



INVERELL
SHIRE COUNCIL



Cr Anthony Michael, Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management David Littleproud MP, Principal of F Gaukroger & Sons Mark Palmer, Federal Treasurer Josh Frydenberg MP, Member for New England Barnaby Joyce MP and mayor Cr Paul Harmon.

Business Paper

Ordinary Meeting of Council

Wednesday, 23 October 2019

INVERELL SHIRE COUNCIL**NOTICE OF ORDINARY MEETING OF COUNCIL**

18 October, 2019

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 23 October, 2019, commencing at **3.00 PM**.

Your attendance at this Ordinary Meeting of Council would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) may be webcast. An audio recording of the meeting may be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

P J HENRY PSM

GENERAL MANAGER

1PM – Workshop - Draft Water Management Framework (Drought Management Plan)**Agenda**

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Recording of Council Meetings

Council meetings are recorded. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded.

The recording will be archived. All care is taken to maintain your privacy; however as a visitor of the public gallery, your presence may be recorded.

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government
- **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

3rd Do my private interests conflict with my official role?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflicts of interest.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Declaration Form](#)

Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.





MEETING CALENDAR

October 2019 – September 2020

Ordinary Meetings:

Time: 3.00 pm

Venue: Council Chambers

| OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT |
|-----|-----|-----|------------|-----|-----|-----|-----|-----------------|------|-----|------|
| Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed |
| 23 | 27 | 18 | No Meeting | 26 | 25 | 22 | 27 | [^] 24 | 22 | 26 | 23 |

Major Committee Meetings:

Civil and Environmental Services - 9.00 am

Economic and Community Sustainability - 10.30 am

Venue: Committee Room

| OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT |
|-----|-----|------------|------------|-----|-----|-----|-----|------|------|-----|------|
| Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed | Wed |
| 9 | 13 | No Meeting | No Meeting | 12 | 11 | 8 | 13 | 10 | 8 | 12 | 9 |

Members of the public are invited to observe meetings of the Council.

Should you wish to address Council, please contact the Office of the General Manager on 6728 8206.

[^] Meeting at which the Management Plan for 2019/2020 is adopted.



INVERELL
SHIRE COUNCIL

INTERNAL CALENDAR

November 2019

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------|-----|-----------------------------------|-------------------------------------------------------------------------------------------------------------|
| | | | | | 1. | 2. |
| Sapphire City Markets 3. | Reports due for Committee meetings by 4:30pm LIRS portal opens for the month 4. | 5. | 6. | 7. | 8. | Grandparents Day – Cooking Class 9. |
| Grandparents Day – Art Competition 10. | Remembrance Day 11. | 12. | 9am Civil & Environmental meeting 10:30am Economic & Community Sustainability meeting 13. | 14. | Eat Drink Live New England 15. | Eat Drink Live New England Lighting of the Christmas Tree & Movie in the Park – Campbell Park 16. |
| Sapphire City Markets 17. | Reports due for Ordinary meeting by 4:30pm Expected second instalment of 2019-20 Financial Assistance Grants 18. | 19. | 20. | 21. | 22. | 23. |

| | | | | | | |
|-----|----------------------------------------------------|-----|-------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| | New England Joint Organisation Board Meeting | | 3pm Ordinary meeting | Last day for notice for presentation of audited Financial Reports (s.418(2)) | Second quarter rates instalment due (s.562) Electronic lodgment of Grants Commission General Data Return. Last day for RAO to submit QBRS review to Council (LGGR cl.203(1)). Notify Minister (via OLG) that Annual Report has been posted on Council's website (s.428) | "No Cods" Cod Classic |
| 24. | 25. | 26. | 27. | 28. | 29. | 30. |

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 25 September, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 25 SEPTEMBER 2019 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Anthony Michael (Deputy Mayor), Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, Cr Neil McCosker, Cr Mal Peters and Cr Jacki Watts.

IN ATTENDANCE: Brett McInnes (Acting General Manager) and Scott Norman (Director Corporate and Economic Services).

1 APOLOGIES

NIL

2 CONFIRMATION OF MINUTES

RESOLUTION 2019/85

Moved: Cr Anthony Michael

Seconded: Cr Paul King OAM

That the Minutes, as corrected, of the Ordinary Meeting of Council held on 28 August, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

4 PUBLIC FORUM

At this juncture, the time being 3.09pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak.

Mr Murray Daley addressed Council regarding the need to be prepared for the current drought to continue for some time yet. In particular he is concerned it would take several big rain events before any water will flow into Copeton Dam. He urged Council not to “sit on their hands” but to act now.

5 NOTICES OF MOTION

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS**8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 11 SEPTEMBER 2019****Receipt of Minutes:****RESOLUTION 2019/86**

Moved: Cr Di Baker

Seconded: Cr Anthony Michael

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 11 September, 2019, be received and noted; and*
- ii) *The following recommendations of the Civil & Environmental Services Committee be adopted by Council.*

CARRIED**8.1.1 Draft Inverell Shire Community Participation Plan**

That the draft Inverell Shire Community Participation Plan be endorsed and be placed on public exhibition for a minimum of 28 days.

8.1.2 DA-73/2019 - Use of unauthorised alterations and additions to shed, Change of use of the shed to a dwelling (resulting in a dual occupancy (detached)) and Minor alterations and additions to the dwelling - 301 Fernhill Road, Inverell

That Development Application 73/2019 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:

- *Use of un-authorised alterations and additions to shed; and*
- *Change of use of the shed to a dwelling, resulting in a dual occupancy (detached); and*
- *Alterations and additions to the dwelling, including installation of privacy screen.*

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).*
3. *The landscaping and privacy screens must be maintained in a reasonable manner, in*

perpetuity.

4. *The proposed shade sail must not extend above the gutter line of the proposed dwelling.*

PRIOR TO CONSTRUCTION

5. *Prior to the commencement of any building works on the site (shade sail, privacy screen, internal works, etc.) 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.*
6. *Prior to issue of an Occupation Certificate, a Building Information Certificate pursuant to Division 6.7 of the Environmental Planning and Assessment Act 1979 must be obtained for the proposed dwelling, to confirm that the completed unauthorised works are to an acceptable standard.*

PRIOR TO OCCUPATION OF THE SHED AS A DWELLING

7. *Prior to occupation of the shed as a dwelling, 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, the kitchen and bathroom in the proposed dwelling must be connected to an on-site sewage management system approved under Section 68 of the Local Government Act 1993.*

Note: Separate application will need to be made to obtain approval under Section 68 of the Local Government Act 1993.

9. *Prior to issue of an Occupation Certificate, all landscaping is to be completed in accordance with the approved plans.*
10. *Prior to issue of an Occupation Certificate, the premise (310 Fernhill Road) will need the main electrical switch replaced with a load limiting circuit breaker sized to the original premise load approval.*

Note: Any additional load over this limit will need to be approved via an Application for Connection through Essential Energy's web portal before connection of that additional load.

11. *Prior to issue of an Occupation Certificate, the applicant must obtain a Certificate of Compliance of Electrical Work (CCEW) from a licenced electrical contractor ensuring compliance with the Australian Standard AS/NZS 3000 2018 for the proposed dwelling.*
12. *Prior to the issue of an Occupation Certificate, the following contributions must be paid to Council pursuant to Section 7.11 (previously Section 94) of the Environmental Planning and Assessment Act 1979:*
 - *General Rural Roads; and*
 - *Community Services.*
13. *Prior to issue of an Occupation Certificate, a hard wired smoke alarm is to be installed within the proposed dwelling.*

14. *Prior to issue of an Occupation Certificate, laundry facilities are to be installed within the proposed dwelling in accordance with the Building Code of Australia.*
15. *Prior to issue of an Occupation Certificate, all stormwater shall be drained in accordance with Australian Standard 3500.3 Plumbing and drainage.*
16. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*
17. *That the Director Civil and Environmental Services be authorised to enter into negotiations with the proponent and adjoining landowner in regards to appropriate privacy screening.*

| S375A Record of Voting | Councillors For: | Councillors Against: |
|------------------------|------------------|----------------------|
| Harmon | √ | |
| Baker | √ | |
| Berryman | √ | |
| King | √ | |
| Peters | √ | |
| Watts | √ | |
| Dight | √ | |
| McCosker | √ | |
| Michael | | √ |

8.1.3 Campbell Street Pedestrian Refuge

That the engineering design plans for a pedestrian refuge in Campbell Street be endorsed so they can be submitted to RMS for approval and possible funding.

8.1.4 Petition - Maybole and Kellys Roads

That:

1. *The petition be received and noted;*
2. *The identified funding allocation of \$418,535 be utilised to complete approximately 8km of gravel resheeting in the Maybole area at the earliest available opportunity;*
3. *The remaining 6km of gravel resheeting required in the Maybole area be prioritised in future years works programs; and*
4. *The lead authors of the petition be formally notified of Council's resolution and the limitations associated with the current availability of gravel in the area.*

8.1.5 Additional Funding - MR135 Guyra Road "Slurry Gully" Project

That an additional \$425,100 be allocated to the MR135 Guyra Road "Slurry Gully" reconstruction project, from the following sources:

REPAIR Program (additional allocation) \$102,600

Supplementary Block Grant \$160,000

BLOCK Grant \$162,500

8.1.6 Works Update S28.21.1/12

That the information report be received and noted.

8.1.7 Governance - Performance Reporting On Road Maintenance Council Contracts S1.2.3/13

That the information be received and noted.

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 SEPTEMBER 2019**Receipt of Minutes:****RESOLUTION 2019/87**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

- i) That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 11 September, 2019, be received and noted; and*
- ii) The following recommendations of the Economic & Community Sustainability Committee be adopted by Council.*

CARRIED

8.2.1 Conduct of the 2020 LG Election

That:

- i. Pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;*
- ii. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and*
- iii. Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

8.2.2 Request for Consideration - Movie Night - Long Plain Hall and Recreational Reserve

That:

- i. The request from the Board of Managers of the Long Plain Public Hall be received and acknowledged;*
- ii. The Board of Managers of the Long Plain Public Hall be informed that unfortunately there is no funding for this activity in Council's current budget; and*
- iii. Council assist with identifying funding for a Movie Night at Long Plain Hall by either incorporating the activity in an appropriate grant application or assisting the Board to apply for funding in their own right, which ever opportunity presents itself first.*

8.2.3 Request for Assistance - Bonshaw Drought Relief Event

That:

- i. The request from the Bonshaw Hall Committee be received and acknowledged;*
- ii. That Council assist with identifying funding for the men's breakfast by either incorporating the activity in an appropriate grant application or assisting the Committee to apply for funding in their own right, which ever opportunity presents itself first; and*
- iii. That if no funding is identified in time for the event then Council donates \$200 towards the cost of holding the event.*

8.2.4 Donation Request - Garden Artist of the Year Competition

That:

- i. The request from the Down to Earth Inverell Garden Group be received and acknowledged;*
- ii. Council provide a donation of \$200 towards prizes for the Garden Artist of the Year Competition;*
- iii. Council nominate a representative to present awards to the first and second prize winners; and*
- iv. Council suggest that next years competition be held in conjunction with the Sapphire City Festival.*

8.2.5 Request for Consideration - Request to waive full or partial hire fee of Town Hall - Unstop-Ability

That:

- i. The request from Stephanie Marshall and Michele Jedlicka from Unstop-Ability be received and acknowledged;*
- ii. Council provide a donation of \$200 towards the costs of staging the Unstop-Ability production.*

8.2.6 Northern Inland Academy of Sport

That:

- i. Council renew its NIAS partnership for 2019/20 at a cost of \$2, 000 (plus GST).*
- ii. The cost of the NIAS partnership be funded from the Inverell Sports Council allocation.*

8.2.7 Tingha Plateau Fires

That the information report be received and noted.

8.2.8 Governance - Monthly Investment Report**RECOMMENDATION:**

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.*

8.2.9 Request for Reduction on Water Account

That:

- i. the report be received and noted; and*
- ii. Council issue an amended account of \$111.72 for the last quarter based on the average consumption of accounts prior to the leak and write off \$2,153.08.*

8.3 INVERELL LIQUOR CONSULTATIVE COMMITTEE MINUTES - 10 SEPTEMBER 2019**Receipt of Minutes:****RESOLUTION 2019/88**

Moved: Cr Paul King OAM

Seconded: Cr Di Baker

- i) That the Minutes of the Inverell Liquor Consultative Committee held on Tuesday, 10 September, 2019, be received and noted.*
- ii) The following recommendations of the Inverell Liquor Consultative Committee be adopted by Council.*

CARRIED

8.3.1 Outlaw Motor Cycle Gangs

That:

- i) Licensees in the Inverell & District Liquor Accord area, where liquor is authorised to be sold for consumption on premises, ban any person entering the premises, or remaining on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:
 - (a) the name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlands, Brothers for Life, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Joker, Hells Angels, Highway 61, Iron Horsemen, Life and Death, Lone Wolf, Mobshitters, Mongols, Mongrel Mob, No Surrender, Nomads, Odin's Warriors, Outcasts, Outlaws, Phoenix, Rebels, Rock Machine, Satudarah, or*
 - (b) the colours, club patch, insignia or logo of any such organisation, or*
 - (c) the "1%" or "1%er" symbol, or (d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in paragraph (a).**
- ii) The ban be included in the Terms of the Accord which makes it mandatory for the necessary signage to be displayed where liquor is authorised to be sold for consumption on the premises. The ban will commence from opening of business on Monday 14 October, 2019.*

9 DESTINATION REPORTS**9.1 CEMETERY MAINTENANCE CONTRACT S5.8.8/04****RESOLUTION 2019/89**

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That the matter be referred to Closed Council for consideration as the matters and information are:

- d(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

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 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.

CARRIED

9.2 AUDIT RISK AND IMPROVEMENT COMMITTEE GUIDELINES S4.11.21/02**RESOLUTION 2019/90**

Moved: Cr Stewart Berryman

Seconded: Cr Anthony Michael

That a Supplementary Information report on this matter be received.

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2019/91

Moved: Cr Anthony Michael

Seconded: Cr Di Baker

*That the information reports be received and noted.***CARRIED**

10.1 CONDUCT OF THE 2020 LG ELECTION S13.7.4

10.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING AUGUST 2019 S18.10.2/12

10.3 LETTER OF APPRECIATION - JANE HUNTER - "DON'T BE A STATISTIC" DRIVER EDUCATION DAY S6.8.9

10.4 SEPTIC TANK APPROVALS FOR AUGUST 2019 S29.19.1

10.5 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2019 S18.10.1

10.6 STRATEGIC TASKS - 'SIGN OFF' - AUGUST 2019 S4.13.2

10.7 SUPPLEMENTARY INFORMATION REPORT - AUDIT RISK & IMPROVEMENT GUIDELINES

10.8 AUDIT RISK & IMPROVEMENT COMMITTEE GUIDELINES S4.11.21/02

11 GOVERNANCE REPORTS

11.1 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2018/2019 S12.11.5**RESOLUTION 2019/92**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That:**i) the report be received and noted;**ii) the transfers to Council's Internally Restricted Assets for the 2018/2019 Financial Year totalling \$6,074,352 and Council's transfers from Internally Restricted Assets for the*

2018/2019 Financial Year totalling \$2,156,033 be endorsed; and

- iii) *Council's DRAFT Financial Statements be "referred to audit" in accordance with S413(1) LGA 1993.*

CARRIED

12 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

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.

RESOLUTION 2019/93

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That Council proceeds into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

CARRIED

RESOLUTION 2019/94

Moved: Cr Stewart Berryman

Seconded: Cr Anthony Michael

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 3.56pm, the Chairperson 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:

12.1 CEMETERY MAINTENANCE CONTRACT S5.8.8/04

That Council accept the tender submitted by Peter Whetton Mowing and Gardening for an amount of \$58,900 (Incl GST) per year for the maintenance of 11 Council controlled cemeteries within the Inverell Council area for a period of five (5) years.

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2019/95

Moved: Cr Di Baker

Seconded: Cr Jacki Watts

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 3.58pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 October 2019.

.....
CHAIRPERSON

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

4 PUBLIC FORUM

5 NOTICES OF MOTION

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS**8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 9 OCTOBER 2019**

File Number: S4.11.16/11 / 19/47111

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 9 October, 2019.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

Receipt of Minutes:**RECOMMENDATION:**

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 9 October, 2019, be received and noted; and*
- ii) *The following recommendations of the Civil & Environmental Services Committee be adopted by Council.*

8.1.1 Funding Allocation - MR63 Warialda Road Curve Realignment and Pavement Rehabilitation**RECOMMENDATION:**

That \$1,096,530 be allocated to the MR63 Warialda Road "Black Dam" curve realignment and pavement rehabilitation project from the Fit for the Future Bitumen Rehabilitation allocation.

8.1.2 Smoke Free Environment - Inverell CBD**RECOMMENDATION:**

That Council not to take any further action in relation to this matter.

8.1.3 DA-74/2019 - Demolition of the existing NSW Police Building & Structures, Site Preparation Works, Construction and use of New Police Building, and Ancillary Works Including Signage - 109 Otho Street, Inverell**RECOMMENDATION:**

That Council not to take any further action in relation to this matter.

ATTACHMENTS:

- 1. Minutes of Civil and Environmental Services Committee Meeting 9 October, 2019**

**MINUTES OF INVERELL SHIRE COUNCIL
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD AT THE YETMAN HALL, 82-84 WARIALDA STREET, YETMAN
ON WEDNESDAY, 9 OCTOBER 2019 AT 12.30 PM**

PRESENT: Cr Anthony Michael (Deputy Mayor & Chair), Cr Stewart Berryman, Cr Neil McCosker, Cr Jacki Watts, Cr Kate Dight and Cr Paul King OAM.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Scott Norman (Director Corporate & Economic Services), Scott Hamilton (Project Engineer) and Anthony Alliston (Manager Development Services).

1 APOLOGIES

Moved: Cr Stewart Berryman
Seconded: Cr Neil McCosker

That the apologies received from Crs Harmon, Peters and Baker, all requested leave of absence for personal reasons, be accepted and leave granted.

CARRIED

2 CONFIRMATION OF MINUTES

Moved: Cr Stewart Berryman
Seconded: Cr Jacki Watts

That the Minutes of the Civil and Environmental Services Committee Meeting held on 11 September, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

Mr McInnes declared a non-pecuniary interest in Item 5.3 DA-74/2019 - Demolition of the Existing NSW Police Building & Structures, Site Preparation Works, Construction and Use of New Police Building; and Ancillary Works Including Signage - 109 Otho Street, Inverell DA which has been referred to the Joint Regional Planning Panel (JRPP). Mr McInnes advised that his interest arises as he is a member of the JRPP.

4 PUBLIC FORUM

Nil

5 DESTINATION REPORTS

5.1 FUNDING ALLOCATION - MR63 WARIALDA ROAD CURVE REALIGNMENT AND PAVEMENT REHABILITATION S28.7.18/72

Moved: Cr Stewart Berryman
Seconded: Cr Neil McCosker

That the Committee recommend to Council that \$1,096,530 be allocated to the MR63 Warialda Road "Black Dam" curve realignment and pavement rehabilitation project from the Fit for the Future Bitumen Rehabilitation allocation.

CARRIED

5.2 SMOKE FREE ENVIRONMENT - INVERELL CBD S24.12.5

Moved: Cr Stewart Berryman
Seconded: Cr Neil McCosker

That the Committee recommend to Council that Council not to take any further action in relation to this matter.

CARRIED

Mr McInnes having previously declared a non-pecuniary interest in Item 5.3 DA-74/2019 - Demolition of the Existing NSW Police Building & Structures, Site Preparation Works, Construction and Use of New Police Building; and Ancillary Works Including Signage - 109 Otho Street, Inverell DA which has been referred to the Joint Regional Planning Panel (JRPP), did not participate in the discussion on this matter.

5.3 DA-74/2019 - DEMOLITION OF THE EXISTING NSW POLICE BUILDING & STRUCTURES, SITE PREPARATION WORKS, CONSTRUCTION AND USE OF NEW POLICE BUILDING, AND ANCILLARY WORKS INCLUDING SIGNAGE - 109 OTHO STREET, INVERELL DA-74/2019

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman
Seconded: Cr Neil McCosker

That the Committee recommend to Council that Council not to take any further action in relation to this matter.

CARRIED

6 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

That the following information reports be received and noted.

CARRIED

6.1 WORKS UPDATE S28.21.1/12

6.2 DA-96/2019 - CATTLE FEEDLOT - 'GOONDARIN' AND 'PAISLEY', 1804-2033 TARWOONA ROAD, CAMP CREEK DA-96/2019

The Meeting closed at 1.13pm

The minutes of this meeting were confirmed at the Civil and Environmental Services Committee held on 13 November 2019.

.....
CHAIRPERSON

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 9 OCTOBER 2019

File Number: S4.11.17/11 / 19/47119

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 9 October, 2019.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

Receipt of Minutes:

RECOMMENDATION:

- i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 9 October, 2019, be received and noted; and*
- ii) *The following recommendations of the Economic & Community Sustainability Committee be adopted by Council.*

8.2.1 Budget Revotes From 2018-2019

RECOMMENDATION:

That the list of revotes representing works in progress as at 30 June, 2019 be revoted to the 2019/2020 budget.

8.2.2 Investment Policy

RECOMMENDATION:

That:

- i) *the report be received and noted; and*
- ii) *the Investment Policy remain unchanged.*

3 Governance – Monthly Investment Report

RECOMMENDATION:

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.*

ATTACHMENTS:

- 1. Minutes of Economic and Community Sustainability Committee Meeting 9 October, 2019**

**MINUTES OF INVERELL SHIRE COUNCIL
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING
HELD AT THE YETMAN HALL, 82-84 WARIALDA STREET, YETMAN
ON WEDNESDAY, 9 OCTOBER 2019 AT 1:20 PM**

PRESENT: Cr Jacki Watts (Chair), Cr Kate Dight, Cr Anthony Michael (Deputy Mayor), Cr Stewart Berryman, Cr Neil McCosker and Cr Paul King OAM.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Scott Norman (Director Corporate & Economic Services), Scott Hamilton (Project Engineer) and Anthony Alliston (Manager Development Services).

1 APOLOGIES

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the apologies received from Crs Harmon, Peters and Baker, all requested leave of absence for personal reasons, be accepted and leave granted.

CARRIED

2 CONFIRMATION OF MINUTES

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 11 September, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

4 DESTINATION REPORTS

4.1 BUDGET REVOTES FROM 2018-2019 S12.5.1/13

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Anthony Michael

That the Committee recommend to Council that the list of revotes representing works in progress as at 30 June, 2019 be revoted to the 2019/2020 budget.

CARRIED

4.2 INVESTMENT POLICY S4.11.17/11

Moved: Cr Kate Dight
Seconded: Cr Anthony Michael

That the Committee recommend to Council that:

- i) the report be received and noted; and*
- ii) the Investment Policy remain unchanged.*

CARRIED

5 INFORMATION REPORTS**COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael
Seconded: Cr Kate Dight

That the following information reports be received and noted.

CARRIED

5.1 LIBRARY STATISTICAL OVERVIEW 2018/19 S3.6.1/13**5.2 GRANT APPLICATIONS SUMMARY S15.8.25/12****6 GOVERNANCE REPORTS****6.1 GOVERNANCE - MONTHLY INVESTMENT REPORT S4.11.17/11****COMMITTEE RESOLUTION**

Moved: Cr Kate Dight
Seconded: Cr Stewart Berryman

The Committee recommend to Council 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.*

CARRIED

The Meeting closed at 1.51pm.

The minutes of this meeting were confirmed at the Economic and Community Sustainability Committee held on 13 November 2019.

.....
CHAIRPERSON

9 DESTINATION REPORTS

9.1 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS

File Number: S13.6.5/11 / 19/32694

Author: Paul Henry, General Manager

SUMMARY:

Section 449 of the *Local Government Act 1993* requires that councillors and designated persons submit returns disclosing their pecuniary interests and other matters annually.

The purpose of this report is to table the disclosure forms submitted by Councillors and designated persons.

RECOMMENDATION:

That the pecuniary interest returns be noted.

COMMENTARY:

Under the provisions of Section 449 of the *Local Government Act, 1993*, Councillors and designated persons must complete and lodge with the General Manager a pecuniary interest return as part of Schedule 2 of Section 449.

The General Manager is obliged to ensure returns are tabled in accordance with Section 450A of the *Local Government Act*. The current annual declaration period is from 1 July, 2018 to 30 June, 2019.

In accordance with the Act, the completed Disclosure Forms will be tabled at today's meeting.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Compliance with Council's policy relating to Designated Persons.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Compliance with Section 449 of the *Local Government Act, 1993*.

449 Returns disclosing interests of councillors and designated persons

- (1) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.

450A Register and tabling of returns

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council.

ATTACHMENTS:

Nil

9.2 EXPRESSION OF INTEREST TO LICENCE LAND - EDWARD STREET, INVERELL**File Number:** S5.10.21 / 19/45716**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

Expressions of Interest were called to licence land known as Lot 1 DP 196967, Lots 3, 4 and 5, Section 1 DP 448428 and Lot 6 DP 1150735, Edward Street, Inverell.

Council is requested to consider the Expression of Interest to licence the land.

RECOMMENDATION:

That:

1. *Council enter into a Licence Agreement with Ms Karen Dickson for Lot 1 DP 196967, Lots 3, 4 and 5, Section 1 DP 448428 and Lot 6 DP 1150735, Edward Street, Inverell for a two (2) year period with further lease extensions subject to the outcome of investigations associated with Sewer Pump Station No 1;*
2. *the Licence fee be \$150.00 per annum (GST Inclusive) with a 3% increase per annum; and*
3. *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

COMMENTARY:

Council recently advertised for expressions of interest for licence of land known as Lot 1 DP 196967, Lots 3, 4 and 5, Section 1 DP 448428 and Lot 6 DP 1150735 Edward Street, Inverell. The land is approximately 0.9 hectares in size and is located next to Council's sewer pump station No.1.

The land has not been leased since 2015 with no interest received when it was advertised in June of this year.

Council received one (1) expression of interest from Karen Dickson who wishes to utilise the land for the purpose of grazing horses. Ms Dickson is willing to pay \$150 per annum for a two (2) year period.

It is suggested that Council enter into an agreement with Ms Karen Dickson for a two (2) year period and that the licence fee be \$150.00 per annum, being subject to a 3% yearly increase.



Please Note: Further lease extensions will be subject to the outcome of investigations associated with Sewer Pump Station No 1 with the land being a possible site for a new sewer pump station.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.3 INVERELL HOSPITAL CLINICAL STAFF RESOURCES - REPRESENTATIONS BY MR BOB BENSLEY**File Number:** S24.20.6 / 19/46414**Author:** Paul Henry, General Manager**SUMMARY:**

Correspondence has been received from Mr Bob Bensley regarding a concern that insufficient clinical staff will be available to ensure full functionality of the new redeveloped hospital.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Mr Bob Bensley has written to Council concerned that insufficient clinical staff will be available to ensure full functionality of the new redeveloped hospital.

Mr Bensley states in an opinion piece to the Inverell Times:

'There has, for some time locally, been an undertone of concern that our redeveloped hospital in Inverell, will not be matched by an adequate number of qualified health professionals, ready and able to take us into the future.

I have recently become aware that our wonderful new and modern facility - due to be opened in the next eight to nine months - may not be functional! There may not be sufficient local doctors ready to work in the hospital system, as it now stands. Worse still, the problem could be exacerbated by a lack of available anaesthetists and properly qualified operating theatre staff, especially for such functions as emergency operations! This may even be the case already. Additionally, some patients are unable to be treated by their own doctors, while in hospital, due to the fact that their doctors do not work in the hospital system. I am one of them.

I also suspect that a further problem relating to hospital functionality, will be a general shortage of nursing and support staff. In fact it probably already exists. These suspicions are based on a number of personal hospitalisations during the last six months. I have the highest regard for the efforts of the local nursing staff - but I worry about the pressure under which they work.

At Inverell, for far too long, we have battled an ingrained health culture, designed to make us totally dependent on the hospitals at Armidale and Tamworth (even John Hunter) for our medical survival. Minor problems demand transfer to one or more of these hospitals. It is currently necessary for local patients to endure a three- hour return trip by road to Armidale - even to have an urgently needed CT Scan, out of hours. Thankfully that need will disappear with the emergence of the new hospital.

The new hospital at Inverell is going to be catering for a local population of around 13,000 and a local government area of around 17,000. The new hospital has (eventually) been designed and is being equipped to cater for these numbers (into the future) - but must have sufficient properly qualified staff to successfully provide the required services.

I am prepared to accept that many regional areas in New South Wales - let alone Australia - are probably struggling with similar problems. I also accept that State and National Health Budgets are undoubtedly stretched to their limits. Such a situation demands that the State and Federal

Governments be urgently advised of the circumstances. Hunter New England Health shares that responsibility.

I now intend to write to the General Manager of our local Council to make him aware of my concerns. I will ask him to advise his Council of these concerns at its next meeting on 23rd October. I hope that the Council will resolve to urgently ask the NSW Minister for Health (through our Local Member Hon Adam Marshall MP) to investigate these concerns. Hopefully, that would lead to an assurance that our new hospital will indeed be functional and that adequate medical and support staff, including a sufficient allocation of hours, will be available to make that possible'.

An application has also been received from Mr Bensley to address public forum on this matter.

Council will note that Mr Bensley requests Council to:

- a) Ascertain details of these general concerns regarding the adequacy of clinical staff numbers at the Inverell Hospital; and
- b) Make representations to the Minister for Health to address any legitimate concerns regarding the possible clinical staff shortages.

RISK ASSESSMENT:

Nil.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.4 SUNHAVEN HOSTEL - ASHFORD**File Number:** S3.15.1 / 19/46433**Author:** Paul Henry, General Manager**SUMMARY:**

A confidential report has been prepared regarding the Sunhaven Hostel in Ashford. Council is asked to consider this matter.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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 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.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the *Local Government (General) Regulation 2005* makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) Personnel matters concerning particular individuals (other than councillors.)*
- (b) The personal hardship of any resident or ratepayer.*
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) Commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the council, or*
 - (iii) reveal a trade secret.*
- (e) Information that would, if disclosed, prejudice the maintenance of law.*
- (f) Matters affecting the security of the council, councillors, council staff or council property.*
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) The grounds must specify the following:*
 - (a) the relevant provision of section 10A (2),*
 - (b) the matter that is to be discussed during the closed part of the meeting,*

- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 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*.

9.5 CODE OF CONDUCT - VALUE OF TOKEN GIFTS AND BENEFITS**File Number:** S4.12.1 / 19/46455**Author:** Paul Henry, General Manager**SUMMARY:**

The Minister for Local Government has requested that all councils consider the 'definition' of what constitutes a 'token gift' under the Code of Conduct for Councils.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

The Minister for Local Government, The Honourable Shelley Hancock MP, has requested that all Councils consider the "definition" of what constitutes a "token gift" under the Code of Conduct for Councils.

The Minister writes:

"By now, your council will have adopted a new code of conduct based on the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct).

As you would be aware, the new Model Code of Conduct sets for the first time a monetary threshold on the value of gifts that may be accepted by council officials. The Office of Local Government (OLG) consulted with councils and integrity agencies such as the NSW Ombudsman and the Independent Commission Against Corruption, in setting that threshold at \$50. The threshold now applies uniformly to all council officials including both councillors and council staff.

Out of the 95 submissions received in response to the consultation draft of the Model Code of Conduct, only 5 raised concerns about the \$50 cap on the value of gifts that may be accepted by council officials.

I have since been approached by a number of mayors and councillors, who have raised concerns with me about the appropriateness of the \$50 cap on the value of gifts that may be accepted by councillors. In particular, it has been suggested that the cap on the value of gifts that may be accepted by councillors should be raised to \$500.

I am interested to hear the views of other councils on this matter. In particular, I would be interested to hear councils' views on the following:

- Whether \$50 is an appropriate monetary value for the cap on the value of gifts that may be accepted by councillors.*
- If the \$50 cap on the value of gifts that may be accepted by councillors is not appropriate, at what value should it be set?*
- If it is suggested that the cap on the value of gifts that may be accepted should be raised, should it be raised uniformly for all council officials, or should it just be raised for councillors and the \$50 cap retained for other council officials such as council staff.*
- If it is suggested that the cap on the value of gifts that may be accepted should be raised for councillors and not for other council officials such as council staff, why does your council believe that councillors should be subject to a different standard than the one that applies to other classes of council officials in relation to the acceptance of gifts.*

I request that councils make a submission to the Office of Local Government (OLG) at olg@olg.nsw.gov.au by Friday 8 November 2019. Submissions should be marked "Gifts and Benefits Feedback" and marked to the attention of OLG's Council Governance Team."

Background

Clause 6.3(d) of the Code states that Councillors must not "accept any gift or benefit 'of value'." Clause 6.7 states that "gifts or benefits that exceed \$50 in value are to be treated as gifts or benefits of value and must not be accepted".

As can be seen from the Minister's letter no detail has been provided on the rationale(s) that have been used by the Councils that have suggested that \$500 be used to determine that a gift is "of value". Therefore it is only speculation as to what can be the reasons for changing the definition of what is a gift or benefit "of value".

However, the Code of Conduct (at Schedule 1) contains provisions relating to contributions by third parties to travel. The code permits the acceptance of contributions up to a value of \$500 or travel contributions which were among a bundle of gifts totalling no more than \$500 in a 12 month period.

Perhaps this was the basis for the 5 Councils suggesting a \$500 value for defining a "gift of value". Perhaps it could be that the State Government's Code of Conduct for State Parliamentarians requires the declaration of all gifts of a cumulative value of more than \$500. Perhaps, it could be that the \$500 value test is used in a number of Gifts and Benefit policies used by a variety of State Agencies (both in NSW and Victoria). Unfortunately, no definitive guidance has been provided on this issue.

Council is requested to form an opinion on the question posed by the Minister.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.6 ROAD CLOSURE - EAT DRINK NEW ENGLAND**File Number:** S28.23.1/12 / 19/46755**Author:** Michael Frost, Technical Support Officer**SUMMARY:**

Council is in receipt of a request from the Chairperson of Eat Drink New England committee for the closure of the Evans Street precinct from midday Friday, 15 November 2019 to coincide with their annual event to be held Saturday, 16 November 2019.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Council is in receipt of a request from the Eat Drink New England committee for the closure of the Evans Street between Otho Street and Campbell Street from 12 Noon on Friday, 15 November 2019. Closure is requested to coincide with their annual event to be held Saturday, 16 November 2019 to allow for sufficient time for the set up of stalls and amenities. It is proposed that normal traffic flow in Evans Street be reinstated at 5pm on the Saturday at the conclusion of the event. For the information of the Councillors attachment 1 contains a copy of the correspondence and associated map requesting the road closure.

The Eat Drink New England event is the major fundraiser for The Inverell Club. Profits from this event are applied to the upkeep, maintenance, and ongoing operations of the clubs buildings and facilities. The event is in its fifth year and has grown exponentially in that time. Initially the event was held in The Inverell Club incorporating the immediate footpath, this year there will be up to 70 stallholders spread over the entire block promoting various forms of local produce from throughout the tablelands. Live bands and celebrity cooking demonstrations are also a feature of the event which adds to its popularity drawing residents from throughout the Shire and beyond.

Last years event was the first time Evans Street was closed to traffic from 12 noon on the Friday allowing the following tasks to be completed in a safer and non urgent environment:

- Delivery, unloading and installing of approximately 175 metres of mesh fencing,
- Directing and supervising 70 stallholders,
- Set up eight (8) marquees/shade shelters,
- Provide power to sites and conceal electrical cables,
- Set up speakers for band and PA system for committee and conceal cables,
- Deliver and set up two (2) stages (band & cooking demonstrations), and
- Position Pantech in easterly parking bays of Turnham Car Park.

It is also noted Council received no adverse comments as a result of the 2018 road closure.

As in past years, Eat Drink New England pay for road closure costs and marquee hire. Council has legislated authority under the *Roads Act 1993 - Section 122* to grant a permit for an event with associated road closure. Should Council agree to the requested road closure, the appropriate approvals will also need to be obtained from the NSW Police.

Access to the Art Gallery and the residence at 83–85 Otho Street would be impacted by any road closure approval. The chairperson of the Eat Drink New England committee has approached representatives of both sites and has been provided with verbal consent to the proposal. The committee will also need to accommodate any vehicles that may be within the confines of this area when the proposed road closures commence. Those vehicles will need to be monitored and owners provided a prompt, clear and unobstructed exit from the area.

Council is requested to make a determination regarding Eat Drink New England's request for closure of Evans Street between Otho & Campbell Streets between the hours of 12 Noon on Friday, 15 November 2019 and 5pm Saturday, 16 November 2019.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Correspondence and map



THE INVERELL CLUB

ESTABLISHED 1902

EAT · DRINK NEW ENGLAND



8 July 2019

Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Dear Paul,

Re: Eat Drink New England 2019

As you are aware this year's event will be held on Saturday 16th November 2019. We have strong early site bookings and given the current conditions are still confident of having a similar number as last year.

I am writing to seek permission for the following;

1. Closure of Evans St as per the attached map from Friday 15th November 12 Noon (to allow for erection of security fencing) until Saturday 16th November 5.00pm.
2. Use of Council power boxes in Evans Street.
3. Use of Council zulo bins from the Town Hall.

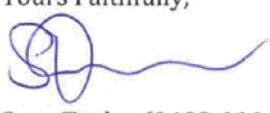
Site Terms and Conditions include a clause prohibiting Stallholders using tent pegs or anything that may damage the road surface.

I am also hoping to have the use of the Council's pop up shade shelters. Are these still available and if so, what costs are associated in using them for the day?

I would be happy to meet a Council representative on site to discuss this further.

Please let me know if you have any questions or require further information.

Yours Faithfully,

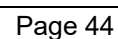


Sean Taylor (0409 666 854)
Chairperson
Eat Drink New England 2018

P: (02) 6722 3043
E: INVERELLCLUB@GMAIL.COM

THE INVERELL CLUB LTD

CNR EVANS & CAMPBELL STS
PO BOX 330
INVERELL NSW 2360



9.7 UPDATE ON THE CONDUCT OF THE 2020 ELECTIONS**File Number:** S13.7.4/04 / 19/47066**Author:** Scott Norman, Director Corporate and Economic Services**SUMMARY:**

The NSW Electoral Commission has been advised that Council wishes to use their services to conduct the 2020 election. A quote has now been provided. Council is asked to provide guidance on whether they seek to vary the term of pre-poll voting.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

At the September 2019 Council meeting Council resolved to appoint the NSW Electoral Commission to administer the 2020 election. The Commissioner was advised of the decision prior to the statutory deadline.

An estimate of \$131,044 to conduct the 2020 election has now been provided by the NSW Electoral Commission (NSWEC). It has been confirmed this includes the Tingha area that moved to Inverell Shire effective 1 July, 2019. The possibility of less polling places in Inverell was raised and will be part of the contract negotiations that will take place prior to a contract being signed. The agreement must be in place no later than 1 January, 2020.

The possibility of reducing the time available for pre-poll was also discussed. The response received was:

"The Commissioner has considered a number of requests to reduce the length of time for pre-poll voting, but unfortunately has rejected them all. This is because pre-poll popularity has been increasing over the years, (currently averaging about 30% of the votes cast are now cast at pre-poll) which indicate that it is popular with electors. Also, the pre-poll period at State elections is 2 weeks and the Commissioner feels that electors, where possible should be given the same voting opportunities at Local Government elections as at State elections. That said, there is no absent voting and no iVote (internet and telephone) voting at local government elections, so to reduce pre-poll voting periods at Local Government elections would disenfranchise electors even more. However, if Council has particular rationale for requesting a reduction in the pre-poll period the Commissioner is always happy to review that"

It seems that a desire to contain costs would not be an acceptable reason for the Commissioner to allow a reduction in the pre-poll period, however Council is at liberty to make a request.

RISK ASSESSMENT:

Due to ongoing reforms there has been a great deal of uncertainty in regard to process in the lead up to 2020 elections. The principle risk has been not ensuring the proper conduct of the 2020 election. Contracting NSWEC to conduct the election is expected to be the best way of mitigating that risk.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

The estimated cost for the 2020 Election contained in Council's forward estimates is \$110,000.

The estimated cost for the 2020 Election received from the NSWEC is \$131,044.

The cost of the 2016 Election was \$102,000.

The cost of the 2012 Election was \$85,000.

LEGAL IMPLICATIONS:

Council must enter into an election arrangement with the NSWEC no later than 1 January, 2020.

ATTACHMENTS:

Nil

9.8 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES - 16 OCTOBER 2019**File Number:** S4.11.21 / 19/47127**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

An Audit Risk and Improvement Committee meeting was held at 10.00am, Wednesday, 16 October, 2019. It is intended that the minutes from this meeting be tabled at the Council meeting.

RECOMMENDATION:

That a supplementary report on this matter be received.

COMMENTARY:

This report is intended to request Council to accept the tabling of the Audit Risk and Improvement Committee meeting minutes, which was held at 10.00am, Wednesday, 16 October, 2019.

It is intended that a supplementary report will be presented at the Council meeting.

ATTACHMENTS:

Nil

10 INFORMATION REPORTS**10.1 LETTER OF APPRECIATION - INVERELL EVENTS INC AND SAPPHIRE ROCK N ROLL FESTIVAL**

File Number: S8.12.14 / 19/44234

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

Council is in receipt of a letter of appreciation from the Directors of Inverell Events Inc, Kim Kelleher, Steve Johnson and Jane Brookman, the organisers of the Inaugural Sapphire Rock N Roll Festival. Council is asked to receive and note the report.

COMMENTARY:

Council is in receipt of a letter of appreciation from the Directors of Inverell Events Inc, Kim Kelleher, Steve Johnson and Jane Brookman the organisers of the inaugural Sapphire Rock N Roll Festival. The festival was held on the weekend of 30 August and included a Drive In Movie held at the Transport Museum, Billy Cart races, a Fashion Show and a Rock n Roll Dance held at the Town Hall.

In their letter they write:

"From the feedback of local operators and attendees, we believe it was a successful event and something we can build on for the future. We are delighted to announce that the visitor numbers increased over the weekend and that they, and locals, really enjoyed the weekend that was filled with fun and laughter."

Council provided a donation of \$3280 which contributed towards the cost of the hire of the Town Hall, road closure, stage hire and the inflatable screen.

Attached are photos from the various events held over the weekend.

ATTACHMENTS:

- 1. Sapphire Rock N Roll Festival photos**



INVERELL EVENTS INC.



10.2 LETTER OF APPRECIATION - SAPPHIRE SPORTS SHEARS**File Number: S6.8.9 / 19/45374****Author: Kristy Paton, Temporary Corporate Support Officer - Publishing****SUMMARY:**

Council is in receipt of a Letter of Appreciation from Matt Cumming, President of the Sapphire Sports Shear. Council is asked to receive and note the report.

COMMENTARY:

Council is in receipt of a Letter of Appreciation from Matt Cumming, President of the Sapphire Sports Shear. The Sports Shear competition was held in March this year in conjunction with the Inverell Show. The competition attracts current, former, world, national and state holders from within the region, interstate and New Zealand. In his letter Matt writes:

'Not only is it an opportunity to showcase the wool industry, but it also encourages those entering the Industry to take pride of their workmanship & allows the mentoring of more experienced shearers & wool handlers. Your support enables our wool Industry to grow!'

Council provided sponsorship for the competition in the amount of \$500.

ATTACHMENTS:**Nil**

10.3 STAFF MOVEMENTS: - 01 JULY 2019 TO 30 SEPTEMBER 2019**File Number: S22.25.1 / 19/46045****Author: Melissa Daskey, Human Resources Officer****SUMMARY:**

For the information of the Council.

To inform Council of all terminations, appointments and internal transfers for the above three (3) month period.

COMMENTARY:**TERMINATIONS**

| <u>Date:</u> | <u>Name:</u> | <u>Position:</u> | <u>Reason:</u> |
|---------------------|---------------------|------------------------------------------------------------------|-----------------------|
| 03 July 2019 | Dana VICKERS | Corporate Support Officer - Governance | Employment ceased |
| 05 July 2019 | Brendon SIMMONS | General Duties Officer | Resigned |
| 02 August 2019 | Jason DOWELL | Roller Operator | Resigned |
| 09 August 2019 | Sam TASSELL | Relieving Operator | Resigned |
| 16 August 2019 | Laurie SADDLER | Backhoe Operator | Retired |
| 16 September 2019 | Bruce RITCHIE | Supervisor Wastewater Services | Retired |
| 20 September 2019 | Naomi RADFORD | Temporary Information Services Librarian (Parental Leave Relief) | Resigned |
| 27 September 2019 | Stephen SINGLE | Waste Services Supervisor | Resigned |

APPOINTMENTS

| <u>Date:</u> | <u>Name:</u> | <u>Position:</u> | <u>Reason:</u> |
|---------------------|---------------------|---------------------------------|----------------------------------------------|
| 01 July 2019 | John FENTON | Tingha Team Leader | Boundary adjustment |
| 01 July 2019 | Gregory POSTRAK | Temporary Relieving Operator | New temporary position – boundary adjustment |
| 01 July 2019 | David STANFIELD | Bitumen Patching Ganger/ Driver | Transfer of Douglas Newton |
| 22 July 2019 | Justin TAYLOR | General Assistant | Transfer of Matthew |

| | | | |
|----------------|------------------|---------------------------|--------------------------------|
| | | | Brown |
| 05 August 2019 | Kyle MARCHANT | Tractor Operator | Transfer of Mathew Hayward |
| 12 August 2019 | Dylan HOGG | General Duties Officer | Resignation of Brendon Simmons |
| 12 August 2019 | Quentin WILLIAMS | Trainee General Assistant | New temporary position |

INTERNAL TRANSFERS

| <u>Date:</u> | <u>Name:</u> | <u>Position:</u> | <u>Reason:</u> |
|---------------------|---------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 29 July 2019 | Sally WILLIAMS | Corporate Support Officer - Governance | Replacement of Dana Vickers |
| 16 September 2019 | Matthew GRILLS | Backhoe Operator | Retirement of Laurie Saddler |
| 16 September 2019 | Harley JOHNSON | Supervisor Wastewater Services | Retirement of Bruce Ritchie |
| 16 September 2019 | Michael TREVITHICK | Relieving Operator | Transfer of Lawrence Horlyck |
| 24 September 2019 | Kylie BECKHOUSE | Temporary Part Time Library Officer – Customer Service | Relief required due to two (2) staff returning to work from Parental Leave on a part time basis |

ATTACHMENTS:**Nil**

10.4 STRATEGIC TASKS - 'SIGN OFF' - OCTOBER 2019**File Number:** S4.13.2 / 19/46379**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

A part of a successful governance program is a need for administration to indicate to the policy makers that the requirements of the legislation, under which the organisation operates, has been provided. As a result, this information report provides councillors with a statement of assurance from the General Manager that in accordance with the *Local Government Act, 1993*; the tasks have been complied with.

COMMENTARY:

The October, 2019 tasks required to be undertaken are detailed below. Any of these tasks may be added to as Council becomes familiar with this new initiative.

| Date | Compliance Requirement | Achieved/Not Achieved | Comments |
|-----------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 17 October 2019 | Request for extension to lodge financial statements to be submitted in writing to OLG (LGA s4162 (2). Code pgA-4). | Achieved | |
| 31 October 2019 | Second quarter rates instalment notices to be sent (LGA s562). | | Mail out scheduled for 25 October 2019 |
| 31 October 2019 | Electronic lodgement of Grants Commission General Data Return. | | In progress, due 31 October 2019 |
| 31 October 2019 | Last day for financial statements to be audited (LGA s 416(1)). | | In progress, due 31 October 2019 |
| 31 October 2019 | Audited financial statements & Financial Data Returns are to be lodged with OLG (LGA s 417(5)). | Achieved | |
| 1 October 2019 | Last day for deciding whether to engage the Electoral Commissioner to conduct council's 2020 ordinary election (s 296AA(5)). | Achieved | |
| 2 October 2019 | Closing date for Pensioner Concession subsidies claims. | Achieved | Lodged 3 October 2019 |
| 30 October 2019 | Annual Report of obligations under the <i>Public Interest</i> | Achieved | PID Report submitted |

| | | | |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------|
| | <i>Disclosures Act 1994</i> to the Minister and the Ombudsman (s 31). | | |
| 30 October 2019 | Annual Report of obligations under the <i>Government Information (Public Access) Act 2009</i> to the Minister and the Information Commissioner (s 125). | Achieved | GIPA Report submitted |

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of October, 2019. I confirm the accuracy and completeness of the information provided above, in that to the best of my knowledge and understanding, all material information has been herein disclosed.

P J HENRY PSM

GENERAL MANAGER

ATTACHMENTS:

Nil

10.5 LETTER OF APPRECIATION - INVERELL ART SOCIETY INC**File Number: S6.8.9 / 19/46384****Author: Kristy Paton, Temporary Corporate Support Officer - Publishing****SUMMARY:**

Council is in receipt of a letter of appreciation from Robyn Johnson, the Secretary of the Inverell Art Society Inc. Council is asked to receive and note the report.

COMMENTARY:

Council is in receipt of a letter of appreciation from Robyn Johnson, the Secretary of the Inverell Art Society Inc. The Inverell Art Prize was officially opened on 21 September, 2019 and runs through until 9 November, 2019.

In her letter Robyn Writes:

'As a largely volunteer organisation, community and Council support at our most important Competition is very greatly appreciated.'

ATTACHMENTS:**Nil**

10.6 SEPTIC TANK APPROVALS FOR SEPTEMBER 2019**File Number:** S13.5.2/12 / 19/46393**Author:** Elaine Kenny, Administration Officer**SUMMARY:**

The following details the Septic Tank approvals for September 2019.

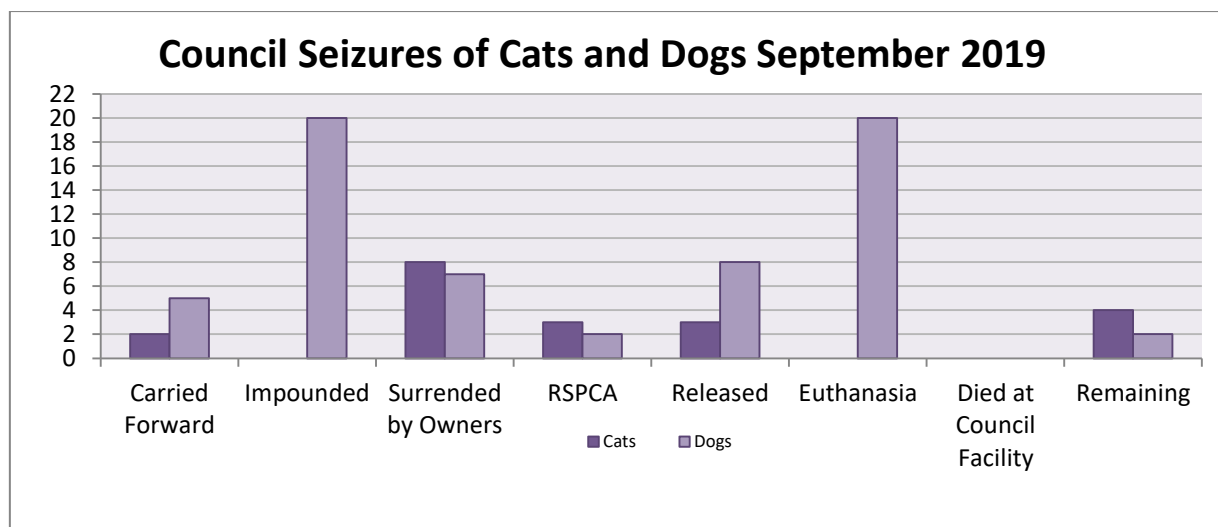
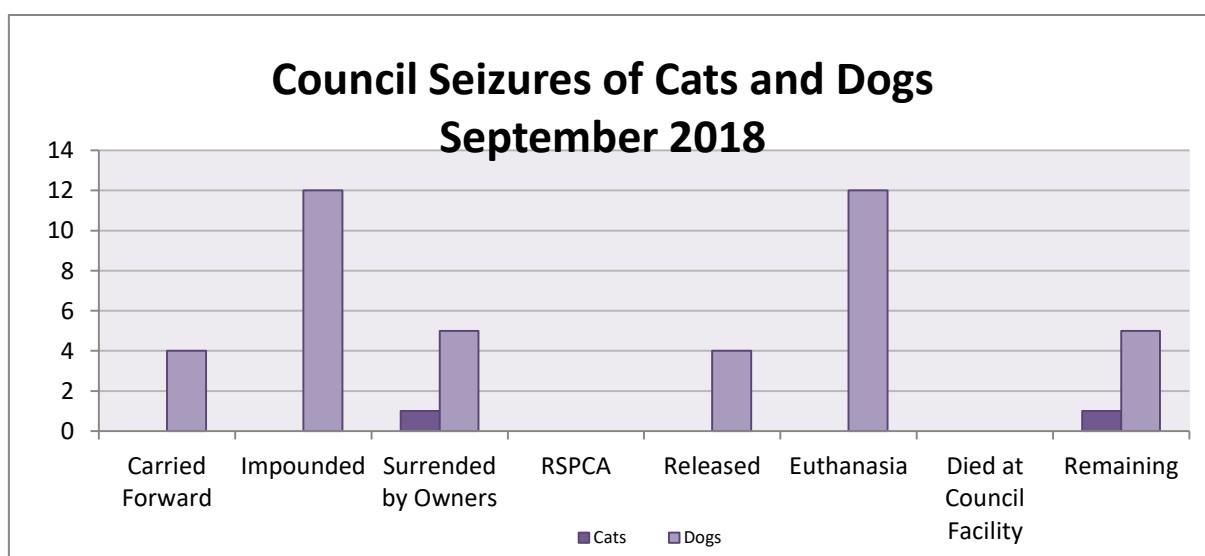
INFORMATION:

| <u>Septic Application Number</u> | <u>Applicant</u> | <u>Property</u> |
|----------------------------------|----------------------------------------------------|----------------------------|
| S-20/2017 | Ms Lea Lynette Wood | Rifle Range Road, INVERELL |
| S-20/2019 | Mr Darren Wayne Grob & Mrs Danielle Ellen May Grob | Fullers Lane, INVERELL |

ATTACHMENTS:**Nil**

10.7 ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2019**File Number:** S13.5.2/12 / 19/46395**Author:** Elaine Kenny, Administration Officer**SUMMARY:**

The following details the number of various Ordinance activities carried out during September 2019, in comparison to the same month in 2018.

INFORMATION:**COMPLIANCE****Inverell Shire Council Pound Monthly Report September 2019****Inverell Shire Council Pound Monthly Report September 2018****ATTACHMENTS:**

Nil

| |
|-----------------------------------------------------------------------------------------------------------------------------|
| 10.8 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING SEPTEMBER 2019 |
|-----------------------------------------------------------------------------------------------------------------------------|

File Number: S13.5.2/12 / 19/46397

Author: Elaine Kenny, Administration Officer

SUMMARY:

This report is intended to keep Council updated on the Development Applications, Construction Certificates and Complying Development Certificates determined during the month of September 2019.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING SEPTEMBER 2019

Development Approvals

| <u>Development Application Number</u> | <u>Applicant</u> | <u>Property</u> | <u>Development</u> | <u>\$ Amount</u> |
|-------------------------------------------------------------|-------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| DA-85/2019 | Smith and Sons Renovations and Extensions | 80 Wood Street, INVERELL | Demolish Existing Shed & Construct New Shed | 18,000 |
| DA-86/2019 | Mr Shane Matthew Kennedy | 101 Ross Street, INVERELL | New Shed | 7,500 |
| DA-88/2019 | Ms Marie Therese Dempsey | 96 Chester Street, INVERELL | Carport | Nil |
| DA-90/2019 | Hataraw Pty Ltd | 69 Vivian Street, INVERELL | Demolition - linking structure between convent and boys boarding house, redundant external stairs and rear single story extension | 11,500 |
| DA-91/2019 | Mr Peter Cornelius Moroney | 82 Gordon Street, INVERELL | Shed | 4,990 |
| DA-92/2019 | Mr Jamie Martin Marshall | 48 Brae Street, INVERELL | Remove existing pool and install new inground pool | 35,000 |
| DA-93/2019 | Ms Sally Anne Roger | 3 Davey Street, INVERELL | Replace existing inground pool | 35,000 |
| Monthly estimated value of Approvals: September 2019 | | | 7 | 111,900 |

Development Amendments

Nil

Development Refusals

Nil

Variation to Development Standards Approved

As part of the monitoring and reporting requirements established by the NSW Department of Planning, a report of all variations approved under delegation in accordance with Clause 4.6 of the *Inverell Local Environmental Plan 2012* must be provided to a full council meeting.

The following details the variations to development standards approved during September 2019.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING SEPTEMBER 2019**Construction Certificates approved by Council**

| <u>Construction Certificate Number</u> | <u>Applicant</u> | <u>Property</u> | <u>Construction</u> | <u>\$ Amount</u> |
|-----------------------------------------------|---------------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| CC-72/2018 | Mr Alexander Walter Pordage | 78 Chester Street, INVERELL | Shipping Containers | 2,600 |
| CC-1/2019 | Mr John David Williams | 115 Evans Street, INVERELL | Alterations and Additions to the Tennis Club | 235,000 |
| CC-46/2019 | Inverell RSM Club Ltd | 58-62 Evans Street, INVERELL | Construct new managers residence above the reception Refit existing managers residence into two (2) motel units Additions to the motel facade | 250,000 |
| CC-60/2019 | Inverell East Bowling Club Limited | 35 Glen Innes Road, INVERELL | Addition to Club | 99,222 |
| CC-64/2019 | Mr Jed Thomas Harrington & Mrs Ingrid Marika Harrington | 37 Staggs Lane, INVERELL | Alterations/Additions to Dwelling | 60,000 |
| CC-66/2019 | Smith and Sons Renovations and Extensions | 80 Wood Street, INVERELL | Demolish Existing Shed & Construct New Shed | 18,000 |

| | | | | |
|-------------------------------------------------------------|--------------------------------|------------------------------|----------|----------------|
| CC-68/2019 | Mr Shane Matthew Kennedy | 101 Ross Street, INVERELL | New Shed | 7,500 |
| Monthly estimated value of Approvals: September 2019 | | | 7 | 672,322 |

Amended Construction Certificates approved by Council

Nil

Construction Certificates approved by Private Certifier

Nil

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING SEPTEMBER 2019**Complying Development Certificates Approved by Council**

| <u>Complying Development Number</u> | <u>Applicant</u> | <u>Property</u> | <u>Construction</u> | <u>\$ Amount</u> |
|-------------------------------------------------------------|-----------------------------------|---------------------------------|---------------------------------------|-------------------------|
| CD-27/2019 | Mr Shane Gerard O'Brien | 559 Old Bundarra Road, INVERELL | Construct new shed | 40,000 |
| CD-29/2019 | Mr Craig Christopher Curtin | 24 Bonnie View Place, INVERELL | Alterations and Additions to Dwelling | 70,000 |
| Monthly estimated value of Approvals: September 2019 | | | 2 | 110,000 |

Amended Complying Development Certificates approved by Council

Nil

Complying Development Certificates approved by Private Certifier

| <u>Complying Development Number</u> | <u>Applicant</u> | <u>Property</u> | <u>Construction</u> | <u>\$ Amount</u> |
|-------------------------------------------------------------|----------------------------|---------------------------|----------------------------|-------------------------|
| CD-28/2019 | AAM Investment Group | 375 Yetman Road, INVERELL | Hydrant Pump Room | 7,500,000 |
| Monthly estimated value of Approvals: September 2019 | | | 1 | 7,500,000 |

Amended Complying Development Certificates approved by Private Certifier

Nil

TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING SEPTEMBER 2019:

| <u>Type of Consent</u> | <u>Number</u> | <u>\$ Amount</u> |
|-----------------------------------------------|----------------------|-------------------------|
| Construction Certificates – Council Approved | 7 | 672,322 |
| Construction Certificates – Private Certifier | 0 | Nil |
| Complying Development – Council Approved | 1 | 110,000 |
| Complying Development – Private Certifier | 1 | 7,500,000 |
| Totals | 10 | 8,282,322 |

Estimated Value of Approvals issued in the financial ytd in: **2019/2020** **(34)** **\$11,118,783**
2018/2019 **(34)** **\$3,573,280**

ATTACHMENTS:**Nil**

11 GOVERNANCE REPORTS

11.1 GENERAL AND SPECIAL PURPOSE FINANCIAL REPORTS 2018/2019

File Number: S12.11.5 / 19/46676

Author: Paul Pay, Manager Financial Services

SUMMARY:

This report presents the audited 2018/19 Financial Statements to Council and seeks authorisation for the statements to be signed and to issue the public notice of the intention to present the audited statements to the public at the Council meeting on 27 November, 2019.

RECOMMENDATION:

That:

- i) Council adopt the General Purpose, Special Purpose Financial Statements and Special Schedules for year ending 30 June, 2019;*
- ii) the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the Statements as prescribed by Section 413(2) of the Local Government Act 1993 for the General Purpose and Special Purpose Financial Statements;*
- iii) Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;*
- iv) Council present the signed audited Financial Statements to the public at the Ordinary Council meeting to be held on 27 November, 2019 in accordance with Section 419 (1) of the Local Government Act 1993; and*
- v) Council place the audited Financial Statements on public exhibition and provide notice in accordance with Section 418 (3) of the Local Government Act 1993, that Council will consider the reports of its Auditors for the year ended 30 June, 2019 at its Ordinary Meeting to be held on Wednesday 27 November, 2019.*

COMMENTARY:

At its meeting held 25 September, 2019 Council resolved to refer the 2018-2019 General Purpose Financial Reports and the 2018-2019 Special Purpose Financial Reports to audit.

The same report also provided Council with a review of Council's financial performance during 2018-2019. A full copy of the current unaudited 2018/2019 Financial Reports have been provided via drop box.

Councillors were provided with a draft set of financial statements at the September Council meeting. During the audit process the following updates were made to these statements:

1. Recalculation of Asset Remediation Provisions

Council has an obligation to remediate landfill and quarry sites at the end of their useful life. The asset remediation provision represents the present value estimate of future costs Council will incur to achieve this.

During the audit process it was discovered that Council's provision for the Inverell Landfill was understated as no provision had been made for a 600mm clay capping layer as

required by the EPA guidelines. These guidelines were updated in 2016. Council also had to adjust the discount rate in its net present value calculations to reflect the current interest rate environment. The revised landfill remediation provisions have resulted in an increase to the provision of \$4.457M.

Council's quarry remediation was also recalculated using an updated discount rate for net present value resulting in an increase to quarry provisions of \$82K.

The reinstatement of these provisions required changes to the following financial statements and associated notes:

- i) Income Statement;
- ii) Statement of Financial Position;
- iii) Equity Statement;
- iv) Statement of Comprehensive Income;
- v) Note 10(a) Infrastructure, property, plant & equipment;
- vi) Note 13 Provisions;
- vii) Note 14 Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors;
- viii) Note 25 Results by fund; and
- ix) Note 26 Ratios

2. Changes to Disclosure Note 6(C) Restricted cash, cash equivalents and investments

Council has historically reported the advance payment of the Financial Assistance Grants as a specific purpose unexpended grant as an external restriction. Financial assistance grants do not classify as an external restriction. Therefore, these funds have been transferred to internally restricted funds.

This change impacted on the following notes to the statements:

- i) Note 6(c) Restricted cash, cash equivalents and investments; and
- ii) Note 26 Ratios – where the Unrestricted Current Ratio increased from 14.62 to 15.89.

3. Other

The audited Financial Statements have been reviewed by the Audit Risk and Improvement Committee (ARIC) on 16 October, 2019. The Audit Office of NSW presented their audit findings with the Committee via teleconference. The presentation covered the expected content of the Engagement Closing Report which was not available at the time of the ARIC meeting. The ARIC have endorsed the 2018/2019 Financial Statements and have made the following recommendations to Council

That on the provision that there is no material change between the Contract Auditor's verbal report to the ARIC and the Engagement Closing Report that;

- i) *Council adopt the General Purpose, Special Purpose Financial Statements and Special Schedules for year ending 30 June, 2019;*
- ii) *That the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the statements as prescribed by Section 413(2) of the Local*

Government Act 1993 for the General Purpose and Special Purpose Financial Statements;

- iii) *Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;*
- iv) *Council present the signed audited Financial Statements to the public at the Ordinary Council meeting to be held on 27 November, 2019 in accordance with Section 419 (1) of the Local Government Act 1993; and*
- v) *Council place the audited Financial Statements on public exhibition and provide notice in accordance with Section 418 (3) of the Local Government Act 1993, that Council will consider the reports of its Auditors for the year ended 30 June, 2019 at its Ordinary Council Meeting to be held on Wednesday 27 November, 2019.*

Before audit certificates will be issued by the Audit Office of NSW, Council must resolve in accordance with the provisions of Section 413(2)(c) of the *Local Government Act 1993*, (as amended) that:

Council's Annual Financial Reports/Special Purpose Finance Reports have been prepared in accordance with:

- The *Local Government Act 1993*, (as amended) and the Regulations made there under.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines.
- NSW Government Policy Statement '*Application of National Competition Policy to Local Government*'.
- Department of Local Government Guidelines '*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*'.

The statements must be signed by the Mayor, one (1) other Councillor, the General Manager and the Responsible Accounting Officer. Copies of the required statements are included in this report as attachments.

After the 2018/19 Financial Statements are endorsed by Council, Council must present the signed audited Financial Statements to the public at an Ordinary Council meeting in accordance with Section 419 (1) of the *Local Government Act 1993*. The last possible day to present the financial reports is 28 November, 2019.

Council must also place the audited Financial Statements on public exhibition and provide notice in accordance with Section 418 (3) of the *Local Government Act 1993*, that Council will consider the Reports of its Auditors for the year ended 30 June, 2019. The public notice must provide a minimum of seven (7) days notice for the public presentation.

It is proposed that the audited 2018/2019 Financial Statements be presented to the public at Council's Ordinary Meeting to be held on Wednesday 27 November, 2019 and that Council make a public notice in the Inverell Times no later than 15 November, 2019.

In accordance with Section 417 (5) of the *Local Government Act 1993*, Council is required to lodge the audited financial statements (including the Financial Data Return) to the Office of Local Government by 31 October, 2019.

RISK ASSESSMENT:

The financial reporting requirements are statutory in nature.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

A full copy of the Financial Reports have been provided to Councillors via drop box.

LEGAL IMPLICATIONS:

These reports ensure compliance with:

- The *Local Government Act 1993*, (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines.
- NSW Government Policy Statement '*Application of National Competition Policy to Local Government*'.
- Department of Local Government Guidelines '*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*'.

ATTACHMENTS:

1. **General Purpose Financial Statement - Statement by Councillors and Management**
2. **Special Purpose Financial Statements - Statement by Councillors and Management**

Inverell Shire Council

Financial Statements 2019

General Purpose Financial Statements

for the year ended 30 June 2019

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the Local Government Act 1993 (NSW) (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the *Local Government Code of Accounting Practice and Financial Reporting*.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 23 October 2019.

Paul Harmon
Mayor
23 October 2019

Anthony Michael
Councillor
23 October 2019

Paul Henry
General Manager
23 October 2019

Scott Norman
Responsible Accounting Officer
23 October 2019

Inverell Shire Council

Special Purpose Financial Statements 2019

Special Purpose Financial Statements

for the year ended 30 June 2019

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement '*Application of National Competition Policy to Local Government*',
- the Division of Local Government Guidelines '*Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 23 October 2019.

Paul Harmon
Mayor
23 October 2019

Anthony Michael
Councillor
23 October 2019

Paul Henry
General Manager
23 October 2019

Scott Norman
Responsible Accounting Officer
23 October 2019

12 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)**RECOMMENDATION:**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with the reasons stated in the referral reports:

12.1 Sunhaven Hostel - Ashford