



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 23 JUNE 2021**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear of Memorial Hall, Tenterfield on Wednesday, 23 June 2021 commencing at 9.32 am.

### **ATTENDANCE**

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**

Acting Chief Corporate Officer (Paul Della)  
Acting Executive Assistant & Media (Elizabeth Melling)  
Director Engineering (Fiona Keneally)  
Manager Customer Service, Governance & Records (Erika Bursford)

*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.*

## 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

**124/21** Resolved that the apology of Mayor, Peter Petty be received and accepted.

(Gary Verri/Tom Peters)

Motion Carried

## DISCLOSURE & DECLARATIONS OF INTEREST

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 Greg Sauer | Less than Significant Non Pecuniary | ITEM GOV46/21 - Monthly Operational Report - May 2021<br>ITEM COM15/21- Attract, Connect, Stay - Project |
|               |                                     |                                                                                                          |



## **(ITEM MIN11/21) CONFIRMATION OF PREVIOUS MINUTES**

**125/21** **Resolved** that the Minutes of the following meetings of Tenterfield Shire Council, as typed and circulated, be confirmed and signed as a true record of the proceedings of these meetings inclusive of the following amendments:

- Ordinary Council Meeting held on 19 May 2021 to include an amendment on page 5, Resolution 105/21, Point 2 to read as: "Northern Border Walk - \$90,000, including toilet block \$42,000."
- Extraordinary Council Meeting – 31 May 2021
- Extraordinary Council Meeting – 8 June 2021

(Bob Rogan/Michael Petrie)

### **Motion Carried**

## **TABLING OF DOCUMENTS**

Nil

## **URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

### **MOTION – TENTERFIELD HOSPITAL**

**126/21** **Resolved** that the Tenterfield Shire Council contact Local Member, Janelle Saffin MP to request the Health Minister to implement an urgent independent investigation of the management of the Tenterfield Hospital, including interviews with all staff who have resigned in the last three years.

(Bronwyn Petrie/John Macnish)

### **Motion Carried**

## **(ITEM COM15/21) ATTRACT CONNECT STAY - PROJECT**

### **SUMMARY**

The purpose of this report is to seek Council's in principle support for the Attract, Connect, Stay Project.

**127/21** **Resolved** that the Addendum Agenda relating to ITEMCOM15/21 – To provide in principle support for the submission of an Expression of Interest for the Attract, Connect, Stay Project – be received and accepted.

(Gary Verri/Brian Murray)

### **Motion Carried**

## **COMMUNITY CONSULTATION (PUBLIC ACCESS)**

Nil

## **MAYOR MINUTE**

Nil



## **RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION**

**128/21** **Resolved** that the following items be considered in the Confidential Section of the meeting:

- Item ECO11/21 – Hire of Civil Services, Plant and Equipment Tender RFT 05-20/21

(Bronwyn Petrie/Tom Peters)

### **Motion Carried**

## **OPEN COUNCIL REPORTS**

### **OUR COMMUNITY**

*Manager Asset & Program Planning, David Counsell entered the meeting, the time being 9.44 am.*

## **(ITEM COM14/21) TRAFFIC COMMITTEE RECOMMENDATIONS**

### **SUMMARY**

The purpose of this report is to present recommendations made by the Local Traffic Committee at the meeting held 10 June 2021.

### **RECOMMENDATION**

That with reference to the Local Traffic Committee recommendations of 10 June 2021, that Council adopt the following:

- (1) RILEY STREET LOAD LIMIT - remove the "tadpole" island blisters road calming device from Riley Street.
- (2) TIMBER BRIDGES LOAD LIMITS REVIEW
  - the removal of all remaining load limits on timber bridges currently funded for replacement once they have been completed;
  - the removal of any remaining speed humps on bridge approaches;
  - the removal of permanent speed restrictions on timber bridges with the exception of the installation of temporary speed restrictions for bridges under bridgeworks;
  - the installation of Advisory Speeds in conjunction with Bridge warning signs only local Council Roads where necessary at the discretion of the Council Director of Infrastructure.
- (3) 2 WILD SOULS MEADERY SIGNAGE REQUEST – TORRINGTON
  - 1 x sign in Torrington village underneath existing sign for 'Gilligan's Lane' indicating distance to turnoff (i.e. 200m).
  - 1 x sign at Stannum indicating their location via Torrington Road.

### **AMENDMENT**

- CHANGE (3) TSC to investigate introducing a "signposting policy" for the Shire.

- TSC to provide "Torrington" town directional guide signs and suggest the business owner investigate options for signage, as managed by the DA process on private lands for advertising signs on their or another property.

(Michael Petrie/Bob Rogan)

**Amendment Carried**

**129/21** **Resolved** that with reference to the Local Traffic Committee recommendations of 10 June 2021, that Council adopt the following:

- (1) RILEY STREET LOAD LIMIT - remove the "tadpole" island blisters road calming device from Riley Street.
- (2) TIMBER BRIDGES LOAD LIMITS REVIEW
  - the removal of all remaining load limits on timber bridges currently funded for replacement once they have been completed;
  - the removal of any remaining speed humps on bridge approaches;
  - the removal of permanent speed restrictions on timber bridges with the exception of the installation of temporary speed restrictions for bridges under bridgeworks;
  - the installation of Advisory Speeds in conjunction with Bridge warning signs only local Council Roads where necessary at the discretion of the Council Director of Infrastructure.
- (3) TSC to investigate introducing a "signposting policy" for the Shire.
  - TSC to provide "Torrington" town directional guide signs and suggest the business owner investigate options for signage, as managed by the DA process on private lands for advertising signs on their or another property.

(Michael Petrie/Bob Rogan)

**Motion Carried**

**(ITEM COM15/21) ATTRACT CONNECT STAY**

**SUMMARY**

The purpose of this report is to seek Council's in principle support for the Attract, Connect, Stay Project.

**130/21** **Resolved** that Council provide in principle support for the submission of an Expression of Interest for the Attract, Connect, Stay Project.

(Michael Petrie/Bob Rogan)

**Motion Carried**

*Manager Planning and Development Services, Tamai Davidson entered the meeting, the time being 9.55 am.*



## **OUR ECONOMY**

Nil

## **OUR ENVIRONMENT**

### **(ITEM ENV9/21) SHORT TERM RENTAL ACCOMMODATION (STRA)**

#### **SUMMARY**

The NSW Government has introduced a new statewide regulatory framework for short term rental accommodation (STRA) which includes a new planning framework, fire safety standards and a new Government run register. The framework will allow for tourist accommodation in private homes to occur without the need for development consent from Council under certain circumstances. Council will not undertake inspections or issue approvals for STRA that meet the criteria.

The new policy takes effect on 1 November 2021. Until this time Council is the regulator of STRA in line with the STRA Code of Conduct.

**131/21** **Resolved** that Council:

- (1) Receive and note the information; and
- (2) Publicise the new planning framework on Council's website and in Your Local News.

(Bronwyn Petrie/Brian Murray)

#### **Motion Carried**

### **(ITEM ENV10/21) DEVELOPMENT APPLICATION 2021.064 SUBDIVISION(BOUNDARY ADJUSTMENT) RILEY STREET/BANKSIA DRIVE TENTERFIELD**

#### **SUMMARY**

The purpose of this report is to present to Council Development Application 2021.064 for a 2 Lot Subdivision (Boundary Adjustment) with a Recommendation for approval subject to conditions. The Report is presented to Council under the provisions of Council's Policy '*Limit of Delegated Authority in dealing with Development Applications and Complying Development Certificates.*' In accordance with the Policy an Assessment Report and Recommendation has been prepared by a town planner external to Council, the Report can be found at Attachment 1.

**132/21** **Resolved** that Council approve Development Application 2021.064 for a 2 Lot Subdivision (boundary adjustment) of Lots 1, 10 and 14 DP 1155323 subject to the conditions contained in the Draft Consent (Attachment 2).

(John Macnish/Bob Rogan)

#### **Motion Carried Unanimously**

*Manager Planning and Development Services, Tamai Davidson left the meeting, the time being 10.00 am.*



## **(ITEM ENV11/21) TENTERFIELD SHIRE - SALEYARDS MANAGEMENT PLAN**

### **SUMMARY**

The purpose of this report is to adopt the Tenterfield Shire Council Draft Saleyards Management Plan. This Plan is to provide management of Council's Saleyards including establishment of a framework to guide planning, construction, operation, maintenance, renewal and replacement of infrastructure essential for the Tenterfield Shire Council to provide services to the community.

### **133/21 Resolved that:**

- (1) The Tenterfield Shire Council Draft Saleyards Management Plan be placed on public consultation for 28 days; and
- (2) If no submissions are received by the public on this Policy that it be adopted at the end of the public consultation period; or
- (3) If submissions are received from the public on this policy that submissions be presented at a Council meeting for discussion prior to adopting the Policy.

(Bronwyn Petrie/John Macnish)

### **Motion Carried**

*Manager Water & Waste, Gillian Marchant entered the meeting, the time being 10.17 am.*

## **(ITEM ENV12/21) WATER & WASTE- UPDATE OF POLICIES**

### **SUMMARY**

The purpose of this report is for Council to review and adopt the listed policies aligned with Water & Waste.

### **134/21 Resolved that Council adopt the updated Construction Over & Adjacent Stormwater, Sewer and Water Mains Policy.**

(Michael Petrie/Gary Verri)

### **Motion Carried**

*Manager Water & Waste, Gillian Marchant left the meeting, the time being 10.20 am.*

## **(ITEM ENV13/21) SUPPORT FOR A MORATORIUM ON MINING IN AREAS AFFECTING THE CLARENCE RIVER CATCHMENT**

### **SUMMARY**

The Report presents correspondence received from the Mayor of Clarence Valley Council, Jim Simmons, requesting support for their stand opposing future mining in the Clarence River Catchment following a petition signed by 10,000 local



residents. The Mayor further asks that Council pass resolutions to oppose mining in areas affecting the Clarence River Catchment.

**135/21** **Resolved** that Council does not support the Clarence Valley Council in its following motion - items (1) thru to, and including (5), and excepting item number (6):

- (1) Note that at the Council meeting on November 24 Council resolved inter alia to "oppose mining in the Clarence River Catchment and to seek the support of both state and federal governments to impose a moratorium on further mining exploration licences and to cancel existing licences."
- (2) Acknowledge that this motion does not affect existing mines or quarry operations;
- (3) Thank the Hon. John Barilaro for his response on behalf of the Minister for Energy and Environment, Hon. Matt Kean MP and advising that Council was not seeking an explanation of the process of developing mining in the Clarence River Catchment but was advising the state government of its strong opposition to mining in the Clarence River Catchment;
- (4) Advise Hon. John Barilaro that the council, representing the community's strong opposition to such mining, is asking for the Clarence River Catchment to be scheduled in the relevant environmental, planning and mining legislation as a no-go zone for minerals mining due to the Catchment's almost unique natural and cultural values, many of which depend on the Clarence River and its tributaries, and which support essential and valuable industries which contribute to the local economy as well providing drinking water for the Clarence Valley (51,000 + residents) and Coffs Harbour City Council (76,000 + residents) and water for local agricultural industries;
- (5) Write to the Premier of New South Wales, the Hon. Gladys Berejiklian advising her of Council's resolution and seeking her support for a moratorium on mining in the Clarence River Catchment; and
- (6) Write to Clarence Valley Council to advise of Council's resolution.

(Gary Verri/John Macnish)

**Motion Carried Unanimously**

**SUSPENSION OF STANDING ORDERS**

**136/21** **Resolved** that Standing Orders be suspended.

(Gary Verri/John Macnish)

**Motion Carried**

*The Meeting adjourned for Morning Tea, the time being 10.35 am.*

*The Meeting reconvened with the same members present, the time being 10.50 am.*



## **RESUMPTION OF STANDING ORDERS**

**137/21** **Resolved** that Standing Orders be resumed.

(Brian Murray/Bob Rogan)

**Motion Carried**

## **OUR GOVERNANCE**

### **(ITEM GOV45/21) CHIEF EXECUTIVE APPOINTMENT AND DELEGATION OF AUTHORITIES**

#### **SUMMARY**

The purpose of this report is to accept the recommendation of the Council as a whole as to the appointment of Mr Daryl Buckingham, as Chief Executive Officer of Tenterfield Shire Council. Also to ratify his Five (5) year performance-based Contract delegating his Authorities.

**138/21** **Resolved** that Council:

- (1) Formally revoke the delegations applied to the position of Chief Executive assigned to the Chief Corporate Officer, Kylie Smith currently acting in the position of Acting Chief Executive Officer, from close of business 18 July 2021; and
- (2) Formally appoint Mr. Daryl Buckingham to the position of Chief Executive Officer (General Manager) of Tenterfield Shire Council from 19 July 2021 onwards in accordance with the signed Senior Staff Contract; and
- (3) Formally ratify the five year performance-based contract in accordance with the standard contract of employment as required by the Office of Local Government for General Managers in NSW; and
- (4) Delegates to the Chief Executive Officer (General Manager) the appropriate authorities and functions under the NSW Local Government Act 1993 Section 377 also in accordance with the Instrument of Delegation to the Chief Executive Officer (General Manager) attached to this report.

(Michael Petrie/Tom Peters)

**Motion Carried**

### **(ITEM GOV46/21) MONTHLY OPERATIONAL REPORT - MAY 2021**

#### **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.

**139/21** **Resolved** that Council receives and notes the status of the Monthly Operational Report for May 2021.



(Brian Murray/Michael Petrie)

**Motion Carried**

*Acting Manager Finance & Technology, Jessica Wild entered the meeting, the time being 11.08 am.*

**(ITEM GOV47/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 MAY 2021**

**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.

- 140/21** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 May 2021.

(Gary Verri/Brian Murray)

**Motion Carried**

**(ITEM GOV48/21) CAPITAL EXPENDITURE REPORT AS AT 31 MAY 2021**

**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.

- 141/21** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 May 2021.

(Bronwyn Petrie/Michael Petrie)

**Motion Carried**

*Acting Manager Finance & Technology, Jessica Wild left the meeting, the time being 11.13 am.*

**REPORTS OF DELEGATES & COMMITTEES**

**(ITEM RC15/21) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 10 JUNE 2021**

- 142/21** **Resolved** that the report of the Tenterfield Shire Local Traffic Committee meeting of Thursday, 10 June 2021 be received and noted.

(Tom Peters/Brian Murray)

**Motion Carried**



Director Infrastructure, Fiona Keneally left the meeting and did not return, the time being 11.21 am.

Cr John Macnish left the meeting, the time being 11.24 am and re-entered the meeting, the time being 11.25 am. Cr Macnish did not vote on this motion.

**(ITEM RC16/21) REPORT OF COMMITTEES & DELEGATES - COUNTRY MAYORS' ASSOCIATION - MEETING OF 28 MAY 2021**

- 143/21** **Resolved** that Council receive and note the report from the Country Mayor's Association meeting of 28 May 2021.

(Gary Verri/Brian Murray)

**Motion Carried**

**(ITEM RC17/21) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - 14 MAY 2021**

- 144/21** **Resolved** that the report of the Border Regional Organisation of Councils (BROC) meeting Friday, 14 May 2021 be received and noted.

(Michael Petrie/Brian Murray)

**Motion Carried**

**(ITEM RC18/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC**

- 145/21** **Resolved** that the report from Councillor Greg Sauer for attending the Murray Darling Association Meeting held in Wentworth – 16 to 19 May 2021 be received and noted.

(Greg Sauer/Bob Rogan)

**Motion Carried**

**(ITEM RC19/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC**

- 146/21** **Resolved** that Council receive and note the minutes for May 2021 for the Murray Darling Association Inc (Region 11).

(Michael Petrie/Bronwyn Petrie)

**Motion Carried**

**NOTICES OF MOTION**

Nil

**RESOLUTION REGISTER**

**(ITEM RES5/21) COUNCIL RESOLUTION REGISTER - JUNE 2021**

**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.



**147/21** **Resolved** that Council notes the status of the Council Resolution Register to June 2021.

(Gary Verri/Brian Murray)

**Motion Carried**

## **SUSPENSION OF STANDING ORDERS - CONFIDENTIAL BUSINESS**

**148/21** **Resolved** that Standing Orders be suspended and:

- 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/Brian Murray)

**Motion Carried**

*The recording device was turned off and the meeting moved into closed committee, the time being 11.51 am.*

## **(ITEM ECO11/21) HIRE OF CIVIL SERVICES, PLANT AND EQUIPMENT TENDER RFT 05-20/21**

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(i)) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

### **SUMMARY**

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the Hire of Civil Services, Plant and Equipment - Tender 05-20/21.

**149/21** **Resolved** that Council:

- (1) Accept all submitted tenders as a panel of preferred suppliers for Hire of Civil Services, Plant and Equipment.

(Bronwyn Petrie/Michael Petrie)

**Motion Carried**

## **RESUMPTION OF STANDING ORDERS**



**150/21 Resolved** that the meeting move out of Closed Committee and Standing Orders be resumed.

(Bronwyn Petrie/Gary Verri)

**Motion Carried**

*The meeting moved out of Closed Committee and the recording device turned on, the time being 11.54 am*

*The Acting Mayor read the resolution as resolved by Council whilst in Closed Committee.*

*The Councillors stood and held a minutes silence in memory of past Councillor Phill Yates who passed away recently.*

**MEETING CLOSED**

There being no further business the Deputy Mayor declared the meeting closed at 11.55 pm.



Councillor Greg Sauer  
Deputy Mayor/Chairperson

