

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 14 DECEMBER 2022 AT 3.10PM**

**PRESENT:** Cr Paul Harmon (Mayor), 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) and Paul Pay (Director Corporate and Economic Services).

**1 APOLOGIES**

**RESOLUTION 2022/163**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the apology received from Cr Jo Williams for personal reasons be accepted and leave of absence granted.*

**CARRIED**

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/164**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the Minutes of the Ordinary Meeting of Council held on 30 November, 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 #6.1 'Land Sale S5.2.0/15'. The nature of the interest is that she is related to a Director of the proposed purchaser.

Cr Paul Harmon declared a pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during December 2022 S18.10.2/15'. The nature of the interest is that Cr Harmon is the owner of a property subject to a Development Application during that period.

Cr Paul Harmon declared a non-pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during December 2022 S18.10.2/15'. The nature of the interest is that Cr Harmon is an employee of one of the applicants.

**4 PUBLIC FORUM**

Nil

**SUSPENSION OF STANDING ORDERS****RESOLUTION 2022/165**

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

That standing orders be suspended to allow the following presentations:

- i. *Cathryn MacFarland - Forsyths Chartered Accountants representing The NSW Audit Office to present the results of the 2021-2022 external audit.*
- ii. *Mr Phil Schwenke, Chair of the Audit Risk and Improvement Committee to present his Annual Report on the activities of the Committee.*

**CARRIED**

**RESUMPTION OF STANDING ORDERS****RESOLUTION 2022/166**

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That standing orders resume.

**CARRIED**

**5 MAYORAL MINUTE**

Nil

**6 ADVOCACY REPORTS**

Nil

**7 NOTICES OF BUSINESS**

Nil

**8 QUESTIONS WITH NOTICE**

Nil

**9 COMMITTEE REPORTS**

Nil

**10 DESTINATION REPORTS****10.1 EXPIRING LICENCE AGREEMENT S5.10.113****RESOLUTION 2022/167**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That:*

- i. Council renew the agreement with Mr I Farnsworth and Mrs D Farnsworth for Lot 2, DP 1040205, Taylor Avenue, Inverell for a further three (3) year term with a further three (3) year option under the same terms and conditions;*
- ii. The Licence fee be \$35.81 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****10.2 COUNCIL'S PERFORMANCE REPORT - STATECOVER MUTUAL S27.1.12****RECOMMENDATION:***That:*

- i. the information be noted; and*
- ii. the Management Team be congratulated for their management and improvement of Council's Work Health and Safety Systems.*

**10.3 INVERELL SHOW - 24, 25 AND 26 FEBRUARY 2023 S12.22.1/16****RESOLUTION 2022/168**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That:*

- i. the request for sponsorship be referred to the Sapphire City Festival Committee for their consideration.*
- ii. Should the Sapphire City Festival choose not to provide sponsorship that Council provide \$3,000 to sponsor the Baby Animal Petting Zoo.*

**CARRIED****10.4 ANNUAL REPORT FROM THE CHAIR OF AUDIT, RISK AND IMPROVEMENT COMMITTEE S4.11.21****RESOLUTION 2022/169**

Moved: Cr Stewart Berryman  
Seconded: Cr Jacko Ross

*That:*

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

**CARRIED**

## 10.5 REFERRAL OF CONFIDENTIAL REPORT

### RESOLUTION 2022/170

Moved: Cr Stewart Berryman  
Seconded: Cr Kate Dight

*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.

**CARRIED**

## 11 INFORMATION REPORTS

### 11.1 PUBLIC LIBRARIES NEW SOUTH WALES ANNUAL CONFERENCE AND AGM S3.6.4

#### RESOLUTION 2022/171

Moved: Cr Kate Dight  
Seconded: Cr Di Baker

*That the information report be received and noted.*

**CARRIED**

### 11.2 STRATEGIC TASKS - 'SIGN OFF' - NOVEMBER 2022 S4.13.2

#### RESOLUTION 2022/172

Moved: Cr Nicky Lavender  
Seconded: Cr Di Baker

*That the information report be received and noted.*

**CARRIED**

**11.3 WORKS UPDATE S28.21.1/15****RESOLUTION 2022/173**

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

*That the information report be received and noted.***CARRIED**

At 3.14pm, Cr Paul Harmon left the meeting having previously declared a pecuniary and non-pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during November 2022 S18.10.2/15'. The nature of the pecuniary interest is that Cr Harmon made a Development Application during that period. The nature of the non-pecuniary interest is that Cr Harmon is an employee of one of the applicants.

Cr Kate Dight assumed the Chair.

**11.4 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING NOVEMBER 2022 S18.10.2/15****RESOLUTION 2022/174**

Moved: Cr Nicky Lavender

Seconded: Cr Paul King OAM

*That the information report be received and noted.***CARRIED**

At 3.31pm, Cr Paul Harmon returned to the meeting and resumed as Chair.

**11.5 MATHERS BRIDGE - EXTENSION TO FUNDING S28.7.18/91****RESOLUTION 2022/175**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

*That the information report be received and noted.***CARRIED****11.6 ORDINANCE ACTIVITIES REPORT FOR NOVEMBER 2022 S18.10.1****RESOLUTION 2022/176**

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

*That the information report be received and noted.***CARRIED**

## 12 GOVERNANCE REPORTS

### 12.1 PRESENTATION OF COUNCIL'S 2021/2022 AUDITED FINANCIAL REPORTS S13.5.2/15

**RESOLUTION 2022/177**

Moved: Cr Kate Dight  
Seconded: Cr Nicky Lavender

*That:*

- i. the information be received and noted; and*
- ii. the Audit Report for the 2021/2022 Financial Year be adopted.*

**CARRIED**

### 12.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

**RESOLUTION 2022/178**

Moved: Cr Jacko Ross  
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**

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

At 4.18pm, 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.

At 4.19pm, Cr Wendy 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 that she is related to a Director of the proposed purchaser.

**RESOLUTION 2022/179**

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 2022/180**

Moved: Cr Di Baker

Seconded: Cr Nicky Lavender

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

Upon resuming Open Council at 4.25pm, 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 - TAYLOR AVENUE S5.2.0/15****RESOLUTION 2022/181***That:*

- i. The General Manager be authorised to complete the sale of lot 5 DP 867523 & lot 10 DP 1123056 at Taylor Avenue to BOSS Engineering at the purchase price of \$165,000, plus GST if applicable;*
- ii. Council transfer ownership of Water and Sewerage assets contained within the properties to BOSS Engineering at no cost;*
- iii. Council create a drainage easement on Lot 5 DP 867523 prior to the sale to ensure access to Council's trapezoidal open drain; and*
- iv. Any necessary documents associated with the sale be completed under the Common Seal of Council.*

**CARRIED****ADOPTION OF RECOMMENDATIONS****RESOLUTION 2022/182**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.***CARRIED****The Meeting closed at 4.32pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 February 2023.**

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**CHAIRPERSON**