

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 23 SEPTEMBER 2020 AT 3.00PM**

**PRESENT:** Cr Paul Harmon (Mayor), Cr Anthony Michael (Deputy Mayor), Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight via Zoom, 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 & Environmental Services), Scott Norman (Director Corporate & Economic Services), Paul Pay (Manager Financial Services) and Anthony Alliston (Manager Development Services).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2020/93**

Moved: Cr Jacki Watts  
Seconded: Cr Anthony Michael

*That the Minutes of the Ordinary Meeting of Council held on 26 August, 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**

Cr Baker declared a Non-Pecuniary Interest in Item 9.1 of the Destination Report 'Re-Nomination of Council Representatives to the Northern Regional Planning Panel' as she is being considered for an honorary position on the Panel.

Mr Brett McInnes (Director Civil & Environmental Services) declared a Non-Pecuniary Interest in Item 9.1 of the Destination Report 'Re-Nomination of Council Representatives to the Northern Regional Planning Panel' as she is being considered for an honorary position on the Panel.

**4 PUBLIC FORUM**

Nil

**5 NOTICES OF BUSINESS**

Nil

**6 QUESTIONS WITH NOTICE**

Nil

## 7 ELECTIONS

### 7.1 ELECTION OF MAYOR S13.7.2

*A nomination for the position of Mayor was received from Cr Paul Harmon. The General Manager advised that being only one (1) nomination, Cr Harmon was duly declared elected as Mayor for the ensuing one (1) year period.*

### 7.2 ELECTION OF DEPUTY MAYOR S13.7.2

#### **RESOLUTION 2020/94**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

- i. That Council appoint a Deputy Mayor; and the term be a one (1) year period.*

The General Manager advised that being only one (1) nomination, Cr Anthony Michael was duly declared elected as Deputy Mayor for the ensuing one (1) year period.

**CARRIED**

## 8 COMMITTEE REPORTS

### 8.1 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 9 SEPTEMBER 2020

#### **RESOLUTION 2020/95**

Moved: Cr Jacki Watts

Seconded: Cr Paul King OAM

- i) That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 9 September, 2020, be received and noted; and*
- ii) The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

**CARRIED**

#### **8.1.1 Question with Notice - Tingha Garbage Service**

*That the Civil and Environmental Services Committee receive a report to their February 2021 meeting regarding the recent extension of the Tingha salvaging area in relation to its implementation, its community acceptance and any issues that have arisen.*

**8.1.2 Classification of Freehold Tingha Lands**

*That:*

1. Council resolve the following land be classified as 'Operational Land':

<b>Location</b>	<b>Description</b>	<b>Purpose</b>
35 New Valley Road Tingha	Lot 107 DP 722455	Tingha Depot
29 Diamond Street Tingha	Lot 7 Sect 10 DP 704	Vacant Land
16-18 Ruby Street Tingha	Lot 2 DP 218026	Tingha Town Hall & Fire Shed
14 Ruby Street Tingha	Lot 31 DP 1071167; Lot 1 DP 218026; Lot 2 Sect 3 DP 704; Lot 2 DP 587489	Wing Hing Long Store Tingha
31 Garnet Street Tingha	Lot 4 Sect 16 DP704; Lot 4 Sect 17 DP704; Lot 3 Sect 16 DP704; Lot 3 Sect 17 DP704; Lot 1 Sect 14 DP704; Lot 6 DP668621; Lot 2 Sect 14 DP704; Lot 3 Sect 14 DP704; Lot 4 Sect 14 DP704; Lot 5 Sect 17 DP704; Lot 5 DP229966; Lot 6 DP229966	Vacant Land
32 Albion Flat Road Tingha	Lot 1 DP 829960	Water Reservoir
14060 Guyra Road Tingha	Lot 1 DP 1120941	Sewer Ponds
2-4 Sapphire Street Tingha	Lot 81 DP753655; Lot 1 Sect 4 DP704	Symes Park & Aged Care Units
156 Kempton Road Tingha	Lot 123 DP42110	Tingha Garbage Tip
23 Garnet Street Tingha	Lot 1 & 2 DP 229966	Tingha Cemetery

**8.1.3 Expression of Interest to Licence Land - 2 Ring Street, Inverell**

*That:*

- i) Council enter into a Licence Agreement with Peter Jarrett for a five (5) year period with a further five (5) year option;
- ii) The Licence fee be \$500 per annum (GST Inclusive) with a 3% increase per annum;
- iii) The licence be conditional on development approval; and
- iv) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.

**8.1.4 Request for Consideration - Concession for Rates - Tingha Buffalo Lodge**

*That to assist in the deliberations regarding a contribution towards rates or charges, Council write to the Tingha Buffalo Lodge requesting further information on their membership and quantum and recipients of recent community donations.*

**8.1.5 Expiring Licence Agreement - Inverell Building Supplies**

*That:*

- i) Council renew the agreement with Inverell Building Supplies for Part Lot 2, DP 1126040 for a further five (5) year period;*
- ii) The licence fee be \$753.54 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**8.1.6 Governance - Monthly Investment Report**

*That:*

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

**8.2 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 9 SEPTEMBER 2020****RESOLUTION 2020/96**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

- i) That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 9 September, 2020, be received and noted; and*
- ii) The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

**CARRIED 9/0**

**8.2.2 Procurement of Bitumen and Aggregate Services - 2020/2021 - Bitumen Resealing Program**

*That the tender from NSW Spray Seal under a full service contract for the 2020/2021 Resealing Program for the tender price of \$1,851,568 (plus GST) be accepted.*

**8.2.1 DA-96/2019 - Cattle Feedlot - 1804-2033 Tarwoona Road, Camp Creek**

*That development application 96/2019 be approved subject to the following conditions of consent:*

**General Conditions**

- 1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in*

accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.

Consent is granted for a beef cattle feedlot.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
<b>Environmental Impact Statement</b>			
Development Application and Environmental Impact Statement – Proposed Beef Cattle Feedlot, Tarwoona Road, Camp Creek	15/08/2019	RU01Z000	V02R02
<b>Additional Information</b>			
Local Government Engineering Services - Traffic Impact Assessment	28/05/2020	IV2481	Rev C
AREA Environmental Consultants & Communication – Biodiversity Development Assessment Report	17/01/2020	QU-0042	V3.4
Chance Find Procedure – Cultural heritage items	-	-	-
Matrix Acoustics - Road Traffic Noise Assessment	21/04/2020	-	-

Any deviation will require the consent of Council.

2. The maximum head of cattle permitted within the cattle feedlot at any one point in time is 25,055.
3. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.
4. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 2** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the National Resources Access Regulator.
5. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 3** of this consent) and any subsequent Fisheries Permit (as amended), issued by the Department of Primary Industries (Fisheries).
6. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 4** of this consent) and any subsequent Water Use Approval and/or Water Management Work Approval (as amended), issued by the WaterNSW.
7. The final design, construction and operation of the feedlot must be undertaken in accordance with the Mitigation Measures summarised in **Section 15.3** of the approved Environmental Impact Statement.
8. Permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development, at the applicant's expense.
9. 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).

**Prior to Construction (including road upgrades)**

10. Prior to the commencement of any works (including earthworks and road upgrades) a Construction Certificate must be issued in accordance with the Environmental Planning

and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.

11. Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:

- A map of the primary haulage routes highlighting critical locations;
- Safety initiatives for haulage through residential areas and/or school zones;
- An induction process for vehicle operators and regular toolbox meetings;
- A complaints resolution and disciplinary procedure; and
- Community consultation measures for peak haulage periods.

12. Prior to issue of a Construction Certificate, protection buffer areas with suitable fencing/delineation, must be provided around the Aboriginal Cultural Heritage Artefacts identified in "Figure 34 – Heritage Assessment Aboriginal Objects" being Drawing No. "RU01Z – EIS – HA -34D" of the Environmental Impact Statement. The proposed method of fencing/delineation must be submitted to and approved by Council.

Note: Council may undertake consultation with the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment in relation to the proposed fencing/delineation method.

13. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 must be obtained from Council for:

- Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;
- Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;
- Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;
- Permanent vehicle classifiers to be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development;
- The proposed new access crossing; and
- Any other road upgrades.

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design of all works.

Note: Council will consult with the Goondiwindi Regional Council, National Resource Access Regulator and Department of Primary Industries (Fisheries) in relation to the proposed road upgrades, bridge upgrade and works within 40 metres of the Dumaresq River.

14. Prior to issue of a Construction Certificate, an approval from Goondiwindi Regional Council must be obtained for the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road. A copy of this approval is to be provided to Inverell Shire Council.

15. Prior to issue of a Construction Certificate, the applicant must provide Council with documentary evidence that the required biodiversity credits have been retired in accordance with the Biodiversity Conservation Act 2016.

The retired biodiversity credits must be of the number and class as specified within the Biodiversity Development Assessment Report prepared by AREA Environmental Consultants & Communication, Report No. QU-0042, Version No. V3.4, dated 17/01/2020.

16. *Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 must be obtained from Council for the installation and operation of on-site sewage management systems for the administration office and other amenities.*

**During Construction / Demolition**

17. *The applicant will:*
- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
  - *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*
18. *The Chance Find Procedure prepared for the discovery of Aboriginal artefacts or places must be implemented and maintained for the duration of works.*
19. *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.*
20. *All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.*

**Prior to Occupation / Commencement of Use**

21. *Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.*

*Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:*

- *all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
  - *any preconditions to the issue of the certificate required by a development consent have been met.*
22. *Prior to issue of an Occupation Certificate, the following road works are to be completed in accordance with the approval issued under Section 138 of the Roads Act 1993:*
- *Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;*
  - *Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;*
  - *Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;*
  - *The proposed new access crossing; and*
  - *Any other road upgrades.*
23. *Prior to issue of an Occupation Certificate, the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road must be completed in accordance with the approval issued by Goondiwindi Regional Council. Goondiwindi Regional Council must provide Inverell Shire Council with a formal sign-off that the works have been completed to the required standards.*
24. *Prior to issue of an Occupation Certificate, permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development in accordance with the approval under Section 138 of the Roads Act 1993.*
25. *Prior to issue of an Occupation Certificate, Cunningham Weir Road and Tarwoona Road*

*(from Cunningham Weir Road to the Feedlot Access) must be gazetted as a B-Double approved route.*

26. *Prior to issue of an Occupation Certificate, the landscaped earthen mound on the northern side of the main feedlot complex is to be completed.*
27. *Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval and other requirements and licences issued by:*
  - *NSW Environment Protection Authority;*
  - *National Resources Access Regulator;*
  - *Department of Primary Industries (Fisheries); and*
  - *WaterNSW.*

#### **Ongoing Use**

28. *A Sec. 94 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:*
  - *Financial quarter January to March – to be paid by **30 April** of that year;*
  - *Financial quarter April to June – to be paid by **31 July** of that year;*
  - *Financial quarter July to September – to be paid by **31 October** of that year; and*
  - *Financial quarter October to December – to be paid by **31 January** of the next year.*

*The current rate is \$1.176 per head and is subject to CPI adjustment each financial quarter.*

*The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 25,055 head of cattle for that financial quarter.*

29. *A report must be provided to Inverell Shire Council each financial year, by 31 July, which addresses:*
  - *The source of water, including current water licences, for the feedlot site during that financial year;*
  - *A comparison of the total water available in relation to the maximum feedlot capacity; and*
  - *In the event that if any water restriction and/or water licences are revoked, surrendered, modified or otherwise removed from the development site:*
    - *A review of cattle numbers within the feedlot in relation to water supply; and*
    - *Proposed measures to operate the feedlot to match current water supply (e.g. de-stocking).*
30. *A report must be provided to Inverell Shire Council each financial quarter, providing the following data (at minimum), based on the permanent vehicle classifiers installed under this consent:*
  - *Traffic volume;*
  - *Heavy vehicle traffic volume;*
  - *B-Double/HPV/Road Train volume; and*



- *Date and time of B-Double/HPV/Road Train access.*

*Note: This condition may be satisfied by the provision of live feed data to Council.*

31. *The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.*
32. *All external lighting must:*
  - *comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and*
  - *be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*
33. *The fencing/delineation provided around the Aboriginal Cultural heritage Artefacts identified in “Figure 34 – Heritage Assessment Aboriginal Objects” being Drawing No. “RU01Z – EIS – HA -34D” of the Environmental Impact Statement must be maintained in perpetuity.*
34. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*
35. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

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

At 3:06pm, Cr Di Baker left the meeting having previously declared a Non-Pecuniary Interest in the next item.

## 9 DESTINATION REPORTS

### 9.1 RE-NOMINATION OF COUNCIL REPRESENTATIVES TO THE NORTHERN REGIONAL PLANNING PANEL S18.6.11

#### RESOLUTION 2020/97

Moved: Cr Jacki Watts  
 Seconded: Cr Paul King OAM

*That Council nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern Regional Planning Panel for a term of three (3) years.*

**CARRIED**

At 3:09pm, Cr Di Baker returned to the meeting.

## 9.2 URBAN WORKS PROGRAM 2020/21 S28.21.1/13

### RESOLUTION 2020/98

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

*That Council take the following actions in regards to the 2020/21 Urban Works Program:*

- i) That \$20,000 be allocated for investigation and design of appropriate tree pits for replacement edge plantings in Byron Street, between Lawrence and Wood Street.*
- ii) That \$102,000 be provided as a co-contribution to match Transport for NSW funding under the PAMP Program.*
- iii) Residual funds of \$423,180 not be allocated until such time as the detailed designs and costings for the Gwydir Highway, Bundarra Road and Chester Street intersection upgrade have been completed.*

**CARRIED**

## 9.3 COPETON NORTHERN FORESHORES - SPLASHPARK TENDER S4.19.19

### RESOLUTION 2020/99

Moved: Cr Jacki Watts

Seconded: Cr Anthony Michael

*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**

## 9.4 BUDGET REVOTES FROM 2019/2020 S12.5.1/13

### RESOLUTION 2020/100

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the list of revotes representing works in progress as at 30 June, 2020 be revoted to the 2020/2021 budget.*

**CARRIED**

**9.5 REQUEST TO PLAY MUSIC IN THE CBD DURING NAIDOC WEEK S26.3.1**

**RESOLUTION 2020/101**

Moved: Cr Mal Peters  
 Seconded: Cr Neil McCosker

- i. That the NAIDOC Committee request to play music in the CBD during NAIDOC week is received and noted.*
- ii. That the request is not acceded to on the basis the public address system is primarily an emergency response system and the request falls outside the guidelines for its use.*

**CARRIED**

**10 INFORMATION REPORTS**

**RESOLUTION 2020/102**

Moved: Cr Kate Dight  
 Seconded: Cr Jacki Watts

*That the information reports be received and noted.*

**CARRIED**

**10.1 UPDATE OF PROJECTS IN PROGRESS - SEPTEMBER 2020 S15.8.99**

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**10.2 STRATEGIC TASKS - 'SIGN OFF' - SEPTEMBER 2020 S4.13.2**

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**10.3 NATIVE FISH RESTOCKING GRANT PROGRAM S15.8.7/13**

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**10.4 INVERELL SPORTING COMPLEX - PROPOSED AMENITY BUILDING S5.9.28**

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**10.5 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING AUGUST 2020 S18.10.2/13**

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**10.6 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2020 S18.10.1**

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**10.7 SEPTIC TANK APPROVALS FOR AUGUST 2020 S29.19.1**

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**10.8 STATUS OF TOWN WATER SUPPLIES S32.15.19**

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**11 GOVERNANCE REPORTS**

Nil

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

At 3.38pm, 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 2020/103**

Moved: Cr Di Baker  
 Seconded: Cr Stewart Berryman

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

**CARRIED**

**RESOLUTION 2020/104**

Moved: Cr Di Baker  
 Seconded: Cr Jacki Watts

*That Council proceeds out of Closed Council into Open Council.*

**CARRIED**

Upon resuming Open Council at 3.43pm, 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 COPETON NORTHERN FORESHORES - SPLASHPARK TENDER S4.19.19**

*That:*

- a) *The Tender from Beaucorp Projects Pty Ltd for the Copeton Northern Foreshores Splashpark for the Tender price of \$497,000.00 (excluding GST) be accepted; and*
- b) *The General Manager be authorised to execute the contract as a Simple Works Contract.*

**ADOPTION OF RECOMMENDATIONS**

**RESOLUTION 2020/105**

Moved: Cr Jacki Watts  
 Seconded: Cr Di Baker

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 3.45pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 October 2020.**

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**CHAIRPERSON**