

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 19 DECEMBER, 2018, COMMENCING AT 3 PM.

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

The General Manager (Paul Henry), Director Corporate & Economic Services (Scott Norman) and Director Civil & Environmental Services (Brett McInnes).

**SECTION A**

**APOLOGIES S13.6.9/11**

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

**166/18 RESOLVED** (McCosker/Watts) *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 S13.5.2/11**

**167/18 RESOLVED** (Baker/King) *that the Minutes of the Ordinary Meeting of Council held on 28 November, 2018, 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 S13.5.6/11**

At this juncture, the time being 3.04pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Ted Ceely – Graman Resident

Mr Ceely addressed Council in regard to a recent event held at the Graman Recreation Reserve by the Sapphire City Motor Sports Club. Mr Ceely said the event created a dust hazard for residents and the organisers did not water the track sufficiently to prevent this. Mr Ceely was also concerned that the type of event was not within the bounds of permitted use as described in the agreement the Club has with Council and the development of a race track also contravened the agreement.

Pam McLeay – Inverell Sunrise CWA

Mrs McLeay sought Council assistance with an event to support adolescent boys. The proposed event follows the successful girl empowerment events run by the club in September 2018. The event is planned for May 2019 and would address issues such as mental health, body image, anger management and building effective and healthy relationships.

Stephen Lynn – Graman Resident

Mr Lynn also had concerns with the Sapphire City Motor Sports Club event recently held at Graman Sports Reserve. Mr Lynn had an issue with the noise and dust and felt the

event fell outside what was allowed under the agreement for the use of the Reserve. He was also concerned that the site now contained more used tyres than was legally permissible.

At this juncture, the time being 3.16 pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

## **SECTION B ADVOCACY REPORTS**

### **1. NOTICE OF BUSINESS – NSW AUDIT OFFICE REPORT S13.5.3 & S27.8.1**

**168/18 RESOLVED** (Michael/Dight) that a report be prepared to address the following issues;

1. *Following the audit office local Government "fraud control performance audit" that management report on what steps ISC has taken in regard to improve their fraud control practice:*

*Specifically:*

- *tailoring fraud control plans to councils' circumstances and specific risks*
- *systematically and regularly reviewing fraud risks and fraud control systems to keep plans up-to-date*
- *effectively communicating fraud risks, and how staff and the community can report suspected fraud*
- *ensuring that they comply with the Public Interest Disclosures Act 1994.*
- *Any discovery of fraud in ISC*

2. *That the priority fraud has on the audit & risk committee matrix is also reported.*

### **2. NOTICE OF BUSINESS – COUNCIL INSURER S13.5.3 & S27.1.5/12**

**169/18 RESOLVED** (Michael/Berryman) that the information be noted.

### **3. LIBRARY CONFERENCE AND ASSOCIATION AGM S3.6.4**

**170/18 RESOLVED** (Baker/Dight) that the report on the NSW Public Libraries Association Annual Conference and Annual General Meeting be received and noted.

Cr Harmon            Cr Harmon attended numerous School Awards Presentation nights.

Cr Michael           Cr Michael attended:

1. International Day of People with Disability event;
2. The recent meeting of the Inverell Shire Cultural Group;
3. The Inverell Chamber of Commerce and Industry Customer Service Workshop;
4. The Ashford Central School Presentation Night;
5. The Ross Hill Kindergarten to Year Two Presentation Night;
6. The Ross Hill Public School Years 3-6 Presentation Night;
7. The Inverell Community College Graduation Ceremony;
8. The December 2018 Inverell Chamber of Commerce and Industry Meeting;

9. The December 2018 Inverell Sports Council Meeting;
10. The Inverell Clay Target Club Awards Night;
11. The Danthonia Christmas Carols;
12. The launch of the redevelopment of the Inverell Police Station; and
13. The recent Citizenship Ceremony at Council Chambers.

Cr Michael thanked the General Manager for attending the Bonshaw Drought Relief Community Event in his stead.

Cr McCosker Cr McCosker attended the recent Citizenship Ceremony at Council Chambers, the award presentation to Des and Christine Clark and the launch of the redevelopment of the Inverell Police Station.

Cr King Cr King attended International Day of People with Disability event in Victoria Park, the recent Citizenship Ceremony at Council Chambers and the Christmas Carnival in Byron Street.

Cr Berryman Cr Berryman informed Council that the Sapphire Wind Farm is now fully operational and it is hoped the issues with the red marker lights can be resolved with CASA in the near future.

Cr Watts left the meeting at 3.22pm.

#### **SECTION D DESTINATION REPORTS**

CSO-P 1. EXPIRING LICENCE AGREEMENT – JOSHUA ROSS S5.10.120

**171/18 RESOLVED** (Berryman/Baker) that:

- i) Council renew the agreement with Joshua Ross for Portion of Road behind Gleno Street, Delungra;
- ii) The licence agreement be for a five (5) year period with a five (5) year option;
- iii) The Licence fee be \$56.27 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.

MIPR 2. ALTERATION TO LICENCE AGREEMENT – BUNNINGS S5.10.14

**172/18 RESOLVED** (Michael/Dight) that:

- i) Council amend the existing Licence Agreement with Bunnings for Part Arthur Street, Inverell, bounded by Oliver Street and Oliver Lane, Inverell and part of unformed road, Arthur Street, Inverell, fronting Oliver Street, Inverell, having an area of approximately 2250 m2 to include an additional 5 x 8 metres;
- ii) The additional Licence fee be \$100 per annum (GST Inclusive) with a 3% increase per annum; and
- iii) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.

3. CONSIDERATION OF THE LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS – (LISTING) S30.8.1

**173/18 RESOLVED** (Berryman/Baker) that a supplementary report on this matter be received.

SUPPLEMENTARY SECTION D  
DESTINATION REPORTS

- MCE 1. CONSIDERATION OF LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS
1. IMPLEMENT NEW NO STOPPING ZONES - INVERELL PUBLIC SCHOOL S28.27.2

**174/18 RESOLVED** (Michael/Dight) that:

- i) A No Stopping zone be created opposite the school bus bay in Arthur Street;
- ii) A No Stopping Zone be created on the south east section of the intersection of Ross and Wood Streets; and
- iii) The indent parking area adjacent to the school office be restricted to 15 minute parking only.

- MCE 2. TRAFFIC MANAGEMENT - OTHO STREET CENTRE MEDIAN S28.27.8

**175/18 RESOLVED** (Michael/Dight) that Council endeavours to have a formal loading zone created over the centre median strip in Otho Street between Evans Street and Byron Street.

Cr Watts returned to the meeting at 3.27 pm.

SECTION D  
DESTINATION REPORTS (cont.)

- GM-A 4. TINGHA CARAVAN PARK S5.19.1

**176/18 RESOLVED** (Michael/Dight) that Council accept the Trusteeship of the Tingha Caravan Park conditional on:

- i) That a written funding agreement be prepared and completed for the Crown Lands Department to fully fund the installation of a 'grey water system' at the Tingha Caravan Park, and
- ii) The Governor's proclamation transferring the Tingha Area from Armidale Regional Council to Inverell Shire Council has been publicised.

- DCS-A 5. NORTHERN INLAND ACADEMY OF SPORT S26.4.15

**177/18 RESOLVED** (King/Watts) that:

- i) Council accept NIAS's invitation to become an Associate Partner.
- ii) The Council Contribution is funded from the Industry and Promotions budget.

- DCS-A 6. DROUGHT COMMUNITIES PROGRAMME – ALLOCATION OF FUNDING IN INVERELL LGA S15.8.90

**178/18 RESOLVED** (Dight/King) that:

- i) Council approve projects contained in List A and List B;
- ii) Council take any necessary actions to implement those projects shown in List A – endorsed by Council when preparing the initial applications;
- iii) Council arrange detailed investigation and design of projects shown in List B – endorsed by Council when preparing initial applications; and
- iv) Council assess if any capacity exists in approved funding to deal with projects shown in 'List C' and refer the matters back to Council for determination if required.

MDS-A 7. INVERELL OFF-ROAD RECREATIONAL CIRCUIT – PART LAKE INVERELL RESERVE - REVIEW OF ENVIRONMENTAL FACTORS - PART 5 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 S28.7.18/63

**179/18 RESOLVED** (Michael/Dight) that Council endorse the Review of Environmental Factors, dated November 2018, for the Off-Road Recreational Circuit located on Lot 10 DP 252287, Lot 1 DP 1101540 and Lot 2 DP 1101540, Lake Inverell Drive.

ECC-A 8. PARKING FINE CONCESSIONS FOR NSW COUNCILS S19.5.1

**180/18 RESOLVED** (Michael/Baker) that Council advise the NSW Treasurer and Minister for Industrial Relations in writing the Inverell Shire wishes to opt in to the State Government's initiative to reduce parking fines.

9. CULTURAL AND ARTS STRATEGIC PLAN (LISTING) S15.8.81

**181/18 RESOLVED** (Dight/Baker) that the matter be referred to closed Council for consideration as:

- i) the report includes 'Commercial information of a confidential nature that would, if disclosed:
  - a) prejudice the commercial position of the person who supplied it, or
  - b) confer a commercial advantage on a competitor of the council, or
  - c) reveal a trade secret; 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.

## **SECTION E INFORMATION REPORTS**

- 1. STRATEGIC TASKS – 'SIGN OFF' – DECEMBER 2018 S4.13.2
- 2. QUESTIONS WITHOUT NOTICE – DECEMBER 2018 S13.5.5/09
- 3. CONSTRUCTION CERTIFICATES APPROVED FOR NOVEMBER 2018 S7.2.4/11
- 4. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING NOVEMBER 2018 S7.2.4/11
- 5. SUMMARY OF BUILDING CONSTRUCTION FOR NOVEMBER 2018 S7.2.4/11

6. DEVELOPMENT CONSENTS AND REFUSALS DURING NOVEMBER 2018 S18.10.2/11
7. VARIATION TO DEVELOPMENT STANDARDS APPROVED DURING NOVEMBER 2018 S18.10.2/11
8. SEPTIC TANK APPROVALS FOR NOVEMBER 2018 S29.19.1
9. ORDINANCE ACTIVITIES REPORT FOR NOVEMBER 2018 S18.10.1
10. GRANTS TO VILLAGES AND RURAL AREAS – RECREATIONAL / CULTURAL GRANTS 2018-19 S15.8.6/11

**182/18 RESOLVED** (Dight/Baker) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Wednesday, 19 December, 2018, be received and noted.

#### **SECTION G GOVERNANCE REPORTS**

- AC-N 1. GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/12

**183/18 RESOLVED** (Dight/Michael) that the information be received and noted.

- MFS-N 2. GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/09

**184/18 RESOLVED** (Watts/Dight) 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 F QUESTIONS WITHOUT NOTICE**

- DCES **QWN/ORD 33/18** Fire hydrant stop valves in Delungra S24.12.3  
Cr Watts

Cr Watts requested that Council receive a report regarding the condition of the fire hydrant stop valves in Delungra.

The Director Civil & Environmental Services undertook to provide a report.

- QWN/ORD 34/18** Lighting in Vivian Street S28.9.20  
Cr Baker

Cr Baker reported that lighting in Vivian Street South of the Byron Street Intersection was poor.

The comment was noted.

- DCES **QWN/ORD 35/18** Abandoned shopping trolleys S31.10.1  
Cr Michael

Cr Michael noted that abandoned shopping trolleys were becoming a problem in Inverell and asked if it was practical to impound them.

The Director Civil & Environmental Services replied that this had not been an effective deterrent in the past and he would speak to the supermarkets in an effort to have the issue addressed.

**QWN/ORD 36/18**

Mr Paul Henry

The General Manager sought permission to introduce an urgent confidential land matter to the Agenda and that the matter be dealt with in closed Council for consideration as:

- i) *the report includes 'Commercial information of a confidential nature that would, if disclosed:*
  - a) *prejudice the commercial position of the person who supplied it, or*
  - b) *confer a commercial advantage on a competitor of the council, or*
  - c) *reveal a trade secret; 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.*

**185/18 RESOLVED** (Baker/Berryman) *that the matter be dealt with in the Committee of the Whole in closed Council.*

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

At 3.56 pm, 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**

**186/18 RESOLVED** (Watts/Dight) *that Council proceed into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.*

Cr Dight left the meeting 4.07pm.

**187/18 RESOLVED** (Baker/Watts) *that Council proceeds out of Closed Council into Open Council, the time being 4.08pm.*

Upon resuming Open Council at 4.08pm, 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:

MIPR

1. CULTURAL AND ARTS STRATEGIC PLAN S15.8.81

*That Council extend the period for submissions of proposals to deliver the Cultural and Arts Strategic Plan to 31 January, 2019 and a report on submission be prepared for consideration at the February 2019 Ordinary Meeting of Council.*

2. ACQUISITION OF LAND S5.2.D/11

- i) *The Mayor and General Manager be authorised to negotiate the purchase of 101 Burtenshaw Road, Inverell.*

- ii) *That Council acquire the closed crown road reserve adjoining the Burtenshaw Road waste facility; and*
- iii) *That the Mayor and General Manager be authorised to negotiate the acquisition costs with the holder of Part Lot 7 DP 252286.*

**ADOPTION OF RECOMMENDATIONS**

**188/18 RESOLVED** *(Baker/Watts) that the recommendations of Closed Council be adopted.*

Cr Michael asked his vote be recorded against extending the date for proposals to prepare the Cultural and Arts Strategic Plan.

There being no further business, the meeting closed at 4.10pm.

CR P J HARMON

CHAIRPERSON