

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 24 MARCH 2021 AT 3.00 PM**

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 and Environmental Services) and Sharon Stafford (Executive Assistant).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2021/11

Moved: Cr Paul King OAM

Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 24 February, 2021, 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 respect of Item 12.3 'Inverell Sporting Complex Amenities Construction Project Tender S5.9.28'. The nature of the interest being that Cr Baker is a relative of the principle of one of the tenderers, John Baker Contracting Pty Ltd.

Cr Michael declared a pecuniary interest in respect of Item 8.2.3 'Request for Reduction on Water Account'. The nature of the interest being that Cr Michael has been appointed to the newly formed Parish Finance Committee.

4 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

7.1 BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - FEBRUARY 2021 S14.10.1

MOTION

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

That:

1. Council investigate the cost and opportunity to become a member of the Murray Darling Association, recognising the relevance of this lobby group to Local Government at this time. The water industry is growing with innovation, adaptation and adoption, and policy and legislation is being formulated for the future. This is an opportunity for ISC to be represented in this industry.
2. Council accepts the invitation of the Southern Inland Water Alliance to join this group.
3. Council contact Regional Development Australia indicating the relevant skill sets that are required to service Inverell Shire Council's industry and economy for the future

AMENDMENT 2021/12

Moved: Cr Anthony Michael

Seconded: Cr Mal Peters

That :

1. *Council contact Regional Development Australia indicating the relevant skill sets that are required to service Inverell Shire Council's industry and economy for the future.*

The motion on being put to the meeting was lost. The Amendment on being put to the meeting was carried. It then became the motion.

The motion on being put to the meeting was carried.

CARRIED

8 COMMITTEE REPORTS

8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 10 MARCH 2021

RESOLUTION 2021/13

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 10 March, 2021, be received and noted; and*
- ii) *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

CARRIED

8.1.1 REPAIR Program Update - Bundarra Road adjacent to Racecourse**RECOMMENDATION:**

That the 2020/2021 REPAIR Program budget be allocated to the upgrade of Bundarra Road adjacent to the racecourse.

8.1.2 Copeton Town Water Supply Production Capacity**RECOMMENDATION:**

That:

- 1. The information be received and noted;*
- 2. Council continue to monitor peak summer demand and report accordingly;*
- 3. Investigations be undertaken in regards to cost and implications associated with increasing Council's annual allocation from Copeton Dam;*
- 4. Further evaluation of augmentation options and technologies continue;*
- 5. Council continue to promote and encourage suitable water conservation measures; and*
- 6. Council be provided with an ongoing annual report regarding the above matters.*

8.1.3 Information Reports**RECOMMENDATION:**

That the information reports be received and noted.

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 10 MARCH 2021

At this juncture, the time being 3.26pm, Cr Michael, having previously declared a pecuniary interest in Item 8.2.3 'Request for Reduction on Water Account', left the chamber. The nature of the interest being that Cr Michael has been appointed to the newly formed Parish Finance Committee.

RESOLUTION 2021/14

Moved: Cr Jacki Watts

Seconded: Cr Paul King OAM

- i) That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 10 March, 2021, be received and noted; and*
- ii) The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED

8.2.1 Proposal from FutureBus - Hydrogen Plant**RECOMMENDATION:**

That the information be noted.

8.2.2 Governance - Monthly Investment Report**RECOMMENDATION:**

That:

- i) the report indicating Council's Fund Management position be received and noted;*
- ii) the Certification of the Responsible Accounting Officer be noted; and*
- iii) further investigation be undertaken on Council's Investment Strategy to identify if there is any opportunities available which would further maximise Council's return on investment.*

8.2.3 Request for Reduction on Water Account**RECOMMENDATION:**

That:

- a) The report be received; and*
- b) Council issue an amended account of \$36.72 for the previous two quarters based on the average consumption of accounts prior to the leak and write off \$ 7430.79.*

At this juncture, the time being 3.28pm, Cr Michael returned.

9 DESTINATION REPORTS**9.1 SALE OF LAND FOR UNPAID RATES - 2021 S12.8.9/05****RESOLUTION 2021/15**

Moved: Cr Jacki Watts

Seconded: Cr Anthony Michael

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

9.2 UPDATE ON THE SALE OF LAND FOR UNPAID RATES AUCTION S12.8.9/05**RESOLUTION 2021/16**

Moved: Cr Jacki Watts

Seconded: Cr Anthony Michael

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**9.3 INVERELL SPORTING COMPLEX AMENITIES CONSTRUCTION PROJECT TENDER S5.9.28****RESOLUTION 2021/17**

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 ROUNDABOUT - GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S5.2.59****RESOLUTION 2021/18**

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

9.5 REQUEST TO CLOSE COUNCIL ROAD S28.22.1/14**RESOLUTION 2021/19**

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That Council:

- i) Pending further investigation, due process and consultation, provide in principle support to the closure of the Council road known as part Campbell's Road, Bonshaw with the intent to sell the land to the adjoining land holder;*
- ii) Commence actions to close Council road known as part Campbell's Road, Bonshaw 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**9.6 PAPERLESS DELIVERY OF RATES NOTICES S25.9.3****RESOLUTION 2021/20**

Moved: Cr Jacki Watts

Seconded: Cr Stewart Berryman

*That the second draw of the 'Go Paperless' promotion be conducted at the commencement of the Council meeting, and the Mayor be authorised to draw the winner, in the presence of the Councillors.***CARRIED****9.7 INVERELL TENNIS CLUB - ANNUAL GENERAL MEETING (AGM) S26.4.17****RESOLUTION 2021/21**

Moved: Cr Mal Peters

Seconded: Cr Stewart Berryman

*That the office bearers elected to the Executive positions in the Inverell Tennis Club be noted and the three (3) nominated persons, Matthew Butler, Jose Boland & June Baxter-Turner be formally appointed as members of the Section 355 Committee of Council responsible for the management of the reserve on which the tennis courts are located.***CARRIED****9.8 REQUEST FOR LICENCE AGREEMENT - SAPPHIRE BATTERY INSTALLATION S5.10.65****RESOLUTION 2021/22**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That:

- i) *Council enter into a Licence Agreement with Sapphire Battery Nominees Pty Ltd as Trustee for Sapphire Battery Trust for unformed road known as:*

Unformed Road 3 – approximately 1.3 kilometre long, located off Western Feeder approximately 200 metres from Waterloo Road intersection.
- ii) *the Licence Agreement be for a period of 75 years;*
- iii) *the Licence Fee be \$1.00 per annum while-ever the Community Fund is in place and operates as agreed at the March, 2016 meeting of Council;*
- iv) *should the Community Fund cease to operate as indicated in point iii), that the Licence Fee be reviewed; and*
- v) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

9.9 RENEWAL OF ALCOHOL FREE ZONES S18.8.1

RESOLUTION 2021/23

Moved: Cr Paul King OAM

Seconded: Cr Neil McCosker

That Council:

- i) *re-establish the Alcohol Free Zones over the streets and laneways included in the report (with the inclusion of Oak Place, Inverell) for a four (4) year term, expiring 31 December, 2024;*
- ii) *Council notify the public of the re-instatement of the Alcohol Free Zones; and*
- iii) *Council amend the Alcohol Free Zone signage as required.*

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2021/24

Moved: Cr Di Baker

Seconded: Cr Mal Peters

That the information reports be received and noted.

CARRIED

10.1 ANNUAL LEAVE S22.13.2/07

10.2 STRATEGIC TASKS - 'SIGN OFF' - MARCH 2021 S4.13.2

10.3 STATUS OF TOWN WATER SUPPLIES S32.15.19

10.4 SEPTIC TANK APPROVALS FOR FEBRUARY 2021 S29.19.1

10.5 ORDINANCE ACTIVITIES REPORT FOR FEBRUARY 2021 S18.10.1

10.6 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING FEBRUARY 2021 S18.10.2/14

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 2021/25

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

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

CARRIED

At 3.39pm, Cr Baker declared a non-pecuniary interest in respect of Item 12.3 'Inverell Sporting Complex Amenities Construction Project Tender S5.9.28'. The nature of the interest being that Cr Baker is a relative of the principle of one of the tenderers, John Baker Contracting Pty Ltd. Cr Baker left the Chamber during consideration of Item 12.3 only.

Cr Baker returned at 3.42pm.

RESOLUTION 2021/26

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 3.48pm, 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 SALE OF LAND FOR UNPAID RATES - 2021 S12.8.9/05**RECOMMENDATION:**

That Council:

- a) *in accordance with the Local Government Act Section 713, sell Lot 1 DP 1101453 (Diamond Street, Tingha) on which rates have been overdue for more than five (5) years, at the proposed 2021 Sale of Land for unpaid rates auction;*
- b) *in accordance with the Local Government Act Section 713 (2)(a), sell Lot 3 Sec 1 DP 704 (Diamond Street, Tingha) on which rates have been overdue for more than one (1) year, at the proposed 2021 Sale of Land for unpaid rates auction. Pending that the parcel of land qualifies when the land valuation is received; and*
- c) *the conditions for the auction set under Council resolution 196/20 be also applied to this parcel of land.*

12.2 UPDATE ON THE SALE OF LAND FOR UNPAID RATES AUCTION S12.8.9/05**RECOMMENDATION:**

That the report be received and noted.

12.3 INVERELL SPORTING COMPLEX AMENITIES CONSTRUCTION PROJECT TENDER S5.9.28**RECOMMENDATION:**

That:

- a) *the Tender from John Baker Contracting Pty Ltd for the Inverell Sporting Complex Amenities Construction Project for the Tender price of \$1,100,557 (including GST) be accepted; and*
- b) *the General Manager be authorised to execute the contract as a Simple Works Contract.*

**12.4 ROUNDBABOUT - GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET
S5.2.59****RECOMMENDATION:**

That:

- i) Council approve the preparation of a contract to purchase part Lot 1, DP 322074 and part Lot 1 DP 666824 and note that the provisions of this contract are consistent with Resolution 2020/44, Council's funding obligations and the costs are within the provisions of the project budget;*
- ii) The land acquired in item i) be classified as 'Operational Land';*
- iii) Subject to the completion of a lease document acceptable to Council, the residual part of Lot 1 DP 322074 and Lot 1 DP 666824 be leased by Council for the duration of the construction period of the roundabout. Further, that the General Manager be authorised to complete this lease document provided the document is consistent with the terms outlined in this report; and*
- iv) Subject to the completion of a suitable lease document prepared by Council, Council make available Lot 6 Sec 84 DP 758536 (13 Glen Innes Road, Inverell) for the purpose of a temporary service station site. Further, that the General Manager be authorised to prepare this lease document, consistent with the terms detailed in this report.*

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2021/27**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 3.49pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 April 2021.

.....
CHAIRPERSON