

**UNCONFIRMED**



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

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 MAY 2020**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear of Memorial Hall, Molesworth Street, Tenterfield and via Zoom, on Wednesday, 27 May 2020 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

### **ALSO IN ATTENDANCE**

Councillor Gary Verri (via Zoom)  
Chief Executive (Terry Dodds) (via Zoom)  
Executive Assistant & Media (Noelene Hyde)  
Chief Corporate Officer (Kylie Smith) (via Zoom)  
Director Infrastructure (Fiona Keneally) (via Zoom)  
Manager IT & Finance (Paul Della) (via Zoom)  
Manager Planning & Development (Tamai Davidson) (via Zoom)  
Manager Asset & Program Planning (David Counsell) (via Zoom)  
Engineering Officer (Jessica Gibbins) (via Zoom)  
Manager Property & Buildings (Heidi Ford) (via Zoom)

*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 Jukemba, Kamilaroi and Bundjalung Nations and extend that respect to other Aboriginal people present.*

### **APOLOGIES**

Nil.

### **DISCLOSURE & DECLARATIONS OF INTEREST**

Nil.

### **(ITEM MIN4/20) CONFIRMATION OF PREVIOUS MINUTES**

**70/20**

**Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 22 April 2020

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

(Bob Rogan/Greg Sauer)

### **Motion Carried**

### **TABLING OF DOCUMENTS**

Nil.

## **URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS - ADDENDUM REPORT**

- 71/20** **Resolved** that the Addendum Agenda be accepted and Item MIN5/20 – Confirmation of Previous Minutes, be considered by Council.

(Bronwyn Petrie/Bob Rogan)

### **Motion Carried**

## **(ITEM MIN5/20) CONFIRMATION OF PREVIOUS MINUTES**

- 72/20** **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Extraordinary Council Meeting held on Friday, 22 May 2020

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

(Bronwyn Petrie/Bob Rogan)

### **Motion Carried**

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

Nil.

## **MAYORAL MINUTE**

Nil.

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

- 73/20** **Resolved** that Item COM14/20 – Telstra Blackspot Program – Torrington, be considered in the Confidential Section of this Meeting.

(Greg Sauer/Michael Petrie)

### **Motion Carried**

## **OPEN COUNCIL REPORTS**

## ***OUR COMMUNITY***

## **(ITEM COM12/20) COMMUNICATION TOWER LICENCE TO NETWORK INVESTMENTS PTY LTD (WIN)**

### **SUMMARY**

Network Investments Pty Ltd maintain television transmission equipment on Council's tower at Mt MacKenzie. The previous Licence Agreement expired in 2014 and therefore requires renewing.

**74/20** **Resolved** that Council:

- (1) Delegate Authority to the Chief Executive to enter a Facility Sharing Licence Agreement with Network Investments Pty Ltd in relation to Council's communication tower at Mt MacKenzie (Lot 5 DP 1007389).
- (2) Authorise the Licence to be signed and executed under the Seal of Council by the Mayor and Chief Executive in accordance with Council Policy.

(Tom Peters/Brian Murray)

**Motion Carried**

**(ITEM COM13/20) SITE SHARING LICENCE AGREEMENT WITH NSW TELCO AUTHORITY FOR HAYSTACK MOUNTAIN**

**SUMMARY**

The New South Wales Government Telecommunications Authority (NSWGTA) are seeking a renewal of the site sharing licence for Council's communications equipment located at Haystack Mountain. The previous licence expired on 30 June, 2018.

**75/20** **Resolved** that Council:

- (1) Delegate authority to the Chief Executive to enter a Licence Agreement with the NSW Government Telecommunications Authority for Council's communications equipment located at Haystack Mountain Radio Communications Facility, Pocupar Road, Yabbra National Park, Yabbra NSW 2469.
- (2) Authorise the Licence Agreement to be signed under the Seal of Council by the Mayor and the Chief Executive in accordance with Council Policy.

(Michael Petrie/Tom Peters)

**Motion Carried**

**OUR ECONOMY**

*Engineering Officer, Jessica Gibbins and Manager Asset & Program Planning David Counsell presented the following items.*

**(ITEM ECO6/20) ROAD CLOSURE APPLICATION - ROAD OFF KILDARE ROAD**

**SUMMARY**

The purpose of this report is for Council to consider a road closing application that has been received from a property owner requesting closure of a section of unformed Council road off Kildare Road.

**76/20** **Resolved** that Council:

- (1) Objects to the permanent road closure of the section of road adjacent to Lots 201 & 171 DP 751517 off Kildare Road due to causing of landlocking of multiple parcels of land to the east of the proposed road closure.

- (2) Advises the applicant that Council cannot accede to the request of closing the section of road adjacent to Lots 201 & 171 DP 751517 due to causing land-locking of multiple parcels of land to the east. For the road closure to be considered on merit, a legal means of access (ie. right of carriageway or similar from the gazetted public road will need to be provided by the Applicant and agreed upon by the property owners of all the lots that will become landlocked as a result of the closure.) If such a legal means of access cannot be provided by the applicant, Council is unable to support an application for closure of a road where a lot(s) is to be landlocked.

(Brian Murray/Bronwyn Petrie)

**Motion Carried**

**(ITEM ECO7/20) TALMOI ROAD - ROAD MAINTENANCE EXTENSION REQUEST**

**SUMMARY**

The purpose of this report is for Council to consider a request for extending Council's maintenance activities outside the adopted Road Network Management Plan to include an additional 2.5kms section of Talmoi Road.

**77/20**

**Resolved** that Council:

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 6.64km section of Talmoi Road from Mount Lindesay Road. Any additional road maintenance may be considered as part of Council's review of the current Road Network Management Plan.
- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road may be considered as part of Council's review of the Road Network Management Plan.

(Bob Rogan/Michael Petrie)

**Motion Carried**

**(ITEM ECO8/20) WELLINGTON LOOKOUT ROAD - ROAD MAINTENANCE EXTENSION REQUEST**

**SUMMARY**

The purpose of this report is for Council to consider a request for an extension of Council's maintenance activities outside the adopted Road Network Management Plan to include to include an additional 1 km section of Wellington Lookout Road.

**RECOMMENDATION**

That Council:

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 2.321km section of Wellington Lookout Road from Black Swamp Road. Any additional road maintenance may be considered as part of Council's review of the current Road Network Management Plan.

- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road may be considered as part of Council's review of the Road Network Management Plan.

(Brian Murray/John Macnish)

#### **AMENDMENT**

That the word "may" be changed to "will" in items (1) and (2), ie "may be considered...."

(Bob Rogan/Greg Sauer)

#### **Amendment Carried**

**78/20**

**Resolved** that Council:

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 2.321km section of Wellington Lookout Road from Black Swamp Road. Any additional road maintenance will be considered as part of Council's review of the current Road Network Management Plan.
- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road will be considered as part of Council's review of the Road Network Management Plan.

(Brian Murray/John Macnish)

#### **Motion Carried**

**Recording a Vote Against the Motion:** Councillors Bronwyn Petrie and John Macnish.

Engineering Officer, Jessica Gibbins and Manager Asset & Program Planning David Counsell left the meeting.

Manager Planning & Development, Tamai Davidson presented the following items:

### **OUR ENVIRONMENT**

#### **(ITEM ENV10/20) DEVELOPMENT APPLICATION 2020.018 - 2 LOT SUBDIVISION - BOUNDARY ADJUSTMENT, TIMBARRA ROAD, TENTERFIELD - APPEAL OF CONDITION**

##### **SUMMARY**

Development Application 2020.018 2 Lot Subdivision – Boundary Adjustment was approved by Council on 22 April 2020, subject to conditions. The applicant is requesting Council review condition six (6) of the consent which requires the applicant, as part of their final plan of survey, to survey the existing road formation of Timbarra Road. The existing location of the road lies outside the formal road reserve. The condition was placed on the consent as it is a requirement of Council's Road Network Management Plan 2013 (RNMP).

##### **RECOMMENDATION**

That Council:

- (1) Impose the requirements of the Road Network Management Plan; and

- (2) Advise the Applicant that Condition No 6 of Development Consent 2020.018 remains.

(Bronwyn Petrie/John Macnish)

**AMENDMENT**

That the recommendation be reworded as follows:

- (1) That Council advise the applicant that a review of the conditions, particularly Condition 6, has been carried out as requested; and
- (2) That Council advise the applicant that Condition 6 of Development Consent 2020.018 be removed subject to the lodgement of the Modification of Consent Application.

(Bob Rogan/Michael Petrie)

**Amendment Carried**

***Recording of Votes for the Amendment:***

*For: Councillors Brian Murray, Peter Petty, Bob Rogan, Michael Petrie, Bronwyn Petrie, John Macnish, Don Forbes, Tom Peters*

*Against: Councillors Greg Sauer, Gary Verri*

**79/20**

**Resolved** that Council:

- (1) Advise the applicant that a review of the conditions, particularly Condition 6, has been carried out as requested; and
- (2) Advise the applicant that Condition 6 of Development Consent 2020.018 be removed subject to the lodgement of the Modification of Consent Application.

(Bronwyn Petrie/John Macnish)

**Motion Carried Unanimously**

**SUSPENSION OF STANDING ORDERS**

**80/20**

**Resolved** that Standing Orders be suspended.

(Brian Murray/Michael Petrie)

**Motion Carried**

*The Meeting adjourned for Morning Tea, the time being 10.58 am.*

*The Meeting reconvened with the same members present, the time being 11.16 am.*

**RESUMPTION OF STANDING ORDERS**

**81/20**

**Resolved** that Standing Orders be resumed.

(Bronwyn Petrie/Brian Murray)

**Motion Carried**

## **(ITEM ENV11/20) STRONGER COUNTRY COMMUNITY FUND - VILLAGE SIGNS**

### **SUMMARY**

The purpose of this report is to recommend to Council the preferred option for village signs style for the villages of Drake, Urbenville, Jennings, Liston, Legume, Mingoola and Torrington.

### **RECOMMENDATION**

That Council:

- (1) Proceed with the adoption of Concept B for the Village Entrance signs; and
- (2) Incorporate changes as per the second round of consultation for the final designs as detailed in the report.
- (3) Utilise the principles of Concept B for basis of the new Shire entry signs in a future project.

(Greg Sauer/Bob Rogan)

### **AMENDMENT**

That Council put the signage proposals back to the community for consultation and seek a response from those individual communities that are current dissatisfied.

(Gary Verri/Bronwyn Petrie)

### **Amendment Lost**

### **AMENDMENT**

That (2) be amended to read – Incorporate changes as per final round of community consultation.

(Bronwyn Petrie/John Macnish)

### **Amendment Lost**

**82/20**

**Resolved** that Council:

- (1) Proceed with the adoption of Concept B for the Village Entrance signs; and
- (2) Incorporate changes as per the second round of consultation for the final designs as detailed in the report.
- (3) Utilise the principles of Concept B for basis of the new Shire entry signs in a future project.

(Greg Sauer/Bob Rogan)

### **Motion Carried**

***Recording a Vote Against the Motion: Councillor Gary Verri***

*Manager Planning & Development, Tamai Davidson left the meeting.*

## **(ITEM ENV12/20) DEFERRED NOTICE OF MOTION - NATIONAL PARKS IN TENTERFIELD SHIRE LOCAL GOVERNMENT AREA**

### **SUMMARY**

The purpose of this report is to bring forward deferred Notice of Motion – National Parks in Tenterfield Shire Local Government Area, put forward at the Ordinary Council Meeting of 26 February 2020 by Cr Gary Verri.



**83/20** **Resolved** that Council:

- (1) Invite Mr Darren Pitt, Manager, Northern Tablelands Area, National Parks & Wildlife Service to address Council at the first opportunity once COVID-19 restrictions are relaxed.
- (2) Reconsider the Notice of Motion following Mr Pitt's address.

(Greg Sauer/Brian Murray)

**Motion Carried**

## **OUR GOVERNANCE**

### **(ITEM GOV24/20) MONTHLY OPERATIONAL REPORT - MARCH/APRIL 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 2019/2020 Operational Plan.

**84/20** **Resolved** that Council receives and notes the status of the Monthly Operational Report for March/April 2020.

(Michael Petrie/Brian Murray)

**Motion Carried**

*Cr John Macnish left the meeting, the time being 12:22 pm.*

### **(ITEM GOV25/20) DRAFT AMENDED EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN - 2020-2024**

#### **SUMMARY**

The purpose of this report is for Council to adopt the draft amended, and updated, Equal Employment Opportunity Management Plan for the period 2020-2024.

**85/20** **Resolved** that Council adopts the draft amended Equal Employment Opportunity Management Plan for 2020 to 2024.

(Greg Sauer/Michael Petrie)

**Motion Carried**

## **PROCEDURAL MOTION**

**86/20** **Resolved** that Items GOV26/20 – Quarterly Budget Review Statement – March 2020, GOV27/20 – Finance & Accounts – Period Ended 30 April 2020, GOV28/20 – Capital Expenditure Report as at 30 April 2020 and GOV29/20 – Report on Loan Balances be adopted together.

(Gary Verri/Brian Murray)

**Motion Carried**

Manager Finance & Technology, Paul Della presented the following items:

Cr John Macnish returned to the meeting, the time being 12:25 pm.

**(ITEM GOV26/20) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2020**

**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).

**87/20** **Resolved** that Council adopts the March 2020 Quarterly Budget Review Statement.

(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV27/20) FINANCE & ACCOUNTS - PERIOD ENDED 30 APRIL 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.

**87/20** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 April 2020.

(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV28/20) CAPITAL EXPENDITURE REPORT AS AT 30 APRIL 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.

**87/20** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 April 2020.

(Bob Rogan/Brian Murray)

**Motion Carried**

## **(ITEM GOV29/20) REPORT ON LOAN BALANCES**

### **SUMMARY**

The purpose of this report is to inform Council of its loan balances as at 31 March 2020.

**87/20** **Resolved** that Council notes the loan balance as at 31 March 2020 was \$9,586,841.37 (\$9,686,310.92 as at 31 December 2019).

(Bob Rogan/Brian Murray)

### **Motion Carried**

*Manager Finance & Technology, Paul Della left the meeting.*

## **(ITEM GOV30/20) TRANSFER OF WEIGHT OF LOADS ENFORCEMENT GROUP FROM NORTH EAST WEIGHT OF LOADS GROUP TO NORTH WEST WEIGHT OF LOADS GROUP**

### **SUMMARY**

The purpose of this report is to transfer Council's Weight of Loads enforcement group to the North West Weight of Loads Group due to increasing financial costs associated with the current provider, North East Weight of Loads Group.

**88/20** **Resolved** that Council move to join the North West Weight of Loads Group, ceasing financial contributions to the North East Weight of Loads Group from 2020/2021 financial year.

(Greg Sauer/John Macnish)

### **Motion Carried**

## **REPORTS OF DELEGATES & COMMITTEES**

### **(ITEM RC14/20) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION - APRIL 2020 DELEGATE'S REPORT**

#### **SUMMARY**

The Murray Darling Association have provided the April 2020 Delegate's Report for tabling at Council.

**89/20** **Resolved** that the Murray Darling Association Delegate's Report be received and noted.

(Greg Sauer/Michael Petrie)

### **Motion Carried**

## **NOTICES OF MOTION**

Nil.

## RESOLUTION REGISTER

### (ITEM RES4/20) COUNCIL RESOLUTION REGISTER - MAY 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.

**90/20** Resolved that Council notes the status of the Council Resolution Register to May 2020.

(Bronwyn Petrie/Brian Murray)

#### Motion Carried

### CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

**91/20** Resolved that:

- a) Standing Orders be suspended and 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.

(Greg Sauer/Bob Rogan)

#### Motion Carried

*The recording device was turned off and the meeting moved into Closed Committee, the time being 12.40 pm.*

*Manager Property & Buildings, Heidi Ford, entered the meeting.*

### (ITEM COM14/20) TELSTRA BLACKSPOT PROGRAM - TORRINGTON

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)) (d(ii)) (d(iii)) 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; 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**

Under the Commonwealth Government's Blackspot Program, Telstra propose to build a mobile telecommunications facility to service the Torrington community. The proposed base station is to be built on Council-owned land behind the Torrington Rural Fire Service (RFS) shed.

**92/20**

**Resolved** that Council:

- (1) Delegate authority to the Chief Executive to enter a Lease Agreement with Telstra Corporation Limited for the installation and operation of a Telstra telecommunications facility behind the Rural Fire Service shed in Torrington (Lot 317 DP 751488, 2708 Torrington Road, Torrington).
- (2) Authorise the Lease Agreement to be signed under the Seal of Council by the Mayor and the Chief Executive in accordance with Council Policy.

(Brian Murray/Michael Petrie)

**Motion Carried**

## **RESUMPTION OF STANDING ORDERS**

**93/20**

**Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

**Motion Carried**

*The meeting moved out of Closed Committee and the recording device was turned on, the time being 12.43 pm.*

*In accordance with Section 253 of Local Government Regulations (General) 2005, the Mayor read the resolution as resolved by Council while in Closed Committee.*

## **MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 12.44 pm.

.....  
Councillor Peter Petty  
Mayor/Chairperson