

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 28 OCTOBER, 2015, 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, M J Peters and J A Watts.

The General Manager (Paul Henry) and Director Corporate & Economic Services (Ken Beddie).

**APOLOGIES** **S13.6.9/08**

Nil.

**CONFIRMATION OF MINUTES** **S13.5.2/08**

**93/15 RESOLVED** *(Michael/Watts) that the Minutes of the Ordinary Meeting of Council held on 23 September, 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**

There were no members of the public present to speak.

At this juncture, the time being 3.04pm, the Mayor sought agreement to suspend Standing Orders to welcome the Auditor, Mr Geoff Allen of Forsyths to deliver his 2014/2015 Audit Report.

**94/15 RESOLVED** *(Castledine/Johnston) that standing orders be suspended to enable the Auditor to address Council.*

Mr Allen noted that Council had achieved an unqualified Audit Report and that Council maintains a sound financial position. Mr Allen noted that Council performed well on a 'Combined Fund' basis against the Fit for the Future benchmarks. It is noted, however, that the Fit for the Future Roadmap is assessed on a General Fund only basis. On a stand alone basis, the General Fund did not meet the >60% Own Source Revenue Benchmark or the Building and Infrastructure Renewal Ratio for 2014/2015.

Council remains in an enviable position in the industry and it was pleasing to see that Council has been declared 'Fit' in respect of the Fit for the Future program.

**Resumption of Standing Orders**

**95/15 RESOLVED** *(Baker/Castledine) that standing orders be resumed.*

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

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

Cr Johnston Transgrid's Regional Update Forum

Cr Johnston noted his attendance at a function held in Armidale in respect of future electricity supplies.

Green energy will play a significant role in this matter. The renewable energy generation in the New England was noted and its impact on Transmission Infrastructure which will require upgrading.

1. NEW ENGLAND GROUP OF COUNCILS (NEGOC) S14.11.2

**96/15 RESOLVED** (Harmon/Watts) that the report be received and noted.

**SECTION C  
COMMITTEE REPORTS**

1. AUDIT & RISK COMMITTEE MEETING MINUTES – 23 SEPTEMBER 2015  
S4.11.21

**97/15 RESOLVED** (Watts/Castledine) that:

- i) the Minutes of the Audit & Risk Committee Meeting held on Wednesday, 23 September, 2015, be received and noted; and
- ii) the following recommendations of the Audit & Risk Committee be adopted by Council:

1. WORKERS COMPENSATION PERFORMANCE 2014/2015 S27.1.12

That:

- i) Council's strong performance be noted; and
- ii) the savings of \$200K be allocated to the next priorities on Council's 4 Year Delivery Plan.

2. WORK HEALTH AND SAFETY AUDIT 2015 S27.1.11

That:

- i) the information be received and noted including Council's 100% result in respect of Work Health and Safety performance;
- ii) the report on Council's Work Health and Safety performance (as supplied by StateCover) continue to be an Internal Audit Issue for the Committee noting it has been given a 'high' risk rating by the Committee; and
- iii) a press release be prepared noting Council's continued strong performance in managing the workers health and safety issue.

3. AUDIT AND RISK COMMITTEE CHARTER S4.11.21 & S27.3.2

That the Audit and Risk Committee Charter be amended to provide for:

- a) bi-monthly meetings,
- b) the appointment of an independent member to the Committee from September, 2016 to align with the new Council 4 Year Term utilising the criteria and advertisement indicated in the report,
- c) no remuneration be payable for Audit and Risk Committee Independent Members noting the precedent this would establish for all Council Committees,
- d) the calendar of activities for the Audit Committee be subject of a report to the next meeting of the Committee,
- e) the Independent Member be required to hold recognised Accounting Qualifications.

4. GOVERNANCE – QUARTERLY INVESTMENT REPORT S12.12.5/08

*That the information be noted.*

2. INVERELL LIQUOR CONSULTATIVE COMMITTEE MEETING MINUTES  
S19.9.1

**98/15 RESOLVED** (Baker/Watts) that the Minutes of the Inverell Liquor Consultative Committee Meeting held on Tuesday, 4 August, 2015, be received and noted.

3. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES –  
14 OCTOBER 2015 S4.11.16/07

**99/15 RESOLVED** (Castledine/Baker) that:

- i) the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 14 October, 2015, be received and noted; and
- ii) the following recommendations of the Civil & Environmental Services Committee be adopted by Council:

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

*That the 2015-2020 North West Weight of Loads Inter-Council Memorandum of Agreement be executed under the Common Seal of Council.*

2. INVERELL COMMUNITY GARDENS S11.15.18

*That:*

- i) the plans for the Community Gardens be noted;
- ii) the options for road works in the area be noted;
- iii) the General Manager be authorised to deal with the Department of Primary Industries Lands in relation to the resumption of the area;
- iv) any land acquired be classified as 'Operational Land'; and
- v) any documentation required be completed under the Common Seal of Council.

3. PROCUREMENT OF AGGREGATE AND SUPPLY AND SPRAY OF BITUMEN  
- 2015 RESEAL PROGRAM S28.28.2/07

*That the information be received and noted.*

4. ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE MEETING  
MINUTES – 14 OCTOBER 2015 S4.11.17/07

**100/15 RESOLVED** (Watts/Michael) that:

- i) the Minutes of the Economic & Community Sustainability Committee Meeting held on Wednesday, 14 October, 2015, be received and noted; and
- ii) the following recommendations of the Economic & Community Sustainability Committee be adopted by Council:

1. REQUEST TO LICENCE BUILDING – LIONS CLUB OF ASHFORD S5.10.65

*That the Lions Club of Ashford be offered a licence for \$100 per annum for a three (3) year period for the store shed area including access to the shed, but excluding the entire compound.*

2. REQUEST FOR FINANCIAL ASSISTANCE – INVERELL PIPE BAND INC.  
S3.7.5

*That:*

- i) Council provide a donation of \$1500 to the Inverell Pipe Band for 2015/2016 (not \$1000 as incorrectly recorded in the minutes of the Economic & Community Sustainability Committee minutes);*
- ii) a review on requests for future donations to the Inverell Pipe Band be undertaken in 12 months;*
- iii) Council request that the Inverell Pipe Band give consideration to performing at the ANZAC and Australia Day ceremonies as a minimum in recognition of Council's support for the Band; and*
- iv) a policy for donation requests over \$200 be developed.*

3. REQUEST FOR FINANCIAL ASSISTANCE – MT RUSSELL HALL  
S12.22.1/08 & S5.13.12

*That:*

- i) the request be noted;*
- ii) the Policy relating to local Halls remain in place; and*
- iii) the Mt Russell Hall Committee be advised of the current financial support.*

4. LIBRARY DEVELOPMENT - CAFE PROPOSAL S3.6.1/08

*That Council take up Option 4, being two vending machines, one (1) hot and (1) cold, with a review in 12 months.*

5. RATING CATEGORY REVIEW S25.11.3

*That a report on Rating Category Redistribution be prepared for the November Committee which includes, but is not limited to:*

- a) equity of the percentage of rate contributions across the categories,*
- b) capacity to pay,*
- c) maintaining relativities to surrounding Local Government Areas.*

6. JOINT ORGANISATION OF COUNCILS - EMERGING DIRECTIONS  
S13.1.2

*That Council's submission raise the following issues:*

- a) that the governing principles be supported,*
- b) ensure governance agreement and functions does not result in a 4<sup>th</sup> tier of Government,*
- c) opposed to the Board Sitting Fee,*
- d) Employment of an Executive Officer not be mandatory.*

At this juncture, the time being 3.48pm, Cr Jones left the Chambers.

7. SMALL BUSINESS FRIENDLY COUNCIL PROGRAM S8.3.1/08

*That the Small Business Newsletter be automatically emailed to the Chamber of Commerce.*

8. LAND CLAIMS S5.2.3

*That Council object to these land claims due to the impact on Council's operations.*

9. STORES & MATERIALS STOCKTAKE S23.16.5/08

*That:*

- i) the stores and materials Stocktake information be received and noted; and*
- ii) the adjustment of **\$220.97** be made in the Stores Ledger.*

10. GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/08

*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.*

11. STORES & MATERIALS STOCKTAKE S23.16.5/07

*That:*

- i) stores and materials Stocktake information be received and noted; and*
- ii) the adjustment of **\$234.31** be made in the Stores Ledger.*

12. MEMORANDUM OF UNDERSTANDING - E-WASTE FACILITY AND REVOLVE STORE S31.8.1

*That the Committee recommend to Council that a further report be provided to the Committee with additional information on the MOU.*

At this juncture, the time being 3.50pm, Cr Jones returned to the Chambers.

**SECTION D  
DESTINATION REPORTS**

1. DUTIES OF DISCLOSURE – PECUNIARY S13.6.5/07

**101/15 RESOLVED** (Baker/Johnston) *that the pecuniary interest returns be noted.*

2. TENDERS FOR THE MANUFACTURE AND DELIVERY OF DGB20 PAVEMENT MATERIAL (LISTING) S28.28.2/07

**102/15 RESOLVED** (Baker/Castledine) *that the matter be referred to a Closed Council for consideration as:*

- i) the report includes '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's 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. PRESENTATION OF COUNCIL'S 2014/2015 FINANCIAL REPORTS  
S12.2.1/08**

MFS-A **103/15 RESOLVED** (Watts/Michael) that:

- i) *the information be received and noted;*
- ii) *the Audit Report for the 2014/2015 Financial Year be adopted; and*
- iii) *Council's appreciation be extended to staff in this matter.*

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

DCS-A **104/15 RESOLVED** (Baker/Castledine) that Council provide 'in-principle support' for the conduct of joint Inverell Promotional activities and events with the Inverell Chamber of Commerce and Industry and invite the Chamber to submit a Marketing Plan to Council for consideration.

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

GM-A **105/15 RESOLVED** (Johnston/Girle) that Council accede to the Chamber of Commerce and Industry request to close Byron Street (between Vivian and Lawrence Streets) on Friday, 18 December, 2015 from 3pm to 10pm to facilitate the Chamber's 2015 Christmas Promotion Event.

**6. IPART - ASSESSMENT OF COUNCILS' FIT FOR THE FUTURE PROPOSALS  
S13.1.2**

GM-A **106/15 RESOLVED** (Baker/Johnston) that:

- i) *the information be received and noted;*
- ii) *Inverell Shire be a member of New England Joint Organisation (NEJO);*
- iii) *Council's who share a boundary with Inverell Shire Council be advised that this Council is prepared to meet and discuss any Fit for the Future matter that adjoining Councils may wish to discuss;*
- iv) *associated matters be referred to Closed Council for consideration as:*
  - a) *the matters and information are 'commercial information of a confidential nature.' (Section 10A(2)(d) of the Local Government Act, 1993);*
  - b) *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*
  - c) *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 E INFORMATION REPORTS

1. CONSTRUCTION CERTIFICATES APPROVED FOR SEPTEMBER 2015 S7.2.4/08
2. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING SEPTEMBER 2015 S7.2.4/08
3. SUMMARY OF BUILDING CONSTRUCTION FOR SEPTEMBER 2015 S7.2.4/08
4. DEVELOPMENT CONSENTS AND REFUSALS DURING SEPTEMBER 2015 S18.10.2/08
5. SEPTIC TANK APPROVALS FOR SEPTEMBER 2015 S29.19.1
6. ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2015 S18.10.1

**107/15 RESOLVED** (Jones/Michael) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 28 October, 2015, be received and noted.

## SECTION F QUESTIONS WITHOUT NOTICE

- |        |                                         |                                                                                                                                                                                                                                                                                  |
|--------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GM-A   | <b>QWN/ORD 24/15</b><br>Cr Watts        | <u>Official Events</u> <u>S13.6.1</u><br><br>Cr Watts asked if a process can be put in place to text/notify Councillors of Official Events on the day they are being held.                                                                                                       |
| GM-N   | <b>QWN/ORD 25/15</b><br>Cr Watts        | <u>Leave of Absence</u> <u>S13.6.9/08</u><br><br>Cr Watts requested leave of absence for the November, 2015 Council Meeting.<br><br><b>108/15 RESOLVED</b> (Johnston/Baker) that Cr Watts be granted leave of absence from the November, 2015 Council Meeting.                   |
| DCES-A | <b>QWN/ORD 26/15</b><br>Cr Castledine   | <u>Mansfield Street/Ross Street Intersection</u> <u>S28.9.12/08</u><br><br>Cr Castledine requested a report be prepared for the next Civil and Environmental Services meeting in respect of the Mansfield/Ross Streets intersection noting the recent incidents at the location. |
|        | <b>QWN/ORD 27/15</b><br>Cr Michael      | <u>Graman Sports Ground</u><br><br>Cr Michael noted the development of the Ground and that a Graman resident has raised a number of issues with him in this matter.<br><br>The General Manager provided Council with an update in this matter.                                   |
|        | <b>QWN/ORD 28/15</b><br>General Manager | <u>Property Matter - Sale of Land</u> <u>S5.2.1/03</u><br><br>The General Manager asked that he be allowed to take a matter into Committee of the Whole.                                                                                                                         |

**109/15 RESOLVED** (Johnston/Baker) that the matter be referred to Closed Council for consideration as:

- a) 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);
- b) 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
- c) 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.

**QWN/ORD 29/15**  
Cr Jones

Warialda Road Drainage Reserve

Cr Jones noted a concern raised by a resident in respect of the reserve and its use by them as a laneway.

The General Manager advised that the area is a drainage reserve which has previously been accessed across private property. This property has now changed hands and legal access across the private property is not available.

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

At 4.22pm, 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**

**110/15 RESOLVED** (Johnston/Watts) 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 5.35pm, 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. TENDERS FOR THE MANUFACTURE AND DELIVERY OF DGB20 PAVEMENT MATERIAL S28.28.2/07**

PE-A *That the contract for the Manufacture and Delivery of DGB20 Pavement Material for the 2015-2016 financial year, in the amount of \$248,000, be awarded to Inverell Aggregate Supplies Pty Ltd.*

**2. 370 YETMAN ROAD S5.2.1/03**

GM-A *That any necessary documentation be completed under the Seal of Council to enable the finalisation of the sale of this property.*

**3. FIT FOR THE FUTURE S13.1.2**

GM-A *That Council advise the State Government on a suggested approach for delivering the Fit for the Future program in this region.*



**ADOPTION OF RECOMMENDATIONS**

**111/15 RESOLVED** *(Jones/Baker) that the recommendations of Closed Council be adopted.*

There being no further business, the meeting closed at 5.40pm.

CR P J HARMON

CHAIRPERSON