

UNCONFIRMED



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 24 FEBRUARY 2021

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear of Memorial Hall, Molesworth Street, Tenterfield on Wednesday, 24 February 2021 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 (Kylie Smith)
Executive Assistant & Media (Noelene Hyde)
Acting Chief Corporate Officer (Paul Della)
Director Infrastructure (Fiona Keneally)
Admin & Web Assistant (Christie Fitzpatrick)

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

6/21 **Resolved** 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 Tom Peters	Non Pecuniary Significant – will remain in the meeting and vote. <i>Resident of Sandy Flat and knows most of the parties involved in the DA submissions</i>	ENV1/21 – DA 2020.114 Truck Depot & Office – 162A Sandy Flat Road, Sandy Flat
Mayor Peter Petty	Less than Significant Non Pecuniary – will remain in the meeting and vote. <i>Patron of the Tenterfield Bumblebees</i>	COM3/21 – Request for In Principle Support for a Lease of Land at Federation Park

(Bronwyn Petrie/Greg Sauer)

Motion Carried

(ITEM MIN1/21) CONFIRMATION OF PREVIOUS MINUTES

7/21 **Resolved** that the Minutes of the following Meetings of Tenterfield Shire Council:

- Ordinary Council Meeting – 16 December 2020
- Extraordinary Council Meeting – 29 January 2021 (9.30 am)
- Extraordinary Council Meeting – 29 January 2021 (10.30 am)

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

(Brian Murray/Bob Rogan)

Motion Carried

TABLING OF DOCUMENTS

8/21 **Resolved** that the tabled documents regarding Item ENV1/21 – DA 2020.114 be received:

- T & A Bulmer – Support documents for address to Council - Updated Plan, Response to Submissions, Review of Conditions of Consent & Conclusion Comments
- S Hillery – Support document for address to Council

(Michael Petrie/Donald Forbes)

Motion Carried

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

9/21 **Resolved** that the Addendum Agendas relating to the following items of business be received and accepted:

- Item COM6/21 – Regulatory & Open Space – Update Fund Raising Stalls Policy – No. 1.060
- Confidential Item GOV16/21 – Recruitment Agency Procurement For Chief Executive Recruitment
- Confidential Item ECO4/21 – Variation To Contract Number RFT 17-19/20
- Confidential Item ECO4/21 – Variation To Contract Number RFT 18-19/20

(Greg Sauer/Gary Verri)

Motion Carried

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item ENV1/21 – DA 2020.114 -Truck Depot & Office, 162A Sandy Flat Road, Sandy Flat

The following interested parties addressed Council with respect to DA 2020.114 via Zoom:

- Tina and Allen Bulmer – Speaking in favour of the recommendation;
- Simon Hicks – Speaking against the recommendation;
- Sonia Hillery – Speaking against the recommendation.

Item ENV2/21 – DA 2020.069 – Primitive Campground – 57 Holleys Road, Tenterfield

Mr Brad Middleton addressed Council with respect to DA 2020.068 via Zoom, speaking in favour of the recommendation.

Confidential Item GOV15/21 – Water Pricing Issues – Request From Local Business Operator

Mr Steve Swney addressed Council via Zoom with respect to this confidential item.

PROCEDURAL MOTION

10/21 **Resolved** that Development Application Items ENV1/21 and ENV2/21 be moved forward in the Agenda for consideration at this time.

(Greg Sauer/Tom Peters)

Motion Carried

OPEN COUNCIL REPORTS

OUR ENVIRONMENT

Planning Consultant Anthony Daintith entered the Meeting, the time being 10.15 am.

(ITEM ENV1/21) DEVELOPMENT APPLICATION 2020.114 TRUCK DEPOT AND OFFICE - 162A SANDY FLAT ROAD, SANDY FLAT

SUMMARY

The purpose of this report is to present to Council Development Application 2020.114 for the continued use and operation of a Truck Depot and Office at 162A Sandy Flat Road, Sandy Flat. The application is recommended for approval subject to conditions as contained in the External Planning Assessment Report Attachment 1 (Attachment Booklet 1).

RECOMMENDATION

That Council:

- (1) Approve Development Application 2020.114 for a truck depot and office at 162a Sandy Flat Road, Sandy Flat subject to conditions as contained in Attachment 2 (Attachment Booklet 1); and
- (2) Notify those persons who made submissions in relation to the determination of the Development Application.

(Greg Sauer/Tom Peters)

AMENDMENT

Add new Item (3):

1. That Condition 29 (Internal Access Road) be amended to read as follows:

Private Access Road

The proposed internal access road from Primrose Hill Road to the workshop site is to be constructed with a minimum gravel formation width of 6 metres with a 2 coat bitumen seal of 5 metres.

The works are to be completed within six (6) months of the date of this consent. The internal road is to be maintained to the standard of the original construction to ensure that there is no offsite dust impact.

Prior to construction of the internal access road, the applicant is to obtain any necessary approvals under the *Water Management Act 2000* for any watercourse crossings.

2. Remove Condition 12 as amendment alters this condition;
3. Amend Condition 27 and 28 to reflect a 6 month period of works in accordance with the changes proposed in Condition 29.
4. Remove dot point one from Condition 32.

(Bob Rogan/Gary Verri)

Amendment Carried Unanimously

Recording of the Vote (Planning Issue)

- Voting for the Motion: Mayor Petty, Deputy Mayor Sauer, Councillors M Petrie, B Rogan, B Murray, G Verri, B Petrie, D Forbes, J Macnish, T Peters

11/21

Resolved that Council:

- (1) Approve Development Application 2020.114 for a truck depot and office at 162a Sandy Flat Road, Sandy Flat subject to conditions as contained in Attachment 2 (Attachment Booklet 1) and amendment as per Item (3) of this Resolution.
- (2) Notify those persons who made submissions in relation to the determination of the Development Application.
- (3) 1. That Condition 29 (Internal Access Road) be amended to read as follows:

Private Access Road

The proposed internal access road from Primrose Hill Road to the workshop site is to be constructed with a minimum gravel formation width of 6 metres with a 2 coat bitumen seal of 5 metres.

The works are to be completed within six (6) months of the date of this consent. The internal road is to be maintained to the standard of the original construction to ensure that there is no offsite dust impact.

Prior to construction of the internal access road, the applicant is to obtain any necessary approvals under the *Water Management Act 2000* for any watercourse crossings.

2. Remove Condition 12 as amendment alters this condition;
3. Amend Condition 27 and 28 to reflect a 6 month period of works in accordance with the changes proposed in Condition 29.
4. Remove dot point one from Condition 32.

(Greg Sauer/Tom Peters)

Motion Carried

Recording of the Vote (Planning Issue)

- Voting for the Motion: Mayor Petty, Councillors M Petrie, B Rogan, B Murray, G Verri, B Petrie, D Forbes, J Macnish
- Voting against the Motion: Deputy Mayor Sauer, Councillor T Peters

Planning Consultant Anthony Daintith left the Meeting, the time being 11.05 am.

SUSPENSION OF STANDING ORDERS

12/21 **Resolved** that Standing Orders be suspended.

(Gary Verri/Michael Petrie)

Motion Carried

The Meeting adjourned for Morning Tea, the time being 11.06 am.

The Meeting reconvened with the same members present and the addition of Manager Planning & Development Services, Tamai Davidson, the time being 11.28 am.

RESUMPTION OF STANDING ORDERS

13/21 **Resolved** that Standing Orders be resumed.

(Tom Peters/Bob Rogan)

Motion Carried

(ITEM ENV2/21) DEVELOPMENT APPLICATION 2020.069 PRIMITIVE CAMPGROUND - 57 HOLLEYS ROAD, TENTERFIELD

SUMMARY

Development Application 2020.069 for a Primitive Campground is presented to Council for consideration and determination. The proposal involves establishing four (4) campsites in the form of "Bubblentents" at 57 Holleys Road, Tenterfield. Council is in receipt of written objections in relation to the proposal. Pursuant to the provisions of *Tenterfield Local Environmental Plan 2013* the proposed development is permissible with Council consent in the RU1 Primary Production zone, is consistent with the objectives of the zone and is recommended to

Council for approval subject to conditions and the General Terms of Approval as issued by the NSW Rural Fire Service.

14/21

Resolved that Council:

- (1) Approve Development Application 2020.069 for a primitive campground at 57 Holleys Road, Tenterfield subject to the conditions contained in Attachment 5 (Attachment Booklet 2); and
- (2) Notify those persons who made submissions, of Council's determination.

(Gary Verri/Michael Petrie)

Motion Carried

Recording of the Vote (Planning Issue)

- Voting for the Motion: Mayor Petty, Councillors B Rogan, M Petrie, D Forbes, G Verri
- Voting against the Motion: Deputy Mayor Sauer, Councillors T Peters, J Macnish, B Petrie, B Murray
- Mayor used his casting vote to adopt the Motion.

Manager Planning & Development Services, Tamai Davidson, left the Meeting, the time being 11.45 am.

MAYORAL MINUTE

Nil

RECOMMENDATION FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

15/21

Resolved that the following items be considered in the Confidential Section of the meeting:

- Item COM4/21 – Rebel Radio Network – Outstanding Rent Payments
- Item COM5/21 – Leasing of Council Owned Property
- Item ECO1/21 - Tenterfield Council Industrial Estate – Proposed Sale of Lot 11
- Item ECO2/21 – Sale of Industrial Land/Tenterfield Industrial Park – Lots 14 & 15
- Item ECO3/21 – Purchase of Land for Future Operational Purposes
- Item ECO4/21 – Variation to Contract Number RFT 17-19/20
- Item ECO5/21 – Variation to Contract Number RFT 18-19/20
- Item GOV15/21 – Water Pricing Issues – Request from Local Business Operator
- Item GOV16/21 – Recruitment Agency Procurement for Chief Executive Recruitment

(Brian Murray/Gary Verri)

Motion Carried

Manager Property & Buildings, Heidi Ford, entered the Meeting, time being 11.55 am.

OUR COMMUNITY

(ITEM COM2/21) REQUEST TO RELOCATE THE BAND HALL TO LEECHS GULLY ROAD (FORMER LEECHS GULLY HALL SITE)

SUMMARY

The purpose of this report is to inform Council of a request from the Leeches Gully Progress Association to have the Band Hall relocated to the site of the old Leeches Gully Hall on Leeches Gully Road.

16/21 **Resolved** that Council:

- (1) Supports the gifting of the Band Hall to the Leeches Gully Progress Association subject to the association being responsible for:
 - (a) Ensuring the Band Hall can fit on the property by conducting an identification survey;
 - (b) Ensuring the Band Hall transfer meets heritage requirements;
 - (c) Paying for all costs associated with the relocation of the Band Hall;
 - (d) All upkeep and maintenance on the band hall once ownership is formally transferred to the association.
- (2) Allocates up to \$50,000 to the Leeches Gully Progress Association towards the costs associated with the items in (1) above.
- (3) Negotiates with the Leeches Gully Progress Association on the proposed relocation of the Band Hall.

(John Macnish/Bronwyn Petrie)

Motion Carried

(ITEM COM3/21) REQUEST FOR IN PRINCIPLE SUPPORT FOR A LEASE OF LAND AT FEDERATION PARK

SUMMARY

Tenterfield Bumblebees Rugby Union Club (TBRC) is in the process of applying for a grant to construct a new club house at Federation Park.

As a requirement of the grant application, TBRC is seeking 'In Principle' support from the Council for a long term lease over approximately 450 square meters of land on which to construct the complex.

17/21 **Resolved** that Council:

- (1) Provide 'In Principle' support to Tenterfield Bumblebees Rugby Union Club to apply for a grant to construct a new clubhouse at Federation Park; and
- (2) Provide 'In Principle' approval to issue a long term lease (in the order of 20 years) over a site on the western side of the oval and south of the existing building. The 'In Principle' approval is provided subject to the satisfactory

resolution of community consultation process, satisfactory site analysis, lease negotiation, management agreement negotiation and development approval process.

(Greg Sauer/Brian Murray)

Motion Carried

Manager Property & Buildings, Heidi Ford, left the Meeting, time being 12.14 pm.

(ITEM COM6/21) REGULATORY & OPEN SPACE - UPDATE FUND RAISING STALLS POLICY - NO. 1.060

SUMMARY

The purpose of this report is to provide the updated Fund Raising Stalls Policy for adoption by Council now the public exhibition period has ended.

18/21 **Resolved** that Council adopts the updated Fund Raising Stall Policy - No. 1.060 as attached.

(John Macnish/Bob Rogan)

Motion Carried

OUR ECONOMY

Nil

Manager Planning & Development Services, Tamai Davidson, entered the Meeting, the time being 12.17 pm.

OUR ENVIRONMENT

(ITEM ENV3/21) PLANNING PROPOSAL - LEP AMENDMENT SCHEDULE 5 - HERITAGE - HOUSEKEEPING AMENDMENT

SUMMARY

The purpose of this report is to seek Council's endorsement with respect to the submission of a Planning Proposal to the Department of Planning & Environment Gateway Panel for determination in relation to amendments to Tenterfield Local Environmental Plan 2013 (LEP). The amendment proposes making additions to Schedule 5 Heritage Items by the inclusion of the following;

- St John the Baptist Church including original movable fittings and lights - Liston
- Trenayr Farm Building Complex and Tobacco Barns – Mole River
- Pin Oak Trees, Town Entries: Clarence & Cowper Streets, Tenterfield
- House 'Tallula' – 92 Duncan Street, Tenterfield
- All Saints Church Torrington including Bell, Interior fabric and moveable items
- Willsons Downfall Cemetery, off Mount Lindesay Road, Willsons Downfall
- Survey Tree – intersection of Timbarra Road & Tablelands Road, Timbarra

19/21 **Resolved** that Council endorses the Planning Proposal contained in Attachment 10 (Attachment Booklet 3) and forwards it to the Department of Planning & Environment, requesting a Gateway Determination under the provisions of Section 3.33 of Division 3.4 of the *Environmental Planning & Assessment Act, 1979*.

(Michael Petrie/Tom Peters)

Motion Carried Unanimously

Recording of the Vote (Planning Issue)

- Voting for the Motion: Mayor Petty, Deputy Mayor Sauer, Councillors M Petrie, B Rogan, B Murray, G Verri, B Petrie, D Forbes, J Macnish, T Peters

(ITEM ENV4/21) DRAFT VILLAGE CONCEPT PLANS

SUMMARY

The purpose of this report is to present to Council Draft Concept Plans for the villages of Liston, Legume, Urbenville, Drake, Torrington, Mingoola and Jennings and seek a resolution to place the plans on public exhibition for a period of twenty eight (28) days. The Concept Plans are the result of part of the funding agreement for the Stronger Country Communities Fund – Round 2 – Vibrant and Connected (Project SCCF2-1069). A copy of the plans is provided at Attachments 11 to 17 (Attachment Booklet 4).

20/21 **Resolved** that Council:

- (1) Place the draft Village Concept Plans on public exhibition for a period of twenty eight (28) days; and
- (2) Adopt the Village Concept Plans if no submissions are received at the close of the exhibition period.

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM ENV5/21) 150 YEARS OF THE MUNICIPALITY OF TENTERFIELD - 22 NOVEMBER 2021

SUMMARY

22 November 2021 marks the 150th anniversary of the proclamation of the Municipality of Tenterfield. The 150th celebration is referred to as the Sesquicentennial and deserves acknowledgement and celebration. It is recommended that a Steering Committee be established to plan for appropriate celebrations of the Sesquicentennial.

RECOMMENDATION

That Council:

- (1) Establish a Steering Committee to make arrangements for celebration of the Sesquicentenary of the Municipality of Tenterfield;
- (2) Nominates members for the Committee; and

- (3) Dissolve the Committee two (2) weeks after all celebrations have concluded.

(Bronwyn Petrie/Bob Rogan)

AMENDMENT

Item (2) be amended to read:

- (2) (a) The Steering Committee Council delegates to be Mayor Peter Petty, Deputy Mayor Greg Sauer, Councillor Bronwyn Petrie, Councillor Michael Petrie and Councillor Bob Rogan.
- (b) The Steering Committee to also comprise members from Council's Heritage Advisory Committee, Centennial Cottage and Progress and Hall Committees be invited to participate.
- (c) The Steering Committee to meet one (1) hour prior to the scheduled Councillor Workshops with the initial meeting being two (2) hours prior, subject to any changes.

(Bronwyn Petrie/Bob Rogan)

Amendment Carried

21/21

Resolved that Council:

- (1) Establish a Steering Committee to make arrangements for celebration of the Sesquicentenary of the Municipality of Tenterfield;
- (2) (a) The Steering Committee Council delegates to be Mayor Peter Petty, Deputy Mayor Greg Sauer, Councillor Bronwyn Petrie, Councillor Michael Petrie and Councillor Bob Rogan.
- (b) The Steering Committee to also comprise members from Council's Heritage Advisory Committee, Centennial Cottage and Progress and Hall Committees be invited to participate.
- (c) The Steering Committee to meet one (1) hour prior to the scheduled Councillor Workshops with the initial meeting being two (2) hours prior, subject to any changes.
- (3) Dissolve the Committee two (2) weeks after all celebrations have concluded.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

Manager Planning & Development Services, Tamai Davidson, left the Meeting, the time being 12.38 pm.

(ITEM ENV6/21) APEX PARK BORE

SUMMARY

The purpose of this report is to provide Council with an update of the community consultation submissions received regarding Council Resolution 229/20.

RECOMMENDATION

That Council:

- (1) Adopt the new Water Charge of \$3.25 per KI for the Apex Park Bore for inclusion in Council's Fees & Charges for the 20/21 financial year, upon commissioning of the new water dispenser at Apex Park Bore.
- (2) Provide access to free non-potable water at Apex Park Bore in drought conditions.
- (3) Provide educational information for Apex Park Bore.
(Brian Murray/Michael Petrie)

AMENDMENT

Add to Item (2) – for livestock purposes only.

Add to Item (3) – and install a surveillance camera.

(Bronwyn Petrie/Bob Rogan)

Amendment Carried

22/21

Resolved that Council:

- (1) Adopt the new Water Charge of \$3.25 per KI for the Apex Park Bore for inclusion in Council's Fees & Charges for the 20/21 financial year, upon commissioning of the new water dispenser at Apex Park Bore.
- (2) Provide access to free non-potable water at Apex Park Bore in drought conditions for livestock purposes only.
- (3) Provide educational information and install a surveillance camera at Apex Park Bore.

(Brian Murray/Michael Petrie)

Motion Carried

SUSPENSION OF STANDING ORDERS

23/21

Resolved that Standing Orders be suspended.

(Donald Forbes/Michael Petrie)

Motion Carried

The Meeting adjourned for a tour of works in the Tenterfield Memorial Hall followed by lunch, the time being 12.51 pm.

The Meeting reconvened with the same members present, the time being 2.10 pm.

RESUMPTION OF STANDING ORDERS

24/21

Resolved that Standing Orders be resumed.

(Brian Murray/Donald Forbes)

Motion Carried

OUR GOVERNANCE

(ITEM GOV3/21) MONTHLY OPERATIONAL REPORT - DECEMBER 2020/JANUARY 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.

25/21 **Resolved** that Council receives and notes the status of the Monthly Operational Report for December 2020/January 2021.

(Greg Sauer/John Macnish)

Motion Carried

(ITEM GOV4/21) MURRAY DARLING ASSOCIATION INC - 77TH NATIONAL CONFERENCE & ANNUAL GENERAL MEETING - WENTWORTH NSW - 16 TO 19 MAY 2021

SUMMARY

The purpose of this report is for Council to endorse and approve the attendance of Council delegates on the Murray Darling Association Inc to attend the 77th National Conference and Annual General Meeting at Wentworth on 16 to 19 May 2021.

RECOMMENDATION

That Council approve the attendance of Council's Murray Darling Association Inc delegates, Mayor Peter Petty and Region 11 Executive Member, Deputy Mayor Greg Sauer at the 77th National Conference & Annual General Meeting at Wentworth, 16 to 19 May 2021.

(Greg Sauer/Bronwyn Petrie)

AMENDMENT

That only one (1) delegate attend the National Conference at Wentworth.

(Donald Forbes/Bob Rogan)

Amendment Carried

26/21 **Resolved** that Council approve the attendance of one (1) of Council's Murray Darling Association Inc delegates, either Mayor Peter Petty or Region 11 Executive Member, Deputy Mayor Greg Sauer at the 77th National Conference & Annual General Meeting at Wentworth, 16 to 19 May 2021.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

(ITEM GOV5/21) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2021

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 2021 in Canberra, 20-23 June 2021 and to call for submission of Motions.

27/21 **Resolved** that Council:

- (1) Approve the attendance of the incumbent Chief Executive and Mayor Peter Petty at the National General Assembly of Local Government 2021 and Regional Forum 2021 to be held in Canberra, 20 to 23 June 2021; and
- (2) Prepare and consider motions for debate – submission date being 11.59 pm, Friday 26 March 2021.

(Greg Sauer/Michael Petrie)

Motion Carried

(ITEM GOV6/21) NEW POLICY - WORKPLACE SURVEILLANCE

SUMMARY

The purpose of this report is for Council to adopt a new Workplace Surveillance Policy so as to ensure compliance with the requirements of the Workplace Surveillance Act 2005.

28/21

Resolved that Council adopts the Draft Workplace Surveillance Policy.

(Bob Rogan/Donald Forbes)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, entered the Meeting, the time being 2.19 pm.

(ITEM GOV7/21) CUSTOMER SERVICE, GOVERNANCE & RECORDS - UPDATE OF POLICIES

SUMMARY

The purpose of this report is to update the listed policies aligned with Customer Service, Governance and Records.

29/21

Resolved that Council adopt the following policies:

- Citizen and Customer Service Policy 1.035
- Complaints and Unreasonable Conduct Policy 1.033
- Exclusion for Disruptive or Abusive Citizens and Customers Policy 1.052
- Competitive Neutrality Complaints Policy 1.032

(Michael Petrie/Bronwyn Petrie)

Motion Carried

Manager Customer Service, Governance & Records, Erika Bursford, left the Meeting, the time being 2.23 pm.

Corporate Administration Officer, Jodie Condrick, entered the Meeting, the time being 2.23 pm.

(ITEM GOV8/21) REGULATORY & OPEN SPACE - FUNERARY AND MONUMENT/MASONRY SERVICES POLICY - DRAFT NEW POLICY

SUMMARY

The purpose of this report is to present to Council a new draft Funerary and Monument/Masonry Services Policy for placement on public exhibition and adoption if no submissions are received.

30/21

Resolved that Council:

- (1) Place the Draft Funerary and Monument/Masonry Services Policy -3.060 and Council's Corporate Induction Handbook for Funerary and Monument Mason Providers on public exhibition for 14 days; and
- (2) Adopt the Draft Funerary and Monument/Masonry Services Policy -3.060 and Council's Corporate Induction Handbook for Funerary and Monument Mason Providers if no comments are received through the public exhibition period.

(Gary Verri/Donald Forbes)

Motion Carried

(ITEM GOV9/21) LOCAL ORDERS FOR THE KEEPING OF ANIMALS IN URBAN AREAS OF TENTERFIELD SHIRE POLICY - 3.120 - REVIEW OF SUBMISSIONS

SUMMARY

The purpose of this report is to provide Council with a submission received by a member of the public raising an objection to the proposed changes and some additional amendments for consideration, and to adopt the Policy 3.120 - Local Orders for Keeping of Animals in Urban Areas of Tenterfield Shire.

RECOMMENDATION

That Council:

- (1) Notes the receipt of the attached submission; and
- (2) Adopts the Local Orders for Keeping of Animals in Urban Areas of Tenterfield Shire Policy 3.120 as per Attachment 26 (Attachment Booklet 7).

(Michael Petrie/Brian Murray)

AMENDMENT

That this matter lay on the table to the March 2021 Meeting and be resubmitted including suggested amendments.

(Gary Verri/Bronwyn Petrie)

Amendment Carried

31/21

Resolved that the Local Orders for Keeping of Animals in Urban Areas of Tenterfield Shire Policy 3.120 lay on the table to the March 2021 Meeting and be resubmitted including suggested amendments.

(Michael Petrie/Brian Murray)

Motion Carried

Corporate Administration Officer, Jodie Condrick, left the Meeting, the time being 2.40 pm.

Acting Manager Finance & Technology, Jessica Wild, entered the Meeting, the time being 2.40 pm.

(ITEM GOV10/21) QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2020

SUMMARY

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

32/21 **Resolved** that Council adopts the December 2020 Quarterly Budget Review Statement noting that the previous recommendations from the September Quarterly Budget Review still stand notwithstanding that there has been an increase to the projected deficit that is outside of Council's control.

(Gary Verri/Brian Murray)

Motion Carried

(ITEM GOV11/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 DECEMBER 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.

33/21 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 December 2020.

(Michael Petrie/Gary Verri)

Motion Carried

(ITEM GOV12/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 JANUARY 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.

34/21 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 January 2021.

(Gary Verri/Bob Rogan)

Motion Carried

(ITEM GOV13/21) CAPITAL EXPENDITURE REPORT AS AT 31 JANUARY 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.

35/21

Resolved that Council receive and note the Capital Expenditure Report for the period ended 31 January 2021.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

(ITEM GOV14/21) REPORT ON LOAN BALANCES

SUMMARY

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

36/21

Resolved that Council notes the loan balance as at 31 December 2020 was \$9,987,515.76 (\$10,207,684.52 as at 30 September 2020).

(Michael Petrie/Gary Verri)

Motion Carried

Acting Manager Finance & Technology, Jessica Wild, left the Meeting, the time being 2.57 pm.

Manager Economic Development & Community Engagement, Harry Bolton, entered the Meeting, the time being 2.58 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC1/21) REPORTS OF COMMITTEES & DELEGATES - SIR HENRY PARKES MEMORIAL SCHOOL OF ARTS JOINT MANAGEMENT COMMITTEE - THURSDAY, 15 OCTOBER 2020

SUMMARY

A Meeting of the Sir Henry Parkes Memorial School Of Arts Joint Management Committee was held on Thursday, 15 October 2020.

37/21

Resolved that the report of the Sir Henry Parkes Memorial School of Arts Joint Management Committee of 15 October 2020 be received and noted.

(Greg Sauer/Bronwyn Petrie)

Motion Carried

(ITEM RC2/21) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE MEETING - 9 DECEMBER 2020

SUMMARY

A Meeting of the Audit & Risk Committee was held on Wednesday, 9 December 2020.

- 38/21** **Resolved** that the report of the Audit & Risk Committee of Wednesday, 9 December 2020 be received and noted.

(Peter Petty/Donald Forbes)

Motion Carried

Mayor Peter Petty left the Meeting, the time being 3.06 pm.

Mayor Peter Petty returned to the Meeting, the time being 3.08 pm.

During the Mayor's absence, Deputy Mayor Greg Sauer assumed the Chair.

(ITEM RC3/21) REPORTS OF COMMITTEES & DELEGATES - MEETING OF PARKS, GARDENS & OPEN SPACES ADVISORY COMMITTEE - 17 DECEMBER 2020

SUMMARY

A Meeting of the Parks, Gardens & Open Spaces Advisory Committee was held on Thursday, 17 December 2020.

- 39/21** **Resolved** that the report of the Parks and Gardens Committee meeting of 17 December 2020 be received and noted.

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM RC4/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC

SUMMARY

MDA's Basin Communities Leadership Program information provided for the information of Council.

- 40/21** **Resolved** that Council receive and note the MDA's Basin Communities Leadership Program information.

(Greg Sauer/Michael Petrie)

Motion Carried

Cr Brian Murray left the Meeting, the time being 3.15 pm.

Cr Brian Murray returned to the Meeting, the time being 3.17 pm.

(ITEM RC5/21) REPORTS OF COMMITTEES & DELEGATES - ARTS NORTH WEST - ANNUAL CONTRIBUTION 2021/2022

SUMMARY

Arts North West Annual Contribution provided for the information of Council.

- 41/21** **Resolved** that Council:

(1) Receive and note the report from Arts North West; and

(2) Note payment of \$4,991.32 contribution to Arts North West for the 2021/2022 financial year.

(Gary Verri/Tom Peters)

Motion Carried

NOTICES OF MOTION

Nil

RESOLUTION REGISTER

(ITEM RES1/21) COUNCIL RESOLUTION REGISTER - FEBRUARY 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.

42/21

Resolved that Council notes the status of the Council Resolution Register to February 2021.

(Brian Murray/Greg Sauer)

Motion Carried

SUSPENSION OF STANDING ORDERS - CONFIDENTIAL BUSINESS

43/21

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.

(Brian Murray/Greg Sauer)

Motion Carried

The recording device was turned off and the meeting moved into Closed Committee, the time being 3.19 pm.

(ITEM COM4/21) REBEL RADIO NETWORK OUTSTANDING RENT PAYMENTS

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 this report is to gain direction on dealing with multiple issues that have eventuated as a result of the expiration of a sharing agreement with Rebel Radio Network.

44/21 Resolved that Council:

- (1) Does not support the sharing with Rebel of the Council owned array used by Tenterfield & District Community FM Radio Association Inc (Ten FM) under the existing lease and funding agreement.
- (2) Take reasonable (legally and financially responsible) action to seek to recover the rental debt in arrears for the 4 year period 16 March 2016 to 15 March 2020 and issue an invoice for the current year 16 March 2020 to 15 March 2021, as Council has continued to provide services under the expired contract. Council staff negotiate a new agreement with Rebel on commercially sound terms subsequent to the payment of all invoiced rent, subject to future Council approval.

(Tom Peters/Bronwyn Petrie)

Motion Carried

(ITEM COM5/21) LEASING OF COUNCIL OWNED PROPERTY

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 the report is to advise Council of a property classified as Operational Land which is available for lease due to the expiry of an existing 2 year lease on 28 February 2021.

45/21 Resolved that Council:

- (1) Advertise 8933 New England Highway, Tenterfield (Lot 2 DP 1037068) for rent via an 'Expression of Interest' process;
- (2) Delegate authority to the Chief Executive to enter into a 5 year lease over 8933 New England Highway, Tenterfield subject to the summarised terms and conditions included in the report; and

- (3) Authorise the lease to be signed under the Seal of Council by the Mayor and the Chief Executive.

(Bob Rogan/Brian Murray)

Motion Carried

(ITEM ECO1/21) TENTERFIELD COUNCIL INDUSTRIAL ESTATE - PROPOSED SALE OF LOT 11

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) 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.

SUMMARY

The purpose of this confidential report is to advise Council of current negotiations for LOT 11 of the Tenterfield Industrial Park.

46/21

Resolved that Council agree to proceed with the sale of Lot 11 of the Tenterfield Industrial Park as stated in the report.

(John Macnish/Donald Forbes)

Motion Carried

(ITEM ECO2/21) SALE OF INDUSTRIAL LAND/TENTERFIELD INDUSTRIAL PARK - LOTS 14 & 15

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 advise Council of current negotiations on Lots 14 and 15 of the Tenterfield Industrial Estate, involving four (4) separate parties.

47/21

Resolved that Council re-open negotiations with all interested parties and request they submit final offers to purchase Lots 14 and 15 of the Tenterfield Industrial Estate with the highest unrestricted offer to be deemed successful.

(Bronwyn Petrie/Gary Verri)

Motion Carried

(ITEM ECO3/21) PURCHASE OF LAND FOR FUTURE OPERATIONAL PURPOSES

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) 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.

SUMMARY

The purpose of this report is to seek Council approval to negotiate for, and purchase, Lot 2 in DP 1167482 in Manners Street, Tenterfield.

48/21

Resolved that Council agree to delegate the Acting Chief Executive authority to negotiate for the acquisition of Lot 2 DP 1167482.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

(ITEM ECO4/21) VARIATION TO CONTRACT NUMBER RFT 17-19/20

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 provide Council with a recommendation to support the effective and efficient delivery of its bridge replacement program within current funding timeframes.

49/21

Resolved that Council delegate the Chief Executive Authority to negotiate with the Contractor, a Contract Variation to RFT 17-19/20 to the value outlined in this report.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM ECO5/21) VARIATION TO CONTRACT NUMBER RFT 18-19/20

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 provide Council with a recommendation to support the effective and efficient delivery of its bridge replacement program within funding timeframes.

50/21

Resolved that Council delegate the Chief Executive Authority to negotiate with the contractor a contract variation to RFT 18-19/20 to the value outlined in this report.

(Gary Verri/Bronwyn Petrie)

Motion Carried

(ITEM GOV15/21) WATER PRICING ISSUES - REQUEST FROM LOCAL BUSINESS OPERATOR

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 of this report is to inform Council of issues in relation to high Water Consumption Fees and Sewage Charges for a local business (as identified in the report).

51/21

Resolved that Council:

- (1) Notes the concerns expressed by the business owner as outlined in the report.
- (2) Does not provide financial relief to business identified in the report by way of only charging them at Tier 1 pricing for the second billing period of 2020/2021 as per their request.
- (3) Does not change the Sewage Discharge Factor for this financial year for the business identified in the report but that consideration be given to changing the Sewage Discharge Factor for the 2021/22 financial year subject to a separate policy on this matter being prepared prior to adopting the 2021/2022 Operational Plan and Budget on receipt of an application from the business after the release of that policy.
- (4) Considers the pricing model for both residential and business water consumption fees from 2021/2022 as part of the development of the 2021/2022 Operational Plan and Budget.

(Michael Petrie/Brian Murray)

Motion Carried

(ITEM GOV16/21) RECRUITMENT AGENCY PROCUREMENT FOR CE RECRUITMENT

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 commence recruitment and selection of a Chief Executive to fill the current senior staff vacancy.

52/21 **Resolved** that Council appoint Recruitment Agency Blackadder Associates Pty Ltd to facilitate recruitment of a Chief Executive for Tenterfield Shire Council from the proposals received.
(John Macnish/Bronwyn Petrie)

Motion Carried

RESUMPTION OF STANDING ORDERS

53/21 **Resolved** that Standing Orders be resumed.
(Greg Sauer/Gary Verri)

Motion Carried

The meeting moved out of Closed Committee and the recording device was turned on, the time being 4.38 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

There being no further business the Mayor declared the meeting closed at 4.45 pm.

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Councillor Peter Petty
Mayor/Chairperson