

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 24 NOVEMBER 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 2021/163

Moved: Cr Stewart Berryman
Seconded: Cr Jacki Watts

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

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2021/164

Moved: Cr Paul King OAM
Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 27 October, 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 King declared a pecuniary interest in Item #12.2 'Inverell Memorial Swimming Pool Redundant Building Future Use S5.9.29' the nature of his interest is due to a tenant of the Inverell Aquatic Centre being a family member.

Cr Berryman declared a non-pecuniary interest in Item #12.2 'Inverell Memorial Swimming Pool Redundant Building Future Use S5.9.29' the nature of his interest is Cr Berryman is a member of the Inverell RSL Sub-Branch who has expressed an interest in the leasing of the building.

Cr Dight declared a pecuniary interest in Item #9.5 'Expiring Lease Agreement – Inverell Art Society S5.10.6' the nature of her interest is Cr Dight is a Committee member of the Inverell Art Society.

4 PUBLIC FORUM

Nil

CHANGE TO ORDER OF THE AGENDA**RESOLUTION 2021/165**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

That Council now consider Item 9.9 'Annual Report from the Chair of Audit, Risk and Improvement Committee S4.11.21'.

CARRIED

9.9 ANNUAL REPORT FROM THE CHAIR OF AUDIT, RISK AND IMPROVEMENT COMMITTEE S4.11.21Suspension of Standing Orders

At 3.03pm, standing orders were suspended to allow discussion of the Chair of Audit, Risk and Improvement Committee's report.

Resumption of Standing Orders

At 3.25pm, standing orders were resumed.

RESOLUTION 2021/166

Moved: Cr Stewart Berryman

Seconded: Cr Jacki Watts

1. *That Mr Phil Schwenke, Chair of the Audit Risk and Improvement Committee be thanked for his Annual Report on the activities of the Committee; and*
2. *The report as tabled be received and noted.*

CARRIED

CHANGE TO ORDER OF THE AGENDA**RESOLUTION 2021/167**

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That Council now consider Item 11.1 'Presentation of Council's 2020/2021 Audited Financial Reports S12.11.2'.

CARRIED

11.1 PRESENTATION OF COUNCIL'S 2020/2021 AUDITED FINANCIAL REPORTS S12.11.2

Suspension of Standing Orders

At 3.26pm, standing orders were suspended to allow presentation of Council's 2020/2021 Audited Financial Reports.

Resumption of Standing Orders

At 3.39pm, standing orders were resumed.

RESOLUTION 2021/168

Moved: Cr Kate Dight

Seconded: Cr Di Baker

- i) *the information be received and noted; and*
- ii) *the Audit Report for the 2020/2021 Financial Year be adopted.*

CARRIED

5 ADVOCACY REPORTS

5.1 NEW SOUTH WALES PUBLIC LIBRARY ASSOCIATION ONLINE CONFERENCE - 18 NOVEMBER 2021 S3.6.4

RESOLUTION 2021/169

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That the information be noted.

CARRIED

6 NOTICES OF BUSINESS

Nil

7 QUESTIONS WITH NOTICE

Nil

8 COMMITTEE REPORTS

8.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES - 13 OCTOBER 2021 S4.11.21

RESOLUTION 2021/170

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

That the Minutes of the Audit Risk and Improvement Committee meeting held on Wednesday, 13 October, 2021 be received and noted.

CARRIED

9 DESTINATION REPORTS

9.1 ROUNABOUT CONSTRUCTION GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S28.28.12

RESOLUTION 2021/171

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

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

9.2 INVERELL MEMORIAL SWIMMING POOL REDUNDANT BUILDING FUTURE USE S5.9.29

RESOLUTION 2021/172

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

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 REQUEST TO LEASE COUNCIL LAND S18.6.52/12

RESOLUTION 2021/173

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

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

- c *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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 DA-121/2021 - INVERELL SPORTIES - CONSTRUCTION OF DECK, GARDEN SEATING AREA, LIVE MUSIC STAGE AND PLAYGROUND - 35 GLEN INNES ROAD, INVERELL DA-121/2021

RESOLUTION 2021/174

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

That DA-121/2021 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 construction of a single level outdoor dining deck, garden seating area, live music stage and playground at the rear of the Inverell Sporties.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition.

Any deviation from this 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 Commencement of Any Works

3. *Prior to the commencement of any works on the site including building, demolition or earthworks; a Construction Certificate is to be obtained from Council or an Accredited Certifier. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*
4. *Prior to issue of a Construction Certificate, a detailed car parking plan is to be submitted to and approved by Council. This car parking plan must:*
 - *Demonstrate a minimum of ninety-nine (99) car parking spaces between the upper and lower car parking areas;*
 - *Include car parking space dimensions and aisle widths in accordance with Australian Standard 2890;*
 - *Include a concrete path from the lower car park to the main entrance of the Inverell Sporties adjacent to Glen Innes Road;*
 - *Include bitumen sealing (at minimum) and line marking of all car parking and vehicle driveways; and*
 - *Include appropriate directional signage throughout the car park.*

Note: It is recommended that the developer consult with Council's Engineering Division during the preparation of the detailed car parking design plan.

5. *Prior to the issue of a Construction Certificate, a Water Contribution under Council's Development Servicing Plan No. 1 for 4.3 equivalent tenements must be paid to Council.*

Note: For the 2021/2022 financial year, this contribution equates to \$51,836.50.

6. *Prior to the issue of a Construction Certificate, a Sewer Contribution under Council's Development Servicing Plan No. 1 for 4.3 equivalent tenements must be paid to Council.*

Note: For the 2021/2022 financial year, this contribution equates to \$16,813.00.

7. *Prior to issue of a Construction Certificate, a plan of management for the control of patrons leaving the Inverell Sporties is to be submitted to and approved by Council. This plan of management must outline the measures undertaken by the Inverell Sporties to reduce instances of anti-social behaviour at closing times and as a result of the discharge of unruly/disruptive patrons from the premises.*

8. *A suitable barrier/fence is to be installed around the live music stage / garden area to prevent unauthorised access into these areas from the bowling greens and riverbank. Prior to issue of a Construction Certificate, details of the barrier/fence are to be submitted to and approved by Council.*

9. *Prior to issue of a Construction Certificate, a Controlled Activity Approval under the Water Management Act 2000 is to be obtained for the development. The development must be consistent with the General Terms of Approval issued by the Natural Resources Access Regulator (stamped and attached to this consent).*

During Works

10. *Construction may only be carried out between 7.00am and 6.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable.*

11. *The developer 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.*

12. *Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site.*

13. *Run-off and erosion control measures must be implemented in accordance with Council's Erosion and Sedimentation Control Policy (2005) to prevent soil erosion, water pollution and the discharge of loose sediment on the surrounding land. Measures are to include:*

- *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.*

Run-off and erosion control measures must be in place for the duration of building work and until adequate cover is established on the site.

Prior to Occupation

14. *Prior to use of the outdoor dining deck, garden seating area, live music stage and/or playground, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.*

Note: Prior to the 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.*
15. *Prior to issue of an Occupation Certificate, the car park must be constructed, bitumen sealed (at minimum), line marked and signposted in accordance with the detailed car parking plan approved by Council, at the applicant's expense.*
16. *Prior to issue of an Occupation Certificate, the barrier/fence around the live music stage / garden area, to prevent unauthorised access into these areas from the bowling greens and riverbank, must be installed in accordance with the approved details.*
17. *The access door within the new wall at the rear of the Inverell Sporties, providing access to the car park, is to be limited to staff use only. Prior to issue of an Occupation certificate, this door must be fitted with a suitable security device (e.g. access card control) to prevent general access.*
18. *Prior to an Occupation Certificate being issued; the Principal Certifier must be provided with a final/interim Fire Safety Certificate with respect to each essential fire safety measure for the building to which the Certificate relates. The Certificate shall state that each essential fire safety measure has been assessed by a properly qualified person and that each essential fire safety measure was found, when it was assessed, to be capable of performing to the required standard.*

Ongoing Use

19. *The hours of operation of the Inverell Sporties are limited to 7am to 12am, 7 days a week.*
20. *Any live music undertaken outside of the Inverell Sporties building must be contained to the live music stage located at the rear of the Inverell Sporties.*
21. *Noise emitted by music from the live music stage must not exceed:*
- *5dB(A) above background noise level when measured at the lot boundary of any property used for residential or tourist accommodation; and*
 - *The following levels when measured one (1) metre from the edge of the live music stage:*
 - *95dB(A) – Between 7am and 6pm;*
 - *90dB(A) – Between 6 pm and 10 pm; and*
 - *85dB(A) – Between 10pm and 12am.*

Council will consider an increase to the live music stage noise levels upon submission of an acoustic assessment demonstrating that suitable management and/or attenuation measures are implemented to mitigate noise impacts on the surrounding area.

22. *The maximum number of seats within the bar, dining, restaurant (including deck), lounge, live music and garden areas must not exceed 350.*
23. *All parking and vehicle movement areas are to be maintained in a reasonable manner, in perpetuity, at the developer's expense.*
24. *The plan of management for reducing instances of anti-social behaviour at closing times and as a result of the discharge of unruly/disruptive patrons from the premises is to be*

maintained on-site and implemented in perpetuity.

25. *The barrier/fence around the live music stage / garden area and the staff only access through the door in the wall are to be maintained in perpetuity.*
26. *All new external lighting must:*
 - *comply with AS/NZS 4282:2019, 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.*
27. *Certification must be provided to Inverell Shire Council every year that the essential fire safety measures installed in the building have been inspected and are capable of operating to the required minimum standard.*
28. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

S375A Record of Voting

Councillors For:

*Harmon
Michael
Baker
Berryman
Dight
King
Watts*

Councillors Against:

CARRIED

9.5 EXPIRING LEASE AGREEMENT - INVERELL ART SOCIETY S5.10.6

RESOLUTION 2021/175

Moved: Cr Jacki Watts

Seconded: Cr Anthony Michael

That:

- i) *Council renew the Agreement for a further ten (10) year period with a further ten (10) year option under the same terms and conditions;*
- ii) *the Lease Fee be \$76.42 per week (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.*

CARRIED

9.6 REQUEST TO LICENCE LAND - LOTS 290, 291 AND 292 DP 753287 (RESERVE 80153) ADJACENT TO ROSS AND CLIVE STREETS, INVERELL S5.4.8

RESOLUTION 2021/176

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That:

- i) *Council enter into a Licence Agreement with Karen Dickson and Vivian Hills for Lots 290, 291 and 292 DP 753287, (Reserve 80153) adjacent to Ross and Clive Streets, Inverell for a two (2) year period with a further two (2) year option;*
- ii) *the Licence fee be \$572.00 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.*

CARRIED**9.7 REQUEST FOR SPONSORSHIP - ASHFORD SHOW SOCIETY S12.22.1/14****MOTION**

Moved: Cr Stewart Berryman

Seconded: Cr Jacki Watts

That the Show Society be advised that Council is not able to grant assistance with this event.

AMENDMENT 2021/177

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That Council support the Ashford Show Society to an amount of \$5,000 with the fund to be sourced in the first instance from a grant application to the Cross-Border Commissioner's Infrastructure Fund, then from the Ashford Village Votes.

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**9.8 PLANNING PROPOSAL - LIBERTY SERVICE STATION S18.6.34/10****RESOLUTION 2021/178**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

That the following actions be taken in response to the Planning Proposal for 24 to 28 Glen Innes Road and 1 to 7 Chester Street, Inverell:

- (i). *A request be made to Parliamentary Counsel to prepare the draft instrument pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979;*
- (ii). *The General Manager be authorised to determine the terms of the draft instrument in consultation with Parliamentary Counsel, consistent with the intent of the Planning Proposal; and*
- (iii). *The draft instrument be gazetted.*

Councillors For:
Harmon

S375A Record of Voting
Councillors Against:

Michael
Baker
Berryman
Dight
King
Watts

CARRIED

Item #9.9 'Annual Report from the Chair of Audit, Risk and Improvement Committee S4.11.21' dealt with at the commencement of the meeting.

9.10 END OF TERM REPORT 2016 - 2021 S4.13.2

RESOLUTION 2021/179

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That the Council's End of Term Report 2016 – 21 be received and noted.

CARRIED

9.11 LATE ITEM – OFFER TO PURCHASE LAND

The General Manager advised that an offer to purchase a 1402m2 allotment in the new rifle range industrial subdivision was received from M. Hargraves and S. Cuthbertson.

RESOLUTION 2021/180

Moved: Cr Kate Dight

Seconded: Cr Anthony Michael

- a) *That the offer to purchase a lot in the Industrial Estate for \$84k subject to receiving approval for the intended use be accepted.*
- b) *That the proposed purchaser submits a development application for the intended use and "owner's consent" be completed by the General manager.*

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2021/181

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

That the following information reports be received and noted.

CARRIED

10.1 WORKS UPDATE S28.21.1/14

10.2 ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2021 S18.10.1

10.3 SEPTIC TANK APPROVALS FOR OCTOBER 2021 S29.19.1

10.4 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING OCTOBER 2021 S18.10.1

10.5 STRATEGIC TASKS - 'SIGN OFF' - NOVEMBER 2021 S4.13.2

10.6 OFFICE OF LOCAL GOVERNMENT (OLG) - COUNCIL COMPLAINT STATISTICS S4.12.1

11 GOVERNANCE REPORTS

Item 11.1 'Presentation of Council's 2020/2021 Audited Financial Reports S12.11.2' was dealt with at the commencement of the meeting.

11.2 QUARTERLY BUDGET AND OPERATIONAL PLAN 2021/2022 S12.5.1**RESOLUTION 2021/182**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 2021 be adopted; and*
- ii) The proposed variations to budget votes for the 2021/2022 Financial Year be adopted providing an estimated Cash Surplus at 30 September, 2021 from operations of \$6,161.*

CARRIED

11.3 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2**RESOLUTION 2021/183**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

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 4.15pm, 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.

At short break was taken prior to entering Closed Council.

RESOLUTION 2021/184

Moved: Cr Jacki Watts

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 2021/185

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.52pm, 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 CONSTRUCTION GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET S28.28.12

That:

- 1) *The outcome of the tender process for the roundabout construction be noted; and*
- 2) *Council undertake the role of primary contractor for the construction of the roundabout in-house.*

12.3 REQUEST TO LEASE COUNCIL LAND S18.6.52/12

That:

- a) *Council advise Solarig Australia P/L that it is prepared to consider a proposal to lease a nominated parcel of Council owned land; and*
- b) *The General Manager be authorised to have discussions with the Company on the detail of the proposal and the form of a lease for the Council owned land. Further, that a report on these matters be presented to Council for determination at the end of the discussions.*

At 4.40pm, Cr Paul King OAM left the meeting having previously declared a pecuniary interest in Item #12.2 'Inverell Memorial Swimming Pool Redundant Building Future Use S5.9.29'. The nature of his interest is due to a tenant of the Inverell Aquatic Centre being a family member. Cr King did not participate in the vote on this item.

At 4.40pm, Cr Stewart Berryman left the meeting having previously declared a pecuniary interest in Item #12.2 'Inverell Memorial Swimming Pool Redundant Building Future Use S5.9.29'. The nature of his interest is Cr Berryman is a member of the Inverell RSL Sub-Branch who has expressed an interest in the leasing of the building. Cr Berryman did not participate in the vote on this item.

12.2 INVERELL MEMORIAL SWIMMING POOL REDUNDANT BUILDING FUTURE USE S5.9.29

That Council call for expressions of interest for the future occupation of redundant building space that will result from the redevelopment of the Inverell Swimming Pool.

At 4.50 pm, Cr Paul King OAM and Cr Berryman returned to the meeting.

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2021/186

Moved: Cr Kate Dight

Seconded: Cr Jacki Watts

That the recommendations of Items 12.1 & 12.3 of Closed Council be adopted.

CARRIED

RESOLUTION 2021/187

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

That the recommendation of Item 12.2 of Closed Council be adopted.

CARRIED

Note: Crs Berryman and King did not vote when this recommendation was considered by Council as both Councillors had declared an interest in this matter.

The Meeting closed at 4.55pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 January 2022.

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CHAIRPERSON