

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 16 DECEMBER 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) and Cr Jacki Watts.

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

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2020/142

Moved: Cr Jacki Watts

Seconded: Cr Stewart Berryman

That the Minutes of the Ordinary Meeting of Council held on 25 November, 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 Harmon declared a pecuniary interest in Item 10.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during November 2020' as he made a Development Application during that period.

4 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS

Nil

9 DESTINATION REPORTS**9.1 REQUEST FOR REDUCTION IN WATER ACCOUNT - 42-44 CAMPBELL STREET, INVERELL S32.10.1/12****RESOLUTION 2020/143**

Moved: Cr Anthony Michael

Seconded: Cr Di Baker

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

- a personnel matters concerning particular individuals (other than councillors).*

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

CARRIED**9.2 REQUEST FOR REDUCTION IN WATER ACCOUNT - 73-75 OTHO STREET, INVERELL S32.10.1/14****RESOLUTION 2020/144**

Moved: Cr Anthony Michael

Seconded: Cr Di Baker

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

- a personnel matters concerning particular individuals (other than councillors).*

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**9.3 SALE OF LAND FOR UNPAID RATES - 2021 S12.8.9/05****RESOLUTION 2020/145**

Moved: Cr Anthony Michael

Seconded: Cr Di Baker

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

9.4 EXPIRING LICENCE AGREEMENT - ASHFORD MEDICAL CENTRE S5.10.144

RESOLUTION 2020/146

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That:

- i) Council renew the agreement with Hunter New England Local Health District for the Ashford Medical Centre located at 13 Jubilee Street, Ashford;*
- ii) the licence agreement be for a three (3) year period with a three (3) year option;*
- iii) The rent amount for the next licence agreement period be set at \$170 per week subject to annual Consumer Price Index Sydney (All groups) adjustments; and*
- iv) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

9.5 ASHFORD TOWN WATER SUPPLY PROCESS IMPROVEMENTS - DROUGHT EMERGENCY FUNDING S32.12.9

RESOLUTION 2020/147

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

That Council write to the Hon Melinda Pavey MP, Minister for Water, Property & Housing thanking the Minister for the funding assistance towards the emergency response and permanent process improvement works required to the Ashford Water Treatment Plant.

CARRIED

9.6 PAPERLESS DELIVERY OF RATES NOTICES S25.9.15

RESOLUTION 2020/148

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That the first draw of the 'Go Paperless' promotion be conducted at the Council meeting, and the Mayor be authorised to draw the winner, in the presence of the Councillors.

CARRIED

SUSPENSION OF STANDING ORDERS

RESOLUTION 2020/149

Moved: Cr Stewart Berryman
 Seconded: Cr Anthony Michael

At this juncture, the time being 3.10pm, standing orders were suspended to enable the Mayor to draw the winner 'Go Paperless Competition'.

CARRIED

Cr Harmon drew the winner of the 1st draw of the "Go Paperless" competition. The iPad Pro was won by Mrs J.G. Jack assessment number 3356-3.

RESUMPTION OF STANDING ORDERS

RESOLUTION 2020/150

Moved: Cr Anthony Michael
 Seconded: Cr Di Baker

At this juncture, the time being 3.12pm, standing orders resumed and Council considered the balance of the agenda.

CARRIED

9.7 INTEREST RATE ON OVERDUE RATES AND CHARGES S25.9.3/13

RESOLUTION 2020/151

Moved: Cr Neil McCosker
 Seconded: Cr Mal Peters

That Council set the interest rate to be charged on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive) at 7% per annum.

CARRIED

MOTION

RESOLUTION 2020/152

Moved: Cr Di Baker
 Seconded: Cr Stewart Berryman

That the supplementary agenda item 3.8 Request to Close a Council Road be received.

CARRIED

9.8 REQUEST TO CLOSE COUNCIL ROAD S28.22.1/13**RESOLUTION 2020/153**

Moved: Cr Jacki Watts
Seconded: Cr Paul King OAM

That Council:

- i) Pending further investigation, due process and consultation is prepared to consider supporting the closure of the Council Road known as Raingers Lane, Mount Russell with the intent to sell the land to the adjoining land holder;*
- ii) Commence actions to close Council Road known as Raingers Lane, Mount Russell under the Roads Act 1993; and*
- iii) Request a further report be prepared for Council's consideration detailing the outcomes and recommendations prior to any further action being taken.*

CARRIED

10 INFORMATION REPORTS**RESOLUTION 2020/154**

Moved: Cr Stewart Berryman
Seconded: Cr Jacki Watts

That the information reports be received and noted, with the exception of Item 10.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during November 2020'.

CARRIED

10.1 STRATEGIC TASKS - 'SIGN OFF' - DECEMBER 2020 S4.13.2**10.2 2020 CITIZENSHIP CEREMONIES S2.6.1/13****10.3 UPDATE ON RECENT RETAIL SALES ACTIVITY IN INVERELL SHIRE AS AT 26/11/20 S8.3.1/13****10.5 ORDINANCE ACTIVITIES REPORT FOR NOVEMBER 2020 S18.10.1****10.6 SEPTIC TANK APPROVALS FOR NOVEMBER 2020 S29.19.1****10.7 STATUS OF TOWN WATER SUPPLIES S13.5.2/13**

10.8 POST COMPLETION PROJECT CONTROL GROUP MEETING MINUTES - 14 SEPTEMBER 2020 - TOMS DRIVE PAVEMENT REHABILITATION S28.7.18/79

10.9 WORKS UPDATE S28.21.1/13

At 3:19pm, Cr Paul Harmon left the meeting having previously declared an interest in Item 10.4 ‘Summary of Development Applications, Construction Certificates and Complying Development Certificates during November 2020’.

Cr Michael assumed the Chair.

10.4 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING NOVEMBER 2020 S18.10.2/13

RESOLUTION 2020/155

Moved: Cr Kate Dight
 Seconded: Cr Paul King OAM

That the information report be received and noted.

CARRIED

At 3.21pm, Cr Harmon re-joined the meeting and resumed the Chair.

11 GOVERNANCE REPORTS

11.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/14

RESOLUTION 2020/156

Moved: Cr Anthony Michael
 Seconded: Cr Kate Dight

That the information be received and noted.

CARRIED

11.2

RESOLUTION 2020/157

Moved: Cr Anthony Michael
 Seconded: Cr Kate Dight

That:

- i) The information be received and noted; and*
- ii) The Audit Report for the 2019/2020 Financial Year be adopted.*

CARRIED

11.3 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2**RESOLUTION 2020/158**

Moved: Cr Anthony Michael

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 3.24pm, 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 2020/159

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

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

CARRIED**RESOLUTION 2020/160**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

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 REQUEST FOR REDUCTION IN WATER ACCOUNT - 42-44 CAMPBELL STREET, INVERELL S32.10.1/12**RECOMMENDATION:**

That the report be received and Council issue an amended account of \$28.46 for the quarter 25/02/2020 to 19/05/2020 based on the average consumption of accounts prior to the leak and write off \$ 274.55.

12.2 REQUEST FOR REDUCTION IN WATER ACCOUNT - 73-75 OTHO STREET, INVERELL S32.10.1/12**RECOMMENDATION:**

That the report be received and Council issue an amended account of \$22.28 / Quarter for the last 2 quarters based on the average consumption of accounts prior to the leak and write off \$1538.23.

12.3 SALE OF LAND FOR UNPAID RATES - 2021 S12.8.9/05**RECOMMENDATION:**

That the report be received and noted and that:

- a) Council, in accordance with the Local Government Act Section 713, sell lands as listed in the report on which rates have been overdue more than five (5) years;*
- b) The General Manager prepares the necessary Certificates under Section 713 of the Local Government Act;*
- c) The auction will be held at Inverell Shire Council Administrative Centre and the General Manager be authorised to set the auction date;*
- d) The General Manager be authorised to appoint a suitable agent to manage the sale of land process;*
- e) Council call for quotations from local Real Estate Agents / Auctioneers to conduct the auction and the General Manager be authorised to negotiate and appoint an auctioneer;*
- f) The General Manager be authorised to appoint a solicitor to act on Council's behalf;*
- g) The General Manager be authorised to apply for an eviction notice, to ensure the properties are sold with vacant possession;*
- h) Council authorise the General Manager to consider and approve or reject any request for payment of outstanding rates by instalments;*
- i) The General Manager be authorised to set the reserve price for each property;*
- j) The General Manager be authorised to bid on any/all of the properties listed, to the highest bid value that will be determined by Council, prior to the auction following a confidential report by the General Manager after negotiations with local Real Estate Agents; and*
- k) The General Manager and Mayor be authorised to sign and seal contracts of sale.*

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2020/161

Moved: Cr Di Baker
 Seconded: Cr Kate Dight

That the recommendations of Closed Council be adopted.

CARRIED

SUSPENSION OF STANDING ORDERS

RESOLUTION 2020/157

Moved: Cr Anthony Michael
 Seconded: Cr Paul King OAM

At this juncture, the time being 3.30pm, standing orders be suspended and Jacob Sauer from Forsyths Chartered Accountants be invited to address Council.

Presentation of Council's 2019/2020 Audited Financial Reports S12.11.2

Jacob Sauer from Forsyths Chartered Accountants representing the NSW Audit Office addressed Council on the conduct and outcomes of the Audit of the Financial Statements for the year ended 30 June 2020.

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLUTION 2020/162

Moved: Cr Stewart Berryman
 Seconded: Cr Anthony Michael

At this juncture, the time being 3.37pm, standing orders resumed and Council considered the balance of the agenda.

CARRIED

The Meeting closed at 3.38pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 February 2021.

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CHAIRPERSON