

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 25 OCTOBER 2023 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 Jacko Ross, Cr Wendy Wilks and Cr Nicky Lavender.

**IN ATTENDANCE:** Paul Henry (General Manager) and Sharon Stafford (Executive Assistant).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/160**

Moved: Cr Paul King OAM

Seconded: Cr Nicky Lavender

*That the Minutes of the Ordinary Meeting of Council held on 27 September, 2023, 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**

Nil

**4 PUBLIC FORUM**

Nil

**5 MAYORAL MINUTE**

**5.1 RESIGNATION OF GENERAL MANAGER S16.7.6**

**RESOLUTION 2023/161**

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

1. *That Council place on record its appreciation for the distinguished service provided by General Manager, Mr Paul Henry PSM to Council and the Inverell Shire community over the last 32 years;*
2. *Council extend its best wishes to Paul, his wife Gabrielle and family for his upcoming retirement; and*
3. *The contents of the Mayoral Minute be formally noted.*

**CARRIED**

**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 - 11 OCTOBER 2023****RESOLUTION 2023/162**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

- i. *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 11 October, 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 Regional Emergency Road Repair Fund****RECOMMENDATION:***That:*

1. *The information be received and noted;*
2. *\$544,993 be allocated to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project from Regional Emergency Road Repair Fund (RERRF) to replace the now unavailable REPAIR funding allocation; and*
3. *A further report be presented to Council to allocate the remaining Regional Emergency Road Repair Fund (RERRF) funding once the funding deeds are completed.*

**9.1.2 MR187 Yetman Road - Ring Street to Mcfertridge Lane - Speed Zone Review****RECOMMENDATION:***That:*

1. *The information be received and noted; and*
2. *A formal request be forwarded to Transport for NSW to undertake a review of the speed zone environment on Yetman Road between Ring Street to McFertridge Lane in accordance with the NSW Speed Zoning Standard.*

**9.1.3 Information Reports****RECOMMENDATION**

*That the information reports be received and noted.*

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 OCTOBER 2023****RESOLUTION 2023/163**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- i. That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 11 October, 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 Request for Donation - Waiver of Copeton Northern Foreshores Community Hall Hire Fee - Charity Event - Tiffany and Janice Pollock****RECOMMENDATION:**

*That Council donate \$250.00 hall hire free from Council's donation budget.*

**9.2.2 Request for Donation - Waiver of Town Hall Hire fees - BreastScreen NSW (Hunter New England Health)****RECOMMENDATION:**

*That Council donate \$560.00 town hall hire free from Council's donation budget.*

**9.2.3 Privacy and Personal Information Protection Act 1998 Amendments****RECOMMENDATION:**

*That Council adopts the following policies and documents:*

- i) Council's Privacy Management Plan;*
- ii) Data Breach Response Policy;*
- iii) Eligible Data Breach Incident Register; and*
- iv) Public Data Breach Notification Register.*

#### 9.2.4 Risk Management Framework

**RECOMMENDATION:**

*That the Risk Management Framework be adopted.*

#### 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 Outstanding Debtor Account - 215057-1

**RECOMMENDATION:**

*That the General Manager be authorised to proceed in accordance with option 3 as detailed in the report.*

### 10 DESTINATION REPORTS

#### 10.1 EVANS STREET CULTURAL PRECINCT UPGRADE S26.5.10

**RESOLUTION 2023/164**

Moved: Cr Paul King OAM

Seconded: Cr Jo Williams

*That:*

- a) Council review the draft concept plans for the upgrade of the Evans Street Cultural Precinct;*
- b) Approve the plans in principle; and*
- c) Authorise the development of required engineering designs.*

**CARRIED**

#### 10.2 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS S13.6.5/15

**RESOLUTION 2023/165**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the tabling of the 'Disclosure of Pecuniary Interests and Other Matters' returns by the General Manager be noted.*

**CARRIED**

### 10.3 RECRUITMENT OF GENERAL MANAGER S22-24/23

#### RESOLUTION 2023/166

Moved: Cr Stewart Berryman  
 Seconded: Cr Kate Dight

*That the supplementary report be received and considered.*

**CARRIED**

### 10.4 REFERRAL OF CONFIDENTIAL MATTERS S13.5.2/16

#### RESOLUTION 2023/167

Moved: Cr Stewart Berryman  
 Seconded: Cr Kate Dight

*That Council move into 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:** 13.1 Recruitment of General Manager

**Authority:** Section 10A (2) (a) personnel matters concerning particular individuals (other than councillors)

**CARRIED**

## 11 INFORMATION REPORTS

Nil

## 12 GOVERNANCE REPORTS

### 12.1 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2022/2023 S12.11.5

#### RESOLUTION 2023/168

Moved: Cr Kate Dight  
 Seconded: Cr Stewart Berryman

*That:*

- i) *it be noted that the Financial Statements have changed due to the required manner in which landfill provisions are recorded within the Financial Statements. Further, it be noted that the residual value of Landfill assets has changed from the original statements which were presented to Council on 27 September, 2023.*
- ii) *Council record as an opinion of Council, in accordance with s413 (2c) of the Local Government Act 1993, that the draft 2022/2023 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.*

*iii) 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, 2023 at its Ordinary Meeting to be held on Wednesday, 22 November, 2023; and*
- iv) Council present the signed audited Financial Statements to the public at the Ordinary Council meeting to be held on 22 November, 2023 in accordance with s 419 (1) Local Government Act 1993.*

**CARRIED**

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

At 3.14pm, 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.

#### **RESOLUTION 2023/169**

Moved: Cr Stewart Berryman

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 2023/170**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

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

**CARRIED**

Upon resuming Open Council at 3.17pm, 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 RECRUITMENT OF GENERAL MANAGER S22-24/23****RECOMMENDATION:**

*That:*

1. *Council receive and note the recruitment report from Leading Roles.*
2. *Council appoint 'Candidate A' as the preferred candidate for the position of General Manager subject to the successful completion of relevant background and eligibility checks.*
3. *On successful completion of the relevant checks, Council delegate authority to the Mayor to:*
  - a. *Offer 'Candidate A' a five-year fixed term performance-based contract for the General Manager's position,*
  - b. *Finalise the Total Remuneration Package, within the parameters determined by Council, and*
  - c. *Affix the Common Seal of Council to the Contract.*
4. *It be noted that the recruitment process and appointment was:*
  - a. *In accordance with the merit selection principles as required by s.349 of the Local Government Act (NSW) 1993*
  - b. *Completed in accordance with s.26A of the Local Government Act (NSW) 1993 and the Office of Local Government Guidelines for the Appointment of General Managers.*
5. *The confidentiality of the documents and considerations in respect of the recruitment process be maintained.*
6. *On completion of the recruitment process, the Mayor be authorised to inform the community of the name and relevant details of the person appointed as the General Manager of Inverell Shire Council.*

**CARRIED****ADOPTION OF RECOMMENDATIONS****RESOLUTION 2023/171**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 3.18pm.**