

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 28 JULY 2021 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 and Cr Jacki Watts.

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

1 APOLOGIES

RESOLUTION 2021/66

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the apologies received from Cr Mal Peters and Cr Neil McCosker for personal reasons be accepted and leave of absence granted.

CARRIED

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2021/67

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 23 June, 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

Nil

4 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS**8.1 AQUATIC CENTRE PLANNING SUNSET COMMITTEE MINUTES - 14 JULY 2021****RESOLUTION 2021/68**

Moved: Cr Stewart Berryman

Seconded: Cr Paul King OAM

- i) *That the Minutes of the Aquatic Centre Planning Sunset Committee held on Wednesday, 14 July, 2021, be received and noted; and*
- ii) *The following recommendation of the Aquatic Centre Planning Sunset Committee be adopted by Council.*

CARRIED**8.1.1 Inverell Aquatic Centre Facility Options Feasibility Study****RECOMMENDATION:***That:*

- i) *The Inverell Aquatic Centre Facility Options Feasibility Study be endorsed and Option Three (3) be adopted in principle as the preferred future redevelopment plan;*
- ii) *A detailed Functional and Technical Design Brief be completed to facilitate future design works;*
- iii) *At the appropriate stage Council complete comprehensive Management and Business Plans for the future facility; and*
- iv) *A final Project Funding, Procurement and Implementation Plan be ultimately developed.*

8.2 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 14 JULY 2021**RESOLUTION 2021/69**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

- i) *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 14 July, 2021, be received and noted; and*
- ii) *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

CARRIED

8.2.1 DA-86/2021 - Demolition of Existing Dwellings and Structures - 1-7 Chester Street, Inverell and 28 Glen Innes Road, Inverell

That Development Application 86/2021 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 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the demolition of dwellings, buildings and structures on:

- Lot 2 DP 322074 – 1 Chester Street, Inverell;
- Lot 1 DP 326225 – 3 Chester Street, Inverell;
- Lot 2 DP 326225 – 5 Chester Street, Inverell;
- Lot 3D DP 360441 – 7 Chester Street, Inverell; and
- Lot 1 DP 334109 – 28 Glen Innes Road, Inverell.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plan and accompanying documentation, unless modified by any conditions of consent. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000*.

Prior to Demolition

3. Prior to the commencement of demolition works on 3 Chester Street, Inverell, an archival photographic recording of 3 Chester Street is to be prepared and submitted to Council for approval. The archival recording must be in accordance with the NSW Heritage Office guidelines titled "Photographic Recordings of Heritage Items using film or Digital Capture". Copies of the photographic archival recording must be provided to Inverell Shire Council and the Inverell Public Library.

4. Prior to commencement of demolition, a waste management plan is to be submitted and approved by Council. The waste management plan must:

- Identify and sort all waste (including excavation, demolition and construction waste material) into the following waste streams:
 - Concrete/Bricks/Tiles;
 - Clean fill;
 - Steel;
 - Timber;
 - Green waste;
 - Asbestos Containing Material; and
 - Mixed waste.
- Identify the quantity of waste material, in tonnes and cubic metres, to be:
 - reused on-site;
 - recycled on-site and off-site; and
 - disposed of off-site.
- If waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site; and
- If waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.

5. Prior to commencement of demolition, a traffic and pedestrian management plan is to be submitted and approved by Council. The traffic and pedestrian management plan must:

- Identify the site entry and exit for the demolition works, with all loading and

- unloading to be undertaken within the site;
- Identify the maximum size vehicle used for demolition;
- Identify any hoarding / fencing required on the public footpath and pedestrian control measures.

6. Prior to commencement of demolition, all utilities are to be disconnected from the relevant site and capped to the satisfaction of the relevant authority. In relation to water and sewer, the disconnection of these require:
- Existing sewer services to be capped at the junction; and
 - Existing water services to be disconnected downstream of the water meter and capped.

During Demolition

7. All demolition work is to be carried out in accordance with *Australian Standard 2601 The demolition of structures*.
8. Demolition may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.
9. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works.
10. 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.
11. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- Diverting uncontaminated run-off around cleared or disturbed areas;
 - Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties;
 - Preventing the tracking of sediment by vehicles onto roads; and
 - Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot boundaries.
12. During construction:
- All vehicles entering or leaving the site must have their loads covered; and
 - All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
13. If during works, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*:
- All works must stop immediately, and
 - The Environment Protection Authority and the Council must be notified of the contamination.

14. Any fill brought to the demolition site must contain only virgin excavated natural material as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997*.

15. Any demolition work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2011*.

The owner must provide Council with a copy of a signed contract with such a person before any asbestos removal commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the owner must give Council a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

Note: Prior to the disposal of Asbestos Containing Material at the Inverell Landfill, Council is to be provided with a minimum of 24 hours notice. The Inverell Waste Depot can be contacted on (02) 67213546.

16. The applicant will:

- Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development, and
- Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

Upon Completion of Demolition

17. Within 14 days of completion of demolition, copies of receipts stating the following must be given to Council:

- The place to which waste materials were transported;
- The name of the contractor transporting the materials; and
- The quantity of materials transported off-site and recycled or disposed of.

18. At the completion of demolition, the site must be left clear of waste and debris. The site must be maintained in clean and tidy manner, including the control of overgrown vegetation, until such time that the land has been redeveloped.

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

8.2.2 Bitumen Resurfacing Program 2021/2022**RECOMMENDATION:**

That:

- *the 2021-2022 Bitumen Resurfacing Program be adopted as presented; and*
- *the adopted Bitumen Resurfacing Program be placed on Council's website for the information of the community.*

8.2.3 Funding Allocation - Financial Assistance Grants - Gragin Road Bitumen Renewal**RECOMMENDATION:**

That \$277,000 from the Financial Assistance Grants Local Roads Component (ACRD) be allocated to bitumen renewal on Gragin Road.

8.2.4 Funding Allocation - MR137 Ashford Road "Wandera South" and MR73 Bundarra Road "Gilgai South" Road Realignments and Rehabilitation Projects**RECOMMENDATION:**

That \$1,280,000 be allocated to the MR73 Bundarra Road "Gilgai South" and \$990,000 be allocated to MR137 Ashford Road "Wandera South" realignment and pavement rehabilitation projects, from the bitumen road renewal fund.

8.2.5 Information Reports**RECOMMENDATION:**

That the information report be received and noted.

8.3 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 14 JULY 2021**RESOLUTION 2021/70**

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

- That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 14 July, 2021, be received and noted; and*
- The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED

8.3.1 Request to Licence Land - Grant Iskov**RECOMMENDATION:**

That:

- i) Council enter into a Licence Agreement with Mr Grant Iskov for Lot 89, DP 754847, Little Plain Recreation Reserve, Little Plain for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$750 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.*

8.3.2 Expiring Lease Agreement - Billabong Blue**RECOMMENDATION:**

That:

- i) Council renew the Agreement for a further three (3) year period with a further three (3) year option under the same terms and conditions;*
- ii) the Lease Fee be \$6,206 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Lease Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.3.3 Memorial Plaque - Lake Inverell Reserve**RECOMMENDATION:**

That Council not accede to the request to install a plaque on the railing of the viewing platform at Lake Inverell.

8.3.4 National Transport Museum**RECOMMENDATION:**

That:

- i) Council supports the National Transport Museum to undertake a small expansion project at the Rifle Range Road facility; and*
- ii) Council seek grant funding opportunities for constructing the extension to the museum.*

8.3.5 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.*

8.3.6 Permanent Road Closure - Part Campbell's Road Bonshaw**RECOMMENDATION:**

That:

- i) Council proceed with the permanent road closure of part Campbell's Road, Bonshaw with the intention to vest in Council for sale upon closure;*
- ii) Accept the offer from Judith & Ron Morris to purchase part Campbell's Road, Bonshaw for \$4,500;*
- iii) The General Manager prepares survey plans, and associated documents for registration with NSW Land Registry Service;*
- iv) The General Manager be authorised to appoint a solicitor to act on Council's behalf; and*
- v) The General Manager and Mayor be authorised to sign and seal contract of sale with Judith & Ron Morris.*

8.3.7 Offer to Lease/Purchase Land - Brissett Street, Inverell**RECOMMENDATION:**

That:

- a) The General Manager be authorised to negotiate and complete the sale of 13-15 Brissett Street to either Inverell Freighters or Barry & Sue Anderson (BRSM Pty Ltd) in accordance with the valuations provided in the body of the report;*
- b) That any necessary documents associated with the sale be completed under the Common Seal of Council; and*
- c) The General Manager provides a report to Council on the outcome of the negotiations.*

8.3.8 Request for Reduction in Water Account - Mather Street, Inverell**RECOMMENDATION:**

That:

- i) The report be received; and*
- ii) Council issue an amended account of \$98.59 for the previous quarter based on the average consumption of accounts prior to the leak and write off \$ 436.01.*

8.3.9 Request for Reduction in Water Account - Cameron Street, Inverell**RECOMMENDATION:**

That:

- i) The report be received; and*
- ii) Council issue an amended account of \$125.40 for the previous quarter based on the average consumption of accounts prior to the leak and write off \$ 596.76.*

9 DESTINATION REPORTS

9.1 NSW WASTE AND SUSTAINABLE MATERIALS STRATEGY S31.11.1

RESOLUTION 2021/71

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That:

- a) *The information be noted;*
- b) *The Waste Management Sunset Committee assess the Action Plan set out in the Inverell Shire Council Waste Strategy in order to ensure consistency with the recently released NSW 'Waste and Sustainable Materials Strategy'; and*
- c) *A report be presented to Council on the proposed actions required to respond to the challenges and opportunities presented by the NSW 'Waste and Sustainable Materials Strategy'.*

CARRIED

9.2 ROUNDABOUT - GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S5.2.59

RESOLUTION 2021/72

Moved: Cr Di Baker

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

9.3 'FLAG A JOB' PROMOTION - INVERELL CHAMBER OF COMMERCE & INDUSTRY S8.5.3**RESOLUTION 2021/73****MOTION**

Moved: Cr Stewart Berryman

Seconded: Cr Jacki Watts

That Council support the Inverell Chamber of Commerce and Industry "Flag a Job" initiative by:

- i) Contributing \$15,200 over four years;*
- ii) the 'yellow flag' component of the program be reviewed after two years for analysis; and*
- iii) the project be managed by Inverell Shire Council in co-operation with the chamber of Commerce and Industry.*

AMENDMENT

Moved: Cr Paul King OAM

Seconded: Cr Di Baker

That Council provides the following support to the Inverell Chamber of Commerce and Industry:

- i) \$8,000 for the development costs of the 'Flag a Job' initiative;*
- ii) A commitment of \$2,400 per annum for three years;*
- iii) Establish links from Council's various webpages to the "Flag a Job" website; and*
- iv) Council receive annual financial statements for the program.*

The Amendment was withdrawn.

The motion on being put to the meeting was carried.

CARRIED**10 INFORMATION REPORTS****RESOLUTION 2021/74**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That the following information reports be received and noted.

CARRIED**10.1 GRANT FUNDING - BUSHFIRE LOCAL ECONOMIC RECOVERY FUND S15.8.114****10.2 DAM SAFETY NSW PROPOSED LEVY ON DECLARED DAMS S32.12.3**

10.3 GRANT SUMMARY FOR PERIOD ENDING 30 JUNE 2021 S15.8.25/14

10.4 YOUTH WINTER HOLIDAY BREAK PROGRAM S15.8.109

10.5 STRONGER COUNTRY COMMUNITIES FUND - YOUTH OR COMMUNITY PROGRAMS/EVENTS S15.8.104

10.6 SEPTIC TANK APPROVALS FOR JUNE 2021 S29.19.1

10.7 ORDINANCE ACTIVITIES REPORT FOR JUNE 2021 S18.10.1

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

10.9 PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - CORNER GWYDIR HIGHWAY AND JARDINE ROAD, INVERELL S18.6.34/09

10.10 ARTS NORTH WEST - ANNUAL CONTRIBUTION 2021/22 S26.5.4

10.11 STRATEGIC TASKS - 'SIGN OFF' - JULY 2021 S4.13.2

10.12 INVERELL AQUATIC CENTRE FACILITY OPTIONS FEASIBILITY STUDY S5.9.29

10.13 PUBLIC ART SUNSET COMMITTEE MEETING MINUTES - 8 JULY 2021 S26.5.10

11 GOVERNANCE REPORTS

Nil

12 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 2021/75

Moved: Cr Jacki Watts
Seconded: Cr Anthony Michael

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

CARRIED**RESOLUTION 2021/76**

Moved: Cr Anthony Michael
Seconded: Cr Kate Dight

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 3.37pm, 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 ROUNDABOUT - GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET
S5.2.59****RECOMMENDATION:**

That Council endorse the following actions of the General Manager consistent with resolution 2021/27 (24 March 2021) to conclude the land matters associated with the proposed construction of a roundabout at the intersection of Gwydir Highway, Bundarra Road and Chester Street:

- 1) *Completion of contract for the purchase of Part Lot 1 DP 322074 and Part Lot 1 DP 666824 in the amount of \$2.345M GST Exclusive;*
- 2) *Execution of lease for residual of Part Lot 1 DP 322074 and Part Lot 1 DP 666824 for the purpose of construction depot; and*
- 3) *Execution of lease of 13 Glen Innes Road for the purposes of temporary service station.*

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2021/77**

Moved: Cr Jacki Watts
Seconded: Cr Stewart Berryman

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 3.38pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 August 2021.

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CHAIRPERSON