



INVERELL
SHIRE COUNCIL



Byron Street TCRP complete from Campbell Street to Vivian Street.

Business Paper
Ordinary Meeting of Council
Wednesday, 27 May 2020

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

22 May, 2020

An Ordinary Meeting of Council will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 27 May, 2020, 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) will be webcast. An audio recording of the meeting will 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.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

P J HENRY PSM

GENERAL MANAGER

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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 2020/21 is adopted.



INTERNAL CALENDAR

JUNE 2020

SUN	MON	TUE	WED	THU	FRI	SAT
	Reports due for Committee meetings by 4.30pm Objections to the inclusion of land to be vested in public bodies lodged. 1.	2.	3.	4.	5.	6.
7.	Queen's Birthday 8.	9.	9am – Civil & Environmental meeting 10.30am Economic & Community Sustainability meeting 10.	11.	12.	13.
14.	Reports due for Ordinary meeting by 4.30pm 15.	16.	Audit Risk and Improvement Committee Meeting 17.	18.	19.	20.
21.	22.	23.	Ordinary Meeting, 3pm 24.	25.	26.	27.
28.	Reports due for July Committee Meetings by 4:30pm 29.	Valuer General to provide increase / decrease in values of rateable land. Delivery program progress reports provided to Council. Operation Plan 2019-20 adopted and Long Term Financial Plan updated. Tied Stronger Communities Fund and the New Council Implementation Fund acquittal reporting due 30.				.

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 22 April, 2020, 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, 22 APRIL 2020 AT 3.00 PM**

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

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services), Scott Norman (Director Corporate and Economic Services), Anthony Alliston (Manager Development Services), Justin Pay (Manager Civil Engineering) and Matthew Rogers (Kell Moore Lawyers) via Zoom for Item 12.2.

1 APOLOGIES

RESOLUTION 2020/21

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

Noted that no apologies have been received.

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2020/22

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

That the Minutes of the Ordinary Meeting of Council held on 25 March, 2020, 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

Nil

5 NOTICES OF BUSINESS

5.1 NOTICE OF BUSINESS - INTEREST ON RATES S13.5.3

RESOLUTION 2020/23

Moved: Cr Di Baker

Seconded: Cr Neil McCosker

That for those persons that have completed an 'Agreement to Pay' for regular periodical payment of outstanding rates, that the interest rate charged for the period 1 March to 30 June 2020 be set at 0%.

CARRIED

5.2 NOTICE OF BUSINESS - LEAVE OF ABSENCE CR N MCCOSKER S13.5.3

A discussion was had relating to Cr McCosker's leave of absence request for the Council meeting of 25 March 2020.

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS

8.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 26 MARCH 2020

RESOLUTION 2020/24

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

That the Minutes of the Audit Risk and Improvement Committee held on Thursday, 26 March, 2020, be received and noted.

CARRIED

9 DESTINATION REPORTS**9.1 EXPIRING LICENCE AGREEMENT - INVERELL MOUNTAIN BIKE CLUB INC
S5.10.149****RESOLUTION 2020/25**

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That:

- i) Council renew the agreement with Inverell Mountain Bike Club Inc. for Part Lot 54 DP 753271, Inverell;*
- ii) the licence agreement be for a five (5) year period with a five (5) year option;*
- iii) the licence fee be \$280.47 per annum (GST Inclusive) with a 3% increase per annum; and*
- iv) the licence agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED**9.2 EXPIRING LICENCE AGREEMENT - INVERELL MACINTYRE LIONS CLUB INC.
S5.10.91****RESOLUTION 2020/26**

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

That:

- i) Council renew the agreement with Inverell Macintyre Lions Club Inc. for the Austral Band Hall, Campbell Street, Inverell;*
- ii) the licence agreement be for a five (5) year period with a five (5) year option;*
- iii) the licence fee be \$550 per annum (GST Inclusive) per annum; and*
- iv) the licence agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED**9.3 DA-57/2019/B - APPLICATION FOR MODIFICATION - ONE (1) INTO TWO (2) LOT
SUBDIVISION AND SINGLE DWELLING USE ONLY ON PROPOSED LOT 2
FRONTING DAVEY STREET - 43 BRAE STREET, INVERELL DA-57/2019/B****RESOLUTION 2020/27**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

- 1. That the Application for Modification to a Development Application 57/2019/B 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:

- One (1) into two (2) lot subdivision;
- Single dwelling use only on proposed Lot 2 fronting Davey Street.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans (as amended) and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

Note: This is a modified Notice of Determination for the original DA-57/2019. Deleted conditions have ~~strike through~~. New conditions or modifications to existing conditions have underline.

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).

DURING SUBDIVISION WORKS

- ~~3. All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.~~

- ~~4. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:~~

- ~~• The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;~~
- ~~• Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and~~
- ~~• The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.~~

- ~~5. All utilities are to be disconnected from the outbuilding and capped to the satisfaction of the relevant authority.~~

6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:

- Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
- Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
- Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from

these building operations shall be contained on site;

- *Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;*
- *Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and*
- *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

7. *A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the Environmental Planning and Assessment Act 1979. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.*
8. ~~*Prior to issue of a Subdivision Certificate, separate Development Consent and a Construction Certificate must be obtained for the construction of a dwelling on proposed Lot 2.*~~
9. *Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:*
 - *An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.*
 - *An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.*
10. *Prior to issue of a Subdivision Certificate, the roof water from the existing dwelling on proposed Lot 1 must be redirected to Brae Street.*
11. *Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be provided along the common boundary of proposed Lots 1 and 2.*

Prior to construction of this inter-allotment drainage, plans of the inter-allotment drainage, prepared by a suitably qualified engineer, are to be submitted to and approved by Council. These plans are to show piped and surface drainage paths, including kerbs as necessary beneath fences, to direct drainage to Davey Street.
12. *Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply and a sewer junction for Lot 2. This will require payment to Council of:*
 - *A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and*
 - *A sewer junction fee in accordance with Council's fees and charges.*
13. *A 3m easement over Council's sewer main and the sewer connection to Lot 2 is to be shown on the plan of subdivision and dedicated in favour of Council.*

14. Prior to issue of a Subdivision Certificate, the existing water service in Davey Street is to be disconnected from the dwelling and relocated to serve Lot 2.
15. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and new water connection for the existing dwelling on Lot 1. This will require payment to Council of:
- A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.
16. Prior to the issue of a Subdivision Certificate, a Community Services Contribution must be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
- ~~17. Prior to issue of a Subdivision Certificate, a concrete access crossing is to be constructed from the kerb in Davey Street to the boundary of Lot 2. The location of the access is to be in accordance with the approved plan. Prior to the commencement of this work the applicant is required to:~~
- ~~• Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and~~
 - ~~• Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.~~
- ~~The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.~~
- ~~All work is to be completed to the standard approved by Council, at the applicant's expense.~~
18. Prior to the issue of a Subdivision Certificate, the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify:
- (a) No more than one (1) dwelling house may be constructed on proposed Lot 2; and
 - (b) No dwelling may be constructed on proposed Lot 2 unless it complies with the Inverell Development Control Plan 2013.

CARRIED**MOTION**

Moved: Cr Mal Peters
 Seconded: Cr Neil McCosker

That Item 9.4 2020 General Land Revaluations S25.12.11 and Item 9.5 2020/2021 Draft Estimates and Operational Plan, and Long Term Financial Plan S12.5.3 be deferred for consideration at a joint committee meeting.

LOST

9.4 2020 GENERAL LAND REVALUATIONS S25.12.11**RESOLUTION 2020/28**

Moved: Cr Jacki Watts
 Seconded: Cr Neil McCosker

That the report be received and noted.

CARRIED**9.5 2020/2021 DRAFT ESTIMATES AND OPERATIONAL PLAN, AND LONG TERM FINANCIAL PLAN S12.5.3****RESOLUTION 2020/29**

Moved: Cr Stewart Berryman
 Seconded: Cr Neil McCosker

1. *That the following works be funded from the Urban Works Vote and be included in the 2020/2021 Budget:*

i) Inverell and Villages - Urban Renewal and Upgrade General Fund, Water Fund

Project subject to a further report to Civil and Environmental Committee	\$525.68K	\$ 0K
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ii) Footpaths and Cycleway Construction \$45K

\$ for \$ Contribution to PAMP Program

(Subject to RMS approving the 2020/2021 Program)

iii) Village Works – Community suggested projects

Ashford	\$7.54K
Delungra	\$7.54K
Gilgai	\$7.54K
Yetman	\$7.54K
Tingha	\$7.54K
Oakwood	\$1.12K
Bonshaw	\$1.12K
Graman	\$1.12K
Nullamanna	\$1.12K
Elsmore	\$1.12K
Stannifer	\$1.12K
Gum Flat	\$1.12K

2. *That:*

i) *the budget allocations of \$2.22M for the 2020/2021 ACRD Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the funding allocations and individual works proposed to be undertaken under this program;*

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Residential – Yetman

Residential - Tingha

Residential – Rural

Business – Inverell Industrial/Commercial

Business – Other

Farmland

Mining

- ii) *a General Base Amount of \$225 plus an Ad Valorem Rate be determined for the categories detailed in above.*

6. *That the Interest Rate applicable to Outstanding Rates and Charges for 2020/2021 set at zero percent for 6 months ending 31 December 2020 followed by 6 months at the maximum allowable rate as advised by the Office of Local Government.*

7. *That the following Waste Management Charges be adopted:*

- | | | |
|------|--|-----------------|
| i) | <i>Waste Management Charge – All Properties</i> | <i>\$90.00</i> |
| ii) | <i>Waste Management Charge – All Properties
(Tingha Boundary Adjustment)</i> | <i>\$75.00</i> |
| iii) | <i>Domestic Waste Management - Occupied Charge: per
service per assessment</i> | <i>\$340.00</i> |
| iv) | <i>Domestic Waste Management - Occupied Charge</i> | <i>\$325.00</i> |
| | <i>Tingha Boundary Adjustment – properties with 140lt garbage
bin per service per assessment</i> | |
| v) | <i>Domestic Waste Management – Unoccupied Charge</i> | <i>\$60.00</i> |
| vi) | <i>Weekly Commercial Waste Management Charge</i> | <i>\$340.00</i> |
| | <i>(This Charge is levied per Service, and GST is charged if
applicable)</i> | |
| vi) | <i>Weekly Commercial Recycling Charge (ex GST)</i> | <i>\$120.00</i> |
| vii) | <i>Fortnightly Commercial Recycling Charge (ex GST)</i> | <i>\$65.00</i> |
| | <i>(These Charge are levied per Service, and GST is charged
if applicable)</i> | |

8. *That the Fees and Charges, as recommended, be adopted.*

9. *That:*

- i) *the Stormwater Management Service Charge be set at the maximum amount allowable of \$25.00 per Residential Premises, \$12.50 per Residential Strata lot, and \$25.00 for Business Premises for each 350 square metres or additional part thereof, subject to a maximum charge on Business Premises of \$200.00; and*
- ii) *the Stormwater Management Program as recommended being Gilgai Drainage Project as per the adopted Gilgai Drainage Upgrade Plan, be adopted.*

10. *That:*

- i) *the report on the balanced budget be noted;*
- ii) *the draft estimates (incorporating the Operational Plan and Long Term Financial*

Plans) for the General Activities for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.

11. *That:*

i) *the Sewerage Charges as listed below be adopted for 2020/2021:*

- *Sewerage Charge Occupied \$ 525.00*
- *Sewerage Charge Unoccupied \$ 328.65*
- *Sewerage Charge Unoccupied – \$ 270.00*
Tingha Boundary adjustment
- *Sewerage Charge Flats/Units \$ 328.65*
- *Sewerage Charge Nursing \$ 2,460.00*
Homes
- *Sewerage Charge Hotel/Licenced \$ 1,575.00*
Clubs

<i>Number of Services per Assessment</i>	<i>Annual Charge Per Assessment</i>
1	\$ 525.00
2	\$ 853.65
3	\$1,182.30
4	\$1,510.95
5	\$1,839.60
6	\$2,168.25
7	\$2,496.90
8	\$2,825.55
9	\$3,154.20
10	\$3,482.85
11	\$3,811.50
12	\$4,140.15
13	\$4,468.80
14	\$4,797.45
15	\$5,126.10

- *Sewerage Non-Rateable Schools – \$86.90 per receptacle WC's*
- *Sewerage Non-Rateable Other – WC's \$144.10 per receptacle*
- *Sewerage Non-Rateable Urinals \$ 86.90 per receptacle*

Charge Structure for Motels and Caravan Parks

In accordance with the new charge structure for Motels and Caravan Parks the following charges are proposed for 2020/2021:

- *Motel Residence \$ 525.00*
- *Motel Restaurant \$ 525.00*
- *Motel Ensuite \$ 164.50*
- *Caravan Park Residence \$ 525.00*
- *Caravan Park Amenities \$1,575.00*

Block

- Caravan Park Ensuite \$ 164.50
Cabins

- ii) *The Draft Estimates (incorporating Operational Plan) for the Sewerage Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.*

12. *That:*

- i) *a water availability base charge of \$375.00 per assessment (Includes first water meter) be adopted for 2020/2021;*
- ii) *a water charge of \$375.00 per additional water meter, per assessment be adopted for 2020/2021;*
- iii) *a water charge of \$340.00 per assessment (includes first water meter) be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- iv) *a water charge of \$340.00 per additional water meter, per assessment be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- v) *a charge of \$1.65 per kilolitre be adopted for commercial water consumption for 2020/2021;*
- vi) *a charge of \$1.65 per kilolitre, 0 to 600 kilolitres and \$1.92 per kilolitre over 600 kilolitres be adopted for residential water consumption for 2020/2021;*
- vii) *a charge of \$0.86 per kilolitre be adopted for water consumption - Abattoirs, plus a 20 per cent early settlement discount for 2020/2021;*
- viii) *a charge of \$0.86 per kilolitre be adopted for Community Facilities water consumption; Eligible entities include: Inverell Minor League, Inverell Golf Club, Inverell Tennis Club, Inverell Rugby Club, Gilgai Tennis Club, Inverell Equestrian Council, Inverell Shire Council (Sporting fields and Parks);*
- ix) *a charge of \$0.42 per kilolitre be adopted for Raw Water consumption for 2020/2021; and*
- x) *the draft Estimates (incorporating Operational Plan) for the Water Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act, 1993.*

CARRIED

9.6 MINOR ADMINISTRATIVE AMENDMENTS TO THE INVERELL SHIRE COMMUNITY PARTICIPATION PLAN S18.6.66

RESOLUTION 2020/30

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That Council update the Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979 with the proposed minor amendments as identified in Table 1 of the report.

CARRIED

9.7 REQUEST FOR REDUCTION ON WATER ACCOUNT - 142 OLD BUNDARRA ROAD, INVERELL S32.10.1/12

RESOLUTION 2020/31

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

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

- b discussion in relation to the personal hardship of a resident or ratepayer.*

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

9.9 LAND MATTERS - PROPOSED ROUNDABOUT GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S5.2.59

RESOLUTION 2020/32

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

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.

CARRIED

9.11 LAND PURCHASE - INVERELL POLOCROSSE - EDDY PARK LANE S15.8.25/12

RESOLUTION 2020/33

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

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.

CARRIED

9.10 SUPPORT FOR THE NATIONAL TRANSPORT MUSEUM S5.10.145

RESOLUTION 2020/34

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

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

9.8 REFLECTION GARDEN S21.8.31

RESOLUTION 2020/35

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

That Council:

- i) Give in principle support to the Reflection Garden being constructed in the western corner of Victoria Park, Inverell; and*
- ii) That this support is conditional on a detailed plan being provided for Council's approval; and*
- iii) Council contribute the balance of a \$5K materials budget that is not donated by the Community.*

CARRIED

At 3:59 pm, Cr Jacki Watts left the meeting.

At 4:01 pm, Cr Jacki Watts returned to the meeting.

CHANGE TO ORDER OF THE AGENDA

RESOLUTION 2020/36

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

*That the meeting move to Item 12.2 Land Matters - Proposed Roundabout Gwydir Highway, Bundarra Road and Chester Street S5.2.59.***CARRIED****PROCEED INTO CLOSED COUNCIL****RESOLUTION 2020/37**

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

*That Council proceeds into Closed Council to be briefed in relation to Item 12.2 Land Matters - Proposed Roundabout Gwydir Highway, Bundarra Road and Chester Street S5.2.59. The time being 4.04pm.***CARRIED**

Matthew Rogers (Kell Moore Lawyers) joined the meeting via Zoom at 4.05pm.

Matthew Rogers left the meeting at 4.39pm.

PROCEED OUT OF CLOSED COUNCIL**RESOLUTION 2020/38**

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

*That Council proceeds out of Closed Council. The time being 4.42pm.***CARRIED****10 INFORMATION REPORTS****RESOLUTION 2020/39**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That the information reports be received and noted.***CARRIED****10.1 STRATEGIC TASKS - 'SIGN OFF' - APRIL 2020 S4.13.2****10.2 WORKS UPDATE S28.21.1/13**

10.3 CRITICAL COMMUNICATIONS ENHANCEMENT PROGRAM UPDATE S10.12.2/13

10.4 LOCAL GOVERNMENT ELECTIONS S13.7.4/04

10.5 QUEENSLAND NSW INTERCONNECTOR UPGRADE (QNI) - TRANSGRID S18.6.12/13

10.6 STATUS OF TOWN WATER SUPPLIES S32.15.19

10.7 SEPTIC TANK APPROVALS FOR MARCH 2020 S29.19.1

10.8 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING MARCH 2020 S13.5.2/13

10.9 ORDINANCE ACTIVITIES REPORT FOR MARCH 2020 S13.5.2/13

10.10 ASSISTANCE WITH COVID 19 IMPACTS S13.5.2/13

10.11 PUBLIC CONCERN AROUND 5G MOBILE NETWORKS S14.18.6/13

11 GOVERNANCE REPORTS

11.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/13

RESOLUTION 2020/40

Moved: Cr Paul Harmon

Seconded: Cr Mal Peters

That the information be received and noted.

CARRIED

11.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

RESOLUTION 2020/41

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That:

- i) *the report indicating Council's Fund Management position be received and noted; and*
- ii) *the Certification of the Responsible Accounting Officer be noted.*

CARRIED

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

At 4.48pm, the Chairperson noted that no members of the public or press were in attendance at the meeting therefore Council proceeded to consider the motion to close the meeting to the press and public.

RESOLUTION 2020/42

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That Council proceeds into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral. The time being 4.48pm.

CARRIED

RESOLUTION 2020/43

Moved: Cr Paul Harmon
Seconded: Cr Di Baker

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 5.56pm, 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 REQUEST FOR REDUCTION ON WATER ACCOUNT - 142 OLD BUNDARRA ROAD, INVERELL S32.10.1/12

That Council issue an amended account for the amount of \$149.15 for the last quarter based on average consumption of accounts prior to the leak and write off \$314.00.

12.2 LAND MATTERS - PROPOSED ROUNDABOUT GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S5.2.59

- i) *That the current project budget be supplemented with the transfer of \$1M from the Economic/Growth Assets Internally restricted Asset.*
- ii) *That Council acquire the necessary land being part of Lot 1 DP 322074 and part of Lot 1 DP 666824 for the purpose of the construction of a roundabout at the intersection of the Gwydir Highway, Bundarra Road and Chester Street.*
- iii) *That the General Manager be authorised to conclude the land matters identified in point ii)*

by private treaty on behalf of Council consistent with the nominated provision contained within the project budget.

- iv) *Should the acquisition of the land identified in point ii) not be able to be concluded consistent with the project funding milestones than Council elect not to proceed with the nominated project at this point in time and pursue the following actions:*
- a. Investigate alternative traffic management measures to improve safety and more appropriately regulate vehicle movements at the subject intersection; and*
 - b. Commence negotiations with the relevant State and Federal Government bodies to have the current funding diverted to other strategic road priorities.*

12.3 SUPPORT FOR THE NATIONAL TRANSPORT MUSEUM S5.10.145

That:

- i) Council grant the National Transport Museum a rent free period from 1 March, 2020 until the current COVID-19 health restrictions are lifted and the Museum can reopen; and*
- ii) notwithstanding recommendation i), set the regular monthly lease payments for the National Transport Museum building at \$1,200 + GST for the period 1 July, 2020 until 30 June 2022.*

12.4 LAND PURCHASE - INVERELL POLOCROSSE - EDDY PARK LANE S15.8.25/12

That:

- i) The information be received and noted; and*
- ii) The General Manager be authorised to continue negotiations with a view to purchasing at the price agreed in Closed Council, the parcel of land on Eddy Park Lane currently leased by the Inverell Polocrosse Club.*

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2020/44

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 6.00pm.

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

4 PUBLIC FORUM

5 NOTICES OF BUSINESS**5.1 NOTICE OF BUSINESS – ‘SUNRISE’ PROMOTIONAL SEGMENTS ON INVERELL****File Number: S13.5.3 / 20/18995**

I, Councillor Anthony Michael, give notice that at the next Ordinary Meeting of Council to be held on 27 May 2020, I intend to move the following motion:

MOTION:

That those members of staff involved in securing the ‘Sunrise’ promotional segments on Inverell be congratulated for their efforts, as the promotion was a great success.

REASON:

The ‘Sunrise’ segment ‘A – Z Tour of Australia’ was an excellent promote for Inverell. Council staff worked diligently with very little notice to win the promotion spot and then to produce the material for the program.

Council staff, firstly, had to encourage Inverell residents and ‘Friends of Inverell’ to vote for Inverell to be showcased. A total of over 16,000 votes were cast in favour of Inverell.

The next task for staff was to produce the promotional material for use of the show. Five (5) hours notice was given for this task to be undertaken.

The audience for this segment was a national audience. If advertising spots were to be purchased in these time slots, the cost would be in excess of \$35K.

Cr Anthony Michael

14 May 2020

Local Government (General) Regulation 2005**241 Giving notice of business**

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council’s code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and

(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

ATTACHMENTS:

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS

8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 13 MAY 2020

File Number: S4.11.16/12 / 20/18935

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 13 May, 2020.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 13 May, 2020, be received and noted; and*
- ii) *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

8.1.1 National Class 1 Load Carrying Vehicle Notices 2020 - Expansion of Over Size Over mass vehicle network

RECOMMENDATION:

That the existing B-Double network be approved for inclusion in the Over Size Over Mass Load Carrying Vehicle Network in NSW for the Multi-State Class 1 Load Carrying Vehicle Notice 2020.

8.1.2 Inverell Draft Local Strategic Planning Statement 2036

RECOMMENDATION:

That:

1. *The Draft Local Strategic Planning Statement 2036 be placed on public exhibition for a minimum period of twenty-eight (28) days.*
2. *If there are no significant objections or suggested changes to the intent of the document as a result of the exhibition period that the Director Civil and Environmental Services be delegated authority to finalise the Draft LSPS for publication on the Department Planning and Environment "portal" to meet the 1 July 2020 deadline.*

8.1.3 COVID-19 Update

RECOMMENDATION:

That the information be noted.

ATTACHMENTS:

- 1. Minutes of Civil and Environmental Services Committee Meeting 13 May, 2020**

**MINUTES OF INVERELL SHIRE COUNCIL
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 13 MAY 2020 AT 9.00 AM**

PRESENT: Cr Di Baker via Zoom (Chair), Cr Paul Harmon (Mayor), Cr Mal Peters via Zoom, Cr Neil McCosker via Zoom and Cr Stewart Berryman.

IN ATTENDANCE: Cr Anthony Michael (Deputy Mayor), Cr Jacki Watts via Zoom, Cr Kate Dight via Zoom and Cr Paul King OAM.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Scott Norman (Director Corporate & Economic Services), Anthony Alliston (Manager Development Services), Justin Pay (Manager Civil Engineering) and Paul Pay (Manager Financial Services).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Neil McCosker

Seconded: Cr Mal Peters

That the Minutes of the Civil and Environmental Services Committee Meeting held on 11 March, 2020, 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 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

5.1 NOTICE OF BUSINESS - COVID 19 - UPDATE ON COSTS TO COUNCIL S13.5.3

The motion was not put as the Destination report will be dealt with later in meeting.

6 COMMITTEE REPORTS

Nil

7 DESTINATION REPORTS

7.1 NATIONAL CLASS 1 LOAD CARRYING VEHICLE NOTICES 2020 - EXPANSION OF OVER SIZE OVER MASS VEHICLE NETWORK S4.11.16/12

COMMITTEE RESOLUTION

Moved: Cr Neil McCosker

Seconded: Cr Paul Harmon

That the Committee recommend to Council that the existing B-Double network be approved for inclusion in the Over Size Over Mass Load Carrying Vehicle Network in NSW for the Multi-State Class 1 Load Carrying Vehicle Notice 2020.

CARRIED

7.2 INVERELL DRAFT LOCAL STRATEGIC PLANNING STATEMENT 2036 S18.6.67

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

The Committee recommend to Council that:

- 1. The Draft Local Strategic Planning Statement 2036 be placed on public exhibition for a minimum period of twenty-eight (28) days.*
- 2. If there are no significant objections or suggested changes to the intent of the document as a result of the exhibition period that the Director Civil and Environmental Services be delegated authority to finalise the Draft LSPS for publication on the Department Planning and Environment "portal" to meet the 1 July 2020 deadline.*

CARRIED

7.3 COVID-19 UPDATE S12.5.1/12

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the Committee recommend to Council that the information be noted.

CARRIED

8 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the information reports be received and noted.

CARRIED

8.1 POST COMPLETION PROJECT CONTROL GROUP MEETING MINUTES 12 MARCH 2020 - JARDINE ROAD PAVEMENT REHABILITATION, GWYDIR HIGHWAY TO BANNOCKBURN ROAD S28.7.18/70

8.2 POST COMPLETION PROJECT CONTROL GROUP MEETING MINUTES 12 MARCH 2020 - BONSHAW ROAD - SEVERN DOWNS, PAVEMENT WIDENING & REHABILITATION S28.7.18/64

8.3 POST COMPLETION PROJECT CONTROL GROUP MEETING MINUTES 12 MARCH 2020 - WOOD STREET, GILGAI - KERB & GUTTER, BETWEEN PARK STREET & STANNIFER STREET S28.7.18/66

8.4 WORKS UPDATE S28.21.1/13

8.5 PLANNING SYSTEM ACCELERATION PROGRAM S18.6.29

8.6 RETURN OF DELEGATION NATIONAL CLASS 1 - OVER SIZE OVER MASS VEHICLES PERMIT S28.15.3/10

The Meeting closed at 9.47am.

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 13 MAY 2020

File Number: S4.11.17/12 / 20/19244

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 13 May, 2020.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 13 May, 2020, be received and noted; and*
- ii) *The recommendations of the Economic & Community Sustainability Committee be adopted by Council.*

8.2.1 Expiring Licence Agreement - Paul Mitrega - North West Aviation

RECOMMENDATION:

That:

1. *Council renew the agreement with Mr Paul Mitrega – North West Aviation Pty Ltd for Part Portion of land (part lot 4 DP 1029079) located at Inverell Aerodrome, Gilgai;*
2. *The licence agreement be for a three (3) year period with a three (3) year option;*
3. *The Licence fee be \$408.06 per annum (GST Inclusive) with a 3% increase per annum; and*
4. *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.2.2 Expiring Licence Agreement - Albert and Robert Baker

RECOMMENDATION:

That:

1. *Council renew the agreement with Mr Albert and Robert Baker for Drainage Reserve adjoining Lot 124, DP 750113, Nullamanna;*
2. *The licence agreement be for a three (3) year period with a three (3) year option;*
3. *The Licence fee be \$107.47 per annum (GST Inclusive) with an increase of 3% per annum;*
4. *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.2.3 2020/2021 Emergency Services Levy**RECOMMENDATION:**

That Council write to Local Government NSW and the Country Mayors Association of NSW requesting they investigate the increases in the Emergency Services Levy Contributions and lobby for alternate funding arrangements as the recent increases have had a substantial impact on Council's ability to fund ongoing operations.

8.2.4 Inverell Showground Land Manager - Request for Reduction in Sewer charges**RECOMMENDATION:**

That "for the financial years 2019-20 and 2020-21 Council make an annual donation in lieu of sewer rates to the Inverell Showground equivalent to 30% of the Sewerage rates on application of the Showground Committee – the annual sewer charge is to be paid in full prior to the donation being provided."

8.2.5 Licence Agreement - Inverell Rotary**RECOMMENDATION:**

That:

- i) The principle of preparing a licence agreement that enables the Inverell Rotary Club to erect a storage shed on Council land located at 4 Bent Street, Inverell be approved;*
- ii) The Club be advised that a development application will be required to be lodged and approved (subject to conditions) prior to a licence agreement being considered by Council; and*
- iii) The proposed licence agreement be presented to Council for consideration, after the required development application has been determined.*

8.2.6 Quarterly Budget and Operational Plan 2019/2020**RECOMMENDATION:**

That:

- i) Council's Quarterly Operational Plan and Budget Review for 31 March, 2020 be adopted; and*
- ii) The proposed variations to budget votes for the 2019/2020 Financial Year be adopted providing an estimated Cash Surplus at 30 June, 2020 from operations of \$4,241.*

8.2.7 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 13 May, 2020**

**MINUTES OF INVERELL SHIRE COUNCIL
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 13 MAY 2020 AT 10.30 AM**

PRESENT: Cr Jacki Watts (Chair), Cr Paul King OAM, Cr Paul Harmon (Mayor), Cr Kate Dight via Zoom and Cr Anthony Michael (Deputy Mayor).

IN ATTENDANCE: Cr Stewart Berryman, Cr Neil McCosker via Zoom, Cr Di Baker via Zoom and Cr Mal Peters via Zoom.

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

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 11 March, 2020, 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 EXPIRING LICENCE AGREEMENT - PAUL MITREGA - NORTH WEST AVIATION S5.10.2

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Paul King OAM

The Committee recommend to Council that:

1. *Council renew the agreement with Mr Paul Mitrega – North West Aviation Pty Ltd for Part Portion of land (part lot 4 DP 1029079) located at Inverell Aerodrome, Gilgai;*
2. *The licence agreement be for a three (3) year period with a three (3) year option;*
3. *The Licence fee be \$408.06 per annum (GST Inclusive) with a 3% increase per annum; and*

4. *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

4.2 EXPIRING LICENCE AGREEMENT - ALBERT AND ROBERT BAKER S5.10.25

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

That the Committee recommend to Council that:

1. *Council renew the agreement with Mr Albert and Robert Baker for Drainage Reserve adjoining Lot 124, DP 750113, Nullamanna;*
2. *The licence agreement be for a three (3) year period with a three (3) year option;*
3. *The Licence fee be \$107.47 per annum (GST Inclusive) with an increase of 3% per annum;*
4. *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

4.3 2020/2021 EMERGENCY SERVICES LEVY S12.13.1

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Committee recommend to Council that Council write to Local Government NSW and the Country Mayors Association of NSW requesting they investigate the increases in the Emergency Services Levy Contributions and lobby for alternate funding arrangements as the recent increases have had a substantial impact on Council's ability to fund ongoing operations.

CARRIED

4.4 INVERELL SHOWGROUND LAND MANAGER - REDUCTION IN SEWER CHARGES S26.4.12

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Committee recommend to Council that "for the financial years 2019-20 and 2020-21 Council make an annual donation in lieu of sewer rates to the Inverell Showground equivalent to 30% of the Sewerage rates on application of the Showground Committee – the annual sewer charge is to be paid in full prior to the donation being provided."

CARRIED

4.5 LICENCE AGREEMENT - INVERELL ROTARY S5.10.65**COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Paul Harmon

That the Committee recommend to Council that:

- i) The principle of preparing a licence agreement that enables the Inverell Rotary Club to erect a storage shed on Council land located at 4 Bent Street, Inverell be approved;*
- ii) The Club be advised that a development application will be required to be lodged and approved (subject to conditions) prior to a licence agreement being considered by Council; and*
- iii) The proposed licence agreement be presented to Council for consideration, after the required development application has been determined.*

CARRIED**5 INFORMATION REPORTS****COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the information reports be received and noted.

CARRIED**5.1 HISTORY OF RECENT ECONOMIC ACTIVITY IN INVERELL SHIRE COUNCIL S8.3.1/13****5.2 EDDY PARK LANE LAND - J & L BUCHAN S15.8.25/12****6 GOVERNANCE REPORTS****6.1 QUARTERLY BUDGET AND OPERATIONAL PLAN 2019/2020 S4.11.17/12****COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Anthony Michael

That the Committee recommend to Council that:

- i) Council's Quarterly Operational Plan and Budget Review for 31 March, 2020 be adopted; and*
- ii) The proposed variations to budget votes for the 2019/2020 Financial Year be adopted providing an estimated Cash Surplus at 30 June, 2020 from operations of \$4,241.*

CARRIED

6.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/13**COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Anthony Michael

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 11.15am.

8.3 AQUATIC CENTRE PLANNING SUNSET COMMITTEE MINUTES - 20 MAY 2020**File Number:** S4.11.24 / 20/19930**Author:** Nicole Riley, Administration Coordinator**SUMMARY:**

The Aquatic Centre Planning Sunset Committee met on 20 May, 2020. Council is being asked to refer the minutes to a Closed Council for consideration.

RECOMMENDATION:

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.

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:

- 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*.

9 DESTINATION REPORTS**9.1 REQUEST TO LICENCE LAND - LOT 1 DP 124236 WYNDHAM STREET, INVERELL - MACINTYRE HIGH SCHOOL****File Number:** S5.10.33 / 20/18236**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

A request has been received from Macintyre High School to licence land known as Lot 1 DP 124236, Wyndham Street, Inverell. Council is requested to consider the request.

RECOMMENDATION:*That:*

1. *Council enter into a Licence Agreement with Macintyre High School for Lot 1 DP 124236, Wyndham Street, Inverell for at two (2) year period;*
2. *the Licence fee be \$350.00 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:

Expressions of Interest were called for in February of this year for land known as Lot 1 DP 124236 Wyndham Street, Inverell. An expression of Interest was received and was considered at the February Economic & Community Sustainability meeting and the subsequent Council meeting where the following was resolved:

8.2.6 Request to Lease Land - Lot 1 DP 124236 Wyndham Street, Inverell - Tahnee Manton*That:*

1. *Council enter into a Licence Agreement with Ms Tahnee Manton for Lot 1 DP 124236, Wyndham Street, Inverell for a five (5) year period with a further five (5) year option;*
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.*

Agreements were sent for signing however the agreement was not returned to Council for execution, further correspondence which has been sent has not been replied to.

A late expression of interest was received from Lindsay Paul, Principal of Macintyre High School to licence the land and Council is asked to consider the request. Macintyre High School wishes to utilise the land for the grazing or holding of stock.

It should be noted that Macintyre High School have a current Licence Agreement in place for the same purposes for Lot 1 DP 771853, Corner Brissett & Killeen Streets, Inverell which is diagonally adjacent to the vacant block (as shown in diagram 2).

Public Liability insurance is a condition of all licence agreements and a Certificate of Currency for Macintyre High School is on file.

Macintyre High School is willing to pay \$350 per annum for a two (2) year period (the expiry will coincide with the expiry of their other agreement). Further, Mr Paul states he is happy to enter into 5 year agreements for both sites at the time of renewal.

The land is approximately 4.43 hectares in size. The block does not have a water supply and water would need to be carted to the block.

It is suggested that Council enter into an agreement with Macintyre High School for a two (2) year period and that the licence fee be \$350.00 per annum, being subject to a 3% yearly increase.



Diagram 1 – the vacant block in Wyndham Street, Inverell

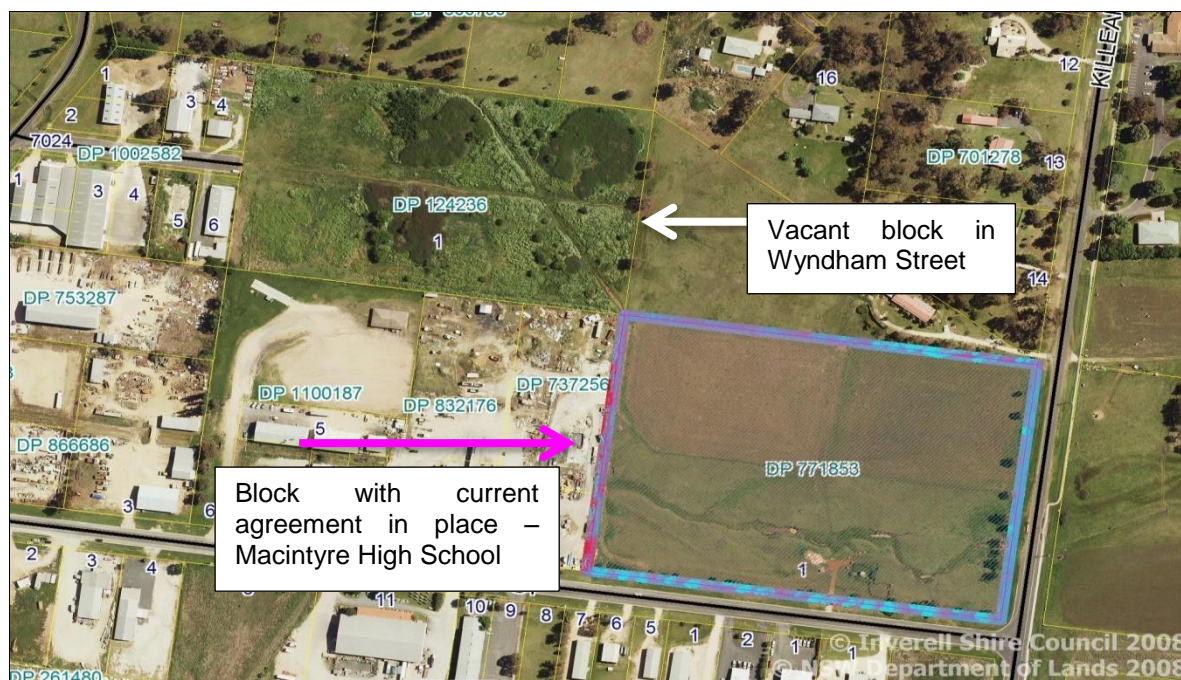


Diagram 2 – Lot 1 DP 771853 Corner Brissett and Killeen Streets, Inverell – Current licence agreement in place with Macintyre High School

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.2 SMOKING IN THE INVERELL CBD**File Number:** S24.12.5 / 20/19408**Author:** Paul Henry, General Manager

Additional material on smoking in the CBD has been sent to Council by Mr R Walker. The request from Mr Walker is to ban smoking in the CBD.

RECOMMENDATION:*A matter for Council.***COMMENTARY:**

In April, Councillors received a renewed request from Mr Robert Walker for Council to ban smoking in the Inverell CBD.

Mr Walker resubmitted his 2018 assessment of the risks from passive smoking (**attached**), and an identification of 14 'hot spots' for people to be exposed to second hand smoke in the CBD. Two of these 'hot spots' are on private land and would not be subject to any Council control measures.

Mr Walker's renewed request is to:

- a) Ban smoking in the CBD; and
- b) Promote self regulation of the ban.

A copy of Mr Walker's request is **attached**.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Request to Ban Smoking Inverell CBD
2. Assessment of Risks from Passive Smoking

Robert Walker
37 Urabatta Street
Inverell 2360
Rlwalker1962@gmail.com
0419 203 273
April 21, 2020

Recipients

Paul Henry paul.henry@inverell.nsw.gov.au
CR Paul Harmon paul.harmon@inverell.nsw.gov.au
CR Anthony Michael anthony.michael@inverell.nsw.gov.au
CR Di Baker dianna.baker@inverell.nsw.gov.au dibakerplan4u@gmail.com
CR Jacki Watts jacki.watts@inverell.nsw.gov.au wattil1946@hotmail.com
CR Stewart Berryman stewart.berryman@inverell.nsw.gov.au
CR Kate Dwight kate.dight@inverell.nsw.gov.au
CR Neil McCosker neil.mccosker@inverell.nsw.gov.au
CR Paul King paul.king@inverell.nsw.gov.au
CR Mal Peters mal-annepeters@bigpond.com

Dear Council,

I wrote to you on October 11, 2018, eighteen months ago, regarding the impact of passive smoking on pedestrians in the Inverell CBD along with areas where ISC had the power to mitigate this risk. I included in my correspondence, a five page report (attached) which explained the risk.

On October 23, 2019 Council declined the opportunity to implement a ban on smoking in the Inverell CBD.

Two Councillors have since been good enough to explain to me that an issue that impacted the decision making process for some Councillors was that of enforcing compliance. The concern was around the need to employ a compliance officer to enforce a ban once implemented.

On September 16, 2019 I contacted Tamworth Regional Council (TRC) and the officer that I spoke to informed me that they rely on self regulation of the bans in Tamworth, Manilla and Barraba very successfully without the need to impose fines or employ a compliance officer. Lismore City Council also confirmed successful self regulation of their ban as did North Sydney Council.

TRC is currently consulting with the public to extend the area of the CBD covered by the ban after a review. They state;

“In 2015, Tamworth Regional Council introduced a Smoke-Free Environment Policy so that community members of the Tamworth Region could enjoy outdoor public spaces without exposure to smoke from cigarettes.

An independent review of the Tamworth Regional Council's Smoke-Free Environment Policy has shown that smoking has reduced in the currently restricted areas (Tamworth, Manilla and Barraba CBDs) and that the community supports the policy as a positive initiative.

Following on from this success, Council is proposing the extension of the CBD smoking restrictions to include the block of Peel Street between Bourke Street and Darling Street. The use of electronic cigarettes will also be restricted in both the current and extended areas.

Tamworth is a vibrant city with a growing population that includes many young families. Council is providing community leadership by restricting smoking in prominent areas so that the health and well being of our community can be improved and protected.”

<https://yourvoice.tamworth.nsw.gov.au/smoke-free-environment-policy>

TRC is working proactively on this issue to protect the community ISC is not.

Between July 25 and September 26, 2019 I kept a log of my personal exposure to passive smoking while walking in the CBD of Inverell. This demonstrates that over a two month period out of 64 excursions on foot in the CBD I was exposed to passive smoking with the need to use an asthma puffer on 45 occasions. There is a 70% risk of exposure to passive smoking to me in the CBD based on this or approximately 255 times in a year. On each occasion there was at least five to ten other people around me that were exposed.

I have to tell you that until the downturn in pedestrian traffic in the Inverell CBD caused by the response to the COVID 19 virus that has been so well supported by the community the situation had not changed since my initial correspondence with you. I am still exposed to passive smoking 70% of the time that I walk in the CBD.

In January 2020 your General Manager was good enough to inform me that the issues around passive smoking in public places is well known to Council and that the Cancer Council regularly raises the issue with you. He also confirmed that the information that I provided Council on the issue is of a similar nature to that provided by the Cancer Council.

The COVID 19 virus issue has confirmed without a doubt the risk to people from what is exhaled by other people and particularly with regard to droplets containing virus. I fail to see that there is any less of a risk of cross contamination from carcinogenic smoke being exhaled by another or directly from a cigarette.

Now that you are fully informed about the issue of passive smoking your consideration of this matter and response would be appreciated.

Kindest regards

Robert Walker

Smoking in the Inverell Central Business District and it's consequences

By Robert Walker
 37 Urabatta Street
 Inverell, 2360
 0419203273
Rlwalker1962@gmail.com
 October 11, 2018

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Purpose

The purpose of this paper is to draw to Inverell Shire Councils (ISC) attention areas in Inverell under their control where the general public are at risk from the adverse effects of other people smoking tobacco and to request proactive action to mitigate this risk.

Preamble

The NSW State Government has established that there is no safe level of exposure to second hand smoke and accordingly has implemented of the Smoke-free Environment Act 2000 (The Act) and Smoke-free Environment Regulation 2016 (The Reg).

<https://www.health.nsw.gov.au/tobacco/Pages/smoke-free-laws.aspx>

As a result smoking is prohibited in the following areas:

- a) In public playgrounds within 10m of children's play equipment;
- b) In open areas of public swimming pools;
- c) In major sporting facilities and at public sports grounds;
- d) At public transport stops and stations;
- e) Within 4m of the entrance to a public building; and
- f) In commercial outdoor dining areas

In most other public places smoking is permitted at the discretion of local government, in the case of the Inverell CBD, the ISC.

Leaving the responsibility of public health with regard to second hand smoke in CBDs to local Government rather than a blanket approach through State legislation in no way mitigates the risk from this smoke to human health. Rather it passes the responsibility from State to Local Government. As such ISC has the power and and

therefore accountability to mitigate the hazard of second hand smoke to the general public.

Summary

While the Act and the Reg control the hazards presented by second hand smoke in a number of scenarios they fail to protect people on public streets unless they are near the entrance to a public building or an outdoor eating area. Therefore for a huge portion of public streets and in particular the CBD of any NSW town people are exposed to second hand smoke any amount of which presents a hazard to human health. Compounding this problem is that Local Government Officers have no jurisdiction to police the requirements of relevant legislation unless specifically appointed to do so under the that legislation.

ISC has the ability to ban smoking in public places that are not covered by the legislation but has pro actively not supported any suggested bans on at least one occasion in the past.

ISC is inadvertently increasing the exposure to the smoke hazard to the public by providing facilities that encourage smokers to relax in a stationary position while smoking. The facilities are public seating in the CBD. The location of some of these seats are indicated by black spots on the map found in the appendix below "Public Seating Black Spots". There is approximately forty public seats located in the CBD that attract smokers and almost all of these are in positions designed for pedestrians to cross the road. Pedestrians intentionally or not are being channelled into close proximity of hazardous second hand smoke just to cross the street. Prevailing winds also blow the smoke generated at these locations along Byron and Otho streets impacting pedestrians regardless of whether they are using a crossing or not.

As you would be aware risk is a function of likelihood and consequence. While the consequences of exposure to second hand smoke is well established as being hazardous to human health the likelihood of exposure and therefore the inherent risk to human health is exponentially greater in the CBD of Inverell than any other public place where smoking is permitted. This likelihood is increased because of the greater prevalence of human traffic in the CBD and compounded by an abundance of comfortable infrastructure that encourages smokers to do so.

The risk is even greater for members of the public that wish to use one of these seats at the same time that a smoker is. At times they may have no choice but use the seat because of age or infirmity.

An example of this is the public seating at the taxi rank. Smoking is not permitted at taxi ranks under the Act yet taxi drivers and waiting passengers smoke there

regularly. This smoke then impacts waiting passengers, pedestrians crossing the street and out door diners at Patches cafe on the North-western corner of the Vivian and Byron Streets intersection.

I note that Tamworth City Council and Lismore City Council, to name but two, both have bans on smoking in their CBDs.

As a rate payer and regular user of the CBD I ask ISC to consider what strategies it requires to be put in place to protect me from the hazard of second hand smoke caused by smokers and the inherent design of the CBD. At the moment I am not protected.

Inverell CBD Smoking Hot spots

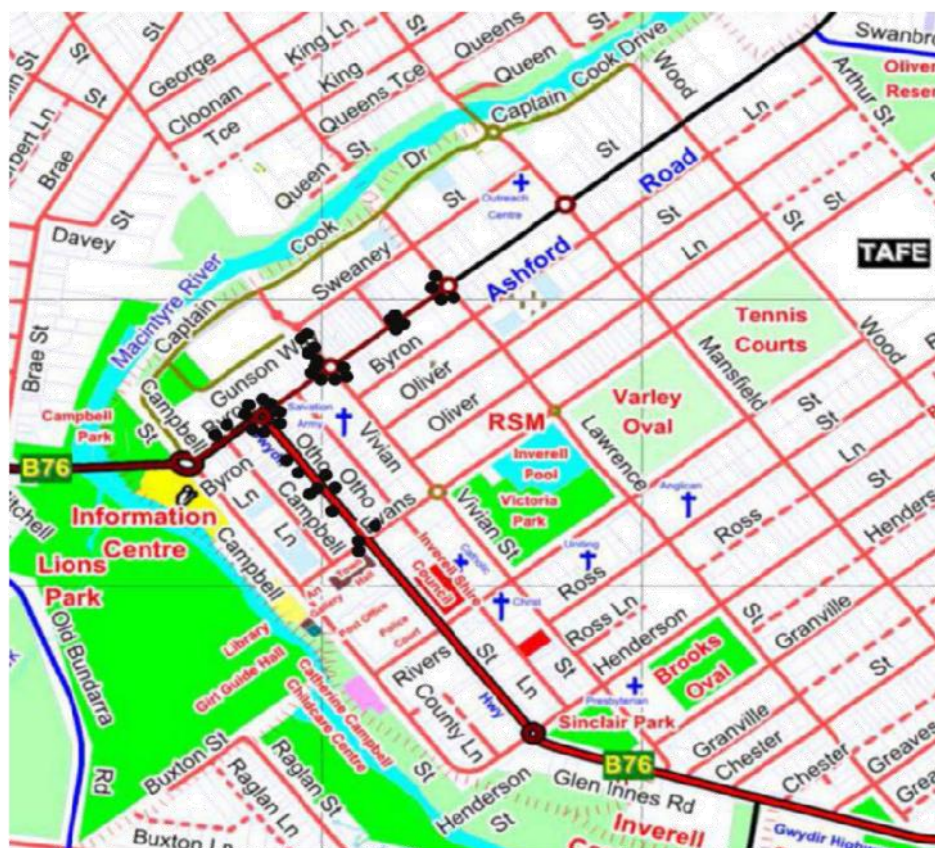
There are numerous positions where people are subjected to second hand smoke exposure on a regular basis in the Inverell CBD. Some of these are:

- i. Public seating outside Coles Supermarket on the footpath on the western side of Byron Street, two seats.
- ii. The intersection of Byron and Otho Streets, eight seats. Two of these seats on the South Eastern corner are adjacent to the out door eating area associated with the Bridge Cafe. These seats are within the 4 metre exclusion zone for outdoor seated dining areas.
- iii. The public seat out side Inverell Diagnostic Imaging in Otho Street.
- iv. The public seat out side the Surf Fashion shop in Otho Street.
- v. Either side of the pedestrian crossing in Otho Street, Five seats.
- vi. Outside New England Pathology Otho Street
- vii. The public seating on the corner of Evans and Otho Streets three seats.
- viii. The public seats on the Southern and North Eastern corners of Vivian and Byron Streets, Seven seats
- ix. The public seating at the taxi rank. Smoking is not permitted at taxi ranks under the Act yet taxi drivers and waiting passengers smoke there regularly. This smoke then impacts on out door diners at Patches cafe on the North-western corner of the Vivian and Byron Streets intersection. Four seats.
- x. Either side of the pedestrian crossing in Byron Street, four seats
- xi. Public seating on the Southern corners of Lawrence and Byron Streets, four seats.
- xii. Campbell Park and in particular when markets are being held. Smoking at these markets regularly breeches the 10 meter exclusion zone around food fair stall designated by the Act.
- xiii. The enclosed car park on the corner of Captain Cook Drive and Vivian street under Big W

- xiv. The enclosed car park on the corner of Oliver and Lawrence Streets under what was Sam's Warehouse.

Appendix

Public Seating Black spots



9.3 COPETON NORTHERN FORESHORES MANAGERS RESIDENCE/KIOSK TENDER**File Number:** S4.19.17 / 20/19427**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

Tenders for the construction of the Copeton Northern Foreshores Managers Residence/Kiosk closed on 1 May, 2020. Council is being asked to consider the recommendation of the Tender Review Panel regarding the project and is being asked to consider a confidential report in respect of this matter.

RECOMMENDATION:

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.

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:

- 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*.

9.4 COPETON NORTHERN FORESHORES AMENITIES BLOCK TENDER**File Number:** S4.19.18 / 20/19684**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

Tenders for the construction of the Copeton Northern Foreshores Amenities Block closed on 8 May, 2020. Council is being asked to consider the recommendation of the Tender Review Panel regarding the project and is being asked to consider a confidential report in respect of this matter.

RECOMMENDATION:

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.

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:

- 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*.

9.5 PUBLIC RECREATION RESERVES - TINGHA**File Number:** S5.19.1 / 20/19551**Author:** Paul Henry, General Manager**SUMMARY:**

Council is requested to formalise the position, developed in November 2019, and authorise the application to the Lands Department for appointment of Council as Trustees for part of the existing Reserve.

RECOMMENDATION:*That:*

- a) *Council consent to accepting Trustee status for the following parcels of Crown Land in Tingha:*
 - *Skatepark*
 - *Cricket Oval and adjoining lands, and*
 - *Football Oval*
- b) *The Tingha Recreation Reserve Trust be utilised as a 'consultation' point and partner for management activities on the recreation areas to be managed by Council.*

COMMENTARY:

In November 2019, the ongoing management of various parcels of land that provide recreational facilities for the village of Tingha was considered by Council. The position adopted by Council was:

- a) Council was prepared to manage/maintain those parcels of land that provided recreational facilities for the community,
- b) The existing Trust should retain responsibility for the licenced club, war memorial, bowling green and club carpark, and
- c) The existing Trust be invited to assist Council with the management and maintenance of the recreation areas.

The above position was raised with the Trust on 6 May 2020. The Trust decided:

- i) That the division of responsibility between Council and the Trust is supported,
- ii) The Trust is prepared to assist Council by being:
 - 'the booking agent' for the recreation facilities;
 - organise working bees to supplement maintenance activities by Council staff, and
 - assist with other matters referred to the Trust by Council from time to time.

The Trust is aware that these matters need to be reported back to Council for final agreement, before being referred to the Lands Department for actioning.

A. Outcomes

Currently the Tingha Recreation Reserve consists of two (2) parcels of land. Following the in-principle acceptance of Council's initial position on this matter the areas will be 'subdivided' by responsibilities into the following:

- a) Council – cricket, football, golf and skatepark areas
- b) Trust – club, bowling green, grazing land.

A map defining the areas is shown as **Appendix 1**.

The 2019/20 and the 2020/21 Council Operational Plans contain funding to maintain the areas proposed to be transferred by Council. No 'new funding' is required to be identified.

The 2019/20 Operational Plan was based on the 2018/19 Plan prepared by Armidale Regional Council (ARC). The ARC Plan made provision for maintaining the Reserve even though the area was not managed by ARC.

Council staff, supported by volunteers from the Trust, will be able to maintain these areas to existing 'service levels' standard.

B. Process

The Lands Department is required to formalise any changed management practices for Crown Land by altering the Trust documentation.

The Tingha Recreation Reserve Trust has advised the Lands Department of their consent to the arrangements proposed above.

Council is requested to formalise the position, developed in November 2019, and authorise the application to the Lands Department for appointment of Council as Trustees for part of the existing Reserve.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

The 2019/20 and 2020/21 Operational Plans make provision for maintaining the reserve.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Tingha Public Recreation Reserves

TINGHA PUBLIC RECREATION RESERVES



Map Scale: 1:4,408 Map Zoom: 770.4 m

Legend

Council (skatepark, cricket oval, football oval)

Tingha Recreation Reserve Trust (club, bowling green, grazing land)



10 INFORMATION REPORTS**10.1 STAFF MOVEMENTS: - 01 JANUARY 2020 TO 31 MARCH 2020****File Number:** S22.25.1 / 20/15624**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>
06 January 2020	Tayla DAWSON	Customer Service Officer	Resigned
24 March 2020	Barry BEVERIDGE	Facilities Cleaner	Retired

APPOINTMENTS

<u>Date:</u>	<u>Name:</u>	<u>Position:</u>	<u>Reason:</u>
20 January 2020	Glenn JOHNSON	General Assistant	Transfer of Matthew Grills
20 January 2020	Mark SAVAGE	Relieving Operator/ General Assistant	Steven Williams employment ceasing
27 January 2020	Cody BERRY	General Assistant	Resignation of Troy Beckhouse
28 January 2020	Emily McCAUSLAND	Administration Officer	Resignation of Alice Holton
28 January 2020	Steven DUNCAN	Relieving Operator	Resignation of Tony Williamson
30 January 2020	Zachary FLEMING	Temporary School Based Part Time Apprentice Plant Repairer	Transfer of Adam Smith
03 February 2020	Mathew FURBOCK	Water Engineer	New Position
24 February 2020	Joshua HOSKINS	Plant Repairer	Resignation of David Pillidge

02 March 2020	Jane PETERKIN	Art Gallery Manager (Designate)	Designate position to facilitate succession planning at Inverell Art Gallery
03 March 2020	Phillip VIDLER	Temporary Part Time Plant Repairer	Temporary relief required at Ashford Workshop

INTERNAL TRANSFERS

<u>Date:</u>	<u>Name:</u>	<u>Position:</u>	<u>Reason:</u>
24 February 2020	Harley DWYER	General Assistant	Transfer of Justin Irwin
02 March 2020	Micheal HALLORAN	Maintenance Team Leader North	Transfer of Timothy Williams
30 March 2020	Glenn JOHNSON	Water Tanker Operator	Transfer of Douglas Newton

ATTACHMENTS:

Nil

10.2 STRATEGIC TASKS - 'SIGN OFF' - MAY 2020**File Number:** S4.13.2 / 20/18248**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 May, 2020 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
4 May	Local Infrastructure Renewals Scheme (LIRS) portal opens for claims for the month	Achieved - Completed 11.05.20	
18 May	Expected fourth instalment of 2019-2020 Financial Assistance Grants	Achieved	
31 May	Last day for Responsible Accounting Officer to submit quarterly budget review statement to council (LGGR cl 203 (1))	Achieved	
31 May	Fourth quarterly rates instalments due (LGA s 562)	Achieved	Quarterly rates notice issued, due 31.05.20
31 May	Last day for requests to Valuer General for estimates of changes in the value of land for which supplementary valuations are required to be furnished (LGA s 513)	Achieved	

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the months of May 2020. 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

10.3 SEPTIC TANK APPROVALS FOR APRIL 2020**File Number: S29.19.1 / 20/18758****Author: Elaine Kenny, Administration Officer****SUMMARY:**

The following details the Septic Tank approvals for April 2020.

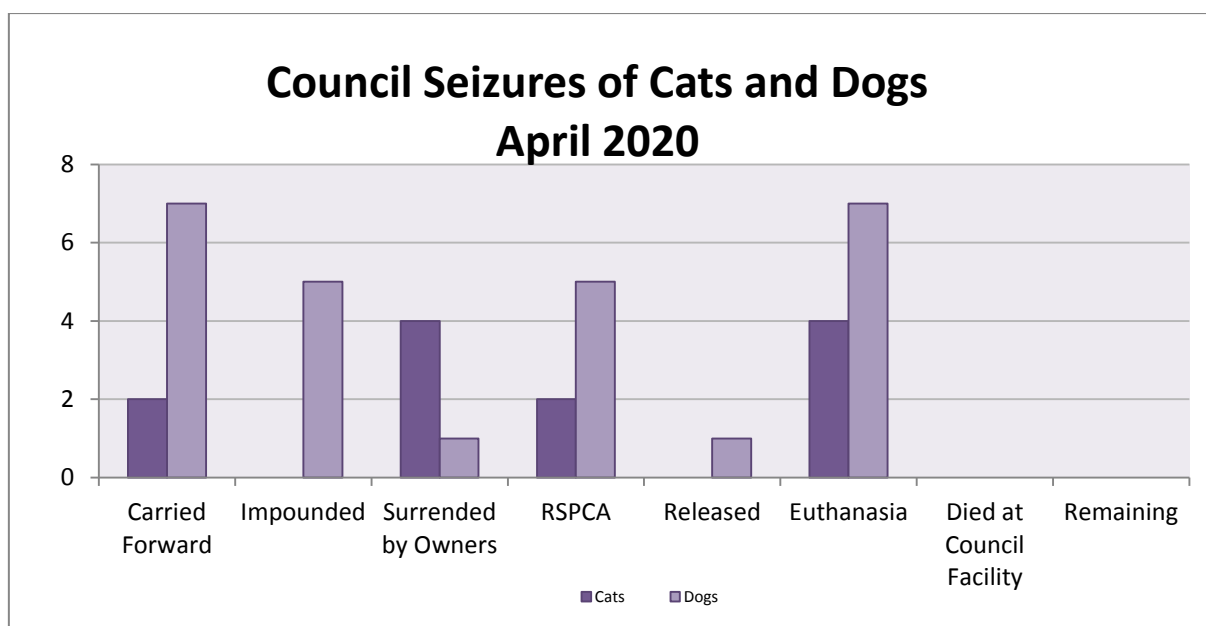
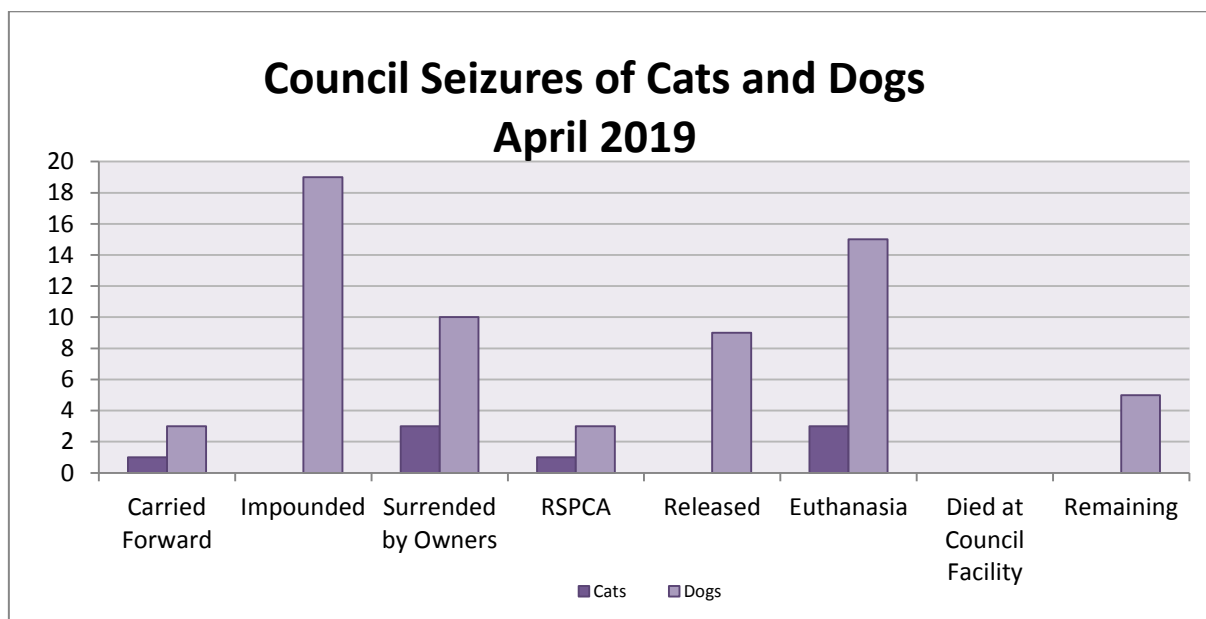
INFORMATION:

<u>Septic Application Number</u>	<u>Applicant</u>	<u>Property</u>
S – 5/2020	Mrs Kerrie Anne Harris	10 Wynella Road, OAKWOOD

ATTACHMENTS:**Nil**

10.4 ORDINANCE ACTIVITIES REPORT FOR APRIL 2020**File Number:** S13.5.2/13 / 20/18760**Author:** Elaine Kenny, Administration Officer**SUMMARY:**

The following details the number of various Ordinance activities carried out during April 2020, in comparison to the same month in 2019.

INFORMATION:**COMPLIANCE****Inverell Shire Council Pound Monthly Report April 2020****Inverell Shire Council Pound Monthly Report April 2019****ATTACHMENTS:****Nil**

10.5 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING APRIL 2020

File Number: S13.5.2/13 / 20/18761

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 April 2020.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING APRIL 2020

Development Approvals

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-23/2020	Local Government Engineering Services	21 Howard Street, INVERELL	One (1) into Three (3) Lot Subdivision Construction of Single Dwelling Construction of Semi-Detached Dwellings (Duplex)	890,000
DA-29/2020	Mr Joshua Stephen Tan	134 Brae Street, INVERELL	Carport	2,000
DA-30/2020	Mr Deon John Beckhouse	457 Rifle Range Road, INVERELL	Dwelling and Shed	450,000
DA-31/2020	Danbuilt Pty Ltd	9B McBrides Lane, INVERELL	Addition to shed	20,000
DA-32/2020	Mr Matthew James Baker	453 Rifle Range Road, INVERELL	New Dwelling	395,000
DA-33/2020	Inverell Senior Citizens Association Incorporated	147 Otho Street, INVEREL	Installation of solar panels	24,940
DA-34/2020	Samantha Egan	46 Caloola Drive, INVERELL	Enclose existing patio with glass and half wall	30,800
DA-35/2020	Mrs Roslyn Anne Hulbert	26-28 Otho Street, INVERELL	Change of use	9,000
DA-36/2020	Mr Peter David Caskey and Mrs Sara Jane Caskey	3735 Bingara Road, DELUNGRA	Demolition of existing dwelling and construct new dwelling	250,000

DA-37/2020	Ms Primrose Isley McKellar	35 George Street, INVERELL	Subdivision of two dwellings (approved detached dual occupancy) onto separate allotments	Nil
Monthly estimated value of Approvals: April 2020			9	2,040,940

Development Amendments

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-57/2019/B	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley	43 Brae Street, INVERELL	Modification to DA-57/2019 - Modify Subdivision Design and Delete Access Condition	Nil
Monthly estimated value of Approvals: April 2020			1	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 April 2020.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING APRIL 2020**Construction Certificates approved by Council**

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-56/2018	Mr Geoffrey Owen Turner	8-12 Brissett Street, INVERELL	Construct New Roof Canopy	25,000
CC-26/2020	Mr Joshua Stephen Tan	134 Brae Street, INVERELL	Carport	2,000
CC-27/2020	Mr Deon John Beckhouse	457 Rifle Range Road, INVERELL	Dwelling and Shed	450,000
C-28/2020	Danbuilt Pty Ltd	9B McBrides Lane, INVERELL	Addition to shed	20,000

CC-30/2020	Samantha Egan	46 Caloola Drive, INVERELL	Enclose existing patio with glass and half walls	30,800
Monthly estimated value of Approvals: April 2020			6	558,600

Amended Construction Certificates approved by Council

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC- 99/2015/A	Mr Benjamin Mark Acland Hollands	35 Elsmore Common Road, ELSMORE	Additions to Dwelling and Shed (Modification to Shed)	Nil
Monthly estimated value of Approvals: April 2020			1	Nil

Construction Certificates approved by Private Certifier

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-32/2020	RLX Investment Company Pty Ltd	375 Yetman Road, INVEREL	Loop road construction around saleyard including truck wash and ablution block	2,383,451
Monthly estimated value of Approvals: April 2020			1	2,383,451

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING APRIL 2020**Complying Development Certificates Approved by Council**

Nil

Amended Complying Development Certificates approved by Council

Nil

Complying Development Certificates approved by Private Certifier

Nil

Amended Complying Development Certificates approved by Private Certifier

Nil

TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING APRIL 2020:

<u>Type of Consent</u>	<u>Number</u>	<u>\$ Amount</u>
Construction Certificates – Council Approved	5	527,800
Construction Certificates – Private Certifier	1	2,383,451
Complying Development – Council Approved	0	Nil
Complying Development – Private Certifier	0	Nil
Totals	6	2,911,251

Estimated Value of Approvals issued in the financial ytd in: **2019/2020** **(109)** **\$18,084,303**
2018/2019 **(130)** **\$14,967,049**

ATTACHMENTS:**Nil**

10.6 STATUS OF TOWN WATER SUPPLIES**File Number:** S32.15.19 / 20/18875**Author:** Michael Bryant, Manager Environmental Engineering**SUMMARY:**

The purpose of this report is to update Council on the status of all town water supplies with the extended drought impacting water resources in the region over the past two (2) years. The situation has improved with above average rainfall along with cooler weather during the first four months of 2020.

COMMENTARY:

At the November 2019 Ordinary Meeting of Council, it was confirmed that a Status Report on Council water supplies will be provided to monthly Council meetings whilst the drought continues.

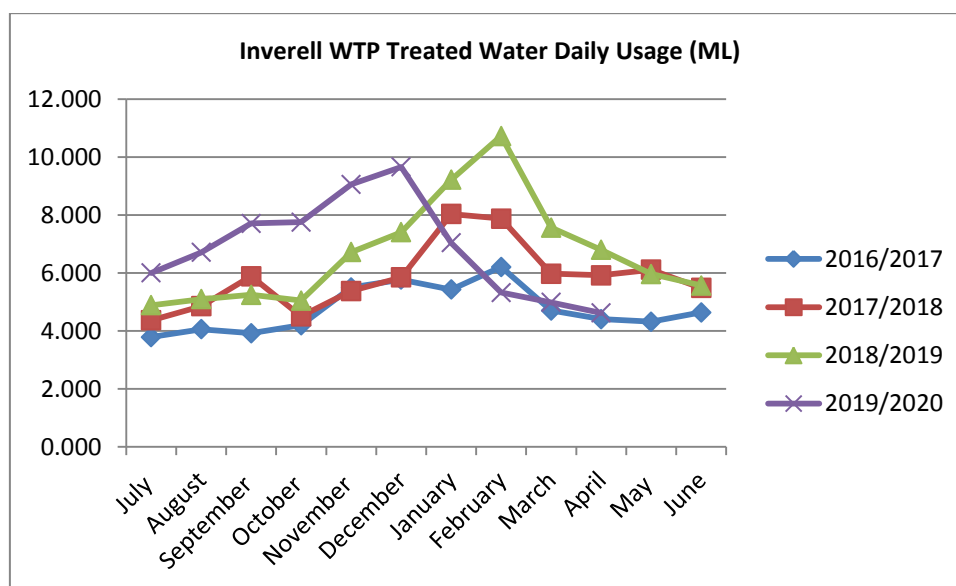
Council operates three (3) treated (potable) town water supplies and two (2) raw water supplies. The current status of all water supplies is summarised in the table below. Monthly daily usage trends for the Copeton Scheme are also displayed in a graph.

Above average rainfall up to May 2020 combined with humid cooler weather has reduced demand and increased Copeton Dam and Pindari Dam storage levels.

WaterNSW is in the early planning stages of replacing the two (2) main outlet valves at Pindari Dam and tentatively proposing winter 2020. Council staff are in discussion with WaterNSW staff regarding the management of Severn River flows to the Ashford water supply intake while the works are being undertaken.

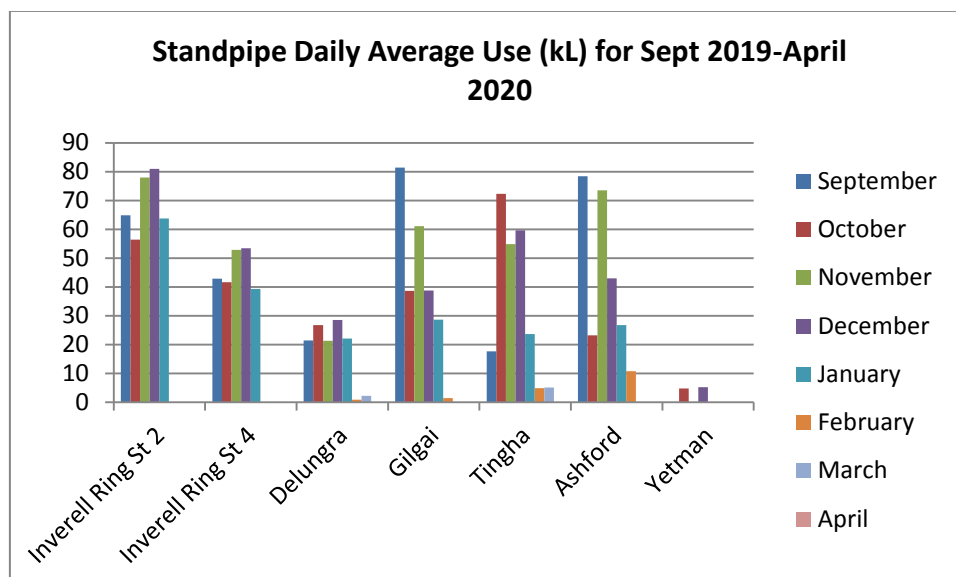
Status of Water Supplies – 18 May 2020			
Name of Water Supply	Source of Water	Comments on Status of Supply	Remedial Action
Copeton Scheme Treated water supply. Supplies Inverell, Gilgai, Tingha, Mt Russell & Delungra.	Copeton Dam. Storage Capacity 1,364,000 ML. Storage level 12.7% and rising, 190,000 ML. Raw water pumped from dam outlet (no transmission losses).	Full allocation under WSP for 2019/2020. April 2020 average consumption 4.6 ML/day. Above average rainfall and cold weather has reduced demand.	Continue monitoring.
Ashford Treated Water	Pindari Dam. Storage Capacity 312,000 ML. Storage level 11.6% and steady, 36,300ML. Raw water pumped from Severn River to Ashford WTP.	Full allocation under WSP for 2019/2020. Water NSW currently maintaining 10ML/day flow in Severn River. April 2020 consumption low at 0.26 ML/day	Raw water quality in Severn River has improved. Continue monitoring.

Yetman Treated Water.	Ground water – two (2) bores in alluvial aquifer on Macintyre River floodplain.	Full allocation under WSP for 2019/2020. April 2020 consumption 0.044 ML/day.	Continue monitoring ground water levels.
Bonshaw Raw Water – non potable. Restricted flow supply suitable for internal non potable domestic use only, mainly toilet flushing.	Ground water – One (1) bore in alluvial material on Dumaresq River floodplain.	Flow in the Dumaresq River has resulted in the aquifer being recharged and meeting demand.	Continue monitoring.
Graman Raw Water – non potable. Restricted flow.	Ground water – one (1) bore adjacent Graman Creek.	Bore was stressed in 2019, however now meeting reduced demand following good rainfall and cooler weather.	Continue monitoring.



Public Standpipes – Potable Water

Council has standpipes accessible to the public located at Inverell, Gilgai, Tingha, Delungra, Ashford and Yetman. The standpipes provide the opportunity for members of the community to access potable water. The graph and table below summarises standpipe usage. Demand has reduced substantially on 2019 levels.



Copeton Scheme Standpipe Usage kL/day	
September 2019	210
October 2019	236
November 2019	268
December 2019	261
January 2020	177
February 2020	7
March 2020	7
April 2020	0

Conclusion

All treated water supplies within the Council area are improving following above average rainfall during 2020 with demand predicted to fall further over winter.

The town water supplies will continue to be closely monitored.

RISK ASSESSMENT:

It is important that the town water supplies are closely monitored to ensure there is potable water available for the community.

The ISC community is very much dependent upon the judicious management of regional water resources by the NSW Government in ensuring that sufficient water reserves are retained in Copeton Dam and Pindari Dam for town water supplies during extended drought sequences.

POLICY IMPLICATIONS:

Council has a Drought Management Plan in place to manage town water supplies.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

11 GOVERNANCE REPORTS

Nil

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 Aquatic Centre Planning Sunset Committee Minutes - 20 May 2020**
- 12.2 Copeton Northern Foreshores Managers Residence/Kiosk Tender**
- 12.3 Copeton Northern Foreshores Amenities Building Tender**