

QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 FEBRUARY 2019

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 27 February 2019 commencing at 9.30 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

Acting Chief Executive (Andre Kompler)
Executive Assistant & Media (Noelene Hyde)
Acting Chief Corporate Officer (Tamai Davidson)
Acting Chief Operating Officer (David Ward)

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.

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Website: www.tenterfield.nsw.gov.au

Email: council@tenterfield.nsw.gov.a

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.

Included was a prayer for the people of Tabulam and all those throughout our Shire who are hurting at this time due to the impacts and resulting losses through the fires originating at Tabulam and Wallangarra.

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

Resolved that the apology of Chief Executive Terry Dodds be received and noted.

(Tom Peters/Bronwyn Petrie)

Motion Carried

DISCLOSURE & DECLARATIONS OF INTEREST

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

Name	Туре	Item	Action
Mayor P Petty	Less than	COM2/19 - Lease	Will remain in the
· '	significant Non	of 132 Manners	Meeting and vote.
	Pecuniary	Street -	
	,	Tenterfield Child	
		Care Centre	



(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM MIN1/19) CONFIRMATION OF PREVIOUS MINUTES

- **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:
 - Ordinary Council Meeting held on Wednesday, 19 December 2018
 - Extraordinary Council Meeting held on Wednesday, 16 January 2019

as typed and circulated, be confirmed and signed as a true record of the proceedings of those meetings.

(Greg Sauer/Tom Peters)

Motion Carried

TABLING OF DOCUMENTS

Nil.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Resolved that the Addendum Agenda containing Mayoral Minutes MM1/19 and MM2/19 be received and considered accordingly.

(Gary Verri/Bob Rogan)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item NM2/19 - Notice of Motion - Unsustainability of Woody Vegetation

The following community members addressed Council on this matter:

- Mr Bob South
- Mr Geoff Robertson
- Ms Lana Tyacke

MAYORAL MINUTES

(ITEM MM1/19) JENNINGS / WALLANGARRA ORDINARY COUNCIL MEETING - CHANGE OF DATE

SUMMARY

Due to the recent fire emergency at Wallangarra and the impact this may be having on the local community, in consultation with the Acting Chief Executive Andre Kompler, a decision was made that the February 2019 Ordinary Council Meeting scheduled to be held at Jennings/Wallangarra be held at the Tenterfield Shire Council Chamber and that investigations be made with regard to holding the March 2019 Ordinary Meeting at Jennings/Wallangarra when

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community members are more likely to be available to attend.

Resolved that Council:

- (1) Endorse the decision of the Mayor and Acting Chief Executive to hold the February 2019 Ordinary Council Meeting at the Tenterfield Shire Council Chamber; and
- (2) Accept the invitation of the Wallangarra/Jennings Progress Association to hold the March 2019 Ordinary Council Meeting at the Wallangarra School of Arts on 27 March 2019, commencing at 9.30 am (EDST).

(Peter Petty/Greg Sauer)

Motion Carried

(ITEM MM2/19) TENTERFIELD SHIRE BUSHFIRES - FEBRUARY 2019

SUMMARY

The purpose of this Mayoral Minute is to update Councillors and the community on the recent fire emergency events in the Tenterfield Shire, Tuesday, 12 February to Saturday, 23 February 2019.

Resolved that the extraordinary efforts made by staff, the Rural Fire Service, Police, other Agencies and the Community groups, particularly the Salvation Army and volunteers, be noted and appreciation be extended, in an appropriate manner in due course.

(Peter Petty/Michael Petrie)

Motion Carried

RECOMMENDATION FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

- **Resolved** that the following matters be considered in the Confidential Section of the Meeting:
 - (ITEM COM2/19) Lease of 132 Manners Street, Tenterfield Child Care Centre
 - (ITEM COM3/19) Compulsory Acquisition of Crown Land for the Mount Lindesay Road Upgrade, 0-6km Section East of Legume
 - (ITEM ECO1/19) Acquisition of Part of Lot A DP 156474, 69 High Street Tenterfield for Constructed Cycleway
 - (ITEM ECO2/19) Mt Lindesay Road Upgrade Project Construction of Mt Lindesay Road and Killarney Road Intersection Upgrade - Contract No 04-18/19
 - (ITEM ECO3/19) Panel of Supply Timber Bridge Components Tender 10-18/19

(Bronwyn Petrie/Gary Verri)

Motion Carried

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OPEN COUNCIL REPORTS

OUR COMMUNITY

Erika Bursford, Manager Customer Service, Governance & Records, entered the meeting, the time being 9.56 am.

(ITEM COM1/19) SUBMISSION OF PETITION - IMPROVEMENTS AND UPGRADES TO THE LOCAL SKATE PARK

SUMMARY

The purpose of this report is to advise Council that a petition signed by 43 petitioners was submitted on 14 January 2019 by Jake Little and Julian Dickson, requesting that improvements and upgrades at the skate park on Manners Street, Tenterfield, be undertaken by Council.

OFFICER'S RECOMMENDATION:

That Council:

- (1) Notes the tabling of a petition requesting improvements and upgrades to the local skate park, and
- (2) That Council consider the petition's request, as part of Council's four year Delivery Program and annual Operational Plan.

(Greg Sauer/Bob Rogan)

AMENDMENT

Add new Item (3) – Items (1) and (2) of the recommendation be subject to grant funding becoming available so that there is no detrimental impact on the Council's four year Financial Plan.

(Greg Sauer/Tom Peters)

Amendment Carried

AMENDMENT

Add new Item (4) – That grant funding be sought for building of skate parks in Drake and Urbenville villages.

(Gary Verri/Bronwyn Petrie)

Amendment Carried

9/19 Resolved that Council:

- (1) Notes the tabling of a petition requesting improvements and upgrades to the local skate park, and
- (2) Consider the petition's request, as part of Council's four year Delivery Program and annual Operational Plan; and
- (3) Notes that Items (1) and (2) of the recommendation be subject to grant funding becoming available so that there is no detrimental impact on the Council's four year Financial Plan; and
- (4) Seek grant funding for building of skate parks in Drake and Urbenville villages.

(Greg Sauer/Bob Rogan)

Motion Carried

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Erika Bursford, Manager Customer Service, Governance & Records, left the meeting, the time being 10.11 am.

OUR ECONOMY

Nil.

OUR ENVIRONMENT

(ITEM ENV1/19) WATER DISPENSING STATION AT URBENVILLE

SUMMARY

The purpose of this report is to provide options for bulk potable water supply to Urbenville.

OFFICER'S RECOMMENDATION:

That Council:

- Approves the purchase of a custom water dispensing station; and (1)
- reallocation from current Capex budget \$40,000 (2) Authorise item Tenterfield Mains Replacement (#7484 506) to fund this capital purchase.

(Gary Verri/Greg Sauer)

AMENDMENT

Add new Item (3) - (a) Install a water dispensing station at Urbenville to provide our residents in the northern part of the Shire with access to potable drinking water. Enter into discussions (note time delays) with Kyogle Council to joint fund the project as it will also benefit their residents at Woodenbong; and (b) Enter into discussions with Kyogle Council to see if they will install a water dispensing station in Woodenbong; and (c) Enter into discussions with Kyogle Council to attain their level of willingness to jointly fund the project at Urbenville and in the event of there being no willingness, Council fully fund the Urbenville Capex.

(Greg Sauer/Tom Peters)

Amendment Withdrawn

AMENDMENT

- Add "for installation in Urbenville" to Item (1).
- Add new Item (3) That Council liaise with Kyogle Council regarding contribution to the installation of the Urbenville water dispensing station. (Bronwyn Petrie/Bob Rogan)

Amendment Carried

Resolved that Council: 10/19

- (1) Approves the purchase of a custom water dispensing station for installation in Urbenville; and
- (2) Authorise \$40,000 reallocation from current Capex budget item

Tenterfield Mains Replacement (#7484.506) to fund this capital purchase; and

(3) Liaise with Kyogle Council regarding contribution to the installation of the Urbenville water dispensing station.

(Gary Verri/Greg Sauer)

Motion Carried

(ITEM ENV2/19) SUMMARY OF DROUGHT RELIEF PROGRAM DERIVED FROM MAYORAL MINUTE (ITEM NM5/18) DROUGHT RELIEF - POTABLE WATER ACCESS

SUMMARY

This report is provided to inform Council on the progress of the drought relief program in relation to potable water supplies.

11/19 Resolved that Council receive and note this report.

(Bob Rogan/Michael Petrie)

Motion Carried

SUSPENSION OF STANDING ORDERS

12/19 Resolved that Standing Orders be suspended.

(Tom Peters/Gary Verri)

Motion Carried

The Meeting adjourned for morning tea, the time being 10.56 am.

The Meeting reconvened with the same members present, the time being 11.22 am.

RESUMPTION OF STANDING ORDERS

13/19 Resolved that Standing Orders be resumed.

(Bob Rogan/Greg Sauer)

Motion Carried

OUR GOVERNANCE

(ITEM GOV1/19) MONTHLY OPERATIONAL REPORT - DECEMBER 2018/JANUARY 2019

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 2018/2019 Operational Plan.



14/19 Resolved that Council receives and notes the status of the Monthly Operational Report for December 2018/January 2019.

(Bronwyn Petrie/Michael Petrie)

Motion Carried

(ITEM GOV2/19) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2019

SUMMARY

The purpose of this report is for Council to consider the attendance of the Chief Executive and Mayor at the National General Assembly of Local Government 2019 in Canberra, 16-19 June 2019 and to call for submission of Motions.

15/19 Resolved that Council:

- (1) Approve the attendance of Chief Executive Terry Dodds and Mayor Peter Petty at the National General Assembly of Local Government 2019 held in Canberra, 16 to 19 June 2019; and
- (2) Council endorse the submission of motions for debate submission date being midday, Friday 29 March 2019.

(Greg Sauer/Tom Peters)

Motion Carried

Councillor Bronwyn Petrie, one of Council's delegates on the Timber Council Association, advised that a meeting of the Association will be held in Canberra on Monday, 17 June 2019 and requested a report be submitted to the March 2019 Ordinary Council Meeting seeking approval for Council's 2 delegates to attend.

Erika Bursford, Manager Customer Service, Governance & Records, entered the meeting, the time being 11.52 am.

(ITEM GOV3/19) TENTERFIELD SHIRE COUNCIL AUDIT & RISK COMMITTEE UPDATES

SUMMARY

The purpose of this report is to provide to Council the updated Audit and Risk Committee Charter.

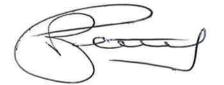
16/19 Resolved that Council:

- (1) Adopt the updated Audit and Risk Committee Charter, and
- (2) That Council appoint Audit and Committee member Mr Geoff King as Chair of the Audit & Risk Committee.

(Gary Verri/Michael Petrie)

Motion Carried

Erika Bursford, Manager Customer Service, Governance & Records, left the meeting, the time being 11.55 am.



Paul Della, Manager Finance & Technology entered the meeting, the time being 11.55 am.

(ITEM GOV4/19) QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2018

SUMMARY

The purpose of this report is to provide Council with a Quarterly Budget Review Statement (Attachment 1) in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

17/19 Resolved that Council adopts the December 2018 Quarterly Budget Review Statement.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV5/19) FINANCE & ACCOUNTS - PERIOD ENDED 31 DECEMBER 2018 & (ITEM GOV6/19) FINANCE & ACCOUNTS - PERIOD ENDED 31 JANUARY 2019

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 Reports for the periods ended 31 December 2018 and 31 January 2019.

(Gary Verri/Bob Rogan)

Motion Carried

(ITEM GOV7/19) CAPITAL EXPENDITURE REPORT AS AT 31 JANUARY 2019

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 31 January 2019.

(Michael Petrie/Gary Verri)

Motion Carried

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(ITEM GOV8/19) REPORT ON LOAN BALANCES

SUMMARY

The purpose of this report is to inform Council of its loan balances as at 31 December 2018.

Resolved that Council notes the loan balance as at 31 December 2018 was \$7,304,239.55 (\$7,503,719.24 as at 30 September 2018).

(Greg Sauer/Bob Rogan)

Motion Carried

Paul Della, Manager Finance & Technology left the meeting, the time being 12.10 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC1/19) REPORT OF COMMITTEE & DELEGATES - MURRAY DARLING ASSOCIATION MEETING HELD IN ECHUCA - 31 JANUARY TO 3 FEBRUARY 2019

SUMMARY

Deputy Mayor Greg Sauer and Councillor Don Forbes attended the Strategic Planning Meeting for the Murray Darling Association held in Echuca from 31 January to 3 February 2019 inclusive. Councillors attended in their role as Members of the Region 11 Executive.

Cr John Macnish left the meeting, the time being 12.17 pm. Cr John Macnish returned to the meeting, the time being 12.18 pm.

21/19 Resolved that:

- (1) The report from Deputy Mayor Greg Sauer and Councillor Don Forbes regarding the Murray Darling Association Meeting held in Echuca 31 January to 3 February 2019 be received and noted; and
- (2) Council write to the State and Federal Governments supporting the Murray Darling Association's application for government funding.

(Greg Sauer/Donald Forbes)

Motion Carried

(ITEM RC2/19) REPORT OF COMMITTEE & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 7 FEBRUARY 2019

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 7 February 2019.

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22/19 Resolved that:

- (1) The report from the Tenterfield Shire Local Traffic Committee meeting of 7 February 2019 be received and noted; and
- (2) With respect to the Event Request Anzac Day March, Tenterfield 25 April 2019 Council vehicles (trucks) allocated to the road closures and traffic control be provided by Council at Council's cost.

(Peter Petty/Gary Verri)

Motion Carried

Acting Chief Operating Officer, David Ward, left the meeting and did not return, the time being 12.32 pm.

(ITEM NM2/19) NOTICE OF MOTION - UNSUSTAINABILITY OF WOODY VEGETATION

SUMMARY

The purpose of this notice of motion is to ask our Federal and State representatives to have an investigation into the effect the amount of woody vegetation that covers a large area of the Northern Tablelands and in particular Tenterfield Shire is having on the wildlife, water, wetlands and fire.

Resolved that Council write to our State and Federal representatives including the Member for Northern Tablelands asking for a comprehensive investigation into the unsustainability of excess woody vegetation that covers a large area of the Australian land mass, in particular the effect the woody vegetation is having on stream flows, woodland species and fire.

(Gary Verri/John Macnish)

Motion Report

Noted: That Mr Bob South, a speaker in support of this Notice of Motion (Item NM2/19) had requested letters of support for a research project if Council adopted this Notice of Motion. The matter to be referred to the March 2019 Ordinary Council Meeting.

(ITEM NM3/19) NOTICE OF MOTION - LOCAL ENVIRONMENT PLAN - CREMATORIUM

SUMMARY

The prohibition of "crematorium" as a permissible use with consent in the RU5 zoning of the current Local Environment Plan is proposed in response to community sentiment and concerns about the approval of such development within a residential area.

Resolved that Council commence the process pursuant to Division 3.4 of the Environmental Planning and Assessment Act 1979, to amend Tenterfield Local Environmental Plan 2013, by including the development of a 'crematorium' in the RU5 Village zoning table as a Prohibited use.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

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(ITEM RES1/19) COUNCIL RESOLUTION REGISTER - FEBRUARY 2019

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 February 2019.

(Michael Petrie/John Macnish)

Motion Carried

SUSPENSION OF STANDING ORDERS

26/19 Resolved that Standing Orders be suspended.

(Bob Rogan/Greg Sauer)

Motion Carried

The Meeting adjourned for lunch, the time being 1.00 pm.

The Meeting reconvened with the same members present and with the addition of Heidi Ford, Property, Building & Landscape Coordinator, the time being 1.41 pm.

RESUMPTION OF STANDING ORDERS

27/19 Resolved that Standing Orders be resumed.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

CONFIDENTIAL BUSINESS - SUSPENSION OF STANDING ORDERS

28/19 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.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

The doors were closed to the public, the recording device turned off and the Meeting moved into Closed Committee, the time being 1.42 pm.



(ITEM COM2/19) LEASE OF 132 MANNERS STREET - TENTERFIELD CHILD CARE CENTRE

SUMMARY

The purpose of this report is for Council to consider issuing a further five year Lease with Tenterfield Child Care Centre as the current Lease is due to expire in March 2019.

29/19 Resolved that Council:

- (1) Delegate authority to the Chief Executive to enter into a Five (5) year Lease with the existing tenant, Tenterfield Child Care Centre, commencing on 24 March 2019 and with the annual rent to be Option 1 as per the report.
- (2) Authorise the Lease be signed and executed under the Seal of Council by the Mayor and the Chief Executive.

(Greg Sauer/Michael Petrie)

Motion Carried

Heidi Ford, Property, Building & Landscape Coordinator, left the meeting, the time being 1.56 pm.

(ITEM COM3/19) COMPULSORY ACQUISITION OF CROWN LAND FOR THE MOUNT LINDESAY ROAD UPGRADE, 0-6KM SECTION EAST OF LEGUME

SUMMARY

The purpose of this report is to gain approval from Council to Compulsory acquire parts of Crown Land required for road widening purposes as part of the \$24M Roads upgrade between Legume and Woodenbong Section 0-6km east of Legume.

Resolved that Council:

- (1) Proceed with the compulsory acquisition of the land described as part of Lot 7016 DP 1073681, Lot 7017 DP 1106730 and Lot 7020 DP 1106731 for the purpose of operational land being for road widening in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991 and subject to the Undetermined Aboriginal Land Claim being withdrawn; and
- (2) Make an application to the Minister and the Governor for approval to acquire part of Lot 7016 DP 1073681, Lot 7017 DP 1106730 and Lot 7020 DP 1106731 by compulsory process under section 177(1) and 177(2)(b) of the Roads Act 1993; and
- (3) Requests the Minister for Local Government approve a reduction in the notification period from 90 days to the minimum 60 days.

(Greg Sauer/Gary Verri)

Motion Carried

Jess Gibbins, Engineering Officer, entered the meeting, the time being 2.03 pm.

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(ITEM ECO1/19) ACQUISITION OF PART OF LOT A DP 156474, 69 HIGH STREET TENTERFIELD FOR CONSTRUCTED CYCLEWAY

SUMMARY

The purpose of this report is to legalise and contain a part of Council's constructed cycle way 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.

31/19 Resolved that Council:

- (1) Accept the proposal dated 7 December 2018 from Property Law & More Pty Ltd in amount \$30K for Council to acquire the land containing the cycle way and encompassing the Tenterfield Creek to the existing hedge line located on the residential property of 69 High Street, Tenterfield (approximately 2,235m2) in full compensation of the land; and
- (2) Fund associated survey and reasonable legal costs to finalise this matter.

(Greg Sauer/Michael Petrie)

Motion Carried

Jess Gibbins, Engineering Officer, left the meeting, the time being 2.12 pm.

(ITEM ECO2/19) MT LINDESAY ROAD UPGRADE PROJECT - CONSTRUCTION OF MT LINDESAY ROAD AND KILLARNEY ROAD INTERSECTION UPGRADE - CONTRACT NO. 04-18/19

SUMMARY

The purpose of this Report is to provide Council with a Report and recommendation on the tender evaluation associated with the construction of the Mt Lindesay Road and Killarney Road Intersection Upgrade as part of the \$24M Mt Lindesay Road upgrade project.

Resolved that Council accept the tender of MJ Smith Ground Preparation Pty Ltd for the construction of the Mount Lindesay Road and Killarney Road intersection upgrade in the amount of \$951,238.28 (including GST).

(Bob Rogan/Michael Petrie)

Motion Carried

(ITEM ECO3/19) PANEL OF SUPPLY - TIMBER BRIDGE COMPONENTS - TENDER 10-18/19.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the Panel of Supply – Timber Bridge Components - Tender 10-18/19.

Resolved that Council accept all submitted tenders as a panel of preferred suppliers for supply of timber bridge components.

(Gary Verri/Bronwyn Petrie)

Motion Carried

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RESUMPTION OF STANDING ORDERS

34/19 Resolved that Standing Orders be resumed.

(Gary Verri/Tom Peters)

Motion Carried

The Meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 2.28 pm.

In accordance with Section 253 of Local Government Regulations (General) 2005, 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 2.31 pm.

Councillor Peter Petty Mayor/Chairperson