

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 28 SEPTEMBER 2022 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Jo Williams, Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, 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

APOLOGY

RESOLUTION 2022/119

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That the apology received from Cr Jacko Ross for personal reasons be accepted and leave of absence granted.

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2022/120

Moved: Cr Paul King OAM
Seconded: Cr Nicky Lavender

That the Minutes of the Ordinary Meeting of Council held on 24 August, 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

Cr Di Baker declared a Non-Pecuniary Interest in Item #12.1 'Consideration of the Aquatic Centre Sunset Committee Recommendations' as Cr Baker is a member of the Regional Planning Panel which may be required to evaluate the Development Application for the redevelopment of the Inverell Aquatic Centre.

Cr Wendy Wilks declared a Pecuniary Interest in Item #12.1 'Consideration of the Aquatic Centre Sunset Committee Recommendations' as a family member is listed as a subcontractor to one of that maybe invited to tender for this project.

June Civil & Environmental Services Committee Meeting Minutes:

Cr Nicky Lavender declared a Non-Pecuniary Interest in Item #9.1.1 of the Committee Reports "Road Closure – Eat Drink Live New England" as she is a committee member of Eat Drink Live.

Cr Nicky Lavender declared a Pecuniary Interest in Item #9.1.5 of the Committee Reports "Planning Proposal – Request to amend Inverell Local Environmental Plan 2012 – 1 Burgess Street, Inverell" as she is the CEO of IDFS, the applicant.

4 PUBLIC FORUM

Nil

5 MAYORAL MINUTE

Nil

6 ADVOCACY REPORTS**6.1 2022 LOCAL GOVERNMENT NSW CONFERENCE - MOTION S14.3.13****RESOLUTION 2022/121**

Moved: Cr Di Baker

Seconded: Cr Jo Williams

'That Local Government NSW calls on the NSW State Government to:

- i. Undertake a state-wide survey of past and present elected councillors and local government staff on bullying, harassment and intimidation as soon as practicable or in the 2023/24 financial year, to improve workplace and councillor safety;*
- ii. that the results of the survey and review be reported back to LGNSW and all councils for further action if required'.*

CARRIED

6.2 BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) MEETING & BRUXNER WAY JOINT COMMITTEE MEETING - 12 AUGUST 2022 S14.10.1**RESOLUTION 2022/122**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

- i) The minutes of the Border Regional Organisation of Councils meeting held on 12 August 2022 be received and noted;*
- ii) The minutes of the Bruxner Way Joint Committee meeting held on 12 August 2022 be received and noted; and*
- iii) The Civil and Environmental Services Committee be requested to consider the views of the Bruxner Way Committee in relation to the Getta Getta Road and how Council's current*

classification of this road matches this view.

CARRIED

7 NOTICES OF BUSINESS

Nil

8 QUESTIONS WITH NOTICE

Nil

9 COMMITTEE REPORTS

At 3.12 pm, Cr Nicky Lavender left the meeting having previously declared a Non-Pecuniary Interest in relation to Item #9.1.1 "Road Closure – Eat Drink Live New England" and a Pecuniary Interest in Item #9.1.5 "Planning Proposal – Request to amend Inverell Local Environmental Plan 2012 – 1 Burgess Street, Inverell"

9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 14 SEPTEMBER 2022

RESOLUTION 2022/123

Moved: Cr Stewart Berryman

Seconded: Cr Wendy Wilks

- i. That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 14 September, 2022, be received and noted; and*
- ii. The following recommendations of the Civil and Environmental Services Committee be adopted by Council*

CARRIED

9.1.1 Road Closure - Eat Drink Live New England

RECOMMENDATION:

That:

- 1) Council approve the closure of Evans Street between Otho Street and Campbell Street from 12pm on Friday, 11 November 2022 until 6pm Saturday, 12 November 2022; and*
- 2) Council by way of donation cover the costs of the road closure and other in-kind support to facilitate the Eat Drink Live New England Event.*

9.1.2 Inverell Polocrosse Club - Review of 2022 Swan Cup

RECOMMENDATION:

That:

- 1) Council assist the Inverell Polocrosse Club to prepare for the 2023 Swan Cup by investigating the available options to:*

- a. *Supply and spread sand on the fields*
 - b. *Fill water tanks*
 - c. *Promote the event through the Inverell Tourist Centre*
- 2) *Council encourage the Inverell Polocrosse Club to prepare a detailed master plan for their polocrosse arena complex.*

9.1.3 Employment Zones Reform

RECOMMENDATION:

That:

- i. *a “recreation facility (outdoor)” be included as a permitted land use in the E4 General Industrial Zone and to advise the Department Planning and Environment’s employment zones reform team; and*
- ii. *The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the employment zones reform, including any changes and minor amendments consistent with the intent of the reforms.*

9.1.4 Extension of Temporary Traffic Management Arrangements for Drought Relief Transport

RECOMMENDATION:

That the extension of the temporary Drought Recovery Access for Restricted Access Vehicles hauling agricultural commodities on the Shire road network until 19 September, 2023 be approved under the General Manager’s Delegation.

9.1.5 Planning Proposal - Request to Amend Inverell Local Environmental Plan 2012 - 1 Burgess Street, Inverell

RECOMMENDATION:

That:

- i. *The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to permit a ‘centre-based child care facility’ as an Additional Permitted Use on 1 Burgess Street, Inverell be forwarded to the NSW Department of Planning and Environment requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- ii. *The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway determination, including any minor amendments, information requests and public exhibition; and*
- iii. *a further report be submitted in relation to this matter following public exhibition.*

| S375A Record of Voting | Councillors For: | Councillors Against: |
|------------------------|------------------|----------------------|
| Harmon | √ | |
| Baker | √ | |

| | | | | |
|--|----------|---|--|--|
| | Berryman | √ | | |
| | Dight | √ | | |
| | King | √ | | |
| | Williams | √ | | |
| | Wilks | √ | | |

9.1.6 Memorandum of Understanding - Access and Use of OneRoad

RECOMMENDATION:

That the Memorandum of Understanding with Transport for NSW – Access and Use of OneRoad be executed by Council.

9.1.7 Information Reports

RECOMMENDATION

That the information reports be received and noted.

At 3.14 pm, Cr Nicky Lavender returned to the meeting.

9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 14 SEPTEMBER 2022

RESOLUTION 2022/124

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- i. That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 14 September, 2022, be received and noted; and*
- ii. The following recommendations of the Economic and Community Sustainability Committee be adopted by Council*

CARRIED

9.2.1 Inverell Showground Land Manager - Request for a Donation for Sewer Charges

RECOMMENDATION:

That:

- i. Council makes a donation in lieu of sewer rates to the Inverell Showground equivalent to 15% of the sewerage rates for the 2022/2023 financial year; and*
- ii. Council recommend to the Inverell Showground Land Managers that they review the number of toilets required at the showground.*

9.2.2 Arts North West Membership**RECOMMENDATION:**

That:

- (a) The information be noted; and*
- (b) The request from the Sapphire City Concert Band for an additional donation be declined.*

9.2.3 Transfer of Internally Restricted Assets and Budget Revotes From 2021/2022**RECOMMENDATION:**

That:

- i) the report be received and noted;*
- ii) the list of revotes in the attachment be revoted to the 2022/2023 budget; and*
- iii) the transfers to Council's Externally / Internally Restricted Assets for the 2021/2022 Financial Year totalling \$7,277,088 and Council's transfers from Externally / Internally Restricted Assets for the 2021/2022 Financial Year totalling \$3,498,443 be endorsed.*

9.2.4 Information Reports**RECOMMENDATION:**

That the information reports be received and noted.

9.2.5 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.*

9.2.6 General & Special Purpose Financial Reports 2021/2022**RECOMMENDATION:**

That:

- i) the report be received and noted;*
- ii) Council's DRAFT 2021/2022 Financial Statements be "referred to audit" in accordance with s413(1) of the Local Government Act 1993.*
- iii) If during the audit process, the NSW Audit Office requires any material changes, or*

discovers any audit issues that would render the Financial Statements false or misleading in any way, the draft financial statements are to be returned to Council for further consideration.

- iv) Council record as an opinion of Council, in accordance with s413 (2c) of the Local Government Act 1993, that the draft 2021/2022 annual financial report is in accordance with:*
- the Local Government Act 1993 (as amended) and the Regulations made there under,*
 - the Australian Accounting Standards and professional pronouncements,*
 - the Local Government Code of Accounting Practice and Financial Reporting, and*
 - presents fairly the Council's operating result and financial position for the year, and*
 - accords with Council's accounting and other records; and*
 - that the Council is not aware of any matter that would render this report false or misleading in any way.*
- v) Subject to no material audit changes or audit issues discovered as a result of the audit process:*
- i) the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the statements as required by s413(2) of the Local Government Act 1993;*
 - ii) Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;*
 - iii) Council authorise the General Manager to place the audited Financial Statements on public exhibition and provide notice in accordance with s418(3) of the Local Government Act 1993, that Council will consider the Reports of its Auditors for the year ended 30 June, 2022 at its Ordinary Meeting to be held on Wednesday 23 November, 2022; and*
 - iv) Council present the signed audited Financial Statements to the public at the Ordinary Council meeting to be held on 23 November, 2022 in accordance with s 419 (1) Local Government Act 1993.*

10 DESTINATION REPORTS

10.1 2022 - 2032 DRAFT COMMUNITY STRATEGIC PLAN S4.13.2

RESOLUTION 2022/125

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That:

- i. The 2022 – 2032 Community Strategic Plan be endorsed; and*
- ii. The draft document be placed on public exhibition for 28 days for community feedback.*

CARRIED

**10.2 CONSULTATION - CORRUPTION RISKS IN THE LOBBYING OF PUBLIC OFFICIALS
S14.6.1****RESOLUTION 2022/126**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That in respect of the OLG's request to consider the preferred approach to managing risk in "Lobbying", Council supports:

- I. Office of Local Government issue guidelines under section 23A of the Local Government Act.*
- II. Council agrees with the ICAC recommendations from operation Dasha and operation Witney, which should form the basis of the s23A Guidelines on "Lobbying of Council Officials"*

CARRIED**10.3 CONSIDERATION OF THE AQUATIC CENTRE SUNSET COMMITTEE
RECOMMENDATIONS S5.9.27****RESOLUTION 2022/127**

Moved: Cr Kate Dight

Seconded: Cr Nicky Lavender

That a supplementary report on this matter be received.

CARRIED**11 INFORMATION REPORTS****RESOLUTION 2022/128**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

That the information reports be received and noted.

CARRIED**11.1 COMMUNITY LOCAL INFRASTRUCTURE RECOVERY (CLIR) S15.8.127****11.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES
AND COMPLYING DEVELOPMENT CERTIFICATES DURING AUGUST 2022
S18.10.2/15****11.3 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2022 S18.10.1**

11.4 OPERA NORTH WEST LTD S6.8.9

11.5 HOMES FOR THE AGED S6.8.9

11.6 STRATEGIC TASKS - 'SIGN OFF' - AUGUST 2022 S13.5.2/15

12. SUPPLEMENTARY REPORTS

At 3.40 pm, Cr Di Baker left the meeting having previously declared a Non-Pecuniary Interest in relation to Item #12.1 'Aquatic Centre Planning Sunset Committee Minutes'.

At 3.40 pm, Cr Wendy Wilks left the meeting having previously declared a Non-Pecuniary Interest in relation to Item #12.1 'Aquatic Centre Planning Sunset Committee Minutes'.

12.1 AQUATIC CENTRE PLANNING SUNSET COMMITTEE MINUTES - 28 SEPTEMBER 2022**RESOLUTION 2022/129**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

- i. That the Minutes of the Aquatic Centre Planning Sunset Committee held on Wednesday, 28 September, 2022, be received and noted subject to Cr P King being removed as an attendee at the meeting; and*
- ii. The following recommendations of the Aquatic Centre Planning Sunset Committee be adopted by Council*

CARRIED

12.1.1 Inverell Aquatic Centre Replacement Design and Construction Procurement - Expressions of Interest**RECOMMENDATION:**

That Council in accordance with Section 168 (4) of the Local Government (General) Regulation 2021 invite the following applicants to tender for the proposed contract:

- i) Hines Construction Pty Ltd*
- ii) Lipman Pty Ltd*

and decline to invite tenders from the following applicants:

- i) Dalski Pty Ltd*
- ii) North Construction & Building Pty Ltd*

At 3.43 pm, Cr Di Baker and Cr Wendy Wilks returned to the meeting.

13 GOVERNANCE REPORTS

Nil

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

Nil

The Meeting closed at 3.44pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 October 2022.

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CHAIRPERSON