



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

22 OCTOBER 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 22 October 2025** commencing at **9:30 AM**.

Hein Basson
General Manager

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.00 am and 9.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## ORDER OF BUSINESS

### Public Forum

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 PUBLIC FORUM AND COUNCIL MEETING

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

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

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

## PUBLIC FORUM (BEFORE THE MEETING STARTS)

### 1. OPENING & WELCOME

### 2. (A) OPENING PRAYER

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

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

### (B) ACKNOWLEDGEMENT OF COUNTRY

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

### 3. APOLOGIES

### 4. DISCLOSURES & DECLARATIONS OF INTEREST

### 5. CONFIRMATION OF PREVIOUS MINUTES

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### 6. TABLING OF DOCUMENTS

### 7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

### 8. MAYORAL MINUTE

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

## **10. OPEN COUNCIL REPORTS**

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### **CONFIDENTIAL**

|                 |                                                                                             |
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| (ITEM COM31/25) | EVALUATION OF COUNCIL'S RFT 02-25/26 SUPPLY OF MOTOR GRADERS TO REPLACE UNIT 65 AND UNIT 67 |
|-----------------|---------------------------------------------------------------------------------------------|

That 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 COM32/25) TENDER EVALUATION OF COUNCIL'S ANNUAL RESEALS AND INITIAL SEALS VIA LOCAL GOVERNMENT PROCUREMENT LGP213-3 RFT 03-25/26 BITUMINOUS SURFACING 2025 VARIATION

That 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 COM33/25) EVALUATION OF COUNCIL'S TENDER RFT 04- 25/26 SAFETY BARRIER REMOVAL AND NEW INSTALLATIONS

That 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 COM34/25) EVALUATION OF COUNCIL'S RFQ 02 25/26 SUPPLY AND DELIVERY OF MOWERS

That 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.

**15. MEETING CLOSED**

**(ITEM MIN9/25) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Allison Graham, Executive Assistant & Media

**RECOMMENDATION**

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

- Ordinary Council Meeting – 24 September 2025**

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

**ATTACHMENTS**

|          |                                                                      |             |
|----------|----------------------------------------------------------------------|-------------|
| <b>1</b> | Unadopted Meeting Minutes Ordinary Council Meeting 24 September 2025 | 22<br>Pages |
|----------|----------------------------------------------------------------------|-------------|



# MINUTES



## 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.

## MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 24 SEPTEMBER 2025

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", 247 Rouse St, Tenterfield, NSW, 2372 on Wednesday 24 September 2025 commencing at 9:30 am.

### ATTENDANCE

Councillor Bronwyn Petrie (Mayor)  
Councillor Owen Bancroft  
Councillor Tim Bonner  
Councillor Peter Murphy  
Councillor Tom Peters  
Councillor Peter Petty  
Councillor Greg Purcell  
Councillor Kim Rhodes  
Councillor Greg Sauer  
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.*

#### **WEBCASTING OF THE PUBLIC FORUM AND MEETING**

Recording of the meeting commenced at 9.00am, with a Citizenship Ceremony commencing at 9.00am, followed by the Community Consultation Session and Council Meeting commencing at 9.30am.

The 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 Kevin Markwell, in his capacity as nominated President of the School of Arts Tenterfield Incorporated, addressed Council on Item COM24/25 – "Sir Henry Parkes Memorial School of Arts: School of Arts Tenterfield Incorporated (SOATI): Progress Report", him being in favour of Council pursuing a three-year Facility Permitted Use Licence with and funding for SOATI.

#### **OPENING AND WELCOME**

The Mayor welcomed everyone to the September Council Meeting.

#### **CIVIC PRAYER**

The 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 Mayor read the following:

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

#### **APOLOGIES**

No apologies were received from any Councillors.

**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                                                              |
|---------------------------|-------------------------------------|-------------------------------------------------------------------|
| Councillor Tim Bonner     | Non Pecuniary Significant           | ENV18/25 "DA 2024.104 Caravan Park 44 Francis Street Tenterfield" |
| Councillor Bronwyn Petrie | Less than Significant Non Pecuniary | ENV18/25 "DA 2024.104 Caravan Park 44 Francis Street Tenterfield" |

**(ITEM MIN8/25) CONFIRMATION OF PREVIOUS MINUTES**

**138/25**

**Resolved**

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

- Ordinary Council Meeting – 27 August 2025**

**as typed and circulated, be confirmed and signed as a true record of the proceedings of this meeting, with the removal of the wording "until 12.00noon" behind Cr Peter Petty's name on the attendance list.**

(Peter Petty/Kim Rhodes)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil.

**URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

Nil.

**MAYORAL MINUTE**

Nil.

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

**139/25**

**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/Peter Petty)

**Motion Carried**

## **OPEN COUNCIL REPORTS**

### **OUR COMMUNITY**

#### **(ITEM COM24/25) SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS: SCHOOL OF ARTS TENTERFIELD INCORPORATED (SOATI): PROGRESS REPORT**

##### **SUMMARY**

The purpose of this report is for Council to note the progress and outstanding issues in relation to pursuing a Facility Permitted Use Licence between SOATI and Council being finalised – as discussed in the body of the report – and to provide direction and answers to pertinent and strategic unanswered questions.

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

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

- 1. Notes the contents of the report.**
- 2. Considers whether it is willing to enter into a three-year Facility Permitted Use Licence agreement with SOATI.**
- 3. Considers what amount of funding it is willing to make available to SOATI on an annual basis for this three-year period (assuming that the answer to the first question is in the affirmative).**
- 4. If the responses to points 2 and 3 above are in the affirmative, authorises the General Manager to pursue the drafting of a Facility Permitted Use Licence with Bartier Perry Lawyers, and for the other matters that will still have to be clarified and agreed upon in this document, such as the shared foyer and office space with TCTIB, TCTIB's ability to also take visitors through the museum, and exactly what services SOATI would be able to provide for the annual amount made available to them by Council – to name a few – to be addressed as part of this drafting process.**

**140/25**   **Resolved**

**That Council:**

- 1. Notes the contents of the report.**
- 2. In principle is willing to enter into a three-year Facility Permitted Use Licence agreement with SOATI.**
- 3. In principle is willing to make funds of \$50,000 per year with annual CPI increases available to SOATI for this three (3) year period.**
- 4. Arranges for an on-site inspection of the School of Arts with the President, Secretary and Treasurer of SOATI, the Mayor, Deputy Mayor, General Manager and School of Arts Joint Management Committee nominee Cr Kim Rhodes.**
- 5. Invites the SOATI Executive to the Councillors Workshop on 8 October 2025 to present details of their proposed activities and clarification of the shared use with the Tenterfield Chamber of Tourism, Industry and Business (TCTIB).**
- 6. Requests a recommendation for the drafting of a Facility Permitted Use Licence with SOATI to the October 2025 Ordinary Council Meeting.**

(Peter Petty/Greg Sauer)

**Motion Carried**

**(ITEM COM25/25) TEN FM LEASE - 142 MANNERS STREET, TENTERFIELD**

**SUMMARY**

Ten FM wishes to remain at 142 Manners Street on a long-term basis, seeking a 5 x 5 x 5 lease to provide security for future planning, with consideration by Council to reduce the current weekly rental rate.

**141/25**

**Resolved**

**That the item be laid on the table until such time as Council's list of Fees and Charges has been consulted.**

(Bronwyn Petrie/Peter Petty)

**Motion Carried**

The item was revisited and dealt with at 12.02 pm.

**OFFICER'S RECOMMENDATION:**

**That Council:**

- 1. Notes the contents of the report.**
- 2. Considers the request from the President of TenFM for the annual rental amount of \$250 per week at 142 Manners Street, Tenterfield to be reduced, as well as for a 5 x 5 x 5 lease agreement to be entered into.**

**142/25**

**Resolved**

**That Council:**

- 1. Notes the contents of the report.**
- 2. Notes that it is already providing a reduction in commercial rent to Ten FM to the value of \$100.00 per week (i.e. \$5,200.00 per year) as the rental appraisal received by Council is for \$350.00 per week, and a reduction of \$1,588.00 per year in availability charges (as Ten FM is regarded by Council as being a voluntary/charitable organisation).**
- 3. Approves granting to Ten FM a 5 x 5 x 5 lease agreement for 142 Manners Street, Tenterfield at a weekly rent of \$250.00, increased annually by CPI, plus service charges for water and sewer availability at voluntary/charitable rates, plus a waste collection charge, waste management facility charge, waste recycling collection charge, stormwater charge, water consumption charge at normal rates, plus Ten FM being responsible for all phone, internet and electricity utility charges.**
- 4. Authorises the General Manager to conclude a lease agreement with Ten FM to this effect.**

(Kim Rhodes/Peter Murphy)

**Motion Carried**

**(ITEM COM26/25) ALCOHOL FREE ZONES - TENTERFIELD, DRAKE & URBENVILLE - 31 OCTOBER 2025 TO 30 OCTOBER 2029**

**SUMMARY**

The aim of this report is to request Council to re-establish the current Alcohol Free Zones (AFZ) in Tenterfield, Drake and Urbenville.

**143/25**

**Resolved**



**That Council:**

- (1) Receives and notes the report "Alcohol Free Zones - Tenterfield, Drake and Urbenville".**
- (2) Engages in consultation re the re-establishment of the following alcohol free zones, effective from 31 October 2025 to 30 October 2029:**

**Tenterfield**

**All public places that are public roads, footpaths or public car parks within the area bounded by the following:**

- **Naas Street between Pelham Street and East Street**
- **East Street between Naas Street and Douglas Street**
- **Douglas Street between East Street and Pelham Street**
- **Pelham Street between Douglas Street and Naas Street**

**Drake**

**Proposed Zones are as follows:**

- **Bruxner Highway / Fairfield Street between Stuart Street and Picarbin Street**
- **Alison Street (South) from Bruxner Highway / Fairfield Street to Drake Community Hall**
- **Alison Street (North) from Bruxner Highway / Fairfield Street to Koreelah Street**

**Urbenville**

**Proposed Zones are as follows:**

- **Stephen Street between Boomi Street and Tooloom Street.**
- **Beaury Street between Boomi Street and Tooloom Street.**
- **Boomi Street between Beaury Street and Stephen Street.**
- **Welch Street between Beaury Street and Stephen Street.**
- **Urban Street between Deane Street and Lindsay Street.**
- **Tooloom Street between Beaury Street and Lindsay Street,; and further**

- (3) Subject to no objections, the Alcohol Free Zones as detailed in the report be re-established by Council.**

(Peter Petty/Kim Rhodes)

**Motion Carried**

**(ITEM COM27/25) COUNCILLOR WORKS/SERVICE REQUESTS - AUGUST 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.

**144/25**

**Resolved**

**That Council:**

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

(Kim Rhodes/Gregory Purcell)

**Motion Carried**

**OUR ECONOMY**

**(ITEM ECO7/25) INVESTMENT REPORT FOR PERIOD ENDED 31 AUGUST 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.

**145/25**

**Resolved**

**That Council:**

**Notes the Finance and Accounts Report for the period ended 31 August 2025.**

(Gregory Purcell/Owen Bancroft)

**Motion Carried**

**SUSPENSION OF STANDING ORDERS**

**146/25**

**Resolved**



**That standing orders be suspended for the purpose of a morning tea break, the time being 10.50am.**

(Tim Bonner/Peter Petty)

**Motion Carried**

Recording of the session was paused at 10.50am.

**RESUMPTION OF STANDING ORDERS**

**147/25    Resolved**

**That the meeting be resumed at 11.25am.**

(Peter Petty/Tim Bonner)

**Motion Carried**

The recording device was turned on, the time being 11.25am.

Ms Tamai Davidson, Manager Planning and Regulation entered the room at 11.25am.

**OUR ENVIRONMENT**

**(ITEM ENV18/25) DA 2024.104 CARAVAN PARK 44 FRANCIS STREET, TENTERFIELD**

**SUMMARY**

The purpose of this report is to present to Council Development Application 2024.104 for the establishment of a Caravan Park at 44 Francis Street, Tenterfield. The application has been assessed externally as the land is owned by Council.

The application was previously presented to Council on 23 June 2025, where Council resolved to support the application and seek the concurrence of the Department of Housing, Planning and Infrastructure (the Department) for exemptions to the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

The concurrence of the Department has been obtained, and conditions of consent have been drafted in line with Council's prior resolution of support for the Development Application.

**148/25    Resolved**

**That Council:**

- 1. Approves Development Application 2024.104 as per the conditions contained in Attachment 1 and Plans in Attachment 2, with the following amendments shown as underlined words:**
  - a. The wording of the second part of development consent condition one (1) "Approved Development – 'Self-contained movable dwellings'" to be changed as follows:**
    - i. No approval is given for the use of the site by non-self contained caravans or for camping.**
  - b. The wording under development consent condition 10 "Landscape Plan" to be changed to read as follows:**

***Prior to commencement of works, a landscape plan shall be submitted to Council for approval. The plan must provide for advanced tree/hedge plantings along the eastern boundary of the site to achieve an effective visual screen. The plan is to:***

    - Nominate suitable long-lived tree/hedge species capable of reaching a mature height of at least 3 metres;***
    - Specify a minimum tree planting height of 2.5 metres, or hedge planting height of 1 metre at installation;***
    - Detail planting density and spacing sufficient to ensure a continuous vegetated screen within 3 years of establishment;***
    - Including ongoing maintenance measures requiring replacement of any dead, diseased or damaged plants for the life of the development;***
    - Provide for the erection of a temporary screening fence on the eastern boundary of the premises (until the tree/hedge plantings reaches the specified 3 metre height).***
- 2. Supports a variation to the existing lease with the Tenterfield Transport Museum, with all costs associated with the lease variation at no cost to Council.**

(Peter Petty/Owen Bancroft)

**Motion Carried**

For the Motion were Councillors Bronwyn Petrie, Greg Sauer, Owen Bancroft, Tim Bonner, Peter Murphy, Peter Petty, Tom Peters, Greg Purcell, Kim Rhodes and Rodger Turner – Total (10).

Against the Motion was Nil – Total (0).

Ms Tamai Davidson, Manager Planning and Regulation left the room at 12.06pm.

**(ITEM ENV19/25) 2025/26 LOCAL HERITAGE PLACES FUND APPLICATIONS**

**SUMMARY**

The purpose of this report is to present to Council the applications received for the Local Places Heritage Fund for the 2025/26 financial year. This year a total of seven (7) applications were received for maintenance and conservation works across the Shire which have been reviewed by staff and Council's Heritage Advisor.

**149/25**

**Resolved**

**That Council:**

- (1) Endorses the offers of funding, as detailed in the attachment to this report, and forwards a Letter of Offer to the eligible applicants.**
- (2) Redistribute any funding not accepted, or not claimed by the claim date, amongst completed eligible projects.**

(Kim Rhodes/Tom Peters)

**Motion Carried**

**OUR GOVERNANCE**

**(ITEM GOV75/25) AMENDED DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS POLICY 2025**

**SUMMARY**

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

**150/25**

**Resolved**

**That Council:**

**Adopts the amended, revised and updated Disclosures by Councilors and Designated Persons Policy.**

(Peter Petty/Owen Bancroft)

**Motion Carried**

**(ITEM GOV76/25) 2024/2025 FINANCIAL STATEMENTS TO BE REFERRED FOR AUDIT**

**SUMMARY**

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2025. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer.

**151/25**

**Resolved**

**That Council:**

- (1) In relation to the Financial Statements and in accordance with Section 413(2)(c) of the *Local Government Act 1993* (as amended):**
  - a) Resolves that in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2025 and Special Schedules are properly drawn up in accordance with the provisions of the *Local Government Act 1993*, (as amended) and the Regulations there under.**
  - b) Approves the Financial Statements for signature by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.**
- (2) Refers the Financial Statements to Council's Auditor for audit.**
- (3) Forwards the audited Financial Statements to the Office of Local Government by 31 October 2025.**
- (4) Delegates to the General Manager the authority to place the Audited Financial Statements on public exhibition from Monday, 3 November 2025 if possible (or the soonest practicable alternative date if not) and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 26 November 2025 if possible (or the soonest practicable alternative date if not).**
- (5) Requests the audited Financial Statements to be presented at the Ordinary Meeting of Council to be held on 26 November 2025, if possible, in accordance with Section 419(1) of the *Local Government Act 1993*, or alternatively at the soonest practicable date as determined by the General Manager.**

(Kim Rhodes/Peter Murphy)

**Motion Carried**

**(ITEM GOV77/25) BUDGET CARRY FOWARDS OPERATIONAL AND CAPITAL WORKS**

**SUMMARY**

The purpose of this Report is to provide an overview of the budgeted operational and capital works from projects in 2024/25 financial year and identifies unspent budgets that could be carried over into the 2025/26 financial year.

**152/25**

**Resolved**

**That Council receives and adopts the proposed unfinished carryover works from the 2024/25 Financial Year into the 2025/26 Financial Year and for these works to be included with the 2025/26 Budget and Operational Plan:**

- **Operational Carryovers of \$4,070,052.**
- **Capital Carryovers of \$7,574,795.**

(Peter Petty/Gregory Purcell)

**Motion Carried**

**(ITEM GOV78/25) COUNCILLOR EXPENSES AND FACILITIES FOR SIX (6) MONTHS JANUARY TO JUNE 2025**

**SUMMARY**

The purpose of this report is to provide details of Councillor Expenses and Facilities required in accordance with relevant legislation, regulations and Council policies.

**153/25**

**Resolved**

**That Council:**

**Notes the report on Councillor Expenses and Facilities for the six (6) months January to June 2025.**

(Gregory Purcell/Tom Peters)

**Motion Carried**

**(ITEM GOV79/25) WORKFORCE, SAFETY, RISK, RECORDS AND COMMUNICATIONS REPORT - AUGUST 2025**

**SUMMARY**

The purpose of this report is to provide a standing monthly report to Council that provides data within the Civic Department for Workforce, Safety, Risk, Records and Communications

**154/25**

**Resolved**

**That Council:**

**Notes the Workforce, Safety, Risk, Records and Communications Report for August 2025.**

(Kim Rhodes/Owen Bancroft)

**Motion Carried**

Councillor Kim Rhodes left the room at 1.20pm.

**(ITEM GOV80/25) CORPORATE SERVICES DIRECTORATE MONTHLY REPORT**

**SUMMARY**

The purpose of this report is to:

- update the Council on activities within the Corporate Services Directorate
- provide a written report that sets out details required in accordance with relevant legislation and regulations, and
- provide statistics and data that support corporate policy and activities in accordance with the Operational Plan and Delivery Program 2025 – 2029.

**155/25**

**Resolved**

**That Council:**

**Notes the Corporate Services Directorate Report for August 2025.**

(Tom Peters/Peter Petty)

**Motion Carried**

Councillor Kim Rhodes returned to the room at 1.22pm.

**(ITEM GOV81/25) INFRASTRUCTURE SERVICES DIRECTORATE MONTHLY REPORT**

**SUMMARY**

An overview of work carried out in the Department of Infrastructure Services for the month of August 2025.

**156/25**

**Resolved**

**That Council:**



Receives and notes the information contained in the report.

(Peter Murphy/Peter Petty)

Motion Carried

**(ITEM GOV82/25) TENTERFIELD SHIRE COUNCIL AUDIT RISK AND  
IMPROVEMENT COMMITTEE (ARIC): FILLING OF VACANCY:  
APPOINTMENT OF AN INDEPENDENT MEMBER**

**SUMMARY**

The purpose of this report is for Council to appoint a new independent member to its Audit, Risk and Improvement Committee

**157/25**

Resolved

That Council:

Appoints Ms. Liz Jeremy as an independent and voting member of the Tenterfield Shire Council's Audit, Risk and Improvement Committee.

(Peter Murphy/Peter Petty)

Motion Carried

**REPORTS OF DELEGATES & COMMITTEES**

**(ITEM RC3/25) LOCAL TRAFFIC COMMITTEE MEETING 6TH AUGUST  
2025**

**158/25**

Resolved

That Council:

Adopts the recommendations from the Tenterfield Shire Local Traffic Committee Meeting held on 6 August 2025, as follows:

**1. (ITEM GB1/25) CONFIRMATION OF MINUTES**

That the minutes of the Local Traffic Committee held on Wednesday, 4 June 2025 be confirmed.

**2. (ITEM GB2/25) MOUNTAIN CREEK ROAD & BRUXNER WAY -  
REQUEST FOR EXTENSION AND IMPROVEMENT OF LOCAL BUS STOP**

That the Local Traffic Committee notes the report and recommendation to carry out an inspection for review of the bus stop location, also noting that TfNSW will provide Grant Information available for the Country Passenger Transport Infrastructure Grants Scheme (CPTIGS)

**3. (ITEM GB4/25) UPDATE FROM TRANSPORT FOR NSW ON PREVIOUS MATTERS**

That the committee notes the report and the following updates on the report:

- New England Highway No Parking between 9pm and 7am signage has been installed in Jennings before the State border crossing this week.
- Liston Roads – Undercliffe Road and Rivertree Road speed reduction to 80km/h signs will be installed by October.
- Other speed zone reviews are in progress.
- TfNSW to follow up on progress of Mt Lindesay Road speed zone reduction in Angry Bull Trails zone around Lindrook Road, noting a deadline of March 2026.
- TfNSW to provide formal speed zone reports.

**4. BUSINESS WITHOUT NOTICE**

**a. (ITEM BWN1/25) REQUEST FOR UHF RADIO CALL SIGNS - MOUNT LINDESAY ROAD**

That the committee considers the request for signage on Mount Lindesay Road, between Koreelah and Legume areas stating a UHF call sign of Channel 29, to improve communication and for Council to then confirm it they can install UHF call sign signage without Transport for NSW approval.

**b. (ITEM BWN2/25) HEAVY VEHICLE PARKING ALTERNATIVE, NEW ENGLAND HIGHWAY JENNINGS**  
For Information.

**c. (ITEM BWN3/25) QUESTION ABOUT SPEED ZONES PAINTED ON TOWN ENTRY**

For Information, if an opportunity arises again of another TfNSW "Town Entry Statements" programme where speed zones are painted red, the Tenterfield Shire Villages would benefit from town entry treatment.

**d. (ITEM BWN4/25) TOURIST PARKING SIGNAGE**

For information and has been referred as a Councillor Action Request to the Infrastructure Department, for the installation of Blue Parking signs to direct Tourists for CBD Parking.

(Greg Sauer/Tim Bonner)

**Motion Carried**

**NOTICES OF MOTION**



**(ITEM NM6/25) ARIC COMMITTEE, INCREASE MEMBERSHIP**

The following motion has been received by Cr Peter Murphy, (attached as an Annexure to this report):

*I, Councillor Peter Murphy, hereby give notice that I intend to move the following motion at the Ordinary Council meeting to be held on Wednesday, 24 September 2025:-*

***That Council:***

- 1. Approves an increase in the Independent Membership of Council's Audit Review and Improvement Committee (ARIC) from the current three (3) to four (4) at a maximum additional cost of \$7,000 for the 2025/26 Financial Year and that such cost be funded from savings in Council's employee cost budgetary provisions due to vacancies.***
- 2. Does not automatically fill any vacancy that might occur in the future but keep the Independent Membership of ARIC at a maximum number of three (3) members for whom Council makes annual budgetary provision.***
- 3. Authorises the appointment of Mr Ron Gillard to this additional position.***

**159/25**

**Resolved**

**That Council:**

- 1. Approves an increase in the Independent Membership of Council's Audit Review and Improvement Committee (ARIC) from the current three (3) to four (4) at a maximum additional cost of \$7,000 for the 2025/26 Financial Year and that such cost be funded from Council's "Governance" budgetary provision (the same budget area that the current ARIC members are being paid from).**
- 2. Does not automatically fill any vacancy that might occur in the future but keep the Independent Membership of ARIC at a maximum number of three (3) members for whom Council makes annual budgetary provision.**
- 3. Authorises the appointment of Mr Ron Gillard to this additional position.**

(Greg Sauer/Peter Petty)

**Motion Carried**

**(ITEM NM7/25) SUBDIVISIONAL DEVELOPMENT APPLICATIONS, PUBLIC NOTIFICATION**

The following motion has been received by Cr Peter Murphy, attached as an Annexure to this report:

*I, Councillor Peter Murphy, hereby give notice that I intend to move the following motion at the Ordinary Council meeting to be held on Wednesday, 24 September 2025:-*

***That Council:***

- 1. Requests the General Manager to prepare a report on public notification options that could potentially be included in the Development Control Plan (DCP) regarding Subdivisional Development Applications within the approximately ten (10) kilometre area around Tenterfield and the approximately three (3) kilometre areas around the Shire's Villages, as are depicted in detailed maps in the Tenterfield Local Environment Plan (LEP), including the implications for Council associated with each option.***
- 2. Requests the General Manager to present this report with recommendations to the October 2025, Ordinary Council Meeting.***

**160/25**

**Resolved**

**That Council:**

- 1. Requests the General Manager to prepare a report on public notification options that could potentially be included in the Development Control Plan (DCP) regarding Subdivisional Development Applications within the approximately ten (10) kilometre area around Tenterfield and the approximately three (3) kilometre areas around the Shire's Villages, as are depicted in detailed maps in the Tenterfield Local Environment Plan (LEP), including the implications for Council associated with each option.**
- 2. Requests the General Manager to present this report with recommendations to the October 2025 Ordinary Council Meeting.**

(Peter Murphy/Kim Rhodes)

**Motion Carried**

Councillor Purcell left the room at 1.53pm.

**RESOLUTION REGISTER**

**(ITEM RES8/25) COUNCIL RESOLUTION REGISTER - AUGUST 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.

However, there are further actions in this report that still need to be attended to, and it should be regarded as work-in-progress that will continue for still some time because Council resolutions have not been consistently actioned in the past. There are still resolutions dating back to 2007 (that do not show up in this attached report) and are perceived not to have received the necessary executory attention. This situation is exacerbated by scarce resources.

**161/25**

**Resolved**

**That Council notes the status of the Council Resolution Register to August 2025.**

(Tim Bonner/Greg Sauer)

**Motion Carried**

Councillor Purcell returned to the room at 1.55pm.

**SUSPENSION OF STANDING ORDERS**

**162/25**

**Resolved**

**That standing orders be suspended for lunch, and then move into the closed session part of the meeting having a "working lunch", the time being 1.55pm.**

(Greg Sauer/Peter Petty)

**Motion Carried**

**CONFIDENTIAL BUSINESS**

**(ITEM COM28/25) TENDER EVALUATION OF COUNCIL'S ANNUAL RESEALS AND INITIAL SEALS VIA LOCAL GOVERNMENT PROCUREMENT LGP213-3 RFT 03-25/26 BITUMINOUS SURFACING 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.

**SUMMARY**

The purpose of this report is to provide Council with a report and recommendation on the Council's Reseal Tender via Local Government Procurement LGP213-3 RFT 03-25/26 Bituminous Surfacing 2025

Councillor Tim Bonner left the room at 2.15pm, not participating in any discussion or voting on the item, due to a previous working relationship with Specialised Pavements of Australia Pty Ltd.

**163/25**

**Resolved**

**That Council:**

**Engages Stabilised Pavements of Australia Pty Ltd (SPA) for Council reseals and initial seals, pending successful Roads to Recovery funding for additional works up to the value of \$1,600,000.**

(Gregory Purcell/Peter Petty)

**Motion Carried**

**(ITEM COM29/25) PROPOSAL ASSESSMENT FOR THE MINOR SLIPS VARIATION (UNDER THE EXISTING DESIGN AND CONSTRUCT OF EMBANKMENT RESTORATION AGRN1012 LONG GULLY ROAD SLIPS CONTRACT NO RFT 08 23/24)**

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.

**SUMMARY**

The purpose of this report is to present the assessment of Variation Proposals for the Minor Slips Repairs Variation (MSRV). These works address several minor land slips affecting four (4) road locations roads north of Tenterfield, caused by 2022 storm events. Limited DRFA funding has been secured for the repairs, with no other funding currently available. Given the similarities to existing contracts and the proven capability of those contractors, Council sought Variation Proposals from Civil Mining & Construction Pty Ltd (CMC) and Finn Valley Pty Ltd (Finn Valley), who are already engaged under current GC21 Contracts. This process enabled Council to efficiently seek competitive offers within the funding constraints, while ensuring probity and compliance with procurement requirements. Following assessment, Finn Valley's Alternative Proposal is considered the most suitable option, delivering value-for-money within the DRFA

funding allocation, and is recommended for direction by Tenterfield Shire Council (TSC) as a Variation under the existing GC21 Contract.

**164/25**

**Resolved**

**That Council:**

- 1. Approves accepting the variation proposal offered by Finn Valley Pty Ltd to undertake the Minor Slips Repairs Variation nominally for \$2,015,153.06 (excl. GST) based on their Alternative Proposal as a Variation under their existing Design & Construct Contract with Council (Long Gully Road Slips, RFT 08 23/24), and**
- 2. Authorises the General Manager to negotiate and execute commercial mechanisms and final pricing for the Minor Slips Repairs Variation according to the Long Gully Road Slips Contract.**

(Gregory Purcell/Peter Petty)

**Motion Carried**

**RESUMPTION OF STANDING ORDERS**

**165/25**

**Resolved**

**That Council moves into Open Session again, the time being 2.18pm.**

(Owen Bancroft/Peter Petty)

**Motion Carried**

The recording device was turned on, the time being 2.18pm.

Cr Bonner returned to the room at 2.18pm.

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

**(ITEM COM28/25) TENDER EVALUATION OF COUNCIL'S ANNUAL RESEALS AND INITIAL SEALS VIA LOCAL GOVERNMENT PROCUREMENT LGP213-3 RFT 03-25/26 BITUMINOUS SURFACING 2025**

**That Council:**

Engages Stabilised Pavements of Australia Pty Ltd (SPA) for Council reseals and initial seals, pending successful Roads to Recovery funding for additional works up to the value of \$1,600,000.

**(ITEM COM29/25) PROPOSAL ASSESSMENT FOR THE MINOR SLIPS  
VARIATION (UNDER THE EXISTING DESIGN AND CONSTRUCT OF  
EMBANKMENT RESTORATION AGRN1012 LONG GULLY ROAD SLIPS  
CONTRACT NO RFT 08 23/24)**

That Council:

1. Approves accepting the variation proposal offered by Finn Valley Pty Ltd to undertake the Minor Slips Repairs Variation nominally for \$2,015,153.06 (excl. GST) based on their Alternative Proposal as a Variation under their existing Design & Construct Contract with Council (Long Gully Road Slips, RFT 08 23/24), and
2. Authorises the General Manager to negotiate and execute commercial mechanisms and final pricing for the Minor Slips Repairs Variation according to the Long Gully Road Slips Contract.

**MEETING CLOSED**

There being no further business, the Mayor declared the meeting closed at 2.20pm.

.....  
Councillor Bronwyn Petrie  
Mayor/Chairperson





|                      |                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>                                                                                             |
| <b>Submitted by:</b> | Hein Basson, General Manager                                                                                                     |
| <b>Reference:</b>    | <b>ITEM COM30/25</b>                                                                                                             |
| <b>Subject:</b>      | <b>SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS: SCHOOL OF ARTS TENTERFIELD INCORPORATED (SOATI): FACILITY PERMITTED USE LICENCE</b> |

|                                                               |                                                                                                                       |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                       |
| <b>CSP Goal:</b>                                              | <b>COMMUNITY</b> - Younger and older people are valued and supported                                                  |
| <b>CSP Strategy:</b>                                          | Support community events for younger and older people                                                                 |
| <b>Delivery Plan</b>                                          | Provide and support access to arts and culture activities and opportunities that are inclusive and for all age groups |
| <b>Action:</b>                                                |                                                                                                                       |

## SUMMARY

The purpose of this report is for Council to approve the drafting of a Facility Permitted Use Licence agreement between the School of Arts Tenterfield Incorporated (SOATI) and Council by engaging Bartier Perry Lawyers for the execution of this task.

## OFFICER'S RECOMMENDATION:

### That Council:

**Approves the drafting of a Facility Permitted Use Licence between the School of Arts Tenterfield Incorporated (SOATI) and Council by engaging Bartier Perry Lawyers for the execution of this task, *inter alia* making provision for a three-year licence term and funding of \$50,000 per year with annual CPI increases – consistent with its resolution adopted in this regard at the Ordinary Council Meeting held on 24 September 2025.**

## BACKGROUND

The report that was prepared for Council's consideration last month provided a comprehensive background on this particular subject matter and is easy to access on Council's website for reference. For purposes of this report, only two standing Council resolutions are quoted under this "Background" heading of the report – for the ease of reference of Councillors.

Council, at its Ordinary Meeting held on 28 August 2024, adopted the following resolution (Resolution Number 1/24) regarding the establishment of an incorporated, not for profit association for purposes of managing the day-to-day operations of the Sir Henry Parkes Memorial School of Arts:

### Resolved

### *That Council:*

*(1) Notes the information contained in the report of the General Manager.*



Our Community No. 30 Cont...

*(2) Supports and facilitates the establishment and functioning of an incorporated not for profit association under the Associations and Incorporations Act 2009 (NSW) for purposes of managing the day-to-day operations of the Sir Henry Parkes Memorial School of Arts.*

*(3) Authorises the General Manager to make the necessary arrangements for the establishment of the Association mentioned in paragraph two above, through the engagement of Ms Kerri Swain of the local legal firm Jennings and Kneipp. Further, that the costs of this engagement, as well as other incidental costs like advertising costs for expressions of interests for membership of this newly formed Association, and other similar minor expenses, be borne by Council.*

*(4) Approves a collaborative approach with all stakeholders to arrive at a Constitution for the new Association that will guarantee the ongoing operations of the Sir Henry Parkes Memorial School of Arts – in the best interest of the Tenterfield local community, but also the Australian nation because of its historical significance.*

*(5) Approves a first year contribution to the Association of \$40,000, which will be used as a starting point for discussions regarding its establishment.*

*(6) Reserves the right to approve the final list of functions, services, and actions that will be enshrined within the Constitution of the newly formed Association.*

*(7) Reserves the right to approve the final recurrent annual funding and the purposes thereof that will be made available by Council to the newly formed Association.*

*(8) Reserves the right to approve the terms and conditions of the Agreement that will have to be entered into between Council and the newly established Association for it to be able to exercise the day-to-day operational management responsibilities of the Sir Henry Parkes Memorial School of Arts.*

*(9) Continues to be responsible for the ongoing operational expenditure for museum advisory services, Arts North West membership, School of Arts building operations, cleaning, fire monitoring and inspections, security monitoring, insurance, and depreciation.*

*(Peter Petty/Kim Rhodes)*

Motion Carried

At its Ordinary Meeting held on 24 September 2025, Council adopted the following resolution (Resolution Number 140/25):

Resolved

That Council:

- 1. Notes the contents of the report.*
- 2. In principle is willing to enter into a three-year Facility Permitted Use Licence agreement with SOATI.*

Our Community No. 30 Cont...

3. *In principle is willing to make funds of \$50,000 per year with annual CPI increases available to SOATI for this three (3) year period.*
4. *Arranges for an on-site inspection of the School of Arts with the President, Secretary and Treasurer of SOATI, the Mayor, Deputy Mayor, General Manager and School of Arts Joint Management Committee nominee Cr Kim Rhodes.*
5. *Invites the SOATI Executive to the Councillors Workshop on 8 October 2025 to present details of their proposed activities and clarification of the shared use with the Tenterfield Chamber of Tourism, Industry and Business (TCTIB).*
6. *Requests a recommendation for the drafting of a Facility Permitted Use Licence with SOATI to the October 2025 Ordinary Council Meeting.*

(Peter Petty/Greg Sauer)

Motion Carried

## REPORT:

At the Councillor Workshop held on Wednesday, 8 October 2025, SOATI representatives consisting of the President, Mr. Kevin Markwell, the Vice-President, Mr. Richard Hicks, the Treasurer, Ms. Amanda Blair, and Ms. Jane I'Ons as substitute for the Secretary, Ms. Kerri Swain, who was unable to attend, held discussions with Council.

The newly elected President had presented Council with a draft "School of Arts Tenterfield Inc (SOATI) Business Plan 2026" a few days before the Workshop, which allowed the Council representatives with an opportunity to read through the contents before the discussions were held.

A copy of this succinct, but comprehensive "School of Arts Tenterfield Inc (SOATI) Business Plan 2026" is annexed to the Business Paper as Attachment 1, and should please be read as an integral part of this report.

The report author is reluctant to emphasise or discuss in isolation any part of this Plan, as all the different components enshrined within the document form an integrated whole.

The author's perceived highlight of the Workshop discussions was the importance and high value placed by both parties on maintaining good relationships between SOATI and the Tenterfield Chamber of Tourism, Industry and Business (TCTIB).

Engaging with Artificial Intelligence (AI), the report author used the AI-tool "ChatGPT" to generate the following reasoning why an incorporated body like SOATI would be better suited to manage the day-to-day operations of the School of Arts, compared to Council:

Our Community No. 30 Cont...

***Why an Incorporated Not-for-Profit Association Is Better Suited Than the Local Government Council to Manage the Sir Henry Parkes Memorial School of Arts, Tenterfield NSW***

***Introduction***

*The Sir Henry Parkes Memorial School of Arts is a cultural and historical landmark in Tenterfield, NSW. Its operations require more than just basic administrative oversight — they demand a hands-on approach that balances heritage preservation, community engagement, and financial sustainability. While the local government council plays a valuable role in broad strategic planning and infrastructure, day-to-day management of this type of facility is better placed in the hands of an incorporated not-for-profit association.*

---

***1. Localised Expertise and Commitment***

*An incorporated not-for-profit association can be made up of people with a deep personal connection to the Sir Henry Parkes Memorial School of Arts — historians, local artists, community leaders, and residents who understand its heritage and significance. This localised knowledge allows for more sensitive decision-making and programming than a council department that manages multiple facilities across a broad region.*

*A council's cultural services team might have to juggle dozens of projects and facilities at once, making it hard to prioritise the unique needs of one site. In contrast, a dedicated association's sole focus is the Memorial School of Arts, meaning every decision is made with its best interests at heart.*

---

***2. Flexibility and Responsiveness***

*Councils operate within strict bureaucratic frameworks. Even small operational changes can require lengthy approval processes. This can delay responses to issues such as maintenance needs, exhibition opportunities, or local event partnerships.*

*A not-for-profit association can act quickly — for example, approving a local artist's exhibition on short notice or adjusting opening hours to cater for a community event. This flexibility is essential for a facility that serves as both a heritage site and a dynamic cultural space.*

---

***3. Community Ownership and Participation***

*When a community has direct responsibility for managing a facility, it fosters a stronger sense of ownership and pride. An incorporated association is run by members and often relies on volunteers, which increases local participation and engagement.*

*In contrast, when management sits solely with the council, decisions can feel remote and disconnected from the community. With a not-for-profit structure, local people not only have a voice but also a hand in shaping the site's future.*

---

***4. Access to Additional Funding Sources***

*Incorporated not-for-profits can apply for grants, sponsorships, and philanthropic funding streams that councils often cannot access. This includes heritage preservation grants, arts development funds, and corporate partnerships.*

Our Community No. 30 Cont...

*Such funding can be reinvested directly into the Memorial School of Arts, enabling more exhibitions, better facilities, and specialised heritage conservation work. Council budgets, by comparison, are often stretched thin across multiple services and infrastructure needs.*

5. Cost-Effective Operations

*Because not-for-profit associations often combine paid staff with volunteer labour, they can deliver high-quality services at lower operational costs. They can also negotiate in-kind support from local businesses and community groups.*

*Councils generally operate under award wages, fixed staffing levels, and procurement rules that can increase costs and reduce operational efficiency.*

6. Preservation of Cultural Identity

*The Memorial School of Arts is more than a building; it is a symbol of Tenterfield’s cultural and political history, closely tied to Sir Henry Parkes and the story of Australian Federation. A not-for-profit association can dedicate time and resources to curating exhibitions, running educational programs, and preserving oral histories — all tailored to the local identity.*

*While councils support heritage work, their priorities are often broader and may not allow for the same level of specialist programming.*

Conclusion

*The management of the Sir Henry Parkes Memorial School of Arts requires a blend of cultural sensitivity, operational flexibility, and community involvement that an incorporated not-for-profit association is best positioned to provide. While the local council should retain a supportive and oversight role — ensuring the site’s protection as a public asset — day-to-day operations are better entrusted to a dedicated local body with the passion, agility, and community trust to keep this important landmark thriving.*

Here’s a table tailored specifically to the Sir Henry Parkes Memorial School of Arts in Tenterfield:

| Factor                 | Local Government Council Management                                          | Incorporated Not-for-Profit Association Management                |
|------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Decision-Making Speed  | Slow, due to formal approval processes and multiple layers of bureaucracy.   | Fast, with the ability to make operational decisions immediately. |
| Focus & Prioritisation | Competes with dozens of other council projects and facilities for attention. | Sole focus on the Sir Henry Parkes Memorial School of Arts.       |

Our Community No. 30 Cont...

| <b>Factor</b>                           | <b>Local Government Council Management</b>                                                        | <b>Incorporated Not-for-Profit Association Management</b>                                                          |
|-----------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Local Knowledge &amp; Connection</b> | <i>Managed by staff who may not have deep personal or historical ties to the site.</i>            | <i>Managed by locals and members with strong historical and cultural knowledge of the site.</i>                    |
| <b>Community Engagement</b>             | <i>Community involvement mostly through public consultation processes.</i>                        | <i>Direct community participation through membership, volunteering, and board representation.</i>                  |
| <b>Funding Sources</b>                  | <i>Limited to council budget allocations and government grants.</i>                               | <i>Access to council support <b>plus</b> philanthropic funds, private sponsorships, and community fundraising.</i> |
| <b>Cost Efficiency</b>                  | <i>Operates under rigid staffing, award wages, and procurement rules that can increase costs.</i> | <i>Can combine paid roles with volunteer work and in-kind contributions to reduce costs.</i>                       |
| <b>Programming &amp; Events</b>         | <i>May follow broader council event calendars with less site-specific focus.</i>                  | <i>Can develop tailored exhibitions, events, and programs that reflect local heritage.</i>                         |
| <b>Heritage Preservation</b>            | <i>Preservation is one of many competing priorities across the council area.</i>                  | <i>Heritage care is a central mission, with targeted projects and specialist attention.</i>                        |
| <b>Operational Flexibility</b>          | <i>Bound by council regulations, limiting rapid changes to operations.</i>                        | <i>Highly adaptable to changing circumstances, community needs, and opportunities.</i>                             |
| <b>Sense of Ownership</b>               | <i>Seen as a council asset maintained for the public.</i>                                         | <i>Seen as a community-led and community-owned cultural hub.</i>                                                   |

## **COUNCIL IMPLICATIONS:**

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

Ample community consultation had been done as part of the establishment of the SOATI group – including three public meetings.

As part of the development of a fresh Economic Development Strategy for the Tenterfield Shire, the appointed consultant SC Lennon & Associates Pty Ltd (Sc Lennon) has provided relevant information, also gathered as part of community consultation, to Council at a Workshop on Monday, 13 October 2025.

Part of this information included a definition of economic development, i.e. “Ultimately, economic development is about improving quality of life or to capture the concept more succinctly, it is about prosperity and wellbeing”.

## Our Community No. 30 Cont...

The four elements identified by SC Lennon to contribute to economic development/prosperity are:

- Community Wellbeing,
- Economic Growth,
- Environmental Sustainability, and
- Cultural Enrichment.

The opinion is held that Council entering into a successful Facility Permitted Use Licence with SOATI, will contribute towards the cultural enrichment of the Tenterfield Shire community, which will contribute to greater community wellbeing, and which may in time contribute to improved economic growth for the area.

## Economic Development Defined

**Economic development** is about the continuous improvement in a region's level of income and capital (wealth) and the distribution of that wealth (through local expenditure and jobs) to the community.

Typically measured in terms of investment, income flows and employment, economic development is also measured by improvements in education, skills, health, culture, community wellbeing, 'place' and the natural environment.

Ultimately, economic development is about improving quality of life or to capture the concept more succinctly, it is about **prosperity** and **wellbeing**.



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## Policy and Regulation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Associations and Incorporations Act 2009*
- Councillor Handbook September 2024 NSW Department of Planning, Housing and Infrastructure – Office of Local Government

The above-mentioned Councillor Handbook states the following on page 16 regarding the "Role of Individual Councillors":

*The Act prescribes the role of individual councillors as follows:*

- *to be an active and contributing member of the governing body*
- *to make considered and well-informed decisions as a member of the governing body*
- *to participate in the development of the integrated planning and reporting framework*
- *to represent the collective interests of residents, ratepayers and the local community*

Our Community No. 30 Cont...

- *to facilitate communication between the local community and the governing body*
- *to uphold and represent accurately the policies and decisions of the governing body*
- *to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.*

*The Act makes it clear that councillors are individually accountable to the local community for the performance of the council.*

*In the case of councils divided by wards, councillors have an obligation to make decisions that are in the best interests of the community as a whole, not just the ward that elected them.*

*While councillors are free, subject to their obligations under the council's code of conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made they are required to 'uphold' the policies and decisions of the council.*

*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 Australian Constitution. In practical terms, councillors remain free to speak about the policies and decisions of the council but they must accept and abide by them and must not misrepresent them.*

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

Council has made provision in its 2025/26 Operational Plan and Budget for an expense amount of around \$80,000 for "School of Arts Operations" – excluding "fixed operational costs" like insurances, fire monitoring and inspections, cleaning, museum advisory service, etc. – but including a provision for potential seed funding to SOATI and an additional amount for potential day-to-day operational expenses.

Council has inter alia adopted the following resolutions last month:

*That Council:*

*In principle is willing to enter into a three-year Facility Permitted Use Licence agreement with SOATI.*

*In principle is willing to make funds of \$50,000 per year with annual CPI increases available to SOATI for this three (3) year period.*

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

The Sir Henry Parkes Memorial School of Arts is not Council's property. Council has entered into a long-term lease agreement of 50-years with the National Trust of Australia (NSW) on 1 July 1999 for a yearly rent of \$1.00.

However, this lease agreement makes provision for Council to accept full operational responsibility for this asset, as if it were Council's own asset.

## Our Community No. 30 Cont...

Clause 4.3 of the lease agreement deals with payment by Council of "any municipal or water land taxes and other charges, outgoings or assessment which may at any time during the term, be separately levied or imposed on the land or any part thereof", and "the cost and expense of all services to the land and including but without limiting the generality of the foregoing telephone, electricity, electricity meter rents, oil, gas, excess water, garbage and trade waste removal."

Clause 9 deals with Council's responsibility in terms of a conservation management plan, as follows:

"The tenant will restore, refurbish and redevelop the building consistently with the uses permitted by this lease but only:

9.1.1 In accordance with a conservation management plan 'the Plan' prepared by a suitable qualified heritage consultant adopted by the joint committee and approved by the Heritage Council of New South Wales, and for the time being in force; and

9.1.2 With the prior consent of the Landlord which will not be unreasonably withheld in subclause 9.1.1 is complied with."

Clause 10 deals with Council's responsibility to keep improvements in repair, as follows:

"The tenant must at all times well and substantially repair and keep in good and substantial repair and condition all improvements erected now or at any time hereafter on the land and all additions to all improvements and every part thereof including the fire equipment appurtenances drains and pipes."

Clause 6.17 separately deals with Council's responsibility to "provide and maintain in good order and condition and keep readily available for use upon the land proper and sufficient fire fighting and fire extinguishing appliances to the satisfaction of the Tenant's Fire Control Officer".

Also, Clause 6.18 specifically addresses the Parkes Collection, stating that "The Parkes Collection will be housed in the School of Arts building and the landlord and the tenant will enter into a written agreement providing for the storage, maintenance and preservation of the Parkes Collection."

Clause 11 deals with the payment of insurances by Council and the Landlord, stating in Clause 11.1. that public liability insurances will be the responsibility of Council, whilst the Landlord "will during the term of this Lease insure the building and contents, including but not limited to the Parkes Collection, for its full insurable value" (subclause 11.3.1). However, subclause 11.3.2 makes provision for these building and contents insurance payments to be reimbursed by Council to the Landlord.

Since SOATI, as an incorporated association is a legal entity in its own right, it will be in a position to apply for and administrate grant funding for purposes including the maintenance and renewal of the building structure and its components – of course with the necessary consultation with Council and obtaining the necessary approvals from the National Trust NSW.

#### 4. Workforce (WMS)



Our Community No. 30 Cont...

Council does not have the resources, both financial and human, to operationally manage the School of Arts – like it used to do in the past. Therefore, the establishment of an incorporated not for profit association has been pursued to fulfill this function.

## **5. Legal and Risk Management**

Council has entered into a 50-year lease agreement with the National Trust of Australia (NSW) on 1 July 1999, with a termination date of 30 June 2049, and with an option to renew the lease for another 50 years (Clause 3.2 read in conjunction with Item 4 of the Reference Schedule) – but subject to the Governor’s Consent.

However, Council may terminate this lease in accordance with the provisions of Clause 3.1.2 of the Lease Agreement. It reads as follows:

“3.1.2 Notwithstanding Clause 3.1.1 hereto the Tenant may at any time upon giving not less than six (6) months prior written notice to the Landlord surrender this lease which surrender will determine the term hereby granted but such surrender will be without prejudice to the rights of either party in respect of any antecedent breach matter or thing.”

Similarly, the landlord may terminate the lease with Council with six (6) months’ notice if Council (the tenant) “ceases to be the council for the Local Government area in which the land is situated”, or Council “loses the right or power to use or maintain the land or the building as provided for in this lease”.

It will be imperative for a clear and legally binding Facility Permitted Use Licence agreement between Council and SOATI to be prepared and executed - delineating the services and functions that will be provided and the parameters within which it will happen, including the term that the arrangement will be valid for, a quarterly reporting mechanism, and the recurrent annual financial contribution and assistance Council will be providing.

Please also refer to the comments made above under the sub-heading “Asset Management”.

In addition, it is important to note that an incorporated association is a legal entity in its own right, separate from its members. Therefore, members are protected against any claims made against the association such as debts, or compensation claims for negligence.

## **6. Performance Measures**

As was mentioned above, a quarterly reporting mechanism will have to be built into the legally binding Facility Permitted Use Licence agreement between Council and SOATI.

The “School of Arts Tenterfield Inc (SOATI) Business Plan 2026” referred to earlier in this report (and of which a copy is attached to this report), states the following under the heading “10. Monitoring and Evaluation”:

Our Community No. 30 Cont...

- Monthly reporting by Operations Manager to SOATI committee on attendance, revenue, and for gaining feedback.
- Quarterly reporting to Council: performance measures relating to expenditure; museum attendance; number of bookings in theatre; media coverage; feedback from community and visitors.
- Regular community engagement to refine programming.
- Annual review to assess financial performance and community impact.
- Initial 12-month period to be treated as a pilot phase.

### **7. Project Management**

This project has unfortunately taken a significantly longer time to process than what was initially anticipated.

**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:                  | <b>1</b> Attachment 1 20 Pages |

## **School of Arts Tenterfield Inc (SOATI) Business Plan: 2026 (DRAFT)**

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### **1. Executive Summary**

The Sir Henry Parkes Memorial School of Arts: Museum and Theatre is a significant NSW cultural and community facility. The building plays an important role in Australia's Federation story and is a culturally significant element of the Tenterfield community.

Our vision is to preserve and promote the historic significance of the School of Arts while at the same time consolidating its role as a vibrant centre for cultural and social engagement.

This business plan outlines a strategic approach to revitalising, managing and sustaining the Museum and Theatre spaces as hubs for heritage appreciation, education, and cinematic and live performances. It comprises a brief market analysis, marketing/promotions overview, implementation plan, strategies for increasing visitation, preliminary risk assessment and budget.

We identify opportunities and challenges in operating a multi-use facility. With strategic investment in (limited) staffing, marketing and related business infrastructure, SOATI will manage the facility in a way that could become a community-based model for balancing heritage conservation with contemporary cultural use.

By leveraging its unique heritage values, strengthening community partnerships and diversifying programming, the museum and theatre will attract visitors from across the Shire, the region and beyond, as well as enhance local pride and contribute to Tenterfield's economic and social vitality.

---

## **2. Historical Context**

School of Arts Tenterfield Inc (SOATI) was established on 8 November 2024 as an incorporated association by founding members of the community steering committee. The process was enabled by solicitor, Kerri Swain, (SOATI's public officer), Tenterfield Shire Council General Manager, Hein Basson, and members of the community steering committee. The overarching aim is for SOATI to operate the Sir Henry Parkes Memorial School of Arts: Museum and Theatre/Cinema. SOATI aims to restore and reinvigorate the building's role as a hub for community engagement, cultural heritage interpretation, live performance and cinema. SOATI's first AGM was held 23 January 2025, the second on 26 September 2025.

---

## **2. Vision, Mission, and Values**

### **Vision:**

To provide the Tenterfield community and visitors with a vibrant, multi-functional venue that celebrates, supports and encourages the arts, history and culture through the operation of the museum and theatre/cinema.

### **Mission:**

To revitalize the Sir Henry Parkes Memorial School of Arts (Museum and Theatre/Cinema) as a high quality venue for the promotion and appreciation of local and national heritage and entertainment.

### **Core Values:**

- Community inclusion and engagement
- Cultural respect and appreciation
- Educational enrichment
- Creative collaboration
- Financial responsibility

---

### **3. Objectives and Strategic Directions**

1. To manage the operations of the Sir Henry Parkes Memorial School of Arts, Museum and Theatre spaces
  2. To support the maintenance and sustainability of the Sir Henry Parkes Memorial School of Arts and the Collections housed therein
  3. To foster and promote the use and benefit of the facilities by the community
  4. To safeguard the historically significant School of Arts building and collections for the benefit of the Australian nation
  
  5. Attract local, regional and national performances, events, and exhibitions.
  6. Foster and support local creative output that can be platformed in the theatre.
  7. Re-establish the School of Arts as a high quality cultural tourism destination.
  8. Strive for greater financial independence through diversified revenue streams, including fundraising.
  9. Strengthen relationships with Council, Friends of the School of Arts, National Trust, Arts North West and Tenterfield Chamber of Tourism Industry and Business.
  10. Offer children's and family-friendly programming.
  11. Encourage philanthropy and corporate sponsorship.
-

#### 4. Market and Environmental Analysis

##### Target Markets

Local residents and community organisations; schools and colleges

Regional and interstate tourists (independent and organised groups; special interest groups; incidental tourists: bus tours travelling elsewhere which include a short stop-over in Tenterfield)

##### Market Trends

Cultural and heritage tourism; Regional tourism; Experiential tourism; Community-engaged theatre; Accessible venues

##### Competitor Analysis

The School of Arts is a unique facility which does not significantly compete directly with any other facilities or attractions in the Shire. Certainly, there would be some competition with other heritage attractions such as Centennial Cottage, Tenterfield Saddler and Railway Museum, but we see opportunities for collaboration rather than competition.

**A SWOT analysis has been conducted** (Appendix A). A summary is provided below:

- Strengths: National heritage value of building; Valued highly by Tenterfield community; High quality exhibits in museum; Fully-functioning theatre with in-built flexibility
- Weaknesses: Limited pool of volunteers to draw from; Reliance on Council funding; National Trust related restrictions; Difficult to mount temporary exhibits in museum; Limited channels through which to promote events; Limited revenue streams for the Museum
- Opportunities: Strengthen community cohesion, connectivity and resilience; Strengthen Tenterfield's brand as a heritage and cultural tourism destination including linking in with other heritage attractions in Tenterfield Shire;
- Threats: Changes in composition of SOATI committee; Changes in Council priorities; Unexpected deleterious global, national or regional event

A detailed SWOT analysis is presented in Appendix A

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## **5. Marketing and Promotions Overview**

### **Branding**

Need to develop strong visual identity through logo, website, social media

### **Promotion Channels**

Website, social media, online and print newspapers, TEN FM, VICs, Arts North West, community noticeboards, Council newsletter, roadside billboards

### **Events and Festivals**

Seasonal programming to attract repeat visitors

### **Membership and Loyalty Programmes**

Friends of the School of Arts, discounts for local residents, donor/sponsor recognition

A marketing plan will be developed before the end of the year

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## **6. Programs and Services**

SOATI will strive to deliver a diverse array of programming and services including:

- Live theatre productions
- Movie screenings and associated themed events (such as film festivals, special screenings in association with local events)

- Weddings, functions, and corporate events
- Museum exhibitions and guided tours
- Sir Henry Parkes Oration events (in collaboration with the Henry Parkes Foundation)
- Indigenous art and cultural programs (in collaboration with Moombahlene Local Aboriginal Land Council and other Indigenous groups and individuals)

See Appendix B for strategies to increase attendance to museum and bookings of theatre

---

## **7. Operations and Resourcing**

Key priorities for 2026 include:

- Contracting a part-time Operations Manager
- Recruiting and training volunteers for museum and (when required) theatre roles
- Establishing website and social media presence
- Establishing booking and ticketing, IT systems
- Sourcing arts, theatre, and film content
- Implementing OH&S and security protocols
- Marketing through regional networks such as Arts North West

An implementation plan is contained in Appendix C

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## **8. Financial Plan 2026**

### **Initial External Funding:**

- \$50,000.00 (Tenterfield Shire Council)
- \$10,139.00 (Building Stronger Communities Grant, Federal Government)

### **Budgetary Considerations:**

- Many costs are, by necessity, estimated, due to lack of historical financial data
- We will diversify our income streams and will particularly focus on grant applications, fundraising and sponsorship
- Ongoing financial sustainability is a future goal

Budget for 2026 provided in Appendix D

---

## **9. Risk Assessment**

Key risks include:

- A skilled team but with limited experience in managing this specific venue
- Lack of baseline performance data on which to base budgetary forecasts
- OH & S risks: physical injury to staff, volunteers, performers, visitors
- Fire hazards
- Building condition issues
- Damage, theft or vandalism to building or display objects

- Cancellation or disruption of performances
- Changes in Council priorities, funding
- Uncertainty in revenue generation
- Volunteer turnover
- Income shortfalls
- Possible challenges with maintaining effective working relationships with external bodies
- Ongoing COVID-related impacts on volunteer numbers and shifts in the way entertainment is consumed

Detailed risk analysis will be undertaken prior to end of year.

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#### **10. Monitoring and Evaluation**

- Monthly reporting by Operations Manager to SOATI committee on attendance, revenue, and for gaining feedback
  - Quarterly reporting to Council: performance measures relating to expenditure; museum attendance; number of bookings in theatre; media coverage; feedback from community and visitors
  - Regular community engagement to refine programming
  - Annual review to assess financial performance and community impact
  - Initial 12-month period is treated as a pilot phase
-

**APPENDIX A: SWOT ANALYSIS: MUSEUM AND THEATRE/CINEMA**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>STRENGTHS</b></p> <p>Venues are contained within the School of Arts building which is visually prominent, heritage listed</p> <p>The building houses the Courtyard Café enabling visitors to enjoy refreshment</p> <p>The building houses a visitor information function operated by TCTIB which should lead to greater visitation</p> <p>The building has (limited) inclusive access</p> <p>The Museum's displays are of high quality equal to a capital city museum</p> <p>The fully functioning theatre with inbuilt flexibility</p> <p>Tenterfield community values strongly the building and its heritage qualities</p> | <p><b>WEAKNESSES</b></p> <p>The enormity of tasks required to operate successfully the museum and theatre</p> <p>Limited pool of willing volunteers</p> <p>Inability to pay Operations Manager competitive rate and limited hours per week</p> <p>Shared foyer space with TCTIB which will need to be negotiated to mutual satisfaction</p> <p>Limited (and shared) office space for Operations Manager</p> <p>Limited versatility in Museum exhibitions</p> <p>Museum exhibits are not as engaging as they could be: need to tell stories and not present fragmented pieces of information</p> |
| <p><b>OPPORTUNITIES</b></p> <p>Re-establish and continually improve a program of theatre events, movie screenings</p> <p>Encourage greater visitation to the Museum through innovative interpretation</p> <p>Strengthen Tenterfield's brand as a cultural and heritage tourism destination</p> <p>Hold temporary and travelling exhibitions</p> <p>Establish mutually beneficial relationship with Friends of the School of Arts; TCTIB</p> <p>Recruit volunteers from newer arrivals to Tenterfield to take advantage of new skills and perspectives</p>                                                                          | <p><b>THREATS</b></p> <p>Shortfalls in funding</p> <p>Inability to raise funds through grants, sponsorships</p> <p>Changes to the composition of skills and expertise in the SOATI committee</p> <p>Day to day operations highly dependent on volunteers with varying levels of commitment</p> <p>Unrealistic expectations from stakeholders</p>                                                                                                                                                                                                                                                |

**APPENDIX B: IMPLEMENTATION PLAN: 2026**

**2026: IMPLEMENTATION PLAN**

| <b>GOAL</b>                                                                                                                                                                                                                                       | <b>TARGET MONTH</b> | <b>BUDGET ALLOCATION (SOURCE OF FUNDS)</b> | <b>INTERNAL PERFORMANCE MEASURES (KPIs)</b>                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Purchase of computer hardware and software, EFTPOS square and software                                                                                                                                                                            | January             | \$3000.00 (Grant)                          | All purchases made by end of January                                                                                                                                                 |
| Design and hosting of website                                                                                                                                                                                                                     | February/<br>March  | \$4000.00 (Grant/SOATI)                    | Website designed and hosted by March                                                                                                                                                 |
| Insurances confirmed and paid for                                                                                                                                                                                                                 | January             | \$6000.00 (Council funds)                  | Insurances paid up by end of January                                                                                                                                                 |
| Recruit contract staff member for six month period:<br>Recruitment/Coordination of volunteers<br>Input into OHS and operations manuals<br>Input into development of educational materials<br>Marketing and promotion<br>Managing theatre bookings | January/Feb         | \$20020.00 (Council funds)                 | A set of KPIs will be established for the contracted staff member. A midway and an end of contract performance review will be conducted by the contracted staff member's supervisor. |
| Smart phone for staff member                                                                                                                                                                                                                      | February            | \$2000.00 (Council funds/Grant)            | Phone purchased in negotiation with staff member and purchased soon after appointment                                                                                                |
| Initial recruiting and training of volunteers                                                                                                                                                                                                     | March-May           | \$1500.00 (Grant)                          | A team of 8 volunteers inducted and trained by May                                                                                                                                   |
| Provision of uniforms and name tags to volunteers                                                                                                                                                                                                 | May                 | \$2000.00 (Council funds)                  | Distributed to all volunteers by end of May                                                                                                                                          |
| Development of occupational health and safety manual and operations manual                                                                                                                                                                        | March/April         | \$2000.00 (Council funds)                  | Draft manuals completed by April                                                                                                                                                     |
| Marketing and promotions                                                                                                                                                                                                                          | Ongoing             | \$3000.00 (Grant + SOATI revenue)          | Increase in museum visitation by 10%<br>Increase in theatre hire by 10%                                                                                                              |

|                                                                            |         |                               |                                                                                                                                                                     |
|----------------------------------------------------------------------------|---------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contract staff member: second six month period                             | June    | \$20020.00 (Council)          |                                                                                                                                                                     |
| Hire of theatre to Tenterfield Film Club                                   | Ongoing | Nil Expenditure               | Tenterfield Film Club continues to hire the theatre for one Sunday/month                                                                                            |
| Hire of theatre to external users: tech hire and additional cleaning costs | Ongoing | \$2500.00 (SOATI)             | Positive evaluations of theatre space and hiring process by hiring entities                                                                                         |
| Website and social media management                                        | Ongoing | \$1200.00 (SOATI)             | Website maintained to be current<br>Growth in website traffic<br>Social media engagement undertaken across the year<br>Number of 'likes' increasing across the year |
| Positive articles in local/regional media                                  | Ongoing | (\$1500.00 committee in-kind) | 5 positive stories in local/regional media                                                                                                                          |
| Curate a mini-film festival?                                               | TBD     | \$1000.00 (SOATI)             | Cinema averages 75% capacity across screenings                                                                                                                      |
| Grants                                                                     | Ongoing | (\$2000.00 committee in-kind) | One successful grant written by end of year for at least \$10 000.00                                                                                                |
| Fundraising                                                                | Ongoing | \$500.00                      | \$3000 raised through fundraising activities and events                                                                                                             |
| Sponsorship/Donations                                                      | Ongoing | Nil expenditure               | \$3000 raised through sponsorship and donations                                                                                                                     |

**APPENDIX C: STRATEGIES FOR INCREASING MUSEUM VISITATION AND THEATRE BOOKINGS**

**Museum: Strategies for Increasing Visitation**

| Strategy                                | Actions                                                                                                                                                                                                                                                                                                                                                                       | Responsible                                                                                                                              | Actioned by      |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Increase visitation by schools          | Develop a primary schools educational programme<br>Develop a secondary schools educational programme<br>Promote the programmes to schools in the region (Armidale to Warwick and east to Lismore)<br>Run special events on important dates such as Henry Parkes' birthday, date of the Tenterfield Oration                                                                    | Committee members<br>Contracted staff member<br>Local teacher involvement<br>Teacher education student?<br>Friends of the School of Arts | April - May 2026 |
| Increase visitation by organised groups | Develop a guided/hosted one hour programme<br>Promote to regional leisure clubs; coach companies<br>Use website and social media to promote the offer<br>Host famils for Visitor Information Staff from Glen Innes, Stanthorpe, Inverell (in cooperation with TCTIB)<br>Run special events on important dates such as Henry Parkes' birthday, date of the Tenterfield Oration | Committee members<br>Contracted staff member<br>TAFE student?<br>Friends of the School of Arts                                           | March-April 2026 |

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                               |                |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------|
|                                               | Investigate possibility of including temporary exhibition/s                                                                                                                                                                                                                                                                                                                                      |                                                               |                |
| Increase visitation by independent travellers | Design and produce a one page self-guided brochure that enables independent visitors to better understand the TSoA/Henry Parkes/Federation story<br>Involvement of guides informally enhancing the experience<br>Website<br>Run special events on important dates such as Henry Parkes' birthday, date of the Tenterfield Oration<br>Investigate possibility of including temporary exhibition/s | Committee members<br>Contracted staff member<br>TAFE student? | April-May 2026 |
| Increase visitation by locals                 | Design and produce a one page brochure that enables independent visitors to better understand the SoA/Henry Parkes/Federation story<br>Involvement of guides informally enhancing the experience<br>Website                                                                                                                                                                                      | Committee members<br>Contracted staff member<br>TAFE student? | March-May 2026 |

|                                                                                                            |                                                                                                                                                                                                                                                                          |                                                                                   |                     |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------|
|                                                                                                            | <p>Reduced/free admission to locals?</p> <p>Positive stories in local/regional media</p> <p>Run special events on important dates such as Henry Parkes' birthday, date of the Tenterfield Oration</p> <p>Investigate possibility of including temporary exhibition/s</p> |                                                                                   |                     |
| Use of Banquet Room for special events                                                                     | Promote the Banquet Room as a unique venue for dinners and other events                                                                                                                                                                                                  | <p>Committee</p> <p>Contracted staff</p> <p>Local charities/clubs/individuals</p> | Ongoing             |
| Use of theatre space for special events                                                                    | Promote the theatre space for a range of special events such as weddings, conferences and conventions, unique dinner experiences                                                                                                                                         |                                                                                   |                     |
| Investigate possibility of a guided tour of the history of Tenterfield commencing and ending at the Museum | Undertake feasibility assessment                                                                                                                                                                                                                                         | <p>Committee</p> <p>Contracted staff</p> <p>Interested volunteer(s)</p>           | Second half of 2026 |
|                                                                                                            |                                                                                                                                                                                                                                                                          |                                                                                   |                     |
|                                                                                                            |                                                                                                                                                                                                                                                                          |                                                                                   |                     |
|                                                                                                            |                                                                                                                                                                                                                                                                          |                                                                                   |                     |



**Theatre/Cinema: Strategies for Increasing Bookings and Patronage**

| <b>Strategy</b>                                     | <b>Actions</b>                                                                                                                                                                                                                                                                                       | <b>Responsible</b>                | <b>Actioned by</b> |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------|
| Maintain year-long booking by Tenterfield Film Club | Maintain and improve relationship with Tenterfield Film Club                                                                                                                                                                                                                                         | Contracted staff member Committee | Ongoing            |
| Increase external bookings of theatre               | <p>Actively market/promote the theatre to booking agents/artists</p> <p>Seek to establish relationship with theatres in Tamworth, Armidale, Stanthorpe, Warwick and Toowoomba to 'share' artists with us</p> <p>Investigate grant funding opportunities to bring travelling shows to Tenterfield</p> | Contracted staff member Committee | Ongoing            |
| Curate a programme of events                        | <p>Investigate possibility of themed events linking up with Autumn Festival, Granite and Gravel</p> <p>Actively target specific artists</p> <p>Investigate grant funding opportunities</p>                                                                                                           | Contracted staff member Committee | Ongoing            |
| Curate film festival(s)                             | Themed film festivals could run Friday night, Saturday matinee                                                                                                                                                                                                                                       | Contracted staff member Committee | Ongoing            |

|                                                                                  |                                                                                  |                                   |  |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------|--|
|                                                                                  | and Saturday night and could appeal to locals and visitors                       |                                   |  |
| Investigate possibility of holding performance poetry events                     | Liaison with local and regional poets                                            | Contracted staff member Committee |  |
| Investigate possibility of a festival of ideas                                   | Grant opportunities                                                              | Contracted staff member Committee |  |
| Develop a promotions strategy to effectively promote/advertise events in theatre | Develop a promotions strategy to effectively promote/advertise events in theatre | Contracted staff member Committee |  |
|                                                                                  |                                                                                  |                                   |  |
|                                                                                  |                                                                                  |                                   |  |

**APPENDIX D: DRAFT (28/9/25) BUDGET FOR MANAGEMENT OF TENTERFIELD SCHOOL OF ARTS MUSEUM AND THEATRE/CINEMA  
FOR FIRST YEAR OF OPERATION**

**INCOME**

| ITEM                                         | AMOUNT             | ACTUAL OR PROJECTED | NOTES                                                                                                                                                                                 |
|----------------------------------------------|--------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Grant: Building Stronger Communities         | 10 139.00          | ACTUAL              | Grant funds a range of purchases of computer hardware and software; ICT management systems; website design, hosting                                                                   |
| Grant: Tenterfield Council                   | 50 000.00          | ACTUAL              | Cover start-up costs excluding above, eg wages for coordinator; insurances; volunteer/staff training; promotion/marketing etc                                                         |
| Bank Interest                                | 20.00              | PROJECTED           | Negligible                                                                                                                                                                            |
| Museum Entry Fees                            | 3000.00            | PROJECTED           | Difficult to estimate without historic data. Based on Adult entry: \$5.00, Students on excursion: \$3.00                                                                              |
| Food and beverage sales                      | 1000.00            | PROJECTED           | We envisage modest sales of food and beverage at events/functions organised by SOATI                                                                                                  |
| Theatre: Fee from Tenterfield Film Society   | 1200.00            | ACTUAL              | Based on monthly fees currently paid by Tenterfield Film Society to Tenterfield Council                                                                                               |
| Theatre Hire Fees and SOATI-organised events | 3070.00            | PROJECTED           | We envisage hiring the theatre to other groups/individuals across the year as well as running several events of our own. (\$a notional \$70.00 has been added to balance the budget). |
| SOATI Membership Fees                        | 250.00             | PROJECTED           | We will aim to increase membership over the year                                                                                                                                      |
| Fundraising                                  | 3000.00            | PROJECTED           | We will undertake several fundraisers across the year                                                                                                                                 |
| Donations/Sponsorships                       | 3000.00            | PROJECTED           | We will target key businesses who might be interested in sponsoring selected events.                                                                                                  |
| <b>TOTAL INCOME</b>                          | <b>\$74 679.00</b> |                     |                                                                                                                                                                                       |

**EXPENDITURE**

| ITEM                                                                                   | AMOUNT             | NOTES                                                                                                                                                                            |
|----------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Computer, laser printer, Square register kit, software, consumables, website, training | 10139.00           | Covered by Building Stronger Communities Grant.                                                                                                                                  |
| Wages (paid position)                                                                  | 40 040.00          | Contracted at 22 hrs/week @ average of \$35.00/hr x 52                                                                                                                           |
| Insurances                                                                             | 6000.00            | Public Liability Insurance + Volunteer Workers Insurance + Association Insurance + General Property Cover                                                                        |
| Ongoing website and socials management                                                 | 1200.00            | Notional \$100 per month                                                                                                                                                         |
| Additional cleaning                                                                    | 1000.00            | Based on \$30.00/hr. Cleaning will be factored into external bookings but prudent to budget for an additional \$1000                                                             |
| Volunteer/Staff shirt + name tags                                                      | 2000.00            | Branded short or waistcoat plus name tags                                                                                                                                        |
| Development of Occupational Health and Safety and Procedures Manual                    | 2000.00            | A detailed Occupational Health and Safety and General Procedures Manual will need to be developed specifically for the Museum and Theatre functions. Could be adapted from TC's. |
| Volunteer/Staff training                                                               | 1500.00            | Training in customer service; retail functions; occupational health and safety                                                                                                   |
| Other volunteer/staff expenses                                                         | 1000.00            | Catering for staff/volunteer events; reimbursements for minor purchases; reimbursement for travel                                                                                |
| Theatre/Cinema operations: tech support                                                | 1500.00            | Tech support will be factored into external bookings but prudent to budget for an additional \$1500 expenditure                                                                  |
| Marketing including advertising and promotions                                         | 3000.00            | Our promotional expenses will be offset to some extent by printing off posters etc in-house and doing some of the socials ourselves                                              |
| Theatre Operations: Food and beverages                                                 | 300.00             | Stock to be sold at events                                                                                                                                                       |
| Smart Phone + plan for staff member                                                    | 2000.00            | Staff member will need to be able to be contacted across the week; calls out                                                                                                     |
| Contingency fund                                                                       | 3000.00            |                                                                                                                                                                                  |
| <b>TOTAL EXPENDITURE</b>                                                               | <b>\$74 679.00</b> |                                                                                                                                                                                  |

## **NOTES**

SOATI's initial goal in the first year of operation will be to re-invigorate the Museum and Theatre functions at the School of Arts at a sustainable level of activity within the constraints of the budget. Our short-to-medium term goal is to grow attendance at both the Museum and Theatre in order to re-establish them as significant local cultural amenities and attractions for visitors to the town.

The budget has been developed to get the business of managing the Museum and Theatre back up and running. Our budgeting process has been constrained by the lack of historical data concerning the Museum and Theatre budgets. We have adopted a conservative approach to both income and expenditure. We envisage that income streams will increase each year following this initial year.

For our first year of operation the Tenterfield Film Society will continue screening a film on a monthly basis. SOATI will look at the possibility of some additional film screenings across the year. However, we are not in a position to screen new release films in the first year of operation due to the high costs and financial risks involved. We need to build both our capital and our audiences in the first year.

We will actively seek out and apply for suitable grants in order to boost income levels. We were successful in gaining a Building Stronger Communities Grant in 2025.





|                      |                                                                                                                  |
|----------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>                                                                             |
| <b>Submitted by:</b> | Hein Basson, General Manager                                                                                     |
| <b>Reference:</b>    | <b>ITEM ECO8/25</b>                                                                                              |
| <b>Subject:</b>      | <b>TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND BUSINESS: STRATEGIC VISION AND REQUEST FOR INCREASED FUNDING</b> |

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

|                      |                                                                                                          |
|----------------------|----------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>ECONOMY</b> - We actively promote all the tourism assets throughout our shire                         |
| <b>CSP Strategy:</b> | Continue to financially support the Tenterfield Chamber Tourism Group (TCTG) to deliver tourism services |
| <b>Delivery Plan</b> | Provide financial support on an annual basis to Tenterfield Chamber                                      |
| <b>Action:</b>       | Tourism Group (TCTG)                                                                                     |

#### **SUMMARY**

The purpose of this report is for Council to note the strategic and operational objectives of the Tenterfield Chamber of Tourism, Industry and Business including a request for increased funding, the last-mentioned which needs Council's consideration and resolution.

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

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

- Approves the Revised Annual Budget in the last column of the table below associated with the "Achievable Package" provided by Tenterfield Chamber of Tourism, Industry and Business (TCTIB) for purposes of marketing activities and future budgets, making provision for the following initiatives and expenses:**

| <b>Initiative</b>                                                     | <b>Annual Budget</b> | <b>Revised Annual Budget</b> |
|-----------------------------------------------------------------------|----------------------|------------------------------|
| <b>A.</b> Events Program                                              | \$20,000             | \$10,000                     |
| <b>B.</b> Tourism Website & TIC Refresh                               | \$7,500              | \$7,500                      |
| <b>C.</b> Content Asset Development (every 2 <sup>nd</sup> year)      | \$15,000             | \$7,500                      |
| <b>D.</b> Insurance TIC, signage & pamphlets                          | \$5,000              | \$5,000                      |
| <b>E.</b> NEHC Membership                                             | \$8,000              | \$8,000                      |
| <b>H.</b> Admin Assistant                                             | \$30,000             | \$30,000                     |
| <b>I.</b> Granite Belt Magazine                                       | \$2,000              | \$2,000                      |
| <b>J.</b> Aust. Data Tourism Warehouse                                | \$2,000              | \$2,000                      |
| <b>K.</b> Sera Wright- "Experience Tenterfield" Social Media Campaign | \$20,000             | \$20,000                     |
| <b>Total</b>                                                          | <b>\$109,500</b>     | <b>\$92,000</b>              |

- Acknowledges the following considerations to be important:**



Our Economy No. 8 Cont...

- **An additional \$10,000 is necessary for the Events Program for the next financial year.**
  - **An additional \$7,500 is necessary for the Content Asset Development for the next financial year.**
  - **An amount of approximately \$20,000 is necessary for the employment of an administrative assistant for the remainder of the current financial year.**
- 3. Therefore, makes an amount of \$30,000 available to TCTIB from 1 November 2025 – for purposes of funding \$20,000 for an administrative assistant and \$10,000 to be put away (saved) for the Events Program for 2026, and for this amount to be funded from Council’s original budgetary provision of \$80,000 for the operations of SOATI, as Council will presumably be making \$50,000 of this funding provision available to SOATI, leaving \$30,000 for TCTIB to further assist with the delivery of a face-to-face tourism component out of the foyer of the School of Arts, an events program in 2026, and the employment of an administrative assistant.**
  - 4. Further, makes a budgetary provision to TCIB for a budgetary amount of \$99,500 for the 2026/27 financial year (to make up the additional amount necessary for Content Asset Development during this financial year), and thereafter for an annual budget amount of \$92,000, and for the new three-year Funding Agreement between Council and TCTIB to make provision for these amounts to be annually increased with CPI.**
  - 5. Amends the current Funding Agreement between Council and TCTIB by way of an addendum to reflect the additional amount of \$30,000 for the 2024/25 financial year mentioned in paragraph three (3) above, and the conditions associated with the expenditure of this amount.**
  - 6. Enters into a new three-year Funding Agreement between Council and TCTIB as from 1 July 2026, and for this Agreement to reflect the intent of paragraph four (4) above.**

## **BACKGROUND**

The current three-year Funding Agreement between Council and the Tenterfield Chamber of Tourism, Industry and Business (TCTIB), made provision for an initial payment of \$100,000 (for the 2023/24 financial year), and two consecutive payments of \$50,000 (for the 2024/25 and 2025/26 financial years) to be made to TCTIB for delivering the tourism function on behalf of Council and the community. This agreement reaches the end of its three-year term on 30 June 2025.

In terms of this Funding Agreement, TCTIB provides Council with quarterly progress reports. At its Ordinary Meeting held on 27 August 2025, Council adopted the following resolution:

Resolved

*That Council:*

Our Economy No. 8 Cont...

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.*

*(Peter Petty/Kim Rhodes)*

**Motion Carried**

Further, it is important to note that the three-year Facility Permitted Use Licence agreement that had been entered into between Council and TCTIB, for TCTIB to provide a face-to-face welcoming experience to visitors to the Tenterfield Shire out of the foyer of the School of Arts, also makes provision for another three-year term to be pursued, commencing on 1 July 2028 and expiring on 30 June 2031 – pursuant to the resolution adopted at Council's Ordinary Meeting held on Monday, 23 June 2025.

**REPORT:**

The President of TCTIB, Ms Kathryn Davis, attended the Councillor Workshop held on Wednesday, 10 September 2025 and furnished Council with a suite of documents that, amongst other things, highlighted the following:

- The Importance of Tourism to Tenterfield Shire
- The Tenterfield Tourism Group's (TTG) Accomplishments
- TTG's Plans for the Next Year
- TTG's Challenges
- TTG's Solutions
- TTG's Sustainability into the Future
- Collaboration with Council Moving Forward

Also, a Tourism Marketing Plan was provided, with three (3) budget options – A "Deluxe Package" for \$149,000, an "Achievable Package" for \$109,500, and a "Budget Package" for \$55,500. The "Achievable Package" will be further discussed under the heading "Council Implications", sub-heading "Financial".

In addition, a position description for an Administrative Coordinator position was provided, which position is deemed critical for the successful operation of TTG going forward.

These above-mentioned documents are annexed to this report as Attachment 1 and should please be read as an integral part of this report.

Our Economy No. 8 Cont...

## COUNCIL IMPLICATIONS:

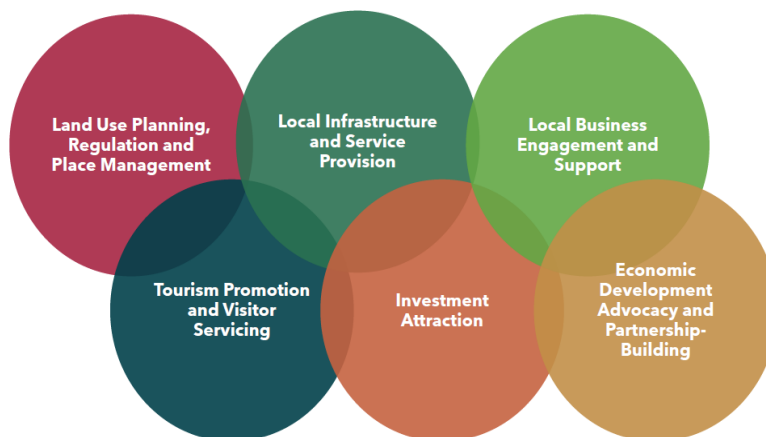
### 1. Community Engagement / Communication (per engagement strategy)

Although community engagement is not applicable per se in this instance, recent community engagement has been held pertaining to the development of a fresh Economic Development Strategy for the Tenterfield Shire by the appointed consultant SC Lennon & Associates Pty Ltd (Sc Lennon). Relevant information was presented to Council at a Workshop on Monday, 13 October 2025.

Part of this information included a schematic presentation of how Council's economic development and tourism support activities will typically cut across six broad themes, as is visually depicted below. It is interesting to note how Council's engagement with TCTIB regarding the delivery of tourism services for the Tenterfield Shire, already addresses two of the identified six themes, i.e. "Tourism Promotion and Visitor Servicing", and "Local Business Engagement and Support".

### Council's Economic Development and Tourism Support Activities

A Council's **economic development and tourism support activities** will typically cut across the following six broad themes:



© SC Lennon & Associates Pty Ltd



### 2. Policy and Regulation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Funding Agreement between Council and TCTIB
- Facility Permitted Use Licence between Council and TCTIB

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

The "Achievable Package" provided by TCTIB for purposes of marketing activities and budget, makes provision for the following initiatives and expenses:

| Initiative       | Annual Budget | Revised Annual Budget |
|------------------|---------------|-----------------------|
| A.Events Program | \$20,000      | \$10,000              |

## Our Economy No. 8 Cont...

|                                                                       |                  |                 |
|-----------------------------------------------------------------------|------------------|-----------------|
| <b>B.</b> Tourism Website & TIC Refresh                               | \$7,500          | \$7,500         |
| <b>C.</b> Content Asset Development (every 2 <sup>nd</sup> year)      | \$15,000         | \$7,500         |
| <b>D.</b> Insurance TIC, signage & pamphlets                          | \$5,000          | \$5,000         |
| <b>E.</b> NEHC Membership                                             | \$8,000          | \$8,000         |
| <b>H.</b> Admin Assistant                                             | \$30,000         | \$30,000        |
| <b>I.</b> Granite Belt Magazine                                       | \$2,000          | \$2,000         |
| <b>J.</b> Aust. Data Tourism Warehouse                                | \$2,000          | \$2,000         |
| <b>K.</b> Sera Wright- "Experience Tenterfield" Social Media Campaign | \$20,000         | \$20,000        |
| <b>Total</b>                                                          | <b>\$109,500</b> | <b>\$92,000</b> |

However, the following considerations are important:

- An additional \$10,000 is necessary for the Events Program for the next financial year.
- An additional \$7,500 is necessary for the Content Asset Development for the next financial year.
- An amount of approximately \$20,000 is necessary for the employment of an administrative assistant for the remainder of the current financial year.

It is therefore recommended that Council immediately makes an amount of \$30,000 available to TCTIB – for purposes of funding \$20,000 for an administrative assistant and \$10,000 to be put away (saved) for the Events Program for 2026. This amount can be funded from Council's original budgetary provision of \$80,000 for SOATI, as Council will presumably be making \$50,000 of this funding provision available to SOATI, leaving \$30,000 for TCTIB to further assist with the delivery of a face-to-face tourism component, an events program in 2026, and the employment of an administrative assistant.

This will further mean that Council will have to make a budgetary provision for an amount of \$99,500 for the 2026/27 financial year (to make up the additional amount necessary for Content Asset Development during this financial year), and thereafter for an annual amount of \$92,000. It is further recommended that the new Funding Agreement makes provision for these amounts to be increased with CPI each year.

#### 4. Asset Management (AMS)

Content Asset Development forms a part of TCTIB's future planning and budgeting.

#### 5. Workforce (WMS)

The request from TCTIB makes provision for an administrative assistant to be employed by TCTIB, however, this step will not have an impact on Council's workforce.

Our Economy No. 8 Cont...

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

A new funding agreement between Council and TCTIB will have to be entered into – taking effect on 1 July2026.

## **7. Performance Measures**

Quarterly performance measures similar to the existing will form a part of the new Funding Agreement.

## **8. Project Management**

Council's approval of the request received from TCTIB, as is slightly amended in the recommendation, will provide for a further refined tourism delivery project by TCTIB on behalf of Council, to ensure satisfactory visitor economy outcomes for the Tenterfield Shire.

**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:                  | <b>1</b> Tenterfield Chamber of Tourism<br>Industry and Business Report 8<br>September 2025 | 14<br>Pages |



8th September 2025

Dear councillors,

#### **TTG HISTORY**

By way of background, the Funding agreement between the Tenterfield Shire Council (TSC) and the TCTIB (Tenterfield Chamber of Tourism, Industry and Business) was signed 3rd October 2023 to allow the TCTIB to manage tourism on behalf of the council for the amounts of \$100,000, \$50,000 and \$50,000 over a three year term respectively. This was for the payment of reasonable costs, expenses, or disbursements necessary for the delivery of services for the promotion of tourism and visitor information services for Tenterfield and the broader Tenterfield LGA to grow the Tenterfield Shire visitor economy.

A subcommittee of the TCTIB called the Tenterfield Tourism Group (TTG) was originally formed and still exists with monthly meetings and projects consistently rolled out. As of recent months the majority of members on the TTG consist of the board members of the TCTIB.

Since the 3rd October 2023 the TCTIB through the TTG have been working hundreds of volunteer hours to achieve goals as outlined in our DMP (Destination Management Plan), which was drafted by the TTG, to be able to deliver the best possible results for tourism in Tenterfield.

#### **IMPORTANCE OF TOURISM TO TENTERFIELD**

Tourism benefits rural towns by boosting the local economy through job creation and new business opportunities, while also preserving and celebrating unique cultural heritage and traditions. It can lead to improved infrastructure, create incentives for environmental conservation, and provide essential resources for a community's financial stability and long-term sustainability.

#### **Economic Benefits**

- **Job Creation & Entrepreneurship:**  
Tourism creates jobs in various sectors, including hospitality, transportation, and food services, while also supporting local producers of crafts and agricultural goods.



- **Increased Income & Diversification:**

Generates income for residents and businesses, diversifying the rural economy beyond traditional agriculture and providing a new source of revenue.

- **Investment in Infrastructure:**

The need to support tourists often leads to the development of improved roads, parking, sewage systems, and public facilities that benefit both residents and visitors.

- **Social and Cultural Benefits**

- **Cultural Preservation:**

Tourism can encourage the preservation of local customs, arts, crafts, and heritage, as communities work to attract visitors and create authentic experiences.

- **Enhanced Community Spirit:**

The influx of visitors and new businesses can revitalise local festivals, events, and social activities, strengthening the community's pride and connection.

- **Opportunities for Youth and Women:**

Tourism can provide professional training, development opportunities, and new economic avenues for women and young people, reducing the need to move to urban areas.

- **Environmental Benefits**

- **Incentive for Conservation:**

By creating economic value in natural areas, tourism can provide a strong incentive for local communities to support conservation efforts and protect their unique landscapes and biodiversity.

- **Funding for Protected Areas:**

Tourist-generated revenue, such as entrance fees and concessions, can directly fund the maintenance and protection of natural reserves and ecologically important sites.

- **Overall Impact**

- **Sustainable Development:**

By strategically developing sustainable tourism, rural towns can create a positive feedback loop, where economic growth is matched with the preservation of natural and cultural assets for future generations.

- **Population Stability:**

Tourism helps stabilise rural populations by creating economic opportunities





- and a higher quality of life, preventing rural depopulation and supporting the long-term viability of these communities.

#### **TTG ACCOMPLISHMENTS**

In less than a 2 year period since the signed agreement the TTG have achieved the following -

- Developed a DMP (Destination Management Plan) in the absence of a current EDP (Economic Development Plan) from TSC to align goals and objectives with.
- Aligned itself with NEHC (New England High Country). This is an alliance between multiple High Country LGA's with monthly meetings held, discussions around website and social media for the NEHC website and social media platform we all benefit from. Included in this is distribution of the the NEHC fold out brochures/ maps. Also included in this is a project per year (video, photo, print or digital media campaign). Tenterfield is the only LGA in this group who is not employed by their LGA. All other LGA's have a tourism officer or similar as representative.
- Aligned Tenterfield with DNCO (Destination NSW Country Outback) through monthly catch ups, introduce guest speakers, passing on knowledge, events and information through email to business owners within the Shire and attending tourism seminars.
- Aligned Tenterfield with GBWC (Granite Belt Wine Country) and the Stanthorpe Chamber with regular catch ups to encourage tourism from both sides of the border to harness 'cross border tourism' and to work and promote each others strengths and assets.
- Working with Business NSW within the tourism space and of recent have become a representative of the 'Prosper' Northern Rivers and Tenterfield Strategic Planning alliance (thanks to Janelle Saffin) to work on EDP and DMP's for each region/shire.
- Contracted a social media specialist for weekly social media posts showing a substantial increase in brand awareness and engagement across all forums.
- Created relevant professional collateral and content (tourism assets) through various campaigns with over 2,000 additional photos and several videos.
- Have contracted an IT specialist to list Tenterfield businesses on the ADTW (Australian Data Tourism Warehouse). This is Australia's national database and distribution platform for digital tourism information and jointly owned by state and territory tourism bodies. This allows Tenterfield businesses to be accessible to a





network of over 200 distributor websites including Tourism Australia increasing their online reach and exposure.

- Advertised via print and digital media, including regional social media influencers and print media such as the Granite Belt High Country magazine.
- Created, developed, produced and distributed new visitor guides which have run off the shelves with more due to arrive at time of writing.
- Have rebranded Tenterfield in line with the NSW Visitor Economy Strategy - 'Experience Tenterfield.' Tenterfield is not just a place to Visit; it is a place to Experience. Our social media platforms are also getting a new name from Visit Tenterfield to Experience Tenterfield because that is exactly what we would love our visitors to do!
- Have built a new, professional and easy to use Visitor Website 'Experience Tenterfield.' The Experience Tenterfield tourism website serves as a platform where visitors can learn about Tenterfield and plan their trip with up to date information on where to stay, eat, drink and all the things to do in Tenterfield and its surrounding villages.
- Have opened the Tenterfield Information Centre at the Sir Henry Parkes School of Arts through grant funding received with 10 strong volunteers at time of writing in 3 days of operation and have spoken to over 200 people.

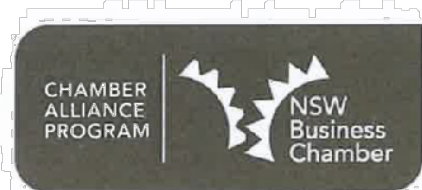
#### **TTG PLANS FOR THE NEXT YEAR**

At time of writing there is still approximately \$34,000 in the tourism fund with another \$25,000 according to the funding agreement with TSC to be distributed 1st January 2026.

Foreseeable funding spoken for within this period is as follows - (approximately

\$49,000)

- \$20,000 Highway signage from 3 directions including update to the train sign at Jennings
- \$2,000 ADTW updates
- \$8,000 NEHC yearly subscription/fee
- \$9,000 Continued Social media
- \$3,000 update and promotion of the Soundtrails



- \$5,000 continued IT SEO/GEO development for website
- \$2,000 fees for video media production through NEHC including talent, costume/makeup, accommodation and project management

#### **TTG CHALLENGES**

The Tenterfield Chamber of Tourism, Industry and Business (TCTIB) has managed tourism on behalf of the council utilising hundreds of hours of volunteer work for a fraction of the cost of employing a Tourism Officer by the Council.

If the Council were to employ a Tourism officer this would be a base rate of \$170,000 p/a (inclusive of superannuation and relevant taxes) not including the funding required to outlay on any project for the Tenterfield Shire's visitor economy.

As has been noted in the several quarterly reports produced by TCTIB for TSC the efforts achieved above have taken considerable time and effort on behalf of the volunteers and as much as we all want to 'give back' to our town and to appease the local businesses, the community and the council, and we have the skills to do so; this level of hours dedicated is ***physically and mentally unachievable and can not be maintained into the future.***

Many volunteers are suffering from 'burn out' from this year as well as previous years and as a result have not continued volunteering their time, skills and knowledge to the tourism sector. Hence, putting more and more pressure on the existing volunteer base.

The current volunteering system within the TCTIB/TTG needs to be reimagined for its continued success and to encourage more skilled volunteers into the future. Potential skilled volunteers are not going to be encouraged to offer their time and services if they perceive it as being 'hard work'.

For half a dozen or so business owners/managers to dedicate their most valuable resource 'time' to not only the management and running of a particular (or in most cases) multiple projects/people; and then to ensure all administrative and compliance duties are carried out is not sustainable at this level. This current group (and I will be bold enough to say, the groups to precede) come with a wealth of knowledge, expertise and a 'can do' attitude; of which needs to be fostered to ensure their longevity within the group.

The TCTIB/TTG need to re-evaluate their position and work load to carry on.



#### **TTG SOLUTIONS**

The TCTIB/TTG have developed a wish list or 'Deluxe Package' over the coming year; and ideally if funding and resources were made available would be very excited to make it a reality.

However given resources (time/people/funding) have developed an 'Achievable Package' for the year ahead. Some of the funding required will be outsourced, however still directly managed by the TCTIB/TTG to ensure quality and continuity.

The most important aspect is that of an Assistant Coordinator. This person, who will be contracted through the TCTIB will oversee many administrative duties as well as develop databases of the tourism sector within Tenterfield for better and closer affiliation with the TIC (Tenterfield Information Centre), assist in collating an events database and promotion thereafter, assist in running of events and so much more. This is only available in the Deluxe and Achievable packages attached.

This person will also be the point of contact for many of the groups the TCTIB/TTG is affiliated with within the tourism sector to bring relevant information to the board/group to make informed decisions.

If this plan is not achievable, please see the 'Budget Package' attached. This is what the TCTIB/TTG is willing to devote in the absence of a paid Assistant Co-ordinator.

#### **TTG SUSTAINABILITY INTO THE FUTURE**

Through fiscal management the TTG/TCTIB have managed to ensure all projects have been able to remain within budget through the funding via the TSC. The TTG is aware that other sources of funding need to be explored to ensure sustainability into the future and have been looking at ways too achieve this. Currently the TTG have invested in merchandise to be sold at the new TIC to ensure the TIC's sustainability into the future including training, upgrading, insurances, signage, pamphlets/ brochures and the like as required for years to come. Figures of profitability will not be available for some time.

In the Deluxe and Achievable packages attached where a contracted Assistant Co-ordinator is contracted the TTG will be able to investigate other opportunities thoroughly from a tiered membership system and rollout through to grant funding to assist with efforts into the future.





#### **COLLABORATION WITH THE TSC MOVING FORWARD**

The TCTIB/TTG is asking for the TSC to decide upon a plan for the next financial year and approve the funding according to the plan of their choosing.

Understanding that the lesser amount/'Package' agreed upon the less projects/initiatives and involvement will occur. The TCTIB/TTG will be working to a sustainable level of involvement into the future and not over committing itself without appropriate funding and resources.

The TCTIB would also like to seek an additional 3 year agreement with TSC with funding for projects and paid Administrative Co-ordinator taken into consideration into the future.

#### **IN CONCLUSION**

Tourism benefits the Tenterfield Shire by

- Encouraging tourists to come and spend money
- Stimulates economic growth
- Creates jobs and new businesses
- Increases the Shire's economic prosperity.

This allows the council in the future to increase its revenue base, by providing community members with more businesses, more conveniences and a more profitable business community which leads to an expansion of services available to the community.

It further benefits the community by

- Fostering social benefits such as increased community pride
- Up skilling local residents,
- Creates enhanced experiences that improves the quality of life for locals
- Attracts new residents
- Creates further investment and greater up skilling of local community as a whole.

This economic and social revitalisation can create a positive cycle, encouraging more visitors and new residents while making the area a better place to live and visit.



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To reiterate, the TSC is getting the tourism industry and visitor economy development at a fraction of the cost if the TSC were to employ and pay for itself. The volunteers of the TCTIB/TTG are not asking to be paid however contracting a person to handle administration, data collection, maintaining affiliations and assisting with rolling out of projects is essential to the continued success of Tenterfield visitor economy.

On behalf of the TCTIB/TTG I would like to thank for your time.

Kathryn (Kat) Davis



## **TENTERFIELD TOURISM MARKETING PLAN FY2026–2027**

**Target Markets:** Brisbane, Gold Coast, North Coast NSW, Lower New England

### **1. STRATEGIC OBJECTIVES**

- Attract year-round visitors with seasonal and event-based campaigns
- Develop compelling visual content for digital platforms
- Host one major event unique to the Tenterfield Shire region
- Increase brand visibility through media partnerships and storytelling
- Deliver practical planning tools for visitors via digital guides and updated platforms

### **2. KEY CONTENT THEMES (FOR CAMPAIGNS & ASSET CREATION)**

| Season | Theme                        | Hero Content Ideas                                |
|--------|------------------------------|---------------------------------------------------|
| Summer | <i>Cool Escapes</i>          | Creek dips, rural stays, farmgate eats            |
| Autumn | <i>Leaves &amp; Legends</i>  | Foliage drives, heritage stories, Festival energy |
| Winter | <i>Fireside &amp; Frost</i>  | Firepit glamping, cosy stays, snow-dusted scenes  |
| Spring | <i>Wildflower Wanderings</i> | Wildflowers, walks, local markets and artisans    |

Each season will have one photo + video shoot captured locally for use across all platforms (paid/organic/social/PR).

### **3. PROMOTIONAL CHANNELS**

- Instagram, Facebook (paid & organic)
- Partner media platforms (Urban List, Life Unhurried, Broadsheet, Reggie)
- Tourism website & Touchstay guide
- Monthly newsletter
- Google search & maps
- Event-specific posters/local press (where relevant)



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**MARKETING ACTIVITIES & BUDGET - DELUXE PACKAGE**

| Initiative                                                                    | Description                                                                                                                                                                                                                     | Budget           |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>A. Four Seasonal Campaigns p/a</b>                                         | Paid social, email, SEO content and promotional partnerships aligned to quarterly themes                                                                                                                                        | \$20,000         |
| <b>B. Digital Visitor Guide (Touchstay)</b>                                   | Interactive guide with QR distribution in venues and accommodation; shire-wide coverage                                                                                                                                         | \$2,000          |
| <b>C. Media Partnership &amp; Influencer PR (every 2 years)</b>               | 2x influencer/editorial visits + 2x creative profiles + newsletter sponsorships (reggie)                                                                                                                                        | \$20,000         |
| <b>D. Destination Event – Starlight Wild p/a</b>                              | New winter night-sky light festival; annual event to draw regional drive market                                                                                                                                                 | \$15,000         |
| <b>E. Events Program p/a</b>                                                  | Spring Festival + School Holiday Activities. This will occur every 2nd year starting 2026. Every other year the TCTIB will be holding the Business Awards- therefore \$20,000 will be required for next FY                      | \$10,000         |
| <b>F. Tourism Website &amp; TIC Refresh p/a</b>                               | Core site updates, events calendar, mobile User Experience, VIC signage/collateral refresh                                                                                                                                      | \$7,500          |
| <b>G. Content Asset Development (every 2nd year)</b>                          | 4x seasonal video/photo shoots for campaigns, website, socials, and PR (professional quality) - more content required now therefore \$15,000 required next FY                                                                   | \$7,500          |
| <b>H. Insurance TIC and signage and pamphlets</b>                             | Insurances as well as funding for future signs and pamphlets though town and villages                                                                                                                                           | \$5,000          |
| <b>I. NEHC (New England High Country)</b>                                     | New England High Country annual subscription and affiliation. This provides approx. 5,000 NEHC map/ brochures, web and social media content and connectivity as well as video/photo shoots and/or magazine campaigns per annum. | \$8,000          |
| <b>J. Admin Assistant</b>                                                     | Please see Job/Role Description attached 15hours p/w                                                                                                                                                                            | \$30,000         |
| <b>K. Granite Belt Magazine</b>                                               | Quarterly 1 page 'Experience Tenterfield' advertisement                                                                                                                                                                         | \$2,000          |
| <b>L. ADTW (Aust. Data Tourism Warehouse)</b>                                 | Annual updates on the the ADTW for all business within Tenterfield providing Tenterfield and its businesses with more digital exposure.                                                                                         | \$2,000          |
| <b>M. Sera Wright - 'Experience Tenterfield' Social media annual campaign</b> | Continue contracting Sera Wright for weekly social media posts and reels.                                                                                                                                                       | \$20,000         |
| <b>TOTAL</b>                                                                  |                                                                                                                                                                                                                                 | <b>\$149,000</b> |





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**MARKETING ACTIVITIES & BUDGET - ACHIEVABLE PACKAGE**

| Initiative                                                                    | Description                                                                                                                                                                                                                     | Budget           |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>A. Events Program p/a</b>                                                  | Spring Festival + School Holiday Activities. This will occur every 2nd year starting 2026. Every other year the TCTIB will be holding the Business Awards- therefore \$20,000 will be required for next FY                      | \$20,000         |
| <b>B. Tourism Website &amp; TIC Refresh p/a</b>                               | Core site updates, events calendar, mobile User Experience, TIC signage/collateral refresh                                                                                                                                      | \$7,500          |
| <b>C. Content Asset Development (every 2nd year)</b>                          | 4x seasonal video/photo shoots for campaigns, website, socials, and PR (professional quality) - more content required now therefore \$15,000 required next FY                                                                   | \$15,000         |
| <b>D. Insurance TIC and signage and pamphlets</b>                             | insurances as well as funding for future signs and pamphlets though town and villages                                                                                                                                           | \$5,000          |
| <b>E. NEHC (New England High Country)</b>                                     | New England High Country annual subscription and affiliation. This provides approx. 5,000 NEHC map/ brochures, web and social media content and connectivity as well as video/photo shoots and/or magazine campaigns per annum. | \$8,000          |
| <b>H. Admin Assistant</b>                                                     | Please see Job/Role Description attached 15hours p/w                                                                                                                                                                            | \$30,000         |
| <b>I. Granite Belt Magazine</b>                                               | Quarterly 1 page 'Experience Tenterfield' advertisement                                                                                                                                                                         | \$2,000          |
| <b>J. ADTW (Aust. Data Tourism Warehouse)</b>                                 | Annual updates on the the ADTW for all business within Tenterfield providing Tenterfield and its businesses with more digital exposure.                                                                                         | \$2,000          |
| <b>K. Sera Wright - 'Experience Tenterfield' Social media annual campaign</b> | Continue contracting Sera Wright for weekly social media posts and reels.                                                                                                                                                       | \$20,000         |
| <b>TOTAL</b>                                                                  |                                                                                                                                                                                                                                 | <b>\$109,500</b> |





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**MARKETING ACTIVITIES & BUDGET - BUDGET PACKAGE**

| Initiative                                                                    | Description                                                                                                                                                                                                                    | Budget          |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>A. Tourism Website &amp; TIC Refresh p/a</b>                               | Core site updates, events calendar, mobile User Experience, TIC signage/collateral refresh                                                                                                                                     | \$7,500         |
| <b>B. Content Asset Development (every 2nd year)</b>                          | 4x seasonal video/photo shoots for campaigns, website, socials, and PR (professional quality) - more content required now therefore \$15,000 required next FY                                                                  | \$15,000        |
| <b>C. Insurance TIC and signage</b>                                           | Insurances for TIC as well as funding for future signs and pamphlets though town and villages                                                                                                                                  | \$5,000         |
| <b>D. NEHC (New England High Country)</b>                                     | New England High Country annual subscription and affiliation. This provides approx. 5,000 NEHC map/brochures, web and social media content and connectivity as well as video/photo shoots and/or magazine campaigns per annum. | \$8,000         |
| <b>E. Sera Wright - 'Experience Tenterfield' Social media annual campaign</b> | Continue contracting Sera Wright for weekly social media posts and reels.                                                                                                                                                      | \$20,000        |
| <b>TOTAL</b>                                                                  |                                                                                                                                                                                                                                | <b>\$55,500</b> |



#### **ADMINISTRATIVE CO-ORDINATOR**

The TTG (Tenterfield Tourism Group) and TCTIB (Tenterfield Chamber of Tourism, Industry and Business) wish to contract an Administrative Assistant to manage and maintain the many administrative tasks related to tourism. These tasks include management of the DMP (Destination Management Plan) action, oversight of the social media and other work contracts, communications to and engagement with tourism providers across the region, organisation of the Village entities, responding to media, visitor and other enquiries, engagement with NEHC (New England High Country), GBWC (Granite Belt Wine Country), DNCO (Destination NSW Country Outback), Business NSW etc. In the initial stages the TTG/TCTIB is looking at a 15 hours working week for the Admin Assistant with the option of adjusting hours according to workload.

#### **Job Requirements**

##### **TTG (Tenterfield Tourism Group)**

- Develop and maintain a database of Tenterfield tourism providers generally and the Australian Tourism Data Warehouse (ATDW) specifically.
- Encourage and assist tourism businesses to maintain the accuracy of the database listings and marketing and advertising collateral.
- Ensure content on new website is accurate including spelling and grammar
- Organise list and pursue grant opportunities and advise TTG on application and submission processes (looking into grant funding for event in Spring 2026).
- Collate list of surrounding tourism organisation contacts and opportunities to align marketing message.
- Develop and maintain a database of all Tenterfield businesses
- Collate a spreadsheet of all events within the Tenterfield Shire, including briefs and marketing material to promote events
- Collate opportunities for advertising and marketing, sharing media content to appropriate sites.
- Maintain alliance with NEHC through monthly teams meetings and advise TTG of updates
- Maintain alliance with Prosper Grant Funding opportunity through monthly teams meetings and advise TTG of updates
- Assist with organising of events

##### **TIC (Tenterfield Information Centre)**

- Assist in forming a group of volunteers and assist training and roster of volunteers
- Assist with ensuring all brochures and maps etc. are stocked and orders made

It is noted that some of these tasks will take additional hours in the initial stages, followed by maintenance and updating as required. As such the TCTIB is looking for a commitment of 25 hours per week to achieve the above successfully.

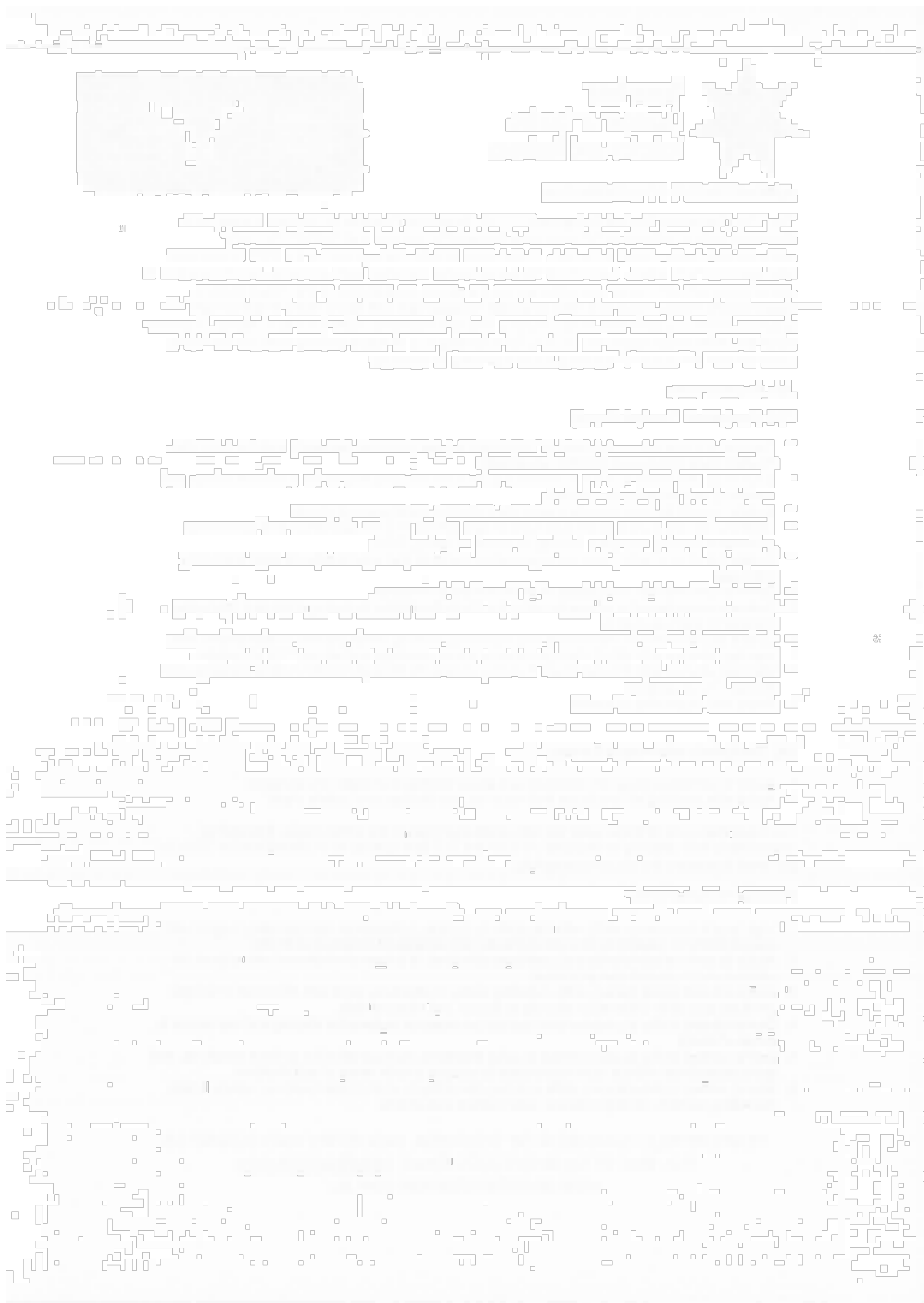
#### **Personal Requirements**

1. High level interpersonal skills with the ability to provide professional administrative support with proven ability to collaborate and communicate with a range of people at all levels.
2. Ability to work independently and contribute effectively in a team environment with a focus on efficient and improved work practices.
3. Demonstrated digital literacy skills including ability to effectively work with Microsoft or Google products and other information sources to extract and interpret data.
4. Demonstrated ability to prepare and maintain promotional material for sharing and use across a range of media.
5. Demonstrated ability to use initiative to solve problems, manage priorities to meet deadlines, and work productively without close supervision to support a wide range of stakeholders.
6. Strong written communication skills including the ability to draft content such as reports, briefs, marketing content, correspondence, submissions and emails.

**TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND BUSINESS**

P.O. Box 18 Tenterfield 2372 Email: [tctib@outlook.com](mailto:tctib@outlook.com)

[www.tenterfieldchamber.com.au](http://www.tenterfieldchamber.com.au)



|                      |                                                                                                                                                               |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>                                                                                                                          |
| <b>Submitted by:</b> | Hein Basson, General Manager                                                                                                                                  |
| <b>Reference:</b>    | <b>ITEM ECO9/25</b>                                                                                                                                           |
| <b>Subject:</b>      | <b>A CRITICAL ASSESSMENT OF THE NSW GOVERNMENT RESPONSE TO THE "INQUIRY INTO THE ABILITY OF LOCAL GOVERNMENTS TO FUND INFRASTRUCTURE AND SERVICES" (2024)</b> |

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

|                      |                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place |
| <b>CSP Strategy:</b> | Advocate community issues to State and Federal Government                                        |
| <b>Delivery Plan</b> | Communications to politicians advocating community issues to state and federal government        |
| <b>Action:</b>       |                                                                                                  |

#### **SUMMARY**

The purpose of this report is for Council to note the contents of a critical assessment done by Professor Brian Dollery for the United Service Union (USU), of the NSW Government response to the "Inquiry into the Ability of Local Governments to Fund Infrastructure and Service (2024)".

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

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

**Notes the contents of the critical assessment done by Professor Brian Dollery, for the United Service Union (USU), on the NSW Government response to the "Inquiry into the Ability of Local Governments to Fund Infrastructure and Service (2024)".**

#### **BACKGROUND**

The inadequate funding regime of the local government sector has been frequently discussed by Councillors and staff over the last number of years. Given the importance of this subject matter, it was deemed appropriate to include this critical assessment as part of the Business Paper.

Although the author does not necessarily agree with the commentary of Professor Dollery in all respects, it is stimulating to be exposed to another informed person's thinking on these important matters for the sector. Further, this information and thinking may assist Council's nominated Councillors to the upcoming LGNSW Conference in November 2025 to participate in discussions from a position of being more fully informed.

The full report on the "Ability of local governments to fund infrastructure and services" (Report 52 November 2024) can be found by clicking on the link below:

<https://www.parliament.nsw.gov.au/tp/files/190082/Report%20No.%2052%20-%20State%20Development%20->

Our Economy No. 9 Cont...

[%20Ability%20of%20local%20governments%20to%20fund%20infrastructure%20and%20services.pdf](#)

For ease of reference, the recommendations are provided below:

#### Recommendation 1

That the NSW Government conduct a comprehensive review of the rate exemptions and concessions under the Local Government Act 1993 to:

- better target the eligibility criteria for rate exemptions and concessions
- achieve a better balance between local council financial sustainability, community benefits and principles of equity.

#### Recommendation 2

That the NSW Government redesign the local government rating system, including reassessing council base rates, and seek to:

- implement measures, such as greater use of the Integrated Planning and Reporting framework and rates benchmarking, to provide local government greater flexibility and latitude to set their own rates
- emphasise the importance of continual evaluation and service delivery
- keep rates affordable and maintain safeguards to ensure rates meet community needs
- examine the use of capital improved value, rather than unimproved land value, to set the variable component of rates.

#### Recommendation 3

That the NSW Government seek to improve the special variation process, should the rate peg be retained in its current form, to:

- make it less resource and time-intensive for local councils
- streamline the process for the assessment of special variation applications
- consider alternatives to special variations that allow councils to raise additional rates to maintain existing service levels.

#### Recommendation 4

That the NSW Government conduct an audit of, and seek to update, the statutory fees and limits that apply to local government annual charges and user fees and charges to better reflect and account for increases in market costs and pressures, including inflation.

#### Recommendation 5

That the NSW Government advocate to the Australian Government to increase the federal taxation revenue distributed via Federal Financial Assistance Grants from 0.5 per cent to 1 per cent, and amend the current commonwealth grant guidelines per capita distribution method, that disproportionately benefits inner city councils.

#### Recommendation 6

That the NSW Government consider grant models that:

- provide a more secure and sustainable source of funding to local councils to achieve more equitable distribution of grants funding and provide councils with greater discretion in relation to how funding is spent take into account the preference of local councils for predictable grants that are determined in a timely manner and assist councils to receive grants within appropriate timeframes to support the delivery of infrastructure programs.

#### Recommendation 7

## Our Economy No. 9 Cont...

That the NSW Government implement changes to the developer contributions framework to better financially support local councils to fund the ongoing costs at the completion of new infrastructure and works deemed essential to support development including community facilities as determined by the council on behalf of the local community.

Recommendation 8

That, as part of the process of redesigning the local government rating system as outlined in Recommendation 2, the NSW Government have regard to the findings and recommendations of Portfolio Committee No. 8 – Customer Service's Pounds in New South Wales report and ensure councils are able to properly fund pounds and companion animal services.

Recommendation 9

That the NSW Government continue to improve the timeliness of disaster recovery assistance funding to local councils by utilising funding agreements such as tripartite arrangements which have provided councils with faster access to the funds they require to cover the cost of natural disaster recovery efforts.

Recommendation 10

That the NSW Government centralise disaster recovery funding within the NSW Reconstruction Authority to assist in improving expenditure on mitigation and preparedness and create dedicated and ongoing funding streams for communities, councils and community organisations to support their work on mitigation and preparedness.

Recommendation 11

That the NSW Government continue to advocate to the Commonwealth Government to incorporate betterment funding into disaster recovery funding arrangements.

Recommendation 12

That the NSW Government seek amendment to the Rural Fires Act 1997 such that Rural Fire Service assets are vested in the Rural Fire Service, with consequential amendment to the duties of councils as public authorities to prevent the occurrence of bushfires on, and to minimise the danger of the spread of a bush fire on or from land under its control or management.

Recommendation 13

That the NSW Government review the depreciation methodology that applies to depreciation rates.

Recommendation 14

That the NSW Government consider excluding depreciation expenses from the calculation of the Operating Performance Ratio.

Recommendation 15

That the NSW Government:

- identify opportunities to reduce cost shifting to local government undertake greater consultation with local government prior to making decisions that may result in cost shifting
- review the practice of discounting infrastructure and other funding applications by border councils due to use by interstate residents

Our Economy No. 9 Cont...

- use its waste levy review to examine how the Waste Levy can better support infrastructure and services that support the transition to a circular economy.

Recommendation 16

That the NSW Government review the financial reporting guidelines and accounting model for local government.

Recommendation 17

That the NSW Government review the performance measurement ratios for local councils.

**REPORT:**

The United Services Union (USU) has requested Professor Brain Dollery of the University of New England to do a critical assessment on the NSW Government Response to the "Inquiry into the Ability of Local Governments to Fund Infrastructure and Services (2024)". A copy of this report is annexed to this report as Attachment 1 and should please be read as an integral part of this report.

**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- "Ability of Local Governments to Fund Infrastructure and Services" (Report 52 November 2024), Legislative Council, Standing Committee on State Development

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

The recommendations of the Inquiry inter alia address the inadequate funding regime of the local government sector.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Our Economy No. 9 Cont...

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:                  | <b>1</b> Attachment 1 24 Pages |



# **A Critical Assessment of the NSW Government Response to the *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services (2024)***



**Contact:**

Emeritus Professor Brian Dollery

Telephone: 02 6773 2500

Email: [bdollery@unc.edu.au](mailto:bdollery@unc.edu.au)

**Disclaimer**

This Report was prepared by Brian Dollery on behalf of New England Education and Research Proprietary Limited for the United Services Union (USU). This Report was produced for the USU as a strictly independent Report. The opinions expressed in the Report are thus exclusively the views of its author and do not necessarily coincide with the views of the USU or any other body. The information provided in this Report may be reproduced in whole or in part for media review, quotation in literature, or non-commercial purposes, subject to the inclusion of acknowledgement of the source and provided no commercial use or sale of the material occurs.

## 1. Introduction

Following a request from the NSW Minister for Local Government in March 2024, the NSW Legislative Council's State Development Committee undertook an inquiry into the ability of NSW local councils to fund local infrastructure and local service provision. In November 2024, the Committee presented its report entitled *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services (2024)*, in which it made seventeen recommendations. In April 2025, the NSW Government responded to these recommendations in its *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services: NSW Government Response*. This Report provides a critical assessment of the *NSW Government Response (2025)*.

The Report is divided into three main parts:

- Section 2 critically examines the introduction to the NSW Government's (2025) *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services: NSW Government Response*
- Section 3 critically evaluates the NSW Government response to each of the seventeen recommendations advanced by the NSW Legislative Council State Development Committee in its *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services*, as well as the composition of the proposed Expert Advisory Panel set out in an Appendix.
- Section 4 provides a brief conclusion to the Report.

## 2. Critical Evaluation of the Introduction in the NSW Government Response

In the introduction to its *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services: NSW Government Response*, the NSW Government observed that it proposes 'five key responses':

1. 'Maintaining control of council rates by the Independent Pricing and Regulatory Tribunal (IPART) to ensure council's rates revenue keeps pace with forecast changes in costs'.
2. 'Requiring councils that want to permanently adjust their revenue to undertake a Comprehensive Spending Review that forensically examines their expenditure as well as their revenue'.
3. 'Simplifying the Special Variations process to focus only on specific council projects or programs'.
4. 'Streamlining local government financial statements, which unnecessarily complicate local government financial reporting'.
5. 'Drawing on the knowledge and experience of general managers, finance directors and other experts in the local government sector, to establish an Expert Advisory

Panel to provide technical support for the delivery of reform based on the recommendations of the Committee’.

The purported objective of these ‘five key responses’ is to ‘enhance the reputation of local government as a robust, independently elected, third tier of government’. To this end, the NSW Government’s proposed reforms seek to ensure the financial sustainability of all NSW local councils, where ‘councils will be sustainable if they can ensure expenditure is matched to both revenue and their community’s service delivery expectations’.

Given that ‘elected councillors are in the best position to do this work as they can understand and balance competing community perspectives’, it is vital that councillors have ‘accurate information and be empowered to make decisions about what services their communities want and can afford’. The NSW Government thus proposes reforms to ‘ensure that councillors receive timely, appropriate, and accurate financial information to be visibly in control of their councils’. Moreover, ‘this information will also be made transparent and public to maximise scrutiny over decisions being made in the local government sector’.

In fiscal terms, the NSW Government proposes that if a local council believes it requires additional income to meet community expectations, it must demonstrate to both IPART and the local community that it has ‘closely considered its operations prior to increasing its rates’. Moreover, ‘councils in financial distress should be assisted to build structured financial recovery plans, and sustainable services and infrastructure, rather than resorting to reactive rate hikes’. In essence, it argues that ‘the role of IPART is not to take away council’s autonomy but rather to ensure that councils are efficient and have reasonably considered alternative plans, prior to seeking to increase rates’.

We now consider the ‘five key responses’ in more detail:

*1. Maintaining control of council rates by IPART, to ensure council’s rates keep pace with forecast changes in costs.*

Since its introduction, rate-capping has undoubtedly played a critical role in the performance of NSW local councils. After five decades, the empirical evidence is beyond dispute that rate-capping is the cause of most of the problems in NSW local government (see, for example, Dollery, Crase and Johnson, 2006; Dollery and Wijeweera, 2010; Yarram, Tran and Dollery, 2021). Moreover, recent significant changes to the rate-cap methodology represent a tacit admission of past failure. The new process is only a slight improvement on its predecessor. In particular, it relies on projections of future Consumer Price Index (CPI) movements when the Reserve Bank itself has reservations about the predictive capacity of future CPI estimates. Moreover, the CPI is entirely the wrong measure of cost inflation for local government.

*2. Requiring councils that want to permanently adjust their revenue to undertake a Comprehensive Spending Review that forensically examines their expenditure as well as their revenue.*

This approach is already undertaken by many local councils. ‘Forensically examine their expenditure’ is a loaded term and it is likely to indicate an expensive administrative process.



Furthermore, it is entirely unrealistic to expect councils to undertake a complete review of all service levels. In addition, there is no mention of avenues for a permanent increase to rates arising directly from the deleterious consequences of the ill-conceived 2016 forced amalgamation program. Compulsorily consolidated councils are still under severe fiscal stress and must be able to increase their rates to survive sustainably. Nor is there mention of other expenses induced by the NSW Government, such as the Audit, Risk and Improvement Committees (ARIC), Auditor-General costs and the NSW Emergency Services Levy (ESL). Should these not also be 'forensically' reviewed?

*3. Simplifying the Special Variations process to focus on specific council projects or programs*

In general, public finance is fungible across individual local governments (see, for instance, Drew 2022). Accordingly, if a Special Rate Variation (SVR) process must be undertaken for specific council programs, it will not only be prohibitively expensive, but also extraordinarily complex, involving *inter alia* costings, willingness to pay, and potentially pitting groups of residents against one another. Moreover, the costs of individual programs are inextricably part of the larger problem of overall financial sustainability of local councils.

*4. Streamlining local government financial statements which unnecessarily complicate local government financial reporting*

In principle, reducing the information in local government financial statements is most unlikely to result in better decision making. Indeed, dropping legitimate accounting expenses from surplus/deficit calculations runs contrary to the International Financial Reporting Standards. It may amount to a cynical political ploy to disguise the fact that local government assets are deteriorating prior to state elections. In reality, assets will still be deteriorating. Why not also drop staff expenses or materials expenses?

*5. Drawing on the knowledge and experience to establish an Expert Advisory Panel to provide technical support for the delivery of reform based on the recommendations of the Committee.*

With respect to the proposed Expert Advisory Panel, the devil is clearly in the detail as it has always been with previous 'expert panels'. Experience has demonstrated most appointees are typically 'political stooges' of the government of the day, often with little actual expertise.

**3. Critically Evaluation of the NSW Government's Response to the Seventeen Specific Recommendations**

In section 3, we critically evaluate the NSW Government's response to each of the seventeen recommendations made by the NSW Legislative Council's State Development Committee in its report entitled *Inquiry into the Ability of Local Governments to Fund Infrastructure and Services* (2024).

**Recommendation 1**

*That the NSW Government conduct a comprehensive review of the rate exemptions and concessions under the Local Government Act 1993 to:*

- *better target the eligibility criteria for rate exemptions and concessions*
- *achieve a better balance between local council financial sustainability, community benefits and principles of equity.*

#### **NSW Government Response**

In its response to Recommendation 1 of the Inquiry, the NSW Government indicated it would reconsider the detailed recommendations offered by IPART in its 2016 *Review of the Local Government Rating System* regarding exemptions, concessions, financial sustainability and equity considerations.

#### **Commentary**

At least two categories of activity should be reconsidered by the NSW Government. Firstly, numerous religious and charitable entities are *de facto* businesses. While profits generated are sometimes employed to subsidise *bona fide* charitable and religious activities, which offer benefits to local communities, this is often not the case in practice. Indeed, non-profits are frequently also businesses established with the founder receiving a large salary, but largely avoiding tax liabilities, including council rates. Ratepayers are thus subsidising these entities, which is inequitable.

Secondly, state forest land is currently non-rateable in NSW local government, despite it representing a substantial cost problem for many rural local councils. Many state forests are used in part for logging, tourism and apiary business activities. These businesses pay the NSW Government to use state forest land. Given their activities, they often inflict considerable damage to roads in state forests and should thus contribute by way of rates to local councils. This problem is especially acute in local government areas, like Walcha and Snowy Valleys local councils, which are burdened by logging truck activity with no corresponding financial compensation.

In sum, if the land is being used for activities where business is conducted, then it should be regarded as a business and should pay rates accordingly. The common legal definition of a business is activities engaged in for the purpose of profit on a continuous and repetitive basis. It is noteworthy that no profit need be made, simply that a surplus is intended.

#### **Recommendation 2**

*That the NSW Government redesign the local government rating system, including reassessing council base rates, and seek to:*

- *implement measures, such as greater use of the Integrated Planning and Reporting framework and rates benchmarking, to provide local government greater flexibility and latitude to set their own rates*
- *emphasise the importance of continual evaluation and service delivery*

- *keep rates affordable and maintain safeguards to ensure rates meet community needs*
- *examine the use of capital improved value, rather than unimproved land value, to set the variable component of rates.*

#### **NSW Government Response**

In its response, the NSW Government fully agreed that 'financial sustainability is a serious concern for many councils, particularly in regional and remote areas'. However, it contends that given the cost-of-living crisis afflicting many households, the NSW Government 'must ensure council rates remain affordable'.

Moreover, the NSW Government argued that 'the rate peg has historically undercalculated the increases in costs borne by councils', notably by using 'a cost index formula since 2010'. However, it stressed this was addressed in 2022 when a 'population factor' was added to the methodology to 'adjust the total income that a council may receive by any population increase in that council area'.

Furthermore, the NSW Government argued that 'a redesign of the rate peg methodology was implemented by IPART in 2023, which applies from the 2024/25 financial year onwards'. This enables IPART to 'adjust for the individual circumstances of a council rather than apply the same indexation across the state'. The NSW Government is thus 'confident that the new rate peg methodology is robust' and 'provides a good starting position for councils in matching revenue to expenditure'. Where (a) 'communities may agree an increase above indexation is acceptable to provide for better service standards' or (b) 'where local councils may need additional income to maintain existing service standards due to circumstances the rate peg cannot account for', the 'Special Variation process is not suited for this form of permanent rating uplift' and a 'new pathway is necessary to allow for permanent rate increases above the rate peg'.

To address this requirement, the NSW Government will prepare a formal procedure to enable 'the review of council income and expenditure through a Comprehensive Spending Review process which will be separate to the Special Rate Variation process'.

The Comprehensive Spending Review process requires local councils to submit the following information to IPART:

- 'What they plan to build as infrastructure and provide as services.
- What their estimated rates, grants, fees and charges will be.
- Whether they require additional rating income and how it compares to the rate peg.
- Evidence of community engagement'.

IPART will then determine:

- 'Whether the council has adequately estimated the cost of delivery.
- Whether the community has the capacity to pay the rates and fees proposed.



- Whether the council is effectively spending their present funds for the betterment of local communities.
- Whether the delivery program and resourcing strategy are reasonable’.

Finally, the proposed Comprehensive Spending Review methodology will be ‘developed in consultation with IPART and the Expert Advisory Panel’.

#### **Commentary**

The NSW Government response to Recommendation 2 is seriously deficient in several respects. Firstly, the new rate methodology is demonstrably not robust. For instance, it employs the wrong inflation index and compounds this error by employing Reserve Bank of Australia (RBA) predictions, which even the RBA has shown to be often inaccurate. Similarly, the population factor is incorrect. For example, does a married couple that has their first child cost local government 33% more to service? When one spouse dies, does an elderly couple cost 50% less to service? Moreover, the population factor provides an advantage to urban councils, but makes financial sustainability even harder for rural councils.

For example, for the financial year 2024-25, the NSW rate peg was 4.5%-5.5% according to IPART (<https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Special-Variations-Minimum-Rates/Special-Variations-and-Minimum-Rates-2024>). However, the CPI for the March 2024-25 period was 2.4% according to the ABS (<https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/mar-quarter-2025>). We do not have the full financial year CPI, which is the wrong measure anyway, but it is nonetheless likely that the NSW Government confidence will be warranted when the next three months of data are released.

It is thus clear that the new IPART methodology is badly flawed and not fit for purpose. This is starkly at odds with the NSW Government’s (2025, p.6) claim that ‘the Government is confident that the new rate peg methodology is robust’.

Secondly, the proposed Comprehensive Spending Review will take financial control away from local councils and effectively hand control to IPART. For instance, depreciation is typically around 30% of the municipal budget, but it will be decided by the Auditor General (AG) rather than the council in question. The net result will be that local authorities will be left with a single policy lever to reduce current expenditure and that will be a reduction in staff numbers.

The net outcome of these constraints will inevitably be fewer council workers. With less staff in future and more outsourcing, this will mean lower local government capacity. Thus, when the cost of outsourcing rises in future, local residents and municipal employees alike will be worse off (Brown and Potoski, 2003).

Thirdly, the fact that the NSW Government has raised the prospect of the proposed Comprehensive Spending Review, which has yet to be designed or legislated, represents a



dangerous degree of recklessness by the NSW Government, which poses significant risks to NSW local government. In this regard, it should be borne in mind that local councils typically start work on their SRV applications in late July when their draft financial statements have been completed, and they thus know how dire their finances may be. At present, local councils do not know if the new Comprehensive Spending Review regulations will be in place for the next round. This places financially struggling councils in an invidious position.

Finally, the costs of conducting a Comprehensive Spending Review will be substantial and far exceed the costs accompanying a standard SRV application. Consultants in the field have informally indicated that a Comprehensive Spending Review would cost more than double a standard SRV!

### **Recommendation 3**

*That the NSW Government seek to improve the special variation process, should the rate peg be retained in its current form, to:*

- *make it less resource and time-intensive for local councils*
- *streamline the process for the assessment of special variation applications*
- *consider alternatives to special variations that allow councils to raise additional rates to maintain existing service levels.*

### **NSW Government Response**

In its response, the NSW Government noted that the 'Special Variation framework has been historically used for time-limited special projects that a council needed additional resources to complete', with 'successful examples' including the Gundagai Main Street Upgrade and the Randwick Special Environmental Levy.

Moreover, the NSW Government stressed that 'many recent Special Variations are not time-limited or targeted but are used to permanently increase a council's rate base to address broader financial sustainability concerns. Following its response to Recommendation 2 above, the NSW Government observes that 'a Comprehensive Spending Review is necessary before a council applies for higher permanent rating income,' while nonetheless conceding that 'councils may still require additional income for special projects or programs on a short-term basis without seeking a permanent increase in their rates'. The NSW Government has concluded that the current Special Variation process thus requires modification to 'focus on funding for specific places, projects or programs'.

To this end, the NSW Government has undertaken to 'review the existing Special Variation Guidelines to ensure these variations are focused on specific, time-limited projects where additional spending is necessary'. However, the NSW Government has conceded that 'for the Special Variation process to be effective, it must be worthwhile for a council to pursue'. Accordingly, the NSW Government intends to 'remove bureaucratic

requirements in the Special Rate Variation process that make the current system onerous for councils'. However, it stipulates that local communities 'must also be able to easily determine the benefit of a specific project or improvement when being asked to consider a temporary Special Variation'.

#### **Commentary**

The NSW Government response to Recommendation 3 is problematic on various grounds. For example, the NSW Government places emphasis on 'specific, time-limited projects'. However, in the local government context, money is fungible (Dollery *et al.*, 2006; Dollery *et al.*, 2020). Moreover, specific time-limited projects do not provide the requisite forward assurance around income required to maintain staff numbers or to appoint staff permanently. The net losers in this process are thus current and future staff. By contrast, the winners are those companies undertaking outsourced work from local councils given that General Managers (GMs) and Chief Financial Officers (CFOs) will not have the confidence to employ staff for in-house operations anymore. This is detrimental for the local economy, council staff and long-run financial sustainability.

In addition, the proposed removal of 'bureaucratic requirements in the SRV process' will merely put local communities at risk of more temporary SRVs that may not be warranted. In essence, councils may simply shift from permanent planning to a series of temporary contingencies, especially if the latter system is 'less bureaucratic'. Moreover, projects that are politically appealing to the NSW Government and its agencies, like IPART, will be nominated for temporary SRVs, while the resultant funds are shuffled by councils to fund standard service requirements and help secure financial sustainability.

Furthermore, determining the 'benefit of a specific project or improvement' may well serve to divide local communities by pitting people in favour of a project against those paying for most of it, such as the business community. It could cause much division and add to the kind of vitriol already observed in some communities. In sum, SRVs of this kind are likely to cause division and impose human costs on council staff and local communities.

#### **Recommendation 4**

*That the NSW Government conduct an audit of, and seek to update, the statutory fees and limits that apply to local government annual charges and user fees and charges to better reflect and account for increases in market costs and pressures, including inflation.*

#### **NSW Government Response**

In its response, the NSW Government accepted 'the evidence received from the Inquiry that many annual charges and user fees, such as the Stormwater Levy, have legislated caps that have not changed in many years'. Furthermore, the NSW Government accepted that 'inflation has reduced the value of these charges over time, limiting councils' ability to use them to fund services'. Accordingly, the NSW Government indicated that it will 'review these fees so that they better reflect the cost of delivering that service efficiently'.

However, the NSW Government argued that 'the level of other statutory charges, such as the fees relating to development applications, serve important policy goals and may need to be kept low to incentivise efficiency and positive policy outcomes'. In addition, it noted that 'many fees charged by councils to ratepayers are not legally fixed and may be set by the council at its discretion'. The NSW Government will employ the proposed Comprehensive Spending Review process to 'encourage councils to consider whether their discretionary fees and charges reflect the cost-effective delivery of council services, so that any subsidies are deliberate and explicitly considered in the budget-setting process'.

In sum, the NSW Government agreed to 'undertake an audit of statutory fees and charges and user fees to align them, where appropriate, with reasonable service costs and index these costs with CPI (Consumer Price Index) where applicable'.

#### **Commentary**

The NSW Government response to Recommendation 4 is deficient in several respects. Firstly, using the CPI index as the basis for the calculation of fees and charges is problematic. The CPI has *inter alia* a 17.44% weighting for food, 6.58% for alcohol and tobacco, 3.25% for clothing and 4.69% for education, etc., which have little bearing on the cost of local government service and/or infrastructure provision (<https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/annual-weight-update-cpi-and-living-cost-indexes/latest-release>). Accordingly, using the CPI as the basis for increasing fees and charges is bound to prove erroneous.

Secondly, lowering or constraining increases in some fees and charges may be economically deleterious. For example, keeping developer fees lower is economically inefficient. The harsh reality of municipal arithmetic is that if a developer does not pay the full costs of its money-making activities, then struggling local residents will have to subsidise their profit-making operations.

Finally, full council discretion on other fees should be approached with caution. It may simply incentivise gaming the rate cap!

#### **Recommendation 5**

*That the NSW Government advocate to the Australian Government to increase the federal taxation revenue distributed via Federal Financial Assistance Grants from 0.5 per cent to 1 per cent and amend the current commonwealth grant guidelines per capita distribution method, that disproportionately benefits inner city councils.*

#### **NSW Government Response**

In its response to Recommendation 5, the NSW Government concedes that 'the councils most exposed to financial pressures are smaller rural and remote councils that cannot adequately fund services through rates alone'. It noted that it provided a submission to the Commonwealth House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry into local government sustainability on



21 March 2024. In this submission, it noted that 'the relative value of the Financial Assistance Grants has declined over the last few decades'. This had adversely affected local councils, especially rural and regional councils, which have a limited capacity to raise their own revenue through fees and charges. The submission also noted 'the ongoing challenge for the NSW Local Government Grants Commission in allocating a fairer share of the general purpose component of the Financial Assistance Grants to councils with the greatest relative need when a fixed 30% of the general purpose component must be allocated based on population'.

The NSW Government has undertaken to 'continue to regularly and strongly advocate to the Australian Government to increase its Financial Assistance Grants (FAGs) to local government to 1% of GDP to assist those smaller councils'. Moreover, 'in recognition of the financial challenges faced by smaller rural and remote councils, a continual review of the Federal Assistance Grants distribution model will also be part of the ongoing process of the NSW Local Government Grants Commission in its allocation of grants to NSW councils'.

#### **Commentary**

In general, the response of the NSW Government is sound. However, it seems most unlikely the Australian Government will increase FAGs in the foreseeable future. Accordingly, the NSW Government request simply amounts to 'blame-shifting' device by the NSW Government.

#### **Recommendation 6**

*That the NSW Government consider grant models that:*

- *provide a more secure and sustainable source of funding to local councils to achieve more equitable distribution of grants funding and provide councils with greater discretion in relation to how funding is spent*
- *take into account the preference of local councils for predictable grants that are determined in a timely manner and assist councils to receive grants within appropriate timeframes to support the delivery of infrastructure programs.*

#### **NSW Government Response**

The NSW Government has indicated that it supports 'continual innovation and improvement to the local government grant framework and has updated the Grant Administration Guidelines to underpin this commitment'. Moreover, the NSW Government has undertaken to 'examine options to create a greater proportion of needs-driven grants, including Community Service Obligations, with notional allocations, as well as to incorporate whole-of-life costing, where appropriate, including depreciation and maintenance'. Furthermore, in future, it will 'continue to explore new models for grants to be provided to councils'.

#### **Commentary**

At present, in NSW local government grants are being provided more on a co-contribution basis than in the past. An unfortunate aspect of this approach is that financially struggling local councils often containing vulnerable local communities now frequently cannot secure much needed grants. In essence, all grants should be 'needs-driven' and not merely for desired outcomes. The harsh reality of contemporary fiscal arithmetic in NSW local government is that every grant provided for 'wants' represents funds that a financially struggling local councils with vulnerable community misses out on for its often dire 'needs'.

Secondly, the embodiment of 'whole-of-life' costings in grant applications are long overdue and welcome, but the detail is specified simply as 'where appropriate'. Finally, the NSW Government has provided no details on when and/or how these changes will be made.

#### **Recommendation 7**

*That the NSW Government implement changes to the developer contributions framework to better financially support local councils to fund the ongoing costs at the completion of new infrastructure and works deemed essential to support development, including community facilities as determined by the council on behalf of the local community.*

#### **NSW Government Response**

In its response, the NSW Government contends that it 'encourages councils to plan for the ongoing costs of new infrastructure funded by contributions to ensure whole of life cycle costs are considered when identifying and adopting projects'.

However, it added the caveat that 'any changes to current policy settings that would lead to increased contributions payable by developers needs to be balanced against feasibility risks and delivery' of its recent housing targets for NSW over the next few years.

#### **Commentary**

At present, in its grant regulation regime the NSW government has essentially decided to prioritise the profits of developers over the existing struggling residents who will have to pay the difference for implicit discounts provided to developers. Quite apart from equity considerations, this is economically inefficient.

It is a harsh reality of municipal accounting that if the developers are accorded explicit or implicit discounts by local councils, then the residents will have to meet the budgetary shortfall, or alternatively, the next generation through explicit or implicit council debt. If the NSW Government is determined to continue with its generous discount policy for the development lobby, then it will need to change the rate peg methodology so that any discounts to developers are explicitly included in rate pegs. Given that discounts must be financed locally, the local community must thus pay. If no payment is made, then it will generate lower financial sustainability and intergenerational inequity.

#### **Recommendation 8**

*That, as part of the process of redesigning the local government rating system as outlined in Recommendation 2, the NSW Government have regard to the findings and recommendations of Portfolio Committee No. 8 – Customer Service’s Pounds in New South Wales report and ensure councils are able to properly fund pounds and companion animal services.*

In its response, the NSW Government noted that it had already reacted to the findings and recommendations of the *Pounds in New South Wales Report* on 16<sup>th</sup> January 2025. It had made clear that it was ‘reviewing the Companion Animals Fund, looking at the most effective ways to utilise revenue from companion animal registrations and annual permits to best support councils in meeting their management responsibilities towards dogs and cats’.

Regarding the fiscal aspects of pounds, the NSW Government observed that ‘over the past three financial years, an average of \$10 million per year was collected in registration fees through the Companion Animals Fund. Councils, until the end of 2023/24, received 80 per cent of all fees paid for companion animal registrations in their LGA’. However, considerable inequities existed in the distribution of these fees across councils. The NSW Government pointed out that ‘in Quarter 4 2022/23, 97 councils (76 per cent) received less than 1 per cent of registration fees. In dollar terms, 75 councils (60 per cent) received less than \$10,000 in quarterly payments’.

Finally, the NSW Government undertook to ‘consider how the use of this money can be improved as part of the Government’s election commitment to review the Companion Animals Act 1998’.

#### **Commentary**

In the realm of municipal finance in NSW local government, the cost of pounds is comparatively trivial compared with roads, stormwater, sewage and other mainstream local services. However, the fiscal principle at stake is clear: when councils collect monies on behalf of the NSW Government, then all funds should accrue to the council in question if they are bearing the full costs. In this regard, it is noteworthy that the NSW Government seldom makes recommendations that it must fund!

#### **Recommendation 9**

*That the NSW Government continue to improve the timeliness of disaster recovery assistance funding to local councils by utilising funding agreements, such as tripartite arrangements, which have provided councils with faster access to the funds they require to cover the cost of natural disaster recovery efforts.*

#### **NSW Government Response**

In its response, the NSW Government contended that ‘the principles of the advanced funding model for disaster recovery works developed through new Tripartite Agreements have provided support for councils to deliver recovery works in a timely manner’. Moreover, it claimed ‘the advanced funding model is strongly supported at all levels of



government and is proposed to continue to ensure councils are not disadvantaged when delivering recovery works and remain cash flow positive throughout delivery’.

However, the NSW Government noted that ‘the methodology for providing advanced funding is being reviewed as part of the Statewide Review of Disaster Funding’. Furthermore, it conceded that it is currently ‘investigating additional ways to streamline the administration of funding for essential public asset restoration’.

#### **Commentary**

What is not stated in the NSW Government response are the details of the funding methodology employed. A number of local councils have reported that after long delays they only receive sufficient funds to restore their roads and other infrastructure back to a minimal level. The NSW Government obliges them to provide evidence of the pre-disaster condition of affected infrastructure, which is often difficult or even impossible to provide. The net effect is that councils receive less funds than are required. Moreover, it is also typically a false economy in the long run because what is usually required is to spend more money so that the infrastructure asset in question is disaster resistant in the future. Needless to add, it is futile and wasteful to simply replicate the original asset, which then will not survive the next flood or other natural disaster.

Finally, to date the process for advanced funding has not been streamlined. Indeed, the process has steadily become more complex and expensive for local councils.

#### **Recommendation 10**

*That the NSW Government centralise disaster recovery funding within the NSW Reconstruction Authority to assist in improving expenditure on mitigation and preparedness and create dedicated and ongoing funding streams for communities, councils and community organisations to support their work on mitigation and preparedness.*

#### **NSW Government Response**

In response, the NSW Government supported Recommendation 10 in principle. Moreover, the NSW Government undertook to continue to implement its review of Disaster Funding.

Despite supporting ‘the concept of centralising disaster recovery funding and a dedicated funding stream’, the NSW Government stressed that this support is contingent on ‘identifying an appropriate funding source and building capability to deliver’.

The NSW Government emphasised that it had ‘established the Disaster Recovery Funding Arrangements (DRFA) Management Board to strengthen the oversight of DRFA funded programs’. The DRFA Board now has ‘senior representatives from the Premier’s Department, NSW Treasury, Reconstruction Authority (RA) and key delivery agencies as well as the Office of Local Government (OLG)’. Moreover, the Board will ‘recommend options to streamline the management of disaster recovery in NSW’.



The NSW Government stressed that its Disaster Adaptation Plan (DAP) Guidelines are nearing completion. Furthermore, the RA is presently delivering 'pilot DAPs in the Northern Rivers and Hawksbury/Nepean regions to identify and prioritise future investment in mitigation and preparedness'.

#### **Commentary**

While the 'in-principle' support for Recommendation 10 offered by the NSW Government should be welcomed, there are at least two obvious problems at present.

Firstly, the NSW Government has established a DRFA Board replete with NSW Government executives. By contrast, what is required are numerous specialist representatives from NSW local government; general managers, engineers, chief financial officers, as well as mayors, from urban, regional and rural local councils.

Secondly, any substantive improvement is obviously subject to adequate funding. At this point, the NSW Government has not offered additional financial support.

#### **Recommendation 11**

*That the NSW Government continue to advocate to the Commonwealth Government to incorporate betterment funding into disaster recovery funding arrangements.*

#### **NSW Government Response**

In its response, the NSW Government noted that it had 'provided input into the independent review of the DRFA (the Colvin Review), as well as a review led by the National Emergency Management Agency (NEMA)'. Moreover, the NSW Government observed that 'feedback on both reviews articulated the need for greater opportunity for funding support for the betterment of essential public asset infrastructure under the DRFA'. Furthermore, it undertook to 'use the Colvin Review and subsequent reform processes being led by NEMA to advocate for betterment funding as part of Disaster Funding arrangements'.

In addition, the NSW Government stressed that on 25 October 2024 the Australian Government released the final report of an independent review of Commonwealth disaster funding, which proposed 47 recommendations to improve the existing Commonwealth disaster funding arrangements.

#### **Commentary**

At face value, the NSW Government's response should be welcomed. However, it offered no clear view on when additional funding might arrive and/or the magnitude of such funding. It would thus seem that once again the NSW Government is simply involved in 'blame-shifting'.

#### **Recommendation 12**

*That the NSW Government seek amendment to the Rural Fires Act 1997 such that Rural Fire Service assets are vested in the Rural Fire Service, with consequential amendment to*

*the duties of councils as public authorities to prevent the occurrence of bushfires on, and to minimise the danger of the spread of a bush fire on or from land under its control or management.*

#### **NSW Government Response**

In its response, the NSW Government stated that 'on 30 January 2024 this matter was referred to the NSW Parliament's Public Accounts Committee Inquiry into Assets, premises and funding of the NSW Rural Fire Service', adding that to date 'the inquiry has held two public hearings and has received 78 submissions'. The Committee has yet to report.

#### **Commentary**

The NSW Rural Fire Service (RFS) uses firefighting vehicles – known colloquially as the 'red fleet' – that it has been asserted are legally owned and operated by NSW local councils. However, NSW local councils have argued that the RFS should assume full responsibility for red fleet ownership, maintenance and repair, as Recommendation 12 seeks.

Current arrangements have long been criticised by NSW councils, with LGNSW suggesting it is an 'accounting rort' that makes municipal accounting statements look bad. At present, the RFS contributes approximately \$25 million annually to council budgets for maintenance and repair of red fleet vehicles and other firefighting equipment, which is far less than the actual costs involved.

The red fleet is clearly not controlled by councils, yet they bear a great deal of the costs involved. Two aspects of controversy are noteworthy. Firstly, current financial arrangements show clearly that the NSW Government is engaged in cost shifting onto local councils. Secondly, given the requisite accounting standards are clear, the NSW Auditor-General is not properly applying the relevant Auditing Standards.

#### **Recommendation 13**

*That the NSW Government review the depreciation methodology that applies to depreciation rates.*

#### **Recommendation 14 1**

*That the NSW Government consider excluding depreciation expenses from the calculation of the Operating Performance Ratio.*

#### **NSW Government Response**

Given they cover the same area in municipal finance, it is appropriate to consider Recommendation 13 and Recommendation 14 together.

In its response, the NSW Government supported 'reviewing the depreciation methodology, noting that this methodology stems from the requirements of Accounting Standard AASB 116 - Property, Plant and Equipment'. Moreover, the NSW Government

noted that other state and territory local government jurisdictions in Australia are also engaged in a review of asset valuation.

The NSW Government stressed that it supported 'ensuring that council financial reports provide councillors and the public a workable understanding of a council's assets, liabilities and cash flow to support good budget-setting'. It noted that 'many of the challenges outlined in submissions and by the Committee relate to the impact of fair value asset accounting, particularly for non-realizable assets in a local government context'. The NSW Government undertook 'to continue to explore options to address these challenges'.

In terms of concrete action, the NSW Government undertook to consult closely with the Expert Advisory Panel to 'consider alternative valuation methodologies and how they can be best incorporated into council accounts'. Moreover, the Panel will 'also provide advice on how councils could create and use asset maintenance/replacement reserves, along with how to account for the increasing risk of natural disasters'.

As an interim measure in the short term, the NSW Office of Local Government has released its *2024/25 Local Government Code of Accounting Practice and Financial Reporting*, which includes 'a sub-total in council Income Statements that excludes depreciation expenses'. Similarly, the NSW Office of Local Government has 'also removed performance ratios from the Code for the 2024/25 financial year while a broader review is conducted'. The NSW Government argued that 'these reforms will provide councillors and communities with more timely and accurate financial information, offering a clearer understanding of the overall performance of councils, particularly cash flow'.

#### **Commentary**

#### **Recommendation 13**

Following long-running practice, most local councils under-depreciate their assets. Indeed, empirical analysis has demonstrated that that this was exacerbated during the disastrous *Fit for the Future* program (see, for example, Drew 2017). However, given the fact that the NSW Auditor-General has recently been more active in the area, depreciation expenses have risen dramatically in most NSW councils. This has resulted in significant 'financial statement shock' to local councillors and local communities alike. Moreover, higher rates as well as fees and charges will be required to cover higher depreciation. However, the NSW Auditor-General sometimes gone too far and he has now over-standardised asset depreciation, ignoring critical local factors. The net result is that the figures provided in financial statements are often divorced from reality on grounds which are contrary to both AASB116 and common sense.

It should be noted that under the current NSW local government auditing regime, which has given monopoly powers to large accounting firms, working on behalf of the Auditor-General, costs have almost doubled and auditor quality and timeliness have decreased alarmingly. A negative outcome is that financial data is quickly losing relevance to the facts on the ground.

In sum, the NSW Government emphasised its commitment to the *Intergovernmental Agreement with Local Government NSW* and its promise to 'continue to work collaboratively with councils'.

#### **Commentary**

Given the implied threat that in future cost-shifting could continue since it 'may be most appropriate for local governments to manage new activities rather than State', the NSW local government sector should take steps to avoid this outcome.

Perhaps the most promising step LGNSW and its member councils should take is to focus on the composition of the proposed Expert Advisory Panel. Since the Panel will play a pivotal role in future, it is critical to ensure that Panel membership draws on local council councillors and managers, who can effectively represent the local government sector, rather than simply NSW Government appointees who 'rubber stamp' all NSW Government policies, as noted in the Commentary on Recommendation 10. In this regard, LGNSW and councils should recall the deleterious impact of previous 'expert' panels, like the 2012 Independent Local Government Review Panel (ILGRP). A simple protection the NSW Government could now offer local government would be to allow local councils to nominate members of the Expert Advisory Panel and then vote for membership of the Panel.

#### **Recommendation 16**

*That the NSW Government review the financial reporting guidelines and accounting model for local government.*

#### **NSW Government Response**

In its response, the NSW Government stressed that it 'supports reviewing the financial reporting guidelines and accounting model for local government'. It noted that it has requested the Office of Local Government (OLG) to 'improve the effectiveness, timeliness and cost of financial reporting processes for councils'. However, the NSW Government cautioned that it was constrained by the fact that 'local government financial reporting guidelines and accounting practices are required to meet the requirements of the Australian Accounting Standards Board at this point in time'.

The NSW Government noted further that the OLG had released revised *Quarterly Budget Review Statement (QBRS) Guidelines* on 6 March 2025 for consultation with the local government sector. In so doing, its aim was to 'modernise quarterly budget statements across the local government sector'. Changes in the QBRS included (a) a 'standardised reporting template and require councils to report on individual council funds so that councillors and the community can easily assess the performance of each council function independently'; and (b) a 'new requirement for councils to provide the OLG with an electronic QBRS throughout the financial year.

By introducing an explicit requirement that local councils must provide 'clear, up-to-date financial information' the NSW Government sought to 'increase the ability of councillors,



the public and the OLG to oversee council budgets throughout the financial year, not just when the Annual Report is published’.

In response to Recommendation 13 and Recommendation 14 outlined earlier, the OLG eliminated performance ratios from the *Code of Accounting Practice and Financial Reporting* for the 2024/25 financial year. Moreover, the NSW Government has initiated consultation with key stakeholders on the elimination of Special Purpose Financial Statements in order to reduce duplication.

In line with earlier reforms, such as adding a requirement for local councils to have an *Audit, Risk and Improvement Committee (ARIC)* to assist councillors to ‘stay informed about financial challenges and potential risks that require the council’s attention’, further measures will be taken. For instance, the NSW Government will consider how ‘alternative valuation methodologies can be best incorporated into council accounting’. Furthermore, the OLG will also employ the ‘*Your Council*’ website to publish financial data gathered from local councils through annual returns and QBRs statements. The aim of these measures is to provide local communities with ‘access to information about their council’s income and expenditure, cash reserves, long term financial outlook, and service delivery performance’.

#### **Commentary**

The NSW Government’s response to Recommendation 16 is problematic in several respects. Firstly, the Australian Accounting Standards Board (AASB) is a body enabled by federal legislation and thus does not fall under the auspices of the NSW Government. The NSW Government cannot determine the structure or powers of the AASB.

Secondly, there should certainly be some accountability around QBRs, but this should occur in democratically elected council chambers and not among the general public. Moreover, the threshold for reporting of reasons for variations in financial statements should be substantially lowered

Thirdly, the claim that the OLG would ‘oversee council budgets throughout the financial year’ is problematical. For example, how does this tally with all the previous assurances by the NSW Government on empowering democratically elected council representatives? Similarly, is the OLG now going to intervene with budget over-runs and demand disciplinary action for staff or staff lay-offs? This latter possibility raises serious risks for council employees.

Fourthly, removing Special Purpose Financial Statements (SPFS) would pose significant risks, especially since SPFS contain vital business-level data on municipal services, such as sewage, water and the like. Furthermore, while it would not reduce council costs significantly, it would make matters easier for the Auditor-General. In addition, this change would make it harder for local councillors and local communities to understand the financial circumstances of their local councils. Put differently, it would considerably weaken accountability and transparency, especially since some of the biggest financial sustainability risks are in these funds and the requisite data is thus critical.

Audit, Risk and Improvement Committees (ARIC) were established to help councillors stay informed about financial challenges and potential risks that require council attention. However, ARICs have not achieved these goals. By contrast, they have increased costs for councils and workloads for municipal staff. Moreover, they duplicate the requirements of the Auditor-General to advise councils as part of the Australian Auditing Standards framework. In sum, ARICs represent a substantial cost-shift and they are deeply unpopular amongst council staff.

Six, the *Your Council* website is almost worthless. The data is riddled with error, it uses inappropriate measures of central tendency, it has misleading data in it, such as average rates, which are meaningless because rates are paid from incomes, not averages, and its data is extremely skewed. Moreover, it enables comparison of councils with other inappropriate councils, like rural and urban councils or water-sewered councils and those with none. For example, on the website it is possible to compare Tamworth with Sydney, Albury with Brewarrina, etc. (see, for example, <https://www.yourcouncil.nsw.gov.au/compare/?category=finances&compare=tamworth-regional--albury--brewarrina--sydney>). Further, it is often misleading and generates additional work for council staff trying to explain basic matters to councillors and community members. In sum, to place QBRs on *Your Council* would serve to compound its errors and misrepresentations.

#### **Recommendation 17**

*That the NSW Government review the performance measurement ratios for local councils.*

#### **NSW Government Response**

In its response, the NSW Government observed that 'performance ratios should provide a clear understanding of a council's spending priorities and budget decisions'. It holds that performance measurement ratios should shed light on various key measures, including (a) 'how much money is being spent against how much is being earned'; (b) 'available cash'; and (c) 'how much money council is spending on the maintenance and renewal of its assets'. Moreover, the NSW Government contends that in order 'to enhance public and OLG oversight over the financial performance of councils, ratios should be provided quarterly, rather than only being included in councils' annual audited accounts'. In essence, it argues that 'more frequent data on a council's liquidity, spending on major projects and service delivery is important for the community to monitor how well their council is performing'.

To these ends, the NSW Government is assessing performance ratios employed in NSW local government to determine if they are fit for purpose. In addition, municipal QBRs are currently under examination to 'develop new performance criteria better suited to local government finances'. Finally, the NSW Government has requested the OLG to improve the functionality of its *Your Council* website to render it a 'more effective tool for transparency between councils and their communities'.

#### **Commentary**

The approach outlined by the NSW Government in its response to Recommendation 17 is questionable on several counts. Firstly, quarterly ratios in local government performance assessment are almost entirely unsuitable primarily because local council revenues and outlays are lumpy. Moreover, it is costly to construct and maintain a matrix of quarterly ratios.

In general, in terms of municipal performance, (short-run) liquidity is usually not the main problem. By contrast, long-run financial sustainability is typically the central problem. As we have seen in both the earlier *Fit for the Future* (FFTF) forced amalgamation program and the *SRV Guidelines*, the OLG do not seem to understand basic performance monitoring theory.

As we have noted earlier, the *Your Council* website is misleading and not fit for purpose. Simply placing more information on it that requires insider knowledge to understand properly will simply generate further misapprehension in the local government sector.

#### **Appendix: Expert Panel**

In an Appendix to its submission *Inquiry into ability of local governments to fund infrastructure and services— NSW Government response*, the NSW Government briefly outlined the composition of its proposed Expert Advisory Panel. The proposed Expert Advisory Panel will include the following representatives:

- A mix of general managers from metropolitan, regional and rural councils
- A mix of Chief Financial Officers from metropolitan, regional and rural councils
- Representatives from NSW local government unions
- Representatives from Local Government NSW

The proposed Expert Advisory Panel will be 'advised by and have observer status from':

- The Independent Pricing and Regulatory Tribunal
- The NSW Audit Office
- The NSW Grants Commission
- Relevant NSW Government agencies ('to advise on fees and charges or disaster funding arrangements').

#### **Commentary**

No information is provided on how members of the proposed Expert Advisory Panel will be selected, which is a matter of concern in a liberal democracy.

In essence, it is critical that all NSW local councils must be able to nominate representatives. Moreover, all councils should be able to vote on the membership of the Panel. If these measures are not adopted, the danger exists that the Expert Advisory Panel will be stacked and become a vehicle for simply rubber-stamping NSW Government



policy and fostering misrepresentation around consultation with the local government sector. As we have sought to demonstrate in this Report, many of the NSW Government responses to the seventeen recommendations advanced by the Standing Committee on State Development are problematic and some pose significant threats to the efficient and effective functioning of the NSW local government system. An independent Expert Advisory Panel replete with *bona fide* local government expertise is thus essential.

### **3. Conclusion**

In general, the response of the NSW Government to the *Inquiry into the ability of local governments to fund infrastructure and services*, both in terms of its 'five key responses' and its specific responses to each of the seventeen recommendations, is concerning. In particular, the third 'key response' (and aligned recommendations) call for the simplification of the 'Special Variations process to focus only on specific council projects or programs'. Given that most local councils struggle to remain in a state of overall financial sustainability, this response misdiagnoses the major problem facing NSW local government.

While sustainability is a central theme in its responses to the seventeen recommendations, the NSW Government offers no working definition of ongoing financial sustainability, it outlines no coherent method of accurately assessing financial sustainability and it presents no empirical evidence on current trends in financial sustainability in NSW local government. Moreover, in terms of its responses, the NSW Government accepts no responsibility for the present alarming degree of fiscal stress experienced by many local councils. Furthermore, the NSW Government bears none of the financial costs of its proposed reform program. By contrast, the burden of much of the reform proposed by the NSW Government will fall squarely on local councils, especially local council employees, including United Services Union members, through staff freezes and redundancies, as well as on local communities.

This serves to highlight not only the 'evidence-free' nature of the NSW Government's approach, but also its political orientation leading up to the March 2027 NSW state elections.

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|----------------------|--------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Infrastructure Services</b>  |
| <b>Submitted by:</b> | Matthew Francisco, Director of Infrastructure Services |
| <b>Reference:</b>    | <b>ITEM ENV20/25</b>                                   |
| <b>Subject:</b>      | <b>RE-SCOPING MOUNT LINDESAY ROAD PROJECT</b>          |

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

|                      |                                                                          |
|----------------------|--------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>INFRASTRUCTURE</b> - Our roads are safe and sustainably maintained    |
| <b>CSP Strategy:</b> | Maintain the local and regional road network                             |
| <b>Delivery Plan</b> | As per funding provisions made in Operational and Capital annual budgets |
| <b>Action:</b>       |                                                                          |

### **SUMMARY**

The purpose of this report is to provide Councillors with an overview of the change of scope for the Mount Lindesay Road – Naas Street to Washpool Creek Bridge Project.

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

- 1. That Council receives and notes the information contained in the report.**
- 2. That Council Staff contact the developer of the Angry Bull Trails (ABT) project to determine whether ABT would fund the additional one (1) metre width of the bitumen seal on the project.**
- 3. That Council, subject to the agreement with the developer of the Angry Bull Trails project, amends the scope of the project to increase the seal width from an eight (8) to a nine (9) metre seal for the revised project length.**

### **BACKGROUND**

During the planning and site investigation of the project it was discovered that the budget was insufficient to complete the entire scope of works as detailed in the project deed. Discussions were held with the funding body and a revised scope was put forward to enable the project to be completed with the available funding.

### **REPORT:**

Mt Lindesay Road Upgrade New England Highway to Washpool Creek Bridge was identified within Council to be a potential project for future funding opportunities due to the poor condition of this section making it unsafe for vehicles to utilise. The efforts of Council's capital works program in previous years in upgrading and sealing unsealed sections of the Mt Lindesay Road has seen an increased frequency of traffic utilising the road, particularly when the New England Highway is closed due to flooding, other natural disasters and significant traffic accidents.

The increase in traffic, especially heavy vehicle traffic has seen the section from New England Highway to the Washpool Creek Bridge deteriorate at a higher rate, which has in turn increased the wear and tear of vehicles and resulted in slower speeds in response to the deteriorated road surface. The section of Mount Lindesay Road from Naas Street

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to Washpool Creek Bridge is particularly important, as it is used by PBS permit vehicles to extract and transport quarry materials from a nearby Silica Quarry and transporting materials to northern regions of Tenterfield Shire and the Northern Rivers region of NSW and beyond.

The project was submitted as part of the Restart NSW – Fixing Country Roads funding program on the 14<sup>th</sup> of October 2022 for a total value of \$4,419,887.00 of which it was granted successful October 2023. Due to key staff constraints within the capital project team, investigation works to deliver the project commenced in mid-2024.

Survey and designs were then completed beginning of 2025, with work commencing in April 2025. Upon the starting of works it was identified that the complexity and quantity of works required to meet design and original funding objectives was unachievable with the remaining budget available.

Council staff proposed a reduction in scope with the remaining funds that are available to repair and upgrade the significantly deteriorated section of the Mt Lindesay Road between Boundary Road to Bryans Gap Road. The funding body requested a variety of information to inform their decision in relation to a reduced scope solution. This information was prepared and was able to demonstrate that the proposed amended scope was a viable project.

### **Original Approved Scope**

Mount Lindesay Road from Washpool Creek Bridge to New England Highway SH9 will have the following works completed:

- Clearing and Bulk earthworks of the road verges and adjacent embankments to improve sight lines and safety
- Widening to minimum 9m formation with 8m seal width
- Installation and widening of box culverts and pipes to improve drainage and resilience
- Pavement widening, subgrade modification, construction of new DGB20 subbase and base-course from boundary Road to Washpool Creek Bridge
- Pavement widening and sealing from Naas Street to Boundary Road
- Construction of BAL / BAR intersections at Leeches Gully, Black Swamp and Bryans Gap Roads
- Bituminous sealing – double / double seal

### **Issues Encountered and Requirements to Rectify**

- *Ageing Water Infrastructure – Naas Street to Boundary Road*

The water main is located beneath the pavement and is nearing its end of useful life. This asset will need replacement in the future when funds are available. The cost of replacing this main was not included in the original project scope and budget. Due to its location and age, there is a risk that construction works on the pavement above will lead to the water main being damaged and causing

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significant cost and time delay. The extent of this water main is from Naas Street to Boundary Road.

- *Avenue of trees between Naas St and Boundary Rd*

The section of Mt Lindesay Road from Naas Street to Boundary Road is lined with deciduous trees. The location of these trees in proximity to the road affects the ability to strengthen and widen the pavement without impacting the trees, however, the removal of these trees would cause community concerns.

- *Changes to the proposed pavement design.*

The original scope for the project was to widen the shoulders by boxing out the shoulders, placement of gravel and sealing the newly constructed wider shoulders with a bitumen surface. Following the pavement investigation and testing, the pavement design recommended the stabilisation of the existing pavement with a 100mm overlay to strengthen the existing pavement. This activity will likely have a negative impact on the avenue trees as mentioned above, while also impacting the aging water infrastructure also previously mentioned.

- *Utility adjustments.*

The survey and design works identified a power supply pole that is in proximity to the road and particularly would be impacted by the widening works of the nearby intersection turning lanes to Black Swamp Road. The supply pole provides electricity to the Telstra network. This area has a large quantity of underground services. The cost to relocating this service pole is currently being determined, however is an additional cost that hadn't been allocated for in the original submission.

- *Ageing cross drainage lines requiring replacement prior to road upgrades*

Council's project team identified a large majority of the cross-drainage structures along Mt Lindesay Road of being in poor condition and nearing the end of their useful lives. It was recommended to replace these structures prior to any pavement works to prevent further damage during construction and to avoid replacement after the newly formed pavement had been constructed.

- *Additional earthworks required than first anticipated upon completion of survey and design and removal of unsuitable material to widen road.*

The completion of survey and design identified that to achieve the proposed nine (9) metre pavement formation stated in the original submission would require a substantial amount of earthworks with large quantities of cut and fill. Batters adjacent to the road would be required to be constructed to re-establish new drainage lines, as the existing table drains require relocation to allow for the formation widening. It is expected that unsuitable material will be in the existing drains.



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- *Weather delays beginning of 2025 calendar year*

The beginning of 2025 has seen a particular wet weather season with large amounts of rainfall occurring with Ex-cyclone Alfred in the early months of autumn and continued weather patterns into the later autumn months and early winter months.

### **Amended Scope of Works**

The approved scope of works is to retain the formation and pavement width in the original submission to widen the section of Mt Lindesay Road between Boundary Road and Bryans Gap Road to improve the safety for all road users along this section of Mt Lindesay Road.

### **Project Scope**

Mount Lindesay Road from Boundary Road to Bryans Gap Road will have the following works completed:

- Clearing and bulk earthworks of the road verges and adjacent embankments to improve sight lines and safety
- Widening to minimum 9m formation with 8m seal width
- Installation and widening of pipes to improve drainage and resilience
- Pavement widening, subgrade modification, construction of new DGB20 subbase and base-course from Boundary Road to Bryans Gap Road
- Construction of BAL / BAR intersections at Leeches Gully and Bryans Gap Roads
- Bituminous sealing – double / double seal

### **Potential additional scope**

The developer of the Angry Bull Trails project has advised Council's General Manager that it may be interested in paying to seal the additional one (1) metre of paved formation to provide a wider running surface for cyclists. The cost of this work would be in the order of \$35,000 to \$45,000 excluding GST, if it is carried out at the same time as the bitumen sealing for the project. The cost would be higher if carried out at another time.

If the developer of the Angry Bull Trails project is willing to fund this portion of the works, a private works arrangement could be entered into to change the project scope to include this work.

### **COUNCIL IMPLICATIONS:**

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

Council's project team are engaging with the residents and road users affected by the construction works.

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

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- *Environmental Planning and Assessment Act (NSW)*
- *Local Government Act (NSW)*
- *Roads Act (NSW)*

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

The project is funded through grant funding. The future maintenance of this section of road will be reduced initially. There will be additional sealed road pavement which will increase the sealed road network maintenance cost over the life of the pavement.

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

There will be additional sealed road pavement which will increase the sealed road network maintenance cost over the life of the pavement.

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

The construction work will be carried out by contracted staff and plant.

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

There will be no significant change to Council's risk profile as a result of this project. As the project involves construction and contract resources there are additional project risks, which will be managed by the project team.

### **7. Performance Measures**

The key performance indicator is the delivery of the project within the budget and time constraints allocated.

### **8. Project Management**

Council's project team are managing the project.

**Hein Basson**  
**General Manager**

|                               |                                                        |
|-------------------------------|--------------------------------------------------------|
| Prepared by staff member:     | Matthew Francisco, Director of Infrastructure Services |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                           |
| Department:                   | Office of the Director Infrastructure Services         |
| Attachments:                  | There are no attachments for this report.              |

|                      |                                                                                     |
|----------------------|-------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>                                    |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning & Regulation                                       |
| <b>Reference:</b>    | <b>ITEM ENV21/25</b>                                                                |
| <b>Subject:</b>      | <b>DEVELOPMENT APPLICATIONS - NOTIFICATION OPTIONS FOR SUBDIVISION APPLICATIONS</b> |

|                                                               |                                                                                                                  |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                  |
| <b>CSP Goal:</b>                                              | <b>ECONOMY</b> - We are nurturing our environment, both built and natural attractions for residents and visitors |
| <b>CSP Strategy:</b>                                          | Implement Plans that balance the built environment with the natural environment                                  |
| <b>Delivery Plan</b>                                          | Monitor and deliver the Tenterfield Local Environment Plan 2013                                                  |
| <b>Action:</b>                                                | and Development Control Plan 2014 (as amended)                                                                   |

## SUMMARY

The purpose of this report is to provide public notification options in relation to Development Applications for Subdivision within the ten (10) kilometre radii of Tenterfield and Drake and the three (3) kilometre radii around the Shire's Villages, subject to the provisions of Clause 4.2C of *Tenterfield Local Environmental Plan 2013*.

## OFFICER'S RECOMMENDATION:

### That Council:

- 1. Utilises the existing provisions contained within Tenterfield Development Control Plan 2014 to notify the neighbouring and adjacent landowners in writing of any future Development Application for subdivision when lodged under Clause 4.2c where more than five (5) new lots are created for a trial period of six (6) months.**
- 2. Reviews the trial period at the close of the six (6) month period.**

## BACKGROUND

At its ordinary meeting of 24 September 2005, Council resolved as follows:

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**160/25 Resolved**

**That Council:**

- 1. Requests the General Manager to prepare a report on public notification options that could potentially be included in the Development Control Plan (DCP) regarding Subdivisional Development Applications within the approximately ten (10) kilometre area around Tenterfield and the approximately three (3) kilometre areas around the Shire's Villages, as are depicted in detailed maps in the Tenterfield Local Environment Plan (LEP), including the implications for Council associated with each option.**
- 2. Requests the General Manager to present this report with recommendations to the October 2025 Ordinary Council Meeting.**

(Peter Murphy/Kim Rhodes)

**Motion Carried**

## **REPORT:**

Under Clause 4.2C of *Tenterfield Local Environmental Plan 2013* (the LEP) subdivision for residential accommodation in Zone RU1 Primary Production is permitted with Council consent:

### **4.2C Subdivision for residential accommodation in Zone RU1**

*(1) The objective of this clause is to enable the subdivision of certain land in Zone RU1 Primary Production to create lots for the purpose of residential accommodation.*

*(2) This clause applies to land identified as "RRS" on the [Rural Residential Subdivision Map](#).*

*(3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, where the consent authority is satisfied that—*

*(a) the size of each lot to be created is at least 1 hectare, and*

*(b) the land has suitable vehicular access, and*

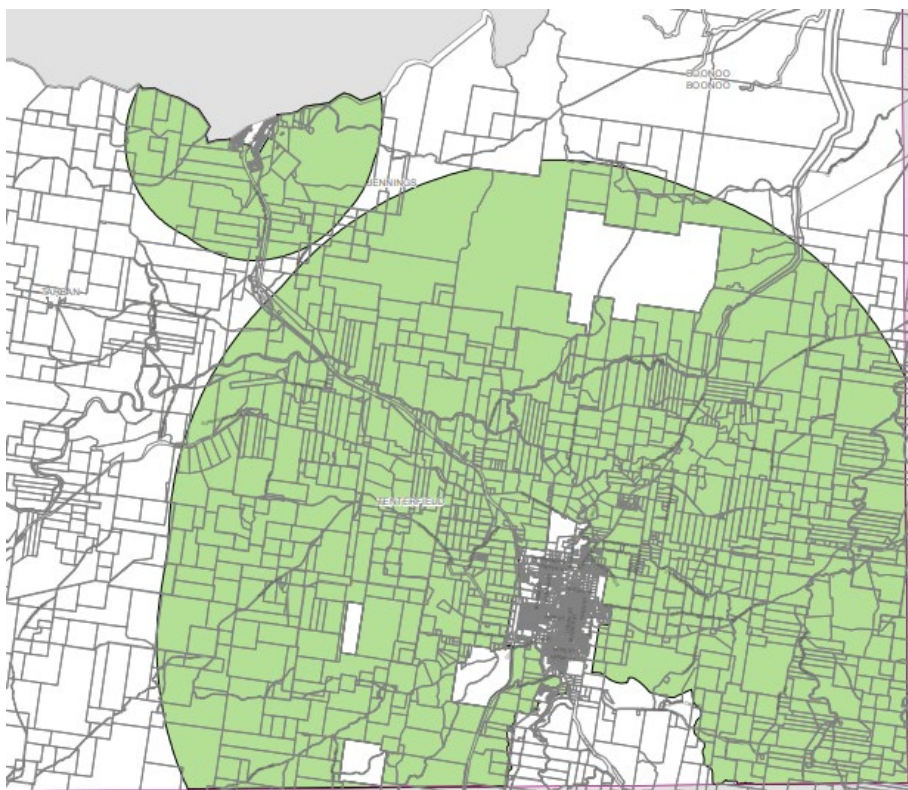
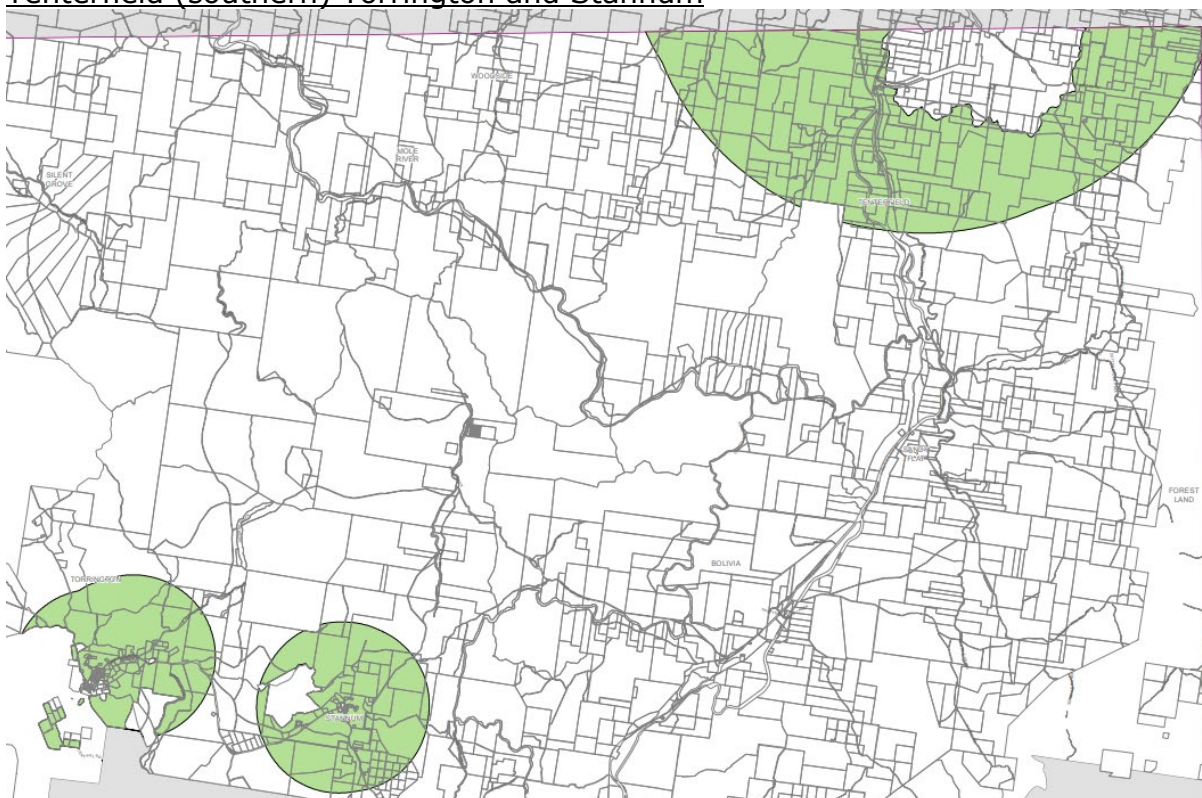
*(c) the land is not subject to significant environmental hazards, such as contamination, flooding, bush fires, land slip or subsidence, and*

*(d) each lot to be created is able to accommodate the on-site disposal of effluent.*

The land is identified by a suite of Rural Residential Subdivision maps contained in the LEP, with extracts shown below.

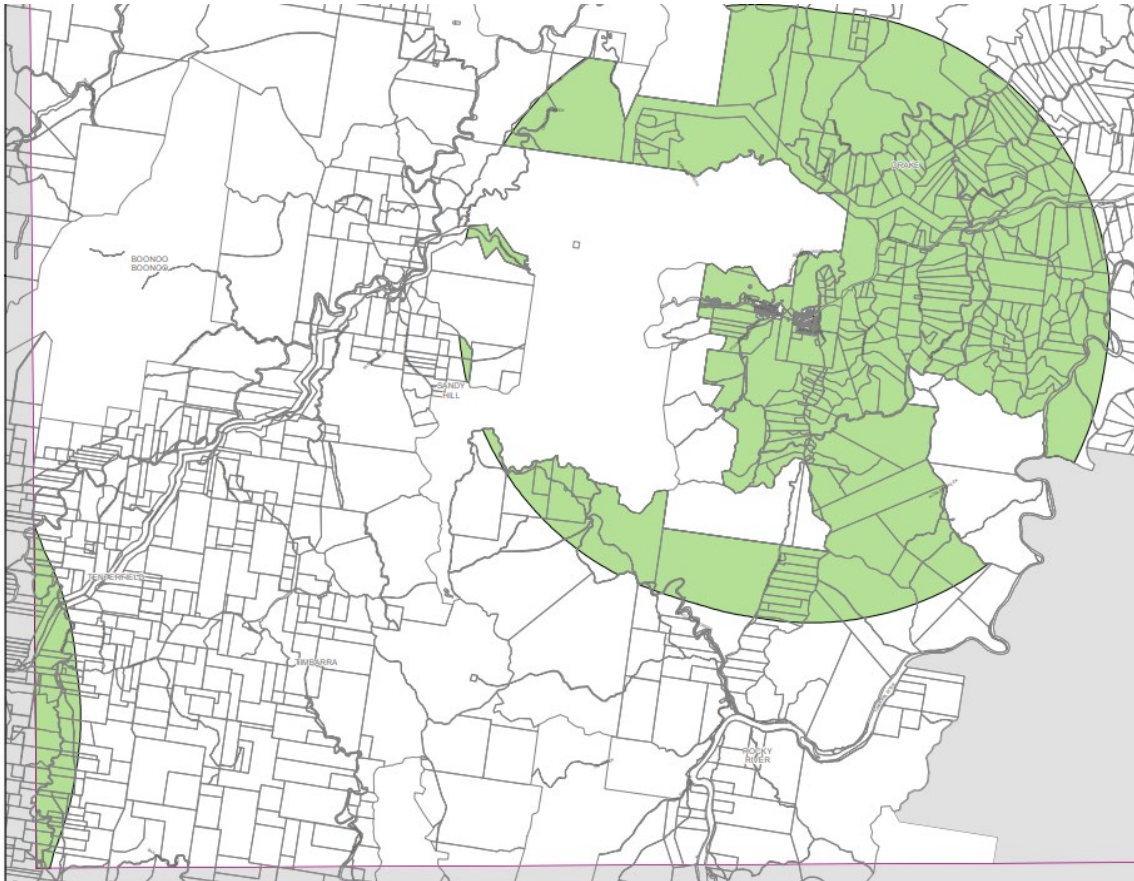
Tenterfield (northern) & Jennings

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Tenterfield (southern) Torrington and StannumTenterfield (western) and Drake



## Our Environment No. 21 Cont...

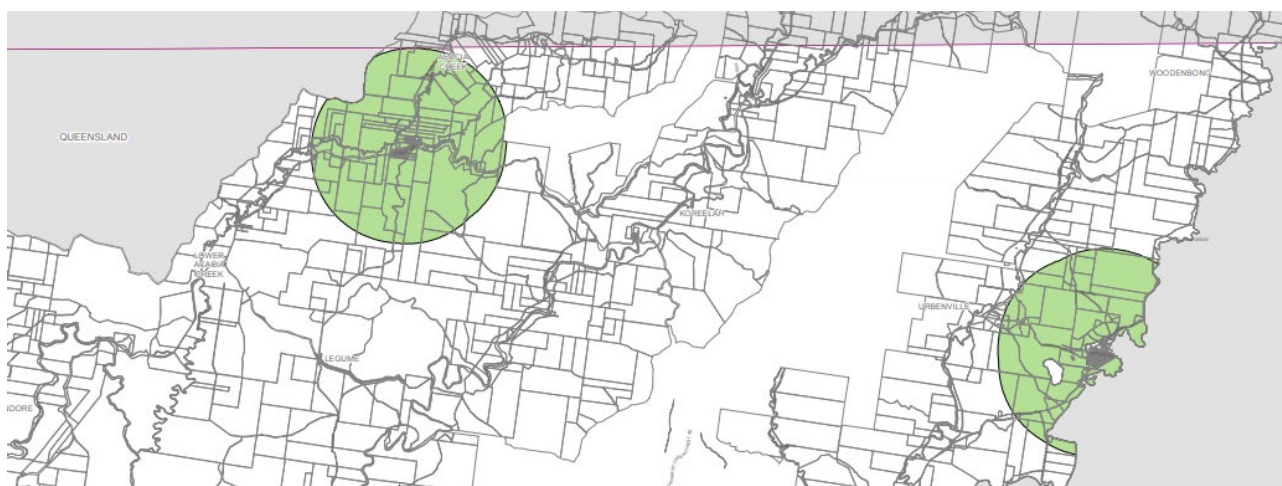


Liston





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Legume & Urbenville

The current provisions within the LEP have been utilized since the LEP was gazetted in 2013 and prior to that under the provisions of *Tenterfield LEP 1996*.

Since 2013 approximately 280 Development Applications for subdivision/boundary adjustments have been lodged with Council for determination, with approximately 250 lots created surrounding Tenterfield alone.

The LEP underwent extensive community consultation originally where the strategic planning direction was set and continues to be enacted. Cumulative impacts were considered at this time, including impacts on roads. Council's contributions plan levies new lots with developer contributions – currently \$10,464.00 per new lot (\$8,251.00 to roads). Council's existing Section 7.11 Developer Contributions Plan which sets out the applicable contributions will be reviewed in the coming months, with community input sought during the process.

Current Notification under Tenterfield Development Control Plan 2014

Development Applications are notified and/or advertised under the provisions of *Tenterfield Development Control Plan 2014* (the DCP) as specified in Chapter 2 – Notification Procedures Table 1. Development Applications for subdivision have not historically or currently required to be notified or advertised. The DCP does allow for DAs to be notified at the discretion of the Director or delegate, where this discernment was recently utilized for a subdivision DA.

Since the gazettal of the LEP, Council has no record of any objection or complaint in relation to a subdivision which created rural residential lots under the current provisions until the recent example at Neagles Lane (DA 2025.040 – 5 Lot subdivision).

As an example, a total of sixteen (16) lots have been created (identified with red dots below) to the east of Neagles Lane under the prior and current rural residential subdivision provisions. This pattern is now being replicated on the western side of Neagles Lane and Mt McKenzie Road (mauve dots) and generally within the mapped area for rural residential subdivision around Tenterfield and villages.

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To ensure Council is carrying out processing, assessment and determination of Development Applications in accordance with the relevant legislation, the only legal mechanism available to Council under the provisions of the *Environmental Planning & Assessment Act, 1979* lies within the provisions of the Development Control Plan.

When notification of a DA is required, land owners who adjoin or are adjacent to proposed development are contacted in writing and provided with a fourteen (14) day time period to respond to Council. Whilst designated development applications are required by legislation (Clause 58 of the *EP & A Regulation* below) to erect a notice on the land, this is not the case for local development.

### **58 Exhibition of notice of designated development application**

*A notice for a development application for designated development must be exhibited on the land to which the development application relates and must—*

- (a) be displayed on a signpost or board, and*
- (b) be clear and legible, and*
- (c) have the heading "**DEVELOPMENT PROPOSAL**" in capital letters and bold type, and*

Our Environment No. 21 Cont...

*(d) contain the following information—*

*(i) a statement that the development application has been lodged,*

*(ii) the name of the applicant,*

*(iii) a brief description of the development application,*

*(iv) a statement that the development application and the documents accompanying the development application, including any environmental impact statement, are available on the consent authority's website for the minimum period required under the Act for designated development, and*

*(e) if practicable, be able to be read from a public place.*

## Our Environment No. 21 Cont...

Options

| ACTION - DCP                                                                                                                                                                                                                                                                                                                     | IMPLICATION/OUTCOMES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Do nothing – the current provisions of the DCP remain and no notification occurs.                                                                                                                                                                                                                                             | <p>Nil</p> <p>Note: Council has commenced notifying all DAs lodged on website</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>2. Do nothing, <u>however</u> utilize the existing provisions within the DCP which allow the Director or delegate discretion to notify. Suggest subdivisions where more than 5 lots are to be created.</p> <p>Review this process in 6 months to determine if the DCP should be formally amended to include subdivisions.</p> | <ul style="list-style-type: none"> <li>• Increase in staff resources to prepare paper notification material/costs to applicant and Council.</li> <li>• Increased cost for applicants - \$184.00 extra</li> <li>• Increased processing time for DA's – notification extends for a 14 day period.</li> <li>• Increased reporting to Council for determination</li> <li>• Expectations from community – objection on the basis of "not in my backyard" do not form planning grounds for refusal</li> </ul> |
| 3. Commence an update of the DCP to include subdivisions as a notifiable development where 5 or more new lots are created under Clause 4.2C (Rural Residential subdivision)                                                                                                                                                      | <ul style="list-style-type: none"> <li>• As in 2 above</li> <li>• Timeframe up to/exceeding 6 months</li> <li>• Costs to Council in staff resources</li> </ul>                                                                                                                                                                                                                                                                                                                                          |

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

Nil at this stage.

**2. Policy and Regulation**

Our Environment No. 21 Cont...

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

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

Any change to the current notification regime will result in increased costs to Council in staff resources. Council's Planning & Regulation team currently comprises one (1) Administration Officer, one (1) Health & Building Surveyor and one (1) Planner.

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

Nil.

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

Nil.

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

Nil.

### **7. Performance Measures**

Nil.

### **8. Project Management**

Nil.

**Liz Alley**  
**Director Corporate Services**

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



|                      |                                                 |
|----------------------|-------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>            |
| <b>Submitted by:</b> | Allison Graham, Executive Assistant & Media     |
| <b>Reference:</b>    | <b>ITEM GOV83/25</b>                            |
| <b>Subject:</b>      | <b>DISCLOSURE OF INTEREST RETURNS 2024/2025</b> |

|                                                               |                                                                                                                                                                                                                        |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                        |
| <b>CSP Goal:</b>                                              | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>Delivery Plan Action:</b>                                  | Develop, manage and deliver Governance Services, in accordance with the OLG Compliance Guide                                                                                                                           |
| <b>Operational Plan Action:</b>                               | Complete and lodge Annual Financial Statements in accordance with statutory requirements.                                                                                                                              |

**SUMMARY**

The purpose of this Report is to document the tabling of the Disclosure of Interest Returns for the period 2024/2025.

**OFFICER’S RECOMMENDATION:**

**That Council notes the tabling of the Disclosure of Interest Returns for the period 2024/2025.**

**BACKGROUND**

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

**REPORT:**

A Councillor or Designated Person must make and lodge with the General Manager, a Disclosure by Councillors & Designated Persons Return within three (3) months after:

- Becoming a Councillor or designated person;
- 30 June of each year, and
- The Councillor or designated person becoming aware of an interest they are required to disclose which has not been previously disclosed.

In accordance with this requirement and to ensure compliance, the Disclosure of Interest Returns will be tabled at the October 2025 Ordinary Council Meeting.

**Summary of Disclosure of Interest Returns**

**Councillors**

|                 |    |
|-----------------|----|
| No. of Returns  | 10 |
| No. Outstanding | 0  |

**Staff**

|                |   |
|----------------|---|
| No. of Returns | 9 |
|----------------|---|



Our Governance No. 83 Cont...

- No. Outstanding    1    \*The relevant staff member has been on extended medical leave during the issue of the document and the return period.

***Audit Risk and Improvement Committee***

No. of Returns        2  
No. Outstanding      0

**COUNCIL IMPLICATIONS:**

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

**2. Policy and Regulation**

- *Local Government Act 1993*
- Tenterfield Shire Council Code of Conduct 2020
- *Government Information (Public Access) Act 2009*
- Related Party Disclosure Policy
- Designated Persons Policy

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

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

**5. Workforce (WMS)**  
Nil.

**6. Legal and Risk Management**

Returns for Councillors and staff are posted on Council's website in line with requirements of the *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act) in order to provide government information to the public to maintain and advance a system of responsible and representative democratic government.

The GIPA Act directs agencies to make publicly available, 'open access information', including by requiring agencies to publish certain information on their website. Section 6 of the GIPA Act refers to this as 'mandatory proactive release of certain information', unless there is an overriding public interest consideration against disclosure of the information.

**7. Performance Measures**

Returns are received within the timeframe and posted on Council's website.

**8. Project Management**  
Nil.

**Hein Basson**  
**General Manager**

Prepared by staff member:

Allison Graham, Executive Assistant & Media

Our Governance No. 83 Cont...

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the General Manager

Attachments: There are no attachments for this report.

|                      |                                                                               |
|----------------------|-------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>                              |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                                                |
| <b>Reference:</b>    | <b>ITEM GOV84/25</b>                                                          |
| <b>Subject:</b>      | <b>AUDIT, RISK &amp; IMPROVEMENT COMMITTEE MEETING MINUTES - 17 JUNE 2025</b> |

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

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

#### **SUMMARY**

Council's Audit, Risk and Improvement Committee (ARIC) had their Ordinary Meeting on Tuesday, 17 June 2025.

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

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

**That Council:**

**Notes the adopted and signed minutes from the Audit, Risk and Improvement Committee meeting of Tuesday 17 June 2025.**

#### **BACKGROUND**

The *Local Government Act 1993*, *Local Government (General) Regulation 2021* and the Office of Local Government Guidelines require each Council in NSW to have:

- An audit, risk and improvement committee that continuously reviews and provides independent advice to the Council on how it is functioning and managing risk,
- A robust risk management framework that accurately identifies and mitigates the risks facing the Council and its operations, and
- An effective internal audit function that provides independent advice as to whether the Council is functioning effectively and the Council's internal controls to manage risk are working.

These three mandatory governance mechanisms are key to ensuring that Councils are doing things the best way they can for their communities and are on track to delivering their community's goals and objectives.

#### **REPORT:**

Council's Audit, Risk and Improvement Committee (ARIC) meets quarterly, with at least one special meeting taking place over the calendar year.

Our Governance No. 84 Cont...

The purpose of this report is to advise Council on its ARIC's adopted and signed minutes from the 17 June 2025 Meeting.

These minutes were adopted and signed at the 10 September 2025 ARIC Ordinary Meeting.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Office of Local Government Guidelines for Risk Management and Internal Audit for local government in NSW

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

Nil.

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

Nil.

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

Nil.

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

The Audit, Risk and Improvement Committee (ARIC) continuously reviews and provides independent advice to Council on how it is functioning and managing risk.

The ARIC supports Council's robust risk management framework which identifies and mitigates the risks facing the Council in its day-to-day operations, as well as acting as an effective internal audit function that provides independent advice as to whether the Council has sufficient internal controls to manage its risk efficiently and effectively.

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

Nil.

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

Nil.

**Liz Alley**  
**Director Corporate Services**

## Our Governance No. 84 Cont...

|                               |                                                        |             |
|-------------------------------|--------------------------------------------------------|-------------|
| 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:                  | <b>1</b> ADOPTED & SIGNED ARIC<br>MINUTES 17 JUNE 2025 | 10<br>Pages |



**MINUTES OF**  
**AUDIT, RISK AND IMPROVEMENT**  
**COMMITTEE**

**TUESDAY 17 JUNE 2025**

MINUTES OF THE **Audit, Risk and Improvement Committee** OF TENTERFIELD SHIRE held at the on Tuesday 17 June 2025 commencing at 2:30 PM

**MEMBERS (voting)**

Mr Peter Sheville – Independent External Member (Chair)  
Mr Tony Harb – Independent External Member  
Mr Gurbindar Singh – Independent External Member

**ATTENDEES (non-voting)**

Mr Hein Basson – General Manager  
Cr Peter Murphy – Councillor ARIC Observer  
Mr Matthew Francisco – Director Infrastructure Services  
Ms Liz Alley – Director Corporate Services  
Ms Jane Walton – Manager Finance & Technology  
Ms Janet Vassallo – Manager Workforce, Safety, Risk & Records  
Mr John Ringland – (Consultant) Workplace Health & Safety, & Risk  
Mr Igor Ivannikov – Financial Advisor  
Mr Jacob Sauer – Principle, Forsyths  
Mr Ricky Goel – Audit Manager, Forsyths  
Mr Furqan Yousuf – Director Financial Audit, Audit Office of NSW

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This is page 1 of the Minutes of the Audit, Risk and Improvement Committee held on  
Tuesday, 17 June 2025



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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

**DISCLOSURE OF INTERESTS**

Nil

**APOLOGIES**

Ms Janet Vassallo – Manager Workforce, Safety, Risk & Records  
Mr Furqan Yousuf – Director Financial Audit, Audit Office of NSW

**(ITEM CEO8/25) CONFIRMATION OF MINUTES**

**SUMMARY**

Confirmation of Minutes Audit, Risk and Improvement Committee Meeting held on 4 March 2025 attached.

**RECOMMENDATION**

That the Audit Risk and Improvement Committee:  
Confirm the Minutes of the Tenterfield Shire Council Audit, Risk and Improvement Committee Meeting held on 4 March 2025.

**Confirmed**

**(ITEM CEO9/25) ARIC ACTION ITEM REGISTER AS OF 10 JUNE 2025**

**SUMMARY**

This report is to update the ARIC Action Item Register (General) as of 10 June 2025.

Key Points:

(Action item – Start to capture risk in reports to Council)

Hein Basson

- The Risk Framework has now been adopted by Council
- I am not confident that we have communicated that throughout the organisation and the importance of this.
- I would like to provide a manual and training to staff on report writing, in which capturing risk in reports to Council would be included.

Tony Harb

- Reminder that the Internal Audit and Risk Management attestation statement will be due in the Annual Report.

**Action item:**

- **Update on this action item (capturing risk in reports to Council) due September 2025.**
- **Remove completed items.**

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This is page 2 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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**RECOMMENDATION**

That the Audit, Risk and Improvement Committee note the ARIC Action Register (General) as of 10 June 2025.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO11/25) CAPITAL EXPENDITURE REPORT AS AT 31 MARCH 2025**

**SUMMARY**

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

Key Points:

Liz Alley

- Similar to the December report and overview.
- Highlights changes in budgets and project updates that have been reported and adopted by Council.
- Review all projects and move what isn't going to be used in the current financial year.

Tony Harb

- Where is the 30m in the Capital Expenditure sheet, carry over figure doesn't reconcile – government funding?

Matthew Francisco

- Government funding which has been agreed, but the cash has not come through, we have a Tripartite agreement in place.
- If the commitment is raised in the system we can keep quite a good oversight.
- The extraordinary climate conditions have slowed down our projects markedly.

Gurbindar Singh

- Outstanding commitments; extra column acknowledging what is moving forward.

Tony Harb

- The Audit Office have an issue of finance and infrastructure not really working well together, at TSC these areas are really working well together.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee receives and notes the Capital Expenditure Report for the period ended 31 March 2025.

**The Audit, Risk and Improvement Committee receive and notes the report.**

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This is page 3 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

**(ITEM CEO12/25) FINANCE AND ACCOUNTS - PERIOD ENDED 30 APRIL 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 Councillor and community information.

Key Points:

Liz Alley

- This report goes to Council each month and highlights all relevant data.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee receives and notes the Finance and Accounts Report for the period ended 30 April 2025.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO13/25) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2025**

**SUMMARY**

The purpose of this Report is to provide Council with a Quarterly Budget Review Statement in accordance with Regulation 203 of the *Local Government (General) Regulation 2021* (the Regulation).

Key Points:

Liz Alley

- This report goes to Council quarterly and we leave in any changes from the previous two quarters as well, this also drills down further.

Hein Basson

- The Quarterly Budget Review shows what is put in the budgets that we cannot actually expend, and the movement of these amounts. When we spend these grant funds things will settle down and budgets can be more normalized for budget reports.

Peter Sheville

- This shows movement in the right direction.

**RECOMMENDATION**

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This is page 4 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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That the Audit, Risk and Improvement Committee receives and notes the March 2025 Quarterly Budget Review Statement.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO14/25) REPORT ON LOAN BALANCES 31 MARCH 2025, REFINANCING OF LOANS AND CLOSING OF CORPORATE MARKET LOAN SUMMARY**

The purpose of this Report is to inform ARIC of its loan balances as at 31 March 2025, to show the savings from refinancing two (2) loans and to note the closing of the Corporate Market Loan facility with National Australia Bank.

Key Points:

Liz Alley

- The closure of the Corporate Market Loan has an estimate of 945K in savings. This has now been actioned.
- Previously the bank had said no and it would have cost a lot in exit fees, asked again, different person, different answer.
- If the interest rates keep dropping, we may look at refinancing other loans.

Tony Harb

- TCorp may be able to give better rates.

Gurbindar Singh

- This has also been tried in QLD, great work.

**RECOMMENDATION**

That ARIC note:

1. The loan balances for 31 March 2025.
2. Note the refinancing two (2) high interest loans, and
3. Note the closure of the Corporate Market Loan with the National Australia Bank.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO15/25) INTERNAL AUDIT - UPDATE**

**SUMMARY**

Update of Tenterfield Shire Council Internal Audit Activities as per the 2024 Strategic Assurance and Internal Audit Plan. Also included is the Action Item Register – Internal Audit.

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This is page 5 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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Key Points:

**Cyber Security Internal Audit**

- OCM internal auditors, could come to the next ARIC to present.

Gurbindar Singh

- Maturity level for the Cyber Security essential eight. Self assessment of where we are in a maturity context. See insurers. Moving forward may require a significant level of investment.

Tony Harb

- If your reaching maturity level 1 your doing well. Aim for that if your not there now. You may need some procedures and processes in getting there.

Peter Sheville

- Set the maturity, move toward that goal. What is ICT intending. ICT to report to ARIC each meeting.

**Procurement & Contract Management**

Gurbindar Singh

- Systems and process around procurement and contract management is alarming. Management could have looked at these quicker. Look at the due dates on the agreed management actions, something may be done to mitigate the risk, what could we do in the interim. A lot of councils work together to build some documents and templates.

Liz Alley

- We have no one in these positions to action some of these issues and creating a timeline, writing a policy, and getting these AMA's addressed.

Hein Basson

- We have addressed a number of things over the last 12 months with better practices implemented.

Peter Sheville

- There is real value in these internal audits, look at any dates that can be pulled forward. We need status updates, a comprehensive plan, socialize it and reach out to other councils. Inverell and Byron Councils are great resources. Peter will reach out with introductions.
- You need a good policy.

Tony Harb

- The onus needs to be back on the delegated staff who engage people. For example one company with multiple purchase orders. Reinforce the delegated staff to have a good approval process.

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This is page 6 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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**Action Items:**

Confirm the internal audits planned for 2025/2026 at the September meeting.

IT and IT provider, to present to ARIC regarding the essential eight. Speak to where TSC is in that compliance and what they are planning to do in future. September meeting.

ICT maturity level for September meeting.

Connect with Inverell regarding procurement. Present a plan of attack to the September meeting.

Consolidate all internal audit tracking and put a process in place for evidence of the actions being completed.

**RECOMMENDATION**

That Audit, Risk and Improvement Committee receive and notes the Internal Audit Report, including the Agreed Management Actions.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO16/25) EXTERNAL AUDIT UPDATE**

**SUMMARY**

External Audit Update, Interim Management Letter for 2024/2025, including TSC Position Paper – AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets for Not-for-Profit Public Sector Entities. This report also includes the Action Item Register for External Audit.

**Key Points:**

Igor Ivannikov

- Interim audit went well, addressed new accounting standard.

Jacob Sauer

- Of the 7 points none are high risk, these points echo what is in the internal audit reports. We are comfortable that Council is on top of everything.

Peter Sheville

- RFS assets no longer recognised?

Jacob Sauer

- RFS assets are immaterial as far as internal audit, waiting to be legislated.

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This is page 7 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025



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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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Gurbindar Singh

- The position that most councils are taking on this is the right approach.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee receive and note the:

- Action Item Register – External Audit.
- TSC Position Paper – AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non- Financial Assets for Not-for-Profit Public Sector Entities,
- Audit – External Interim Management Letter for May 2025.

**The Audit, Risk and Improvement Committee receives and notes the report.**

**(ITEM CEO17/25) WORKFORCE SAFETY & RISK REPORT**

**SUMMARY**

This report includes an update on Risk Management and Sustainability and People.

Key Points:

John Ringland

- Risk management framework has now been adopted, we are now rolling out the risk registers. The framework goes into far more detail.

Tony Harb

- It is coming together quite well, appetite looks good.
- Issue people evaluating risk on risk register, what does that mean. There will need to be consistency in the risk register.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee note the Workforce Safety & Risk Report for June 2025.

**The Audit Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO18/25) ASSET MANAGEMENT REPORT**

**SUMMARY**

This report gives an update of Asset Management Activities over the last quarter.

Key Points:

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This is page 8 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

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**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

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Matthew Francisco

- TSC has had limited resources for an extended period of time.
- Asset Inspector role has been vacant since April 2022.
- Manager of Asset and Program Planning has been vacant since February 2024.
- Contractor has been engaged to carry out maturity assessment of current Asset Management.
- Due to the length of time that the key positions have been vacant, there is expected to be a significant amount of work to return asset management documentation up to an appropriate standard.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee note the Asset Management Update Report for June 2025.

**The Audit, Risk and Improvement Committee receive and notes the report.**

**(ITEM CEO19/25) GOVERNANCE REPORT**

**SUMMARY**

Governance Update Report including Integrated Planning & Reporting, Policy Updates, Expression of Interest – ARIC Committee Member.

Key Points:

Hein Basson

- The Community Strategic Plan (CSP) has now been adopted by Council as part of the Integrated Planning and Reporting.
- The Delivery Program and Operational Plan falls out of this plan and Council will consider these at the next Council meeting.
- We have come up with a format which is better for everybody, and we are satisfied in the outcome of the process.

Peter Sheville

- Service Review/Internal Audit – we can evolve our service reviews.

Tony Harb

- Back to basics and not complex. We want something we can work towards and keep the stakeholders happy.

Gurbindar Singh

- Staff well done.

Hein Basson

- We need to define service reviews , effectiveness and efficiencies. Particularly the waste model we may pursue as being effective and efficient.

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This is page 9 of the Minutes of the Audit, Risk and Improvement Committee held on Tuesday, 17 June 2025

**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE 17 JUNE 2025**

- State government is now pushing for a revised set of KPI's (financial) for councils in NSW. May want to do away with depreciation costs and councils needing to report around that. There is a concern that if we move away from that, government acknowledges that we cannot pay, if we can't see it, it is not a problem.

Peter Sheville

- There is nothing official and the Audit Office are exploring this to try and understand the issue further. Qld auditor general is also looking at this.
- At the end of the day the accounting standards are codified and will not be changed easily. Have a conversation with the OLG and ask what is happening.
- Hein has done a lot to get things going in the right direction.

Tony Harb

- Local government finance professional member network, may know more about this and analysis.

**RECOMMENDATION**

That the Audit, Risk and Improvement Committee note the Governance Update Report for June 2025.

**The Audit, Risk and Improvement Committee receive and notes the report.**

There being no further business the Chair declared the meeting closed at 4.22 pm.

  
Mr Tony Harb  
Chairperson

|                      |                                                                                                                            |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>                                                                           |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                                                                                             |
| <b>Reference:</b>    | <b>ITEM GOV85/25</b>                                                                                                       |
| <b>Subject:</b>      | <b>RE-ADOPTION OF COUNCIL'S CODE OF CONDUCT 2020 AND THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT 2020</b> |

|                                                               |                                                                                                                                                                                                                        |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                        |
| <b>CSP Goal:</b>                                              | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>CSP Delivery Program</b>                                   | Develop, manage and deliver Governance Services, in accordance with the OLG Compliance Guide                                                                                                                           |

## SUMMARY

The purpose of this report is to advise Council that the Tenterfield Shire Council Code of Conduct 2020 and the Procedures for the Administration of the Code of Conduct are required to be reviewed and re-adopted within twelve (12) months of a new term of Council. Also, a new Model Code of Conduct is due to be released imminently by the Office of Local Government (OLG).

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Re-adopts its current Code of Conduct 2020 and Procedures for the Administration of the Code of Conduct 2020.**
- (2) As soon as is practicable after the anticipated release of the new Model Code of Conduct and Model Procedures for the Administration of the Code of Conduct by the Office of Local Government, adopts this new Code with Procedures.**

## BACKGROUND

Under Section 440 of the *Local Government Act 1993*, the Tenterfield Shire Council Code of Conduct sets the minimum requirements of behaviour for Council Officials in carrying out their functions. The Code is supported by a set of procedures which provide information and guidance on the application of the Code.

It is a requirement under Section 440(7) of the *Local Government Act 1993* that "A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section".

## REPORT:

Our Governance No. 85 Cont...

The current Tenterfield Shire Council Code of Conduct and Procedures for the Administration of the Code of Conduct were adopted at the 23 September 2020 Council Meeting (Resolution Number 194/20).

The General Manager has been reliably informed that a new Model Code of Conduct and Model Procedures for the Administration of the Code of Conduct are expected from the OLG imminently. As this is the case, a recommendation has been provided to re-adopt the current 2020 Code of Conduct and Procedures for the Administration of the Code of Conduct, thus complying with the requirements under the Act, with a further recommendation that as soon as practicable after the new Model Code of Conduct and Model Procedures for the Administration of the Code of Conduct are released, staff will prepare a report regarding these draft Codes for Council's for adoption.

TSC Code of Conduct 2020 – Attached

TSC Procedures for the Administration of the Code of Conduct – Link below

[WWW.TENTERFIELD.NSW.GOV.AU/CONTENT/UPLOADS/2023/02/TENTERFIELD-SHIRE-COUNCIL-PROCEDURES-FOR-THE-ADMINISTRATION-OF-THE-MODEL-CODE-OF-CONDUCT-2020.PDF](http://WWW.TENTERFIELD.NSW.GOV.AU/CONTENT/UPLOADS/2023/02/TENTERFIELD-SHIRE-COUNCIL-PROCEDURES-FOR-THE-ADMINISTRATION-OF-THE-MODEL-CODE-OF-CONDUCT-2020.PDF)

#### **COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- *NSW Local Government Act 1993*
- *NSW Local Government (General) Regulation 2005*

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Liz Alley**

**Director Corporate Services**

Prepared by staff member:

Lee Sisson, Governance Officer

Our Governance No. 85 Cont...

Approved/Reviewed by Manager: Liz Alley, Director Corporate Services  
Department: Office of the Director Corporate Services  
Attachments: **1** TSC Code of Conduct 2020 47 Pages





# **TENTERFIELD SHIRE COUNCIL CODE OF CONDUCT**

**2020**

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## **PART 1 INTRODUCTION**

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

## **PART 2      DEFINITIONS**

In this code the following terms have the following meanings:

|                          |                                                                                                                                                                                                                                                             |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LGA                      | the <i>Local Government Act 1993</i>                                                                                                                                                                                                                        |
| administrator            | an administrator of a council appointed under the LGA other than an administrator appointed under section 66                                                                                                                                                |
| committee                | see the definition of "council committee"                                                                                                                                                                                                                   |
| complaint                | a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.                                                                                                                                                                 |
| council                  | includes county councils and joint organisations                                                                                                                                                                                                            |
| council committee        | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee                                                                  |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee |
| council official         | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers                                                                                 |
| councillor               | any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations                       |
| conduct                  | includes acts and omissions                                                                                                                                                                                                                                 |
| delegate of council      | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated                                                                                         |
| designated person        | a person referred to in clause 4.8                                                                                                                                                                                                                          |
| election campaign        | includes council, state and federal election campaigns                                                                                                                                                                                                      |

|                                   |                                                                                                                                                                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| environmental planning instrument | has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                               |
| general manager                   | includes the executive officer of a joint organisation                                                                                                                                                                                                    |
| joint organisation                | a joint organisation established under section 400O of the LGA                                                                                                                                                                                            |
| local planning panel              | a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                        |
| mayor                             | includes the chairperson of a county council or a joint organisation                                                                                                                                                                                      |
| members of staff of a council     | includes members of staff of county councils and joint organisations                                                                                                                                                                                      |
| the Office                        | Office of Local Government                                                                                                                                                                                                                                |
| personal information              | information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion |
| the Procedures                    | the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation                                                                                                                              |
| the Regulation                    | the Local Government (General) Regulation 2005                                                                                                                                                                                                            |
| voting representative             | a voting representative of the board of a joint organisation                                                                                                                                                                                              |
| wholly advisory committee         | a council committee that the council has not delegated any functions to                                                                                                                                                                                   |

### **PART 3      GENERAL CONDUCT OBLIGATIONS**

#### General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

#### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

#### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.



Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

#### **PART 4      PECUNIARY INTERESTS**

##### What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

##### What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
  - (b) your interest as a ratepayer or person liable to pay a charge
  - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

- offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
  - (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
  - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person



- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.



- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 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 they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- Disclosure of pecuniary interests at meetings
- 4.28 A councillor or a council committee member 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.
- 4.29 The councillor or council committee 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.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 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 they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
  - (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
  - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## **PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

### What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly



close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken



to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## **PART 6 PERSONAL BENEFIT**

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person



associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.



## **PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## **PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
  - b) the *Health Records and Information Privacy Act 2002*
  - c) the Information Protection Principles and Health Privacy Principles
  - d) the council's privacy management plan
  - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.



- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.



## **PART 9      MAINTAINING THE INTEGRITY OF THIS CODE**

### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN  
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

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or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and



- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED  
UNDER CLAUSE 4.21**

'Disclosures by councillors and designated persons' return

1. 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).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.



The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]  
[date]

**A. Real Property**

| Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June | Nature of interest |
|------------------------------------------------------------------------------------------------------------------------|--------------------|
|------------------------------------------------------------------------------------------------------------------------|--------------------|

**B. Sources of income**

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---------------------------|----------------------------------------------------------------------------|--------------------------------------------------------|
|---------------------------|----------------------------------------------------------------------------|--------------------------------------------------------|

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

| Name and address of settlor | Name and address of trustee |
|-----------------------------|-----------------------------|
|-----------------------------|-----------------------------|



3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

**C. Gifts**

| Description of each gift I received at any time since 30 June | Name and address of donor |
|---------------------------------------------------------------|---------------------------|
|---------------------------------------------------------------|---------------------------|

**D. Contributions to travel**

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June | Dates on which travel was undertaken | Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------|
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------|

**E. Interests and positions in corporations**

| Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June) | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------|---------------------------------------------------------------------------------------------|
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------|---------------------------------------------------------------------------------------------|

**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**

**G. Positions in trade unions and professional or business associations**

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June | Description of position |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

**H. Debts**

| Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June |
|-------------------------------------------------------------------------------------------------------------------|
|-------------------------------------------------------------------------------------------------------------------|

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I. Dispositions of property

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1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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J. Discretionary disclosures

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**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the                      day of                      20                      .

|                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pecuniary interest                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                     |
| Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)                         |                                                                                                                                                                                                                                                                                                                                                                                                     |
| Relationship of identified land to the councillor<br><i>[Tick or cross one box.]</i>                                                                          | <input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).<br><input type="checkbox"/> An associated person of the councillor has an interest in the land.<br><input type="checkbox"/> An associated company or body of the councillor has an interest in the land. |
| Matter giving rise to pecuniary interest <sup>1</sup>                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                     |
| Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup><br><i>[Tick or cross one box]</i> | <input type="checkbox"/> The identified land.<br><input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.                                                                                                                                                                                                                                            |
| Current zone/planning control<br><i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i> |                                                                                                                                                                                                                                                                                                                                                                                                     |

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is 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. 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 the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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|                                                                                                                                                                                                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Proposed change of zone/planning control<br><i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>                                 |  |
| Effect of proposed change of zone/planning control on councillor or associated person<br><i>[Insert one of the following:<br/>"Appreciable financial gain" or<br/>"Appreciable financial loss"]</i> |  |

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

*[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]*

|                      |                                                                      |
|----------------------|----------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>                     |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                                       |
| <b>Reference:</b>    | <b>ITEM GOV86/25</b>                                                 |
| <b>Subject:</b>      | <b>2025 MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW</b> |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                              |                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>             | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>         | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>Delivery Plan Action:</b> | Develop, manage and deliver Governance Services, in accordance with the OLG Compliance Guide                                                                                                                           |

**SUMMARY**

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code no later than 31 December 2025. This report is to provide to Council the Draft 2025 Model Code of Meeting Practice before going on public exhibition for comment on 23 October 2025 to 3 December 2025.

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

- 1. Endorses the Draft 2025 Model Code of Meeting Practice (the Code) to be put on public exhibition for 28 days from 23 October 2025, providing the community up to 42 days for comment, concluding on 3 December 2025.**
- 2. Considers a further report and adopts the Code with or without amendments at its scheduled Ordinary Council Meeting of 17 December 2025, after the public exhibition period has concluded – during which time comments from the public on the non-mandatory provisions have been received and evaluated by staff for possible recommended changes to the Code.**

**BACKGROUND**

The Model Code of Meeting Practice for Local Councils in NSW prescribes a uniform set of meeting rules for Councils across NSW to ensure meetings of Councils and Committees of Councils comprising only of Councillors are open, accessible, orderly, effective and efficient.

Following extensive consultation by the Office of Local Government, the new 2025 Model Code of Meeting Practice for Local Councils in NSW has been prescribed.

A key focus of the changes made to the 2025 Model Meeting Code is to ensure meetings are conducted in a dignified and orderly way befitting to a chamber of democracy and to promote community confidence in Councils and their decisions.



Our Governance No. 86 Cont...

**REPORT:**

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by no later than 31 December 2025.

The 2025 Model Meeting Code has two elements:

- Mandatory provisions (indicated in black font), and
- Non-mandatory provisions (indicated in red font) covering areas of meeting practice that are common to most Councils but where there may be a need for some variation in practice between Councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what the Office of Local Government sees as best practice for the relevant area of practice.

At Tenterfield Shire Council, we have included supplementary provisions for clarity that are allowable as they do not change and are consistent with the mandatory provisions. These provisions are shown in green colour.

Under section 361 of the *Local Government Act 1993* (the Act), before adopting a new Code of Meeting Practice, Councils must first exhibit a draft of the code for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. After consideration of community comment, a report will be prepared for the 17 December 2025 Ordinary Council Meeting for adoption.

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

The Draft 2025 Model Code of Meeting Practice will be placed on public exhibition for 28 days, from 23 October 2025, with comment invited till Wednesday 3 December, allowing 42 days in total for public comment.

**2. Policy and Regulation**

- Section 361 *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Transitional provisions in the *Local Government (General) Regulation 2021* provide that if a Council does not adopt a Code of Meeting Practice that

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incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, then from 1 January 2026, any provision of the Council’s Code of Meeting Practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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**Director Corporate Services**

|                               |                                              |          |
|-------------------------------|----------------------------------------------|----------|
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| Attachments:                  | <b>1</b> 2025 Model Code of Meeting Practice | 43 Pages |

DRAFT Version 0.2  
Tenterfield Shire Council

**MODEL CODE OF MEETING PRACTICE  
FOR LOCAL COUNCILS IN NSW**

**2025**

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## **1 INTRODUCTION**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

This Code incorporates the mandatory provisions along with relevant non-mandatory provisions of the new Model Meeting Code and other supplementary provisions which are consistent with the mandatory provisions of the new Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## **2 MEETING PRINCIPLES**

### **2.1 Council and committee meetings should be:**

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

*Respectful:* Councillors, staff and meeting attendees treat each other with respect.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

**Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.**



### **3 BEFORE THE MEETING**

#### Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

#### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.2 reflects section 366 of the Act.**

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings, and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council must be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council **within 7 business days (5pm Monday the week preceding the council meeting)**.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 **If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.**
- 3.13 **A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:**
- a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or**
  - b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.**

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that would constitute an act of disorder.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form unless the council determines otherwise.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.27 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Nothing in clause 3.27 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.29 Despite clause 3.27, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.



- 3.30 A motion moved under clause 3.29 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.29, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.31 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.29 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.31 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.33 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

**Note: The prohibition on the holding of briefing sessions under clause 3.33 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.**

- 3.34 Nothing in clause 3.33 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

#### **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to meetings of the council and committees of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by close of business on the Monday before the date on which the public forum is to be held and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than one (1) item of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two (2) days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.



- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under 4.15. Answers by the speaker, to each question are to be limited to five (5) minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches or the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 The council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.5 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The



councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.31 reflects section 10(1) of the Act.**

- 5.32 Notwithstanding clause 5.31, a limitation may be placed on the number of members of the public admitted to a meeting of the Council or a Committee of the Council, where such a limitation is for reason of safety or security.

- 5.33 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.34 reflects section 10(2) of the Act.**

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place **or as soon as practicable after the meeting, if technical difficulties are being experienced during the meeting.**
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36 - 5.39 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.36 – 5.40 reflect section 236 of the Regulation.**

- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.42 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.



**Note: Clause 5.42 reflects section 376(1) of the Act.**

- 5.43 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.43 reflects section 376(2) of the Act.**

- 5.44 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.44 reflects section 376(3) of the Act.**

- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

## **6 THE CHAIRPERSON**

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

**Public Forum (before Council Meeting)**

**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

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note:** If adopted, Part 13 allows council to deal with items of business by exception.

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

## **9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business

on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.

- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

#### Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

#### Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14, unless the council determines otherwise in accordance with this code.

- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.



- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.10 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.11 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.12 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.13 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.16 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.17 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.



- 10.18 Despite clause 10.17, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.19 Despite clauses 10.15 and 10.16, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.15.
- 10.22 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.23 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

## **11 VOTING**

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.11 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 COMMITTEE OF THE WHOLE**

12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches and encouraging councillors and staff to stand when addressing the meeting.

**Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.**

**Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.**

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## **13 DEALING WITH ITEMS BY EXCEPTION**

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items

of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

#### **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

##### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other 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) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council 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.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (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.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice,
  - (c) are fully discussed in that advice, and
  - (d) are subject to legal professional privilege.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), 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 a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret 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.



**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is



closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

Obligations of councillors attending meetings by audio-visual link

- 14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (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) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.16 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business

considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

## **15 KEEPING ORDER AT MEETINGS**

### Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given.

If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts 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 addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) uses offensive or disorderly words, or
  - (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
  - (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
  - (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

**Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".**

- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), (d), (e), or (g), or
  - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d), (e), (f) or (g).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

- 15.13 A failure to comply with a requirement under clause 15.12 constitutes a fresh act of disorder for the purposes of clause 15.11.

- 15.14 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.12 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.20.

How disorder at a meeting may be dealt with

- 15.15 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.17 Clause 15.16, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12 or clause 15.14. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.19 reflects section 233(2) of the Regulation.**

- 15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.20 Members of the public attending a meeting of the council:
- (a) must remain silent during the meeting unless invited by the chairperson to speak,
  - (b) must not bring flags, signs or protest symbols to the meeting, and
  - (c) must not disrupt the meeting.
- 15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of



clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

- 15.22 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.23 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.24 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.26 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.27 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary,

remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.**

## **16 CONFLICTS OF INTEREST**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## **17 DECISIONS OF THE COUNCIL**

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**



- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this code.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

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

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

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

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.

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

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
- (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite

any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **18 AFTER THE MEETING**

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 18.1 reflects section 375(1) of the Act.**

18.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any

- amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 18.3 reflects section 375(2) of the Act.**

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 18.5 reflects section 375(2) of the Act.**

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 18.8 reflects section 11(1) of the Act.**

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 18.9 reflects section 11(2) of the Act.**

- 18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 18.10 reflects section 11(3) of the Act.**

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 18.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 18.12 reflects section 335(b) of the Act.**

**19 COUNCIL COMMITTEES**

Application of this Part

- 19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 19.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Non-members entitled to attend committee meetings

- 19.8 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

19.9 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

19.10 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

19.11 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

19.12 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting. If neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

19.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council.

19.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.13.

19.15 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Mayoral minutes

19.16 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public



- 19.17 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.18 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.19 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.18 during a part of the meeting that is livestreamed where practicable.
- 19.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 19.21 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 19.20 and provide reasons for why the information has ceased to be confidential.

#### Disorder in committee meetings

- 19.22 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

#### Minutes of council committee meetings

- 19.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 19.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.



- 19.26 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 19.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## **20 IRREGULARITIES**

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

**Note: Clause 20.1 reflects section 374 of the Act.**

## 21 DEFINITIONS

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| the Act                  | means the <i>Local Government Act 1993</i>                                                                                                                                                                                                                                                                                                                                                                                 |
| act of disorder          | means an act of disorder as defined in clause 15.11 of this code                                                                                                                                                                                                                                                                                                                                                           |
| amendment                | in relation to an original motion, means a motion moving an amendment to that motion                                                                                                                                                                                                                                                                                                                                       |
| audio recorder           | any device capable of recording speech                                                                                                                                                                                                                                                                                                                                                                                     |
| audio-visual link        | means a facility that enables audio and visual communication between persons at different places                                                                                                                                                                                                                                                                                                                           |
| business day             | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales                                                                                                                                                                                                                                                                             |
| chairperson              | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.9 of this code                                                                                                                            |
| this code                | means the council's adopted code of meeting practice                                                                                                                                                                                                                                                                                                                                                                       |
| committee of the council | means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1                                                                                                                                                                                       |
| council official         | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council                                                                                                                                                                                                                                    |
| day                      | means calendar day                                                                                                                                                                                                                                                                                                                                                                                                         |
| division                 | means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion                                                                                                                                                                                                                                                          |
| livestream               | a video broadcast of a meeting transmitted across the internet concurrently with the meeting                                                                                                                                                                                                                                                                                                                               |
| open voting              | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means                                                                                                                                                                                                                                                                                                                 |
| planning decision        | means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |

|                               |                                                                                             |
|-------------------------------|---------------------------------------------------------------------------------------------|
| performance improvement order | means an order issued under section 438A of the Act                                         |
| quorum                        | means the minimum number of councillors or committee members necessary to conduct a meeting |
| the Regulation                | means the <i>Local Government (General) Regulation 2021</i>                                 |
| year                          | means the period beginning 1 July and ending the following 30 June                          |

|                      |                                                      |
|----------------------|------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>     |
| <b>Submitted by:</b> | Liz Alley, Director Corporate Services               |
| <b>Reference:</b>    | <b>ITEM GOV87/25</b>                                 |
| <b>Subject:</b>      | <b>CORPORATE SERVICES DIRECTORATE MONTHLY REPORT</b> |

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

|                      |                                                                            |
|----------------------|----------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>LEADERSHIP</b> - We understand and agree with how public money is spent |
| <b>CSP Strategy:</b> | Continue to provide financial reports to Council                           |

### **SUMMARY**

The purpose of this report is to:

- update the Council on activities within the Corporate Services Directorate
- provide a written report that sets out details required in accordance with relevant legislation and regulations
- provide statistics and data that support corporate policy and activities in accordance with the Operational Plan and Delivery Program 2025 – 2029

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

**That Council:**

**Notes the Corporate Services Directorate Report for the September month end 2025.**

### **BACKGROUND**

This report is an information report to advise on Financial, Planning, Governance, Information Technology, Customer Service, Library and Corporate functions of Council, each month.

### **REPORT:**

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as of 30 September 2025.

Cash Book Balances on this date were as follows: -

|                        |              |        |
|------------------------|--------------|--------|
| General (Consolidated) | \$58,030,248 | Credit |
| General Trust          | \$69,586     | Credit |

Council's General consolidated account interest rate was 3.60% in the month of September, on a variable basis resulting in a reasonably high interest return. This is reviewed on a regular basis as part of cash flow monitoring.

### **Summary of Investments**

Council investments as at 30 September 2025 was \$15,000,000 (see separate Council Report).

**Total Cash and Investments** at 30 September 2025 was \$73,099,834.

Our Governance No. 87 Cont...

**Detailed Analysis of External Restrictions**

| <b>Cash and Investments - Detailed Analysis of External Restrictions</b>                             |                                |                           |
|------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------|
| <b>Restricted cash analysis</b>                                                                      | <b>As at 30 September 2025</b> | <b>As at 30 June 2025</b> |
| <b>Total Cash &amp; Investments</b>                                                                  | <b>73,099,834</b>              | <b>62,106,425</b>         |
| <b>Externally Restricted Cash</b>                                                                    | <b>52,707,992</b>              | <b>41,387,749</b>         |
| <b>Included in Grant Related (excl Developer Contributions)</b>                                      | <b>25,069,780</b>              | <b>15,958,984</b>         |
| Grant-Related - General Fund                                                                         | 20,069,780                     | 15,900,117                |
| Grant-Related - Water Fund                                                                           | -                              | -                         |
| Grant-Related - Sewer                                                                                | -                              | 58,867                    |
| Grant-Related - Waste                                                                                | -                              | -                         |
| Grant-Related - Stormwater                                                                           | -                              | -                         |
| <b>Included in Developer Contributions</b>                                                           | <b>2,170,139</b>               | <b>2,086,335</b>          |
| Developer Contributions - General                                                                    | 1,737,678                      | 1,670,217                 |
| Developer Contributions - Water                                                                      | 154,082                        | 148,997                   |
| Developer Contributions - Sewer                                                                      | 105,931                        | 98,677                    |
| Developer Contributions - Waste                                                                      | 161,244                        | 157,239                   |
| Developer Contributions - Stormwater                                                                 | 11,204                         | 11,204                    |
| <b>Included in RFS Reserves</b>                                                                      | <b>73,413</b>                  | <b>109,522</b>            |
| RFS Reserves                                                                                         | 73,413                         | 109,522                   |
| <b>Included in Cash at Bank and Investment leftovers (after exl Grant Related, DC and RFS above)</b> | <b>25,394,660</b>              | <b>23,232,908</b>         |
| Water                                                                                                | 3,247,113                      | 2,805,208                 |
| Sewer                                                                                                | 10,382,885                     | 9,533,037                 |
| Waste*                                                                                               | 10,528,820                     | 9,692,848                 |
| Stormwater                                                                                           | 1,166,256                      | 1,132,741                 |
| Trust Fund                                                                                           | 69,586                         | 69,074                    |
| <b>Internal restrictions</b>                                                                         | <b>9,541,084</b>               | <b>9,541,084</b>          |
| Plant and Vehicle Replacement                                                                        | 2,350,000                      | 2,350,000                 |
| Employees Leave Entitlements                                                                         | 805,000                        | 805,000                   |
| FAG (Road Component Advanced)                                                                        | 496,363                        | 496,363                   |
| Special Projects - Infrastructure Flood Damage                                                       | 2,500,000                      | 2,500,000                 |
| SRV Money Unspent 2014                                                                               | 843,633                        | 843,633                   |

Our Governance No. 87 Cont...

|                                                                                                                  |                   |                   |
|------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|
| SRV Money Unspent 2023                                                                                           | 384,644           | 384,644           |
| Saleyard Specific Purpose                                                                                        | 64,140            | 64,140            |
| Interest earned from RERRF Funds Invested                                                                        | 201,223           | 201,223           |
| Interest Earned from DRFA Funds in Term Deposits                                                                 | 98,864            | 98,864            |
| IT System Renewal Project                                                                                        | 770,000           | 770,000           |
| Financial Support Payment for Preliminary Land Classifications 2024 (NSW Emergency Services Levy Funding Reform) | 27,217            | 27,217            |
| Future Grant Co-Contributions                                                                                    | 1,000,000         | 1,000,000         |
| <b>Unrestricted Funds</b>                                                                                        | <b>10,850,758</b> | <b>11,177,591</b> |

\* *Waste Fund - The above reserve for the waste fund includes the \$3.3 Million loan approved for Waste Management - Boonoo Boonoo Landfill (Develop Stage 5). Of this \$3.3 Million as at September \$1.575m has been spent, leaving a balance of \$1.725m of loan proceeds in the waste reserve.*

### Concealed Water Leakage Concession

The table below sets out the concessions granted under Council's Concealed Water Leakage Concession Policy, for the YTD.

| Month                   | Number of Concessions per month | \$ value per month | Prior Year Value |
|-------------------------|---------------------------------|--------------------|------------------|
| 31 July 2025            | 3                               | \$1,560.85         | 21,614.43        |
| 31 August 2025          | -                               | -                  | 5,936.25         |
| 30 September 2025       | -                               | -                  |                  |
| 31 October 2025         |                                 |                    | 17,504.58        |
| 30 November 2025        |                                 |                    | -                |
| 31 December 2025        |                                 |                    | -                |
| 31 January 2026         |                                 |                    | -                |
| 28 February 2026        |                                 |                    | 33,917.00        |
| 31 March 2026           |                                 |                    | -                |
| 30 April 2026           |                                 |                    | 2,425.70         |
| 31 May 2026             |                                 |                    | -                |
| 30 June 2026            |                                 |                    | 2,453.18         |
| <b>Cumulative Total</b> | <b>3</b>                        | <b>\$1,560.85</b>  | <b>83,851.14</b> |

### 603 Certificates

During the sale of a property a 603 Certificate is usually requested to identify if there are any outstanding or payable fees to Council by way of rates, charges or otherwise in respect of a parcel of land. The table below sets out the applications this year in comparison to 2024/25.



Our Governance No. 87 Cont...

| <b>Month</b>            | <b>Number of<br/>Certificates per<br/>month<br/>2025/2026</b> | <b>Number of<br/>Certificates<br/>per month prior<br/>year - 2024/2025</b> |
|-------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------|
| 31 July 2025            | 33                                                            | 29                                                                         |
| 31 August 2025          | 16                                                            | 20                                                                         |
| 30 September 2025       | 37                                                            | 31                                                                         |
| 31 October 2025         |                                                               | 35                                                                         |
| 30 November 2025        |                                                               | 30                                                                         |
| 31 December 2025        |                                                               | 21                                                                         |
| 31 January 2026         |                                                               | 12                                                                         |
| 28 February 2026        |                                                               | 24                                                                         |
| 31 March 2026           |                                                               | 28                                                                         |
| 30 April 2026           |                                                               | 13                                                                         |
| 31 May 2026             |                                                               | 35                                                                         |
| 30 June 2026            |                                                               | 22                                                                         |
| <b>Cumulative Total</b> | <b>86</b>                                                     | <b>300</b>                                                                 |

### SRV Update

For various reasons, Council has not fully achieved the planned capital and operating expenditure targets against the SRV funds received. The shortfall in expenditure on SRV projects is outlined below with a view to expending these funds in accordance with the funding agreement.

| <b>SRV Program</b>     | <b>As at 30<br/>September 2025</b> | <b>As at 30 June<br/>2025 (unaudited)</b> |
|------------------------|------------------------------------|-------------------------------------------|
| SRV money unspent 2014 | 843,633                            | 843,633                                   |
| SRV money unspent 2023 | 384,644                            | 384,644                                   |

### Customer Service Statistics for the month.

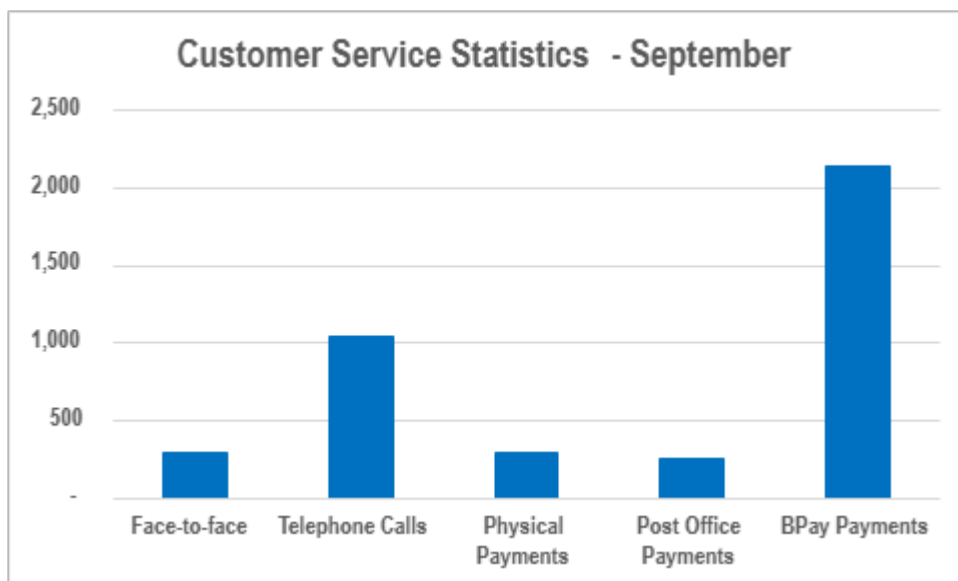
|                      |                                             |       |
|----------------------|---------------------------------------------|-------|
| Face-to-face         | Number of visitors/users                    | 291   |
| Telephone            | Number of Calls taken                       | 1,045 |
| Physical Payments    | Number of physical payments received        | 293   |
| Post Office Payments | Number of payments received via Post Office | 253   |
| BPay Payments        | Number of Payments via Bpay                 | 2,145 |

### Library Services

Drake Public School visited the library for Stories and Science on Friday 5 September 2025. The students enjoyed looking at insect specimens and creating their own bugs.

Online art classes have finished for this year. Participants learned about shape, shadows, colour, line and many other artistic features using different mediums. Classes will resume next year during the colder months.

Our Governance No. 87 Cont...



|                       | Service                              | # of Attendees           |
|-----------------------|--------------------------------------|--------------------------|
| <b>Patronage</b>      | Number of visitors/users/door count  | 1234                     |
|                       | Number of members                    | 2661                     |
|                       | Number of new members this month     | 13                       |
| <b>Circulation</b>    | Number of books loaned               | 1533                     |
|                       | Number of eLoans                     | 278                      |
|                       | Home library services Loans          | 45                       |
|                       | Home Library Members                 | 10                       |
| <b>Events</b>         | Online Kids Art Class                | 45                       |
|                       | Storytime                            | 6                        |
|                       | Senior's tech                        | 9                        |
|                       | Study Nook Times/users               | 38.7 hours 20 users      |
|                       | Chatty Booth                         | 1 hour 1 user            |
|                       | Computer hours/users                 | 120 hours with 118 users |
|                       | Book Club attendance                 | 10                       |
| <b>Special events</b> | School holidays attendees, storytime | N/A                      |

### Governance

An ARIC meeting was held on 10<sup>th</sup> September.

Annual Report and Quarterly Progress on the Delivery Program Report is in production.

During September 2025 Governance tasks included:

- Updating the Draft Code of Meeting Practice
- Readoption of the Code of Conduct and Procedures for the Administration for the Code of Conduct
- General Manager's Delegations

Compliments for September 2025/26 – 9

Complaints for September 2025/26 - 0

Our Governance No. 87 Cont...

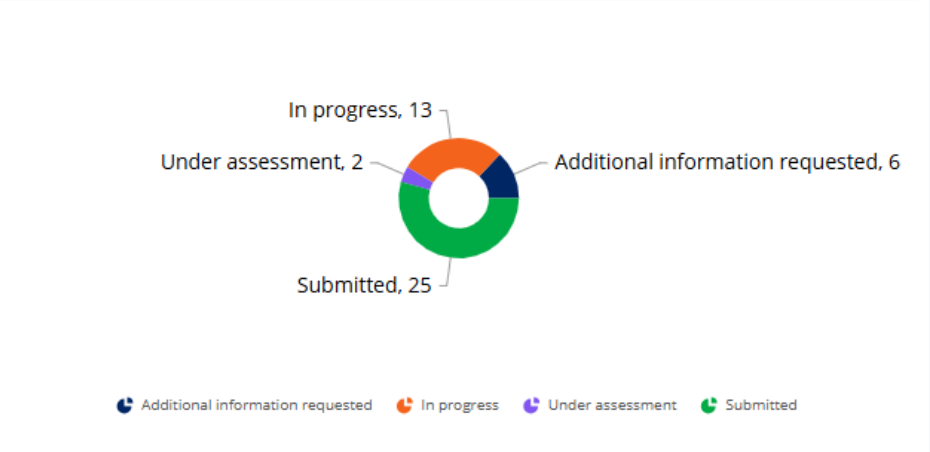
Planning Statistics

| Planning and Regulation Summary |                    | Number |
|---------------------------------|--------------------|--------|
| Development Applications        | Number lodged      | 17     |
|                                 | Number determined  | 16     |
|                                 | Number outstanding |        |
| Construction Certificates       | Number lodged      | 11     |
|                                 | Number determined  | 8      |
|                                 | Number outstanding |        |

Development applications lodged, determined and outstanding included as separate attachments to this report.

Construction Certificate

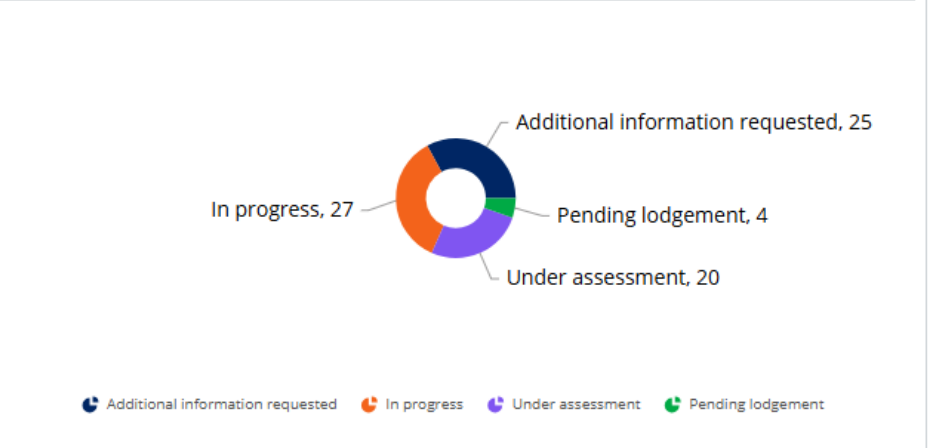
Open Cases by Application



Select Application

Development Application (New DA, Mod, Review)

Open Cases by Application



COUNCIL IMPLICATIONS:

Our Governance No. 87 Cont...

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

Nil.

**2. Policy and Regulation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil, this report is for information only.

**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:                  | <b>1</b> Development Statistics for September 2025 | 1<br>Page |
|                               | <b>2</b> Applications Lodged September 2025        | 1<br>Page |
|                               | <b>3</b> Applications Determined September 2025    | 1<br>Page |
|                               | <b>4</b> Applications Outstanding August 2025      | 1<br>Page |

Our Governance No. 87 Cont...

| FY 25/26 Development Statistics     |       |                 |                                                    |                              |                                   |             |                        |                           |                           |
|-------------------------------------|-------|-----------------|----------------------------------------------------|------------------------------|-----------------------------------|-------------|------------------------|---------------------------|---------------------------|
|                                     |       | Dwellings       | Additions/<br>Renovations to<br>Existing Dwellings | Garages, Carports<br>& Sheds | Commercial or<br>Industrial Works | Subdivision | Recreation/<br>Tourism | FY 25/26<br>Monthly Total | FY 24/25 Monthly<br>Total |
| Jul-25                              | No.   | 5               | 0                                                  | 3                            | 0                                 | 4           | 0                      | 12                        | 7                         |
|                                     | Value | \$735,459.00    | \$0.00                                             | \$413,534.00                 | \$0.00                            | \$0.00      | \$0.00                 | \$1,148,993.00            | \$1,233,465.00            |
| Aug-25                              | No.   | 7               | 0                                                  | 3                            | 0                                 | 1           | 0                      | 11                        | 13                        |
|                                     | Value | \$2,752,339.00  | \$0.00                                             | \$214,600.00                 | \$0.00                            | \$0.00      | \$0.00                 | \$2,966,939.00            | \$1,314,957.00            |
| Sep-25                              | No.   | 9               | 0                                                  | 4                            | 2                                 | 2           | 1                      | 18                        | 15                        |
|                                     | Value | \$2,458,200.00  | \$0.00                                             | \$284,726.36                 | \$4,946,147.00                    | \$0.00      | \$300,000.00           | \$7,989,073.36            | \$2,864,075.00            |
| Oct-25                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 14                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,855,285.00            |
| Nov-25                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 8                         |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,047,250.00            |
| Dec-25                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 8                         |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,396,290.00            |
| Jan-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 12                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$2,293,113.00            |
| Feb-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 10                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,247,950.00            |
| Mar-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 10                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,623,500.00            |
| Apr-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 13                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$2,189,067.00            |
| May-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 15                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$2,135,671.00            |
| Jun-26                              | No.   |                 |                                                    |                              |                                   |             |                        |                           | 19                        |
|                                     | Value |                 |                                                    |                              |                                   |             |                        |                           | \$1,909,513.00            |
| No. (Year to Date)                  |       | 21              | 0                                                  | 10                           | 2                                 | 7           | 1                      | 41                        | 144                       |
| FY 25/26 Total Value (Year to Date) |       | \$5,945,998.00  | \$0.00                                             | \$912,860.36                 | \$4,946,147.00                    | \$0.00      |                        |                           |                           |
| FY 24/25 Total Value                |       | \$16,573,612.00 | \$742,245.00                                       | \$1,338,868.00               | \$227,001.00                      | \$0.00      | \$201,000.00           | \$19,082,726.00           | \$21,110,136.00           |



| <b>Applications Lodged September 2025</b> |                            |                                    |                                              |
|-------------------------------------------|----------------------------|------------------------------------|----------------------------------------------|
| <b>DA Number</b>                          | <b>Applicant</b>           | <b>Address</b>                     | <b>Description of Work</b>                   |
| 2025.100                                  | J Van Tongeren             | 104 Smiths Lane Tenterfield        | Tourist Accomodation - 3 Cabins              |
| 2025.101                                  | B Morrow                   | 1238 Bruxner Way Tenterfield       | Shed & Workshop                              |
| 2025.103                                  | BJS Constructions          | 97 Scott Street Tenterfield        | Shed                                         |
| 2025.104                                  | S Cowin                    | 102 Mt Mckenzie Road Tenterfield   | Dwelling                                     |
| 2025.105                                  | T Murphy                   | 51 Molesworth Street Tenterfield   | Shed                                         |
| 2025.106                                  | S Curry                    | 129 Logan Street Tenterfield       | Change of Use- Residential to Business       |
| 2025.107                                  | Y Adern                    | 12 Mile Creek Rd Tenterfield       | Change Of Use - Dual Occupancy - Granny Flat |
| 2025.108                                  | M McArthur                 | 369A Mt Clunie Road Koreelah       | Dwelling                                     |
| 2025.109                                  | J Bridger(Saltair Modular) | Sunnyside Road Tenterfield         | Dwelling                                     |
| 2025.110                                  | S Zemek                    | 5131 Mt Lindesay Road Liston       | Dwelling                                     |
| 2025.111                                  | G Hardacre                 | Mt Lindesay Road Willsons Downfall | Relocatable Manufactured Dwelling            |
| 2025.112                                  | D Werner                   | 47 Duncan Street Tenterfield       | Dwelling & Shed                              |
| 2023.058/1                                | M Vaughnan-Carter          | 35a Haddocks Road Tenterfield      | Modification - Dwelling                      |
| 2025.113                                  | C Smith(ACEnergy Pty Ltd)  | Old Racecourse Road Tenterfield    | BESS(Battery Energy Storage System)          |
| 2025.114                                  | A Caldwell                 | 155 Naas Street Tenterfield        | Extension to existing Dwelling & Shed        |
| 2025.115                                  | S Cassidy                  | 409 Mt Lindesay Road Tenterfield   | Shed                                         |
| 2025.116                                  | Tenterfield Surveys        | 357 Sunnyside Loop Rod Tenterfield | Four Lot Rural Subdivision                   |
|                                           |                            |                                    |                                              |

| <b>Applications Determined September 2025</b> |                                        |                                      |                                    |
|-----------------------------------------------|----------------------------------------|--------------------------------------|------------------------------------|
| <b>DA Number</b>                              | <b>Applicant</b>                       | <b>Address</b>                       | <b>Description of Work</b>         |
| 2024.104                                      | Casson Planning & development Services | 44 Francis Street Tenterfield        | Caravan Park - Self Contained only |
| 2025.053                                      | J Adams                                | 148A Sunnyside Loop Road Tenterfield | Shed                               |
| 2025.079                                      | K Robinson                             | 35 Haddocks Road Tenterfield         | Carport                            |
| 2025.080                                      | Nick Folkers (Evolve Planning)         | 47 Tooloom Street Urbenville         | Carport                            |
| 2025.081                                      | K Fyfe                                 | 27 Holleys Road Tenterfield          | Dual Occupancy - Detached Studio   |
| 2025.082                                      | W McFarlane                            | 4551 Paddys Flat Road Toolom         | Dwelling                           |
| 2025.083                                      | Tenterfield Surveys                    | 138 Homestead Road Tenterfield       | 3 Lot Subdivision                  |
| 2025.084                                      | Tenterfield Surveys                    | 32 Urben Street Urbenville           | 2 Lot Subdivision                  |
| 2025.086                                      | A Cox                                  | 1080 Mnt Speribo Road Bolivia        | Farm Shed                          |
| 2025.087                                      | A Butt                                 | 1816 Bruxner Highway Woodside        | Dwelling                           |
| 2025.090                                      | Hoek Modular Homes                     | 28-30 Clifton Street Tenterfield     | Dual Occupancy                     |
| 2025.092                                      | Westbuilt                              | 546 Bryans Gap Road Tenterfield      | Dwelling                           |
| 2025.093                                      | M McMahon                              | 145a East Street Tenterfield         | Shed                               |
| 2025.094                                      | M Boniface                             | 947 Black Swamp Road Tenterfield     | Dwelling                           |
| 2025.095                                      | S Smith                                | 1225 Black Swamp Road Tenterfield    | Shed                               |
| 2025.096                                      | P Spillane                             | 212 Bulwer Street Tenterfield        | Shed                               |
|                                               |                                        |                                      |                                    |

| Applications Outstanding September 2025 |                                                   |                                     |                                                |
|-----------------------------------------|---------------------------------------------------|-------------------------------------|------------------------------------------------|
| DA Number                               | Applicant                                         | Address                             | Description of Work                            |
| 2019.104                                | Wilshire & Co Superannuation Fund (Todd Wilshire) | 1-9 Manners Street                  | New Shed & Extension to Existing Shed (Awning) |
| 2021.012                                | CORBETT Arran                                     | Bluff River Road                    | Primitive Camp Ground                          |
| 2022.068                                | Tenterfield Surveys (Bolt & Kowald)               | 531A Long Gully Road                | Two (2) Lot Rural Subdivision                  |
| 2025.061                                | Tenterfield Surveys                               | 2708 Billirimba Road Tenterfield    | Two lot boundary rural adjustment              |
| 2025.062                                | Tenterfield Surveys                               | 416 Long Gully Road Drake           | Two lot Rural Subdivision                      |
| 2025.078                                | Tenterfield Surveys                               | 136 Sandy Creek Road Sandy Hills    | 2 Lot Rural Subdivision                        |
| 2025.085                                | M McKean                                          | 63 Koch Road Tenterfield            | Dwelling                                       |
| 2025.088                                | A Rankin                                          | 2-6 Boomi Street Urbenville         | Dwelling                                       |
| 2025.089                                | R Rogers                                          | Long Gully Road Tenterfield         | Dwelling                                       |
| 2025.091                                | Saltairmodular Pty Ltd                            | 1183 Paddy's Flat Rd Tabulam        | Manufactured Dwelling                          |
| 2025.097                                | B Gorry                                           | 335 Washpool Creek Road Tenterfield | Change of Use - Existing building to dwelling  |
| 2025.098                                | Tenterfield Surveys                               | 30 Railway Avenue Tenterfield       | Six lot residential subdivision                |
| 2025.099                                | R Van Dorp                                        | 236 Killamey Road Acacia Creek      | Dwelling and Swimming Pool                     |
| 2025.100                                | J Van Tongeren                                    | 104 Smiths Lane Tenterfield         | Tourist Accomodation - 4 Cabins                |
| 2025.101                                | B Morrow                                          | 1238 Bruxner Way Tenterfield        | Shed & Workshop                                |
| 2025.103                                | BJS Constructions                                 | 97 Scott Street Tenterfield         | Shed                                           |
| 2025.104                                | S Cowin                                           | 102 Mt Mckenzie Road Tenterfield    | Dwelling                                       |
| 2025.105                                | T Murphy                                          | 51 Molesworth Street Tenterfield    | Shed                                           |
| 2025.106                                | S Curry                                           | 129 Logan Street Tenterfield        | Change of Use- Residential to Business         |
| 2025.107                                | Y Adern                                           | 12 Mile Creek Rd Tenterfield        | Change Of Use - Dual Occupancy - Granny Flat   |
| 2025.108                                | M McArthur                                        | 369A Mt Clunie Road Koreelah        | Dwelling                                       |
| 2025.109                                | J Bridger(Saltair Modular)                        | Sunnyside Road Tenterfield          | Manufactured Dwelling                          |
| 2025.110                                | S Zemek                                           | 5131 Mt Lindesay Road Liston        | Manufactured Dwelling _Tiny Home               |
| 2025.111                                | G Hardacre                                        | Mt Lindesay Road Willsons Downfall  | Relocatable Manufactured Dwelling              |
| 2025.112                                | D Werner                                          | 47 Duncan Street Tenterfield        | Dwelling & Shed                                |
| 2023.058/1                              | M Vaughnnan-Carter                                | 35a Haddocks Road Tenterfield       | Modification-Dwelling                          |
| 2025.113                                | C Smith(ACEnergy Pty Ltd)                         | Old Racecourse Road Tenterfield     | BESS(Battery Energy Storage System)            |
| 2025.114                                | A Caldwell                                        | 155 Naas Street Tenterfield         | Extension to existing Dwelling & Shed          |
| 2025.115                                | S Cassidy                                         | 409 Mt Lindesay Road Tenterfield    | Shed                                           |
| 2025.116                                | Tenterfield Surveys                               | 357 Sunnyside Loop Rod Tenterfield  | Four Lot Rural Subdivision                     |
|                                         |                                                   |                                     |                                                |

|                      |                                                             |
|----------------------|-------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b>            |
| <b>Submitted by:</b> | Jane Walton, Manager Finance and Technology                 |
| <b>Reference:</b>    | <b>ITEM GOV88/25</b>                                        |
| <b>Subject:</b>      | <b>INVESTMENT REPORT FOR PERIOD ENDED 30 SEPTEMBER 2025</b> |

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

|                             |                                                                              |
|-----------------------------|------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>LEADERSHIP</b> - We understand and agree with how public money is spent   |
| <b>CSP Strategy:</b>        | Continue to provide financial reports to Council                             |
| <b>CSP Delivery Program</b> | Manage Investments - Plan, develop and manage Council's investment portfolio |

### **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.

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

#### **That Council:**

**Notes the Investment Report for the period ended 30 September 2025.**

### **BACKGROUND**

In accordance with Clause 212 of the *Local Government (General) Regulation 2021* the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the *Local Government Act 1993*. The report must be made up to the last day of the month immediately preceding the meeting.

### **REPORT:**

#### Summary of Investments

Council investments held in term deposits as at 30 September 2025 was \$15,000,000.

The attachment to this report is a certified schedule of all Council's investments as of 30 September 2025 showing the various invested amounts and applicable interest rates.

Council's General Consolidated Account earned an interest rate of 3.60% for the month of September on a variable basis resulting in a reasonably high interest return. This is reviewed on a regular basis as part of cash flow monitoring.

### **COUNCIL IMPLICATIONS:**

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

Our Governance No. 88 Cont...

**2. Policy and Regulation**

- Investment Policy V15
- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Council's investments are staggered throughout the year with varying terms to aid in cashflow management and to take advantage of the highest interest rate available at the time of investment. This process along with the high balance in the "Cash at Call" Account guarantees there will always be ready cash available to cover operating expenditure.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Liz Alley**

**Director Corporate Services**

Prepared by staff member: Jane Walton, Manager Finance and Technology

Approved/Reviewed by Manager: Liz Alley, Director Corporate Services

Department: Office of the Director Corporate Services

Attachments: **1** Investment Report as at 30 September 2025 **1** Page

**TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 30 SEPTEMBER 2025**

| Financial Institution            | Issuer Rating | Investment Term | Maturity Date | Interest Rate | Amount \$            | Percentage Exposure | Source of Invested Funds                     |
|----------------------------------|---------------|-----------------|---------------|---------------|----------------------|---------------------|----------------------------------------------|
| NAB                              | AA-           | 91 Days         | 20/Oct/25     | 4.20%         | 1,500,000.00         | 10.00%              | Water Fund 66.6%, Stormwater Fund 33.3%      |
| NAB                              | AA-           | 91 Days         | 25/Nov/25     | 4.10%         | 1,000,000.00         | 6.67%               | Waste Fund                                   |
| NAB                              | AA-           | 91 Days         | 06/Oct/25     | 4.20%         | 2,000,000.00         | 13.33%              | Regional Emergency Road Repair Grant         |
| NAB                              | AA-           | 91 Days         | 27/Oct/25     | 4.20%         | 2,000,000.00         | 13.33%              | Disaster Recovery Funding Arrangement (DRFA) |
| <b>TOTAL NAB INVESTMENTS</b>     |               |                 |               |               | <b>6,500,000.00</b>  | <b>43.33%</b>       |                                              |
| Commonwealth Bank                | AA-           | 3 Months        | 13/Oct/25     | 4.22%         | 3,000,000.00         | 20.00%              | Sewer Fund                                   |
| <b>TOTAL CBA INVESTMENTS</b>     |               |                 |               |               | <b>3,000,000.00</b>  | <b>20.00%</b>       |                                              |
| Westpac                          | AA-           | 6 Months        | 30/Mar/26     | 4.15%         | 1,500,000.00         | 10.00%              | Waste Fund                                   |
| Westpac                          | AA-           | 3 Months        | 28/Oct/25     | 4.20%         | 2,000,000.00         | 13.33%              | Waste Fund                                   |
| Westpac                          | AA-           | 3 Months        | 15/Dec/25     | 4.08%         | 2,000,000.00         | 13.33%              | Regional Emergency Road Repair Grant         |
| <b>TOTAL WESTPAC INVESTMENTS</b> |               |                 |               |               | <b>5,500,000.00</b>  | <b>36.67%</b>       |                                              |
| <b>INVESTMENTS TOTAL</b>         |               |                 |               |               | <b>15,000,000.00</b> | <b>100.00%</b>      |                                              |

**Summary**

I hereby certify that the investments as shown herein, have been invested in accordance with Section 625 of the Local Government Act 1993, and associated Regulations, and in accordance with Council policy and procedures.

**Responsible Accounting Officer:**

**Jane Walton**

**NOTES:**

In the month of September 2025, no term deposits were made or discontinued. \$3.5 million of term deposits matured and were reinvested as shown below:

| Financial Institution | Date Matured | Amount \$    | Actions Taken                                 | Source of Invested Funds             |
|-----------------------|--------------|--------------|-----------------------------------------------|--------------------------------------|
| Westpac               | 15/Sep/25    | 2,000,000.00 | total amount reinvested for 3 months at 4.08% | Regional Emergency Road Repair Grant |
| Westpac               | 30/Sep/25    | 1,500,000.00 | total amount reinvested for 6 months at 4.15% | Waste Fund                           |



|                      |                                                  |
|----------------------|--------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b> |
| <b>Submitted by:</b> | Jane Walton, Manager Finance and Technology      |
| <b>Reference:</b>    | <b>ITEM GOV89/25</b>                             |
| <b>Subject:</b>      | <b>REPORT ON LOAN BALANCES 30 SEPTEMBER 2025</b> |

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

|                             |                                                                            |
|-----------------------------|----------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>LEADERSHIP</b> - We understand and agree with how public money is spent |
| <b>CSP Strategy:</b>        | Continue to provide financial reports to Council                           |
| <b>CSP Delivery Program</b> | Financial data reported monthly, quarterly and annually to Council         |

### **SUMMARY**

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

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

**That Council notes the loan balance as of 30 September 2025 was \$18,987,677 (\$19,393,720 as at 30 June 2025).**

### **BACKGROUND**

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

### **REPORT:**

Loan payments are being made in accordance with the particular loan agreements.

No new loans were taken out during the reporting period 1 July 2025 to 30 September 2025.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Section 621 of the *Local Government Act 1993* (the Act) allows a Council to borrow at any time for any purpose allowed under the Act, subject to any restrictions imposed by the Minister in accordance with Section 624 of the Act.
- Borrowing Policy.

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

For the 2025/2026 Operational Plan and Budget Council has indicated nil borrowings. Notification to the NSW Office of Local Government (OLG) was not required for a nil new borrowing position.

Our Governance No. 89 Cont...

For the 2024/2025 financial year Council did not take any new loans but did pay out the loan for the Main Street Upgrade and refinanced two (2) loans, for the Sewerage Treatment Plant and the Urbenville Water Treatment Plant.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

The two refinanced loans during the 2024/25 financial year have reduced the financial risk to Council with total savings over the next 8 years of \$923,208.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Liz Alley**  
**Director Corporate Services**

|                               |                                                |
|-------------------------------|------------------------------------------------|
| Prepared by staff member:     | Jane Walton, Manager Finance and Technology    |
| Approved/Reviewed by Manager: | Liz Alley, Director Corporate Services         |
| Department:                   | Office of the Director Corporate Services      |
| Attachments:                  | <b>1</b> LOAN BALANCES AS AT 30 SEPTEMBER 2025 |
|                               | 1 Page                                         |

**Tenterfield Shire Council**  
**Loans Schedule**  
**As at 30 September 2025**

| Loan Details                                    |                                                             |           |                                |               |            |                  |                            | Principal \$                |
|-------------------------------------------------|-------------------------------------------------------------|-----------|--------------------------------|---------------|------------|------------------|----------------------------|-----------------------------|
| FUND                                            | PURPOSE                                                     | AMOUNT \$ | OBTAINED FROM                  | DATE OBTAINED | DUE DATE   | RATE OF INTEREST | INTERVALS AT WHICH PAYABLE | Principal Balance Remaining |
| General Fund                                    | Transport Infrastructure (and supportive plant items)       | 3,100,000 | Commonwealth Bank of Australia | 29/03/2023    | 31/03/2043 | 5.57%            | Half Yearly                | 2,872,774.45                |
| General Fund                                    | Transport Infrastructure (and supportive plant items)       | 2,604,612 | Commonwealth Bank of Australia | 31/03/2022    | 31/03/2042 | 4.40%            | Half Yearly                | 2,296,097.18                |
| General Fund                                    | Infrastructure 2020/21                                      | 4,048,952 | Commonwealth Bank of Australia | 31/03/2021    | 29/03/2041 | 2.69%            | Half Yearly                | 3,316,856.09                |
| General Fund                                    | Infrastructure 2019/20                                      | 1,000,000 | Commonwealth Bank of Australia | 15/06/2020    | 15/06/2040 | 2.90%            | Half Yearly                | 801,221.10                  |
| Sewer Fund                                      | Tenterfield Sewerage Treatment Plant                        | 1,590,200 | National Australia Bank        | 4/06/2025     | 30/05/2033 | 5.10%            | Quarterly                  | 1,549,373.71                |
| Water Fund                                      | Dam Wall Construction (1)                                   | 3,087,672 | CBA (Refinanced from ANZ)      | 29/09/2021    | 30/09/2041 | 2.59%            | Half Yearly                | 2,591,949.89                |
| Water Fund                                      | Dam Wall Construction (2)                                   | 2,684,880 | CBA (Refinanced from CBA)      | 6/07/2022     | 7/07/2042  | 5.73%            | Half Yearly                | 2,448,816.19                |
| Water Fund                                      | Urbenville Water Treatment Plant                            | 218,600   | National Australia Bank        | 4/06/2025     | 30/05/2028 | 4.58%            | Quarterly                  | 201,471.90                  |
| Waste Fund                                      | Waste Management - Boonoo Boonoo Landfill (Develop Stage 5) | 3,300,000 | Commonwealth Bank of Australia | 31/03/2022    | 31/03/2042 | 4.40%            | Half Yearly                | 2,909,116.86                |
| TOTAL Principal Balance as at 30 September 2025 |                                                             |           |                                |               |            |                  |                            | 18,987,677.37               |

|                      |                                                           |
|----------------------|-----------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Infrastructure Services</b>     |
| <b>Submitted by:</b> | Matthew Francisco, Director of Infrastructure Services    |
| <b>Reference:</b>    | <b>ITEM GOV90/25</b>                                      |
| <b>Subject:</b>      | <b>INFRASTRUCTURE SERVICES DIRECTORATE MONTHLY REPORT</b> |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community. |
| <b>CSP Strategy:</b> | Management of Council's assets will be long term and focused on meeting the needs of the community now, and into the future.                         |

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**SUMMARY**

The purpose of this report is to provide Councillors for their information with an overview of work carried out in the Department of Infrastructure Services for the month of September 2025.

**OFFICER'S RECOMMENDATION:**

**That Council:**

**Receives and notes the information contained in the report.**

**BACKGROUND**

Since the Monthly Operational Report has now ceased to be included with the Council Meeting Business Paper, monthly departmental reports are being prepared – containing operational data and actions for the information of Councillors.

**REPORT:****Council Buildings**

- Repairs are continuing to be being carried out on Council properties to ensure maintenance schedules of Council buildings are kept up to date.
- School of Arts lighting –additional lighting has been arranged for the foyer and repairs to existing.
- Request for quote for an accessible toilet to be constructed at the Youth Precinct has now been received and will be accepted in October.
- NRMA have commenced design of two (2) further charge stations behind 157 Rouse Street, Tenterfield – Council is waiting for final design - ongoing.
- Discussions with Chubb about inspection emergency lighting, evacuation plans are to be developed and Fire Safety Certificates for all Council owned/managed buildings.

Our Governance No. 90 Cont...

- Review/inspection of lighting upgrade at the Tenterfield Shire Depot. Scope and budget is being developed.
- No Camping signs have been installed for the Ottobeuren Park and now being monitored by the Council Ranger.

### **Licences & Agreements on Council owned/managed Land**

- Tenterfield Total Care draft lease for 136-138 Manners Street, Tenterfield – with solicitors - ongoing.
- Urbenville Medical Centre - another Doctor will be taking over the practice. Currently the Lease has being drafted and being reviewed by UMC doctor in October.

### **Swimming Pool Complex**

- New Pailintest (for testing pool water quality) has been received due to the existing unit not being able to be recalibrated.
- Repairs to the pool shell is currently being assessed and paint purchased to fix the issue.
- Pool Contract has now been signed and new contractor took over in September.
- Slab for acid tank has now been constructed and the new Acid tank will be installed in October.
- Slab for new chemical shed has been constructed and will be installed in October.
- Preparing for the pool season with painting of the pool, maintaining plant and grounds ready and carrying out minor repairs to the facility.
- Final inspection to complete contract requirements with Just Sports n Fitness preparing for Tenterfield Aquatic Centre to commence new contract.
- Aquatic Engineer has completed inspection in September and report has been provided.

### **September Report Water**

- Toolbox meeting held at the depot
- New water services x 4 at Jennings
- Water service replacement x 2
- new valve installed on the UV system
- New solenoid valve installed on PAC
- Replaced valve on bore tank
- Fire hydrant M&R
- Removed geobag from water plant
- Water mains M&R
- Water limiters installed x 2 in Tenterfield.

Our Governance No. 90 Cont...

### September Report Wastewater

- Sewer choke x 7
- Raised x 2 sewer manholes
- Pump station M&R
- New pump installed at tertiary ponds

### September Report Waste

- Total waste disposed to landfill 172 tonnes
- Total recycling 28.2 tonnes

Total Visitors to transfer stations 1,049

Breakdown below:

- Drake 271 (02/09/2025 to 30/09/2025)
- Torrington 61 (1/09/2025 to 13/09/2025)
- Urbenville 97 (02/09/2025 to 23/09/2025)
- Liston 113 (3/9/2025 to 28/09/2025)
- Legume 50 (02/09/2025 to 27/09/2025)
- Tenterfield 457 (01/09/2025 to 29/09/2025)

### Weeds Management

#### Weeds Treated

Mt Lindesay Highway, near Koreelah - **Lantana**

**Black Knapweed** on Core infestation and Bellevue and Aldershot Rds. Tenterfield.

**Cape Broom** Scrub Rd and Sunnyside Loop Rd.

**Privet** removal Tenterfield Creek from Douglas St Bridge to Showgrounds on the eastern side

#### Council Lands Sprayed

Tenterfield Water Treatment Plants (old and new), Tenterfield Sewage Treatment plant and ponds, Tenterfield Saleyards, Tenterfield Transfer Station and pound. Bruxner park, Swimming Pool.

#### High Risk Site Inspections

7 x Black Knapweed inspections, Torrington Transfer Station, Torrington National Park camping grounds, Crooked Creek Camping Grounds, Tenterfield Endurance riding Club grounds, Tenterfield Transfer Station, Tenterfield Sale Yards and Tenterfield Dam.

#### Property Inspections

8 x property inspections.

#### High risk pathways

Mt Lindsey Highway

Bellevue Rd and Aldershot Rds. 2 x 8km



Our Governance No. 90 Cont...

High risk waterways

N/A

### **Road Network**

Gravel Roads Graded

Billirimba Rd (WIP)

Demon Ck Rd South

Tarban Loop Rd

Bald Rock Rd

Cottesbrooke Rd (WIP)

Wellington's Lookout Rd (WIP)

Old Koreelah Rd

White Swamp Rd (WIP)

Red Rock Rd

Rover Park Rd

### **Pothole Patching**

Most roads have had patching due to inclement weather which is a direct result of poor funding of reseals in the past.

Regional Roads attract most attention due to their status as an A Class Rd and rural roads as needed. Remembering that Council's patching crew exists of one FTE employee.

Roads patched include:

Mt Lindesay Rd

Tenterfield Streets

Bruxner Way

### **Heavy Patching (Not Capitalised)**

Nil.

### **Vegetation Management**

Nil.

### **Drainage Cleanout**

All roads graded and others as necessary, depending on available resources.

### **Heavy Patching (Capitalised)**

Nil.

### **Gravel Roads Re-sheeted**

Our Governance No. 90 Cont...

Council has a resheeting budget for 25/26 FY, this will be combined with DRFA, maintenance budgets and RERRF to achieve economies of scale while on site at that particular road. DRFA funding is limited to those areas approved by TfNSW.

### **Bridge Projects**

Springfield Bridge – Mole River – Open to Traffic 4 August 2025 – minor concrete patching to be completed. FCB funded.

White Swamp Road Bridge – Bridge complete, roadworks carried out in September, open to traffic date in 18 September – tidying up to be completed in October. FCB funded.

Tooloom Street Bridge – Bridge underway, open to traffic date 25 September - tidying up to be completed in October. FCB funded.

Pattersons Bridge – Bridge complete – Open to Traffic 5 August 2025, minor roadworks carried out in late September. FCB funded.

Billirimba Bridge – Bridge under construction. Open to Traffic planned for October 2025. DRFA Funded.

Molesworth Street Bridge – Currently being designed. Expecting 100% Design in October. TfNSW preparing estimates. RRTRP Funded.

### **Livestock Saleyard**

Prime Sale                      707 Head - Value \$1,014,157.11

Private Weighing              55 Head – Value \$ 92,644.50

New Scanners have arrived and will be installed in early November.

Saleyard meeting has been held, agents have decided on the brand of the replacement cattle crushes.

### **Parks, Gardens & Open Space**

#### September 2025

Daily duties include public toilet cleaning, park/street bins, BBQ cleaning, playground inspecting.

Mowing of parks and road verges.

Procurement underway for the replacement of the two Toro Mowers.

Brush cutting.

Spraying of town streets and footpaths.

Pruning trees in Rouse Street.

Cleaning of all the picnic tables within the parks.

Public toilet repairs when required.

Cemetery maintenance and mowing.

Further removal of Privet from along the Tenterfield Creek.

Garden maintenance, repairs, and fertilizing flowers.

Email sent to Essential Energy regarding replanting Pin oaks under power lines awaiting response.

Assist in event coordination setup.

Maintenance within the Youth Precinct on riding tracks.

Jennings Park, regular inspections for compliance with no camping.

Concerns in relation to the mowing, toilet cleaning and general maintenance around Urbenville.

Our Governance No. 90 Cont...

Assisted with the reopening of the Tenterfield Pool season.

**Ranger**

Number of dogs impounded

10 dogs impounded

0 cats impounded

3 released to rescue organisation

3 returned to owner

4 euthanized (surrendered by owners – aggressive)

1 nuisance dog orders issued

Infringements

2 Fail to prevent dog from escaping

12 Park continuously for longer than indicated

2 Stop in disabled park area without current permit displayed

1 Companion animal (other) not registered as prescribed

1 Stop on path/strip in built up area

**Matthew Francisco**

**Director of Infrastructure Services**

Prepared by staff member:

Matthew Francisco, Director of Infrastructure Services

Approved/Reviewed by Manager:

Matthew Francisco, Director of Infrastructure Services

Department:

Office of the Director Infrastructure Services

Attachments:

**1** MINUTES SALEYARDS ADVISORY COMMITTEE **2** Pages

**TENTERFIELD SHIRE COUNCIL**

**RECORD OF MEETING OF THE TENTERFIELD SALEYARDS ADVISORY COMMITTEE  
WAS HELD AT THE TENTERFIELD SHIRE COUNCIL SALEYARDS ON  
TUESDAY, 30 September 2025 COMMENCING AT 9.00 AM.**

---

**PRESENT**

Mark Cooper, MOSRU  
Laurie Stenzel Alford & Duff Real Estate  
Matt Duff, Harold Curry Real Estate & Stock Agents  
Steve Alford, Alford & Duff Real Estate  
Ben Sharpe, APL  
Glen Curry – Harold Curry Real Estate & Stock Agents  
Lisa Martin- Local Land Services  
Peter Petty, Councillor

**APOLOGIES:**

Tim Bonner, Councillor  
Bronwyn Petrie, Mayor

**CONFIRMATION OF RECORD OF PREVIOUS MEETING**

Resolved that the Minutes of the Tenterfield Shire Council Saleyards Committee meeting held on 2 May 2023, be confirmed and signed as a true record of the proceedings of the meeting – Laurie Stenzel

**BUSINESS ARISING**

- **No parking signs to be placed in front of the canteen area.**

Not required as no one parks there.

**GENERAL BUSINESS**

- Scanners- New scanners are going to be installed by AllFlex in late October.  
Mark Cooper has approached Thomas Longhorn for quote to upgrade single deck ramps – get rid on all the timber for easy maintenance.
- Mark Cooper to get quote of three new cattle crushes, roof over them and solar light on roof for night time users
- Glen Curry – need for light in the middle of the saleyards around pens 50-51. Mark Cooper to get quote.
- Peter Petty – Declaration of Interest – would like to represent the Cattle transport as well as Councillor
- Peter Petty – northern pens quote some fold out hay racks. Mark Cooper to obtain quote

Saleyards Advisory Committee Minutes

30 September 2025

- 
- Peter Petty – Possibility of grants for shade cloth in selling pens for animal welfare.
  - Lisa Martin –Ebony Nowland – biosecurity Officer who will talk to the agents around biosecurity in relation to sheep.
  - Lisa Martin- Discussion of Animal Welfare component should be listed on the Saleyards Management Plan.  
Discussing documentation of the humane destruction of animals – document such things as what happened, how handled, addressed in a timely matter, risk assessment.
  - Bronwyn Petrie (Mayor) - spoke on locking of the gates at the last Council meeting, this will decrease biosecurity risks and the possibility of cattle theft .Mark Cooper to obtain quote on Avdata system for front gate and also signs on front gate with after hour contact details
  - Reflectors required on the cattle ramps for trucks reversing.
  - Saleyard meeting every 4 months.

**Consensus**

**Next Meeting – Tuesday, 3<sup>rd</sup> February 2026 - 9.00am at Saleyards**

Meeting finished at 9.45am.

|                      |                                                                                    |
|----------------------|------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>                                               |
| <b>Submitted by:</b> | Allison Graham, Executive Assistant & Media                                        |
| <b>Reference:</b>    | <b>ITEM GOV91/25</b>                                                               |
| <b>Subject:</b>      | <b>WORKFORCE, SAFETY, RISK, RECORDS AND COMMUNICATIONS REPORT - SEPTEMBER 2025</b> |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                            |
|----------------------|----------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>LEADERSHIP</b> - We understand and agree with how public money is spent |
| <b>CSP Strategy:</b> | Continue to provide financial reports to Council                           |

---

**SUMMARY**

The purpose of this report is to provide a standing monthly report to Council that provides data within the Civic Department for Workforce, Safety, Risk, Records and Communications

**OFFICER'S RECOMMENDATION:**

**That Council:**

**Notes the Workforce, Safety, Risk, Records and Communications Report for September 2025.**

**BACKGROUND**

Since the Monthly Operational Report has now ceased to be included with the Council Meeting Business Paper, monthly departmental reports are being prepared – containing operational data and actions for the information of Councillors.

This report replaces the Civic Office, Economic Growth, Workforce Development and part of the Corporate and Governance reports of this Monthly Operations Report.

**REPORT:****Workforce Statistics**

The current FTE (Full Time Equivalent) of Council is 91 which is comprised of 88 full time positions and 8 part time positions in Council (this figure does not include casuals or traineeships/apprenticeships). The current positional vacancy is 20.



Our Governance No. 91 Cont...



**Recruitment**

Positions recruited for in September.

- Manager Infrastructure & Delivery
- Senior Projects Engineer (Water & Waste)
- WHS Officer
- Plant Operator (Water Cart) Tenterfield
- Lands Management Officer
- Library Information & Programs Officer
- Waste Disposal Officer (Boonoo Boonoo Landfill)
- Team Leader (Excavator)
- Procurement Officer
- Communications Officer

**Learning & Development**

- Traineeship Certificate III in Water Industry Operations – ongoing
- Traineeship Certificate IV in Library & Information Services
- High Risk Work Licence (C6) operate slewing mobile crane with a Maximum Rated Capacity (MRC) of up to 60 tonnes
- High Risk Work Licence (DG) Dogman
- Diploma in Facilities Management – ongoing
- Code of Conduct and Dignity & Respect Training for all staff – final training session scheduled for November
- Conduct Civil Construction Excavator Operations

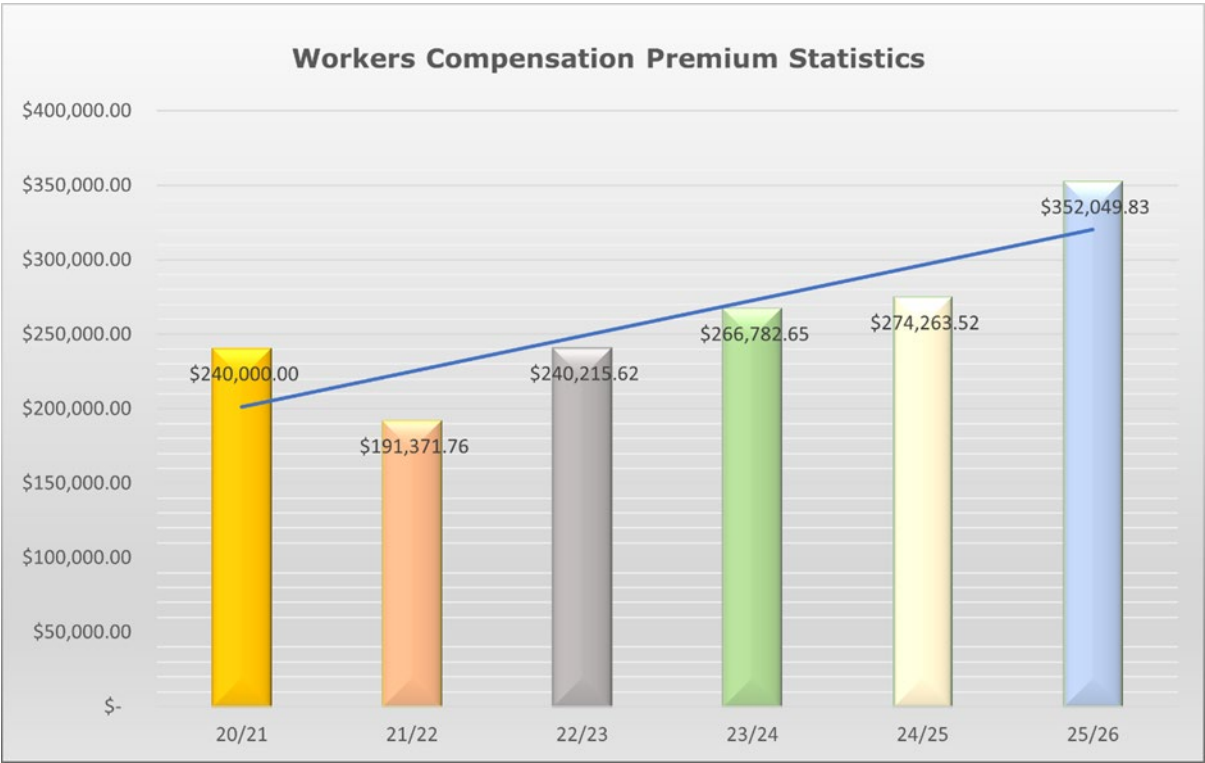
Regulatory training is being reviewed with various training being organised for 2025, some of which includes Working at Heights, Confined Spaces, Asbestos Awareness, Silica Awareness, Sharps Training and First Aid.

Government incentives and initiatives are being investigated for future learning and development programs and is ongoing.

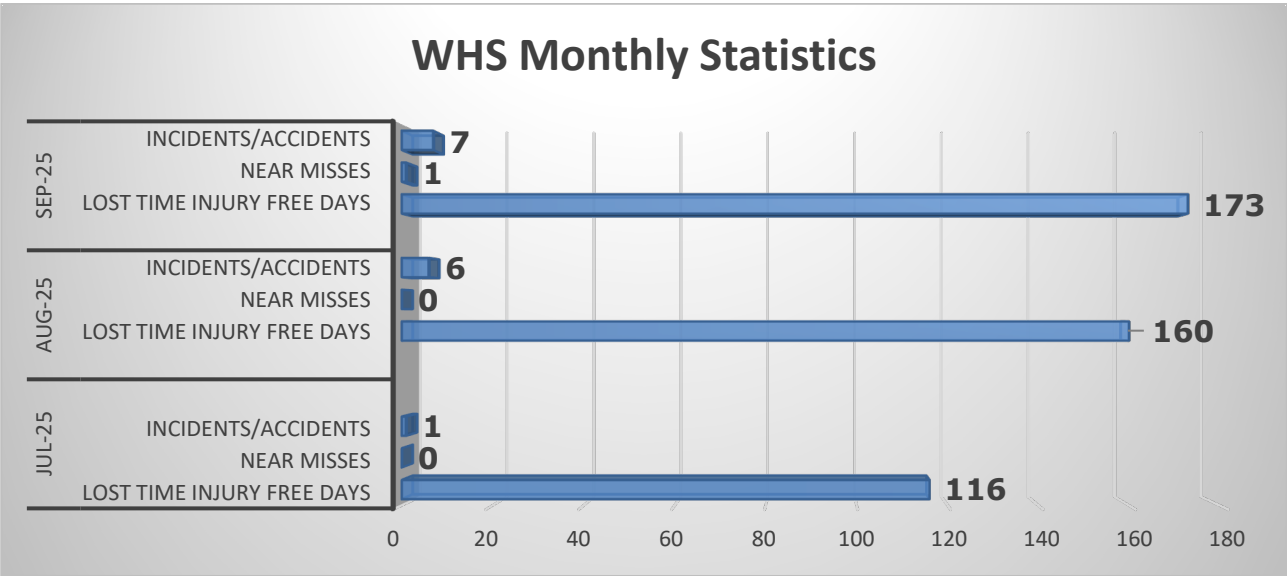
**Annual Workers Compensation Premium Statistics**

Our Governance No. 91 Cont...

Workers’ compensation premium statistics are provided below. Although Council has seen minimal workers with lost time injuries during the period of 2024/2025, there has been impact on our premiums due to the nature of these claims which is demonstrated in the premium for 2025/2026.



Workplace Health & Safety Statistics  
Reported Statistics



Health & Wellbeing

Psychological health and safety in the workplace must be managed. Council has a legal responsibility to ensure healthy and safe workplaces. This includes, so far as is reasonably practicable, preventing or removing workplace factors to psychological safety, and where it is not possible to do so, reducing these factors and their impact.

Our Governance No. 91 Cont...

Daly & Ritchie Council’s EAP (Employee Assistance Program) provider has attended Tenterfield Shire Council onsite monthly with the service available to all employees and councillors.

Council’s EAP provides:

- Short term individual counselling or coaching, and
- Confidential psychological support service 24 hours/7days a week

The program also assists employees with:

- mental health concerns
- personal life or stress issues
- family and relationship matters
- concerns that relate to everyday life
- drug and alcohol issues
- assistance with financial coaching
- help with nutrition and diet
- career development and planning

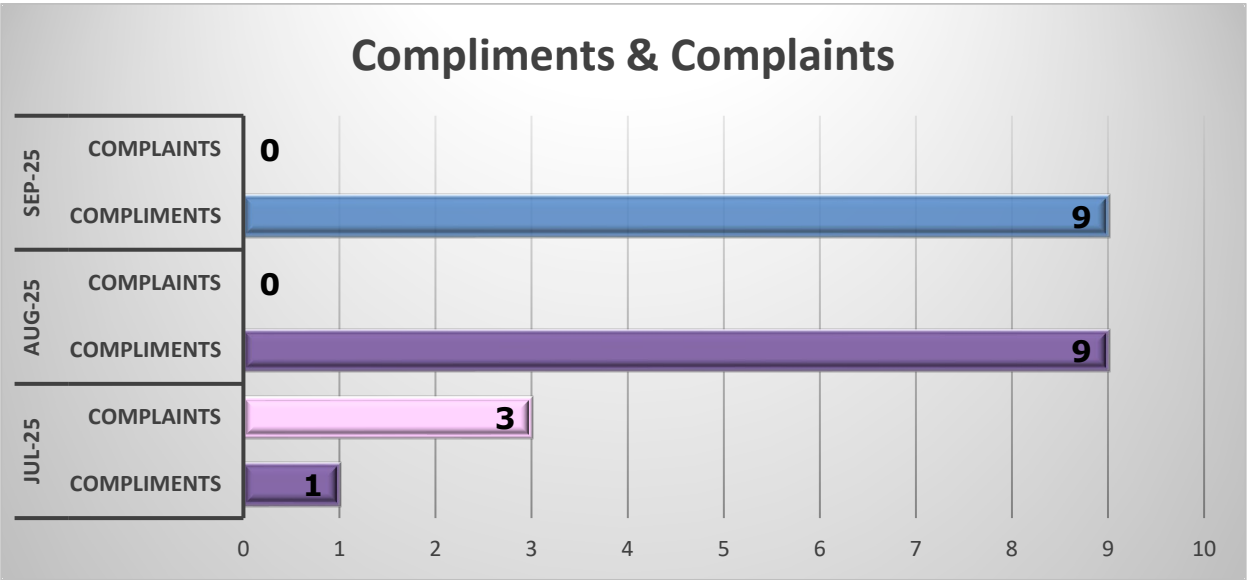
Audiometric testing for staff is being organised for early next year, in line with workplace health and safety regulation requirements.

Risk Management

The approved Risk Management Framework continues to be integrated within the organisation with Council's extant risk management IT system, Altus being calibrated to adhere and align to the updated risk matrix, appetites and tolerances.

Further consultation is required on the Operational and Project Risk Registers, and a comprehensive training program is being developed in order to roll out to all key internal stakeholders, along with the Business Continuity Plan, following review with the Leadership Executive Team.

Compliments & Complaints



Our Governance No. 91 Cont...

## Communications

### Social Media

27 Posts to Facebook with combined tallies of 28,179 Views and 171 Reactions:

- 01/09/2025 – Mental Health & Wellbeing First Aid Training (Northern New England, Regional Drought Plan Event - Future Drought Fund)  
Views: 755, Reactions 4
- 01/09/2025 – Link to Tenterfield Shire Council's Development Application Register List  
Views 2681, Reactions 9
- 04/09/2025 – Applications for the 2025-2026 Northern Inland Academy of Sport (NIAS) various programs are open now  
Views 600, Reactions 2
- 09/09/2025 – 2025 Innovate with nbn® Grants Program now open – Connecting Regional Businesses to Power Progress  
Views: 451, Reactions 3
- 16/09/2025 – Link to Tenterfield Shire Council's Development Application Register List  
Views: 1980, Reactions 4
- 16/09/2025 – Tenterfield Public Library - School Holiday Activities (October)  
Views: 746, Reactions 9
- 16/09/2025 – Tenterfield Public Library – Look for our [Tenterfieldshirelibraries](#) Facebook Page  
Views: 317, Reactions 4
- 17/09/2025 – How to Report a Streetlight Fault If you have an Essential Energy faulty streetlight in your street  
Views 471, Reactions 6
- 19/09/2025 – Rural Financial Counselling Service – Workshop transition farming  
Views: 267, Reactions 1
- 19/09/2025 – NSW Government - Media Release – Applications open for funding to recognise service of NSW Veterans  
Views: 806, Reactions 2
- 19/09/2025 – It's time for a Household Chemical Cleanout – Northern Inland Regional Waste (NIRW)  
Views: 862, Reactions 5
- 19/09/2025 – Regional Lifestyle Magazine Council is sponsoring the Summer Edition of the Regional Lifestyle Magazine to promote the Shire  
Views: 2071, Reactions 9
- 22/09/2025 – Notice of Changed Traffic Conditions – Wellington Lookout Road Works – Temporary Road Closure  
Views: 263, Reactions 0
- 22/09/2025 – Notice of Changed Traffic Conditions – Black Swamp Road, Cataract River Bridge – Temporary Road Closure

## Our Governance No. 91 Cont...

Views: 412, Reactions 0

- 22/09/2025 – Link to Tenterfield Shire Council's Development Application Register List  
Views: 381, Reactions 0
- 22/09/2025 – Northern New England Regional Drought Plan Events – Schedule of Events  
Views: 424, Reactions 1
- 22/09/2025 – Northern New England Regional Drought Plan Events – Farm Budgeting Masterclass  
Views: 252, Reactions 1
- 22/09/2025 – Northern New England Regional Drought Plan Events – Effective Farm Record Keeping  
Views: 291, Reactions 1
- 22/09/2025 – Notice of Changed Traffic Conditions – Works along Mt Lindesay Road – Boundary Road to Bryans Gap Road  
Views: 815, Reactions 7
- 23/09/2025 – Notice – Citizenship Ceremony and Community Consultation Session, Prior to the Ordinary Council Meeting, Wednesday, 24 September 2025  
Views: 487, Reactions 0
- 26/09/2025 – nbn's biggest internet upgrade: faster speeds for more Australians nbn®  
Views: 388, Reactions 1
- 26/09/2025 – NSW Government, Office of Local Sport – Local Sport Defibrillator Grant Program  
Views: 330, Reactions 0
- 26/09/2025 – Positions Vacant Tenterfield Shire Council currently have positions vacant to fill within its Infrastructure Department  
Views: 5988, Reactions 9
- 26/09/2025 - Spring has sprung! just a small snapshot of Council's Parks and Gardens Department living works of art  
Views: 1373, Reactions 27
- 26/09/2025 - Tenterfield Economic Development Strategy: Business and Community Survey  
Views: 861, Reactions 5
- 29/09/2025 – Link to Tenterfield Shire Councils Development Application Register List  
Views: 417, Reactions 1
- 29/09/2025 – Welcome to our new Australian Citizens  
Views: 3490, Reactions 60

Our Governance No. 91 Cont...

**Website**

14 notices posted

**Newsletter**

14 items over 6 pages for Issue 200, August/September 2025

**Other Communiques**

- Information Screen in Council's Reception Foyer – 20 screen presentations

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

Nil.

**2. Policy and Regulation**

- *Local Government Act 1993*

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

Prepared by staff member:

Allison Graham, Executive Assistant & Media



Our Governance No. 91 Cont...

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the General Manager

Attachments: There are no attachments for this report.

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>         |
| <b>Submitted by:</b> | Janet Vassallo, Human Resources Co-Ordinator |
| <b>Reference:</b>    | <b>ITEM GOV92/25</b>                         |
| <b>Subject:</b>      | <b>REVIEW OF ORGANISATION STRUCTURE</b>      |

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

|                              |                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>             | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>         | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>Delivery Plan Action:</b> | Develop, manage and deliver the Workforce Management Strategy                                                                                                                                                          |

### **SUMMARY**

This report communicates and informs on Council's current organisation structure.

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

**That Council:**

**Notes the review and status of the Organisation Structure.**

### **BACKGROUND**

The *Local Government Act 1993* outlines how councils are staffed.

#### **Section 332 Determination of structure**

(1) A council must, after consulting the general manager, determine the resources to be allocated towards the employment of staff.

**(1A)** The general manager must, after consulting the council, determine the positions within the organisation structure of the council.

**(1B)** The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.

Through the General Managers consultation with Council, determination was made at the Council Meeting held on the 23 June 2025, where a resolution (101/25) of was adopted which provided for the provision of eight (8) additional positions within Council's organisation structure, and a continuation of funding for the risk management function to be provided by an external resource – as has been the case for the previous years.

### **REPORT:**

Council fosters employee growth and organisational excellence, encompassing training, career development, talent management and promoting a positive work culture encompassing Council's values of Integrity, Community focus, Accountability, Respect, and Excellence ('ICARE'), and our mission statement of Quality Nature, Quality Heritage and Quality Lifestyle.

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Over the last few years, Council has seen impacts within our workforce due to financial implications, resulting in a moratorium on vacant positions which spanned between 2022 and 2024, which resulted in various structural changes within this time frame, with the last occurring in July 2024. These structural impacts brought about the following changes:

**Full Time Equivalent (FTE)** – as at 30 June 2023, the full time equivalent of Council was 106 (down from 112 FTE the previous years), which comprised of 97 full time positions and 15 part time positions. Out of the total FTE positions on the structure, the headcount of working staff was 88 at this time, (these figures do not include casuals or traineeships/apprenticeships).

**Full Time Equivalent (FTE)** – as at 30 June 2024, the full time equivalent of Council was 102, which comprised of 95 full time positions and 13 part time positions. Out of the total FTE positions on the structure, the headcount of working staff was 79 at this time, (these figures do not include casuals or traineeships/apprenticeships).

*This comprised of the structural changes that occurred from the redundancies of staff following the closure of the School of Arts (Cinema/Theatre/Museum) and Tourism Information Centre.*

**Full Time Equivalent (FTE)** – as at 30 June 2025, the full time equivalent of Council was 82, which comprised of 79 full time positions and 9 part time positions. Out of the total FTE positions on the structure, the headcount of working staff was 74 at this time, (these figures do not include casuals or traineeships/apprenticeships).

*This comprised of the re-structure that occurred in July 2024.*

### **Current**

In July 2025, the Organisational Structure, encompassing eight (8) additional positions resulted in the following:

**Full Time Equivalent (FTE)** – current from July 2025, the full time equivalent of Council is 90.7 which is comprised of 88 full time positions and eight (8) part time positions in Council (this figure does not include casuals or traineeships/apprenticeships). It is noteworthy that, at the time of preparing this report, there were 20 vacant positions.

The Council's Integrated Planning and Reporting documents, such as the recent adopted Operational Plan 2025-2026 and Delivery Program 2025-2029, sets out Council's objectives to support our community. In order for Council to achieve outcomes, we need to allocate resources to achieve success.

As provided in the report of 23 June 2025, "Even with this number added to the total full time staff number, it will not provide for any excess capacity within the organisation."

These 'new' positions and budget allocations have been strategically placed within the organisation structure, through identifying workforce gaps to provide additional resources to deliver outcomes of the strategic objectives and to better align with community deliverables.

Our Governance No. 92 Cont...

### **Workforce Development**

To strengthen Council's capacity to deliver services to our community and mitigate Council's people and culture risk management profile while addressing continued budgetary constraints, workforce development strategies and initiatives have become crucial to workforce transformation. Some of these key initiatives have been:

The Office of Local Governments 'Fresh Start Program' which is aimed to assist local Councils to develop sustainable workforces through providing apprenticeships, traineeships and cadets to address skills shortages, build capacity and create employment opportunities for the community. Guidelines were released on the 24 October 2024. Grant submissions were placed for the following:

- Round 1 – Two traineeships in Water Operations - successful
- Round 3 – Six apprenticeships in Civil Construction

Other Government initiatives and incentives are being investigated for future learning and development programs to provide continuous learning, mentorship and development pathways enabling succession planning.

Challenges and impacts on recruitment for positions in Council which has impeded talent acquisition, some being housing/accommodation, high cost of living, uncompetitive wages compared to the private sector, and an ageing workforce. These factors contribute to difficulty in attracting and retaining skilled workers which provides critical staffing gaps. With Council's ageing workforce, engagement with staff regarding phased retirement options not only assists the employee but also assists the organisation in retention strategies and retaining the incumbent's knowledge, skills and expertise until their retirement, without the risk of losing a significant amount of knowledge and expertise.

Recruitment strategies have consisted of additional networking and advertising resources, additional benefits of short-term rental subsidy, and relocation expenses.

### **COUNCIL IMPLICATIONS:**

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

As per Council Resolution 101/25.

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

- *Local Government Act 1993*
- *Local Government (State) Award 2023*

#### Commentary – General Manager:

An extract of an interpretation of Sections 332 and 333 of the *Local Government Act 1993* (the Act), provided by the NSW Office of Local Government on 6 March 2025, is quoted below:

*The term "council" is defined in the dictionary to the Act as meaning, "the council of an area". The term "council" means different things in different contexts in the Act and needs to be interpreted based on the context in which it is used.*

*In some contexts, the term "council" means the council as an organisation. In others, it refers to the governing body of a council. There are many provisions of*

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*the Act that clearly apply to the council as an organisation and not to the governing body of the council. For example, section 335(a) confers responsibility on the general manager "to conduct the day-to-day management of the council". Clearly, the term "council" in this context does not mean the governing body of the council.*

*Section 333 of the Act identifies the circumstances in which a "council" is to review and determine its organisation structure. It provides that a "council" may determine its organisation structure at any time, but may re-determine, the organisation structure with 12 months after any ordinary election of the council. The reference to "council" in section 333 refers to the council as an organisation.*

*Section 333 expressly requires councils to redetermine the organisation structure in accordance with Part 1 of Chapter 11 of the Act. This means that when redetermining its organisation structure under section 333, a council must do so in accordance with section 332. Section 332(1), provides the "council" (as in the governing body of the council), is responsible for determining the resources to allocate towards the employment of staff. Section 332(1A) in turn places responsibility exclusively on the general manager of a council to determine the positions within the organisation structure of the council. The governing body and general manager are required to exercise these functions in consultation with each other.*

*The governing body exercises its functions under section 332(1) by making a lump sum budget allocation for the employment of staff. Section 332(1) does not allow councillors to determine which specific positions it will fund. To do so effectively usurp the role of the general manager under section 332(1A) to determine the positions within the organisation structure of the council.*

*The provisions of section 332 were legislated by the Local Government Amendment (Governance and Planning) Act 2016. They were included in the Act on the recommendation of the Independent Local Government review Panel to provide greater clarity on the respective roles and responsibilities of the governing body and the general manager in determining the organisation structure, and to align with the function of the general manager prescribed under section 335 to "conduct the day-to-day management of the council" and to "direct and dismiss staff".*

*The amendments made to the Act last year to remove the option for governing bodies of councils to determine "senior staff" positions in the organisation structure have not altered the general manager's responsibility under section 332(1A) to determine the positions within the organisation structure of the council.*

Consistent with the above advice, the "Post-election guide for councils, county councils and joint organisations" published in August 2024 by the Department of Planning, Housing and Infrastructure (Office of Local Government), states the following:

*Under the Act, councils, county councils and joint organisations must review their organisation structure within 12 months of the elections. When reviewing the organisation structure, councils and joint organisations may redetermine the organisation structure but are not required to do so.*

Our Governance No. 92 Cont...

*The positions within the organisation structure of a council must be determined to give effect to the priorities set out in the community strategic plan and the council's delivery program.*

*The review and determination of the organisation structure and the allocation of resources to fund positions in the organisation structure should be a collaborative exercise between the governing body and the general manager or the executive officer in the case of a joint organisation.*

*Under the Act, responsibility for determining the positions within the organisation structure rests with the general manager or the executive officer meaning that this does not need to be done by resolution. The general manager or executive officer is required under the Act to consult with the governing body of the council or joint organisation before determining the positions within the organisation structure and to consider the views of councillors. When consulting with councillors on the proposed organisation structure, the general manager or executive officer should provide sufficient information to allow councillors to understand what is being proposed and why and to allow them to provide input into the general manager's or executive officer's decision. The final decision on the organisation structure ultimately rests with the general manager or executive officer.*

*The governing body of the council or joint organisation is in turn responsible under the Act for allocating resources through the budget process towards the employment of staff in the positions identified in the organisation structure. This is a non-delegable function and must be done by resolution. The governing body is required under the Act to consult with the general manager or executive officer before making budgetary decisions on the allocation of resources towards the employment of staff.*

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

Budget adopted as per Council Resolution 101/25.

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

Nil.

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

As per Council Resolution 101/25.

#### Commentary – General Manager:

A copy of council's current organisation structure is annexed to this report as Attachment 1. The positions depicted on this structure are not set in stone, as the organisation structure is in a process of being further refined. Difficulties in attracting and retaining staff also necessitate adjustments that need to be made from time to time.

Importantly, this structure should be viewed as being inadequate to properly service the Tenterfield Shire Council's community throughout the local government area. The point is again made that there is a significant gap between



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service expectations and the reality of financial and staffing resources, which misalignment continually puts staff under pressure.

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

The risk profile for people and culture will continue to be monitored within our Risk Management Framework.

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

Nil.

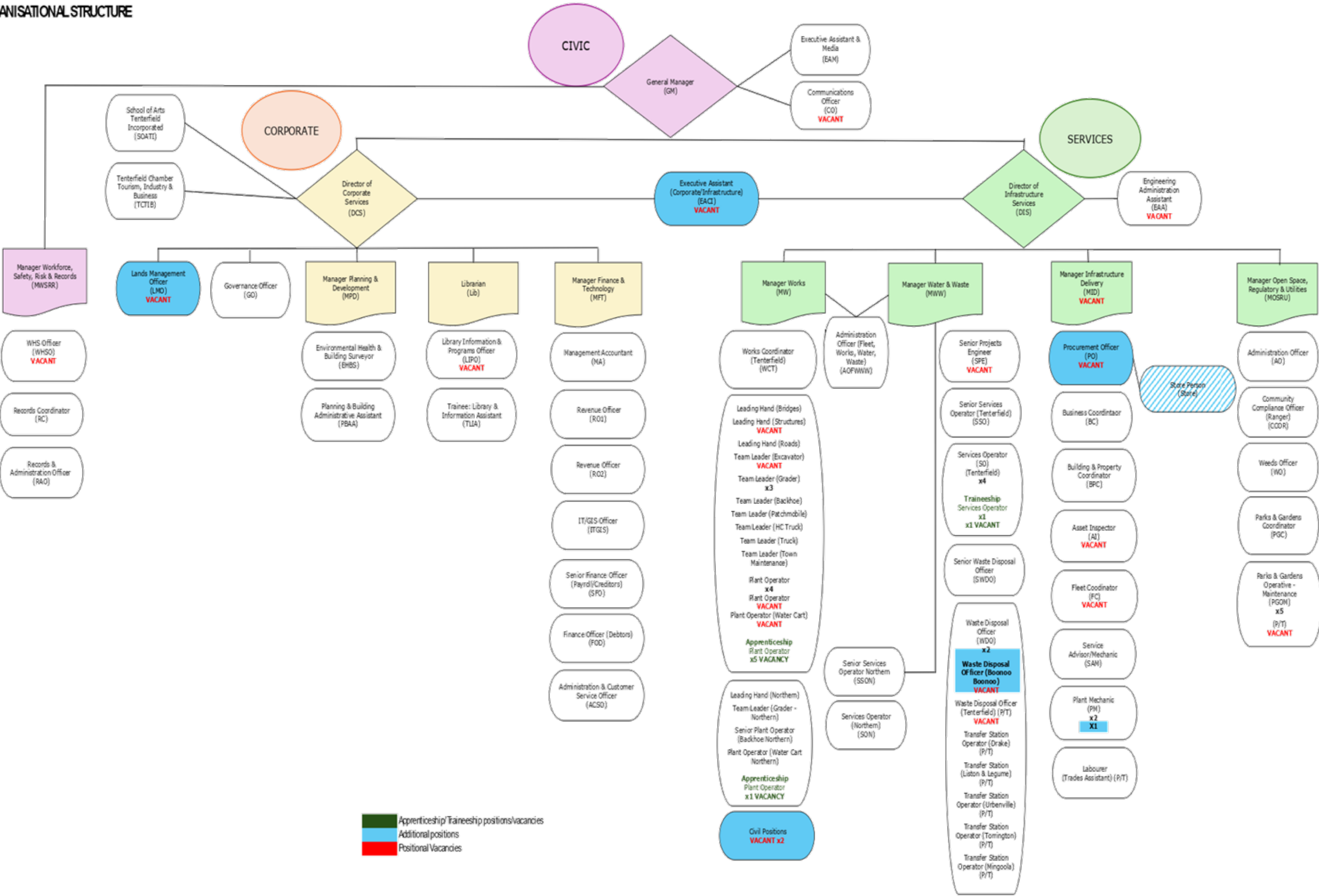
#### **8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

|                               |                                              |
|-------------------------------|----------------------------------------------|
| Prepared by staff member:     | Janet Vassallo, Human Resources Co-Ordinator |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                 |
| Department:                   | Office of the General Manager                |
| Attachments:                  | <b>1</b> Attachment 1. 1 Page                |

ORGANISATIONAL STRUCTURE





|                      |                                                  |
|----------------------|--------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Director Corporate Services</b> |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                   |
| <b>Reference:</b>    | <b>ITEM GOV93/25</b>                             |
| <b>Subject:</b>      | <b>DELEGATIONS TO THE GENERAL MANAGER</b>        |

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

|                              |                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>             | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>         | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>Delivery Plan Action:</b> | Develop, manage and deliver Governance Services, in accordance with the OLG Compliance Guide                                                                                                                           |

#### **SUMMARY**

In accordance section 377 of the *Local Government Act 1993* (the Act), a governing body of Council may, by resolution, delegate certain functions to the General Manager. Under section 380 of the Act, each Council must review all its delegations during the first 12 months of each term of office.

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

**That Council resolves that:**

- 1. The person who from time to time holds the position of General Manager of Council (General Manager), being at the date of this instrument, Mr Hendrik (Hein) Basson, be delegated authority under section 377 of the *Local Government Act 1993* (the Act), to exercise and/or perform on behalf of Council the Council's functions under all legislation in force and as amended from time to time:**
  - a) Excluding those functions:**
    - i. That are expressly prohibited from delegation as listed under Section 377 of the Act, and**
    - ii. Which are expressly required by legislation to be exercised by a resolution of the Council**
- 2. The General Manager be conferred authority to carry out Policy Authorities listed in the 'Instrument of Delegation to the General Manager' annexed as Attachment 1 to the report and undertake any administrative actions necessary to carry out those Policy Authorities.**
- 3. The General Manager be delegated any function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the Act – "Exercise of functions conferred or imposed on council employees under other Acts".**

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- 4. In the absence of the General Manager that a person appointed by resolution to act as General Manager, assume all functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.**
- 5. These delegations and policy authorities are subject to, and are to be exercised in accordance with:**
  - a) The requirements of the relevant legislation**
  - b) Any resolution or policy, procedure or budget adopted from time to time by the Council**
- 6. These delegations and policy authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.**

## **BACKGROUND**

In accordance with section 377 of the Act, the Council by resolution at its meeting on 13 March 2024 delegated its powers, authorities, duties and functions as set out in the 'Instrument of Delegation to the General Manager' annexed to this report as Attachment 1.

Under section 380 of the Act, each Council must review all its delegations during the first 12 months of each term of office.

All Council delegations contained herein are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council Policy
2. The delegated power, authority, duty or function being performed in accordance with the Law

The delegations of Council will remain in force until they are revoked or amended by a resolution of Council.

The Council notes that the General Manager may delegate his powers, authorities, duties and functions at his discretion.

## **REPORT:**

A governing body of Council may delegate certain functions to the general manager. A delegation of a Council function must be made by a Council resolution (Chapter 12 Part 3 sections 377-381 of the Act). A governing body of Council cannot delegate the functions set out in section 377(1) of the Act.

Our Governance No. 93 Cont...

A Council's governing body may not delegate the adoption of a Code of Meeting Practice, a Code of Conduct, or the endorsement of Community Strategic Plans, Resourcing Strategies, Delivery Programs and Operational Plans.

This document outlines the delegations that Tenterfield Shire Council has delegated to the General Manager under Section 377 of the *Local Government Act 1993* (Act). This section provides:

- 1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, **other than the following**:
  - a) The appointment of a general manager,
  - b) the making of a rate,
  - c) a determination under section 549 as to the levying of a rate,
  - d) the making of a charge,
  - e) the fixing of a fee,
  - f) the borrowing of money,
  - g) the voting of money for expenditure on its works, services or operations,
  - h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - i) the acceptance of tenders to provide services currently provided by members of staff of the council,
  - j) the adoption of an operational plan under section 405,
  - k) the adoption of a financial statement included in an annual financial report,
  - l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under Division 8.2 of the *Environmental Planning and Assessment Act 1979*,



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- p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- s) the making of an application, or the giving of a notice, to the Governor or Minister
- t) this power of delegation,
- u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:

- a) the financial assistance is part of a specified program, and
- b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- c) the program's proposed budget for that year does not exceed 5 percent of the council's proposed income from the ordinary rates levied for that year, and
- d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

## **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Section 377, 380 and Section 381 *Local Government Act 1993*

It is recommended for Council to again adopt the delegations to the General Manager that had been adopted last year in March 2024 without any changes (as is annexed to this report as Attachment 1), and that a fresh document be signed with this Council Meeting date.

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

Nil.

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

Nil.

Our Governance No. 93 Cont...

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

There is a requirement under Section 380 of the *Local Government Act 1993* for delegations to be reviewed during the first 12 months of each term of office.

7. Performance Measures

Nil.

8. Project Management

Nil.

Hein Basson  
General Manager

|                               |                                                 |         |
|-------------------------------|-------------------------------------------------|---------|
| Prepared by staff member:     | Lee Sisson, Governance Officer                  |         |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                    |         |
| Department:                   | Office of the Director Corporate Services       |         |
| Attachments:                  | 1 2024 Signed Delegation to the General Manager | 8 Pages |

## TENTERFIELD SHIRE COUNCIL

### INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Wednesday 13 March 2024 the Tenterfield Shire Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Mr. Hendrick Basson, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.b **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:

- a. the requirements of the relevant Legislation;
  - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
  - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
- o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
  - o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
  - o **"LG Act"** means the *Local Government Act 1993* as amended.

## Schedule 1: Limitations

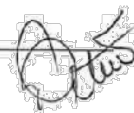
### Part A – Limitations applicable to specific statutory Function (if any)

| Legislation                                                                                                                                                                                                                         | Limitation (if any)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EPA Act 004B</b><br><b>Determination of DA</b><br>Authority to carry out the functions of the council as consent authority associated with the determination of an application for development consent and associated functions. | <p>1. Authority does not apply to applications that:</p> <ul style="list-style-type: none"><li>a) are greater than \$10 million in construction costs; or</li><li>b) consist of more than 50 residential lots, or</li><li>c) include a Clause 4.6 variation to LEP development standards greater than 10%.</li></ul> <p>2. For all Development Applications and Modifications with a building cost estimate between \$2.5 Million and \$10 Million,</p> <ul style="list-style-type: none"><li>a) The Manager Planning will send a standard format email to all Councillors at the end of the officers' assessment of these applications, containing the following:<ul style="list-style-type: none"><li>• a summary of the main elements and description of the proposal;</li><li>• identification of any significant variations to Council's Development Control Plan (DCP) controls (noting that any variations to Local Environmental Plan development standards greater than</li></ul></li></ul> |

| Legislation                                                                                                                                                                                                                                                                      | Limitation (if any)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                  | <p>10% are required to be reported to Council);</p> <ul style="list-style-type: none"> <li>the number and key issues of any public submissions received; and</li> <li>an indication of whether the officers are recommending approval/refusal.</li> </ul> <p>b) Councillors will be provided with 5 business days to provide written advice to the Manager Planning as to whether they wish to call up these applications for Council determination;</p> <p>c) Councillors can ask for clarification of any technical requirements for these applications, but it is not intended for Councillors to be engaging with the officers on any debate on the merits of the application, or negotiating any conditions of consent to influence a decision not to call up an application for Council determination;</p> <p>d) The Councillors shall provide their reasons for the call up, so that these can be relayed to the proponents or any other interested parties;</p> <p>e) In accordance with the current Code of Meeting Practice, any request for call up of an application, must be made by at least two Councillors;</p> <p>f) If no request is received, the officers will proceed to determine the DA under delegated authority;</p> <p>g) The same Code of Meeting Practice call up provision is still available to any development application lodged with Council; and</p> <p>h) When a Development Application or Modification Application is determined under Delegated Authority, internal Assessment Reports underpinning such determinations will be made available to Councillors on individual request.</p> |
| <p><b>EPA Act 007</b><br/> <b>Complying Development</b><br/>           Authority to evaluate and determine an application for complying development in accordance with section 4.28 and modification of a complying development certificate in accordance with section 4.30.</p> | <p>1. Authority does not apply to applications that:</p> <ul style="list-style-type: none"> <li>a) are greater than \$10 million in construction costs; or</li> <li>b) consist of more than 50 residential lots, or</li> <li>c) include a Clause 4.6 variation to LEP development standards greater than 10%.</li> </ul> <p>2. For all Development Applications and Modifications with a building cost estimate between \$2.5 Million and \$10 Million,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



| Legislation | Limitation (if any)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | <p>a) The Manager Planning will send a standard format email to all Councillors at the end of the officers' assessment of these applications, containing the following:</p> <ul style="list-style-type: none"> <li>• a summary of the main elements and description of the proposal;</li> <li>• identification of any significant variations to Council's Development Control Plan (DCP) controls (noting that any variations to Local Environmental Plan development standards greater than 10% are required to be reported to Council);</li> <li>• the number and key issues of any public submissions received; and</li> <li>• an indication of whether the officers are recommending approval/refusal.</li> </ul> <p>b) Councillors will be provided with 5 business days to provide written advice to the Manager Planning as to whether they wish to call up these applications for Council determination;</p> <p>c) Councillors can ask for clarification of any technical requirements for these applications, but it is not intended for Councillors to be engaging with the officers on any debate on the merits of the application, or negotiating any conditions of consent to influence a decision not to call up an application for Council determination;</p> <p>d) The Councillors shall provide their reasons for the call up, so that these can be relayed to the proponents or any other interested parties;</p> <p>e) In accordance with the current Code of Meeting Practice, any request for call up of an application, must be made by at least two Councillors;</p> <p>f) If no request is received, the officers will proceed to determine the DA under delegated authority;</p> <p>g) The same Code of Meeting Practice call up provision is still available to any development application lodged with Council; and</p> <p>h) When a Development Application or Modification Application is determined under Delegated Authority, internal Assessment Reports underpinning such determinations</p> |





| Legislation                                                                                                                                                                                                                                                                                                         | Limitation (if any)                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                     | will be made available to Councillors on individual request.                                                                                                                                                                                                                                                      |
| <b>LG Reg 020</b><br><b>Acceptance of Tenders</b><br>Authority to accept a tender in accordance with clause 178 of the Local Government (General) Regulation 2021 but not in respect of tenders to provide services currently provided by members of staff of the Council (s.377(1)(i)) Local Government Act 1993). | Authority is limited to tenders with a maximum value of \$3,000,000 excluding GST for flood restoration related tenders and \$250,000 excluding GST for all other tenders.                                                                                                                                        |
| <b>LG Act 028</b><br><b>Write off rates, charges and accrued interest</b><br>Authority to write off rates, charges and accrued interest on rates and charges in accordance with section 567 of the Local Government Act 1993 and clause 130 and 131 of the Local Government (General) Regulation 2005               | Authority to write off rates, charges and accrued interest on rates and charges is limited to amounts \$10,000 and below. Rates, charges and accrued interest can only be written off where the General Manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective. |

**Part B – General Limitations**

N/A

**Schedule 2: Instruments of Delegation to Council**

| Delegator | Instrument Name | Date Of Instrument |
|-----------|-----------------|--------------------|
| N/A       | N/A             | N/A                |

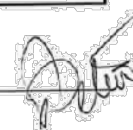


**Schedule 3: Policy Authorities**

| Code                                           | Policy Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Conditions / Limitations (if any) |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Continuity of Council Operations</b>        | <p>Authority to the Mayor and/or Deputy Mayor, and the General Manager to jointly exercise any functions of Council that may lawfully be delegated under Section 377 of the Local Government Act, pursuant to Section 226(d) and Section 377 of the Local Government Act 1993.</p> <p>This should be enacted in the event that the need arises which would limit the orderly operations of Council in regards to the operation of the governing body of elected members, including the ability to convene Ordinary and Extraordinary meetings.</p>                                                     | N/A                               |
| <b>Finance - Emergencies - General Manager</b> | <p>The General Manager is authorised to approve emergency expenditure to a limit of \$1,000,000 to be spent as required to maintain the operation of the Council (provisions of emergency financial delegations to enable purchase/lease of equipment, furniture, fittings, etc, particularly electronic equipment) as contained in the Business Continuity Plan adopted by Council. The General Manager may authorise sub-delegations as deemed appropriate at the time.</p> <p>Authorised Delegation in times of emergency: \$500,000.<br/> Finance 1 emergency purchasing delegation: \$500,000</p> | N/A                               |



| Code                                           | Policy Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Conditions / Limitations (if any) |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Finance - General Manager - \$2 million</b> | <p>Authorised delegations subject to the following limitations:</p> <ul style="list-style-type: none"> <li>- Provisions of the Local Government Act 1993 (financial and operational);</li> <li>- Resolution of Council;</li> <li>- In accordance with adopted Community Strategic Plan, Delivery Plan, Operational Plan and Budgets of Council; and</li> <li>- In accordance with any policy of Council adopted by Resolution.</li> </ul> <p>Finance 1 purchasing delegation: \$2 million</p>                                                                                                                                                                                                                                                                                                                                                                                                               | N/A                               |
| <b>Tender Variations - General Manager</b>     | <p>Authority to approve variations as follows:</p> <p><i>For Contracts under \$1,000,000:</i></p> <p>The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at finalisation of the contract.</p> <p><i>For Contracts greater than \$500,000 up to less than \$1,000,000 for a duration greater than 6 months:</i></p> <p>The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.</p> <p><i>For Contracts over \$1,000,000:</i></p> <p>The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.</p> | N/A                               |



| Code                      | Policy Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Conditions / Limitations (if any)                                                                                                                                                                                                           |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| pa<br>Write off debts     | Authority to write off debts, including accrued interest in accordance with section 213 of the Local Government (General) Regulation 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Authority to write off debts is limited to amounts of \$10,000 excl. GST and below. Debts can only be written off where the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective. |
| Legal Proceedings         | Authority to give instructions in legal proceedings contrary to a resolution of Council where instructions can be given to resolve an appeal, after consultation with the Mayor and with all Councillors to be informed of the outcome at a later date.                                                                                                                                                                                                                                                                                                                                                                                                                                              | Notwithstanding any other provision of this Instrument.                                                                                                                                                                                     |
| Extenuating Circumstances | <p>Authority to accept a contract with a value of \$500,000 and under, pursuant to Section 55(3)(i) of the Local Government Act 1993 (the Act), where the following extenuating circumstances apply:</p> <ol style="list-style-type: none"> <li>1. Significant scale of restoration works to be undertaken in relation to the 2022 flood event.</li> <li>2. Need to restore flood affected infrastructure in a timely manner, where the loss of infrastructure is having a significant detrimental impact on the local community.</li> <li>3. Local market conditions, where there is a combination of high demand for and/or shortage of construction related contractors and materials.</li> </ol> | This authority applies until 30 June 2025.                                                                                                                                                                                                  |



Bronwyn Petrie  
Mayor

Date: 15<sup>th</sup> April 2024

Review date: September 2025 (within 12 months of a general election)

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Department:</b>   | <b>Office of the General Manager</b>              |
| <b>Submitted by:</b> | Executive Assistant & Media                       |
| <b>Reference:</b>    | <b>ITEM GOV94/25</b>                              |
| <b>Subject:</b>      | <b>CHRISTMAS / NEW YEAR CLOSEDOWN - 2025/2026</b> |

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

|                                 |                                                                                                                                                                                                                        |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>                | <b>LEADERSHIP</b> - Our local leaders are respected and trusted to make our shire a better place                                                                                                                       |
| <b>CSP Strategy:</b>            | Ensure the performance of Council as an organisation complies with all statutory guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making |
| <b>Delivery Plan Action:</b>    | Develop, manage and deliver Customer Service, in accordance with the Customer Service Charter                                                                                                                          |
| <b>Operational Plan Action:</b> | Foster an environment that supports and celebrates diversity and where the best person for the job gets the job, regardless of age, sex, religion, ethnicity or any other personal position.                           |

#### **SUMMARY**

The purpose of this report is to advise Council of proposed Christmas/New Year close down arrangements for Council staff.

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

**That Council endorses the closedown period for the Christmas/New Year 2025/2026 break as follows:**

- **Indoor and Outdoor staff – close of business Friday, 19 December 2025, reopening Monday, 5 January 2026.**

#### **BACKGROUND**

Traditionally, Council has closed the Administration Office and Library for the period between Christmas and New Year to enable staff to spend this important time with family.

Staff will be required to take approximately seven (7) days annual leave (excluding public holidays and RDO's) at this time.

#### **REPORT:**

The closedown for the Administration Office, Library and outdoor staff for 2025/2026 is suggested from close of business on Friday, 19 December 2025, and reopening on Monday, 5 January 2026.

Gazetted public holidays during this period are Thursday, 25 December 2025 (Christmas Day Holiday), Friday, 26 December 2025 (Boxing Day Holiday) and Thursday, 1 January 2026 (New Year's Day Holiday) with staff taking annual leave and RDO's to make up the additional seven (7) days.

Councillors are requested to be mindful of the challenging year 2025 has been for all staff. Low resourcing of staffing positions in most Council departments has continued with Council finding it an ongoing challenge to fill vacant positions; with the increased

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workloads adding to the stress levels of staff. It is suggested that a full two (2) week break for all staff will provide for a good break and assist with renewed enthusiasm for the challenges that will be brought along with the start of a New Year.

Details in relation to arrangements for waste services and emergency contacts during the Christmas closedown period will be provided to Councillors and will be advertised in local media and available on Council's website, "Your Local News" and Facebook page.

### **COUNCIL IMPLICATIONS:**

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

Closedown arrangements and emergency contacts (including waste services) for the period will be advertised through "Your Local News", Facebook, local media and available on Council's website and phone message.

**2. Policy and Regulation**

Nil.

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

It will be necessary for some staff to work through the closedown period to provide for emergency situations, water, sewer and waste services, as well as other necessary tasks that may need to be fulfilled during this break and as may be determined by the General Manager (GM). The GM plans to work on Monday and Tuesday, 22 to 23 December 2025.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**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:                  | There are no attachments for this report.   |