



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

**BUSINESS PAPER
EXTRAORDINARY COUNCIL
MEETING
THURSDAY, 2 JULY 2020**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 2.3 of Council's Code of Meeting Practice that an **Extraordinary Council Meeting** will be held via Zoom, on **Thursday 2 July 2020** commencing at **9.00 am**.

Terry Dodds
Chief Executive

COMMUNITY CONSULTATION – PUBLIC ACCESS

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Business of the Meeting
6. Meeting Close

# AGENDA

## 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.*

## 1. OPENING & WELCOME

### 2. (A) OPENING 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."*

### (B) ACKNOWLEDGEMENT OF COUNTRY

*"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."*

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. BUSINESS OF THE MEETING

(ITEM NM3/20) NOTICE OF RESCISSION MOTION - ITEM GOV38/20 OF ORDINARY COUNCIL MEETING - 24 JUNE 2020 .....5

(ITEM NM4/20) NOTICE OF RESCISSION MOTION - ITEM COM15/20 OF ORDINARY COUNCIL MEETING - 24 JUNE 2020 .....8

## 6. MEETING CLOSED

|                      |                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                          |
| <b>Submitted by:</b> | <b>Councillor Brian Murray</b>                                                                |
| <b>Reference:</b>    | <b>ITEM NM3/20</b>                                                                            |
| <b>Subject:</b>      | <b>NOTICE OF RESCISSION MOTION - ITEM GOV38/20 OF ORDINARY COUNCIL MEETING - 24 JUNE 2020</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                             |                                                                                                                                                                           |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.          |
| <b>CSP Strategy:</b>        | Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region. |
| <b>CSP Delivery Program</b> | Provide sound and inclusive decisions using the Community Engagement Strategy to guide our interactions.                                                                  |

#### **SUMMARY**

A Notice of Rescission Motion was received on Monday, 29 June 2020 from Councillor Brian Murray.

#### **RECOMMENDATION:**

##### **That Council:**

- (1) Move the rescission of Council Motion 116/20 – Item (18) (a) and (b) resolved at the Ordinary Council Meeting of 24 June 2020.**

##### ***Motion 116/20***

***(18) (a) Include the exhibited budget consideration of \$25,000 in the 2020/2021 Operational Plan to be allocated for a Business Case for the Angry Bull Mountain Bike Proposal to be conducted through Regional Development Australia. The project funding will be subject to the execution of a Local Government funding agreement; and***

***(b) On the successful completion of Item (18) (a), a report comes back to Council for consideration of the allocation of an additional \$30,000 for a Feasibility Study, including trail mapping. This allocation of funds and the arrangements described above be subject to a mutual agreement between Angry Bull Mountain Bike Trails and Tenterfield Shire Council.***

- (2) Following rescission of Item (18) (a) and (b) of Council Motion 116/20, Council move that Item (18) be deleted from the Operational Plan Budget 2020/2021.**

#### **BACKGROUND**

Councillor Murray foreshadowed a rescission motion of Item 18 (a) and (b) following the vote at the Ordinary Council Meeting.

Notice of Motion No. 3 Cont...

**REPORT:**

Notice of Rescission Motion received 29 June 2020 signed by three (3) Councillors as required by Council's Code of Meeting Practice, Section 17.6 is attached to this report.

**COUNCIL IMPLICATIONS:**

**1. Community Engagement / Communication (per engagement strategy)**

Nil.

**2. Policy and Regulation**

- Council's Code of Meeting Practice

**3. Financial (Annual Budget & LTFP)**

Reallocation of \$25,000 as per the exhibited budget required recommendation adopted

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Terry Dodds**  
Chief Executive

Prepared by Councillor:

Brian Murray

Approved/Reviewed by Manager:

Terry Dodds, Chief Executive

Department:

Office of the Chief Executive

Attachments:

**1** Notice of Rescission of Motion 1 Page

**NOTICE OF RESCISSION OF MOTION**

I, Councillor Shirin Mulla wish to move the rescission of Council Motion

**116/20 - Item (18) (a) and (b) only** at the Ordinary Council Meeting, 24 June 2020.

*Council Motion*

- (18) (a) Include the exhibited budget consideration of \$25,000 in the 2020/2021 Operational Plan to be allocated for a Business Case for the Angry Bull Mountain Bike Proposal to be conducted through Regional Development Australia. The project funding will be subject to the execution of a Local Government funding agreement; and
- (b) On the successful completion of item 18 (a), a report comes back to Council for consideration of the allocation of an additional \$30,000 for a Feasibility Study, including trail mapping. This allocation of funds and the arrangements described above be subject to a mutual agreement between Angry Bull Mountain Bike Trails and Tenterfield Shire Council.

I then intend to move the following replacement motion:

DELETE FROM GOV 38/20. OPERATIONAL  
PLAN, ITEM 18







Council's Code of Meeting Practice, Section 17.6 (which reflects Section 372(4) of the Local Government Act, requires that a notice to alter or rescind a resolution must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed.



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|----------------------|-----------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                          |
| <b>Submitted by:</b> | <b>Councillor Gary Verri</b>                                                                  |
| <b>Reference:</b>    | <b>ITEM NM4/20</b>                                                                            |
| <b>Subject:</b>      | <b>NOTICE OF RESCISSION MOTION - ITEM COM15/20 OF ORDINARY COUNCIL MEETING - 24 JUNE 2020</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                             |                                                                                                                                                            |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Community</b> - COMM 1 - Tenterfield Shire is a vibrant, welcoming and safe community.                                                                  |
| <b>CSP Strategy:</b>        | Provide informative, vibrant and welcoming town entrances, centres and streets with places to meet that creatively reflect the diversity of our townships. |
| <b>CSP Delivery Program</b> | Identify and partner with local residents in the development and delivery of town and village beatification initiatives.                                   |

#### **SUMMARY**

A Notice of Rescission Motion was received on Monday, 29 June 2020 from Councillor Gary Verri.

#### **RECOMMENDATION:**

##### **That Council:**

- (1) Move the rescission of Council Motion 99/20 – Item (2) resolved at the Ordinary Council Meeting of 24 June 2020.**

##### ***Motion 99/20***

- (2) *Reallocates the amount of \$100,000 to the Economic & Social Resilience Project, with this funding to supplement the shortfall from the previous grant for the heritage painting of the Tenterfield Post Office.***
- (2) *Following rescission of Item (2) of Council Motion 99/20, Council move that the \$100,000 be reallocated to the construction of a new playground and upgrade of the Jennings Park and/or Willsons Downfall Cemetery.***

#### **BACKGROUND**

Councillor Verri advised on Friday, 26 June 2020 that he would be submitting a rescission motion regarding Item (2) of Council Resolution 99/20 from the Ordinary Council Meeting of 24 June 2020.

#### **REPORT:**

Notice of Rescission Motion received 29 June 2020 signed by three (3) Councillors as required by Council's Code of Meeting Practice, Section 17.6 is attached to this report.

#### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Nil.

Notice of Motion No. 4 Cont...

**2. Policy and Regulation**

- Council's Code of Meeting Practice

**3. Financial (Annual Budget & LTFP)**

Reallocation of \$100,000 from the Drought Communities Programme Extension Fund required if recommendation adopted.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Terry Dodds**  
**Chief Executive**

Prepared by Councilor:

Gary Verri

Approved/Reviewed by Manager:

Terry Dodds, Chief Executive

Department:

Office of the Chief Executive

Attachments:

**1** Notice of Rescission of Motion 1 Page

