



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 23 NOVEMBER 2016

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chambers on Wednesday, 23 November 2016 commencing at 9.30 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor Don Forbes
Councillor John Macnish
Councillor John Martin
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Gary Verri

ALSO IN ATTENDANCE

General Manager (Damien Connor)
Executive Assistant & Media (Noelene Hyde)
Director of Corporate Services (Allan Shorter)
Director of Strategic Planning & Environmental Services (James Ruprai)
Director of Engineering Services (Stephen Bell)
Manager Finance (Paul Chawner)

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.

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 Jukembal, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

RECORDING OF COUNCIL MEETING

I advise all present that this meeting is being recorded and will be available on Council's website at 10.00 am tomorrow. The recording will allow all community members to access the information and provides an opportunity for the community to broaden its knowledge and participation in Council issues, and demonstrates Council's continued 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.

APOLOGIES

277/16 **Resolved** that the apology tendered by Cr Michael Petrie be received and accepted.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

278/16 **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 – Will leave the meeting	NM16/16 – Minor Amendment to LEP – The Freehold Land (referred to in Part 2 of the Motion) incorrectly zoned as State Forest belongs to the Petrie family.

(Brian Murray/Greg Sauer)

Motion Carried



CONFIRMATION OF PREVIOUS MINUTES

279/16 **Resolved** that the Minutes of the Council meeting held on Wednesday, 26 October 2016, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Greg Sauer/Brian Murray)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

ADDENDUM REPORTS

280/16 **Resolved** that the following Addendum Reports be received:

- Item GOV30/16 – Annual Report 2015/2016; and
- Confidential Item GOV31 – Audit & Risk Committee

(Tom Peters/Gary Verri)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

9.40 am - Mrs Cheryl Jaques – (Item GOV24/16) Reconstruction of Council's Integrated Planning & Reporting Documents.

MAYORAL MINUTE

SUPPORT OF WHITE RIBBON DAY

281/16 As Mayor of Tenterfield Shire Council, I move that as a united Council we fully support White Ribbon Day and join the Walk Against Violence on Friday, 25 November 2016 at 12.30 pm. I ask as many Councillors that are available to join this campaign and show our support.

As Mayor, a husband, father, and grandfather, I will stand up, speak out and act to prevent men's violence against women.

I move this Mayoral Minute.

(Peter Petty)

Motion Carried



RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

CONFIDENTIAL ITEMS TO BE CONSIDERED

282/16 **Resolved** that the following items be considered in the Confidential Section of the Meeting:

- Item GOV23/16 – Water Usage Account – Account No. 28167;
- Item GOV22/16 – Determination of Senior Organisation Structure; and
- Item GOV31/16 – Audit & Risk Committee – Independent Members

(Tom Peters/Bronwyn Petrie)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM3/16) MEMORANDUM OF UNDERSTANDING - TENTERFIELD SHIRE COUNCIL AND TAFE NSW

SUMMARY

The purpose of this report is to present to Council a proposed Memorandum of Understanding between Council and TAFE NSW for consideration.

The document is designed to pursue the common objectives of the two parties, being the benefits to the Tenterfield Shire community resulting from the quality, local provision of education.

283/16 **Resolved** that Council consider entering into the Memorandum of Understanding with TAFE NSW, as attached, for an initial period of two (2) years, with the exception of the removal of dot point 7 of Section 4.

(Greg Sauer/Gary Verri)

Motion Carried

OUR ECONOMY

(ITEM ECO7/16) ASSET MANAGEMENT POLICY - DRAFT POLICY 1.014

SUMMARY

The purpose of this report is to present a revised Asset Management Policy to Council for adoption and subsequent placing on public exhibition.

284/16 **Resolved** that Council adopts the revised Asset Management Policy 1.014, as attached, and places the document on public exhibition for a period of 14 days.

(Gary Verri/John Martin)

Motion Carried



(ITEM ECO8/16) NEW ENGLAND HIGHWAY - DRAFT CORRIDOR STRATEGY

SUMMARY

The purpose of this report is for Council to consider the New England Highway Draft Corridor Strategy.

285/16 **Resolved** that Council endorses in principle the New England Highway Draft Corridor Strategy, with feedback on the Strategy being:

- (1) The Tenterfield Heavy Vehicle Bypass is identified as a short term (0 to 5 years) priority within the Strategy for the design and purchase of the road corridor. However, no timeframe is provided for the construction of the Tenterfield Heavy Vehicle Bypass. As the Bypass will enable heavy vehicles to be detoured away from Tenterfield mainstreet thereby improving freight productivity and road and pedestrian safety generally, Council is of the opinion that the Tenterfield Heavy Vehicle Bypass should be identified as a long term (10 to 20 years) priority in the Strategy;
- (2) Whilst classified as a Regional Road, Bruxner Way is a key western link to Boggabilla (Newell Highway) and beyond and a route that provides essential access to communities on and adjacent to the NSW/QLD border. Consequently, Council is of the opinion that Bruxner Way should be included as a key traffic and transport route in the Strategy;
- (3) The intersection of New England Highway, Bruxner Way and Old Ballandean Road has a poor safety performance and is unsafe for use by heavy vehicles. Whilst the Strategy identifies the intersection as having poor safety performance, no timeframe is noted for upgrading the intersection. As Bruxner Way is a key western link and Old Ballandean Road a key link to Mt Lindesay Road for the heavy transport industry, Council is of the opinion that the intersection must be improved within the next 5 to 10 years to eliminate the identified road safety problems and crash history.

(Brian Murray/Greg Sauer)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV51/16) 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).

286/16 **Resolved** that Council receives and notes the Report "Planning/Development Update" for October 2016.

(Bronwyn Petrie/Gary Verri)

Motion Carried



(ITEM ENV52/16) TENTERFIELD SHIRE DEVELOPMENT CONTROL PLAN 2014 - SIGNAGE PROVISIONS

SUMMARY

The purpose of this report is to bring to the attention of Council the application of signage provisions within the Tenterfield Development Control Plan 2014, as well as potential for amendment of signage provisions therein.

MOVED:

That Council conduct a workshop to review Chapter 8 of the Tenterfield Development Control Plan 2014, with regards to examination of signage requirements, and the potential implications of changes to these current provisions.

(Donald Forbes/Gary Verri)

AMENDMENT:

- (1) That Council conduct a workshop to review Chapter 8 of the Tenterfield Development Control Plan 2014, with regards to examination of signage requirements, and the potential implications of changes to these current provisions; and
- (2) That Council take no further action in regard to flags, bunting or the like and window signs in this Policy until the Workshop has been conducted and the matter fully reviewed.

(Greg Sauer/Tom Peters)

287/16 Resolved that:

- (1) That Council conduct a workshop to review Chapter 8 of the Tenterfield Development Control Plan 2014, with regards to examination of signage requirements, and the potential implications of changes to these current provisions; and
- (2) That Council take no further action in regard to flags, bunting or the like and window signs in this Policy until the Workshop has been conducted and the matter fully reviewed.

(Greg Sauer/Tom Peters)

Motion Carried

OUR GOVERNANCE

(ITEM GOV24/16) RECONSTRUCTION OF COUNCIL'S INTEGRATED PLANNING & REPORTING DOCUMENTS

SUMMARY

The purpose of this report is for Council to endorse the project plan for the review and reconstruction of all of Council's suite of Integrated Planning & Reporting documents.

- 288/16 Resolved that Council endorse the project plan for the review and reconstruction of the Integrated Planning & Reporting suite of strategic documents as outlined in this report.**

(Tom Peters/Bronwyn Petrie)

Motion Carried



(ITEM GOV25/16) REVIEW OF COUNCIL ADVISORY COMMITTEES

SUMMARY

The purpose of this report is to present to Council the proposed Committee structure following a review of the function, efficiency and effectiveness of all of the previous committees, individually as well as collectively.

This report also addresses the need to review Councils current s355 Advisory Committees in-line with Office of Local Government Circular 16-24 and feedback received from a number of the Committees.

289/16 Resolved that Council:

- (1) Adopts the following Committee Structure for 2016/17 and places it on exhibition for a period of fourteen (14) days for public comment:
 - (a) Specific Purpose Committees:
 - Sir Henry Parkes Memorial School of Arts Joint Management Committee;
 - International Town Partnership Advisory Committee;
 - Tenterfield Saleyards Advisory Committee;
 - Aboriginal Advisory Committee;
 - Heritage Advisory Committee;
 - Anzac Centenary Steering Committee;
 - Disability, Inclusion & Access Advisory Committee.
 - (b) Community Engagement Forums:
 - Our Society
 - Our Environment
 - Our Economy.
- (2) Determine the Councillor representatives (2) for each of the Specific Purpose Committees.
- (3) Determine the Councillor representatives (3) for each of the Community Engagement Forums.
- (4) Subsequently wind-up the S355 Advisory Committees previously set-up under Chapter 12 Part 1 of the *NSW Local Government Act 1993*;
- (5) Contact the members of the Legume to Woodenbong Road Alliance inviting them to become part of the key stakeholder group to be utilized during the upgrade of this section of the Mt Lindesay Road.

(Greg Sauer/John Martin)

Motion Carried



(ITEM GOV26/16) 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.

- 290/16** **Resolved** that Council receive and note the Manager Finance's Report "Finance and Accounts" for the period ended 31 October 2016.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

(ITEM GOV27/16) POSTED EXPENDITURE REPORT

SUMMARY

The purpose of this report is to monitor progress on major and critical expenditure items and flag when the expenditure reaches 60% of budget whether the item will meet budgeted targets.

- 291/16** **Resolved** that Council receive and note the "Posted Expenditure Report" for the period ended 31 October 2016.

(Bronwyn Petrie/Brian Murray)

Motion Carried

(ITEM GOV28/16) 2015/16 FINANCIAL STATEMENTS

SUMMARY

The purpose of this report is to present the 2015/16 Financial Statements.

- 292/16** **Resolved** that Council adopts the audited Annual Financial Statements for the year ended 30 June 2016.

(Gary Verri/Greg Sauer)

Motion Carried

(ITEM GOV29/16) 2016/17 BUDGET REVIEW AS AT 30 SEPTEMBER 2016

SUMMARY

The purpose of this report is to submit the September Quarter Budget Review to Council.

- 293/16** **Resolved** that Council adopt the 2016/17 Budget Review as at 30 September 2016.

(Gary Verri/Brian Murray)

Motion Carried

The Meeting adjourned for morning tea, the time being 10.35 am.



The Meeting reconvened with the same members present and with the addition of Council's Auditor, Mr Paul Cornall from Forsyths – the time being 10.57 am.

PRESENTATION OF AUDITOR'S REPORT 2015/2016

10.58 am – Mr Paul Cornall from Forsyths (Council's Auditor) presented the Auditor's Report for the year ended 2015/2016.

Following his Report, Mr Cornall left the meeting, the time being 11.18 am

(ITEM GOV30/16) ANNUAL REPORT 2015/2016

SUMMARY

The purpose of this report is for Council to receive the Annual Report, inclusive of the Financial Reports and End of Term Report, for the financial year ending 30 June 2016.

294/16 **Resolved** that the Annual Report for 2015/2016 be received and adopted by Council.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC39/16) REPORTS OF COMMITTEES & DELEGATES - ARTS NORTHWEST - ARTLANDS CONFERENCE - DUBBO - 27-30 OCTOBER 2016

SUMMARY

Cr Gary Verri attended the Arts Northwest Artlands Conference in Dubbo – 27 to 29 October 2016. Cr Verri is a Board Member on the Arts Northwest Board.

295/16 **Resolved** that the report from Arts NorthWest Board Member, Cr Gary Verri be received and noted.

(Gary Verri/Tom Peters)

Motion Carried

(ITEM RC40/16) REPORTS OF COMMITTEES & DELEGATES - NSW PUBLIC LIBRARIES ASSOCIATION - NORTH EAST ZONE PUBLIC LIBRARIES ANNUAL GENERAL MEETING - 3 NOVEMBER 2016

SUMMARY

As delegate for the NSW Public Libraries Association, Cr John Macnish attended the Annual General Meeting of the North East Zone Libraries in Coffs Harbour on Thursday, 3 November 2016.

296/16 **Resolved** that the report from NSW Public Libraries Association delegate Cr John Macnish That the report from NSW Public Libraries Association delegate Cr John Macnish be received and noted.

(John Macnish/Bronwyn Petrie)

Motion Carried



NOTICES OF MOTION

(ITEM NM14/16) TENTERFIELD - TRANSFER FROM HUNTER NEW ENGLAND HEALTH SERVICE TO THE NORTH COAST AREA HEALTH SERVICE

SUMMARY

The purpose of this motion is to lobby our Local Member, The Hon Thomas George MP, to transfer the Tenterfield Health Service from the Hunter New England Health Service to the North Coast Area Health Service.

MOVED:

That Council lobby the Hon Thomas George MP (cc to Minister for Health) to strongly advocate that the Tenterfield Health Service be transferred from Hunter New England to the Northern NSW Health District.

(John Macnish/Donald Forbes)

AMENDMENT

That Council lobby the Minister for Health Ms Julian Skinner (cc to Thomas George) to ensure that the Minister is aware of the lack of availability and continuity of doctors to ensure that there is no repeat of no doctor availability at the Tenterfield Hospital, and investigate the transfer and the benefits of the transfer of Tenterfield Health Service to the Northern NSW Health District.

(Greg Sauer/Gary Verri)

297/16 **Resolved** that Council lobby the Minister for Health Ms Julian Skinner (cc to Thomas George) to ensure that the Minister is aware of the lack of availability and continuity of doctors to ensure that there is no repeat of no doctor availability at the Tenterfield Hospital, and investigate the transfer and the benefits of the transfer of Tenterfield Health Service to the Northern NSW Health District.

(Greg Sauer/Gary Verri)

Motion Carried

*A Division was requested.
(John Macnish/Brian Murray)*

Voting for the Motion: Crs TP Peters, G Verri, PP Petty, B Petrie, J Martin and G Sauer Total (6).

Voting Against the Motion: Crs D Forbes, B Murray and J Macnish Total (3).

(ITEM NM15/16) RECOGNITION OF FORMER COUNCILLOR PHIL YATES

SUMMARY

The purpose of this motion is to recognise the services of former Councillor Phil Yates.

COUNCILLOR'S NOTICE OF MOTION:

That Council recognise the services of former Councillor Phil Yates, presenting him with the appropriate certificate from the Local Government Association.

Motion Withdrawn – Lapses due to Want of a Seconder



Having declared a Pecuniary Interest in the following item, Cr Bronwyn Petrie left the meeting, the time being 12 noon.

(ITEM NM16/16) MINOR AMENDMENT TO LEP

SUMMARY

The purpose of this motion is to do a minor amendment to the Tenterfield LEP to amend the wording to the RU3 Development with Consent ruling, and correct an error in the zoning map.

MOVED:

That Council:

- (1) Amend the Tenterfield LEP RU3 Development with Consent ruling by:
 - a) Deleting "Nil".
 - b) Inserting wording as per RU1.
- (2) Amend the zoning map by correcting the land zoning identified as per the attached map from RU3 to RU1 as the land in question is freehold title, not State Forest.

(Gary Verri/Tom Peters)

FORESHADOWED MOTION

That this matter be deferred to a Councillor Workshop prior to being considered by Council in a subsequent report.

(Brian Murray/Donald Forbes)

298/16 **Resolved** that Council:

- (1) Amend the Tenterfield LEP RU3 Development with Consent ruling by:
 - a) Deleting "Nil".
 - b) Inserting wording as per RU1.
- (2) Amend the zoning map by correcting the land zoning identified as per the attached map from RU3 to RU1 as the land in question is freehold title, not State Forest.

(Gary Verri/Tom Peters)

Motion Carried

Cr Bronwyn Petrie returned to the meeting, the time being 12.09 pm.

RESOLUTION REGISTER

(ITEM RES4/16) COUNCIL RESOLUTION REGISTER - NOVEMBER 2016

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.



299/16 **Resolved** that the Council Resolution Register to November 2016 be received and noted.

(Gary Verri/Bronwyn Petrie)

Motion Carried

CONFIDENTIAL BUSINESS

CONFIDENTIAL MATTERS FOR CONSIDERATION IN CLOSED PART OF MEETING

300/16 **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.

(Gary Verri/John Martin)

Motion Carried

The doors were closed to the public, the recording device was turned off and the meeting moved into Closed Committee, the time being 12.11 pm.

PROCEDURAL MOTION – MOVE AGENDA ITEM

301/16 **Resolved** that (Item GOV31/16) – Audit & Risk Committee – Independent Members, be moved forward in the Agenda.

(Brian Murray/Bronwyn Petrie)

Motion Carried

(ITEM GOV31/16) AUDIT & RISK COMMITTEE - INDEPENDENT MEMBERS

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves 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 appoint three (3) Independent External Members to its Audit & Risk Committee for the remaining term of the current Council.



302/16 Resolved that Council:

- (1) Appoint one (1) staff member position with relevant finance and audit experience from Southern Downs Regional Council to the Audit & Risk Committee, as an Independent Member, in accordance with the Tenterfield Shire Council/Southern Downs Regional Council Memorandum of Understanding (MOU), for the remaining term of the current Council; and
- (2) Appoint Mr Geoff King and Mr Peter Sheville to Council's Audit & Risk Committee, as Independent External Members, for the remaining term of the current Council.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV23/16) WATER USAGE ACCOUNT - ACCOUNT NO. 28167

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (b) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND discussion in relation to the personal hardship of a resident or ratepayer.

SUMMARY

The purpose of this report is to consider a water account which has been disputed because the leak occurred outside the property boundary.

303/16 Resolved that Council write off an amount of \$1,176.15 in respect of Account No. 28167.

(Gary Verri/Greg Sauer)

Motion Carried

Having declared a Pecuniary Interest in the following item, Directors Allan Shorter, James Ruprai and Stephen Bell left the meeting – the time being 12.20 pm.

Cr John Macnish left the meeting, the time being 12.20 pm.

Cr John Macnish returned to the meeting, the time being 12.24 pm.

(ITEM GOV22/16) DETERMINATION OF SENIOR ORGANISATION STRUCTURE

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

SUMMARY

The purpose of this report is for Council to determine and adopt a senior organisation structure in-line with the requirements of Section 333 of the *NSW Local Government Act 1993*.



304/16 **Resolved** that Council adopt the following recommendations (1-5):

1. Key Principles

That in adopting a new senior organization structure, Council takes into consideration the following key principles:

- A focus on strategic alignment and outcomes;
- Service delivery;
- Long term sustainability;
- Internal and external engagement;
- Appropriate span of control of leaders;
- Responsibility and accountability for performance;
- Career development and growth opportunities for staff.

2. Senior Leadership Roles

That the three (3) person senior organization structure be adopted (as per Option A of this report), consisting of:

- Chief Executive;
- Chief Operating Officer (Corporate);
- Chief Operating Officer (Services); and

The new organization structure replace the previous four (4) person senior organization structure.

3. Roles and Responsibilities

That a focus on the critical functions of Strategy, Leadership, Collaboration, Culture and Performance be core competencies and accountability areas in the senior staff position descriptions.

4. Senior Staff

That the two (2) Chief Operating Officer positions be classified as "senior staff" under Section 332 of the *Local Government Act* and be employed on Senior Executive Performance Contracts.

5. Notification and Consultation

That utilizing information as contained in this report, notification of the decision to make change be notified to all relevant stakeholders and further consultation be initiated with staff and unions in accordance with Clause 39 of the Staff Award.

(Brian Murray/Greg Sauer)

Motion Carried

MOVE OUT OF CONFIDENTIAL PART OF MEETING

305/16 **Resolved** that the meeting move out of Closed Committee.

(Gary Verri/Brian Murray)

Motion Carried


The meeting moved out of Committee and the doors were opened to the public, the time being 12.45 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 12.50 pm.


.....
Councillor Peter Petty
Mayor/Chairperson

