



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 23 MARCH 2022

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Koreelah Room, Tenterfield Shire Council Chambers on Wednesday 23 March 2022 commencing at 9:36 am

ATTENDANCE

Councillor Bronwyn Petrie (Mayor)
Councillor John Macnish (Deputy Mayor)
Councillor Peter Petty
Councillor Tim Bonner
Councillor Tom Peters
Councillor Kim Rhodes
Councillor Giana Saccon
Councillor Greg Sauer
Councillor 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.

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

49/22 **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 |
|-----------------|---------------------------|---|
| Mr Peter Murphy | Non Pecuniary Significant | Item ECO1/22 Submission of Petition – Forrest Lane Repair and Resurfacing |
| | | |

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM MIN3/22) CONFIRMATION OF PREVIOUS MINUTES

50/22 **Resolved** That the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 23 February 2022

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

(Peter Petty/Geoff Nye)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

- 51/22** **Resolved** that Item GOV35/22- Oath And Affirmation For Councillors be moved forward in the agenda

(Peter Petty/John Macnish)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Agenda Item – Development Application 2021.132 Concept DA Stage One.

Speakers "for" Development Application VIA ZOOM

1) Rosie Sutcliffe, Senior Consultant, Urbis rsutcliffe@urbis.com.au

Speakers "Against" Development Application

1) Susan Bailey – Community Member

MAYOR MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

- 52/22** **Resolved** that the following items be considered in the Confidential Section of the meeting:

- 1) Item ENV6/22 Steel Recycling Contract.

(Tim Bonner/Giana Saccon)

Motion Carried

OPEN COUNCIL REPORTS

(ITEM GOV35/22) OATH AND AFFIRMATION FOR COUNCILLORS

SUMMARY

The purpose of this report is to inform Councillors of the requirements under section 233A of the NSW *Local Government Act 1993*, being that all Councillors must take an Oath of Office or make an Affirmation of Office at or before the first meeting of the Council after the Councillor is elected.

53/22

Resolved that Councillor Peter Murphy took an Oath of Office or made an Affirmation of Office prior to the meeting dated Wednesday 23 March 2022 and signed the appropriate Oath of Office or Affirmation of Office form.

(Peter Petty/John Macnish)

Motion Carried

OUR COMMUNITY

(ITEM COM2/22) ANZAC DAY ARRANGEMENTS - MONDAY, 25 APRIL 2022

SUMMARY

The purpose of this report is to provide information for Council's consideration regarding arrangements for Anzac Day, Monday, 25 April 2022.

54/22

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 Tom Peters at the Dawn Service in Torrington;
 - (c) Councillor Peter Petty & Councillor Tim Bonner at the Legume Service;
 - (d) Councillor Tim Bonner at the Urbenville Service;
 - (e) Councillor Peter Petty (Dawn Service) Councillor Peter Murphy (11.30am) at the Jennings Service;
 - (f) Councillor John Macnish at the Drake Service;
 - (g) Councillor Tim Bonner at the Liston Service; and
 - (h) Councillor Giana Saccon at the Mingoola Service.

(John Macnish/Tom Peters)

Motion Carried

(ITEM COM3/22) TENTERFIELD PUBLIC LIBRARY - REVIEW OF SATURDAY MORNING OPERATIONS

SUMMARY

The purpose of this report is to recommend the closure of the Tenterfield Library on Saturdays.

RECOMMENDATION:

That Council cease operations of the Tenterfield Library on Saturdays.

AMENDMENT

That Council temporarily cease operations of the Tenterfield Library on Saturdays.

(John Macnish/Tim Bonner)

Amendment Carried

55/22

Resolved that Council temporarily cease operations of the Tenterfield Library on Saturdays.

(Peter Petty/John Macnish)

Motion Carried

David Counsell, entered the meeting, the time being 9.51 am.

OUR ECONOMY

(ITEM ECO1/22) SUBMISSION OF PETITION - FORREST LANE REPAIR AND RESURFACING

SUMMARY

This purpose of this report is to advise Council of a petition received on 3 November 2021 from Mr Peter Murphy of 161 Logan Street, Tenterfield, with 16 other signatories, requesting the repair and resurfacing of Forrest Lane, Tenterfield.

56/22

Resolved that Council:

- (1) Notes the tabling of a petition requesting that Council repair and resurface Forrest Lane, Tenterfield, and
- (2) Consider the petition request, as part of Council's deliberation and decision process when considering funding towards urban pavement and surfacing renewals in Council's 2022/2023 budget.

(Peter Petty/Giana Saccon)

Motion Carried

David Counsell, Manager Asset & Program Planning left the meeting, the time being 9.54 am.

Tamai Davidson, Manager Planning & Development entered the meeting, the time being 9.55 am.

OUR ENVIRONMENT

(ITEM ENV4/22) DEVELOPMENT APPLICATION 2021.132 CONCEPT DA STAGE 1 - ENTERTAINMENT FACILITY - CINEMA, FOOD AND DRINK PREMISES, CARPARKING, DEMOLITION OF EXISTING REPAIR WORKSHOP, OFFICE & HARDSTAND, ALTERATIONS AND ADDITIONS TO MAIN WORKSHOP BUILDING

STAGE 2 - RECREATION FACILITY (INDOOR) - BOWLING ALLEY, HEALTH SERVICE FACILITY - MEDICAL CENTRE, CHILD CARE AND FOOD AND DRINK PREMISES 148 ROUSE STREET, TENTERFIELD - LOTS A & B DP150057, LOT 33 DP 1138201 & LOT 1 DP 516621

SUMMARY

The purpose of this report is to present to Council Development Application (DA) 2021.132 for determination. The DA proposes a concept proposal (masterplan) for a mixed-use development including cinema, cafes, bowling alley, medical centre, pharmacy and child care centre including car parking.

Stage 1 comprises;

- Demolition of existing office, repair workshop, office and hardstand
- Alterations and additions to the main workshop building (cinema/café)
- landscaping

Stage 2 is subject to the lodgment of a further DA at a later time and comprises;

- child care centre
- pharmacy
- medical centre
- café
- bowling alley

The application is presented to Council for consideration and determination in accordance with Clause 3.3 of Council Policy 3.122 *Limit of Delegated Authority in Dealing with Development Applications, and Complying Development Certificates*. The application is considered to meet the provisions of an "application of public interest", whereby three (3) or more submissions objecting to the development have been received and being a commercial development exceeding \$500,000.00. The estimated cost of the development is \$9,867,000.00.

The DA has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning & Assessment Act, 1979*, is permitted with consent in the RU5 Village Zone and is recommended to Council for approval subject to conditions.

57/22

Resolved that Council:

- 1) Determine Development Application 2021.132 by way of issuing consent for the Concept Development Application and Stage 1 subject to conditions contained in Attachment 1; and
- 2) Notify those persons who made a submission in relation to the proposal of Council's determination.

Motion Carried

Upon being put to the meeting, the motion was declared carried.

For the Motion were Crs Tom Peters, John Macnish, Tim Bonner, Bronwyn Petrie, Peter Petty, Kim Rhodes, Giana Saccon, Peter Murphy and Geoffrey Nye Total (9).

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

Tamai Davidson, Manager Planning & Development left the meeting, the time being 10.35 am.

SUSPENSION OF STANDING ORDERS

58/22

Resolved that standing Orders be suspended.

(Peter Petty/John Macnish)

Motion Carried

The meeting adjourned for morning tea, the time being 10.35 am.

The meeting reconvened, the time being 10.55 am.

RESUMPTION OF STANDING ORDERS

59/22

Resolved that standing Orders be resumed.

(Peter Petty/Giana Saccon)

Motion Carried

Bruce Mills, Manager Economic Development & Special Projects entered the meeting, the time being 10.56 am.

(ITEM ENV5/22) TENTERFIELD SHIRE COUNCIL ECONOMIC DEVELOPMENT ACTIVATION AND STIMULUS PACKAGE

SUMMARY

The purpose of this report is to advise Council on the take up of Council's 'Economic Development and Stimulus Package – 22 July 2020' and seek a resolution for the cessation of the package.

Since commencement of the package, a total of twenty (20) new residential lots have been approved by subdivision and Tenterfield has seen significant growth in the property market and the contributions payable are now more reflective of

market values. The reinstatement of the rates as determined under the Development Servicing Plans for Water and Sewer are recommended to be reinstated.

60/22

Resolved that Council's Economic Development and Stimulus Package cease to operate on 30 June 2022.

(Geoff Nye/Kim Rhodes)

Motion Carried

Bruce Mills, Manager Economic Development & Special Projects left the meeting, the time being 11.00 am.

OUR GOVERNANCE

(ITEM GOV28/22) MONTHLY OPERATIONAL REPORT FEBRUARY 2022

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 2021/2022 Operational Plan.

61/22

Resolved that Council receives and notes the status of the Monthly Operational Report for February 2022.

(Peter Petty/John Macnish)

Motion Carried

Erika Bursford, Manager Customer Service, Governance & Records entered the meeting, the time being 11.53 am.

(ITEM GOV29/22) AUDIT, RISK AND IMPROVEMENT COMMITTEE

SUMMARY

The objective of the Audit and Risk Committee (the Committee) is to provide independent assistance to Tenterfield Shire Council (Council) by monitoring, reviewing and providing advice on risk management, control frameworks, governance processes and external accountability responsibilities.

Committee members are in place for the term of the Council, and where approved by Council, can be reappointed. The Risk Management and Internal Audit Framework for local councils is currently forecast to be in place by June 2022 and will replace Council's existing Audit and Risk Committee Charter. Council's Committee name will also be required to change to Audit, Risk and Improvement Committee, in preparation for the implementation of the framework.

62/22

Resolved that Council:

- 1) Approve the change of name of the Tenterfield Shire Council Audit and Risk Committee to the Tenterfield Shire Council Audit, Risk and Improvement Committee, and
- 2) Confirm the external independent members of the Audit, Risk and Improvement Committee to be:
 - Mr Peter Sheville (Chair)
 - Mr Andrew Page
 - Mr Tony Harb

(Peter Petty/Geoff Nye)

Motion Carried

(ITEM GOV30/22) INTEGRATED PLANNING AND REPORTING - DRAFT COMMUNITY STRATEGIC PLAN, DELIVERY PROGRAM AND OPERATIONAL PLAN FOR PUBLIC EXHIBITION

SUMMARY

The purpose of this report is for Council to place the draft Tenterfield Community Strategic Plan, Tenterfield Shire Council Resourcing Strategy, Tenterfield Shire Council Delivery Program and Tenterfield Shire Council Operational Plan on public exhibition for public comment and feedback.

63/22

Resolved that Council:

1. Place the draft Community Strategic Plan, Community Engagement Strategy and Resourcing Strategy on public exhibition for a minimum period of 28 calendar days in accordance with sections 402, 402A and 403 of the *NSW Local Government Act 1993*;
2. Place the draft 2022/24 Delivery Program and draft 2022/2023 Annual Operational Plan, on public exhibition for a minimum period of 28 calendar days in accordance with section 404 and 405 of the *NSW Local Government Act 1993*;
3. Undertake community consultation, based on the scenarios outlined in the draft Long Term Financial Plan, with regards to making an application for a Special Rate Variation to ensure Council's long term financial sustainability, and
4. Request a further report to be submitted at the completion of the formal public exhibition period detailing submissions received during exhibition, for Council's consideration prior to final adoption.

(Greg Sauer/Kim Rhodes)

Motion Carried

Erika Bursford, Manager Customer Service, Governance & Records left the meeting, the time being 12.35 pm.

Councillor Peter Murphy left the meeting, the time being 12.35 pm.

David Counsell, Manager Asset & Program Planning entered the meeting, the time being 12.36 pm.

(ITEM GOV31/22) ASSET MANAGEMENT POLICY REVISION V4.0

SUMMARY

The purpose of this report is to review Council's Asset Management Policy 1.014.

64/22

Resolved that Council receive and adopt the revised Asset Management Policy No. 1.014 V4.0.

(Greg Sauer/Geoff Nye)

Motion Carried

David Counsell, Manager Asset & Program Planning left the meeting, the time being 12.38 pm.

Councillor Kim Rhodes, left the meeting, the time being 12.39 am.

Roy Jones, Manager Finance & Technology entered the meeting, the time being 12.39 pm.

Councillor Kim Rhodes, returned to the meeting, the time being 12.41 pm.

(ITEM GOV32/22) FINANCE & ACCOUNTS - PERIOD ENDED 28 FEBRUARY 2022

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.

65/22

Resolved that Council receive and note the Finance and Accounts Report for the period ended 28 February 2022.

(Peter Petty/John Macnish)

Motion Carried

(ITEM GOV33/22) CAPITAL EXPENDITURE REPORT AS AT 28 FEBRUARY 2022

SUMMARY

The purpose of this Report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This Report outlines Council's financial progress against each project.

66/22 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 28 February 2022.

(Kim Rhodes/Giana Saccon)

Motion Carried

TABLING OF DOCUMENT

67/22 **Resolved** that the additional A3 sheet of current loan comparison information from National Australia Bank, ANZ Bank and Commonwealth Bank of Australia for the Boonoo Landfill – Develop Stage 5 - loan \$3,300,000 and Transport Infrastructure – loan \$2,604,612 be tabled.

(Tom Peters/Giana Saccon)

Motion Carried

(ITEM GOV34/22) PROPOSED BORROWINGS 2021-22 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 2021/2022 proposed borrowings totaling \$5,904,612 to fund capital expenditure.

RECOMMENDATION:

That Council:

- (1) Approves a loan of \$3,300,000 for Waste Management (Boonoo Boonoo Landfill – Develop Stage 5) with the most competitive financial institution (quotations are indicative interest rates subject to change and will be tabled at the meeting).
- (2) Approves a loan of \$2,604,612 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).
- (3) That Council notify the Office of Local Government when the above loans are obtained.

AMENDMENT

- (1) Approves a loan of \$3,300,000 for Waste Management (Boonoo Boonoo Landfill – Develop Stage 5) with the Commonwealth Bank of Australia at the interest rate 4.45% for a period of 20 years.
- (2) Approves a loan of \$2,604,612 for Transport Infrastructure (and supportive plant items) with the Commonwealth Bank of Australia at the interest rate of 4.45% for a period of 20 years.

(Tom Peters/Giana Saccon)

Amendment Carried

68/22

Resolved that Council

- (1) Approves a loan of \$3,300,000 for Waste Management (Boonoo Boonoo Landfill – Develop Stage 5) with the Commonwealth Bank of Australia at the interest rate 4.45% for a period of 20 years.
- (2) Approves a loan of \$2,604,612 for Transport Infrastructure (and supportive plant items) with the Commonwealth Bank of Australia at the interest rate of 4.45% for a period of 20 years.
- (3) That Council notify the Office of Local Government when the above loans are obtained.

(Tom Peters/Giana Saccon)

Motion Carried

Roy Jones, Manager Finance & Technology left the meeting, the time being 1.19 pm.

Kylie Smith, Chief Corporate Officer, left the meeting, the time being 1.24 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC2/22) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - 11 FEBRUARY 2022

69/22

Resolved that the report of the Border Regional Organisation of Councils (BROC) meetings Friday, 11 February 2022 be received and noted.

(Bronwyn Petrie/Giana Saccon)

Motion Carried

Kylie Smith, Chief Corporate Officer, returned to the meeting, the time being 1.28 pm.

(ITEM RC3/22) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD LOCAL TRAFFIC COMMITTEE MEETING - 3 MARCH 2022

70/22

Resolved that the report of the Tenterfield Shire Local Traffic Committee meeting of 3 March 2022 be received and noted.

(Tim Bonner/Tom Peters)

Motion Carried

Councillor John Macnish, left the meeting, the time being 1.40 pm

Councillor John Macnish, returned to the meeting, the time being 1.42 pm

Councillor Geoff Nye, left the meeting, the time being 1.42 pm.

Councillor Geoff Nye, returned to the meeting, the time being 1.44 pm.

(ITEM RC4/22) REPORT OF COMMITTEE & DELEGATES - COUNTRY MAYORS ASSOCIATION - FRIDAY 11 MARCH 2022

71/22

Resolved that the report and recommendations from the Council meetings of 23 March 2022 be received and noted.

(Bronwyn Petrie/Peter Petty)

Motion Carried

(ITEM NM1/22) NOTICE OF RESCISSION MOTION - ITEM GOV18/22 OF ORDINARY COUNCIL MEETING - 23 FEBRUARY 2022

SUMMARY

A Notice of Rescission Motion was received on Monday, 28 February 2022 from Councillor Kim Rhodes.

RECOMMENDATION:

That Council:

- (1) Move the rescission of Council Resolution 33/22 – Item GOV18/22 – Community Request – Tenterfield Rotary District Conference 2022 & Oracles of the Bush 2022 – which was resolved at the Ordinary Meeting of 23 February 2022.

Motion 33/22

That Council

- (1) Advise Tenterfield Rotary Club and Oracles of the Bush that there will be no charges for the hire of equipment including plastic chairs for both Rotary and Oracles of the Bush committees, except the cloth covered chairs which will be hired at \$2 per chair per event day, should Rotary prefer cloth chairs.
- (2) Charge a bond/administration fee as per 2021/22 Fees and Charges, and the administration charges as per cost recovery.
- (3) Budget costs to Council to the Community Contributions and both groups are required to collect and return the goods.

(Greg Sauer/Kim Rhodes)

Motion Carried

Following rescission of Item GOV18/22 – Community Request – Tenterfield Rotary District Conference 2022 & Oracles of the Bush 2022

of Council Motion 33/22. Council moved that Item GOV18/22 be amended as follows:

72/22

Resolved that Council:

- 1) Advise Tenterfield Rotary & Oracles of the Bush that there will be no charges for the hire equipment;
- 2) Charge a bond/administration fee as per 21/22 fees and charges, and the administration charge as per cost recovery;
- 3) Budget costs to Council to the Community Contributions and both groups are required to collect and return the goods.

(Kim Rhodes/Tim Bonner)

Motion Carried

(ITEM RES3/22) COUNCIL RESOLUTION REGISTER - FEBRUARY 2022

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.

73/22

Resolved that Council notes the status of the Council Resolution Register to February 2022.

(Giana Saccon/John Macnish)

Motion Carried

Councillor Peter Murphy, left the meeting, the time being 1.47 pm.

CONFIDENTIAL BUSINESS

SUSPENSION OF STANDING ORDERS – CONFIDENTIAL BUSINESS

74/22

Resolved that Standing Orders be suspended and:

- a) the meeting be closed to the public and members of the press because of the need for confidentiality, privilege or security, as specified below and provided for under Section 10A(2) of the Local Government Act, 1993; and
- b) the Agenda and associated correspondence, unless specified are not to be released to the Public as they relate to a matter of either personal hardship, personal matters, trade secrets or matters which cannot be lawfully disclosed.

(Peter Petty/Tim Bonner)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 1.47 pm.

Daryl Buckingham, Chief Executive left the meeting, the time being 1.47 pm.

Councillor Peter Murphy returned to the meeting, the time being 1.49 pm.

Daryl Buckingham, Chief Executive, returned to the meeting, the time being 1.53 pm.

(ITEM ENV6/22) STEEL RECYCLING CONTRACT

SUMMARY

The purpose of this report is for Council to approve and endorse awarding of the tender for the Steel Recycling Contract.

75/22

Resolved that Council:

That Council accept the tender of Infrabuild for the steel recycling contract.

(Peter Petty/Tim Bonner)

Motion Carried

RESUMPTION OF STANDING ORDERS

76/22

Resolved that Standing Orders be resumed.

(Peter Petty/Tim Bonner)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 1.57 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 1.59 pm.

.....
Councillor Bronwyn Petrie
Mayor/Chairperson