



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 18 DECEMBER 2019

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 18 December 2019 commencing at 9.33 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

Revenue Officer, Penny Robertson present in the meeting.

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

263/19 **Resolved** that the Leave of Absence for Cr Don Forbes be received and noted.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

264/19 **Resolved** that the following Disclosures and Declaration of Interest be received and noted.

Name	Type	Item
Cr John Macnish	Pecuniary Interest – Will leave the meeting.	GOV80/19 – Monthly Operational Report – November 2019 (DA 2019/113 – owner of the quarry)
Cr Bronwyn Petrie	Less than Significant Non Pecuniary	COM21/19 – Emergency Operations & Administration Building Refurbishment

(Gary Verri/Tom Peters)

Motion Carried

(ITEM MIN11/19) CONFIRMATION OF PREVIOUS MINUTES

265/19 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 27 November 2019

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

(Greg Sauer/Bob Rogan)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

266/19 **Resolved** that the Addendum Agenda – Item COM22/19 – Drought Stimulus Package – Regional Youth School Holiday Activity be accepted and considered by the meeting.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Nil.

MAYORAL MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

Item GOV/87/19 removed from Agenda by Mayor.

267/19 **Resolved** that the following items be considered in the Confidential Section of the meeting:

- Item COM21/19 – Emergency Operations & Administration Building Refurbishment
- Item ECO16/19 – Design and Construction of the Bridge on Tooloom Road at Beaury Creek
- Item ECO17/19 - Design and Construction of the Bridge on Hootons Road at Emu Creek

- Item ECO18/19 - Design and Construction of the Bridge on Mt Lindesay Road at Boonoo Boonoo River

(Brian Murray/Greg Sauer)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM22/19) DROUGHT STIMULUS PACKAGE- REGIONAL YOUTH SCHOOL HOLIDAY ACTIVITY

SUMMARY

On 13 December 2019, Council received a letter from the Minister for Mental Health, Regional Youth and Women, with regard to the NSW Government's \$170 Million NSW Drought Stimulus Package. The Minister advised in the letter that Council could apply for a grant of between \$5,000 - \$10,000 to support additional youth programs.

268/19 **Resolved** that Council:

- (1) Apply for the funding on offer and reduce the Adult and Child admission fees for entry by 50% to \$2 per person (under 3 still free) for the month of January 2020; and
- (2) Refund Season passes for the month of January on request of user through Council Administration.

(Michael Petrie/Gary Verri)

Motion Carried

OUR ECONOMY

(ITEM ECO14/19) SALE OF LAND FOR UNPAID RATES AND CHARGES

SUMMARY

The purpose of this report is:

- To advise Council of land on Council's records that are eligible for Sale of Land for Unpaid Rates and Charges, under Section 713 of the *Local Government Act 1993* and Council's Debt Recovery Policy.
- To resolve to commence the process of selling these properties for unpaid Rates and charges to recover the \$228,378.98 outstanding, which as at 4 December 2019 constitutes 34.56% of total outstanding Rates and charges.

269/19 **Resolved** that Council:

- (1) Pursuant to Section 713 and other relevant sections of the *Local Government Act 1993*, implements sale proceedings to sell the properties

listed in this report at a public auction at a time and place to be determined;

- (2) Appoints Outstanding Collections (Aust) Pty Ltd (OSC) to administer the sale on Council's behalf.
- (3) Authorises Council staff and OSC to proceed with the necessary arrangements pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
- (4) Delegates authority to the General Manager (Chief Executive) to take the following actions pertaining to the properties specified in the report:
 - a. To withdraw from sale any property that, prior to the commencement of the auction, has had all Rates and charges payable (including overdue Rates and charges) paid in full.
 - b. To withdraw any property from sale for technical or legal reasons.
 - c. To set reserve prices for sale of the properties at auction.
 - d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
 - e. To execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal.

(Greg Sauer/Michael Petrie)

Motion Carried

Revenue Officer, Penny Robertson left the meeting, the time being 9.52 am.

Manager Planning & Development Services, Tamai Davidson entered the meeting, the time being 9.52 am.

PROCEDURAL MOTION - CHANGE TO ORDER OF AGENDA

- 270/19** **Resolved** that Item ENV27/19 – Community Participation Plan, be brought forward in the Agenda for consideration at this time.

(Greg Sauer/Bob Rogan)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV27/19) COMMUNITY PARTICIPATION PLAN

SUMMARY

The purpose of this report is to present to Council the results of the public exhibition period and recommend that the Community Participation Plan be adopted as exhibited.

271/19 **Resolved** that Council adopts the draft Community Participation Plan as exhibited and uploaded to the NSW Planning Portal.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

Manager Planning & Development Services, Tamai Davidson left the meeting, the time being 9.54 am.

PRESENTATION TO JOEL AND YOLANDE SOPER (SALVATION ARMY)

Mayor Peter Petty presented a Tenterfield Shire Council plaque to Mr and Mrs Soper in heartfelt recognition of their dutiful service to the Tenterfield Shire community, particularly in the recent drought and fire conditions which have created much hardship.

Mr and Mrs Soper have served the community through the Salvation Army for nine (9) years and have now been transferred on.

SUSPENSION OF STANDING ORDERS

272/19 **Resolved** that Standing Orders be suspended.

(Gary Verri/Tom Peters)

Motion Carried

The meeting adjourned for morning tea, the time being 9.59 am.

The meeting reconvened with the same members present and with the addition of Revenue Officer, Penny Robertson, the time being 10.22 am.

RESUMPTION OF STANDING ORDERS

273/19 **Resolved** that Standing Orders be resumed.

(Brian Murray/Bob Rogan)

Motion Carried

(ITEM ECO15/19) PETER ALLEN FESTIVAL

SUMMARY

The purpose of this report is to discuss fees and charges for the closure of Rouse Street and sections of High Street on Saturday, 7 September, during the 2019 Peter Allen Festival.

RECOMMENDATION

That Council allocate the remainder of the *Empowering Our Communities Grant*, a sum of approximately \$10,000, to the Peter Allen Festival Committee in recognition of their community support and loss as a result of the 2019 drought and fire impacted event and the vital support this event provided for the mental health of the community.

(Bob Rogan/Michael Petrie)

AMENDMENT

That Council defer consideration of this recommendation until such time as Peter Allen Festival organisers produce full audited financials, including Balance Sheets, for the past two (2) Festivals.

Once received, this matter will be reconsidered by Council.

(Greg Sauer/Bob Rogan)

Amendment Carried

274/19 **Resolved** that Council defer consideration of this recommendation until such time as Peter Allen Festival organisers produce full audited financials, including Balance Sheets, for the past two (2) Festivals.

Once received, this matter will be reconsidered by Council.

(Greg Sauer/Bob Rogan)

Motion Carried

OUR GOVERNANCE

Having declared a Pecuniary Interest in the following item, Cr John Macnish left the meeting, the time being 10.49 am.

(ITEM GOV80/19) MONTHLY OPERATIONAL REPORT - NOVEMBER 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.

275/19 **Resolved** that Council receives and notes the status of the Monthly Operational Report for November 2019.

(Bob Rogan/Bronwyn Petrie)

Motion Carried

Cr John Macnish returned to the meeting, the time being 11.07 am.

Cr Michael Petrie left the meeting, the time being 11.07 am.

(ITEM GOV81/19) COUNCIL RECESS PERIOD - 2019/2020 & DELEGATION FOR CHIEF EXECUTIVE LEAVE PERIOD

SUMMARY

The purpose of this report is for Council to approve recess arrangements and provide the Mayor and/or Deputy Mayor, and the Chief Executive with delegations over the recess period and provide delegation for Acting Chief Executive during period of leave of Chief Executive.

276/19 **Resolved** that Council:

- (1) Be in recess from 21 December 2019 to 26 February 2020;
- (2) Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the Chief Executive jointly to exercise any function of Council during the recess period with the exception of:
 - Determination of applications for all dwelling types and ancillary structures where significant objections have been received;
 - Rezoning matters;
 - Subdivision applications; and
 - Entering into Leases and Licences;
- (3) That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2020 Ordinary Council Meeting of Council to be held on 26 February 2020.
- (4) That Council approve the temporary appointment of Chief Corporate Officer, Kylie Smith to the position of Acting Chief Executive for the period Monday, 6 January 2020 to Sunday, 26 January 2020 inclusive, and Monday 17 February to Friday 21 February 2020 inclusive.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV82/19) FINANCE & ACCOUNTS - PERIOD ENDED 30 NOVEMBER 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.

277/19 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 November 2019.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV83/19) CAPITAL EXPENDITURE REPORT AS AT 30 NOVEMBER 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.

278/19 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 November 2019.

(Bob Rogan/Greg Sauer)

Motion Carried

Cr Michael Petrie returned to the meeting, the time being 11.10 am.

(ITEM GOV84/19) JOINT ORGANISATION MEMBERSHIP FOR THE 2020/21 FINANCIAL YEAR

SUMMARY

Consider membership fees for the New England Joint Organisation (NEJO) for 2020/21 and whether Council wishes to remain a member of the NEJO given the potential for a 340% increase in membership fees above the current fee level.

279/19 **Resolved** that Council approve that:

- (1) The Mayor advise NEJO that Council is prepared to pay \$5,130 as a membership fee to the NEJO for the 2020/21 Financial Year;
- (2) The Mayor request that the NEJO approach the State Government to fully fund the operations of Joint Organisations; and
- (3) The Mayor advise NEJO that should the amount that Tenterfield Shire Council is prepared to pay in membership fees to NEJO for 2020/21 not be accepted, Council will further consider its membership of the NEJO for 2020/21 and beyond.

(Brian Murray/Bronwyn Petrie)

Motion Carried

Revenue Officer, Penny Robertson left the meeting, the time being 11.25 am.

Manager Customer Service, Governance & Records, Erika Bursford, entered the meeting, the time being 11.25 am.

(ITEM GOV85/19) A NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR LOCAL GOVERNMENT IN NSW

SUMMARY

The NSW Office of Local Government (OLG) is consulting on the proposed regulatory framework that will support the operation of Audit, Risk and Improvement Committees, to be in effect from March 2021. Tenterfield Shire Council's response has been drafted from the commentary provided by the Committee and staff concerns, to be submitted to Council's meeting of 18 December 2019, for subsequent submission to the OLG by 31 December 2019.

280/19 **Resolved** that Council provide the attached response to the Office of Local Government NSW as feedback to the “Risk Management and Internal Audit Framework for Local Government in NSW” Review.

(Brian Murray/Michael Petrie)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, left the meeting, the time being 11.33 am.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC22/19) REPORTS OF COMMITTEES & DELEGATES - MEETING OF NEW ENGLAND JOINT ORGANISATION OF COUNCILS (NEJO) - 25 NOVEMBER 2019

SUMMARY

A meeting of the New England Joint Organisation of Councils (NEJO) was held at Armidale on Monday, 25 November 2019.

281/19 **Resolved** that the Minutes of the New England Joint Organisation of Councils (NEJO) be received and noted.

(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM RC23/19) REPORTS OF COMMITTEES & DELEGATES - MEETING OF TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 14 NOVEMBER 2019

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 14 November 2019.

282/19 **Resolved** that the report and recommendations of the Tenterfield Shire Local Traffic Committee meeting of 14 November 2019 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

SUSPENSION OF STANDING ORDERS

283/19 **Resolved** that Standing Orders be suspended.

(Brian Murray/Greg Sauer)

Motion Carried

The meeting adjourned to allow attendance of the Mayor and Councillors at the official opening of the new Service NSW facility in Tenterfield, the time being 11.48 am.

The meeting reconvened with the same members present, the time being 12.21 pm.

RESUMPTION OF STANDING ORDERS

284 / 1 **Resolved** that Standing Orders be resumed.
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(Brian Murray/Greg Sauer)

Motion Carried

NOTICES OF MOTION

(ITEM NM9 / 19) NOTICE OF MOTION - ROYAL COMMISSION

SUMMARY

The purpose of this motion is to try to preserve the natural environment for future generations.

285 / 19 **Resolved** that Council:

- (1) Call on the State Member for Lismore Janelle Saffin MP and the Federal Member for New England The Hon Barnaby Joyce MP to advocate on our behalf for a Royal Commission, in both jurisdictions, into the management of National Parks, State Forests, Stock Routes and other Crown lands and management of Section 44 fires; and restrictions to land holders to conduct preventative hazard reduction; and
- (2) Take a similar motion to the JO of Councils, BROOC and NSW Country Mayors.

(Gary Verri/Greg Sauer)

Motion Carried Unanimously

(ITEM NM10 / 19) NOTICE OF MOTION - ROAD NAMING

SUMMARY

There are several roads in the Liston area which have dual names that need clarifying.

286 / 19 **Resolved** that Council start the process of renaming of:

- Seven Mile Lane / Herding Yard Creek Road;
- Old Maryland Lane/ Catarins Road, Maryland;
- Cullendore Road; and
- Red Ridge Road.

(Gary Verri/Brian Murray)

Motion Carried

RESOLUTION REGISTER

(ITEM RES11/19) COUNCIL RESOLUTION REGISTER - DECEMBER 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.

287/19 Resolved that Council notes the status of the Council Resolution Register to December 2019.

(Bronwyn Petrie/John Macnish)

Motion Carried

CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

288/19 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.

(Gary Verri/Bronwyn Petrie)

Motion Carried

The doors were closed to the public, the recording device turned off and the meeting moved into Closed Committee, the time being 12.38 pm.

Manager Property & Building, Heidi Ford, entered the meeting, the time being 12.39 pm.

(ITEM COM21/19) EMERGENCY OPERATIONS & ADMINISTRATION BUILDING REFURBISHMENT

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 Tender for the Emergency Operations & Administration Building Refurbishment Project.

289/19 **Resolved** that Council:

- (1) Accept the tender evaluation report for the Emergency Operations Centre (EOC) & Administration Building Refurbishment Project;
- (2) Not accept any of the submitted tenders;
- (3) Proceed with negotiations with the lowest tenderer to align the scope with the budget.

(Bob Rogan/Greg Sauer)

Motion Carried

Manager Property & Building, Heidi Ford, left the meeting, the time being 2.57 pm.

(ITEM ECO16/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON TOOLOOM ROAD AT BEAURY CREEK

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)) 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.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the design and construction of the bridge on Tooloom Road at Beaur Creek.

290/19 **Resolved** that Council accept the tender of Ozwide Bridge Civil and Rail Pty Ltd for the design and construction of the bridge Tooloom Road at Beaur Creek in the amount of \$937,007.50 (including GST). This amount includes the cost to replace the existing bridge and the provisional item for a higher standard of safety rail.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

(ITEM ECO17/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON HOOTONS ROAD AT EMU CREEK

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)) 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.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the design and construction of the bridge on Hootons Road at Emu Creek.

291 / 19 **Resolved** that Council accept the tender of Ozwide Bridge Civil and Rail Pty Ltd for the design and construction of the bridge Hootons Road at Emu Creek in the amount of \$983,004.00 (including GST).

(Bronwyn Petrie/Michael Petrie)

Motion Carried

(ITEM ECO18/19) DESIGN AND CONSTRUCTION OF THE BRIDGE ON MT LINDESAY ROAD AT BOONOO BOONOO RIVER

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)) 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.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the design and construction of the bridge on Mt Lindesay Road at Boonoo Boonoo River.

292 / 19 **Resolved** that Council accept the tender of Murray Valley Piling Pty Ltd for the design and construction of the bridge Mt Lindesay Road at Boonoo Boonoo River in the amount of \$1,136,300.00 (including GST). This amount includes the cost to replace the existing bridge and provisional items including a higher standard of safety rail, provision of a shared pathway, and improved flood immunity.

(Gary Verri/Bob Rogan)

Motion Carried

RESUMPTION OF STANDING ORDERS

293 / 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 1.13 pm.

In accordance 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 1.16 pm.

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Councillor Peter Petty
Mayor/Chairperson