



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 27 JULY 2022

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Koreelah Room, Tenterfield Shire Council Chambers on Wednesday 27 July 2022 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 Giana Saccon
Councillor Greg Sauer
Councillor Geoff Nye
Councillor Peter Murphy

ALSO IN ATTENDANCE

Chief Executive (Daryl Buckingham)
Executive Assistant & Media (Elizabeth Melling)
Chief Corporate Officer (Kylie Smith)
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.

COMMUNITY CONSULTATION (PUBLIC ACCESS)

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 Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

142/22 **Resolved** that there were no apologies.

(Tim Bonner/Kim Rhodes)

Motion Carried

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 MIN7/22) CONFIRMATION OF PREVIOUS MINUTES

143/22 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 22 June 2022

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

(Peter Petty/John Macnish)

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**

144/22

Resolved that the following items be considered in the confidential section of the meeting:-

- (1) (ITEM COM10/22) Application for a Licence to install equipment on the Tenterfield digital tower erected on Lot 5 DP 1007389

(Peter Murphy/Greg Sauer)

Motion Carried

Bruce Mills, Manager Economic Development & Special Projects entered the meeting the time being 9.36 am

OPEN COUNCIL REPORTS

OUR COMMUNITY

**(ITEM COM9/22) REVIEW OF YOUR LOCAL NEWS AND OPTIONS FOR
SOCIAL MEDIA**

SUMMARY

The purpose of this report is to provide details of proposed Facebook "noticeboard-only" trial for three months.

145/22

Resolved that Council:

- 1) Undertake a three-month trial of a "noticeboard-only" Facebook page and review at the end of the trial – with a report on findings back to Council; and
- 2) Note that the recommendation is made mindful of the Customer Satisfaction Survey showing the preference for "Your Local News" printed brochure.

(Peter Petty/Geoff Nye)

Motion Carried

Upon being put to the meeting, the motion was declared carried. The record of vote was sought by Cr Peter Petty and supported by the Chairperson. Recorded under the Model Code of Meeting Practice (Local Government NSW) – Section 11 Point 6.

For the Motion were Crs TP Peters, G Sauer, J Macnish, TB Bonner, B Petrie, K Rhodes, Nye and PM Murphy Total (8).

Against the Motion were Crs G Saccon and PP Petty Total (2).

Bruce Mills, Manager Economic Development & Special Projects left the meeting the time being 9.44 am.

Lee Mathers, Manager Arts, Culture & Library Services entered the meeting, the time being 9.44 am.

(ITEM COM11/22) TENTERFIELD PUBLIC LIBRARY BRANCH SERVICES

SUMMARY

The purpose of this report is to recommend the discontinuation of Saturday services of the Tenterfield Library branch and recommend and permanent closure of Tenterfield Public Library Branch services at Torrington, Drake and Urbenville. This recommendation is based on reduced resourcing capacity to manage the assets and services and diminished patronage of the Torrington and Drake branch services.

RECOMMENDATION

That Council:

1. Permanent Closure of Library branches – Torrington, Drake and Urbenville and continue closure of Tenterfield library on Saturdays;
2. Re-call and re-distribution of all Council assets currently housed at the Branches; and the
3. Cancellation of any lease agreements in relation to leased area usage for the Library branches

(Kim Rhodes/Peter Murphy)

AMENDMENT

That Council:

- a) Defer ITEM COM11/22 until the August Ordinary Council Meeting allowing for further investigation of the community's needs.
- b) Consider the option to distribute the surplus assets to those communities to support their ongoing development when reconsidered.
- c) Suspend the surplus assets sale at this time until further consideration of the distribution to the community can be resolved.

(Greg Sauer/John Macnish)

Amendment Carried

Resolved that Council:

146/22

- d) Defer ITEM COM11/22 until the August Ordinary Council Meeting allowing for further investigation of the community's needs.
- e) Consider the option to distribute the surplus assets to those communities to support their ongoing development when reconsidered.
- f) Suspend the surplus assets sale at this time until further consideration of the distribution to the community can be resolved.

(John Macnish/Kim Rhodes)

Motion Carried

Lee Mathers, Manager Arts Culture & Library Services left the meeting, the time being 10.03 am.

Wes Hoffman, Manager HR, Workforce Development & Safety entered the meeting, the time being 10.04 am.

(ITEM COM12/22) RISK MANAGEMENT POLICY

SUMMARY

The purpose of this report is for Council to adopt the Risk Management Policy and Risk Appetite Statement so as to ensure compliance with the requirements of the Local Government Act 1993 and expectations of the Office of Local Government (OLG).

147/22

Resolved that Council adopts the revised Risk Management Policy (Attachment 1) and the associated Risk Appetite Statement (Attachment 2).

(Kim Rhodes/Peter Petty)

Motion Carried

Upon being put to the meeting, the motion was declared carried. The record of vote was sought by Cr Giana Saccon and supported by Cr John Macnish. Recorded under the Model Code of Meeting Practice (Local Government NSW) – Section 11 Point 6.

For the Motion were Crs Tom Peters, John Macnish, Tim Bonner, Bronwyn Petrie, Peter Petty, Kim Rhodes, Greg Sauer, Peter Murphy and Geoffrey Nye Total (9).

Against the Motion was Cr G Saccon Total (1).

Wes Hoffman, Manager HR, Workforce Development & Safety left the meeting, the time being 10.13 am.

David Counsell, Manager Asset & Program Planning entered the meeting, the time being 10.13 am.

(ITEM COM13/22) AM WHITE DRIVE RESERVE DEDICATION

SUMMARY

The purpose of this report is to inform Council of the result of enquiries to the status of A M White Drive and seek to continue with the dedication of the section of land as a public road reserve.

148/22 **Resolved** that Council proceed with action to formally dedicate Part of Lot 2 DP 815097 as a Public Road Reserve along A M White Drive from New England Highway to Bolivia Hall.

(Tim Bonner/Peter Petty)

Motion Carried

(ITEM COM14/22) MCLEODS CREEK ROAD

SUMMARY

The purpose of this report is to consider any further action to formalise a Road Reserve over McLeods Creek Road through the Girard State Forest and beyond.

149/22 **Resolved** that Council:

- (a) Take no further action in relation to dedication of a formal Road Reserve along McLeods Creek Road through the Girard State Forest.
- (b) Take no further action in relation to dedication of a formal Road Reserve on any formation referred to as McLeods Creek Road beyond the Girard State Forest where Council does not maintain the road.

(Peter Petty/Greg Sauer)

Motion Carried

David Counsell, Manager Asset & Program Planning left the meeting, the time being 10.19 am.

OUR ECONOMY

OUR ENVIRONMENT

OUR GOVERNANCE

(ITEM GOV57/22) MONTHLY OPERATIONAL REPORT JUNE 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.

150/22

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

(John Macnish/Peter Petty)

Motion Carried

SUSPENSION OF STANDING ORDERS

151/22

Resolved that Standing Orders be suspended.

(Peter Petty/Geoff Nye)

Motion Carried

The meeting adjourned for morning tea, the time being 10.48 am.

The meeting reconvened, the time being 11.09 am.

RESUMPTION OF STANDING ORDERS

152/22

Resolved that Standing Orders be resumed.

(Peter Petty/Greg Sauer)

Motion Carried

Roy Jones, Manager Finance & Technology entered the meeting, the time being 11.09 am.

(ITEM GOV58/22) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this Report is to inform Council of its loan balances as at 30 June 2022.

153/22

Resolved that Council notes the loan balance as at 30 June 2022 was \$18,848,630.12 (\$19,016,929.35 as at 31 March 2022).

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM GOV59/22) FINANCE & ACCOUNTS - PERIOD ENDED 30 JUNE 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.

154/22

Resolved that Council receive and note the Finance and Accounts Report for the period ended 30 June 2022.

(Peter Murphy/Kim Rhodes)

Motion Carried

(ITEM GOV60/22) CAPITAL EXPENDITURE REPORT AS AT 30 JUNE 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.

155/22

Resolved that Council receive and note the Capital Expenditure Report for the period ended 30 June 2022.

(Giana Saccon/John Macnish)

Motion Carried

(ITEM GOV61/22) COMMENCEMENT OF FURTHER COMMUNITY CONSULTATION - SPECIAL RATE VARIATION 2023/24 AND 2024/25

SUMMARY

To recommend that Council proceed with commencement of further community consultation for a Section 508 A (Permanent) Special Rate Variation commencing in the 2023/2024 financial year to ensure council maintains and renews assets notwithstanding the constant upward cost pressure and addresses financial sustainability.

The proposed Special Rate Variation comprises a permanent Special Rate Variation of 43% (including rate peg) in 2023/24 and 43% (including rate peg) in 2024/25, representing a cumulative increase of 104.49%.

Community consultation is planned to be undertaken during August-September 2022 with a final report brought back to Council to submit an application following any revision required following the consultation.

156/22

Resolved that Council:

- (1) Receive the report on Commencement of Further Community Consultation relating to an application for a Special Rate Variation 2023/2024 and 2024/2025.
- (2) Commence community engagement to support an application to IPART for a proposed Special Rate Variation comprising of a permanent increase of 43% (including rate peg) in 2023/24 and 43% (including rate peg) in 2024/25, representing a cumulative increase of 104.49% using the current rating structure to determine yield.

- (3) Receive a further report in November 2022 that will include:
- a. A report on the additional community consultation,
 - b. A draft Application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for an increase to the ordinary rate income, following the finalisation of the community engagement process.
- (Peter Petty/Greg Sauer)

Motion Carried

Upon being put to the meeting, the motion was declared carried. The record of vote was sought by Cr Giana Saccon and supported by the Chairperson. Recorded under the Model Code of Meeting Practice (Local Government NSW) – Section 11 Point 6.

For the Motion were Crs Tom Peters, John Macnish, Tim Bonner, Bronwyn Petrie, Peter Petty, Kim Rhodes, Greg Sauer, Peter Murphy and Geoffrey Nye Total (9).

Against the Motion was Cr G Saccon Total (1).

(ITEM GOV62/22) ACCEPTANCE OF A QUALIFIED OPINION FROM AUDIT OFFICE OF NEW SOUTH WALES FOR FINANCIAL STATEMENTS 30 JUNE 2022 - RE- TREATMENT OF RURAL FIRE SERVICE ASSETS

SUMMARY

The purpose of this Report is to inform Council regarding the implied intention of Audit Office of New South Wales to issue qualified audit opinions to Tenterfield Shire Council if Rural Fire Service (RFS) Assets are not incorporated in Council Financial Statements (Attachment 5, pg.13).

157/22

Resolved

1. That Council receive and note the Final Management Letter from the Audit Office of New South Wales for the Final Phase of the 2020/2021 Audit.
2. That Council receive and note Council – Response to Management to Letter regarding treatment of Rural Fire Service Assets.
3. That Council adopts a firm position on the issue of Rural Fire Service assets, being that the Rural Fire Service Act 1997 should be amended to make it clear that control of its assets rests with the Rural Fire Service, and it should therefore have all assets relating to its activities on its Balance Sheet.
4. That Council adopts an Acceptance of a Qualified Opinion from the Audit Office of New South Wales for Financial Statements 30 June 2022.

(Greg Sauer/Kim Rhodes)

Motion Carried - Unanimously

Roy Jones, Manager Finance & Technology left the meeting, the time being 12.25 pm.

David Counsell, Manager Asset & Program Planning entered the meeting, the time being 12.25 pm.

PROCEDURAL MOTION

158/22 **Resolved** that ITEMS GOV63/22 - Policy 2.162 Public Gates and Vehicle Bypasses & GOV64/22 - Policy 2.130 Construction & Maintenance of Property Access from Council Roads be dealt with together.

(Peter Petty/Peter Murphy)

Motion Carried

(ITEM GOV63/22) POLICY 2.162 PUBLIC GATES AND VEHICLE BYPASSES

SUMMARY

The purpose of this report is to seek community input prior to reviewing Policy relating to Public Gates and Vehicle Bypasses on Council maintained roads.

159/22 **Resolved** that Council:

Place Policy 2.162 Public Gates and Vehicle Bypasses on public display for 28 days to seek community input prior to reviewing the policy.

(Peter Petty/Peter Murphy)

Motion Carried

(ITEM GOV64/22) POLICY 2.130 CONSTRUCTION & MAINTENANCE OF PROPERTY ACCESS FROM COUNCIL ROADS

SUMMARY

The purpose of this report is to seek community input prior to reviewing Policy relating to the construction and maintenance of property access to Council roads.

160/22 **Resolved** that Council:

Place Policy 2.130 Construction & Maintenance of Property Access from Council Roads on public display for 28 days to seek community input prior to reviewing the policy.

(Peter Petty/Peter Murphy)

Motion Carried

David Counsell, Manager Asset & Program Planning left the meeting, the time being 12.28 pm.

(ITEM GOV65/22) EXECUTIVE POSITIONS - MURRAY DARLING ASSOCIATION

SUMMARY

The purpose of this report is to seek Council endorsement for Council delegates on the Murray Darling Association to nominate for the positions of Chair or as an Executive Committee member.

161/22

Resolved that Council:

- (1) Endorse the nomination of Council delegate Cr Greg Sauer for the position of Chair or Executive Committee member of the Murray Darling Association, Region 11;
- (2) Note nominations to be lodged with the Returning Officer on the appropriate nomination form by 12.00 pm on Friday, 29 July 2022 for determination at the Annual General Meeting to be held on Friday, 12 August 2022 at the Gunnedah Shire Council.

(Peter Murphy/John Macnish)

Motion Carried

Lee Sisson, Administration & Customer Service Assistant Casual, entered the meeting, the time being 12.30 pm.

(ITEM GOV66/22) UPDATE OF CITIZEN AND CUSTOMER CONTACT CHARTER TO CUSTOMER SERVICE CHARTER

SUMMARY

The purpose of this report is to update Council's Citizen and Customer Contact Charter to reflect Council's current Customer Services.

162/22

Resolved that Council:

- (1) Place the draft Tenterfield Shire Council Customer Service Charter 2022 on public exhibition for 14 days, from 27 July 2022 to 9 August 2022 and either
- (2) Review any submissions received during the public exhibition period at the August Ordinary Council Meeting, or
- (3) If no submissions are received during the Public Exhibition period, adopt the Tenterfield Shire Council Customer Service Charter as at 9 August 2022.

(Giana Saccon/John Macnish)

Motion Carried

Lee Sisson, Administration & Customer Service Assistant Casual, left the meeting, the time being 12.32 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC11/22) REPORT OF COMMITTEES & DELEGATES - AUDIT, RISK IMPROVEMENT COMMITTEE - 8 JUNE 2022

163/22 **Resolved** that the report and recommendations from the Audit, Risk and Improvement Committee meeting of 8 June 2022 be received.

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM RC12/22) REPORTS OF COMMITTEES & DELEGATES - 2022 DESTINATION & VISITOR ECONOMY CONFERENCE IN ORANGE NSW

164/22 **Resolved** that the report from Cr Kim Rhodes and Cr Tim Bonner regarding their attendance at the 2022 Destination & Visitor Economy Conference be received and noted.

(Kim Rhodes/Tim Bonner)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES7/22) COUNCIL RESOLUTION REGISTER - JUNE 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.

165/22 **Resolved** that Council notes the status of the Council Resolution Register to June 2022.

(Peter Petty/Peter Murphy)

Motion Carried

CONFIDENTIAL BUSINESS

SUSPENSION OF STANDING ORDERS – CONFIDENTIAL BUSINESS

166/22 **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.

(Greg Sauer/Geoff Nye)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 12.44 pm.

Neville Coonan, Property Specialist entered the meeting, the time being 12.48 pm.

(ITEM COM10/22) APPLICATION FOR A LICENCE TO INSTALL EQUIPMENT ON THE TENTERFIELD DIGITAL TOWER ERECTED ON LOT 5 DP 1007389

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) 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.

SUMMARY

The purpose of this report is to consider a request from Acquirecomm Pty Ltd acting on behalf Telstra Corporation for the installation of equipment to operate/transmit Prime TV for the Tenterfield community from the existing Mt MacKenzie Digital Tower. The digital tower is erected on Lot 5 DP 1007389 which is Council owned, operational land.

167/22 **Resolved** that Council:

1. Delegates authority to the Chief Executive to enter into a Heads of Terms (HoT's) to be prepared by Council's appointed legal advisors and subject to the terms summarized in attachment A.
2. Delegates authority to the Chief Executive to enter into a new Licence to be prepared by Council's appointed legal advisors and subject to the terms included in the HoT's.
3. Authorises the Licence be signed under seal of Council by the Mayor and the Chief Executive.

(Peter Petty/Giana Saccon)

Motion Carried

RESUMPTION OF STANDING ORDERS

168/22 **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 1.00 pm.

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

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 1.01 pm.

.....
Councillor Bronwyn Petrie
Mayor/Chairperson