

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

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

The General Manager (Paul Henry), Director Corporate & Economic Services (Ken Beddie) and Director Civil & Environmental Services (Brett McInnes).

**SECTION A**

**APOLOGIES S13.6.9/10**

The General Manager advised that Cr Peters tendered his apology and sought leave of absence for personal reasons.

**3/17 RESOLVED** (McCosker/Watts) *that the apology from Cr Peters due to his absence for personal reasons be accepted, and that leave of absence be granted.*

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

**4/17 RESOLVED** (Michael/Berryman) *that the Minutes of the Ordinary Meeting of Council held on 21 December, 2016, and the Special Meeting of Council held on 8 February, 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 3.02pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Mr Bob Bensley                      Inverell District Hospital Upgrade                      S24.20.6

Mr Bensley noted advice from Hunter New England Health (HNEH) of 11 months ago that the Clinical Services Plan had been completed and consultation would commence. 11 months on, nothing has happened, despite assurances the community would be continually involved in the process.

Mr Bensley noted the ongoing lack of appropriate services available to the community and asked if this matter could be taken up with the Local Member and Health Minister.

Mrs Lynn Lennon                      Inverell Toughen Up Challenge                      S12.22.1/10

Mrs Lennon spoke in respect of the 2017 Event. To date the Group has donated approximately \$30K back to the community.

Mrs Lennon noted that the majority of participants come from outside the Shire, contributing to the local economy.

Mrs Lennon thanked Council for their ongoing support of the event.

At this juncture, the time being 3.21pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

**SECTION B  
ADVOCACY REPORTS**

Cr Harmon      Boundary Adjustment – Tingha Area

A meeting has been conducted with Armidale Regional Council in respect of this matter. The meeting reached a number of agreements. The Green Valley area is now to be part of the proposed area, with a survey to be conducted of residents of the area closer to Bundarra to determine their preference in respect of which Local Government Area they wish to be part of.

Cr Michael      CWP – Sapphire Wind Farm Event 15 February 2017

Cr Michael noted he attended a community information evening held at the Inverell RSM Club by CWP Renewables on 15 February, 2017. Cr Michael provided Council with an update on progress with the wind farm project. Cr Dight also attended the event.

Cr Dight      BROC Meeting

Cr Dight attended the meeting held on Friday 17 February, 2017 in Inverell. A presentation in respect of the Sapphire Wind Farm was provided. It was noted that BROC is preparing a submission to the Government on 'decentralisation'. Water security is an ongoing issue for the Group.

Cr King      Shop Till you Drop Fundraiser

Cr King attended a recent Fundraiser at the RSM for the purchase of equipment for the Inverell Hospital Maternity Department. Over \$7K was raised on the night.

Cr Watts      Art Gallery

Cr Watts attended the Inverell Art Society's recent Annual General Meeting. The Inverell Art Society thanked Council for its ongoing support. Cr Watts noted that the Art Gallery remains an important community cultural and tourism asset.

Cr Harmon      Sapphire City Festival

Cr Harmon and Cr Michael attended the Committee's recent Annual General Meeting. The 2017 Festival will be held from 19 – 29 October, 2017.

Cr Harmon      Inverell Hospital Development

Cr Harmon held a brief meeting with the Local Member, Mr Adam Marshall MP and the new Health Minister, Hon Brad Hazzard MP. A comprehensive meeting will be held in the near future to pursue progress in this matter.

Cr Harmon      Tingha Bridge Intersection

Cr Harmon met with the new State Roads Minister, Hon Melinda Pavey MP in respect of this project. Negotiations are ongoing in respect of funding for this project.

**SECTION C  
COMMITTEE REPORTS**

CSOP-A      1.      **INVERELL LIQUOR CONSULTATIVE COMMITTEE MEETING MINUTES S19.9.1**

*5/17 RESOLVED (Watts/King) that the Minutes of the Inverell Liquor Consultative Committee Meeting held on Tuesday, 15 November, 2016, be received and noted.*

CSOP-A      2.      **CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES – 8 FEBRUARY 2017      S4.11.16/09**

*6/17 RESOLVED (Baker/Michael) that:*

- i)      the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 8 February, 2017, be received and noted; and*
- ii)      the following recommendation of the Civil & Environmental Services Committee be adopted by Council:*

1.      RV FRIENDLY TOWN APPLICATION – ASHFORD      S28.27.10

*That an application for RV Friendly accreditation be submitted to the Campervan and Motorhome Club of Australia.*

2.      REGIONAL ROADS REHABILITATION PROGRAM – REPAIR PROGRAM FUNDING ALLOCATION 2016/2017 & 2017/2018 S15.8.22

*That:*

- i)      the projects for the 2016/2017 REPAIR program be the realignment and reconstruction of Segments 290 of the Inverell-Bonshaw Road and the section of Inverell-Bonshaw Road from 10.5 km from Inverell to the north for 1.3km; and*
- ii)      the projects for the 2017/2018 REPAIR program be the pavement reconstruction and widening of Segment 110 of Warialda Road and Segment 160 of the Inverell-Bonshaw Road.*

3.      WHITE ROCK WIND FARM (MP10 160) MODIFICATION APPLICATION NO. 4 S18.6.52/02

*That the draft submission to the Department of Planning and Environment in response to the White Rock Wind Farm Modification No. 4 be endorsed.*

4.      ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017 S4.2.1

*That a more detailed report and draft submission in relation to the Environmental Planning & Assessment Amendment Bill 2017 be considered at the February, 2017 Ordinary Meeting of Council.*

5. DRAFT NEW ENGLAND NORTH WEST REGIONAL PLAN S18.6.22

*That the release of the Draft New England North West Regional Plan be acknowledged and the content of any submission be an item for consideration at the Ordinary Council meeting on the 22 February, 2017.*

6. ROADS EXPENDITURE REPORT S13.1.2

*That a report be prepared for the Committee that provides;*

- i) an accumulative table of funds spent on roads from 2012 – 2016;*
- ii) the proposed amount of the Special Rate Variations contribution to be expended on the Roads backlog; and*
- iii) identifies the segments of roads and the condition rating that make up the backlog.*

7. SAPPHIRE WIND FARM S16.7.31/03

*That:*

- i) Council concur with the construction of a 150 metre sacrificial 'dust seal' adjacent to 1347 Waterloo Road, to facilitate compliance with the Sapphire Wind Farm Development Consent; and*
- ii) the construction, maintenance and decommissioning of the dust seal be at the full cost of the contractor and to the minimum requirements of Council.*

CSOP-A 3. ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING MINUTES – 8 FEBRUARY 2017 S4.11.17/09

**7/17 RESOLVED** (Watts/Dight) *that:*

- i) the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 8 February, 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 2, 'Membership of Aboriginal Consultative Committee S2.14.1':*

1. EXPIRING LICENCE AGREEMENT – BEVERLEY TURNER S5.10.117

*That:*

- i) Council renew the agreement with Beverley Turner for Part of Unformed Road, behind Council's Sewer Pump Station, Brewery Street, Inverell;*
- ii) the licence agreement be for a two (2) year period with a further two (2) year option;*
- iii) the Licence fee be \$62.00 per annum (GST Inclusive) with a 3% increase per annum; and*
- iv) the Licence Agreement be subject to any other terms and conditions as*

*negotiated by Council's General Manager.*

3. INVERELL COMMUNITY GARDEN RELOCATION S11.15.18

*That:*

- i) Council advise the Inverell Community Garden Committee that part Lot 7313 DP 1135965 will be made available as the site for the 'new community garden';*
- ii) Council staff will provide advice to the Community Garden Committee to ensure the final concept for the garden meets all relevant legislative requirements; and*
- iii) Council confirm that some funds will be available to assist with the costs of relocation of Community Garden assets.*

4. REQUEST FOR FINANCIAL ASSISTANCE – INVERELL PIPE BAND INC. S3.7.5

*That a donation in the amount of \$1500 be provided to assist the Band with tuition and costs associated with performing at events in the Inverell Local Government Area.*

5. REQUEST FOR REDUCTION IN TOWN HALL HIRE FEES – INVERELL MUSIC APPRECIATION GROUP INC. S12.22.1/10 & S5.24.4/10

*That Council accede for the Group to utilise the Main Hall at a reduced fee, being that equivalent to the use of the Annex.*

6. SPONSORSHIP REQUEST – BORDER BRANCH STOCK HORSE CHALLENGE S12.22.1/10

*That Council provide a donation of \$200 as per Council's Donations Policy.*

7. IN-KIND DONATION REQUEST - INVERELL MEDIEVAL FESTIVAL INC. S12.22.1/10

*That:*

- i) Council provide two (2) gazebos for use at the Festival; and*
- ii) the gazebos be collected by the Festival Committee on Friday afternoon and returned on Monday morning.*

8. GOVERNANCE - 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.*

9. QUARTERLY BUDGET AND OPERATIONAL PLAN REVIEW  
2016/2017V S12.5.1/10

*That:*

- i) *Council's Quarterly Operational Plan and Budget Review for 31 December, 2016 be adopted; and*
- ii) *the proposed variations to budget votes for the 2016/2017 Financial Year be adopted providing an estimated Cash Surplus at 30 June, 2017 from operations of \$2,723.*

10. REQUEST FOR REDUCTION ON WATER ACCOUNT S32.10.1/09

*That:*

- i) *the report be received; and*
- ii) *Council issue an amended account of \$273.08 for the last quarter based on the average consumption of accounts prior to the leak and write off \$312.72.*

GM-A  
CSOP-N

MEMBERSHIP OF ABORIGINAL CONSULTATIVE COMMITTEE S2.14.1

**8/17 MOTION** (King/Baker) *that:*

- i) *Council appoint representatives to the following positions on the Inverell Shire Aboriginal Consultative Committee for a period of one (1) year:*
  - *One (1) representative from Ashford Land Council.*
  - *One (1) representative from Anaiwan Land Council.*
  - *One (1) Aboriginal Elder (Chosen by NAIDOC Week Committee).*
  - *Five (5) members of the community.*
- ii) *The community members of the Committee comprise the following persons:*
  - *Gregory Livermore,*
  - *Keira Edwards,*
  - *Esther Gardiner,*
  - *Darren Finn, and*
  - *Kelvin Brown.*

AMENDMENT (Michael/Berryman) *that:*

- i) *Council appoint representatives to the following positions on the Inverell Shire Aboriginal Consultative Committee for a period of one (1) year:*
  - *One (1) representative from Ashford Land Council.*
  - *One (1) representative from Anaiwan Land Council.*
  - *One (1) Aboriginal Elder (Chosen by NAIDOC Week Committee).*
  - *Three (3) members of the community.*

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

**SECTION D  
DESTINATION REPORTS**

CSOP-A      1.      **REQUEST FOR REDUCTION/WAIVING OF TOWN HALL HIRE FEES –  
MCLEAN CARE      S12.22.1/10 & S5.24.4/10**

**9/17 RESOLVED** (Baker/King) that Council provide a donation of \$200 to McLean Care for their Expo and Concert to be held in the Town Hall on 7 – 8 March, 2017 as part of Seniors Week activities.

MDS-A      2.      **DRAFT NEW ENGLAND NORTH WEST REGIONAL PLAN      S18.6.22**

**10/17 RESOLVED** (Michael/Baker) that:

- i)      the overview of the Draft New England North West Regional Plan provided by Mr Anthony Alliston, Manager Development Services be received and noted, and
- ii)      Council make a submission in response to the Draft New England North West Regional Plan.

3.      **PURCHASE OF LAND (LISTINGS)      S5.2.0/09**

**11/17 RESOLVED** (Baker/Michael) that the matter be referred to Closed Council for consideration as:

- i)      the matters and information are 'commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.' (Section 10A(2)(d)(i) of the Local Government Act, 1993);
- ii)      on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and
- iii)      all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

GM-A      4.      **CROSS-BORDER COLLABORATION 2016/19 – PRIORITY ACTION WORK  
LIST 2016/17      S14.18.6/10**

**12/17 RESOLVED** (Dight/Berryman) that:

- i)      Council concur with the Priority Act Work List for 2016/2017 as detailed in the report; and
- ii)      Cross Border Ambulance Service Protocols for emergency events and Emergency Media Protocols for major storm events be added to the Cross Border Collaboration Priority Action Work List for 2017/2018.

**SUPPLEMENTARY SECTION D  
DESTINATION REPORTS**

**13/17 RESOLVED** (Michael/Watts) that the Supplementary Section D Destination Reports be considered.

GM-A      5.      **OPTUS LEASE – VARLEY OVAL      S5.10.157**

**14/17 RESOLVED** (Michael/McCosker) that:

- i)      *Council accede to the request from Visionstream Pty Ltd on behalf of Optus Mobile Pty Ltd for the lease of a portion of the Varley Oval Carpark and the licence of a portion of the Evans Street Road Reserve;*
- ii)      *all necessary lease and licence documentation be prepared in this matter in accordance with the abovementioned lease terms and incorporating Council's standard terms and conditions;*
- iii)      *Council delegate authority to the General Manager to negotiate all other terms and conditions of the lease and licence as deemed necessary by the General Manager;*
- iv)      *the General Manager and Mayor be authorised to sign the lease and licence on behalf of Council; and*
- v)      *the Lease and Licence Agreements be completed under the Common Seal of Council.*

At this juncture, the time being 4.44pm, Cr Baker left the meeting.

**SECTION E  
INFORMATION REPORTS**

- 1.      **DECLARATION OF NON-PECUNIARY INTEREST      S13.6.5/09**
- 2.      **ANNUAL LEAVE      S22.13.2/05**
- 3.      **CONSTRUCTION CERTIFICATES APPROVED FOR DECEMBER 2016 & JANUARY 2017      S7.2.4/09 & S7.2.4/10**
- 4.      **COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING DECEMBER 2016 & JANUARY 2017      S7.2.4/09 & S7.2.4/10**
- 5.      **SUMMARY OF BUILDING CONSTRUCTION FOR DECEMBER 2016 & JANUARY 2017      S7.2.4/09 & S7.2.4/10**
- 6.      **DEVELOPMENT CONSENTS AND REFUSALS DURING DECEMBER 2016 & JANUARY 2017      S18.10.2/09 & S18.10.2/10**
- 7.      **SEPTIC TANK APPROVALS FOR DECEMBER 2016 & JANUARY 2017      S29.19.1**
- 8.      **ORDINANCE ACTIVITIES REPORT FOR DECEMBER 2016 & JANUARY 2017      S18.10.1**
- 9.      **STRATEGIC TASKS – “SIGN OFF” - DECEMBER 2016 & JANUARY 2017      S4.13.2**
- 10.      **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017      S4.2.1**
- 11.      **MATERIALS RECOVERY FACILITY INSPECTION      S31.8.17**
- 12.      **FIT FOR THE FUTURE ROADMAP – ACTION PLAN, SRV      S25.11.3**



13. STATECOVER MUTUAL PERFORMANCE REBATE DISTRIBUTION  
S27.1.12

14. TINGHA BRIDGE ROUNDABOUT S28.10.HW12

15. DA-181/2016 – 23 LAWRENCE STREET, INVERELL DA-181/2016

**15/17 RESOLVED** (Berryman/Dight) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 22 February, 2017, be received and noted.

At this juncture, the time being 4.46pm, Cr Baker returned to the meeting.

#### SECTION F QUESTIONS WITHOUT NOTICE

**QWN/ORD 1/17** Telstra Tower - Yetman S18.6.62  
Cr Dight

Cr Dight noted that she has been advised that the proposed upgrade of the Yetman Tower has been delayed until 16 March, 2017 or later. The upgrade is dependent on the Upgrade of the Getta Getta Tower between Yetman and North Star.

MCE-A **QWN/ORD 2/17** Gilgai/Tingha Road S6.8.5/10  
Cr McCosker

Cr McCosker has received approaches asking that the narrow sections of this road be investigated noting the increase in heavy transport usage and wind farm traffic.

MCE-A **QWN/ORD 3/17** Stannifer/Old Mill Road S6.8.5/10  
Cr McCosker

Cr McCosker asked if the Tea Tree could be trimmed at the Stannifer Crossing.

MCE-A **QWN/ORD 4/17** Ashford and Elsmore Road S6.8.5/10  
Cr Baker

Cr Baker reported that Mrs Bucknell has raised safety concerns with Council regarding vehicles speeding on these roads.

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

At 4.52pm, 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

**16/17 RESOLVED** (Michael/Berryman) 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 4.56pm, 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:

GM-A      1.      **PURCHASE OF LAND**      **S5.2.0/09**

*That:*

- i)      the offer of \$152K for the purchase of 1 Rosslyn Street, Inverell be confirmed;*
- ii)     the purchase be subject to any other terms and conditions as negotiated with the General Manager;*
- iii)    the land be classified as Operational Land; and*
- iv)     the Common Seal of Council be affixed to any necessary documentation.*

**ADOPTION OF RECOMMENDATIONS**

**17/17 RESOLVED** *(Baker/Berryman) that the recommendations of Closed Council be adopted.*

There being no further business, the meeting closed at 4.59pm.

CR P J HARMON

CHAIRPERSON