

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 28 SEPTEMBER, 2016, COMMENCING AT 3 PM.

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

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

SECTION A

ELECTION OF MAYOR AND DEPUTY MAYOR

1. ELECTION OF MAYOR S13.7.2

A nomination for the position of Mayor was received from Cr Paul Harmon.

The General Manager advised that there being only one (1) nomination, Cr Harmon was declared duly elected as Mayor for the ensuing two (2) year period.

CSOP-A **92/16 RESOLVED** (Watts/Baker) *that the nomination forms be destroyed following the declaration of the result.*

2. ELECTION OF DEPUTY MAYOR S13.7.2

93/16 RESOLVED (Michael/Dight) *that the nomination forms be destroyed following the declaration of the result.*

MOTION (Baker/Berryman) that:

- i) Council appoint a Deputy Mayor; and
- ii) the term be a one (1) year period.

CSOP-A **94/16 AMENDMENT** (King/Watts) *that:*

- i) Council appoint a Deputy Mayor; and
- ii) the term be a two (2) year period.

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.

A nomination for the position of Deputy Mayor was received from Cr Anthony Michael.

The General Manager advised that there being only one (1) nomination, Cr Michael was declared duly elected as Deputy Mayor for the ensuing two (2) year period.

APOLOGIES S13.6.9/09

Nil.

CONFIRMATION OF MINUTES S13.5.2/09

95/16 RESOLVED (Michael/Baker) *that the Minutes of the Ordinary Meeting of Council held on 24 August, 2016, 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 **S13.5.6/09**

At this juncture, the time being 3.23pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Mrs Betty Moore Emergency Services Levy

Mrs Moore noted the pending introduction of the new property based Emergency Services Levy (ESL) and asked if Council was aware whether the insurer AAI would be tapering the ESL premiums over 2016/2017.

At this juncture, the time being 3.26pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

MEETING DATES & TIMES AND DELEGATES TO COMMITTEES

3. MEETING DATES AND TIMES **S13.5.4**

CSOP-A **96/16 MOTION** (*Michael/Watts*) that:

- i) *the Ordinary Meetings of Council be held on the fourth Wednesday of the month commencing at 3pm (with the exception of December);*
- ii) *the Major Committee Meetings be held on the second Wednesday of each month (with the exception of December) with the commencement times being as follows:*

 8.30am – Civil and Environmental Services
 10.30am – Economic and Community Sustainability.
- iii) *for the month of December, the Ordinary Meeting of Council be held on the third Wednesday of the month commencing at 3pm and no Committee meetings be held.*

AMENDMENT (*Peters/McCosker*) that:

- i) the Ordinary Meetings of Council be held on the fourth Wednesday of the month commencing at 3pm (with the exception of December);
- ii) the Major Committee Meetings be held on the fourth Wednesday of each month (with the exception of December) with the commencement times being as follows:

 8.30am – Civil and Environmental Services
 10.30am – Economic and Community Sustainability.
- iii) for the month of December, the Ordinary Meeting of Council be held on the third Wednesday of the month commencing at 3pm and no Committee meetings be held.

The amendment on being put to the meeting was lost. The motion on being put to the meeting was carried.

4. APPOINTMENT OF COUNCIL COMMITTEES S13.6.7

CSOP-A **97/16 RESOLVED** (Michael/Watts) that:

- i) the following Councillors be appointed to the two (2) major committees:
- Civil & Environmental Services Committee – Crs Baker, Berryman, Peters and McCosker.*
- Economic & Community Sustainability Committee – Crs Michael, King, Watts and Dight.*
- ii) the Chairperson of each Committee be delegated authority to co-opt Councillors in attendance at the meeting to be a member of the Committee to that meeting for the purpose of providing a quorum;
- iii) the following Councillors be appointed to the Advisory Committees:

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATE	ALTERNATE DELEGATE
Aboriginal Consultative Committee	Mayor, General Manager, 1 Ashford Local Land Council, 1 Anaiwan Local Land Council, 1 Aboriginal Elder, 3 members of the community	Mayor General Manager	
Conduct Review Committee (Statutory term) - Committee that establishes the facts of an allegation that has been referred to it in accordance with the provisions of Council's Code of Conduct.	2 Representatives (Mayor, General Manager), and 3 independents	Mayor General Manager Expressions of interest to be called for independents as required.	
Local Emergency Management Committee (LEMC) - Provision of the State Emergency Rescue and Management Act. The role of the LEMC is to: • Prevent or reduce the impact of emergencies; • Ensure the preparedness of our community; • Provide an effective and coordinated response to the emergency; • Provide for the recovery of our community.	1 Representative And Local Emergency Management Officer (LEMO).	Cr Berryman Manager Civil Engineering (LEMO).	
Local Traffic Committee (LTC) A technical review committee that advises the Council on matters for which the Council has delegated authority.	LTC comprises 4 formal representatives: - 1 Council - 1 NSW Police - 1 RTA	Manager Environmental Engineering.	

Council is not bound by the advice given by its LTC, however if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify the RTA & the NSW Police before proceeding.	- 1 Local State Member or their nominee		
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iv) the following Councillors be appointed to the Community Committees:

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATE	ALTERNATE DELEGATE
Delungra District Development Council	1 Representative	Cr Watts	
Equestrian Council	(Fixed Term) 1 Representative	Cr Baker	
Inverell Development Support Group	2 Representatives (Mayor & General Manager)	Cr Harmon General Manager	
Inverell Liquor Consultative Committee	1 Representative	Cr King	
Inverell Sports Council	(Fixed Term) 2 Representatives	Cr Harmon Cr Michael	
Oakwood Recreation Area	1 Representative	Cr Baker	
Inverell Sapphire City Festival	1 Representative	Mayor (ex-officio) Cr Michael	

CSOP-A **98/16 RESOLVED** (Watts/Baker) that Council appoint one (1) delegate to the Yetman Hall and Progress Association.

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATE	ALTERNATE DELEGATE
Yetman Hall and Progress Association	1 Representative	Cr Dight	

5. ELECTION OF DELEGATES TO REGIONAL & LOCAL ORGANISATIONS (ANNUAL APPOINTMENT) S13.6.7

CSOP-A **99/16 RESOLVED** (Michael/Watts) that the following Council delegates be appointed to the Regional & Local Organisations:

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATE	ALTERNATE DELEGATE
Country Public Libraries Association of NSW	1 Representative	Cr Baker	
Inverell Pioneer Village	1 Representative	Cr Berryman	1 Representative

Northern Inland Weeds Advisory Committee	1 Representative		
Northern Tablelands Bushfire Management Committee	1 Representative	Local Emergency Management Officer	
Overloading of Vehicles Committee	1 Representative	Manager Civil Engineering	
Border Regional Organisation of Councils (BROC)	1 Representative	Cr Dight	

100/16 RESOLVED (King/Peters) that Item 4, Appointment of Council Committee S13.6.7 iii), be recommitted for further consideration.

CSOP-A **101/16RESOLVED** (Baker/McCosker) that the following Councillors be appointed to the Advisory Committees:

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATE	ALTERNATE DELEGATE
Aboriginal Consultative Committee	Mayor, General Manager, 1 Ashford Local Land Council, 1 Anaiwan Local Land Council, 1 Aboriginal Elder, 3 members of the community	Mayor Cr King	General Manager (Servicing Officer)

SECTION B ADVOCACY REPORTS

Cr Harmon Telstra Inverell Sapphire City Festival - Art Prize 2016 Exhibition

The show was conducted with again a very high quality of entries.

Cr Harmon also noted the upcoming events, being the Mayoral Ball on 8 October, 2016, Toastmasters Night and the Festival Finale evening.

Cr Baker Operation Operating Room

Cr Baker attended the 10th Anniversary Annual General Meeting of the Group. The Group has now raised \$147K for the Hospital. Cr Baker acknowledged the important contribution of the Groups members.

Cr Dight Yetman Movie Night

Cr Dight noted the success of the event with 200 people attending. The event was used as a fundraiser for Teddy and Bradley Moffit who will commence school in Yetman next year. The twins have mobility access needs.

Cr Watts Breaking the Ice Forum

Cr Watts advised Council of the recent forum held in Inverell and the focus of the forum being the “person behind the drug”. Cr Watts noted that alcohol remains the drug with the worst impact on the community.

Cr Michael PBR Bullride Event

Cr Michael noted the success of the inaugural PBR Bullride event with 2800 attendees. Council provided a \$1500 contribution to the event.

Cr Baker also commented on the success and economic benefit of the event.

SECTION C COMMITTEE REPORTS

1. **INVERELL LIQUOR CONSULTATIVE COMMITTEE MEETING MINUTES
S19.9.1**

102/16 RESOLVED (Michael/Berryman) that the Minutes of the Inverell Liquor Consultative Committee Meeting held on Tuesday, 30 August, 2016, be received and noted.

SECTION D DESTINATION REPORTS

1. **LOCAL GOVERNMENT ELECTIONS - COUNTBACK OPTION S13.7.4/03**

GM-N **103/16 RESOLVED** (Watts/Peters) that in the event of a casual vacancy on Council, that the 'countback' method of election be utilised to fill the vacancy.

2. **SAPPHIRE WIND FARM COMMUNITY FUND S18.6.52/01**

MOTION (Baker/Michael) that the amendments to the Terms of Reference for the Sapphire Wind Farm Community Fund Committee be endorsed.

The motion on being put to the meeting was lost.

104/16 RESOLVED (Baker/Michael) that Council recommit the matter for consideration.

GM-A **105/16 RESOLVED** (Watts/Baker) that the amendments to the Terms of Reference for the Sapphire Wind Farm Community Fund Committee be endorsed.

3. **COPETON FRESH WATER SWIM 2017 – REQUEST FOR SPONSORSHIP
S26.1.1/08**

MOVED (Michael/Berryman) that a \$1K sponsorship be provided for the Copeton Fresh Water Swim 2017 event.

GM-A **106/16 AMENDMENT** (Baker/King) that Council provide a \$2K contribution on the basis of Council receiving naming rights to the Copeton Freshwater Swim 5km Swim 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.

4. **GENERAL AND SPECIAL PURPOSE FINANCIAL REPORTS 2015/2016
S12.11.5**

107/16 RESOLVED (Baker/Watts) that:

DCS-A

- i) the transfers to Council's Internally Restricted Assets for the 2015/2016 Financial Year totalling \$6,280,563 and Council's transfers from Internally Restricted Assets for the 2015/2016 Financial Year totalling \$6,584,882 be endorsed;

- ii) *the attached list of Revotes representing works in progress at 30 June, 2016, be revoted to the 2016/2017 budget in accordance with Section 211 of the Local Government General Regulation; and*
- iii) *Council resolve to make the required statements on its Financial Reports for the year ended 30 June, 2016.*

SUPPLEMENTARY SECTION D DESTINATION REPORTS

108/16 RESOLVED (Baker/Dight) *that the Supplementary Section D Destination Reports be considered.*

5. LAND MATTERS S5.2.0/09

109/16 RESOLVED (Michael/Watts) *that the matter be referred to Closed Council for consideration as:*

- i) *the matters and information are ‘Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.’ (Section 10A(2)(c) 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.*

SECTION E INFORMATION REPORTS

- 1. **MANAGEMENT TEAM MEETING MINUTES S4.11.5/09**
- 2. **TINGHA CITIZENS ASSOCIATION INC - CORRESPONDENCE S13.1.1**
- 3. **STRATEGIC TASKS – ‘SIGN OFF’ – AUGUST 2016 S4.13.2**
- 4. **QUESTIONS WITHOUT NOTICE – AUGUST 2016 S13.5.5/09**
- 5. **NSW EMERGENCY SERVICES LEVY S12.13.1**
- 6. **CONSTRUCTION CERTIFICATES APPROVED FOR AUGUST 2016 S7.2.4/09**
- 7. **COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING AUGUST 2016 S7.2.4/09**
- 8. **SUMMARY OF BUILDING CONSTRUCTION FOR AUGUST 2016 S7.2.4/09**
- 9. **DEVELOPMENT CONSENTS AND REFUSALS DURING AUGUST 2016 S18.10.2/09**
- 10. **SEPTIC TANK APPROVALS FOR AUGUST 2016 S29.19.1**
- 11. **ORDINANCE ACTIVITIES REPORT FOR AUGUST 2016 S18.10.1**

110/16 RESOLVED (Michael/Baker) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 28 September, 2016, be received and noted.

ADJOURNMENT

At this juncture, the time being 4.40pm, Council adjourned.

RESUMPTION

At this juncture, the time being 4.49pm, Council reconvened.

SUPPLEMENTARY SECTION G CONFIDENTIAL REPORTS

111/16 RESOLVED (Michael/Dight) that the Supplementary Section G Confidential Report be considered.

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

At 4.50pm, 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. No members of the public were present to make representations.

CLOSED COUNCIL REPORTS

112/16 RESOLVED (McCosker/Watts) 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 5.20pm, 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. LAND MATTERS S5.2.0/09

- i) That Council advise Stirloch Developments that it is not prepared to provide it with an option over Lot 1 DP89422, Oliver Street, Inverell.
- ii) That the General Manager be duly authorised to undertake further investigations in respect of the Rosslyn Street property and report back to Council.

ADOPTION OF RECOMMENDATIONS

113/16 RESOLVED (Michael/Dight) that the recommendations of Closed Council be adopted.

SECTION F QUESTIONS WITHOUT NOTICE

QWN/ORD 40/16
Cr Watts

Noise Issues

Cr Watts asked who was responsible for managing noise complaints in the community.

The Director Civil and Environmental Services provided information in this matter.

- DCES-A **QWN/ORD 41/16** King Street S28.9.18
Cr Watts
- Cr Watts asked if a sign can be erected at the ends of King Street to indicate the Street extends over the hill in the middle.
- GM-A **QWN/ORD 42/16** Local Government Elections S13.7.4
Cr Michael
- Cr Michael asked if a report could be presented to a future meeting of Council in respect of Council conducting its own elections in 2020.

**SECTION H
GOVERNANCE REPORTS**

1. GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/09

114/16 RESOLVED (Michael/Baker) 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.*

SWEARING IN CEREMONY S13.6.1

In accordance with s.233A of the *Local Government Act 1993*, the following Councillors took an Oath of Office before the General Manager of the Council:

Cr Paul Harmon
Cr Jacki Watts
Cr Catherine Dight
Cr Anthony Michael
Cr Paul King
Cr Stewart Berryman
Cr Dianna Baker
Cr Malcolm Peters
Cr John McCosker

115/16 RESOLVED (McCosker/Michael) that the taking of the Oath be received and noted.

There being no further business, the meeting closed at 5.31pm.

CR P J HARMON

CHAIRPERSON