



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 14 AUGUST 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 14 August 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

## **CLOSED COUNCIL**

### **Confidential Reports**

#### **(Section 10A(2) of The Local Government Act 1993)**

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals others than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act,) the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) The discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### **Resolutions passed in Closed Council**

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

# AGENDA

## 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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### 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**

(ITEM ENV7/24) REQUEST FOR REFUND OF DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE FEES - FRIENDS OF TENTERFIELD AERODROME ..... 22

(ITEM ENV8/24) YOUTH PRECINCT AMENITIES ..... 25

**OUR GOVERNANCE**

**RESOLUTION REGISTER**

**11. REPORTS OF DELEGATES & COMMITTEES**

**12. NOTICES OF MOTION**

**13. RESOLUTION REGISTER**

**14. CONFIDENTIAL BUSINESS**

**CONFIDENTIAL**

(ITEM GOV63/24) TENTERFIELD SHIRE COUNCIL STRATEGIC ASSURANCE MAPPING AND INTERNAL AUDIT PLAN 2024 - 2027

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (ARIC Confidential) of the Local Government Act, 1993, as the matter involves Information and documents pertaining to the Committee are confidential and are not to be made publicly available.”.

(ITEM ENV6/24) UPDATE REPORT URBENVILLE, MULLI MULLI, WOODENBONG - URBENVILLE WATER SUPPLY PROJECT LAGOON CONSTRUCTION TENDER AWARD RFT 06-23/24

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

(ITEM GOV64/24) TENDER EVALUATION FOR PROFESSIONAL SERVICES FOR PROJECT MANAGEMENT PERSONNEL TENDER (RFT 19-23/24).

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

(ITEM GOV65/24) ORGANISATION STRUCTURE: LEADERSHIP DIRECTION FOR A CORE-FUNCTIONS COUNCIL

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

## **15. MEETING CLOSED**



**(ITEM MIN10/24) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Mitchell Baade, Acting Executive Assistant & Media

**RECOMMENDATION**

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

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

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

**ATTACHMENTS**

- 1 Minutes of Ordinary Council Meeting - Wednesday 24 July 2024 11 Pages**

# MINUTES



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

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 24 JULY 2024**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", 247 Rouse St, Tenterfield NSW 2372 on Wednesday 24 July 2024 commencing at 9.30 am

**ATTENDANCE**

Councillor Bronwyn Petrie (Mayor) (VIA ZOOM)  
Councillor John Macnish (Deputy Mayor – Acting as Chair)  
Councillor Peter Petty  
Councillor Tim Bonner  
Councillor Tom Peters  
Councillor Kim Rhodes  
Councillor Greg Sauer  
Councillor Geoff Nye  
Councillor Peter Murphy

**ALSO IN ATTENDANCE**

General Manager (Hein Basson)  
Acting Executive Assistant & Media (Mitch Baade)  
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)**

Nil.

**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 Wahlbul people of our Shire, and extend our respect to all people."*

**APOLOGIES**

that there were no apologies.

**DISCLOSURE & DECLARATIONS OF INTEREST**

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

| Name | Type | Item |
|------|------|------|
| Nil. |      |      |
|      |      |      |

**(ITEM MIN9/24) CONFIRMATION OF PREVIOUS MINUTES**

- 113/24** **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:
- Ordinary Council Meeting – 26 June 2024

As amended and circulated, be confirmed and signed as a true record of the proceedings of this meeting.

(Kim Rhodes/Greg Sauer)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil.

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

Nil.

**MAYOR MINUTE**

Nil.

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

**114/24** **Resolved**

- (1) ITEM GOV62/24 REVIEW OF TENTERFIELD SHIRE COUNCIL AUDIT, RISK, AND IMPROVEMENT COMMITTEE ATTENANCE FEES AND PAYMENT/REIMBURSEMENT IF COSTS FOR IN PERSON COMMITTEE MEMBER ATTENANCE.
- (2) ITEM RC10/24 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING MINUTES 13 DECEMBER 2023.

(Peter Petty/Tim Bonner)

**Motion Carried**

**OPEN COUNCIL REPORTS**

**OUR COMMUNITY**

Nil.

**OUR ECONOMY**

*Temai Davidson, Manager Planning Property & Development entered the meeting, the time being 09:40 am.*

**(ITEM ECO7/24) TENTERFIELD TRANSPORT MUSEUM - LEASE VARIATION REQUEST**

**SUMMARY**

The purpose of this report is to consider a request by the Tenterfield Transport Museum for a variation to their existing lease agreement with Council to allow for a sub-lease to the Campervan & Motorhome Club of Australia for their site at 44 Francis Street, Tenterfield (Lot 2 & 3 Section 37 DP 758959). The request is not supported on the basis that the variation is not required until such time as a Development Application is lodged, assessed and determined by Council. To vary the lease prior to this is premature and unnecessary.

**115/24** **Resolved** that Council:

- (1) Advise the Tenterfield Transport Museum that it is not in a position to vary the existing lease; and
- (2) Advise the Tenterfield Transport Museum that, if required, Council will support a variation to the lease once a Development Application is determined by Council; and
- (3) If the Development Application is approved, all associated costs for the variation of the lease are at no cost to Council.

(Peter Petty/Kim Rhodes)

**Motion Unanimously Carried**

**(ITEM ECO8/24) SALVATION ARMY REQUEST FOR LONGER LEASE TERM FOR THE FORMER VISITORS' INFORMATION CENTRE**

**SUMMARY**

The purpose of this report is to advise Council of the Salvation Army's request for clearer options for a longer lease term(s) for the former Visitors' Information Centre (VIC) – 157 Rouse Street, Tenterfield.

**116/24** **Resolved** that council favorably considers the request received from the Salvation Army for the following excerpt to be removed from Council Resolution 74/24 (1):

"...;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;...".

(Peter Petty/Kim Rhodes)

**Motion Carried**

**OUR ENVIRONMENT**

Nil.

*Temai Davidson, Manager Planning Property & Development, left the meeting, the time being 9:43 am.*

**OUR GOVERNANCE**

*Roy Jones, Manager Finance & Technology entered the meeting, the time being 09:50 am.*

**(ITEM GOV52/24) POLICY REVIEW - RELATED PARTY DISCLOSURE POLICY**

**SUMMARY**

The purpose of this report is to update Council's Related Party Disclosure Policy.

**117/24** **Resolved** that Council adopts the updated:

- (1) Tenterfield Shire Council Related Party Disclosure Policy.

(Kim Rhodes/Peter Murphy)

**Motion Carried**

Roy Jones, Manager Finance & Technology left the meeting, the time being 09:51 am.

Erika Bursford, Manager Customer Service, Governance & Records entered the meeting, the time being 09:51 am.

**(ITEM GOV53/24) UPDATES TO TENTERFIELD SHIRE COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE & INTERNAL AUDIT CHARTER**

**SUMMARY**

The objective of the Tenterfield Shire Audit, Risk and Improvement Committee (the Committee) is to provide independent assistance to Tenterfield Shire Council (Council) by monitoring, reviewing and providing advice on risk management, control frameworks, governance processes and external accountability responsibilities.

As part of the implementation of the NSW Office of Local Government's Risk Management and Internal Audit Framework for local government, updated model Terms of Reference and Internal Audit Charter were confirmed in November 2023. Council is required to update and adopt both the Audit, Risk and Improvement Committee Terms of Reference and the Internal Audit Charter.

**118/24** **Resolved** that Council adopts the Office of Local Government updates for the:

- (1) Tenterfield Shire Council Audit, Risk and Improvement Committee Terms of Reference, and
- (2) Tenterfield Shire Council Internal Audit Charter.

(Tim Bonner/Geoff Nye)

**Motion Carried**

Erika Bursford, Manager Customer Service, Governance & Records left the meeting, the time being 09:53 am.

**(ITEM GOV54/24) COUNCIL SERVICES SATISFACTION SURVEY**

**SUMMARY**

The purpose of this report is for Council to consider whether 2024 is an appropriate time for an independent survey to be undertaken of the community's satisfaction with its service delivery, or whether early 2025 would not constitute a better and more appropriate time.

**119/24**

**Amendment** moved by Peter Murphy, Seconded by Tom Peters that Council:

Does not pursue an independent review of the community's satisfaction with its service delivery in 2024.

Putting the amendment to the vote, the motion was defeated.

**Resolved** that Council:

Does not pursue an independent review of the community's satisfaction with its service delivery in 2024, but for such a statistically valid survey to be conducted in February/March 2025 to further inform Council's community consultation regarding the development of an updated suite of Integrated Planning and Reporting Framework documents, including the Community Strategic Plan, Delivery Program, Asset Management Plans, Workforce Strategy, and Long-Term Financial Plan.

(Kim Rhodes/Tom Peters)

**Motion Carried**

**(ITEM GOV55/24) APPOINTMENT OF THE DIRECTOR OF INFRASTRUCTURE SERVICES AS ACTING GENERAL MANAGER**

**SUMMARY**

The purpose of this report is for Council to appoint the Director of Infrastructure Services as Acting General Manager during times when the General Manager is on approved leave or away from the office on official business for periods longer than three consecutive days.

**120/24**

**Resolved** that Council:

Appoints Mr. Matthew Francisco, Director of Infrastructure Services, as Acting General Manager during those periods of time that the General Manager, Mr Hein Basson, is on approved leave or away from the office on official business for a period greater than three consecutive days.

(Bronwyn Petrie/Greg Sauer)

**Motion Carried**

*Roy Jones, Manager Finance & Technology entered the meeting, the time being 10:10am.*



**(ITEM GOV56/24) FINANCE & ACCOUNTS - PERIOD ENDED 30 JUNE 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.

**121/24** **Resolved** that Council notes the Finance and Accounts Report for the period ended 30 June 2024.

(Kim Rhodes/Geoff Nye)

**Motion Carried**

**(ITEM GOV57/24) REPORT ON LOAN BALANCES 30 JUNE 2024**

**SUMMARY**

The purpose of this Report is to inform Council of its loan balances as at 30 June 2024.

**122/24** **Resolved** that Council notes the loan balance as at 30 June 2024 was \$20,115,861.86 (\$20,190,432.82 as at 31 March 2024).

(Peter Petty/Tom Peters)

**Motion Carried**

**(ITEM GOV58/24) CAPITAL EXPENDITURE REPORT AS AT 30 JUNE 2024**

**SUMMARY**

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

**123/24** **Resolved** that Council notes the Capital Expenditure Report for the period ended 30 June 2024.

(Kim Rhodes/Tom Peters)

**Motion Carried**



**(ITEM GOV59/24) CORPORATE MARKETS LOAN (OVERDRAFT FACILITY) EXTENSION**

**SUMMARY**

The purpose of this report is to recommend to Council that the current Corporate Markets Loan with the National Australia Bank with a drawdown facility limit of \$5,000,000.00 be extended for another 12 months, but with a revised drawdown facility of \$2,670,000.00 for a rollover period of 90 days, to function as a cash reserve for emergency needs only.

This short-term bridging finance is necessary to alleviate Council's ongoing cash-flow issues, which are the result of the delays in funding from government bodies for grant works and disaster recovery activities which are paid in arrears.

**124/24** **Resolved** that Council:

- (1) Approves the continuation of the Corporate Markets Loan with National Australia Bank with a revised drawdown facility limit of \$2,670,000.00 for a rollover period of 90 days, to function as a cash reserve for emergency cash flow needs only.

(Tom Peters/Kim Rhodes)

**Motion Carried**

*Roy Jones, Manager Finance & Technology left the meeting, the time being 10:59 am.*

**SUSPENSION OF STANDING ORDERS**

**125/24** **Resolved** that Standing orders be suspended.

(Peter Petty/Kim Rhodes)

**Motion Carried**

*The meeting adjourned for morning tea, the time being 10:59 am.*

**RESUMPTION OF STANDING ORDERS**

**126/24** **Resolved** that Standing orders be resumed.

(Peter Petty/Kim Rhodes)

**Motion Carried**

*The meeting reconvened, the time being 11:24 am.*

*Roy Jones, Manager Finance & Technology entered the meeting, the time being 11:24 am.*

**(ITEM GOV61/24) ALTERATION AND RECISSION MOTIONS - NO SPECIAL RATE VARIATION FOR THE 2025/2026 FINANCIAL YEAR**

**SUMMARY**

The purpose of this report is to alter and rescind parts of Council Resolution 96/24, dealing with the 2024/25-Budget and adopted at its Ordinary Council Meeting held on Wednesday 26 June 2024.

**127/24** **Resolved** move that Council:

- (1) Rescinds in totality the contents of paragraphs five (5) and seven (7) of Resolution 96/24 adopted at the Ordinary Council Meeting held on 26 June 2024.
- (2) Alters the contents of paragraph six (6) of Resolution 96/24 adopted at the Ordinary Council Meeting held on 26 June 2024 to read as follows:  
  
(6) Commences with the preparation of an updated suite of Integrated Planning and Reporting Framework (IPRF) documents as soon as is practicable after the September 2024 Local Government Elections, noting that community consultation is an intrinsic process associated with the preparation actions, and that Centium consultancy firm has been engaged to facilitate the community consultation processes and assist Council staff with the preparation of the IPRF-suite of documents.
- (3) Makes the necessary funding alterations in its adopted 2024/25-Budget to cover the projected cash deficit of \$928,088 as follows:

| Descriptor                     | Budgeted Amount | Revised Amount | Amount Saved | Alternative Funding Source                                               |
|--------------------------------|-----------------|----------------|--------------|--------------------------------------------------------------------------|
| Urban Streets - Reseal Program | \$100,000       | Nil            | \$100,000    | \$100,000 funded from R2R - from the increased allocation of \$793,700pa |
| Rural Roads- Reseal Program    | \$400,000       | Nil            | \$400,000    | \$400,000 funded from R2R - from the increased allocation                |
| Urban Road Rehabilitation      | \$75,000        | Nil            | \$75,000     | \$75,000 funded from R2R - from the increased allocation                 |
| Rural Roads Maintenance        | \$1,500,000     | \$1,146,912    | \$353,088    | \$353,088 funded from RERRF (Pot-hole money)                             |
| Cash Deficit                   | (\$928,088)     |                | \$928,088    |                                                                          |

(Bronwyn Petrie/Kim Rhodes)

**Motion Carried**

Mayor Bronwyn Petrie left the meeting, the time being 11:55 am.

**(ITEM GOV60/24) MONTHLY OPERATIONAL REPORT FOR JUNE 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.

**128/24** **Resolved** that Council:

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

(Peter Petty/Kim Rhodes)

**Motion Carried**

**MOTION**

**129/24** **Resolved** that Council corresponds with the Tenterfield Care Centre for them to have a workshop presentation on the Centres current situation and aspirations for the future.

(Peter Petty/Geoff Nye)

**Motion Carried**

**REPORTS OF DELEGATES & COMMITTEES**

**(ITEM RC9/24) REPORTS OF DELEGATES & COMMITTEES - MURRAY DARLING COMMITTEE 2024 NATIONAL CONFERENCE COMMUNIQUE**

**130/24** **Resolved** that the report be received and noted from the Murray Darling Association – 2024 National Conference Communique.

(Greg Sauer/Peter Petty)

**Motion Carried**

**NOTICES OF MOTION**

Nil.

**RESOLUTION REGISTER**

**(ITEM RES6/24) COUNCIL RESOLUTION REGISTER - JUNE 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.

**131/24** **Resolved** that Council notes the status of the Council Resolution Register to June 2024.

(Peter Petty/Greg Sauer)

**Motion Carried**

**MOTION**

**132/24** **Resolved** That Council rescinds resolution 45/24 and therefore Council will not enter into any agreement with the New England Weeds Authority.

(Peter Petty/Peter Murphy)

**Motion Carried**

**CONFIDENTIAL SECTION OF THE BUSINESS PAPER**

**133/24** **Resolved** that Council moves into closed session.

(Greg Sauer/Kim Rhodes)

**Motion Carried**

*Roy Jones, Manager Finance & Technology left the room, the time being 12:35 pm.*

*The recording device was turned off and Council moved into closed session, the time being 12:35pm.*

*Erika Bursford, Manager Customer Service, Governance & Records entered the meeting, the time being 12:35pm.*

**CONFIDENTIAL BUSINESS**

**(ITEM GOV62/24) REVIEW OF TENTERFIELD SHIRE COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE ATTENDANCE FEES AND PAYMENT/REIMBURSEMENT OF COSTS FOR IN-PERSON COMMITTEE MEMBER ATTENDANCES**

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (ARIC Confidential) of the Local Government Act, 1993, as the matter involves Information and documents

pertaining to the Committee are confidential and are not to be made publicly available.”.

**SUMMARY**

Tenterfield Shire Council currently pays two members of the Audit, Risk and Improvement Committee (Committee) an attendance fee for each of the four Committee meetings held each calendar year. While there has been an increase in requirements for Committees and Committee Members with the introduction of the new Risk Management and Internal Audit Framework for local government in NSW 2023, Council has not reviewed the attendance fees for its Committee Members since 2016, nor approved any reimbursement or payment of reasonable travel, accommodation and meal expense of these two Committee Members, when they are able to attend meetings in person.

**134/24** **Resolved**

- (1) That Council increases the Audit, Risk and Improvement Committee Meeting attendance fees to:
  - (a) \$1,250 (ex GST) for the Audit, Risk and Improvement Committee Chairperson, and
  - (b) \$1,100 (ex GST) for Audit, Risk and Improvement Committee members, excluding the Tenterfield Shire Council Councillor Observer and the Southern Downs Regional Council Committee Member.
- (2) That Council reimburses, or make payments, for reasonable travel, accommodation and meal costs and expenses for the in-person attendance of Audit, Risk and Improvement Committee Members, excluding the Tenterfield Shire Council Councillor Observer.

(Peter Murphy/Greg Sauer)

**Motion Carried**

**(ITEM RC10/24) AUDIT, RISK & IMPROVEMENT COMMITTEE - MEETING MINUTES 13 DECEMBER 2023**

**135/24** **Resolved** that the report and recommendations from the Audit, Risk and Improvement Committee meeting of 13 December 2023 be received.

(Peter Petty/Geoff Nye)

**Motion Carried**

**RESUMPTION OF STANDING ORDERS**

**136/24** **Resolved** that Council moves into open session.

(Kim Rhodes/Peter Petty)

**Motion Carried**

*The meeting moved out of the closed session and the recording device was turned on, the time being 12:56 pm.*

*In accordance with Section 253 of Local Government Regulations (General) 2005, the Deputy Mayor read the resolution as resolved whilst in closed session.*

**MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 12:56 pm.

.....  
Councillor Bronwyn Petrie  
Mayor

|                      |                                                                                                                           |
|----------------------|---------------------------------------------------------------------------------------------------------------------------|
| <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 ENV7/24</b>                                                                                                       |
| <b>Subject:</b>      | <b>Request for refund of Development Application and Construction Certificate fees - Friends of Tenterfield Aerodrome</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 for Council to consider a request from the Friends of Tenterfield Aerodrome (FOTA) to waive and refund fees paid for their Development Application and Construction Certificate for a machinery shed lodged with Council for assessment at the Tenterfield Aerodrome, 127 Schrodgers Road, Tenterfield.

### OFFICER'S RECOMMENDATION:

#### That Council:

**Favourably considers the request from Friends of Tenterfield Aerodrome to waive the amount of \$841.00 as required by Council's Fees and Charges for the processing of a Development Application and Construction Certificate for the erection of a Machinery Shed on Lot 1 DP 236737, 127 Schrodgers Road, Tenterfield – Tenterfield Aerodrome.**

### BACKGROUND

Council owns the subject land upon which the Aerodrome is located and entered in to a 10 x 10 x 10 year lease with FOTA on 16 August 2023. At termination of the lease (either at the expiry of the term or in agreement with the Parties) the property is to be returned to Council including any existing or additions/improvements made by the lessor during the lease term. The proposed machinery shed would ultimately become the property of Council in this event.

On 30 July 2024 FOTA lodged a Development Application (DA) and Construction Certificate (CC) with Council for the construction of a machinery shed on Lot 1 DP 236737, 127 Schrodgers Road, Tenterfield – Tenterfield Aerodrome. In accordance with Council's adopted schedule of Fees and Charges an amount of \$841.00 was paid to Council for the application.

FOTA have written to Council requesting that the fee be waived and refunded as:

1. FOTA is a not for Profit Community association; and
2. The shed is being constructed on Council land for the benefit of the Tenterfield Community.

Our Environment No. 7 Cont...

Commentary: General Manager

The request received from the Friends of Tenterfield Group is deemed reasonable. This group of individuals have taken over the operations, management and development of the aerodrome as a facility which had traditionally been the responsibility of Council. It could be viewed that they have done Council (and the community) a favour by taken it off Council's hands. The amount requested to be waived is, viewed from a Council organisation perspective, minor, whilst it accounts for something more than minor if viewed as being a personal expense. Further, as was mentioned above, the assets created will in time will become the property of Council. Therefore, it is recommended for Council to consider the request favorably.

**REPORT:**

Council staff do not have the delegation to waive fees as set down in Council's adopted Fees and Charges. A decision of Council must be made in this regard.

**COUNCIL IMPLICATIONS:**

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

No implications.

**2. Policy and Regulation**

- No implications.

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

Council's adopted Fees and Charges 2024/2025 identify amounts to be paid based on the service/application. Fees in this instance are \$841.00 and include assessment of, issuing of consent and inspections (x 2) of the structure for both the DA and the CC.

**4. Asset Management (AMS)**

No implications.

**5. Workforce (WMS)**

Staff time to assess, determine and inspect the structure is estimated to be in the order of three (3) hours.

**6. Legal and Risk Management**

No implications.

**7. Performance Measures**

No implications.

**8. Project Management**

No implications.



Our Environment No. 7 Cont...

**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>Engineering Department</b>                 |
| <b>Submitted by:</b> | Matthew Francisco, Director of Infrastructure |
| <b>Reference:</b>    | <b>ITEM ENV8/24</b>                           |
| <b>Subject:</b>      | <b>Youth Precinct Amenities</b>               |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                         |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Community</b> - The community is supported by accessible and equitably distributed facilities and recreational opportunities for people of all ages. |
| <b>CSP Strategy:</b> | Provide safe and accessible public spaces and places that are well maintained, clean and fun.                                                           |

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**SUMMARY**

Council has received requests for additional public toilet amenities for the Youth Precinct. This report considers the need for the additional amenities and the ongoing costs of establishing this facility. These initial costs of these facilities are able to be funded through a Government grant. The costs of operation and maintenance, as well as the eventual replacement of the facilities will be the responsibility of the Council.

**OFFICER'S RECOMMENDATION:**

**That Council:**

**Does not proceed with the provision of additional public toilet amenities at the youth precinct due to the proximity of public toilets in the nearby Jubilee Park.**

**BACKGROUND**

Council has received requests for additional public toilet amenities for the Youth Precinct. Council needs to balance the requests for additional assets against the financial impacts in the short and longer term. These initial costs of these facilities are able to be funded through a Government grant. The costs of operation and maintenance, as well as the eventual replacement of the facilities will be the responsibility of the Council.

As previously reported Council has significant limitations on its funding through rate revenue to the General Fund. The maintenance and operation as well as the eventual replacement of the facility will be funded through the General Fund.

**REPORT:**

The need for another public toilet in Tenterfield is an important matter for Council to consider. It is necessary to consider the competing demands of higher standards of service for the community against the cost of providing these services.

The cost of building a modular toilet block will be in the order of \$85,000 to \$100,000 depending on the supplier and standard of the building selected. The cost of building a traditional "brick and mortar" structure will be higher.

The cost of maintenance of the amenities will be in the order of \$15,000-\$25,000 per year depending on the final configuration, based on the cost of maintaining other public toilets in Tenterfield.

Our Environment No. 8 Cont...

The cost of vandalism is expected to be in the order of \$4,500 per year based on the experience in other toilets in Tenterfield.

The modular nature of the structure will be expected to have a shorter service life than a traditionally constructed toilet block. Council should budget for a replacement in around 15 to 30 years, this would equate to approximately \$4,500 per year assuming a replacement is necessary in 22.5 years.

Based on the assumptions above, the total annual cost of the additional toilets is \$29,000, allowing \$20,000 per year for maintenance and operation, \$4,500 for vandalism and \$4,500 for asset renewal in 22.5 years. The whole of life costs over the expected life of 22.5 years is \$652,500, in current day dollars.

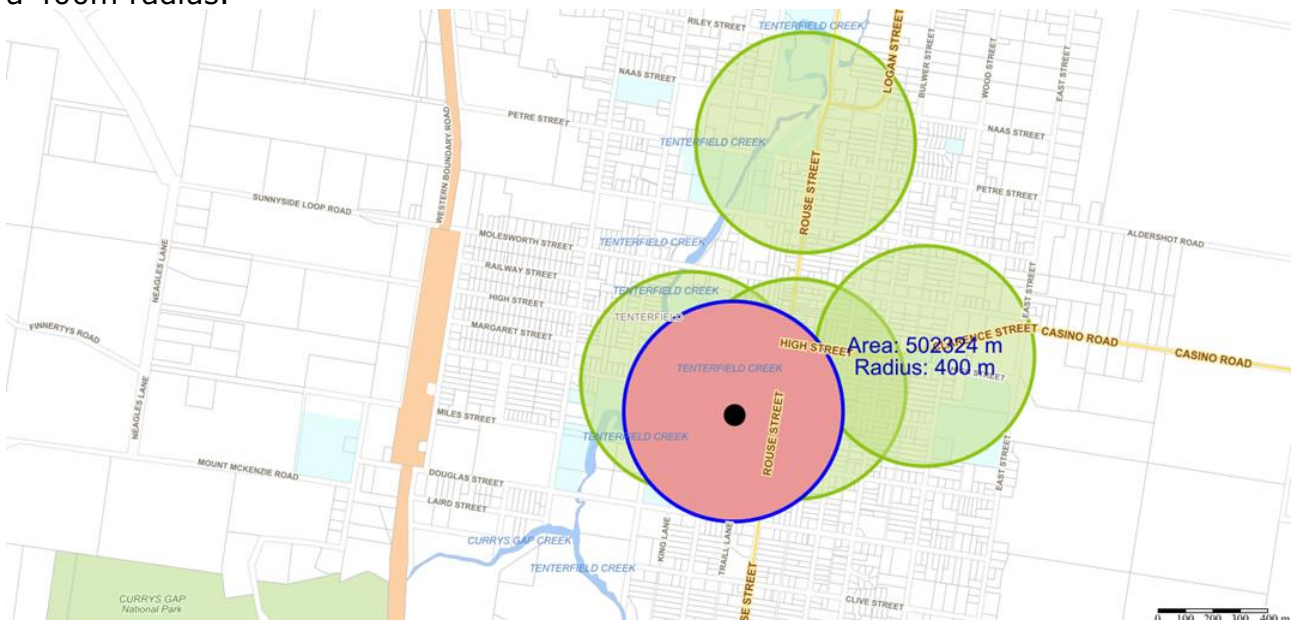
Currently toilets that are open... at least during daytime hours are at Bruxner Park, Rotary Park, Jubilee Park and Market Square Park.

There are several other public toilets associated with sporting facilities that are open when the sporting facilities are active. These toilets have not been included in this analysis. Toilets that are provided by shopping centres or service stations have not been included in this assessment.

A catchment area of 400m radius has been assumed as a reasonable distance, this distance is based on a walking speed of around 5km per hour for five minutes.

Based on the spatial analysis provided there is a significant overlap in the service area of 400m, if a toilet was constructed at the Skate Park.

The image below shows the existing four public toilets and a catchment area based on a 400m radius.



The funding currently available through the Stronger Country Communities Fund (SCCF) could be allocated to other maintenance or upgrade projects in the Youth Precinct area, subject to compliance with the requirements of the grant funding deed.

Our Environment No. 8 Cont...

## **COUNCIL IMPLICATIONS:**

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

The outcome of this report will be published in the Council Meeting Minutes.

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

- There is no impact on policy or regulation

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

The financial aspects of this report are detailed above. There is currently grant funding available under the Stronger Country Communities Fund (SCCF) for the initial capital cost of the facility. An application to vary the existing grant would need to be applied for and approved by the grant funding administrators.

In relation to the long-term financial plan, the annual cost is expected to be \$29,000 and the whole of life costs are expected to be in the order of \$652,500 in current day dollars.

#### Commentary: General Manager

The crux of the matter that needs Council's consideration is whether it would be wise for Council to create a new asset within a framework where there are arguably adequate public toilet facilities within a reasonable radius from the Youth Precinct, and further, against a background where Council is currently not in a position to fund the depreciation costs of its assets that are associated with the General Fund – meaning that it cannot presently fund the maintenance and renewal costs of the assets relevant to this Fund into the future (from an accounting perspective).

The question needs to be asked whether it would be wise, given these circumstances, for Council to create another new asset that will place an additional burden on the General Fund's asset maintenance and renewal cost projections into the future?

As can be seen from the calculations done by the Director of Infrastructure Services, the capital cost of this new asset (\$80,000 to \$100,000) is just the "tip of the iceberg" if compared to the whole of life asset cost (\$625,000 in this instance).

Therefore, Council's focus on the whole of life asset cost is important, and not only on the initial capital acquisition cost.

Of course, if there are adequate "local political" reasons why an additional public toilet facility is deemed necessary within this particular Youth Precinct location, these reasons need to be weighed up against the long-term cost implications before a decision is made.

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

The asset management strategy would be updated to include this asset, if Council decides to construct the additional amenities.

Our Environment No. 8 Cont...

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

The additional toilet will be maintained by existing staff, additional staff expenditure of approximately one (1) hour per day is included in the costs outlined in this report.

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

There are no additional legal or risk issues created by this asset, Council already operates similar facilities and the risk and legal profile will be essentially the same.

### **7. Performance Measures**

There are no existing performance measures that will be impacted by this decision.

### **8. Project Management**

Due to current staff shortages additional project management staff will need to be engaged to manage the construction of this asset. There is a requirement for the grant to be finalised in January 2026.

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

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