

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN  
THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL ON WEDNESDAY, 24 AUGUST, 2016, COMMENCING AT 3 PM.

**PRESENT:** Cr P J Harmon (Mayor) [Chairperson], Crs D F Baker, P J Girle, B C Johnston, D C Jones, A A Michael, M J Peters and J A Watts.

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

**SECTION A**

**APOLOGIES** **S13.6.9/09**

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

**82/16 RESOLVED** (Watts/Baker) *that the apology from Cr Castledine due to his absence for personal reasons be accepted, and that leave of absence be granted.*

**CONFIRMATION OF MINUTES** **S13.5.2/09**

**83/16 RESOLVED** (Baker/Johnston) *that the Minutes of the Ordinary Meeting of Council held on 27 July, 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 3.03pm, 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 Council and Cr Barry Johnston OAM

Mr Bensley paid tribute to the outgoing Council, noting its high performance over the period. Mr Bensley noted a range of Council's achievements over the term and the achievement of its Fit for the Future status. Mr Bensley noted the contribution of senior staff and extended a vote of thanks to Council and staff.

Mr Bensley then paid tribute to and recognised the strong contribution of Cr Barry Johnston to Inverell Shire Council and NSW Local Government over a period of 40 years. Cr Johnston had served in many different roles within the industry while providing strong and consistent leadership to the Shire community. Mr Bensley wished Cr Johnston well in the future.

Mr Richard Coventry Council and Cr Barry Johnston OAM

Mr Coventry thanked Council for their sound achievements over the Council Term.

Mr Coventry then provided a tribute to Cr Barry Johnston for his strong and dedicated contribution to Council during the periods 1979 – 1987 and 1999 – 2016. Mr Coventry noted Cr Johnston's strong, proactive leadership in often difficult circumstances following the 1979 Council amalgamations.

Many projects such as the Administration Centre, Works Depot, Water and Sewerage schemes were noted. Cr Johnston was awarded an OAM for his service to Local Government. Mr Coventry noted the supporting contribution of Cr Johnston's late wife, June.

Mr Coventry believes that Inverell Shire is a better place for Cr Johnston's strong, dedicated contribution. Mr Coventry wished Cr Johnston well in his retirement from Council.

At this juncture, the time being 3.20pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

## **SECTION B ADVOCACY REPORTS**

GM-A      Cr Watts      White Ribbon Program      S3.16.24

Cr Watts noted a recent meeting with representatives of White Ribbon Australia, Department of Premier and Cabinet and Industry Stakeholders in respect of addressing domestic violence in the community. The Department of Premier and Cabinet is looking at supporting two (2) pilot programs in NSW, one (1) in Inverell and one (1) in Tingha.

Cr Watts noted the Country Women's Association (CWA) 'A Night to Raise Awareness about Domestic Violence' dinner event earlier in the year and Council's contribution to that event. CWA have returned \$3,200 to Council from the original \$4,000 Council contributed that was not required following receipt of funding from additional sources.

**84/16 RESOLVED** (Watts/Baker) *that Council recommend to the incoming Council that the refunded amount be allocated to support activities undertaken by Council in respect of the White Ribbon Program, including accreditation of this organisation as a White Ribbon Organisation.*

## **SECTION C COMMITTEE REPORTS**

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

**85/16 RESOLVED** (Jones/Johnston) *that:*

- i)      *the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 10 August, 2016, be received and noted; and*
- ii)     *the following recommendation of the Civil & Environmental Services Committee be adopted by Council:*

1. SWIMMING POOLS MANAGEMENT CONTRACT S26.13.1 & S26.13.3

*That:*

- i) *the Inverell and Ashford Pools continue to be managed on a contract basis; and*
- ii) *the following parameters guide the formulation of the future management contract:*
  - a) *the contract term be for a period of 3 years with a 2 year option,*
  - b) *the contractor retain flexibility to set opening hours with the minimum opening hours and spread of hours to be specified by the contractor as part of tender,*
  - c) *the contractor be provided with exclusive commercial rights and retain all income associated with the operation of both pools,*
  - d) *commencement entry fees and user charges be specified by the contractor as part of the tender and a mechanism be incorporated into the contract to enable formal review of such fees each financial year,*
  - e) *the responsibility split associated with maintenance and repairs and the provision of major consumables generally be consistent with the provisions of the current contract,*
  - f) *the management of the Ashford and Inverell Pools be offered under the single management contract.*

2. DELUNGRA DISTRICT DEVELOPMENT COUNCIL (DDDC) S3.15.13

*That a letter of appreciation be sent.*

2. **ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING MINUTES – 10 AUGUST 2016** S4.11.17/08

**86/16 RESOLVED** (Girle/Baker) *that:*

- i) *the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 10 August, 2016, be received and noted; and*
- ii) *the following recommendations of the Economic & Community Sustainability Committee be adopted by Council:*

1. EXPIRING LICENCE AGREEMENT - INVERELL POLOCROSSE CLUB INC. S5.10.128

*That:*

- i) *Council renew the agreement with Inverell Polocrosse Inc. for Part unformed road off Eddy Park Lane, Rob Roy;*
- ii) *the licence agreement be for a two (2) year period with a further two (2) year option;*
- iii) *the Licence fee be \$120.00 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.*

2. ABORIGINAL LAND CLAIM S5.2.3

*That the actions taken in respect of the Inverell Speedway be received and noted.*

3. REQUEST TO TRANSFER LICENCE AGREEMENT S5.10.96

*That:*

- i) *the Agreement for Lot 3, DP 235812 and Part Lot 11, DP 202029, Drainage Reserve, Lang Street, Inverell be transferred to Ms Jamie Pay;*
- ii) *the Agreement be for a five (5) year period with a further five (5) year Option period;*
- iii) *the licence fee be \$50.00 per annum (GST Inclusive); and*
- iv) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

4. 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.*

**SECTION D  
DESTINATION REPORTS**

1. COUNCIL FOUR (4) YEAR TERM REVIEW S4.13.2

DCS-N **87/16 RESOLVED** (Michael/Watts) that the Term Review Report for the period 2012 to 2016 be adopted.

2. TAFE NEW ENGLAND - MEMORANDUM OF UNDERSTANDING (MOU)  
S3.16.5

GM-A **88/16 RESOLVED** (Baker/Watts) that Council enter into a Memorandum of Understanding with TAFE New England that supports TAFE's vision to change peoples lives with training, skills and jobs in the Inverell community.

3. DA-98/2016 – NEW DWELLING (DUAL OCCUPANCY – DETACHED) AND  
SUBDIVISION – 74 OSWALD STREET, INVERELL 2360 DA-98/2016

DP-A **89/16 RESOLVED** (Girle/Baker) that Development Application 98/2016 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 74 Oswald 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:
  - 74 Oswald Street – existing dwelling; and
  - 84 Prince Terrace – new dwelling.
4. Electricity and telecommunication services to the new dwelling must be underground.

**Prior to Construction**

5. 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.
6. 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
7. Prior to issue of a Construction Certificate, approval under Section 138 of the *Roads Act 1993* is to be obtained to construct the access crossings in Oswald Street and Prince Terrace.
8. Prior to issue of a Construction Certificate, a landscaping plan is to be prepared for the site detailing the fencing and location, type and maximum growth height of vegetation. This plan is to be submitted to and approved by Council. The landscaping must be provided at the front of the dwelling and landscaping/fencing is to be provided to protect the privacy between the new dwelling, existing dwelling and adjoining property at number 76 Oswald Street.
9. 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 No. 1 for 0.6 equivalent tenement; and
  - A water connection fee in accordance with Council's fees and charges.
10. 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 for 1 equivalent tenement; and
  - A sewer junction fee in accordance with Council's fees and charges.
11. 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***

12. 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.
13. Vehicles associated with construction of the new dwelling, including delivery vehicles and worker vehicles, must not impede traffic along Prince Terrace.

***Prior to Occupation***

14. 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.
15. Prior to issue of an Occupation Certificate, all stormwater (i.e. roof water and/or surface water) must be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage* to the street gutter.

16. Prior to issue of an Occupation Certificate all landscaping and fencing are to be completed as per the approved plan(s).
17. Prior to issue of an Occupation Certificate, the existing 4.9m x 3.1m carport is to be relocated in accordance with the approved plans.
18. Prior to issue of an Occupation Certificate, the access crossing for the existing dwelling (74 Oswald Street), is to be concreted or bitumen sealed from the layback in Oswald Street to the boundary.
19. Prior to issue of an Occupation Certificate, the access crossing for the new dwelling is to be concreted from the gutter to the garage.

***Prior to Issue of a Subdivision Certificate***

20. 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.
21. Prior to the issue of a Subdivision Certificate, the new dwelling is to be constructed and issued with an Occupation Certificate.
22. A 3m easement over the sewer main is to be shown on the plan of subdivision and dedicated in favour of Council.
23. Where applicable, the plan of subdivision is to clearly show any private easements for services (e.g. electricity, telephone, etc.).
24. 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 D F Baker	✓	
Cr P J Girle	✓	
Cr B C Johnston	✓	
Cr D C Jones	✓	
Cr A A Michael	✓	
Cr M J Peters	✓	
Cr J A Watts	✓	

**SECTION E  
INFORMATION REPORTS**

1. **MANAGEMENT TEAM MEETING MINUTES** **S4.11.5/09**
2. **STRATEGIC TASKS – ‘SIGN OFF’ – JULY 2016** **S4.13.2**

3. CONSTRUCTION CERTIFICATES APPROVED FOR JULY 2016 S7.2.4/09
4. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING JULY 2016 S7.2.4/09
5. SUMMARY OF BUILDING CONSTRUCTION FOR JULY 2016 S7.2.4/09
6. DEVELOPMENT CONSENTS AND REFUSALS DURING JULY 2016 S18.10.2/09
7. SEPTIC TANK APPROVALS FOR JULY 2016 S29.19.1
8. ORDINANCE ACTIVITIES REPORT FOR JULY 2016 S18.10.1

**90/16 RESOLVED** (Jones/Michael) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 24 August, 2016, be received and noted.

At this juncture, the time being 3.44pm, Cr Harmon left the meeting and Cr Michael assumed the Chair.

#### SECTION F QUESTIONS WITHOUT NOTICE

GM-A **QWN/ORD 31/16** Murray Darling Basin Authority (MDBA) – Pilot Program  
General Manager S11.15.17

The General Manager advised Council that Expressions of Interest are being sought for the MDBA Program, Regional Engagement Officers 12 month Pilot.

**91/16 RESOLVED** (Baker/Watts) that Council submit an EOI on a cost recovery basis for the Program.

At this juncture, the time being 3.46pm, Cr Harmon returned to the meeting and assumed the Chair.

**QWN/ORD 32/16** Council Term  
Cr Girle

Cr Girle paid tribute to Cr Johnston and his late wife June for their substantial contribution to Council and wished Cr Johnston well for the future. Cr Girle thanked Council and staff for their support over the last four (4) years noting Council's significant achievements over the period.

**QWN/ORD 33/16** Council Term  
Cr Michael

Cr Michael thanked Councillors and staff for their contribution to Council and the community over the term. Cr Michael paid tribute to Cr Johnston for his contribution to Council and the community, wishing him well for the future.

**QWN/ORD 34/16** Council Term  
Cr Watts

Cr Watts thanked Council and senior staff for their support over the Council term, noting the strong achievements of Council for the community.

Cr Watts expressed her appreciation to Cr Johnston for his many contributions to Council, community and local government over a very long period and wished him every blessing in the future.

**QWN/ORD 35/16**

Cr Peters

Council Term

Cr Peters thanked Cr Johnston for his strong support, leadership and friendship over the Council term and for a very substantial period before that time. Cr Peters wished Cr Johnston the best for the future.

**QWN/ORD 36/16**

Cr Jones

Council Term

Cr Jones noted Cr Johnston's contribution to Council and the region over many years and the substantial projects that were completed, many with strong lobbying. Cr Jones noted Cr Johnston's leadership and willingness to address the hard issues that arose, especially during the original amalgamation.

Cr Jones wished Cr Johnston very well in his retirement from Council.

**QWN/ORD 37/16**

Cr Baker

Council Term

Cr Baker acknowledged the strong achievements of Council over the last 17 years during which time she has been a Councillor. Cr Baker thanked her fellow Councillors and senior staff for their strong contributions.

Cr Baker paid tribute to Cr Johnston for his contribution to Council and the community over many years and wished him well in the future.

**QWN/ORD 38/16**

Cr Harmon

Council Term

Cr Harmon expressed his strong support and thanks to Mr Paul Henry, Mr Ken Beddie and Mr Brett McInnes for their continuing substantial contribution to Council and the community. Cr Harmon thanked each Councillor for their support over the term, noting their individual achievements for the benefit of the Shire community and the industry.

Cr Harmon paid special tribute to Cr Johnston for his support, leadership, and mentoring over many years, helping him make Inverell the place it is today.

Cr Harmon read a letter from the Danthonia Community thanking Cr Johnston for his friendship, leadership and tireless support of the community over many years. Cr Harmon wished Cr Johnston the best for the future and his future endeavours.

**QWN/ORD 39/16**

Cr Johnston

Council Term

Cr Johnston thanked Councillors and staff for their support over many years, their friendship, and kind words.

Cr Johnston noted the events that originally brought him and his late wife June to the area, which led him into Local Government.

Cr Johnston acknowledged those people that had assisted them through often difficult times.

Cr Johnston noted the late Jack Black and his encouragement for him to get involved in Local Government. Cr Johnston wished the Councillors and staff well in the future.

There being no further business, the meeting closed at 4.48pm.

CR P J HARMON

CHAIRPERSON