

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 26 OCTOBER, 2016, COMMENCING AT 3 PM.

PRESENT: Cr P J Harmon (Mayor) [Chairperson], Crs D F Baker, A A Michael, J A Watts, P A King, J N McCosker and S J Berryman.

Acting General Manager (Ken Beddie), Director Civil & Environmental Services (Brett McInnes) and Sharon Stafford (Executive Assistant).

SECTION A

APOLOGIES **S13.6.9/09**

The General Manager advised that Crs C M Dight and M J Peters tendered their apologies and both sought leave of absence for personal reasons.

116/16 RESOLVED (McCosker/Berryman) *that the apologies from Cr Dight and Cr Peters due to personal reasons be accepted, and that leave of absence be granted.*

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

117/16 RESOLVED (Watts/Baker) *that the Minutes of the Ordinary Meeting of Council held on 28 September, 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 3.02pm, the following interests were declared:

- Cr Michael declared a pecuniary interest in Section C, Committee Reports, Item 2, "Economic & Community Sustainability Committee Meeting Minutes - 12 October 2016 - #10 104 Otho Street, Inverell". 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**

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:

Katrina Shailer & Libby Lowe Medieval Festival

Ms Shailer and Ms Lowe requested support from Council and the community for the Medieval Festival which is an annual event conducted at the Gilgai Showground.

The event attracted 1200 people with approximately 300 of those coming from out of town.

Ms Shailer provided Council with a portfolio of the event and requested that Council consider supporting the event.

Ms Shailer advised that the event provides educational, cultural and artistic benefits for the community and opportunities for local businesses.

At this juncture, the time being 3.05pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

Cr Baker Hunter New England Area Health

Cr Harmon New England Local Area Command

Cr Harmon Local Government NSW Conference

The 2017 Local Government NSW Conference will be held in December at Darling Harbour.

The Civic Reception for past Queens was well attended and it was noted that past Queen, Carolyn Tozer donated her tiara back to the Festival Committee to place on display.

1. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES –
12 OCTOBER 2016 S4.11.16/08

ii) *the following recommendation of the Civil & Environmental Services Committee be adopted by Council:*

1. BITUMEN RESURFACING PROGRAM 2016/17 S28.21.1/09

That:

- i) the 2016/17 Bitumen Resurfacing Program as presented be adopted; and*
- ii) the adopted program be placed on Council's webpage and facebook for the information of the community.*

2. GRAVEL RESHEET PROGRAM 2016/17 S28.21.1/09

That:

- i) the 2016/17 Gravel Resheeting Program as presented be adopted; and*
- ii) the adopted program be placed on Council's webpage and facebook for the information of the community.*

3. TENDER - T1/2017 CONSTRUCTION AERATION TANK INVERELL SEWAGE TREATMENT PLANT S4.19.15

That:

- i) Council accept the tender from Eire Constructions Pty Ltd including the variations for the supply of submersible pumps and revised rates for bored piles, in the sum of \$1,919,997; and*
- ii) the Common Seal of Council be affixed to the Contract documents.*

2. ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING MINUTES – 12 OCTOBER 2016 S4.11.17/08

119/16 RESOLVED (Watts/Berryman) *that:*

- i) the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 12 October, 2016, be received and noted; and*
- ii) the following recommendations of the Economic & Community Sustainability Committee be adopted by Council, with the exception of Items 6, 9 and 10:*

1. COUNCILLOR WORKSHOPS - HIT THE GROUND RUNNING S13.6.11

That arrangements be made for interested Councillors to be registered to attend the 'Hit the Ground Running' Workshop to be held in Tamworth on Thursday, 27 October, 2016.

2. SERVICE LEVEL REQUIREMENTS - FLOOD MONITORING S18.6.19

That:

- i) the 2015/2016 Services Agreement for Hydrometric Services be completed and the \$99,078 fee be paid; and*
- ii) Council seek the support of the Member for Northern Tablelands, Mr Adam Marshall and Local Government NSW in having the State Wide Flood Gauge Fees included in the new property based Emergency Services Levy on the basis of the wide benefits flowing to the community from the Flood Gauge Warning Systems being in place.*

3. OPERA NORTH WEST S26.3.14

That:

- i) Council provide \$10K in cash and up to \$5K in-kind of sponsorship to the 2017 Opera in the Paddock event; and*
- ii) the additional \$5K be funded from the Tourism Promotion Budget.*

4. LOCAL GOVERNMENT BOUNDARY ADJUSTMENT – TINGHA S13.1.1

That:

- i) Mr Marshall be advised that the course of action he has proposed to expedite the matter is supported; and*
- ii) any necessary action be undertaken with Mr Marshall and the Administrator of Armidale Dumaresq Council on the mapping of an appropriate boundary between Inverell and Armidale Dumaresq Councils.*

5. PROPOSED BOUNDARIES FOR JOINT ORGANISATIONS (JO)
S13.1.2

That the Office of Local Government be advised that Inverell Shire Council supports the proposed boundary for the New England Joint Organisation.

7. AIRSPEED AVIATION S30.16.4

That Council write to Mr Wyndam advising of Council's support for the campaign for time slots to be allocated to rural regional Australia.

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.*

REQUEST FOR REDUCTION IN TOWN HALL HIRE FEES – DANTHONIA BRUDERHOF COMMUNITY **S12.22.1/08 & S5.24.4/08**

MOTION (King/Baker) that Council waive the cost of the Town Hall fees of \$774 for the Danthonia Bruderhof Community as a one-off for the community Christmas event.

The motion on being put to the meeting was lost.

CSOP-A **120/16 RESOLVED** (Berryman/Watts) that Council provide a donation of \$200 to the Danthonia Bruderhof Community Christmas event.

LAND MATTER - RIFLE RANGE ROAD, INVERELL (LISTING) **S5.2.0/09**

121/16 RESOLVED (McCosker/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.*

104 OTHO STREET, INVERELL (LISTING) S5.2.1/18

122/16 RESOLVED (McCosker/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 D
DESTINATION REPORTS**

1. COUNCILLORS - LEAVE OF ABSENCE S13.6.9/09

GM-N
CSOP-A

123/16 RESOLVED (Watts/Michael) *that:*

- i) *the apology from Cr Baker be accepted; and*
- ii) *leave of absence be granted to Cr Baker for the 23 November, 2016 Ordinary Meeting of Council.*

2. INVERELL CHAMBER OF COMMERCE AND INDUSTRY - CHRISTMAS PROMOTION S26.3.6

MCE-A

124/16 RESOLVED (McCosker/Baker) *that:*

- i) *Council approve the closure of Otho Street from the corner of Byron Street to the mid street crossing for the Inverell Chamber of Commerce Christmas Promotion on 16 December, 2016; and*
- ii) *Council meet the nominal cost of advertising and road closure for the event.*

**SECTION E
INFORMATION REPORTS**

1. MANAGEMENT TEAM MEETING MINUTES S4.11.5/09

2. INVERELL MEN'S HEALTH NIGHT S6.8.9

3. UPGRADE MOBILE TOWERS – YETMAN S18.6.62

4. QUESTIONS WITHOUT NOTICE – SEPTEMBER 2016 S13.5.5/09

5. STRATEGIC TASKS – ‘SIGN OFF’ – SEPTEMBER 2016 S4.13.2
6. CONSTRUCTION CERTIFICATES APPROVED FOR SEPTEMBER 2016 S7.2.4/09
7. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING SEPTEMBER 2016 S7.2.4/09
8. SUMMARY OF BUILDING CONSTRUCTION FOR SEPTEMBER 2016 S7.2.4/09
9. DEVELOPMENT CONSENTS AND REFUSALS DURING SEPTEMBER 2016 S18.10.2/09
10. SEPTIC TANK APPROVALS FOR SEPTEMBER 2016 S29.19.1
11. ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2016 S18.10.1
12. LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND PLANNING) ACT 2016 S4.2.1

125/16 RESOLVED (Baker/Michael) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 26 October, 2016, be received and noted.

SECTION F QUESTIONS WITHOUT NOTICE

QWN/ORD 43/16 Ashford Road – Roadworks
Cr Baker

Cr Baker queried the status of orange flashing lights on traffic lights at roadworks.

The Director Civil & Environmental Services, Mr Brett McInnes advised that orange flashing lights means ‘motorists proceed with caution’.

Mr McInnes also advised that weather permitting, these roadworks will be sealed this weekend.

QWN/ORD 44/16 Civic Matters
Cr McCosker

Cr McCosker requested that Councillors be provided with adequate notice of upcoming events.

Cr McCosker also asked if it were possible for Councillors to be kept informed of events being attended by the Mayor and other Councillors.

The Mayor indicated that he will recommence his Mayoral Activity Memorandum to Councillors to keep them apprised of past and future activities.

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

At 3.50pm, 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.

At this juncture, the time being 3.50pm, having previously declared a pecuniary interest in Section C, Committee Reports, Item 2, "Economic & Community Sustainability Committee Meeting Minutes - 12 October 2016 - #10 104 Otho Street, Inverell", Cr Michael left the meeting and did not participate in the vote in this matter.

CLOSED COUNCIL REPORTS

126/16 RESOLVED (Berryman/King) 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 4.23pm, 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:

9. LAND MATTER - RIFLE RANGE ROAD, INVERELL S5.2.0/09

GM-A That Mr Basson be advised that:

- i) the required land, being part Lot 12, DP 1196708 is available for sale on a deferred settlement arrangement;
- ii) the purchase price will be determined by market appraisal plus subdivision costs;
- iii) the sale will be subject to a three (3) year settlement wherein the deferred payment arrangement will attract a 3% p.a charge on the asking price;
- iv) Council will not give any warranty or undertaking as to the necessary or required development approval or zoning compatibility;
- v) the sale be subject to any other terms and conditions as deemed necessary or as negotiated with the General Manager; and
- vi) all necessary documents be executed under Common Seal of Council.

10. 104 OTHO STREET, INVERELL S5.2.1/18

GM-A That:

- i) the listing price for this parcel of land be \$260K;
- ii) the land be listed with all Inverell based Real Estate Agents; and
- iii) the condition requiring a development of "an appropriate scale and capacity" be attached to the offering.

At this juncture, the time being 4.23pm, Cr Michael returned to the meeting.

ADOPTION OF RECOMMENDATIONS

127/16 RESOLVED (Baker/Berryman) that the recommendations of Closed Council be adopted.

There being no further business, the meeting closed at 4.29pm.

CR P J HARMON

CHAIRPERSON