

QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 16 DECEMBER 2020

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear Memorial Hall, Molesworth Street, Tenterfield on Wednesday 16 December 2020 commencing at 9.33 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 Bob Rogan
Councillor Gary Verri

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)

Executive Assistant & Media (Noelene Hyde)

Chief Corporate Officer (Kylie Smith)
Director Infrastructure (Fiona Keneally)
Manager Finance & Technology (Paul Della)

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.

Website: www.tenterfield.nsw.gov.au Email: council@tenterfield.nsw.gov.au

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 past, present and emerging of the Jukembal, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.

APOLOGIES

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

(ITEM MIN15/20) CONFIRMATION OF PREVIOUS MINUTES

271/20 Resolved that the Minutes of the following Meeting of Tenterfield Shire Council:

Ordinary Council Meeting – 25 November 2020

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

(Bob Rogan/Tom Peters)

Motion Carried

TABLING OF DOCUMENTS

Nil.



URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

272/20 Resolved that the following Addendum Items be accepted for consideration:

- Item MM4/20 Mayoral Minute Resignation Chief Executive Officer Terry Dodds
- Item GOV100/20 Water Consumption Fee Decrease 2020/2021 Financial Year
- Item GOV101/20 Delegation for Chief Executive Leave Period

(Greg Sauer/Michael Petrie)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Nil.

MAYORAL MINUTE

(ITEM MM4/20) RESIGNATION - CHIEF EXECUTIVE OFFICER TERRY DODDS

SUMMARY

I have accepted the resignation of our Chief Executive, Mr Terry Dodds, on Tuesday, 15 December 2020.

273/20 <u>Resolved:</u>

Although it has come as a shock to all of us that our Chief Executive, Mr Terry Dodds, has resigned from his position with Tenterfield Shire Council, I wish to speak on his achievements of the past 3 years.

On Terry's arrival, his first priority was to implement a new organisational structure and link the accountabilities of all staff to the 4 Year Delivery Program. His work in achieving this, was recognised in Tenterfield Shire Council winning the Macquarie University's 2019 Voice Project – Change Challenge.

The timber bridge replacement program was the next big challenge and I was proud to work together with Terry to lobby both State and Federal Governments for funding to achieve the replacement of 24 timber bridges during the past 12 months, a massive achievement for our infrastructure staff.

The drought and bushfires created severe water issues in Tenterfield and Terry was instrumental in sourcing bore water to help secure water to supplement the water supply, and working to gain the funding through State Government to finance this project. This work resulted in Tenterfield receiving the RH Dougherty Award – Reporting to your Community – Drought Management.

Sealing of the most roads Council has ever achieved and continued lobbying to gain funding to seal all of the Mt Lindesay Road, together with the completion of

the upgrade of the Legume to Woodenbong Section of the Mt Lindesay Road. Council's biggest project to date.

Terry was able to build great rapport and respect with both our State and Federal members for the betterment of our community. I was always confident while attending these meetings as I did the political stuff and Terry the technical part. We worked together as a good team should.

Although disappointed at Terry's departure, he leaves this organisation in good stead and his footprint is firmly embedded in the many projects we have completed and are currently on-going.

I wish him well into the future and know he will always be interested in the progress of Tenterfield Shire Council.

Cr Peter Petty Mayor

(Peter Petty/Greg Sauer)

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

- **Resolved** that the following items be considered in the Confidential Section of the Meeting.
 - Item ECO23/20 Sale of Lot 4 Tenterfield Industrial Estate
 - Item COM36/20 Proposal to Lease Lots 2, 3 and 4 Section 37 DP758959
 Corner Francis Street and Douglas Street, Tenterfield
 - Item ECO24/20 Acquisition of Part of Private Land in Molesworth Street, Tenterfield for Constructed Cycleway – Update
 - Item ENV24/20 Tenterfield Water Treatment Plant Tender Assessment

(Gary Verri/Brian Murray)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

Manager Economic Development & Community Engagement, Harry Bolton, entered the meeting, the time being 9.39 am.

(ITEM COM33/20) TENTERFIELD CHAMBER OF TOURISM, INDUSTRY & BUSINESS - REQUEST FOR FURTHER CONTRIBUTION TO SUPPORT THE PETER ALLEN FESTIVAL

SUMMARY

The purpose of this report is to provide Council with information to make an informed decision in relation to making a further contribution to support the Peter Allen Festival.

RECOMMENDATION

That Council:



- (1) Contribute the sum of \$8,590.31 toward the balance owing of the 2019 Peter Allen Festival for Road Closure, Hall Hire, Skip Bin Service and Park Hire; or
- (2) Make a financial contribution towards the balance owing of the 2019 Peter Allen Festival for Road Closure, Hall Hire, Skip Bin Service and Park Hire; or
- (3) Resolve not to support the Peter Allen Festival in regards to the outstanding balance.

(Michael Petrie/Bob Rogan)

PROCEDURAL AMENDMENT

Council adopt Item (1) of the recommendation.

(Bronwyn Petrie/Gary Verri)

Amendment Carried

Resolved that Council contribute the sum of \$8,590.31 toward the balance owing of the 2019 Peter Allen Festival for Road Closure, Hall Hire, Skip Bin Service and Park Hire.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Manager Economic Development & Community Engagement, Harry Bolton, left the meeting, the time being 9.46 am.

Manager Property & Buildings, Heidi Ford, entered the meeting, the time being 9.46 am.

(ITEM COM34/20) TENTERFIELD WAR MEMORIAL BATH - MASTER PLAN

SUMMARY

The purpose of this report is to present the Draft Master Plan & Feasibility Study of the Tenterfield War Memorial Bath for Council's consideration. This Plan is to provide guidance and direction for Council staff with regards to development and future maintenance.

276/20 Resolved that Council:

- (1) Endorse and place on public exhibition, Option two (2) in the draft Master Plan and Feasibility Study to assist with future development and maintenance on the Tenterfield War Memorial Bath.
- (2) Note that Option two (2) in the plan is a guide for future works and that any option contained in the plans are outside the Capacity of Council to fund the initial works, or ongoing costs associated with such a large community asset.
- (3) If at the conclusion of the exhibition period no submissions are received, adopt the option identified and advertised as the preferred option and tailor future asset maintenance and works at the Tenterfield War Memorial Bath around this option.

(Gary Verri/Donald Forbes)

Motion Carried

5

Manager Property & Buildings, Heidi Ford, left the meeting, the time being 10.06 am.

Manager Economic Development & Community Engagement, Harry Bolton, entered the meeting, the time being 10.06 am.

(ITEM COM35/20) UPDATE ON FUNDING REGIONAL TOURISM BUSHFIRE RECOVERY GRANT - STREAM 1 - PETER ALLEN, ORACLES OF THE BUSH & SADDLER MOUNTAIN BIKE CLUB TENTERFIELD

SUMMARY

This report is to provide Council with updated information in relation to Regional Tourism Bushfire Recovery Funding – Stream 1 for Peter Allen Festival and additional funding applications for Oracles of the Bush 2021 and Saddler Mountain Bike Club, Tenterfield.

277/20 Resolved that Council:

- (1) Accept the updated information from Peter Allen Festival; and
- (2) Endorse the application to apply for the maximum total of \$30,000 from the Regional Tourism Bushfire Recovery Funding Stream 1 to be shared evenly between Oracles of the Bush & Saddler Mountain Bike Club Tenterfield.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

Manager Economic Development & Community Engagement, Harry Bolton, left the meeting, the time being 10.13 am.

OUR ECONOMY

Nil.

OUR ENVIRONMENT

Manager Open Space, Regulatory & Utilities, Mark Cooper, entered the meeting, the time being 10.13 am.

(ITEM ENV23/20) TENTERFIELD SHIRE - DRAFT TREE MANAGEMENT PLAN

SUMMARY

The purpose of this report is to adopt the Tenterfield Shire Council Draft Tree Management Plan. This Plan is to provide direction for the regular care and maintenance of all existing trees, undertaking regular tree assessments and inspection, and set out a plan for future tree planting and budgets for replacements.

RECOMMENDATION

That Council adopt the Tenterfield Shire Council Draft Tree Management Plan.

(Greg Sauer/Gary Verri)

AMENDMENT

That Council endorse the Draft Tree Management Plan and place on public exhibition with:

- Further information to be provided on tree species on Logan Street; and
- Additional Item (4.3) noting Liston community input in planting and providing trees; and
- Further information regarding Tenterfield Park.

(Greg Sauer/Bronwyn Petrie)

Amendment Carried

- **278/20** Resolved that Council endorse the Draft Tree Management Plan and place on public exhibition with:
 - Further information to be provided on tree species on Logan Street; and
 - Additional Item (4.3) noting Liston community input in planting and providing trees; and
 - Further information regarding Tenterfield Park.

(Greg Sauer/Gary Verri)

Motion Carried

Manager Open Space, Regulatory & Utilities, Mark Cooper, left the meeting, the time being 10.32 am.

OUR GOVERNANCE

(ITEM GOV95/20) MONTHLY OPERATIONAL REPORT - NOVEMBER 2020

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2020/2021 Operational Plan.

Resolved that Council receives and notes the status of the Monthly Operational Report for November 2020.

(Michael Petrie/Brian Murray)

Motion Carried

SUSPENSION OF STANDING ORDERS

280/20 Resolved that Standing Orders be suspended.

(Brian Murray/Michael Petrie)

Motion Carried

The Meeting adjourned for Morning Tea, the time being 10.40 am.

The Meeting reconvened with the same members present, the time being 11.01 am.

RESUMPTION OF STANDING ORDERS

281/20 Resolved that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

Motion Carried

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(ITEM GOV96/20) COUNCIL RECESS PERIOD - 2020/2021 & DELEGATION FOR CHIEF EXECUTIVE LEAVE PERIOD

SUMMARY

The purpose of this report is for Council to approve recess arrangements and provide the Mayor and/or Deputy Mayor, and the Chief Executive with delegations over the recess period and provide delegation for Acting Chief Executive during period of leave of Chief Executive.

282/20 Resolved that Council:

- (1) Be in recess from 19 December 2020 to 24 February 2021.
- (2) Pursuant to Section 377 of the *Local Government Act 1993*, delegate authority to the Mayor and/or Deputy Mayor, and the Chief Executive jointly to exercise any function of Council during the recess period with the exception of:
 - Determination of applications for all dwelling types and ancillary structures where significant objections have been received;
 - Rezoning matters;
 - Subdivision applications; and
 - Entering into Leases and Licences.
- (3) That a full list of any matters considered under such delegated authority be submitted for Council's information to the first 2021 Ordinary Council Meeting of Council to be held on 24 February 2021.

(Michael Petrie/Bob Rogan)

Motion Carried

Manager Economic Development & Community Engagement, Harry Bolton, entered the meeting, the time being 11.02 am.

(ITEM GOV97/20) REVIEW - COMMUNITY ENGAGEMENT POLICY & COMMUNITY ENGAGEMENT STRATEGY

SUMMARY

This report is to advise Council of a review of the current Community Engagement Policy and the Community Engagement Strategy review.

Resolved that Council receive and adopt amendments to the Community Engagement Policy and Community Engagement Strategy.

(Bronwyn Petrie/Gary Verri)

Motion Carried

Manager Economic Development & Community Engagement, Harry Bolton, left the meeting, the time being 11.15 am.



(ITEM GOV98/20) FINANCE & ACCOUNTS - PERIOD ENDED 30 NOVEMBER 2020

SUMMARY

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

Resolved that Council receive and note the Finance and Accounts Report for the period ended 30 November 2020.

(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM GOV99/20) CAPITAL EXPENDITURE REPORT AS AT 30 NOVEMBER 2020

SUMMARY

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

Resolved that Council receive and note the Capital Expenditure Report for the period ended 30 November 2020.

(Michael Petrie/Gary Verri)

Motion Carried

(ITEM GOV100/20) WATER CONSUMPTION FEE DECREASE 2020/2021 FINANCIAL YEAR

SUMMARY

The purpose of this report is to reduce water consumption fees as a result of increased water consumption above the estimated consumption used in the budget setting process for 2020/2021.

- **Resolved** that Council approves the following reductions in residential water charges for the 2020/21 Financial Year effective from the first billing period for 2020/21:
 - (1) A reduction in the fee for Residential Tier 1 Water Consumption from \$5.90 per kl to \$4.75 per kl;
 - (2) A reduction in the fee for Residential Tier 2 Water Consumption from \$8.85 per kl to \$7.50 per kl;
 - (3) A reduction in the fee for Rural/Mount Lindesay Tier 1 Water Consumption from \$5.90 per kl to \$4.75 per kl;
 - (4) A reduction in the fee for Rural/Mount Lindesay Tier 2 Water Consumption from \$8.85 per kl to \$7.50 per kl;

9

- (5) A reduction in the fee for Non-Residential Tier 1 Water Consumption from \$4.35 per kl to \$3.90 per kl; and
- (6) A reduction in the fee for Non-Residential Tier 2 Water Consumption from \$6.60 per kl to \$6.15 per kl.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV101/20) DELEGATION FOR CHIEF EXECUTIVE LEAVE PERIOD

SUMMARY

The purpose of this report is for Council to provide delegation for an Acting Chief Executive in the absence of the Chief Executive.

Resolved that Council approve the temporary appointment of the Director Engineering, Fiona Keneally, from 19 December 2020 to 3 January 2021, Manager Finance and Technology, Paul Della, from the period 4 to 10 January 2021, then the Chief Corporate Officer, Kylie Smith, commencing from 11 January 2021 onwards, to the position of Acting Chief Executive.

(Bob Rogan/Michael Petrie)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC29/20) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC

SUMMARY

Delegate's Report for November 2020 as provided by the Murray Darling Association provided for the information of Council.

Resolved that Council receive and note the Delegates Report for the Murray Darling Association Inc for November 2020.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM RC30/20) REPORT OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - MEETINGS OF 13 NOVEMBER 2020

SUMMARY

The Annual General Meeting and Ordinary Meeting of BROC was held at Bingara (Gwydir Shire Council hosting) on Friday, 13 November 2020.

Resolved that the report of the Border Regional Organisation of Councils (BROC) meetings of 13 May 2016be received and noted.

(Peter Petty/Brian Murray)

Motion Carried

(ITEM RC31/20) REPORTS OF COMMITTEES & DELEGATES - TOURISM ADVISORY COMMITTEE MEETING - 26 NOVEMBER 2020

SUMMARY

A meeting of the Tourism Advisory Committee was held on Thursday, 26 November 2020 at Tenterfield.

Resolved that the report of the Tourism Advisory Committee meeting of 26 November 2020 be received and noted.

(Bob Rogan/Tom Peters)

Motion Carried

NOTICES OF MOTION

(ITEM NM9/20) NOTICE OF MOTION - SUBMISSION TO NSW NATIONAL PARKS & WILDLIFE SERVICE REGARDING MT MACKENZIE LOOKOUT AREA

SUMMARY

A Meeting of the Tenterfield Tourism Advisory Committee on 26 November resolved to approach Council to officially make a submission to NSW National Parks & Wildlife Service requesting an upgrade to the Mt Mackenzie Lookout area.

291/20 Resolved that Council:

- (1) Receive a report on possible upgrades to the Mt Mackenzie Lookout, including the upgrade of toilet facilities (and where possible partnership) with NSW National Parks & Wildlife Service, with a view to enhance visitor experience; and
- (2) Include in the upcoming review of the Road Network Management Plan, the provision for upgrading the current access to Mt Mackenzie Lookout to a standard that will allow coaches to access the area.

(Bob Rogan/Gary Verri)

Motion Carried

RESOLUTION REGISTER

(ITEM RES11/20) COUNCIL RESOLUTION REGISTER - DECEMBER 2020

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.

Resolved that Council notes the status of the Council Resolution Register to December 2020.

(Michael Petrie/Gary Verri)

Motion Carried

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SUSPENSION OF STANDING ORDERS - CONFIDENTIAL BUSINESS

293/20 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 recording device was turned off and the meeting moved into Closed Committee, the time being 11.39 am.

(ITEM ECO23/20) SALE OF LOT 4 - TENTERFIELD INDUSTRIAL ESTATE

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

SUMMARY

The purpose of this report is to inform Council of an offer to purchase Lot 4 of the Tenterfield Industrial Estate.

Resolved that Council agree to proceed with the sale of Lot 4 of the Tenterfield Industrial Park as stated in the report.

(Greg Sauer/Donald Forbes)

Motion Carried

(ITEM COM36/20) PROPOSAL TO LEASE LOTS 2, 3 AND 4 SECTION 37 DP758959 - CORNER FRANCIS STREET AND DOUGLAS STREET, TENTERFIELD

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 the report is to deal with an application from an adjoining owner regarding a long term lease over the land identified as Lot 2 Section 37 DP758959 and Lots 3 and 4 Section 37 DP758959 annexing the land to their existing lease which fronts Francis Street Tenterfield.

295/20 Resolved that Council:

- (1) Advertise Councils' intention enter into a new lease over Lots 2, 3 and 4 Section 37 DP758959, for a period of 14 days and seek any objections to the proposal;
- (2) Delegate authority to the Chief Executive to enter into a new lease over Lots 2, 3 and 4 Section 37 DP758959 for a 3 year period with a 10 year optional extension to the lease, subject to the summarised terms and conditions included in the report;
- (3) Authorises the lease be signed under seal of Council by the Mayor and the Chief Executive subject to no objections being received to the proposal.

(Brian Murray/Michael Petrie)

Motion Carried

(ITEM ECO24/20) ACQUISITION OF PART OF PRIVATE LAND IN MOLESWORTH STREET, TENTERFIELD FOR CONSTRUCTED CYCLEWAY - UPDATE

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

SUMMARY

The purpose if this report is to provide an update to Council to legalise and contain part of Council's constructed cycleway within Council land rather than private land, based on a historic agreement between Council and the property owner which was meant to create an easement over which the cycle way traverses.

Resolved that Council proceed with the recommendations as contained within this report to finalise this matter regarding the land in question that encompasses the Council constructed cycleway.

(Gary Verri/Tom Peters)

Motion Carried

(ITEM ENV24/20) TENTERFIELD WATER TREATMENT PLANT - TENDER ASSESSMENT

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)) (d(iii)) 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

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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 report is for Council to approval and endorse awarding of the tender for the Tenterfield Water Treatment Plant.

Resolved that Council accept the tender of Laurie Curran Water Pty Ltd for the new Tenterfield Water Treatment Plant for a contract price of \$8,368,506 excluding GST, in accordance with the DPIE Safe and Secure Water Program – Funding approval, assurance and reporting requirements, October 2019.

(Greg Sauer/John Macnish)

Motion Carried

RESUMPTION OF STANDING ORDERS

298/20 Resolved that Standing Orders be resumed.

(Gary Verri/Michael Petrie)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 12.18 pm.

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

MEETING CLOSED

In closing the meeting, Mayor Peter Petty offered his sincere congratulations to Chief Officer Terry Dodds, wishing him well in his new role.

He thanked staff for their dedication during the year and Councillors for their support in making the tough decisions which needed to be taken in this difficult year.

There being no further business the Mayor declared the meeting closed at 12.20 pm.

Mayor/Chairperson