



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 28 MARCH 2018

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 28 March 2018 commencing at 9.30 am.

ATTENDANCE

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

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)
Executive Assistant & Media (Noelene Hyde)
Chief Corporate Officer (Kylie Smith)
Chief Operating Officer (Andre Kompler)

Clause 254(b) of the Local Government (General) Regulation 2005 requires that the names of the mover and seconder of the motion or amendment are recorded and shown in the Minutes of the meeting.

A handwritten signature in black ink, appearing to read '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 Jukembal, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

CONFIRMATION OF PREVIOUS MINUTES

32/18 **Resolved** that the Minutes of the Council meeting held on Wednesday, 28 February 2018, 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

Nil.



COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item NM5/18 – Notice of Motion – Shakespeare Garden

- Mr Peter Robinson spoke against the Notice of Motion.

MAYORAL MINUTE

Nil.

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

33/18 **Resolved** that the following items be considered in the Confidential Section of the meeting:

- Item ECO5/18 – Feasibility Investigation – Tenterfield Saddler
- Item ENV7/18 – Geotech Pty Ltd Contract Dispute Status
- Item ECO6/18 – 2.4 km Road Realignment & Construction Upgrade of Mt Lindesay Road at Dalman North

(Gary Verri/Tom Peters)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM2/18) ANZAC DAY ARRANGEMENTS - WEDNESDAY, 25 APRIL 2018

SUMMARY

The purpose of this report is to provide information for Council's consideration regarding arrangements for Anzac Day, 25 April 2018.

34/18 **Resolved** that:

- (1) In accordance with Council Minute 208/04, Council's representative at Anzac Day Ceremonies throughout the Shire will lay a wreath or present a book as per the requirements of the local organisers; and
- (2) Councillors be allocated to attend the services around the Shire as follows:
 - (a) The Mayor, Cr Peter Petty at the Tenterfield Dawn Service and Morning Service;
 - (b) Councillor Tom Peters at the Dawn Service in Torrington;
 - (c) Councillor Gary Verri and Mayor Peter Petty at the Legume Service;
 - (d) Councillor Gary Verri at the Urbenville Service;
 - (e) Councillor Brian Murray at the Jennings Service;
 - (f) Councillors Bronwyn Petrie and John Macnish at the Drake Service;
 - (g) Deputy Mayor Don Forbes(also representing RSL) and Chief Executive Terry Dodds at the Liston Dawn Service; and



(h) Mayor Peter Petty and Mrs Petty at the Mingoola Service.

(Donald Forbes/Brian Murray)

Motion Carried

OUR ECONOMY

(ITEM ECO4/18) 2017 BUSINESS & TOURISM EXCELLENCE AWARDS

SUMMARY

The purpose of this report is to provide a summary of the 2017 Business & Tourism Excellence Awards.

RECOMMENDATION

That Council:

- (1) Receive and note the Report; and
- (2) Change the annual Awards to biennial Awards (held every two (2) years.

(Michael Petrie/Bob Rogan)

AMENDMENT

That Council hold the Awards in 2019 and then every second year from then on.

(Gary Verri/Not Seconded)

Amendment Lapses

35/18 **Resolved** that Council:

- (1) Receive and note the Report; and
- (2) Change the annual Awards to biennial Awards (held every two (2) years.)

(Michael Petrie/Bob Rogan)

Motion Carried

Councillors Gary Verri and Greg Sauer registered a vote against the Motion.

OUR ENVIRONMENT

(ITEM ENV5/18) MURRAY DARLING ASSOCIATION

SUMMARY

The purpose of this report is for Council to consider rescission of Council Resolution 332/14 and resume membership of the Murray Darling Association.

RECOMMENDATION

- (1) That Council rescinds/does not rescind Resolution 332/14 of the Extraordinary Council Meeting of 24 September 2014; and
- (2) That Council does/does not reinstate membership of the Murray Darling



Association.

(Bronwyn Petrie/Don Forbes)

AMENDMENT

That this report lay on the table awaiting further information.

(Brian Murray/Tom Peters)

Amendment Carried

36/18 **Resolved** that this report lay on the table awaiting further information.

(Brian Murray/Tom Peters)

Motion Carried

OUR GOVERNANCE

(ITEM GOV16/18) MONTHLY OPERATIONAL REPORT - MARCH 2018

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Council Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2017/2018 Operational Plan.

37/18 **Resolved** that Council notes the status of the Monthly Operational Report to March 2018.

(Greg Sauer/Michael Petrie)

Motion Carried

Presentation to Mrs Robin Riley

A presentation was made to Mrs Robin Riley, Council's former Manager Library & Cultural Services, in recognition of her Award in December 2017 of an Honorary Fellowship of the Library Council of NSW. Mrs Riley worked in the Tenterfield Library for 37 years, commencing in 1977 and retiring in 2014 and was recognised by the Library Council of NSW for her outstanding contribution to enhancing the artistic, cultural and educational life of the Northern NSW community and her work at Tenterfield Library.

The meeting adjourned for morning tea, the time being 10.30 am.

The meeting reconvened with the same members present and Manager, Customer Service, Governance & Records (Erika Bursford) and Acting Manager Finance & Technology (Edna Mendes). The time being 10.55 am.



(ITEM GOV17/18) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2018

SUMMARY

The purpose of this report is for Council to consider the attendance of the Chief Executive and Mayor at the National General Assembly of Local Government 2017 in Canberra, 17-20 June 2017 and to call for submission of Motions.

38/18 Resolved that Council:

- (1) Approve the attendance of Chief Executive Terry Dodds and Mayor Peter Petty at the National General Assembly of Local Government 2018 held in Canberra, 17 to 20 June 2018; and
- (2) Council endorse the submission of motions for debate – submission date being midday, Friday 30 March 2018.

(Tom Peters/Greg Sauer)

Motion Carried

Motions for submission:

- *That the Assembly call on the Federal Government to stop further bank closures in small rural towns, in particular those towns that only have one bank, and further Council call on the Federal Government to establish a bank to fill in the gaps where banks have closed, especially in those small rural towns where bank customers have to travel great distances to another town to access banks.*
- *That the Assembly ask the Federal and NSW State Governments to fund a feasibility study to determine which of the streams along the Great Dividing Range are suitable for the generation of hydro electricity/pump hydro and if feasible, allocate funds in the next budget for this work.*
- *That a ban be placed on wet wipes marketed as "flushable toilet wipes" due to their negative impact on sewer lines and sewerage processing facilities.*
- *That a percentage of the collected GST revenue (say 1%) be provided directly to local government to ensure equitable distribution of funds for the provision of services and ensure their ongoing financial sustainability.*
- *That the Assembly lobby the State Governments to apply local government rates to National Parks, Nature Reserves, State Conservation Areas and State Forests.*

(ITEM GOV18/18) PUBLIC INTEREST DISCLOSURES SIX MONTHLY REPORT - 1 JULY 2017 TO 31 DECEMBER 2017

SUMMARY

Tenterfield Shire Council's Public Interest Disclosures Report for the period 1 July 2017 to 31 December 2017 has been submitted to Ombudsman New South Wales in the online PID reporting tool on 12 February 2018. The six-monthly report has been submitted as required under Section 6CA of the Public



Interest Disclosures Act 1994, by 14 February 2018. There were no Public Interest Disclosures to report in the reporting period.

39/18

Resolved that Council notes that the Public Interest Disclosures Report for the period 1 July 2017 to 31 December 2017 has been submitted to Ombudsman New South Wales on 12 February 2018, as required under Section 6CA of the Public Interest Disclosures Act 1994.

(Michael Petrie/Greg Sauer)

Motion Carried

(ITEM GOV19/18) AMENDED AUSTRALIA DAY POLICY

SUMMARY

The purpose of this report is to seek Council's adoption of the amended Australia Day Awards policy, to include a nominee eligibility criterion for non-residents who have made significant contributions to the Tenterfield community.

RECOMMENDATION

That Council adopt the following amended policy under Section 165(1) of the Local Government Act 1993 – Amendment and revocation of local policy:

- a. Australia Day Awards Policy.

(Gary Verri/Don Forbes)

AMENDMENT

That the proposed wording of the amendment to the Australia Day Policy be changed to read:

- Nominees may be residents in Tenterfield Shire Local Government Area or non-residents involved with a Tenterfield Shire based organisation or individual endeavour within the Tenterfield Shire at the time of nomination.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

40/18

Resolved that Council adopt the following amended policy under Section 165(1) of the Local Government Act 1993 – Amendment and revocation of local policy:

- a. Australia Day Awards Policy - with the proposed wording of the amendment to the Australia Day Policy changed to read:

- Nominees may be residents in Tenterfield Shire Local Government Area or non-residents involved with a Tenterfield Shire based organisation or individual endeavour within the Tenterfield Shire at the time of nomination.

(Gary Verri/Donald Forbes)

Motion Carried

Manager Customer Service, Governance and Records, Ms Erika Bursford, left the meeting, the time being 11.07 am.



(ITEM GOV20/18) 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.

- 41/18** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 28 February 2018.

(Brian Murray/Bob Rogan)

Motion Carried

(ITEM GOV21/18) CAPITAL EXPENDITURE REPORT AS AT 28 FEBRUARY 2018

SUMMARY

This report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This report outlines Council's financial progress against each project.

- 42/18** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 28 February 2018.

(Michael Petrie/Donald Forbes)

Motion Carried

Acting Manager Finance & Technology, Ms Edna Mendes, left the meeting, the time being 11.19 am.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC4/18) REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 22 FEBRUARY 2018

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 22 February 2018.

- 43/18** **Resolved:**
- (1) That the Report from the Tenterfield Shire Local Traffic Committee meeting of 22 February 2018 be received and noted; and
 - (2) Council to consider future funding in the operational budget making allowance to extend the existing layback on Molesworth Street by 2 carparking spaces to facilitate access to the Doctors Surgery.

(Peter Petty/Brian Murray)

Motion Carried



(ITEM RC5/18) REPORTS OF COMMITTEES & DELEGATES - NEW ENGLAND GROUP OF COUNCILS MEETING - 23 FEBRUARY 2018

SUMMARY

A meeting of the New England Group of Councils (NEGOC) was held Glen Innes on Friday, 23 February 2018 and was attended by Mayor Peter Petty and Chief Executive Terry Dodds.

- 44/18** **Resolved** that Council receive and note the Minutes of the New England Group of Councils held on Friday, 23 February 2018.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC6/18) REPORT OF COMMITTEE & DELEGATES - LOCAL GOVERNMENT NSW - WORKING PARTY - UNRATEABLE FORESTRY PLANTATION LAND & FORESTRY ROAD INFRASTRUCTURE CONTRIBUTIONS - 1 MARCH 2018

SUMMARY

A meeting of the Local Government NSW Working Party "Unrateable Forestry Plantation Land & Forestry Road Infrastructure Contributions" was held in Sydney on Thursday, 1 March 2018 and was attended by Mayor Peter Petty.

- 45/18** **Resolved:**

- (1) That the Mayor's Report on the LGNSW Workshop "Unrateable Forestry Plantation Land & Forestry Road Infrastructure Contributions" be received and noted; and
- (2) Council endorse the actions arising from the Mayor's Report.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC7/18) REPORT OF COMMITTEE & DELEGATES - COUNTRY MAYORS' ASSOCIATION - 2 MARCH 2018

SUMMARY

A General Meeting of the Country Mayors' Association was held in Sydney on Friday, 2 March 2018 and was attended by Mayor Peter Petty.

- 46/18** **Resolved** that the Mayor's report from the General Meeting of the Country Mayors' Association held in Sydney on Friday, 2 March 2018 be received and noted.

(Peter Petty/Michael Petrie)

Motion Carried



(ITEM RC8/18) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE - 8 MARCH 2018

SUMMARY

A meeting of the Audit & Risk Committee was held on Thursday, 8 March 2018.

- 47/18** **Resolved** that the Minutes of Audit & Risk Committee Meeting held on 8 March 2018 be endorsed and adopted.

(Donald Forbes/Greg Sauer)

Motion Carried

(ITEM NM4/18) NOTICE OF MOTION - RUBBISH & RECYCLING

SUMMARY

The purpose of this Notice of Motion is to allow Council to receive a report on all aspects of waste management, including all the latest global trends.

- 48/18** **Resolved** that Council receives a report on the most up to date waste management systems, so the most up to date systems that are appropriate for our Council can be included in our Strategic Business Plan.

(Gary Verri/Bob Rogan)

Motion Carried

Having provided a previous apology to the Mayor, Cr Michael Petrie left the meeting and did not return, the time being 12.03 pm.

(ITEM NM5/18) NOTICE OF MOTION - SHAKESPEARE GARDEN

SUMMARY

The purpose of this report is to propose that Council develops a Shakespeare Garden.

RECOMMENDATION

That Council:

- (1) Approve the development of a Shakespeare Garden; and
- (2) Engage a Landscape/Garden Architect to develop the project.

(Donald Forbes/John Macnish)

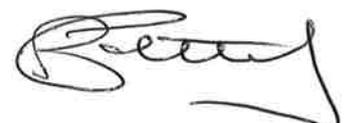
AMENDMENT

That Council investigate the development of a Shakespeare Garden including consultation with the Parks, Gardens & Open Spaces Committee scoping location and potential cost.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

Councillor Greg Sauer registered a vote against the amendment.



49/18 **Resolved** that Council investigate the development of a Shakespeare Garden including consultation with the Parks, Gardens & Open Spaces Committee scoping location and potential cost.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Councillor Greg Sauer registered a vote against the motion.

(ITEM RES2/18) COUNCIL RESOLUTION REGISTER - MARCH 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.

50/18 **Resolved** that Council notes the status of the Council Resolution Register to March 2018.

(Brian Murray/Bob Rogan)

Motion Carried

CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

51/18 **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/Bob Rogan)

Motion Carried

The doors were closed to the public, the recording device turned off and the Meeting moved into Closed Committee, the time being 12.38 pm.

Cr Brian Murray left the meeting, the time being 12.38 pm.

Cr Brian Murray returned to the meeting, the time being 10:40 pm.



(ITEM ECO5/18) FEASIBILITY INVESTIGATION - TENTERFIELD SADDLER

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)) 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.

SUMMARY

In accordance with its resolution of 26 July 2017 and subsequent Councillor Workshop on 14 March 2018, this report provides the outcomes of investigations into the feasibility of Council purchasing the *Tenterfield Saddler*.

52/18 **Resolved** that Council:

- (1) Receive and note the Report; and
- (2) Take no further action in relation to the property outlined in this Report.

(John Macnish/Gary Verri)

Motion Carried

(ITEM ENV7/18) GEOTECH PTY LTD CONTRACT DISPUTE STATUS

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (g) 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 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 advise Council of the status of Council's dispute with Geotech Pty Ltd and to recommend settlement.

53/18 **Resolved** that Council:

- (1) In the amount of \$290,000 (including GST) settle both the remainder of Geotech Pty Ltd's seven figure claim along with any other rights Geotech may have at law pertaining to their Tenterfield Dam Construction Contract; and
- (2) Prepare a Deed of Settlement, Release and Waiver of all remaining rights which is to be signed before final payment.

(Greg Sauer/Donald Forbes)

Motion Carried



(ITEM ECO6/18) 2.4 KM ROAD REALIGNMENT & CONSTRUCTION UPGRADE OF MT LINDESAY ROAD AT DALMAN NORTH (SLK 26.7-29.1)

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)) 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.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the Dalman North stage of the \$24M Mt Lindesay Road upgrade project.

- 54/18** **Resolved** that Council accept the tender of MJ Smith Ground Preparation Pty Ltd for the Dalman North stage of the Mt Lindesay project in the amount of \$3,570,009.84 (including GST) subject to Council first receiving from the State/Federal Government written confirmation of monthly project funding support acceptable to Council.

(Bronwyn Petrie/John Macnish)

Motion Carried

RESUMPTION OF STANDING ORDERS

- 55/18** **Resolved** that Standing Orders be resumed.

(Brian Murray/Greg Sauer)

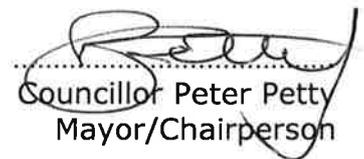
Motion Carried

The Meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 1.08 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 1.10 pm,


Councillor Peter Petty
Mayor/Chairperson

