



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 26 JULY 2017

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 26 July 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 Officer (Andre Kompler)
Admin & Web Assistant (Sarah Watson)
Chief Corporate Officer (Kylie Smith)
Acting Finance Manager (Andrew Wright)
Manager Property & Environmental Services (Dave Stewart)

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 blue 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

Nil.

CONFIRMATION OF PREVIOUS MINUTES

116/17 **Resolved** that the minutes of the Council meeting held on Wednesday 28 June 2017, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Tom Peters/Donald Forbes)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil.



COMMUNITY CONSULTATION (PUBLIC ACCESS)

Nil.

MAYORAL MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

117/17 **Resolved** the following Items be considered in the Confidential Section of the Meeting:

- Item GOV53/17 – Water Usage Account – Account No 12807
- Item ECO18/17 – Amendment of Service Station Lease
- Item NM8/17 – Notice of Motion – Tenterfield Saddler Building

(Gary Verri/Bronwyn Petrie)

Motion Carried

PROCEDURAL MOTION

118/17 **Resolved** that Item GOV42/17 - Appointment of Acting Chief Executive be moved forward in the Agenda and be dealt with before any other items.

(Greg Sauer/Michael Petrie)

Motion Carried

OPEN COUNCIL REPORTS

(ITEM GOV42/17) APPOINTMENT OF ACTING CHIEF EXECUTIVE

SUMMARY

The purpose of this report is for Council to appoint an Acting Chief Executive for the period 24 July 2017 until the appointment of a permanent Chief Executive in September 2017.

119/17 **Resolved** that Council:

- (1) Appoint Chief Operating Officer Mr Andre Kompler to the position of Acting Chief Executive for the period 22 July 2017 to 30 August 2017; and
- (2) Appoint Chief Corporate Officer Ms Kylie Smith to the position of Acting Chief Executive for the period 31 August 2017 to commencement of the permanent Chief Executive.

(Greg Sauer/Michael Petrie)

Motion Carried

Chief Operating Officer, Andre Kompler moved to the Acting Chief Executive's chair, the time being 9.39 am.



OUR COMMUNITY

(ITEM COM5/17) JUNE 2017 - CORPORATE OFFICER SERVICE UPDATE

SUMMARY

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

- 120/17** **Resolved** that Council receive and note the Chief Corporate Officer's June 2017 Service Update Report.

(Brian Murray/Greg Sauer)

Motion Carried

OUR ECONOMY

(ITEM ECO15/17) 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).

- 121/17** **Resolved** that Council receives and notes the Report "Planning/Development Update".

(Michael Petrie/Gary Verri)

Motion Carried

(ITEM ECO16/17) JUNE 2017 INFRASTRUCTURE, ENGINEERING, PLANNING AND SERVICES PROGRESS 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.

- 122/17** **Resolved** that Council receive and note the Chief Operating Officer's June 2017 Progress Report.

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM ECO17/17) HIGHWAY TASKFORCE

SUMMARY

The Highway Taskforce has been set up by Southern Downs Regional Council to lobby the State and Federal Governments for the upgrade of the New England and Cunningham Highways. The Taskforce comprises representatives from Southern Downs Regional Council, Scenic Rim Regional Council and Tenterfield Shire Council.



RECOMMENDATION:

That Council receive and note the Report.

(Gary Verri/Greg Sauer)

AMENDMENT:

That the Mayor and one other Councillor, being Councillor Gary Verri, be placed on the Highway Taskforce Alliance.

(Gary Verri/John Macnish)

Amendment Carried

123/17 Resolved that:

- (1) Council receives and notes the Report; and further
- (2) That the Mayor and one other Councillor, being Councillor Gary Verri, be placed on the Highway Taskforce Alliance.

(Gary Verri/Greg Sauer)

Motion Carried

OUR ENVIRONMENT

Nil.

OUR GOVERNANCE

(ITEM GOV41/17) COMMITTEE REGISTER UPDATE

SUMMARY

The purpose of this report is to present to Council the two (2) proposed amendments to the Committee structure and to provide information on updated staff representation.

Parks, Gardens & Open Space Advisory Committee

*Councillor Sauer nominated himself – Mayor, Peter Petty accepted nomination.
Councillor Bronwyn Petrie nominated Councillor Murray – Councillor Murray accepted nomination.*

Arts & Culture Advisory Committee

*Councillor Verri nominated himself – Mayor, Peter Petty accepted nomination.
Councillor Peters nominated Councillor Bronwyn Petrie – Councillor Petrie accepted the nomination.*

124/17 Resolved that:

- (1) Council adopts the following additional proposed Specific Purpose Committees and places the amendments on exhibition for a period of fourteen (14) days for public comment:
 - Parks, Gardens and Open Space Advisory Committee
 - Arts and Culture Advisory Committee
- (2) That Councillor representatives (2) for each of the proposed Specific Purpose Committees be determined as:



- Parkes, Gardens & Open Space Advisory Committee
 - Deputy Mayor Cr Greg Sauer
 - Cr Brian Murray
- Arts & Culture Advisory Committee
 - Cr Gary Verri
 - Cr Bronwyn Petrie

- (3) Following public comment, Council authorises the Chief Executive to incorporate the two (2) proposed Advisory Committees into the Committee Structure for 2016/17; and
- (4) Council notes the amended staff representation.

(Greg Sauer/Brian Murray)

Motion Carried

Acting Finance Manager, Andrew Wright entered the meeting, the time being 10.15 am.

(ITEM GOV43/17) DELEGATION OF AUTHORITY - CHIEF EXECUTIVE

SUMMARY

In line with Council Resolution 40/17 to adopt the 2017-2021 Workforce Management Strategy and therefore the revised organisation structure, it is necessary to amend the current "General Manager's Delegations of Authority" to "Chief Executive's Delegations of Authority".

125/17 Resolved

- (1) That, in accordance with Section 377 of the Local Government Act 1993, Council authorise that the current "General Manager's Delegations of Authority" be amended to "Chief Executive's Delegations of Authority"; and further
- (2) That Council authorise the Chief Executive's Delegations of Authority to remain current regardless of the incumbent of the position and for the Delegations of Authority to run in conjunction with the term of Council.

(Bronwyn Petrie/Michael Petrie)

Motion Carried

(ITEM GOV44/17) LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 4 TO 6 DECEMBER 2017

SUMMARY

The purpose of this report is for Council to consider Council representation at the Local Government NSW Annual Conference to be held in Sydney from Monday, 4 to Wednesday, 6 December 2017.

RECOMMENDATION:

That Council approve the attendance of the Mayor and Chief Executive to represent Council at the Local Government NSW Annual Conference in Sydney, 4 to 6 December 2017.

(Gary Verri/Greg Sauer)

AMENDMENT:

That Council hold a workshop in due course to deal with motions going to the Local Government NSW Annual Conference 2017.

(Gary Verri/Tom Peters)

Amendment Carried

126/17 Resolved that Council:

- (1) Approve the attendance of the Mayor and Chief Executive to represent Council at the Local Government NSW Annual Conference in Sydney, 4 to 6 December 2017; and
- (2) Hold a workshop in due course to deal with motions going to the Local Government NSW Annual Conference 2017.

(Gary Verri/Greg Sauer)

Motion Carried

(ITEM GOV45/17) LOCAL ROADS & TRANSPORT CONGRESS - ALBANY (WA) - 6 TO 8 NOVEMBER 2017

SUMMARY

The purpose of this report is for Council to approve the attendance of the Mayor and Chief Operating Officer at the 2017 Australian Local Government Association Local Roads & Transport Congress to be held in Albany, Western Australia from Monday, 6 to Wednesday, 8 November 2017.

127/17 Resolved that Council approve the attendance of Mayor Peter Petty and Chief Operating Officer Andre Kompler at the 2017 Local Roads & Transport Congress in Albany (WA).

(Bronwyn Petrie/Brian Murray)

Motion Carried

Councillor Gary Verri registered a vote against the motion.


(ITEM GOV46/17) CHANGE TO COUNCIL MEETING SCHEDULE - 2016/2017

SUMMARY

The purpose of this report is to recommend a change to Council's meeting schedule for 2016/2017 and hold the August 2017 Ordinary Council Meeting at Tenterfield in lieu of Urbenville.

128/17 Resolved that:

- (1) Council endorse the holding of the August 2017 Ordinary Council Meeting in the Tenterfield Shire Council Chambers in lieu of holding the meeting at Urbenville; and



- (2) Subject to confirmation with the Urbenville Progress Society, the February 2018 Ordinary Council Meeting be held at Urbenville.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM GOV47/17) CROSS BORDER STRATEGIC ALLIANCE MEETING - 20 APRIL 2017

SUMMARY

On Thursday, 20 April 2017, Tenterfield Shire Council and Southern Downs Regional Council met at the Wallangarra Railway Station Café for a Cross Border Strategic Alliance Meeting, arising from the Memorandum of Understanding fostered between the two (2) Councils.

- 129/17** **Resolved** that Council receive and note the report.

(Brian Murray/Michael Petrie)

Motion Carried

The meeting adjourned for Morning Tea, the time being 10.36 am.

The meeting reconvened with the same members present, the time being 10.56 am.

(ITEM GOV48/17) 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.

- 130/17** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 June 2017.

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM GOV49/17) 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.

- 131/17** **Resolved** that Council receive and note the Posted Expenditure Report for the period ended 30 June 2017.

(Gary Verri/Tom Peters)

Motion Carried



(ITEM GOV50/17) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this report is to inform Council of its loan balances.

132/17 **Resolved** that Council notes the loan balance as at 30 June 2017 was \$4,595,253.08.

(Bronwyn Petrie/Gary Verri)

Motion Carried

(ITEM GOV51/17) CORRECTION TO WATER AVAILABILITY CHARGES FOR NON RESIDENTIAL USERS

SUMMARY

The purpose of this report is to amend Council's water availability charge for non-residential customers to ensure the charge is applied equitably across the community.

133/17 **Resolved** that Council adopt for public display the following new water charges:

- (1) Water equalisation charge of \$190.73 for non-residential 20 mm connections.
- (2) Water equalisation charge of \$126.37 for non-residential 25 mm connections.
- (3) Water equalisation charge of \$12.22 for non-residential 32 mm connections.

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM GOV52/17) RELATED PARTY DISCLOSURE POLICY - DRAFT NEW POLICY

SUMMARY

The purpose of this report is to present to Council the Draft Related Party Disclosure Policy for adoption.

134/17 **Resolved** that Council adopts the draft Related Party Disclosure Policy as per the attachment.

(Gary Verri/Michael Petrie)

Motion Carried

Acting Finance Manager, Andrew Wright left the meeting, the time being 11.16 am.



REPORTS OF DELEGATES & COMMITTEES

(ITEM RC9/17) REPORTS OF COMMITTEES & DELEGATES - SIR HENRY PARKES MEMORIAL JOINT MANAGEMENT COMMITTEE

SUMMARY

A meeting of the Sir Henry Parkes Memorial Joint Committee was held on Thursday, 16 February 2017.

135/17 Resolved

- (1) That the report of the Sir Henry Parkes Memorial Joint Management Committee of 16 February 2017 be received and noted; and
- (2) That Peter Tonkin from "Tonkin, Zulaikha and Greer" visit the Museum and undertake a review of the Museum and School of Arts facility with Ken Halliday, Christine Denis, Harry Bolton and Museum Advisor Libby Newell.

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM RC10/17) REPORTS OF COMMITTEES & DELEGATES - COUNTRY MAYORS' ASSOCIATION - 16 JUNE 2017

SUMMARY

A meeting of the Country Mayor's Association was held in Sydney on Friday, 16 June 2017.

- 136/17** Resolved that the report of the General Meeting of the Country Mayors' Association held on 16 June 2017 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC11/17) REPORTS OF COMMITTEE & DELEGATES - REGIONAL COOPERATION & DEVELOPMENT FORUM 2017 - 18 JUNE 2017

SUMMARY

The Regional Cooperation & Development Forum 2017 was held in Canberra on Sunday, 18 June 2017.

- 137/17** Resolved that the report from the Regional Cooperation & Development Forum 2017 held on Sunday, 18 June 2017 be received and noted.

(Peter Petty/Greg Sauer)

Motion Carried



(ITEM RC12/17) REPORT OF COMMITTEES & DELEGATES - NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2017 - 18 - 21 JUNE 2017

SUMMARY

The National General Assembly of Local Government 2017 was held in Canberra from Sunday, 18 June to Wednesday, 21 June 2017.

- 138/17** **Resolved** that the report from the National General Assembly of Local Government 2017 be received and noted.

(Peter Petty/Bronwyn Petrie)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES6/17) COUNCIL RESOLUTION REGISTER - JULY 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.

- 139/17** **Resolved** that Council notes the Council Resolution Register to July 2017.

(Tom Peters/Bronwyn Petrie)

Motion Carried

CONFIDENTIAL BUSINESS

- 140/17** **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.

(Gary Verri/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 11.22 am.



(ITEM GOV53/17) WATER USAGE ACCOUNT - ACCOUNT NO. 12807

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

SUMMARY

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

141/17 **Resolved** that Council:

- (1) Write off an amount of \$1,049.32 in respect of Account No. 12807 and;
- (2) Issue an amended account for \$2,856.40 being the total usage charged at Tier 1 rate of \$2.96/KL.

(Greg Sauer/Brian Murray)

Motion Carried

Acting Chief Executive, Andre Kompler left the meeting, the time being 11.25 am.

Acting Chief Executive, Andre Kompler and Manager Property & Environmental Services, Dave Stewart entered the meeting, the time being 11.27 am.

(ITEM ECO18/17) AMENDMENT OF SERVICE STATION LEASE

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (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 (ii) confer a commercial advantage on a competitor of the Council.

SUMMARY

The purpose of this report is to provide Council with the request from the current Lessee of the Council owned Service Station to amend the lease which will allow for the proposed subdivision to be lodged and therefore allow for the sale of the property to occur.

RECOMMENDATION

That Council resolve to proceed with Option 1 as presented.

(Gary Verri/Greg Sauer)


PROCEDURAL MOTION

Resolved that the meeting be adjourned, the time being 11.32 am.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Manager Property & Environmental Services, Dave Stewart left the meeting to obtain a document, the time being 11.32 am.



Manager Property & Environmental Services, Dave Stewart returned to the meeting with copies of the document, the time being 11.36 am.

PROCEDURAL MOTION

Resolved that the meeting be reconvened, the time being 11.36 am.

(Bronwyn Petrie/Gary Verri)

Motion Carried

The meeting reconvened with the same members present, the time being 11.36 am.

142/17 Resolved that Council proceed with Option 1 as presented.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Manager Property & Environmental Service, Dave Stewart left the meeting, the time being 11.55 am.

(ITEM NM8/17) NOTICE OF MOTION - TENTERFIELD SADDLER BUILDING

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)) (d(iii)) 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; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

SUMMARY

The purpose of this Notice of Motion is to advise Council that an opportunity may exist to secure the iconic Tenterfield Saddler building on behalf of the community of Tenterfield for future generations and visitors to our community.

143/17 Resolved:

- (1) That Council approve the Mayor and Chief Executive to enter into discussions with the owner of the property outlined in this Report with a view to purchasing or entering into a long term lease of the building and its associated land; and
- (2) That Council staff be authorized to investigate possible benefits for the community of Tenterfield; and
- (3) That Council staff provide a report to Council on the operational requirements on engaging in this venture.

(Peter Petty/Greg Sauer)

Motion Carried



A Division was called – moved Cr Brian Murray, seconded Cr Donald Forbes.

Voting in favour of the Motion:

Cr Tom Peters, Cr Gary Verri, Mayor Peter Petty, Cr Bronwyn Petrie, Deputy Mayor Greg Sauer and Cr John Macnish (Total 6).

Voting against the Motion:

Cr Michael Petrie, Cr Donald Forbes, Cr Brian Murray (Total 3).

Cr Brian Murray flagged a Rescission Motion will be submitted.

MOVE OUT OF CONFIDENTIAL PART OF MEETING

144/17 **Resolved** that the meeting move out of Closed Committee.

(Bronwyn Petrie/Tom Peters)

Motion Carried

The meeting moved out of Committee, the doors were opened to the public and the recording device turned on, the time being 12.14 pm.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.14 pm.


Councillor Peter Petty
Mayor/Chairperson