

UNCONFIRMED



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MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 28 APRIL 2021

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear of Memorial Hall, Tenterfield on Wednesday, 28 April 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)
Web Assistant & Admin (Christie Fitzpatrick)
Acting Chief Corporate Officer (Paul Della)
Director Infrastructure (Fiona Keneally)

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.

Advice received from Cr Don Forbes that he would be a late attendance.

DISCLOSURE & DECLARATIONS OF INTEREST

79/21 **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
Mayor Peter Petty	Less than Significant Non Pecuniary – Family member lives on Roos Road. Will remain in meeting and vote.	ECO9/21 – Road Asset Management Plan 2021.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM MIN3/21) CONFIRMATION OF PREVIOUS MINUTES

80/21 **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 24 March 2021

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

(Brian Murray/Michael Petrie)

Motion Carried

TABLING OF DOCUMENTS

- Councillor Brian Murray –Item GOV32/21 refers – Investigation Report – Alleged Breaches of Tenterfield Shire Council Code of Conduct By Councillor Brian Murray.

Tabled *Notice to Delay* document which was accepted and read to the meeting by Chair, Mayor Peter Petty.

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Nil

MAYORAL MINUTE

Nil

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM9/21) TENTERFIELD WAR MEMORIAL BATHS - MASTER PLAN PUBLIC EXHIBITION

SUMMARY

The purpose of this report is to present the submissions received from community as a result of the Public Exhibition of the Draft Tenterfield War Memorial Baths Master Plan.

81/21 **Resolved** that Council:

- (1) Notes the submissions that were received;

- (2) Defers any decision on the Master Plan for the Tenterfield War Memorial Baths until further investigation of alternative, more affordable options are completed.

(Gary Verri/Brian Murray)

Motion Carried

Manager Asset & Program Planning, Dave Counsell, entered the Meeting, the time being 9.35 am.

(ITEM COM10/21) TENTERFIELD BIKE PLAN REVIEW

SUMMARY

The purpose of this report is to present Council with an update of the Tenterfield Bike Plan following public display for submissions.

82/21

Resolved that Council:

- (1) Note the submissions to the Tenterfield Bike Plan as detailed in the report; and
- (2) Adopt the Tenterfield Bike Plan November 2020.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

(ITEM COM11/21) PEDESTRIAN ACCESS MOBILITY PLAN REVIEW

SUMMARY

The purpose of this report is to present a review of the Tenterfield Pedestrian Access and Mobility Plan.

83/21

Resolved that Council adopt the revised Tenterfield Pedestrian Access and Mobility Plan – (2020) with the following inclusions relating to villages;

- Drake village – Renew existing pathway along Bruxner Highway between Allison Street and Plumbago Creek bridge;
- Drake village – Construct new pathway along Bruxner Highway between Plumbago Creek bridge and Timbarra Street;
- Urbenville village – Renew existing pathway along Beaury Street between Urben Street and Boomi Street;
- Urbenville village – Construct new pathway along Urben Street between Beaury Street and Tooloom Street;
- Liston village – construct pathway along Mt Lindesay Road.

(Brian Murray/Gary Verri)

Motion Carried

OUR ECONOMY

(ITEM ECO9/21) ROAD ASSET MANAGEMENT PLAN 2021

SUMMARY

This report presents a revision of the Road Asset Management Plan.

84/21

Resolved that Council:

- (1) Note the submissions relating to the Road Asset Management Plan August 2020; and
- (2) Place the revised Road Asset Management Plan April 2021 on Council's website for 28 days seeking public submissions; and
- (3) Receive a report following the 28 day submission period to consider any further submissions; and if no submissions are received, that Council adopt the Road Asset Management Plan April 2021.

(Greg Sauer/Michael Petrie)

Motion Carried

(ITEM ECO10/21) TIMBER BRIDGES LOAD LIMITS REVIEW

SUMMARY

This report relates to timber bridge load limits and reviews the status of restrictions implemented as an interim strategy to minimise the risk of timber bridge failure until Council was able to upgrade the structures to meet current standards.

85/21

Resolved that Council:

- (1) Note the report reviewing the status of timber bridge load limits; and
- (2) Agree to the removal of any remaining speed humps on bridge approaches; and
- (3) Seek the advice of the Local Traffic Committee to review regulatory speed restrictions on bridges for replacement with appropriate advisory speeds on selected remaining timber bridges where necessary; and
- (4) Defer further level 3 testing until completion of the currently funded timber bridge replacements program.

(Greg Sauer/Tom Peters)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV7/21) MOLESWORTH STREET DRAINAGE EASEMENT

SUMMARY

This report relates to the construction of a storm water drainage system through private property out into Molesworth Street. It is necessary that Council obtain an easement over the area of land that includes the storm water pipe.

RECOMMENDATION:

That Council:

- (1) Note the proposed storm water easement amendment; and
- (2) Agree to the proposed storm water easement and payment of any compensation of the affected lands; and
- (3) Fund associated easement survey plan amendments and reasonable legal costs involved in obtaining the easement; and
- (4) Delegate the Chief Executive to negotiate any compensation amount once an independent valuation has been undertaken and execute any associated documents to finalise the easement.

(Brian Murray/Michael Petrie)

AMENDMENT

That the matter be deferred until the roles and responsibilities are determined in relation to stormwater discharge onto Lots 1 and 13.

(Brownyn Petrie/Bob Rogan)

Amendment Carried

86/21

Resolved that the matter of the Molesworth Street Draining Easement be deferred until the roles and responsibilities are determined in relation to stormwater discharge onto Lots 1 and 13.

(Brian Murray/Michael Petrie)

Motion Carried

Councillor Don Forbes entered the meeting, the time being 10.43 am.

SUSPENSION OF STANDING ORDERS

87/21

Resolved that Standing Orders be suspended.

(Gary Verri/Greg Sauer)

Motion Carried

The Meeting adjourned for Morning Tea, the time being 10.44 am.

The Meeting reconvened with the same members present but without Manager Asset & Program Planning, Dave Counsell, the time being 11.00 am.

RESUMPTION OF STANDING ORDERS

88/21 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Gary Verri)

Motion Carried

OUR GOVERNANCE

(ITEM GOV29/21) MONTHLY OPERATIONAL REPORT - MARCH 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.

89/21 **Resolved** that Council receives and notes the status of the Monthly Operational Report for March 2021.

(Michael Petrie/Bob Rogan)

Motion Carried

(ITEM GOV30/21) FORBES SHIRE COUNCIL - 150 YEAR CELEBRATION

SUMMARY

The purpose of this report is for Council to endorse attendance of Mayor Peter Petty at Forbes Shire Council's 150 Year Celebrations on Saturday, 8 May 2021.

90/21 **Resolved** that Council endorse the attendance of Mayor Peter Petty at Forbes Shire Council's 150 Year Celebrations on Saturday, 8 May 2021.

(Greg Sauer/Gary Verri)

Motion Carried

(ITEM GOV35/21) SOUTHERN QLD INLAND & NSW BORDER REGIONAL WATER ALLIANCE - TENTERFIELD SHIRE COUNCIL MEMBERSHIP

SUMMARY

The Southern Queensland Inland & NSW Border Regional Water Alliance has recently been formed comprising the Mayors of the proposed member Councils of Western Downs Regional Council (Qld), Southern Downs Regional Council (Qld), Goondiwindi Regional Council (Qld), Lockyer Valley Regional Council (Qld), Toowoomba Regional Council (Qld) and Tenterfield Shire Council (NSW).

91/21 **Resolved** that Council endorse in principle:

- (1) Tenterfield Shire Council as a member of Southern Qld Inland & NSW Border Regional Water Alliance Limited subject to approval of the Constitution of the Company; and
- (2) Tenterfield Shire Council Mayor as a Director of Southern Qld Inland & NSW Border Regional Water Alliance Limited.

(Gary Verri/Michael Petrie)

Motion Carried

Manager Customer Service, Governance & Records Erika Bursford and Acting Manager Finance & Technology Jessica Wild entered the meeting, the time being 11.26 am.

(ITEM GOV31/21) OPERATIONAL PLAN 2021/2022

SUMMARY

The purpose of this report is for Council to place on public exhibition the draft Tenterfield Shire Council Operational Plan 2021/2022, from 28 April 2021 to 25 May 2021.

92/21 **Resolved** that Council:

- (1) Place the draft Tenterfield Shire Council Operational Plan 2021/2022 on public exhibition on Council's website for 28 days for community review and comment, and
- (2) That a further report be brought back to Council for adoption of the Tenterfield Shire Operational Plan 2021/2022.

(Gary Verri/Brian Murray)

Motion Carried

Acting Manager Finance & Technology Jessica Wild left the meeting, the time being 11.34 am.

(ITEM GOV32/21) INVESTIGATION REPORT - ALLEGED BREACHES OF TENTERFIELD SHIRE COUNCIL CODE OF CONDUCT BY COUNCILLOR BRIAN MURRAY

SUMMARY

The purpose of this report is to present an independent Code of Conduct investigation outcomes and recommendations from O'Connor Marsden & Associates (OCM) to Council related to allegations of breaches of Council's Code of Conduct by Councillor Brian Murray in the course of Council meetings on 24 June 2020 and 2 July 2020, and complaints up to 6 July 2020.

93/21 **Resolved** that Council:

- (1) Censures Councillor Brian Murray for misconduct under Section 440(G) of the NSW Local Government Act 1993, for five breaches of Tenterfield Shire Council's Code of Conduct.
- (2) Publicly publishes the findings and determinations of the Code of Conduct investigation report in the minutes of the meeting of 28 April 2021, being:

- 2.1 At the Ordinary Meeting of Tenterfield Shire Council on 24 June 2020, Councillor Brian Murray breached clause 3.6 of the Tenterfield Shire Council Code of Conduct 2018 by harassing Mr [REDACTED] through making offensive and humiliating statements against Mr [REDACTED] and the Angry Bull Mountain Bike Trails Project, such statements being 'it's 'bull', that the Angry Bull Mountain Bike Trails Project is a 'sham' or a 'scam' and by falsely stating that an approach by the Angry Bull Mountain Bike Trails Project had been made, or would be made, to Tenterfield Shire Council for a free block of land within the industrial estate.
- 2.2 At the Extra-Ordinary Meeting of Tenterfield Shire Council on 2 July 2020, Councillor Brian Murray breached clause 3.6 of the Tenterfield Shire Council Code of Conduct 2018 by harassing Mr [REDACTED] through making an offensive and humiliating statement against Mr [REDACTED], such statement being that the Angry Bull Mountain Bike Trails Project was either 'hunky dory' or 'hokey dokey', thereby insinuating that an inappropriate meeting had taken place with Council staff through which a 'deal' had been brokered.
- 2.3 That between 24 June 2020 and 6 July 2020, Councillor Brian Murray breached clauses 3.1 and 3.2 of the Tenterfield Shire Council Code of Conduct by making a false complaint of a breach of Council's Code of Conduct by Councillor [REDACTED] to Council's Chief Executive Officer, Mr Terry Dodds.
- 2.4 That between 24 June 2020 and 6 July 2020, Councillor Brian Murray breached clauses 3.1(b) and 3.1(c) of the Tenterfield Shire Council Code of Conduct by providing confidential information obtained in his position as a Councillor on the Tenterfield Shire Council to Mr [REDACTED], a member of the public, contrary to clauses 8.9(d), 8.11(d) and 8.11(g) of the Tenterfield Shire Council Code of Conduct.
- 2.5 That on 20 August 2020, Councillor Brian Murray breached clauses 3.1(a), 3.1(c) and 3.2 of the Tenterfield Shire Council Code of Conduct by dishonestly misleading OCM Principal, Mr Stephen Osborne, during an interview concerning a complaint made by Councillor Murray to Tenterfield Shire Council Chief Executive Officer Terry Dodds regarding Councillor [REDACTED].

(Gary Verri/Greg Sauer)

Motion Carried

Manager Customer Service, Governance & Records Erika Bursford left the meeting, the time being 11.43 am.

Acting Manager Finance & Technology Jessica Wild entered the meeting, the time being 11.43 am.

(ITEM GOV33/21) FINANCE & ACCOUNTS - PERIOD ENDED 31 MARCH 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.

94/21 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 March 2021.

(John Macnish/Bronwyn Petrie)

Motion Carried

(ITEM GOV34/21) CAPITAL EXPENDITURE REPORT AS AT 31 MARCH 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.

95/21 **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 March 2021.

(Greg Sauer/Donald Forbes)

Motion Carried

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC10/21) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE MEETING - 10 MARCH 2021

SUMMARY

A meeting of the Audit & Risk Committee was held on Wednesday, 10 March 2021.

96/21 **Resolved** that the report from the Internal Audit Committee meeting of 10 March 2021 be received and noted.

(Don Forbes/Michael Petrie)

Motion Carried

(ITEM RC11/21) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 8 APRIL 2021

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee Meeting was held on Thursday, 8 April 2021.

97/21 **Resolved** that the report of the Tenterfield Shire Local Traffic Committee meeting of Thursday, 8 April 2021 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM RC12/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC

SUMMARY

A meeting of Murray Darling Association (Region 11) was held on Friday, 12 February 2021.

98/21 **Resolved** that Council receive and note the Minutes for the Murray Darling Association (Region 11) meeting of 12 February 2021 and Delegates Report for the Murray Darling Association Inc for March 2021.

(Greg Sauer/Michael Petrie)

Motion Carried

NOTICES OF MOTION

Nil

RESOLUTION REGISTER

(ITEM RES3/21) COUNCIL RESOLUTION REGISTER - APRIL 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.

99/21 **Resolved** that Council notes the status of the Council Resolution Register to April 2021.

(Michael Petrie/Bob Rogan)

Motion Carried

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 12.17 pm.

.....
Councillor Peter Petty
Mayor/Chairperson