

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 25 MAY 2022 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor) – Chairperson, Cr Jo Williams, Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, Cr Jacko Ross, Cr Wendy Wilks and Cr Nicky Lavender.

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

1 APOLOGIES

Cr Baker submitted an apology for the June Council Meeting for personal reasons (travelling overseas). Cr Baker requested leave of absence from that meeting.

1.1 APOLOGY

RESOLUTION 2022/76

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

- i. The apology from Cr Baker be accepted; and*
- ii. That leave of absence from the June Council Meeting be granted to Cr Baker.*

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2022/77

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That the Minutes of the Ordinary Meeting of Council held on 27 April, 2022, 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 ADVOCACY REPORTS

Nil

6 NOTICES OF BUSINESS

Nil

7 QUESTIONS WITH NOTICE

Nil

8 COMMITTEE REPORTS**8.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 11 MAY 2022****RESOLUTION 2022/78**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

- i. *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 11 May, 2022, be received and noted; and*
- ii. *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

S375A Record of Voting	Councillors For:	Councillors Against:
Harmon	√	
Baker	√	
Berryman	√	
Ross	√	
Wilks	√	
Williams	√	
King	√	
Lavender	√	
Dight	√	

CARRIED**8.1.1 DA-103/2021 - Expansion of the existing 470 head cattle feedlot to a capacity of 2000 head - 698 Woodstock Road, Woodstock****RECOMMENDATION:**

That Development Application 103/2021 be approved subject to the following conditions of consent:

DEFERRED COMMENCEMENT CONDITIONS

1. This application has been approved on the basis of **'Deferred Commencement'** in accordance with Section 4.16 (3) of the Environmental Planning and Assessment Act 1979. Pursuant to clause 76 of the Environmental Planning and Assessment Regulation 2021 the applicant has **60 months** from the date of this notice (that is by **22 May 2027**) to furnish Council with the evidence sufficient enough to satisfy Council as to the following:
 - The Crown Roads adjacent to the eastern and western boundaries of Lot 63 DP 753316 and Lot 83 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316;
 - The Crown Road adjacent to the northern boundary of Lot 83 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;
 - The Crown Road adjacent to the western boundary, and within, Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;
 - The Crown Road adjacent to the northern boundary of Lot 19 DP 753316 and Lot 4 DP 1253229 has been closed and purchased by the owner of Lot 63 DP 753316;
 - The Crown Road within Lot 20 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316;
 - The Crown Road adjacent to the western boundary of Lot 64 DP 753316 has been closed and purchased by the owner of Lot 63 DP 753316; and
 - The Crown Roads adjacent to the northern and western boundaries of Lot 96 DP 753316 have been closed and purchased by the owner of Lot 63 DP 753316.

GENERAL CONDITIONS

2. 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 expansion of an existing 470 head cattle feedlot to 2,000 head at 698 Woodstock Road, Woodstock.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
Environmental Impact Statement			
Rivendell Feedlot	July 2021	19-306	1
Additional Information			
SMK Consultants Letter – re: Request for Further Information – DA-103/2021 – 698 Woodstock Road, Woodstock – Expansion of Rivendell Feedlot	16 November 2021	-	-
SMK Consultants Letter – Re: Rivendell Feedlot DA103 – 2021	20 January 2022	-	-
SMK Consultants Letter – Re: DA-103/2021 – Expansion of Cattle Feedlot – 698 Woodstock Road	7 April 2022	-	-

Any deviation will require the consent of Council.

3. Subject to the staging of the development in accordance with the conditions of this consent, the maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.

4. *The development is to be undertaken in the following stages:*
- *Stage 1:*
 - *Construction of all pens, drainage, ponds and infrastructure, to a Class 1 feedlot standard. Note: This is essentially an environmental improvement to the existing facilities; and*
 - *Operation of the feedlot at a maximum 470 head capacity (i.e. no increase on the approval under D-69/1998);*
 - *Stage 2:*
 - *Upgrade the intersection of Woodstock Road and Gwydir Highway; and*
 - *Increase the operation of the feedlot to a maximum 2,000 head capacity.*
5. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.*
6. *The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000.*

STAGE 1 CONDITIONS

Prior to Commencement – Stage 1

7. *Prior to the commencement of any works (including earthworks) a Construction Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*
8. *Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:*
- *A map of the primary haulage routes highlighting critical locations;*
 - *Safety initiatives for haulage through residential areas and/or school zones;*
 - *An induction process for vehicle operators and regular toolbox meetings;*
 - *A complaints resolution and disciplinary procedure; and*
 - *Community consultation measures for peak haulage periods.*
9. *Prior to issue of a Construction Certificate, a landscaping plan is to be submitted to and approved by Council detailing the eight (8) rows of native landscaping proposed within the Environmental Impact Statement.*

During Construction – Stage 1

10. *The applicant will:*
- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
 - *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*
11. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*

12. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*

Prior to Occupation / Commencement of Use – Stage 1

13. *Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.*

Note: Prior to 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.*
14. *Prior to occupation of the site and commencement of the feedlot use, all landscaping is to be completed in accordance with the approved landscaping plan.*
 15. *Prior to occupation of the site and commencement of the feedlot use, shade must be constructed over the hospital pen.*
 16. *Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval issued by the NSW Environment Protection Authority.*

Ongoing Use – Stage 1

17. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 470.*
18. *A Sec. 7.11 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:*
 - Financial quarter January to March – to be paid by **30 April** of that year;*
 - Financial quarter April to June – to be paid by **31 July** of that year;*
 - Financial quarter July to September – to be paid by **31 October** of that year; and*
 - Financial quarter October to December – to be paid by **31 January** of the next year.*

The current rate is \$1.225 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 470 head of cattle for that financial quarter.

19. *The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.*
20. *All external lighting must:*
 - comply with AS 4282–1997 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.*
21. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*

22. *All landscaping is to be maintained in a reasonable manner, in perpetuity.*
23. *A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with Planning for Bush Fire Protection 2019.*

STAGE 2 CONDITIONS

Prior to Increase of Cattle beyond 470 Head – Stage 2

24. *Prior to the number of cattle within the feedlot increasing beyond 470 head, the intersection of Woodstock Road and Gwydir Highway must be upgraded at the developer's expense, with basic-left-turn (BAL) and basic-right-turn (BAR) treatments based on a minimum Safe Intersection Sight Distance of 2.5 seconds and 100km/h speed environment.*

Prior to commencing the intersection of upgrade:

- *Detailed engineering survey and design of the intersection upgrade works are to be submitted to and approved by Council and Transport for NSW; and*
- *The developer will be required to enter into a Works Authorisation Deed (WAD) from Transport for NSW or obtain other suitable approval under the Roads Act 1993.*

Ongoing Use – Stage 2

25. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 2,000.*
26. *A Sec. 7.11 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:*
 - *Financial quarter January to March – to be paid by **30 April** of that year;*
 - *Financial quarter April to June – to be paid by **31 July** of that year;*
 - *Financial quarter July to September – to be paid by **31 October** of that year; and*
 - *Financial quarter October to December – to be paid by **31 January** of the next year.*

The current rate is \$1.225 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 2,000 head of cattle for that financial quarter.

27. *The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.*
28. *All external lighting must:*
 - *comply with AS 4282–1997 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.*
29. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*
30. *Within five (5) years of completion of the upgrade to the intersection of Woodstock Road and Gwydir Highway, the applicant must complete the construction of shade structures over all feedlot pens.*

31. *All landscaping is to be maintained in a reasonable manner, in perpetuity.*
32. *A ten (10) metre asset protection zone must be maintained around feedlot pens and infrastructure in accordance with Planning for Bush Fire Protection 2019.*

ADVICE ONLY – STAGE 1 & 2

33. *Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity of the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

34. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

8.1.2 IPART Draft Report on Water NSW Bulk Water Charges 2022/23

RECOMMENDATION:

That:

- i) *Council make a submission to IPART highlighting the disparity in the proposed 2022/23 price increases for the Gwydir Valley and Border Rivers compared with the IPART forecast; and*
- ii) *that in view of the very high price increases already applied to both valleys effective 1 October, 2021, no increase be applied to both valleys during 2022/23.*

8.1.3 Smoke Free Environment - Inverell CBD

RECOMMENDATION:

That a draft Smoke-free Environment Policy be prepared covering outdoor public areas in the Inverell core CBD for further consideration.

8.1.4 Flood Preparation - Advice to Property Owners

RECOMMENDATION:

That:

- 1) *The information provided by the SES be received and noted; and*
- 2) *Council seek to facilitate the delivery of flood awareness and education initiatives by the SES to Shire residents and businesses.*

8.1.5 Information Reports

RECOMMENDATION:

That the information report be received and noted.

8.1.6 Tender - S29.5.6 Inverell Sewage Treatment Plant IDEA Tanks 1 & 2 Aeration System Upgrade and Additional Works

RECOMMENDATION:

That:

1. *Council not accept any tender for Tender S29.5.6 Inverell Sewage Treatment Plant IDEA Tanks 1 & 2 Aeration System Upgrade & Additional Works; and*
2. *Council call tenders for the supply of six (6) new aerators only, to ensure that Council has the ability to continue operating the Sewage Treatment Plant at 12,000 Equivalent Population capacity, with three (3) aerators temporarily installed in Tank 3 allowing Council to dewater, clean out and refurbish Tanks 1 & 2 in a timely cost-effective manner.*

8.1.7 Award Tender for Supply and Installation of Water Main at Intersection of Gwydir Highway and Bundarra Road

RECOMMENDATION:

That the acceptance of tender from Finn Valley Plant and Civil in the maximum amount of \$489,006 (GST exclusive) for S28.28.16 – Supply and Installation of Water Mains at the intersection of Gwydir Highway and Bundarra Road be endorsed and the subsequent contract be duly executed under the seal of Council.

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 MAY 2022

RESOLUTION 2022/79

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- i. *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 11 May, 2022, be received and noted; and*
- ii. *The recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED

8.2.1 Information Reports

RECOMMENDATION:

That the information report be received and noted.

8.2.2 Quarterly Budget and Operational Plan 2021/2022

RECOMMENDATION:

That:

- i) Council's Quarterly Operational Plan and Budget Review for 31st March, 2022 be adopted; and*
- ii) The proposed variations to budget votes for the 2021/2022 Financial Year be adopted providing an estimated Cash Surplus at 31st March, 2022 from operations of \$6,161.*

8.2.3 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.*

8.2.4 AASB 124 Related Party Transactions

RECOMMENDATION:

That:

- a) The report be received and noted; and*
- b) In accordance with AASB 124, Key Management Personnel (KMP) complete section 1 and 2 of Council's KMP – Related Party Transactions Questionnaire and return completed forms to Council by 22 June, 2022.*

9 DESTINATION REPORTS

9.1 SMOKE-FREE OUTDOOR PUBLIC PLACES POLICY S24.12.5

RESOLUTION 2022/80

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

- A. That the draft policy contained in the Business Paper be amended to extend the 'prohibited area' to Evans Street (between Otho and Campbell Street) and Otho Street (between*

Evans and Rivers Street; and

- B. *That Council endorse the Draft Smoke-Free Outdoor Public Places Policy for the purposes of placing it on public exhibition for a period of 28 days.*

CARRIED

9.2 REFERRAL OF CONFIDENTIAL REPORT

RESOLUTION 2022/81

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That Council move into Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:

Item: #12.1 S5.2.0/15 – Offer to Purchase – Industrial Subdivision off Rifle Range Road

Authority: Section 10A (2) (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.". Local Government Act 1993.

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2022/82

Moved: Cr Jacko Ross

Seconded: Cr Kate Dight

That the following information reports be received and noted.

CARRIED

10.1 ORDINANCE ACTIVITIES REPORT FOR APRIL 2022 S18.10.1

10.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING APRIL 2022 S18.10.2/15

10.3 STRATEGIC TASKS - 'SIGN OFF' - APRIL 2022 S4.13.2

10.4 FUNDRAISING CONCERT - DONATION S5.24.6

10.5 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 3 S15.8.106

11 GOVERNANCE REPORTS

Nil

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

At 3.18pm, 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 2022/83

Moved: Cr Di Baker
Seconded: Cr Wendy Wilks

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

CARRIED**RESOLUTION 2022/84**

Moved: Cr Kate Dight
Seconded: Cr Jacko Ross

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 3.34pm, 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 OFFER TO PURCHASE - RIFLE RANGE ROAD S5.2.0/15**RESOLUTION 2022/85**

Moved: Cr Stewart Berryman
Seconded: Cr Jacko Ross

- i) That the General Manager be authorised to negotiate with Mr Basson a sale price within the range as discussed by Council; and*
- ii) That any necessary documentation be completed under the Common Seal of Council.*

CARRIED**ADOPTION OF RECOMMENDATIONS****RESOLUTION 2022/86**

Moved: Cr Di Baker
Seconded: Cr Nicky Lavender

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 3.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 June 2022.

.....
CHAIRPERSON