

**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**

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**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.**

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**CHAIRPERSON**