

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

**PRESENT:** Cr P J Harmon (Mayor) [Chairperson], Crs D F Baker, P J Girle, B C Johnston, A A Michael, M J Peters 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                      S13.6.9/09**

The General Manager advised that Crs Jones and Castledine tendered their apologies and sought leave of absence for personal reasons.

*1/16 RESOLVED (Watts/Johnston) that the apologies from Crs Jones and Castledine due to their absence for personal reasons be accepted, and that leave of absence be granted.*

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

*2/16 RESOLVED (Baker/Michael) that the Minutes of the Ordinary Meeting of Council held on 16 December, 2015, 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                      S13.5.6/08 & S13.5.2/09**

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:

Ms Caroline Wilson                      Town Centre Renewal Plan (TCRP)

Ms Wilson spoke in respect of the TCRP, particularly the removal of Plane trees. Ms Wilson noted that it was her opinion that certain components of the plan had been delayed and changed by Council. Ms Wilson felt there was a lack of appropriate clarity in Council's communications and direction in this matter.

Ms Wilson asked that Council rescind the resolutions on the TCRP implementation and the removal of the 'inappropriately planted' Plane trees.

Mrs Pam McLeay                      Anti Domestic Violence Forum and Dinner – CWA Event

Mrs McLeay addressed Council in respect of the upcoming event 11 April, 2016 and the agenda for the day. Mrs McLeay asked that Councillors and Council staff consider attending the event and or the dinner.

At this juncture, the time being 3.19pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

**SECTION B  
ADVOCACY REPORTS**

- Cr Harmon      Governor General Visit
- The Mayor noted the recent visit and the events attended by the Governor General. It was an honour to meet with the Governor General and to host a Civic Reception.
- Cr Harmon      Tingha Chinese New Year Celebration
- The Mayor attended this event on behalf of Council. On the following Sunday, the Mayor provided a tour of Inverell and Copeton Dam to the Chinese Consulate Delegates.
- Cr Harmon      Bindaree Beef
- The Mayor noted that he attended an event in Sydney at the invitation of Bindaree Beef to witness the signing ceremony of the Business Agreement with Shandong Delisi.
- Cr Baker      Regional Development
- Cr Baker attended a Regional Development Seminar where Mr Derek Tink spoke in respect of promoting trade with China. The topics discussed were; Sister City relationships, Tourism and Agri-business.

**SECTION C  
COMMITTEE REPORTS**

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

**3/16 RESOLVED** (Michael/Girle) that the Minutes of the Inverell Liquor Consultative Committee Meeting held on Tuesday, 10 November, 2015, be received and noted.

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

**4/16 RESOLVED** (Watts/Baker) that:

- i)      the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 10 February, 2016, be received and noted; and
- ii)      the following recommendations of the Economic & Community Sustainability Committee be adopted by Council, with the exception of Item 16 that was referred to Committee of the Whole:

**1.      FIT FOR THE FUTURE (FFF) – UPDATE      S13.1.2**

*That:*

- i)      the report be received and noted,
- ii)      a draft submission be prepared and submitted to Council for endorsement which includes the Tingha area; and
- iii)      Council support the retention of a one (1) year term for Mayors to provide a mechanism for dealing with non-performing Mayors.

2. MCLEAN CARE - MID YEAR ECONOMIC AND FISCAL OUTLOOK (MYEFO)  
S3.16.1

*That:*

- i) *Council liaise with McLean Care on the details of the impacts of funding changes; and*
- ii) *the Mayor seek an appointment with Mr Barnaby Joyce, Member for New England, to highlight the impacts of changes in Aged Care funding.*

3. AMENDMENT TO LOCAL GOVERNMENT ACT (LG ACT) S4.10.5

*That Council amend the "Inverell Shire Council – Code of Conduct" by inserting the following wording for clause 4.29;*

*"A Councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict or interest in the matter, is permitted to participate in consideration of the matter, if:*

- a) *the matter is a proposal relating to:*
  - i. *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
  - ii. *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- b) *the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and*
- c) *the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this part."*

4. COUNTRY WOMEN'S ASSOCIATION (CWA) S12.22.1/09

*That Council provide financial assistance of \$4K plus GST for the purpose of providing a guest speaker.*

5. REGIONAL RFS FACILITIES S9.18.1/09

*That the 2016/17 RFS Budget include a provision of \$600K, to be funded from the Buildings Internally Restricted Asset for the purpose of establishing the Regional RFS Centre in Inverell.*

6. INVERELL POOL FACILITY MASTER PLAN S26.13.3

*That a report be prepared for the Committee on that aspect of the Inverell Pool Facility Master Plan that addresses the expansion request from a longer term tenant, inclusive of the expansion plans, costs and rental review.*

7. STORES & MATERIALS STOCKTAKE – INVERELL S23.16.5/09

*That the stores and materials Stocktake information be received and noted and the adjustment of \$1,123.14 be made in the Stores Ledger.*

8. STORES & MATERIALS STOCKTAKE – ASHFORD S23.16.5/08

*That the stores and materials Stocktake information be received and noted.*

9. STORES & MATERIALS STOCKTAKE – FUEL TANKER T190 S23.16.5/08

*That the stores and materials Stocktake information be received and noted and the adjustment of **\$684.52** made in the Stores Ledger.*

10. STORES & MATERIALS STOCKTAKE - FUEL TANKER T212 S23.16.5/08

*That the stores and materials Stocktake information be received and noted and an adjustment of **-\$211.87** is made in the Stores Ledger.*

11. STORES & MATERIALS STOCKTAKE – YETMAN S23.16.5/08

*That the stores and materials Stocktake information be received and noted and the adjustment of **\$81.81** made in the Stores Ledger.*

12. STORES & MATERIALS STOCKTAKE – INVERELL S23.16.5/08

*That the stores and materials Stocktake information be received and noted and the adjustment of **-\$4.82** be made in the Stores Ledger.*

13. STORES & MATERIALS STOCKTAKE – INVERELL S23.16.5/08

*That the stores and materials Stocktake information be received and noted and the adjustment of **\$27.42** be made in the Stores Ledger.*

14. 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.*

15. QUARTERLY BUDGET AND OPERATIONAL PLAN REVIEW 2015/2016  
S12.5.1/08

*That:*

- i) Council's Quarterly Operational Plan and Budget Review for 31 December, 2015 be adopted; and*
- ii) the proposed variations to budget votes for the 2015/2016 Financial Year be adopted providing an estimated Cash Surplus at 30 June, 2016 from operations of \$6,952.*

16. LAND SALES – VARIOUS **S5.2.0/09 & S5.2.48**

**5/16 RESOLVED** (Girle/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.*

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

**6/16 RESOLVED** (Girle/Michael) that:

- i) *the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 10 February, 2016, be received and noted; and*
- ii) *the following recommendations of the Civil & Environmental Services Committee be adopted by Council, noting the Cr Harmon was the Chairperson for the meeting:*

**1. PROMOTION OF HERITAGE CONSERVATION IN THE INVERELL SHIRE  
S18.6.36 & S15.8.15/09**

*That:*

- i) *the 2016/17 Budget Meeting consider increasing the Heritage Conservation Budget to \$20K; and*
- ii) *a review of the Heritage Grants criteria and process be undertaken.*

**2. PETITION – CONDITION OF UNSEALED SECTION OLD BUNDARRA ROAD  
S28.10.SR214**

*That:*

- i) *the concerns raised by residents of Old Bundarra Road be acknowledged;*
- ii) *Council confirm the status of the Old Bundarra Road as a collector road in accordance with its road hierarchy classification;*
- iii) *the road continue to be inspected and maintained in accordance with Council policy, in line with the classification as a collector road; and*
- iv) *the author of the petition be formally advised of Council's decision.*

**3. PETITION – GILGAI PEDESTRIAN CROSSING S30.9.6**

*That:*

- i) *the information be received and noted;*
- ii) *an investigation into the safety of the Gilgai crossing be conducted;*
- iii) *a further report be presented to the Civil and Environmental Services Committee at the conclusion of investigations; and*
- iv) *the author of the petition be kept informed of progress in the matter.*

**SECTION D  
DESTINATION REPORTS**

**1. HEALTH PLANNING DOCUMENT S24.20.5**

GM-A **7/16 RESOLVED** (Baker/Watts) that:

- i) *Council seek comment from HNEHS on the various indicators contained in the document, in particular, services that are provided to address the health needs where this community scores above the Region's scores;*
- ii) *Council utilise the information as a 'ready reckoner' during the planning phase of the Inverell Hospital; and*

- iii) Council seek details from the Primary Health Network on what actions that organisation can take to address the highlighted needs.

**SECTION E  
INFORMATION REPORTS**

1. ANNUAL LEAVE S22.13.2/05
2. QUESTIONS WITHOUT NOTICE S13.5.5/08
3. CONSTRUCTION CERTIFICATES APPROVED FOR  
JANUARY 2016 S7.2.4/09
4. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING  
JANUARY 2016 S7.2.4/09
5. SUMMARY OF BUILDING CONSTRUCTION FOR JANUARY 2016  
S7.2.4/09
6. DEVELOPMENT CONSENTS AND REFUSALS DURING JANUARY 2016  
S18.10.2/09
7. SEPTIC TANK APPROVALS FOR JANUARY 2016 S29.19.1
8. ORDINANCE ACTIVITIES REPORT FOR JANUARY 2016 S18.10.1
9. CONSTRUCTION CERTIFICATES APPROVED FOR  
DECEMBER 2015 S7.2.4/08
10. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING  
DECEMBER 2015 S7.2.4/08
11. SUMMARY OF BUILDING CONSTRUCTION FOR DECEMBER 2015  
S7.2.4/08
12. DEVELOPMENT CONSENTS AND REFUSALS DURING DECEMBER 2015  
S18.10.2/08
13. SEPTIC TANK APPROVALS FOR DECEMBER 2015 S29.19.1
14. ORDINANCE ACTIVITIES REPORT FOR DECEMBER 2015 S18.10.1
15. STRATEGIC TASKS – ‘SIGN OFF’ – DECEMBER 2015 & JANUARY 2016  
S4.13.2

**8/16 RESOLVED** (Michael/Johnston) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 24 February, 2016, be received and noted.

**SECTION F  
QUESTIONS WITHOUT NOTICE**

**QWN/ORD 1/16**  
Cr Peters

Concerned Inverell's Ratepayer's Association

Cr Peters indicated that he had been requested to move a motion from the Association.

MOTION that Council rescind the resolutions for the implementation of the Town Centre Renewal Plan and the removal of the Plane trees.

DCES-A	<b>QWN/ORD 2/16</b> Cr Girle	<u>Recycling Services</u>	<u>S31.16.20</u>
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DCES-A **QWN/ORD 3/16** Companion Animals S11.1.1  
Cr Johnston

**QWN/ORD 4/16**      Senior Staff Appraisals      S22.19.1  
Cr Harmon

i) the report includes 'Personnel matters concerning particular individuals' (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.*

**QWN/ORD 5/16**      Air Services      S30.16.4  
Cr Harmon

Cr Harmon advised that an Expression of Interest process is being undertaken by Pelican Airlines.

**10/16 RESOLVED** (Harmon/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.*

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

At 3.38pm, 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**

**11/16 RESOLVED** (Baker/Johnston) *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 4.37pm, 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. LAND SALES – VARIOUS S5.2.0/09 & S5.2.48**

**1. OFFER TO PURCHASE**

GM-A

*That:*

- i) the offer to purchase Lot 6, Rifle Range Road from Dominico Blue be accepted;*
- ii) the sale be subject to any other terms and conditions deemed necessary or as negotiated with the General Manager; and*
- iii) all necessary documents be executed under the Common Seal of Council.*

**2. LOT 5 TAYLOR AVENUE**

*That:*

- i) Council confirm the actions of the Mayor in respect of this matter; and*
- ii) the Real Estate Agent be advised of the revised asking price for this land.*

**3. ASSOCIATED ISSUES**

**A. ADDITIONAL SERVICED INDUSTRIAL LAND**

*That a report be presented to a future Civil and Environmental Services Meeting on the development of the next stage of Rifle Range Road industrial subdivision.*

**B. LAND VALUATION PROCESS – PRIVATE TREATY**

- i) Council approach a local real estate agent to provide a 'market value' for all unpriced Council operational land that may be available for sale;*
- ii) this information be provided to Council for setting the price for the individual parcels of land;*
- iii) the valuation be increased each year by the CPI to reset the 'asking price'; and*
- iv) if a perspective purchaser seeks a discount on the purchase price, a report be provided to Council in this matter for determination.*



**2. SENIOR STAFF PERFORMANCE APPRAISALS S22.19.1**

GM-A *That:*

- i) the information from the Senior Staff Performance Appraisal Committee be noted;*
- ii) Council unanimously finds the performance of Messrs Henry, Beddie and McInnes during the review period, was highly commendable and in terms of the Contracts of Employment, noting the performance of the Officers has been highly satisfactory; and*
- iii) a review be conducted of the Performance Review System.*

Note: The senior staff were not present in the chamber at the time this item was considered.

**3. AIRSERVICES S30.16.4**

GM-A *That Council provide an 'Expression of Interest' to FlyPelican (Pelican Airlines Pty Ltd) in respect of the possible re-establishment of an Inverell Airservice in the terms discussed.*

**ADOPTION OF RECOMMENDATIONS**

**12/16 RESOLVED** *(Baker/Johnston) that the recommendations of Closed Council be adopted.*

There being no further business, the meeting closed at 4.40pm.

CR P J HARMON

CHAIRPERSON