



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 26 SEPTEMBER 2018

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 26 September 2018 commencing at 10.27 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)
Chief Operating Officer (Andre Kompler)

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.

A handwritten signature in black ink, appearing to read 'Greg Sauer', is written over a dark red background at the bottom right of the page.

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 his personal thanks to Councillor Don Forbes for his assistance and support while in the role of Deputy Mayor.

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 both past and present of the Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

(ITEM MIN2/18) CONFIRMATION OF PREVIOUS MINUTES

198/18 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting held on Wednesday, 22 August 2018

as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

(Bob Rogan/Greg Sauer)

Motion Carried



TABLING OF DOCUMENTS

- 199/18** **Resolved** that amended Attachment 8 (Attachment Booklet 2) – *Amendment to Tenterfield Development Control Plan 2014 – Chapter 8 – Signage & Outdoor Advertising* be tabled.

(Gary Verri/Tom Peters)

Motion Carried

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item GOV65/18 - Monthly Operational Report – August 2018

- Heidi Ford, Property, Building & Landscape Coordinator addressed the following sections of the Monthly Operational Report:
 - Building & Amenities
 - Swimming Complex

- Mark Cooper, Open Space, Regulatory & Utilities Supervisor addressed the following sections of the Monthly Operational Report:
 - Livestock Saleyards
 - Environmental Management
 - Parks, Gardens and Open Space

MAYORAL MINUTE

Nil

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL SECTION

- 200/18** **Resolved** that the following reports be considered in the Confidential Section of the Meeting:

- Item COM17/18 – Sale of Service Station Freehold (159 Rouse Street, Tenterfield); and
- Item ECO22/18 – Casual Hire of Plant and Labor for 2018-2020 – Tender 09-17/18

(Greg Sauer/Michael Petrie)

Motion Carried



OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM14/18) SUBMISSION OF PETITION - REQUEST REVIEW OF SECTION 64 & 7.11 (94) DEVELOPER CONTRIBUTIONS

SUMMARY

The purpose of this report is to advise Council of a petition submitted by Mr Calvin Grogan of Essential Building Design Services, with 12 other signatories, requesting that Council review the current Development Servicing Plans/Development Contributions levied on developers in Tenterfield Shire under Section 64 of the *NSW Local Government Act 1993*, and Sections 7.11 and 7.12 (formerly Section 94) of the *NSW Environmental Planning and Assessment Act 1979*.

201/18 **Resolved** that Council notes:

- (1) The receipt of a petition requesting a review be undertaken of the *NSW Local Government Act 1993, Section 64*, and the *NSW Environmental Planning and Assessment Act 1979, Section 7.11 and Section 7.12* developer contributions; and
- (2) Council's 2018/19 statutory review of the *NSW Local Government Act 1993, Section 64*, and the *NSW Environmental Planning and Assessment Act 1979, Section 7.11 and Section 7.12* developer contributions, will address the petitioners' request for a review of contributions.

(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM COM15/18) LOCAL HERITAGE PLACE FUND 2018/19

SUMMARY

The purpose of this report is to provide a summary and recommendations on community applications made under the Local Heritage Fund Scheme for 2018/19 for maintenance and conservation works of heritage items, within heritage conservation areas and with the support of Council's Heritage Advisor.

202/18 **Resolved** that Council:

- (1) Endorses the offers of funding as detailed in the table below, and forwards letters of offer to the eligible applicants; and
- (2) Any funding not accepted, or not claimed by the claim date, be redistributed evenly amongst completed projects.



Property	Allocation
Tenterfield Swimming Pool	Project needs to be developed further in partnership with Council
164 Manners Street, Tenterfield	\$3,000
Former Uniting Church – 135 Logan Street, Tenterfield	Alternate funding received – State Funding \$100,000
Uniting Church Manse – 137 Logan Street, Tenterfield	\$2,000
St John The Baptist Anglican Church, Liston	\$3,000
170 High Street, Tenterfield	\$3,000
Torrington All Saints Church, 17 Lockwoods Lane, Torrington	\$2,760
130 Logan Street, Tenterfield	\$3,000
Old Council Chambers – 157 Manners Street, Tenterfield	\$321.00
104 Homestead Road, Tenterfield	\$2,000
Former Uniting Church – 8 Welch Street, Urbenville	\$2,000
Terminus Building – 52 Molesworth Street, Tenterfield	\$2,000
Keba – 17 Naas Street, Tenterfield	Alternate funding received – State Funding \$100,000
258 Rouse Street, Tenterfield	\$500
398 Rouse Street, Tenterfield	\$500
TOTAL	\$24,081

(Bronwyn Petrie/Brian Murray)

Motion Carried

Acting Manager HR & Workforce Development, Mr Barry Frew entered the meeting and addressed Council on the following item, the time being 11.17 am.

(ITEM COM16/18) PROPOSAL FOR EMERGENCY MANAGEMENT CENTRE GRANT

SUMMARY

The purpose of this report is to seek a council resolution to note and endorse the Infrastructure Grant funding application Emergency Preparedness, for the Emergency Management Centre; and to make note that an allocation of funding in the quarterly budget review will need to be made to support the application. This will assist in providing greater services to the community and the staff using the building.

203/18 Resolved that Council:

- (1) Endorse the Infrastructure Grant funding application *Emergency Preparedness, for the Emergency Management Centre* and;
- (2) Note an amendment of funding in the quarterly budget review.

(Greg Sauer/Gary Verri)

Motion Carried

Acting Manager HR & Workforce Development, Mr Barry Frew left the meeting, the time being 11:36 am.



Manager Finance & Technology, Mr Paul Della entered the meeting and addressed Council on the following item, the time being 11.37 am.

OUR ECONOMY

(ITEM ECO20/18) FINANCIAL ASSISTANCE GRANT CALCULATIONS - 2018/19

SUMMARY

The purpose of this report is to advise Council of correspondence from the Local Government Grants Commission explaining details of the grant calculations for 2018/19.

204/18 **Resolved** that Council:

- (1) Note this report;
- (2) Affirm in the correspondence Councils commitment to continue to Lobby for an increase in the quantum of the Federal Financial Assistance Grants to the equivalent of 1% of Commonwealth Taxation revenue.

(Michael Petrie/John Macnish)

Motion Carried

Manager Finance & Technology, Mr Paul Della left the meeting, the time being 11.38 am.

(ITEM ECO21/18) TENTERFIELD AERODROME REGRADING

SUMMARY

This report relates to a community initiated proposal to upgrade the Tenterfield Airstrip with regrading of the strip to meet current operating standards with either a grass or bitumen surface.

205/18 **Resolved:**

- (1) That Council note the report; and
- (2) Subject to no capital contribution by Council, Council pursue grant funding or partnering opportunities for the upgrading of the Tenterfield Airstrip and that such remain a grass strip runway.

(Bronwyn Petrie/Tom Peters)

Motion Carried



OUR ENVIRONMENT

(ITEM ENV18/18) DRINKING WATER QUALITY POLICY NO 2.162 - DRAFT

SUMMARY

The purpose of this report is to provide Council with information to consider a Draft Drinking Water Quality Policy. This policy is in line with the Australian Drinking Water Guidelines which have already been implemented.

206/18 **Resolved** that Council:

- (1) Place the draft Drinking Water Quality Policy No 2.162 on public exhibition for fourteen (14) days as required; and
- (2) Adopt the Drinking Water Quality Policy No 2.162 if no submissions are received.

(Bob Rogan/Michael Petrie)

Motion Carried

(ITEM ENV19/18) AMENDMENT TO TENTERFIELD DEVELOPMENT CONTROL PLAN 2014 - SIGNAGE & OUTDOOR ADVERTISING

SUMMARY

The purpose of this report is to seek Council's resolution to adopt the changes to Tenterfield Development Control Plan 2014 after the close of the public advertising period in accordance with Clause 21 of the *Environmental Planning & Assessment Regulation 2000*. No submissions were received and it is recommended that the amendments be adopted as exhibited as per Attachment 8 (Booklet 2).

Please note that in Attachment Booklet 2 (Attachment 8), the matters raised and resolved to be exhibited at Council's meeting of 27 June 2018 were inadvertently omitted. These matters, which allow for wall mounted flag signs, changes to corporate building signs and reference to Heritage Advisor advice were publicly advertised along with the remaining changes and no submissions received.

The updates, as recommended by Council, have now been included in red in the replacement Attachment 8 document now tabled.

Cr John Macnish left the meeting, the time being 11.58 am.

207/18 **Resolved** that Council:

- (1) Approves the amendments to the Advertising and Signage Chapter of Tenterfield Development Control Plan 2014 as it was publicly exhibited and identified in the amended Attachment 8 as tabled; and
- (2) Gives public notice of its decision in the local newspaper within 28 days after the decision is made.

(Bronwyn Petrie/Brian Murray)

Motion Carried



Property, Building & Landscape Coordinator, Ms Heidi Ford entered the meeting and addressed Council on the following item, the time being 11.59 am.

Cr John Macnish returned to the meeting, the time being 12 noon.

(ITEM ENV20/18) PROPOSED MINGOOLA RURAL FIRE SERVICE STATION

SUMMARY

The purpose of this report is to provide Council with the current land position for the proposed Mingoola Rural Fire Service Station.

- 208/18** **Resolved** that Council resolve to delegate authority to the Chief Executive to obtain the required land within the Travelling Stock Route (TSR32548) at Mingoola (as per site diagram) for the purpose of constructing a Rural Fire Service Station and become the Crown Land Manager of that land.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

Property, Building & Landscape Coordinator, Ms Heidi Ford left the meeting, the time being 12.02 pm.

OUR GOVERNANCE

(ITEM GOV65/18) MONTHLY OPERATIONAL REPORT - AUGUST 2018

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 2018/2019 Operational Plan.

Cr Brian Murray left the meeting, the time being 12.09 pm.

Cr Brian Murray returned to the meeting, the time being 12.12 pm.

- 209/18** **Resolved** that Council receives and notes the status of the Monthly Operational Report for August 2018.

(Brian Murray/Michael Petrie)

Motion Carried

SUSPENSION OF STANDING ORDERS

- 210/18** **Resolved** that Standing Orders be suspended.

(Bob Rogan/Brian Murray)

Motion Carried



The Meeting adjourned for lunch, the time being 12.45 pm.

The Meeting reconvened with the same members present and the addition of Manager Finance & Technology, Mr Paul Della, the time being 1.31 pm.

RESUMPTION OF STANDING ORDERS

211/18 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV66/18) LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018 - SUBMISSION OF MOTION UNDER DELEGATED AUTHORITY

SUMMARY

The purpose of this report is for Council to note a late motion relating to timber bridge funding lodged under delegated authority to the 2018 Local Government NSW Annual Conference.

212/18 **Resolved** that Council receive and note the following late motion that has been submitted to Local Government NSW for inclusion in the 2018 Annual Conference Business Paper:

That Local Government NSW lobby the NSW Government to modify the present application process for infrastructure grants in favour of direct grants to Councils using a similar formula to the Federal Government Assistance Grants (FAGS).

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM GOV67/18) FINANCE & ACCOUNTS - PERIOD ENDED 31 AUGUST 2018

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.

213/18 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 August 2018.

(Bronwyn Petrie/Bob Rogan)

Motion Carried



(ITEM GOV68/18) CAPITAL EXPENDITURE REPORT AS AT 31 AUGUST 2018

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.

214/18 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 August 2018.

(Greg Sauer/Tom Peters)

Motion Carried

(ITEM GOV69/18) 2017/18 FINANCIAL STATEMENTS TO BE REFERRED FOR AUDIT

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2018. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer.

A revised copy of the 2017/18 Financial Statements was provided to Councillors and this copy will be placed on the Council website.

215/18 **Resolved:**

- (1) That, in relation to the Financial Statements and in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended):
 - a) Council resolves that in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2018 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under.
 - b) That the Financial Statements be approved and signed by the Mayor, the Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer.
- (2) That the Financial Statements be referred to Council's Auditor for audit.
- (3) That the audited Financial Statements be forwarded to the Office of Local Government by 31 October 2018.
- (4) That the Chief Executive Officer be delegated authority to, after Council receives a copy of the Audited Financial Statements and Auditor's report, place the Audited Financial Statements on public exhibition from Friday, 2 November 2018 and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 28 November 2018.



- (5) That the audited Financial Statements be presented at the meeting of Council to be held on 28 November 2018 in accordance with Section 419(1) of the Local Government Act 1993 (as amended).

(Gary Verri/Bob Rogan)

Motion Carried

Manager Finance & Technology, Mr Paul Della left the meeting, the time being 1.59 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC22/18) REPORT OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION CONFERENCE & ANNUAL GENERAL MEETING - 29 TO 31 AUGUST 2018

SUMMARY

The Murray Darling National Conference and Annual General Meeting was held in Leeton from 29 to 31 August 2018 and was attended by Deputy Mayor Don Forbes.

- 216/18** **Resolved** that Councillor Don Forbes' report of the 74th Murray Darling Association Conference and Annual General Meeting be received and noted.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

(ITEM RC23/18) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 30 AUGUST 2018

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 30 August 2018.

- 217/18** **Resolved** that the report and actions from the Tenterfield Shire Local Traffic Committee meeting of 30 August 2018 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM NM7/18) NOTICE OF MOTION - DROUGHT PROOFING FARM WATER

SUMMARY

The purpose of this Notice of Motion is, through advocacy, to secure Landcare funding for sustainable farm water supplies.

Cr Michael Petrie left the meeting and did not return, the time being 2.22 pm.



218/18 **Resolved** that Council writes to the Hon Barnaby Joyce MP asking him to advocate of behalf of farm businesses to direct Landcare funding for 2019/2020 and 2020/2021 to assist in building secure water supplies for domestic use and stock.

(Gary Verri/Greg Sauer)

Motion Carried

(ITEM RES8/18) COUNCIL RESOLUTION REGISTER - SEPTEMBER 2018

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.

219/18 **Resolved** that Council notes the status of the Council Resolution Register to September 2018.

(Bob Rogan/Brian Murray)

Motion Carried

CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

220/18 **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.

(Brian Murray/Greg Sauer)

Motion Carried

The doors were closed to the public, the recording device turned off and the Meeting moved into Closed Committee, the time being 2.30 pm.

(ITEM COM17/18) SALE OF SERVICE STATION FREEHOLD (159 ROUSE STREET, TENTERFIELD)

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(iii)) 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; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.



SUMMARY

The purpose of this report is to update Council regarding items in past resolutions have been actioned and that the freehold land of 159 Rouse Street, Tenterfield upon which the service station is operated, will be sold by way of public auction.

221/18 **Resolved** that Council:

- (1) Resolve to proceed with the sale of the freehold land at 159 Rouse Street, Tenterfield (Lot 10 in DP1241545) by way of public auction in accordance with Clause 12.1.2 of the Variation of Lease registered number AN204012E; and
- (2) Delegate the authority to the Chief Executive to negotiate with any potential purchaser once the reserve price as agreed in the Confidential part of the Ordinary Council meeting held on 26 September 2018 is achieved and execute a Contract for Sale and Transfer upon the successful sale of the land; and
- (3) Authorise the Seal of Tenterfield Shire Council to be affixed to the contract between Tenterfield Shire Council and the successful purchaser.

(Bronwyn Petrie/Tom Peters)

Motion Carried

(ITEM ECO22/18) CASUAL HIRE OF PLANT AND LABOUR FOR 2018-2020 TENDER 09-17/18

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(i)) 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; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the Casual Hire of Plant and Labour for 2018-2020 - Tender 09-17/18.

222/18 **Resolved** that Council accept all submitted tenders as a panel of preferred suppliers for Casual Hire of Plant and Labour.

(Brian Murray/Bob Rogan)

Motion Carried

RESUMPTION OF STANDING ORDERS

223/18 **Resolved** that Standing Orders be resumed.

(Tom Peters/Gary Verri)

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 3.19 pm.

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

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 3.20 pm.



Councillor Peter Petty
Mayor/Chairperson