



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 24 MAY 2023

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", Administration Building, 247 Rouse St, Tenterfield on Wednesday 24 May 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 (Via ZOOM)
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

"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 Jukembal, Bundjalung, Kamilaroi, Githabul and Wahlubul people of our Shire, and extend our respect to all people."

APOLOGIES

that there were no apologies.

DISCLOSURE & DECLARATIONS OF INTEREST

60/23

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 Geoff Nye	Non-Pecuniary Significant	NM1/23 NOTICE OF MOTION – INVESTIGATE THE EXTENSION OF WASTE SERVICES TO BILLIRIMBA ROAD, TENTERFIELD.
Cr Peter Petty	Less than Significant Non-Pecuniary	NM1/23 NOTICE OF MOTION – INVESTIGATE THE EXTENSION OF WASTE SERVICES TO BILLIRIMBA ROAD, TENTERFIELD.

(Peter Murphy/Greg Sauer)

Motion Carried

(ITEM MIN4/23) CONFIRMATION OF PREVIOUS MINUTES

61/23

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

- Ordinary Council Meeting – 26 April 2023

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

(Peter Petty/Tom Peters)

Motion Carried

TABLING OF DOCUMENTS

Nil

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil

MAYORAL MINUTE

SUMMARY

This Mayoral Minute recommend that Council call on the NSW Government to take immediate action to:

- (a) Restore the Emergency Services Levy,
- (b) Decouple the Emergency Services Levy from the rate peg to enable councils to recover the full cost,
- (c) Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

62/23

Resolved that I, Mayor Bronwyn Petrie intend to move the following Mayoral Minute with respect to the damaging Increase in the Emergency Services Levy Costs: -

(1) Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):

- (a) Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
- (b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 4.2 % rate increase to provide essential community services and infrastructure has been significantly eroded.
- (c) Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;

(d) Calling on the NSW Government to take immediate action to:

- i. restore the ESL subsidy in 2023/24
- ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
- iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

(2) Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

(3) Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

(Bronwyn Petrie/Peter Petty)

Motion Carried

**RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN
CONFIDENTIAL SECTION**

63/23

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

- 1) ITEM COM5/23 - PROVISION OF STREET SWEEPING SERVICES - CONTRACT NO 05-22/23
- 2) ITEM ECO6/23 - SALE OF COUNCIL OWNED LAND - 'BENDALLS' 8933 NEW ENGLAND HIGHWAY, TENTERFIELD.
- 3) ITEM ECO7/23 - PROVISION OF CONCRETE SERVICES TENDER RFT 06-22/23

(Greg Sauer/Peter Petty)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

Nil.

David Counsell - Manager Assets & Program Planning entered the meeting, the time being 9.39 am.

OUR ECONOMY

**(ITEM ECO8/23) MT LINDESAY ROAD BRYANS GAP ROAD LAND
ACQUISITION**

SUMMARY

The purpose of this Report is to seek Council concurrence to commence investigations of the Mt Lindesay Road Reserve near Bryans Gap Road for proposed rehabilitation works and undertake necessary acquisition of land for

the proposed road formation.

64/23

Resolved that Council:

- (1) Agree to commence investigation of the Mt Lindesay Road public road reserve with respect to proposed rehabilitation works near Bryans Gap Road, and
- (2) Agree to the acquisition of land adjacent to Mt Lindesay Road for road widening purposes necessary for road rehabilitation, and
- (3) Authorise the Chief Executive to execute any documents for the acquisition and to authorise payment of any compensation with the landowners.

(Tim Bonner/Kim Rhodes)

Motion Carried

(ITEM ECO9/23) MT LINDESAY ROAD – BOUNDARY ROAD LAND ACQUISITION

SUMMARY

The purpose of this Report is to seek Council concurrence to commence investigations for the acquisition of land adjacent to Mt Lindesay Road to allow for future road enhancement works at the Boundary Road intersection.

65/23

Resolved that Council:

- (1) Agree to commence investigation of Mt Lindesay Road for the purpose of detailed design of a future roundabout at Boundary Road intersection, and
- (2) Agree to the acquisition of land adjacent to Mt Lindesay Road for the purpose of future roundabout construction, and
- (3) Authorise the Chief Executive to execute any documents for the acquisition and to authorise payment of any compensation with the landowners.

(Kim Rhodes/Tim Bonner)

Motion Carried

(ITEM ECO10/23) SHERRATT ROAD TORRINGTON - ROAD RESERVE ACQUISITION

SUMMARY

The purpose of this Report is to seek Council concurrence to commence investigation for the acquisition of Crown Land at Torrington to create formal road reserve over Council maintained roads including Sherratt Road, Tomtoy Avenue and Eschman Lane.

66/23

Resolved that Council:

- (1) Agree to commence investigations for the formalisation of a road reserve for Sherratt Road, Tomtoy Avenue and Eschman Lane, and
- (2) Undertake necessary searches, survey and plan preparation for the compulsory acquisition of Crown Land to form public road reserves.

(Tom Peters/Kim Rhodes)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV4/23) MOLESWORTH STREET DRAINAGE PIPE EASEMENT

SUMMARY

This Report relates to the construction of a storm water drainage system through private property out into Molesworth Street. It is necessary that Council obtain an easement over the area of land that includes the storm water pipe

67/23

Resolved that Council:

- (1) Agree to seek an easement over the drainage pipe in Lot 4 Molesworth Street and payment of any compensation of the affected land; and
- (2) Authorise the Chief Executive to approve any compensation amount once an independent valuation has been undertaken and execute any associated documents to finalise the easement.

(Peter Petty/Kim Rhodes)

Motion Carried

David Counsell - Manager Assets & Program Planning left the meeting, the time being 10.00 am.

OUR GOVERNANCE

(ITEM GOV23/23) MONTHLY OPERATIONAL REPORT APRIL 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.

68/23

Resolved that Council:

Receives and notes the status of the Monthly Operational Report for April 2023.

(Peter Petty/Tim Bonner)

Motion Carried

David Counsell - Manager Assets & Program Planning entered the meeting, the time being 10.24 am.

(ITEM GOV24/23) DISPOSAL OF DAMAGED STEEL STRUCTURE

SUMMARY

The purpose of this Report is to seek Council approval to dispose of a damaged steel structure asset.

69/23

Resolved that Council agree to the disposal of the damaged steel structure as surplus scrap material.

(Greg Sauer/Peter Murphy)

Motion Carried

David Counsell - Manager Assets & Program Planning left the meeting, the time being 10.26 am.

Erika Bursford – Manager Customer Service, Governance and Records entered the meeting, the time being 10.26 am.

(ITEM GOV25/23) TENTERFIELD SHIRE COUNCIL CODE OF MEETING PRACTICE 2023

SUMMARY

The purpose of this Report is to advise Council that the Tenterfield Shire Council Code of Meeting Practice is required to be adopted following amendments, as issued by the NSW Office of Local Government, by 30 June 2023.

70/23

Resolved that Council:

Adopt the Tenterfield Shire Council Code of Meeting Practice, as amended.

(Kim Rhodes/John Macnish)

Motion Carried

(ITEM GOV26/23) FRONT COUNTER AND FRIDAY CLOSURES SURVEY APRIL 2023

SUMMARY

The purpose of this Report is to present to Council the results of a Front Counter Hours and Friday Closure Survey undertaken from 23 March 2023 to 24 April 2023 to collect community feedback on the trial to close the Tenterfield Shire Council main administration building's customer service counter from 1pm to 2pm on Mondays to Thursdays and remain closed all day on Fridays.

OFFICER'S RECOMMENDATION:

That Council continue the trial of reduced face to face and telephone customer services, until 30 November 2023, by:

- (1) Closing the main administration building customer service counter on days of business, from 1pm to 2pm, for the purpose of staff lunch breaks, and
- (2) Closing the main administration building customer service counter on Fridays, authorising the Chief Executive Officer to take any action to adjust services due to community feedback.
- (3) Conduct a second customer feedback survey on the trial closures, to be conducted in October and November 2023, with results to be provided to Council's Ordinary Meeting of 20 December 2023.

(John Macnish/Tom Peters)

AMENDMENT

That Council continue the trial of reduced face to face and telephone customer services, until 30 November 2023, by:

- (1) Closing the main administration building customer service counter on days of business, from 1pm to 2pm, for the purpose of staff lunch breaks, and
- (2) Revert the main administration building customer service counter opening back to five days a week operation from 7th July 2023.

(John Macnish / Peter Murphy)

Amendment Carried

71/23

Resolved that Council continue the trial of reduced face to face and telephone customer services, until 30 November 2023, by:

- (1) Closing the main administration building customer service counter on days of business, from 1pm to 2pm, for the purpose of staff lunch breaks, and
- (2) Revert the main administration building customer service counter opening back to five days a week operation from 7th July 2023.

(John Macnish/Peter Murphy)

Motion Carried

Erika Bursford – Manager Customer Service, Governance and Records, left the meeting the time being 10.45 am.

SUSPENSION OF STANDING ORDERS

72/23

Resolved that Council suspend Standing Orders.

(Kim Rhodes/Peter Petty)

Motion Carried

The meeting adjourned for morning tea, the time being 10.45 am.

The meeting reconvened, the time being 11.19 am.

RESUMPTION OF STANDING ORDERS

73/23 **Resolved** that Council resume Standing Orders.

(Peter Petty/Tim Bonner)

Motion Carried

Roy Jones – Manager Finance & Technology entered the meeting, the time being 11.19 am.

(ITEM GOV27/23) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 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).

74/23 **Resolved** that Council:

Adopts the March 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.

(Kim Rhodes/Tom Peters)

Motion Carried

(ITEM GOV28/23) FINANCE & ACCOUNTS - PERIOD ENDED 30 APRIL 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.

75/23

Resolved that Council receive and note the Finance and Accounts Report for the period ended 30 April 2023.

(Greg Sauer/Kim Rhodes)

Motion Carried

(ITEM GOV29/23) CAPITAL EXPENDITURE REPORT AS AT 30 APRIL 2023

SUMMARY

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

76/23

Resolved that Council receive and note the Capital Expenditure Report for the period ended 30 April 2023.

(Kim Rhodes/Peter Petty)

Motion Carried

(ITEM GOV30/23) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this Report is to inform Council of its loan balances as at 31 March 2023

77/23

Resolved that Council notes the loan balance as at 31 March was \$21,148,595.71 (\$18,399,100.48 as at 31 December 2022).

(Peter Petty/Kim Rhodes)

Motion Carried

Roy Jones- Manager Finance & Technology left the meeting, the time being 11.51 am.

(ITEM GOV31/23) DELEGATION FOR CHIEF EXECUTIVE WHILST ATTENDING NATIONAL GENERAL ASSEMBLY 2023

SUMMARY

The purpose of this Report is for Council to provide delegation for an Acting

Chief Executive during period of absence of the Chief Executive.

OFFICER'S RECOMMENDATION:

That Council approve the temporary appointment of Chief Corporate Officer, Kylie Smith to the position of Acting Chief Executive for the period Monday 12 June 2023 to Friday, 16 June 2023 inclusive.

WITHDRAWN

ITEM GOV31/23 DELEGATION FOR CHIEF EXECUTIVE WHILST ATTENDING NATIONAL GENERAL ASSEMBLY

REASON: ITEM GOV31/23 withdrawn as Chief Executive no longer attending ALGA. Deputy Mayor – John Macnish is attending in his place.

COUNCIL RESOLUTION

78/23 **Resolved** that Council endorse the Deputy Mayor, Cr John Macnish to attend the Australian Local Government Association (ALGA) Conference in place of Chief Executive – Daryl Buckingham 12 – 16 June 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM GOV32/23) ANNUAL REMUNERATION FOR COUNCILLORS AND THE MAYOR - 2023-2024

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 3.0% for the 2023/2024 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. In the past Tenterfield Council have applied the "maximum" allowable amount for both Councillors and Mayor.

79/23 **Resolved** that Council:

- (1) Notes the Report and Determination of the NSW Remuneration Tribunal 27 April 2023; and
- (2) Sets the level of fees payable to all Councillors at \$13,030 per annum effective from 1 July 2023 to 30 June 2024; and

- (3) Sets the additional fee payable to the Mayor at \$28,430 per annum effective from 1 July 2023 to 30 June 2024; and
- (4) Sets the reimbursement amount for approved travel using own vehicle as per the Local Government (State) Award, where a Council vehicle is unavailable.

(Greg Sauer/Kim Rhodes)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

Nil.

NOTICE OF MOTION

(ITEM NM1/23) NOTICE OF MOTION - INVESTIGATE THE EXTENSION OF WASTE SERVICES TO BILLIRIMBA ROAD, TENTERFEILD

SUMMARY

The purpose of this Notice of Motion is to allow Council to receive a Report on the viability and interest of residents in extending waste service collection along Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall. Consideration of this Report is given under Section 3.9 of Council's "Code of Meeting Practice – 2018."

RECOMMENDATION:

That Council receive a Report on the viability and interest of residents in extending waste service collection along Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall.

(Peter Petty / Kim Rhodes)

AMENDMENT

That Council receive a Report on the viability and interest of residents in extending waste service collection along:

- (1) Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall.
- (2) Sunnyside Loop Road area
- (3) Scrub Road within a 10km radius

(Peter Murphy/Greg Sauer)

Amendment Carried

80/23

Resolved that Council receive a Report on the viability and interest of residents in extending waste service collection along:

- (1) Billirimba Road, from the intersection of Scrub Road and Billirimba Road to Steinbrook Hall, and
- (2) Sunnyside Loop Road area, and
- (3) Scrub Road within a 10km radius.

(Peter Murphy/Greg Sauer)

Motion Carried

RESOLUTION REGISTER

(ITEM RES4/23) COUNCIL RESOLUTION REGISTER - APRIL 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.

81/23

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

(Kim Rhodes/Peter Murphy)

Motion Carried

PROCEDURAL MOTION

82/23

Resolved that Council receive an additional completed "Declaration of Interest" form from Mayor Bronwyn Petrie regarding ITEM NM1/23 INVESTIGATE THE EXTENSION OF WASTE SERVICES TO BILLIRIMBA ROAD ETC. "Less than Significant Non-Pecuniary."

(Peter Petty/Peter Murphy)

Motion Carried

SUSPENSION OF STANDING ORDERS

83/23

Resolved that Council suspend Standing Orders.

(Peter Petty/Kim Rhodes)

Motion Carried

The recording device was turned off and the meeting moved into closed committee, the time being 12.17 pm.

CONFIDENTIAL BUSINESS

(ITEM COM5/23) PROVISION OF STREET SWEEPING SERVICES - CONTRACT NO 05-22/23

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves commercial information of a

confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret. (Tenders)

SUMMARY

The purpose of this Report is to provide Council with a report and recommendation on the tender evaluation associated with the Provision of Street Sweeping Services Tender RFT 05-22/23.

84/23

Resolved that Council:

- (1) Accept the Tender of Southern Downs Regional Council for RFT 05-22/23 to provide a weekly sweeping service in the Tenterfield CBD and monthly sweeping service of public carparks at an annual rate of \$147,182.32 (Inclusive of GST).

(Peter Petty/Kim Rhodes)

Motion Carried

Bruce Mills – Senior Advisor Communications & Economic Development entered the meeting, the time being 12.23 pm.

(ITEM ECO6/23) 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) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this Report is to provide to Council an offer to purchase Council-owned land, being 'Bendall's' at 8933 New England Highway, Tenterfield (Lot 2 DP 1037068).

85/23

Resolved that Council:

- (1) Rescinds Resolution No. 43/2023 Part (2) from Council's Ordinary Meeting of 22 March 2023 to authorise the Chief Executive Officer to open list the property for sale, being 'Bendalls' at 8933 New England Highway, Tenterfield (Lot 2 DP 1037068) NSW 2372, and
- (2) Authorise the Chief Executive Officer to accept the offer of \$1,001,000 (exclusive of GST) from Shun Hung Pty Ltd to purchase 'Bendall's' at 8933 New England Highway, Tenterfield (Lot 2 DP 1037068) NSW 2372, and

- (3) Should the contract of sale not be finalised by Shun Hung Pty Ltd, authorise the Chief Executive Officer to openly relist the property of 'Bendalls' at 8933 New England Highway, Tenterfield (Lot 2 DP 1037068) for a sale price of \$1,100,000 (exclusive of GST).

(John Macnish/Peter Murphy)

Motion Carried Unanimously

Bruce Mills, Senior Advisor Communications & Economic Development left the meeting, the time being 12.26 pm.

(ITEM ECO7/23) PROVISION OF CONCRETE SERVICES TENDER RFT 06-22/23

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this Report is to provide Council with a report and recommendation on the tender evaluation associated with the Provision of Concrete Services Tender RFT 06-22/23.

86/23

Resolved that Council:

Accept the tender of "MNH Coastal Concrete" for the Provision of Concrete Services.

(Kim Rhodes/Peter Petty)

Motion Carried

RESUMPTION OF STANDING ORDERS

87/23

Resolved that Council resume Standing Orders.

(Peter Petty/John Macnish)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 12.33 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 12.39 pm.

.....
Councillor Bronwyn Petrie
Mayor/Chairperson