



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

## **MINUTES OF ORDINARY COUNCIL THURSDAY 25 OCTOBER 2018**

MINUTES OF THE **Ordinary Council** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Thursday 25 October 2018 commencing at 9.33 am

### **ATTENDANCE**

Councillor Greg Sauer (Deputy Mayor) - Chair  
Councillor Peter Petty (Mayor)  
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)

*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 read 'Greg Sauer', is written over a white background.

## **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**

Deputy Mayor Greg Sauer Chairing the Meeting in the absence of Mayor Peter Petty. In opening the meeting, the Deputy Mayor noted that Cr John Macnish was not in attendance.

## **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.*

## **APOLOGIES**

**224/18** **Resolved** that the apologies received from Mayor Peter Petty, Cr Michael Petrie, Cr Don Forbes and Chief Operating Officer Andre Kompler be received and noted.

(Brian Murray/Bob Rogan)

## **Motion Carried**

## **DISCLOSURE & DECLARATIONS OF INTEREST**

Nil.

## **(ITEM MIN3/18) CONFIRMATION OF PREVIOUS MINUTES**

**225/18** **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:

- Extra Ordinary Council Meeting held on Wednesday, 26 September 2018
- Ordinary Council Meeting held on Wednesday, 26 September 2018



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

(Tom Peters/Brian Murray)

**Motion Carried**

**TABLING OF DOCUMENTS**

Confidential Attachment for Confidential Report Item ECO26/18 – Professional Services Tender 10-17/18 was tabled.

**URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

Nil.

*Senior Planner Tamai Davidson entered the meeting, the time being 9.36 am.*

**COMMUNITY CONSULTATION (PUBLIC ACCESS)**

**Presentation of Gift to Council**

- Mr John Landers, President of Tenterfield Support Group Westpac Helicopter presented a framed photograph to Deputy Mayor Greg Sauer in thanks to Council for the \$2,000.00 community contributions/donation.

*Cr John Macnish entered the meeting, the time being 9.40 am.*

**Item GOV75/18 – Monthly Operational Report – September 2018**

- Ms Jenny Stoker, Senior Librarian addressed the following sections of the Monthly Operational Report:
  - Library Services
- Mr Terry Dodds, Chief Executive addressed the following sections of the Monthly Operational Report:
  - Organisation Leadership (Waste to Energy Project)

**MAYORAL MINUTE**

Nil.

**RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION**

**226/18** **Resolved** that the following items be considered in the Confidential Section of the Meeting:

- Item COM20/18 – Leasing of Council Owned Properties
- Item ECO24/18 – Detailed Design and Documentation of the Upgrade to Mt Lindesay Road at Koreelah Creek and Big Hill
- Item ECO25/18 - Light Vehicle Supply Agreement
- Item ECO26/18 – Professional Services Tender 10-17/18

(Bronwyn Petrie/Brian Murray)

**Motion Carried**

  
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## OPEN COUNCIL REPORTS

### OUR COMMUNITY

#### (ITEM COM18/18) 2019 AUSTRALIA DAY AWARDS

##### SUMMARY

The purpose of this report is for Council to endorse arrangements for judging of Australia Day Awards as per Council's Australia Day Awards Policy adopted 28 March 2018.

**227/18** **Resolved** that Council endorses:

- (1) The calling of nominations for 2019 Australia Day Awards in the following categories:
  - Citizen of the Year;
  - Young Citizen of the Year;
  - Emergency Services Volunteer of the Year;
  - Sportsperson of the Year;
  - Young Sportsperson of the Year;
  - Community Event of the Year.
- (2) That nominations for the 2019 Australia Day Awards open Monday, 29 October 2018 and close at COB on Friday, 14 December 2018.
- (3) That judging by the Australia Day Selection Panel to be undertaken in the Council Chamber at 10.00 am on Thursday, 3 January 2019.

(Gary Verri/Bronwyn Petrie)

##### **Motion Carried**

#### (ITEM COM19/18) TENTERFIELD SHIRE NATIONAL MONUMENT PROJECT

##### SUMMARY

The purpose of this report is for Council to note a budget adjustment to facilitate a workshop to assist Council to compete for significant grant funding opportunities for *The Tenterfield National Monument Recovery Project*.

This Project aspires to restore the face of Tenterfield to a standard befitting its historic role in the Federation of Australia and the forging of our national values through leadership by notable local heroes during the Boer War and World War I.

**228/18** **Resolved** that Council resolve to facilitate a workshop for Councillors and community members to assist with the planning (concept) phase of the Tenterfield National Monument Project noting a possible future budget adjustment of approximately \$8,000.00.

(Brian Murray/Gary Verri)

##### **Motion Carried**

  
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## **SUSPENSION OF STANDING ORDERS**

**229/18** **Resolved** that Standing Orders be suspended.

(Gary Verri/Brian Murray)

### **Motion Carried**

*The Meeting adjourned for morning tea, the time being 10.42 am.*

*The Meeting reconvened with the same members present but with the addition of Engineering Officer Jessica Gibbins, the time being 11.01 am.*

## **RESUMPTION OF STANDING ORDERS**

**230/18** **Resolved** that Standing Orders be resumed.

(Bronwyn Petrie/Tom Peters)

### **Motion Carried**

## **OUR ECONOMY**

### **(ITEM ECO23/18) UNNAMED RIGHT OF CARRIAGEWAY OFF MOLE RIVER ROAD**

#### **SUMMARY**

The purpose of this report is to commence the next step in the road naming process to name a Right of Carriageway (ROC) off Mole River Road, Mole River, located approximately 200m south-east from Gibraltar Road that services several properties. In accordance with Geographical Names Board (GNB) guidelines this private road is identified as a "Lane".

**231/18** **Resolved** that Council:

- (1) Adopts the name "Stone Lane" as the name of this unnamed lane.
- (2) Advertises the adopted road name of "Stone Lane" and commence gazettal process of the same.
- (3) Installs signposting stating the road name of "Stone Lane" but also "No Through Road", and "Council does not maintain this road" at this location.

(Gary Verri/Bob Rogan)

### **Motion Carried**

*Engineering Officer Jessica Gibbins left the meeting, the time being 11.02 am.*

## **OUR ENVIRONMENT**

### **(ITEM ENV21/18) SHORT TERM RENTAL ACCOMMODATION IN NSW - EXHIBITION**

#### **SUMMARY**

The purpose of this report is to recommend to Council that a submission by way of support be forwarded to the NSW Department of Planning in relation to the current public exhibition of proposed amendments to planning rules to provide for short term rental accommodation (STRA) in NSW (formerly known



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as short-term holiday letting).

**232/18** **Resolved** that Council lodge a submission in support of the exhibited proposed changes to the NSW Planning System to enact the planning framework announced in the NSW Government Policy on Short Term Rental Accommodation.

(Brian Murray/Bob Rogan)

**Motion Carried**

*Senior Planner Tamai Davidson left the meeting, the time being 11.32 am.*

**OUR GOVERNANCE**

**(ITEM GOV74/18) CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW 2017/18 - ANNUAL REVIEW - OCTOBER 2018**

**SUMMARY**

The purpose of this report is to bring forward the recommendation of the Council Committee regarding the 2017/18 Performance Review and Annual Review of Council's Chief Executive Mr Terry Dodds.

**233/18** **Resolved** that Council:

(1) Note the Mayor's Report, Confidential Attachment, and support the findings of the Committee on the Chief Executive's high level of performance for the 12 month period to October 2018, and endorse the three (3) specific priorities for the Chief Executive in the next review period:

- Align the Asset Management Plan with the Long Term Financial Plan;
- Explore opportunities for Treasury Loans; and
- Continue the staff culture improvements including an employee engagement survey and 360 degree reviews for the leadership team and managers.

(2) Having regard for the high level of performance of the Chief Executive, award a 2.5% increase in the Chief Executive's Total Remuneration Package effective from his anniversary of service being 16 October 2018 in accordance with Clause 8.3 of the contract of employment.

(Bronwyn Petrie/Tom Peters)

**Motion Carried**

**(ITEM GOV75/18) MONTHLY OPERATIONAL REPORT - SEPTEMBER 2018**

**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.

**234/18** **Resolved** that Council receives and notes the status of the Monthly Operational Report for September 2018.

(Bob Rogan/Gary Verri)

**Motion Carried**

  
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## **(ITEM GOV76/18) DISCLOSURE OF INTEREST RETURNS 2017/2018**

### **SUMMARY**

The purpose of this report is to document the tabling of the Disclosure of Interest Returns for the period 2017/2018.

- 235/18** **Resolved** that Council note the tabling of the Disclosure of Interest Returns for the period 2017/2018 and lodged by 30 September 2018.

(Brian Murray/Gary Verri)

### **Motion Carried**

## **(ITEM GOV77/18) CHRISTMAS/NEW YEAR CLOSEDOWN - 2018/2019**

### **SUMMARY**

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

- 236/18** **Resolved** that Council endorse the closedown periods for the Christmas/New Year 2018/2019 period as follows:

- Indoor staff – close of business Friday, 21 December 2018, reopening Wednesday, 2 January 2019;
- Outdoor staff – close of business Thursday, 20 December 2018, reopening Monday, 7 January 2019.

(Bob Rogan/Gary Verri)

### **Motion Carried**

## **(ITEM GOV78/18) REQUEST FOR FINANCIAL ASSISTANCE FOR LEGAL COSTS ASSOCIATED WITH THE APPEAL OF LAND & ENVIRONMENT COURT RATING CATEGORISATION DECISION - CITY OF SYDNEY COUNCIL, NORTH SYDNEY COUNCIL AND BAYSIDE CITY COUNCIL**

### **SUMMARY**

Written request to Council, from Local Government NSW, for assistance with legal costs incurred by councils in respect of an appeal of the Land and Environment Court's decision in Karimbla Properties v Council of the City of Sydney; Bayside City Council and North Sydney Council [2017] NSWLEC 75.

- 237/18** **Resolved** that Council consider the application for financial assistance and make a payment to the value of \$1,716.75 as per invoice issued by Local Government NSW in accordance with LGNSW Legal Assistance Policy and Guidelines (November 2015).

(Brian Murray/John Macnish)

### **Motion Carried**

*Manager Finance & Technology Paul Della entered the meeting, the time being 12.05 pm.*

  
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**(ITEM GOV79/18) FINANCE & ACCOUNTS - PERIOD ENDED 30 SEPTEMBER 2018**

**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.

**238/18** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 September 2018.

(Tom Peters/Gary Verri)

**Motion Carried**

**(ITEM GOV80/18) CAPITAL EXPENDITURE REPORT AS AT 30 SEPTEMBER 2018**

**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.

**239/18** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 September 2018.

(Gary Verri/Bronwyn Petrie)

**Motion Carried**

**(ITEM GOV81/18) REPORT ON LOAN BALANCES**

**SUMMARY**

The purpose of this report is to inform Council of its loan balances as at 30 September 2018.

**240/18** **Resolved** that Council notes the loan balance as at 30 September 2018 was \$7,503,719.24 (\$7,690,327.31 as at 30 June 2018).

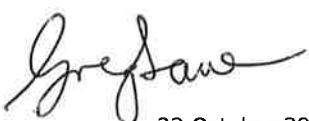
(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV82/18) TREASURY CORPORATION BORROWINGS - APPROVAL FOR COUNCIL TO APPROACH RELEVANT PARTIES WITH A VIEW TO GAINING ACCESS TO THIS SOURCE OF LOAN FUNDS (SUBJECT TO MEETING TCorp GUIDELINES).**

**SUMMARY**

The purpose of this report is to seek Council approval for the Mayor and Chief Executive to write to the Minister for Local Government with a view to obtaining permission for access to Treasury Corporation (TCorp) borrowings





(subject to meeting TCorp Guidelines) and that should a favourable response not be forthcoming by the end of November 2018, that other avenues to raise the profile of this issue be explored by Council.

**241/18** **Resolved** that Council approved the Mayor and Chief Executive to write to the Minister for Local Government to request permission for Council to be given access to Treasury Corporation (TCorp) borrowings (subject to meeting TCorp Guidelines) and that should a favourable response not be forthcoming by the end of November 2018, other avenues to raise the profile of this issue be explored by Council.

(Gary Verri/Bob Rogan)

**Motion Carried**

**REPORTS OF DELEGATES & COMMITTEES**

Nil.

**NOTICES OF MOTION**

Nil.

*Manager Finance & Technology Pau Della left the meeting, the time being 12.14 pm.*

**RESOLUTION REGISTER**

**(ITEM RES9/18) COUNCIL RESOLUTION REGISTER - OCTOBER 2018**

**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.

**242/18** **Resolved** that Council notes the status of the Council Resolution Register to October 2018.

(Gary Verri/Bronwyn Petrie)

**Motion Carried**

**CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS**

**243/18** **Resolved** that Standing Orders be suspended and:

- 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/Tom Peters)

**Motion Carried**

  
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*The doors were closed to the public, the recording device turned off and the Meeting moved into Closed Committee, the time being 12.21 pm.*

*Property, Building & Landscape Coordinator Heidi Ford and Property Specialist Jennifer Donadel entered the meeting, the time being 12.21 pm.*

## **(ITEM COM20/18) LEASING OF COUNCIL OWNED PROPERTIES**

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (f) of the Local Government Act, 1993, as the matter involves matters affecting the security of the Council, Councillors, Council staff or Council property.

### **SUMMARY**

The purpose of this report is to advise Council as to the status of three (3) Council properties classified as operational which are available for lease, and to determine the timeframe and return to be generated from the leases.

### **RECOMMENDATION**

That Council:

- (1) Resolve to delegate authority to the Chief Executive to enter into three (3) year leases for the properties, in line with expected income projections contained in the report for the following:
  - 8933 New England Highway, Tenterfield
  - Lot 1 DP 390204
  - 134 Manners Street, Tenterfield; and
- (2) Authorises the Leases be signed under the Seal of Council by the Mayor and the Chief Executive.

(John Macnish/Bob Rogan)

### **AMENDMENT**

That Council:

- (1) Resolve to delegate authority to the Chief Executive to enter into three (3) year leases for the following properties, in line with expected income projections contained in the report for the following:
  - Lot 1 DP 390204
  - 134 Manners Street, Tenterfield; and
- (2) Resolve to delegate authority to the Chief Executive to enter into a two (2) year lease for the following property, in line with expected income projections contained in the report for the following:
  - 8933 New England Highway, Tenterfield; and
  - (a) Reasonable access to be provided to Council staff for Council purposes for the agricultural properties
  - (b) Signage income remains the property of TSC (access and advertising).



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- (3) Authorises the Leases be signed under the Seal of Council by the Mayor and the Chief Executive.

(Bronwyn Petrie/Gary Verri)

**Amendment Carried**

*Cr Brian Murray registered a vote against the amendment.*

**244/18 Resolved that Council:**

- (1) Resolve to delegate authority to the Chief Executive to enter into three (3) year leases for the following properties, in line with expected income projections contained in the report for the following:
  - Lot 1 DP 390204
  - 134 Manners Street, Tenterfield; and
- (2) Resolve to delegate authority to the Chief Executive to enter into a two (2) year lease for the following property, in line with expected income projections contained in the report for the following:
  - 8933 New England Highway, Tenterfield; and
  - (a) Reasonable access to be provided to Council staff for Council purposes for the agricultural properties
  - (b) Signage income remains the property of TSC (access and advertising)
- (3) Authorises the Leases be signed under the Seal of Council by the Mayor and the Chief Executive.

(Bronwyn Petrie/Gary Verri)

**Motion Carried**

*Property, Building & Landscape Coordinator Heidi Ford and Property Specialist Jennifer Donadel left the meeting, the time being 12.48 pm.*

*Technical Projects Officer Frank Boyce entered the meeting, the time being 12.49 pm.*

**(ITEM ECO24/18) DETAILED DESIGN AND DOCUMENTATION OF THE UPGRADE TO MT LINDESAY ROAD AT KOREELAH CREEK AND BIG HILL**

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)) 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.

**SUMMARY**

The purpose of this report is to provide Council with information and a recommendation on the tender evaluation associated with the detailed design and documentation of the upgrade to Mt Lindesay Road at Koreelah Creek and

  
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Big Hill as part of the \$24M Mt Lindesay Road upgrade project.

**245/18** **Resolved** that Council accept the tender of Moloney Solutions Pty Ltd (ACN 600 452 873) as trustee for Moloney and Sons Trust (ABN 39 133 970 689) trading as Moloney and Sons Engineering for the design and construction tender documentation of the upgrade to Koreelah Creek and Big Hill sections of the Mt Lindesay Road in the amount of \$239,363.52 (including GST).

(Brian Murray/Bob Rogan)

**Motion Carried**

*Technical Projects Officer Frank Boyce left the meeting, the time being 12.56 pm.*

*Fleet Coordinator Brad Foan entered the meeting, the time being 12.57 pm.*

*Mayor Peter Petty entered the meeting, the time being 12.57 pm.*

**(ITEM ECO25/18) LIGHT VEHICLE SUPPLY AGREEMENT**

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**

Council has a Motor Vehicle Supply Agreement with Northern Rivers Motors Pty Ltd (Lismore Toyota). The Agreement expires on 31 October 2018. There exists an option in the original contract to extend for a further two (2) years should both parties wish. Lismore Toyota has indicated they are supportive of a continuation.

**246/18** **Resolved** that Council accept the offer of Northern Rivers Motors Pty Ltd, entering into the final 2-year contract of a 2 x 2 year option with the view of allowing adequate time to engage an external independent party to conduct a detailed light vehicle cost review.

(Peter Petty/John Macnish)

**Motion Carried**

*Fleet Coordinator Brad Foan left the meeting, the time being 1.13 pm.*

*Manager Works James Paynter entered the meeting, the time being 1.14 pm.*



**(ITEM ECO26/18) PROFESSIONAL SERVICES TENDER 10- 17/18**

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)) 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.

**SUMMARY**

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the hiring of Professional Services, Tender 2018-2020 Tender 09-17/18.

**247/18** **Resolved** that Council accept all submitted tenders as a panel of preferred suppliers for Professional Services.

(Bronwyn Petrie/Gary Verri)

**Motion Carried**

**RESUMPTION OF STANDING ORDERS**

**248/18** **Resolved** that Standing Orders be resumed.

(Bronwyn Petrie/Peter Petty)

**Motion Carried**

*Manager Works James Paynter left the meeting, the time being 1.24 pm.*

*The Meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 1.24 pm.*

*In accordance with Section 253 of Local Government Regulations (General) 2005, the Deputy Mayor read the resolutions as resolved by Council whilst in Closed Committee.*

**MEETING CLOSED**

There being no further business the Deputy Mayor declared the meeting closed at 1.29 pm.

  
.....  
Councillor Greg Sauer  
Deputy Mayor/Chairperson



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