

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 30 NOVEMBER 2022 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Jo Williams, Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Jacko Ross, Cr Wendy Wilks, Cr Nicky Lavender

IN ATTENDANCE: Paul Henry (General Manager) and Paul Pay (Director Corporate and Economic Services).

A minute silence was held in memory of Laurel McInnes.

1 APOLOGIES

RESOLUTION 2022/148

Moved: Cr Wendy Wilks

Seconded: Cr Jo Williams

That the apology received from Cr Paul King OAM for personal reasons be accepted and leave of absence granted.

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2022/149

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 26 October, 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 Wilks declared a pecuniary interest in Item #13.1 'Land Sale S5.2.0/15'. The nature of the interest is that she related to a Director of the proposed purchaser.

4 PUBLIC FORUM

Nil

5 MAYORAL MINUTE

Nil

6 ADVOCACY REPORTS

Nil

7 NOTICES OF BUSINESS

Nil

8 QUESTIONS WITH NOTICE

Nil

9 COMMITTEE REPORTS**9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 9 NOVEMBER 2022****RESOLUTION 2022/150**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

- i. That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 9 November, 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 - Venetian Carnival****RECOMMENDATION:**

That the Sapphire City Festival Committee meet the costs of the road closure as this event is to be used as a substitute for the Festival Finale.

9.1.2 Agritourism Changes to the NSW Planning System**RECOMMENDATION:**

That:

- 1. The land use "Agritourism" not be permitted in any additional zones of the Inverell Local Environmental Plan 2012 or Guyra Local Environmental Plan 2012;*
- 2. The optional Clause 5.24 "Farm Stay Accommodation" and optional Clause 5.25 "Farm Gate" Premises of Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 not be adopted for the Inverell Local Environmental Plan 2012 or Guyra Local Environmental Plan 2012; and*
- 3. The mandated agritourism changes to the NSW Planning System be noted.*

9.1.3 Conflict of Interest Policy - Council-related Development Applications**RECOMMENDATION:**

That:

1. *the Draft Conflict of Interest Policy be endorsed for public exhibition in conjunction with the necessary administrative changes to the Inverell Shire Community Participation Plan and placed on public exhibition for a minimum of 28 days; and*
2. *A further report be prepared for consideration at the conclusion of the public exhibition.*

9.1.4 North Star Road**RECOMMENDATION:**

That:

1. *The information be received and noted,*
2. *The current classification of North Star Road as Rural Arterial road be retained,*
3. *Council continues to maintain the road in accordance with the Roads Asset Management Plan, and*
4. *Council monitor the situation and any forth coming data pertaining to upgrading the road be considered in accordance with Council's Restricted Access Vehicle Policy.*

9.1.5 Information Reports**RECOMMENDATION**

That the information reports be received and noted.

9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 9 NOVEMBER 2022**RESOLUTION 2022/151**

Moved: Cr Jo Williams

Seconded: Cr Nicky Lavender

- i. *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 9 November, 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 Request for Sponsorship - Ashford Show Society****RECOMMENDATION:**

That:

- a) *Council provide sponsorship to the Ashford Show Society for the amount of \$3000 to cover the cost of the fireworks display; and*
- b) *The sponsorship be funded from the Ashford village grant.*

9.2.2 Complaints Management Policy and Unreasonable Conduct by Complainants Policy

RECOMMENDATION:

That the 'Complaints Management Policy' and the 'Unreasonable Conduct by Complainants Policy' be adopted.

9.2.3 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.*

9.2.4 Quarterly Budget and Operational Plan 2022/2023

RECOMMENDATION:

That:

- i) *Council's Quarterly Operational Plan and Budget Review for 30 September, 2022 be adopted; and*
- ii) *The proposed variations to budget votes for the 2022/2023 Financial Year be adopted providing an estimated Cash Surplus at 30 September, 2022 from operations of \$3,603.*

9.2.5 Request for a Reduction in a Water Usage Account

RECOMMENDATION:

That:

- i. *the report be received; and*
- ii. *Council issue an amended account for the property known as 5 Park Street, Gilgai for the total of \$84.72, which is based on the average consumption prior to the leak and write off \$3,003.72.*

9.3 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES - 20 SEPTEMBER 2022 S4.11.21**RESOLUTION 2022/152**

Moved: Cr Nicky Lavender

Seconded: Cr Kate Dight

That the minutes from the Audit Risk and Improvement Committee meeting held on Tuesday, 20 September, 2022 be received and noted.

CARRIED**10 DESTINATION REPORTS****10.1 DRAFT DELIVERY PLAN 2022 - 2024 S4.13.2****RESOLUTION 2022/153**

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

That the draft delivery plan be adopted as exhibited excluding the following items:

- *Assist with the establishment of an Aboriginal Keeping Place*

CARRIED**10.2 DONATIONS POLICY S4.14.4/02****RESOLUTION 2022/154**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That:

- Part 2 of the existing 'Donations Policy' be rescinded and replaced with the 'Donation/Financial Assistance' Policy detailed in the report,*
- Part 3 'Annual Donations' be amended as set out in the body of the report; and*
- No maximum amount for any Donation/Financial Assistance be set for each donation category.*

CARRIED**10.3 NSW GOVERNMENT 2022-23 HOUSING PACKAGE AND UNBLOCKING HOMES PROGRAM S18.6.71****RESOLUTION 2022/155**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

That:

1. *The information presented in regard to the “2022-23 Housing Package”, the “Unblocking Homes Program” and the actions being undertaken by Council staff be noted; and*
2. *A future report be presented to the Civil and Environmental Services Committee once the Regional Housing Delivery Plan for the Upper North West has been released.*

CARRIED

10.4 REFERRAL OF CONFIDENTIAL REPORTS

RECOMMENDATION:

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

Item: #13.1 Land Sale

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.

Item: #13.2 Expression of Interest in the Function Centre at the Inverell Tourist Centre Complex

Authority: Section 10A (2)(d)(i) “Commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it”, Local Government Act 1993.

11 INFORMATION REPORTS

11.1 STRATEGIC TASKS - 'SIGN OFF' - OCTOBER 2022 S4.13.2

RESOLUTION 2022/156

Moved: Cr Wendy Wilks
Seconded: Cr Nicky Lavender

That the information report be received and noted.

CARRIED

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

RESOLUTION 2022/157

Moved: Cr Stewart Berryman
Seconded: Cr Di Baker

That the information report be received and noted.

CARRIED

11.3 ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2022 S18.10.1**RESOLUTION 2022/158**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the information report be received and noted.***CARRIED****12 GOVERNANCE REPORTS**

Nil

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

At 4.10pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

At 4.11pm, Cr Wilks left the meeting having previously declared a pecuniary interest in Item #13.1 'Land Sale S5.2.0/15'. The nature of the interest is she is related to a Director of the proposed purchaser.

RESOLUTION 2022/159

Moved: Cr Di Baker

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 2022/160**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*That Council proceeds out of Closed Council into Open Council.***CARRIED**

Upon resuming Open Council at 4.30pm, 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:

13.1 LAND SALE S5.2.0/15**RECOMMENDATION:***That Council:*

- a) *authorise the General Manager to make a counter offer to BOSS Engineering as per the terms discussed during the closed meeting.*

b) *The General Manager report back to Council on the result of the counter offer.*

At 4.31pm, Cr Wilks returned to the meeting.

13.2 EXPRESSION OF INTEREST IN THE FUNCTION CENTRE AT THE INVERELL TOURIST CENTRE COMPLEX S5.10.93

RESOLUTION 2022/161

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

That Council:

1. *enter into a 2-year lease agreement with RBL GROUP Pty Ltd for the tenancy of the Riverside Function Centre with the general terms being in accordance with the Expression of Interest document, with an option for a further 3-year lease at the discretion of Council;*
2. *provide a rent-free period of three (3) months;*
3. *the General Manager be authorised to negotiate additional terms of the lease agreement;*
4. *the General Manager be authorised to execute the lease agreement; and*
5. *the General Manager be authorised to approve renovations to the bar area.*

CARRIED

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2022/162

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.33pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2022.

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CHAIRPERSON