

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 23 NOVEMBER, 2016, COMMENCING AT 3 PM.

PRESENT: Cr P J Harmon (Mayor) [Chairperson], Crs 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 Corporate & Economic Services (Ken Beddie) and Director Civil & Environmental Services (Brett McInnes).

SECTION A

APOLOGIES **S13.6.9/09**

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

128/16 RESOLVED (Michael/Dight) *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 **S13.5.2/09**

129/16 RESOLVED (Berryman/King) *that the Minutes of the Ordinary Meeting of Council held on 26 October, 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 King declared a non-pecuniary interest in Section C, Committee Reports, Item #2, "Economic & Community Sustainability Committee Meeting Minutes - 9 November 2016 - #1 Expiring Agreements". The nature of the interest relates to the Lessee being the son of Cr King.

Suspension of Standing Orders

At this juncture, the time being 3.04pm, the Mayor sought agreement to suspend Standing Orders to facilitate the presentation of the 2016/2017 Recreational/Cultural Village Grants. The Mayor presented representatives of the following Groups with their cheques;

- Ashford Golf Club - \$1,829;
- Delungra Memorial Bowling Club - \$1,000;
- Gwydir Group of CWA (Delungra) - \$1,000;
- Gilgai Public Hall and Recreation Reserve Trust - \$816;
- Yetman Hall and Progress Association - \$2,000;
- Mount Russell Community Hall - \$1,500;
- Ashford Pony Club - \$1,599;
- Graman Memorial Hall - \$1,000;
- Gum Flat Hall - \$2,000; and
- Inverell Theatre Company - \$2,000.

The Mayor acknowledged the continued work and efforts of these Groups and the valuable contribution they make to the quality of community life.

COUNCIL'S AUDITOR PRESENTATION

A representative of Forsyths, Mr Paul Cornell, made a presentation to Council on the 2016 Audit Report. Mr Cornell answered questions from Councillors during the presentation. A copy of the presentation slide used by the Auditor is shown on Council's website.

Resumption of Standing Orders

At this juncture, the time being 3.30pm, Standing Orders resumed and Council considered the balance of the Agenda.

PUBLIC FORUM **S13.5.6/09**

No members of the public sought to speak.

SECTION B ADVOCACY REPORTS

Cr Watts White Ribbon Anti-Violence March

Cr Watts noted the White Ribbon Anti-Violence March being held on Thursday, 24 March, commencing at 10am.

Cr Michael Appreciation

Cr Michael thanked Council staff for providing timely feedback to Councillors on issues raised by community members.

Cr Harmon RDANI Northern Inland Innovation Awards

Cr Harmon noted the Innovation Awards held on Friday, 18 November. The Awards were well attended by visitors from the region. Local winners were:

- BEST Food Gardens
- Tourism Inverell, and
- Macintyre High School.

SECTION C COMMITTEE REPORTS

1. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES – 9 NOVEMBER 2016 **S4.11.16/08**

130/16 RESOLVED (Michael/Watts) that:

- the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 9 November, 2016, be received and noted; and*
- the following recommendations of the Civil & Environmental Services Committee be adopted by Council:*

1. DA-122/2016 – NEW DWELLING (DUAL OCCUPANCY – DETACHED) AND SUBDIVISION – 30 KING STREET, INVERELL 2360 **DA-122/2016**

That Development Application 122/2016 be approved subject to the following conditions of consent:

Preliminary

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for a dual occupancy (detached), comprising:

- Construction of a new dwelling at the rear of 30 King Street; and
- Subdivision.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).
3. The dwellings shall be numbered as follows:
 - 30A King Street – new dwelling; and
 - 30B King Street – existing dwelling.
4. Electricity and telecommunication services to the new dwelling must be underground.
5. King Lane is to be upgraded with the extension of the bitumen seal from the end of the current seal to the common boundary between 28 and 30 King Street, Inverell, and drainage improvements where necessary.
6. The existing trees in King Lane are to be maintained and measures installed during construction to protect the trees from damage.

Prior to Construction

7. Prior to the commencement of any building works on the site a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the *Building Code of Australia* and associated standards.
8. Prior to the issue of a Construction Certificate, detailed engineering plans and specifications are to be submitted to and approved by Council for:
 - Access crossings;
 - The access handle driveway for the new dwelling in consideration of the underground stormwater pipe;
 - Stormwater drainage for the entire site, including dwelling, hard stand and retaining walls; and
 - Inter-allotment drainage between the new dwelling and existing dwelling.
9. Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for:
 - Water Supply;
 - Sewerage Work; and
 - Stormwater Drainage Work

10. Prior to issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained for the construction of access crossings and upgrade of King Lane.
11. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for the new dwelling for water supply and water connection. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan; and
 - A water connection fee in accordance with Council's fees and charges.
12. Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for the new dwelling for sewer supply and sewer connections. This will require payment to Council of:
 - A Contribution under Council's Development Servicing Plan No. 1; and
 - A sewer junction fee in accordance with Council's fees and charges.
13. Prior to the issue of a Construction Certificate, a contribution towards Community Services must be paid to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*, for the new dwelling.

During Construction

14. A survey report is required to ensure that the proposed development is located on the correct allotment and at the approved distance from the boundary. The survey report is to be prepared by a registered land surveyor and be provided to the Principal Certifying Authority prior to works proceeding past floor level. This report is to be verified:
 - by the pegging of the site prior to the commencement of work; and
 - on completion of footings.
15. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;

- Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
- Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*.

A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

16. Vehicles associated with construction of the new dwelling, including delivery vehicles and worker vehicles, must use King Street. In extenuating circumstances if construction traffic needs to use King Lane the prior written approval from Council must be obtained and an agreement in place that any damage caused to King Lane must be repaired immediately, at the applicant's expense.
17. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

Prior to Occupation

18. Prior to occupation of the new dwelling, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
 - any preconditions to the issue of the certificate required by a development consent have been met.
19. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:
 - All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
 - The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
 - Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
 - Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.
 20. Prior to issue of an Occupation Certificate, all access crossings and the access handle driveway for the new dwelling, are to be constructed in accordance with the approved engineering design.
 21. Prior to issue of an Occupation Certificate, the upgrade of King Lane being the extension of the bitumen seal from the end of the current seal to the common boundary between 28 and 30 King Street and drainage improvements (where necessary), is to be completed at the applicant's expense.

22. Prior to issue of an Occupation Certificate, all stormwater drainage is to be completed in accordance with the approved engineering design.
23. Prior to issue of an Occupation Certificate all landscaping, fencing and privacy screen are to be completed as per the approved plan(s).

The privacy screen must have:

- A minimum height 1.5m above floor level;
 - No individual opening more than 30mm wide; and
 - A total area of all openings no greater than 30% of the screen area
24. Prior to issue of an Occupation Certificate, the carport for the existing dwelling is to be constructed in accordance with the approved plan(s).
 25. Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.
 26. Prior to issue of an Occupation Certificate, all new external lighting must be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Prior to Issue of a Subdivision Certificate

27. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979*. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
28. Prior to the issue of a Subdivision Certificate, the new dwelling is to be constructed and issued with an Occupation Certificate.
29. A 3m easement over the stormwater pipe is to be shown on the plan of subdivision and dedicated in favour of Council.
30. Where applicable, the plan of subdivision is to clearly show any private easements for services (e.g. electricity, telephone, etc.).
31. Any other condition deemed appropriate by the Director Civil and Environmental Services.

| S375A Record of Voting | Councillors For: | Councillors Against: |
|------------------------|------------------|----------------------|
| Cr P J Harmon | ✓ | |
| Cr C M Dight | ✓ | |
| Cr P A King | | ✓ |
| Cr S J Berryman | ✓ | |
| Cr J N McCosker | | ✓ |
| Cr A A Michael | ✓ | |
| Cr M J Peters | ✓ | |
| Cr J A Watts | ✓ | |

2. APPLICATION FOR RESTRICTED ACCESS VEHICLE ROUTE –
BURTENSHAW ROAD, INVERELL S30.9.11

That 750m of Burtenshaw Road, from MR137 Ashford Road to the Inverell Landfill be approved and gazetted as B-Double Route.

3. ROAD CLOSURE - VENETIAN CARNIVAL S28.23.1/09

That:

- i) *Council grant a permit for the Venetian Carnival and permission for the closure of Captain Cook Drive between the Byron Street Roundabout and the entrance of Pasterfield car park between the hours of 5pm and 10pm on Saturday, 3 December, 2016;*
- ii) *Council provide a donation of \$200.00 towards the cost of the road closure for the carnival.*

4. RE-APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE NORTHERN
NSW JOINT REGIONAL PLANNING PANEL S18.6.11

That Council nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern NSW Joint Regional Planning Panel.

5. TENDER T2/2017 DESIGN & RECONSTRUCTION TINTOT BRIDGE GRAMAN
ROAD S4.19.14

That:

- i) *Council accept the tender from Ozwide Bridge Rail & Civil Pty Ltd, Option 2 comprising a new bridge deck level constructed one metre higher than the existing bridge deck, for the price of \$460,250 GST exclusive; and*
- ii) *the Common Seal of Council be affixed to the Contract documents.*

2. ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING
MINUTES – 9 NOVEMBER 2016 S4.11.17/08

131/16 RESOLVED (Michael/Watts) *that:*

- i) *the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 9 November, 2016, be received and noted; and*
- ii) *the following recommendations of the Economic & Community Sustainability Committee be adopted by Council:*

At this juncture, the time being 3.40pm, having previously declared a non-pecuniary interest in Section C, Committee Reports, Item #2, "Economic & Community Sustainability Committee Meeting Minutes - 9 November 2016 - #1 Expiring Agreements", Cr King left the meeting and did not participate in the vote in this matter.

1. EXPIRING AGREEMENTS S5.10.43 & S5.10.84

- 1. Lease Agreement, Mr Nick King – Building at Inverell Pool, known as the "Gym", Evans Street, Inverell.

That:

- i) Council renew the agreement with Mr Nick King for the Building at Inverell Pool, known as the "Gym", Evans Street, Inverell for a three (3) year period with a further three (3) year option under the same terms and conditions;
 - ii) the lease fee be \$27.96 per day (GST Inclusive) subject to annual CPI adjustments; and
 - iii) the Lease Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.
2. Licence Agreement, Mr Owen Lewis – Part Lot 7313, DP 1135965 and Part Unformed Road, Ross Street, Inverell.

That the agreement be renewed, under the same terms and conditions, on a month-to-month basis.

At this juncture, the time being 3.43pm, Cr King returned to the meeting.

2. SPONSORSHIP REQUEST – 2017 INVERELL TOUGHEN UP CHALLENGE S12.22.1/10

That:

- i) Council provide the same sponsorship as in previous years, being the Silver Sponsorship Package valued at \$500 plus GST; and
 - ii) Council invite the Inverell Toughen Up Committee to provide a presentation to Council on the success and ongoing growth of the event.
3. ADDITIONAL CARPARKING - CATHERINE CAMPBELL CENTRE S5.10.10

That Council accede to the request to assist with the extension and resealing of the Catherine Campbell Centre carpark, which is located on Council owned land.

4. REQUEST FOR ASSISTANCE – INVERELL GIRL GUIDES S12.22.1/09

That Council contribute \$700 towards making the Inverell Girl Guide Hall compliant.

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

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 2016/2017 S12.5.1/09

That:

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 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.

**SECTION D
DESTINATION REPORTS**

**1. PRESENTATION OF COUNCIL'S 2015/2016 FINANCIAL REPORTS
S12.11.1**

The Councillors acknowledged the presentation by Mr Cornell earlier in the meeting.

DCS-N **132/16 RESOLVED** (Michael/Berryman) that:

- i) *the information be received and noted; and*
- ii) *the Audit Report for the 2015/2016 Financial Year be adopted.*

2. FIT FOR THE FUTURE ROADMAP - ACTION PLAN S25.11.3

GM-A **133/16 MOTION** (Watts/Berryman) that:

- i) *Council note that an application for a Special Rate Variation is a strategy from its Fit for the Future 'Roadmap' endorsed in June 2015, and subsequently approved by IPART in October 2015;*
- ii) *Council adopt the 14.25% SRV (phased in over three (3) years) as its preferred scenario and lodge a notice of intention to IPART that Council will be submitting a Special Rate Variation Application at the nominated time as a permanent variation under Section 508A of the Local Government Act, 1993;*
- iii) *the Integrated Planning & Reporting Documents be updated to reflect the impacts of the 14.25% SRV, and the amended documents be included in the Community Engagement process;*
- iv) *a Community Engagement process be implemented to seek feedback on Council's position regarding a Special Rate Variation; and*
- v) *UTS be engaged to complete the SRV Community Engagement process utilising the methodology proposed in the UTS response to Council's brief.*

AMENDMENT (Peters/McCosker) that:

- i) *Council not advise IPART of a proposed SRV at this time;*
- ii) *Council undertake community consultation prior to advising IPART of any proposed SRV; and*
- iii) *a further briefing be conducted for Council on the Fit for the Future Roadmap, Long Term Financial Plan, Asset Plans and Operational Plans.*

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

3. NAMING OF YETMAN OVAL S21.8.16

GM-A **134/16 RESOLVED** (Dight/McCosker) that the Yetman Oval be named "Terry Barnes Oval".

**SECTION E
INFORMATION REPORTS**

1. STAFF MOVEMENTS: 1 JULY 2016 TO 30 SEPTEMBER 2016 S22.25.1

2. STRATEGIC TASKS – ‘SIGN OFF’ – OCTOBER 2016 S4.13.2
3. CONSTRUCTION CERTIFICATES APPROVED FOR OCTOBER 2016 S7.2.4/09
4. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING OCTOBER 2016 S7.2.4/09
5. SUMMARY OF BUILDING CONSTRUCTION FOR OCTOBER 2016 S7.2.4/09
6. DEVELOPMENT CONSENTS AND REFUSALS DURING OCTOBER 2016 S18.10.2/09
7. SEPTIC TANK APPROVALS FOR OCTOBER 2016 S29.19.1
8. ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2016 S18.10.1
9. NEW PUBLIC LANE INVERELL TOWN CENTRE DA-154/2012
10. MANAGEMENT TEAM MEETING MINUTES S4.11.5/09

135/16 RESOLVED (Watts/Berryman) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 23 November, 2016, be received and noted.

SECTION F QUESTIONS WITHOUT NOTICE

QWN/ORD 45/16
Cr McCosker

Trees – Tingha Road

Cr McCosker noted the avenue of trees on the Tingha Road and asked if there is a plan to remove and replace the dead and dying trees in the avenue.

The Director Civil & Environmental Services noted this matter is currently being investigated with an Arborist.

QWN/ORD 46/16
Cr McCosker

Tree Management Plan

Cr McCosker asked when the Tree Management Plan would be finalised.

The Director Civil & Environmental Services advised Council that the draft Plan is currently being reviewed for compliance with the new Native Vegetation Legislation.

QWN/ORD 47/16
Cr Michael

Local Events

Cr Michael asked for a report to be provided to Council on local events and the funding available for the conduct of these and new events.

The General Manager noted that a new Tourism and Marketing Plan is being prepared and will be brought to Council in the new year. This matter will be incorporated into the report.

There being no further business, the meeting closed at 4.46pm.

CR P J HARMON

CHAIRPERSON