

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 21 DECEMBER, 2016, COMMENCING AT 3 PM.

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

A one (1) minute silence was observed for the late Mr Barry Johnston OAM.

**SECTION A**

**APOLOGIES S13.6.9/09**

The General Manager advised that Cr J N McCosker and Cr M J Peters tendered their apologies and sought leave of absence for personal reasons.

**136/16 RESOLVED** (Berryman/King) *that the apology from Cr McCosker due to his absence for personal reasons be accepted, and that leave of absence be granted.*

**137/16 RESOLVED** (Berryman/Dight) *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 S13.5.2/09**

**138/16 RESOLVED** (Michael/Dight) *that the Minutes of the Ordinary Meeting of Council held on 23 November 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**

At this juncture, the time being 3.03pm, the following interests were declared:

- Cr Baker declared a non-pecuniary interest in Section G, Confidential Reports, Item #1 'Inverell Sporting Complex Amenities Building Redevelopment Tender'. The nature of the interest concerning of Cr Baker being related to one of the tenderers.
- Cr Dight declared a non-pecuniary interest in Section C, Committee Reports, Item #1 'Audit & Risk Committee Meeting Minutes – 23 November 2016 - #2 Yetman Community Bus'. The nature of the interest relating to Cr Dight being a member of the Yetman Hall & Progress Association.

**PUBLIC FORUM S13.5.6/09**

At this juncture, the time being 3.10pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Adam Marshall,  
Member for Northern  
Tablelands

Inverell Shire Council

Mr Marshall congratulated Councillors on their election and re-election to Council for the next four (4) years.

Mr Marshall advised that Inverell Shire Council is an example of how a Council should conduct itself, serve its community and is a recognised industry leader. Inverell is the best performing Council in his electorate and most likely Northwest NSW.

Mr Marshall highlighted the wide range of projects that Council has successfully delivered to its community on a continuing basis, particularly in the last 12 months, managing to work very successfully with the State Government.

Mr Marshall noted Inverell's continued growth, regional leaderships and ongoing partnerships with Government and Businesses.

The following projects were noted for 2017;

- Tintot Bridge Replacement,
- Inverell Hospital Redevelopment,
- Inverell Sports Complex Redevelopment,
- Council's very large Road Upgrade and Renewal Projects, and
- Preliminary work on the Inverell Police Station.

The renewable energy projects were also noted which will strengthen and diversify the regional economy benefitting all.

Mr Marshall advised that he had met with the Mayor in respect of the Tingha Bridge Roundabout and would be assisting Council to gain the remaining required funding for this project.

Mr Marshall thanked Council for their ongoing service to the community and strong cooperation in working with him on a wide range of important projects and initiatives for the benefit of the Shire and the Region.

Mr Marshall wishes Councillors and staff all the very best for Christmas and 2017.

At this juncture, the time being 3.34pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

## **SECTION B ADVOCACY REPORTS**

Cr King            Meals on Wheels

Cr King attended the Groups 2016 Christmas function. The Group has 94 members who provide a very valuable service to the community. Some members have up to 45 years service.

Cr Berryman      Pioneer Village

Cr Berryman attended the Villages 2016 AGM. The Village has a new Caretaker, and have recently installed EFTPOS facilities.

Cr Harmon        School Presentation Nights

Cr Harmon attended a number of School Presentation Nights noting the high achievements of students in the Shire.

Cr Harmon        Inverell Hospital

Cr Harmon attended a meeting in Tamworth with Mr Adam Marshall, Member for Northern Tablelands, aiming at solving the staffing issues at the Hospital.

Agreement has been reached with a new process being put in place to ensure the required services are provided and community confidence is maintained.

Cr Michael      School Presentation Nights

Cr Michael attended a number of local School Presentation Nights. Cr Michael noted the strong achievements of students who received awards.

Cr Dight      Northern Communities

Cr Dight attended a combined meeting of the northern communities in the Shire, hosted by the Ashford Business Council.

The meeting was informative and progress was made towards the ongoing cooperation of the Groups for the Shire's benefit.

Cr Baker      Inverell Equestrian Centre

The Inverell Equestrian Centre held a working bee last weekend. The Group is pursuing the continued upgrade of the facility.

Cr Baker      Hospital Redevelopment

Cr Baker attended a meeting in this matter today. The matters discussed pointed to a positive future for Inverell Health Services.

1.      **MAYORAL MINUTE: ANNUAL PERFORMANCE REVIEW – GENERAL MANAGER S22.19.1**

**139/16 RESOLVED** (Watts/Baker) 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 C  
COMMITTEE REPORTS**

At this juncture, the time being 3.48pm, having previously declared a non-pecuniary interest in in Section C, Committee Reports, Item #1 'Audit & Risk Committee Meeting Minutes – 23 November 2016 - #2 Yetman Community Bus', Cr Dight did not participate in the vote in this matter.

1.      **AUDIT & RISK COMMITTEE MEETING MINUTES – 23 NOVEMBER 2016 S4.11.21**

**140/16 RESOLVED** (Watts/Michael) that:

- i)      the Minutes of the Audit & Risk Committee Meeting held on Wednesday, 23 November, 2016, be received and noted; and
- ii)      the following recommendations of the Audit & Risk Committee be adopted by Council:

1. 2015/2016 AUDITOR REPORT AND MANAGEMENT LETTER S12.2.1/09

*That the Audit Report and Management letter be received and noted.*

2. YETMAN COMMUNITY BUS S23.7.18

*That:*

- i) *the registration of the Yetman Community Bus be transferred to Inverell Shire Council;*
- ii) *funds remain in the Yetman Hall Committee trust account for ongoing maintenance, expenses and eventual replacement of the bus;*
- iii) *the replacement cost for the bus remain the responsibility of the Yetman Hall Committee;*
- iv) *Council advocate for funding at the appropriate time to cover any shortfall for replacement of the bus;*
- v) *WHS Operating Policies and Procedures be prepared by Council for the Yetman Hall Committee to arrange induction of operators.*

3. GOVERNANCE – QUARTERLY INVESTMENT REPORT S12.12.5/09

*That the information be received and noted.*

4. ECONOMIC FORECASTS - NSW TREASURY CORPORATION S12.20.3

*That the information be received and noted.*

**SECTION D  
DESTINATION REPORTS**

1. **FIT FOR THE FUTURE ROADMAP - ACTION PLAN** **S25.11.3**

GM-A **141/16 RESOLVED** (Michael/King) that a Special Meeting of Council be held on Wednesday, 8 February, 2017 at 12.00pm to consider:

- i) *the final adoption of the proposed FFF Roadmap 14.25% Special Rate Variation Application for submission to IPART; and*
- ii) *a Report on progress of the Tingha Boundary Adjustment Proposal and required actions.*

2. **POETRY BOOK LAUNCH** **S2.14.1**

GM-A **142/16 RESOLVED** (Watts/King) that Council purchase 20 copies of 'Koala Dreaming', a collection of Poems written by Esther Gardiner.

3. **SCAVENGING RIGHTS - INVERELL WASTE FACILITY** **S31.2.8**

GM-A **143/16 RESOLVED** (Berryman/Baker) that:

- i) *Resolution 115/15 which granted scavenging rights to Warra-Li, is now null and void, due to the non-performance of the proposal submitted by that organisation;*
- ii) *Expressions of Interest for the Scavenging Rights for E-waste and 'Revolve Store' items be readvertised; and*

- iii) *The timing of the invitation of Expressions of Interest for Scavenging Rights for E-waste and 'Revolve Store' items be considered by the Waste Strategy Sunset Committee.*

**4. DELUNGRA DISTRICT DEVELOPMENT COUNCIL S3.15.13**

GM-A **144/16 RESOLVED** (Watts/Baker) *that an inspection of Delungra on Thursday, 2 February, 2017 departing the Administration Centre at 10am be conducted, with the following Councillors noting their attendance:*

- |               |             |
|---------------|-------------|
| - Cr Michael  | - Cr Dight  |
| - Cr Watts    | - Cr Baker  |
| - Cr King     | - Cr Harmon |
| - Cr Berryman |             |

**5. 'HERITAGE NEAR ME' - HERITAGE ACTIVATION GRANTS S15.8.25/09**

GM-A **145/16 RESOLVED** (Baker/Dight) *that:*

- i) *the information be noted; and*
- ii) *the Member for Northern Tablelands, Mr Adam Marshall MP be requested to express Council's appreciation to the Minister for Heritage, the Hon Mark Speakman SC MP for establishing the 'Heritage Near Me' incentive program and supporting the preservation of local heritage items.*

**6. REQUEST FOR SACRIFICIAL BITUMEN SEAL - SAPPHIRE WIND FARM S16.7.31/03**

MCE-A **146/16 RESOLVED** (Michael/King) *that:*

- i) *Council concur with the construction of a 600 metre sacrificial 'dust seal' adjacent to 1595 Waterloo Road, to facilitate compliance with the Sapphire Wind Farm Development Consent;*
- 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; and*
- iii) *Council be presented with a further report in relation to the suitability of isolated seals as a means of mitigating dust nuisance on Council's gravel road network.*

**7. DELEGATIONS OF AUTHORITY S22.2.1**

GM-A **147/16 RESOLVED** (Watts/Baker) *that the delegations of authority as noted in the report be provided to the Mayor and General Manager.*

**8. NSW CONTAINER DEPOSIT SCHEME S31.3.6**

GM-A **148/16 RESOLVED** (Michael/Baker) *that:*

- i) *the information be received and noted;*
- ii) *the Waste Management Sunset Committee be reconvened;*
- iii) *the Committee comprise three (3) members; being the Mayor, Cr Berryman and Cr Michael; and*
- iv) *the task of the Sunset Committee be:*

- a. Review the approved Waste Management Strategy and recommend any appropriate amendments to Council for consideration, and
- b. The issues of Container Deposit Scheme and scavenging rights be referred to the Sunset Committee for consideration.

**9. INVERELL SPORTING COMPLEX AMENITIES BUILDING REDEVELOPMENT TENDER (LISTING) S5.9.23**

**149/16 RESOLVED** (Watts/Berryman) 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.

**SECTION E  
INFORMATION REPORTS**

1. **DISABILITY INCLUSION ACTION PLAN (DIAP) S3.16.4**
2. **MANAGEMENT TEAM MEETING MINUTES S4.11.5/09**
3. **2015 APEX VENETIAN CARNIVAL S6.8.9**
4. **WHITE RIBBON AUSTRALIA WORKPLACE ACCREDITATION UPDATE S3.16.24**
5. **EMERGENCY SERVICES PROPERTY LEVY AND 2016 LAND VALUES S12.13.1**
6. **STRATEGIC TASKS – 'SIGN OFF' – NOVEMBER 2016 S4.13.2**
7. **BIODIVERSITY CONSERVATION BILL AND LOCAL LAND SERVICES AMENDMENT BILL S11.12.7**
8. **ENTERPRISE ENERGISE FUND 2016 – SMALL BUSINESS WORKSHOPS S15.8.71**
9. **LIBRARY CONFERENCE AND ASSOCIATION AGM S3.6.4**
10. **WHITE RIBBON DAY STREET MARCH 2016 S3.16.24**
11. **SAPPHIRE WIND FARM S18.6.52/01**
12. **WORKS UPDATE S28.21.1/09**
13. **CONSTRUCTION CERTIFICATES APPROVED FOR NOVEMBER 2016 S7.2.4/09**
14. **COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING NOVEMBER 2016 S7.2.4/09**

15. SUMMARY OF BUILDING CONSTRUCTION FOR NOVEMBER 2016  
S7.2.4/09
16. DEVELOPMENT CONSENTS AND REFUSALS DURING NOVEMBER 2016  
S18.10.2/09
17. SEPTIC TANK APPROVALS FOR NOVEMBER 2016 S29.19.1
18. ORDINANCE ACTIVITIES REPORT FOR NOVEMBER 2016 S18.10.1

**150/16 RESOLVED** (Michael/Baker) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 21 December, 2016, be received and noted.

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

**QWN/ORD 48/16** Recycling Centre S31.8.17

Cr Watts

Cr Watts asked if she could take a matter in to Committee of the Whole.

**151/16 RESOLVED** (Michael/Berryman) that the matter be referred to Closed Council for consideration as:

- i) the matters and information are 'commercial information of a confidential nature.' (Section 10A(2)(d) 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.

**QWN/ORD 49/16** CBD Footpath

Cr Michael

Cr Michael noted a recent shop front refurbishment and the relaying of pavers on the footpath to meet Disabled Access requirements. Cr Michael asked for details of the appropriate requirements.

The Director Civil & Environmental Services provided details in this matter.

**QWN/ORD 50/16** DA-181/2016 – 23 Lawrence Street, Inverell DA-181/2016

General Manager

The General Manager noted that a DA had been lodged on Friday, 16 December, 2016 for this land. There is a need for a number of time sensitive matters to be discussed with the developer. As the matters are of a contractual nature he requested the matter be considered in Committee of the Whole.

**152/16 RESOLVED** (Berryman/Baker) 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.*

#### **SECTION H GEVERNANCE REPORTS**

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

**153/16 RESOLVED** (Berryman/Dight) 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.*

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

At 4.29pm, 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**

**154/16 RESOLVED** (Berryman/Watts) that Council proceed into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

At this juncture, the time being 4.30pm, having previously declared a non-pecuniary interest in Section G, Confidential Reports, Item #1 'Inverell Sporting Complex Amenities Building Redevelopment Tender', Cr Baker left the meeting and did not participate in the vote in this matter.

Upon resuming Open Council at 5.12pm, 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:

##### **1. INVERELL SPORTING COMPLEX AMENITIES BUILDING REDEVELOPMENT TENDER S5.9.23**

MDS-A That:

- i) *the Tender from Danbuilt Pty Ltd for the Inverell Sporting Complex Amenities Building Redevelopment for the Tender price of \$443,736.37 (excluding GST) be accepted; and*



- ii) *the General Manager be authorised to execute the contract as a Simple Works Contract.*

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

GM-A *That the Mayor and General Manager be duly authorised to undertake negotiations with the developers in respect of Carparking and Heavy Transport Operation/Land Acquisition matters and report back to the February 2017 Ordinary Meeting of Council.*

**ADJOURNMENT**

At this juncture, the time being 4.47pm, Council adjourned to discuss the General Manager's review. The General Manager, Director Corporate & Economic Services and Director Civil & Environmental Services left the Chambers.

**RESUMPTION**

At this juncture, the time being 5.02pm, Council reconvened. The General Manager, Director Corporate & Economic Services and Director Civil & Environmental Services returned to the Chambers.

**3. MAYORAL MINUTE: ANNUAL PERFORMANCE REVIEW – GENERAL MANAGER S22.19.1**

*That:*

- i) *Council note the report of the General Manager Performance Review Committee;*
- ii) *Council note and support the finding of the Committee on the General Manager's Annual Performance Review for the period ending 30 June, 2016, in particular the Committee's summary assessment:*

*"The General Manager has guided the Council over the past twelve months in a manner that is seen as between Excellent and Above Satisfactory. He had led the Council through a period where the future of local government has been placed under considerable stress. During this and other projects, he has engaged with the community in a positive manner, he has represented Council in external industry organisations and the Inverell Council is seen as a positive and go-ahead organisation.*

*The General Manager is encouraged to continue to give frank and fearless advice in dealing with the difficult policy and service decisions facing the Council."*

- iii) *Council note that the Committee has agreed on a Performance Agreement for 2016/17. The above projects have been included in that Agreement.*

**4. RECYCLING CENTRE S31.8.17**

GM-A *That:*

- i) *an inspection of the Recycling Centre Amenities be arranged for 8 February, 2017; and*
- ii) *the issue of the amenities at the Recycling Centre be placed on the Waste Management Sunset Committee Agenda.*

**ADOPTION OF RECOMMENDATIONS**

**155/16 RESOLVED** *(King/Dight) that the recommendations of Closed Council be adopted.*

There being no further business, the meeting closed at 5.18pm.

CR P J HARMON

CHAIRPERSON