



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 NOVEMBER 2019

MINUTES OF THE **Ordinary Council** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday 27 November 2019 commencing at 9.31 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor John Macnish
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Michael Petrie
Councillor Bob Rogan
Councillor Gary Verri

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)
Executive Assistant & Media (Noelene Hyde)
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

In opening the meeting, Mayor Peter Petty expressed best wishes to Councillor Don Forbes who is absent from the meeting today due to health issues.

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 Jukembal, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

235/19 **Resolved** that the request for Leave of Absence from Councillor Don Forbes be received and accepted.

(Greg Sauer/Michael Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

236/19 **Resolved** that the following Disclosure and Declaration of Interest be accepted.

Name	Type	Item
Cr John Macnish	Less than Significant Non Pecuniary – Will remain in meeting and vote	ENV26/19 – Bryans Gap Waste Collection Survey

(Bob Rogan/Gary Verri)

Motion Carried

(ITEM MIN10/19) CONFIRMATION OF PREVIOUS MINUTES

237/19 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 30 October 2019

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

(Brian Murray/Tom Peters)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

URGENT MOTION – INFORMATION RE COMMUNITY HALLS IN TENTERFIELD SHIRE LOCAL GOVERNMENT AREA

238/19 **Resolved** that Councillor Brian Murray be provided with the following information:

- The number and location of community halls in the Tenterfield Shire;
- List of halls for which Council has responsibility and those which are managed by Trusts;
- What financial and maintenance contribution does Council make towards those halls that are managed by Trusts and towards those for which Council has responsibility.

(Brian Murray/Greg Sauer)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item COM17/19 – Ratepayers Petition to Reduce Financial Burdens on Struggling Ratepayers

- Mr Peter Murphy

Item NM7/19 – Notice of Motion – Review of Council’s Buy Local Policy No 1.020

- Mrs Tracey Butler

Item GOV74/19 – Presentation of the Financial Statements for the Year Ended 30 June 2019

- Auditor, Mr Geoff Allen, Forsyths

MAYORAL MINUTE

(ITEM MM8/19) REQUEST FOR REVIEW INTO THE EXECUTION OF LIEUTENANTS HARRY "BREAKER" MORANT, PETER HANDCOCK & LIFE SENTENCE OF GEORGE WITTON - BOER WAR 1902

SUMMARY

During the Anglo Boer War of 1901, James Francis Thomas from Tenterfield, New South Wales joined thousands of other Australians and travelled to South Africa as a volunteer to support England in its fight against the Boer population between 1899 and 1902. Approximately 16,000 Australians fought in the Boer War in contingents raised by the Australian colonies or the Commonwealth Government (after 1901), or joined British and South African colonial units.

239/19

Resolved that Council supports Mr Unkles' submission to the Prime Minister, The Honourable Scott Morrison MP as follows:

'The Tenterfield Council supports the proposal that the Australian Government appoints a suitably qualified person, such as a former Judge, to review the evidence and submission that three (3) Australian veterans, Lieutenants Harry 'Breaker' Morant, Peter Handcock and George Witton were not tried and sentenced by Courts Marital according to the law of 1902 and suffered a terrible injustice as a consequence.

The descendants of these men seek redress to mitigate the adverse effects the trials and executions have had and continue to have on the families of these men. Aggravating aspects include:

- The veterans, individually and through Major Thomas, were denied the right of appeal and petition to the King for clemency;*
- They were held in isolation during the trials and were denied the opportunity to contact their families in Australia;*
- Major Thomas had one day to prepare complex trials on charges, which carried the death penalty. The prosecution had 3 months and unlimited resources to assist in preparing the cases. Major Thomas had no such support and was denied the opportunity to contact the Australian Government;*
- The British Military's decision not to consult the Australian Government about the arrest and trials was an appalling tactic to ensure these men were tried and sentenced without Australia's intervention;*
- The execution of Morant and Handcock was carried out with indecent haste, within a few hours of the sentences being proclaimed. This was a cruel decision and one that prevented any judicial or Australian Government intervention*

The granting of statutory pardons, will remove the stigma associated with the military service of these veterans and the dishonour to Australia's history.

Pardons will also acknowledge that the executions of Morant and Handcock and imprisonment for life of Witton were penalties they did not deserve noting the significant mitigating circumstances and recommendations for mercy that were made by the trial officers but not implemented by the British authorities".'

(Peter Petty/Greg Sauer)

Motion Carried Unanimously

RECOMMENDATION FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

240/19 **Resolved** that the following items be considered in the Confidential Section of the Meeting:

- Item GOV78/19 – Chief Executive Performance Review – 2018/19 Annual Review – November 2019
- Item GOV79/19 – Request for a Boundary Realignment Between Tenterfield Shire Council and Glen Innes Severn Shire Council.

(Bronwyn Petrie/Brian Murray)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

Manager Customer Service, Governance & Records, Erika Bursford, entered the meeting, the time being 10.11 am.

(ITEM COM17/19) RATEPAYERS PETITION TO REDUCE FINANCIAL BURDENS ON STRUGGLING RATEPAYERS

SUMMARY

The purpose of this report is to advise Council that a Ratepayers Petition, signed by 784 persons, was submitted on 7 November 2019 by Peter Murphy, requesting that Councillors consider reducing the financial burdens on struggling ratepayers.

241/19 **Resolved** that Council:

- (1) Notes the tabling of a petition requesting a reduction in the financial burdens on struggling ratepayers, and
- (2) That Council consider the petition's request, as part of Council's budgetary preparation process in 2020.

(Gary Verri/Greg Sauer)

Motion Carried

Cr Michael Petrie recorded a vote against the motion.

Manager Customer Service, Governance & Records, Erika Bursford, left the meeting, the time being 10.43 am.

SUSPENSION OF STANDING ORDERS

242/19 **Resolved** that Standing Orders be suspended.

(Brian Murray/Gary Verri)

Motion Carried

The meeting adjourned for Morning Tea, the time being 10.45 am.

The meeting reconvened with the same members present, the time being 11.00 am.

RESUMPTION OF STANDING ORDERS

243/19 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

Motion Carried

PROCEDURAL MOTION – CHANGE TO ORDER OF AGENDA

244/19 **Resolved** that Item NM7/19 Notice of Motion – Review of Council’s Buy Local Policy No. 1.020 be brought forward in the Agenda for consideration at this time.

(Gary Verri/Tom Peters)

Motion Carried

(ITEM NM7/19) NOTICE OF MOTION - REVIEW OF COUNCIL'S BUY LOCAL POLICY NO.1.020

SUMMARY

The purpose of this report is to request a review of Council’s current Buy Local Policy No. 1.020.

245/19 **Resolved** that Council review the existing Buy Local Policy with a view to increasing the current local price advantage from 5% in order to support local businesses, local employment and our local community, with a report to be presented to Council at the February 2020 Ordinary Council Meeting.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

Councillor Bronwyn Petrie requested a temporary leave of absence and left the meeting, the time being 11.12 am.

(ITEM COM18/19) AMENDMENT TO DRAFT NEW FOOTPATH ACTIVITIES POLICY NO.1.065

SUMMARY

The purpose of this report is to present Council with an amended, draft, new Footpath Activities Policy for adoption, following which Council will repeal two (2) policies, these being Council’s Advertising Sandwich Board Policy No. 3.010, and Council’s Street Vending Policy No. 3.191, which have been incorporated into the new Policy.

246/19 **Resolved** that Council:

- (1) Adopts the draft, new Footpath Activities Policy No. 1.065 as per the attachment to this report; and

- (2) Adopts the previously approved Local Approvals Policy as no submissions were received; and
- (3) Repeals Street Vending Policy No 3.191 and Advertising Sandwich Board Policy No 3.010 upon adoption of the new Footpath Activities Policy and amended Local Approvals Policy.

(Gary Verri/Bob Rogan)

Motion Carried

Councillor Bronwyn Petrie returned to the meeting, the time being 11.21 am.

(ITEM COM19/19) NATIONAL PARKS & WILDLIFE LAND ACQUISITION

SUMMARY

The purpose of this report is to inform Council of the Minister for Energy and Environment's proposal to acquire further land to add to the National Parks System.

247/19 **Resolved** that Council:

- (1) Resolve to advise the Minister for Energy & Environment that Council has not identified any suitable Council owned land for acquisition by the National Parks and Wildlife Service; and
- (2) The Mayor reply to The Honorable Matt Kean MP expressing Council's concerns with the current management and staffing levels of the National Parks and Wildlife Service across the State and in Tenterfield Local Government Area in particular.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM COM20/19) CROWN LAND PROPOSAL TO CLOSE CROWN ROAD WITHIN THE TOOLOOM FALLS RESERVE

SUMMARY

Crown Land are seeking Council's interest or objection to the closure of the Crown Road within the Tooloom Falls Reserve.

248/19 **Resolved** that Council:

- (1) Oppose the closing of the Crown Road reserve, which passes through Reserve R51297 (Lot 73 DP 751057) on the basis that Council require access to Tooloom Creek for operational purposes; and
- (2) That Council have no objection to the relocation of the Crown Road within the boundary of Reserve R51297 to allow access to Tooloom Creek and request that the remaining portion of the Crown Road from the north western boundary of Reserve R51297 to Tooloom Falls Road be dedicated to Council as public road ensuring access to Reserve R51297 is retained.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

OUR ECONOMY

Nil

OUR ENVIRONMENT

Manager Water & Waste, Gillian Marchant entered the meeting, the time being 11.26 am.

(ITEM ENV25/19) PROVISION OF EMERGENCY WASTE VOUCHERS

SUMMARY

This report was requested by Council at the October 2019 Ordinary Meeting to provide information for issuing three (3) emergency Waste Vouchers per impacted household for disposal of fire damaged waste.

249/19

Resolved that Council take no further action and maintain current business as usual.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Councillors Bronwyn Petrie and John Macnish registered a vote against the motion.

Manager Water & Waste, Gillian Marchant left the meeting, the time being 11.34 am.

Water & Waste Technical Projects Engineer, Melissa Blum, entered the meeting, the time being 11.34 am.

(ITEM ENV26/19) BRYANS GAP WASTE COLLECTION SURVEY

SUMMARY

The purpose of this report is to provide Council with information to aid making a decision on whether to pursue the Bryans Gap Road Waste collection service or otherwise.

RECOMMENDATION

That Council:

- (1) Offer a mandatory waste and recycling service for the properties along the proposed Bryan's Gap Road route, or;
- (2) Offer an opt-in waste and recycling service along the proposed Bryan's Gap Road route, or;
- (3) Continue to not offer any waste or recycling collection services along Bryan's Gap Road.

(Greg Sauer/Bob Rogan)

AMENDMENT

That Council consider Option (2) – Offer an opt-in waste and recycling service along the proposed Bryan's Gap Route.

(Greg Sauer/Gary Verri)

Amendment Carried

250/19 **Resolved** that Council offer an opt-in waste and recycling service along the proposed Bryan's Gap Road route.

(Greg Sauer/Gary Verri)

Motion Carried

Water & Waste Technical Projects Engineer, Melissa Blum, left the meeting, the time being 11.44 am.

OUR GOVERNANCE

(ITEM GOV72/19) MONTHLY OPERATIONAL REPORT - OCTOBER 2019

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 2019/2020 Operational Plan.

251/19 **Resolved** that Council receives and notes the status of the Monthly Operational Report for October 2019.

(Bob Rogan/John Macnish)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, entered the meeting, the time being 11.58 am.

(ITEM GOV73/19) TENTERFIELD SHIRE COUNCIL ANNUAL REPORT 2018/2019

SUMMARY

The purpose of this report is for Council to receive the Annual Report, inclusive of the Annual Financial Statements, for the financial year ending 30 June 2019.

252/19 **Resolved** that Council receive and adopt the Annual Report for 2018/2019.

(Brian Murray/Bob Rogan)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, left the meeting, the time being 12.08 pm.

Manager Finance & Technology, Paul Della, entered the meeting, the time being 12.08 pm.

(ITEM GOV74/19) PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019

SUMMARY

The purpose of this report is to present to Council the audited Financial Statements for the year ended 30 June 2018, in accordance with the provisions of Section 418 of the *Local Government Act 1993*.

253/19 **Resolved** that Council notes the audited Annual Financial Statements for the year ended 30 June 2019, as contained in the 2018/2019 Annual Report (Attachment 3 (Attachment Booklet 3 Appendix 3)).

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM GOV75/19) QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2019

SUMMARY

The purpose of this report is to provide Council with a Quarterly Budget Review Statement (attached to the report) in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

254/19 **Resolved** that Council adopts the September 2019 Quarterly Budget Review Statement.

(Brian Murray/Michael Petrie)

Motion Carried

(ITEM GOV76/19) FINANCE & ACCOUNTS - PERIOD ENDED 31 OCTOBER 2019

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.

255/19 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 October 2019.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

(ITEM GOV77/19) CAPITAL EXPENDITURE REPORT AS AT 31 OCTOBER 2019

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.

256/19 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 October 2019.

(Greg Sauer/Bob Rogan)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

Nil

Councillor Brian Murray left the meeting, the time being 12.23 pm.

NOTICES OF MOTION

(ITEM NM8/19) NOTICE OF MOTION - REDUCTION OF FOREST FUEL LOADS

SUMMARY

The purpose of this report is to submit a Notice of Motion aimed at the reduction of forest fuel loads.

RECOMMENDATION

That Council request the NSW Government to investigate the reintroduction of Grazing Permits in National Parks and Forestry Wilderness areas in order to reduce the fuel load (undergrowth).

(Tom Peters/Bronwyn Petrie)

Mover and Seconder of the motion agreed to substitute "Forestry Wilderness" with "State Forest".

Councillor Brian Murray returned to the meeting, the time being 12.26 pm.

AMENDMENT

That reference be made to the previous Council Resolution regarding this matter together with a further request that a 30 metre fire break to be constructed along fence lines.

(Gary Verri/No Seconder)

Amendment Lapses

257/19

Resolved that Council request the NSW Government to investigate the reintroduction of Grazing Permits in National Parks and State Forest areas in order to reduce the fuel load (undergrowth).

(Tom Peters/Bronwyn Petrie)

Motion Carried

Councillor Michael Petrie left the meeting, the time being 12.30 pm.

RESOLUTION REGISTER

(ITEM RES10/19) COUNCIL RESOLUTION REGISTER - NOVEMBER 2019

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.

258/19 **Resolved** that Council notes the status of the Council Resolution Register to November 2019.

(Brian Murray/Greg Sauer)

Motion Carried

CONFIDENTIAL BUSINESS - SUSPENSION OF STANDING ORDERS

259/19 **Resolved** that:

- 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.

(Brian Murray/Bob Rogan)

Motion Carried

The doors were closed to the public, the recording device turned off and the meeting moved into Closed Committee, the time being 12.31 pm.

Councillor Michael Petrie returned to the meeting, the time being 12.34 pm.

(ITEM GOV78/19) CHIEF EXECUTIVE PERFORMANCE REVIEW - 2018/19 ANNUAL REVIEW - NOVEMBER 2019

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (f) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND matters affecting the security of the Council, Councillors, Council staff or Council property.

SUMMARY

The purpose of this report is to detail the recommendations of Council's Performance Review Committee regarding the 2018/19 Performance and Annual Review of Council's Chief Executive, Terry Dodds.

260/19 **Resolved** that Council adopt the recommendations of Council's Performance Review Committee outlined in the body of this report and that under clause 4, "per annum" be replaced with "for 2019/2020".

(Bronwyn Petrie/Tom Peters)

Motion Carried

Revenue Officer Penny Robertson entered the meeting, the time being 12.37 pm.

(ITEM GOV79/19) REQUEST FOR A BOUNDARY REALIGNMENT BETWEEN TENTERFIELD SHIRE COUNCIL AND GLEN INNES SEVERN SHIRE COUNCIL

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

This report has been prepared as a result of one landholder requesting a boundary re-alignment between Tenterfield Shire Council and Glen Innes Severn Shire Council.

261/19 Resolved that Council:

- (1) Receive and note this report;
- (2) Accept the proposal to have the Local Government Boundary re- aligned in accordance with this report;
- (3) Submit the boundary adjustment application to the Office of Local Government; and
- (4) That if any costs are incurred that they be passed onto the applicant.

(Michael Petrie/John Macnish)

Motion Carried

RESUMPTION OF STANDING ORDERS

262/19 Resolved that Standing Orders be resumed.

(Brian Murray/Greg Sauer)

Motion Carried

The meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 12.42 pm.

In according with Section 253 of Local Government Regulations (General) 2005, the Mayor read the resolutions as resolved by Council while in Closed Committee.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.45 pm.

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Councillor Peter Petty
Mayor/Chairperson