

Department:	Office of the Chief Executive
Submitted by:	Glenn Wilcox, General Manager
Reference:	ITEM NM1/24
Subject:	MOTION TO RESCIND COUNCIL RESOLUTION NO.256/23

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 consider a rescission motion in relation to Council Resolution Number 256/23 (Item 5/23 Finance Committee Meeting Minutes) with regard to the future of the Tenterfield Visitor Information Centre submitted by Councillors Bronwyn Petrie, John Macnish and Geoff Nye on 14 February 2024 and a motion to correct the intention of the Resolution 5/23 Finance Committee Minutes.

COUNCILLOR RECOMMENDATION:

- (1) **That Council consider the Notice of Motion as submitted to rescind Part resolution 256/23 (Point 5/23) of the Ordinary Council Meeting held 20 December 2023 in relation to ITEM RC21/23 Report of Committee & Delegates – Tenterfield Shire Council – Finance Committee – Meeting Minutes Wednesday 6 December 2023, namely:**

“That Council:

256/23 Resolved that the report and recommendations (as listed below) from the Tenterfield Shire Council - Finance Committee meeting of 6 December 2023 be received and adopted.

1/23 Resolved that the Finance Committee adopt the Terms of Reference.

2/23 Resolved that Council:

- (1) *The high-cost requirements for the Billirimba Road to Steinbrook Hall collection route requires deferment of the collection route.*
- (2) *The additional collection routes of Geyers Road, Sunnyside Loop Road and Washpool Creek Road should be accepted as the new collection routes to be implemented over the following financial year, subject to a minimum of 50% plus return of completed ratepayers survey.*

3/23 Resolved that the Finance Committee adopt the proposed 2024/25 Budget Timetable.

4/23 Resolved that the Finance Committee note the Draft Rating Structure based on October 2023 Supplementary Valuations.

5/23 Resolved that Council:

- (1) *Negotiate to lease the Tenterfield Visitors Information Centre to a Not-For-Profit Associations; and*
- (2) *Authorise the General Manager to negotiate a commercial lease with all Real Estate Agents and interested parties.*

(Peter Murphy/Greg Sauer)

Notice of Motion No. 1 Cont...

Motion Carried

Amended Draft Minutes – Finance Committee – 6 December 2023

Resolutions dealt with "in seriatim"

Resolutions #'s 1/23, 2/23, 3/23 & 4/23 – Carried

Resolution # 5/25 as amended – Carried

(For – Crs Greg Sauer, Peter Murphy, Tom Peters, Geoff Nye, John Macnish, Peter Petty & Tim Bonner.

Against – Crs Bronwyn Petrie & Kim Rhodes)

And replace Point 5/23 of that resolution with the wording contained in the Notice of Motion being:

That Council:

- (1) Does not act on any previous resolutions of Council in relation to the sale or lease of the previous Visitors Information Centre at 157 Rouse Street Tenterfield,**
- (2) Offer to Ten FM a commercial lease arrangement through a local real estate agency for the rear room as shown on the attached plan at a weekly rental of \$250.00,**
- (3) Seek quotations from local real estate agencies to hold an auction of 157 Rouse St Tenterfield in April 2024, and**
- (4) Set a reserve in Committee to allow the sale of the 157 Rouse Street Tenterfield.**

Presented by Councillor Bronwyn Petrie (Mayor); Councillor John Macnish and Councillor Geoffrey Nye.

BACKGROUND

Councils Finance Committee recommend to Council that:

RECOMMENDATION:

That the report and recommendations from the meeting of be received and adopted.

Prior to moving the Minutes of the Finance Committee an amendment was made to the minutes to represent the Councillors belief of the minute passed at that Committee meeting.

The revised minute therefore read and adopted by Council at its December 2023 Ordinary Meeting was;

"5/23 Resolved that Council:

- (3) Negotiate to lease the Tenterfield Visitors Information Centre to a Not-For-Profit Associations; and*
- (4) Authorise the General Manager to negotiate a commercial lease with all Real Estate Agents and interested parties."*

Notice of Motion No. 1 Cont...

REPORT:

In accordance with Councils Code of Meeting Practice the General Manager has received a Notice of Motion to Rescind resolution 256/23 (Point 5/23).

It is noted from the Code of Meeting Practice that;

Rescinding or altering council decisions 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10. Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10. Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost. Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same. Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 N/A

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

The General Manager was notified that a rescission motion was to be presented to Councils February meeting. At this time, the General Manager has not acted on the resolution as passed at Councils December Ordinary Meeting.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The proposed sale of the Tourist Centre has been discussed as part of the special rate review submitted to IPART. Community discussion and submissions have occurred in the past. The proposed leasing of a section of the tourist center building have been considered by Council previously.

Notice of Motion No. 1 Cont...

2. Policy and Regulation

In accordance with Councils adopted Code of Meeting Practice.

3. Financial (Annual Budget & LTFF)

The proposed sale of the asset will be in accordance with information submitted to the community and to IPART as part of the Special Rate Review process.

4. Asset Management (AMS)

Nil

Note: the proposed Notice of Motion is consistent with past decisions of Council to sell the old Tourist Information Centre.

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Low risk

7. Performance Measures

Nil

8. Project Management

Nil

Glenn Wilcox
General Manager

Prepared by staff member:	Glenn Wilcox, General Manager
Approved/Reviewed by Manager:	Glenn Wilcox, General Manager
Department:	Office of the Chief Executive
Attachments:	1 Rescission Motion Letter - 14 February 2024

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