



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 27 SEPTEMBER 2023

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the "Koreelah Room", Administration Building, 247 Rouse St, Tenterfield on Wednesday 27 September 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)
Acting Chief Corporate Officer (Roy Jones)
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)

Nil.

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 Jukemba, 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

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 MIN8/23) CONFIRMATION OF PREVIOUS MINUTES

148/23

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

- Ordinary Council Meeting – 23 August 2023

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

(Peter Petty/Kim Rhodes)

Motion Carried

TABLING OF DOCUMENTS

149/23 **Resolved** that Council accept into the agenda the following tabled document:-

- (1) Copy "Local Government (General) Regulations 2021 – Division 1 Guidelines for the categorisation of community land Section 101 thru to Sect 111" in relation to (ITEM ENV9/23) MT MACKENZIE LOOKOUT - CROWN LAND MANAGER REQUEST.

(Kim Rhodes/Peter Petty)

Motion Carried

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

150/23 **Resolved** that Council accept the following addendum agenda items:

- (1) Addendum - (ITEM GOV62/23) WARD BOUNDARY ALTERATIONS - 2024 LOCAL GOVERNMENT ELECTIONS
- (2) Addendum Confidential - (ITEM GOV63/23) INTERIM CHIEF EXECUTIVE - RECRUITMENT & SELECTION PROCESS

(Kim Rhodes/Peter Petty)

Motion Carried

MAYOR MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

151/23 **Resolved** that the following items be considered in the Confidential Section of the Meeting:-

- (1)(ITEM ENV11/23) DAM SAFETY EMERGENCY PLAN FOR TENTERFIELD CREEK DAM
- (2)(ITEM ENV12/23) REPLACEMENT SIDE LOADER WASTE TRUCK
- (3)(ITEM ECO18/23) PROPOSED SIX-MONTH RENT OF THE CONTAINER CAFE AT THE YOUTH PRECINCT SKATE PARK
- (4)(ITEM GOV63/23) INTERIM CHIEF EXECUTIVE - RECRUITMENT & SELECTION PROCESS

(Kim Rhodes/John Macnish)

Motion Carried

PROCEDURAL MOTION

152/23 **Resolved** that Council Move (ITEM GOV53/23) MAYOR AND DEPUTY MAYOR ELECTIONS - SEPTEMBER 2023 to the start of the agenda.

(Greg Sauer/Tim Bonner)

Motion Carried

The Mayor welcomed Ms. Kerri Swain and thanked her for her assistance.

(ITEM GOV53/23) MAYOR AND DEPUTY MAYOR ELECTIONS - SEPTEMBER 2023

SUMMARY

The purpose of this report is for Council to elect the Mayor and Deputy Mayor for the remainder of the Council term, being 14 September 2024.

OFFICER'S RECOMMENDATION:

- (1) (a) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Mayor for the one (1) year term 27 September 2023 to 14 September 2024, being the date of the next Local Government Elections; and then**
 - (b) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Deputy Mayor for the one (1) year term 27 September 2023 to 14 September 2024, the date of the next Local Government Elections; and**
- (2) Council to determine the form of ballot to be used if so required, conditional on no Councillor attending the meeting via audio visual. If Councillors are attending via audio visual, the vote must be by Open Vote; and**
- (3) Following the election, the Returning Officer declares Cr elected as Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.**
- 4) Following the election, the Returning Officer declare Cr elected as Deputy Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.**

In her capacity as returning officer, Ms Swain called for the election of Mayor and Deputy Mayor.

Both positions were declared vacant and nominations were received.

Ms Swain as returning officer advised that nominations for Mayor had been received from Cr Bronwyn Petrie

Ms Swain as returning officer declared Cr Bronwyn Petrie, Mayor for the period up to 14 September 2024.

Ms Swain as returning officer advised that nominations for Deputy Mayor had been received from Cr John Macnish.

Ms Swain, as returning officer declared Cr John Macnish, Deputy Mayor for the period to 14 September 2024.

The Chief Executive congratulated the re-elected Mayor and Deputy Mayor and thanked Ms Swain for her attendance and assistance.

AMENDMENT

RECOMMENDATION:

- (1) (a) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Mayor for the one (1) year term 27 September 2023 to 14 September 2024, being the date of the next Local Government Elections; and then

(b) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Deputy Mayor for the one (1) year term 27 September 2023 to 14 September 2024, the date of the next Local Government Elections; and
- (2) That both the Mayor and Deputy mayor be elected by Open Vote as Cr Geoff Nye is attending the meeting via ZOOM; and
- (3) Following the election, the Returning Officer declares Cr elected as Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.
- (4) Following the election, the Returning Officer declare Cr elected as Deputy Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.

(Kim Rhodes/John Macnish)

Amendment Carried

153/23 **Resolved:** that Council:

- (1) (a) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Mayor for the one (1) year term 27 September 2023 to 14 September 2024, being the date of the next Local Government Elections; and then

(b) That Kerri Swain of Jennings & Kneipp Lawyers, as Returning Officer, call for nominations for the election of Deputy Mayor for the one (1) year

term 27 September 2023 to 14 September 2024, the date of the next Local Government Elections; and

- (2) That both the Mayor and Deputy mayor be elected by Open Vote as Cr Geoff Nye is attending the meeting via ZOOM; and
- (3) Following the election, the Returning Officer declares Cr Bronwyn Petrie elected as Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.
- (4) Following the election, the Returning Officer declare Cr John Macnish elected as Deputy Mayor for the period 27 September 2023 to 14 September 2024, the date of the next Local Government Elections.

(Kim Rhodes/John Macnish)

Motion Carried

Mayor Bronwyn Petrie, returned to her seat as Chair.

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM8/23) COMMUNITY CONTRIBUTIONS/DONATIONS - 2023/2024 FINANCIAL YEAR

SUMMARY

The purpose of this report is to advise that as part of Council's Fiscal Repair Strategy, an amount of \$10,000 has been allocated through the adoption of the Resourcing Strategy to Council's Community Donations/Contributions for the 2023/2024. This amount is reduced in line with Council's Fiscal Repair Strategy balanced with the need for Council to support the community through funding for activities that would not necessarily be funded.

OFFICER'S RECOMMENDATION:

That Council adopt the individual allocation of community contributions / donations to a total of \$10,000 as detailed below.

No	Organisation	Project	Amount \$
1	Drake Primary School	Presentation Night	150.00
2	Jennings Public School	Presentation Night	150.00
3	St Joseph's Convent Schools	Presentation Night	150.00
4	Sir Henry Parkes Memorial Primary School	Presentation Night	150.00
5	Tenterfield High School	Presentation Night	150.00
6	Urbenville Public School	Presentation Night	150.00
7	Woodenbong Public School	Presentation Night	150.00
8	Drake Primary School	Learn to Swim - contribution to transport	550.00

9	Urbenville Public School	Learn to Swim – contribution to transport	550.00
10	Westpac Helicopter Rescue Service	Helicopter Rescue Service – Annual Contribution	2,000.00
11	Liston Hall Committee	Annual contribution to assist with operating costs	500.00
12	Bolivia Hall Committee	Annual contribution to assist with operating costs	500.00
13	Legume Hall Committee	Annual contribution to assist with operating costs	500.00
14	Drake Hall Committee	Annual contribution to assist with operating costs	500.00
15	Urbenville Hall Committee	Annual contribution to assist with operating costs	500.00
16	Steinbrook Hall Committee	Annual contribution to assist with operating costs	500.00
17	Sunnyside Hall Committee	Annual contribution to assist with operating costs	500.00
18	Mingoola Hall Committee	Annual contribution to assist with operating costs	500.00
19	Torrington Hall Committee	Annual contribution to assist with operating costs	500.00
20	Tenterfield Highlander Pipe Band	Annual contribution to assist with operating costs	500.00
	Tenterfield Shire Council	Advertising and Administration	850.00
		Sub-Total	\$10,000

AMENDMENT

RECOMMENDATION:

That Council allocate \$650 of the "Tenterfield Shire Council – Advertising and Administration" costs be redirected to costs associated with the Urbenville community bus registration.

(Peter Petty/Kim Rhodes)

Amendment Carried

154/23

Resolved that Council adopt the individual allocation of community contributions / donations to a total of \$10,000 as detailed below.

No	Organisation	Project	Amount \$
1	Drake Primary School	Presentation Night	150.00
2	Jennings Public School	Presentation Night	150.00
3	St Joseph's Convent Schools	Presentation Night	150.00
4	Sir Henry Parkes Memorial Primary School	Presentation Night	150.00
5	Tenterfield High School	Presentation Night	150.00
6	Urbenville Public School	Presentation Night	150.00
7	Woodenbong Public School	Presentation Night	150.00
8	Drake Primary School	Learn to Swim – contribution to transport	550.00
9	Urbenville Public School	Learn to Swim – contribution to transport	550.00
10	Westpac Helicopter Rescue Service	Helicopter Rescue Service – Annual Contribution	2,000.00
11	Liston Hall Committee	Annual contribution to assist with operating costs	500.00
12	Bolivia Hall Committee	Annual contribution to assist with operating costs	500.00
13	Legume Hall Committee	Annual contribution to assist with operating costs	500.00
14	Drake Hall Committee	Annual contribution to assist with operating costs	500.00
15	Urbenville Hall Committee	Annual contribution to assist with operating costs	500.00
16	Steinbrook Hall Committee	Annual contribution to assist with operating costs	500.00
17	Sunnyside Hall Committee	Annual contribution to assist with operating costs	500.00
18	Mingoola Hall Committee	Annual contribution to assist with operating costs	500.00
19	Torrington Hall Committee	Annual contribution to assist with operating costs	500.00
20	Tenterfield Highlander Pipe Band	Annual contribution to assist with operating costs	500.00
21	Urbenville Community	Bus Registration Costs	\$650.00
	Tenterfield Shire Council	Advertising & Administration	\$200.00
		Total	\$10,000

(Peter Petty/Kim Rhodes)

Motion Carried

Bruce Mills, Senior Advisor Communications & Economic Development entered the meeting, the time being 9.55 am.

OUR ECONOMY

(ITEM ECO15/23) SALE OF COUNCIL-OWNED PROPERTY AT 142 MANNERS ST, TENTERFIELD - CURRENTLY USED BY TENFM

SUMMARY

The purpose of this report is to advise Council of progress being made in preparing surplus assets for sale, in line with Council's Fiscal Repair Strategy, and seek a decision to sell the Council-owned property at 142 Manners St, currently used by community radio station TEN FM. The property is Lot 2/12/DP576164, but likely to change after survey and realignment of boundaries around Council's Administration Building, Records House (134 Manners St) and Tenterfield Child Care Centre (132 Manners St).

OFFICER'S RECOMMENDATION:

That Council:

- (1) Sell the property at 142 Manners St, Tenterfield by listing with all interested local real estate agents at an asking price of \$450,000-\$500,000; and**
- (2) Authorise the Chief Executive to sign all necessary documents to list the property, negotiate with agents and sign any contract to execute the sale; and**
- (3) Work with the community group running TEN FM to find a suitable alternative site to continue its operations as a community radio station.**

AMENDMENT

RECOMMENDATION

- (1) Defer the sale of the property at 142 Manners St, Tenterfield on the open market until the October 2023 Ordinary Council meeting;
- (2) Authorise the Chief Executive or Interim Chief Executive to enter into negotiations with Ten FM Executive for the purchase of the building and small footprint.

(John Macnish/Tim Bonner)

Amendment Carried

155/23

Resolved that Council

- (1) Defer the sale of the property at 142 Manners St, Tenterfield on the open market until the October 2023 Ordinary Council meeting;

- (2) Authorise the Chief Executive or Interim Chief Executive to enter into negotiations with Ten FM Executive for the purchase of the building and small footprint.

(John Macnish/Tim Bonner)

Motion Carried

(ITEM ECO17/23) RECOMMENDATION FOR FUTURE OF VISITOR INFORMATION SERVICES UPDATE

SUMMARY

The purpose of this report is to advise Council of progress with the transfer of visitor' information services to the Tenterfield Chamber of Tourism, Industry and Business (TCTIB) and seek a decision on the Chamber's updated and revised Alternate Plan for spending \$50,000 on signs and brochures and brochure racks.

156/23

Resolved that Council:

- (1) Continues to Work with the Tenterfield Chamber of Tourism, Industry and Business (TCTIB) to transfer Visitor marketing Services to the Chamber, as per its updated proposal – revised plan – attached.
- (2) and that council adopts the financial agreement also attached
- (3) As per the attached financial agreement, Council allocates \$200,000 (two hundred thousand dollars) over three years to the TCTIB to establish the community-led social enterprise model:
 - \$100,000 in FY 2023/24 with \$50,000 for its Alternate Plan (signs, brochure stands, major outdoor signs and Tourism Destination Digital Guestbook) plus annual payment of \$50,000 to deliver visitor marketing and promotional services.
 - \$50,000 annual payment in FY 2024/25
 - \$50,000 annual Payment in FY 2025/26

(John Macnish/Tim Bonner)

Motion Carried

Bruce Mills, Senior Advisor Communications & Economic Development, left the meeting the time being 10.23 am.

Tamai Davidson, Manager Planning, Property & Development entered the meeting, the time being 10.23 am.

OUR ENVIRONMENT

(ITEM ENV9/23) MT MACKENZIE LOOKOUT - CROWN LAND MANAGER REQUEST

SUMMARY

The purpose of this report is for Council to resolve if we wish to be appointed the Crown Land Manager for the Mount Mackenzie Lookout area, located on Mount Mackenzie Lookout Road, Tenterfield.

157/23

Resolved that Council:

Notify the Department of Crown Lands that Council is not in a financial position to become the Crown Land Manager for the Mount Mackenzie Lookout site however recognise the community benefit the asset provides.

(Peter Petty/Kim Rhodes)

Motion Carried

Tamai Davidson, Manager Planning, Property & Development left the meeting, the time being 10.33 am.

(ITEM ENV10/23) 2023/24 LOCAL HERITAGE PLACES FUND APPLICATIONS

SUMMARY

The purpose of this report is to present to Council the applications received for the Local Places Heritage Fund for the 2023/24 financial year. This year a total of six (6) applications were received for maintenance and conservation works across the Shire which have been reviewed by staff, Council's Heritage Advisor and the Heritage Advisory Committee.

158/23

Resolved that Council:

- (1) Endorses the offers of funding, as detailed in the attachment to this report, and forwards a Letter of Offer to the eligible applicants; and
- (2) Redistribute any funding not accepted, or not claimed by the claim date, amongst completed eligible projects.

(Peter Petty/Kim Rhodes)

Motion Carried

SUSPENSION OF STANDING ORDERS

159/23

Resolved that Council suspend Standing Orders.

(Peter Petty/Kim Rhodes)

Motion Carried

The meeting adjourned for morning tea, the time being 10.37 am.

The meeting reconvened, the time being 11.00 am.

RESUMPTION OF STANDING ORDERS

160/23 **Resolved** that Council resume Standing Orders.

(Greg Sauer/Kim Rhodes)

Motion Carried

OUR GOVERNANCE

(ITEM GOV54/23) MONTHLY OPERATIONAL REPORT AUGUST 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 2023/2024 Operational Plan.

161/23 **Resolved** that Council:

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

(Tim Bonner/Peter Petty)

Motion Carried

(ITEM GOV55/23) CHRISTMAS / NEW YEAR CLOSEDOWN - 2023/2024

SUMMARY

The purpose of this report is to advise Council of proposed Christmas/New Year close down arrangements for Council staff.

OFFICER'S RECOMMENDATION:

That Council endorse the closedown periods for the Christmas/New Year 2023/2024 period as follows:

- **Indoor staff – close of business Thursday, 21 December 2023, reopening Monday, 8 January 2024;**
- **Outdoor staff – close of business Thursday, 14 December 2023 reopening Monday, 8 January 2024.**

AMENDMENT

RECOMMENDATION

That Council endorse the closedown periods for the Christmas/New Year 2023/2024 period as follows:

- Indoor staff – close of business 4pm Friday, 22 December 2023, reopening Monday, 8 January 2024;

- Outdoor staff – close of business Thursday, 14 December 2023 reopening Monday, 8 January 2024.

(Kim Rhodes/ Peter Murphy)

Amendment Lost

162/23 **Resolved** that Council endorse the closedown periods for the Christmas/New Year 2023/2024 period as follows:

- Indoor staff – close of business Thursday, 21 December 2023, reopening Monday, 8 January 2024;
- Outdoor staff – close of business Thursday, 14 December 2023 reopening Monday, 8 January 2024.

(Kim Rhodes/Peter Murphy)

Motion Carried

(ITEM GOV56/23) COUNCIL DELEGATES ON COMMITTEES, EXTERNAL BOARDS & ASSOCIATIONS - PERIOD SEPTEMBER 2023 TO SEPTEMBER 2024

SUMMARY

The purpose of this report is for Council to resolve the Committees and Councillors who are the Council delegates to sit on the Council and Community Committees for the remaining year of Councils term of office, ending September 2024.

163/23 **Resolved** that Council determines the Committees and representation on external bodies, specific purpose committees and other associations as listed below for the proceeding twelve (12) month period, 27 September 2023 to September 2024;

Specific Purpose Committees	Representation	Delegate/s September 2023 to September 2024	Meeting Frequency
Audit & Risk Committee	Mayor	Mayor (observer)	Quarterly
Contributions/Donations Assessment Panel	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Greg Sauer, Cr Peter Murphy, Cr John Macnish, Reserve Cr Kim Rhodes	Annually following adoption of OP
Australia Day Awards Committee	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Peter Petty, Cr John Macnish, Cr Greg Sauer, Reserve Cr Kim Rhodes	Annually following Closure of nominations Dependent on nomination numbers
Sir Henry Parkes Memorial School of Arts Joint Management Committee	Mayor + 1 Councillor	Mayor, Cr Kim Rhodes	Parked until required
Tenterfield Saleyards Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Peter Petty, Cr Tim Bonner	First Tuesday every three (3) months or as needed.

Aboriginal Advisory Group	Mayor + 1 Councillor	Mayor, Cr Peter Murphy	Deferred until required
Heritage Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Kim Rhodes, Cr Tim Bonner	As required.
Disability, Inclusion & Access Advisory Committee	1 Councillor + 1 Alt Councillor	Cr Tim Bonner, Cr John Macnish (alt)	Quarterly
Parks & Gardens Advisory Committee	3 Councillors	Cr Peter Murphy, Cr Geoffrey Nye, Cr Tim Bonner + Cr Kim Rhodes (alt)	Six (6) monthly or as required
Tourism Advisory Committee	Mayor + 2 Councillor	Mayor, Cr Kim Rhodes, Cr Tim Bonner	Council Res 119/23 (6) Remove the Tenterfield Tourism Advisory Committee from the TSC Committee Register From the date of Commencement of the Newly formed TCTIB Tourism subcommittee.
TCTIB – Tourism Committee	2 Councillors	Cr Kim Rhodes + Cr Tin Bonner	As required
Youth Advisory Group	Mayor + 2 Councillor	Mayor, Cr Greg Sauer, Cr Peter Murphy	Deferred until required
External Boards, Committees & Organisations			
Country Mayors Association	Mayor	Mayor	Quarterly
Arts North West	Manager Arts, Culture & Library Services + 1 Councillor	Cr Kim Rhodes	May & November
Border Region Organisation of Councils (BROC)	Mayor + 1 Councillor	Mayor, Cr John Macnish	Quarterly
Northern Inland Regional Waste	Manager Waste & Water	Manager Waste & Water	Change of Terms of Reference
North West Weight of Loads Group	Director Infrastructure	Director Infrastructure	Change of Terms of Reference
Local Health Advisory Committee	Mayor	Mayor	Monthly
Tenterfield Shire Local Traffic Committee	Mayor + 2 Councillors	Mayor, Cr Tom Peters & Cr Tim Bonner	Every second month
Local Emergency Management Committee	Mayor + 1 Councillor	Mayor, Cr Tom Peters	Quarterly
Bushfire Management Committee	1 Councillor	Cr Tom Peters	Quarterly
NSW RFS Service Level Agreement Liaison Committee	Mayor +1 Councillor	Mayor, Cr Tom Peters	Annually

Tenterfield Liquor Accord	1 Councillor	Cr Kim Rhodes	NSW Police Responsibility
NSW Public Libraries Association	1 Councillor	Cr John Macnish	Twice per year
Granite Borders Landcare Committee Inc	1 Councillor	Cr Bronwyn Petrie	GBLC directly contact
Northern Tablelands Regional Weeds Committee	Biosecurity Staff	Weeds Officer	New Terms of Reference - staff
Murray Darling Association	Executive Member + Mayor/and or Deputy Mayor	Cr Greg Sauer, Mayor, Deputy Mayor	Quarterly
Tenterfield FM Radio Association	1 Councillor	Cr Tom Peters	Monthly
Community Safety Precinct Committee	Mayor	Mayor	Quarterly
Bruxner Way Joint Committee	Mayor	Mayor	Disbanded
Joint Regional Planning Panels	Mayor + 1 Councillor as alternative	Mayor, Cr Petty/Cr Sauer (Alt)	As required
National Timber Councils'	1 Councillors	Cr Bronwyn Petrie	As required
Tenterfield Heavy Vehicle Bypass Economic Enhancement Advisory Group -.	All Councillors	All Councillors	<i>This group is "deferred" until further notice</i>
Community Engagement Forums			
Our Community	Mayor + 3 Councillors	Mayor, Cr Greg Sauer, Cr Kim Rhodes, & Cr Geoff Nye	
Our Economy	Mayor + 3 Councillors	Mayor, Cr Greg Sauer, Cr Kim Rhodes & Cr Geoff Nye	
Our Environment	Mayor + 3 Councillors	Mayor, Cr Peter Petty, Cr Peter Murphy & Cr Tom Peters	

(John Macnish/Peter Petty)

Motion Carried

(ITEM GOV57/23) REVISION OF COUNCIL MEETING DATES 2023

SUMMARY

The purpose of this report is for Council to revise the resolved venue for the remainder of the 2023 Ordinary and Extraordinary Council Meetings. This is required due to the Council's Fiscal Repair Strategy and the subsequent reduction in resources. In accordance with s356 of the NSW Local Government Act 1993, Council is required to meet at least ten (10) times per year, each time in a separate month. Council previously resolved to hold two of its ten Ordinary meetings at the villages of Legume and Torrington.

164/23

Resolved that Council:

Resolve to hold the remainder of its 2023 Ordinary and Extraordinary Council meetings in the "Koreelah Room", Council Administration Building, 247 Rouse Street, Tenterfield.

(Kim Rhodes/Tim Bonner)

Motion Carried

(ITEM GOV58/23) 2022/2023 FINANCIAL STATEMENTS TO BE REFERRED FOR AUDIT

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2023. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the Chief Executive and the Responsible Accounting Officer.

165/23

Resolved that Council;

- (1) In relation to the Financial Statements and in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended):
 - a) Council resolves that in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2023 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under; and
 - b) That the Financial Statements be approved and signed by the Mayor, the Deputy Mayor, the Chief Executive and the Responsible Accounting Officer.
- (2) That the Financial Statements be referred to Council's Auditor for audit; and
- (3) That the audited Financial Statements be forwarded to the Office of Local Government by 31 October 2023; and
- (4) That the Chief Executive Officer be delegated authority to place the Audited Financial Statements on public exhibition from Wednesday, 1 November 2023 if possible (or the soonest practicable alternative date if not) and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 22 November 2023 if possible (or the soonest practicable alternative date if not); and
- (5) That the audited Financial Statements be presented at the meeting of Council to be held on 22 November 2023 if possible, in accordance with Section 419(1) of the Local Government Act 1993 (as amended) or alternatively at the soonest practicable date as determined by the Chief Executive Officer.

(Peter Petty/Greg Sauer)

Motion Carried

Acting Chief Corporate Officer – Roy Jones, commended his finance team for their work in getting the Draft Financial Statements prepared.

Mayor Petrie asked that he pass on the Councillors commendation also to all finance staff.

(ITEM GOV59/23) FINANCE & ACCOUNTS - PERIOD ENDED 31 AUGUST 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.

166/23

Resolved that Council receive and note the Finance and Accounts Report for the period ended 31 August 2023.

(Kim Rhodes/Peter Murphy)

Motion Carried

(ITEM GOV60/23) CAPITAL EXPENDITURE REPORT AS AT 31 AUGUST 2023

SUMMARY

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

167/23

Resolved that Council receive and note the Capital Expenditure Report for the period ended 31 August 2023.

(Peter Petty/Kim Rhodes)

Motion Carried

(ITEM GOV61/23) INFORMATION ON - FINANCIAL ASSISTANCE GRANT 2023-2024

SUMMARY

The purpose of this report is to table the letter dated 5 September 2023 from NSW Local Government Grants Commission.

168/23

Resolved that Council:

Receive and note the letter dated 5 September 2023 from NSW Local Government Grant Commission.

(Kim Rhodes/Tim Bonner)

Motion Carried

(ITEM GOV62/23) WARD BOUNDARY ALTERATIONS - 2024 LOCAL GOVERNMENT ELECTIONS

SUMMARY

Council was advised by Electoral Commission NSW of the need to review Ward boundaries in line with Section 211 of the Local Government Act 1993 to enable electoral rolls to be amended prior to the 2024 Council elections. Closing date for submission of Ward boundary alterations is 5 October 2023. The Proposed Ward Boundary adjustments were placed on Public Exhibition for 28 days and included a submission period of 42 days.

169/23

Resolved that Council:

- (1) That the Report "Ward Boundary Alterations – 2024 Local Government Elections" be adopted; and further
- (2) That Council advise the Electoral Commission NSW of the alterations to Ward boundaries for B and E Wards; and
- (3) This information be provided to the Electoral Commission NSW prior to Thursday 5 October 2023.

(Kim Rhodes/John Macnish)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC14/23) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - FRIDAY 11 AUGUST 2023

170/23

Resolved that the report from the Border Regional Organisation of Councils meeting of 11 August 2023 be received and noted.

(Peter Petty/Kim Rhodes)

Motion Carried

Councillor Peter Murphy left the meeting, the time being 12.27 pm.

Councillor Peter Murphy returned to the meeting, the time being 12.30 pm.

(ITEM RC15/23) REPORTS OF DELEGATES & COMMITTEES - MURRAY DARLING COMMITTEE REGION 11 - MEETING MINUTES 18 AUGUST 2023

171/23

Resolved that the report be received and noted from the Murray Darling Association – Region 11 meeting of 27 September 2023 be received.

(Greg Sauer/Peter Petty)

Motion Carried

Councillor Kim Rhodes left the meeting, the time being 12.46 pm.

NOTICES OF MOTION

Nil.

Councillor Kim Rhodes returned to the meeting, the time being 12.48 pm.

RESOLUTION REGISTER

(ITEM RES8/23) COUNCIL RESOLUTION REGISTER - AUGUST 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.

172/23

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

(Peter Petty/Greg Sauer)

Motion Carried

CONFIDENTIAL BUSINESS

SUSPENSION OF STANDING ORDERS

173/23

Resolved that Standing Orders be suspended.

(Peter Murphy/Tim Bonner)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 12.48 pm.

Gillian Marchant, Manager Water & Waste entered the meeting, the time being 12.57 pm.

(ITEM ENV11/23) DAM SAFETY EMERGENCY PLAN FOR TENTERFIELD CREEK DAM

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (f) of the Local Government Act, 1993, as the matter involves matters affecting the security of the Council, Councillors, Council staff or Council property. (Contacts and protocols in the (DSEP) documents could be utilised inappropriately by the public.)

SUMMARY

The purpose of this report is to provide the update of the Dam Safety Emergency Plan (DSEP) for Tenterfield Creek Dam.

The update has been reviewed by stakeholders; Public Works, Dam Safety NSW and SES as required.

174/23

Resolved that Council:

- (1) Receive and adopt the Dam Safety Emergency Plan for Tenterfield Creek Dam.

(Kim Rhodes/Peter Petty)

Motion Carried

(ITEM ENV12/23) REPLACEMENT SIDE LOADER WASTE TRUCK

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 in confidence)

SUMMARY

This Report provides an update on the tender progress and award of RFT 03-22/23 – Replacement of Side Loader Waste Truck and recommends actions to expedite the procurement process.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Note that market testing has been undertaken to ensure fairness, accountability and transparency and that substantial time has been consumed in tendering procedures and undertakings; and**
- (2) Procure the project works in accordance with Local Government (General) Regulation 2021 - 178(3)(e) as detailed in the report; and**
- (3) Delegate to the Chief Executive authority to negotiate, with other tenderers and award the contract to deliver the side loader truck waste tender**

AMENDMENT

RECOMMENDATION:

- (1) Note that market testing has been undertaken to ensure fairness, accountability and transparency and that substantial time has been consumed in tendering procedures and undertakings; and
- (2) Procure the project works in accordance with Local Government (General) Regulation 2021 - 178(3)(e) as detailed in the report; and

- (3) Delegate to the Chief Executive authority to negotiate within the approved upper limit budget of \$486,470 (incl gst), with other tenderers and award the contract to deliver the side loader truck waste tender.

(Peter Murphy/Kim Rhodes)

Amendment Carried

175/23 **Resolved** that Council:

- (1) Note that market testing has been undertaken to ensure fairness, accountability and transparency and that substantial time has been consumed in tendering procedures and undertakings; and
- (2) Procure the project works in accordance with Local Government (General) Regulation 2021 - 178(3)(e) as detailed in the report; and
- (3) Delegate to the Chief Executive authority to negotiate within the approved upper limit budget of \$486,470 (incl gst), with other tenderers and award the contract to deliver the side loader truck waste tender.

(Peter Murphy/Kim Rhodes)

Motion Carried

Gillian Marchant Manager Water & Waste left the meeting, the time being 1.14 pm.

(ITEM ECO18/23) PROPOSED SIX-MONTH RENT OF THE CONTAINER CAFE AT THE YOUTH PRECINCT SKATE PARK

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 best course of action for start-up operation of the Container Café at the Youth Precinct Skate Park

176/23 **Resolved** that Council:

Rent the Container Café to Hayley Williamson for a trial period of six months at \$100/week (incl GST) with the rent including water and electricity.

(Kim Rhodes/Greg Sauer)

Motion Carried

(ITEM GOV63/23) INTERIM CHIEF EXECUTIVE - RECRUITMENT & SELECTION PROCESS

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

SUMMARY

The purpose of this report is to commence recruitment and selection of an Interim Chief Executive following the resignation of Mr. Daryl Buckingham, Chief Executive; pursuant to Section 334(1) and 351(1) of the Local Government Act 1993 and the Guidelines for the Appointment and Oversight of General Managers.

Council to provide authorisation for the Chief Executive, Daryl Buckingham, and Acting Manager HR, Workforce Development & Safety, Ms Janet Vassallo, to seek a shortlist of suitably qualified and experienced applicants for the position of Interim Chief Executive Officer for a period of 6 months.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Notes the resignation letter tendered by Mr. Daryl Buckingham and thank him for his services to date; and**
- (2) Authorise the Chief Executive to seek Expressions of Interest from suitably qualified persons for the role of Interim Chief Executive Officer for the period of up to six (6) months or until 31 March 2024; and**
- (3) Bring a shortlist of suitably qualified applicants to an Extraordinary Meeting of Council to determine the most appropriate applicant as soon as practicable prior to his departure Monday 16 October 2023.**

AMENDMENT

RECOMMENDATION:

That Council:

- (1) Notes the resignation letter tendered by Mr. Daryl Buckingham and thank him for his services to date; and
- (2) Authorise the Mayor and Acting Manager HR Workforce Development & Safety to seek Expressions of Interest from suitably qualified persons for the role of Interim Chief Executive Officer for the period of up to six (6) months or until 31 March 2024; and
- (3) Bring a full list of candidates as well as a recommended shortlist of suitably qualified candidates selected by the Mayor, Acting Manager HR Workforce Development & Safety and Cr Greg Sauer to an Extraordinary Meeting of

Council to determine the most appropriate applicant as soon as possible; and further

- (4) Should a suitable candidate not be in place by 16 October 2023, Acting Chief Corporate Officer - Roy Jones will become the Acting Chief Executive Officer.

(Peter Murphy/Kim Rhodes)

Amendment Carried

177/23 **Resolved** that Council:

- (1) Notes the resignation letter tendered by Mr. Daryl Buckingham and thank him for his services to date; and
- (2) Authorise the Mayor and Acting Manager HR Workforce Development & Safety to seek Expressions of Interest from suitably qualified persons for the role of Interim Chief Executive Officer for the period of up to six (6) months or until 31 March 2024; and
- (3) Bring a full list of candidates as well as a recommended shortlist of suitably qualified candidates selected by the Mayor, Acting Manager HR Workforce Development & Safety and Cr Greg Sauer to an Extraordinary Meeting of Council to determine the most appropriate applicant as soon as possible; and further
- (4) Should a suitable candidate not be in place by the 16 October 2023, Acting Chief Corporate Officer - Roy Jones will become the Acting Chief Executive Officer.

(Peter Murphy/Kim Rhodes)

Motion Carried

Councillor Greg Sauer left the meeting, the time being 1.40 pm.

RESUMPTION OF STANDING ORDERS

178/23 **Resolved** that Council resume Standing Orders.

(Peter Petty/Tim Bonner)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 1.46 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 1.50 pm.

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Councillor Bronwyn Petrie
Mayor/Chairperson