

**MINUTES OF INVERELL SHIRE COUNCIL  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 25 JANUARY 2023 AT 3.00PM**

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

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

**1 APOLOGIES**

Nil

**2 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS**

Cr Paul King OAM declared a pecuniary interest in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre', the nature of the interest is that the tenant of the Inverell Aquatic Centre is a family member.

Paul Henry declared a non-pecuniary interest (insignificant) in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre', the nature of the interest is that Mr Henry is a member of the Gym that operates from the Inverell Memorial Pool building.

Cr Jacko Ross declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mr Ross is the Chairperson of the Inverell RSM Club who own and operate a motel in Inverell.

Cr Wendy Wilks declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mrs Wilks operates an Airbnb in Inverell.

Paul Pay declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mr Pay is a Director of the Inverell RSM Club who own and operate a motel in Inverell.

Cr Di Baker declared a non-pecuniary Interest in Item #7.1 'Inverell Aquatic Centre Development Design and Construction Procurement Selective Tender' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy', the nature of the interest is that 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 #7.1 'Inverell Aquatic Centre Development Design and Construction Procurement Selective Tender' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy', the nature of the interest is that Cr Wilks has a family member listed as a subcontractor to one of the tenderers for this project.

### 3 PUBLIC FORUM

At this juncture, the time being 3.03pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak.

#### **Mr Andrew Fuller**

Mr Fuller thanked Council for the opportunity to speak before Council. Mr Fuller made the following statement:

“You have in front of you a submission addressing what I see as an unnecessarily divisive and expensive decision regarding the redevelopment of the Inverell Swimming Complex.

For many reasons, a lot of them beyond anyone’s control, the Community consultation has not been widely disseminated or understood. The rebuild will be the single largest financial commitment, for all, by this Council, in our lifetime, as it was for the people of the fifties.

I believe the five musts for the best broad Australian education are; reading, writing, arithmetic, music and swimming. We are such a lucky small population with the longest available coastline in the world, essentially a common language and a liveable climate. We must try and build on our good luck.

The current proposal, as I understand it, is to essentially replace the present complex with an eight-lane pool giving much the same services, duplicating some of the same problems.

In previous correspondence with Council and Councillors I gave suggestions, and reasons for them, to indicate a new development on less flood prone land, away from unsuitable trees and congestion.

This land would access either present Council Land or Crown Land to build an eight-lane world class facility to fit in with all foreseeable likely uses while maintaining the present pool until its completion. This would leave the present building for suggested uses such as museums, covered nursery, performance arena, ice skating or many others that could flow from the Community after its closing.

The development would not disrupt the present use and even factoring in a rising maintenance cost the overall benefit to the health and wellbeing of our Community would be a lasting legacy to the foresight of this Council.

Thank you for the opportunity to address you on this very important issue.”

## 4 DESTINATION REPORTS

### 4.1 REFERRAL OF CONFIDENTIAL ITEMS

#### RESOLUTION 2023/1

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That Council refer the items to 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:** *Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender*

**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*

**Item:** *Inverell Aquatic Centre Redevelopment Funding Strategy*

**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*

**CARRIED**

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

At 3.08pm, 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 3.08pm, Cr Di Baker left the meeting having previously declared a non-pecuniary interest in Item #7.1 'Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender S5.9.27' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy' S5.9.29, the nature of the interest is that 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.

At 3.08pm, Cr Wendy Wilks left the meeting having declared a pecuniary interest in Item #7.1 'Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender S5.9.27' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy' S5.9.29, the nature of the interest is that Cr Wilks has a family member listed as a subcontractor to one of the tenderers for this project.

At 3.08pm Michael King, Senior Associate, Otium Planning Group Pty Ltd was invited to attend the meeting to answer questions about the Inverell Aquatic Centre Redevelopment. Mr King is a member of the Tender Evaluation Panel and a member of the Specialist Advisory Group.

#### RESOLUTION 2023/2

Moved: Cr Kate Dight

Seconded: Cr Di Baker

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

**CARRIED**

**RESOLUTION 2023/3**

Moved: Cr Stewart Berryman

Seconded: Cr Paul King OAM

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

**CARRIED**

Upon resuming Open Council at 4.26pm, 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:

**7.1 INVERELL AQUATIC CENTRE REPLACEMENT DESIGN AND CONSTRUCTION PROCUREMENT - SELECTIVE TENDER S5.9.27****RECOMMENDATION:**

*That after considering the tenders received for the design and construction of the Inverell Aquatic Centre Replacement the following actions be taken:*

- 1) *In accordance with 178 (1) (b) of the Local Government (General) Regulation 2021, Council decline to accept any of the tenders.*
- 2) *In accordance with 178 (3) (e) of the Local Government (General) Regulation 2021, Council enter into negotiations with the following tenderers in order of preference as stated below with a view to entering into a contract for the subject project:*
  - i) *Hines Constructions Pty Ltd*
  - ii) *Lipman Pty Ltd*
- 3) *Consistent with 178 (4) of the Local Government (General) Regulation 2021:*
  - a) *Council not invite fresh tenders as:*
    - i) *it is satisfied that it is unlikely to receive any more competitive conforming tenders if a further process was run; and*
    - ii) *a further process would not therefore, represent value for money; and*
  - b) *Entering into negotiations will provide Council with the opportunity to:*
    - i) *further refine several components of the project to obtain a best value maximum ceiling price for the design and construct contract; and*
    - ii) *further consider minor issues of conformance with the tender documents.*
- 4) *The Mayor and General Manager be delegated authority to enter into a subsequent contract for the design and construction of the Inverell Aquatic Centre Replacement consistent with the Funding Strategy contained within this report and a satisfactory contractor financial viability assessment.*
- 5) *A report be presented to the February 2023 Ordinary meeting of Council advising the outcome of the negotiations identified in point 2) above.*

**7.2 INVERELL AQUATIC CENTRE REDEVELOPMENT FUNDING STRATEGY S5.9.29****RECOMMENDATION:**

*That:*

- i. Council endorse this funding model, noting the funding strategy will be fluid with ongoing updates to be provided to Council throughout the project.*
- ii. Council endorse the transfer of \$8,380,514 from the Swimming Pool Internally Restricted Asset.*
- iii. Council endorse the transfer of \$1,867,434 from other Internally Restricted Reserves as detailed in the tables provided in the report.*
- iv. Council authorise the first \$400,000 of End of Financial Year (EOFY) budget savings to be allocated to the replenishment of the Internally Restricted Reserves identified in recommendation iii) above.*
- v. That \$715,000 from the Local Roads and Community Infrastructure Program (Phase 3 Extension) be allocated to the IAC redevelopment.*
- vi. Council borrow up to \$10,000,000 for the redevelopment of the Inverell Aquatic Centre over twenty (20) years;*
- vii. That the General Manager be authorised to:*
  - a) submit a loan application to TCorp and commence the loan assessment process and negotiate with an alternative financial institution should the loan assessment process from TCorp be unfavourable to Council.*
  - b) enter into a principal and interest loan arrangement with an appropriate financial institution that will deliver the best financial outcome for Council providing the fixed interest rate does not exceed the upper limit provided in this report.*
- viii. Loan Repayments be funded from the Strategic Capital Infrastructure Fund, Urban Works and other minor funding sources as detailed in the tables provided in the report;*
- ix. Any community benefit funds from renewal energy projects be allocated towards the retirement of debt (interest) on any loans entered into for the IAC project; and*
- x. Council endorse the engagement of BDO to complete a contractor viability assessment on Council's preferred contractor and that their final report be considered by the Tender Evaluation Panel and General Manager prior to entering into any construction contracts.*

**ADOPTION OF RECOMMENDATIONS****RESOLUTION 2023/4**

Moved: Cr Stewart Berryman

Seconded: Cr Jo Williams

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**DESTINATION REPORTS CONT.**

At 4.26pm, Cr Di Baker returned to the meeting.

At 4.26pm, Cr Wendy Wilks returned to the meeting.

At 4.26pm Michael King left the meeting.

At 4.28pm, Cr Paul King OAM left the meeting having declared a pecuniary interest in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre S5.9.29', the nature of the interest is that the tenant of the Inverell Aquatic Centre is a family member.

**4.2 USE OF EXISTING BUILDING AT THE INVERELL AQUATIC CENTRE S5.9.29****RESOLUTION 2023/5**

Moved: Cr Jacko Ross

Seconded: Cr Kate Dight

*That:*

1. *the lease agreement with Nick King Lifestyle Centre be renewed for the period 1 January, 2023 to 31 December, 2024 (nominal completion date for construction of the Inverell Aquatic Centre). Further, that the expiration date of the lease be extended on a week by week basis to coincide with the actual date of completion of construction of the Aquatic Centre.*
2. *That Council call for Expressions of Interest for the future occupation of the redundant building space that will result from the redevelopment of the pool complex.*

**CARRIED**

At 4.30pm, Cr Paul King OAM returned to the meeting.

At 4.30pm, Cr Jacko Ross left the meeting having previously declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 - 31 Room Motel, 141 Otho Street, Inverell). The nature of the interest is that Mr Ross is the Chairperson of the Inverell RSM Club who own and operate a motel in Inverell.

At 4.30pm, Paul Pay left the meeting having previously declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 - 31 Room Motel, 141 Otho Street, Inverell). The nature of the interest is that Mr Pay is a Director of the Inverell RSM Club who own and operate a motel in Inverell.

**5 INFORMATION REPORTS****RESOLUTION 2023/6**

Moved: Cr Paul King

Seconded: Cr Jo Williams

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

**CARRIED****5.1 UPDATE ON SIGNIFICANT DEVELOPMENT PROPOSALS DA-162/2022**

At 4.32pm, Cr Jacko Ross returned to the meeting.

At 4.32pm, Paul Pay returned to the meeting

**6 QUESTIONS WITH NOTICE**

Nil

**The Meeting closed at 4.33pm.**

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

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**CHAIRPERSON**