email has been received by Council from Linda Scott, Chair of the Local Government Grants Commission, thanking Council for its engagement with the NSW Grants Commission.

2025-26 Estimated entitlements

The Federal Government's FAGs total estimated entitlement for 2025-26 is \$3.45 billion and is made up of \$2.39 billion for the general-purpose component (GPC) and \$1.06 billion for the local roads component (LRC). The national estimated entitlement for 2025-26 increase by \$170 million to account for final adjustments to the Consumer Price Index (CPI) and population shares for the year.

The national GPC is distributed across the state and territories on a population basis. Therefore, NSW received 31.52% or \$744 million in the GPC, which represents a 4.65% increase on last year's final figure. The LRC is based on a historical formula. NSW's

Our Governance No. 74 Cont...

share of the total national road funding is a fixed 29% share, or \$307 million, which represents a 5.2% increase. The total 2025-26 FAGs estimated entitlement for NSW is \$1.052 million.

External Factors impacting the GPC pool of funds in NSW

During recent years, NSW communities and Councils have been faced with a number of challenges including devastating climate disasters and a substantially reduce CPI. In 2021, the CPI has continued to trend towards previously average levels of about 3.5% to 4% over the past two years. But further fluctuations cannot be ruled out.

Council's 2025-26 FA Grants estimated entitlement, compared to the 2025-25 final entitlement is as follows:

Tenterfield Shire Council				
Year	General Purpose	Local Roads	Total	
2024-25 final	\$4,585,743*	\$2,186,835	\$6,772,578	Change
2025-26 est.	\$4,806,738	\$2,225,201	\$7,031,939	3.8%

*\$7,859,333 – the amount provided in the communique, which is clearly a misprint.

Impact of advanced payments

The Commonwealth Government made an early payment of the 2025-26 estimated FAG entitlement. In June 2025, all Councils were paid 50% of the estimated entitlement for 2025-26 in advance, as calculated at that point in time. This has resulted in the quarterly instalments for 2025-26 being reduced and will be paid in quarterly instalments in August 2025, November 2025, February 2026 and May 2026.

The Commission continues to be concerned about the unpredictability that the practice of advance payments creates. Long-term and annual budgeting forecasts are subject to changes, and annual financial reporting can often be skewed. Councils are advised not to rely on either the availability of future advance payments or the value of those advances if received.

Challenges in fairly distributing the GPC funds

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. This inhibits the full application of the Horizontal Fiscal Equalisation (HFE) Principle to distribute the grants based on greatest relative need. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants.

Resuming the annual negative floor on the GPC

The Commission has been investigating ways to direct funds to Councils with greatest relative need. Information about the methodology review and subsequent transition has been provided to Councils, including about the recommendations for model refinements. The Commission commenced the pathway out of transition, resuming the negative floor in 2025-26 as previously advised to Councils. It is no longer sustainable to protect those Councils with greatest relative advantage. The pathway out of transition is essential to distribute the GPC more fairly, allowing greater application of the HFE, consistent with the National Principles and NSW policy.

There is no guarantee that a Council will receive an increased FAG each year. There are a number of changing variables, including a Council's changing measure of relative

Our Governance No. 74 Cont...

disadvantage compared to the state average measure and the size of the total FAG pool.

The Commission is proposing to review the methodology for 2026-27. This will include consultation with the sector and key stakeholders, and the Commission encourages Council's input during this process.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- *Local Government Act 1993*

3. Financial (Annual Budget & LTFP)

Council is highly dependent on its annual FAGs allocation. A benefit of this grant funding is that it is "untied" funding; meaning that Council can allocate this funding source to the areas that it deems important. It has been practice for Council to allocate the full "roads component" section to the maintenance of its local roads network.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Hein Basson
General Manager

Prepared by staff member:
Approved/Reviewed by
Manager:

Allison Graham, Executive Assistant & Media
Hein Basson, General Manager

Our Governance No. 74 Cont...**Department:****Office of the General Manager****Attachments:**

- | | | |
|----------|--|------------|
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Ordinary Council Meeting - 27 August 2025
ALLOCATION OF THE COMMONWEALTH
GOVERNMENT'S FEDERAL ASSISTANCE GRANTS
PROGRAM 2025/26

Local Government Grants Commission 2025-26 Financial Assistance Grants

Attachment 1
Local Government
Grants Commission 2025-
26 Financial Assistance
Grants - Advice to
Councils - Appendix A -
Tenterfield

Tenterfield (S) Council

Appendix A

General Purpose Component

Expenditure Allowance

Expenditure Functions	State ave cost per capita
Recreation and cultural	\$261.67
Admin and governance	\$300.86
Education and community	\$70.33
Roads, bridges, footpaths and aerodromes	\$260.06
Public order, safety, health and other	\$226.98
Housing amenity	\$80.97

Recreation and cultural			Pop <SS = relative disadvantage Pop >SS = 0 ATSI <SS = 0 ATSI >SS = relative disadvantage
Disadvantage Measure	LGA measure	State Std (SS)	Weighted DF%
Population	7,081	66,237	31.2%
Aboriginal & Torres Strait Islander %	9.0	3.4%	95.2%

Admin and governance			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	7,081	66,237	100.5%

Education and community			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	7,081	66,237	95.1%

Roads, bridges, footpaths and aerodromes			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	7,081	66,237	190.2%
Road Length	1,453	1,184	8.8%

Public order, safety, health and other			RTD <SS = 0 RTD >SS = relative disadvantage Env <SS = 0 Env >SS = relative disadvantage
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	7,081	66,237	70.3%
Rainfall, topography and drainage index	150%	161%	0.0%
Environment (Ha of environmental lands)	103,406	57,330	2.2%

Housing amenity			
Disadvantage Measure	LGA Std	State Std	Weighted DF%
Population	7,081	66,237	17.4%

Isolation Allowance

Outside the Greater Statistical Area	Yes
--------------------------------------	-----

Ordinary Council Meeting - 27 August 2025
ALLOCATION OF THE COMMONWEALTH
GOVERNMENT'S FEDERAL ASSISTANCE GRANTS
PROGRAM 2025/26

Local Government Grants Commission 2025-26 Financial Assistance Grants

Attachment 1
Local Government
Grants Commission 2025-
26 Financial Assistance
Grants - Advice to
Councils - Appendix A -
Tenterfield

Pensioner Rebate Allowance

PR <SS = relative disadvantage (+ allowance)	
PR >SS = relative advantage (- allowance)	
LGA % Pensioner Rebates (PR) Res Props:	28.2%
State Standard (SS) % PR	13.7%

Revenue Allowance

Revenue Allowance	
CV <SS = relative disadvantage (+ allowance)	
CV >SS = relative advantage (- allowance)	
No. of Urban Properties:	3,741
Standard Value Per Property:	\$764,243
Council Value (CV):	\$122,408

No. of Non-urban Properties:	1,493
Standard Value Per Property:	\$1,637,417
Council Value (CV):	\$711,650

Relative Disadvantage Allowance

Unsealed roads; Isolation; Population Decline	\$66,248
Special Submission/other adjustments	\$0
Total General Purpose Grant	\$4,806,738

Local Roads Component

Population:	7,081
Local Road Length (km):	1,449
Length of Bridges on Local Roads (m):	1,359

Road/Population Allowance:	\$2,083,272
Bridge Length Allowance:	\$141,929
Local Roads Total:	\$2,225,201

Total Grant	\$7,031,939
--------------------	--------------------

Quarterly Instalments Payable in 2025-26

	August 2025	
GPC	\$602,522.00	
LRC	\$269,581.00	\$872,103.00
	November 2025	
GPC	\$602,522.00	
LRC	\$269,581.00	\$872,103.00
	February 2026	
GPC	\$602,522.00	
LRC	\$269,581.00	\$872,103.00
	May 2026	
GPC	\$602,522.00	
LRC	\$269,581.00	\$872,103.00
	TOTAL	
GPC	\$2,410,088.00	
LRC	\$1,078,324.00	\$3,488,412.00

Ordinary Council Meeting - 27 August 2023
ALLOCATION OF THE COMMONWEALTH GOVERNMENT'S FEDERAL ASSISTANCE GRANTS PROGRAM 2025/26

[illegible]

Attachment 2
Schedule of 2025-26 NSW Payments - Appendix B

[illegible]

Financial assistance grants 2025-26



Local Government Financial Assistance Grants (FA Grants) help local councils deliver services to their communities. The Australian Government determines the pool of FA Grants available, and this is paid annually to councils by the NSW Government based on recommendations from the Local Government Grants Commission.

The Commission uses a refined model to direct funding to councils with the greatest relative disadvantage. This is typically rural and remote councils with limited revenue capacity.

This funding is untied and paid to NSW's 128 councils, as well as the Lord Howe Island Board, and the Village Committees of Silverton and Tibooburra.

The NSW Local Grants Commission consists of four members appointed for maximum terms of five years.

The current membership of the Commission is:

- Linda Scott – Chair
- Brett Whitworth – Deputy Chair
- Leanne Barnes PSM OAM – Commissioner
- Jason Hamling – Commissioner

The Commission has started the process of reviewing the formula for the allocation of FA Grants. This will open for consultation later in the 2025-26 financial year.

In June 2025, the Australian Government paid approximately 50% of the 2025-26 grants in advance. The remainder of the grant allocation will be paid in quarterly instalments.

NSW Local Government Grants Commission

(02) 4428 4100

grantscommission@olg.nsw.gov.au

Financial Assistance Grant Distribution for 2025-26



National Total	\$3.45 billion
General Purpose Component	\$744 million
Local Roads Component	\$307 million
NSW Total	\$1.052 billion

Funds allocated to NSW are based on the National Principles as part of Federal legislation, being the Local Government (Financial Assistance) Act 1995.

Total Grant Calculation

The FA Grant comprises two components: the General Purpose Component (GPC) and the Local Roads Component (LRC). Grant distribution is based on operational expenditure, not capital works. While 65% of the state's population lives in metropolitan councils, they receive only 25% of the grant funding. The remaining funds are distributed to regional, rural, and remote councils.

General Purpose Component (GPC)

The GPC allocation is based on council expenditure and is also subject to a minimum grant per capita. In 2025-26, that amount is \$26.34.

Compared to 2024-25, in 2025-26 the range to which an individual council's annual GPC can vary will be a maximum increase of 6% or a maximum decrease of 4%.

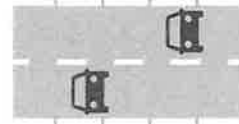
Range of general purpose grants	\$468,454 - \$27,412,231
Population of NSW (as of 30 June 2024)	8,478,330
Average per capita general purpose grant	\$429.64
Highest per capita general purpose grant	\$3,804.04
Minimum per capita general purpose grant	\$26.34



Local Roads Component (LRC)

The LRC is allocated so that local government entities can preserve their road assets. As much as possible, allocations are based on the relative needs of each local government entity's expenditure on roads.

Local road length in NSW	149,463 km
Bridge length (>6m) in NSW	176,834 M
Average local roads grant/km	\$2,400,403
Highest local roads grant/km	\$7,417,072
Lowest local roads grant/km	\$163,870



Department:	Office of the General Manager
Submitted by:	Hein Basson, General Manager
Reference:	ITEM GOV66/25
Subject:	FREE SPEECH IN LOCAL GOVERNMENT IN NSW

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

SUMMARY

The purpose of this report is for Council to note the contents of the NSW Office of Local Government's "Council Circular 25-11 Free speech in local government in NSW Guideline".

OFFICER'S RECOMMENDATION:

That Council:

Notes the contents of Circular 25-11 *Free speech in local government in NSW Guideline* distributed on 3 June 2025 by the NSW Office of Local Government, together with the content of the document titled *Free speech in local government in NSW – A Guideline, June 2025*, annexed as Attachment 1 to the report.

BACKGROUND

The High Court of Australia has determined that the Constitution implies a freedom of political communication which imposes limits on the laws that Australian Parliaments can make.

This implied freedom of political communication as mentioned above is a constitutional principle that ensures Australians can make informed choices as electors. It is not a personal right, but rather a restriction on government's ability to interfere with the free communication of political information. This freedom is derived from the Constitution's provisions for representative government, which require that members of Parliament be "directly chosen by the people."

The freedom of communication under the Constitution is not absolute.

The document "Free speech in local government in NSW – A Guideline", annexed to this report as Attachment 1 further explains how this constitutional principle of free speech is applicable to the local government sector.

REPORT:

Our Governance No. 66 Cont...

The NSW Office of Local Government (OLG) has circulated the information below in June 2025:

Council Circular 25-11 Free speech in local government in NSW Guideline

What's new or changing?

- The Office of Local Government (OLG) has issued a guideline on free speech in local government in NSW (the Free Speech Guideline). The Free Speech Guideline is available on OLG's website [here](#).
- The Free Speech Guideline provides practical guidance to councils on what free speech means in the context of NSW local government.

What will this mean for council?

- The Free Speech Guideline has been adopted as a guideline under section 23A of the Local Government Act 1993 (the Act).
- Councils and council officials must take the Free Speech Guideline into consideration when exercising their functions.
- The Free Speech Guideline is also to be considered by conduct reviewers when dealing with code of conduct matters that have been referred to them.

Key points

The Free Speech Guideline provides guidance on the following:

- the implied freedom of political communication under the Australian Constitution and how free speech is regulated in Australia
- why the ability to engage freely with the community is central to a councillor's role as an elected representative prescribed under the Act
- the relevant provisions of the Model Code of Conduct for Local Councils in NSW that recognise the importance of public comment by councillors and how they should be applied by councils to ensure they do not unduly inhibit free speech
- the protections available to councillors in relation to civil liability for defamation
- the meeting rules constraining what can be said at council and committee meetings, how they can be applied and the relationship between these and the enforcement mechanisms available under councils' codes of conduct
- how council media and social media policies should be applied so as not to unduly constrain councillors' ability to engage with the community via the media and online.

Where to go for further information

- The Free Speech Guideline is available on OLG's website [here](#).
- For further information please contact the Council Governance Team on 02 4482 4100 or by email at olg@olg.nsw.gov.au.

Brett Whitworth

Deputy Secretary, Office of Local Government

The guidelines document provide useful information and guidance for Councillors in exercising their role as elected representatives of the community they serve.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Our Governance No. 66 Cont...

Councillors' ability to engage with the community and participate in public debate on issues impacting the Council and community is important to elected representatives being able to exercise their functions.

2. Policy and Regulation

- *Local Government Act 1993*
- *Circular No 25-11 / 03 June 2025 / A963853*
- Free speech in local government in NSW – A Guideline, June 2025, Department of Planning, Housing and Infrastructure

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

There is a risk for Councillors acting outside the scope of the "Free speech in local government in NSW – A Guideline" document developed by the OLG.

7. Performance Measures

Nil.

8. Project Management

Nil.

Hein Basson
General Manager

Prepared by staff member:

Hein Basson, General Manager

Approved/Reviewed by
Manager:

Hein Basson, General Manager

Department:

Office of the General Manager

Attachments:

1	Free Speech in local government in NSW - A Guideline - June 2025	18 Pages
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Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Free speech in local government in NSW

A guideline

June 2025



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Free speech in local government in NSW

First published: June 2025

More information

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Introduction

The recent review of the councillor conduct framework and concerns that some councils may have implemented their codes of conduct in a way that unduly constrains councillors' ability to engage freely with the community has highlighted the need to provide practical guidance to councils on what free speech means in the context of NSW local government.

In a broad sense political communication relates to any form of campaigning around a discussion or decision. In the case of elected officials there is an implied public trust that political communication to support debate will be fair. Unfortunately, where the debate is not fair and includes victimisation or vilification, that public trust is quickly lost.

This guideline (Guideline) provides guidance on the following:

- the implied freedom of political communication under the Australian Constitution (the Constitution) and how free speech is regulated in Australia,
- why the ability to engage freely with the community is central to a councillor's role as an elected representative prescribed under the *Local Government Act 1993* (the Act),
- the relevant provisions of the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) that recognise the importance of public comment by councillors and how they should be applied by councils to ensure they do not unduly inhibit free speech,
- the protections available to councillors in relation to civil liability for defamation,
- the meeting rules constraining what can be said at council and committee meetings, how they can be applied and the relationship between these and the enforcement mechanisms available under councils' codes of conduct,
- how council media and social media policies should be applied so as not to unduly constrain councillors' ability to engage with the community via the media and online.

This Guideline has been issued under section 23A of the Act. Councils and council officials must take it into consideration when exercising their functions. This Guideline is also to be considered by conduct reviewers when dealing with code of conduct matters that have been referred to them.

How is free speech regulated in Australia?

The High Court of Australia has found that the Constitution contains an implied freedom of political communication which imposes limits on the laws that Australian Parliaments can make.

The implied freedom of political communication as established by the High Court, is a constitutional principle that ensures Australians can make informed choices as electors. It's not a personal right, but rather a restriction on governments' ability to interfere with the free communication of political

information. This freedom is derived from the Constitution's provisions for representative government, which require that members of Parliament be "directly chosen by the people".

It is important to note that the freedom of communication under the Constitution is not absolute. It can be limited by laws that are "reasonably appropriate and adapted to serve a legitimate end which is compatible with the maintenance of representative and responsible government"¹.

¹ *Lange v Australian Broadcasting Corporation* [1997] HCA 25, (1997) 189 CLR 520

Why is free speech important in NSW local government?

Local government in NSW is a democratic institution. A democratic system of local government allows local communities to shape decisions impacting on their future, (such as the delivery of infrastructure and services and the exercise of place-making functions), by electing community representatives to serve as members of the local council's governing body.

Councillors' ability to freely engage with their communities and to participate in public debate on issues impacting on the council and the community via the media and social media is key to their being able to exercise their functions as democratically elected representatives effectively.

Why is making public comment an important part of a councillor's role as an elected representative?

Key provisions in the Act reflect the important role councillors have as elected representatives and impact on the way in which they engage and communicate with their communities when undertaking that role.

Under section 223 of the Act, the council's governing body is responsible for providing civic leadership, regularly consulting with community groups and

stakeholders, and keeping them informed of the council's decisions and activities.

Mayors of councils have a separate and special role as the leader of the council. Among other things, the role of a mayor prescribed under section 226 of the Act includes:

Free speech in local government in NSW | 6

- being the leader of the council and a leader in the local community,
- advancing community cohesion and promoting civic awareness,
- being the principal member and spokesperson of the governing body of the council, including representing the views of the council as to its local priorities, and
- promoting partnerships between the council and key stakeholders.

Individual councillors also have an important role under section 232 of the Act in facilitating communication between the local community and the governing body.

Section 232 of the Act also places a responsibility on individual councillors to uphold and represent accurately the policies and decisions of the governing body. As noted in the Office of Local Government's (OLG) Councillor Handbook²², the requirement to uphold the policies and decisions of the council should be read in the context of the implied freedom of political communication under the Constitution. In practical terms, councillors remain free to speak about the policies and decisions of the council, but they must accept these decisions are lawfully made if passed by a majority and must not misrepresent them.

How does the Model Code of Conduct apply to public comment by councillors?

The ethical and behavioural standards all council officials are required to comply with when exercising their functions are prescribed under the Model Code of Conduct. These standards meet the expectations of free and fair debate.

There are key provisions of the Model Code of Conduct that can guide councillors when making public comment and to assist in understanding what comment is not appropriate.

Part 3 of the Model Code of Conduct prescribes "general conduct"

²² <https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Councillor-Handbook-2024.pdf>

obligations councillors must comply with. Among other things, these provide that councillors must not conduct themselves in a way that:

- is likely to bring the council or other council officials into disrepute,
- is improper or unethical,
- causes, comprises or involves intimidation or verbal abuse,
- constitutes harassment or bullying behaviour (as defined by the code) or is unlawfully discriminatory.

Clause 7.6(h) of the Model Code of Conduct further provides that while councillors can critique and comment on the advice provided by staff, they must not make personal attacks on council staff in public forums including social media. Councillors also need to be aware of the duty they owe council staff and members of the community under the *Work Health and Safety Act 2011* to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

Part 8 of the Model Code of Conduct prescribes councillors' obligations in

relation to the use and disclosure of council information. Among other things, councillors have obligations to:

- protect confidential and personal information,
- only release confidential or personal information if authorised to do so,
- not use confidential or personal information to cause harm to the council or anyone else, and
- not disclose confidential information discussed during a closed session of a council or committee meeting or any other confidential forum.

The provisions of Part 9 of the Model Code of Conduct are designed to ensure that complaints alleging breaches of the code of conduct are dealt with appropriately, fairly and confidentially and to prevent councils' codes of conduct from being weaponised. The relevant provisions prohibit making allegations about, or disclosing information about, suspected breaches of a council's code of conduct in public forums and disclosing information about code of conduct complaints that have been made.

What comment falls within the regulatory scope of a council's code of conduct?

A council's code of conduct only regulates conduct that is connected with a councillor's official role or the exercise of their official functions. It does not apply to conduct that occurs in a private capacity or that is not linked to a councillor's official role.

Any comment made by councillors in a private capacity does not fall within the regulatory scope of a council's code of conduct. However, a councillor cannot

simply avoid disciplinary action for a breach of the code of conduct by prefacing their comments with a disclaimer that what they are about to say is being said in a private capacity. If what a councillor says is clearly connected to their role as a councillor, then it falls within the regulatory scope of the code of conduct, even if it is made on a private social media platform or they do not identify themselves as a councillor when saying it.

How should councils apply their code of conduct to public comment by councillors?

The Model Code of Conduct was deliberately designed to align with the implied freedom of political communication. It should not be applied by councils in a way that impedes councillors' ability to engage with the community or to participate in robust

public debate on issues impacting on the council or the local community.

Councillors should refrain from engaging in personal attacks on their fellow councillors, council staff and others when commenting publicly.

Free speech in local government in NSW | 9

However, it is entirely acceptable and appropriate for councillors to disagree with their council, other council officials and members of the community when making public comment.

Without the ability to disagree with others, councillors would not be able to participate in public debate or to engage in public advocacy on local issues, impeding their ability to exercise their functions as elected officials under the Act.

Disappointingly, in recent years, it is apparent councils' codes of conduct are increasingly being weaponised to discourage or punish councillors for making legitimate public comment.

A healthy democratic system of local government requires robust public debate on local issues. This leads to good decision making and ensures councils are accountable to their communities and responsive to its needs. Well-functioning councils should not fear healthy public debate. They should be able to explain and justify their decisions or, where they are not

able to do so, revisit their decisions to address legitimate community concern.

It is inevitable that councils, councillors, council staff and members of the community will disagree with, dispute or may even be offended by comments made by councillors when engaging with the community. Unless the comment involves a clear breach of the provisions of the code of conduct referred to above (e.g. because it is personally disparaging, abusive or intimidating), the code of conduct is not the appropriate mechanism for addressing that comment.

In a healthy, functioning democracy, the appropriate way to respond to public comment that others disagree with is to engage with that comment by publicly rebutting, challenging, or disputing it as part of legitimate public debate on the issue, not by making a code of conduct complaint about it.

Equally, councillors who initiate public debate by making provocative public statements cannot reasonably complain when others who dispute their comments publicly challenge them.

Can the expression of a councillor's views give rise to a conflict of interest?

Before being elected to council, many councillors will have been active community members and may have advocated on or campaigned on local issues or have been actively involved in community organisations that did so. This may be one of the reasons why they chose to stand for election to the local council.

The Model Code of Conduct expressly recognises this and has been designed to ensure that it does not operate in a way that prevents councillors from participating in decisions on matters simply because they have expressed a view on them or campaigned on them.

Clause 5.2 of the Model Code of Conduct provides that a councillor will have a non-pecuniary conflict of interest in a matter where a reasonable and informed person would perceive they could be influenced by a "private interest" when carrying out their official functions in relation to that matter.

Clause 5.3 further provides that the personal or political views of a council

official do not constitute a "private interest" for the purposes of clause 5.2.

What this means is that aside from any other interest in a matter, a non-pecuniary conflict of interest will not exist solely because a councillor has expressed a view on a particular issue or has publicly advocated or campaigned on it. Similarly, such a conflict of interest does not exist merely because a councillor is or was affiliated with a community organisation that has campaigned or advocated on a particular issue, unless the organisation - or any of its members the councillor has a close personal relationship with - has a separate material interest that would be affected by the council's decision.

However, councillors do need to be mindful that comments they make on matters before the council that could be seen to indicate they have formed an inflexible view on a matter, have the potential to make the council's decision on that matter susceptible to legal

challenge on grounds of bias because of prejudgement.

The leading legal authority on this is the NSW Court of Appeal case of *McGovern v Ku-ring-gai Council* (2008) (McGovern).³

Bias by pre-judgment will arise where the perception is that the position of the decision-maker is said to be "incapable of change". This form of apprehended bias was central to the facts in *McGovern*, which considered the effect that the strongly expressed views of

two councillors had on the final decision reached by the governing body of the council.

What this means in practice is that councillors are entitled to express a view on matters before the council but not in such a way that would suggest in the mind of a fair-minded observer that they have pre-determined the matter and could not be persuaded to alter their position by the debate on that matter.

What protections do councillors have in relation to defamation?

As with other members of the community, councils and councillors can be sued in defamation for comments made in public forums such as council and committee meetings, in the media and on social media.

Unlike members of Parliament, councillors do not enjoy absolute privilege in relation to what they say at council and committee meetings. Absolute privilege provides complete protection for statements made during

parliamentary proceedings meaning that defamation proceedings cannot be brought with respect to such statements.

By contrast, councillors can be sued in defamation in relation to their statements at meetings. They are partially protected from defamation by the defence of 'qualified privilege', but only to enable them to speak freely and publicly in undertaking their duties at meetings. To be protected, any

³ *McGovern v Ku-ring-gai Council* (2008) 42 NSWLR 504

comment or statement a councillor makes at a meeting must be relevant to the council business, made in good faith and without malice.

As with statements made at meetings, councillors can also be sued in defamation for other public statements they make, including on social media. In the case of social media, councillors also need to be mindful that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer and can be sued in defamation for that content. This includes content that is uploaded by a third party on the social media platform and/or that appears on their social media platform because the councillor has 'liked', 'shared', or 'retweeted' the content.

Section 731 of the Act provides councillors with a level of protection from civil liability action, including in relation to defamation, for undertaking council-related and council-endorsed activities as a councillor. Protection from civil liability is only provided where a councillor's actions are undertaken in

good faith and for purposes related to council activities.

This protection against civil liability is given effect under council's councillor expenses and facilities policies adopted under section 252 of the Act which allow councils to meet councillors' legal costs in defending proceedings in certain circumstances.

Consistent with section 731 of the Act, the OLG's 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW'⁴ state that councils' councillor expenses and facilities policies should only allow reasonable legal expenses to be reimbursed to a councillor for defending an action in defamation, provided the outcome of the legal proceedings is favourable to the councillor. It is not permissible for councils to meet the cost of defamation proceedings initiated by councillors or for seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

⁴ <https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses->

[and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf](#)

How is public comment regulated in council and committee meetings?

The meeting rules prescribed under councils' codes of meeting practice place some constraints on what can be said at council and committee meetings.

The Local Government (General) Regulation 2021 (the Regulation) and the Model Code of Meeting Practice for Local Councils in NSW identify certain types of behaviour at meetings as constituting an 'act of disorder'. A councillor commits an act of disorder at a council or committee meeting if they

- contravene the Act, the Regulation or the council's code of meeting practice, or
- assault or threaten to assault another councillor or person present at the meeting, or
- move or attempt to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or address or attempt to address the council or the committee on such a motion, amendment or matter, or
- insult, make unfavourable personal remarks about, or impute improper motives to any other council official, or allege a

breach of the council's code of conduct, or

- say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Where a councillor commits an act of disorder at a meeting, the chairperson may require the councillor to apologise without reservation for the act of disorder, withdraw an offending motion or amendment that constitutes the act of disorder or retract and apologise without reservation for a statement that constitutes the act of disorder. Where the councillor fails to comply, they may be expelled from the meeting.

The chairperson can require a councillor to address an act of disorder committed at an earlier meeting where the councillor failed to comply with the chairperson's direction at that meeting and can be expelled from meetings until such time that they comply.

Under reforms being considered by the Government, in the future, councillors may be also required to forego their monthly fee in any month in which they

have been expelled from a meeting for disorder.

Acts of disorder can also potentially constitute a breach of the code of conduct. While there are provisions in the Model Code of Conduct that relate specifically to behaviour at meetings, it is preferred that bad behaviour at meetings, is dealt with at the meeting at which it occurs by the chairperson under the disorder provisions, and that acts of disorder are not subsequently relitigated under the council's code of conduct unless the conduct is particularly egregious.

There are several reasons for this. The disorder provisions are a simpler, more efficient and cost-effective way of dealing with bad behaviour at meetings. It allows bad behaviour to be dealt with at the time it occurs and in the presence

of the public thereby ensuring the offending councillor is made publicly accountable for their behaviour.

Relitigating incidents that were addressed as disorder at the meeting it occurred through the code of conduct process, is not only a waste of council time and resources, but it also tends to suggest a misuse of the code of conduct process.

There are of course exceptions to this. Many of the decisions made by the OLG and the NSW Civil and Administrative Tribunal to take disciplinary action against councillors for serious misconduct have concerned conduct occurring at meetings and there will be occasions where the conduct in question is so egregious that stronger action than is available under the disorder provisions may be warranted.

What administrative arrangements apply to public comment by councillors?

Many councils have adopted media and social media policies that put in place administrative arrangements for engagement with the media and

managing councils' and councillors' online presence.

While its appropriate for councils to put in place appropriate administrative

controls for engagement with the media and social media use to manage legal and other risk and ensure the council is complying with its statutory obligations, these should not operate in a way that constrains councillors' ability to freely engage with the community via the media or online.

Council media and social media policies should not require councillors to seek the permission of staff before commenting in the media or online. However, councillors are encouraged to

The key principles that should inform councillors' engagement with the media or online are as follows:

- As a member of the governing body and as a representative of the community, councillors are free to express their personal views.
- However, when doing so, councillors must not purport to speak for the council unless authorised to do so and must make it clear that they are expressing their personal views as an individual councillor and that they are not speaking for the

check their understanding of the facts of a matter with staff before commenting on an issue in the media or online to ensure they have correct and current information.

To ensure that council media and social media policies are fit for purpose and do not unduly constrain councillors' ability to freely engage with the community, OLG has issued a best practice Model Media Policy and Model Social Media Policy which are available on its website⁵.

council (unless authorised to do so).

- Councillors must uphold and accurately represent the policies and decisions of the council (see section 232(1)(f) of the Act).
- Councillors must not disclose council information unless authorised to do so.
- In the interests of promoting a positive, safe and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media or online.

⁵ <https://olg.nsw.gov.au/councils/governance/best-practice-governance-policies-consultations/>

Appendix 1: Key takeaways



Legal foundation

- The Australian Constitution implies a freedom of political communication, essential for informed democratic participation.
- This is not a personal right, but a limit on government power to restrict political discourse.
- Restrictions are only valid if they are appropriate and serve a legitimate democratic end.



Importance in local government

- Local democracy empowers communities to influence decisions about their future by electing representatives to local council.
- Public comment, including through media and social media, is central to fulfilling a councillor's role under the *Local Government Act 1993*.



Public comment and the Model Code of Conduct

- The Model Code of Conduct is aligned with the implied freedom of political communication.
- While councillors must comply with the code of conduct when commenting publicly, councils should not apply their

code of conduct in a way that impedes councillors' ability to engage with the community or to participate in robust public debate.

- Councillors should refrain from engaging in personal attacks on others when commenting publicly. However, it is acceptable and appropriate for them to disagree with their council, other council officials and members of the community when making public comment.
- The Model Code of Conduct only applies to behaviour related to a councillor's official role, not their private actions.



Conflict of interest

- Expressing a view or being affiliated with an advocacy group does not automatically create a conflict of interest.
- A conflict only arises if there is a material interest involved or a close personal relationship with someone who has one.
- Councillors must avoid prejudging matters, which could lead to legal challenges for bias.



Defamation and legal protections

- Councillors can be sued for defamation, including for social media posts.

- Qualified privilege applies to comments made in good faith when exercising council duties.

- Legal costs may be covered by council only if the councillor acts in good faith and wins the case.



Council and committee meetings

- The prescribed meeting rules prohibit acts of disorder at meetings.

- Councillors may be expelled for failure to comply with rulings by the chair in relation to acts of disorder.

- Preferably, acts of disorder should be addressed at the meeting, not through the code of conduct process — unless egregious.



Media and social media policies

- Council media and social media policies should not operate in a way that constrains councillors' ability to freely engage with the community via the media or online.

- Councillors should be free to express personal views but must:

- Not claim to speak for the council unless authorised.

- Accurately represent council decisions.

- Avoid disclosing confidential information.

- Councils should not require councillors to seek staff approval before commenting publicly.

Department:	Office of the Director Corporate Services
Submitted by:	Director Corporate Services
Reference:	ITEM GOV67/25
Subject:	NOMINATION OF COUNCIL DELEGATE TO THE NSW PUBLIC LIBRARIES ASSOCIATION

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Community - Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.
CSP Strategy:	Provide opportunities for residents to enjoy access to arts, festivals, sporting activities, recreation, community and cultural activities.
Delivery Plan	Provide sound and inclusive decisions using the Community
Action:	Engagement Strategy to guide our interactions.
Operational	Comply with the regulatory and legislative requirements of Councils
Plan Action:	as outlined by the Office of Local Government and other bodies.

SUMMARY

The purpose of this report is for Council to nominate a Councillor to represent Tenterfield Shire Council on the NSW Public Libraries Association (NSWPLA).

OFFICER'S RECOMMENDATION:

That Council determines its delegate, who would be a strong advocate for libraries, to join the NSW Public Libraries Association.

REPORT:

NSW Public Libraries Association (NSWPLA) is the peak body for public libraries across NSW providing advocacy, network opportunities, professional development, collaboration and recognition. It was formed in July 2014.

The role of the Association is to:

- Advocate and lobby for the NSW public library network
- Initiate strategic partnerships
- Champion the public library cause
- Build trust and support
- Provide relevant information
- Foster cooperation and collaboration
- Strengthen the public library network.

NSWPLA is the only state-based library association in Australia that was formed by Councillors, includes Councillors in its executive committee, and has a membership exclusively of Councils. 100% of NSW Councils are currently members of NSWPLA.

Elected Council representatives are Councillors, who can lobby government and make political comment to strengthen advocacy campaigns. They are also a key to strengthening the partnership of the Association with Local Government New South Wales (LGNSW). Elected Councillors may attend full meetings (online options usually offered) and conferences. The next Switch Conference will be in November.

Our Governance No. 67 Cont...

Currently NSWPLA is reviewing the current Strategic Plan 2021 – 2025 in preparation for the 2025 – 2029 future directions.

Attached to this report is a Councillor Information Kit.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- *Library Act 1939*

3. Financial (Annual Budget & LTFFP)

No additional "sittings fees" are applicable for delegates to Committees or External organisations. Two (2) full meetings are held each year with online options available.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Hein Basson
General Manager

Prepared by staff member:

Liz Alley

Approved/Reviewed by
Manager:

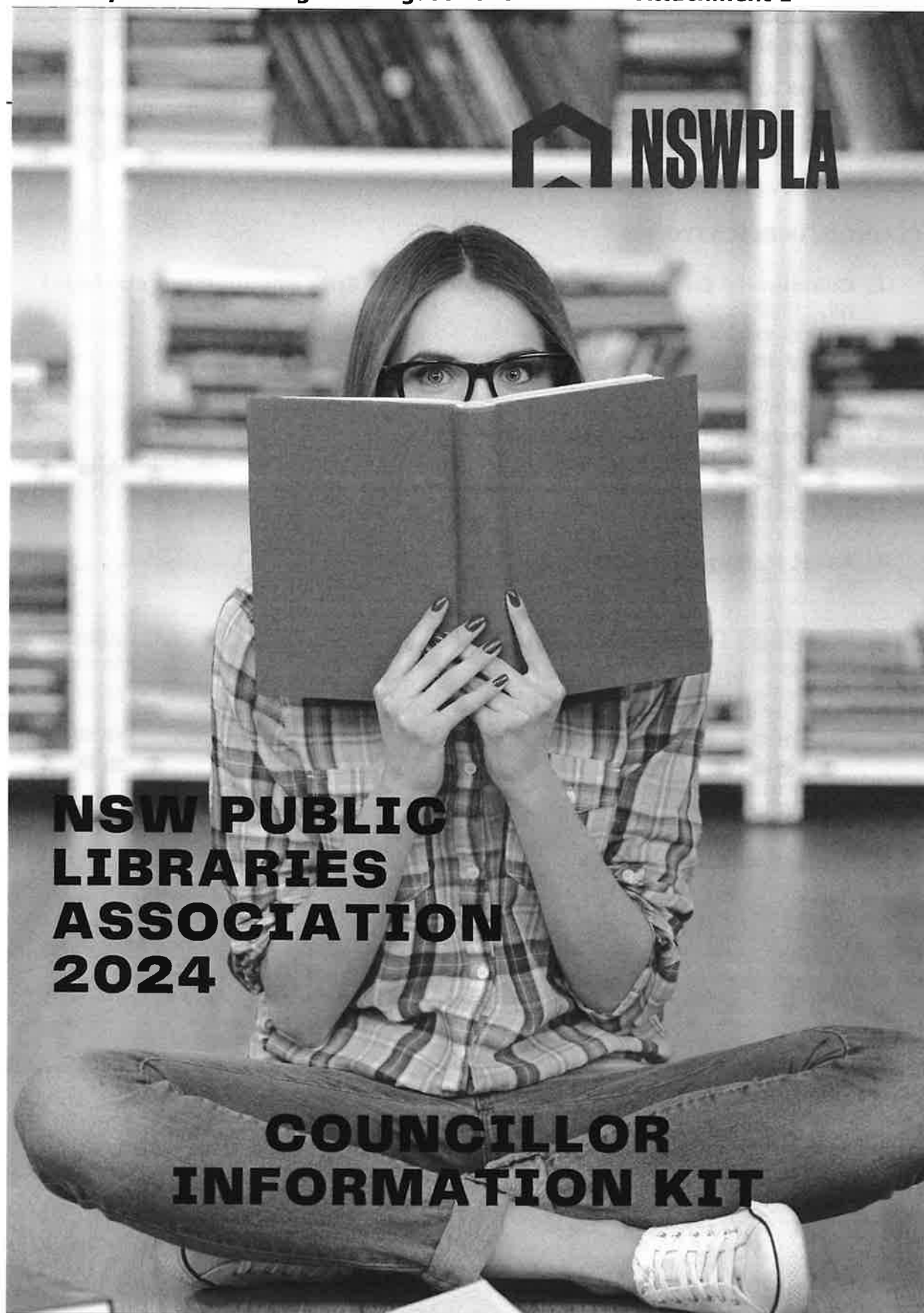
Hein Basson, General Manager

Department:

Office of the Director Corporate Services

Attachments:

1	NSW PUBLIC LIBRARIES	12
	ASSOCIATION 2024 COUNCILLOR	Pages
	INFORMATION KIT	



**The peak body
for public
libraries across
NSW providing
Advocacy,
Network
Opportunities,
Professional
Development,
Collaboration
and
Recognition**

About NSWPLA

NSWPLA is the only state based library association in Australia that was formed by councillors, includes councillors in its executive committee, and has a membership exclusively of councils. 100% of NSW councils are currently members of NSWPLA. This point of difference provides NSWPLA with a broader political focus, including a strong relationship with Local Government NSW.

The Association depends on councillors for its ongoing prosperity, and strongly encourages the engagement of councils and councillors to support the betterment of the 362 libraries across the state.

The Renew Our Libraries funding campaign in 2018/19 resulted in an additional \$60m funding for NSW libraries over the 4-year period 2019/20–2022/23, the largest single increase in funding for NSW libraries since the introduction of the NSW Library Act in 1939.

History

NSWPLA was formed in July 2014 when the former New South Wales Metropolitan Public Libraries Association (NSWMPLA) and the country association, Public Libraries New South Wales (PLNSW), amalgamated. The amalgamation was undertaken to strengthen the voice for public libraries in New South Wales.

PLNSW and NSWMPLA were based on two very different philosophies. The former was a political association that was established in 1989 (as the NSW Country Public Libraries Association – CPLA) when councillors voted to form an association to lobby the state government for a more equitable funding model for country libraries. NSWMPLA emerged from the Metropolitan Chief Librarians' Committee that had previously been the Sydney Chief Librarians' Committee. It was an association that provided professional support to the network through its working parties and publications.

NSWPLA was based largely on the constitution of PLNSW, as one of the main reasons for the amalgamation was to engage metropolitan councillors to add strength to the political voice for lobbying and advocacy – at that time a funding campaign prior to the 2015 NSW election.

NSWPLA is the only Australian state based library association that includes councillors in the structure of its Executive. Other state associations are professional organisations with a membership of library services rather than councils, reflecting the unique genesis of NSWPLA (through the formation of the CPLA). This point of difference provides NSWPLA with a closer affiliation with the 128 councils across NSW, and the advantage of the associated local government lobbying capacity to support political campaigns

Role

NSWPLA is the peak body for public libraries across NSW. The role of the Association is to:

- Advocate and lobby for the NSW public library network
- Initiate strategic partnerships
- Champion the public library cause
- Build trust and support
- Provide relevant information
- Foster cooperation and collaboration
- Strengthen the public library network

Membership

Full membership to the Association is open to all Local Government Councils in NSW that have adopted the NSW Library Act 1939. Whilst libraries and their services are a key focus of NSWPLA, it is Councils that are the members of the association. Councils provide the vast majority of funding for the provision of library services, and campaigning for better funding is a key role of NSWPLA. The Association currently enjoys 100% membership of NSW Councils, which provides a clear imprimatur for NSWPLA to represent the interests of NSW libraries as their recognised peak body.

Membership Representation

There are three levels of NSWPLA representation:

- Elected representatives: Councillors, who can lobby government and make political comment to strengthen advocacy campaigns. They are also a key to strengthening the partnership of the Association with Local Government New South Wales (LGNSW).
- Council Management representatives, who provide the link from the Association into Council and can inform council of the work of the Association.
- Library Managers, who provide the professional advice that forms the basis for the work of the Association.

The membership is key to the success of the Association.

Associate Membership

Associate Membership is open to any individual or organisation with an interest in the public library sector and community development.

NSWPLA Executive Structure

As outlined in the NSWPLA Constitution Part 3 Clause15, the Executive comprises of:

- President
- Two Vice Presidents
- Two Library Managers
- Secretary/Treasurer

The Executive is elected from the member representatives in accordance with Clause 15(1) of the constitution. The President and Executive Officer represent NSWPLA on the NSW Public Libraries Consultative Committee, a sub-committee of the Library Council of NSW.

Executive Priorities

Executive continues to focus on the strategic growth and development of the Association. Key areas of attention are:

- Fostering higher levels of engagement and participation by metropolitan councillors who had little involvement in the previous Metropolitan Public Libraries Association, which was primarily a professional organisation for library managers until its merger with the NSW Country Public Libraries Association in 2014 to form NSWPLA.
- Maintaining the current 100% membership of the Association by NSW councils through representation of the Executive at all meetings of the 8 NSWPLA Zones.
- Strengthening the strategic alliance between NSWPLA and Local Government NSW to further political capacity of the Association.
- Activating the key strategies of the NSWPLA Strategic Plan 2021-2025, Identity, Advocacy and Connections:
 - Identity – Strengthen the NSWPLA identity so that it projects one voice to members, stakeholders and communities raising the profile of public libraries across NSW.
 - Advocacy – Public libraries offer vibrant spaces in which all community members can meet, learn and play. They provide essential community learning and social services to every community in NSW.
 - Connections – Create and facilitate opportunities for members and stakeholders to collaborate, cooperate, and share experiences, knowledge, and ideas to ensure that NSW libraries have the capacity to meet the future needs of members and communities.
- Better articulating the Association's value proposition to its membership under the key headings of Professional Development, Advocacy and Strategic Partnerships by including opportunities for our member councils and their staff:

Professional Development

- Annual SWITCH Conference
- Colin Mills Scholarship (biennial)
- Kath Knowles Emerging Leaders Award (biennial)
- Multicultural Excellence Awards (annual)
- Innovation and Outreach Services Awards (annual)
- Life Membership awards (annual)
- Recognition of retiring Library Managers (annual)

- The Reading Hour
- Summer Reading Club
- Provision of the Inclusion Resources Program for NSWPLA members
- Provision of the Basecamp electronic communications program to support more effective and inclusive interactions within NSWPLA Zones
- Provision of professional development support to staff of NSWPLA member councils to attend SLNSW offsite training opportunities

Advocacy

- Establishment and maintenance of a strong network of 8 geographic zones
- An Executive Committee that provides scope to include both elected and library manager representatives from across the state
- An Executive Officer who is employed to undertake a range of administrative, strategic, and support activities on behalf of the Executive Committee and broader membership
- Various campaigns as required including the Renew Our Libraries funding campaign

Strategic Partnerships

- Alliance with Local Government NSW
- State Library of NSW via representation on Public Libraries Consultative Committee
- Representation on the Australian Public Library Alliance (Sub Committee of Australian Library and Information Association)
- Membership of the Australian Libraries Copyright Council

Executive Officer

NSWPLA contracts an Executive Officer to undertake the administration of the Association, including convening the annual SWITCH Conference. The Executive Officer role provides support to the Executive Committee and is a conduit between the Association and its members. There is an increasing focus on member services, acknowledging that NSWPLA members are the strength of the Association.

NSWPLA Zones

The Association comprises eight (8) zones across the state:

- Central East Zone
- Central West Zone
- North East Zone
- South East Zone
- South West Zone
- Sydney North Zone
- Sydney South Zone
- Sydney West Zone

Each zone consists of member Councils as follows:

Central East Zone

Central Coast Council
Cessnock City Council
Dungog Shire Council
Lake Macquarie City Council
Maitland City Council
Muswellbrook Shire Council
Newcastle City Council
Port Stephens Council
Singleton Shire Council
Upper Hunter Shire Council

Central West Zone

Bathurst Regional Council
Blayney Shire Council
Bogan Shire Council
Bourke Shire Council
Brewarrina Shire Council
Broken Hill City Council
Cabonne Shire Council
Central Darling Shire Council
Cobar Shire Council
Coonamble Shire Council
Cowra Shire Council
Dubbo Regional Council
Forbes Shire Council
Gulgandra Shire Council
Lachlan Shire Council
City of Lithgow Council
Mid-Western Regional Council

Moree Plains Shire Council

Narromine Shire Council
Oberon Council
Orange City Council
Parkes Shire Council
Walgett Shire Council
Warren Shire Council
Warrumbungle Shire Council
Weddin Shire Council

North East Zone

Armidale Regional Council
Ballina Shire Council
Bellingen Shire Council
Byron Shire Council
Clarence Valley Council
Coffs Harbour City Council
Glen Innes Severn Council
Gunnedah Shire Council
Gwydir Shire Council
Inverell Shire Council
Kempsey Shire Council
Kyogle Council
Lismore City Council
Midcoast Council
Liverpool Plains Shire Council
Nambucca Shire Council
Narrabri Shire Council
Port Macquarie– Hastings Council
Richmond Valley Council

Tamworth Regional Council
Tenterfield Shire Council
Tweed Shire Council
Uralla Shire Council
Walcha Council

South East Zone

Bega Valley Shire Council
Eurobodalla Shire Council
Goulburn Mulwaree Council
Kiama Municipal Council
Queanbeyan-Palerang Regional Council
Shellharbour City Council
Shoalhaven City Council
Snowy Monaro Regional Council
Upper Lachlan Shire Council
Wingecarribee Shire Council
Wollondilly Shire Council
Wollongong City Council
Yass Valley Council

South West Zone

Albury City Council
Balranald Shire Council
Berrigan Shire Council
Bland Shire Council
Carrathool Shire Council
Coolamon Shire Council
Cootamundra-Gundagai Regional Council
Edward River Council
Federation Council
Greater Hume Shire Council
Griffith City Council
Hay Shire Council
Hilltops Council
Junee Shire Council
Leeton Shire Council
Lockhart Shire Council
Murray River Council
Murrumbidgee Council
Narrandera Shire Council
Temora Shire Council
Snowy Valleys Council
Wagga Wagga City Council
Wentworth Shire Council

Sydney Northern

City of Ryde Council
Hornsby Shire Council
Hunters Hill Council
Ku-ring-gai Council
Lane Cove Council
Mosman Municipal Council
North Sydney Council
Northern Beaches Council
Willoughby City Council

Sydney Southern

Bayside Council
Burwood Council
City of Canada Bay
Canterbury-Bankstown Council
Georges River Council
Inner West Council
Randwick City Council
Strathfield Municipal Council
Sutherland Shire Council
Sydney City Council
Waverley Council
Woollahra Municipal Council

Sydney Western

Blacktown City Council
Blue Mountains City Council
Camden Council
Campbelltown City Council
City of Parramatta Council
Cumberland Council
Fairfield City Council
Hawkesbury City Council
The Hills Shire Council
Liverpool City Council
Penrith City Council

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Sydney South

Heather Davis

City of Sydney

Secretary

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Sydney West

Vicki Edmunds

Blue Mountains City Library

Secretary

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Each Zone has a Chairperson and Secretary. The roles of the Chair and Secretary are pivotal to the success of the organisation and duties of the positions vary across the state depending on the zone requirements. In general, the Chair is the spokesperson for the Zone; is a strong advocate for libraries at local and state levels; works with the NSWPLA Executive on matters that require the input of the wider Association; and is a positive ambassador for the Zone, NSWPLA and libraries in general. The Secretary facilitates Zone meetings; acts as a contact and liaison point between the NSWPLA Executive and the Zone; provides information and support to the NSWPLA executive as required; represents libraries at the Zone level; and is also a strong advocate for the NSW public library network.

It imperative that Zone Presidents and Zone Secretaries are positive ambassadors for libraries within their electorates and zones, and across the wider library network supporting the purpose and values of NSWPLA.

Legislative Framework

NSW public libraries are managed by local authorities (Councils) that have adopted the Library Act 1939. The State Library provides a range of services to public libraries including support and consultancy, as well as being the conduit between the NSW public library network and the state government through the NSW Public Library Consultative Committee.

If the local authority has adopted the Act, and operates its library service in accordance with the requirement of the Act, it is eligible for a subsidy administered by the Library Council of New South Wales. By observing the principles the legislation embodies, local authorities may also be eligible for other financial assistance from the State Government's funding programs. Local Libraries receive State subsidies and Library Infrastructure grants approved by the Minister on the recommendation of the Library Council.

Amendments to the Library Act 1939, Section 10

The Library Amendment Act 1992 amended section 10 of the Library Act 1939. This section deals with the provisions in relation to public libraries. These amendments were introduced "to make further provisions with respect to the services to be provided free of charge by local libraries; and for related purposes". The amendments ensure that core educational and information services remain free of charge

Public Library Funding

NSW Councils receive funds from the State Government to support the provision of library services across the state in accordance with the Library Act 1939 (NSW), however funding gradually declined over the 38 year period 1980 - 2018. In 1980, state funding met 23.6% of the total cost of operating the 373 public libraries across NSW. By 2016/17 the state contribution had reduced to meet just 7.04% of library operating costs. This was the lowest per-capita contribution of all states in Australia. The level of State Government funding for NSW public libraries reached crisis point in 2017 because the ongoing attrition of state funding for libraries had been ignored by successive NSW governments, leaving local government to bear an ever increasing funding burden.

NSWPLA launched its Renew Our Libraries Campaign in early August 2018 in partnership with Local Government NSW, NSW councils, their libraries and communities. NSW Labor had already committed to a \$50m increase in state funding at its election campaign launch in March 2018. The Liberal Party pledged a \$60m pledge by the end of August 2018, to be rolled out over the next term of government (2019-20 to 2022-23). Renew Our Libraries continued until the state election in May 2019 and relaunched in August 2019 with phase two of the campaign, focusing on the future sustainability of library funding through cost of living indexation and protection via inclusion of the new funding arrangements in library legislation.

As a result of the Renew Our Libraries funding campaign, the NSW Library Act 1939 legislates that \$2.85 per capita will be provided (by 2022/23) to each NSW Council to support its library services. Although this part of the funding formula is not indexed to population growth or the consumer price index (CPI), lobbying is currently underway to index and protect the funding (as discussed above).

Significantly, libraries have become a recognised default access point for online state, federal and often private enterprise services for communities across the state. With a 373-strong network of libraries across the state that all provide internet access, it is not surprising that libraries have assumed this role. In effect, public libraries are subsidising access and support to online services for a broad range of government and non-government enterprises in the absence of any financial contribution for staffing or infrastructure. Accordingly, the problem for NSW communities is that as online services grow and the capacity of libraries to meet the demand for online support diminishes, people who are socially, financially and/or digitally disadvantaged find themselves further isolated from online services.



Contact

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For more information go to:
NSWPLA.ORG.AU



Department:	Office of the Director Corporate Services
Submitted by:	Liz Alley, Director Corporate Services
Reference:	ITEM GOV61/25
Subject:	BUSINESS RATING REGIME FOR ALL AIR BnB PROPERTIES IN THE LOCAL GOVERNMENT AREA

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

SUMMARY

This report is in response to the April Resolution 40/25 for the Director of Corporate Services to investigate the possibility of Council implementing a Business Rating regime for all Air BnB properties in the local government area in those instances where owners are not using their properties for full-time residential purposes and properties are being made available for short-term rental within the marketplace.

OFFICER'S RECOMMENDATION:

That Council:

1. Notes the contents of the report, that under current legislation it is not possible to change the rating category on residential properties for short-term holiday rental.
2. Notes that the NSW Government reforms on short-term rental accommodation is currently stalled.
3. Requests the Mayor to write to the The Hon. Paul Scully MP, Minister for Planning and Public Spaces and The Hon. Ron Hoenig MP, Minister for Local Government, urging the NSW Government to urgently pursue their intended reforms on short term rental accommodation – highlighting the negative effects unregulated short term rental accommodation have for the Tenterfield local government area.

BACKGROUND

At the 30 April 2025 Council Meeting, Item GOV 22/25 – 2025/26 Operational Plan and Budget – including Revenue Policy, Fees and Charges, Long Term Financial Plan and 2025-2029 Delivery Program, item 10 was included in the Resolution 40/25. It resolved to request the Director Corporate Services to investigate the possibility of Council implementing a Business Rating regime for all Air BnB properties in the local government area in those instances where owners are not using their properties for full-time residential purposes and properties are being made available for short-term rental within the marketplace, driving real estate prices up and contributing to an acute shortage in long-term rental accommodation in Tenterfield.

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REPORT:

Byron Bay Shire Council went through the exercise of trying to get permission for a special rate for tourism back in 2022 and were not successful. They sought legal opinions with the outcome that they can not categorise short-term holiday accommodation as business and, therefore, cannot rate separately from residential.

The advice to Byron Bay Shire Council addresses the following question:

Would it be lawful for Council to categorise a parcel of rateable land as "business " for the purposes of ordinary rates if it contains a home that is available for the accommodation of tourists and visitors all year round?

Pursuant to section 516(1) of the *Local Government Act 1993* ("LG Act") land is required to be categorised as "residential" for rating purposes if it is a parcel of rateable land valued as one assessment and:

- "(a) its dominant use is for residential accommodation (otherwise than as a hotel, motel, guest- house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), or*
- (b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or*
- (c) it is rural residential land."*

The *Local Government (General) Regulation 2021* ("LG Regulation") also prescribes circumstances in which land is or is not to be categorised as residential as follows:

"121 Land used for caravan park or manufactured home not to be categorised as residential (section 516 (2))

If the dominant use of land is for a caravan park or a manufactured home estate, the land is not to be categorised as residential for rating purposes.

122 Land used for retirement village, serviced apartments or time-shares to be categorised as residential (section 516 (2))

If the dominant use of land is for a retirement village, serviced apartments or a time-share scheme, the land is to be categorised as residential for rating purposes."

Section 518 of the *LG Act* states that land can only be categorised as "business" for rating purposes if *"it cannot be categorised as farmland, residential or mining"*.

The meaning of the phrase "dominant use" in section 516 of the *LG Act* was considered by Justice Pearlman in the case of *McKenzie v Randwick City Council* [1996] NSWLEC 41. Justice Pearlman relevantly said:

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"...the term "dominant use " ins 516 must refer to the main or principal purpose for which land is used. If there is one use of land, that use will of course be the dominant use; if there are two or more uses, an inquiry needs to be made as to which of those uses is the main or principal use. "

The phrase "residential accommodation" is not defined in the *Local Government Act 1993 ("LG Act")* and therefore must be given its ordinary and natural meaning in the context in which it appears.

Limiting the meaning of the term "residential accommodation" to a dwelling or dwelling house is not appropriate in the statutory context of section 516. As recognised by section 516 itself, residential accommodation is not limited to dwelling houses or other places where persons reside or dwell on a long-term basis. Residential accommodation may take many different forms and could include accommodation in the forms commonly known as hotels, motels, guest-houses, backpacker hostels, nursing homes, boarding houses or lodging houses.

This point is well illustrated by the following observations made by Mr Lightman in *Urdd Gobaith Cymru v Commissioner of Customs and Excise [1997] V & DR 273 (at 279)*:

"I agree that "a residence" clearly implies a building with a significant degree of permanence of occupation. However, the word loses that clear meaning when used as an adjective. In ordinary English "residential accommodation" merely signifies lodging, sleeping or overnight accommodation. It does not suggest the need for such accommodation to be for any fixed or minimum period."

To seek to limit the concept of "residential accommodation " in section 516 of the *LG Act* to a place where a persons reside or dwell permanently or for more than a short period of time fails to recognise the use of the word "residential" as an adjective and the context in which the phrase **"residential accommodation"** appears.

It follows that it is likely (but not certain) that the phrase **"residential accommodation"** as used in section 516 of the *LG Act* would be broadly interpreted to mean a building or place where persons are provided with lodging, sleeping or overnight accommodation.

The mere fact that a home or dwelling *"is available to tourists and visitors all year round "* would not be sufficient to establish that the parcel of land on which the home or dwelling is erected cannot be categorised as "residential ". As recognised by section 516 itself, residential accommodation could include places where tourists and visitors stay overnight for short periods all year round provided that such accommodation does not take any of the following forms:

- Hotel
- motel
- guest-house
- backpacker hostel
- nursing home
- caravan park or
- manufactured home estate.

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The terms "manufactured home" and "manufactured home estate" are defined in the LG Act but the terms "hotel", "motel", "guest-house", "backpacker hostel", "nursing home" and "caravan park" are not defined in the LG Act. Whilst the terms "hotel or motel accommodation", "backpackers' accommodation" and "caravan park" are defined in the Dictionary of Tenterfield Local Environmental Plan 2014 those definitions are not imported into the LG Act and are not applicable.

Accordingly, the terms hotel, motel, guest-house, backpacker hostel, nursing home, caravan park must be given their ordinary and natural meanings in the context in which they appear.

Whilst Dictionaries are not a substitute for the judicial determination of the interpretation and the construction of words used in a statute, they may be of assistance in determining the ordinary meaning of a word or phrase (see *House of Peace v Bankstown City Council* (2000) 48 NSWLR 498) .

The Macquarie Dictionary (3rd edition) contains the following relevant definitions:

hotel *a building in which accommodation and food and alcoholic drinks are available.*

motel *a roadside hotel which provides accommodation for travellers in self-contained, serviced units, with parking for their vehicles.*

guesthouse *a house for the accommodation of paying guests; boarding house; hotel.*

backpacker *a person who travels with clothes and personal belongings in a rucksack.*

hostel *a supervised place of accommodation, usually supplying board and lodging, provided at a comparatively low cost, as one for students, nurses, or the like.*

serviced flat *a flat in which certain services, as cleaning, meals, etc., are provided.*

apartment *1. a single room in a building. 2. a suite of furnished rooms, among others in a building.*

Taking into account the above definitions in the context of section 516 of the LG Act and clause 122 of the LG Regulation it would seem that:

1. Where a parcel of rateable land contains residential flats or apartments that:
 - (a) are used mainly or principally for accommodation of paying tourists or visitors; and
 - (b) are provided with services such as cleaning, linen services or the provision of meals to the occupants,

it is likely that the proper categorisation of the parcel of land for rating purposes would be "residential" because the flats or apartments would be

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considered to be "serviced apartments" as referred to in clause 122 of the *LG Regulation*;

2. Where a parcel of rateable land contains residential flats or apartments that:

(a) are used mainly or principally for accommodation of paying tourists or visitors; and

(b) are **not** on "rural residential land"; and

(c) are **not** part of a "time share scheme"; and

(d) are **not** provided with services such as cleaning, linen services or the provision of meals to the occupants,

it is likely that the proper categorisation of the parcel of land for rating purposes would not be "residential" because the flats or apartments would be considered to be a "guesthouse", which is a form of residential accommodation specifically excluded by section 516(1) of the *LG Act* from the forms of residential accommodation that may be categorised as "residential";

3. Where a parcel of rateable land contains a building that comprises of only one dwelling that:

(a) is used mainly or principally for accommodation of paying tourists or visitors; and

(b) is **not** on "rural residential land"; and

(c) is not part of a "time share scheme"

it is reasonably arguable that the proper categorisation for rating purposes would not be "residential" because the dwelling would be considered to be a "guesthouse", which is a form of residential accommodation specifically excluded by section 516(1) of the *LG Act* from the forms of residential accommodation that may be categorised as "residential".

To argue that business rates may be charged where *"the home is available to tourists and visitors all year round"* is not correct because it does not recognise that a parcel of rateable land containing homes that are "serviced apartments" or that is "rural residential land" or that is part of a "time share scheme" must be categorised as "residential" for rating purposes even if those "homes" are used mainly or principally for accommodation of paying tourists or visitors.

It is also necessary to recognise that the onus is on the Council to prove the proper categorisation of the relevant land (see *Jakd Pty Limited v Randwick City Council* [1996] NSWLEC 97 (28 March 1996). In that regard, Justice Pain said in *Meriton Apartments Pty Limited v Parramatta City Council* [2003] NSWLEC 309 that section 516(1)(a) of the *LG Act* "is concerned with present use".

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Accordingly, the fact that a home may be "available" for accommodation of paying tourists or visitors would not be sufficient to establish that the actual present use of the parcel is mainly or principally for the accommodation of paying tourists or visitors.

Extract from the LGNSW Newsletter 15 July 2025

LGNSW has repeatedly called on the NSW Government to finalise its review of the short-term rental accommodation (STRA) framework and give councils tools to better manage the impacts of STRA platforms on the availability of long-term rental housing.

We're under no illusion that STRA reform is one of a number of levers that needs to be pulled to address the housing and homelessness crisis impacting our state. We all know more housing of all kinds is needed – public, social and market – but it will not be delivered overnight.

STRA reform is arguably the fastest way to return more housing to the long-term rental market but, unfortunately, the NSW Government reforms in this area appear to have stalled.

The NSW Government's STRA reform consultation closed 16 months ago – and rents keep rising.

I have continued to raise this matter with Minister Jackson, who is leading this review, and LGNSW continues to raise this in meetings with the Department of Planning, Housing and Infrastructure.

I encourage all councils to do likewise and to alert your local State Members about the delay in delivering on the review. It's now time for action from the state government.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- *Local Government Act 1993*
- *Local Government Regulation 2021*

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

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Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Liz Alley
Director Corporate Services

Prepared by staff member:	Liz Alley, Director Corporate Services
Approved/Reviewed by Manager:	Liz Alley, Director Corporate Services
Department:	Office of the Director Corporate Services
Attachments:	There are no attachments for this report.

Department:	Office of the Director Corporate Services
Submitted by:	Lee Sisson, Governance Officer
Reference:	ITEM GOV62/25
Subject:	DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS POLICY 2025

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.
CSP Strategy:	Deliver continuous improvements in Council's business, processes and systems.

SUMMARY

The purpose of this report is to review and update the Disclosures by Councillors and Designated Persons Policy.

OFFICER'S RECOMMENDATION:

That Council:

Adopts the revised and updated Disclosures by Councillors and Designated Persons Policy.

BACKGROUND

Council policies are instruments which form part of Council's organisational framework that supports the communication of organisational direction and legislative compliance while pursuing Council's activities.

The Disclosures by Councillors and Designated Persons Policy was last reviewed on 26 October 2022.

REPORT:

This Policy has been reviewed and has been updated to align with current delegated positions, the new policy template and includes a definition table to provide further explanations of terms and meanings under the schedules of the Tenterfield Shire Council Code of Conduct 2020.

Attached to this report is the current policy with changes in red, however, due to the extent of changes and the inclusion of the definition table the new formatted policy has also been included for ease of reading.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil required.

2. Policy and Regulation

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- *Local Government Act 1993*
- Tenterfield Shire Council Code of Conduct 2020
- Related Party Disclosure Policy

3. Financial (Annual Budget & LTFFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Under the *Local Government Act 1993* a Councillor or designated person must make and lodge with the General Manager, a Disclosures by Councillors and Designated Persons Return at times stipulated by the Act.

7. Performance Measures

Nil

8. Project Management

Nil.

Liz Alley
Director Corporate Services

Prepared by staff member:

Lee Sisson, Governance Officer

Approved/Reviewed by
Manager:

Liz Alley, Director Corporate Services

Department:

Office of the Director Corporate Services

Attachments:

- | | | |
|----------|---|------------|
| 1 | Current Amended Disclosures by Councillors & Designated Persons | 4
Pages |
| 2 | New Disclosures by Councillors and Designated Persons Policy 2025 | 4
Pages |

DISCLOSURES BY COUNCILLORS & DESIGNATED PERSONS

Summary:

The purpose of this policy is to provide clear direction to Elected Members (Councillors) and Council staff on the requirements for lodgement of Disclosure of Pecuniary Interests and Other Matters (Disclosure by Councillors and Designated Persons Return). Added to Policy Objectives

Policy Number	1.040 New front template
File Number	CM/163
Document version	V7.0
Adoption Date	26 October 2022
Approved By	Council
Endorsed By	Council
Minute Number	222/22
Consultation Period	N/A
Review Due Date	November 2024 – 2 years
Department	Office of Corporate Services
Policy Custodian	Manager Customer Service, Governance and Records
Superseded Documents	Designated Persons Policy – Dated 26 August 2020 (V6.0)
Related Legislation	Tenterfield Shire council Code of Conduct 2020 Clause 4.21 Related Party Disclosure Policy 1.189 NSW Local Government Act 1993 Section 440
Delegations of Authority	Chief Corporate Officer Manager Customer Service, Governance & Records* *While the Manager Customer Service, Governance and Records has overall responsibility for this Policy, for the purpose of ensuring integrity and segregation of duties, the investigation of Related Party Transactions may be delegated to another staff member by the Chief Executive Officer or the Chief Corporate Officer.

1. Overview

Sections 440 and 440AA of the *Local Government Act, 1993* determine the making of the Model Code of Conduct which prescribes the pecuniary interests and other matters to be disclosed in the Disclosures by Councillors and Designated Persons Return.

2. Policy Principles

The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

3. Policy Objectives

Section 4.8 of the Code of Conduct identifies "Designated Persons" and what disclosures must be made.

In addition to Councillors, Designated Persons include:

- (a) The Chief Executive General Manager
- (b) Chief Corporate Officer Director of Corporate Services
- (c) Director of Infrastructure Director of Infrastructure Services
- (d) Community representatives on Council Committees (provided the Committees have delegated powers from Council)
- (e) The following additional staff:
 - Manager Finance & Technology
 - Management Accountant
 - Manager Arts, Culture & Library Services
 - Manager HR, Workforce Development & Safety Manager Workforce, Safety, Risk & Records
 - Risk Management & Safety Coordinator
 - HR & Workforce Coordinator
 - Executive Assistant & Media
 - Manager Economic Development & Special Projects
 - Cultural Development Advisor
 - Tourism & Marketing Manager
 - Manager Customer Service, Governance & Records
 - Manager Planning & Development
 - Manager Property & Buildings
 - Property Specialist
 - Environmental Health & Building Surveyor
 - Manager Open Space, Regulatory & Utilities
 - Ranger/Compliance Officer
 - Manager Asset & Program Planning Manager Infrastructure Delivery
 - Engineering Officer
 - Assets Inspector
 - Manager Works
 - Storeperson Procurement Officer
 - Manager Fleet
 - Manager Water & Waste
 - Senior Technical Projects Engineer
 - Librarian