



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 20 DECEMBER 2017

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council on Wednesday, 20 December 2017 commencing at 9.31 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Don Forbes (Deputy Mayor)
Councillor John Macnish
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Michael Petrie
Councillor Bob Rogan
Councillor Greg Sauer
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 be 'Rogan', 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

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.

CONFIRMATION OF PREVIOUS MINUTES

260/17 **Resolved** that Council consider the adoption of both sets of Minutes as a single item.

(Greg Sauer/Brian Murray)

Motion Carried

261/17 **Resolved** that the minutes of the following Council meetings as circulated, be confirmed and signed as a true record of the proceedings of those meetings:

- Ordinary Council Meeting held on Wednesday, 22 November 2017;
- Extraordinary Council Meeting held on Wednesday, 29 November 2017.

(Bronwyn Petrie/Greg Sauer)

Motion Carried



TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

262/17 **Resolved** that Council receive and accept the following Addendum Items:

- Item ENV31/17 – Operational Cost Savings – Tenterfield Shire Council Sewage Treatment Plant DF/MP
- Confidential Item ECO36/17 – Update Re-Scoping – Saleyards Truck Wash Project
- Confidential Item ENV32/17 – Status Update on Geotech Pty Ltd Claim.

(Bronwyn Petrie/Tom Peters)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

MAYORAL MINUTE

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

263/17 **Resolved** that the following Items be dealt with in the Confidential Section on the meeting:

- Item GOV99/17 – Water Usage Account – Account No 36962
- Item GOV100/17 – Water Usage Account – Account No 11874
- Item GOV101/17 – Water Usage Account – Account No 11965
- Item COM16/17 – Reseal Tender 04-17/18
- Item ECO36/17 – Update Re-Scoping – Saleyards Truck Wash Project
- Item ENV32/17 – Status Update on Geotech Pty Ltd Claim

(Bronwyn Petrie/Tom Peters)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM15/17) PARKS, GARDENS & OPEN SPACES ADVISORY COMMITTEE

SUMMARY

This purpose of this report is to provide Council with an update on the committee and to consider recommended changes to the Committee Register.



264/17 **Resolved** that Council approve:

- (1) Increase the community representative membership from seven (7) to ten (10).
- (2) For the next twelve (12) calendar months that the committee meet on a quarterly basis.
- (3) That the committee meeting day each quarter be on a Thursday with the date of the quarterly month to be determined by forthcoming Council/Committee meeting calendar 2018.
- (4) Re-advertise in "Your Local News" for the vacant community positions for the villages of Drake and Jennings during January 2018 as approved above.
- (5) That delegated authority be granted to the Chief Executive to endorse those subsequent nominations.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

OUR ECONOMY

(ITEM ECO34/17) NOVEMBER 2017 INFRASTRUCTURE, ENGINEERING, PLANNING AND ENVIRONMENTAL SERVICES UPDATE

SUMMARY

This Infrastructure, Environment and Regulation activities report provides a summary of Council's operations covering; Engineering Services, Transport, Asset Management and Major Project Planning, Fleet Services, Waste Services, Water and Waste Water Services, Environmental Services inclusive of operational statistics, achievements and work challenges ahead.

A separate Planning/Development update is provided within the 'Our Environment' suite of reports.

Cr Bronwyn Petrie left the meeting, the time being 9.57 am.

Cr Bronwyn Petrie returned to the meeting, the time being 10.01 am.

265/17 **Resolved** that Council receive and note the November 2017 Operations progress update.

(Bob Rogan/Greg Sauer)

Motion Carried

(ITEM ECO35/17) IMPROVE COUNCIL'S ABILITY TO WORK EFFECTIVELY AT LOWER COST

SUMMARY

The purpose of this report is to improve the efficiency and effectiveness of maintaining Council infrastructure.



266/17 **Resolved** that Council:

- (1) Approves the capital purchase of a pressure washer/vacuum pump/hydraulic valve exerciser trailer combination; and
- (2) Authorise \$45,000 reallocation from current Capex budget item - Tenterfield Water Mains Replacement (#7484 505) to fund this capital purchase.

(Michael Petrie/Gary Verri)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV28/17) PLANNING/DEVELOPMENT UPDATE

SUMMARY

The purpose of this report is to provide up to date statistics on development activities, this information is also provided to the Australian Bureau of Statistics (ABS).

267/17 **Resolved** that Council receive and note the Planning/Development Update.

(Donald Forbes/Greg Sauer)

Motion Carried

(ITEM ENV29/17) REMOVAL OF SECTION 88B RESTRICTION - TENTERFIELD INDUSTRIAL ESTATE

SUMMARY

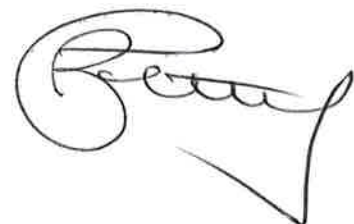
The purpose of this report is to seek Council's resolution to remove a restriction currently in place in regard to vehicular access to particular lots within Council's industrial estate. Since the time of development consent being issued for the subdivision and subsequent registration of the plan, a number of changes in traffic activity and restrictions have been implemented, meaning that the former restriction is no longer required. The removal of the restriction will allow for development of the remaining vacant lot affected and result in a more efficient and orderly use and development of the land.

268/17 **Resolved** that Council remove Terms of Restriction on the use of land numbered 1 in the Plan (DP 1155323) which state;

- a. A motor vehicle to which this restriction applies must only enter a burdened lot from Western Boundary Road and must only exit from that lot to a street other than Western Boundary Road.
- b. This restriction applies to motor vehicles having a carrying capacity of more than three tonnes.

(Brian Murray/Michael Petrie)

Motion Carried



(ITEM ENV31/17) OPERATIONAL COST SAVINGS - TENTERFIELD SHIRE COUNCIL SEWAGE TREATMENT PLANT

SUMMARY

The purpose of this report is to improve the efficiency and effectiveness of maintaining Council infrastructure.

269/17 **Resolved** that Council:

- (1) Approves the purchase of a custom floating pump pontoon package; and
- (2) Authorise \$15,000 reallocation from current Capex budget item Tenterfield Network Renewal (#7872 519) to fund this capital purchase.

(Greg Sauer/Bob Rogan)

Motion Carried

OUR GOVERNANCE

(ITEM GOV92/17) NOVEMBER 2017 - CORPORATE OFFICER SERVICE UPDATE

SUMMARY

The purpose of this report is to provide a summary of Council's Community and Corporate Operations.

270/17 **Resolved** that Council receive and note the Chief Corporate Officer's November 2017 Service Update Report.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

The meeting adjourned for morning tea, the time being 10.29 am.

The meeting reconvened with the same members present, the time being 10.50 am.

(ITEM GOV93/17) JOINT ORGANISATION NOMINATION

SUMMARY

Councils that are interested in becoming a member of a Joint Organisation have been invited to submit their nomination to the Minister for Local Government.

To nominate, each Council needs to write to the Minister for Local Government stating that they have resolved to be a member of a Joint Organisation, attach the Council resolution in relation to joining a Joint Organisation, and complete the Forming a Joint Organisation checklist.

271/17 **Resolved** that in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), the Tenterfield Shire Council (Council) resolves:



- (1) That the Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (Joint Organisation) in accordance with this resolution.
- (2) To approve the inclusion of the Council's area in the Joint Organisation's area.
- (3) That the Joint Organisation be established to cover the Council's area and any two or more of the following Council areas:
 - a) Armidale Regional Council, Glen Innes Severn Council, Gwydir Shire Council, Inverell Shire Council, Moree Plains Shire Council and Uralla Shire Council.
- (4) That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.
- (5) That, on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.

(Bob Rogan/Brian Murray)

Motion Carried

(ITEM GOV94/17) AGENCY INFORMATION GUIDE

SUMMARY

The purpose of this report is to enable Council to consider and adopt the updated Tenterfield Shire Council Agency Information Guide (Attachment 4 (Booklet 1) required in accordance with the Government Information (Public Access) (GIPA) Act 2009.

- 272/17** **Resolved** that Council adopt the Tenterfield Shire Council Agency Information Guide 2017 in accordance with Section 22 of the Government Information (Public Access) Act 2009.

(Brian Murray/Gary Verri)

Motion Carried

(ITEM GOV95/17) REVIEW OF DELEGATIONS - SECTION 380 OF THE LOCAL GOVERNMENT ACT 1993

SUMMARY

Under Section 380 of the Local Government Act 1993 (the Act), Council must review all of its delegations within the first 12 months of the Ordinary Election of Council.

- 273/17** **Resolved** that Council:

- (1) Delegate to the Chief Executive all of the delegable functions of the Council excluding those functions specified in clauses (a) to (u) of Section 377(1) of the Local Government Act 1993, subject to the



following:

- (a) The Chief Executive may only determine development applications and Section 96 applications where the application:
 - (i) in the Chief Executive's opinion does not represent a significant variation of the Council's policy/environmental planning instruments or has not been the subject of significant objection; or
 - (ii) has not been the subject of a written request made by at least three Councillors for the matters to be reported to the Council for decision.
 - (b) The Council may direct at any time by resolution that a matter be referred to the Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further resolution.
- (2) Fixes the amount of \$1,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131(1), 131(2), and 213(2) of the Local Government (General) Regulation 2005.
 - (3) Authorises employees of the Council holding the position of Chief Corporate Officer (or equivalent) and Governance Coordinator (or equivalent) to determine formal applications for access to the Council's documents under the Government Information (Public Access) Act 2009.

(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM GOV96/17) COUNCIL RECESS 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.

274/17 **Resolved** that Council:

- (1) Be in recess from 21 December 2017 to 28 February 2018.
- (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 2018 Ordinary Meeting of Council to be held on 28 February 2018.

(Brian Murray/Michael Petrie)

Motion Carried

(ITEM GOV102/17) CODE OF CONDUCT - PANEL OF CONDUCT REVIEWERS

SUMMARY

In accordance with the Model Code of Conduct and Procedures for Council's Administration of the Code of Conduct, Council has a statutory obligation to establish an independent Panel of Conduct Reviewers. The purpose of this Report is for Council to appoint independent members to the Panel of Conduct Reviewers.

275/17 Resolved that Council:

- (1) Establishes the following Panel of Conduct Reviewers for a term of four years, in accordance with Part 3 of the Procedures for the Administration of the Model Code of Conduct:

- Alison Cripps – Cripps Consulting
- Patrick Brown – PNB Audit and Governance
- Michael Symons - ACCA
- Christopher Davies – Oakton Services Pty Ltd
- Phil O'Toole – Centium Group Pty Ltd
- O'Connor Marsden and Associates
- Emma Broomfield – Locale Consulting Pty Ltd
- Winton Consulting

- (2) That Council writes to the unsuccessful applicants and advises accordingly.

(Donald Forbes/Gary Verri)

Motion Carried

Finance Manager Mr Andrew Wright entered the meeting, the time being 11.27 am.

(ITEM GOV97/17) FINANCE AND ACCOUNTS

SUMMARY

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide 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.



276/17 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 November 2017.

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM GOV98/17) CAPITAL EXPENDITURE REPORT AS AT 30 NOVEMBER 2017

SUMMARY

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.

277/17 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 November 2017.

(Michael Petrie/Tom Peters)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC21/17) REPORTS OF COMMITTEES & DELEGATES - COUNTRY MAYORS' ASSOCIATION OF NSW - 3 NOVEMBER 2017

SUMMARY

A meeting of the Country Mayors' Association of NSW was held at Parliament House, Sydney on Friday, 3 November 2017.

278/17 **Resolved** that the report on the Country Mayors' General Meeting of 3 November 2017 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC22/17) REPORTS OF COMMITTEES & DELEGATES - NEW ENGLAND GROUP OF COUNCILS (NEGOC) - 24 NOVEMBER 2017

SUMMARY

A meeting of the New England Group of Councils (NEGOC) was held at Inverell Shire Council Chambers on Friday, 24 November 2017.

Amended Minutes from this meeting were circulated to Councillors.

Chief Executive Terry Dodds extended an invitation to any Councillor wishing to attend meetings of NEGOC.

279/17 **Resolved** that the Minutes and Attachments of the New England Group of Councils' meeting of 24 November 2017 be received and noted.

(Peter Petty/Tom Peters)

Motion Carried



(ITEM RC23/17) REPORTS OF COMMITTEES & DELEGATES - 2017 NSW LOCAL GOVERNMENT ANNUAL CONFERENCE - 4 TO 6 DECEMBER 2017

SUMMARY

The 2017 NSW Local Government Annual Conference was held at the Hyatt Regency in Sydney from Monday, 4 to Wednesday, 6 December 2017. The Mayor (voting member) and Chief Executive attended.

280/17 **Resolved** that the report on the 2017 NSW Local Government Annual Conference be received and noted.

(Peter Petty/Bronwyn Petrie)

Motion Carried

(ITEM RC24/17) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE - 6 DECEMBER 2017

SUMMARY

A meeting of the Audit & Risk Committee was held on Wednesday, 6 December 2017.

281/17 **Resolved** that the Minutes of Audit & Risk Committee Meeting held on 6 December 2017 be endorsed and adopted.

(Donald Forbes/Bob Rogan)

Motion Carried

NOTICES OF MOTION

(ITEM NM16/17) PRESERVATION OF RAILWAY CORRIDOR - ARMIDALE TO WALLANGARRA

SUMMARY

The NSW Department of Premier & Cabinet held a community meeting at Tenterfield on Monday, 11 December 2017 seeking community input on the proposed closure of the rail corridor between Armidale and Wallangarra.

282/17 **Resolved:**

- (1) That Council does not support the proposed closure of the rail corridor between Armidale and Wallangarra and lobbies to maintain the rail infrastructure to allow for future tourist activities.
- (2) That Council reaffirm its position that any future Heavy Vehicle Bypass be designed such that the integrity of the rail infrastructure and possible future use can be maintained.
- (3) That Council inform the Department of Defence of the Department Premier & Cabinet's (DCP) initiatives and seek clarification of the Department of Defence strategic position in relation to this matter.

(Gary Verri/Bob Rogan)

Motion Carried



RESOLUTION REGISTER

(ITEM RES11/17) COUNCIL RESOLUTION REGISTER - DECEMBER 2017

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.

283/17 **Resolved** that Council notes the status of the Council Resolution Register to December 2017.

(Brian Murray/Bronwyn Petrie)

Motion Carried

CONFIDENTIAL BUSINESS

284/17 **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.

(Brian Murray/Michael Petrie)

Motion Carried

The doors were closed to the public, the recording device and microphones turned off, and the Meeting moved into Closed Committee, the time being 12.12 pm.

BLOCK RESOLUTION – WATER USAGE ACCOUNT ITEMS

285/17 **Resolved** that the following Items be approved by Council as a block Resolution:

- Item GOV99/17 Water Usage Account – Account No 36962
- Item GOV100/17 Water Usage Account – Account No 11874
- Item GOV101/17 Water Usage Account – Account No 11965

(Gary Verri/Donald Forbes)

Motion Carried



(ITEM GOV99/17) WATER USAGE ACCOUNT - ACCOUNT NO. 36962

SUMMARY

The purpose of this report is to consider a request for assistance with an outstanding water account due to concealed water leaks.

285/17 **Resolved** that Council:

- (1) Write off an amount of \$543.16 in respect of Account No. 36962 and;
- (2) Issue an amended account for \$830.28 being the total usage charged at Tier 1 rate of \$2.96/KL after the credit adjustment is made.
- (3) Inform the claimant that no future dispensations will be entered into.

(Gary Verri/Donald Forbes)

Motion Carried

(ITEM GOV100/17) WATER USAGE ACCOUNT - ACCOUNT NO. 11874

SUMMARY

The purpose of this report is to consider a request for assistance with an outstanding water account due to concealed water leaks.

285/17 **Resolved** that Council:

- (1) Write off an amount of \$710.40 in respect of Account No. 11874 and;
- (2) Issue an amended account for \$479.52 being the total usage charged at Tier 1 rate of \$2.96/KL on the account issued 16/06/17.
- (3) Issue an amended account for \$1,382.32 being the total usage charged at Tier 1 rate of \$2.96/KL on the account issued 16/12/16.
- (4) Inform the claimant that no future dispensations will be entered into.

(Gary Verri/Donald Forbes)

Motion Carried

(ITEM GOV101/17) WATER USAGE ACCOUNT - ACCOUNT NO. 11965

SUMMARY

The purpose of this report is to consider a request for assistance with an outstanding water account due to concealed water leaks.

285/17 **Resolved** that Council:

- (1) Write off an amount of \$1,234.79 in respect of Account No. 11965 and;
- (2) Issue an amended account for \$177.60 being the total usage charged at Tier 1 rate of \$2.96/KL after the credit adjustment is made on the account



issued 16/6/17.

- (3) Issue an amended account for \$985.21 being the total usage charged at Tier 1 rate of \$2.96/KL after the credit adjustment is made on the account issued 16/12/16.
- (4) Inform the claimant that no future dispensations will be entered into.

(Gary Verri/Donald Forbes)

Motion Carried

Finance Manager Mr Andrew Wright left the Meeting, the time being 12.22 pm.

(ITEM COM16/17) RESEAL TENDER 04-17/18

SUMMARY

The purpose of this report is to seek Council's approval to proceed with Tenterfield Shire Council's annual Reseal program following tender process and evaluation of tender.

- 286/17** **Resolved** that Council accept the tender from NSW Spray Seals for full service reseal for a 10mm reseal in the amount of \$405,492.93 (including GST).

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM ECO36/17) UPDATE RE-SCOPING - SALEYARDS TRUCK WASH PROJECT

SUMMARY

The purpose of this report is to provide Council with an update on the Truck Wash and Double Height Loading Ramp project.

- 287/17** **Resolved** that Council:

- (1) Receive and note the report; and
- (2)
 - (a) Approve the inclusion of a Double Height Safety System into the overall project; and
 - (b) Investigations be made into side loading facilities and rear transfer box.
- (3) Confirm the revised project budget of \$1.292m (ex GST) and Council's intention to take out a loan of approximately \$600,000 (excluding transfer box and side loading facility) in keeping with Resolution 179/17 of 23 August 2017, to fund the balance of the project otherwise not already covered by existing budget allocation (i.e. \$50,000 from each FY 16/17 and FY 17/18) and the State Government's \$600,000 grant.



- (4) Acknowledge the current Saleyards Infrastructure Levy needs to be remodeled and revised up in the 2018/2019 Fees and Charges for reasons of sustainability to cover the loan principal, interest and the non operating costs (i.e. asset depreciation which needs to funded).

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM ENV32/17) STATUS UPDATE ON GEOTECH PTY LTD CLAIM

SUMMARY

This report outlines the status of the Geotech Pty Ltd dispute and the authorization needed going forward to resolve the dispute.

288/17 **Resolved** that Council:

- (1) Respond to Geotech Pty Ltd's "without prejudice" settlement offer before 17 January 2018; and
- (2) Continue to seek resolution of the claim in keeping with 23 August 2017 Council Resolution 176/17.

(Greg Sauer/Brian Murray)

Motion Carried

RESUMPTION OF STANDING ORDERS

289/17 **Resolved** that the Meeting move out of Closed Committee and Standing Orders be resumed.

(Tom Peters/Greg Sauer)

Motion Carried

The Meeting moved out of Closed Committee, the doors were opened to the public and the recording device and microphones turned on, the time being 1.43 pm.

The Mayor read the resolutions as resolved by Council whilst in Closed Committee.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 1.48 pm.


Councillor Peter Petty
Mayor/Chairperson

