

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 27 JULY, 2016, COMMENCING AT 3 PM.

**PRESENT:** Cr P J Harmon (Mayor) [Chairperson], Crs D F Baker, H N Castledine, P J Girle, B C Johnston, D C Jones, A A Michael 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 Cr Peters tendered his apology and sought leave of absence for business reasons.

**70/16 RESOLVED** *(Jones/Girle) that the apology from Cr Peters due to his absence for business reasons be accepted, and that leave of absence be granted.*

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

**71/16 RESOLVED** *(Johnston/Castledine) that the Minutes of the Ordinary Meetings of Council held on 25 May, 2016 and 22 June, 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 3.05pm, the following interests were declared:

- Cr Michael declared a pecuniary interest relating to a recommendation in Section C, Committee Reports, Item 2, "Economic & Community Sustainability Committee Meeting Minutes - 13 July 2016". The nature of the interest relates to Cr Michael's association with a developer with a possible interest in the property.

**PUBLIC FORUM** **S13.5.6/09**

There were no members of the public registered to speak in Public Forum.

**SECTION B**  
**ADVOCACY REPORTS**

Cr Michael Inverell Mountain Bike Track Facility

Cr Michael opened the new Inverell Mountain Bike Track Facility on 16 July, 2016. The Opening Event was an outstanding success. Council assisted the Club with securing the land for the facility and providing fencing material for the Club to erect a barrier at the frontage of the land.

Cr Michael Inner Wheel Changeover

Cr Michael attended the changeover of the Inner Wheel Club.

Cr Michael      Inverell Community Recycling Centre

Cr Michael participated in the Official Opening of the new Centre on 22 July, 2016 with the Minister of Environment and Heritage, Mr Mark Speakman and Member for Northern Tablelands, Mr Adam Marshall. The new jointly funded facility will be a major asset to the community.

Cr Baker      Inverell Equestrian Council AGM

Cr Baker attended the 2016 Annual General Meeting of the Equestrian Council. Cr Baker noted the Equestrian Council had provided over 3,700 volunteer hours during the last 12 months.

Cr Watts      Fit for the Future Newsletter

Cr Watts noted Council's new Fit for the Future Newsletter which is being delivered as part of Council's Fit for the Future Roadmap. Cr Watts commended staff on the quality of the publication.

**SECTION C  
COMMITTEE REPORTS**

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

**72/16 RESOLVED** (Castledine/Johnston) *that:*

- i)      the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 13 July, 2016, be received and noted; and*
- ii)    the following recommendation of the Civil & Environmental Services Committee be adopted by Council:*

**1.      NORTH WEST WEIGHT OF LOADS - MEMORANDUM OF AGREEMENT  
S28.11.1**

*That the 2016-2021 North West Weight of Loads Inter-Council Memorandum of Agreement be executed under the Common Seal of Council.*

**2.      DA-69/2016 – CONSTRUCTION OF A SHED – 9 DEODARA DRIVE,  
INVERELL 2360                      DA-69/2016**

*That Development Application 69/2016 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 construction of a shed.

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).

***Prior to Construction***

3. 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.

4. Prior to issue of a Construction Certificate, a report by a qualified engineer or engineering geologist, classifying of the soil in accordance with Part 3.2 Footings and Slabs of the Building Code of Australia, is to be submitted to Council.
5. Prior to issue of a Construction Certificate, a stormwater plan must be submitted to and approved by Council. The stormwater plan must show how roof water and surface water will be drained in accordance with *Australian Standard 3500.3 Plumbing and drainage*.

***During Construction***

6. 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.

**Prior to Occupation**

7. Prior to occupation of the premises, 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.
8. 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* and the approved stormwater plan.
  9. 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 H N Castledine	✓	
Cr P J Girle	✓	
Cr B C Johnston	✓	
Cr D C Jones	✓	
Cr A A Michael	✓	
Cr J A Watts	✓	

3. DA-15/2016 – NULLAMANNA FEEDLOT EXPANSION (3000 HEAD) – 1633 NULLAMANNA ROAD, NULLAMANNA 2360 DA-15/2016

*That Development Application 15/2016 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 the expansion of Nullamanna Feedlot, including:

- An additional 2,000 head, (total operating capacity 3,000 head);
- Construction of 10 additional feedlot pens;
- Construction of sedimentation basin and holding pond for wastewater treatment;
- Construction of additional cattle, truck and turning lanes;
- Expansion of 65ML gully dam for freshwater storage; and
- Construction of small catchment dams below the silage pit and south-western truck lane.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the:

- Statement of Environmental Effects titled Nullamanna Feedlot Expansion, prepared by EnviroAg Australia, report number 23876.81916, dated 3 February 2016;
- Briefing Note titled Nullamanna Feedlot Information Request Response, prepared by EnviroAg Australia, reference number 23876.83876, dated 3 June 2016; and

Any deviation will require the consent of Council.

2. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.
3. 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).

#### ***Prior to Construction***

4. Prior to the commencement of any works (including earthworks) 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.
5. Prior to issue of a Construction Certificate, a traffic management plan outlining operational measures to reduce conflict between School Buses and trucks associated with Nullamanna Station, is to be prepared by the applicant and approved by Council.
6. Prior to construction / earthworks associated with the expansion of the 65ML gully dam, plans indicating detailed design and volume calculations must be submitted to Council. The detailed plans and volume calculations must be accompanied by documentary evidence from NSW Office of Water that the proposed expansion is in accordance with their requirements and within the Maximum Harvestable Right (MHR) for the property.

#### ***During Construction***

7. The applicant will:
  - repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and

- re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
8. Should any aboriginal artifacts or places be discovered during construction, all works are to cease immediately. The NSW Office of Environment and Heritage are to be contacted immediately and any direction or requirements complied with.
  9. Prior to issue of an Occupation Certificate a buffer of native trees and shrubs must be planted along the west and south-west of the manure stock-piles. A plan including the numbers and types of species must be submitted to and approved by Council prior to undertaking any planting.

**Ongoing Use**

10. A Section 94 Contribution will be required per head. The current rate is \$1.093 per head per year, plus the CPI increase in December of each year. A contribution will be required to be paid quarterly. This contribution is towards the ongoing maintenance of Nullamanna Road.
11. All trucks associated with the operation of the Nullamanna Feedlot are to comply with the approved traffic management plan.
12. The *National Guidelines for Beef Cattle Feedlots in Australia* is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.
13. 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 H N Castledine	✓	
Cr P J Girle	✓	
Cr B C Johnston	✓	
Cr D C Jones	✓	
Cr A A Michael	✓	
Cr J A Watts	✓	

4. TINGHA PUBLIC MEETING S13.1.1

*That:*

- i) Council write to the Administrator of Armidale Regional Council to ascertain his intentions when dealing with the request from the Tingha Citizens Association to relocate the Tingha Region into Inverell Shire; and
- ii) the Member for Northern Tablelands, Mr Adam Marshall be requested to support the application by the Tingha Citizens Association.

5. AWARD TENDER AGGREGATE SUPPLY – 2016 RESEAL PROGRAM  
S28.28.2/08

*That:*

- i) *the contract for the Manufacture and Delivery of Precoated Aggregate for the 2016-2017 Resealing Program be awarded to Inverell Aggregate Supplies with the exception of stockpile sites 18 - 26; and*
- ii) *the contract for the Manufacture and Delivery of Precoated Aggregate for the 2016-2017 Resealing Program for stockpile sites 18 - 26 be awarded to Inglewood Quarries.*

6. PROCUREMENT OF SUPPLY AND SPRAY OF BITUMEN - 2016 RESEAL PROGRAM  
S28.28.2/08

*That the information be received and noted.*

At this juncture, the time being 3.18pm, having previously declared a pecuniary interest relating to a recommendation in this Committee Report, abstained from the vote in this matter.

2. ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING  
MINUTES – 13 JULY 2016 S4.11.17/08

**73/16 RESOLVED** (Baker/Girle) *that:*

- i) *the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 13 July, 2016, be received and noted; and*
- ii) *the following recommendations of the Economic & Community Sustainability Committee be adopted by Council:*

1. SAPPHIRE CITY FESTIVAL 2016 S26.3.11/08

*That a Mayoral Civic Reception be held for the past Festival Queens as part of the 60<sup>th</sup> Anniversary 2016 Sapphire City Festival.*

2. EXPIRING LEASE AGREEMENT S5.10.63

*That:*

- i) *Council renew the agreement with Northern Broadcasters Pty Ltd for Part Lot 520, DP 753287, McIlveen Park Lookout, Inverell for a five (5) year period with a further five (5) year option;*
- ii) *the lease fee be \$2500.00 per annum (GST inclusive) with a 3% increase per annum; and*
- iii) *the Lease Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

3. REQUEST FOR ASSISTANCE - INVERELL SHOW SOCIETY S12.22.1/09

*That:*

- i) *Council advise the Inverell Show Society that it is prepared to consider the opportunities to support the Society for the development of a suitable major multi-use building facility at the Inverell Show Ground; and*

- ii) *the Society's attention be drawn to the historic pavilion that was located on the Ground and request the Society consider constructing their facility in a similar manner.*

4. SPONSORSHIP REQUEST – 2016 ASHFORD SALAMI FESTIVAL  
S12.22.1/09

*That Council provide a \$200 donation to the 2016 Ashford Salami Festival.*

5. INVERELL CHAMBER OF COMMERCE AND INDUSTRY - REQUEST FOR  
FUNDING S8.5.3

*That Council provide \$10,000 marketing contribution to the Inverell Chamber of Commerce and Industry for the 2016 WOW Shop Local Advertising Program, subject to Council being provided with a report on the expenditure of the funds and the program outcomes.*

6. INLAND RAIL STAKEHOLDER WORKSHOP S30.16.7

*That:*

- i) *the information be noted; and*
- ii) *Goondiwindi Regional Council be advised that Council is prepared to support any community seeking to be served by the Inland Rail, provided the integrity of the project is not compromised.*

7. STORES & MATERIALS STOCKTAKE S23.16.5/09

*That:*

- i) *the stores and materials Stocktake information be received and noted; and*
- ii) *the adjustment of **-\$212.57** be made in the Stores Ledger.*

8. 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.*

9. 104 OTHO STREET, INVERELL S5.2.1/18

*That:*

- i) *this allotment be valued by LJ Hooker (Inverell) in accordance with the "valuation of land" proposal accepted by Council at the June, 2016 Council Meeting;*
- ii) *after Council determines the price for this allotment, that the property be listed for sale with all local Real Estate Agents; and*
- iii) *the conditions of offer shall be that the prospective purchaser:*
- a. *develop a multi-storey building with a mix of retail/commercial/accommodation activities, and*
  - b. *the development be of an appropriate scale and capacity complementary of the three (3) developments on the opposing corners of the site in the CBD.*



**SECTION D  
DESTINATION REPORTS**

**1. PROFESSIONAL BULLRIDERS AUSTRALIA (PBA) INVERELL EVENT  
S12.22.1/09**

MTM-A **74/16 RESOLVED** (Michael/Baker) that Council provide a \$1,500 sponsorship to the Inverell PBR Touring Pro Series event subject to Council receiving written confirmation that all relevant animal welfare requirements will be complied with.

**2. DUTIES OF DISCLOSURE – PECUNIARY S13.6.5/08**

**75/16 RESOLVED** (Baker/Castledine) that the pecuniary interest returns be noted.

**3. LAND PURCHASE - ESTABLISHING AN OFFER PRICE (LISTING)  
S5.2.0/09**

**76/16 RESOLVED** (Baker/Watts) that the matter be referred to confidential 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.

**4. NEW ENGLAND GROUP OF COUNCILS – WITHDRAWAL OF ARMIDALE  
REGIONAL COUNCIL S14.11.2**

**77/16 RESOLVED** (Baker/Michael) that the advice from Armidale Regional Council be received and noted.

**SECTION E  
INFORMATION REPORTS**

**1. QUESTIONS WITHOUT NOTICE – JUNE 2016 S13.5.5/09**

**2. STRATEGIC TASKS – 'SIGN OFF' – JUNE 2016 S4.13.2**

**3. CONSTRUCTION CERTIFICATES APPROVED FOR  
JUNE 2016 S7.2.4/09**

**4. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING JUNE  
2016 S7.2.4/09**

**5. SUMMARY OF BUILDING CONSTRUCTION FOR JUNE 2016 S7.2.4/09**

**6. DEVELOPMENT CONSENTS AND REFUSALS DURING JUNE 2016  
S18.10.2/09**

**7. SEPTIC TANK APPROVALS FOR JUNE 2016 S29.19.1**

**8. ORDINANCE ACTIVITIES REPORT FOR JUNE 2016 S18.10.1**

**78/16 RESOLVED** (Baker/Michael) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 27 July, 2016, be received and noted.

**SECTION F  
QUESTIONS WITHOUT NOTICE**

**QWN/ORD 28/16** Gwydir Highway/Bundarra Road Intersection  
Cr Johnston

Cr Johnston asked for an update on the \$1.5M funding for a new roundabout at this location.

The General Manager provided Council with information in this matter.

**QWN/ORD 29/16** Leave of Absence  
Cr Castledine

Cr Castledine asked for leave of absence for the August, 2016 Council Meeting for personal reasons. As this is his last meeting for this term of Council, Cr Castledine acknowledged the strong performance of Council and Council's staff during the last four (4) years. Cr Castledine thanked everyone for their ongoing support.

The Mayor acknowledged Cr Castledine's significant contribution to Council and the community.

**QWN/ORD 30/16** Land Matters (Listing) S5.2.2  
General Manager

The General Manager asked that he be allowed to take a land matter into confidential Closed Council.

**79/16 RESOLVED** (Watts/Baker) that the matter be referred to confidential 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 3.40pm, 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

**80/16 RESOLVED** (Baker/Girle) 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 4.11pm, 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 PURCHASE - ESTABLISHING AN OFFER PRICE S5.2.0/09**

GM-A

That:

- i) the General Manager be authorised to make an offer for part Lot 2 DP 1172472, for a sum up to the valuation shown in the Report prepared by MVS Valuers;
- ii) should an offer be accepted, Council proceed with the subdivision and purchase of part Lot 2, DP1172472;
- iii) the General Manager be duly authorised to take all actions necessary to complete the purchase;
- iv) part Lot 2, DP1172472 be classified as Operational Land; and
- v) all necessary documentation be completed under the Common Seal of Council.

**2. LAND MATTERS S5.2.2**

GM-N

That Council is prepared to receive approaches on Lot 1, DP 89422.

### ADOPTION OF RECOMMENDATIONS

**81/16 RESOLVED** (Baker/Watts) that the recommendations of Closed Council be adopted.

There being no further business, the meeting closed at 4.14pm.

CR P J HARMON

CHAIRPERSON