

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 22 NOVEMBER, 2017, COMMENCING AT 3 PM.

**PRESENT:** Cr P J Harmon (Mayor) [Chairperson], A A Michael, C M Dight, P A King, J N McCosker, S J Berryman, J A Watts and M J Peters.

The General Manager (Paul Henry), Director Civil & Environmental Services (Brett McInnes) and Sharon Stafford (Executive Assistant).

**SECTION A**

**APOLOGIES                      S13.6.9/10**

The General Manager advised that Cr Baker tendered her apology and sought leave of absence for business reasons.

***119/17 RESOLVED** (Berryman/King) that the apology from Cr Baker due to her absence for business reasons be accepted, and that leave of absence be granted.*

**CONFIRMATION OF MINUTES                      S13.5.2/10**

***120/17 RESOLVED** (Michael/Dight) that the Minutes of the Ordinary Meeting of Council held on 25 October, 2017, as circulated to members, be confirmed as a true and correct record of that meeting.*

**DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS**

There were no interests declared.

**PUBLIC FORUM                      S13.5.6/10**

At this juncture, the time being 3.03 pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Ms Lynn Lennon                      Inverell Toughen Up Challenge

Ms Lennon addressed Council in respect of the success of the 2017 Toughen Up Challenge and appraised Council of plans to stage a bigger and better event on 9 and 10 March 2018. In addition to the Senior and Junior event held in 2017, the 2018 event will also comprise a youth event for 13-17 year olds. The goal of the Committee for the 2018 event is to have the following number of team entries in each respective category:

150 senior teams  
50 youth teams  
250 junior teams

Ms Lennon acknowledged Council's financial and in kind support in past years and requested Council assistance with advertising the 2018 event through Council's media channels.

The Mayor noted the considerable efforts of the organising Committee and wish the Committee every success in the future.

At this juncture, the time being 3.12pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

#### Suspension of Standing Orders

At this juncture, the time being 3.13 pm, the Mayor sought agreement to suspend Standing Orders to welcome Mr Paul Cornall, Forsyths.

#### **AUDIT REPORT**

**121/17 RESOLVED** (Dight/Watts) that Destination Report, Item 4 'Presentation of Council's 2016/2017 Audited Financial Reports' be brought forward for consideration immediately following the conclusion of the Auditor Presentation.

On behalf of the Audit Office NSW, a representative of Forsyths, Mr Paul Cornall, made a presentation to Council on the 2016/2017 Audited Financial Reports. Mr Cornall noted that Council's Audit result is a clean independent Audit Report and Council has achieved pleasing results on all Performance Ratios. Mr Cornall answered questions from Councillors during the presentation. A copy of the presentation slides used by the Auditor will be posted on Council's website.

#### Resumption of Standing Orders

At this juncture, the time being 3.19pm, Standing Orders resumed and Council considered the balance of the Agenda.

### **SECTION D DESTINATION REPORT**

- MFS-A      4.      PRESENTATION OF COUNCIL'S 2016/2017 AUDITED FINANCIAL REPORTS      S12.11.1

**122/17 RESOLVED** (Berryman/Michael) that:

- i)    the information be received and noted; and
- ii)   the Audit Report for the 2016/2017 Financial Year be adopted.

### **SECTION B ADVOCACY REPORTS**

- GM-A      Cr Dight      Border Regional Organisation of Councils (BROC)

Cr Dight informed Council that she attended the AGM and Ordinary Meeting of BROC held in Moree on 17 November, 2017.

The following agenda items were noted by Cr Dight:

- i)    National Heavy Vehicle Regulator – changes to Safety Management Systems and Chain of Responsibility that will come into effect in mid 2018.
- ii)   ARTC (Inland Rail) – An overview of the Melbourne to Brisbane inland rail project was presented.
- iii)   Member for Northern Tablelands – Adam Marshall briefly discussed funding opportunities that will be available between

now and March 2019.

- iv) Country Universities Centre – Duncan Taylor briefed delegates on the development of a model to address the delivery of higher education in regional areas throughout the state which will provide online students with connectivity to universities.

**123/17 RESOLVED** (*Dight/King*) that Council invite the Country Universities Centre to make a presentation to Council on the benefits of setting Inverell up as a Learning Centre.

Cr King Delungra Remembrance Day Service

Cr King advised that he attended the Service at Delungra on 11 November, 2017. Cr King congratulated Peter McCarthy and the members of the Delungra District Development Council that organised the Service.

Cr McCosker Delungra Remembrance Day Service

Cr McCosker acknowledged the efforts of the DDDC to bring many families together for the service, and noted the unveiling of the WWI Honour Roll plaque.

Cr Michael Delungra Remembrance Day Service

Cr Michael laid a wreath at the Inverell Service. He congratulated organisers of the service and noted that all schools were represented on the day.

Cr Harmon Police Medical Presentation

Cr Harmon advised that he attended a New England Local Area Command Presentation of Long Service Medals in Armidale on 8 November, 2017. There were 10 recipients presented with medals on the day.

Cr Michael Eat Drink Live

Cr Michael congratulated Sean Taylor and the Inverell Club on conducting a very successful event on 11 November, 2017.

Cr Harmon Remembrance Day

Cr Harmon noted that he was proud to represent Council at both a 100<sup>th</sup> Anniversary Battle of Beersheba service held at the Cathedral in Armidale and a Black Tie Battle of Beersheba Dinner in Tamworth on 11 November, 2017.

Cr Harmon Eat Drink Live

Cr Harmon congratulated the Inverell Club on organising another successful Eat Drink Live and noted the continued strive of organisers to build and improve the event.

Cr Harmon Inverell Hospital Redevelopment

Cr Harmon briefed Council on a further meeting held on Thursday

16 November, 2017. A disparity in the figures detailed in the Clinical Services Plan was acknowledged. The outcome of the meeting was a need to increase the number of beds/enlarge the footprint for the hospital. There is also a push for stage 2 of the redevelopment to be incorporated into the current redevelopment.

Cr Harmon      Assistant Federal Health Minister

The Mayor briefed Council on a meeting held with Dr David Gillespie and Senator Williams held on 21 November, 2017. Concerns were raised by Council about the implications resulting from not being deemed a "Workforce Shortage Area". The difficulties of attracting and retaining GP's was also discussed.

Cr Harmon      Sapphire Wind Farm

The Mayor advised that on Sunday 5 November, 2017 he undertook a Site Tour of the Sapphire Wind Farm along with Cr Berryman.

GM-A      1.      **ASHFORD MULTI-SERVICE CENTRE**

**124/17 RESOLVED** (Peters/Berryman) that Inverell Shire Council liaise with the Inverell Community Health Centre (CHC) Manager (Hunter New England Health) and the Home and Community Care (HACC) Manager to obtain risk assessments pertaining to the hazards that have been identified at the Ashford Multi-Service Centre building due to a ramp not being in place at the back entrance of the building.

GM-A      2.      **AUDIT & RISK COMMITTEE**

MOTION (Peters/McCosker) that:

1. ISC's General Manager prepare a paper explaining specifically the reasons why ISC's Audit and Risk Committee is operating in breach of Section 23A of the Local Government Act of 1993, as well as the 2016 amendment to the Local Government Act (which further emphasises adherence to the Premier & Cabinet Division of Local Government's Internal Audit Guideline handbook) and which is also in defiance of recommendations made by the OLG.
2. Explain why the F&A committee does not comply with ISC F&A charter.
3. His reply be put into the public agenda papers.
4. The General Manager table any correspondence from the Office of Local Government regarding ISC Finance and Audit committee performance.

**125/17 AMENDMENT** (MichaelBerryman) that:

- i. A report be prepared for consideration by Council on the alignment of the Audit and Risk Charter with the Office of Local Government "Internal Audit Guidelines".
- ii. This report examine if cost efficiencies are possible by having an independent chair and internal audits conducted in concert with other Councils in the region.

The Amendment on being put to the meeting was CARRIED. The Amendment became the Motion. The Motion on being put to the meeting was CARRIED.

Cr McCosker and Cr Peters requested that their votes against the Motion be recorded.

**SECTION C  
COMMITTEE REPORTS**

CSOP-A      1.      **CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING –  
8 NOVEMBER 2017      S.4.11.16/09**

**126/17 RESOLVED** (Berryman/King) that:

- i) *the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 8 November 2017, be received and noted; and*
- ii) *the following recommendations of the Civil & Environmental Services Committee be adopted by Council noting that the Wind Farm Open Day held on Saturday 4 November, 2017 was hosted by Sapphire Wind Farm.*

1. **FIRE AND RESCUE NSW – SERVICE DELIVERY INVERELL FIRE DISTRICT      S14.18.6/10**

*That the information be noted.*

2. **REQUEST FOR PLANNING PROPOSAL – AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 – EXTRACTION OF GROUNDWATER FOR COMMERCIAL BOTTLING PURPOSES WITHIN THE RU1 PRIMARY PRODUCTION ZONE**

*That:*

- i) *The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone be submitted to the NSW Department of Planning and Environment's Gateway Panel for determination;*
- ii) *That upon a positive Gateway determination being received from the NSW Department of Planning and Environment, the Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the planning proposal, including any minor amendments and public exhibition; and*
- iii) *That a further report be submitted in relation to this matter following public exhibition.*

3. **RECREATIONAL VEHICLE SEWER DUMP POINT YETMAN  
S21.8.16**

*That Council proceed with installation of a sewer dump point at Apex Park, Yetman, noting funds to be provided from the Sewer Fund's Capital Improvement Vote.*

4. **NSW DRAFT FUTURE TRANSPORT STRATEGY AND PLAN  
S30.9.8**

*That:*

- i) *The information be received and noted; and*

- ii) *After considering the strategy, Councillors provide any feedback to the Manager of Civil Engineering, prior to the November Council meeting, so that it may be incorporated into any future submission.*

5. ENCLOSED DOG EXERCISE AREA S11.1.2

*That the decision in respect to the provision of an enclosed dog exercise area be deferred until the final consideration of Council's Open Space Strategy.*

CSOP-A 2. **ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING – 8 NOVEMBER 2017 S4.11.17/09**

**127/17 RESOLVED** (Watts/Dight) that:

- i) *the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 8 November 2017, be received and noted; and*
- ii) *the following recommendations of the Economic & Community Sustainability Committee be adopted by Council with the exception of Item 3, 'Request for Sponsorship – Copeton Freshwater Swim S26.1.1/10'.*

1. EXPIRING LICENCE AGREEMENT – INVERELL COMMUNITY GARDENS S5.10.126

*That:*

- i) *Council renew the agreement with Inverell Community Gardens for Part Reserve 1571, Swanbrook Road, Inverell;*
- ii) *The licence agreement be for a five (5) year period with a five (5) year option;*
- iii) *The Licence fee be \$463.70 per annum (GST Inclusive) with a 3% increase per annum;*
- iv) *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager; and*
- v) *Inverell Community Gardens be responsible for any electricity, water, sewer, waste management and stormwater charges and any metered water use.*

2. GRAMAN RESERVE - DEVELOPMENT OPPORTUNITY S21.8.18

*That:*

- i) *A Development Application is not signed by Council; and*
- ii) *Council advise the Sapphire City Motor Sports Club that it is not prepared to support the proposal going forward.*

4. REVIEW OF THE MODEL CODE OF CONDUCT S4.12.1

*That the report is received and noted.*

5. MONTHLY INVESTMENT REPORT S12.12.2/10

*That:*

- i) The report indicating Council's Fund Management position be received and noted; and*
- ii) The certification of the Responsible Accounting Officer be noted.*

6. QUARTERLY BUDGET AND OPERATIONAL PLAN REVIEW 2017-2018  
S12.5.1/10

*That:*

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 2017 be adopted; and*
- ii) The proposed variations to budget votes for the 2017-2018 Financial Year be adopted, providing an estimated Cash Surplus at 30 June, 2018 from operations of \$3,267.*

**REQUEST FOR SPONSORSHIP – COPETON FRESHWATER SWIM**  
**S26.1.1/10**

Motion (King/Peters) that Council become the major sponsor of the 2018 event and provide \$5,000 sponsorship.

**128/17 AMENDMENT** (Watts/Dight) that Council continue as an event sponsor and will provide \$1,500 sponsorship to the 2018 event.

The Amendment on being put to the meeting was CARRIED. It then became the Motion. The Motion on being put to the meeting was CARRIED.

**SECTION D**  
**DESTINATION REPORTS**

MCE-A 1. INVERELL CHAMBER OF COMMERCE AND INDUSTRY - CHRISTMAS PROMOTION S26.3.6

**129/17 RESOLVED** (Michael/Berryman) that:

- a) Council approve the request to close Otho Street, between Byron Street and the mid block pedestrian crossing, as well as Byron Street, between Otho and Vivian Streets, to enable the conduct of the Christmas Festival; and*
- b) the nominal cost involved in advertising the event and closing the road be considered as Council's donation in support of the event.*

2. RATE CATEGORY OBJECTION – WHITE ROCK WIND FARM (LISTING)  
S25.7.1

**130/17 RESOLVED** (Michael/Berryman) that the matter be referred to Closed Council for consideration as:

- i) the report includes information concerning 'the personal hardship of any resident or ratepayer', (Section 10A(2)(b) of the Local Government Act, 1993; and*

- ii) *all reports are correspondence relevant to the subject business be withheld from access to the media and public as requires by section 11(2) of the Local Government Act, 1993.*

CSOP-A      3.      REQUEST FOR LICENCE AGREEMENT – SAPPHIRE SOLAR FARM PTY LTD      S5.10.159

**131/17 RESOLVED** (Watts/Dight) that:

- i) *Council enter into a Licence Agreement with Sapphire Solar Farm Pty Ltd for three (3) unformed roads known as:*
  - (a) *Unformed Road 1 – approximately 860 metre long, located off Waterloo Road approximately 6 kilometres from the Woodstock Road intersection;*
  - (b) *Unformed Road 2 – approximately 860 metre long, located off Waterloo Road approximately 6 kilometres from the Woodstock Road intersection; and*
  - (c) *Unformed Road 3 – approximately 1.3 kilometre long, located off Western Feeder approximately 200 metres from Waterloo Road intersection.*
- ii) *the Licence Agreement be for a period of 75 years;*
- iii) *the Licence Fee be \$1.00 per annum while-ever the Community Fund is in place and operates as agreed at the March, 2016 meeting of Council;*
- iv) *should the Community Fund cease to operate as indicated in point iii), that the Licence Fee be reviewed;*
- v) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

4.      PRESENTATION OF COUNCIL'S 2016/2017 AUDITED FINANCIAL REPORTS      S12.11.1

Matter dealt with previously in conjunction with the Auditor's Report.

EMCCS-A      5.      PROPOSED 'COD CASH' PROMOTION      S8.12.13

**132/17 RESOLVED** (Dight/Berryman) that:

- i) *Inverell Tourism conduct a promotion entitled "Cod Cash" promotion and that a budget of \$6K be established to promote the event.*
- ii) *the event be conducted in accordance with the proposed conditions contained in the Expression of Interest.*

DCES-A      6.      WATER CONTRIBUTION FOR STANDARD DENSITY RESIDENTIAL SUBDIVISION      S18.6.51

**133/17 RESOLVED** (Peters/Watts) that:

- i) *A subsidy in the amount of \$2,325 per lot is offered on the water contribution for all new standard density residential lots created and*



*offered to the market;*

- ii) The subsidy applies for the period of the 2018 calendar year;*
- iii) The subsidy is capped at a maximum of 50 lots;*
- iv) The subsidy only applies in the R1 General Residential Zone;*
- v) The subsidy not apply to multi-unit dwelling developments;*
- vi) The subsidy only applies for lot releases of 1 into 3 lots or greater; and*
- vii) The subsidy only applies for lot releases that are considered Subdivision Certificate ready and have a marketing arrangement in place.*

7. OFFICE OF LOCAL GOVERNMENT - INTERNAL AUDIT GUIDELINES  
S4.11.21

Matter dealt with previously in conjunction with Section B, Item 2 'Audit and Risk Committee'.

**SECTION E**  
**INFORMATION REPORTS**

- 1. WATER SAFETY LEARN TO SWIM CLASSES S15.8.75
- 2. STRATEGIC TASKS – 'SIGN OFF' – NOVEMBER 2017 S4.13.2
- 3. QUESTIONS WITHOUT NOTICE – NOVEMBER 2017 S13.5.5/10
- 4. CONSTRUCTION CERTIFICATES APPROVED FOR  
OCTOBER 2017 S7.2.4/10
- 5. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING  
OCTOBER 2017 S7.2.4/10
- 6. SUMMARY OF BUILDING CONSTRUCTION FOR OCTOBER 2017  
S7.2.4/10
- 7. DEVELOPMENT CONSENTS AND REFUSALS DURING OCTOBER 2017  
S18.10.2/10
- 8. SEPTIC TANK APPROVALS FOR OCTOBER 2017 S29.19.1
- 9. ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2017 S18.10.1

**134/17 RESOLVED** (Michael/Dight) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 22 November, 2017, be received and noted.

**SECTION F**  
**QUESTIONS WITHOUT NOTICE**

**QWN/ORD 29/17** Audit Report  
Cr Watts

Cr Watts sought confirmation that the Road Component of the Operating Performance Ratio would be spent on roads.

The General Manager confirmed that this would be the case.

MIPPR-A      **QWN/ORD 30/17**  
Cr Dight

Donations      \$12.22.1/10

**135/17 RESOLVED** (*Dight/Watts*) that:

- i) *Council be regularly provided with a running sheet of donation funds spent to date throughout each financial year against the budgeted allocation; and*
- ii) *A report be prepared for consideration by the Economic and Community Sustainability Committee on options available to streamline the donations process.*

**QWN/ORD 31/17**  
Cr McCosker

Visa Debit Card

Cr McCosker sought clarification on merchant fees being imposed by Council on Debit Card transactions.

The General Manager confirmed that the merchant fee is due and payable only when the 'credit' option is selected.

**QWN/ORD 32/17**  
Cr McCosker

B Double Access

Cr McCosker sought an update in respect of the possible reclassification of Oliver Street to enable B Double Access.

The DCES confirmed that this matter is being investigated and a report will be brought back to the Civil and Environmental Services Committee for consideration.

**QWN/ORD 33/17**  
DCES

Gwydir Highway/Chester Street/Bundarra Road Intersection

*The DCES requested that he provide Council with an update in respect of this issue in closed Committee.*

**136/17 RESOLVED** (*Michael/Watts*) that the matter be referred to closed Council for consideration as:

- i) *the report includes 'Personnel matters concerning particular individuals (other than Councillors)' (Section 10A(2)(a) of the Local Government Act, 1993); and*
- ii) *on balance the public interest in preserving the confidentiality of this matter outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.*

**SECTION G**  
**CONFIDENTIAL REPORTS IN CLOSED COUNCIL**  
**(SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT 1993)**

At 4.45pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

### CLOSED COUNCIL REPORTS

**137/17 RESOLVED** (Berryman/McCosker) that Council proceed into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

Upon resuming Open Council at 6.08pm, the Chair verbally reported that the Council had met in Closed Council, with the Press and Public excluded, and had resolved to recommend to Council the following:

RC-A      1 & 3.    RATE CATEGORY OBJECTION – WHITE ROCK WIND FARM (INCLUDING SUPPLEMENTARY REPORT) S25.7.1

*That Council:*

- i) endorse the rates classification for the individually valued wind turbine sites as business; and*
- ii) consider the allocation of additional 2017-2018 rates revenue derived from the wind turbine sites following the formulation of a recommendation by Council's Civil and Environmental Services Committee.*

GM-A      2.      GWYDIR HIGHWAY/CHESTER STREET/BUNDARRA ROAD INTERSECTION

*That:*

- i) Council seek clarification on constraints associated with the \$1.5M Federal Government funding commitment;*
- ii) Council make representations to the Member for Northern Tablelands to seek additional funding to progress the RMS preferred treatment option; and*
- iii) pending the response from the Federal Government in respect of i) above, the General Manager be delegated authority to negotiate on behalf of Council to further the preferred treatment option.*

### ADOPTION OF RECOMMENDATIONS

**138/17 RESOLVED** (Watts/Dight) that the recommendations of Closed Council be adopted.

There being no further business, the meeting closed at 6.09pm.

CR P J HARMON

CHAIRPERSON