



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 22 JUNE 2022

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Koreelah Room, Tenterfield Shire Council Chambers on Wednesday 22 June 2022 commencing at 9:30 am

ATTENDANCE

Councillor John Macnish (Deputy Mayor)
Councillor Peter Petty
Councillor Tim Bonner
Councillor Tom Peters
Councillor Kim Rhodes
Councillor Giana Saccon
Councillor Greg Sauer (Via Zoom)
Councillor Geoff Nye
Councillor Peter Murphy

ALSO IN ATTENDANCE

Acting Chief Executive Officer (Kylie Smith)
Executive Assistant & Media (Elizabeth Melling)
Director Infrastructure (Fiona Keneally-Via Zoom)

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)

Agenda Item – Monthly Operational Report ITEM GOV51/22

Speaking "for" the Monthly Operational Report.

Mr Peter Robinson – Tenterfield Rate Payers Association

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

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

APOLOGIES

118/22 **Resolved** that Council accept the apologies of Councillor Bronwyn Petrie (Mayor) and Chief Executive (Daryl Buckingham).

(Kim Rhodes/Peter Murphy)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

119/22 **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
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Cr Kim Rhodes	Non Pecuniary Significant	COM 7/22 – Reconnecting Regional NSW Community Events Fund (Will leave the Chambers when discussed)
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(Tom Peters/Tim Bonner)

Motion Carried

PROCEDURAL MOTION

120/22 **Resolved** that ITEM GOV52/22 – DELEGATION FOR CHIEF EXECUTIVE WHILST ATTENDING NATIONAL GENERAL ASSEMBLY 2022 be moved forward in the agenda and become the first item for discussion.

(Tom Peters/Kim Rhodes)

Motion Carried

(ITEM MIN6/22) CONFIRMATION OF PREVIOUS MINUTES

121/22 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 25 May 2022

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

(Geoff Nye/Tom Peters)

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

122/22 **Resolved** that the following items be considered in the Confidential Section of the meeting:-

- (1) **ITEM ECO10/22** – LOT 26 DP 735029 Sugarbag Road;
- (2) **ITEM COM8/22** – Consider the payment of back rent by a tenant of Council property.

(Peter Petty/Geoff Nye)

Motion Carried

OPEN COUNCIL REPORTS

(ITEM GOV52/22) DELEGATION FOR CHIEF EXECUTIVE WHILST ATTENDING NATIONAL GENERAL ASSEMBLY 2022

SUMMARY

The purpose of this report is for Council to provide delegation for Acting Chief Executive during period of absence of Chief Executive.

123/22

Resolved that Council approve the temporary appointment of Chief Corporate Officer, Kylie Smith to the position of Acting Chief Executive for the period Saturday, 18 June 2022 to Thursday, 23 June 2022 inclusive.

(Peter Petty/Peter Murphy)

Motion Carried

OUR COMMUNITY

(ITEM COM6/22) MCCLIFTYS ROAD & BUNGULLA RESERVE ROAD - PUBLIC GATE & VEHICLE BY-PASS APPLICATIONS

SUMMARY

The purpose of this report provides details of a request to construct one (1) public gate and vehicular by-pass (grid) on McCliftys Road and one (1) public gate and vehicular by-pass (grid) on Bungulla Reserve Road for primary production purposes.

124/22

Resolved that Council as the Roads Authority under the Roads Act 1993:-

- (1) Approves the installation of a public gate and vehicular by-pass on McCliftys Road at approx. 0.316km west of the New England Highway intersection and Bungulla Reserve Road at the intersection with Rosehill Road in accordance with Council Policy No 2.162 – Public Gates and Vehicle By-passes; and
- (2) Provide applicant with Council Consent as outlined in 4.2 Council's Internal Administrative Procedures of Policy 2.162.
- (3) Advertise the approval with proposed installation 1 month after advertising as required by the Roads Regulation 2008.

(Giana Saccon/Tom Peters)

Motion Carried

Councillor Kim Rhodes left the meeting, the time being 9.43 am.

Bruce Mills – Manager Economic Development & Special Projects entered the meeting, the time being 9.43 am.

(ITEM COM7/22) RECONNECTING REGIONAL NSW COMMUNITY EVENTS FUND

SUMMARY

Tenterfield Shire Council has been invited to submit an application to the Reconnecting Regional NSW Community Events Program, where \$301,708 has been allocated for Tenterfield Shire.

125/22

Resolved that Council:

1. Agree on allocation amounts as identified below, which are based on expression of interest forms submitted by community and event committees.
2. Apply for the Reconnecting Regional NSW Community Events Program on behalf of identified community events. Administer funds and acquit event grant, with required information supplied by community and event committees.

(Peter Murphy/Peter Petty)

Motion Carried

Bruce Mills – Manager Economic Development & Special Projects left the meeting, the time being 9.52 am.

Councillor Kim Rhodes returned to the meeting, the time being 9.53 am.

OUR ECONOMY

OUR ENVIRONMENT

OUR GOVERNANCE

(ITEM GOV51/22) MONTHLY OPERATIONAL REPORT MAY 2022

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 2021/2022 Operational Plan.

126/22

Resolved that Council receives and notes the status of the Monthly Operational Report for May 2022.

(Geoff Nye/Peter Petty)

Motion Carried

Councillor Peter Petty left the meeting, the time being 9.54 am

Cr Peter Petty returned to the meeting, the time being 9.54 am

Bruce Mills – Manager Economic Development & Special Projects entered the meeting, the time being 9.55 am

Bruce Mills – Manager Economic Development & Special Projects left the meeting the time being 10.00 am.

(ITEM GOV53/22) ANNUAL REMUNERATION FOR COUNCILLORS AND THE MAYOR - 2022-2023

SUMMARY

The purpose of this report is to address the recent determination of the NSW Local Government Remuneration Tribunal which handed down an increase in the fees payable to Councillors and the Mayor of 2.0% for the 2022/2023 financial year.

The increase applies to both the minimum and maximum allowable rates for both Councillors and the Mayor. Council is required to determine at which rate it sets fees for both Councillors and the Mayor within the minimum and maximum allowable amounts for the upcoming financial year.

127/22

Resolved that Council:

- (1) Notes the Report and Determination of the NSW Remuneration Tribunal 20 April 2022; and
- (2) Sets the level of fees payable to all Councillors at \$12,650 per annum effective from 1 July 2022 to 30 June 2023; and
- (3) Sets the additional fee payable to the Mayor at \$27,600 per annum effective from 1 July 2022 to 30 June 2023; and
- (4) Sets the reimbursement amount for approved travel using own vehicle at \$0.68 per km (under 2.5 litres) or \$0.78 per km (2.5 litres and above) where a Council vehicle is unavailable.

(Kim Rhodes/Tim Bonner)

Motion Carried

SUSPENSION OF STANDING ORDERS

128/22

Resolved that Standing Orders be suspended.

(Peter Murphy/Geoff Nye)

Motion Carried

The meeting adjourned for morning tea, the time being 10.36 am.

The meeting reconvened, the time being 10.55 am.

RESUMPTION OF STANDING ORDERS

129/22

Resolved that Standing Orders be resumed.

(Peter Petty/Geoff Nye)

Motion Carried

Roy Jones – Manager Finance & Technology entered the meeting, the time being 11.02am

(ITEM GOV54/22) FINANCE & ACCOUNTS - PERIOD ENDED 31 MAY 2022

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.

130/22

Resolved that Council receive and note the Finance and Accounts Report for the period ended 31 May 2022.

(Kim Rhodes/Geoff Nye)

Motion Carried

(ITEM GOV55/22) CAPITAL EXPENDITURE REPORT AS AT 31 MAY 2022

SUMMARY

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

131/22

Resolved that Council receive and note the Capital Expenditure Report for the period ended 31 May 2022.

(Peter Petty/Kim Rhodes)

Motion Carried

Jessica Wild – Management Accountant entered the meeting, the time being 11.23am. Handed out to Councillors a table of interest rates and term quotations relating to ITEM GOV56/22 as at 10 June 2022.

TABLING OF DOCUMENT

132/22

Resolved that the additional A4 sheet of current loan comparison information from National Australia Bank, ANZ Bank and Commonwealth Bank of Australia for refinancing of a loan of \$2,684,88.00 for Dam Wall Project – be tabled.

(Kim Rhodes/Peter Petty)

Motion Carried

(ITEM GOV56/22) REFINANCING OF EXISTING DAM WALL LOAN

SUMMARY

The purpose of this report is to present to Council the quotations received from three financial institutions with fixed term loan indicative interest rates, for refinancing an existing Dam Wall loan for the total amount of \$2,684,880.

RECOMMENDATION:

That Council:

- (1) Approves a refinancing of a loan of \$2,684,880.00 for Dam Wall project with the most competitive financial institution (quotations are indicative interest rates subject to change and will be tabled at the meeting).

AMENDMENT

That Council:

- (2) That Council take out a 20 year loan with the CBA based on the quotations provided at the meeting on the 22 June 2022 noting that there may be a slight variation in the final interest rate achieved.

(Peter Petty/Geoff Nye)

Amendment Carried

133/23

Resolved that Council:

- (1) Approves a refinancing of a loan of \$2,684,880.00 for Dam Wall project with the most competitive financial institution (quotations are indicative interest rates subject to change and will be tabled at the meeting).
- (2) That Council take out a 20 year loan with the CBA based on the quotations provided at the meeting on the 22 June 2022 noting that there may be a slight variation in the final interest rate achieved.

(Tom Peters/Geoff Nye)

Motion Carried

Roy Jones – Manager Technology & Finance left the meeting, the time being 11.40 am.

Jessica Wild – Management Accountant left the meeting, the time being 11.40 am.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC8/22) REPORT OF COMMITTEES & DELEGATES - COUNTRY MAYORS ASSOCIATION - FRIDAY 27 MAY 2022

134/22

Resolved that the report of the Country Mayors Association of NSW and associated papers from 26 and 27 May 2022 be received and noted.

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM RC9/22) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD LOCAL TRAFFIC COMMITTEE MEETING - 2 JUNE 2022

135/22

Resolved that the report of the Tenterfield Shire Local Traffic Committee meeting of 2 June 2022 be received and noted.

(Tom Peters/Greg Sauer)

Motion Carried

(ITEM RC10/22) REPORT OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - MEETINGS OF 6 MAY 2022

RECOMMENDATION:

That the report of the Border Regional Organisation of Councils (BROC) meeting Friday 6 May 2022 and associated presentations be received and noted.

AMENDMENT

(2) That Council seeks the reinvigoration of the cross border discussions with the relevant stakeholders subject to the Memorandum of Understanding with Southern Downs Regional Council, within the next six months.

(Peter Petty/Geoff Nye)

Amendment Carried

136/22

Resolved that Council:

- (1) That the report of the Border Regional Organisation of Councils (BROC) meeting Friday 6 May 2022 and associated presentations be received and noted.
- (2) That Council seeks the reinvigoration of the cross border discussions with the relevant stakeholder, subject to the Memorandum of Understanding with Southern Downs Regional Council, within the next six months.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM RES6/22) COUNCIL RESOLUTION REGISTER - MAY 2022

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.

137/22

Resolved that Council notes the status of the Council Resolution Register to May 2022.

(Greg Sauer/Tim Bonner)

Motion Carried

CONFIDENTIAL BUSINESS

SUSPENSION OF STANDING ORDERS – CONFIDENTIAL BUSINESS

138/22 **Resolved** that standing orders be suspended and:

- A) The meeting be closed to the public and members of the press because of the need for confidentiality, privilege or security, as specified below and provided for under section 10a(2) of the local government act, 1993; and
- B) The agenda and associated correspondence, unless specified are not to be released to the public as they relate to a matter of either personal hardship, person matters, trade secrets or matters which cannot be lawfully disclosed.

(Tom Peters/Peter Murphy)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 12.02pm.

(ITEM ECO10/22) LOT 26 DP 735029 SUGARBAG ROAD

SUMMARY

Council owns several properties including Lot 26 DP 735029 Sugarbag Road consisting of naturally vegetated land that is not occupied and is not actively used by Council. Through this parcel is a road reserve and the formation of a track between Sugarbag Road West and Sugarbag Road East, however the track is not aligned to the road reserve.

139/22 **Resolved** that Council:

- (1) Receive and note the report; and
- (2) Take no action towards dedicating a formal road reserve over the existing unauthorised track, or construction within the existing dedicated road reserve; and
- (3) Delegate the Chief Executive authority to arrange the sale of Lot 26 DP 735029 Sugarbag Road.

(Peter Petty/Geoff Nye)

Motion Carried

(ITEM COM8/22) CONSIDER THE PAYMENT OF BACK RENT BY A TENANT OF COUNCIL PROPERTY.

SUMMARY

The purpose of this report is to decide on a request from Tenterfield Pre-School Kindergarten Incorporated (Pre-school) to consider what assistance can be given by Council to the payment of an invoice for back rent. The back rent is for an 8

year period from 23 April 2014 to 22 April 2022. The total quantum of back rent is \$3,858.57 excluding GST. (\$4,244.43 including GST).

The Pre-school also queried the quantum of rent being \$509.46 per annum for the year 23 April 2022 to 22 April 2023.

140/22

Resolved that:

1. The Property Specialist provide the Pre-school with relevant information and correspondence supporting the reason(s) the Lease was established and the quantum of the annual rent.
2. The Pre-school be offered a payment plan for the back rent totaling \$3,858.57 + GST. The payment plan is not to extend past the Lease expiry date of 22 April 2024.
3. The Pre-school be invoiced for the current year (23 April 2022 to 22 April 2023) at \$531.82
4. The Pre-school be invoiced for the final Lease year (23 April 2023 to 22 April 2024). The rent to be calculated in accordance with the Lease.

(Tim Bonner/Giana Saccon)

Motion Carried

RESUMPTION OF STANDING ORDERS

141/22

Resolved that Standing Orders be resumed.

(Tom Peters/Tim Bonner)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 12.17 pm.

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

MEETING CLOSED

There being no further business the Deputy Mayor declared the meeting closed at 12.19 pm.

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Councillor John Macnish
Deputy Mayor/Chairperson