



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

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 22 MAY 2024**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", 247 Rouse St, Tenterfield NSW 2372 on Wednesday 22 May 2024 commencing at 9.37 am

### **ATTENDANCE**

Councillor Bronwyn Petrie (Mayor)  
Councillor John Macnish (Deputy Mayor)  
Councillor Tim Bonner  
Councillor Tom Peters  
Councillor Kim Rhodes  
Councillor Geoff Nye  
Councillor Peter Murphy

### **ALSO IN ATTENDANCE**

General Manager (Hein Basson)  
Executive Assistant & Media (Elizabeth Melling)  
Acting Chief Corporate Officer (Roy Jones)(Via ZOOM)  
Director Infrastructure (Matthew Francisco)

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

**COMMUNITY CONSULTATION (PUBLIC ACCESS) 9.15 am**

**ITEM ENV5/24** – DEVELOPMENT APPLICATION 2024.037 RETAIL PREMISES: FOOD & DRINK PREMISES (RESTAURANT & CAFÉ) AND SPECIALISED RETAIL PREMISES COMMERCIAL PREMISES OFFICE PREMISES – 306 ROUSE STREET, TENTERFIELD.

Mr Joseph Smith (Via ZOOM) addressed Council on the above mentioned development application.

**WEBCASTING OF MEETING**

*I advise all present that this meeting is being recorded for placement on Council’s website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council’s commitment to openness and accountability.*

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

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

**OPENING AND WELCOME**

**CIVIC PRAYER**

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

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

**ACKNOWLEDGEMENT OF COUNTRY**

*“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 Jukemba, Bundjalung, Kamilaroi, Githabul and Wahlubul people of our Shire, and extend our respect to all people.”*

**APOLOGIES**

**70/24**

**Resolved** that the apologies of Councillors Greg Sauer and Peter Petty be accepted.

(Peter Murphy/Geoff Nye)

**Motion Carried**

**DISCLOSURE & DECLARATIONS OF INTEREST**

**71/24**

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

| Name | Type | Item |
|------|------|------|
|------|------|------|

|                 |                                     |  |
|-----------------|-------------------------------------|--|
| Cr Peter Murphy | Less than Significant Non Pecuniary | ITEM ECO6/24 UPDATE ON NEGOTIATIONS WITH TEN FM MANAGEMENT – 142 MANNERS ST, TENTERFIELD |
|-----------------|-------------------------------------|--|

(Kim Rhodes/Tim Bonner)

**Motion Carried**

*Cr Peter Murphy will be leaving the meeting when this item is discussed, not participating in any discussion or voting on it.*

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

**72/24**

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

- Ordinary Council Meeting – 24 April 2024

Be confirmed and signed as a true record of the proceedings of these meetings.

(Kim Rhodes/Tim Bonner)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil.

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

Nil.

**MAYORAL MINUTE**

Nil.

**OPEN COUNCIL REPORTS**

*Tamai Davidson – Manager Planning, Property & Development entered the meeting, the time being 9.39 am.*

**OUR COMMUNITY**

**(ITEM COM3/24) MT MACKENZIE LOOKOUT - CROWN LAND MANAGER REQUEST**

**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 an 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.**

(Kim Rhodes/John Macnish)

#### **AMENDMENT**

- (c) Permission is received from Crown Lands for the removal of the existing toilet facility and BBQ at Council's cost.

(Peter Murphy/Kim Rhodes)

#### **Amendment Carried**

**73/24**

**Resolved** 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 an 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 at Council's cost.

(Peter Murphy/Kim Rhodes)

#### **Motion Carried**

*Tamai Davidson – Manager Planning, Property & Development left the meeting, the time being 9.49 am.*

#### **OUR ECONOMY**

##### **(ITEM ECO5/24) LEASE OF THE FORMER VISITOR'S INFORMATION CENTRE**

##### **SUMMARY**

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

74/24

**Resolved** that Council:

- (1) Accepts the Salvation Army Australia Territory – Tenterfield branch’s offer to lease the building at 157 Rouse Street, Tenterfield for an amount of \$30,000 pa (with a fixed increase of 3% per year) from 1 July 2024, with monthly lease payments to start from 1 October 2024 for three (3) years with the option to extend the lease term for a further two (2) terms of three (3) years each, provided that the lessee is responsible for all rates and utility charges i.e. water, sewer, waste and electricity.
- (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; further to ensure that the Lease agreement provides that the garden beds be properly maintained by the lessee and all donation bins be located discreetly at the rear of the Visitor Information Centre (VIC) building.
- (3) Requests the General Manager to make arrangements for the “i” information sign on the building located at 157 Rouse Street Tenterfield, to be removed.

(Kim Rhodes/Geoff Nye)

**Motion Carried**

*Cr Peter Murphy left the meeting, the time being 10.01 am.*

**(ITEM ECO6/24) UPDATE ON NEGOTIATIONS WITH TEN FM MANAGEMENT - 142 MANNERS ST, TENTERFIELD.**

**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.

75/24

**Resolved** that Council:

- (1) Notes the update on negotiations on the Lease of 142 Manners Street, Tenterfield.
- (2) Accepts 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, electricity 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.

(Kim Rhodes/Geoff Nye)

### **Motion Carried**

*Cr Peter Murphy returned to the meeting, the time being 10.06 am.*

*Tamai Davidson – Manager Planning, Property & Development entered the meeting, the time being 10.05 am.*

## **OUR ENVIRONMENT**

### **(ITEM ENV5/24) DEVELOPMENT APPLICATION 2024.037 RETAIL PREMISES: FOOD & DRINK PREMISES (RESTAURANT & CAFE) AND SPECIALISED RETAIL PREMISES COMMERCIAL PREMISES OFFICE PREMISES 306 ROUSE STREET, TENTERFIELD**

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.

## PROPOSED AMENDMENTS TO ATTACHMENT 1 – PROPOSED COUNCIL CONDITIONS

### PROCEDURAL MOTION

76/24

**Resolved** that Councillors now vote on the following amendments to the Proposed Council Conditions (Attachment 1), seriatim:

(Peter Murphy/Tom Peters)

#### **Motion Carried**

##### Condition 15 of Attachment 1

Tenterfield Shire Council Section 7.12 Development Contributions Plan (General Development) 2020

*“Waive the contributions amount listed of \$5,775.00, due to the social, economic and community benefits that the proposed development will bring to the area..”*

*Carried unanimously.*

##### Condition 20 of Attachment 1

Kerb and gutter is to be installed for the frontage of the development where it is not existing and the footpath paved to match existing pavers in Rouse Street.

*“Provision is made to accommodate a shuttle bus and trailer pick-up and set-down area to the front of the building, incorporating a disabled access, with layback and width in accordance with the relevant Australian Standards, with this design to be further considered by the Tenterfield Local Traffic Committee.”*

*Carried unanimously.*

##### Condition 24 of Attachment 1

The existing Advertising Structure located along the roof line of the building is to be removed.

*“As well as other existing signs to be removed.”*

*Carried unanimously.*

##### Condition 25 of Attachment 1

No advertising signage is permitted above the awning level of the building - Proposed Signage as identified in this location on the plan is not approved.

*“One circular sign, 1.8m in diameter, is allowed to be affixed flat against the wall of the gable area to the front of the building.”*

*Carried unanimously.*

**77/24**

**Resolved** 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) Waives Condition 15 of the Proposed Conditions Document due to the social, economic, and community benefits that the proposed development will bring to the area
- (3) Notifies those persons who made submissions of Council's determination.  
(Geoff Nye/John Macnish)

**Motion Carried**

Division

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

*For the Motion were Crs T Peters, J Macnish, T Bonner, B Petrie, K Rhodes, G Nye, P Murphy Total (7).*

*Against the Motion was Nil Total (0).*

*Tamai Davidson – Manager Planning, Property & Development left the meeting, the time being 10.28 am.*

**OUR GOVERNANCE**

**(ITEM GOV33/24) MONTHLY OPERATIONAL REPORT FOR APRIL 2024**

**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.

**78/24**

**Resolved** that Council:

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

(Geoff Nye/Tom Peters)

**Motion Carried**

**(ITEM GOV34/24) MOLESWORTH STREET BRIDGE REPLACEMENT**

**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.

**79/24**

**Resolved** 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.

(Kim Rhodes/Geoff Nye)

**Motion Carried**

## **(ITEM GOV35/24) MEMORANDUM OF UNDERSTANDING - BRIDGE PROJECTS**

### **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.

**80/24**

**Resolved** 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.

(Kim Rhodes/Geoff Nye)

**Motion Carried**

## **PROCEDURAL MOTION**

**81/24**

**Resolved** that ITEM GOV39/24 TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND BUSINESS – REPORT 2 1 JANUARY – 31 MARCH 2024 be moved forward in the agenda.

(Bronwyn Petrie/Tim Bonner)

**Motion Carried**

## **(ITEM GOV39/24) TENTERFIELD CHAMBER OF TOURISM, INDUSTRY AND BUSINESS - REPORT 2 1 JANUARY - 31 MARCH 2024**

## **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.

**82/24**

**Resolved** that Council:

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

(Kim Rhodes/Geoff Nye)

**Motion Carried**

*Cr Peter Murphy left the meeting, the time being 11.12 am.*

*Cr Peter Murphy returned to the meeting, the time being 11.14 am.*

*Cr Kim Rhodes left the meeting, the time being 11.20 am.*

## **SUSPENSION OF STANDING ORDERS**

**83/24**

**Resolved** that Standing Order be suspended.

(John Macnish/Tim Bonner)

**Motion Carried**

*The meeting adjourned for morning tea, the time being 11.20 am.*

## **RESUMPTION OF STANDING ORDERS**

**84/24**

**Resolved** that Standing Orders be resumed.

(Tim Bonner/Peter Murphy)

**Motion Carried**

*The meeting reconvened, the time being 11.46 am.*

## **(ITEM GOV36/24) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024**

### **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).

**85/24**

**Resolved** 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.

(Peter Murphy/Geoff Nye)

**Motion Carried**

**(ITEM GOV37/24) FINANCE & ACCOUNTS - PERIOD ENDED 30 APRIL 2024**

**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.

**86/24**

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

(John Macnish/Geoff Nye)

**Motion Carried**

**(ITEM GOV38/24) 2024/2025 COMMUNITY CONTRIBUTIONS AND DONATIONS - LEGAL ADVICE REGARDING INTER-FUND DONATIONS FROM LOCAL GOVERNMENT NSW**

**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.

**87/24**

**Resolved** 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 \$86,000 to \$11,000 for the 2024/2025 budget period to reflect the inability to transfer funds from the Water, Waste and Sewer Funds.

(Tim Bonner/Peter Murphy)

**Motion Carried**

## **(ITEM GOV40/24) SECONDARY EMPLOYMENT - GENERAL MANAGER**

### **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.**

(Peter Murphy/Tim Bonner)

### **AMENDMENT**

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, his private endeavour does not impact his capacity to deal with his Council work load; and total hours worked do not exceed 200hrs per financial year.

(Peter Murphy/Tim Bonner)

### **Amendment Carried**

**88/24** **Resolved** that 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, his private endeavour does not impact his capacity to deal with his Council work load; and total hours worked do not exceed 200hrs per financial year.

(Peter Murphy/Tim Bonner)

### **Motion Carried**

## **REPORTS OF DELEGATES & COMMITTEES**

Nil.

## **NOTICES OF MOTION**

### **(ITEM NM7/24) NOTICE OF MOTION - CROSS BORDER ACTIVATION HUB**

#### **SUMMARY**

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

**89/24** **Resolved** 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, without committing to any staffing or funding thereof.
- (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 Hub centred on the reopened Railway precincts of Wallangarra and Jennings, without committing to any staffing or funding thereof.

(Peter Murphy/John Macnish)

**Motion Carried**

**RESOLUTION REGISTER**

**(ITEM RES4/24) COUNCIL RESOLUTION REGISTER - APRIL 2024**

**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.

**90/24**

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

(Geoff Nye/Tom Peters)

**Motion Carried**

**CONFIDENTIAL BUSINESS**

Nil.

**MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 12.37 pm.

.....  
Councillor Bronwyn Petrie  
Mayor/Chairperson