



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 25 SEPTEMBER 2019

MINUTES OF THE **Ordinary Council** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 25 September 2019 commencing at 10.01 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)
Actg Director Engineering/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 live streamed and recorded for placement on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

OPENING AND WELCOME

CIVIC PRAYER

We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.

May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

182/19 **Resolved** that Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Name	Type	Item	Action
Cr Bob Rogan	Less than Significant Non Pecuniary (President of Archery Club)	ENV19/19 – Relief for Not for Profit Organisations Impacted by September 2019 Fire Event – Waste Charges	Will remain in Chamber but not vote

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM MIN8/19) CONFIRMATION OF PREVIOUS MINUTES

183/19 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 28 August 2019

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

(Tom Peters/Bob Rogan)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

ACCEPTANCE OF ADDENDUM REPORT

184/19 **Resolved** that Council accept the Addendum Report relating to Item GOV64/19 – *Sustaining the Regions 2019* – Sydney – Tuesday, 1 & Wednesday, 2 October 2019.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

URGENT ITEM – INSTALLATION OF EMERGENCY SIRENS – TENTERFIELD TOWN

185/19 **Resolved** that the Chief Executive provide a report to the October 2019 Council Meeting regarding the installation of emergency sirens in Tenterfield township to alert residents to imminent risks.

(Bronwyn Petrie/Gary Verri)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item GOV57/18 – Monthly Operational Report – August 2019

- Manager Property & Buildings – Heidi Ford
- Manager Library Services – Jenny Stoker

Item COM10/19 – Lease to Tenterfield & District Community FM Radio Association Inc – 142 Manners Street, Tenterfield

- Mr Peter Robinson – Mr Robinson tabled an extract of the *Local Government Act 1993* – Section 356 – Can a council financially assist others?

SUSPENSION OF STANDING ORDERS

186/19 **Resolved** that Standing Orders be suspended.

(Donald Forbes/Michael Petrie)

Motion Carried

The meeting adjourned to allow for morning tea, the time being 10.32 am.

The meeting reconvened with the same members present and the addition of Manager Property & Buildings, Heidi Ford, the time being 10.52 am.

RESUMPTION OF STANDING ORDERS

187/19 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

MAYORAL MINUTE

Nil.

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM9/19) ARTSTATE TAMWORTH - 31 OCTOBER TO 3 NOVEMBER 2019

SUMMARY

The purpose of this report is for Council to endorse the attendance of Cr Gary Verri at Artstate Tamworth from Thursday, 31 October to Sunday, 3 November 2019.

RECOMMENDATION

That Council endorse the attendance of Arts Northwest Board Member, Cr Gary Verri at Artstate Tamworth from Thursday, 31 October to Sunday, 3 November 2019.

(Gary Verri/Bob Rogan)

AMENDMENT

Due to the drought conditions, Council nominate an alternate councillor if Cr Verri is unable to attend – this being Cr Bob Rogan.

(Gary Verri/Bob Rogan)

Amendment Carried

188/19 Resolved that Council endorse the attendance of Arts Northwest Board Member, Cr Gary Verri at Artstate Tamworth from Thursday, 31 October to Sunday, 3 November 2019, however due to the drought conditions, Council nominate an alternate councillor if Cr Verri is unable to attend – this being Cr Bob Rogan.

(Gary Verri/Bob Rogan)

Motion Carried

(ITEM COM10/19) LEASE TO TENTERFIELD & DISTRICT COMMUNITY FM RADIO ASSOCIATION INC - 142 MANNERS STREET, TENTERFIELD

SUMMARY

Lease arrangements need to be renewed between Council and Tenterfield & District Community FM Radio Association Inc (Ten FM) regarding the building they occupy at 142 Manners Street, Tenterfield.

RECOMMENDATION

That Council:

- (1) Determines Option X for inclusion in the agreement (Option A or Option B).

Item	2019/2020	2020/2021	2021/2022
Building – 142 Manners Street, Tenterfield (Calculated @ \$165.00 per week)	\$8,580.00	\$8,708.70 incl 1.5% indexation	\$8,839.33 incl 1.5% indexation
Position on Council Array – Mt MacKenzie, Tenterfield	\$4,387.87	\$4,453.68 incl 1.5% indexation	\$4,520.48 incl 1.5% indexation
Registration of Lease	For leases in excess of 3 years		
<i>Sub Total</i>	\$12,967.87	\$13,162.38	\$13,359.81
<i>Less Payment to Council by Ten FM</i>			
Option A (10%)	\$1,296.79	\$1,316.24 incl 1.5% indexation	\$1,335.98 incl 1.5% indexation
Option B	\$500.00	\$500.00	\$500.00
Total Support (Option A)	\$11,671.08	\$11,846.14	\$12,023.83
Total Support (Option B)	\$12,467.87	\$12,662.38	\$12,859.81

- (2) Delegate authority to the Chief Executive to sign the Financial Contribution Agreement for a period of 3 years with Tenterfield and District Community Radio Association Inc.
- (3) Delegate authority to the Chief Executive to enter into a lease with the existing tenant, Tenterfield & District Community Radio Association Inc at 142 Manners Street, Tenterfield, commencing on 1 October 2019 based on the financial contribution agreement.
- (4) Authorise the lease be signed and executed under the Seal of Council by the

Mayor and the Chief Executive, in accordance with Council Policy.

AMENDMENT

Select Option B and removes Clause (f) from the Financial Contribution Agreement between Tenterfield Shire Council and Tenterfield & District Community FM Radio Association Inc.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

189/19 Resolved that Council:

- (1) Determines Option B and removes Clause (f) from the Financial Contribution Agreement between Tenterfield Shire Council and Tenterfield & District Community FM Radio Association Inc.

Item	2019/2020	2020/2021	2021/2022
Building – 142 Manners Street, Tenterfield (Calculated @ \$165.00 per week)	\$8,580.00	\$8,708.70 incl 1.5% indexation	\$8,839.33 incl 1.5% indexation
Position on Council Array – Mt MacKenzie, Tenterfield	\$4,387.87	\$4,453.68 incl 1.5% indexation	\$4,520.48 incl 1.5% indexation
Sub Total	\$12,967.87	\$13,162.38	\$13,359.81
Less Payment to Council by Ten FM			
Option B	\$500.00	\$500.00	\$500.00
Total Support (Option B)	\$12,467.87	\$12,662.38	\$12,859.81

- (2) Delegate authority to the Chief Executive to sign the Financial Contribution Agreement for a period of 3 years with Tenterfield and District Community Radio Association Inc.
- (3) Delegate authority to the Chief Executive to enter into a lease with the existing tenant, Tenterfield & District Community Radio Association Inc at 142 Manners Street, Tenterfield, commencing on 1 October 2019 based on the financial contribution agreement.
- (4) Authorise the lease be signed and executed under the Seal of Council by the Mayor and the Chief Executive, in accordance with Council Policy.

(Bob Rogan/Michael Petrie)

Motion Carried

Manager Property & Buildings, Heidi Ford, left the meeting, the time being 11.10 am.

(ITEM COM11/19) DRAFT FOOTPATH ACTIVITIES POLICY & AMENDMENT TO LOCAL APPROVALS POLICY NO. 3.121

SUMMARY

The purpose of this report is to present Council with the new Footpath Activities Policy for adoption and for Council to 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, and to amend Council's Local Approvals Policy No. 3.121.

190/19 Resolved that Council:

- (1) Places on public exhibition the new draft Footpath Activities Policy, as per Attachment 1 (Booklet 1) for a period of 28 days; and
- (2) Places on public exhibition the Local Approvals Policy as amended as per Attachment 2 (Booklet 1) for a period of 28 days; and
- (3) Accepts submissions to the Draft Footpath Activities Policy and Local Approvals Policy for a period of 42 days; and
- (4) Adopts the new Footpath Activities Policy and amended Local Approvals Policy, effective 11 November 2019, should no submissions be received; and
- (5) Repeals Street Vending Policy No 3.191 and Advertising Sandwich Board Policy No 3.010 upon adoption of the Footpath Activities Policy and amended Local Approvals Policy.

(Brian Murray/Michael Petrie)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV18/19) AMENDMENT TO 2019/2020 FEES & CHARGES - WATER NETWORK - BULK WATER SALES FROM COUNCIL'S STANDPIPE

SUMMARY

The purpose of this report is to seek to temporarily suspend the proposed increases in the 2019/2020 Fees & Charges for potable water from the bulk water distribution point until favourable weather conditions prevail.

191/19 Resolved that Council:

- (1) Temporarily suspend the implementation of the adopted \$25 per kilolitre fee for Bulk Water Sales from Council's Standpipes (as per the 2019/20 Operational Plan) and reduces the fee to \$6.20 per kilolitre as per the 2018/19 fee until weather conditions and subsequent demand have diminished; and
- (2) That the suspension of implementing the fee in Recommendation (1) be

effective from 1 July 2019; and

- (3) The date for implementing the 2019/20 fee be determined by the Chief Executive having regard to the weather conditions and demand as per Recommendation (1).

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM ENV19/19) RELIEF FOR NOT FOR PROFIT ORGANISATIONS IMPACTED BY SEPTEMBER 2019 FIRE EVENT - WASTE CHARGES

SUMMARY

Tenterfield Shire has suffered from catastrophic fires for the second time this year. As a consequence two (2) community associations (clubs) have lost assets that will now require disposing. This report seeks to fund the disposal fees for these recognised community clubs, the Tenterfield Pistol Club and Tenterfield Traditional Archers, that fall outside of insurance and Office of Emergency Management assistance.

Having declared an interest, Cr Bob Rogan did not take part in the debate (answered questions only) or vote on this matter.

- 192/19** **Resolved** that Council provide a donation in the form of waiving waste transfer disposal fees, up to a maximum of \$1,000 each, to the Tenterfield Pistol Club and Tenterfield Traditional Archers, who were directly impacted by the recent fires to allow them to dispose of fire damaged materials.

(Gary Verri/Greg Sauer)

Motion Carried

Cr John Macnish left the meeting, the time being 11.34 am.

Cr John Macnish returned to the meeting, the time being 11.36 am.

OUR GOVERNANCE

(ITEM GOV57/19) MONTHLY OPERATIONAL REPORT - AUGUST 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.

- 193/19** **Resolved** that Council receives and notes the status of the Monthly Operational Report for August 2019.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV58/19) LOCAL ROADS & TRANSPORT CONGRESS 2019 - HAHNDORF, SOUTH AUSTRALIA - 18 TO 20 NOVEMBER 2019

SUMMARY

The purpose of this report is for Council to approve the attendance of the Mayor, Chief Executive and Acting Director Engineering/Infrastructure at the 2019 National Local Roads & Transport Congress to be held at Hahndorf, South Australia from Monday, 18 November to Wednesday, 20 November 2019.

194/19 **Resolved** that Council:

- (1) Approve the attendance of Mayor Peter Petty, Chief Executive Terry Dodds and Acting/Director Engineering/Infrastructure Fiona Keneally at the 2019 Local Roads & Transport Congress in Hahndorf, South Australia – 18 to 20 November 2019; and
- (2) Delegate the functions of the Chief Executive to the Chief Corporate Officer during the period of absence of the Chief Executive at the 2019 Local Roads & Transport Congress.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV63/19) CHRISTMAS/NEW YEAR CLOSEDOWN - 2019/2020

SUMMARY

The purpose of this report is to advise Council of proposed Christmas/New Year close down arrangements for Council staff.

195/19 **Resolved** that Council endorse the closedown periods for the Christmas/New Year 2019/2020 period as follows:

- Indoor staff – close of business Friday, 20 December 2019, reopening Thursday, 2 January 2020;
- Outdoor staff – close of business Thursday, 19 December 2019, reopening Monday, 6 January 2020.

(Greg Sauer/Bob Rogan)

Motion Carried

Manager Finance & Technology, Paul Della, entered the meeting, the time being 11.53 am.

(ITEM GOV59/19) 2018/19 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 2019. 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.

196/19 **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 2019 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 2019.
- (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, 1 November 2019 and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 27 November 2019.
- (5) That the audited Financial Statements be presented at the meeting of Council to be held on 27 November 2019 in accordance with Section 419(1) of the Local Government Act 1993 (as amended).

(Bob Rogan/Tom Peters)

Motion Carried

(ITEM GOV60/19) FINANCE & ACCOUNTS - PERIOD ENDED 31 AUGUST 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.

- 197/19** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 August 2019.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

(ITEM GOV61/19) CAPITAL EXPENDITURE REPORT AS AT 31 AUGUST 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.

198/19

Resolved that Council receive and note the Capital Expenditure Report for the period ended 31 August 2019.

(Gary Verri/Donald Forbes)

Motion Carried

(ITEM GOV62/19) COUNCIL SUBMISSION - REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT (REGULATORY BURDENS)

SUMMARY

The purpose of this report is to provide Council with the Independent Pricing and Regulatory Tribunal's (IPART) Review of Reporting and Compliance Burdens on Local Government (Regulatory Burdens) 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 25 October 2019.

RECOMMENDATION

That Council:

- (1) Notes the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report;
- (2) Notes Council's draft response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report ;
- (3) Advises of any changes required to Council's draft response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report;
- (4) Endorses Council's proposed submission, incorporating any changes as a result of Recommendation (3), in response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report.

AMENDMENT

- (1) That Recommendation 32 be supported but with some commentary to ensure it is not used to engage staff on a temporary basis in positions which are ongoing in nature); and
- (2) Recommendation 7 be amended to a substantially higher amount.

(Bronwyn Petrie/Bob Rogan)

Amendment Carried

199/19 **Resolved** that Council:

- (1) Notes the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report,
- (2) Notes Council's draft response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report;
- (3) Advises of any changes required to Council's draft response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report, these being that Recommendation 7 be amended to a substantially higher amount and that Recommendation 32 be supported but with some commentary to ensure it is not used to engage staff on a temporary basis in positions which are ongoing in nature;
- (4) Endorses Council's proposed submission, incorporating any changes as a result of Recommendation (3), in response to the Review of Reporting and Compliance burdens on Local Government (Regulatory Burdens) Final Report.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

Manager Finance & Technology, Paul Della, left the meeting, the time being 12.38 pm.

(ITEM GOV64/19) SUSTAINING THE REGIONS 2019 - SYDNEY - TUESDAY, 1 & WEDNESDAY, 2 OCTOBER 2019

SUMMARY

The purpose of this report is to obtain Council approval for the attendance of Mayor Peter Petty at the Local Government NSW forum, *Sustaining the Regions 2019* to be held in Sydney on 1 and 2 October 2019.

200/19 **Resolved** that Council approve the attendance of Mayor Peter Petty at the Local Government NSW forum, *Sustaining the Regions 2019* to be held in Sydney on 1 and 2 October 2019.

(Gary Verri/Tom Peters)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC18/19) REPORTS OF COMMITTEES & DELEGATES - SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS JOINT MANAGEMENT COMMITTEE - 15 AUGUST 2019

SUMMARY

A meeting of the Sir Henry Parkes Memorial School of Arts Joint Management Committee was held on Thursday, 15 August 2019.

201/19 **Resolved** that the report of the Sir Henry Parkes Memorial School of Arts Joint Management Committee meeting of 14 March 2019 be received and noted.

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM RC19/19) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE - 11 SEPTEMBER 2019

SUMMARY

A meeting of the Audit & Risk Committee was held on Wednesday, 11 September 2019.

202/19 **Resolved** that the report and actions of Audit & Risk Committee Meeting of Wednesday, 11 September 2019 be received and noted.

(Donald Forbes/Michael Petrie)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES8/19) COUNCIL RESOLUTION REGISTER - SEPTEMBER 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.

203/19 **Resolved** that Council notes the status of the Council Resolution Register to September 2019.

(Bob Rogan/Brian Murray)

Motion Carried

CONFIDENTIAL BUSINESS

Nil.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.52 pm.

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Councillor Peter Petty
Mayor/Chairperson