



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 30 OCTOBER 2019

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 30 October 2019 commencing at 9.33 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor Don Forbes
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

The Meeting paused for a Minutes' Silence in respect for the passing of Mr Bob Berger, Council staff member who has given 16 years dedicated service.

The Mayor offered congratulations to Fiona Keneally on her appointment as Director Infrastructure.

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

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

(ITEM MIN9/19) CONFIRMATION OF PREVIOUS MINUTES

207/19 **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:

- Extraordinary Council Meeting – 25 September 2019
- Ordinary Council Meeting – 25 September 2019
- Extraordinary Council Meeting – 17 October 2019

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

(Donald Forbes/Bob Rogan)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

URGENT MOTION – TENTERFIELD HOSPITAL JURISDICTION

Urgent motion brought to the table by Cr's Bronwyn Petrie and John Macnish.

208/19 **Resolved** that:

- (1) Management of the Tenterfield Hospital be moved to the jurisdiction of the Northern NSW Local Health District; and
- (2) Tenterfield Shire Council demand the NSW Health Minister direct Hunter New England Health to:
 - (a) Immediately remove impediments routinely preventing patient retrieval from the Tenterfield Prince Albert Community Hospital to Queensland hospitals;
 - (b) Immediately staff the Tenterfield Prince Albert Community Hospital with 3 registered nurses per shift; and
 - (c) Immediately staff a constant doctor presence at the Tenterfield Prince Albert Community Hospital.

(Bronwyn Petrie/John Macnish)

Motion Carried Unanimously

URGENT MOTION – MEETING WITH THE HON BARNABY JOYCE MP

Urgent motion brought to the table by Cr's Brian Murray and Greg Sauer.

209/19 **Resolved** that Council request a formal meeting with The Hon Barnaby Joyce MP, Federal Member for New England, inviting him to discuss with Councillors any community issues and concerns related to the current drought in his former role as Drought Envoy.

It would be appreciated if the meeting could be scheduled as a matter of urgency prior to 30 November 2019.

(Brian Murray/Greg Sauer)

Motion Carried Unanimously

URGENT MOTION – PROVISION OF EMERGENCY WASTE VOUCHERS

Urgent motion brought to the table by Cr's Bronwyn Petrie and Gary Verri.

RECOMMENDATION

That Tenterfield Shire Council shows compassion for Shire victims of the September Bush Fires by issuing 3 emergency waste vouchers per impacted households for disposal of fire damaged waste.

(Bronwyn Petrie/Gary Verri)

210/19 **Resolved** that this matter be deferred to lay on the table until further reports and additional information is available and received by Council.

(Bronwyn Petrie/Gary Verri)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item GOV65/19 – Monthly Operational Report – September 2019

- Chief Executive Terry Dodds

Item GOV65/19 – Monthly Operational Report – September 2019

- Manager Asset & Program Planning David Counsell

MAYORAL MINUTE – SUPPORT FOR LOCAL MEMBER JANELLE SAFFIN MP - TENTERFIELD HOSPITAL HEALTH ISSUES

211/19 **Resolved** that I, Mayor Peter Petty move this motion of support of State Member Janelle Saffin MP's media release on Monday and joining her that it is unacceptable to have no doctor on duty at our hospital from last Tuesday, 22 October 2019 to Monday night, 28 October 2019.

I can only imagine the stress brought on the wonderful staff we have there to be put in that situation in a workplace that is already under stress due to staffing levels.

I pass on my condolences to the family of the person who lost their life at the Hospital over the weekend and know that the staff would have done everything they could have to save this life.

I will be contacting the NSW Minister for Health, The Hon Brad Hazzard MP and informing him this is not acceptable and needs to never happen again, and call on him again to raise the staffing levels and make sure we always have a doctor at our Hospital.

(Peter Petty)

Motion Carried

RECOMMENDATION FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

212/19 **Resolved** that Item 24/19 – Replacement of Land Fill Compactor for Boonoo Boonoo Waste Facility be considered in the Confidential Section of the Meeting.

(Gary Verri/Bob Rogan)

Motion Carried

SUSPENSION OF STANDING ORDERS

213/19 **Resolved** that Standing Orders be suspended.

(Greg Sauer/Brian Murray)

Motion Carried

The Meeting adjourned for Morning Tea, the time being 11.22 am.

The Meeting reconvened with the same members present and the addition of Heidi Ford (Manager Property & Buildings), the time being 11.40 am.

RESUMPTION OF STANDING ORDERS

214/19 **Resolved** that Standing Orders be resumed.

(Brian Murray/Greg Sauer)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM12/19) 2020 AUSTRALIA DAY AWARDS

SUMMARY

The purpose of this report is for Council to endorse arrangements for judging of Australia Day Awards as per Council's Australia Day Awards Policy adopted 28 March 2018 (attached).

Cr Don Forbes advised he was standing aside from the Australia Day Award Selection Panel.

RECOMMENDATION

That Council endorses:

- (1) The calling of nominations for 2020 Australia Day Awards in the following categories:
 - Citizen of the Year;
 - Young Citizen of the Year;
 - Emergency Services Volunteer of the Year;
 - Sportsperson of the Year;
 - Young Sportsperson of the Year;
 - Community Event of the Year.
- (2) That nominations for the 2020 Australia Day Awards open Monday, 4 November 2019 and close at COB on Friday, 13 December 2019.
- (3) That judging by the Australia Day Selection Panel to be undertaken in the Council Chamber at 10.00 am on Monday, 6 January 2020.
(John Macnish/Michael Petrie)

AMENDMENT

That Council call for nominations for Citizen of the Year, Young Citizen of the Year, Sportsperson of the Year and Community Event of the Year.

(John Macnish/Michael Petrie)

Amendment Lost

AMENDMENT

That Council call for nominations for Emergency Services Volunteer of the Year or Group.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

215/19 **Resolved** that Council endorses:

- (1) The calling of nominations for 2020 Australia Day Awards in the following categories:
 - Citizen of the Year;
 - Young Citizen of the Year;
 - Emergency Services Volunteer of the Year or Group;
 - Sportsperson of the Year;
 - Young Sportsperson of the Year;
 - Community Event of the Year.
- (2) That nominations for the 2020 Australia Day Awards open Monday, 4 November 2019 and close at COB on Friday, 13 December 2019.
- (3) That judging by the Australia Day Selection Panel to be undertaken in the Council Chamber at 10.00 am on Monday, 6 January 2020.

(John Macnish/Michael Petrie)

Motion Carried

(ITEM COM13/19) CROWN LAND CATEGORISATION

SUMMARY

In accordance with the enactment of the Crown Land Management Act 2016 Council is required to consider and categorise the Crown Land Reserves which have been appointed to Council's management.

216/19 **Resolved** that Council endorse the proposed categorisation of the Crown Land Reserves as set out in the following table of Community Land and to apply to the Minister for approval of the proposed categorisation.

RESERVE NUMBER	RESERVE NAME	CATEGORY
77166	WOODWARD PARK	PARK
84128	DRAKE RESERVE TRUST	GENERALCOMMUNITY USE
540103	DRAKE RECREATION GROUND	GENERAL COMMUNITY USE
97908	DRAKE COMMUNITY HALL	GENERAL COMMUNITY USE
1002844	JENNINGS BORDER PARK RESERVE	PARK
700012	LEGUME COMMUNITY RESERVE	GENERAL COMMUNITY USE
110109	LISTON RECREATION RESERVE	GENERAL COMMUNITY USE
55832	RIVER TREE RECREATION RESERVE	GENERAL COMMUNITY USE
110108	SANDY HILL RECREATION RESERVE	GENERAL COMMUNITY

510013	TENTERFIELD PARK	PARK
57957	JUBILEE PARK	PARK
76526	SHIRLEY PARK	SPORTS GROUND
83670	RUGBY LEAGUE PARK	SPORTS GROUND
98007	MARKET SQUARE	PARK
86219	WALLABY CREEK RESERVE	GENERAL COMMUNITY USE
51297	TOOLOOM CREEK	AREA OF CULTURAL SIGNIFICANCE
91056	URBENVILLE MUSEUM	GENERAL COMMUNITY USE

(Greg Sauer/Michael Petrie)

Motion Carried

(ITEM COM14/19) MOUNT MACKENZIE CROWN LAND LICENCE

SUMMARY

The parcel of land at Mount MacKenzie upon which the communication towers are located is Crown Land over which Council currently hold a Permissive Occupancy. Crown Lands are converting existing permissive occupancies to Crown Land Licences.

217/19

Resolved that Council:

- (1) Delegate authority to the Chief Executive to enter a Crown Land Licence Agreement and Site Appendix Licence for Lot 7003 in DP 92653 at Mount MacKenzie; and
- (2) Authorise the Licences to be signed and executed under the Seal of Council by the Mayor and the Chief Executive in accordance with Council Policy.

(Brian Murray/Bob Rogan)

Motion Carried

Heidi Ford (Manager Property & Buildings), left the meeting, the time being 12.05 pm.

Cr John Macnish left the meeting, the time being 12.12 pm.

Cr John Macnish returned to the meeting, the time being 12.14 pm.

(ITEM COM15/19) TREE MANAGEMENT PLAN

SUMMARY

The Purpose of the Tree Management Plan is to manage the existing trees in the Shire especially the trees that have or are about to reach their safe useful life, and guide the planting of new trees in the Local Government Area.

218/19 **Resolved** that Council receive and note the Tree Management Plan as per Attachment 1 (Attachment Booklet 1), however the document be referred back to the Parks, Gardens & Open Spaces Advisory Committee to amend spelling errors, arborist requirements, etc and consideration of heritage trees (ie Cork Tree) be included.

(Brian Murray/Michael Petrie)

Motion Carried

Manager Planning & Development Services, Tamai Davidson entered the meeting, the time being 12.21 pm.

(ITEM COM16/19) ESSENTIAL ENERGY CUSTOMER & NETWORK SERVICES - PRIVATE ELECTRICITY NETWORK ASSETS - BUSHFIRE & ELECTRICAL SAFETY RISK MANAGEMENT

SUMMARY

The purpose of this report is to inform Council of Essential Energy's correspondence in relation to private electricity network assets.

219/19 **Resolved** that Council:

- (1) Receive and note the report; and
- (2) Inform the community with information provided by Essential Energy via the Council website.

(Brian Murray/Tom Peters)

Motion Carried

OUR ECONOMY

Nil.

OUR ENVIRONMENT

(ITEM ENV21/19) COMMUNITY PARTICIPATION PLAN - DRAFT FOR EXHIBITION

SUMMARY

The purpose of this report is for Council to consider the draft Community Participation Plan (CPP) as required under the *Environmental Planning and Assessment Act 1979*. The CPP will set out Council's approach for encouraging the community to have their say on planning and development assessment matters in the Tenterfield Local Government Area. It is designed to be an easy to use guide for the community to know when and how they can provide input into planning decisions that could impact them and the future of our Shire.

220/19 **Resolved** that Council:

- (1) Exhibit the Draft Community Participation Plan be exhibited for community comment for 28 days in accordance with the requirements of the Environmental Planning & Assessment Act 1979; and

- (2) Receive a further report detailing any community feedback at the conclusion of the exhibition period. Should Council receive no submissions at the close of the public exhibition period, the Community Participation Plan be adopted as exhibited.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Manager Planning & Development Services, Tamai Davidson left the meeting, the time being 12.30 pm.

**(ITEM ENV22/19) INSTALLATION OF EMERGENCY SIRENS
TENTERFIELD TOWN**

SUMMARY

The purpose of this report is to provide council with information and advice required to make informed decisions on the viability, scope, use, activation, and community benefit on the proposed implementation of emergency community alert sirens.

221/19 **Resolved** that Council does not install community emergency sirens in Tenterfield township based on the following;

1. The Local Emergency Management Committee consideration and subsequent recommendation of 9 October 2019 is that Tenterfield Shire Council does not install community alert sirens;
2. The recommendation from the New England Regional Emergency Management Officer; and
3. The recommendation from the Northern Tablelands Rural Fire Service Group Officer; and
4. The recommendation from Fire & Rescue NSW Inspector Wayne Zikan; and
5. The availability of more advanced methods.

(Bob Rogan/Michael Petrie)

Motion Carried

Cr Bronwyn Petrie registered a vote against the motion.

OUR GOVERNANCE

(ITEM GOV65/19) MONTHLY OPERATIONAL REPORT - SEPTEMBER 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.

222/19 **Resolved** that Council receives and notes the status of the Monthly Operational Report for September 2019.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM GOV66/19) DISCLOSURE OF INTEREST RETURNS 2018/2019

SUMMARY

The purpose of this report is to document the tabling of the Disclosure of Interest Returns for the period 2018/2019.

223/19 **Resolved** that Council note the tabling of the Disclosure of Interest Returns for the period 2018/2019 and lodged by 30 September 2019.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM GOV67/19) 2020 COUNCIL ELECTION - VARIATION OF WARD BOUNDARIES

SUMMARY

The purpose of this Report is to advise Council that the Staff have been liaising with NSW Electoral Commission with regard to a variation of ward boundaries of more than 10% as required under the NSW Local Government Act.

224/19 **Resolved** that pursuant to s.211(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that Council advise the Electoral Commission of its intention to maintain the existing Ward Boundaries for the election to be held in September 2020, continue to monitor the roll and that if a difference remains at the end of the first year of the following term of office of the Council, the Council will, as soon as practicable, alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from the number of electors in each other ward in the area.

(Greg Sauer/Tom Peters)

Motion Carried

Manager Finance & Information Technology Paul Della entered the meeting, the time being 12.54 pm.

(ITEM GOV68/19) COUNCIL SUBMISSION - REVIEW OF LOCAL GOVERNMENT COMPLIANCE AND REPORTING

SUMMARY

The purpose of this report is to provide Council with the Independent Pricing and Regulatory Tribunal's (IPART) Review of Local Government Compliance and Enforcement Final Report, together with a copy of Council's draft response, prior to submitting feedback to the Office of Local Government, which is due by 15 November 2019.

225/19 **Resolved** that Council:

- (1) Notes the Review of Local Government Compliance and Enforcement Final Report;
- (2) Notes Council's draft response to the Review of Local Government Compliance and Enforcement Final Report ;
- (3) Advises of any changes required to Council's draft response to the Review

of the Local Government Compliance and Enforcement Final Report;

- (4) Endorses Council's proposed submission, incorporating any changes as a result of Recommendation (3), in response to the Review of Local Government Compliance and Enforcement Final Report.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV69/19) FINANCE & ACCOUNTS - PERIOD ENDED 30 SEPTEMBER 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.

- 226/19** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 September 2019.

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM GOV70/19) CAPITAL EXPENDITURE REPORT AS AT 30 SEPTEMBER 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.

- 227/19** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 September 2019.

(Greg Sauer/Michael Petrie)

Motion Carried

(ITEM GOV71/19) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this report is to inform Council of its loan balances as at 30 September 2019.

- 228/19** **Resolved** that Council notes the loan balance as at 30 September 2019 was \$9,957,867.09 (\$10,055,186.18 as at 30 June 2019).

(Bronwyn Petrie/Bob Rogan)

Motion Carried

Manager Finance & Information Technology Paul Della left the meeting, the time being 1.07 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC20/19) REPORTS OF COMMITTEES & DELEGATES - TOURISM ADVISORY COMMITTEE - 18 SEPTEMBER 2019

SUMMARY

A meeting of the Tourism Advisory Committee was held on Wednesday, 18 September 2019.

229/19

Resolved that:

- (1) The report of the Tourism Advisory Committee meeting of 18 September 2019 be received and noted; and
- (2) Council commence community liaison and investigations to provide tourism signage for six (6) Northern Region entry points in the Shire and consider a budget allocation in the December Quarterly Budget Review process.

(Bob Rogan/Gary Verri)

Motion Carried

(ITEM RC21/19) REPORTS OF COMMITTEES & DELEGATES - PARKS, GARDENS & OPEN SPACE ADVISORY COMMITTEE MEETING - 19 SEPTEMBER 2019

SUMMARY

A meeting of the Parks, Gardens & Open Space Advisory Committee was held on Thursday, 19 September 2019.

230/19

Resolved that the report and recommendations from the Parks, Gardens & Open Space Advisory Committee meeting of 19 September 2019 be received and noted.

(Brian Murray/Greg Sauer)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES9/19) COUNCIL RESOLUTION REGISTER - OCTOBER 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.

231/19 **Resolved** that Council notes the status of the Council Resolution Register to October 2019.

(Greg Sauer/Michael Petrie)

Motion Carried

Manager Fleet, Brad Foan entered the meeting, the time being 1.20 pm.

CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

232/19 **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.

(Bronwyn Petrie/Gary Verri)

Motion Carried

The doors were closed to the public, the recording device turned off and the meeting moved into Closed Committee, the time being 1.21 pm.

(ITEM ENV24/19) REPLACEMENT OF LAND FILL COMPACTOR FOR BOONOO BOONOO WASTE FACILITY

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.

SUMMARY

Council has a Land Fill Compactor (Unit 109 Komatsu WF450-3) at its primary landfill facility located at Boonoo Boonoo and the current asset is due for replacement. The budget allocation as prescribed in the adopted Plant Renewal Program affords council the capacity to purchase a second hand machine only; and further, a second hand machine suits the low utilisation nature of the task.

233/19 **Resolved** that Council accepts the offer of \$495,000 (ex GST) from Westrac for the supply and delivery of the second hand Caterpillar 836H Ser# BXD01016, subject to the satisfactory on site inspection by Council's Fleet Manager.

(Bob Rogan/Greg Sauer)

Motion Carried

RESUMPTION OF STANDING ORDERS

234/19 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

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 1.37 pm.

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

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 1.38 pm.

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Councillor Peter Petty
Mayor/Chairperson