



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 22 MARCH 2023

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

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

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

20/23 **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
Councillor Peter Murphy	Less than Significant Non Pecuniary	ITEM ECO1/23 Tenterfield Airstrip – Options for Community Management

(Kim Rhodes/Tim Bonner)

Motion Carried

(ITEM MIN2/23) CONFIRMATION OF PREVIOUS MINUTES

21/23 **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:

- Ordinary Council Meeting – 22 February 2023

- Extraordinary Council Meeting – 16 February 2023

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

(Kim Rhodes/John Macnish)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

ADDENDUM REPORT

22/23 **Resolved** that Council accepts into the agenda the following items:

- 1) ITEM GOV15/23 PROPOSED BORROWINGS 2022-2023 FINANCIAL YEAR
- 2) ITEM COM3/23 CROWN LANDS PLAN OF MANAGEMENT RESERVE 57957 – JUBILEE PARK

(Peter Petty/Kim Rhodes)

Motion Carried

MAYOR MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

23/23 **Resolved** that the following items be considered in the Confidential Section of the meeting:-

- 1) ITEM ECO4/23 SALE OF COUNCIL – OWNED LAND – BENDALL’S 8933 NEW ENGLAND HIGHWAY, TENTERFIELD.
- 2) ITEM ENV3/23 LEASING OF 136 MANNERS STREET, TENTERFIELD.

(Greg Sauer/Tom Peters)

Motion Carried

PROCEDURAL MOTION

24/23 **Resolved** that Council move forward in the agenda (to the start of the meeting) the following items:

- 1) ITEM GOV11/23 FINANCE & ACCOUNTS – PERIOD ENDED 28 FEBRUARY 2023
- 2) ITEM GOV12/23 CAPITAL EXPENDITURE REPORT AS AT 28 FEBRUARY 2023
- 3) ITEM GOV15/23 PROPOSED BORROWINGS 2022-2023 FINANCIAL YEAR.

(John Macnish/Kim Rhodes)

Motion Carried

Roy Jones, Manager Finance & Technology entered the meeting, the time being 9.37 am

OPEN COUNCIL REPORTS

(ITEM GOV11/23) FINANCE & ACCOUNTS - PERIOD ENDED 28 FEBRUARY 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.

25/23

Resolved that Council receive and note the Finance and Accounts Report for the period ended 28 February 2023.

(Kim Rhodes/Greg Sauer)

Motion Carried

(ITEM GOV12/23) CAPITAL EXPENDITURE REPORT AS AT 28 FEBRUARY 2023

SUMMARY

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

26/23

Resolved that Council receive and note the Capital Expenditure Report for the period ended 28 February 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM GOV15/23) PROPOSED BORROWINGS 2022-23 FINANCIAL YEAR

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 the 2022/2023 proposed borrowings totaling \$3,100,000 to fund capital expenditure.

OFFICER'S RECOMMENDATION: That Council:

(1) Approves a loan of \$3,100,000 for Transport Infrastructure (and supportive plant items) with the most competitive financial

institution (quotations are indicative interest rates subject to change and will be tabled at the meeting).

- (2) That Council notify the Office of Local Government when the above loans are obtained.**

AMENDMENT

That Council:

- (1) Approves a loan of \$3,100,000 for Transport Infrastructure (and supportive plant items) with the Commonwealth Bank for 20 years at the interest rate of 5.62%.
- (2) That Council notify the Office of Local Government when the above loans are obtained.

(Peter Petty/Greg Sauer)

Amendment Carried

ITEM GOV15/23) PROPOSED BORROWINGS 2022-23 FINANCIAL YEAR

27/23 **Resolved** that Council:

- (1) Approves a loan of \$3,100,000 for Transport Infrastructure (and supportive plant items) with the Commonwealth Bank for 20 years at the interest rate of 5.62%.
- (2) That Council notify the Office of Local Government when the above loans are obtained.

(Peter Petty/Greg Sauer)

Motion Carried

Roy Jones, Manager Finance & Technology, left the meeting the time being 10.15 am.

OUR COMMUNITY

(ITEM COM2/23) ANZAC DAY ARRANGEMENTS - TUESDAY, 25 APRIL 2023

SUMMARY

The purpose of this report is to provide information for Council's consideration regarding arrangements for Anzac Day, Tuesday, 25 April 2023.

28/23 **Resolved**

- (1) That in accordance with Council Minute 208/04, Council's representative at Anzac Day Ceremonies throughout the Shire will lay a wreath or present a book as per the requirements of the local organisers; and

(2) That Councillors be allocated to attend the Anzac Day services and events around the Shire as follows:

- (a) The Mayor, Cr Bronwyn Petrie at the Tenterfield Dawn Service and Morning Service;
- (b) Councillor Cr Tom Peters at the Dawn Service in Torrington;
- (c) Councillor Cr Peter Petty & Cr Tim Bonner at the Legume Service;
- (d) Councillor Cr Tim Bonner at the Urbenville Service;
- (e) Councillor Cr Peter Petty (Dawn) at the Jennings Service;
- (f) Councillor Cr John Macnish at the Drake Service;
- (g) Councillor Cr Tim Bonner at the Liston Service; and
- (h) Councillor Cr Peter Murphy at the Mingoola Service.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM COM3/23) CROWN LANDS PLAN OF MANAGEMENT RESERVE 57957 - JUBILEE PARK

SUMMARY

The purpose of this report is for Council to consider a draft Plan of Management (PoM) for Crown Land described as Jubilee Park Reserve R57957. The Reserve is over Lot 1 Section 28 DP 758959 and Lot 7320 DP 1143501.

The Reserve is classified as Community Land. The Reserve purpose is for Public Recreation. In accordance with the enactment of the Crown Land Management Act 2016, Council is required to generate a Plan of Management (PoM) for the Reserve which is Crown Land.

29/23

Resolved that Council:

- (1) Endorse the draft Plan of Management Jubilee Park – Crown Reserve R57957; and
- (2) Forward the draft Plan of Management to the Crown Lands Minister for approval prior to the compulsory community consultation period.

(Kim Rhodes/Greg Sauer)

Motion Carried

OUR ECONOMY

Bruce Mills, Senior Advisor Communications & Economic Development, entered the meeting, the time being 10.26 am.

(ITEM ECO1/23) TENTERFIELD AIRSTRIP - OPTIONS FOR COMMUNITY MANAGEMENT

SUMMARY

The purpose of this report is to advise Council of best options for management of the Tenterfield airstrip via a third party.

OFFICER'S RECOMMENDATION:

That council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, community groups (social enterprise) or private sector operator to develop and manage the day-to-day operations of the Tenterfield airstrip; and**
- (2) Authorise the Chief Executive to negotiate an acceptable lease agreement with the successful applicant. Lease terms and conditions will be negotiated with the preferred applicant and set out in a standard (legally binding) lease agreement that annuls all costs to council and ultimately the ratepayer.**

AMENDMENT

That Council:

- (1) Council authorises the Chief Executive to call and facilitate Expressions of Interest (EOIs) from appropriately Incorporated, qualified, Tenterfield Shire, not for profit associations to lease the aerodrome on terms and conditions acceptable to council."

(Peter Murphy/Kim Rhodes)

Amendment Lapsed

Motion lapsed as Cr Kim Rhodes withdrew her support for the amendment.

AMENDMENT

That Council:

- (1) Council authorises the Chief Executive to call and facilitate Expressions of Interest (EOIs) from appropriately qualified, Tenterfield Shire, Incorporated, not for profit associations to lease the aerodrome on terms and conditions acceptable to council."

(Peter Murphy/Greg Sauer)

Amendment Lost

MOTION

30/23

Resolved that Council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, community groups (social enterprise) or private sector operator to develop and manage the day-to-day operations of the Tenterfield airstrip; and
- (2) Authorise the Chief Executive to negotiate an acceptable lease agreement with the successful applicant. Lease terms and conditions will be negotiated with the preferred applicant and set out in a standard (legally binding) lease agreement that annuls all costs to council and ultimately the ratepayer.

(Peter Petty/Kim Rhodes)

Motion Carried

SUSPENSION OF STANDING ORDERS

31/23

Resolved that Standing Orders be suspended.

(Peter Petty/John Macnish)

Motion Carried

The meeting adjourned for morning tea, the time being 10.55am.

The meeting reconvened, the time being 11.20 am.

RESUMPTION OF STANDING ORDERS

32/23

Resolved that Standing Orders be resumed.

(Peter Murphy/Greg Sauer)

Motion Carried

Bruce Mills – Senior Advisor Communications & Economic Development entered the meeting, the time being 11.21am

(ITEM ECO2/23) OPTIONS FOR COMMUNITY MANAGEMENT OF THE TENTERFIELD VISITORS' INFORMATION CENTRE.

SUMMARY

The purpose of this report is to seek a decision from Council on the future management of the Tenterfield Visitors' Information Centre (VIC).

OFFICER'S RECOMMENDATION:

That Council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, not-for-profit, community group to manage the day-to-day visitor information services of the Tenterfield Visitors' Information Centre (VIC)**

AMENDMENT

That Council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, not-for-profit, community group or private sector operator to manage the day-to-day visitor information services of the Tenterfield Visitors' Information Centre (VIC).

(Peter Murphy/Tim Bonner)

Amendment Carried

MOTION

33/23 **Resolved** that Council:

- (1) Authorises the Chief Executive to advertise for Expressions of Interest (EOI) from appropriately Incorporated, not-for-profit, community group or private sector operator to manage the day-to-day visitor information services of the Tenterfield Visitors' Information Centre (VIC).

(Peter Murphy/Tim Bonner)

Motion Carried

Bruce Mills – Senior Advisor Communications & Economic Development left the meeting, the time being 11.43am

OUR ENVIRONMENT

Nil.

OUR GOVERNANCE

(ITEM GOV9/23) TENTERFIELD SHIRE WARD D COUNCILLOR VACANCY

SUMMARY

The purpose of this report is to provide Council with information on the requirements following the resignation of civic office by an elected official, and options available to Council.

34/23 **Resolved** that Council:

- (1) Set aside Council Resolution 5/22 of 12 January 2022 to call a by-election and have Council conduct an election in the event of a casual vacancy of civic office, and
- (2) Makes application to the Minister for Local Government under section 294 of the NSW Local Government Act 1993 that the Tenterfield Shire Ward D civic office casual vacancy remain unfilled until the next ordinary Council elections are held, in September 2024.

(Peter Petty/John Macnish)

Motion Carried

(ITEM GOV10/23) MONTHLY OPERATIONAL REPORT FEBRUARY 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 2022/2023 Operational Plan.

35/23

Resolved that Council receives and notes the status of the Monthly Operational Report for February 2023.

(Peter Murphy/Kim Rhodes)

Motion Carried

(ITEM GOV13/23) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2023 - MOTIONS FOR DEBATE

SUMMARY

The purpose of this report is for Council to consider motions to be submitted for the National General Assembly of Local Government 2023 in Canberra, 13 – 16 June 2023.

36/23

Resolved that Council:

- (1) Approve the submission of the following motions for the National General Assembly of Local Government 2023:
 - (i) This National General Assembly again calls on the Australian Government to increase funding for local government Financial Assistance Grants to a level of at least 1% of Commonwealth taxation revenue.
 - (ii) This National General Assembly calls on the Australian Government to either cease the practice of expecting Council co-contributions when applying for Federal Government Grants or allow Council's in-kind contributions to be eligible as the co-contribution from Councils.
 - (iii) This National General Assembly calls on the Australian Government to provide grants for local government for asset renewal/infrastructure replacement rather than only new infrastructure/assets.
 - (iv) This National General Assembly calls on the Australian Government to increase priority to visa application processing for rural and regional health and education professional (Currently fast tracking these for the cities within 25 days, but for rural and regional areas 18 months).

(Greg Sauer/Peter Murphy)

Motion Carried

(ITEM GOV14/23) ELECTORAL COMMISSION NSW CONDUCT OF 2024 LOCAL GOVERNMENT ELECTIONS - POLLS, REFERENDA & BY-ELECTIONS (2024 TO 2027)

SUMMARY

The purpose of this report is to advise Council that staff have been notified that the preference of the NSW Electoral Commission (NSWEC) is to adopt the full example resolution they have provided. The full resolution will allow for one Contract to be signed by all Council's and NSWEC to enable **all** elections, polls & referenda to be carried out, including by-elections if required for the period 2024 to 2027. This will streamline and save on staff time and future cost increases. There is no increase to the quotation received (\$80,468), should these additional items be added by way of council resolution.

At Councils meeting 21 December 2022, Council resolved as follows:-
250/22 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) than an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*

The NSWEC advise that their preference is that **all** Council's adopt the following full resolution (See Officer's Recommendation) and advise that:

"Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2024 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of councillors."

37/23

Resolved that the Tenterfield Shire Council ("the Council") resolves:

- (1) 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.*
- (2) Pursuant to s.296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissions to administer all council polls of the Council.*
- (3) Pursuant to s.296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commission to administer all constitutional referenda of the Council.*

(Peter Petty/Kim Rhodes)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC3/23) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - FRIDAY 23 FEBRUARY 2023

38/23

Resolved that Council receive and note the minutes from the Border Regional Organisation of Councils meeting of 23 February 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM RC4/23) ABORIGINAL ADVISORY COMMITTEE MEETING - WEDNESDAY 2 NOVEMBER 2022 10.30AM; WEDNESDAY 7 DECEMBER 2023 AND SPECIAL MEETING THURSDAY 2 MARCH 2023

39/23

Resolved that Council receive and note the minutes of the Aboriginal Advisory Committee meetings of:

- 1) Wednesday 2 November 2022;
- 2) Wednesday 7 December 2022;
- 3) Special Meeting - Thursday 2 March 2023; and

- 4) Adopt the following recommendation that the "Acknowledgement to Country" wording be amended as follows;

"Tenterfield Shire Council would like to acknowledge the Ngarabal people, the traditional custodians of this land [we are gathering 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 [present]."

Agreed Caveats to the above statement will be as follows and dependent on the geographic place the acknowledgement is being used:

- 5) 'Ngarabal' is changed/replaced to the relative traditional owner group preceding 'the traditional custodians of this land; and
- 6) 'Ngarabal' added in with the group of names preceding 'people of our Shire'
- 7) When used for text acknowledgement the wording [we are gathering on today] and [present] to be omitted.

(Peter Petty/Kim Rhodes)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES2/23) COUNCIL RESOLUTION REGISTER - FEBRUARY 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.

40/23

Resolved that Council notes the status of the Council Resolution Register to February 2023.

(Peter Petty/John Macnish)

Motion Carried

SUSPENSION OF STANDING ORDERS

41/23

Resolved that Standing Orders be Suspended.

(Geoff Nye/Tim Bonner)

Motion Carried

The recording device was turned off and the meeting moved into closed committee, the time being 12.47 pm.

CONFIDENTIAL BUSINESS

(ITEM ENV3/23) LEASING OF 136 MANNERS STREET, TENTERFIELD

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 present to Council an offer for lease of 136 Manners Street, Tenterfield by Tenterfield Total Care.

42/23

Resolved that Council:

- (1) Accept the offer from Tenterfield Total Care in the amount of \$9,000.00 per annum plus GST with annual CPI increases from the first adversary date of lease, for the duration of the lease agreement.

- (2) Commence drafting of a lease agreement for a five (5) year lease term with an option for a further five (5) years after that, to include minor internal maintenance as a responsibility of the lessee.
- (3) Commence the lease from 1 April 2023.

(Kim Rhodes/Peter Petty)

Motion Carried

Bruce Mills, Senior Advisor Communications & Economic Development entered the meeting the time being 1.19 pm.

(ITEM ECO4/23) SALE OF COUNCIL - OWNED LAND - "BENDALL'S" 8933 NEW ENGLAND HIGHWAY, TENTERFIELD.

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 advise Council of the outcome of the auction held Thursday, 16 March 2023 for Council-owned land – "Bendall's" 8933 New England Highway – Lot 2 DP 1037068.

OFFICER'S RECOMMENDATION:

That Council:

Council accepts the unconditional, cash offer of \$920,000 (nine hundred and twenty thousand dollars) from Shun Hung Pty Ltd, with settlement in 35 days, and authorise the Chief Executive Officer to execute the sale.

AMENDMENT

That Council:

- (1) Rejects the offer of \$920,000 from Shun Hung Pty Ltd;
- (2) Authorises the Chief Executive to open list the property for sale, for offers over \$1 million.

(Peter Murphy/Greg Sauer)

Amendment Carried

MOTION

43/23 **Resolved** that Council:

- (1) Rejects the offer of \$920,000 from Shun Hung Pty Ltd;
- (2) Authorises the Chief Executive to open list the property for sale, for offers over \$1 million.

(Peter Murphy/Greg Sauer)

Motion Carried

Recording a vote against the Motion was Cr John Macnish.

RESUMPTION OF STANDING ORDERS

44/23 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Peter Petty)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 1.44 pm.

In accordance with Section 253 of the 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 1.46 pm.

.....
Councillor Bronwyn Petrie
Mayor/Chairperson