

UNCONFIRMED



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MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 22 MAY 2019

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 22 May 2019 commencing at 9.30 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 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.

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 Petty:

- Extended a warm welcome to new Council staff member Julie Marr who replaces Sarah Jarrett as Administration & Web Assistant;*
- Acknowledged the passing of past Prime Minister Mr Bob Hawke; and*
- Extended congratulations to Chief Executive Terry Dodds and all Council staff for winning a Voice Project Award – Mr Dodds to leave meeting early to travel to Sydney and receive the Award on Thursday, 31 May 2019.*
- Noted that Manager Planning & Development Services, Tamai Davidson, was 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 both past and present of the Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

82/19 **Resolved** that the apology of Councillor Michael Petrie be received and noted.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

83/19 **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
Councillor Bronwyn Petrie	Less Than Significant Non Pecuniary – Will remain in meeting	ENV6/19 – DA 2019.026 Dwelling

(Tom Peters/Gary Verri)

Motion Carried

(ITEM MIN4/19) CONFIRMATION OF PREVIOUS MINUTES

84/19 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting held on Wednesday, 24 April 2019

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

(Tom Peters/Bob Rogan)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil.

COMMUNITY CONSULTATION (PUBLIC ACCESS)

- **Sergeant James Boden – Tenterfield Police** listed on the Business Paper as a speaker was not available at this time.
- **Mr Graham Rossington – Item ENV6/19 DA 2019.026 – Dwelling**
Mr Rossington addressed Council on this matter, speaking against the Officers Recommendation.

CHANGE TO ORDER OF AGENDA

85/19 **Resolved** that Item ENV6/19 – DA 2019.026 Dwelling, be brought forward for consideration.

(Gary Verri/Tom Peters)

Motion Carried

Chief Executive Terry Dodds left the meeting and did not return, the time being 10.17 am.

OPEN COUNCIL REPORTS

OUR ENVIRONMENT

(ITEM ENV6/19) DA 2019.026 DWELLING

SUMMARY

The purpose of this report is to make recommendation to Council in relation to a Development Application which proposes the construction of a dwelling on 508 Rouse Street Tenterfield. The application was notified to adjoining and adjacent residents and six (6) submissions by way of objection were received by Council. An assessment of the proposal and consideration of the submissions has been made and it is recommended to Council that the application be approved subject to conditions.

RECOMMENDATION

That Council:

- (1) Approve Development Application 2019.026 for the construction of a dwelling on Lot 3 DP 802874, 508 Rouse Street, Tenterfield subject to conditions contained in Attachment 1 of this report; and
- (2) Notify those persons who made submissions of Council's determination.

(Greg Sauer/Gary Verri)

86/19

Resolved that the recommendation be deferred to allow Council more time to consider and review the Development Application to allow consideration of proposed conditions and any possible legal implications, and to allow time to arrange an on-site meeting with the applicant.

(Bob Rogan/Gary Verri)

Motion Carried

Planning Issue

- *Voting in favour of the motion: Councillors Gary Verri, Bob Rogan, Peter Petty, Brian Murray and Don Forbes*
- *Voting against the motion: Councillors Tom Peters, Bronwyn Petrie, John Macnish and Greg Sauer*
- *Absent: Councillor Michael Petrie*

Manager Planning & Development Services, Tamai Davidson, left the meeting, the time being 10.25 am.

Manager Property & Buildings, Heidi Ford, entered the meeting, the time being 10.25 am.

MAYORAL MINUTES

Nil.

SUSPENSION OF STANDING ORDERS

87/19 **Resolved** that Standing Orders be suspended.

(Greg Sauer/Gary Verri)

Motion Carried

The Meeting adjourned for Morning Tea, the time being 10.34 am.

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

RESUMPTION OF STANDING ORDERS

88/19 **Resolved** that Standing Orders be resumed.

(Brian Murray/Bob Rogan)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM5/19) CLASSIFICATION OF CROWN LAND RESERVES AS OPERATIONAL

SUMMARY

Due to the enactment of the Crown Lands Management Act 2016 Council are required to consider and classify Crown Land Reserves, which have been appointed to Council's management, as either 'Operational' or 'Community'.

RECOMMENDATION

That Council:

- (1) Request the Minister administering the Crown Land Management Act 2016 to approve the classification of the following Crown reserves as Operational for the purposes of the Local Government Act 1993: Lot 29 DP 752399, Lot 124 DP 751490, Lot 2 Section 12 DP 758616, Lot 491 DP 751540, Lot 80 DP 751057; and
- (2) Accept the Minister's classification of the following Crown Reserves as Community for the purposes of the Local Government Act 1993: Lot 12 Section 45 DP 758359, Lot 7027 DP 1050644, Lots 10-11 Section 41 DP 758359, Lots 21-22 DP 45988, Lots 7025-7026 DP 1050643, Lots 7032-7033 DP 1057381, Lot 7 DP 721134, Lot 128 DP 47529, Lot 253 DP 751039, Lot 7308 DP 1151684, Lot 41 DP 751076, Lot 221 DP 729072, Lot 7034 DP 1127231, Lot 1 Section 28 DP 758959, Lot 7320 DP 1143501, Lots B, C DP 346443, Lots 10-14 Section 29 DP 758959, Lot 7318 DP 1141108, Lot 599 DP 704008, Lot 701 DP 1125705, Lot 7011 DP 1108193, Lot 73 DP 751057, Lot 7004 DP 1055390.

(Brian Murray/Greg Sauer)

AMENDMENT

That the Drake Recreation Ground, ID 1978 (Lot 12 Section 45 DP 758359 and Lot 7027 DP 1050644) in the Schedule of Land to be Classified as "Community, be moved to the Schedule of Land to be Classified as "Operational".

(Bronwyn Petrie/Greg Sauer)

Amendment Carried

89/19

Resolved that Council:

- (1) Request the Minister administering the Crown Land Management Act 2016 to approve the classification of the following Crown reserves as Operational for the purposes of the Local Government Act 1993: Lot 29 DP 752399, Lot 124 DP 751490, Lot 2 Section 12 DP 758616, Lot 491 DP 751540, Lot 80 DP 751057; Lot 12 Section 45 DP 758359, Lot 7027 DP 1050644; and
- (2) Accept the Minister's classification of the following Crown Reserves as Community for the purposes of the Local Government Act 1993: Lots 10-11 Section 41 DP 758359, Lots 21-22 DP 45988, Lots 7025-7026 DP 1050643, Lots 7032-7033 DP 1057381, Lot 7 DP 721134, Lot 128 DP 47529, Lot 253 DP 751039, Lot 7308 DP 1151684, Lot 41 DP 751076, Lot 221 DP 729072, Lot 7034 DP 1127231, Lot 1 Section 28 DP 758959, Lot 7320 DP 1143501, Lots B, C DP 346443, Lots 10-14 Section 29 DP 758959, Lot 7318 DP 1141108, Lot 599 DP 704008, Lot 701 DP 1125705, Lot 7011 DP 1108193, Lot 73 DP 751057, Lot 7004 DP 1055390.

(Brian Murray/Greg Sauer)

Motion Carried

Manager Property & Buildings, Heidi Ford, left the meeting, the time being 11.06 am.

OUR ECONOMY

Nil

OUR GOVERNANCE

(ITEM GOV23/19) MONTHLY OPERATIONAL REPORT - APRIL 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 2018/2019 Operational Plan.

90/19

Resolved that Council receives and notes the status of the Monthly Operational Report for April 2019.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV24/19) EXECUTIVE POSITIONS - MURRAY DARLING ASSOCIATION

SUMMARY

The purpose of this report is to seek Council endorsement for Council delegates on the Murray Darling Association to nominate for the positions of Chair or as an Executive Committee member.

91/19

Resolved that Council:

- (1) Endorse the nomination of Council delegates Deputy Mayor Cr Greg Sauer and Cr Donald Forbes for the positions of Chair or Executive Committee member of the Murray Darling Association, Region 11;
- (2) Note nominations to be lodged with the Returning Officer on the appropriate nomination form by 5.00 pm on Friday, 3 June 2019 for determination at the Annual General Meeting to be held on Friday, 14 June 2019 at the Moree Plains Shire Council.

(Greg Sauer/Donald Forbes)

Motion Carried

Manager HR & Workforce Development, Barry Frew, entered the meeting, the time being 11.20 am.

(ITEM GOV25/19) AMENDED HUMAN RESOURCES POLICIES

SUMMARY

The purpose of this report is to seek Council's adoption of amended Human Resources Policies to reflect the current organisation design and best practice.

92/19

Resolved that Council:

- (1) Revoke the following policies:
 - a. Annual Leave – Policy 4.010
 - b. First Aid – Policy 4.156
 - c. Leave/Picnic Day – Policy 4.121
 - d. Flood & Disaster Leave for Staff – Policy 4.060
 - e. Leave – Emergency Services Duty – Policy 4.120
 - f. Interview Expenses – Policy 4.090
 - g. New Employee Induction & Probation – Policy 4.140
 - h. Removal Expenses – Policy 4.182
 - i. Employment Screening – Policy 4.052
 - j. Personnel Files – Policy 4.160
 - k. Protective Clothing & Equipment - - Policy 4.159
 - l. Child Protection – Policy 4.033
 - m. Bullying and Harassment – Policy 4.020
 - n. Fraud and Corruption Prevention – Policy 4.164
 - o. Workplace Surveillance – Policy 4.195
 - p. Grievances and Disputes – Policy 4.070
 - q. Social Media – Policy 1.196
 - r. Gifts and Benefits – Policy 1.071

- s. Internet, Email and Computer Usage – Policy 1.092
- t. Education Support/Training Expenses – Policy 4.050
- u. Home Based Work/Flexible Working – Policy 4.080
- v. Immunisation – Policy 4.200
- w. Outdoor Staff Clothing – Policy 4.153
- x. Corporate Uniform and Dress Code – Policy 4.032
- y. Recognition of Services – Policy 4.180
- z. Secondary Employment – Policy 4.194
- aa. Nine Day Fortnight – Policy 4.184
- bb. Work Closedown (Christmas) – Policy 4.231
- cc. Exit Interview – Policy 4.053

(2) Adopt the following amended policies:

- a. Leave Policy (which now includes Family & Domestic Violence Leave) – Policy 4.010
- b. Employee Relations Policy – New Policy (number to be allocated)
- c. Recruitment & Selection Policy – Policy 4.193
- d. Volunteers Policy – Policy 1.220
- e. Salary System Policy (including Performance Review) – Policy 4.190
- f. Succession Planning Policy – Policy 4.196
- g. Workforce Development Policy – Policy 4.154
- h. Light Motor Vehicle Policy – Policy 4.123

(Bronwyn Petrie/Gary Verri)

Motion Carried

Note – Typographical errors be fixed and 2 minor amendments to be made.

Manager HR & Workforce Development, Barry Frew, left the meeting, the time being 11.38 am.

(ITEM GOV26/19) REVENUE NSW INVOICES WITH SIGNIFICANT INCREASE TO THE 2019/20 EMERGENCY SERVICES LEVY

SUMMARY

Council received a letter dated 6 May 2019 from the Office of Local Government regarding the Emergency Services Levy increase for 2019. The letter informed Council that the usual cost sharing arrangement for the Emergency Services Levy (NSW Fire Service, Rural Fire Service and SES) of 11.7% contributed from the Local Government sector would apply in the current year. The increase to Council contributions this year is 24% or \$69,783 above our previous year's contribution and has been attributed to the legislative changes made in November 2018 regarding workers compensation entitlements for emergency service workers. Council was not previously advised of this increase prior to the completion of the budget process.

Resolved that Council:

- (1) Pay the 2018/2019 Emergency Services Levy of \$290,499 plus 2.7% (\$7,844) with a total maximum payment of \$298,343 for the 2019/20 year, equivalent to the State Government imposed Rates Cap on local government, via quarterly installment unless the NSW Government Fund the shortfall as a result of advocacy efforts by the sector;
- (2) Supports Local Government NSW's calls for:
 - a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year, and
 - b. The NSW Government to work with NSW local councils to redesign the funding mechanism for the scheme to ensure fairness into the future.
- (3) Requests that the Chief Executive liaise with Local Government NSW to provide information on:
 - a. The impact on council budgets especially in light of the current drought , and
 - b. Council advocacy actions undertaken.
- (4) Writes to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local State Member/s to:
 - a. Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;
 - b. Explain how this sudden increase will impact council services / the local community;
 - c. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;
 - d. Explain that the poor planning and implementation of the increase is inconsistent with the State Government's commitment to work in partnership with the local government sector;
 - e. Ask the State Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future, and
 - f. Copy the above letter to Local Government NSW.

(Greg Sauer/Tom Peters)

Motion Carried

Manager Finance & Technology, Paul Della, entered the meeting, the time being 11.54 am.

(ITEM GOV27/19) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2019

SUMMARY

The purpose of this report is to provide Council with a Quarterly Budget Review Statement (Attachment 1) in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

94/19 **Resolved** that Council adopts the March 2019 Quarterly Budget Review Statement.

(Brian Murray/Gary Verri)

Motion Carried

(ITEM GOV28/19) FINANCE & ACCOUNTS - APRIL 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.

95/19 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 April 2019.

(Gary Verri/Bob Rogan)

Motion Carried

(ITEM GOV29/19) CAPITAL EXPENDITURE REPORT AS AT 30 APRIL 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.

96/19 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 April 2019.

(Bronwyn Petrie/Gary Verri)

Motion Carried

(ITEM GOV30/19) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this report is to inform Council of its loan balances as at 31 March 2019.

97/19 **Resolved** that Council:

- (1) Notes the loan balance as at 31 March 2019 was \$7,209,272.39 (\$7,304,239.55 as at 31 December 2018); and
- (2) Approves an additional \$21,595.41 in borrowings in relation to the Dam Wall Project.

(Brian Murray/Greg Sauer)

Motion Carried

Manager Finance & Technology, Paul Della, left the meeting, the time being 11.59 am.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC9/19) REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 4 APRIL 2019

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 4 April 2019.

98/19 **Resolved** that the report of the Tenterfield Shire Local Traffic Committee meeting of 4 April 2019 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES4/19) COUNCIL RESOLUTION REGISTER - MAY 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.

99/19 **Resolved** that Council notes the status of the Council Resolution Register to May 2019.

(Bob Rogan/Bronwyn Petrie)

Motion Carried

CONFIDENTIAL BUSINESS

Nil.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.12 pm.

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Councillor Peter Petty
Mayor/Chairperson