



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

ADDENDUM ITEMS FOR ORDINARY COUNCIL MEETING 21 DECEMBER 2022

Notice is hereby given pursuant to Clause 7(1) of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room" Administration Building, 247 Rouse St, Tenterfield NSW, on **Wednesday 21 December 2022** commencing at **9.30 am**.

Daryl Buckingham
Chief Executive

AGENDA

10. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

(ITEM MIN13/22) CONFIRMATION OF PREVIOUS EXTRAORDINARY
MINUTES 2

(ITEM GOV109/22) 2024 CONDUCT OF LOCAL GOVERNMENT ELECTIONS 8

(ITEM MIN13/22) CONFIRMATION OF PREVIOUS EXTRAORDINARY MINUTES

REPORT BY: Elizabeth Melling

RECOMMENDATION

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

- **Extraordinary Council Meeting – 7 December 2022**

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

ATTACHMENTS

- | | |
|--|------------|
| 1 Unadopted Minutes - Extraordinary Council Meeting Wednesday 7 December 2022 | 5
Pages |
|--|------------|

MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF EXTRAORDINARY COUNCIL MEETING WEDNESDAY 7 DECEMBER 2022

MINUTES OF THE **Extraordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room" Administration Building, 247 Rouse St, Tenterfield NSW on Wednesday 7 December 2022 commencing at 9.00 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 Peter Murphy

ALSO IN ATTENDANCE

Chief Executive (Daryl Buckingham)
Administration & Web Assistant (Heather Grasso)
Acting Chief Corporate Officer (Erika Bursford)
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.

WEBCASTING OF MEETING

I advise all present that this meeting is being 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.

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

231/22 **Resolved** that Cr Geoff Nye was an apology.

(Peter Petty/Greg Sauer)

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.		

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Agenda Item – Application to IPART for a Special Rate Variation to Increase General Income – Ordinary Rate Income (ITEM GOV101/22)

Speaking "against" the Application to IPART for a Special Rate Variation to Increase General Income – Ordinary Rate Income.

Ms Cheryl Jaques

Roy Jones, Manager Finance & Technology entered the meeting, the time being 9.11 am.

SUSPENSION OF STANDING ORDERS

232/22 **Resolved** that Standing Orders be suspended.

(Peter Petty/John Macnish)

Motion Carried

A break in proceedings allowed for members of the community to arrive and be seated, the time being 9.13 am.

The break in proceedings concluded, and the meeting restarted, the time being 9.29 am.

RESUMPTION OF STANDING ORDERS

233/22 **Resolved** that Standing Orders be resumed.

(Kim Rhodes/John Macnish)

Motion Carried

OPEN COUNCIL REPORTS

OUR GOVERNANCE

(ITEM GOV101/22) APPLICATION TO IPART FOR A SPECIAL RATE VARIATION TO INCREASE GENERAL INCOME - ORDINARY RATE INCOME.

SUMMARY

This report is in response to Council resolution (237/22) and is the proposed Final Draft Application to IPART Independent Pricing and Regulatory Tribunal) for a Section 508 A (Permanent) Special Rate Variation (SRV) for the Financial Year commencing 2023/2024 and 2024/2025.

This application developed for submission is consistent with Council resolution (237/22)- Notification to IPART of Intent to Apply for a Special Rate variation comprising a permanent Special Rate Variation of 43% (including rate peg) in 2023/2024 and 43% (including rate peg) in 2024/2025, representing a cumulative increase of 104.49%.

OFFICER'S RECOMMENDATION

That Council:

- (1) Receive the attached application for a permanent Special Rate Variation.

- (2) Adopt the submission to IPART, consisting of IPART application form Part A Special Variation 2022/2023 and IPART Application form Part B Special Variation 2022/2023.
- (3) Lodge the attached application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for increases to the ordinary rate income of 43% in 2023/2024 (including the rate peg) and 43% in 2024/2025 (including the rate peg), representing a total cumulative increase of 104.49% over the two-year period, to be a permanent increase retained within the rate base.
- (4) Authorise the Chief Executive Officer to undertake any necessary minor administrative or editorial changes to the submission to IPART.

AMENDMENT:

- (5) If the Financial situation of Tenterfield Shire Council improves during any or all of the following Financial Years, 2022/23, 2023/24 and/or 2024/2025, that will allow TSC to be sustainable without the full imposition of the 43% per annum Rate Increase being sought in this Application, the Councillors reserve the right to levy a Rate Increase lower than the figure approved by IPART.

(Greg Sauer/Peter Murphy)

Amendment Carried

Resolved that Council:

234/22

- (1) Receive the attached application for a permanent Special Rate Variation.
- (2) Adopt the submission to IPART, consisting of IPART application form Part A Special Variation 2022/2023 and IPART Application form Part B Special Variation 2022/2023.
- (3) Lodge the attached application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for increases to the ordinary rate income of 43% in 2023/2024 (including the rate peg) and 43% in 2024/2025 (including the rate peg), representing a total cumulative increase of 104.49% over the two-year period, to be a permanent increase retained within the rate base.
- (4) Authorise the Chief Executive Officer to undertake any necessary minor administrative or editorial changes to the submission to IPART.
- (5) If the Financial situation of Tenterfield Shire Council improves during any or all of the following Financial Years, 2022/23, 2023/24 and/or 2024/2025, that will allow TSC to be sustainable without the full imposition of the 43% per annum Rate Increase being sought in this

Application, the Councillors reserve the right to levy a Rate Increase lower than the figure approved by IPART.

(Greg Sauer/Peter Murphy)

Motion Carried

RECORDING OF A DIVISION

235/22 **Resolved** that the voting be recorded for (ITEM GOV101/22) Application to IPART for a Special Rate Variation to increase general income - Ordinary Rate income.

(Giana Saccon/John Macnish)

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, PM Murphy and PP Petty Total (8).

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

Roy Jones, Manager Finance & Technology left the meeting, the time being 10.11 am.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 10.11 am.

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Councillor Bronwyn Petrie
Mayor/Chairperson

Department:	Office of the Chief Executive
Submitted by:	Elizabeth Melling, Executive Assistant & Media
Reference:	ITEM GOV109/22
Subject:	2024 CONDUCT OF LOCAL GOVERNMENT ELECTIONS

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.
CSP Strategy:	Ensure Council operates in an effective and financially sustainable manner to deliver affordable services.

SUMMARY

The purpose of this report is to advise Council that staff have advertised for Expressions of Interest for the conduct of the 2024 Local Government elections as per Council's Resolution #231/22.

Council is required to advise the Electoral Commission of NSW (ECNSW) whether it requires them (ECNSW) to conduct the upcoming Local Government Elections in September 2024 by 13 March 2023.

No suitably, qualified, or experienced individuals / businesses have been forthcoming, therefore Council is required to resolve to appoint the NSW Electoral Commission of its intent to proceed with the conduct of the 2024 Local Government Elections/By-elections for Tenterfield Shire.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Note that Council did not receive any suitably qualified Contractor/s to conduct the September 2024 Local Government Elections from its advertising: and**
- (2) The Tenterfield Shire Council ("the Council") resolves:**
 - a) Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.**

BACKGROUND

As per Council's Resolution of the Ordinary Council Meeting held Wednesday 26 October 2022 - # 231/22

Resolved that Council:

- (1) Advertise for quotations from a suitably qualified Contractor to conduct the September 2024 Local Government Elections; and*

Our Governance No. 109 Cont...

- (2) *If no suitably qualified Contractor be forthcoming; Council advises the NSW Electoral Commission (ECNSW) of its intent to proceed with NSWEC conducting the 2024 Local Government Election.*

(Geoff Nye/John Macnish)

Motion Carried

Staff subsequently advertised locally, for Expressions of Interest for the conduct of the full Local Government Election/By-elections for September 2024.

No suitably qualified individuals/organisations sought any additional information or provided information as per the advertisement. (Attached)

Council therefore needs to provide written acknowledgement to the Electoral Commission NSW as per the LG NSW Circular 22-35 Dated 11 November 2022/A839620, which was received after Council's previous resolution. This Circular (Attached) provides specific wording for Council's to use as their Resolution.

As previously advised, Council must pass the appropriate resolution no later than 18 months before the next ordinary elections, should they require the NSW Electoral Commission to conduct their elections. That means that the resolutions for the September 2024 elections must be passed by 13 March 2023.

Council, due to austerity measures and current staff numbers, does not currently have the resources available to accommodate the 2024 Local Government election. This report recommends now that the NSW Electoral Commission is the most suitably positioned and qualified organisation to conduct the 2024 Local Government Election/By-Elections.

REPORT:

In the past Council has entered into an Agreement with the ECNSW, which included a Scope of Works outlining certain items required by both the Council and ECNSW. The last Agreement for the 2021 Local Government elections outlined specific tasks, expectations and estimates of costings. The quotation received from ECNSW totaled \$83,000.

During the 2021 elections there was a lack of candidates for each Ward, with some Wards not requiring an election to be held as they had two nominations only.

Staff subsequently advertised locally, for Expressions of Interest for the conduct of the full Local Government Election/By-elections for September 2024.

No suitably qualified individuals/organisations sought any additional information or provided information as per the advertisement.

Council does not currently have the resources to conduct the 2024 Local Government election. As advertising for suitably skilled contractors to quote on conducting the election found no suitably qualified individuals/organisation to undertake the 2024 Local Government Election/s then Council needs to contract with the Electoral Commission.

Our Governance No. 109 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Local Government Act (NSW) 1993

3. Financial (Annual Budget & LTFP)

Budget allocation for the conduct of the 2024 Local Government elections will be made in the 23/24 financial year. Estimates from the NSW Electoral Commission will be made available in January 2023.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

A reduction in risk by contracting the Electoral Commission NSW will ensure that Council is not exposed to the risk of fraud, miscounting and other election risks.

7. Performance Measures

The Electoral Commission of NSW is specifically placed to meet both Legislative and timeline deadlines.

8. Project Management

Nil.

Erika Bursford Acting Chief Corporate Officer

Prepared by staff member:	Elizabeth Melling, Executive Assistant & Media	
Approved/Reviewed by Manager:	Erika Bursford, Acting Chief Corporate Officer	
Department:	Office of the Chief Executive	
Attachments:	1 LG NSW Circular 22 - 35	2 Pages
	2 Expression of Interest - 2024 Local Government Elections Advertisement	1 Page



Circular to Councils

Circular Details	Circular No 22-35/ Date 11 November 2022/ A839620
Previous Circular	18-43 – Council decisions on the administration of the September 2020 elections
Who should read this	Councillors / General Managers / Council governance staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Councils' decisions on the administration of their September 2024 ordinary elections

What's new or changing

- Under section 296AA of the *Local Government Act 1993* (the Act), councils are required to make a decision on how their ordinary elections in September 2024 are to be administered by **13 March 2023**.
- Each council must resolve **either**:
 - to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda **or**
 - that the council's elections are to be administered by another electoral services provider engaged by the council.
- If a council does not resolve to engage the NSWEC to administer its elections by **13 March 2023**, it must engage another electoral services provider to do so.

What this will mean for your council

- Councils are required to make a decision under section 296AA by 13 March 2023 on the administration of their next ordinary election. Information to assist councils in making that decision is provided in the attached FAQ.
- If a council is proposing to engage the NSWEC to administer its elections, it should resolve to do so as soon as possible and notify the NSWEC.

Key points

- Where councils resolve to engage the NSWEC to administer their elections, polls and referenda, a model resolution is suggested in the attached FAQ.
- If a council resolves to adopt an electoral services provider other than the NSWEC, the resolution must state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider.

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5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Where to go for further information

- Further information to assist councils' decisions on the administration of their September 2024 ordinary elections is contained in the FAQ attached to this circular.
- Contact the Office of Local Government's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.
- Contact Steve Robb at the NSW Electoral Commission by telephone on 1300 135 736.

Melanie Hawyes
Deputy Secretary, Crown Lands and Local Government

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Expressions of Interest

**Conduct of the Local Government Ordinary Election 14 September 2024 for the
Tenterfield Shire.**

Expressions of interest are sort for suitably qualified persons/business to conduct the entire 2024 Ordinary Local Government elections.

This includes but not limited to: -

- Enrolment
- Client Council liaison
- Data management
- Election staffing
- Financial Services
- Venue Procurement
- Legal Requirements – sensitive
- Postal voting
- Counting & Results
- Logistics
- Media, communications & advertising – statutory advertising
- Elector brochures
- Equipment provision
- Telephone call centre
- How to vote information
- Reporting & Evaluation

Suitable insurances and risk assessments must be maintained by the providing Certificate of Currency and Project Plan.

Further information can be obtained by emailing council@tenterfield.nsw.gov.au

Expressions of Interest addressing the items listed above, relevant skills and detailing previous experience can be forwarded to:-

The Chief Executive - Tenterfield Shire Council

Emails should be titled – “2024 Ordinary Local Government Election”

Email – council@tenterfield.nsw.gov.au

Expressions of Interest close 5pm (EDT) Tuesday 13 December 2022.

It is expected that anyone providing an Expression of Interest will have the necessary skills and associated experience to conduct the entire Ordinary Local Government Election for Tenterfield Shire Council to the standard required by the NSW Local Government Act and Office of Local Government agency expectations in New South Wales. This includes the provision of Countback and filling of all vacancies for the term of Council.