



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER

ORDINARY COUNCIL MEETING

18 DECEMBER 2019

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 2.3 of Council's Code of Meeting Practice that an **Ordinary Council** Meeting will be held in the Tenterfield Shire Council Chamber, on **Wednesday 18 December 2019** commencing at **9.30 am**.

Terry Dodds
Chief Executive

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 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

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. Community Consultation (Public Access)
9. Mayoral Minute
10. Recommendations for Items to be Considered in Confidential Section
11. Open Council Reports
 - Our Community
 - Our Economy
 - Our Environment
 - Our Governance
12. Reports of Delegates & Committees
13. Notices of Motion
14. Resolution Register
15. Confidential Business
16. Meeting Close

AGENDA

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

"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."

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PERFORMANCE REVIEW - 2018/19 ANNUAL REVIEW -
NOVEMBER 2019

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (f) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND matters affecting the security of the Council, Councillors, Council staff or Council property.

(ITEM COM21/19) EMERGENCY OPERATIONS & ADMINISTRATION
BUILDING REFURBISHMENT

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(ITEM ECO16/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON
TOOLOOM ROAD AT BEAURY CREEK

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

(ITEM ECO17/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON
HOOTONS ROAD AT EMU CREEK

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) 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; AND commercial information of a confidential nature that would, if disclosed

(ii) confer a commercial advantage on a competitor of the Council.

(ITEM ECO18/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON MT
LINDESAY ROAD AT BOONOO BOONOO RIVER

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

16. MEETING CLOSED

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.

(ITEM MIN11/19) CONFIRMATION OF PREVIOUS MINUTES

REPORT BY: Noelene Hyde, Executive Assistant & Media

RECOMMENDATION

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

- **Ordinary Council Meeting – 27 November 2019**

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

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 27 November 2019 13 Pages

MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 NOVEMBER 2019

MINUTES OF THE **Ordinary Council** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday 27 November 2019 commencing at 9.31 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor John Macnish
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Michael Petrie
Councillor Bob Rogan
Councillor Gary Verri

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)
Executive Assistant & Media (Noelene Hyde)
Chief Corporate Officer (Kylie Smith)
Director Infrastructure (Fiona Keneally)

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 MEETING

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.

OPENING AND WELCOME

In opening the meeting, Mayor Peter Petty expressed best wishes to Councillor Don Forbes who is absent from the meeting today due to health issues.

CIVIC 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.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present and emerging of the Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

235/19 **Resolved** that the request for Leave of Absence from Councillor Don Forbes be received and accepted.

(Greg Sauer/Michael Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

236/19 **Resolved** that the following Disclosure and Declaration of Interest be accepted.

Name	Type	Item
Cr John Macnish	Less than Significant Non Pecuniary – Will remain in meeting and vote	ENV26/19 – Bryans Gap Waste Collection Survey

(Bob Rogan/Gary Verri)

Motion Carried

(ITEM MIN10/19) CONFIRMATION OF PREVIOUS MINUTES

237/19 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 30 October 2019

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

(Brian Murray/Tom Peters)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

URGENT MOTION – INFORMATION RE COMMUNITY HALLS IN TENTERFIELD SHIRE LOCAL GOVERNMENT AREA

238/19 **Resolved** that Councillor Brian Murray be provided with the following information:

- The number and location of community halls in the Tenterfield Shire;
- List of halls for which Council has responsibility and those which are managed by Trusts;
- What financial and maintenance contribution does Council make towards those halls that are managed by Trusts and towards those for which Council has responsibility.

(Brian Murray/Greg Sauer)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item COM17/19 – Ratepayers Petition to Reduce Financial Burdens on Struggling Ratepayers

- Mr Peter Murphy

Item NM7/19 – Notice of Motion – Review of Council’s Buy Local Policy No 1.020

- Mrs Tracey Butler

Item GOV74/19 – Presentation of the Financial Statements for the Year Ended 30 June 2019

- Auditor, Mr Geoff Allen, Forsyths

MAYORAL MINUTE

(ITEM MM8/19) REQUEST FOR REVIEW INTO THE EXECUTION OF LIEUTENANTS HARRY "BREAKER" MORANT, PETER HANDCOCK & LIFE SENTENCE OF GEORGE WITTON - BOER WAR 1902

SUMMARY

During the Anglo Boer War of 1901, James Francis Thomas from Tenterfield, New South Wales joined thousands of other Australians and travelled to South Africa as a volunteer to support England in its fight against the Boer population between 1899 and 1902. Approximately 16,000 Australians fought in the Boer War in contingents raised by the Australian colonies or the Commonwealth Government (after 1901), or joined British and South African colonial units.

239/19 **Resolved** that Council supports Mr Unkles' submission to the Prime Minister, The Honourable Scott Morrison MP as follows:

'The Tenterfield Council supports the proposal that the Australian Government appoints a suitably qualified person, such as a former Judge, to review the evidence and submission that three (3) Australian veterans, Lieutenants Harry 'Breaker' Morant, Peter Handcock and George Witton were not tried and sentenced by Courts Marital according to the law of 1902 and suffered a terrible injustice as a consequence.

The descendants of these men seek redress to mitigate the adverse effects the trials and executions have had and continue to have on the families of these men. Aggravating aspects include:

- The veterans, individually and through Major Thomas, were denied the right of appeal and petition to the King for clemency;*
- They were held in isolation during the trials and were denied the opportunity to contact their families in Australia;*
- Major Thomas had one day to prepare complex trials on charges, which carried the death penalty. The prosecution had 3 months and unlimited resources to assist in preparing the cases. Major Thomas had no such support and was denied the opportunity to contact the Australian Government;*
- The British Military's decision not to consult the Australian Government about the arrest and trials was an appalling tactic to ensure these men were tried and sentenced without Australia's intervention;*
- The execution of Morant and Handcock was carried out with indecent haste, within a few hours of the sentences being proclaimed. This was a cruel decision and one that prevented any judicial or Australian Government intervention*

The granting of statutory pardons, will remove the stigma associated with the military service of these veterans and the dishonour to Australia's history.

Pardons will also acknowledge that the executions of Morant and Handcock and imprisonment for life of Witton were penalties they did not deserve noting the significant mitigating circumstances and recommendations for mercy that were made by the trial officers but not implemented by the British authorities".'

(Peter Petty/Greg Sauer)

Motion Carried Unanimously

RECOMMENDATION FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

240/19 **Resolved** that the following items be considered in the Confidential Section of the Meeting:

- Item GOV78/19 – Chief Executive Performance Review – 2018/19 Annual Review – November 2019
- Item GOV79/19 – Request for a Boundary Realignment Between Tenterfield Shire Council and Glen Innes Severn Shire Council.

(Bronwyn Petrie/Brian Murray)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

Manager Customer Service, Governance & Records, Erika Bursford, entered the meeting, the time being 10.11 am.

(ITEM COM17/19) RATEPAYERS PETITION TO REDUCE FINANCIAL BURDENS ON STRUGGLING RATEPAYERS

SUMMARY

The purpose of this report is to advise Council that a Ratepayers Petition, signed by 784 persons, was submitted on 7 November 2019 by Peter Murphy, requesting that Councillors consider reducing the financial burdens on struggling ratepayers.

241/19 **Resolved** that Council:

- (1) Notes the tabling of a petition requesting a reduction in the financial burdens on struggling ratepayers, and
- (2) That Council consider the petition's request, as part of Council's budgetary preparation process in 2020.

(Gary Verri/Greg Sauer)

Motion Carried

Cr Michael Petrie recorded a vote against the motion.

Manager Customer Service, Governance & Records, Erika Bursford, left the meeting, the time being 10.43 am.

SUSPENSION OF STANDING ORDERS

242/19 **Resolved** that Standing Orders be suspended.

(Brian Murray/Gary Verri)

Motion Carried

The meeting adjourned for Morning Tea, the time being 10.45 am.

The meeting reconvened with the same members present, the time being 11.00 am.

RESUMPTION OF STANDING ORDERS

243/19 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

Motion Carried

PROCEDURAL MOTION – CHANGE TO ORDER OF AGENDA

244/19 **Resolved** that Item NM7/19 Notice of Motion – Review of Council’s Buy Local Policy No. 1.020 be brought forward in the Agenda for consideration at this time.

(Gary Verri/Tom Peters)

Motion Carried

(ITEM NM7/19) NOTICE OF MOTION - REVIEW OF COUNCIL'S BUY LOCAL POLICY NO.1.020

SUMMARY

The purpose of this report is to request a review of Council’s current Buy Local Policy No. 1.020.

245/19 **Resolved** that Council review the existing Buy Local Policy with a view to increasing the current local price advantage from 5% in order to support local businesses, local employment and our local community, with a report to be presented to Council at the February 2020 Ordinary Council Meeting.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

Councillor Bronwyn Petrie requested a temporary leave of absence and left the meeting, the time being 11.12 am.

(ITEM COM18/19) AMENDMENT TO DRAFT NEW FOOTPATH ACTIVITIES POLICY NO.1.065

SUMMARY

The purpose of this report is to present Council with an amended, draft, new Footpath Activities Policy for adoption, following which Council will repeal two (2) policies, these being Council’s Advertising Sandwich Board Policy No. 3.010, and Council’s Street Vending Policy No. 3.191, which have been incorporated into the new Policy.

246/19 **Resolved** that Council:

- (1) Adopts the draft, new Footpath Activities Policy No. 1.065 as per the attachment to this report; and

- (2) Adopts the previously approved Local Approvals Policy as no submissions were received; and
- (3) Repeals Street Vending Policy No 3.191 and Advertising Sandwich Board Policy No 3.010 upon adoption of the new Footpath Activities Policy and amended Local Approvals Policy.

(Gary Verri/Bob Rogan)

Motion Carried

Councillor Bronwyn Petrie returned to the meeting, the time being 11.21 am.

(ITEM COM19/19) NATIONAL PARKS & WILDLIFE LAND ACQUISITION

SUMMARY

The purpose of this report is to inform Council of the Minister for Energy and Environment's proposal to acquire further land to add to the National Parks System.

247/19 **Resolved** that Council:

- (1) Resolve to advise the Minister for Energy & Environment that Council has not identified any suitable Council owned land for acquisition by the National Parks and Wildlife Service; and
- (2) The Mayor reply to The Honorable Matt Kean MP expressing Council's concerns with the current management and staffing levels of the National Parks and Wildlife Service across the State and in Tenterfield Local Government Area in particular.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM COM20/19) CROWN LAND PROPOSAL TO CLOSE CROWN ROAD WITHIN THE TOOLOOM FALLS RESERVE

SUMMARY

Crown Land are seeking Council's interest or objection to the closure of the Crown Road within the Tooloom Falls Reserve.

248/19 **Resolved** that Council:

- (1) Oppose the closing of the Crown Road reserve, which passes through Reserve R51297 (Lot 73 DP 751057) on the basis that Council require access to Tooloom Creek for operational purposes; and
- (2) That Council have no objection to the relocation of the Crown Road within the boundary of Reserve R51297 to allow access to Tooloom Creek and request that the remaining portion of the Crown Road from the north western boundary of Reserve R51297 to Tooloom Falls Road be dedicated to Council as public road ensuring access to Reserve R51297 is retained.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

OUR ECONOMY

Nil

OUR ENVIRONMENT

Manager Water & Waste, Gillian Marchant entered the meeting, the time being 11.26 am.

(ITEM ENV25/19) PROVISION OF EMERGENCY WASTE VOUCHERS

SUMMARY

This report was requested by Council at the October 2019 Ordinary Meeting to provide information for issuing three (3) emergency Waste Vouchers per impacted household for disposal of fire damaged waste.

249/19

Resolved that Council take no further action and maintain current business as usual.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Councillors Bronwyn Petrie and John Macnish registered a vote against the motion.

Manager Water & Waste, Gillian Marchant left the meeting, the time being 11.34 am.

Water & Waste Technical Projects Engineer, Melissa Blum, entered the meeting, the time being 11.34 am.

(ITEM ENV26/19) BRYANS GAP WASTE COLLECTION SURVEY

SUMMARY

The purpose of this report is to provide Council with information to aid making a decision on whether to pursue the Bryans Gap Road Waste collection service or otherwise.

RECOMMENDATION

That Council:

- (1) Offer a mandatory waste and recycling service for the properties along the proposed Bryan's Gap Road route, or;
- (2) Offer an opt-in waste and recycling service along the proposed Bryan's Gap Road route, or;
- (3) Continue to not offer any waste or recycling collection services along Bryan's Gap Road.

(Greg Sauer/Bob Rogan)

AMENDMENT

That Council consider Option (2) – Offer an opt-in waste and recycling service along the proposed Bryan's Gap Route.

(Greg Sauer/Gary Verri)

Amendment Carried

250/19 **Resolved** that Council offer an opt-in waste and recycling service along the proposed Bryan's Gap Road route.

(Greg Sauer/Gary Verri)

Motion Carried

Water & Waste Technical Projects Engineer, Melissa Blum, left the meeting, the time being 11.44 am.

OUR GOVERNANCE

(ITEM GOV72/19) MONTHLY OPERATIONAL REPORT - OCTOBER 2019

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2019/2020 Operational Plan.

251/19 **Resolved** that Council receives and notes the status of the Monthly Operational Report for October 2019.

(Bob Rogan/John Macnish)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, entered the meeting, the time being 11.58 am.

(ITEM GOV73/19) TENTERFIELD SHIRE COUNCIL ANNUAL REPORT 2018/2019

SUMMARY

The purpose of this report is for Council to receive the Annual Report, inclusive of the Annual Financial Statements, for the financial year ending 30 June 2019.

252/19 **Resolved** that Council receive and adopt the Annual Report for 2018/2019.

(Brian Murray/Bob Rogan)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, left the meeting, the time being 12.08 pm.

Manager Finance & Technology, Paul Della, entered the meeting, the time being 12.08 pm.

(ITEM GOV74/19) PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

SUMMARY

The purpose of this report is to present to Council the audited Financial Statements for the year ended 30 June 2018, in accordance with the provisions of Section 418 of the *Local Government Act 1993*.

- 253/19** **Resolved** that Council notes the audited Annual Financial Statements for the year ended 30 June 2019, as contained in the 2018/2019 Annual Report (Attachment 3 (Attachment Booklet 3 Appendix 3)).

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM GOV75/19) QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2019

SUMMARY

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

- 254/19** **Resolved** that Council adopts the September 2019 Quarterly Budget Review Statement.

(Brian Murray/Michael Petrie)

Motion Carried

(ITEM GOV76/19) FINANCE & ACCOUNTS - PERIOD ENDED 31 OCTOBER 2019

SUMMARY

The purpose of this report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005 a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

- 255/19** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 October 2019.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

(ITEM GOV77/19) CAPITAL EXPENDITURE REPORT AS AT 31 OCTOBER 2019

SUMMARY

The purpose of this report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This report outlines Council's financial progress against each project.

- 256/19** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 October 2019.

(Greg Sauer/Bob Rogan)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

Nil

Councillor Brian Murray left the meeting, the time being 12.23 pm.

NOTICES OF MOTION

(ITEM NMS/19) NOTICE OF MOTION - REDUCTION OF FOREST FUEL LOADS

SUMMARY

The purpose of this report is to submit a Notice of Motion aimed at the reduction of forest fuel loads.

RECOMMENDATION

That Council request the NSW Government to investigate the reintroduction of Grazing Permits in National Parks and Forestry Wilderness areas in order to reduce the fuel load (undergrowth).

(Tom Peters/Bronwyn Petrie)

Mover and Seconder of the motion agreed to substitute "Forestry Wilderness" with "State Forest".

Councillor Brian Murray returned to the meeting, the time being 12.26 pm.

AMENDMENT

That reference be made to the previous Council Resolution regarding this matter together with a further request that a 30 metre fire break to be constructed along fence lines.

(Gary Verri/No Seconder)

Amendment Lapses

257/19

Resolved that Council request the NSW Government to investigate the reintroduction of Grazing Permits in National Parks and State Forest areas in order to reduce the fuel load (undergrowth).

(Tom Peters/Bronwyn Petrie)

Motion Carried

Councillor Michael Petrie left the meeting, the time being 12.30 pm.

RESOLUTION REGISTER

(ITEM RES10/19) COUNCIL RESOLUTION REGISTER - NOVEMBER 2019

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.

258/19 **Resolved** that Council notes the status of the Council Resolution Register to November 2019.

(Brian Murray/Greg Sauer)

Motion Carried

CONFIDENTIAL BUSINESS - SUSPENSION OF STANDING ORDERS

259/19 **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.

(Brian Murray/Bob Rogan)

Motion Carried

The doors were closed to the public, the recording device turned off and the meeting moved into Closed Committee, the time being 12.31 pm.

Councillor Michael Petrie returned to the meeting, the time being 12.34 pm.

(ITEM GOV78/19) CHIEF EXECUTIVE PERFORMANCE REVIEW - 2018/19 ANNUAL REVIEW - NOVEMBER 2019

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (f) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND matters affecting the security of the Council, Councillors, Council staff or Council property.

SUMMARY

The purpose of this report is to detail the recommendations of Council's Performance Review Committee regarding the 2018/19 Performance and Annual Review of Council's Chief Executive, Terry Dodds.

260/19 **Resolved** that Council adopt the recommendations of Council's Performance Review Committee outlined in the body of this report and that under clause 4, "per annum" be replaced with "for 2019/2020".

(Bronwyn Petrie/Tom Peters)

Motion Carried

Revenue Officer Penny Robertson entered the meeting, the time being 12.37 pm.

**(ITEM GOV79/19) REQUEST FOR A BOUNDARY REALIGNMENT
BETWEEN TENTERFIELD SHIRE COUNCIL AND GLEN INNES SEVERN
SHIRE COUNCIL**

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

SUMMARY

This report has been prepared as a result of one landholder requesting a boundary re-alignment between Tenterfield Shire Council and Glen Innes Severn Shire Council.

261/19 **Resolved** that Council:

- (1) Receive and note this report;
- (2) Accept the proposal to have the Local Government Boundary re- aligned in accordance with this report;
- (3) Submit the boundary adjustment application to the Office of Local Government; and
- (4) That if any costs are incurred that they be passed onto the applicant.

(Michael Petrie/John Macnish)

Motion Carried

RESUMPTION OF STANDING ORDERS

262/19 **Resolved** that Standing Orders be resumed.

(Brian Murray/Greg Sauer)

Motion Carried

The meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 12.42 pm.

In according with Section 253 of Local Government Regulations (General) 2005, the Mayor read the resolutions as resolved by Council while in Closed Committee.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.45 pm.

.....
Councillor Peter Petty
Mayor/Chairperson

Department:	Office of the Chief Corporate Officer
Submitted by:	Revenue Officer
Reference:	ITEM ECO14/19
Subject:	SALE OF LAND FOR UNPAID RATES AND CHARGES

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is:

- To advise Council of land on Council's records that are eligible for Sale of Land for Unpaid Rates and Charges, under Section 713 of the *Local Government Act 1993* and Council's Debt Recovery Policy.
- To resolve to commence the process of selling these properties for unpaid Rates and charges to recover the \$228,378.98 outstanding, which as at 4 December 2019 constitutes 34.56% of total outstanding Rates and charges.

OFFICER'S RECOMMENDATION:

That Council:

- 1. Pursuant to Section 713 and other relevant sections of the Local Government Act 1993, implements sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.**
- 2. Appoints Outstanding Collections (Aust) Pty Ltd (OSC) to administer the sale on Council's behalf.**
- 3. Authorises Council staff and OSC to proceed with the necessary arrangements pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.**
- 4. Delegates authority to the General Manager (Chief Executive) to take the following actions pertaining to the properties specified in the report:**
 - a. To withdraw from sale any property that, prior to the commencement of the auction, has had all Rates and charges payable (including overdue Rates and charges) paid in full.**
 - b. To withdraw any property from sale for technical or legal reasons.**
 - c. To set reserve prices for sale of the properties at auction.**

Our Economy No. 14 Cont...

d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.

e. To execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal.

BACKGROUND

Under Section 713 of the Local Government Act, Council may sell land for unpaid Rates and charges if:

- They have Rates and charges that have been outstanding for more than five (5) years,
- Or they have charges that have remained outstanding for more than one (1) year and less than (5) years and the value of outstanding Rates exceeds the value of the land.

In accordance with Section 713 (1), the properties listed in this report are eligible to be sold for unpaid Rates and charges.

The collection of Rates in this manner is a last resort, with many other recovery processes and attempts to contact the owners having been attempted. The action constitutes good financial management, preventing the excessive build-up of large outstanding debts.

The sale is required to be by Public Auction which must take place no sooner than 3 months and no later than 6 months from the date of advertising the sale.

Council's Debt Recovery Agency, Outstanding Collections specialises in managing Section 713 sales for NSW Councils and will administer the whole Sale of Land for unpaid Rates process on behalf of Council.

It has professional tools and techniques to streamline the processes and deploys several risk minimisation tactics e.g. deterring professional rogue-buyers. It has recently managed sales for Goulburn Mulwaree Council, Forbes Shire Council, Carrathool Shire Council, Narromine Shire Council, Cabonne Shire Council and Glen Innes Severn Council.

Outstanding Collections provides an end-to-end process, to remove most of the workload from Council, from initial analysis and recommendation all the way through to the conveyancing.

REPORT: PROCESS OVERVIEW

The process begins with the General Manager or the Public Officer certifying in writing:

- What Rates and charges (including overdue Rates and charges) are payable on the land;

Our Economy No. 14 Cont...

- When each of those Rates and charges was made and how it was levied;
- When each of those Rates and charges became payable;
- What amounts are payable by way of overdue Rates and charges on the land;
- What amounts are payable by way of Rates and charges (other than overdue Rates and charges) on the land.

The procedure is then for Council, through Outstanding Collections, to:

- Fix a convenient time and place for the sale. The date of the sale must be between three (3) and six (6) months of the advertisement in the newspaper.
- Advertise notice of the proposed sale, by means of an advertisement published in the NSW Gazette and in at least one (1) newspaper.
- Take reasonable steps to ascertain the identity of any person with an interest in the land and take reasonable steps to notify each such person of the sale and to notify owners of adjacent properties.
- Prepare Sale and Purchase agreements including contractual terms designed to protect Council from specific risks.
- Hold the auction and monitor sale by private treaty of any properties not sold at auction.
- Complete the conveyancing.

Note: Land may be sold under this Division to the Council, a Councillor, a relative of a Councillor, a member of staff of Council or any relative of a member of staff of Council in the case of sale by public auction, but may not be so sold in the case of sale by private treaty.

PROPERTIES

There are 21 properties held on Council's records that, satisfy the requirements of Section 713 of the Local Government Act 1993 and are not under a satisfactory arrangement.

The total debt owing against these properties is \$228,378.98, for annual Rates and charges, with interest accruing daily on outstanding amounts.

Individual assessments are listed below, with the number of years outstanding and the total arrears as at 1st December 2019:

Assessment Number	Years Outstanding (approx)	Arrears Amount
17731	7.0	\$ 13,758.08
20750	7.5	\$ 14,776.11

Our Economy No. 14 Cont...

26526	6.5	\$ 21,830.93
25007	11.5	\$ 10,183.79
25437	7.5	\$ 10,694.74
48421	18.5	\$ 12,194.61
7906	7.0	\$ 23,939.62
13144	6.5	\$ 33,755.63
9191	6.8	\$ 33,755.63
48538	10.3	\$ 8,964.37
51169	6.5	\$ 4,302.76
50260	4.5	\$ 4,877.30
55939	11.5	\$ 7,405.12
60905	6.5	\$ 3,523.31
41293	6.5	\$ 5,487.89
56903	10.5	\$ 7,469.24
50997	7.0	\$ 4,027.49
23465	11.5	\$ 7,432.36
	Total	\$ 228,378.98

CONCLUSION

This report recommends that Council commences the process of selling the properties for unpaid Rates and charges.

The properties listed satisfy the conditions set out under Section 713 of the Local Government Act 1993 and Council's Debt Recovery Policy.

The collection of Rates in this manner is a last resort, after many other recovery processes. It constitutes good financial management by preventing the build-up of excessive outstanding debts.

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

Nil

2. Policy and Regulation

- The sale of land for overdue Rates and charges is in accordance with Council's Debt Recovery Policy and constitutes good financial management by preventing the build-up of excessive outstanding debts.
- NSW Local Government Act 1993 and Regulations.

Our Economy No. 14 Cont...

3. Financial (Annual Budget & LTFFP)

- Should the proceeds from the sale of land not exceed the value of Rates and Charges owing plus the costs associated with the sale, the balance will be funded from the provision for Bad and Doubtful Debts.
- This action will result in an immediate and ongoing reduction of outstanding debts owed to Council.

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

- The sale of land for unpaid Rates is a legal process, and all legal processes have a measure of risk. No specific risks have been identified regarding this sale. Outstanding Collections includes risk minimisation processes and terms in the Sale and Purchase contracts.

7. Performance Measures

Nil

8. Project Management

Nil

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Penny Robertson; Penny Chisholm
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Tourism & Marketing Manager
Reference:	ITEM ECO15/19
Subject:	PETER ALLEN FESTIVAL

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Economy - ECON 7 - Tourism is valued, promoted and tourists are welcomed for the positive contribution they make to the community and economy.
CSP Strategy:	Seek partnerships with and support local business and tourism stakeholders to provide new and upgraded infrastructure for events and tourism experiences.
CSP Delivery Program	Facilitate and participate in ongoing partnership activities with the New England High Country, Tenterfield Chamber of Tourism, Industry and Business.

SUMMARY

The purpose of this report is to discuss fees and charges for the closure of Rouse Street and sections of High Street on Saturday 7 September, during the 2019 Peter Allen Festival.

OFFICER'S RECOMMENDATION:

That Council allocate the remainder of the Empowering Our Communities Grant, a sum of approximately \$10,000, to the Peter Allen Festival Committee in recognition of their community support and loss as a result of the 2019 Drought and Fire Impacted event and the vital support this event provided for the mental health of the community.

BACKGROUND

The inaugural Peter Allen Festival was held in Tenterfield from Friday 7 September to Sunday 9 September 2018. This two and a half day festival brought approximately 1,100 visitors to town, and attendees rated the overall festival 4.3/5. Approximately 79% of festival attendees were from out of town, the majority staying in hotels and motels and staying for an average of 2.9 nights. These figures were derived from a survey conducted by the Peter Allen Festival committee in conjunction with Tenterfield Shire Council. Conservative estimates anticipate the festival brought a direct injection of \$400,000 to town.

One of the key elements of the 2018 festival was the Peter Allen Boulevard, which featured music and market stalls along the main street. This required the closure of Rouse Street between Molesworth Street and Manners Street, as well as part closure of High Street (to account for visitors to the Tenterfield Saddler). This was a hugely successful element of the 2018 Festival, and is one festival organisers are keen to replicate for the 2019 Festival.

The road closure added greatly to the atmosphere of the Festival, and was a favourite event for many attendees.

The Peter Allen Festival has the potential to be Tenterfield's Flagship Festival, as is the Parkes' Elvis Festival for Parkes. In light of this, Tenterfield Shire Council was a major

Our Economy No. 15 Cont...

supporter of the 2018 Peter Allen Festival, assisting with marketing, grant applications and subsidising the road closure.

REPORT:

The 2019 Peter Allen Festival experienced significant impact from the Tenterfield bushfires, which began on Friday 6 September 2019 – the second day of the 2019 Peter Allen Festival. Impacts from these fires resulted in a dramatic reduction in attendees – due to road closures and negative media coverage which caused panic amongst those planning to attend.

All events saw a significant reduction in attendance, due to these bushfires. The events were all extremely professionally organised and expectation was that the Festival would have seen a major increase on the 2018 Festival attendance figures. Estimated attendance figures for the 2019 event were more than halved, with approximately 800 people attending the festival (estimates were from 1,600 to 2,000 attendees). Motels and other accommodation outlets have also reported a high number of cancellations due to the fire event.

The Peter Allen Festival Committee is currently carrying a significant debt from this event through circumstances outside their control, and have been well supported by many of their creditors, who have not pursued immediate payment.

While the Peter Allen Festival has experienced this setback, it is felt that the potential for this Festival to become a cornerstone event for our community still exists. The negative media coverage, as well as the ongoing drought, bushfires and water shortages that Tenterfield is experiencing, has had a significant impact on visitation and tourism to the Shire. By supporting the Peter Allen Festival Committee at this time, will assist in the continuation of the Peter Allen Festival as a major tourism activity for Tenterfield.

Feedback from those who could attend the 2019 Peter Allen Festival has been extremely positive, with many making plans to attend the 2020 event. It is proven that successful events such as Oracles of the Bush and the Bavarian Music Festival and Beer Fest have a significant impact on Tenterfield's economy. The Parkes' Elvis Festival, which started with 50 attendees at the first event, is now worth \$13 million to the Parkes Economy.

Although the festival is only in its early years, it is believed the Peter Allen Festival has the potential to grow into Tenterfield's Flagship Event. Community support for the festival is critical at this time for the event to continue and develop.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The Peter Allen Festival was identified as a key economic priority for Tenterfield during workshops held in 2017.

2. Policy and Regulation

Nil

3. Financial (Annual Budget & LTFP)

An adjustment to the annual budget would be required and recorded as a sponsorship to the Peter Allen Festival.

Our Economy No. 15 Cont...

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Terry Dodds
Chief Executive

Prepared by staff member:	Caitlin Reid; Harry Bolton
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Planning & Development Services
Reference:	ITEM ENV27/19
Subject:	COMMUNITY PARTICIPATION PLAN

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Environment - ENVO 9 - Our natural environment will be protected, enhanced and promoted for future generations.
CSP Strategy:	Land use planning provisions support and promote sustainable land use and management in the Shire.
CSP Delivery Program	Provision of advice and guidance on legislative compliance for the construction of dwellings and commercial/industrial buildings.

SUMMARY

The purpose of this report is to present to Council the results of the public exhibition period and recommend that the Community Participation Plan be adopted as exhibited.

OFFICER'S RECOMMENDATION:

That Council:

The Draft Community Participation Plan be adopted as exhibited and uploaded to the NSW Planning Portal.

BACKGROUND

Amendments to the *Environmental Planning and Assessment Act 1979* have included requirements for all NSW Planning Authorities, including Local Councils, to have community participation plans in effect by 1 December 2019. Given the timing of exhibition and schedule of Council meetings Council has been provided with an allowance for adoption until end December 2019.

At its meeting of 30 October 2019, Council resolved the following;

- (1) Exhibit the Draft Community Participation Plan be exhibited for community comment for 28 days in accordance with the requirements of the Environmental Planning & Assessment Act 1979; and**
- (2) Receive a further report detailing any community feedback at the conclusion of the exhibition period. Should Council receive no submissions at the close of the public exhibition period, the Community Participation Plan be adopted as exhibited.**

REPORT:

The CPP was placed on public exhibition from 13 November 2019 to 11 December 2019, and at the time of writing this report Council had received two (2) submissions as below.

Submission 1

If individual councilors are lobbied regarding a particular development/issue will there be an official record tabled of such discussions?

Our Environment No. 27 Cont...

If a meeting is held with community members regarding a particular development/issue will there be minutes taken and officially confirmed?

Submission 2

That the Tenterfield Shire Council waives all charges and contributions for a period of 2 years (effective immediately) on ALL Developments (Commercial/Residential/Industrial) across the LGA including subdivisions with a view that this will grow the local economy by way of jobs and local spend, encourage developers to bring forward projects and also show the people of Tenterfield, that despite the drought, fires and majority water issues, council is actually serious when they say 'We are now Open for Business'!

Comment

Whilst the submissions are acknowledged they refer to matters that are not dealt with under the provisions of the CPP. The CPP is a document about consultation and sets out Council's approach for encouraging the community to have their say on planning and development assessment matters in the Tenterfield Local Government Area. It is designed to be an easy to use guide for the community to know when and how they can provide input into planning decisions that could impact them and the future of our Shire.

A key legal function of the CPP is to inform the community of the minimum public exhibition timeframes for different types of development applications. The minimum public exhibition period for all development applications (except for complying development, State significant development and designated development) is 14 days, unless a CPP identifies a different time period or states that no public exhibition is required (clause 7 of Schedule 1 of the EP&A Act 1979).

The CPP also sets out the minimum public exhibition timeframes for strategic plan making. This includes draft CPPs, draft Local Strategic Planning Statements, planning proposals for local environmental plans subject to a gateway determination, reclassification of land from community to operational, draft development control plans and draft contribution plans.

Matters raised in submission 1 relate to matters that are dealt with through Councillor Code of Conduct, Independent Commission Against Corruption (ICAC) document "*Lobbying local government councilors 2006*"

Matters raised in submission 2 do not relate to the content and intent of the CPP, however are matters that can be addressed through the exhibition of the revised S64 Developer Services Plans and Section 7.11 & 7.12 Developer Contributions Plans scheduled for public exhibition and workshopping during early 2020 and future development on a broader perspective within the Local Strategic Planning Statements.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The CPP was exhibited for a period of twenty eight (28) days as required by the *Environmental Planning & Assessment Act, 1979* after which time two (2) submissions were received and are addressed above.

Our Environment No. 27 Cont...

The CPP sets out how Council will engage with the community in the future in relation to planning and development matters.

2. Policy and Regulation

- No specific policy implications.

3. Financial (Annual Budget & LTFP)

No direct impact upon Council's adopted budget.

4. Asset Management (AMS)

No implications.

5. Workforce (WMS)

No implications.

6. Legal and Risk Management

No implications.

7. Performance Measures

No implications.

8. Project Management

No implications.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Tamai Davidson
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM GOV80/19
Subject:	MONTHLY OPERATIONAL REPORT - NOVEMBER 2019

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
CSP Strategy:	Council's decision making processes are open, accountable and based on sound integrated planning.
CSP Delivery Program	Promote and support community involvement in Council decision making process.

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2019/2020 Operational Plan.

OFFICER'S RECOMMENDATION:

That Council receives and notes the status of the Monthly Operational Report for November 2019.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media		
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive		
Department:	Office of the Chief Executive		
Attachments:	1	Attachment 1 (Attachment Booklet 1) - Monthly Operational Report - November 2019	147 Page

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM GOV81/19
Subject:	COUNCIL RECESS PERIOD - 2019/2020 & DELEGATION FOR CHIEF EXECUTIVE LEAVE PERIOD

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Services to our community are provided in a professional, friendly and timely manner consistent with our corporate values.
CSP Delivery Program	Deliver Customer Service and Business Services in the support of corporate outcomes.

SUMMARY

The purpose of this report is for Council to approve recess arrangements and provide the Mayor and/or Deputy Mayor, and the Chief Executive with delegations over the recess period and provide delegation for Acting Chief Executive during period of leave of Chief Executive.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Be in recess from 21 December 2019 to 26 February 2020.
- (2) Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the Chief Executive jointly to exercise any function of Council during the recess period with the exception of:
 - Determination of applications for all dwelling types and ancillary structures where significant objections have been received;
 - Rezoning matters;
 - Subdivision applications; and
 - Entering into Leases and Licences.
- (3) That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2020 Ordinary Council Meeting of Council to be held on 26 February 2020.
- (4) That Council approve the temporary appointment of Chief Corporate Officer, Kylie Smith to the position of Acting Chief Executive for the period Monday, 6 January 2020 to Sunday, 26 January 2020 inclusive and Monday 17 February to Friday 21 February 2020 inclusive.

BACKGROUND

At its Meeting of 25 September 2019, Council resolved:

Our Governance No. 81 Cont...

Resolution 195/19

That Council endorse the closedown periods for the Christmas/New Year 2019/2020 period as follows:

- *Indoor staff – close of business Friday, 20 December 2019, reopening Thursday, 2 January 2020;*
- *Outdoor staff – close of business Thursday, 19 December 2019, reopening Monday, 6 January 2020.*

It is now important to determine what delegated authorities will be granted to the Mayor and/or Deputy Mayor, and the Chief Executive specific to the recess period as per Resolution 195/19.

In addition, Chief Executive Terry Dodds will be absent on leave during the period Monday, 6 January 2020 to Sunday, 26 January 2020 inclusive and Monday 17 February to Friday 21 February 2020 inclusive with Chief Corporate Officer, Kylie Smith appointed to the position of Acting Chief Executive. Council will need to approve this temporary appointment.

REPORT:

There may be development applications under the standard process which would require Council to determine between the last Ordinary Meeting of Council in 2019 and the first Ordinary Meeting of Council in 2020. In this regard, it is considered prudent to delegate authority to the Mayor and/or Deputy Mayor, and the Chief Executive to determine those applications that cannot wait until the first Ordinary Meeting in February.

In addition, any other function of Council should be delegated to ensure the effective and efficient operations of the Council during the recess period.

The Acting Chief Executive will pick up these delegations during the period of absence of the Chief Executive.

Options:

1. That Council grants delegated authority to the Mayor and/or Deputy Mayor, and the Chief Executive in accordance with the recommendation.
2. That Council not grant delegated authority to the Mayor and/or Deputy Mayor, and the Chief Executive in accordance with the recommendation.

Option 1 is the preferred option.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Closedown arrangements and emergency contacts for the period have been advertised through "Your Local News", local media and are available on Council's website and phone message.

2. Policy and Regulation

Section 377 of the Local Government Act 1993 provides for delegations to the Chief Executive.

Our Governance No. 81 Cont...

3. Financial (Annual Budget & LTFFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

It is important for Council to delegate functions to the Mayor and/or Deputy Mayor, and the Chief Executive/Acting Chief Executive to enable Council to lawfully make decisions of Council during the recess period. Failure to grant delegated authority may result in non-compliance of legislative provisions.

7. Performance Measures

The performance measure for compliance with all legislative requirements is included in Council's Delivery Program.

8. Project Management

Nil.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV82/19
Subject:	FINANCE & ACCOUNTS - PERIOD ENDED 30 NOVEMBER 2019

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005 a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

OFFICER'S RECOMMENDATION:

That Council receive and note the Finance and Accounts Report for the period ended 30 November 2019.

BACKGROUND

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

REPORT:

A reconciliation of cash books of all funds has been carried out with the appropriate bank statements. A certified schedule of all Council's investments showing the various amounts invested is shown as an attachment to this report.

(a) Reconciliation of Accounts

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as at 30 November 2019.

Cash Book Balances on this date were as follows: -

General (Consolidated)	\$7,580,559.51	Credit
General Trust	\$ 313,266.50	Credit

(b) Summary of Investments

Our Governance No. 82 Cont...

The attachment to this report is a certified schedule of all Council's investments as at 31 October 2019 showing the various invested amounts and applicable interest rates.

Due to the timing of the redemption of some investments and some uncertainty about the funding for some of the water infrastructure costs associated with bores and other water infrastructure works, an additional investment was not made by 30 November 2019 (hence the higher general account balance) but this is being assessed and a further investment will be made in December 2019.

Concealed Water Leakage Concession Policy Update

For the month of November 2019 no concessions were granted under Council's Concealed Water Leakage Concession Policy.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

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

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Our Governance No. 82 Cont...

Prepared by staff member:	Paul Della; Jessica Wild	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 Investment Report as at 30 November 2019	1 Page

TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 30 NOVEMBER 2019

Financial Institution	Issuer Rating	Investment Term	Maturity Date	Interest Rate	Amount	Percentage Exposure
NAB	AA-	60 Days	26/Jan/20	1.25%	5,000,000.00	53.38%
TOTAL NAB INVESTMENTS					5,000,000.00	53.38%
Commonwealth Bank	AA-	At Call		0.75%	3,366,250.13	35.94%
Commonwealth Bank	AA-	3 Months	27/Dec/19	1.56%	1,000,000.00	10.68%
TOTAL CBA INVESTMENTS					4,366,250.13	46.62%
INVESTMENTS TOTAL					9,366,250.13	100.00%

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

By:

 P. Della

* Except as highlighted in the associated Council Report.

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV83/19
Subject:	CAPITAL EXPENDITURE REPORT AS AT 30 NOVEMBER 2019

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Collaborate and deliver resources with other organisations to ensure a variety of cost effective services across the service area.

SUMMARY

The purpose of this report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This report outlines Council's financial progress against each project.

OFFICER'S RECOMMENDATION:

That Council receive and note the Capital Expenditure Report for the period ended 30 November 2019.

BACKGROUND

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

REPORT:

Some of Council's capital works projects have been delayed as a result of the need to focus resources on unplanned works as a result of emergency activities in relation to natural disasters and water supply issues.

All being well, expenditure on Council's planned capital works should ramp up early in the New Year.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

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

3. Financial (Annual Budget & LTFP)

Nil.

Our Governance No. 83 Cont...

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Paul Della; Jessica Wild
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	1 Attachment 2 (Attachment Booklet 2) Capital Expenditure Report as at 30 November 2019 6 Pages

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV84/19
Subject:	JOINT ORGANISATION MEMBERSHIP FOR THE 2020/21 FINANCIAL YEAR

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
Delivery Plan Action:	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.
Operational Plan Action:	Participate in regionals organisations of Council and other joint bodies to advance the needs of the Tenterfield Shire and the surrounding regions.

SUMMARY

Consider membership fees for the New England Joint Organisation (NEJO) for 2020/21 and whether Council wishes to remain a member of the NEJO given the potential for a 340% increase in membership fees above the current fee level.

OFFICER'S RECOMMENDATION:

That Council:

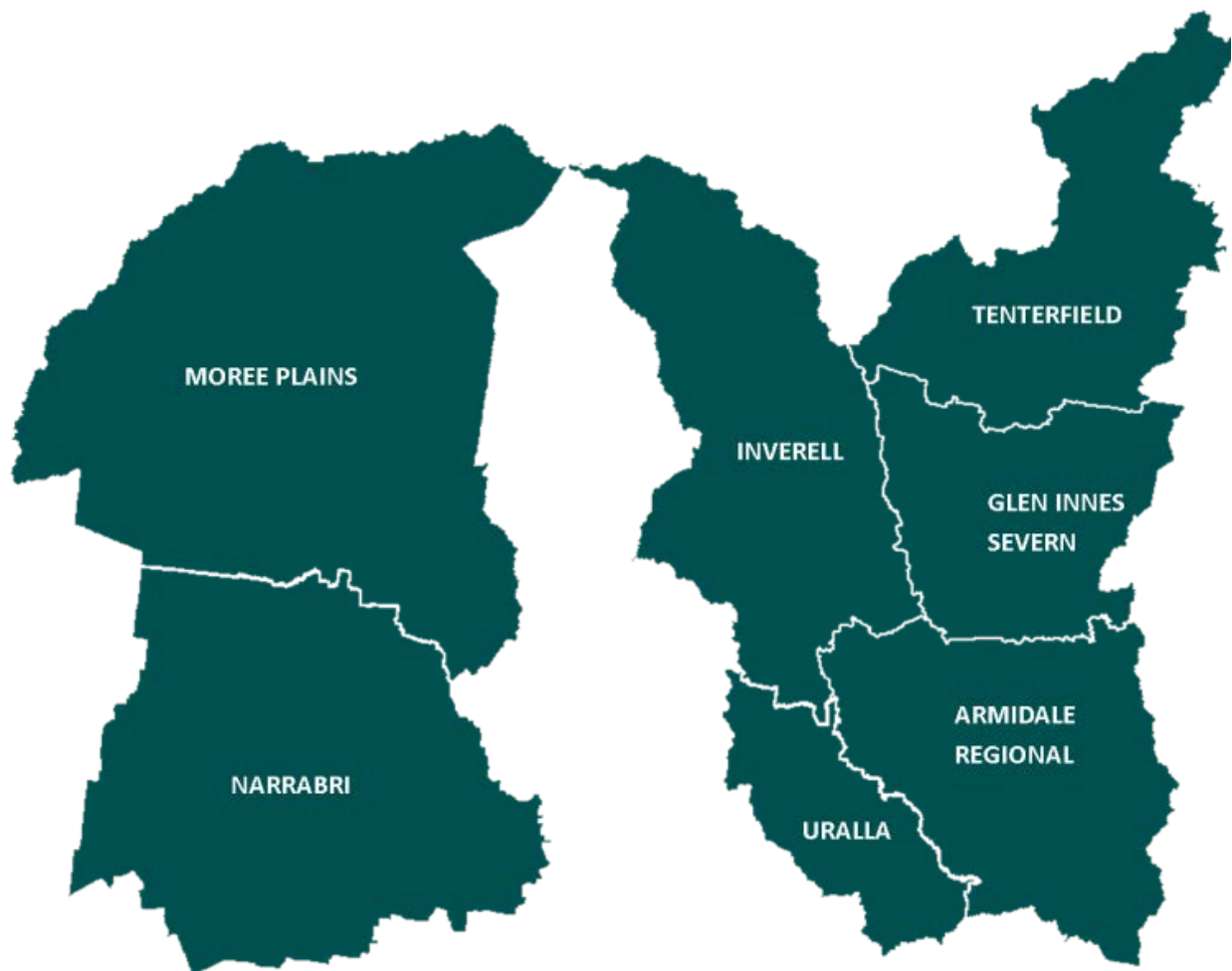
- 1. The Mayor advise NEJO that Council is prepared to pay \$5,130 as a membership fee to the NEJO for the 2020/21 Financial Year;**
- 2. The Mayor request that the NEJO approach the State Government to fully fund the operations of Joint Organisations; and**
- 3. That the Mayor advise NEJO that should the amount that Tenterfield Shire Council is prepared to pay in membership fees to NEJO for 2020/21 not be accepted, Council will further consider its membership of the NEJO for 2020/21 and beyond.**

BACKGROUND

In 2017, the NSW Parliament passed the Regional Joint Organisations Bill 2017. This legislation allows for Councils to voluntarily join Joint Organisations (JOs) to strengthen regional coordination and improve service delivery through collaboration, shared leadership and advocacy.

Council previously resolved (Resolution 271/17) to become a member of a Joint Organisation and Tenterfield Shire Council's nomination was submitted and accepted by the Minister for Local Government.

Besides Tenterfield Shire Council, the member councils involved in the New England Joint Organisation include Armidale Regional Council, Glen Innes Severn, Inverell Shire Council, Moree Plains Shire Council and Narrabri Shire Council and collectively with the NSW Government, they form the New England Joint Organisation (NEJO).

Map of current NEJO member councils:

Tenterfield Shire Council has always had a close association with its neighbours in the New England North West Region encompassing, Armidale Regional Council, Glen Innes Severn Council, Gwydir Shire Council, Inverell Shire Council, Moree Plains Shire Council and Uralla Shire Council.

The relationship had previously been fostered by Tenterfield Shire Council attendance and participation with the New England Regional Group of Councils. As such, the formation of a Joint Organisation was seen to be the most beneficial combination to archive the objectives of a Joint Organisation and was considered to be an appropriate size and have the capacity to partner with the NSW Government, the Commonwealth Government and other organisations.

REPORT:

At the NEJO Board Meeting dated 25 November 2019, discussion took place as to the cost of membership going forward and the relevant section of the business paper from that meeting is attached (**Attachment 1**).

Our Governance No. 84 Cont...

In essence, it was highlighted that due to the need to cover approximately \$115,000 in costs for 2019/20, membership fees would need to be raised from the current \$5,000 (i.e. \$35,000 in income) to either:

- A) A flat membership fee per Council of \$17,000 for 2020/21 (i.e. 7 x \$17K = \$119K income (to allow for some inflation on 2019/20 costs); or
- B) A population based fee structure which for Tenterfield would result in a membership fee of approximately \$13,000 per annum

Indications at the meeting were that Armidale, Glen Innes and Inverell preferred Option A and Tenterfield preferred Option B. Armidale expressed concerns around Option B because if some Councils pay a higher fee than others, the higher paying Councils may feel like they are entitled to more than one vote and Armidale's preference is for each board member to pay one fee for one vote. The Chair noted that it is important for the NEJO to be financially secure.

It was resolved (**Attachment 2**) at the Board meeting (34/19) that:

- i. Individual Board members discuss a new proposed fee structure at their December Council meetings.
- ii. That this matter be deferred until the next NEJO Board meeting. (*23 March 2020 at 10am in Tenterfield.*)

Clearly, whatever Tenterfield Shire Council wants with regard to a new fee structure is largely irrelevant if the majority of Board members from other Councils want something different i.e. a flat membership fee, which by all indications they may well want.

Financially, a population based membership fee is more acceptable to Tenterfield Shire Council than a flat membership fee and a number of membership organisations provide for fee structures that cater for capacity to pay while maintaining one vote per member which a population based membership would do.

On the issue of one vote per member, this is enshrined in the legislation (Local Government Act) and the view expressed by Armidale Council that if one council pays a higher membership fee they may feel entitled to more than one vote is irrelevant.

It doesn't matter what a council feels entitled to should it have to pay a higher membership fee than another council, as the legislation states:

Local Government Act:

Board of joint organisation

400T Board of joint organisation

(1) The board of a joint organisation is to consist of--

- (a) the mayors of each of the member councils, who are each entitled to **1 vote** at a meeting of the board, and
- (b) any additional voting representatives of the member councils appointed under this section, who are each entitled to 1 vote at a meeting of the board, and

Our Governance No. 84 Cont...

(c) other non-voting representatives, who may attend but are not entitled to vote at a meeting of the board.

With regard to clause (b) this refers to subclause 5 of this section, which states that:

(5) The board may, by resolution, determine to expand the voting representatives on the board to include 1 additional representative nominated by each member council. **(Emphasis added)**

More concerning is the large increase in membership fees (340%) and the fact that essentially another level of bureaucracy is being created at additional costs (to the ratepayer) which are likely only to be ever increasing.

Council has taken a hardline stance on State Government organisations trying to increase fees considerably e.g. election costs, libraries and the emergency services levy and if, for example, Council were to follow the stance taken with the Emergency Services Levy, Council could determine to pay the \$5K membership fee as per the current fee, plus the rate peg of 2.6% for 2020/21 as a membership fee i.e. \$5,130.

Unlike the Emergency Service Levy, Council has a choice as to whether to be involved in the NEJO.

Therefore it is recommended that Council resolves that it will remain a member of the NEJO if the membership fee is capped at \$5,000 plus the rate peg for 2020/21 and if not, that it reconsiders its position as a member of the NEJO.

Now in making such a decision as to whether to remain in it going forward, the benefits of being in the NEJO need to be considered; but if the previous NEGOC could operate effectively without these costs, the question needs to be asked whether the move to JO's has been a move for the better.

Should Council decide not to remain involved in the NEJO if it is deemed too expensive, the Local Government Act states:

LOCAL GOVERNMENT ACT 1993 - SECT 400ZC

Amendment and dissolution of joint organisations

400ZC Amendment and dissolution of joint organisations

- (1) The Governor may, by proclamation, amend or revoke a proclamation in force under this Part for the purpose of amending the constitution of, or of dissolving, a joint organisation.
- (2) A proclamation for the purpose of amending the constitution of a joint organisation—
 - (a) may change the name of the joint organisation, or
 - (b) may vary the joint organisation area by adding **or removing council** areas and may specify the name of each council whose area is included in or removed from the joint organisation area. **(emphasis added)**

Our Governance No. 84 Cont...

So just as the Governor made a proclamation to create the NEJO, so too is a proclamation required from the Governor for a Council to be removed from it.

A final point to make is around risk. In the original Council report discussing joining the Joint Organisation, it was stated that Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation and that a failure to join a JO may have negative consequences for Council re future funding opportunities.

Clearly such comments are meant to intimidate councils into going down a certain path and are not helpful to fostering good relationships with the second level of Government.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Part 7 of Chapter 12 of the Local Government Act 1993

3. Financial (Annual Budget & LTFP)

It was always anticipated that Council would need to make an ongoing contribution once the Joint Organisation was formed and that this contribution would be determined once the scope of activities and services are agreed upon. However Tenterfield Shire Councils capacity to pay is restrained by our small population compared with other Councils in the NEJO.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Initially each Joint Organisation had seed funding to pay for an Executive Officer. The resultant impact on each member Council is now about to be felt and includes the cost of providing an Executive Officer. While the cost of services provided by the Joint Organisation is shared between member Councils, once again it is an additional cost put onto Council with no additional funding source.

6. Legal and Risk Management

In the original Council report discussing joining the Joint Organisation, it was stated that Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation and that a failure to join a JO may have negative consequences for Council re future funding opportunities.

7. Performance Measures

Nil.

8. Project Management

Nil.

Our Governance No. 84 Cont...

Terry Dodds
Chief Executive

Prepared by staff member:	Paul Della; Noelene Hyde	
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 NEJO Business Paper on Membership Fees for 2020-21	3 Pages
	2 NEJO Resolution re Membership Fee Structure 2020-21	1 Page

1

REPORTS TO THE BOARD OF

1

NEW ENGLAND JOINT ORGANISATION OF COUNCILS 25 NOVEMBER 2019

ITEM NO:	7.4	NEJO MEMBERSHIP STRUCTURE
PREPARED BY:	Brooke Southwell, Executive Officer	

ATTACHMENT: APPENDIX 2: NEJO Budget

SUMMARY:

NEJO is required to review its membership fee in order to cover its ongoing fixed costs. The JO have a number of fixed costs at approximately \$115k per year, which can not be funded through grants and can not be maintained under the current membership fee.

COMMENTARY:

NEJO Fixed costs:

As highlighted in the 2019/20 Budget (APPENDIX 2), the JOs fixed costs include:

1) Employee benefits and on costs	\$72,707
2) Administrative expenses	\$28,780
3) Other/travel expenses	\$9,000
TOTAL	\$110,487
Plus inflation 1.5%	\$112,145
Plus contingency 2% TOTAL	\$114,388

The JO has a number of fixed costs at approximately \$115k per year, which cannot be maintained under the current membership fee structure of \$5k per annum.

The new membership fee needs to be agreed at the November Board meeting, to allow Finance Managers adequate time to commence budgeting decisions for the 2020-2021 financial year.

JO Fee Comparison:

1. NAMOI JO	\$30,000
2. Far North West JO	Between \$10,400 and \$12,100
3. Far West JO	\$0
4. Central NSW JO	Between \$8,388 and \$54,366
5. RAM JO	Between \$6,602 and \$39,153
6. Orana JO	Between \$10,691 and \$22,976
7. IS JO	\$54,000
8. Mid North Coast JO	\$12,727
9. Northern Rivers JO	Between \$16,400 and \$44,400
10. Hunter JO	\$20k
11. CR JO	Between \$13,006 and \$49,099

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**REPORTS TO THE BOARD OF
 NEW ENGLAND JOINT ORGANISATION OF COUNCILS 25/11/2019**

3

APPENDIX 2:

PART B - 2019/20 BUDGET

**NEW ENGLAND JOINT ORGANISATION
 2019-2020
 DRAFT BUDGET
 AS AT 1-3-2019
 \$'000 (approx)**

Income	NOTE	2019-2019 Total Budget	2019-2019 Actuals	Variance	(%)
Income From Continuing Operations					
Council Contributions	1	35,000	35,000	0.00%	0.0%
Interest & Investment Revenue		1,000	1,000	0.00%	0.0%
Other Revenue		0	0	0.00%	0.0%
Grants & Contributions provided for Operating Purposes	2	0	0	0.00%	0.0%
Total Income from Continuing Operations		36,000	36,000	0.00%	0%
EXPENSES					
Expenses From Continuing Operations					
Employee Benefits & On-Costs	3	72,907	72,907	0.00%	0.0%
Administration Expenses	4	28,760	28,760	0.00%	0.0%
Other Expenses	5	1,000	1,000	0.00%	0.0%
IO Grant Funded Projects	6	60,000	60,000	0.00%	0.0%
Total Expenses from Continuing Operations		162,667	162,667	0.00%	0%
Sub Total		-126,667	-126,667	0.00%	0%
Transfers from Cash Reserves		155,000	155,000	0.00%	0.0%
Net Operating Profit / (Loss) for the Year		28,333	28,333	0.00%	0%
NOTES					
Council Contributions	1				
Arden Regional Council		5,000	5,000	0.00%	0.0%
Our Rivers Shire Council		5,000	5,000	0.00%	0.0%
Shire of Shire Council		5,000	5,000	0.00%	0.0%
Marree Shire Council		5,000	5,000	0.00%	0.0%
North East Shire Council		5,000	5,000	0.00%	0.0%
Yamarna Shire Council		5,000	5,000	0.00%	0.0%
Ukalla Shire Council		5,000	5,000	0.00%	0.0%
Grants & Contributions provided for Operating Purposes	2				
IO Joint Organisation Establishment Funding		0	0	0.00%	0.0%
Employee Benefits & On-Costs	3				
Salaries - Executive Officer		62,000	62,000	0.00%	0.0%
Superannuation		5,390	5,390	0.00%	0.0%
Leave Entitlements Provisions		1,177	1,177	0.00%	0.0%
Workers Compensation Insurance		4,340	4,340	0.00%	0.0%
Administration Expenses	4				
Bank Fees		160	160	0.00%	0.0%
Advertising		500	500	0.00%	0.0%
Accountancy Software		900	900	0.00%	0.0%
Audit Fees		2,000	2,000	0.00%	0.0%
Financial Statement Preparation		3,000	3,000	0.00%	0.0%
Printing & Stationery		2,500	2,500	0.00%	0.0%
Telephone		700	700	0.00%	0.0%
Web Site Expenses		1,300	1,300	0.00%	0.0%
Small Printing		3,200	3,200	0.00%	0.0%
Information Technology		2,500	2,500	0.00%	0.0%
Contingency Fund		10,000	10,000	0.00%	0.0%
Other Expenses	5				
Travel Expenses - IO Meetings		5,000	5,000	0.00%	0.0%
Travel Expenses - EO		1,000	1,000	0.00%	0.0%
IO Grant Funded Projects	6				
Strategic Projects		60,000	60,000	0.00%	0.0%

Minutes of the NEJO Meeting – 25 November 2019

5. MINUTES OF THE PREVIOUS MEETING HELD 26 AUGUST, 2019

32/19 RESOLUTION:

That the minutes of the meeting held on 26 August, 2019 be adopted as a true and accurate record.

Moved: Inverell Seconded: Armidale

6. PRESENTATIONS

Presentations were deferred.

7. REPORTS

7.1 Road Network Strategy – Stage 1 Report and Presentation by Cardno

This item was deferred.

7.2 Audited Financial Statements

This item was deferred.

7.3 YTD Financial Report

33/19 RESOLUTION:

That the Income and Expenditure Statement be received and noted.

Moved: Inverell Seconded: Glen Innes

CARRIED

7.4 NEJO Membership Structure

- The Chairman provided an update on the RAMJO fees which are between \$8,773 – \$51,130.
- Armidale, Glen Innes and Inverell preferred Option A and Tenterfield preferred Option B.
- Board members agreed to discuss the new proposed fee with their fellow Councillors.
- Armidale expressed concerns with Option B because if one Council is providing a higher fee, they may feel like they are entitled to more than one vote.
- Armidale's preference is each board member pays one fee for one vote.
- The Chair noted that it is important that NEJO is financially secure.

34/19 RESOLUTION

- i) *That individual Board members discuss a new proposed fee at their December Council meetings.*
- ii) *That this matter is deferred until the next NEJO Board meeting.*

Moved: Narrabri Seconded: Tenterfield

CARRIED

Department:	Office of the Chief Corporate Officer
Submitted by:	Chief Corporate Officer
Reference:	ITEM GOV85/19
Subject:	A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR LOCAL GOVERNMENT IN NSW

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
CSP Strategy:	We partner with the community, business and Federal and State Government in the achievement of our goals.
CSP Delivery Program	Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region.

SUMMARY

The NSW Office of Local Government (OLG) is consulting on the proposed regulatory framework that will support the operation of Audit, Risk and Improvement Committees, to be in effect from March 2021. Tenterfield Shire Council's response has been drafted from the commentary provided by the Committee and staff concerns, to be submitted to Council's meeting of 18 December 2019, for subsequent submission to the OLG by 31 December 2019.

OFFICER'S RECOMMENDATION:

That Council:

Provide the attached response to the Office of Local Government NSW as Feedback to the "Risk Management and Internal Audit Framework for Local Government in NSW" review.

BACKGROUND

In 2016, the NSW government made it a requirement under the Local Government Act 1993 that each council have an Audit, Risk and Improvement Committee. This requirement is expected to take effect from March 2021.

The government is consulting on the proposed mandatory regulatory framework that will support the operation of these committees, and the establishment of a risk management framework and internal audit function in each council.

REPORT:

The "Risk Management and Internal Audit Framework for Local Government in NSW" and has provided commentary regarding the nine (9) core requirements for councils to comply with when establishing their Audit, Risk and Improvement Committees, risk management framework and internal audit function.

The main objectives considered by the Office of Local Government in the development of the framework are as follows:

- each council in NSW has an independent Audit, Risk and Improvement Committee (ARIC) that adds value to the council;

Our Governance No. 85 Cont...

- each council in NSW has a robust risk management framework in place that accurately identifies and mitigates the risks facing the council and its operations;
- each council in NSW has an effective internal audit function that provides independent assurance that the council is functioning effectively and the internal controls the council has put into place to manage risk are working, and
- councils comply with minimum standards for these mechanisms that are based on internationally accepted standards and good practice.

As Tenterfield Shire Council has already established the main elements of these requirements, in a model that is deliverable for a small council in a rural/regional setting, significant concerns exist around the prescription nature of the requirements proposed. Of most concern is the inference that the ARIC will take on a managerial oversight role providing directives in lieu of guidance on matters they consider significant, this concern is compounded by the lack of Board (in this instance Councillor) input. The other glaring risk for Council is the financial impact of the prescriptive guidelines on remuneration for Committee Members and staff resourcing required to support the model proposed.

A draft letter of response has been developed and is now provided for Council to approve and include any amendments, for submission to the OLG by the response deadline of 31 December 2019.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The Internal Audit and Risk Management Committee of Council has been consulted and feedback included in the proposed draft response.

2. Policy and Regulation

- NSW Local Government Act 1993

3. Financial (Annual Budget & LTFP)

Council has increased its budget in the previous Operational Plan to support the internal Audit Function of Council to enable a minimum of two (2) Internal Audits per year, in addition to the payment of independent members as per the Committee Charter.

Currently Council supports this budget with a reciprocal arrangement with Southern Downs Regional Council, where staff volunteer their time to be independent members of each respective committee.

The total sitting fees for the Committee are currently \$8,000pa where under the proposal this amount alone would be in the order of \$17,500 plus travel expenses for a Chair and one (1) paid member. If the entire Committee were paid independent persons this equates to forecast sitting fees of \$33,000 plus travel.

4. Asset Management (AMS)

Nil

Our Governance No. 85 Cont...

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Kylie Smith	
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 Attachment 3 (Attachment Booklet 2) Risk Management and Internal Audit Framework for Local Government in NSW	116 Pages
	2 Letter to the Office of Local Government	2 Pages

26 November 2019
XX/X OCR2019XXXX

The Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Email: olg@olg.nsw.gov.au

Dear Minister,

RE: Internal Audit Consultation - A New Risk Management and Internal Audit Framework for Local Government in NSW

I am writing to you regarding Tenterfield Shire Council's feedback and comments regarding the proposed "New Risk Management and Internal Audit Framework for Local Government in NSW" and wish to provide Council's feedback on the proposed elements of the framework. Council has already implemented elements defined in the proposed framework, in such a way that these can be carried out and delivered within Council's existing budgets. To be compelled to implement those elements

1. For small rural/regional councils, such as Tenterfield, the financial burden to implement the proposed model of operation, without the flexibility to apply a realistic solution, will not be possible. The financial commitment required for the proposed "one size for all" framework will not be achievable by small councils, who cannot be expected to match the financial capabilities of medium and large councils, as well as the commensurate level of ARIC activities, to deliver the required outcomes.
2. It is Council's contention that it is Council who manages the organisation and the ARIC should assess the processes that Council has put in place to comply with the various governance obligations. The primary objective of the ARIC, therefore, is to promote good corporate governance through the provision of independent guidance, oversight and advice to Council and the General Manager, rather than continuously review.
3. If the framework is interpreted to see the ARIC take on a managerial/directive role, then professional indemnity needs to be assessed and considered.
4. The ARIC membership excludes elected representatives. I believe it is useful to have a councillor on the committee, provided they are engaged and knowledgeable on matters presented at the ARIC. The Chair should be independent, but councillors on the ARIC can be an effective conduit with the broader council. It is noted that in other State jurisdictions there is a legislative requirement that the

Audit Committee must include a minimum of one councillor, and maximum of two councillors.

5. The proposal states that the ARIC is to have direct and unrestricted access to the General Manager, Senior Management, and staff and contractors of the council, as well as direct and unrestricted access to council resources and information it needs to perform its role. Any contact by the ARIC should be through the Chair and via the General Manager or delegated Director/Senior Manager. It could be very dangerous for any ARIC member to talk to basically anyone.
6. The proposed framework will introduce additional costs on councils related to the quality assurance processes and remuneration, which will need to be considered. It is noted that at least once every four years an external strategic review of the effectiveness of the ARIC is required. This should be at the discretion of the council and management, and can be done effectively through honest and transparent self-assessments. If done externally at least every four years this will create a whole new industry.

In closing, I would point out that Tenterfield Council already has the core elements of the framework in place, and has been moving forwards with such elements as Internal Audits in 2018/19 and currently in 2019/20. I would urge you to consider a model where there is flexibility for councils to adopt a framework that is suitable for their individual requirements.

Yours faithfully,

Terry Dodds
Chief Executive

(ITEM RC22/19) REPORTS OF COMMITTEES & DELEGATES - MEETING OF NEW ENGLAND JOINT ORGANISATION OF COUNCILS (NEJO) - 25 NOVEMBER 2019

REPORT BY:

A meeting of the New England Joint Organisation of Councils (NEJO) was held at Armidale Regional Council on Monday, 25 November 2019, attended by Mayor Peter Petty and Chief Executive Terry Dodds.

Minutes of the Meeting are attached.

RECOMMENDATION

That the Minutes of the New England Joint Organisation of Councils (NEJO) be received and noted.

ATTACHMENTS

1 Minutes of Meeting 7 Pages

Minutes of the NEJO Meeting – 25 November 2019

37/19 RESOLUTION

The NEJO Board receive and note the report and adopt the Audit report for the period ending 30 June 2019.

Moved: Tenterfield Seconded: Narrabri

CARRIED

7.6 JO Chairs meeting overview

- Tenterfield asked about the Chair and Deputy Chair of the JO Chairs meeting.
- It was explained that the reason for the positions is continuity and administration.
- Inverell questioned whether these positions would make decisions on behalf of the group.
- The NEJO Chair stated this is not the intention.
- Tenterfield raised concerns around the large number of local government groups representing the local government industry.

ACTION: NEJO Chair to ask JO Chairs if the NEJO Board can attend as observers.

- Narrabri Shire Council General Manager stated there is a risk that important government representatives will stop attending Country Mayors and that they will attend the JO meetings instead.
- OLG stated that the JO Chairs meeting is run by the JO Chairs and that OLG are invited.
- Tenterfield General Manager raised concerns around the LG Ministerial Advisory Group and asked OLG what is the purpose of the group. OLG stated it is a small group of peak body representatives.

38/19 RESOLUTION

That the JO Chairs meeting report is received and noted.

Moved: Narrabri Seconded: Glen Innes

CARRIED

7.7 NEJO Water Update

39/19 RESOLUTION

That the NEJO Water Update report is received and noted.

Moved: Tenterfield Seconded: Armidale

CARRIED

Minutes of the NEJO Meeting – 25 November 2019

9. GENERAL BUSINESS

- Glenn Innes requested NEJO to advocate for disaster areas to have rates waived to lessen the burden on people affected by drought and fires. Board members discussed the positives and negatives of this recommendation.
- Inverell suggested that NEJO could write to state and federal members asking them to freeze payroll tax and freeze company tax instead.
- Tenterfield General Manager suggested the Executive Officer should first speak with David Thompson from RDA who has been doing some work in this area.

ACTION: Tenterfield General Manager to send contact details for David Thompson to Executive Officer.

Presentation from Harris Short: Child Safe Standards Regulation

- NEJO is the first JO to agree to a presentation on the Child Safe Standards.
- The Children's Guardian Bill was approved last week to promote the safety, welfare and wellbeing of children.
- There have been some key findings from the royal commission into sexual abuse.
- An overview of reportable offences and reportable conduct was provided.
- Child safe standards can assist with youth Councils included onboarding and promotion.
- Each Council needs a Child Safe Policy.
- The new audits relate to a Council self-assessment.

ACTION: Harris Short to send the New Child Safe Policy to NEJO EO to distribute to member Council's.

The Chair wished everyone a safe and enjoyable Christmas and gave well wishes to the Executive Officer during her unpaid maternity leave.

As there was no further business, the meeting closed at 12:40pm.

CR MICK PEARCE

CHAIRPERSON

(ITEM RC23/19) REPORTS OF COMMITTEES & DELEGATES - MEETING OF TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 14 NOVEMBER 2019

REPORT BY: Peter Petty, Chairperson

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday 14 November 2019.

Minutes of the meeting are attached.

RECOMMENDATION

That the report and recommendations of the Tenterfield Shire Local Traffic Committee meeting of 14 November 2019 be received and noted.

ATTACHMENTS

1 Minutes of Meeting 8 Pages

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**



**MINUTES OF
TENTERFIELD SHIRE LOCAL TRAFFIC
COMMITTEE MEETING**

THURSDAY, 14 NOVEMBER 2019

MINUTES OF THE **Tenterfield Shire Local Traffic Committee Meeting** OF TENTERFIELD SHIRE held at the Council Chambers on Thursday, 14 November 2019 commencing at 10.20 am.

ATTENDANCE

Councillor Peter Petty (Mayor - TSC)
Councillor Gary Verri (TSC)
Councillor Tom Peters (TSC)
Glen Lamb (Representative for The Hon Janelle Saffin)

ALSO IN ATTENDANCE

Jess Gibbins (TSC Engineering Officer)
Fiona Keneally (TSC)
David Counsell (TSC)
James Paynter (TSC)

DISCLOSURE OF INTERESTS

Nil.

APOLOGIES:

Stefan Wielebinski (RMS)
Paul Caldwell (NSW Police)
The Hon Janelle Saffin, MP

CONFIRMATION OF MINUTES

Recommendation that the Minutes of the Tenterfield Shire Local Traffic Committee held 13 June 2019, as circulated, be confirmed and signed as a true record of the proceedings of the meeting. There was no Local Traffic Committee meeting held in August 2019.

This is page 1 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 14 November 2019

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

BUSINESS ARISING FROM PREVIOUS MINUTES

1. DISABLED PARKING. ROUSE STREET TENTERFIELD

Council's Disability, Inclusion & Access Advisory Committee undertook a walk in March 2019 to raise any issues with access in Rouse Street.

ACTION:

David Counsell advised the Committee that in conjunction with the review of the Pedestrian Access Management Plan, Council has been reviewing the whole CBD and will provide more information at the next meeting in January 2020. Council staff will investigate the specifications for disabled parking and in particular the one in High Street to see if moving towards the Ray White building (closer to Rouse Street) is viable.

2. LINEMARKING NEW ENGLAND HIGHWAY/BRUXNER WAY INTERSECTION

PP tabled correspondence from the Federal Member for New England, Barnaby Joyce, MP acknowledging Council's correspondence dated 3 May 2019 regarding possible funding for this intersection. The Hon Paul Toole, MP advised that funding has already been allocated to priority projects on the Highway and that RMS will continue to monitor the intersection for safety.

3. ROUSE STREET – NORTHERN END

ACTION: Jess G emailed the traffic count data to Local Police & RMS 16 November 2018. RMS to investigate as may require improvement to signage and delineation & infrastructure. RMS to provide an updated report following the site visit.

Ongoing.

4. PADDYS FLAT ROAD/BRUXNER HIGHWAY INTERSECTION

This item dealt with Item 5.

Ongoing.

5. SANDY FLAT ROAD/NEW ENGLAND HIGHWAY INTERSECTION

Sight board signage has been arranged by RMS to be erected at these intersections

ACTION: PP advised that a meeting was held with Mountain Blue Farms with RMS representative for Road Safety, Mayor Petty & Jess Gibbins. Fiona advised the Committee discussions have been held with RMS concerning the possibility of employing a Road Safety Officer, dependant on availability of funds. James advised that discussions have been held with RMS regarding the affected unsealed intersections.

Ongoing.

This is page 2 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 14 November 2019

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

6. SPEED LIMIT/ZONE IN AMOSFIELD

It was requested that Council install traffic counters at a suitable location and Jess G emailed results to Committee Members 26 October 2018. RMS to provide updated report after next site visit.

Ongoing

7. LIGHTING REQUEST IN ROUSE STREET (NEW ENGLAND HIGHWAY)

ACTION: Jess G advised the Committee that RMS have secured funding for the Lighting Assessment and Design and a Contractor has now been engaged.

Ongoing.

8. ROUSE STREET, ZIG ZAG LINEMARKING REQUEST

This was discussed that the last two LTC meetings. RMS have investigated zig zag pavement marking on approach to pedestrian crossings and will be installing early 2019.

9. "NO PARKING" PAINT REQUEST – ROUSE STREET, TENTERFIELD (SEXTON & GREEN)

Request received from Sexton & Green for "No Parking" to be painted in front of the 3 roller door access points at the Garage.

ACTION:

It was suggested at the last meeting that Council contact & advise the business to provide Council with statistics of how many vehicles are parking there. Jess G has sent correspondence.

10. LOADING ZONE REQUEST, ROUSE STREET/MANNERS STREETS, TENTERFIELD

Request received from Parsons Courier Service – Glen Innes seeking the provision of loading zones near the following businesses Newsagents, Chemist, Willowtown Tyres, Mitre 10/Gordon Corney now located in this building.

It was suggested at the last meeting that Loading zones will be reviewed with Item 1, above. Discussion was held with regards this matter including potential conflict with heavy traffic, taking away of parking spaces and sight obstructions if move to the main street CBD.

Ongoing.

11. EVENT REQUEST – PETER ALLEN FESTIVAL

The Business Chamber of Commerce, Industry and Tourism held the event on September 7th 2019 which involved the temporary road closure of the New England Highway section

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

between Molesworth Street and Manners Street between 8am-5pm for the purpose of holding market stalls, live music entertainment and other functions.

No Further Action.

12. VISIBILITY CONCERN, NEW ENGLAND HIGHWAY, JENNINGS

The Wallangarra Jennings Progress Association has raised concerns that there is a visibility problem coming on to the New England Highway from Duke street at least for a small car, there is high grass and the street slopes fairly steeply from the Highway.

ACTION:

Council inspected and remedial action has occurred that could assist at this intersection.

13. CLASSIFICATION OF BRUXNER WAY, TENTERFIELD

PP previously tabled correspondence from The Hon Paul Toole, MP concerning the reclassification of Bruxner Way. PP advised that he recently chaired the Bruxner Way Road Alliance Group Regional Meeting held between Tenterfield, Gwyder, Moree & Inverell. In correspondence from the Minister it was announced that the NSW Government will roll out the reclassification of various regional roads over a 4 year period. Through BROCC and the Joint Organisation of Council's, the reclassification of Bruxner Way is being driven.

14. CHANGE OF SIGNAGE ADJACENT TO SIR HENRY PARKES MEMORIAL SCHOOL IN WOOD STREET, TENTERFIELD

Police raised the issue of vehicles parking in front of the school in the "No stopping zone" as the signs are ambiguous. Signs were erected as the school bus swings in to the driveway of an afternoon and vehicles shouldn't be parked there.

Additional sign depicting hours has been erected to close the area where restricted "no stopping" should occur.

No Further Action.

15. NAAS STREET, TENTERFIELD – DEVELOPMENT APPLICATION

Jess G previously circulated this request by email for consideration by the LTC. Council received a Development Application for a German Restaurant on the corner of Naas and Duncan Streets.

Council advised the Developer that Council had no objections to installing the necessary carparking including short term and disabled parking subject to meeting applicable design standards. RMS also undertook a site inspection prior to Council issuing approvals under Section 138 Roads Act 1993.

No Further Action.

This is page 4 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 14 November 2019

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

GENERAL BUSINESS

1. REMEMBRANCE DAY 11.11.2019

Tenterfield RSL have requested temporary road closure of Molesworth Street between Scott Street and Rouse Street (New England Highway) on Monday 11 November 2019 from 10am to 11:30am to hold Remembrance Day Ceremony in front of Memorial Hall. (Information was circulated by email to LTC Members). Police approval had been received and approval was given to the RSL.

RECOMMENDATION:

Council offers no objections to the temporary closure of Molesworth Street between Scott Street and Rouse Street (New England Highway) on Monday 11 November 2019 between 10:00am and 11:30am subject to Council, RMS and Police approval and standard conditions.

Police Rep- Y
RMS Rep- Y (by email)
Council Rep- Y
MP Rep - Y

2. PROPOSED VILLAGE ENTRY SIGNS

Discussion was held with regards to proposed village signs. As part of the Stronger Country Community funding that Council has received, each of our villages (excluding Tenterfield) have received funding for village entrance signs. Whilst Council is at the early stages of the Project and no concept designs are drawn up, final designs are hoping to be drawn up by the end of this year with sign installation prior to June 2020. Concept designs of the signs will be circulated back through the Committee if required. Council's Town Planner will be undertaking community consultation meetings with the affected communities.

Ongoing.

3. REAR OF SCHOOL OF ARTS BUILDING

Discussion was held regarding a complaint that Council received from one of the building owners in Rouse Street. Vehicles keep parking in front of the gate, reversing into the fence and causing damage. JG tabled the RMS comments. It was general consensus that painting not to be completed on the pavement.

RECOMMENDATION:

That Council install 2 x "no parking" signs on either side of the gates to prevent vehicles from parking in front of the gates.

Police Rep- Y
RMS Rep- Y (by email)
Council Rep- Y
MP Rep - Y

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

4. ROUSE STREET (NEW ENGLAND HIGHWAY), TREE INSTALLATION

Council proposes to install a tree in a garden bed in the existing car parking space located on the western side of Rouse Street adjacent to the 'Potting Shed' as part of its street beautification scheme. A concept drawing was tabled for discussion. JG tabled the comments from RMS. JP addressed the Committee and has spoken to affected business holders. Concerns were raised with regards to sight distance, however the proposal is for trees and low shrubs and will be in line with what's already in front of the Commonwealth Bank. Council will consider implications to pedestrian safety.

5. KILLARNEY P-10 STATE HIGH SCHOOL BORDER RANGES TRAIL RIDE

JG circulated, by email, the application from Killarney P-10 State School P & C regarding the Border Ranges Trail Ride to be held on 28, 29 March 2020 including details of public liability insurance (to be forwarded in March), traffic management plan, event details and risk management plan. JG tabled comments from RMS. FK advised the Committee that at the RMS training recently attended, there had been changes concerning traffic control at worksites and suggested to raise this with the event Organisers to ensure they are aware that the traffic controllers are suitably qualified.

RECOMMENDATION:

That Council offers no objections to the holding of the Killarney P-10 State School P & C Border Ranges Trail Ride subject to Police approval, Development Consent and standard conditions.

Police Rep- Y
RMS Rep- Y (by email)
Council Rep- Y
MP Rep - Y

6. TIMBER BRIDGES LOAD LIMIT UPDATE

In April 2018, the recommendations for load limits to be applied to timber bridges within Tenterfield Shire resulting from the Level 3 Timber Bridge Inspections carried out in 2017, were tabled. DC provided an overview of Council's process to address removing the load limit signage.

RECOMMENDATION:

That Council addresses the affected bridges through remedial works as funding becomes available, and at the discretion of the Director of Engineering/Infrastructure take action to remove load limits as deemed appropriate.

Police Rep- Y
RMS Rep- Y (by email)
Council Rep- Y
MP Rep - Y

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

7. PARKING COMPLAINT – ROUSE STREET, TENTERFIELD

Discussion was held with regards to a complaint that Council has received from a shop owner that a van loading stock into a shop is parked for long periods of time with boot up which makes it difficult to park at the rear of the parked van. Also, blocks pedestrian access on the footpath.

ACTION:

It was suggested that Council request Police for advice on regulatory requirements and follow this with writing to the business owner.

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE
MEETING THURSDAY 14 NOVEMBER 2019**

NEXT MEETING

Next meeting to be held on Thursday 23 January 2019 at 10am.

There being no further business the Chairperson declared the meeting closed at 11:30am.

.....
Councillor Peter Petty
Mayor/Chairperson

Department:	Office of the Chief Executive
Submitted by:	Councillor
Reference:	ITEM NM9/19
Subject:	NOTICE OF MOTION - ROYAL COMMISSION

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Environment - ENVO 9 - Our natural environment will be protected, enhanced and promoted for future generations.
CSP Strategy:	Land use planning provisions support and promote sustainable land use and management in the Shire.
CSP Delivery Program	Provision of advice and guidance on legislative compliance for the construction of dwellings and commercial/industrial buildings.

SUMMARY

The purpose of this motion is to try to preserve the natural environment for future generations.

OFFICER'S RECOMMENDATION:

That Council call on the State Member for Lismore Janelle Saffin and the Federal member for New England Barnaby Joyce to advocate on our behalf for a Royal Commission into the management of National parks, State Forests, Stock Routes and other Crown lands, also for Tenterfield Shire Council to take a similar motion to the J.O of Councils and B.R.O.C.

BACKGROUND

Tenterfield Shire Annual Report, State or the Environment Report 2018/19
The natural environment will be protected, enhanced and promoted for future generations.

There has been various motions passed by this council with the intention of enhancing the environment with the call for more hazard reduction burns these motions were pursued as far as Council could.

REPORT:

"Two million **hectares** of land have been **burnt** since July in more than 7,000 fires which have raged across **NSW** in the "most challenging bushfire season ever". Six lives have been lost while 673 homes and 1,400 other buildings have been destroyed".

Tenterfield Shire has a vested interest in protecting the natural environment, a large percentage of the tourists visiting the Shire visit some of our natural attractions, Bald Rock, Waterfalls, World Heritage listed rainforest, scenic drives etc. The problem with landscape scenery at the moment is fire has destroyed this for years to come, large areas won't be safe to go bushwalking in for many years because of falling limbs, this could have been avoided if there were realistic management practices were in place.

Prior to European settlement the landscape in what is now Tenterfield Shire was woodland with isolated patches of eucalypt forest and small areas of rainforest and no reports of Eucalypt scrub hence most of the fauna were woodland dependent species, now a lot of these are under threat from loss of habitat, with anecdotal evidence of

Notice of Motion No. 9 Cont...

declines in large marsupials, finches especially diamond sparrows and insects so much so I doubt if a single jewel beetle (Buprestidae Spp) could be found in any of our local National Parks. The original landscapes were achieved by traditional Aboriginal firestick farming methods this traditional burning maintained a healthy grass- shrub- tree ratio benefiting all fauna.

About 40 years ago National Parks started acquiring land around Boonoo Boonoo a lot of which was woodland, grassland (part of Tenterfield Station) it is now Eucalypt scrub because the correct fire regime was ignored.

Prior to 1988 there were no crown or spotting fires in the Boonoo Boonoo area until 1989, this type of fire is caused by excessive fuel loads due to no regular burns. There were major fires coming out of the Boonoo Boonoo parks in 1983, 1989, 2002, 2018, 2019, with the last four of these being crown fires. Not only has inappropriate management of these parks caused the loss of fauna, woodlands have disappeared, it is impacting on all classes of wetlands, with a lot of these irreparably damaged thus affecting water quality on and off parks.

State forests have not exercised correct fire management for several decades. The only fires to burn in some of our local forests have been out of control bushfires caused by natural or deliberately lit this was not the case 40 or so years ago when some burns were conducted. State Forests desperately need silviculture in most forests and if we want to start saving the environment all classes of land need selective thinning. This drought has simply highlighted the need for widespread selective thinning with dense copses of trees either dying or suffering to the extent trees have dropped all leaves, not flowering, leaves become toxic killing anything that eats them including koalas.

When Tenterfield had its own Pasture Protection Board the stock routes were burnt on a regular basis by the P.P rangers or drovers, and it was always a delight to drive on roads that traverse stock routes to see the wildflowers and wildlife, that are not seen today. The drovers said if you were driving cattle along the Mt Lindesay that cattle would gain weight on the route to Tenterfield now for stock to gain weight one has to supplementary feed them.

It is not yet too late to reverse some of this damage to National Parks, State Forest etc using traditional firestick farming /burning on a correct basis, and fully resourced. We could again have National Parks for everyone to admire and to show the environment that our fathers saw.

Terry Dodds
Chief Executive

Prepared by staff member:	Gary Verri
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Councillor
Reference:	ITEM NM10/19
Subject:	ROAD NAMING

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Transport - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.
CSP Strategy:	The management of Council's assets will be long term and focused on meeting the needs of the community now, and into the future.
CSP Delivery Program	Management of the transport infrastructure assets in response to changing community need.

SUMMARY

There are several roads in the Liston area which have dual names that need clarifying.

OFFICER'S RECOMMENDATION:

That Council:

Start the process of renaming of Seven Mile lane /Herding Yard Creek Road, Old Maryland Lane/ Catarins Road, Maryland- Cullendore Road and Red Ridge Road.

BACKGROUND

Part of Seven Mile Lane was named Herding yard Road without community consultation. Old Maryland Lane/ Catarins Road is the same road depending which end you access the road.

Maryland – Cullendore Road has and still is confusing for Emergency vehicles coming from QLD.

I have had a request to rename Red Ridge Lane this was another road named without community consultation. There were letters to The Editor in the papers about this decision when it happened.

Seven Mile lane has historic connections with Maryland Station dating back into the 1800s, Old Maryland Lane also has historic connections with Maryland Station.

REPORT:

This is confusing especially when GPS devices show Catarins road as Old Maryland Lane, the Maryland Cullendore Road is equally confusing as there are a lot of "Maryland" road names in SDRC and Tenterfield Shire.

It has also been brought to my attention on several occasions the street names in Liston village are in-appropriate e.g. Stanthorpe, Tenterfield and Clarence streets, I'm of the opinion if we have to go to the public with the naming of the other streets we should ask the residents do they want name changes on these streets as well.

Notice of Motion No. 10 Cont...



Notice of Motion No. 10 Cont...



Terry Dodds
Chief Executive

Prepared by staff member:	Gary Verri
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM RES11/19
Subject:	COUNCIL RESOLUTION REGISTER - DECEMBER 2019

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council fosters a strong organisational culture which strives for best practice in all operations with a supportive corporate governance framework.
CSP Delivery Program	Ensure that the performance of Council as an organisation complies with all statutory reporting guidelines and information is available to decision makers.

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that outlines all resolutions of Council previously adopted and yet to be finalised.

OFFICER'S RECOMMENDATION:

That Council notes the status of the Council Resolution Register to December 2019.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media	
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive	
Department:	Office of the Chief Executive	
Attachments:	1 Attachment 4 (Attachment Booklet 3) - Resolution Register - December 2019	33 Pages



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

ADDENDUM ITEM FOR ORDINARY COUNCIL MEETING WEDNESDAY, 18 DECEMBER 2019

Notice is hereby given pursuant to Clause 2.3 of Council's Code of Meeting Practice that an **Ordinary Council** will be held in the Tenterfield Shire Council Chamber, on **Wednesday, 18 December 2019** commencing at **9.30 am**.

Terry Dodds
Chief Executive

AGENDA

10. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

(ITEM COM22/19) DROUGHT STIMULUS PACKAGE- REGIONAL YOUTH
SCHOOL HOLIDAY ACTIVITIY.....2

Department:	Office of the Chief Corporate Officer
Submitted by:	Chief Corporate Officer
Reference:	ITEM COM22/19
Subject:	DROUGHT STIMULUS PACKAGE- REGIONAL YOUTH SCHOOL HOLIDAY ACTIVITIY

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Community - COMM 2 - Health and quality of life are supported by a wide range of recreation and leisure opportunities.
CSP Strategy:	Sporting facilities are modern, provide choice and cater for the diverse needs of the community.
CSP Delivery Program	Provision of an accessible quality swimming and recreation facility which encourages participation.

SUMMARY

On 13 December 2019, Council received a letter from the Minister for Mental Health, Regional Youth and Women, with regard to the NSW Government's \$170 Million NSW Drought Stimulus Package. The Minister advised in the letter that Council could apply for a grant of between \$5,000 - \$10,000 to support additional youth programs.

OFFICER'S RECOMMENDATION:

That Council:

- (1) **Apply for the funding on offer and reduce the Adult and Child admission fees for entry by 50% to \$2 per person (under 3 still free) for the month of January 2020; and**
- (2) **Refund Season passes for the month of January on request of user through Council Administration.**

BACKGROUND

The NSW Government's \$170 million NSW Drought Stimulus Package aims to mitigate the employment and income effects of the current drought in regional NSW by delivering economic stimulus.

An allocation of funds has been committed to support small community towns in significantly drought impacted government areas to fund the extension of pool operating hours and other programs and activities for young people and their families over the 2019-20 summer holidays.

The objective of this funding is to provide enhanced social and recreational youth activities and programs over the summer-school holidays in small drought-affected communities.

Local pools, aquatic centres and swim areas are the primary target. Funding will be prioritised for extending local swimming pool operating hours and related programs or services during the summer holidays.

Examples of eligible activities include:

Our Community No. 22 Cont...

- Direct operating costs to extend pool-opening hours
- Additional life guards/staffing
- Reduction of pool admission fees
- Pool related initiatives and activities such as screening of outdoor films
- Life guard training

Other Services Councils can apply for funding to support other services and programs that enhances current services made available to young people.

For example:

- Extension of library hours and availability of program and initiatives
- Extension of youth centre hours of operation and programs
- New or extension of youth programs
- Outdoor evening cinema or Dance/disco events

Only one application is allowed per council and applications will be assessed within 3 working days by the funding body.

At the completion of the summer holidays, Councils will be asked to provide a report on the description of activities that were funded, youth participant numbers and evidence of how funding was spent.

Key dates:

- Applications open: 15 December 2019
- Application close: 20 January 2020
- Activities/school holidays begin: 23 December 2019
- Activities/school holidays end: 31 January 2019
- Evaluation/outcome report due: 13 March 2019

REPORT:

Consideration has been given to the programs Council has for the period when the projects need to be delivered and the demand within the community for services in developing the recommendation. Consultation has also been undertaken with the Pool Contract Service Providers to assess any unintended consequences of Council action on their operational constraints.

Contractors have advised that the pool will reopen on Thursday 19 December 2019, with the expectation that the pool water will be balanced at this stage and the flushing of mains water will have resolved any residual issues.

Council Staff have made arrangements to relocate the small Reverse Osmosis Plant to the Swimming Pool to ensure the filtration and dosing can be more consistent and ensure that the pool is operational for the remainder of the season, should the issue persist past 22 December 2019.

A particular risk identified relates to the January to early February period when the new Reverse Osmosis plant is installed to support the Town Water Supply. During this period it is anticipated that any adverse weather event will necessitate the active water management by Council Staff to ensure town water quality and the differing methodologies will make balancing the pool difficult and could result in water loss from the body of the pool or additional closures at the peak of usage of the facility.

Our Community No. 22 Cont...

The increased operating costs of this are not know at the time of this report, however it is expected that the change to the operation will result in higher electricity and water costs for the facility. Despite the increased water losses from the system, we are expecting to gain efficiencies in water usage by minimizing the backwash loss of late related to balancing the water and provide continuity of operations.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Time has not allowed by the funding authority to advertise the proposed changes in line with the Grant guidelines and timeframes. Given the tight timeframe for this grant and the specific nature of the requirements every effort has been made to complete this report prior to the hiatus for Council over the Christmas period.

2. Policy and Regulation

- NSW Local Government Act 1993

3. Financial (Annual Budget & LTFFP)

Grants between \$5,000 and \$10,000 are available to councils. Funding will available from mid-January 2020. Councils will need to cover any interim costs until the release of funds can be made.

Confirmation has been sought from the Department of Premier and Cabinet (phone call on 16 December 2019) that the funds have been allocated and they have advised that projects that meet the guidelines and demonstrate the outcomes required from the funding will be supported by an allocation to each eligible Council.

In January 2019 a total of 4197 attendance were recorded for the month. Using the current fees and charges this equates to approximately \$16,788 in revenue including the season passes sold.

80 season passes have been sold for the current season and a refund of these passes for the month of January only, would equate to \$4,252.

The total investment at current levels for all users to use the pool at a 50% discount for the month would be approximately \$8,394. This amount excludes any refunds and additional administration costs incurred for both submitting the grant application or processing refunds on the season passes.

The total cost to undertake this using past figures is estimated at \$12,646 however any change in usage will alter the subsidy and income. This will not be known until the end of January.

As such we propose to offer half price admission for all patrons from 1 January to 31 January 2020 inclusive to be partially offset by the grant funding and ensure supervision is adequate for children participating in this activity.

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

Our Community No. 22 Cont...

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Kylie Smith	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 Minister for Mental Health, Regional Youth & Women - Letter of Advice and Fact Sheets	3 Pages



The Hon. Bronnie Taylor MLC
Minister for Mental Health, Regional Youth and Women

Ref: A3402341

13 December 2019

Cr Peter Petter
Mayor
Tenterfield Shire Council
PO Box 214
Tenterfield NSW 2372

Email: p.petty@tenterfield.nsw.gov.au

Dear Cr Petter

The NSW Government's \$170 million NSW Drought Stimulus Package aims to mitigate the employment and income effects for the current drought to regional NSW by delivering economic stimulus.

I am pleased to inform you that an allocation from the NSW Government's Drought Stimulus Package has been committed to support councils in significantly drought impacted areas. This is to fund the extension of pool operating hours and other programs and activities for young people and their families in small community towns over the 2019-20 summer school holidays.

The funding support is focused on providing support to young people in small drought affected communities. Consultations with the Regional Youth Taskforce informed us that young people are seeking more evening activities alongside extended swimming pool operational hours.

I would like to invite your Council to apply for a grant between \$5,000 - \$10,000 for the purpose of extending local swimming pool operating hours or delivering additional youth programs.

A factsheet on the Regional Youth School Holiday Activity Funding is attached. I encourage your council to apply for this funding as soon as possible and take full advantage of this great opportunity to support our regional youth via an online SmartyGrants application. To access the application form <https://rqf.smartgrants.com.au/>

Please contact 1300 679 673 or Regionalsw.Business@dpc.nsw.gov.au with any questions.

A handwritten signature in black ink that reads "B. Taylor".

The Hon. Bronnie Taylor MLC
Minister for Mental Health, Regional Youth and Women

CC: The Hon. John Barilaro MP, Deputy Premier
CC: Mr Terry Dodds General Manager - t.dodds@tenterfield.nsw.gov.au

Drought Stimulus Package

Regional Youth: School Holiday Activity Funding

FACTSHEET



Overview

The NSW Government's \$170 million NSW Drought Stimulus Package aims to mitigate the employment and income effects of the current drought in regional NSW by delivering economic stimulus. The initial focus on fast-tracking existing local infrastructure projects to boost local economies is underway.

An allocation of funds has been committed to support small community towns in significantly drought impacted government areas to fund the extension of pool operating hours and other programs and activities for young people and their families over the 2019-20 summer holidays.

Objective

The objective of this funding is to provide enhanced social and recreational youth activities and programs over the summer-school holidays in small drought-affected communities.

Funding

Grants between \$5,000 and \$10,000 are available to councils. Funding will be available from mid-January 2020. Councils will need to cover any interim costs until the release of funds can be made.

Purpose

The key purpose of the funding is to extend and enhance services for young people over the summer holidays commencing 23 December 2019 till 31 January 2020. Priority will be given to funding the extension of swimming pool hours and related programs or services.

Eligible Projects

Projects must be conducted in small drought affected communities within the LGA.

Local pools, aquatic centres and swim areas

Funding will be prioritised for extending local swimming pool operating hours and related programs or services during the summer holidays. Examples of eligible activities include:

- Direct operating costs to extend pool opening hours
 - Additional life guards/staffing
- Reduction of pool admission fees
- Pool related initiatives and activities such as screening of outdoor films
 - Life guard training

Other Services

Councils can apply for funding to support other services and programs that enhances current services made available to young people. For example:

- Extension of library hours and availability of program and initiatives
- Extension of youth centre hours of operation and programs
- New or extension of youth programs
 - Outdoor evening cinema
 - Dance/disco events

Drought Stimulus Package
Regional Youth: School Holiday Activity Funding
FACTSHEET



- Enhanced council led youth activities
- New programs or initiatives led by young people

How to Apply

Councils will be provided a link to fill in a simple [online application form](#). Information required includes:

- Project title
- Funding requested
- Activities to be funded
- An itemised breakdown of the funding requested
- How the proposed activities will deliver enhanced social and recreational youth activities usually provided by Council.

Only one application is allowed per council. Applications will be assessed within 3 working days.

At the completion of the summer holidays, Councils will be asked to provide a report on the description of activities that were funded, youth participant numbers and evidence of how funding was spent.

Key dates

- Applications open: 15 December 2019
- Application close: 20 January 2020
- Activities/school holidays begin - 23 December 2019
- Activities/school holidays end – 31 January 2019
- Evaluation/outcome report due – 13 March 2019

Contact

For more information, please contact Regional NSW on 1300 679 673 or email Regionalnsw.Business@dpc.nsw.gov.au

Application Form

To access the SmartyGrants Application Form please click here: <https://rgf.smartygrants.com.au/>

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