

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 22 FEBRUARY 2023 COMMENCING AT 3.06PM**

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

IN ATTENDANCE: Brett McInnes (Acting General Manager) and Paul Pay (Director Corporate and Economic Services).

1 APOLOGIES

RESOLUTION 2023/8

Moved: Cr Di Baker
Seconded: Cr Jo Williams

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

CARRIED

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 14 December, 2022, and the Special Council Meeting held on 25 January, 2023, as circulated to members, be confirmed as a true and correct record of those meetings.

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

Cr Paul Harmon declared a Non-Pecuniary Interest in Item #11.5 of the Information Report "Summary of Development Applications, Construction Certificates and Complying Developments Certificates during January 2023". The nature of the interest is Cr Harmon's wife is an employee of a DA applicant.

Cr Wendy Wilks declared a Pecuniary Interest in Item #11.5 of the Information Report "Summary of Development Applications, Construction Certificates and Complying Developments Certificates during January 2023". The nature of the interest is Cr Wilks is a relative of a DA applicant.

Cr Kate Dight declared a Pecuniary Interest in Item #13.5 "Community Contribution Strategy – Dumaresq Solar Farm P/I (DSF)". The nature of the interest is Cr Dight is a shareholder in a parcel of land on which a solar farm is situated in an adjoining shire.

Previously Declared Pecuniary and Non-Pecuniary Interests

Cr Di Baker declared a non-pecuniary Interest in Item #13.3 'Inverell Aquatic Centre Replacement Post Tender Negotiations", 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 #13.3 'Inverell Aquatic Centre Replacement Post Tender Negotiations", 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.

4 PUBLIC FORUM

At this juncture, the time being 3.10pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak.

Mr Bob Bensley – Council information

Mr Bensley addressed Council regarding the lack of information relating to recent Council achievements and issues in the local media, specifically the Inverell Times.

Mr Bensley praised Council over a wide range of accomplished projects and initiatives and is concerned there is no historical record being taken for future reference. He cited historical publications written by himself and Elizabeth Wiedemann and is fearful any future historical publication on Inverell Shire, will lack any reference to Local Government activities.

Mr Heinrich Haussler – Joey's Mini World Cup

Mr Haussler spoke in support of his request for Council to sponsor the return of the Joey's Mini World Cup in 2023. Mr Haussler provided information on the history of the tournament and the indicative returns to the local community should the event be held in Inverell.

5 MAYORAL MINUTE

5.1 ELECTION OF DEPUTY MAYOR S13.7.2

RECOMMENDATION:

That:

- i) there shall be a Deputy Mayoral position on Council for a period of twelve (12) months;*
- ii) In the event that more than one candidate has been nominated for the position of Deputy Mayor the method of election for Deputy Mayor be determined by Council; and*
- iii) The nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

The Acting General Manager advised nomination forms for the position of Deputy Mayor were received from Cr Kate Dight.

There being only one (1) nomination, Cr Kate Dight was declared duly elected as Deputy Mayor for the ensuing one (1) year period.

5.2 APPOINTMENT OF COUNCIL COMMITTEES S13.6.7

RESOLUTION 2023/9

Moved: Cr Di Baker
 Seconded: Cr Jacko Ross

That:

i) *the representatives on the two Major Committees remain the same as the previous 12 months, being:*

Economic & Community Sustainability Committee – Crs King, Williams, Dight and Lavender

Civil & Environmental Services Committee – Crs Berryman, Baker, Ross and Wilks

ii) *the following Councillors be appointed to the Advisory Committees:*

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATES
<p>Aboriginal Consultative Committee Established to promote an increased knowledge and understanding of Aboriginal Culture and society in the wider community and to develop the interests of the Aboriginal people in the local area.</p>	Mayor, General Manager, 1 Ashford Local Land Council, 1 Anaiwan Local Land Council, 5 members of the community	- Mayor - Cr King - (General Manager - servicing officer)
<p>Aquatic Centre Planning Sunset Committee Established to consider the contents of the relevant consultant reports and work with staff to develop a Swimming Pools Renewal Strategy. Upon completion of the strategy, the committee will assist in the formulation of a design brief to achieve the outcomes contained in the strategy.</p>	Mayor, 3 Representatives	- Mayor - Cr Ross - Cr Berryman - Cr Wilks
<p>Audit Risk & Improvement Committee Committee established to guide the internal audit function of Council.</p>	1 Representative (excluding the Mayor), and 2 independents	- Cr Lavender
<p>Conduct Review Committee (Statutory term) Committee that establishes the facts of an allegation that has been referred to it in accordance with the provisions of Council’s Code of Conduct.</p>	1 Representative (Mayor), General Manager), and 3 independents	- Mayor - General Manager - Expressions of interest to be called for independents as required.
<p>Local Emergency Management Committee (LEMC) - Provision of the State Emergency Rescue and Management Act. The role of the LEMC is to: • Prevent or reduce the impact of emergencies; • Ensure the preparedness of our community;</p>	1 Representative And Local Emergency Management Officer (LEMO).	- Cr Wilks - Manager Civil Engineering (LEMO).

<ul style="list-style-type: none"> • Provide an effective and coordinated response to the emergency; • Provide for the recovery of our community. 		
<p>Local Traffic Committee (LTC) A technical review committee that advises the Council on matters for which the Council has delegated authority. Council is not bound by the advice given by its LTC, however if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify the RMS & the NSW Police before proceeding.</p>	LTC comprises 4 formal representatives: - 1 Council - 1 NSW Police - 1 RMS - 1 Local State Member or their nominee	- Manager Civil Engineering (delegated by the Mayor).
<p>Waste Management Sunset Committee A Committee formed to: a. Review the approved Waste Management Strategy and recommend any appropriate amendments to Council for consideration, and b. The issues of Container Deposit Scheme and scavenging rights be referred to the Sunset Committee for consideration.</p>	Comprises 3 Representatives	- Cr Berryman - Cr Harmon - Cr King
<p>Public Art Sunset Committee A sub-committee formed to work with the Inverell Art Gallery Supervisor and Inverell Cultural Group president to develop a vision for public art projects in Inverell Shire.</p>	Comprises: - General Manager - Manager Tourism - 1 Representative - 3 community reps	- General Manager, - Manager Administrative and Marketing Services - Cr Williams

iii) *the following Councillors be appointed to the Community Committees:*

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATES
Delungra District Development Council	1 Representative	Cr Lavender
Equestrian Council	(Fixed Term) 1 Representative	Cr Baker
Inverell Development Support Group	2 Representatives (Mayor & General Manager)	Cr Harmon General Manager
Inverell Liquor Consultative Committee	1 Representative	Cr King
Inverell Sports Council	(Fixed Term) 2 Representatives	Cr Harmon Cr Ross
Inverell Sapphire City Festival	1 Representative	Mayor (ex-officio) Cr Williams
Yetman Hall & Progress Association	1 Representative	Cr Dight
Youth Council	1 Representative	Cr Dight

CARRIED

5.3 ELECTION OF DELEGATES TO REGIONAL & LOCAL ORGANISATIONS (ANNUAL APPOINTMENT) S13.6.7

RECOMMENDATION:

That:

- i) the following Council delegates be appointed to the Regional & Local Organisations:*

COMMITTEE	DELEGATE ENTITLEMENT	DELEGATES
Country Public Libraries Association of NSW	1 Representative	Cr Dight
Inverell Pioneer Village	1 Representative	Cr Berryman
Northern Tablelands Bush Fire Management Committee	1 Representative	Local Emergency Management Officer (Manager Civil Engineering)
Overloading of Vehicles Committee	1 Representative	Manager Civil Engineering
Border Regional Organisation of Councils (BROC)	1 Representative	Cr Dight

5.4 MEETING DATES AND TIMES S13.5.4

RECOMMENDATION:

That the Ordinary Meetings of Council be held on the 4th Wednesday of the month commencing at 3pm.

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 - 8 FEBRUARY 2023****RESOLUTION 2023/10**

Moved: Cr Stewart Berryman

Seconded: Cr Wendy Wilks

- i. *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 8 February, 2023, be received and noted; and*
- ii. *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

CARRIED**9.1.1 DA-125/2021 - Two (2) Lot Subdivision and Manufactured Home Estate - 31 Brownleigh Vale Drive, Inverell****RECOMMENDATION:**

That Development Application 125/2021 be approved subject to:

1. *General Terms of Approval being issued by the Department of Planning and Environment – Water for this development;*
2. *The following conditions of consent:*

GENERAL CONDITIONS

1. *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:

- *A two (2) lot subdivision; and*
- *Construction of a manufactured home estate on proposed Lot 2.*

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the Department of Planning and Environment - Water.*
3. *All fees, Section 7.11 (formerly Section 94) contribution and other contributions will be adjusted in accordance with Council's fees and charges at the date of payment.*
4. *The development must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the Environmental Planning & Assessment Regulation 2021.*

CONDITIONS RELATING TO THE 2 LOT SUBDIVISION**Prior to Commencement of any Subdivision Works**

5. *Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.*

Prior to issue of a Subdivision Works Certificate

6. *Prior to the issue of a Subdivision Works Certificate, a detailed engineering survey and design must be submitted to and approved by Council for the following works:*

- *The extension of Brownleigh Vale Drive and cul-de-sac, which is to be bitumen sealed with rollover kerb and gutter or similar;*
- *The extension of the street lighting into the proposed cul-de-sac;*
- *The two existing 100mm diameter water mains running along Brownleigh Vale Drive will need to be cross connected at the end of the cul-de-sac servicing the proposed development. Stop valves will need to be provided to allow flow from alternate sources during water main outages;*
- *Stormwater drainage for the cul-de-sac; and*
- *Erosion and sediment control during construction.*

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
 - *Group 0 - Planning and Design;*
 - *Group 01- General;*
 - *Group 11- Construction- Roadways; and*
 - *Group 13- Construction- Public Utilities.*
- **Water Supply Code of Australia**
 - *WSA 02 - Sewerage Code of Australia; and*
 - *WSA 03- Water Supply Code of Australia.*

7. *Prior to issue of a Subdivision Works Certificate, a geotechnical/hydrological report is to be submitted to and approved by Council. At minimum, this report must:*

- *Investigate geotechnical conditions below the depth of excavation and/or likely foundation depth to determine the presence of groundwater on both proposed Lot 1 and proposed Lot 2;*
- *Where groundwater is present, the report must include recommendations in relation to:*
 - *Design parameters for the Manufactured Home Estate (e.g. foundations, permanent and temporary supports, road pavement); and*
 - *Design parameters for any future residential construction on proposed lot 1; and*
 - *Measures to be implemented during construction of the Manufactured Home Estate and installation of homes to mitigate potential groundwater impacts.*

8. *Prior to issue of a Subdivision Works Certificate, a Traffic Management Plan (TMP) relating to the construction traffic shall be submitted to Council for approval. The TMP should at a minimum:*

- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic for the subdivision; and*
- *Provide a transport code of conduct that ensures any impacts are reduced as far as reasonably practical.*

9. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue*

of the Subdivision Works Certificate.

During Subdivision Works

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.*

13. *During construction the applicant must ensure that arrangements are made for Council to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.*

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:

- *After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);*
- *After completion and compaction of the road sub grade;*
- *After placement and compaction of each layer of gravel pavement material prior to sealing;*
- *After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;*
- *During application of bitumen seal or asphaltic concrete wearing surface;*
- *After restoration and completion of all works; and*
- *As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.*

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

14. *During subdivision works, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*

15. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

16. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances*

from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.

17. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.

Prior to Issue of a Subdivision Certificate

18. An application for a Subdivision Certificate must be submitted to and approved by Council. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.
19. Prior to issue of a Subdivision Certificate, the extension of Brownleigh Vale Drive and cul-de-sac are to be dedicated as public road, at no cost to Council.
20. Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to user pursuant to Section 88B of the Conveyancing Act 1919 must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.
21. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.
22. Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
- An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and
 - An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
23. Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.
24. Prior to the issue of a Subdivision Certificate, the proponent is to enter into a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.
25. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.
26. Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lot 2 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979.
27. Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for Lot 2 and complied with by the applicant.

Note:

- This will require payment to Council of a Contribution (for water) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement; and
- This will require payment to Council of a Contribution (for sewer) for Lot 2 under

Council's Development Servicing Plan No. 1 for one (1) equivalent tenement.

CONDITIONS RELATING TO THE MANUFACTURED HOME ESTATE

Prior to Commencement of Works

28. *Prior to commencement of any works for the manufactured home estate, a staging plan must be submitted to and approved by Council for the construction of civil infrastructure, landscaping and installation of manufactured homes.*

This staging plan must nominate the following works to be completed as part of Stage 1:

- *Access crossings off Brownleigh Vale Drive;*
- *Construction of the main community building at the estate entrance;*
- *Construction of the community swimming pool;*
- *Construction of the lawn bowling green;*
- *Construction of the community shed;*
- *The car parking adjacent to the main community building; and*
- *Boundary landscaping.*

29. *Prior to commencement of any works for the manufactured home estate, a Construction Certificate must be obtained for the construction of civil and infrastructure and community facilities.*

Separate Construction Certificates may be obtained for each stage, or a combined Construction Certificate inclusive of multiple stages may be obtained, consistent with the approved staging plan.

Prior to Issue of a Construction Certificate

30. *Prior to the issue of a Construction Certificate, detailed engineering survey and design must be submitted to and approved by Council for the following works (as relevant to the stage)*

- *Bulk earthworks and retaining walls, which are to be wholly contained within the development site (including footing and sub-surface drainage);*
- *Sealed access roads;*
- *Sealed car parking, including line marking and visitor parking signage;*
- *Provision of water services to each lot;*
- *Fire hydrants in accordance with Clause 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*
- *Adjustments to Council's sewer main and provision of sewer services, which must comply with the following:*
 - *New Council sewer mains to be constructed in the footpaths (not centre of road);*
 - *No horizontal bending of sewer mains at deflection points. Sewer manholes will be required; and*
 - *Council does not use "Wang" sewer junctions. "Cut-in" sewer junctions will be required.*
- *Stormwater drainage, including the provision of inter-allotment drainage along the boundary with Auburn Road properties. This inter-allotment drainage must be wholly located within the development site;*

- *Provision of lighting along the internal access roads; and*
- *Erosion and sediment control during construction.*

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
 - *Group 0 - Planning and Design;*
 - *Group 01- General;*
 - *Group 11- Construction- Roadways; and*
 - *Group 13- Construction- Public Utilities.*
- **Water Supply Code of Australia**
 - *WSA 02 - Sewerage Code of Australia; and*
 - *WSA 03- Water Supply Code of Australia.*
- **NSW Water Directorate, building in the Vicinity of Sewer Mains Guidelines 2019 (or any subsequent revisions); and**
- **The geotechnical/hydrological report provided prior to issue of a Subdivision Works Certificate.**

31. *Prior to issue of a Construction Certificate, a Traffic Management Plan (TMP) relating to the construction traffic for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic; and*
- *Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

32. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.*

During Construction

33. *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.*

34. *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.*

35. *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.*

36. *During construction, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*

37. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road*

surface and measures must be in place to prevent the movement of such material off site.

38. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.*

39. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

Prior to Operation of the Manufactured Home Estate

40. *Prior to operation of the manufactured home estate, an approval to operate must be obtained for the relevant stage/s in accordance with Section 68 of the Local Government Act 1993.*

Prior to issue of an Approval to Operate under Section 68 of the Local Government Act 1993

41. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, all civil works, services, car parking, lighting and landscaping is to be completed in accordance with the approved staging plan, landscaping plans and relevant Construction Certificate.*

42. *Prior to issue of a Subdivision Certificate, a three (3) metre easement for sewer is to be created over all sewer mains through the site and dedicated in favour of Council.*

43. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for the relevant stage/s of the manufactured home estate.*

Note: This will require payment to Council of contributions for water and sewer under Council’s Development Servicing Plan No. 1 for each dwelling site consistent with the following table.

	<i>Water Contribution</i>	<i>Sewer Contribution</i>
<i>Manufactured Home Type</i>	<i>Equivalent Tenement (ET)</i>	<i>Equivalent Tenement (ET)</i>
<i>3 bedrooms</i>	<i>0.8</i>	<i>1 ET</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>1 bedroom</i>	<i>0.4</i>	<i>0.5</i>

44. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a Traffic Management Plan (TMP) relating to the transport of manufactured homes for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- Identify the transport route;*
- Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with the process of transporting moveable dwellings; and*
- Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

45. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a flood emergency plan for the manufactured home estate is to be submitted to and approved by Council.*

46. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a suitable agreement must be in place with a private contractor or Council for collection of waste. A copy of this agreement is to be provided to Council.*

Ongoing Use

47. *Manufactured homes are not permitted to be constructed on-site.*
48. *Each manufactured home must be connected to:*
- *Reticulated water;*
 - *Reticulated sewer;*
 - *Electricity; and*
 - *Telephone.*
49. *No manufactured home is permitted to exceed one (1) storey in height'.*
50. *A manufactured home must have a floor level equal to (or above), 1 metre above the 1 in 100 flood level.*
51. *The community facilities are only permitted to be used by residents of the manufactured home estate and their guests.*
52. *The community facilities must comply with the following hours of operation:*
- *Main communal facilities building – 7:00am – 9:00pm Mon-Sun;*
 - *Main communal outdoor facilities – 7:00am – 8:00pm Mon-Sun; and*
 - *Communal shed – 7:00am – 6:00pm Mon-Sun.*
53. *The swimming pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- (a) *before 8.00 am or after 8.00 pm on any Sunday or public holiday; and*
 - (b) *before 7.00 am or after 8.00 pm on any other day.*
54. *Musical instruments and electrically amplified sound equipment must not be used in the community facilities in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- *Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday; and*
 - *Before 8 am and after 10 pm on any other day.*
55. *Service vehicles (e.g. waste) for the manufactured home estate and delivery vehicles to the community facilities are restricted to:*
- *7 am to 6 pm Monday to Saturday; and*
 - *8 am to 6 pm on Sundays and public holidays.*
56. *All access roads must be adequately lit between sunset and sunrise.*
57. *All external lighting must:*
- *Comply with AS/NZS 4282:2019, 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.*
58. *The use of the main community building as a food premises must comply with all applicable*

legislation/regulation and standards including:

- *The Food Act 2003;*
- *Food Regulation 2004;*
- *Food Standards Australia and New Zealand – Food Standards Code 2001;*
- *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
- *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control.*

59. *To comply with the Swimming Pools Act 1992 the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:*

- *that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and*
- *that is designed, constructed, installed and maintained in accordance with the regulations and Australian Standard 1926-2007 Swimming pool safety.*

60. *A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent position adjacent to the pool. The sequence must be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other body that published the sign and the date of its publication.*

Advice Only

- It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, which may also require easements to be created. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.*
- The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*
- Any proposed landscaping in the vicinity of electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. This will also include satisfactory arrangements with Essential Energy in relation to the existing overhead powerlines and poles located at the proposed extension of Brownleigh Vale Drive. Refer to Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.*
- Essential Energy's records indicate there is overhead electricity infrastructure located within close proximity to the property. Any activities within this location must*

be undertaken in accordance with 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.

(f) 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).

(g) 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 / Underground Assets.

3. *Any other condition, or amendment to the conditions, deemed appropriate by the Director Civil and Environmental Services.*

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

9.1.2 Review of Council Policy - B Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area.

RECOMMENDATION:

That the amended policy – ‘B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area’, be adopted.

9.1.3 Fixing Local Roads Pothole Repair Funding

RECOMMENDATION:

That:

1. *The information be received and noted; and*
2. *The proposed funding allocation model be endorsed for Round 1 and Round 2 of the Fixing Local Roads Pothole Repair funding.*

9.1.4 Modular B Triple Access Request Inverell to Texas**RECOMMENDATION:**

That Council approve the application for Modular B-Triple access under pilot arrangement from Inverell Freighters Depot to the Shire Boundary at Texas, QLD through the NHVR permit system.

9.1.5 Special Flood Consideration Clause**RECOMMENDATION:**

That Council endorse the intent of the submission as outlined in the report regarding the potential mandating of a Special Flood Considerations Clause.

9.1.6 Governance - Performance Reporting on Road Maintenance Council Contracts**RECOMMENDATION:**

That the information report be received and noted.

9.1.7 Information Reports**RECOMMENDATION**

That the information be received and noted.

9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 8 FEBRUARY 2023**RESOLUTION 2023/11**

Moved: Cr Jo Williams

Seconded: Cr Nicky Lavender

- i. That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 8 February, 2023, be received and noted; and*
- ii. The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED**9.2.1 Expiring Licence Agreement - Inverell Community Gardens****RECOMMENDATION:**

That:

- i. Council renew the agreement with Inverell Community Gardens for Reserve 1571, Lot 3 DP 127538 (140 Ross Street), Inverell;*
- ii. The licence agreement be for a five (5) year period with a five (5) year option;*

- iii. *The Licence fee be \$521.91 per annum (GST Inclusive) with a 3% increase per annum;*
- iv. *The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager; and*
- v. *Inverell Community Gardens be responsible for any electricity, water, sewer, waste management and stormwater charges and any metered water use.*

9.2.2 Federal Funding for Trove

RECOMMENDATION:

That:

1. *Council make representation to the local Federal Member, the Hon. Barnaby Joyce, in relation to the need for a sustainable Federal Funding Model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*
2. *Council write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*
3. *Council endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*

9.2.3 Conduct of 2024 Local Government Elections

RECOMMENDATION:

That:

- i. *Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- ii. *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
- iii. *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

9.2.4 Quarterly Budget and Operational Plan 2022/2023

RECOMMENDATION:

That:

- i) *Council's Quarterly Operational Plan and Budget Review for 31st December, 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 31st December, 2022 from operations of \$3,603.*

9.2.5 Information Reports

RECOMMENDATION

That the information reports be received and noted.

10 DESTINATION REPORTS

10.1 BOUNDARY REALIGNMENT REQUEST BETWEEN GLEN INNES SEVERN COUNCIL AND INVERELL SHIRE COUNCIL S13.3.2

RESOLUTION 2023/12

Moved: Cr Di Baker
Seconded: Cr Jo Williams

That Council accepts in principle the proposal to have the boundary realigned between Glen Innes Severn Council and Inverell Shire Council areas by transferring part of Crown Land Road Corridor between Lot 107 DP 753292 and Lot 2 DP 1187044 having an area of approximately 700m² from the Inverell Shire Council Local Government Area to the Glen Innes Severn Council Local Government Area.

CARRIED

10.2 YURRUUN ABORIGINAL CORPORATION S2.14.1

RESOLUTION 2023/13

Moved: Cr Jo Williams
Seconded: Cr Kate Dight

That Council note the information of the Yurruun Corporation.

CARRIED

10.3 REFERRAL OF CONFIDENTIAL REPORTS S13.5.2/16

RESOLUTION 2023/14

Moved: Cr Kate Dight
Seconded: Cr Stewart Berryman

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: Community Contribution Strategy - Dumaresq Solar Farm P/L (DSF)

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.

Item: Request to host 2023 Joeys Mini World Cup

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.

Item: Inverell Aquatic Centre Replacement Post Tender Negotiations

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

11 INFORMATION REPORTS

11.1 LETTER OF APPRECIATION - NEW ENGLAND VISIONS 2030 INSTITUTE - PROMOTION OF HEALTH PETITION TO 'SPLIT OFF' FROM HUNTER NEW ENGLAND HEALTH S24.20.6

RESOLUTION 2023/15

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That the information report be received and noted.

CARRIED

11.2 COUNTRY MAYORS ASSOCIATION (CMA) - 2023 STATE ELECTION PRIORITIES S14.11.1/15

RESOLUTION 2023/16

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That the information report be received and noted.

CARRIED

At 3.53pm, Cr Paul Harmon left the meeting having previously declared a Non-Pecuniary Interest in Item #11.5 of the Information Report "Summary of Development Applications, Construction Certificates and Complying Developments Certificates during January 2023". The nature of the interest is Cr Harmon's wife is an employee of a DA applicant.

At 3.53pm, Cr Wendy Wilks left the meeting having previously declared a Pecuniary Interest in Item #11.5 of the Information Report "Summary of Development Applications, Construction Certificates and Complying Developments Certificates during January 2023". The nature of the interest is Cr Wilks is a relative of a DA applicant.

At 3.53pm Cr Kate Dight assumed the Chair.

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

RESOLUTION 2023/17

Moved: Cr Di Baker
 Seconded: Cr Jacko Ross

That the information report be received and noted.

CARRIED

11.5 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JANUARY 2023 S18.10.2/16

RESOLUTION 2023/18

Moved: Cr Di Baker
 Seconded: Cr Jacko Ross

That the information report be received and noted.

CARRIED

At 3.56pm, Cr Paul Harmon returned to the meeting and resumed as Chair.

At 3.56pm, Cr Wendy Wilks returned to the meeting.

11.4 ORDINANCE ACTIVITIES REPORT FOR DECEMBER 2022 S18.10.1

RESOLUTION 2023/19

Moved: Cr Kate Dight
 Seconded: Cr Nicky Lavender

That the information report be received and noted.

CARRIED

11.6 ORDINANCE ACTIVITIES REPORT FOR JANUARY 2023 S18.10.2

RESOLUTION 2023/20

Moved: Cr Kate Dight
 Seconded: Cr Wendy Wilks

That the information report be received and noted.

CARRIED

12 GOVERNANCE REPORTS

12.1 DRAFT RISK APPETITE STATEMENTS S4.11.21

RESOLUTION 2023/21

Moved: Cr Nicky Lavender

Seconded: Cr Kate Dight

That Council adopt the draft Risk Appetite Statements and refer them to the Audit, Risk and Improvement Committee for inclusion in the Enterprise Risk Management Framework.

CARRIED

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

At 3.58pm, 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 2023/22

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

At 3.58pm, Cr Kate Dight left the meeting during the debate on this matter having previously declared a Pecuniary Interest in Item 13.5 "Community Contribution Strategy – Dumaresq Solar Farm P/I (DSF)". The nature of the interest is Cr Dight is a shareholder in a parcel of land on which a solar farm is situated in an adjoining shire.

At 4.05pm, Cr Kate Dight returned to the meeting.

At 4.43pm, Cr Di Baker left the meeting during the debate on this matter having previously declared a non-pecuniary Interest in Item #13.3 'Inverell Aquatic Centre Replacement Post Tender Negotiations'. 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 4.43pm, Cr Wendy Wilks left the meeting during the debate on this matter having previously declared a pecuniary interest in Item #13.3 'Inverell Aquatic Centre Replacement Post Tender Negotiations', 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 4.56pm, Cr Di Baker returned to the meeting.

At 4.56pm, Cr Wendy Wilks returned to the meeting.

RESOLUTION 2023/23

Moved: Cr Kate Dight
Seconded: Cr Jacko Ross

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.56pm, 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 COMMUNITY CONTRIBUTION STRATEGY - DUMARESQ SOLAR FARM P/L (DSF) S18.6.52/08**RECOMMENDATION:**

That:

- 1. Council support in principle the establishment of a community benefit fund as proposed by Dumaresq Solar Farm.*
- 2. The General Manager be authorised to prepare a Memorandum of Understanding with the proponent for the fund.*
- 3. Council's preferred method of distribution of the community component of the fund be as per the model identified in the governance arrangements section of the report.*

13.2 REQUEST TO HOST 2023 JOEYS MINI WORLD CUP S26.3.6**RECOMMENDATION:**

That Council complete further due diligence on the Joey's Mini World Cup competition and its future and report back to the March 2023 Committee Meetings.

13.3 INVERELL AQUATIC CENTRE REPLACEMENT POST TENDER NEGOTIATIONS S5.9.27**RECOMMENDATION**

That a supplementary report regarding post tender negotiations for the Inverell Aquatic Centre Replacement be received.

13.4 INVERELL AQUATIC CENTRE REPLACEMENT POST TENDER NEGOTIATIONS S5.9.27**RECOMMENDATION**

That the information regarding progress of negotiations with the preferred contractor for the design

and construction of the Inverell Aquatic Centre Replacement be received and noted.

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2023/24

Moved: Cr Nicky Lavender

Seconded: Cr Stewart Berryman

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.59pm.

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

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CHAIRPERSON