



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

## **BUSINESS PAPER**

### **ORDINARY COUNCIL MEETING**

### **22 MAY 2024**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room", Council Administration Building, 247 Rouse St, Tenterfield NSW, on **Wednesday 22 May 2024** commencing at **9.30 am**.

Hein Basson  
**General Manager**

## COMMUNITY CONSULTATION – PUBLIC ACCESS

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

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

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

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

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

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

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

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

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

## CONFLICT OF INTERESTS

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

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

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

### **Remoteness**

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

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

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

### **Relatives, Partners**

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

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

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

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

### **No Interest in the Matter**

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

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

### **Disclosure and participation in meetings**

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

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

### **Participation in Meetings Despite Pecuniary Interest (S 452 Act)**

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

**Non-pecuniary Interests** - Must be disclosed in meetings.

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

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

### **Disclosures to be Recorded (s 453 Act)**

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

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## ORDER OF BUSINESS

### Community Consultation (Public Access)

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Confirmation of Previous Minutes
6. Tabling of Documents
7. Urgent, Late & Supplementary Items of Business
8. Mayoral Minute
9. Recommendations for Items to be Considered in Confidential Section
10. Open Council Reports
  - Our Community
  - Our Economy
  - Our Environment
  - Our Governance
11. Reports of Delegates & Committees
12. Notices of Motion
13. Resolution Register
14. Confidential Business
15. Meeting Close

# AGENDA

## COMMUNITY CONSULTATION (PUBLIC ACCESS)

### WEBCASTING OF MEETING

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

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

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

### 1. OPENING & WELCOME

#### 2. (A) OPENING PRAYER

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

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

#### (B) ACKNOWLEDGEMENT OF COUNTRY

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

### 3. APOLOGIES

### 4. DISCLOSURES & DECLARATIONS OF INTEREST

### 5. CONFIRMATION OF PREVIOUS MINUTES

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

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**15. MEETING CLOSED**

**(ITEM MIN7/24) CONFIRMATION OF PREVIOUS MINUTES**

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

**RECOMMENDATION**

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

- **Ordinary Council Meeting – 24 April 2024**

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

**ATTACHMENTS**

- |                                                                                 |            |
|---------------------------------------------------------------------------------|------------|
| <b>1</b> Unadopted Minutes - Ordinary Council Meeting - Wednesday 24 April 2024 | 8<br>Pages |
|---------------------------------------------------------------------------------|------------|



|                      |                                                          |
|----------------------|----------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>             |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning Property & Development  |
| <b>Reference:</b>    | <b>ITEM COM3/24</b>                                      |
| <b>Subject:</b>      | <b>MT MACKENZIE LOOKOUT - CROWN LAND MANAGER REQUEST</b> |

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

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

#### **SUMMARY**

The purpose of this report is to reconsider the request from Crown Lands NSW seeking Council's agreement to be appointed the Crown Land Manager for the Mount Mackenzie Lookout area, located on Mount Mackenzie Lookout Road, Tenterfield.

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

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

- (1) Notifies the Department of Crown Lands that Council will accept responsibilities as the Crown Land Manager for the Mount Mackenzie Lookout site subject to:**
  - (a) All easements for access to the site across land granted under Aboriginal Land Claim 9002 are created by Crown Lands prior to Council taking responsibility.**
  - (b) The area is surveyed by Crown Lands and includes the associated car parking area adjacent to the lookout.**
  - (c) Permission is received from Crown Lands for the removal of the existing toilet facility and BBQ facility at Council's cost.**

#### **BACKGROUND**

Mount Mackenzie Lookout is located on Lot 7003 DP 92653 and the entire parcel of land was subject to an Aboriginal Land Claim under the provisions of the *Aboriginal Land Rights Act 1983* (ALC 9002). On 12 July 2023 Council was notified by the Department of Planning and Environment – Crown Lands, that the Aboriginal Land Claim (ALC) had been finalised and the land will be transferring to Moombahlene Local Aboriginal Land Council (LALC) with the exception of the Lookout, which will remain as Crown Land.

Crown Lands subsequently wrote to Council offering Council the opportunity to become the Crown Land Manager for the Lookout site and at its Ordinary Meeting of 27 September 2023 Council resolved the following:

**Resolved that Council:**

Our Community No. 3 Cont...

*Notify the Department of Crown Lands that Council is not in a financial position to become the Crown Land Manager for the Mount Mackenzie Lookout site however recognise the community benefit the asset provides.*

*(Peter Petty/Kim Rhodes)*

**Motion Carried**

Up until this time Council had regularly serviced the waste bin and toilet facility located at the lookout, however servicing was discontinued after Council's September resolution. During October-December Council was made aware of concerns over the lack of servicing of the bin located at the lookout site and overflowing rubbish. The bin was subsequently removed and there has been minimal issue with waste since this time. No servicing of the toilet facility has been undertaken and National Parks and Wildlife Service have ceased servicing the gas BBQ facility at the site.

**REPORT:**

On 23 April 2024 the Mayor, General Manager and senior staff met with representatives from Crown Lands, Moombahlene Aboriginal Land Council (ALC) and National Parks and Wildlife Service (NPWS) to discuss options for the future management of the Mt Mackenzie Lookout site and appointment of a Crown Land Manager.

Options discussed included Moombahlene Aboriginal Land Council (ALC) or National Parks and Wildlife Service (NPWS) becoming the Crown Land Manager, neither of whom were in a position to commit during these discussions, or Council becoming Crown Land Manager, subject to certain conditions.

As reported to the 27 September 2023 Ordinary Council meeting, Council was not in a financial position to become the Crown Land Manager if the existing facilities were to remain, given projected maintenance and replacement costs. However, if the toilet facility, BBQ Shelter and BBQ were removed from the site there would be minimal regular servicing and maintenance required.

An inspection of the lookout area was subsequently undertaken where it was deemed that the existing BBQ shelter structure was in good condition and could remain on the site with minimal maintenance costs to Council. The condition of the structure would be monitored over time and reviewed if major maintenance were required. The hand rail at the lookout is starting to show signs of weathering, however not major, this could be replaced at a future stage with assistance via a Crown Lands grant.

Refer to photos below.



BBQ Shelter – rear



BBQ Shelter - front

## Our Community No. 3 Cont...

Hand railToilet facility

Anticipated costs for demolition of the toilet facility, including pump out of waste and removal of the BBQ is in the order of \$3,000, with budget currently available for these works to be undertaken should Council be of a mind to accept the offer of Crown Land Manager.

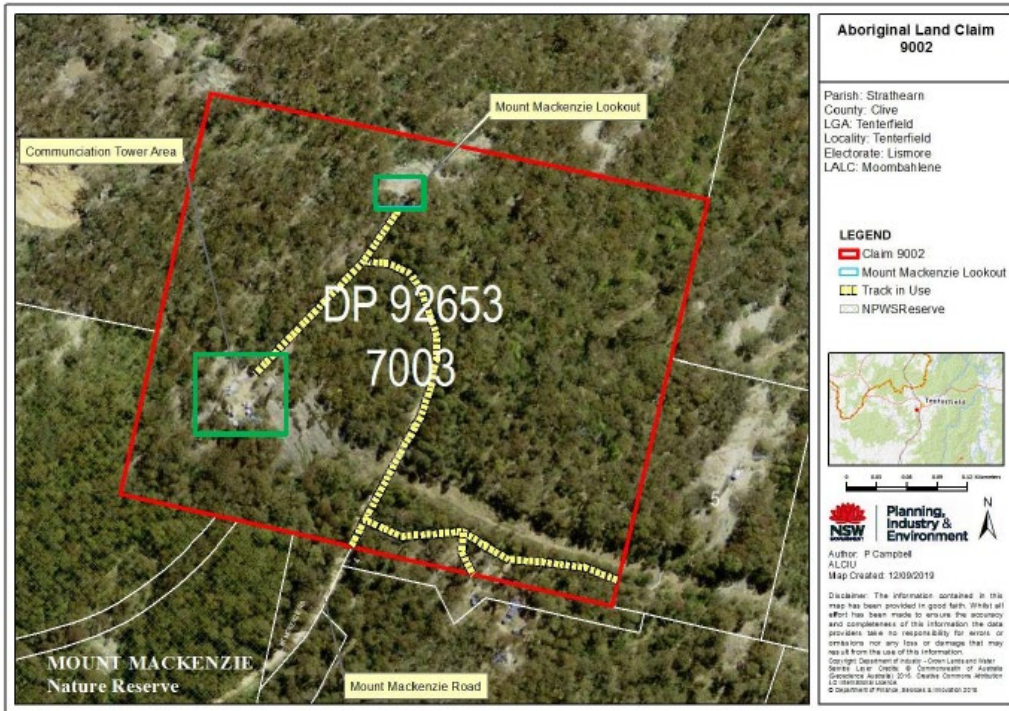
The land (as identified below bounded in red) contains Mount Mackenzie Lookout and an area which Council leases from the Crown containing an Analogue telecommunications tower (under License 609962) bounded in green. Crown Lands have advised that the green bounded areas are to be surveyed, along with the creation of easements for access through the land.

The purpose of the survey is to:

1. Identify the land comprising the Mount Mackenzie Lookout for the purposes of appointing a Crown Land Manager.
2. Identify the land comprising the telecommunications towers for future leasing options with the new owner (Moombahlene LALC). This matter will be subject to a separate report to Council once land transfer processes have been finalized (likely late 2024).



Our Community No. 3 Cont...



**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- Aboriginal Land Rights Act 1983
- Crown Land Management Act 2016
- Local Government Act 1993 & Regulations

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

Recommended demolition and removal works are catered for in the current financial year, with minimal ongoing maintenance covered by existing budget allocations for the next financial year.

NSW Government Crown Lands offers annual funding under the Crown Reserves Improvement Fund (CRIF), which supports Crown Land Managers by providing funding for repairs and maintenance projects, pest and weed control, new recreational infrastructure, or environmental initiatives. It is anticipated applications will open in October 2024 and an application lodged by Council, should Council become the Crown Land Manager.

**4. Asset Management (AMS)**

If Council chooses to become the Crown Land Manager and are appointed as such, Council must assign a Community Land Category to the site. Categories are referred to in Section 36 of the *Local Government Act 1993*. Council must notify the Minister (NSW Department of Planning & Environment) of the assigned category and prepare a Plan of Management (PoM) for the Reserve in line with

Our Community No. 3 Cont...

its use and ensuring that the process is completed in compliance with the *Crown Land Management Act 2016* and other legislation as relevant.

The categories described in the LG Act for land include:

1. Natural Area
2. Sportsground
3. Park
4. Area of Cultural Significance
5. General Community Use

It is likely the lookout will be categorised as Natural Area & General Community Use.

Council's Road Asset Management Plan (RAMP) currently identifies that Mt Mackenzie Lookout Road is maintained for a distance of 2.520km from the intersection with Gumflat Road and maintained every 18 months or as needed.

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

No significant impacts if toilet and BBQ facilities are removed.

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

Should Council become the Crown Land Manager, Council will include the assets on site into the existing asset inspection and maintenance schedule and manage any potential risks accordingly such as including these into the existing insurance portfolio with negligible impact on financial resources.

Council Crown Land Managers (CLMs) are responsible for native title compliance for dedicated or reserved Crown Land and land vested in a local council under Division 4.2 of the Crown Land Management Act 2016 (CLM Act). Under Part 8 of the CLM Act, Council CLMs must comply with all requirements of the Commonwealth Native Title Act 1993 (NT Act) and engage or employ at least one native title manager to fulfill these obligations. Any future works, if proposed, will require compliance with the relevant acts.

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

Nil.

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

Nil.

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

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

|                      |                                                                  |
|----------------------|------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                             |
| <b>Submitted by:</b> | Bruce Mills, Senior Advisor Communication & Economic Development |
| <b>Reference:</b>    | <b>ITEM ECO5/24</b>                                              |
| <b>Subject:</b>      | <b>LEASE OF THE FORMER VISITOR'S INFORMATION CENTRE</b>          |

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

|                      |                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Economy</b> - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities. |
| <b>CSP Strategy:</b> | Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.                                          |

#### **SUMMARY**

Advise Council of the two Expressions of Interest received to lease the former Visitors' Information Centre at 157 Rouse St, Tenterfield.

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

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

- (1) Accepts the Salvation Army Australia Territory – Tenterfield branch's offer to lease the building at 157 Rouse St, Tenterfield from 1 July 2024 with monthly lease payments to start 1 October 2024 for three years with the option to extend the lease term for a further two (2) terms of three (3) years each.**
- (2) Delegates the authority to the General Manager to execute the necessary lease agreement with the Salvation Army Australia Territory – Tenterfield branch; provided that this agreement makes provision for the lease to be terminated by both parties after the first three (3) year term if the arrangement is found to be unsatisfactory or circumstances change.**

#### **BACKGROUND**

**MAYORAL MINUTE** (Ordinary Council Meeting, Wednesday March 27, 2024)

#### **ITEM 1: Seek Expressions of Interest to Lease 157 Rouse Street, Tenterfield and Ten FM be offered Commercial Lease**

In light of the improved, but nevertheless tight, budget I move that Tenterfield Shire Council seek Expressions of Interest to lease the previous Visitors' Information Centre at 157 Rouse St Tenterfield.

Secondly that Tenterfield Shire Council offer Ten FM a commercial lease of their current premises at 142 Manners St Tenterfield at \$300/week plus outgoings including rates and charges with an option to lease to buy.

Cr. Bronwyn Petrie

**Mayor**

*Supported unanimously by all Councillors.*

Our Economy No. 5 Cont...

Following the Mayoral Minute above, Expressions of Interest were sought via advertisements in the Tenterfield Star Newspaper and Council's Facebook page.

Two parties inspected the Visitor Information Centre and those two parties subsequently submitted formal Expressions of Interest, which are attached.

**REPORT:**

The two Expressions of Interest are self-explanatory.

Tenterfield local Nanette Watts, who is looking to establish a craft workshop/gallery, offers \$500/week (\$26,000/year) from 1 June 2024, for an initial 12 months with 2 x 2 lease option after first year.

The Salvation Army Australia Territory – Tenterfield branch, which is looking to relocate its existing Family Store retail operation from Crown Street, offers \$30,000 plus GST/year for 5 years with 3 x 5-year options and annual reviews fixed at 3%. This offer also requests a later lease start date of 1 July 2024 and three months rent-free - meaning rent payments would start five months later than Ms Watts's EOI.

The Salvation Army requests a rent-free period to allow time to move from Crown St and re-establish its store which – requiring rationalization/moving existing stock and new set-up etc.

This aside, the Salvation Army's Expression of Interest is a more substantial offer from a recognised charity that has operated in Tenterfield for many years. Indeed, 157 Rouse Street was once the site of the local Salvation Army Church, before being purchased by Council.

The recent history of the operation of the Visitors' Information Centre and its closure has been difficult. Leasing the site to the Salvation Army would see the building re-open under a long-term lease to a recognised charity.

**Commentary: General Manager**

Mr. Mills has been in contact with the Salvation Army and they are amenable to change their proposal from a 3 x 5 not a 3 x 3 term lease agreement. He has also been in contact with Mrs. Nanette Watts, who is unwilling to increase the weekly rent offered in her letter.

From a strategic planning perspective, a 3 x 3 year term lease agreement is considered to be a better option than a 3 x 5 one, especially if the lease agreement is worded in such a way that there is an option for Council to terminate the contract after the first three (3) year term in the instance of unsatisfactory performance or if circumstances change. The recommendation has therefore been changes to reflect this thinking.

**COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Expressions of Interest have been advertised, as required for transparency.
- 2. Policy and Regulation**  
Nil
- 3. Financial (Annual Budget & LTFP)**

Our Economy No. 5 Cont...

Leasing of the building would provide medium to long-term income potential.

**4. Asset Management (AMS)**

Income from the lease would provide funds for building maintenance.

**5. Workforce (WMS)**

Some staff time would be needed to finalise the lease agreement and clean-out the building.

**6. Legal and Risk Management**

Nil. The lessee would be required to hold usual staff and public liability cover.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

|                               |                                                                                                                                                                                     |                                       |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Prepared by staff member:     | Bruce Mills, Senior Advisor Communication & Economic Development                                                                                                                    |                                       |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                                                                                                                        |                                       |
| Department:                   | Office of the Chief Executive                                                                                                                                                       |                                       |
| Attachments:                  | <ol style="list-style-type: none"> <li><b>1</b> Expression of Interest - Nanette Watts</li> <li><b>2</b> Expression of Interest - The Salvation Army Australia Territory</li> </ol> | <p>2<br/>Pages</p> <p>2<br/>Pages</p> |



|                      |                                                                                     |
|----------------------|-------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                |
| <b>Submitted by:</b> | Bruce Mills, Senior Advisor Communication & Economic Development                    |
| <b>Reference:</b>    | <b>ITEM ECO6/24</b>                                                                 |
| <b>Subject:</b>      | <b>UPDATE ON NEGOTIATIONS WITH TEN FM MANAGEMENT - 142 MANNERS ST, TENTERFIELD.</b> |

|                                                               |                                                                                                                                                   |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                   |
| <b>CSP Goal:</b>                                              | <b>Economy</b> - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities. |
| <b>CSP Strategy:</b>                                          | Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.                                          |

### SUMMARY

The purpose of this report is to advise Council of negotiations with Ten FM management on renewing its Lease for the Council owned building at 142 Manners St, Tenterfield. Ten FM management have advised that they are unable to pay the full increase as per Ordinary Council Meeting- 27 March 2024 - Mayoral Minute – ITEM 1: SEEK EXPRESSIONS OF INTEREST TO LEASE 157 ROUSE STREET, TENTERFIELD AND TEN FM BE OFFERED A COMMERCIAL LEASE. Ten FM management have suggested they may be able to pay a more realistic rent, subject to further negotiation.

### OFFICER'S RECOMMENDATION:

#### That Council:

- (1) **Notes the update on negotiations on the Lease of 142 Manners Street, Tenterfield.**
- (2) **Resolves to accept Ten FM Committee's offer to renew its Lease on 142 Manners St, Tenterfield for a rental fee of \$250.00 per week, plus the water, sewerage and garbage removal charges applicable to the premises for a period of thirteen (13) months – starting on 1 June 2024 and terminating on 30 June 2025.**
- (3) **Delegates the authority to the General Manager to execute the necessary lease documents and enter into a Lease agreement with Ten FM.**
- (4) **Urges the Ten FM management to investigate their options during the course of the lease term; whether they would like to purchase the house located at 142 Manners Street, pay a commercial rent for this premises, or move to another location.**
- (5) **Further, that the Ten FM management communicates in writing their clear future intention to Council by no later than 31 January 2025.**

### BACKGROUND

**MAYORAL MINUTE (Ordinary Council Meeting - Wednesday March 27 2024)**

**ITEM 1: Seek Expressions of Interest to Lease 157 Rouse Street, Tenterfield and Ten FM be offered Commercial Lease**

Our Economy No. 6 Cont...

In light of the improved, but nevertheless tight, budget I move that Tenterfield Shire Council seek Expressions of Interest to lease the previous Visitors' Information Centre at 157 Rouse St Tenterfield.

**Secondly that Tenterfield Shire Council offer Ten FM a commercial lease of their current premises at 142 Manners St Tenterfield at \$300/week plus outgoings including rates and charges with an option to lease to buy.**

Cr. Bronwyn Petrie  
**Mayor**

*Supported Unanimously by all Councilors.*

**REPORT:**

Following the Mayoral Minute, noted above, staff wrote to Ten FM management advising them of the Council Resolution; emailing them the letter and a copy of the Mayoral Minute. Staff also hand-delivered hard-copies of the letter and the minutes and discussed these both with the Ten FM President and Treasurer.

Staff were told there was no money available to pay higher rent, and certainly not \$300/week plus outgoings (including rates and charges.)

The Ten FM Committee has been trying to find other premises and had agreed to move to the rear office at the former Visitors' Information Centre (VIC). Also, the Committee applied for a State Government grant to cover relocation costs.

The President noted that moving to the rear office of the former Visitors' Information Centre (VIC) was now highly unlikely given Council's Resolution calling for Expressions of Interest to lease the building.

Staff have followed-up with further discussions with Ten FM Committee members, including the new Vice-President, who fully understands the need for Council to seek a more realistic rent for the building. The Vice-President is also keen to make good on the matter of a training studio in Tenterfield, as per an earlier grant for equipment meant for Tenterfield, that somehow got installed in the Stanthorpe studio.

The Vice-President advised that Ten FM doesn't really wish to move from its current location and a recent committee meeting decided to formally respond to Council's offer with a counteroffer of \$250/week (excl GST) + outgoings, without the rates charge – see the attached letter from the Committee President dated 14 May 2024.

The Ten FM Committee is mindful Council has agreed that Ten FM can remain at 142 Manners St until the end of June 2024, but advised it has been unable to find another site. Also, the committee was unsuccessful with its grant application to assist with relocation expenses. Therefore, even if another site was available, the committee does not have the funds to move and advised it would realistically need 18 to 24 months to complete an orderly move.

Moreover, the committee wishes to stay at 142 Manners Street and asked Council to agree to its offer of \$250/week (excl GST) + outgoings, but no rates, and asked that the community radio station be allowed to stay on for a minimum of 18 and if possible 24 months beyond 30 June 2024.

Our Economy No. 6 Cont...

The new Vice-President is keen to work with Council, reach an agreement on rent and lease terms etc, and build a more positive relationship with Council in general.

Ten FM's formal lease expired on 30 September 2022. It has since been on a month-to-month basis, with them paying \$550/year including GST + rates of approximately \$4,500/year + charges.

**Commentary: General Manager**

I have tried to provide more structure and direction in the recommendation to this report, for Council's consideration.

**COUNCIL IMPLICATIONS:**

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

The community is well-aware of Council's need to cut costs and increase income from under-performing assets, where possible.

**2. Policy and Regulation**

Nil.

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

The increased rent would assist somewhat with the annual budget.

**4. Asset Management (AMS)**

Additional rent could cover some building maintenance at 142 Manners Street, Tenterfield.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member: Bruce Mills, Senior Advisor Communication & Economic Development

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the Chief Executive

Attachments: **1** Letter from Ten Fm dated 14 May 2024 **1** Page

|                      |                                                                                                                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                                                                                                                                                     |
| <b>Submitted by:</b> | Tamai Davidson, Manager Planning Property & Development                                                                                                                                                                          |
| <b>Reference:</b>    | <b>ITEM ENV5/24</b>                                                                                                                                                                                                              |
| <b>Subject:</b>      | <b>DEVELOPMENT APPLICATION 2024.037<br/>RETAIL PREMISES: FOOD &amp; DRINK PREMISES (RESTAURANT &amp; CAFE)<br/>AND SPECIALISED RETAIL PREMISES<br/>COMMERCIAL PREMISES<br/>OFFICE PREMISES<br/>306 ROUSE STREET, TENTERFIELD</b> |

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

## SUMMARY

The purpose of this report is to present to Council a Development Application (DA) for the change of use of the existing tyre service centre at 306 Rouse Street, Tenterfield to a retail and commercial premises for consideration and determination.

The application is presented to Council for determination under the provisions of Council Policy '*Limit of Delegated Authority in dealing with development applications and complying development certificates*' as an application of public interest with the value of the works exceeding \$500,000.00 and a variation to Tenterfield Development Control Plan 2014 is proposed.

The application notified adjoining and adjacent owners for a period of fourteen (14) days, after which time two (2) submissions were received. The application has been assessed in accordance with the relevant provisions of the *Environmental Planning & Assessment Act, 1979 (EP&A Act)* and is recommended for approval subject to conditions.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Approves Development Application 2024.037 for Retail and Commercial premises at 306 Rouse Street, Tenterfield subject to the conditions contained in the attached document (Attachment 1).**
- (2) Notifies those persons who made submissions of Council's determination.**

## BACKGROUND

### Background – the site and surrounding development

Our Environment No. 5 Cont...

1. Development Application 2024.037 for Retail & Commercial Premises was lodged with Council on 10 April 2024. The application proposes the following uses as defined under *Tenterfield Local Environmental Plan 2013 (LEP)*:

### **Retail Premises**

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

### **Commercial Premises**

**Office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

2. The site is located on the western side of Rouse Street, Tenterfield with an area of approximately 632square metres. It has street frontage of approximately 20m, with the only means of access from the Rouse Street frontage.
3. The site currently contains a brick and iron building occupied by Willow Town Tyre Service.
4. Immediately surrounding land uses comprise retail and commercial premises.
5. The site lies within the Tenterfield town centre Heritage Conservation Area as mapped under Tenterfield LEP.
6. Plans of the proposed development are provided at Attachment 2. Select drawings of the development are provided below.

Our Environment No. 5 Cont...



**Figure 1** – Aerial image of subject site and surrounds

### **Proposal**

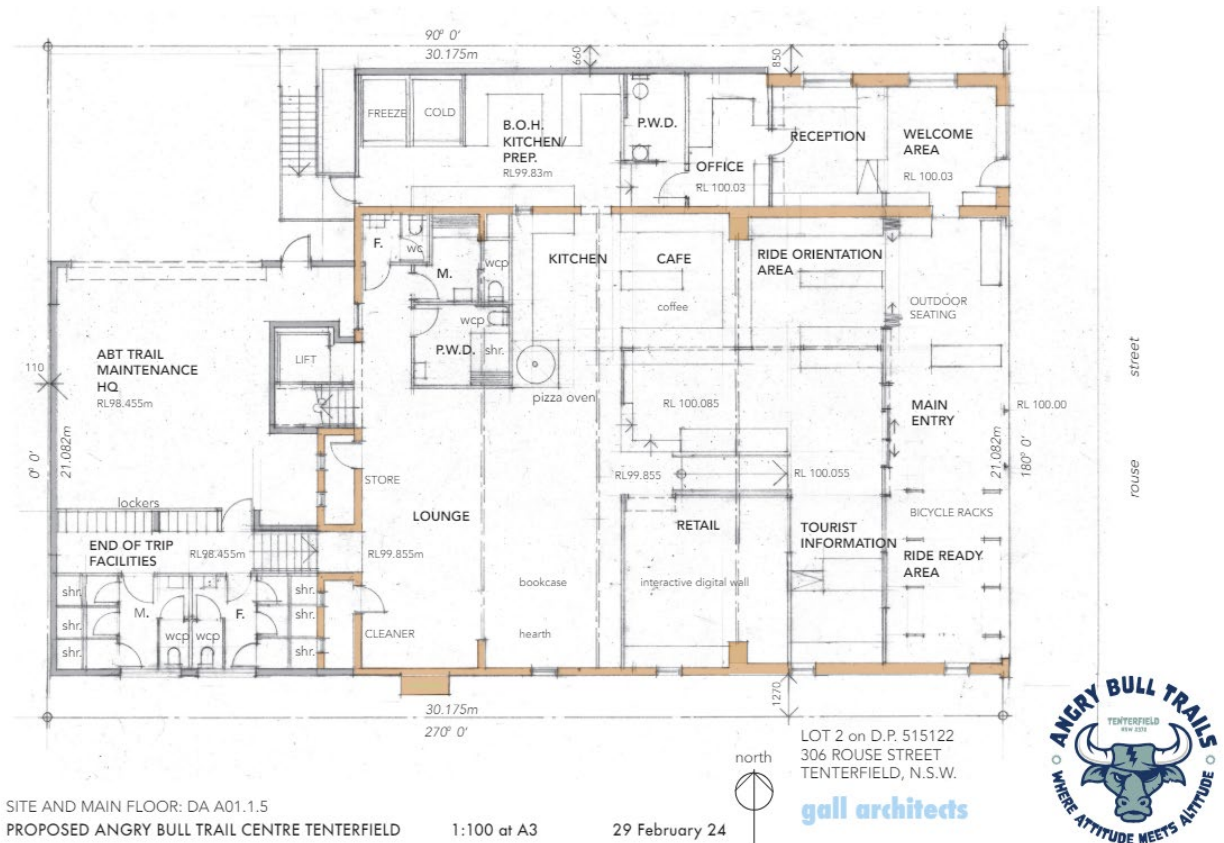
The application seeks consent for the change of use of the building to a café/restaurant, office/reception, amenities, retail, tourist information and centre for distribution of mountain bike trail ride information, bike maintenance and education. The application is proposed in two (2) Stages as follows;

Stage 1 – Conversion of existing ground floor space to office/reception, ride orientation area, tourist information, retail, lounge, kitchen/café as identified on the staging plan contained in Attachment 2.

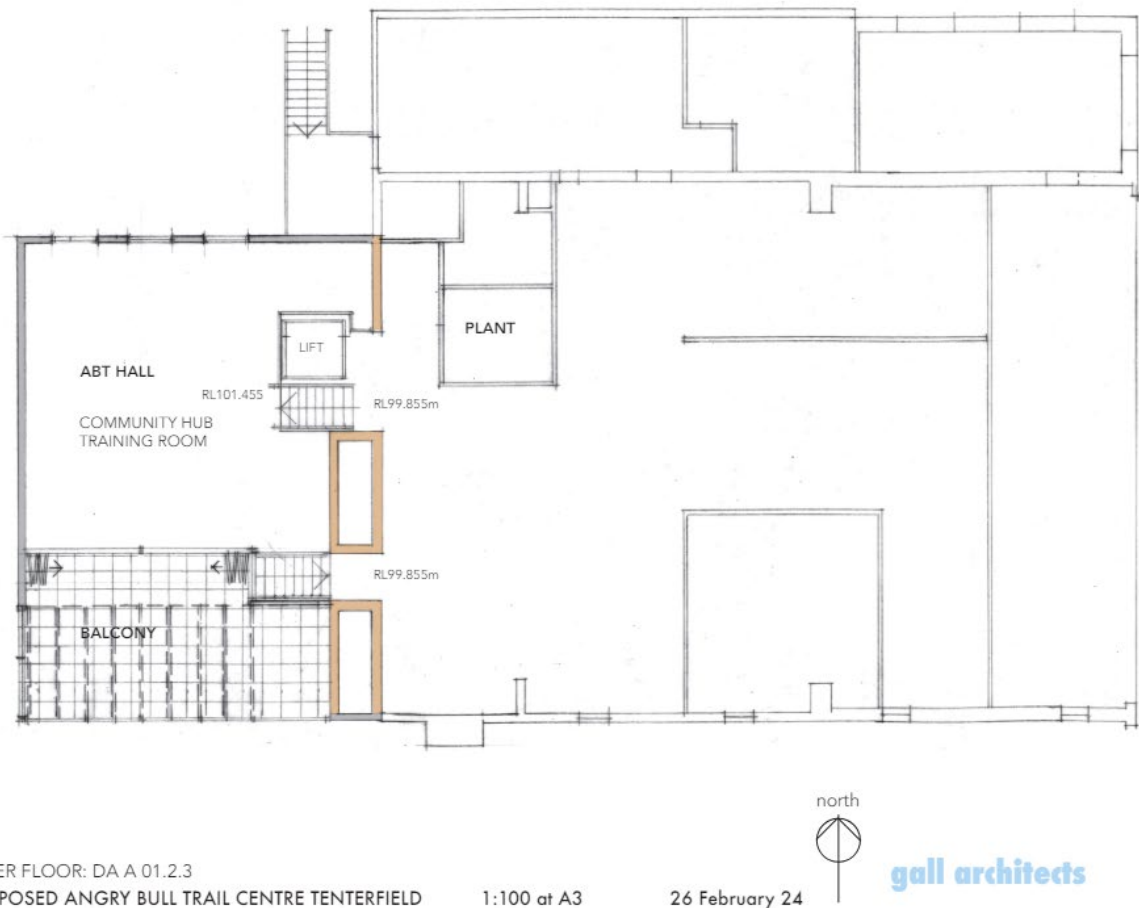
Stage 2 – Construction of rear section including additional amenities, bike maintenance area and first floor training room and balcony as identified on the staging plan contained in Attachment 2.



Our Environment No. 5 Cont...

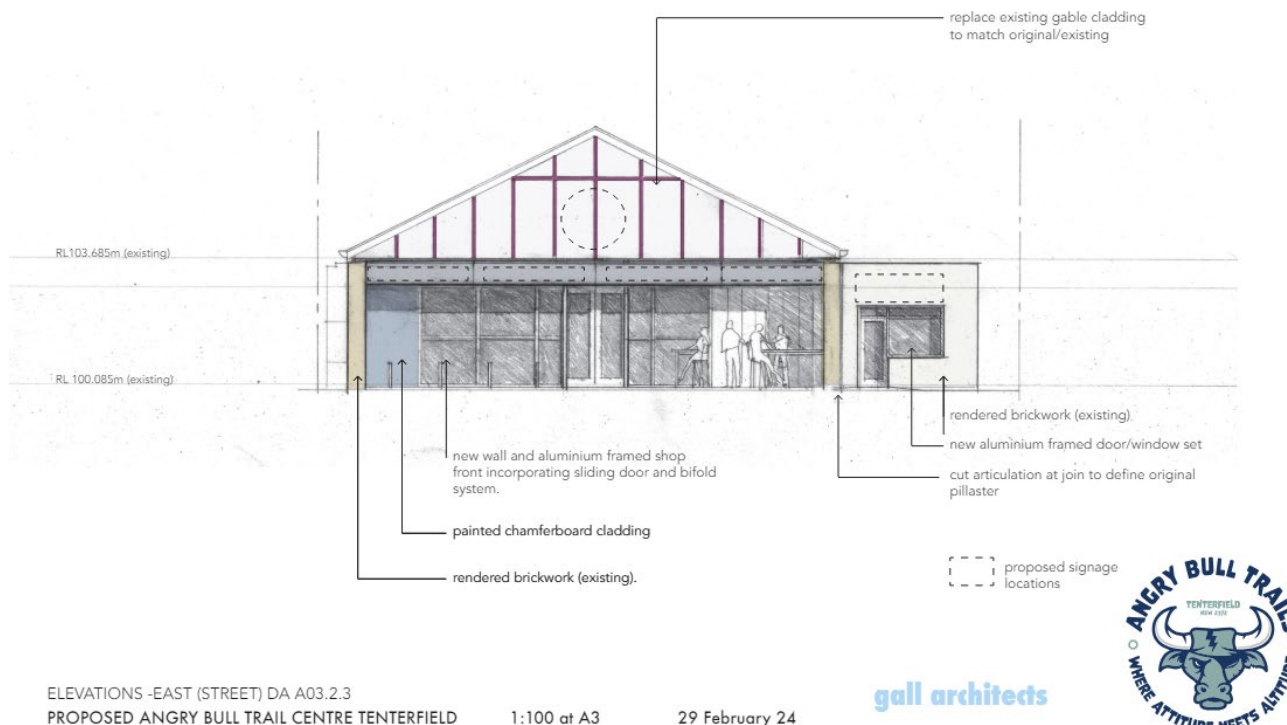


**Figure 2** – Ground floor plan



**Figure 3** – First floor plan

Our Environment No. 5 Cont...



**Figure 4** – Rouse Street proposed elevation

**REPORT:**

Pursuant to the provisions of Section 4.15 of the *Environmental Planning & Assessment Act, 1979*, in determining a Development Application, Council must take into consideration such of the following matters as are of relevance to the development the subject of the Development Application. The application has been assessed under Section 4.15 of the EP & A Act, 1979, including consideration of the following matters:

- (a) the provisions of:**
  - (i) any environmental planning instrument**

**Tenterfield Local Environmental Plan 2013 (LEP)**

The land lies within the RU5 Village Zone pursuant to *Tenterfield LEP 2013*, where the development as described above is permitted with consent in the zone.

**Zone RU5 Village**

**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To enable development of a scale that is compatible with the general residential character of village areas and that will not prejudice the viability of established shopping and commercial centres.

**2 Permitted without consent**

*Building identification signs; Environmental protection works; Home occupations; Roads; Water reticulation systems*

**3 Permitted with consent**



Our Environment No. 5 Cont...

*Centre-based child care facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4.*

#### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Cellar door premises; Correctional centres; Crematoria; Eco-tourist facilities; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Resource recovery facilities; Roadside stalls; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities*

The development is consistent with the objectives of the RU5 Zone in the provision of services and facilities associated with Tenterfield.

#### **New England North West Regional Plan 2041**

The proposed development is consistent with the intent of the NENW Regional Plan which aims to support growing regional economies and associated services required for the communities across the region.

**(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

No proposed or draft instruments applicable.

**(iii) any development control plan,**

*Tenterfield Development Control Plan 2014 (DCP) applies to the subject land and development proposal, with the following sections of relevance:*

#### **Chapter 2 - Notification Procedures**

Table 1 identifies 'food and drink premises' with a value greater than \$0.5 million be notified in the RU5 Village Zone. Accordingly, Council provided written notification to adjoining and adjacent property owners advising of the proposed development and providing copies of the proposed plans. The proposal was also placed on Council's website during the notification period.

At the close of the notification period Council was in receipt of two (2) submissions stating their support for the proposal, however raising concerns in relation to lack of on-site parking available and the possible impact on existing parking in Rouse Street. The submissions have been taken into account in the assessment of the application.

#### **Chapter 5 – Development in Commercial and Industrial Areas**

The proposal is consistent with the aims and objectives of the chapter by reinforcing the role of the central business precinct as a focus of retail activity.

Our Environment No. 5 Cont...

The design conserves and enhances the heritage value of the building and will contribute positively to streetscape character.

### **Chapter 6 – Access and Parking**

In the case of a change of use of an existing building the provisions of the DCP apply if Council considers that the proposed new use will produce substantially different parking requirements than those attributable to the existing use.

The existing floor area is taken to be that as for a retail premises and is approximately 340sq.m. The proposed use predominantly utilizes the existing floor space of the building for the ground floor, with approximately 190sq.m dedicated to amenities, kitchen, store, office/reception, hallways/paths of travel, leaving 150sq.m of public space/café and retail. Retail premises attract a car parking requirement of 1 space per 30sq.m. of floor space, meaning a total of 5 car parking spaces should be provided for the development if it were a 'greenfield' site.

Historically, when a change of use is affected in existing retail premises there is no requirement to provide any carparking as the existing floor space is taken to have 'credit' as an historical development, pre-dating the requirements of the DCP. Practically, patrons of the premises will cross use the internal facilities, with it unlikely that the entire floor space will be occupied by patrons at any one time.

Stage 2 of the development comprises approximately 190sq.m. of floor space over two (2) levels, identified as amenities (showers/toilets) bike maintenance with a first floor "community hub/training room."

There are many existing retail and commercial premises in Rouse Street which do not have onsite parking and rely on Council car parking at the rear of the main street area for staff and customers.

The site has no ability to provide onsite parking as the existing building covers the entire lot. Concerns raised over the lack of parking on site are acknowledged and the matters raised in the submissions in terms of existing and future parking issues will be addressed by the Ranger and referred to the Local Traffic Committee for review.

The existing tyre repair business utilizes a layback in the kerb for vehicles to enter and exit the premises, and in accordance with parking regulations, no parking is permitted in this zone. The area covers two (2) car parking spaces and it is proposed to impose a condition of consent requiring reinstatement of the kerb and gutter in this location and have signage adjusted accordingly. In addition, the concrete footpath is to be removed and pavers installed to match existing at the cost of the developer.

## Our Environment No. 5 Cont...



**Figure 5** – Existing Streetscape – layback in kerb

It is considered that the overall benefit of the development to the streetscape and use outweigh the need for car parking on site and it is recommended that the requirements of the DCP be varied in this instance. The lack of parking does not warrant refusal of the development proposal.

## Chapter 7 – Development and Heritage Conservation

The site is located within the Tenterfield Heritage Conservation Area where the aims and objectives state;

- *The objective of conserving the character of the Heritage Conservation prevent it. The area must be allowed to redevelop and grow to accommodate the needs of the commercial and adjacent residential area, the Showground and Railway areas.*
- *These development guidelines aim to promote development that is well sited and designed to be sympathetic with the character of the area.*
- *To allow for sympathetic additions and alterations to listed building and sites, in line with the principles of the Burra Charter.*

The proposed redevelopment of the site and plans are well considered and respectful to the original fabric of the building, avoiding any demolition of the original fabric. The below undated photo shows the original front façade under the battened gable and has been used to inform reconstruction to original details. The proposed eastern elevation with a more transparent opening is acknowledged for the new use and provides for an active street frontage for the proposal.

Our Environment No. 5 Cont...



**Figure 6** – historic photo (undated – post 1928)

Figure 4 identifies retention of the battened gable detail, however high-level signage is inconsistent with DCP provisions for advertising.

The proposed hipped roof extension of the existing roof form is acceptable.

## **Chapter 8 – Signage and Outdoor Advertising**

Proposed signage locations are identified on Figure 4. There are no objections to signage as proposed on the fascia and building frontage subject to lodgment with Council of the final wording, however the signage above the level of the awning is inconsistent with the provisions of the DCP which states;

- *Signs located above the awning and on parapets on heritage buildings or in the Heritage Conservation Areas unless they form part of the original architecture of the building. (p.72 Tenterfield DCP 2014)*

The proposed active street frontage of the building will naturally draw the passer-by's eye to the frontage of the development.

**(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

Consistent with the regulations.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

### **Context and Settings**

The site contains an existing tyre repair and fitting premises which is classified as an industrial use. The proposed change of use of the premises is compatible with existing surrounding land uses and considered to be a more compatible use in this environment.

Adjoining to the south is the Commercial Boutique Hotel and Accommodation. Stage 2 of the development incorporates a first-floor training room and balcony. The balcony

Our Environment No. 5 Cont...

will overlook the rear of the Commercial site and carpark, there are no concerns in relation to privacy in this regard as both uses are commercial and publicly accessible. However, the balcony will overlook residential development to the west and appropriate screening must be installed to prevent overlooking. Final construction plans may necessitate a change in the balcony design to take into account required fire rating requirements. Conditions of consent are recommended to address these matters.



**Figure 7** – Western elevation from rear of Commercial Boutique Hotel

### **Waste, Noise, Security**

Waste bins are to be screened from adjoining premises. External lighting is not to impact on road users or adjoining premises. Proposed hours of operation are from 6.00am to midnight each day.

### **Social Impacts**

No negative impacts.

### **Site Design and Internal Design**

All stormwater from the development is to be directed to Rouse Street. The proposed development will be required to comply with the National Construction Code and relevant provisions in relation to the fit out of food premises and design and construction of amenities and accessible spaces within the building. These matters are assessed under the Construction Certificate.

### **(c) the suitability of the site for the development,**

The site lies within the existing Tenterfield CBD and the proposed use is compatible with existing surrounding uses. The proposed use will replace an industrial development, more suited to a location outside the CBD. Council has approved both Development Application and Construction Certificate for the existing business to be relocated to the Riley Street industrial estate.

### **(d) any submissions made in accordance with this Act or the regulations,**

Two (2) submissions were received during the notification period. No objections to the proposed use were raised, however concerns in relation to parking which have been addressed above. A copy of the submissions received are contained in Attachment 3.

Our Environment No. 5 Cont...

**(e) the public interest.**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**Tenterfield Shire Council Section 7.12 Development Contributions Plan (General Development)**

The above plan applies to the development, where, in accordance with Section 1.2 of the plan a levy of 1.0% is payable on the value of the development, being \$577,500.00. Therefore, a contribution of \$5,775.00 is payable prior to issue of the construction certificate for the development.

**COUNCIL IMPLICATIONS:**

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

Notified in accordance with Tenterfield Development Control Plan 2014.

**2. Policy and Regulation**

- Environmental Planning & Assessment Act, 1979
- Tenterfield Local Environmental Plan 2013
- Tenterfield Development Control Plan 2014
- Limit of Delegated Authority in Dealing with DAs and Complying Development Certificates (Council Policy 3.122)

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member: Tamai Davidson, Manager Planning Property & Development

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the Chief Corporate Officer

Our Environment No. 5 Cont...

Attachments:

- |          |                                   |          |
|----------|-----------------------------------|----------|
| <b>1</b> | Attachment 1 - Council Conditions | 7 Pages  |
| <b>2</b> | Attachment 2 - DA 2024.037        | 13 Pages |
| <b>3</b> | Attachment 3 - Submissions        | 2 Pages  |

|                      |                                                  |
|----------------------|--------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>     |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                   |
| <b>Reference:</b>    | <b>ITEM GOV33/24</b>                             |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT FOR APRIL 2024</b> |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

---

**SUMMARY**

The purpose of this Report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2023/2024 Operational Plan.

**OFFICER'S RECOMMENDATION:**

**That Council:**

**Notes the status of the Monthly Operational Report for April 2024.**

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

|                               |                                                  |          |
|-------------------------------|--------------------------------------------------|----------|
| Prepared by staff member:     | Lee Sisson, Governance Officer                   |          |
| Approved/Reviewed by Manager: | Roy Jones, Acting Chief Corporate Officer        |          |
| Department:                   | Office of the Chief Corporate Officer            |          |
| Attachments:                  | <b>1</b> Monthly Operational Report - April 2024 | 49 Pages |



|                      |                                             |
|----------------------|---------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>               |
| <b>Submitted by:</b> | Matthew Francisco, Director Infrastructure  |
| <b>Reference:</b>    | <b>ITEM GOV34/24</b>                        |
| <b>Subject:</b>      | <b>MOLESWORTH STREET BRIDGE REPLACEMENT</b> |

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

**CSP Goal:** **Transport** - The Tenterfield Shire has an effective transport network that is safe efficient and affordable for us as a community.

**CSP Strategy:** Deliver a well-designed, safe road network, including carparking, footpaths and cycleways, that is suitable for all users now and take into consideration future network demand.

#### **SUMMARY**

The purpose of this report is to advise Council of the successful grant application for the replacement of the Molesworth Street Bridge and adjacent sewer line under the Regional Roads and Transport Recovery Package and to recommend execution of the Memorandum of Understanding with Transport for NSW for the delivery of the bridge replacement.

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

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

- (1) Notes the report.**
- (2) Procures these works under Section 55 (3) (b) of the Local Government Act 1993.**
- (3) Endorses the execution of the Memorandum of Understanding (MOU) and other necessary agreements and arrangements with Transport for NSW for the delivery of the Molesworth Street Bridge by the General Manager.**

#### **BACKGROUND**

Council has been successful in obtaining grant funding under the Regional Roads and Transport Recovery Package. Council applied for funding under this funding arrangement for the replacement of the aging timber Molesworth Street Bridge and adjacent sewer line. The sewer line realignment is being managed as a separate project and is not included in the bridge replacement project, planned to be carried out by Transport for NSW. The total grant funding received for the combined bridge and sewer line replacement is \$9,985,776.

#### **REPORT:**

The Council team responsible for developing the project have negotiated a Memorandum of Understanding (MOU) with Transport for NSW for the design, development and delivery of the Molesworth Street Bridge project. The project works include the survey, investigation and design of the new bridge, including the development of an accurate estimate and program.

The project funding deed was executed in November 2023 and the project is due to be completed in May 2025. This development and delivery timeframe is short. The

Our Governance No. 34 Cont...

arrangements with Transport for NSW will assist in developing the project as quickly as possible.

Under the requirements of Section 55 (3) (b) of the Local Government Act 1993, the requirements for tendering the work are exempted as the arrangements are with the Crown, being an agency of the NSW Government.

The Memorandum of Understanding (MOU) that has been prepared creates limited legal relations and requires both Tenterfield Shire Council and Transport for NSW staff to act in good faith and enter into other agreements and arrangements as appropriate to carry out the works under the project.

### **COUNCIL IMPLICATIONS:**

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

Should the project proceed to the delivery phase, the demolition and construction of the timber bridge will temporarily remove an east west linkage in Tenterfield. This will cause a relatively minor traffic impact as there are nearby alternate routes and pedestrian pathways. The project delivery team will need to develop and implement a Community Consultation Strategy to advise the community of the traffic and pedestrian impacts.

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

- Section 55 of the Local Government Act 1993.
- Local Government (General) Regulation 2021.
- Council's Procurement Policy.
- ISO 9001 Quality Management Systems.
- ISO 14001 Environment Management Systems.
- ISO 45001 Occupational Health and Safety Management Systems.

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

This project is 100% grant funded through the Regional Road and Transport Repair Program. The grant funding amount is \$9,985,776. This includes allowance for the bridge and a sewer realignment. Should the funding be inadequate once the detailed budget is developed, alternate options for funding sources or project delivery could be sought. The Memorandum of Understanding (MOU) can be terminated if funding for the developed project is inadequate.

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

The removal of the aging timber Molesworth Street bridge will eliminate an asset that requires regular maintenance. A new bridge will require minimal maintenance, reducing Council's maintenance expenditure. Transport for NSW are expected to construct the new concrete bridge to a standard that ensures minimal maintenance for many years.

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

Under the Memorandum of Understanding (MOU) the bridge will be delivered by Transport for NSW with minimal involvement for the Tenterfield Shire Council workforce due to the specialised nature of the work.

The program guidelines include requirements for regular reporting, which will be prepared by Council's staff.

Our Governance No. 34 Cont...

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

The Memorandum of Understanding (MOU) creates limited legal relations and therefore limited legal and other risks. Should the construction phase proceed the legal and other project risks would be managed in partnership with Transport for NSW. The Memorandum of Understanding (MOU) requires appropriate insurances to be in place for the project.

Project risks will be assessed under Council's Risk Matrix and using Transport for NSW risk management policies and procedures. All risks identified will be managed using these frameworks.

## **7. Performance Measures**

Performance measures for the project will be developed in partnership with Transport for NSW and reported on at appropriate intervals.

## **8. Project Management**

The project will be managed in accordance with the Transport for NSW maintenance and delivery project management framework, which is appropriate for this project.

The timeframe for the delivery of the project is short and significant effort will be required to meet the project timeframes.

### **Hein Basson General Manager**

|                               |                                                                                                |
|-------------------------------|------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Matthew Francisco, Director Infrastructure                                                     |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                                   |
| Department:                   | Engineering Department                                                                         |
| Attachments:                  | <b>1</b> Memorandum of Understanding - 14<br>Delivery of the Molesworth Street Pages<br>Bridge |

|                      |                                                      |
|----------------------|------------------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                        |
| <b>Submitted by:</b> | Matthew Francisco, Director Infrastructure           |
| <b>Reference:</b>    | <b>ITEM GOV35/24</b>                                 |
| <b>Subject:</b>      | <b>MEMORANDUM OF UNDERSTANDING - BRIDGE PROJECTS</b> |

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

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

#### **SUMMARY**

The purpose of this report is to make Council aware of the Memorandum of Understanding for the two projects between Tenterfield Shire Council and Transport for New South Wales.

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

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

- (1) Notes the Memoranda of Understanding executed on behalf of Tenterfield Shire Council for the Development and Delivery of the Dumaresq Overflow Bridge and the Five Bridge Projects.**

#### **BACKGROUND**

Tenterfield Shire Council Staff have developed a strong working relationship with Transport for NSW (Maintenance and Delivery) staff. As a result of the development of this working relationship, Memoranda of Understanding have been executed to deliver bridge projects in the Tenterfield Shire Area.

#### **REPORT:**

The Council team responsible for developing the Disaster Recovery Funding Arrangement (DRFA) projects for the Dumaresq Overflow Bridge and the Five Bridge Projects have negotiated a Memorandum of Understanding with Transport for NSW for the design, development and delivery of the following Bridges:

1. Dumaresq Overflow Bridge, Bruxner Way - Natural Disaster Funding
2. Billirimba Creek Bridge, Billirimba Road - Natural Disaster Funding
3. Mole River Bridge, Springfield Road - Fixing Country Bridges Program
4. Acacia Creek Bridge, Patersons Road - Fixing Country Bridges Program
5. Acacia Creek Bridge, Tooloom Street - Fixing Country Bridges Program
6. Kooreelah Creek Bridge, White Swamp Road - Fixing Country Bridges Program

The project works include the survey, investigation, design and delivery of the new bridges.

Our Governance No. 35 Cont...

Under the requirements of Section 55 (3) (b) of the Local Government Act 1993, the requirements for tendering the work are exempted as the arrangements are with the Crown, being an agency of the NSW Government.

The Memoranda of Understanding that have been prepared create limited legal relations and requires both Tenterfield Shire Council and Transport for NSW staff to act in good faith and enter into other agreements and arrangements as appropriate to carry out the works under the project.

The current status of the projects:

1. Dumaresq Overflow Bridge, Bruxner Way – Under Construction
2. Billirimba Creek Bridge, Billirimba Road – Design Complete
3. Mole River Bridge, Springfield Road – Design Complete
4. Acacia Creek Bridge, Patersons Road – Design Complete
5. Acacia Creek Bridge, Tooloom Street – Design Complete
6. Kooreelah Creek Bridge, White Swamp Road – Design underway

The Memorandum of Understanding for the Dumaresq Overflow Bridge was executed in March 2023. The Memorandum of Understanding for the Five Bridges Project was executed in August 2023.

The value of the works being delivered:

The Dumaresq Overflow Bridge Project is valued at \$13.2 Million.  
The Five Bridges Project is valued at \$4.69 Million.

### **Commentary: General Manager**

Although these two first mentioned projects are funded through DRFA, these monies are not forthcoming from the State Government – leaving Council in an untenable position. Council simply does not currently have the cash flow available to pay for these projects as they progress through their different milestones.

### **COUNCIL IMPLICATIONS:**

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

These projects are out of the urban areas of the Tenterfield Shire. The main community impacts are the traffic impacts because of traffic management implemented in the delivery phase of the projects. Appropriate traffic impact notifications will be issued to advise road users of the impacts.

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

- Section 55 of the Local Government Act 1993
- Local Government (General) Regulation 2021
- Council's Procurement Policy
- ISO 9001 Quality Management Systems
- ISO 14001 Environment Management Systems
- ISO 45001 Occupational Health and Safety Management Systems

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

These projects are funded through the Disaster Recovery Funding Arrangements for the Dumaresq Overflow Bridge and the Billirimba Creek Bridge. The remaining

Our Governance No. 35 Cont...

four bridges are funded under the Fixing Country Bridges (FCB) Grant Funding program.

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

The removal of the aging timber bridges will replace assets that requires regular maintenance with new bridges that will require minimal maintenance, reducing Council's maintenance expenditure. The Dumaresq Overflow bridge was damaged during a flood event. Transport for NSW are expected to construct the new concrete bridges to a standard that ensures minimal maintenance for many years.

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

Under the Memorandum of Understanding (MOU) the bridge will be delivered by Transport for NSW and minimal involvement for the Tenterfield Shire Council workforce due to the specialised nature of the work.

The program guidelines include requirements for regular reporting, which will be prepared by Council's staff.

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

The Memorandum of Understanding (MOU) creates limited legal relations and therefore limited legal and other risks. The projects are now either in or approaching construction phase, the project risks would be managed in partnership with Transport for NSW. The Memorandum of Understanding (MOU) requires appropriate insurances to be in place for the projects.

Project risks will be assessed under Council's Risk Matrix and using Transport for NSW risk management policies and procedures. All risks identified will be managed using these frameworks.

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

The project team are reporting on the progress of the projects at appropriate intervals.

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

The projects are being managed in accordance with the Transport for NSW Maintenance and Delivery project management framework, which is appropriate for these projects.

### **Hein Basson General Manager**

|                               |                                                                                                               |          |
|-------------------------------|---------------------------------------------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Matthew Francisco, Director Infrastructure                                                                    |          |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                                                  |          |
| Department:                   | Engineering Department                                                                                        |          |
| Attachments:                  | <b>1</b> Memorandum of Understanding - Dumaresqu Overflow Channel Bridge Reconstruction Project 20 March 2023 | 15 Pages |
|                               | Memorandum of Understanding - Delivery of the 5 Bridge Replacement Projects                                   | 19 Pages |

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>          |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer             |
| <b>Reference:</b>    | <b>ITEM GOV36/24</b>                                  |
| <b>Subject:</b>      | <b>QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024</b> |

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

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

#### **SUMMARY**

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

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

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

**Adopts the March 2024 Quarterly Budget Review Statement and recommendations therein that:**

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

Our Governance No. 36 Cont...

## **BACKGROUND**

Regulation 203 of the Regulation states that:

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

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

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

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

## **REPORT:**

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

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

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



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**In the March 2024 Quarterly Budget Review, the net effect of changes made has resulted in an improvement of \$243,905 from the projected operating deficit of the December QBR, to result in a projected Net Operating Deficit of (\$3,686,518) excluding capital grants and contributions.**

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

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

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

---

Total Continuing Operating Revenue

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

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

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

**As a result of the March 2024 Quarterly Budget Review, the Operating Ratio is now forecast at 52.82% including Capital Income, and (10.78%) excluding Capital income.**

**Comment by the Responsible Accounting Officer:**

The report clearly indicates that the projected financial position as at 30 June 2024 is unsatisfactory. Noting, this is primarily due to funding and timing of grants despite administration's ongoing operational deferrals. However, compared to the previous quarter Council finances has improved in the March quarter. For Council to reduce its operating deficit (excluding impact of carry forwards) Council needs to reduce its operating expenses and increase operating revenue.

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

Council's cash position has been positive unrestricted as of 31 March 2024 primarily due to advance payment of the Financial Assistance Grant in June 2023, increase in interest earned, reduction in payroll associated costs and Council receiving an outstanding reimbursement from Department of Regional New South Wales for the bushfire Local Economic Recovery Fund- Improvement to Mount Lindsay Road for \$1.4 Million.

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As required under the Regulation, some remedial actions continue to be proposed as part of the March 2024 review, including that:

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

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

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

#### **Operational Budget Review:**

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

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

As of September 2023, it was estimated that \$3.4 Million from the 2022/23 financial year is owed to Council in reimbursement for Flood Events DRFA AGRN 1012 which occurred in February 2022. For the March 2024 financial year to date Council additionally spent a further \$2.4 Million on DRFA works. Council as at March 2024 is awaiting the cash reimbursement.

The March 2024 budget review has increased the Operational Expenditure budget by \$55,873. The main budget increases include additional \$116,500 of operational costs in Water Supply, an extra \$80,000 in the Emergency Services area for SES building maintenance works, and \$23,000 added in the Buildings & Amenities area for Childcare Centre building repairs. These costs have been partly offset by budget savings in other areas.

Two new operational grants are included in this budget review:

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| Service Area                       | Operational Expenditure Project                              | Budget    |
|------------------------------------|--------------------------------------------------------------|-----------|
| Emergency Services                 | SES Urbenville - Painting & Security System - Building Grant | \$ 14,366 |
| Arts, Culture and Library Services | Youth Week 2024 Grant                                        | \$ 3,412  |

### Capital Budget Review:

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

The March 2024 budget review has increased the Capital works expenditure budget by \$1.25 million, mainly due to the approval of a Disaster Recovery Funding Agreement (DRFA) capital project, as well as several smaller Council-funded capital works projects. Budgets for a number of projects in Water Supply and Sewerage Services have also been reduced or removed, for deferral to future financial years.

The total value of externally-funded capital expenditure added to the budget is \$995,678 as shown below:

| Service Area      | Capital Expenditure Project                                               | Budget     |
|-------------------|---------------------------------------------------------------------------|------------|
| Transport Network | DRFA AGRN1012 February 2022 EPAR - Billirimba Creek Bridge Reconstruction | \$ 995,678 |

### Cash and Investment Review:

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

As at 31 March 2024, Council has a **positive unrestricted cash balance of \$2,830,322** and total internal restrictions remained at \$2.1million.

The Quarterly Budget Review also includes a reconciliation of Council's cash and investments on hand as at 31 March 2024.

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

Further, a declaration as to the preparation of bank reconciliations is also required. Bank reconciliations occur on a daily basis with a full reconciliation performed on a monthly basis. The full reconciliation for the March 2024 quarter occurred on 3 April 2024.

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**Contracts:**

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

**Consultancy and Legal Expenses:**

The current expenditure as at 31 March 2024 on qualifying consultancies and legal fees are identified in the QBRS and this expenditure is budgeted for and, given the size and nature of Council's operations, is considered reasonable.

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

Nil.

**2. Policy and Regulation**

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

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

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

In the March 2024 Quarterly Budget Review, the forecast Operating Position has been revised to a surplus of \$42,402,164 (including capital grants and contributions) and an **Operating Deficit of (\$3,686,518) (excluding capital grants and contributions)**.

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

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

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

**7. Performance Measures**

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

**8. Project Management**

Nil.

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

Prepared by staff member: Roy Jones, Acting Chief Corporate Officer

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the Chief Corporate Officer

Attachments: **1** Quaraterly Budget Review - March 2024 9 Pages

|                      |                                                            |
|----------------------|------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>               |
| <b>Submitted by:</b> | Roy Jones, Acting Chief Corporate Officer                  |
| <b>Reference:</b>    | <b>ITEM GOV37/24</b>                                       |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 30 APRIL 2024</b> |

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

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

#### **SUMMARY**

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

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

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

**That Council notes the Finance and Accounts Report for the period ended 30 April 2024.**

#### **BACKGROUND**

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

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

#### **REPORT:**

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

##### **(a) Reconciliation of Accounts**

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as of 30 April 2024.

Cash Book Balances on this date were as follows: -

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|                        |                  |        |
|------------------------|------------------|--------|
| General (Consolidated) | \$ 28,618,682.00 | Credit |
| General Trust          | \$69,074.00      | Credit |

(b) Summary of Investments

Attachment to this report is a certified schedule of all Council's investments as of 30 April 2024 showing the various invested amounts and applicable interest rates.

### Concealed Water Leakage Concession Policy Update

For the month of April, one (1) concession was granted under Council's Concealed Water Leakage Concession Policy totaling \$595.45

### 603 Certificates

During the sale of a property a 603 Certificate is usually requested to identify if there are any outstanding or payable fees to Council by way of rates, charges or otherwise in respect of a parcel of land. There were 32 applications for 603 Certificates in April 2024.

In the calendar year to date, there have been 89 applications compared to 76 applications for the same period last year.

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

| <b>RESTRICTED CASH ANALYSIS</b>                                                | <b>AS AT 30 APRIL<br/>2024</b> | <b>AS AT 30 JUNE<br/>2023</b> |
|--------------------------------------------------------------------------------|--------------------------------|-------------------------------|
|                                                                                |                                |                               |
| <b>TOTAL CASH &amp; INVESTMENTS</b>                                            | <b>\$41,891,345</b>            | <b>\$34,891,004</b>           |
|                                                                                |                                |                               |
| <b>EXTERNALLY RESTRICTED CASH</b>                                              | <b>\$37,239,936</b>            | <b>\$28,078,266</b>           |
|                                                                                |                                |                               |
| <b><i>INCLUDED IN GRANT RELATED (EXCL DEVELOPER CONTRIBUTIONS)</i></b>         | <b>\$15,192,009</b>            | <b>\$9,285,089</b>            |
| GRANT-RELATED - <i>GENERAL</i> (EXCL DEVELOPER CONTRIBUTIONS AND RFS RESERVES) | \$15,077,040                   | \$8,670,754                   |
| GRANT-RELATED - <i>WATER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$9,124                        | \$168,056                     |
| GRANT-RELATED - <i>SEWER</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | -                              | -                             |
| GRANT-RELATED - <i>WASTE</i> (EXCL DEVELOPER CONTRIBUTIONS)                    | \$105,845                      | \$446,279                     |
| GRANT-RELATED - <i>STORMWATER</i> (EXCL DEVELOPER CONTRIBUTIONS)               | -                              | -                             |
| BRUXNER WAY WIDENING                                                           | -                              | -                             |
|                                                                                |                                |                               |
| <b><i>INCLUDED IN DEVELOPER CONTRIBUTIONS</i></b>                              | <b>\$1,206,213</b>             | <b>\$870,032</b>              |
| DEVELOPER CONTRIBUTIONS - <i>GENERAL</i>                                       | \$929,295                      | \$651,144                     |
| DEVELOPER CONTRIBUTIONS - <i>WATER</i>                                         | \$109,187                      | \$94,296                      |
| DEVELOPER CONTRIBUTIONS - <i>SEWER</i>                                         | \$67,588                       | \$53,994                      |
| DEVELOPER CONTRIBUTIONS - <i>WASTE</i>                                         | \$93,070                       | \$63,921                      |
| DEVELOPER CONTRIBUTIONS - <i>STORMWATER</i>                                    | \$7,073                        | \$6,677                       |
|                                                                                |                                |                               |
| <b><i>INCLUDED IN RFS RESERVES</i></b>                                         | <b>\$104,733</b>               | <b>\$111,166</b>              |

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|                                                                                                  |                     |                     |
|--------------------------------------------------------------------------------------------------|---------------------|---------------------|
| RFS RESERVES                                                                                     | \$104,733           | \$111,166           |
| <b>INCLUDED IN CASH AT BANK AND INVESTMENT LEFTOVERS (AFTER GRANT RELATED, DC AND RFS ABOVE)</b> | <b>\$20,736,981</b> | <b>\$17,811,979</b> |
| WATER                                                                                            | \$2,027,060         | \$1,210,136         |
| SEWER                                                                                            | \$7,393,379         | \$6,763,527         |
| WASTE                                                                                            | \$10,213,660        | \$8,464,494         |
| STORMWATER                                                                                       | \$1,033,808         | \$991,481           |
| TRUST FUND                                                                                       | \$69,074            | \$382,341           |
| <b>INTERNAL RESTRICTIONS</b>                                                                     | <b>\$2,100,000</b>  | <b>\$5,500,000</b>  |
| PLANT AND VEHICLE REPLACEMENT                                                                    | \$400,000           | -                   |
| EMPLOYEES LEAVE ENTITLEMENTS                                                                     | \$200,000           | -                   |
| SPECIAL PROJECTS – INFRASTRUCTURE FLOOD DAMAGE                                                   | \$1,500,000         | <b>\$5,500,000</b>  |
| <b>UNRESTRICTED FUNDS</b>                                                                        | <b>\$2,551,409</b>  | <b>\$1,312,738</b>  |

**Further Financial Reporting**

Presented below are operating statements of various business units.

**Library Services Operating:**

| Library Services                         | 23/24 Full Year Budget | Amendments to Budget for September QBR | Amendments to Budget for December QBR | Proposed Amendments to Budget for March QBR | Proposed 23/24 Review 3 Budget (Anticipated June 2024 Result) | 23/24 YTD Actuals | 23/24 % Spent (Review 3 budget) | Budget Remaining (Review 3 budget) |
|------------------------------------------|------------------------|----------------------------------------|---------------------------------------|---------------------------------------------|---------------------------------------------------------------|-------------------|---------------------------------|------------------------------------|
| <b>Operating Income</b>                  |                        |                                        |                                       |                                             |                                                               |                   |                                 |                                    |
| Library Operating Subsidy Income         | 25,871                 | 40,840                                 | 0                                     | 0                                           | 66,711                                                        | 66,711            | 100.00%                         | 0                                  |
| Library Sundry Income                    | 0                      | 0                                      | 0                                     | 0                                           | 0                                                             | 792               | 0.00%                           | 792                                |
| Library Fees & Charges Income            | 6,242                  | 0                                      | 0                                     | 0                                           | 6,242                                                         | 436               | 6.98%                           | 5,806                              |
| <b>TOTAL OPERATING INCOME</b>            | <b>32,113</b>          | <b>40,840</b>                          | <b>0</b>                              | <b>0</b>                                    | <b>72,953</b>                                                 | <b>67,939</b>     | <b>93.13%</b>                   | <b>6,599</b>                       |
| <b>Operating Expenditure</b>             |                        |                                        |                                       |                                             |                                                               |                   |                                 |                                    |
| Library Wages & Administration Expenses  | 390,382                | 128,344                                | 0                                     | (100,000)                                   | 418,726                                                       | 283,627           | 67.74%                          | 135,099                            |
| Library Resources (Books, DVDs, etc)     | 25,910                 | 0                                      | 0                                     | 0                                           | 25,910                                                        | 17,401            | 67.16%                          | 8,509                              |
| Database Subscriptions                   | 3,152                  | 0                                      | 0                                     | 0                                           | 3,152                                                         | 3,041             | 96.49%                          | 111                                |
| Contribution to Regional Library Service | 9,726                  | 0                                      | 0                                     | 0                                           | 9,726                                                         | 9,336             | 95.99%                          | 390                                |
| Electricity                              | 22,051                 | 10,000                                 | 0                                     | 0                                           | 32,051                                                        | 13,551            | 42.28%                          | 18,500                             |
| Telephone & Communications               | 9,040                  | 0                                      | 0                                     | 0                                           | 9,040                                                         | 4,353             | 48.15%                          | 4,687                              |
| Cleaning                                 | 19,038                 | 0                                      | 0                                     | 0                                           | 19,038                                                        | 9,639             | 50.63%                          | 9,399                              |
| Rates & Charges                          | 2,192                  | 0                                      | 0                                     | 0                                           | 2,192                                                         | 2,118             | 96.62%                          | 74                                 |
| Insurance                                | 5,512                  | (5,000)                                | 0                                     | 0                                           | 512                                                           | 166               | 32.49%                          | 346                                |
| Building & Asset Maintenance             | 35,010                 | (25,086)                               | 0                                     | 0                                           | 9,924                                                         | 2,783             | 28.05%                          | 7,141                              |
| Building Operations                      | 7,538                  | 0                                      | 0                                     | 0                                           | 7,538                                                         | 3,674             | 48.74%                          | 3,864                              |
| IT & Software                            | 22,901                 | 2,000                                  | 0                                     | 0                                           | 24,901                                                        | 17,158            | 68.90%                          | 7,743                              |
| Rental of Premises                       | 525                    | 0                                      | 0                                     | 0                                           | 525                                                           | 0                 | 0.00%                           | 525                                |
| Depreciation                             | 64,627                 | (12,171)                               | 0                                     | 0                                           | 52,456                                                        | 24,851            | 47.38%                          | 27,605                             |
| <b>TOTAL OPERATING EXPENDITURE</b>       | <b>617,604</b>         | <b>98,087</b>                          | <b>0</b>                              | <b>(100,000)</b>                            | <b>615,691</b>                                                | <b>391,699</b>    | <b>63.62%</b>                   | <b>223,992</b>                     |
| <b>NET OPERATING SURPLUS / (DEFICIT)</b> | <b>(585,491)</b>       | <b>(57,247)</b>                        | <b>0</b>                              | <b>100,000</b>                              | <b>(542,738)</b>                                              | <b>(323,760)</b>  |                                 | <b>(217,393)</b>                   |



Our Governance No. 37 Cont...

**Livestock Saleyards Operating:**

| Livestock Saleyards                      | 23/24 Full Year Budget | Amendments to Budget for September QBR | Amendments to Budget for December QBR | Proposed Amendments to Budget for March QBR | Proposed 23/24 Review 3 Budget (Anticipated June 2024 Result) | 23/24 YTD Actuals | 23/24 % Spent (Review 3 budget) | Budget Remaining (Review 3 budget) |
|------------------------------------------|------------------------|----------------------------------------|---------------------------------------|---------------------------------------------|---------------------------------------------------------------|-------------------|---------------------------------|------------------------------------|
| <b>Operating Income</b>                  |                        |                                        |                                       |                                             |                                                               |                   |                                 |                                    |
| Saleyard Dues Income                     | 46,818                 | 0                                      | 0                                     | 12,000                                      | 58,818                                                        | 45,029            | 76.56%                          | 13,789                             |
| WHS Surcharge Income                     | 17,167                 | 0                                      | 0                                     | 4,000                                       | 21,167                                                        | 16,121            | 76.16%                          | 5,046                              |
| Agents Licence Fees Income               | 13,109                 | 0                                      | 0                                     | 0                                           | 13,109                                                        | 13,118            | 100.07%                         | 9                                  |
| Sundry Income - Saleyards                | 2,722                  | 0                                      | 0                                     | 3,000                                       | 5,722                                                         | 5,150             | 90.00%                          | 572                                |
| <b>TOTAL OPERATING INCOME</b>            | <b>79,816</b>          | <b>0</b>                               | <b>0</b>                              | <b>19,000</b>                               | <b>98,816</b>                                                 | <b>79,418</b>     | <b>80.37%</b>                   | <b>19,417</b>                      |
| <b>Operating Expenditure</b>             |                        |                                        |                                       |                                             |                                                               |                   |                                 |                                    |
| Operation Costs                          | 25,821                 | 0                                      | 15,000                                | 0                                           | 40,821                                                        | 36,042            | 88.29%                          | 4,779                              |
| Saleyards Asset Maintenance              | 45,286                 | 0                                      | 0                                     | 0                                           | 45,286                                                        | 28,199            | 62.27%                          | 17,087                             |
| Depreciation - Saleyards                 | 78,561                 | 3,962                                  | 0                                     | 0                                           | 82,523                                                        | 41,262            | 50.00%                          | 41,261                             |
| <b>TOTAL OPERATING EXPENDITURE</b>       | <b>149,668</b>         | <b>3,962</b>                           | <b>15,000</b>                         | <b>0</b>                                    | <b>168,630</b>                                                | <b>105,502</b>    | <b>62.56%</b>                   | <b>63,128</b>                      |
| <b>NET OPERATING SURPLUS / (DEFICIT)</b> | <b>(69,852)</b>        | <b>(3,962)</b>                         | <b>(15,000)</b>                       | <b>19,000</b>                               | <b>(69,814)</b>                                               | <b>(26,084)</b>   |                                 | <b>(43,712)</b>                    |

**Theatre and Museum Operating**

| Theatre & Museum Complex                         | 23/24 Full Year Budget | Amendments to Budget for September QBR | Amendments to Budget for December QBR | Proposed Amendments to Budget for March QBR | Proposed 23/24 Review 3 Budget (Anticipated June 2024) | 23/24 YTD Actuals | 23/24 % Spent (Review 3 budget) | Budget Remaining (Review 3 budget) |
|--------------------------------------------------|------------------------|----------------------------------------|---------------------------------------|---------------------------------------------|--------------------------------------------------------|-------------------|---------------------------------|------------------------------------|
| <b>Operating Income</b>                          |                        |                                        |                                       |                                             |                                                        |                   |                                 |                                    |
| Cinema Income                                    | 96,757                 | (91,096)                               | 0                                     | 0                                           | 5,661                                                  | 5,675             | 100.25%                         | 14                                 |
| Theatre Income                                   | 31,212                 | (30,314)                               | 0                                     | 0                                           | 898                                                    | 1,098             | 122.24%                         | 200                                |
| Museum Income                                    | 20,808                 | (17,533)                               | 0                                     | 0                                           | 3,275                                                  | 3,275             | 100.01%                         |                                    |
| Museum Advisory Services Income                  | 9,364                  | 0                                      | 0                                     | 0                                           | 9,364                                                  | 10,455            | 111.65%                         | 1,091                              |
| Café Rent Income                                 | 9,693                  | 3,556                                  | 0                                     | 0                                           | 13,249                                                 | 10,885            | 82.16%                          | 2,364                              |
| Café Utilities Reimbursement Income              | 3,849                  | 0                                      | 0                                     | 0                                           | 3,849                                                  | 3,164             | 82.21%                          | 685                                |
| M&G NSW 2023 Skills Development Grant Income     | 0                      | (4,000)                                | 0                                     | 0                                           | (4,000)                                                | (4,000)           | 100.00%                         | 0                                  |
| <b>TOTAL OPERATING INCOME</b>                    | <b>171,683</b>         | <b>(139,387)</b>                       | <b>0</b>                              | <b>0</b>                                    | <b>32,296</b>                                          | <b>30,552</b>     | <b>94.60%</b>                   | <b>4,354</b>                       |
| <b>Operating Expenditure</b>                     |                        |                                        |                                       |                                             |                                                        |                   |                                 |                                    |
| Theatre & Museum Wages & Administration Expenses | 218,371                | (176,934)                              | 0                                     | 0                                           | 41,437                                                 | 40,053            | 96.66%                          | 1,384                              |
| Cinema Operations                                | 53,434                 | (50,192)                               | 11,000                                | 0                                           | 14,242                                                 | 9,797             | 68.79%                          | 4,445                              |
| Theatre Operations                               | 29,291                 | (20,555)                               | 0                                     | 0                                           | 8,736                                                  | 8,736             | 100.00%                         | 0                                  |
| Museum Operations                                | 8,350                  | (525)                                  | 0                                     | 0                                           | 7,825                                                  | 2,874             | 36.72%                          | 4,951                              |
| Museum Advisory Services                         | 21,013                 | 0                                      | 0                                     | 0                                           | 21,013                                                 | 12,820            | 61.01%                          | 8,193                              |
| Arts North West Membership                       | 6,030                  | 0                                      | 0                                     | 0                                           | 6,030                                                  | 5,527             | 91.66%                          | 503                                |
| School of Arts Building Operations               | 5,269                  | 0                                      | 0                                     | 0                                           | 5,269                                                  | 4,404             | 83.59%                          | 865                                |
| Cleaning                                         | 22,050                 | 0                                      | 0                                     | 0                                           | 22,050                                                 | 18,828            | 85.39%                          | 3,222                              |
| Fire Monitoring and Inspections                  | 5,778                  | 0                                      | 5,000                                 | 0                                           | 10,778                                                 | 7,724             | 71.66%                          | 3,054                              |
| Security Monitoring                              | 3,257                  | 0                                      | 0                                     | 0                                           | 3,257                                                  | 2,917             | 89.56%                          | 340                                |
| Insurance                                        | 13,230                 | 0                                      | 0                                     | 0                                           | 13,230                                                 | 14,504            | 109.63%                         | (1,274)                            |
| Building & Asset Maintenance                     | 14,043                 | 0                                      | 0                                     | 0                                           | 14,043                                                 | 6,788             | 48.34%                          | 7,255                              |
| Promotions                                       | 3,152                  | (1,739)                                | 0                                     | 0                                           | 1,413                                                  | 1,470             | 104.04%                         | (57)                               |
| Volunteer Expenses                               | 2,692                  | (2,557)                                | 0                                     | 0                                           | 135                                                    | 135               | 99.73%                          | 0                                  |
| Depreciation                                     | 20,934                 | (705)                                  | 0                                     | 0                                           | 20,229                                                 | 9,791             | 48.40%                          | 10,438                             |
| <b>TOTAL OPERATING EXPENDITURE</b>               | <b>426,894</b>         | <b>(253,207)</b>                       | <b>16,000</b>                         | <b>0</b>                                    | <b>189,687</b>                                         | <b>146,368</b>    | <b>77.16%</b>                   | <b>43,319</b>                      |
| <b>NET OPERATING SURPLUS / (DEFICIT)</b>         | <b>(255,211)</b>       | <b>113,820</b>                         | <b>(16,000)</b>                       | <b>0</b>                                    | <b>(157,391)</b>                                       | <b>(115,816)</b>  |                                 | <b>(38,965)</b>                    |

Our Governance No. 37 Cont...

### **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.

**Hein Basson  
General Manager**

Prepared by staff member: Roy Jones, Acting Chief Corporate Officer  
Approved/Reviewed by Manager: Hein Basson, General Manager  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Investment Report 30 April 2024 1 Page

|                      |                                                                                                                                        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                                                                   |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media                                                                                         |
| <b>Reference:</b>    | <b>ITEM GOV38/24</b>                                                                                                                   |
| <b>Subject:</b>      | <b>2024/2025 COMMUNITY CONTRIBUTIONS AND DONATIONS<br/>- LEGAL ADVICE REGARDING INTER-FUND DONATIONS<br/>FROM LOCAL GOVERNMENT NSW</b> |

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

## SUMMARY

This report is provided to Council, presenting legal clarification from Local Government NSW regarding the transfer of funds from Council's Water, Waste and Sewer Funds to contribute towards Council's Community Contributions, as resolved at Council's Ordinary Meeting – 27 March 2024.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Notes the legal advice received from Local Government NSW.**
- (2) Reduces the total Community Contributions as resolved at the March 2024 Ordinary Council Meeting – Resolution # 49/24 – Part (23) from \$85,000 to \$11,000 for the 2024/2025 budget period to reflect the inability to transfer funds from the Water, Waste and Sewer Funds.**

## BACKGROUND

At Council's Ordinary Meeting of Wednesday 27 March 2024, it resolved (Resolution 49/24) to adopt the Tenterfield Shire Council Operational Plan 2024/2025 including Statement of Revenue Policy 2024/2025, including Part (23) Community Contributions totaling \$85,00 – as below.

### (23) Community contributions and donations:

That In accordance with the provisions of Section 356 of the Local Government Act 1993 Council adopt the individual allocation of community contributions / donations to a total of \$85,000 as detailed below.

| No | Organisation                | Project            | Amount<br>\$ |
|----|-----------------------------|--------------------|--------------|
| 1  | Drake Primary School        | Presentation Night | 150.00       |
| 2  | Jennings Public School      | Presentation Night | 150.00       |
| 3  | St Joseph's Convent Schools | Presentation Night | 150.00       |

## Our Governance No. 38 Cont...

|    |                                                              |                                                    |          |
|----|--------------------------------------------------------------|----------------------------------------------------|----------|
| 4  | Sir Henry Parkes Memorial Primary School                     | Presentation Night                                 | 150.00   |
| 5  | Tenterfield High School                                      | Presentation Night                                 | 150.00   |
| 6  | Urbenville Public School                                     | Presentation Night                                 | 150.00   |
| 7  | Woodenbong Public School                                     | Presentation Night                                 | 150.00   |
| 8  | Drake Primary School                                         | Learn to Swim – contribution to transport          | 550.00   |
| 9  | Urbenville Public School                                     | Learn to Swim – contribution to transport          | 550.00   |
| 10 | Westpac Helicopter Rescue Service                            | Helicopter Rescue Service – Annual Contribution    | 2,000.00 |
| 11 | Liston Hall Committee                                        | Annual contribution to assist with operating costs | 500.00   |
| 12 | Bolivia Hall Committee                                       | Annual contribution to assist with operating costs | 500.00   |
| 13 | Legume Hall Committee                                        | Annual contribution to assist with operating costs | 500.00   |
| 14 | Drake Hall Committee                                         | Annual contribution to assist with operating costs | 500.00   |
| 15 | Urbenville Hall Committee                                    | Annual contribution to assist with operating costs | 500.00   |
| 16 | Steinbrook Hall Committee                                    | Annual contribution to assist with operating costs | 500.00   |
| 17 | Sunnyside Hall Committee                                     | Annual contribution to assist with operating costs | 500.00   |
| 18 | Mingoola Hall Committee                                      | Annual contribution to assist with operating costs | 500.00   |
| 19 | Torrington Hall Committee                                    | Annual contribution to assist with operating costs | 500.00   |
| 20 | Tenterfield Highlander Pipe Band                             | For Australia Day Performance                      | 500.00   |
| 21 | Urbenville Community                                         | Bus Registration Costs                             | 850.00   |
| 22 | Tenterfield Seniors Week Committee                           | Seniors Week Activities                            | 1000.00  |
|    | Total External organisations Contributions and Donations     |                                                    | \$11,000 |
| 23 | Donation - Water for Parks and Recreation Facilities         | Donation from Water fund                           | \$20,000 |
| 24 | Donation - Water for Swimming Pool                           | Donation from Water fund                           | \$15,000 |
| 25 | Donation - Provision of Public Conveniences in various Parks | Donation from Sewerage fund                        | \$15,000 |
| 26 | Donation - Provision of Public Conveniences at swimming pool | Donation from Sewerage fund                        | \$10,000 |
| 27 | Donation - Community and Events waste disposal               | Donation from Waste Fund                           | \$15,000 |

Our Governance No. 38 Cont...

|  |                                          |  |          |
|--|------------------------------------------|--|----------|
|  | Total Inter Council Donations            |  | \$75,000 |
|  | Total Council Donations and Contribution |  | \$86,000 |

(Peter Petty/Peter Murphy)

### **Motion Carried**

Since the March 2024 Ordinary Council Meeting, staff have written to Local Government NSW seeking legal clarification around the donation of funds from the Water, Sewer and Waste funds to fund further "Community Donations". This legal advice has now been received.

### **REPORT:**

Council staff wrote to the Legal Department of Local Government NSW on 18 April 2024 seeking legal clarification on the transfer of funds from Council's Water, Waste and Sewer Funds to contribute towards Council's Community Contributions for the year 2024/2025.

Following is the conclusion of the Local Government NSW legal advice.

***"In summary, charges are made to provide the relevant services to the ratepayers upon whom the charges are levied and not to fund services to members of the community in general. This means that transferring the funds as resolved will be a breach of the Local Government Act 1993 (LGA)."***

(Attached is the full "Letter of Advice from Local Government NSW".)

The basic premise for not allowing the transfer of the funds relates to the Local Government Act 1993. Specifically, as follows:-

*"Pursuant to section 408, a council must have two separate funds – a consolidated fund and a trust fund. In regard to the consolidated fund, sub-section 409(3)(a) relevantly provides:*

#### *409 The consolidated fund*

- (1) All money and property received by a council must be held in the council's consolidated fund unless it is required to be held in the council's trust fund.*
- (2) Money and property held in the council's consolidated fund may be applied towards any purpose allowed by this or any other Act.*
- (3) However –*
  - (a) money that has been received as a result of the levying of a special rate or charge may not be used otherwise than for the purpose for which the rate or charge was levied..."*

To further explain the terms "special rate or charge", Local Government NSW attached the NSW Crown Solicitor's Office advice which confirms the following:-

*"The reference is s409 (3) (a) of the LGA to a "special rate or charge" is a reference to a special rate or a 'charge' and not to a special rate or a 'special charge'."*

Our Governance No. 38 Cont...

As provided, the charges were made to provide the relevant services to the ratepayers upon whom the charges were levied and not to fund services to members of the community.

Therefore, the Community Donations amount previously adopted will need to be reduced from \$85,000 to \$11,000, which is the Policy base allocation.

### **COUNCIL IMPLICATIONS:**

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

No additional Public Exhibition period will be required.

**2. Policy and Regulation**

- Local Government Act 1993

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

The reduction of the Community Contributions/Donations 2024/2025 from \$85,000 to \$11,000 will reduce the total budget allocated by \$75,000. This means that the General Fund expenditure will increase by this amount of \$75,000

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Usual staff will administer the project within their current roles. No additional Project Management is required.

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

|                               |                                                                                                                                                               |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Elizabeth Melling, Executive Assistant & Media                                                                                                                |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                                                                                                  |
| Department:                   | Office of the Chief Executive                                                                                                                                 |
| Attachments:                  | <ol style="list-style-type: none"> <li>1 CONFIDENTIAL - Legal Advice - Local Government NSW</li> <li>2 CONFIDENTIAL - NSW Crown Solicitor's Advice</li> </ol> |

|                      |                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                              |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media                                                    |
| <b>Reference:</b>    | <b>ITEM GOV39/24</b>                                                                              |
| <b>Subject:</b>      | <b>TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND BUSINESS - REPORT 2 1 JANUARY - 31 MARCH 2024</b> |

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

|                      |                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Economy</b> - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities. |
| <b>CSP Strategy:</b> | Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.                                          |

#### **SUMMARY**

This report is to present to Council the Tenterfield Chamber of Tourism, Industry and Business – Report 2 under the funding agreement between Tenterfield Chamber of Tourism, Industry and Business (TCTIB) and Tenterfield Shire Council. The Tenterfield Tourism Group is required to report quarterly on activities within 30 days of the end of the quarter. The attached report covers the period 1 January 2024 to 31 March 2024.

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

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

**Notes the report from the Tenterfield Tourism Group for the period 1 January 2024 to 31 March 2024.**

#### **BACKGROUND**

Tenterfield Shire Council entered into a funding Agreement with the Tenterfield Chamber of Industry, Tourism and Business on 3 October 2023 to provide and execute an annual plan for tourism in the Tenterfield region.

#### **REPORT:**

The Tenterfield Tourism Group is required to report quarterly on activities within 30 days of the end of the quarter. The attached report covers the period 1 January 2024 to 31 March 2024.

The report for the period 1 January to 31 March 2024 was received by Council on time and in accordance with executed agreement.

#### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Nil.
- 2. Policy and Regulation**  
Nil.
- 3. Financial (Annual Budget & LTFP)**  
As per Council's 2023/2024 budget.
- 4. Asset Management (AMS)**

Our Governance No. 39 Cont...

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

As per the executed agreement between Tenterfield Shire Council and Tenterfield Chamber of Tourism, Industry and Business.

**8. Project Management**

Nil.

**Hein Basson  
General Manager**

|                               |                                                                                       |
|-------------------------------|---------------------------------------------------------------------------------------|
| Prepared by staff member:     | Elizabeth Melling, Executive Assistant & Media                                        |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                          |
| Department:                   | Office of the Chief Executive                                                         |
| Attachments:                  | <b>1</b> Tenterfield Tourism Group - Report 9<br>2 - 1 January to 31 March 2024 Pages |



|                      |                                                |
|----------------------|------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>           |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media |
| <b>Reference:</b>    | <b>ITEM GOV40/24</b>                           |
| <b>Subject:</b>      | <b>SECONDARY EMPLOYMENT - GENERAL MANAGER</b>  |

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

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

#### **SUMMARY**

This report is to bring to Council the newly appointed General Manager's request for permission to engage, for remuneration, in work outside of his General Manager's position.

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

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

**Commensurate with the provision of Section 353 (1) of the Local Government Act 1993,**

- (1) provides approval for the General Manager, to continue to engage in working with some of his clients providing coaching, mentoring and family systems therapy on a fee per hour basis, on condition that he does not engage any clients within the Tenterfield Shire Council's area of jurisdiction, and his private endeavour does not impact his capacity to deal with his Council work load.**

#### **BACKGROUND**

Mr. Hein Basson was appointed General Manager of Tenterfield Shire Council, commencing on 15 April 2024. Previously, Mr. Basson worked privately with clients as part of his business "Odin Systems and Differentiation People Consultancy" – providing coaching, mentoring and family systems therapy.

Mr. Basson would like to retain some of his previous clients in order to assist with his further personal development in the human behavioral field, which experience would also assist him in his role and function as General Manager.

#### **REPORT:**

As per Section 353 (1) of the Local Government Act 1993:-

- (1) "The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of council;"*

Our Governance No. 40 Cont...

Mr. Basson is seeking Council approval to continue working with some of his clients. Some of the work that Mr. Basson has undertaken has been on a "pro-bono" basis however, to facilitate him working towards his clinical recognitions a couple of the clients are fee- paying.

In light of Mr. Basson's move to Tenterfield and work for Council he has specified that he will not consult with or take on any clients living within the Tenterfield Shire Council's area, in order not to create a potential conflict of interest. Further, he will ensure that his private endeavor will not negatively impact on his capacity to deal with his Council workload.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Local Government Act 1993

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

Nil.

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

Nil.

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

Nil.

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

This report and letter ensure Council is undertaking "due care" governance of staff matters.

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

Nil.

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

Nil.

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

|                               |                                                |
|-------------------------------|------------------------------------------------|
| Prepared by staff member:     | Elizabeth Melling, Executive Assistant & Media |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                   |
| Department:                   | Office of the Chief Executive                  |
| Attachments:                  | <b>1</b> Secondary Employment Application      |
|                               | 2 Pages                                        |

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                  |
| <b>Submitted by:</b> | Peter Murphy, Councillor                              |
| <b>Reference:</b>    | <b>ITEM NM7/24</b>                                    |
| <b>Subject:</b>      | <b>NOTICE OF MOTION - CROSS BORDER ACTIVATION HUB</b> |

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Economy</b> - Develop Tenterfield Shire's economic base into a robust and growing economy that supports employment and business opportunities. |
| <b>CSP Strategy:</b> | Develop and facilitate a diversified and growing economy that is a balance of all economic contributors.                                          |

**SUMMARY**

A Notice of Motion was received from Councillors Peter Murphy and Greg Sauer on Monday 13 May 2024.

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

**Pursuant to the Southern Downs Regional Council and Tenterfield Shire Council Memorandum of Understanding Cross Border Collaborative Working Arrangement,**

- (1) Tenterfield Shire Council fully supports, in principle, the creation, development and promotion of a Cross Border activation Hub centred on the reopened Railway Precincts of Jennings and Wallangarra.**
- (2) Tenterfield Shire Council recommend to the South Downs Regional Council that it fully support, in principle, the creation, development and promotion of a Cross Border Activation Hun centred on the reopened Railway precincts of Wallangarra and Jennings.**

**BACKGROUND**

A Notice of Motion was received from Councillors Greg Sauer and Bronwyn Petrie on behalf of Cr Peter Murphy.

Notice of Motion No. 7 Cont...

**REPORT:**

Notice of Motion

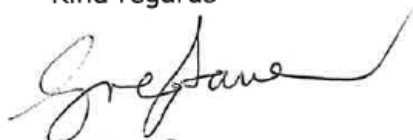
Monday 13 May 2024

"That,

pursuant to the Southern Downs Regional Council and Tenterfield Shire Council Memorandum of Understanding Cross Border Collaborative Working Arrangement,

1. Tenterfield Shire Council fully supports, in principle, the creation, development and promotion of a Cross Border Activation Hub centred on the reopened Railway Precincts of Jennings and Wallangarra and
2. Tenterfield Shire Council recommend to the Southern Downs Regional Council that it fully support, in principle, the creation, development and promotion of a Cross Border Activation Hub centred on the reopened Railway Precincts of Wallangarra and Jennings."

Kind regards



Cr Greg Sauer



Cr Bronwyn Petrie

**Commentary: General Manager**

The Memorandum of Understanding (MOU) referred to in the Notice of Motion is attached to the Business Paper for the information of Councillors.

Although I support the Notice of Motion in principle, I need to bring to Council's attention that I have concerns with the broad scope of the MOU as Council does not currently have the resources – both financial and human – to participate in the implementation of shared objectives of the MOU.

**Hein Basson  
General Manager**

|                               |                                                                                                |         |
|-------------------------------|------------------------------------------------------------------------------------------------|---------|
| Prepared by staff member:     | Peter Murphy, Councillor                                                                       |         |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                                                                   |         |
| Department:                   | Office of the Chief Executive                                                                  |         |
| Attachments:                  | <b>1</b> Executed Memorandum of Understanding - Cross Border Collaborative Working Arrangement | 8 Pages |

Notice of Motion No. 7 Cont...

**2** Notice of Motion - Cross Border  
Activation Hub

**1**  
Page

|                      |                                                 |
|----------------------|-------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>            |
| <b>Submitted by:</b> | Elizabeth Melling, Executive Assistant & Media  |
| <b>Reference:</b>    | <b>ITEM RES4/24</b>                             |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - APRIL 2024</b> |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

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**SUMMARY**

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

**OFFICER'S RECOMMENDATION:**

**That Council notes the status of the Council Resolution Register to April 2024.**

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

Prepared by staff member: Elizabeth Melling – Executive Assistant & Media  
 Approved/Reviewed by Manager: Hein Basson, General Manager  
 Department: Office of the Chief Executive  
 Attachments: **1** Actions Register - April 2024 25 Pages