

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 28 OCTOBER 2020 AT 3.00PM**

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

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services), Scott Norman (Director Corporate and Economic Services), Paul Pay (Manager Financial Services) and Justin Pay (Manager Civil Engineering)

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2020/106

Moved: Cr Jacki Watts
Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 23 September, 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 Paul King OAM declared a Pecuniary Interest in Item 9.2 'Request for Reduction in Town Hall Hire Fees' as the correspondent is his daughter in law.

4 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS

8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 14 OCTOBER 2020

RESOLUTION 2020/107

Moved: Cr Di Baker
 Seconded: Cr Stewart Berryman

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 14 October, 2020, be received and noted; and*
- ii) *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

CARRIED

8.1.1 Planning Proposal - Request to Amend Inverell Local Environmental Plan 2012 - 24-28 Glen Innes Road and 1-7 Chester Street, Inverell

That:

1. *Council support the request from Newton Denny Chapelle to amend the Inverell Local Environmental Plan 2012 to:*
 - (a) *Re-zone Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D 360441 from R1 General Residential to B1 Neighbourhood Centre;*
 - (b) *Remove the minimum lot size applicable to Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D 360441, consistent with the surrounding B1 Neighbourhood Centre zone; and*
 - (c) *Nominate ‘Specialised Retail Premises’ as an Additional Permitted Use, under Schedule 1 of the Inverell Local Environmental Plan 2012, on Lot 1 DP 322074, Lot 1 DP 666824, Lot 1 DP 334109, Lot 2 DP 322074, Lot 1 DP 326225, Lot 2 DP 326225 and Lot 3D DP 360441;*
2. *Council’s support be provided on the basis that Newton Denny Chapelle is responsible for the preparation of the Planning Proposal, including any necessary studies and reports, in accordance with “Planning Proposals: A guide to preparing planning proposals” published by the NSW Department of Planning and Environment and to the satisfaction of the General Manager;*
3. *Once completed, the Planning Proposal be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
4. *The General Manager be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway determination, including any minor amendments, information requests and public exhibition; and*
5. *A further report be submitted in relation to this matter following public exhibition.*

| S375A Record of Voting | Councillors For: | Councillors Against: |
|------------------------|------------------|----------------------|
| Harmon | √ | |
| Michael | √ | |
| Baker | √ | |

| | | |
|----------|---|--|
| Berryman | √ | |
| McCosker | √ | |
| Dight | √ | |
| Watts | √ | |
| Peters | √ | |
| King | √ | |

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 14 OCTOBER 2020

Moved: Cr Jacki Watts
 Seconded: Cr Paul King OAM

i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 14 October, 2020, be received and noted; and*

ii) *The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED

8.2.1 Request for Assistance - Inverell Women's Cottage

That:

i) *The Inverell Women's Cottage be thanked for their correspondence;*

ii) *The Committee is assured that Council supports the initiative, however can not assist with funding for the Cottage's ongoing operation; and*

iii) *Council offers to work with the Committee and other organisations in an attempt to identify accommodation options for the group.*

8.2.2 Request for Consideration - Concession for Rates - Tingha Buffalo Lodge

That the Tingha Buffalo Lodge is thanked for their correspondence and advised Council can not accede to their request.

8.2.3 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.*

8.2.4 Sunhaven Hostel

That the matter is progressed forward for further discussion and a valuation is obtained for the facility.

8.2.5 Request for Reduction on Water Account

That an amended account of \$123.34 be issued for the last two quarters based on the average consumption of accounts prior to the leak and write off \$1331.30.

8.3 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES - 20 OCTOBER 2020 S4.11.21/02

RESOLUTION 2020/108

Moved: Cr Kate Dight
 Seconded: Cr Di Baker

That the minutes from the Audit Risk and Improvement Committee meeting held on Tuesday, 20 October, 2020 be received and noted.

CARRIED

9 DESTINATION REPORTS

9.1 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS S13.6.5/12

RESOLUTION 2020/109

Moved: Cr Anthony Michael
 Seconded: Cr Jacki Watts

That the pecuniary interest returns be noted.

CARRIED

At 3:09 pm, Cr Paul King OAM left the meeting having previously declared a Pecuniary Interest in the next item.

9.2 REQUEST FOR REDUCTION IN TOWN HALL HIRE FEES S12.22.1/13

RESOLUTION 2020/110

Moved: Cr Stewart Berryman
 Seconded: Cr Di Baker

That in recognition of the Covid-19 restrictions and reduced seating capacity of the Town Hall, that Laura King, Owner/Principal of Craze Dance Academy be granted a 50% reduction in the hire fees for the Town Hall for the booking on or around 30 November to 6 December, 2020.

CARRIED

At 3:11 pm, Cr Paul King OAM returned to the meeting.

9.3 DAM SAFETY NSW PROPOSED LEVY ON DECLARED DAMS S32.12.3

RESOLUTION 2020/111

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That Council take the following actions:

- i) Receive and note the contents of the report;*
- ii) Respond to Dam Safety NSW objecting to the proposed levy;*
- iii) Seek the support and representation of the Local Member the Hon Adam Marshall in not implementing the proposed levy on declared dam owners; and*
- iv) Forward the response to Local Government NSW and seek their support in opposing the proposed levy.*

CARRIED

9.4 NATIONAL CLASS 3 ROAD TRAIN PRIME MOVER MASS AND DIMENSION EXEMPTION NOTICE 2020 S28.15.3/10

RESOLUTION 2020/112

Moved: Cr Stewart Berryman

Seconded: Cr Jacki Watts

That Council grant approval for the entire road network to be included in the National Class 3 Road Train Prime Mover Mass and Dimension Exemption Notice 2020.

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2020/113

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

- i) That the information reports be received and noted; and*
- ii) A letter be sent to the owners of Egan House at number 67 Vivian Street, Inverell congratulating them on being short listed for the 2020 National Heritage Trust Award (Conservation-Heritage Build).*

CARRIED

10.1 STAFF MOVEMENTS: - 01 JULY 2020 TO 30 SEPTEMBER 2020 S22.25.1

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

- 10.3 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING SEPTEMBER 2020 S18.10.2/13
- 10.4 ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2020 S18.10.1
- 10.5 SEPTIC TANK APPROVALS FOR SEPTEMBER 2020 S29.19.1
- 10.6 STATUS OF TOWN WATER SUPPLIES S32.15.19
- 10.7 UPDATE OF GRANT FUNDED PROJECTS IN INVERELL LGA S15.8.99
- 10.8 2020 NATIONAL HERITAGE TRUST AWARD (CONSERVATION HERITAGE BUILDING) - 67 VIVIAN STREET INVERELL DA-118/2019
- 10.9 ASSET MANAGEMENT - INFRASTRUCTURE BACKLOG S5.6.2
- 10.10 LETTER OF APPRECIATION S15.8.85
- 10.11 DRAFT BORDER RIVERS REGIONAL WATER STRATEGY S11.15.1
- 10.12 LETTER OF APPRECIATION - INVERELL PROSTATE CANCER SUPPORT GROUP - INVERELL MEN'S HEALTH NIGHT 2019 S12.22.1/12
- 11 GOVERNANCE REPORTS
- 11.1 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2019/2020 S12.11.5

RESOLUTION 2020/114

Moved: Cr Jacki Watts
 Seconded: Cr Di Baker

That:

- i) the report be received and noted;*
- ii) the transfers to Council's Internally Restricted Assets for the 2019/2020 Financial Year totalling \$6,281,008 and Council's transfers from Internally Restricted Assets for the 2019/2020 Financial Year totalling \$4,772,395 be endorsed; and*
- iii) Council's DRAFT Financial Statements are "referred to audit" in accordance with S413(1) LGA 1993.*

CARRIED

At 3.21pm Cr Peters left the meeting.

12 DESTINATION REPORTS

9.5 OPERATION OF MATERIAL RECOVERY FACILITY (MRF) S31.2.6

RESOLUTION 2020/115

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

- I) That a supplementary report on the Operations of the Material Recovery Facility be received; and*
- ii) 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

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

At 3.35pm, 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 2020/116

Moved: Cr Anthony Michael

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.

CARRIED

RESOLUTION 2020/117

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 3.36pm, 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 OPERATION OF MATERIAL RECOVERY FACILITY (MRF) S31.2.6

That:

- a) *the information be noted,*
- b) *the Mayor and General Manager be authorised to negotiate with Glen Industries for that organisation to undertake the continued operation of the MRF in accordance with the provisions of the existing service contract and subject to addressing any risks associated with the transition to a new operator, and*
- c) *a report to Council on the negotiations be presented to the November Committee Meetings.*

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2020/118

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 3.37pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 November 2020.

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CHAIRPERSON