



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 23 AUGUST 2017

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chambers on Wednesday 23 August 2017 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 Michael Petrie
Councillor Gary Verri

ALSO IN ATTENDANCE

Acting Chief Executive (Andre Kompler)
Acting Executive Assistant & Media (Sarah Watson)
Chief Corporate Officer (Kylie Smith)
Acting Manager Finance (Andrew Wright)
Senior Planner (Tamai Davidson)

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 'Peter Petty', 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.

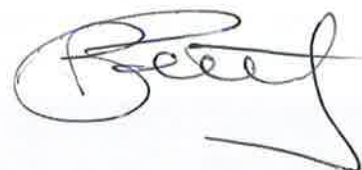
DISCLOSURE & DECLARATIONS OF INTEREST

148/17 **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
Cr Bronwyn Petrie	Pecuniary Interests	ENV12/17 -Tenterfield Local Environmental Plan 2013 - Proposed Amendment - Planning Proposal Ru3 Zoned Land Provision

(Tom Peters/Gary Verri)

Motion Carried



CONFIRMATION OF PREVIOUS MINUTES

149/17 **Resolved** that the minutes of the Ordinary Council meeting held on Wednesday 26 July 2017 and the minutes of the Extraordinary Council meeting held on Thursday, 17 August 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Tom Peters/Michael Petrie)

Motion Carried

TABLING OF DOCUMENTS

Councillor Michael Petrie tabled a document from Sandra Smith (Secretary Tenterfield Branch NSW Farmers) in relation to Item ENV12/17.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

The following Addendum Agenda Items be considered in the Agenda:

- Item ENV17/17 – Western Bundjalung People Native Title Claim and Final s87(A) Consent Determination
- Item ECO23/17 – Acceptance of Grant Funding – Saleyards Truck Wash

PROCEDURAL MOTION

150/17 **Resolved** that:

- 1) That Confidential Item ENV17/17 – Western Bundjalung People Native Title Claim and Final s87(A) Consent Determination be moved forward in the Agenda and be dealt with before any other items;
- 2) That Confidential Item ECO23/17 – Acceptance of Grant Funding – Saleyards Truck Wash will be dealt with at the end of the Agenda along with the other Confidential Items.

(Donald Forbes/Greg Sauer)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Sargent James Boaden of Tenterfield Police was invited by the Mayor, Peter Petty to introduce himself to Councillors and the Community.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

That the following items be considered in the Confidential Section of the Meeting:

- Item GOV61/17 - Chief Executive - Recruitment & Selection Process
- Item ENV15/17 - Dam Wall Contract Termination Dispute Resolution
- Item ENV16/17 - Dam Wall Construction Contractor Procurement
- Item NM13/17 - Rescission Motion – Re: Item No. NM8/17 - Tenterfield Saddler Building (Council Res No. 143/17)



CONFIDENTIAL BUSINESS

151/17 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.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

Acting Manager Finance, Andrew Wright left the meeting the time being 9.50 am.

The doors were closed to the public, the recording device turned off and the meeting moved into Closed Committee, the time being 9.50 am.

(ITEM ENV17/17) WESTERN BUNDJALUNG PEOPLE NATIVE TITLE CLAIM AND FINAL S87(A) CONSENT DETERMINATION

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (g) of the Local Government Act, 1993, as the matter involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

SUMMARY

This report provides an overview of the legal action since Council's 17 August 2017 Resolution 146/17 and provides a way forward to Council to achieve the intent of most of Resolution 147/17 without the need to incur a Federal Court costs order against Council.

152/17 Resolved that:


- a) Council Rescinds Resolution 146/17.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

153/17 Resolved that Council:

- a) Confirms Council Resolution 146/17 dated 17 August 2017 expressed a willingness for Council to sign a s87(A) Native Title Notice of Determination subject to conditions whose intent was to provide clarity around affected public infrastructure into the future;
- b) Notes; the Applicant's email correspondence dated 18 August 2017, NSW



Crown Solicitor's Office dated 21 August 2017 and Federal Court transcripts dated 18 August 2017 recording acknowledgement of the way parties to the Western Bundjalung People Notice of Determination interpret schedules 1 and 2 in relation to Council's public infrastructure and crown roads, summarized as follows-

- i) *Para (a) of Schedule 2 of the consent determination has priority over specific Schedule 1 listings and has the effect of extinguishing native title over any land or water listed in Schedule 1 that is subject to a public work or necessary for or incidental to a public work (examples being the Drake Community Hall and Drake RFS shed and training area);*
 - ii) *Para's (b) and (c) of Schedule 2 of the consent determination have priority over specific Schedule 1 listings and have the effect of extinguishing native title over Crown roads.*
- c) Delegates authority to the Acting Chief Executive to execute forthwith, on its behalf, the section 87 agreement and proposed consent determination.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

Acting Chief Executive, Andre Kompler left the meeting the time being 10.02 am.

Chief Corporate Officer, Kylie Smith assisted the Mayor in Acting Chief Executive's absence the time being 10.20 am.

MOVE OUT OF CONFIDENTIAL BUSINESS

154/17 **Resolved** that the meeting move out of closed committee.

(Donald Forbes/Michael Petrie)

Motion Carried

The meeting moved out of Closed Committee, the doors were opened to the public and the recording device turned on, the time being 10.20 am.

MAYORAL MINUTE

Nil.

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM6/17) JULY 2017 - CORPORATE OFFICER SERVICE UPDATE

SUMMARY

This activity report provides a summary of Council's Community and Corporate operations.



155/17 **Resolved** that Council receive and note the Chief Corporate Officer's July 2017 Service Update Report.

(Gary Verri/Brian Murray)

Motion Carried

(ITEM COM7/17) TENTERFIELD PUBLIC LIBRARY'S CHILDREN'S AREA UPGRADE

SUMMARY

The purpose of this report is to inform Council on the status and funding of the project to update the Tenterfield Public Library's children's area.

156/17 **Resolved** that Council approve the allocation of \$10,000 to procure shelving and seating for the children's area in the Tenterfield Public Library.

(Gary Verri/Michael Petrie)

Motion Carried

OUR ECONOMY

(ITEM ECO20/17) PLANNING/DEVELOPMENT UPDATE

SUMMARY

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

157/17 **Resolved** that Council receive and note the Report "Planning/Development Update".

(Brian Murray/Michael Petrie)

Motion Carried

Senior Planner, Tamai Davidson entered the meeting the time being 10.10 am.

Acting Chief Executive, Andre Kompler returned to the meeting the time being 10.12 am.

(ITEM ECO21/17) JULY 2017 INFRASTRUCTURE, ENGINEERING, PLANNING AND 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.

158/17 **Resolved** that Council receive and note the July 2017 Operations progress update.

(Greg Sauer/Gary Verri)

Motion Carried



(ITEM ECO22/17) COUNCIL CONFIRM THE ACCEPTANCE OF ROADS AND MARITIME FUNDING 2017/18 FINANCIAL YEAR UNDER THE "CONNECTING CENTRES (CYCLING) - INFRASTRUCTURE"; CONSTRUCT A 120M ON-ROAD CYCLEWAY FROM DOUGLAS STREET TO DONNELLY LANE, TENTERFIELD.

SUMMARY

The purpose of this report is to accept the offer of 50/50 funding from Roads and Maritime Services to construct a 120m on-road cycleway from Douglas St to Donnelly Lane. Total funding value is \$146,436, \$73,218 funded by Tenterfield Shire Council.

159/17 **Resolved** that Council accept the funding from RMS and match this funding with funds allocated from R2R funding to the value of \$73,218. This will mean a reduction in funding allocated to "Bridge – Timber Components as Required".

(Brian Murray/Greg Sauer)

Motion Carried

The meeting adjourned for Morning Tea, the time being 10.27 am.

The meeting reconvened with the same members present, the time being 10.47 am.

Acting Manager Finance, Andrew Wright entered the meeting, the time being 10.47 am.

Having declared an interest, Councillor Bronwyn Petrie, left the meeting the time being 10.49 am.

OUR ENVIRONMENT

(ITEM ENV12/17) TENTERFIELD LOCAL ENVIRONMENTAL PLAN 2013 - PROPOSED AMENDMENT - PLANNING PROPOSAL RU3 ZONED LAND PROVISIONS

SUMMARY

The purpose of this report is to seek Council's direction in moving the Planning Proposal (PP) to rezone land from RU3 Forestry to RU1 Primary Production forward after the document was forwarded to the Department of Planning and Environment and a request made to incorporate matters raised by Forestry Corporation of NSW.

160/17 **Resolved** that Council:

- (1) Amends the Planning Proposal to incorporate comments from Forestry Corporation NSW as contained in Attachment 3 (Booklet 1); and
- (2) Forwards the modified Planning Proposal to the Department of Planning and Environment for consideration through the Gateway process.

(Michael Petrie/Brian Murray)

Motion Carried



Councillor Bronwyn Petrie, returned to the meeting the time being 10.52 am.

**(ITEM ENV13/17) DEVELOPMENT APPLICATION 2017.069
RECREATION FACILITY - ARCHERY RANGE**

SUMMARY

The purpose of this report is to consider Development Application 2017.069 for the establishment of a Recreation Facility (Outdoor) comprising an Archery Range on land situated on Dam Lane, Tenterfield. The application was notified to adjoining and adjacent land owners and three (3) submissions were received raising concerns in relation to the proposal. The application is recommended to Council for approval subject to conditions.

161/17 **Resolved** that Council approve Development Application 2017.069 for a Recreation Facility (Outdoor) Archery Range as identified in the application, subject to conditions as contained in Attachment 5 (Booklet 1).

(Gary Verri/Brian Murray)

Motion Carried

Planning Matter:

Voting for the Motion – Mayor Peter Petty, Cr Gary Verri, Cr Tom Peters, Cr Bronwyn Petrie, Cr Don Forbes, Cr Michael Petrie, Cr Greg Sauer, Cr John Macnish, Cr Brian Murray Total (9).

**(ITEM ENV14/17) MOUNT LINDESAY ROAD WASTE COLLECTION
SERVICE FEES**

SUMMARY

At the Council meeting on 28 June 2017, Council Resolved that "(2) Council advertise this new fee/charge for 28 days and then bring a report back to Council for fee final adoption."

162/17 **Resolved** that:

- (1) Council adopt a new user fee of \$297 per annum for ratepayers on Mt Lindesay Road for those wanting a weekly roadside 120L bin pickup collection service; and
- (2) Councils revenue policy be updated to reflect the change in fee.

(Bronwyn Petrie/Greg Sauer)

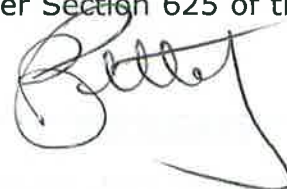
Motion Carried

OUR GOVERNANCE

(ITEM GOV55/17) 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.

163/17 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 July 2017.

(Michael Petrie/Tom Peters)

Motion Carried

(ITEM GOV56/17) POSTED EXPENDITURE REPORT

SUMMARY

The purpose of this report is to monitor progress on expenditure items and flag when the expenditure reaches 60% of the allocated budget to alert Council to over expenditure. At this time 5 items have been flagged on the report due to a nil budget allocation. The adoption of proposed carryforward amounts will enable the projects to be completed within the original budget allocations.

164/17 **Resolved** that Council receive and note the Posted Expenditure Report for the period ended 31 July 2017.

(Brian Murray/Michael Petrie)

Motion Carried

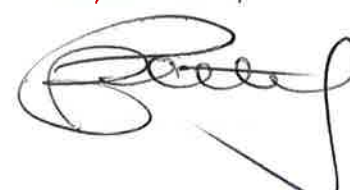
(ITEM GOV57/17) BUDGET RE-VOTES FOR 2017/18

SUMMARY

The purpose of this report is to confirm the inclusion of capital projects that didn't commence in the previous financial year, into the 2017/18 financial year operational plan.

165/17 **Resolved** that Council authorises the expenditure of funds for the purposes listed in the table below:

Account No.	Project	Revote \$
<u>Library</u>		
5000 510	Local Priority Grant 2016/17	8,000
<u>Economic Development</u>		
5005 502	Repair and Paint Interior Southern Wall of Cinema (SRV)	7,503
5005 506	School of Arts - Repaint exterior and repair windows (SRV)	50,000
5400 502	Reverse Cycle Air Conditioning to Administration office at Visitor Information Centre	3,500
5400 503	Reverse Cycle Air Conditioning to Meeting room at Visitor Information Centre	5,500
<u>Property</u>		
4204 500	New Public Toilets in Captain Cook Park Urbenville	10,011
3000 500	IT System EHC and DA ProRMSk	16,507



4200 501	Administration Building - Replace Window frames (SRV)	24,526
4200 502	Administration Building - Repaint Interior (SRV)	14,000
4200 506	Administration Building - Replace Air Conditioning System	80,000
4220 504	Improvements to Loading Ramps and Traffic Facilities at Saleyards	50,000
4220 505	Work Health and Safety Signage at Saleyards	14,823
	<u>Tourism</u>	
5405 002	NAIDOC Week Grant	895
5400 300	Community Wi Fi	8,000
5400 051	Future Towns Project	7,366
5405 007	Community Heritage and Icons	5,000
	<u>Water, Waste and Sewerage</u>	
7080 556	Boonoo Boonoo Landfill site design	50,000
7080 692	Legume Transfer Station Awning with Pad	10,000
7080 712	Liston Transfer Station Awning with Pad	10,000
7080 810	Tenterfield Waste Transfer Station Recycling infrastructure	45,920
7080 811	Tenterfield Waste Transfer Station Groundwater Bores	100,000
7080 815	Tenterfield Waste Transfer Station Environmental Impact Statement	50,000
7484 515	Flood Warning System	16,000
7484 516	Shirley Park Bore Flood Damage Restoration	20,000
7484 524	Water Treatment Plant Signage	1,000
7872 505	Man Hole Level Alterations	112,000
7872 521	Sewerage Treatment Plant Signage	1,000
	<u>Chief Operating Officer</u>	
6205 502	Works Depot contribution to the construction of a wash bay	15,000
6205 507	Asset Management System	50,000
	TOTAL REVOTES	786,551

(Greg Sauer/Michael Petrie)

Motion Carried

Acting Chief Executive Andre Kompler left the meeting the time being 10.58 am.

Acting Chief Executive Andre Kompler returned to the meeting the time being 11.03 am.



(ITEM GOV58/17) COMMUNITY CONTRIBUTIONS/DONATIONS - 2017/2018 FINANCIAL YEAR

SUMMARY

The purpose of this report is to advise Council of the applications received requesting financial support through Council's Community Donations/Contributions Policy and for Council to adopt the donations for this financial year.

166/17 **Resolved** that Council adopt the individual allocation of community contributions / donations as outlined in this report.

(John Macnish/Michael Petrie)

Motion Carried

Acting Finance Manager, Andre Wright left the meeting the time being 11.03 am.

(ITEM GOV59/17) OPERATIONAL PLAN 2016/2017 - REVIEW OF ACTIVITIES - APRIL 2017 TO JUNE 2017

SUMMARY

The purpose of this report is to inform Council of the progress of activities for the period 1 April 2017 to 30 June 2017 as contained within the Operational Plan 2016/2017.

167/17 **Resolved** that Council receive and note the Progress Report for the 2016/2017 Operational Plan, for the period 1 April 2017 to 30 June 2017.

(Michael Petrie/Brian Murray)

Motion Carried

(ITEM GOV60/17) REQUIREMENT TO RE-ADOPT LOCAL POLICIES

SUMMARY

The purpose of this report is to advise Council of the requirement to re-adopt Council's local policies that will expire on 9 September 2017.

168/17 **Resolved** that Council re-adopt those Council local policies not re-adopted since the commencement of the new term of Council on 10 September 2016.

(Gary Verri/Bronwyn Petrie)

Motion Carried

Chief Corporate Officer, Kylie Smith left the meeting the time being 11.24 am.



REPORTS OF DELEGATES & COMMITTEES

(ITEM RC13/17) REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 3 AUGUST 2017

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 3 August 2017.

169/17 Resolved that:

- (1) That the report from the Tenterfield Shire Local Traffic Committee meeting of 3 August 2017 be received and noted; and
- (2) That Council liaise with RMS regarding road sign design and that Council install a larger sign indicating the Tooloom Falls, with an additional sign to be installed at the intersection indicating the distance to the Tooloom Falls; and
- (3) That the Local Traffic Committee and Council:
 - a) Recognise the need for a hard stand truck parking rest stop/trailer changeover area outside the 60km/hr zone catering for through heavy vehicle traffic and local heavy vehicle carriers.
 - b) Formally write to the NSW Roads and Maritime Services seeking support for the incorporation of such a facility to both sides of the Tenterfield Heavy Vehicle Bypass and for the same to be included in the Bypass Project scope of works and total project costing.
- (4) That Council offers no objections to the use of roads such as Mount Lindesay Road, Beaury Creek Road and Grahams Creek Road associated with the Woodenbong Trailbike Ride to be held on the dates of 15 & 16 October 2017 with alternate date 29 & 30 October 2017 subject to Police approval and standard conditions; and
- (5) Council to install a "Give Way Ahead" sign in addition to a "Give Way" sign at this location including linemarking in line with current standards.

(Peter Petty/Tom Peters)

Motion Carried

NOTICES OF MOTION

(ITEM NM9/17) NOTICE OF MOTION - UPGRADING THE TENTERFIELD AIRSTRIP

SUMMARY

The purpose of this Notice of Motion is to advise Council that in this calendar year we do a costing on upgrading the Tenterfield Airstrip.

- 170/17** Resolved that Council move this notice of motion that in this calendar year, through the Council Engineering Department, we do a costing on upgrading the Tenterfield Airstrip either on a complete bitumen seal or an upgrade of the



grass strip that is already there and come back to Council with a costing, so that Council can decide whether to pursue funding for this project into the future and also any Royal Flying Doctor Service (RFDS) requirements that are required.

(Peter Petty/Donald Forbes)

Motion Carried

Chief Corporate Officer, Kylie Smith and Acting Manager Finance, Andrew Wright returned to the meeting the time being, 11.30 am.

(ITEM NM10/17) NOTICE OF MOTION - STREETSCAPE IMPROVEMENTS - INSTALLATION OF LED LIGHTING IN ROUSE STREET

SUMMARY

The purpose of this Notice of Motion is to install LED Lights in Rouse Street between Molesworth Street and Miles Street and also Bruxner Park.

- 171/17** **Resolved** that Council authorise the Chief Operating Officer to investigate the costs involved in installing LED Lights in Rouse Street between Molesworth and Miles Streets and also Bruxner Park to provide a more appealing and welcoming streetscape to the CBD. Existing budget for Christmas lights and streetscaping to be utilized, the Chief Operating Officer should report back to the next Council Meeting.

(Greg Sauer/Tom Peters)

Motion Carried

(ITEM NM11/17) NOTICE OF MOTION - BOONOO BOONOO HYDRO SCHEME & MARYLAND DAM WATER DIVERSION

SUMMARY

The purpose of this motion is to alert our Federal and State members to possible hydro and irrigation diversions that exist in the Tenterfield Shire.

- 172/17** **Resolved** that Council ask the Hon Barnaby Joyce, Deputy Prime Minister, to allocate funds in the 2018/19 budget for a feasibility study into the possible Boonoo Boonoo hydro scheme and also to investigate if a possible Maryland dam water diversion to Condamine River is also viable proposition.

(Gary Verri/Tom Peters)

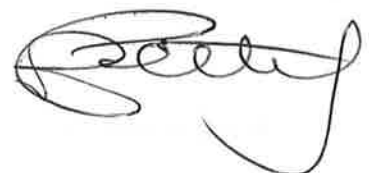
Motion Carried

(ITEM NM12/17) NOTICE OF MOTION - FORMATION OF JOINT COMMITTEE FROM COUNCILS AFFECTED BY BRUXNER WAY

SUMMARY

The purpose of this motion is to gauge how much support there is to form a joint committee from Councils which have an interest or are affected by the Bruxner Way.

- 173/17** **Resolved** that Council write to all Councils that have an interest or are impacted by the Bruxner Way to form a Committee similar to the Legume Woodenbong Road Alliance. The purpose of the committee would be to lobby State and Federal Politicians to obtain funds to upgrade the full length of the



road.

(Gary Verri/Greg Sauer)

Motion Carried

RESOLUTION REGISTER

(ITEM RES7/17) COUNCIL RESOLUTION REGISTER - AUGUST 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.

174/17 **Resolved** that Council notes the status of the Council Resolution Register to August 2017.

(Michael Petrie/Donald Forbes)

Motion Carried

Senior Planner, Tamai Davidson and Acting Manager Finance, Andrew Wright left the meeting the time being 11.50 am.

CONFIDENTIAL BUSINESS

MOVE INTO CONFIDENTIAL BUSINESS

175/17 **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.

(Michael Petrie/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 11.51 am.

The Mayor stated that ItemGOV61/17 Chief Executive - Recruitment & Selection Process be moved to the end of the Agenda to discuss as the Acting Chief Executive & Chief Corporate Officer will need to leave the room.



(ITEM ENV15/17) DAM WALL CONTRACT TERMINATION DISPUTE RESOLUTION

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (g) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

SUMMARY

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

176/17 **Resolved** that Council authorise the Chief Operating Officer to settle outstanding claims in accordance with the Contract dispute resolution mechanism including expert determination and commercial negotiation where relevant subject to any final proposed settlement being brought before Council before final acceptance.

(Greg Sauer/Brian Murray)

Motion Carried

Chief Corporate Officer, Kylie Smith left the meeting the time being 12.03 pm.

Chief Corporate Officer, Kylie Smith left the meeting the time being 12.15 pm.

(ITEM ENV16/17) DAM WALL CONSTRUCTION CONTRACTOR PROCUREMENT

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (d(i)) (g) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

SUMMARY

The purpose of this report is to provide clarity going forward on the process for engagement of resources for the delivery of the Tenterfield dam upgrade, status of progress and the management of risks associated with procurement.

177/17 **Resolved** that Council resolves to;

- (1) Exempt the current safety related Tenterfield Dam wall strengthening upgrade project from going through a further public tender process in view of the existence of "Extenuating circumstances" per section 55(3)(i) of the NSW Local Government Act 1993 having regard to;
 - o Council's obligation to ensure the safety of its dam infrastructure



- and limited community financial capacity.
- Financial Grant funding timeline constraints and the forfeiture risk of unclaimed grant funding with no scope for extension.
 - The advised time associated with a full retender process and the associated procurement delay involved with the level of stakeholder review involvement.
- (2) Endorse Council staff undertaking a shortened select retender of both the post tensioning and buttress options involving at least two firms to help inform Council of best available value for money moving forward having regard to;
- The relevance of the performance record and skill sets of the existing select tender short list that arose from the first round expression of interest public advertising.
 - Those on the short list who demonstrated value for money in the first process.
- (3) Endorse the extension of a contract with Alpha Omega for the provision of contract and project management services to Council for the Tenterfield dam wall construction subject to negotiation of favourable terms, with the proviso, that if favourable terms cannot be expeditiously concluded with Alpha Omega, Council staff are authorised to procure an alternative professional services provider.

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM NM13/17) RESCISSION MOTION - RE: ITEM NO. NM8/17 - TENTERFIELD SADDLER BUILDING (COUNCIL RES NO. 143/17)

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (c) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

SUMMARY

The purpose of this report is to move a rescission of the Council Resolution on 26 July 2017 in relation to the Tenterfield Saddler Building.

A handwritten signature in black ink, appearing to read 'Bellef', is written over a horizontal line.

MOTION

Moved that Council Resolution 143/17 dated 26 July 2017 be rescinded.

(Brian Murray/Donald Forbes)

Motion Lost

(ITEM ECO23/17) ACCEPTANCE OF GRANT FUNDING - SALEYARDS TRUCK WASH

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)) (d(ii)) 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; 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 advise Council of the confirmed partial grant funding from Infrastructure NSW and the need for Council to approve the acceptance of the grant funding and also for Council to consider the borrowing of funds to partly finance the construction of the proposed Truck Wash facility at the Tenterfield Livestock Selling Centre.

179/17 Resolved that Council:

- (1) Approve the Acting Chief Executive to sign the acceptance of funding from Roads & Maritime Services as detailed in the report;
- (2) Approve the Acting Chief Executive to take out a loan for up to \$600K from TCorp (dependent on 'Fit for the Future' outcome) for the Truck Wash Project based on the recommendation of an engineering consultant;
- (3) Approve the Acting Chief Executive to take out a loan for up to \$600K from the National Australia Bank at the best competitive rate should funding not be available from TCorp for the Truck Wash Project based on the recommendation of an engineering consultant;
- (4) Approve the Acting Chief Executive to include the procurement and installation of the double height ramp from within Council's loan funding in Item 2 above;
- (5) Approve the Acting Chief Executive to engage an engineering consultant to re-scope the project as to provide the necessary documents as detailed in the report to accompany the Department of Infrastructure NSW – Restart NSW Program Funding Deed and to also provide project management;
- (6) Approve the signing of the NSW – Restart NSW Program Funding Deed by the Mayor and Acting Chief Executive under the Seal of Council.

(Greg Sauer/Michael Petrie)

Motion Carried



Acting Chief Executive, Andre Kompler and Chief Corporate Officer, Kylie Smith left the meeting the time being 1.07 pm.

Stephen Blackadder, Managing Director from Blackadder Associates entered the meeting the time being 1.07 pm.

(ITEM GOV61/17) CHIEF EXECUTIVE - RECRUITMENT & SELECTION PROCESS

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND 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; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

SUMMARY

The purpose of this report is for Council to determine an Interview Panel for selection of the Chief Executive.

RECOMMENDATION:

That Council determine the Interview Panel of seven (7) Councillors as per Item 3 of Council Resolution 113/17.

(Donald Forbes/John Macnish)

AMENDMENT:

That Council determine the Interview Panel up to seven (7) Councillors as per Item 3 of Council Resolution 113/17.

(Greg Sauer)

Amendment Lost – No Seconder

AMENDMENT:

That Council determine that all Councillors form the Interview Panel as per Item 3 of Council Resolution 113/17 with a quorum of five (5) Councillors.


(John Macnish / Michael Petrie)

Amendment Carried

180/17 **Resolved** that Council determine that all Councillors form the Interview Panel as per Item 3 of Council Resolution 113/17 with a quorum of five (5) Councillors.

(John Macnish/Michael Petrie)

Motion Carried



MOVE OUT OF CONFIDENTIAL PART OF MEETING

181/17 Resolved that the meeting move out of Closed Committee.

(Gary Verri/Michael Petrie)

Motion Carried

The meeting moved out of Committee, the doors were opened to the public and the recording device turned on, the time being 1.15 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 1.21 pm.


Councillor Peter Petty
Mayor/Chairperson

