



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 SEPTEMBER 2017

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 27 September 2017 commencing at 9.49 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

Actg Chief Executive (Kylie Smith)
Executive Assistant & Media (Noelene Hyde)
Chief Operating Officer (Andre Kompler)
Senior Planner (Tamai Davidson)
Actg Finance Manager (Andrew Wright)

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

A handwritten signature in black ink, appearing to be 'Peter Petty', is written over a red horizontal bar 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

192/17 **Resolved** that Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Name	Type	Item
Cr John Macnish	Less than Significant Non Pecuniary Conflict of Interest – Will leave meeting.	ENV18/17 – Local Heritage Places Fund Sister has an application for funding
Cr Bronwyn Petrie	Less than Significant Non Pecuniary Conflict of Interest – Will remain in meeting.	GOV65/17 – Public Gate & Bypass Application (Issue of S138) for Maintenance Fee of \$100 Ex husband has 2 grids and shared responsibility of 2 grids



Cr Tom Peters	Non Pecuniary Significant – Will remain in meeting.	GOV65/17 – Public Gate & Bypass Application (Issue of S138) for Maintenance Fee of \$100 Grids on property.
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(Tom Peters/Gary Verri)

Motion Carried

CONFIRMATION OF PREVIOUS MINUTES

193/17 **Resolved** that the Minutes of the Ordinary Council meeting held on Wednesday, 23 August 2017, and the Extraordinary Council Meeting held on Tuesday, 5 September 2017 as circulated, be confirmed and signed as a true record of the proceedings of those meetings.

(Michael Petrie/Bronwyn Petrie)

Motion Carried

TABLING OF DOCUMENTS

1. The Mayor tabled a map supplied by NSW Rural Fire Services detailing the current fire locations within the Shire and nearby.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil.

MAYORAL MINUTE – CHILDHOOD CANCER AWARENESS MONTH

194/17 September is Childhood Cancer Awareness Month and an opportunity to raise public consciousness of the disease that kills more Australian children than any other. To honour the many families affected by childhood cancer and as Councillors of Tenterfield Shire Council, we support the campaign by wearing the gold ribbon.

(Peter Petty)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM8/17) AUGUST 2017 - CORPORATE OFFICER SERVICE UPDATE

SUMMARY

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

195/17 **Resolved** that Council receive and note the Chief Corporate Officer's August 2017 Service Update Report.

(John Macnish/Brian Murray)

Motion Carried



(ITEM COM9/17) LED LIGHT - MAIN STREET ENHANCEMENT

SUMMARY

At the 23 August 2017 meeting, Council resolved (Resolution 171/17) to "authorise the Chief Operating Officer to investigate the costs involved in installing LED lights in Rouse Street between Molesworth and Miles Streets, and also Bruxner Park to provide a more appealing and welcoming streetscape to the CBD. Existing budget for Christmas lights and streetscape to be utilised. The Chief Operating Officer should report back to the next Council meeting".

The following report provides approximate costs and options associated with installing LED lighting as out-lined in the Council Resolution.

196/17 **Resolved** that Council:

- (1) Trial solar powered LED decorative lighting to trees in Bruxner Park; and
- (2) Fund Item 1 using the current 2017/2018 \$8,000 Christmas tree decoration budget and a \$3,000 budget reallocation with the same to be identified at the mid year budget review; and
- (3) Consider in future budgets, the LED lighting of Rouse Street trees between Molesworth and Miles Streets subject to funding availability and trial feedback.

(Greg Sauer/Bob Rogan)

Motion Carried

OUR ECONOMY

(ITEM ECO24/17) AUGUST 2017 INFRASTRUCTURE, ENGINEERING, PLANNING AND SERVICES UPDATE

SUMMARY

This Infrastructure, Environment and Regulation activities report provides a summary of Council's operations covering; Engineering Services, Transport, Asset Management and Major Project Planning, Fleet Services, Waste Services, Water and Waste Water Services, Environmental Services inclusive of operational statistics, achievements and work challenges ahead.

A separate Planning/Development update is provided within the 'Our Environment' suite of reports.

197/17 **Resolved** that Council receive and note the August 2017 Operations progress update.

(Brian Murray/John Macnish)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

10.35 am – Mr Roger Fry – Westpac Life Saver Rescue Helicopter attending the meeting and presented to Council, providing an update on the history and current service of "The Community's Own Rescue Helicopter".



Prior to the presentation, Mayor Peter Petty presented Mr Fry with a cheque for \$2,000 as part of Council's community contributions/donations allocation.

The meeting adjourned for morning tea, the time being 10.50 am.

The meeting reconvened with the same members present and the addition of Council's Senior Planner, Mrs Tamai Davidson. The time being 11.10 am.

(ITEM ECO25/17) 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).

198/17 **Resolved** that Council receive and note the Report "Planning/Development Update".

(Brian Murray/Bob Rogan)

Motion Carried

(ITEM ECO26/17) ROCKY RIVER ROAD - PUBLIC GATE & VEHICLE BYPASS APPLICATION

SUMMARY

The purpose of this report provides details of a request to construct one (1) public gate and vehicular bypass (grid) on Rocky River Road for primary production purposes.

199/17 **Resolved** that Council as the roads authority under the Roads Act 1993:-

- (1) Approves the installation of a public gate and vehicular by-pass on Rocky River Road at approx. 10.87 km east of the Billirimba Road intersection in accordance with Council Policy No 2.162 – Public Gates and Vehicle Bypasses; and
- (2) Provide applicant with Council consent as outlined in 4.2 Council's Internal Administrative Procedures of Policy 2.162.
- (3) Advertise the approval with proposed installation 1 month after advertising as required by the Roads Regulation 2008.

(Greg Sauer/Michael Petrie)

Motion Carried

(ITEM ECO27/17) UNNAMED RIGHT OF CARRIAGEWAY OFF OGILVIE DRIVE, TABULAM

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 Ogilvie Drive, Tabulam located approximately 3.064 km from Plains Station Road that services several properties.



In accordance with Geographical Names Board (GNB) guidelines this private road is identified as a "Lane".

200/17 **Resolved** that Council:

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

(Donald Forbes/Michael Petrie)

Motion Carried

(ITEM ECO28/17) PROPOSED ROAD CLOSURE APPLICATION

SUMMARY

The purpose of this report is to present a proposal to close a Council public road off Robinsons Lane, Tenterfield.

201/17 **Resolved** that Council:

- (1) Advise the NSW Department of Industry-Lands (Crown) that Council has no objections to the proposed closure of the section of dedicated public road off Robinsons Lane as shown on the attached plan providing that no lots will become landlocked. Either the lots are required to be consolidated or a legal means of access be provided by the applicant eg through an Easement or Right of Carriageway. An agreement would be required between the applicant and the property owner of Lot A DP 929836 prior to the subject section of road being closed.
- (2) Advise the applicant of the above and provide the applicant with a letter of support from Council stating that Council supports the closure of this section of road and are aware that this section of road will vest in the Crown upon closure and the crown will dispose of the subject section of road. The applicant is to make application to the Crown for road closure.

(Greg Sauer/Bob Rogan)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV18/17) LOCAL HERITAGE PLACES FUND 2017/18

SUMMARY

The purpose of this report is to provide a summary and recommendations on community applications made under the Local Heritage Places Fund Scheme for 2017/18 for maintenance and conservation works of heritage items, within heritage conservation areas and with the support of Council's Heritage Advisor.



Having declared an interest in this matter, Cr Macnish left the meeting, the time being 11.25 am.

202/17 **Resolved** that Council:

- (1) Endorses the offers of funding as detailed in the table at Attachment 5 (Booklet 1) and forwards letters of offer to the eligible applicants; and
- (2) Any funding not accepted, or not claimed by the claim date, be redistributed evenly amongst completed projects.

(Gary Verri/Tom Peters)

Motion Carried

Cr Macnish returned to the meeting, the time being 11.28 am.

(ITEM ENV19/17) SHORT-TERM HOLIDAY LETTING IN NSW - OPTIONS PAPER

SUMMARY

The purpose of this report is to advise Council of the "Short-term Holiday Letting in NSW – Options Paper, July 2017" and recommend that a submission be made. The Paper is currently open for consultation with all stakeholders and explores approaches to implement a whole of Government framework, addressing land use and planning concerns, strata managed buildings and the amenity of existing residents in relation to short-term holiday lettings. A copy of the Options Paper can be found at Attachment 6 (Booklet 1).

203/17 **Resolved** that Council lodge a submission to the Short-term Holiday Letting in NSW Options Paper, identifying the options, in order of preference, as;

1. Planning regulation – with broader exemptions in regional areas and incorporated into the State Environmental Planning Policy (Exempt and Complying Development Codes);
2. Registration – registration through NSW Fair Trading;
3. Industry self-regulation;
4. Strata regulation.

(Bronwyn Petrie/Michael Petrie)

Motion Carried

(ITEM ENV20/17) ALCOHOL FREE ZONES - TENTERFIELD, DRAKE AND URBENVILLE

SUMMARY

The aim of this report is to request Council to re-establish the current Alcohol Free Zones (EFZ) in Tenterfield, Drake and Urbenville.



204/17 Resolved that Council:

- (1) Receive and note the report "Alcohol Free Zones - Tenterfield, Drake and Urbenville".
- (2) Engage in consultation re the re-establishment of the following alcohol free zones, effective from 31 October 2017 to 30 October 2021:

Tenterfield

All public places that are public roads, footpaths or public car parks within the area bounded by the following:

- Naas Street between Pelham Street and East Street
- East Street between Naas Street and Douglas Street
- Douglas Street between East Street and Pelham Street
- Pelham Street between Douglas Street and Naas Street

Drake

Proposed Zones are as follows:

- Bruxner Highway / Fairfield Street between Stuart Street and Picarbin Street
- Alison Street (South) from Bruxner Highway / Fairfield Street to Drake Community Hall
- Alison Street (North) from Bruxner Highway / Fairfield Street to Koreelah Street

Urbenville

Proposed Zones are as follows:

- Stephen Street between Boomi Street and Tooloom Street.
- Beaury Street between Boomi Street and Tooloom Street.
- Boomi Street between Beaury Street and Stephen Street.
- Welch Street between Beaury Street and Stephen Street.
- Urben Street between Deane Street and Lindsay Street.
- Tooloom Street between Beaury Street and Lindsay Street.; and further

- (3) Subject to no objections, the Alcohol Free Zones as detailed in the report be re-established by Council.

(Greg Sauer/Michael Petrie)

Motion Carried

OUR GOVERNANCE

(ITEM GOV63/17) LOCAL GOVERNMENT GRANTS COMMISSION SUBMISSIONS

SUMMARY

Letter received from the Local Government Grants Commission inviting Council to make a submission on the financial impact of inherent expenditure disabilities beyond the Council control not recognised in the current calculation methodology forming the basis of the financial assistance allocations.



RECOMMENDATION

That Council:

- (1) Write to the Local Government Grants Commission thanking them for the opportunity to make a submission, advising that Council will not make a submission at this time.
- (2) Affirm in the correspondence Councils commitment to continue to Lobby for an increase in the quantum of the Federal Financial Assistance Grants to the equivalent of 1% of Commonwealth Taxation revenue.

(Brian Murray/Michael Petrie)

AMENDMENT

Reword (2) as follows:

Affirm in the correspondence Councils commitment to continue to Lobby for the reinstatement of the quantum of the Federal Financial Assistants Grants to 1% of Commonwealth Taxation revenue.

Bronwyn Petrie/Gary Verri)

Amendment Carried

205/17 **Resolved** that Council:

- (1) Write to the Local Government Grants Commission thanking them for the opportunity to make a submission, advising that Council will not make a submission at this time.
- (2) Affirm in the correspondence Councils commitment to continue to Lobby for the reinstatement of the quantum of the Federal Financial Assistance Grants to 1% of Commonwealth Taxation revenue.

(Brian Murray/Michael Petrie)

Motion Carried

(ITEM GOV64/17) 2017 LGNSW ANNUAL CONFERENCE - SUBMISSION OF MOTIONS

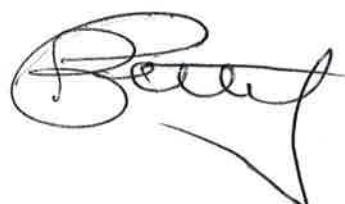
SUMMARY

The purpose of this report is for Council to adopt motions for submission to Local Government NSW for consideration and possible inclusion in the Business Paper for the 2017 Annual Conference to be held in December 2017.

RECOMMENDATION

That Council endorse the following motions for submission to the Local Government NSW for inclusion in the Business Paper for the 2017 Annual Conference:

- (1) That LGNSW write to the Minister for Roads, Maritime Services & Transport to request that Local Government Areas (LGA's) are able to meet and negotiate with Forestry Corporation NSW to contribute towards grading and any other work on maintaining roads while logging is going on that area.



- (2) That Local Government NSW 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.
- (3) 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.
- (4) 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.

(Gary Verri/Tom Peters)

AMENDMENT

Add item (5) - That Local Government NSW lobby the State Government to apply local government rates to National Parks, Nature Reserves, State Conservation Areas and State Forests.

(Bronwyn Petrie/Tom Peters)

Amendment Carried

Supporting information as follows:

"Non-rateable land such as National Parks and State Forests require significant local support services, notably roads, bridges and rural fire services which benefit the wider population but are funded by a small population base local to the LGA. Many small rural Councils and Shires have large areas of non-rateable land such as National Parks and State Forests and thus an increasingly reduced rateable land base as more land is removed from applicable rating.

Many of these Councils and Shires have small populations which have often decreased with the significant expansion of the National Parks reserve system, which further increases the burden on the local ratepayers. The State Government should contribute to the rates base and thereby fund and support services to these resources. This will help LGAs to maintain expected levels of service, provide a stable revenue base and assist in achieving financial sustainability."

206/17 **Resolved** that Council endorse the following motions for submission to the Local Government NSW for inclusion in the Business Paper for the 2017 Annual Conference:

- (1) That LGNSW write to the Minister for Roads, Maritime Services & Transport to request that Local Government Areas (LGA's) are able to meet and negotiate with Forestry Corporation NSW to contribute towards grading and any other work on maintaining roads while logging is going on that area.
- (2) That Local Government NSW 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.

- (3) 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.
- (4) 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.
- (5) That Local Government NSW lobby the State Government to apply local government rates to National Parks, Nature Reserves, State Conservation Areas and State Forests.

(Gary Verri/Tom Peters)

Motion Carried

(ITEM GOV65/17) PUBLIC GATE AND BYPASS APPLICATION (ISSUE OF S138) FOR MAINTENANCE FEE OF \$100

SUMMARY

The purpose of this report is to provide background information on the processes associated with the maintenance and compliance of grids and gates within Tenterfield Shire in accordance with Council's current Policy 2.162.

RECOMMENDATION

That Council:

- (1) Receive this report on a fee incorporated within Council's adopted 2017/2018 Fees and Charges, Public Gate and Bypass Application (Issue of S138) for Maintenance Fee of \$100 confirming the reasoning behind the new fee.
- (2) Notes the policy requirements on grid owners to maintain their grids and the growing liability and cost to Council of checking the condition of such privately owned assets on Council Roads which otherwise diverts Council inspection time, planning time and budget away from Council's own assets.
- (3) Accepts that the previously endorsed Public Gate and Bypass Application (Issue of S138) for Maintenance Fee of \$100 will now be applied to all future applications to help defray some of Council's costs in following up privately owned grids.

Or

- (4) Removes the Public Gate and Bypass Application (Issue of S138) for Maintenance Fee of \$100 in Council's 2017/2018 Fees & Charges. notwithstanding the growing impact on Council per item (b) above.

(Tom Peters/Gary Verri)



AMENDMENT

That Council adopt option (4) - Removes the Public Gate and Bypass Application (Issue of S138) for Maintenance Fee of \$100 in Council's 2017/2018 Fees & Charges. notwithstanding the growing impact on Council per item (b) above.

(Bronwyn Petrie/Tom Peters)

Amendment Carried

Mayor Peter Petty registered a vote against the amendment.

AMENDMENT

That option (4) be amended to remove "notwithstanding the growing impact on Council per item (b) above".

(Bronwyn Petrie/Tom Peters)

Amendment Carried

Mayor Peter Petty registered a vote against the amendment.

207/17 **Resolved** that Council removes the Public Gate and Bypass Application (Issue of S138) for Maintenance Fee of \$100 in Council's 2017/2018 Fees & Charges.

(Bronwyn Petrie/Tom Peters)

Motion Carried

Senior Planner Tamai Davidson left the meeting and Actg Finance Manager Andrew Wright entered the meeting, the time being 12.13 pm.

(ITEM GOV66/17) CORRECTION TO WATER AVAILABILITY CHARGES FOR NON RESIDENTIAL USERS

SUMMARY

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

208/17 **Resolved** that Council adopt the following charges:

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

(Michael Petrie/Brian Murray)

Motion Carried

(ITEM GOV67/17) 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.

209/17 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 August 2017.

(Brian Murray/Gary Verri)

Motion Carried

(ITEM GOV68/17) POSTED EXPENDITURE REPORT

SUMMARY

The purpose of this report is to monitor progress on expenditure items and flag when the expenditure reaches 60% of the allocated budget to alert Council to over expenditure. At this time 4 items have been flagged on the report due to a nil budget allocation. The adoption of proposed carryforward amounts will enable the projects to be completed within the original budget allocations.

210/17 **Resolved** that Council receive and note the Posted Expenditure Report for the period ended 31 August 2017.

(Gary Verri/Michael Petrie)

Motion Carried

Actg Finance Manager Andrew Wright left the meeting, the time being 12.17 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC14/17) REPORTS OF COMMITTEES & DELEGATES - MEETING OF COUNTRY MAYORS' ASSOCIATION - 11 AUGUST 2017

SUMMARY

A meeting of the Country Mayors' Association of NSW was held in Sydney on Friday, 11 August 2017.

211/17 **Resolved** that the Mayor's report of the meeting of the Country Mayors' Association held on 11 August 2017 be received and noted.

(Peter Petty/Greg Sauer)

Motion Carried



(ITEM RC15/17) REPORTS OF COMMITTEES & DELEGATES - SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS JOINT MANAGEMENT COMMITTEE - 17 AUGUST 2017

SUMMARY

A meeting of the Sir Henry Parkes Memorial School of Arts Joint Management Committee was held on Thursday, 17 August 2017.

- 212/17** **Resolved** that the report of the Sir Henry Parkes Memorial School of Arts Joint Management Committee meeting of 17 August 2017 be received and noted.

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM RC16/17) REPORTS OF COMMITTEES & DELEGATES - COMMUNITY SAFETY PRECINCT COMMITTEE MEETING - 6 SEPTEMBER 2017

SUMMARY

A meeting of the Community Safety Precinct Committee was held in Glen Innes on Wednesday, 6 September 2017.

- 213/17** **Resolved**

- (1) That the Mayor's report of the Community Safety Precinct Committee meeting of 6 September 2017 be received and noted; and
- (2) That Council endorse the Mayor's application to hold the Police Remembrance Day and Awards in Tenterfield in September 2018.

(Peter Petty/Gary Verri)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES8/17) COUNCIL RESOLUTION REGISTER - SEPTEMBER 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.

- 214/17** **Resolved** that Council notes the status of the Council Resolution Register to September 2017.

(Brian Murray/Bob Rogan)

Motion Carried




CONFIDENTIAL BUSINESS

Nil.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.28 pm.


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Councillor Peter Petty
Mayor/Chairperson

