



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 22 NOVEMBER 2023

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", Administration Building, 247 Rouse St, Tenterfield on Wednesday 22 November 2023 commencing at 9.30 am

ATTENDANCE

Councillor Bronwyn Petrie (Mayor)
Councillor John Macnish (Deputy Mayor)
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 (Glenn Wilcox)
Executive Assistant & Media (Elizabeth Melling)
Acting Chief Corporate Officer (Roy Jones)
Director Infrastructure (Fiona Keneally)

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

A handwritten signature in blue ink, appearing to be 'D. Jones', is located in the bottom right corner of the page.

COMMUNITY CONSULTATION (PUBLIC ACCESS)

9.15 am - ECO21/23 – WITHDRAWAL OF VISITOR'S INFORMATION CENTRE FROM SALE

- 1) Mr Tim Cunningham, Secretary – Tenterfield Chamber of Tourism, Industry & Business speaking "For" the Officer's Recommendation.

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

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

202/23 **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 Kim Rhodes	Less than Significant Non Pecuniary	ECO21/23 – WITHDRAWAL OF VISITOR'S INFORMATION CENTRE FROM SALE
Cr B Petrie	Less than Significant Non Pecuniary	ECO21/23 – WITHDRAWAL OF VISITOR'S INFORMATION CENTRE FROM SALE

Cr T Bonner	Less than Significant Non Pecuniary	ENV13/23 – TENDER EVALUATION FOR COUNCIL'S ANNUAL RESEALS AND INITIAL SEALS VIA 23-24 TENTERFIELD SHIRE COUNCIL REQUEST FOR QUOTATION UNDER LGP213-2
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*Cr Bonner confirmed he would leave the meeting when the item is discussed.
(Greg Sauer/Geoff Nye)*

Motion Carried

(ITEM MIN10/23) CONFIRMATION OF PREVIOUS MINUTES

203/23

Resolved that the Minutes of the following Meetings of Tenterfield Shire Council:

- Ordinary Council Meeting – 25 October 2023
- Extraordinary Council Meeting – 15 November 2023

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

(Kim Rhodes/Tom Peters)

Motion Carried

Glenn Wilcox, General Manager advised Councillors and Community present that the Rate Peg has been announced for Tenterfield Shire Council- financial year 2024/2025 at 5.7%

TABLING OF DOCUMENTS

204/23

Resolved that Council accept into the Agenda the following Tabled Document to accompany ITEM ENV14/23 DEVELOPMENT APPLICATION 2023.092 FOUR (4) LOT SUBDIVISION – BOUNDARY ADJUSTMENT – 132-142 MANNERS ST, TENTERFIELD.

- (1) Development Assessment Report – DA 2023-092.

(Peter Petty/Greg Sauer)

Motion Carried

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil.

MAYOR MINUTE

Nil.

OPEN COUNCIL REPORTS

James Paynter, Manager Works entered the meeting the time being, 9.36 am.

OUR COMMUNITY

(ITEM COM10/23) BLACK SUMMER BUSHFIRES RECOVERY GRANTS PRORAM (BSBR) - BSBR000438 - REMOVAL OF DEAD TREES ON COUNCIL ROADS

SUMMARY

That Council approve the clearing trees on nominated road verges as per the Black Summer Bushfire Grants Program in this report.

205/23 **Resolved** that Council:

- (1) Clear roadside vegetation and open up the tree canopy on Brushabers Road, Timbarra Road, Scrub Road (from the town dam to Tenterfield Creek – spraying regrowth), Billirimba Road (from the town dam to Swamp Oak Creek Bridge) and approximately 1 km of canopy to the west on Schrodgers Rd from the entrance of the airport, and
- (2) Where funding allows, Council will attend to – Talmoi Rd, Tarban Loop Rd, Schrodgers Rd, Scrub Rd and Rivertree Rd.

(John Macnish/Kim Rhodes)

Motion Carried

James Paynter, Manager Works left the meeting the time being, 9.59 am.

Bruce Mills, Senior Advisor Communications & Special Projects entered the meeting, the time being 9.59 am.

OUR ECONOMY

(ITEM ECO19/23) NAAS ST / MILLBROOK PARK TENTERFIELD FLYING-FOX CAMP MANAGEMENT PLAN PROGRESS

The purpose of this report is to advise Council of progress with the DRAFT Flying-fox Camp Management Plan (FFCMP) for the Naas St/Millbrook Park camp, with recommendations for adoption and public release.

MOTION:

That Council:

- (1) Review the attached DRAFT plan;**
- (2) Note the comments in the attached letter from the senior officer with the Department of Planning Environment; and**
- (3) Resolve to agree to changes recommended by the Department; adopt the DRAFT with the changes; and publicly release the management plan.**

(Peter Petty/Kim Rhodes)

AMENDMENT

That Council:

- (1) Review the attached DRAFT plan;



- (2) Note the comments in the attached letter from the senior officer with the Department of Planning Environment; and
- (4) Invite the Dept Planning & Environment to come and speak with Council on this issue.

(John Macnish/Geoff Nye)

Amendment Carried

206/23 Resolved that Council:

- (1) Review the attached DRAFT plan;
- (2) Note the comments in the attached letter from the senior officer with the Department of Planning Environment; and
- (3) Invite the Dept Planning & Environment to come and speak with Council on this issue.

(John Macnish/Geoff Nye)

Motion Carried

**(ITEM ECO20/23) SALE OF COUNCIL-OWNED LANDS AT 142 MANNERS ST – CURRENTLY USED BY TEN FM
SUMMARY**

The purpose of this report is to seek Council resolution to again defer the sale of Council-owned land at 142 Manners St – currently used by Ten FM – to allow Council to discuss and determine a sales agreement which may include a lease to buy option to allow Ten FM to continue using the site while removing the cost burden of ownership from Council and its ratepayers.

MOTION:

That Council:

- (1) **That Council extend the lease agreement for Ten FM for a period up to 30th June 2024 to allow Council and Ten FM to discuss and determine a sales agreement which may include a lease to buy option.**
- (2) **Council continue with the proposed lot boundary readjustment of 142 Manners St (Lot 2/12/DP 576164) so Council retains the storage shed at the rear of the lot should the sale proceed. Noting the boundary realignment for this lot is part of a larger proposal to adjust other boundaries of Council-owned land in the vicinity, including the main Council office.**

(John Macnish/Peter Petty)

AMENDMENT

That Council:



- (1) Extend the lease agreement for Ten FM for a period up to 30th June 2024 to facilitate the successful relocation of the radio station from 142 Manners Street to alternative premises
- (2) Council continue with the proposed lot boundary readjustment of 142 Manners St (Lot 2/12/DP 576164) so Council retains the storage shed at the rear of the lot should the sale proceed. Noting the boundary realignment for this lot is part of a larger proposal to adjust other boundaries of Council-owned land in the vicinity, including the main Council office.

(Peter Murphy/Tom Peters)

Amendment carried

207/23 **Resolved** that Council:

- (1) That Council extend the lease agreement for Ten FM for a period up to 30th June 2024 to facilitate the successful relocation of the radio station from 142 Manners Street to alternative premises, and
- (2) Council continue with the proposed lot boundary readjustment of 142 Manners St (Lot 2/12/DP 576164) so Council retains the storage shed at the rear of the lot should the sale proceed. Noting the boundary realignment for this lot is part of a larger proposal to adjust other boundaries of Council-owned land in the vicinity, including the main Council office.

(Peter Murphy/Tom Peters)

Motion Carried

SUSPENSION OF STANDING ORDERS

208/23 **Resolved** that Standing Orders be Suspended at 10.13 am to enable a discussion on ITEM ECO21/23 WITHDRAWAL OF VISITOR'S INFORMATION CENTRE FROM SALE.

(Bronwyn Petrie/Peter Petty)

Motion Carried

RESUMPTION OF STANDING ORDERS

209/23 **Resolved** that Standing Orders be resumed at 10.22am.

(Peter Petty/John Macnish)

Motion Carried

(ITEM ECO21/23) WITHDRAWAL OF VISITOR'S INFORMATION CENTRE FROM SALE.

SUMMARY



The purpose of this report is to advise Council of a proposal from Tenterfield Ratepayers' Association to review the sale of the Visitors' Information Centre at 157 Rouse St.

210/23 **Resolved** that Council:

Authorises the General Manager to suspend the sale of 157 Rouse Street whilst he conducts a review of the benefits and costs of Council retaining ownership of the property and requests the General Manager to provide a report and recommendations to the Ordinary Council Meeting of 28 February 2024."

(Peter Murphy/Kim Rhodes)

Motion Carried unanimously

Bruce Mills, Senior Advisor Communication & Special Projects left the meeting, the time being 10.25 am.

James Paynter, Manager Works entered the meeting, the time being 10.25 am.

Cr Tim Bonner, left the meeting the time being 10.30 am due to a declared "Less than Significant Non Pecuniary" interest.

OUR ENVIRONMENT

(ITEM ENV13/23) TENDER EVALUATION FOR COUNCIL'S ANNUAL RESEALS AND INITIAL SEALS VIA 23-24 TENTERFIELD SHIRE COUNCIL REQUEST FOR QUOTATION UNDER LGP213-2.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the Council's Reseal Tender via Local Government Procurement (LGP) 213-2.

211/23 **Resolved** that Council:

- (1) Engage COLAS for Council reseals and initial seals due to competitive pricing and fit for purpose reseal bitumen types and seal designs.
- (2) That Council note the inclusion of Commercial Pricing in the Confidential section of this report.

(Kim Rhodes/John Macnish)

Motion Carried

Cr Tim Bonner returned to the meeting the time being 10.31 am.

James Paynter, Manager Works left the meeting, the time being 10.30 am.

Tamai Davidson, Manager Planning, Property & Development entered the meeting, the time being 10.31 am.

(ITEM ENV14/23) DEVELOPMENT APPLICATION 2023.092 FOUR (4) LOT SUBDIVISION - BOUNDARY ADJUSTMENT - 132-142 MANNERS STREET, TENTERFIELD

SUMMARY

The purpose of this report is to present to Council a Development Application (DA) for a proposed four (4) subdivision/boundary adjustment to Council owned land located at 132-142 Manners Street, Tenterfield. In accordance with Council's Policy, the application has been prepared and assessed by external parties. A copy of the external DA assessment report is attached, recommending the DA be approved subject to conditions.

MOTION:

That Council:

Approve Development Application 2023.098 for a Four (4) Lot Subdivision – Boundary adjustment of 132-142 Manners Street, Tenterfield, subject to the conditions contained in the external consultant's assessment report.

(Kim Rhodes/Geoff Nye)

AMENDMENT

That Council:

Approve Development Application 2023.098 for a Four (4) Lot Subdivision – Boundary adjustment of 132-142 Manners Street, Tenterfield, subject to the conditions contained in the external consultant's assessment report and leaving numbers 132 and 142 Manners St, Tenterfield as separate lots.

(John Macnish/Peter Murphy)

Amendment Carried

212/23 **Resolved** that Council approve Development Application 2023.098 for a Four (4) Lot Subdivision – Boundary adjustment of 132-142 Manners Street, Tenterfield, subject to the conditions contained in the external consultant's assessment report and leaving both properties located at 132 and 142 Manners St, Tenterfield as separate lots.

(John Macnish/Peter Murphy)

Motion Carried Unanimously

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

For the Motion were Crs TP Peters, G Sauer, J Macnish, TB Bonner, B Petrie, K Rhodes, G Nye, PM Murphy and PP Petty Total (9).

Against the Motion was Nil Total (0).

Tamai Davidson, Manager Planning, Property & Development left the meeting, the time being 10.33 am.



OUR GOVERNANCE

(ITEM GOV71/23) MONTHLY OPERATIONAL REPORT OCTOBER 2023

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.

213/23 Resolved that Council:

Notes the status of the Monthly Operational Report for October 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

SUSPENSION OF STANDING ORDERS

214/23 Resolved that Standing Orders be suspended.

(Peter Petty/Kim Rhodes)

Motion Carried

The meeting adjourned for morning tea, the time being 10.56 am.

The meeting reconvened, the time being 11.33 am.

RESUMPTION OF STANDING ORDERS

215/23 Resolved that Standing Orders be resumed.

(Kim Rhodes/Peter Petty)

Motion Carried

MATTER ARISING

216/23 Resolved that Councillors to discuss an offer received for the sale of the Visitors Information Centre later in Confidential.

(Peter Petty/Kim Rhodes)

Motion Carried

SUSPENSION OF STANDING ORDERS

217/23 Resolved that Council Suspend Standing Orders at 11.34am to discuss ITEM GOV72/23 QUARTERLY BUDGET REVIEW STATEMENT – SEPTEMBER 2023.

(John Macnish/Geoff Nye)

Motion Carried

RESUMPTION OF STANDING ORDERS

218/23 **Resolved** that Council resume Standing Orders at 11.56am.

(Peter Petty/Geoff Nye)

Motion Carried

(ITEM GOV72/23) QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2023

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).

219/23 **Resolved** that Council:

Adopts the September 2023 Quarterly Budget Review Statement and recommendations therein 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 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 original budget.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM GOV73/23) FINANCE & ACCOUNTS - PERIOD ENDED 31 OCTOBER 2023

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.

220/23 **Resolved** that Council note the Finance and Accounts Report for the period ended 31 October 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM GOV74/23) CAPITAL EXPENDITURE REPORT AS AT 31 OCTOBER 2023

SUMMARY

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

221/23 **Resolved** that Council note the Capital Expenditure Report for the period ended 31 October 2023.

(Kim Rhodes/Tim Bonner)

Motion Carried

Erika Bursford, Manager Customer Service, Governance & Records entered the meeting, the time being 12.12 pm.

(ITEM GOV75/23) TENTERFIELD SHIRE COUNCIL ANNUAL REPORT 2022/2023

SUMMARY

The purpose of this Report is for Council to receive the Annual Report, inclusive of the draft Annual Financial Statements, for the financial year ending 30 June 2023.

222/23 **Resolved** that Council adopt the Annual Report for 2022/2023 Noting that due to the late advice from the NSW Audit Office as to amendments issued state wide that the Financial Statements are in Draft form and these statements will be replaced on the website once a final set of statements and advice is issued to Council.

(Kim Rhodes/John Macnish)

Motion Carried

Cr Peter Murphy, left the meeting the time being 12.27 pm.

Erika Bursford, Manager Customer Service, Governance & Records left the meeting, the time being 12.28pm.

(ITEM GOV76/23) COUNCIL RECESS PERIOD - PROPOSED COUNCIL MEETING DATES JANUARY 2024 - SEPTEMBER 2024

SUMMARY



The purpose of this report is for Council to recommend the dates for the Ordinary Council Meetings – January 2024 to January 2025. In accordance with s356 of the NSW Local Government Act 1993, Council is required to meet at least ten (10) times per year, each time in a separate month.

223/23 **Resolved** that Council:

- (1) Resolve to hold the first meeting of the Council on 28 February 2024 with the following dates for meetings:
 - a) Ordinary Council Meetings to be held in each month of the calendar year with the exception of January 2024;
 - b) Council Meetings be held on the fourth Wednesday of the meeting month at a time to be determined, with the exception of December 2024 which will be held on the third Wednesday of the month; and
 - c) Ordinary Council Meetings be held each month in the "Koreelah Room", Council Administration Building with the exception of two meetings to be held in the villages of Legume and Torrington.
 - d) Council will hold an election in September 2024 and the dates and times of meetings will be determined by a new Council after the election.

(Greg Sauer/Kim Rhodes)

Motion Carried

Cr Peter Murphy returned to the meeting, the time being 12.29pm.

(ITEM GOV77/23) ESTABLISHMENT OF WORKS AND SERVICES COMMITTEE

SUMMARY

The purpose of this report is for Council to consider forming a Works and Services Committee.

A Terms of Reference has been prepared for discussion and adoption.

224/23 **Resolved** that Council:

- (1) Establish a Works and Services Committee.
- (2) That the Terms of Reference for the Works and Services Committee be approved for consideration by the Committee.
- (3) That Council elect three (3) Councillors as representatives for this Committee.
- (4) That Council note that all minutes of this Committee shall be presented to Council for any actions, budgetary expenditure, or decision to commit the Council, for consideration and decision making.



(Peter Petty/John Macnish)

Motion Carried

The following nominations were received from Councillors for the newly established Works & Services Committee – Cr Peter Petty, Cr Tim Bonner & Cr John Macnish.

(ITEM GOV78/23) ESTABLISHMENT OF COUNCIL FINANCE COMMITTEE

SUMMARY

To form a Finance Committee.

A Terms of Reference has been prepared for discussion and adoption.

225/23

Resolved that Council:

- (1) Establish a Finance Committee.
- (2) That the Terms of Reference for the Finance Committee be approved for consideration by the Committee.
- (3) That Council elect three (3) Councillors as representatives for this Committee.
- (4) That Council note that all minutes of this Committee shall be presented to Council for any actions, budgetary expenditure, or decision to commit the Council, for consideration and decision making.

(John Macnish/Kim Rhodes)

Motion Carried

The following nominations were received from Councillors for the newly established Council Finance Committee – Cr Geoff Nye, Cr Greg Sauer & Cr Peter Murphy.

(ITEM GOV79/23) ESTABLISHMENT OF TENTERFIELD SCHOOL OF ARTS, MUSEUM, CINEMA AND THEATRE S355 COMMITTEE

SUMMARY

To form a Tenterfield School of Arts Museum, Cinema and Theatre S355 Committee.

A Terms of Reference has been prepared for discussion and adoption.

226/23

Resolved that Council:

- (1) Form a S355 Committee under the Local Government Act 1993 to support the voluntary operation areas of the Tenterfield School of Arts Museum, Cinema and Theatre.



- (2) That two Councillors are nominated and appointed to the S355 Committee.
- (3) That Council publicly advertise for individuals or group to nominate for a position on the committee as per the Draft Terms of Reference.
- (4) That Council consider all nominations from individuals or groups and that these persons or groups are formally appointed by resolution of Council as per the Draft Terms of Reference.
- (5) That Council and the National Trust discuss the formation of a revised Joint Committee under the Terms of the Lease.
- (6) That Council elect two Councillors to the Joint Committee as permitted in the Lease, and
- (7) That Council call a meeting of the Joint Committee to discuss the overall operation of the School of Arts and all other requirements as prescribed by the Lease as soon as practicable.

(Kim Rhodes/Peter Murphy)

Motion Carried

The following nominations were received from Councillors for the newly established Tenterfield School of Arts, Museum, Cinema & Theatre S355 Committee – Cr Kim Rhodes & Cr Peter Murphy.

The following nomination was received from Councillors for the Sir Henry Parkes Memorial School of Arts Joint Management Committee – Cr Peter Petty & Mayor (Ex-Officio).

REPORTS OF DELEGATES & COMMITTEES

Nil.

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES10/23) COUNCIL RESOLUTION REGISTER - OCTOBER 2023

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.

227/23 **Resolved** that Council notes the status of the Council Resolution Register to October 2023.

(Peter Petty/John Macnish)

Motion Carried

CONFIDENTIAL BUSINESS

SUSPENSION OF STANDING ORDERS

228/23 **Resolved** that Standing Orders be suspended.

(Kim Rhodes/Geoff Nye)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 1.04 pm.

RESUMPTION OF STANDING ORDERS

229/23 **Resolved** that Standing Orders be resumed.

(Kim Rhodes/Peter Petty)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 1.22 pm.

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

MOTION

230/23 **Resolved** that Council:

Declines the offer made on the visitors information centre received today and reaffirms council's resolution on "ITEM ECO21/23 - That Council: Authorises the General Manager to suspend the sale of 157 Rouse Street whilst he conducts a review of the benefits and costs of Council retaining ownership of the property and requests the General Manager to provide a report and recommendations to the Ordinary Council Meeting of 28 February 2024."

(Peter Murphy/Greg Sauer)

Motion Carried

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 1.23pm.

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Councillor Bronwyn Petrie
Mayor/Chairperson



