



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY 28 SEPTEMBER 2016

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chambers on Wednesday, 28 September 2016 commencing at 12.45 pm.

ATTENDANCE

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

ALSO IN ATTENDANCE

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

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 'Petty', is located in the bottom right corner of the page.

WEBCASTING OF MEETING

I advise all present that this meeting is being webcast for the purposes of providing live coverage to broaden 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

239/16 **Resolved** that the apology of Cr Greg Sauer be received and noted.

(Gary Verri/Tom Peters)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

CONFIRMATION OF PREVIOUS MINUTES

240/16 **Resolved** that the minutes of the Council meeting held on Wednesday, 24 August 2016, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Brian Murray/Tom Peters)

Motion Carried



REPORTS OF DELEGATES & COMMITTEES

(ITEM RC36/16) REPORT OF COMMITTEE & DELEGATES - DISABILITY ADVISORY COMMITTEE - 10 AUGUST 2016

SUMMARY

A meeting of the Disability Advisory Committee was held on Wednesday, 10 August 2016.

241/16 **Resolved** that the report from the Disability Advisory Committee meeting of 10 August 2016 be received and noted.

(Donald Forbes/Michael Petrie)

Motion Carried

(ITEM RC37/16) REPORT OF COMMITTEE & DELEGATE - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 19 AUGUST 2016

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Friday, 19 August 2016.

242/16 **Resolved** that:

- (1) The report from the Tenterfield Shire Local Traffic Committee meeting of 19 August 2016 be received and noted; and further
- (2) That pending assessment of the RMS Service Signposting Guidelines to assess whether meets the warrants for signposting, Council to consider erecting a new sign on the Mount Lindesay Road indicating the direction to the Legume Hall and a new service sign on the Mount Lindesay Road indicating the direction to the overnight camping facility.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC38/16) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE - 7 SEPTEMBER 2016

SUMMARY

A meeting of the Audit & Risk Committee (formerly Internal Audit Committee) was held on Wednesday, 7 September 2016.

243/16 **Resolved** that:

- (1) The report and recommendations from the Audit & Risk Committee meeting of 7 September 2016 be received and noted; and
- (2) The Committee advises having received and considered the draft Risk Management Policy dated 24 August 2016 and supports the policy and attachment; and
- (3) The Committee advises having received and considered the draft Audit &



Risk Committee Charter dated 24 August 2016 and supports the Charter and attachment; and

- (4) The Committee recommends that the Internal Audit Program 2016/17 include the following:
- (a) 1. Asset Management – and Council request the General Manager to provide a scope of the project to Committee members for consideration when such is available; and
2. Business Continuity Management – with the Committee noting that initially this work will be undertaken by Echelon at no cost to Council and endorse the scope as presented by the Director of Corporate Services; and
3. Records and Information Management.
- (b) The audit scope for Tourism and Visitation Strategy be removed as this is not an item for consideration by this Committee.
- (5) That the Internal Audit Committee Performance Report for Financial Year Ended 30 June 2016 be adopted.

(Michael Petrie/Gary Verri)

Motion Carried

OPEN COUNCIL REPORTS

• OUR COMMUNITY

Nil.

• OUR ECONOMY

(ITEM ECO1/16) PATERSONS ROAD - ROAD RESERVE

SUMMARY

The purpose of this report is to update Council on the cadastral surveying and legal work required to place the existing constructed section of Patersons Road into a dedicated road reserve east and south of Acacia Creek at Legume. The current section of Patersons Road is not contained within a dedicated road reserve but traverses privately owned land.

244/16 **Resolved** that Council:

- (1) Advise affected landowners in writing that the land required to formalise the road reserve of Patersons Road be transferred to Council at fee simple (\$1) in accordance with past agreements and Council resolutions; and
- (2) Consider the allocation of funds in the 2017/18 annual budget to complete the cadastral survey, legal, gazettal and transfer of land to form a dedicated public road reserve encompassing the existing road known as Patersons Road east and south of Acacia Creek for a distance of approximately 4.6 km to the common property boundary of Lot 31 DP 751076 and Lot 42 DP 751076; and



- (3) Develop a Policy and supporting Protocol to outline the process for managing the formalisation of road reserves into the future.

(Gary Verri/John Martin)

Motion Carried

(ITEM ECO2/16) SNAKE CREEK ROAD - ROAD RESERVE

SUMMARY

The purpose of this report is to seek the approval of the Council for Officers to commence negotiations with landowners for the transfer of land to Council to enable the existing formed section of Snake Creek Road to be contained within a dedicated road reserve. Subject to the landowner agreeing to transfer the land to Council at fee simple, Council would then investigate the costs associated with undertaking the cadastral survey, legal and transfer of the land to Council to form the dedicated road reserve.

245/16 Resolved that Council:

- (1) Negotiate with the affected landowner to transfer the land required to formalise the road reserve of Snake Creek Road to Council at fee simple (\$1); and
- (2) Investigate the costs involved with undertaking the cadastral survey, legal, gazettal and transfer of land to form a dedicated public road reserve encompassing the existing formed section of road known as Snake Creek Road, south east of the Bruxner Highway traversing Lot 177 DP 751541 for a distance of approximately 400m to the property boundary of Lot 4 DP 751541; and
- (3) Consider the allocation of funds in the 2017/18 annual budget to finalise the cadastral survey, legal, gazettal and transfer of land to form a dedicated public road reserve at Snake Creek Road.

(Gary Verri/Brian Murray)

Motion Carried

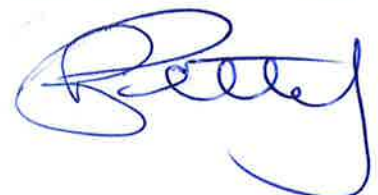
(ITEM ECO3/16) BALD ROCK ROAD - CLOSURE OF SECTION OF ROAD

SUMMARY

The purpose of this report is to provide an update to Council on a section of Bald Rock Road, which has been recently approved for closure by NSW Crown Lands.

246/16 Resolved that:

- (1) Council writes to the Applicant and Applicant's Solicitor expressing concerns over the impending closure of the Bald Rock Road reserve and request for the subject section of road reserve to remain open to the community and emergency services, with specific issues being:
 - a) Council currently maintains the northern section of Bald Rock Road to a point inside Lot 51 DP 751491 and the southern section of Bald Rock Road to the north western boundary of Lot 112 DP 751524. The



section in between is a 'track in use', which is not maintained by Council but is a valuable community asset for access purposes. Council may elect in the future to construct Bald Rock Road as a properly constructed through road to service the needs of the local community, travelling public and to facilitate good connectivity and traffic flow on the local road network but will not be able to do this if the subject section of road is closed for perpetuity; and

- b) Bald Rock Road, although only a 'track in use' through the subject section of road reserve to be closed, will be permanently severed thus creating a discontinuous road link. Severance of the road reserve will also add considerable additional kilometres and travel time to trips undertaken by locals, the travelling public and emergency services; and
 - c) If the road closure takes effect, there will be no ability for traffic using each section of the severed road to turn-around or be notified in advance of the road closure; and
 - d) In the event motorists reach the end point, motorists will be required to turnaround thereby adding considerable kilometres, travel time and cost to their trip journey; and
 - e) Creating two sections of Bald Rock Road will be confusing to the travelling public. This may result in the need for one of the sections of Bald Rock Road to be renamed to avoid unnecessary confusion; and
 - f) Widespread complaints have been received from local residents and agencies such as Essential Energy and the Rural Fire Service strongly objecting to the road closure; and
 - g) Many locals use the subject road link. In discussions with the locals, they have advised that if the road is severed, their trip journey, travel time and out of pocket expenses for fuel etc. will be considerably greater; and
 - h) Bald Rock Road, although only a track in use through the subject section of road reserve to be closed, is used during times of emergencies for vehicular access; and
 - i) Council has been advised that the level of consultation afforded residents was extremely poor. Many residents and agencies claim they were not aware of the proposal to close part of the Bald Rock Road reserve and had they been afforded the courtesy of being notified of the closure by the Department, they would have strongly objected for the reasons outlined in this letter; and
 - j) Council only objects to the closure of the section of Bald Rock Road and not the other paper roads which were noted in the correspondence dated 22 May 2015, provided no lots are landlocked through any road closure.
- (2) That Council writes to the Hon Thomas George MP, Member for Lismore, expressing concern over the planned closure of Bald Rock Road and to seek his assistance to stop the road closure for the benefit of the local community and travelling public.

(John Martin/Brian Murray)

Motion Carried



• **OUR ENVIRONMENT**

(ITEM ENV29/16) PLANNING/DEVELOPMENT UPDATE

SUMMARY

The purpose of this 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).

247/16 **Resolved** that Council receives and notes the Report "Planning/Development Update" for August 2016.

(John Macnish/Donald Forbes)

Motion Carried

• **OUR GOVERNANCE**

(ITEM GOV6/16) TENTERFIELD SHIRE COUNCIL - CODE OF MEETING PRACTICE

SUMMARY

The purpose of this report is to provide to Council a revised draft Code of Meeting Practice for consideration and adoption and subsequently place the draft on public exhibition for a period of 28 days.

248/16 **Resolved** that Council:

- (1) Adopts the revised Code of Meeting Practice (V14.0) as per Attachment 4 (Booklet 1); and
- (2) Places the draft document on public exhibition for comment for a period of 28 days.

(John Macnish/Brian Murray)

Motion Carried

(ITEM GOV7/16) PAYMENT OF EXPENSES & PROVISION OF FACILITIES TO COUNCILLORS - DRAFT POLICY 1.160

SUMMARY

The purpose of this report is to present the revised Payment of Expenses & Provision of Facilities to Councillors Policy to Council for adoption following its recent review.

PROPOSED MOTION

That Council:

- (a) Adopts the revised Payment of Expenses & Provision of Facilities to Councillors Policy 1.160 as per Attachment 5 (Booklet 2); and
- (b) Places the draft document on public exhibition for comment for a period of 28 days.

(Michael Petrie/Tom Peters)



AMENDMENT

That Council:

- (a) Adopts the revised Payment of Expenses & Provision of Facilities to Councillors Policy 1.160 as per Attachment 5 (Booklet 2); and
- (b) Places the draft document on public exhibition for comment for a period of 28 days; and
- (c) Add to Section 2.3 (Items for the Payment of Expenses) of the draft Policy, that Council undertake to provide a Councillor blazer.

(Brian Murray/No Seconder)

Amendment Lost

AMENDMENT

That Council:

- (a) Adopts the revised Payment of Expenses & Provision of Facilities to Councillors Policy 1.160 as per Attachment 5 (Booklet 2); and
- (b) Places the draft document on public exhibition for comment for a period of 28 days; and
- (c) Add to Section 2.4 (Provision of Facilities, Equipment and Services) of the draft Policy, that Council include the provision of a laptop for Councillors.

(John Martin/No Seconder)

Amendment Lost

249/16 **Resolved** that Council:

- (a) Adopts the revised Payment of Expenses & Provision of Facilities to Councillors Policy 1.160 as per Attachment 5 (Booklet 2); and
- (b) Places the draft document on public exhibition for comment for a period of 28 days.

(Michael Petrie/Tom Peters)

Motion Carried

(ITEM GOV8/16) COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF - DRAFT POLICY 1.163

SUMMARY

The purpose of this report is to present the revised Councillors Access to Information and Interaction with Staff Policy to Council for adoption following its recent review.

250/16 **Resolved** that Council:

- (a) Adopts the revised Councillor's Access to Information and Interaction with Staff Policy 1.163 as per Attachment 6 (Booklet 2); and
- (b) Places the draft document on public exhibition for comment for a period of fourteen (14) days.

(Bronwyn Petrie/Michael Petrie)

Motion Carried



(ITEM GOV9/16) FINANCE AND ACCOUNTS

SUMMARY

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

251/16 **Resolved** that Council receive and note the Manager Finance's Report "Finance and Accounts" for the period ended 31 August 2016.

(Gary Verri/Brian Murray)

Motion Carried

(ITEM GOV10/16) POSTED EXPENDITURE REPORT

SUMMARY

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

252/16 **Resolved** that Council receive and note the "Posted Expenditure Report" for the period August 2016.

(Bronwyn Petrie/Tom Peters)

Motion Carried

(ITEM GOV11/16) DRAFT 2015/16 FINANCIAL STATEMENTS

SUMMARY

The purpose of this report is to present to Council the Draft 2015/16 Financial Statements and to subsequently refer the Statements to audit. In accordance with S416 of the *Local Government Act 1993*, Council is required to pass a resolution to this effect along with the making of a number of other conformance statements.

253/16 **Resolved** that:

- (1) Council's Draft 2015/16 Financial Statements are prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the regulations made there under;
 - The Australian Accounting Standards, and
 - The Local Government Code of Accounting Practice and Financial Reporting;
- (2) The report presents fairly the Council's operating result and financial position for the year;
- (3) The report accords with Council's accounting and other records;
- (4) Council is not aware of any matter that would render this report false or



- misleading in any way;
- (5) Council's Draft Financial Statements be referred to audit;
 - (6) Council delegate to the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the 'Statement by Council and Management' for inclusion with the Statements;
 - (7) Council delegate authority to the General Manager to finalise the date at which the Auditor's Report and Financial Statements are to be presented to the public; and
 - (8) Council delegate authority to the General Manager to set the 'authorised for issue' date upon receipt of the Auditor's Report.

(Michael Petrie/Gary Verri)

Motion Carried

NOTICES OF MOTION

Nil.

RESOLUTION REGISTER

(ITEM RES2/16) COUNCIL RESOLUTION REGISTER - SEPTEMBER 2016

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that outlines all resolutions of Council previously adopted and yet to be finalised.

- 254/16** **Resolved** that the Council Resolution Register to September 2016 be received and noted.

(Gary Verri/Bronwyn Petrie)

Motion Carried

CONFIDENTIAL BUSINESS

CONFIDENTIAL MATTERS FOR CONSIDERATION IN CLOSED PART OF MEETING

- 255/16** **Resolved** that:

- a) The meeting be closed to the public and members of the press because of the need for confidentiality, privilege or security, as specified below and provided for under Section 10A(2) of the Local Government Act, 1993; and
- b) The Agenda and associated correspondence, unless specified are not to be released to the Public as they relate to a matter of either personal hardship, personal matters, trade secrets or matters which cannot be lawfully disclosed.

(Gary Verri/Michael Petrie)

Motion Carried



The doors were closed to the public, the webcam was turned off and the meeting moved into Closed Committee, the time being 1.55 pm.

(ITEM GOV12/16) WATER USAGE ACCOUNT - ACCOUNT NO 12427

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

SUMMARY

The purpose of this report is to consider a request for assistance to reduce an existing water account due to financial hardship.

256/16 **Resolved** that Council:

- (1) Write off an amount off \$2,367.44 in respect of Account No. 12427 and;
- (2) Issue an Average account in respect of Account No. 12427 due to the nature of the leak and based on the consumption over the same period for the previous two (2) years.

(John Macnish/John Martin)

Motion Carried

(ITEM GOV13/16) WATER USAGE ACCOUNT - ACCOUNT NO. 8151

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

SUMMARY

The purpose of this report is to consider a request for assistance with an outstanding water account due to the account holders' financial position and water leaks.

257/16 **Resolved** that Council:

- (1) Write off an amount of \$7,094.61 in respect of Account No. 8151 and;
- (2) Issue an Average Account in respect of Account No. 8151 due to the nature of the leak and based on the consumption over the same period for the previous 2 years.

(John Martin/Brian Murray)

Motion Carried



(ITEM ECO4/16) SALE OF INDUSTRIAL LAND PARCEL - LOT 10

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (c) (d(ii)) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND 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 inform Council of an offer on a land parcel in our Industrial Estate.

PROPOSED MOTION

That Council resolve to proceed with the sale of land in line with option (A), for land known as Lot 10 DP 1155323, as stated in this report.

(Michael Petrie/John Macnish)

AMENDMENT

That Council resolve to proceed with the sale of land in line with option (A), for land known as Lot 10 DP 1155323, as stated in this report contingent to a Development Application being lodged within six (6) months of purchase and approved development being commenced with two (2) years.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

- 258/16** **Resolved** that Council resolve to proceed with the sale of land in line with option (A), for land known as Lot 10 DP 1155323, as stated in this report contingent to a Development Application being lodged within six (6) months of purchase and approved development being commenced with two (2) years.

(Michael Petrie/John Macnish)

Motion Carried

MOVE OUT OF CONFIDENTIAL PART OF THE MEETING

- 259/16** **Resolved** that the meeting move out of Closed Committee.

(Gary Verri/Tom Peters)

Motion Carried

The meeting moved out of Committee, the doors were opened to the public and the webcam was turned on, the time being 2.35 pm. As required under Council's Code of Meeting Practice, 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 2.36 pm.


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Councillor Peter Petty
Mayor/Chairperson