



INVERELL  
SHIRE COUNCIL



*To enable Council to formulate an advocacy position, a Community Health Forum was convened to scope the critical issues impacting the provision of health services in the Shire.*

*The first community forum was chaired by Cr Wendy Wilks and was held on 10 May, 2023. The photo above was taken after the sixth forum was held on Tuesday, 10<sup>th</sup> of October. Cr Jo Williams and Cr Wendy Wilks are holding the submission that will be presented to the Select Committee on Remote, Rural and Regional Health, NSW Parliament.*

## Business Paper

### Ordinary Meeting of Council

### Wednesday, 25 October 2023

**INVERELL SHIRE COUNCIL****NOTICE OF ORDINARY MEETING OF COUNCIL**

19 October, 2023

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 25 October, 2023, commencing at **3.00pm**.

Your attendance at this Ordinary Meeting of Council would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be recorded. The audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

**I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.**

**P J HENRY PSM**

**GENERAL MANAGER**

**Agenda**

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	Nil	

## Recording of Council Meetings

Council meetings are recorded. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded.

The recording will be archived. All care is taken to maintain your privacy; however as a visitor of the public gallery, your presence may be recorded.

## Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

### Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

### Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the Code of Conduct and Office of Local Government
- **Non-pecuniary** – regulated by Code of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

### The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

### Identifying problems

**1st** Do I have private interests affected by a matter I am officially involved in?

**2nd** Is my official role one of influence or perceived influence over the matter?

**3rd** Do my private interests conflict with my official role?

### Code of Conduct

For more detailed definitions refer to Council's and Model Code of Conduct, Part 4 – Pecuniary Interests and Part 5 – Non – Pecuniary Conflicts of Interest.

### Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

**A Declaration form should be completed and handed to the General Manager** as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Disclosure of Pecuniary Interests form](#) or [Non-Pecuniary Interests form](#)

## Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.

## OUR DESTINATIONS



### 01 LEADERSHIP



We will be an accountable and responsible Council that will be involved with the community and responsibly manage public resources.

### 02 PROSPERITY



The Shire has a diverse, strong local economy that provides opportunities that contribute to the quality of life for the community.

### 03 LIVEABILITY



Our community is healthy, safe, educated and offers opportunities for people of all ages and abilities. We value our natural and built environment.

### 04 SERVICES & INFRASTRUCTURE



Our community is enhanced by the provision of civic services and infrastructure. These services are planned and financially sustainable.



## MEETING CALENDAR

January 2023 – December 2023

### Ordinary Meetings:

Time: 3.00 pm

Venue: Council Chambers

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
25 (Special)	22	22	26	24	<sup>^</sup> 28	26	23	27	25	22	13

### Major Committee Meetings:

Civil and Environmental Services - 9.00 am

Economic and Community Sustainability - 10.30 am

Venue: Committee Room

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
No Meeting	8	8	12	10	14	12	9	13	11	8	No Meeting

Members of the public are invited to observe meetings of the Council.

Should you wish to address Council, please contact the Office of the General Manager on 6728 8206.

<sup>^</sup> Meeting at which the Management Plan for 2023/2024 is adopted.



# INTERNAL CALENDAR

## November 2023

SUN	MON	TUE	WED	THU	FRI	SAT
			10:00am Aboriginal Consultative Committee Meeting 1.	2:00pm LEMC Meeting 2.		
Sapphire City Markets 5.		Picnic Day  7:00pm Anh Do – The Happiest Refugee Live 7.	9.00am Civil & Environmental Committee Meeting  10.30am Economic & Community Sustainability Committee Meeting  2:00pm Community Health Forum Meeting 8.		BROC Meeting (Tenterfield Shire Council)  6:30pm Eat Drink Live - Literary Dinner 10.	Remembrance Day  10:00am Eat Drink Live New England Market Day 11.
LG NSW Conference 12.	LG NSW Conference  Reports due for Ordinary Council Meeting by 4.30pm 13.	LG NSW Conference  10:00am Inverell & District Liquor Consultative Committee Meeting 14.				
Sapphire City Markets 19.			11:00am Official Naming of the Barry Johnston Bridge  3.00pm Ordinary Council Meeting 22.			12:30pm Inverell Picnic Race Day  7:30pm Dreams – Fleetwood Mac Tribute Show 25.
				2 <sup>nd</sup> Quarterly Rates Instalments Due 30.		

Council office closed

**1 APOLOGIES**

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*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.*

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 27 SEPTEMBER 2023 AT 3.00PM**

**PRESENT:** Cr Paul Harmon (Mayor) - Chair, 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 2023/138**

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**

**RESOLUTION 2023/139**

Moved: Cr Kate Dight  
Seconded: Cr Nicky Lavender

*That the Minutes of the Ordinary Meeting of Council held on 23 August, 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**

Cr Kate Dight declared a Non-Pecuniary (insignificant) Interest in relation to Item #9.2.1 "Notice of Motion - Murray Darling Association Membership S11.15.17". The nature of the interest is Cr Dight is a primary producer with water holdings within the Murray Darling Basin.

Cr Wendy Wilks declared a Non-Pecuniary (insignificant) Interest in relation to Item #11.2 "Summary of Development Applications, Construction Certificates and Complying Development Certificates during August 2023 S18.10.2/16". The nature of the interest is Cr Wilks is related to one of the applicants.

**4 PUBLIC FORUM**

Nil

## 5 MAYORAL MINUTE

### 5.1 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - NOTICE OF MOTION S14.3.13

#### RESOLUTION 2023/140

Moved: Cr Paul Harmon

Seconded: Cr Jo Williams

That Inverell Shire Council submit the following motion to the 2023 Annual Local Government NSW Conference:

*'That the Association seek a commitment from the Federal Government that when it is determining measures to reduce greenhouse emissions for the agricultural sector, that it specifically excludes an order to cull the national livestock herd'.*

**CARRIED**

## 6 ELECTIONS

### 6.1 ELECTION OF MAYOR S13.7.2

A nomination for the position of Mayor was received from Cr Paul Harmon. The Acting General Manager advised that being only one (1) nomination, Cr Harmon was duly declared elected as Mayor for the ensuing one (1) year period.

#### RESOLUTION 2023/141

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

*That the nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

**CARRIED**

### 6.2 ELECTION OF DEPUTY MAYOR S13.7.2

#### RESOLUTION 2023/142

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That:*

- i) There shall be a Deputy Mayoral position on Council;*
- ii) The term of office for the position be one (1) year; and*
- iii) The nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

**CARRIED**

A nomination for the position of Deputy Mayor was received from Cr Kate Dight. The Acting General Manager advised that being only one (1) nomination, Cr Kate Dight was duly declared elected as Deputy Mayor for the ensuing one (1) year period.

## 7 ADVOCACY REPORTS

### 7.1 COMMUNITY HEALTH FORUM - SEPTEMBER 2023 S24.20.5

#### RESOLUTION 2023/143

Moved: Cr Wendy Wilks

Seconded: Cr Jo Williams

*That the report be received and noted.*

**CARRIED**

## 8 QUESTIONS WITH NOTICE

Nil

## 9 COMMITTEE REPORTS

### 9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 13 SEPTEMBER 2023

#### RESOLUTION 2023/144

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

- i. That the Minutes of the Civil and Environmental Services Committee Meeting held on Wednesday, 13 September, 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 Extension to the Existing HML Road Train Access on Yetman Road - Inverell Regional Livestock Exchange to Stewart's Grain Trading, Oakwood

#### RECOMMENDATION:

*That:*

- 1. The existing HML Road Train route on Yetman Road be extended by 12km to Stewart's Grain Trading, Oakwood, commencing at the Inverell Regional Livestock Exchange;*
- 2. The route be conditional to match the conditions on the existing route; and*
- 3. The application to NHVR to gazette the route for Type 1 A-Double Road Trains and notification to Transport for NSW to update the Restricted Access Vehicle Maps be actioned accordingly.*

**9.1.2 Information Reports****RECOMMENDATION**

*That the information reports be received and noted.*

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 13 SEPTEMBER 2023****RESOLUTION 2023/145**

Moved: Cr Wendy Wilks

Seconded: Cr Jacko Ross

- i. That the Minutes of the Economic and Community Sustainability Committee Meeting held on Wednesday, 13 September, 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 Notice of Motion - Murray Darling Association Membership****RECOMMENDATION:**

*That:*

- i. Inverell Shire Council apply to be a member of the Murray Darling Association; and*
- ii. Membership be funded from Council's expiring Joint Organisation membership funds.*

**9.2.2 Request to Licence - Automatic Weather Station Site - Raglan Street, Inverell - Bureau of Meteorology****RECOMMENDATION:**

*That:*

- i) Council enter into a Licence Agreement with the Commonwealth of Australia as represented by the Bureau of Meteorology for a section of land located in Lot 4 in Deposited Plan 1152029, Raglan Street, Inverell;*
- ii) The Licence Agreement be for a period of 10 years;*
- iii) The Licence Fee be \$1.00 excluding GST per annum; and*
- iv) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**9.2.3 Request to Lease - Mandoe Radio Site - Lot 22 DP 721168 Mount Hallam Road, Atholwood - Amplitel Pty Limited****RECOMMENDATION:**

*That:*

1. *Subject to 100 Square Metres of suitable land being available on site, noting that a design visit has not yet been conducted; and*
2. *A guarantee from the Amplitel Pty Limited that existing infrastructure on the site will be not be impacted;*
3. *Council enter into a Lease Agreement with Amplitel Pty Limited for Mandoe Radio Site, Lot 22 DP 721168, Mount Hallam Road, Atholwood for a five (5) year period with an option of 3 further terms of five (5) years;*
4. *The Lease fee be \$7,500 per annum (GST exclusive) with a 3% increase per annum; and*
5. *The Lease Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**9.2.4 Management of the Linking Together Centre****RECOMMENDATION:**

*That:*

- a) *The Expression of Interest, submitted by Armajun Aboriginal Health Service, to manage and operate the 'Linking Together Centre' be accepted;*
- b) *The management of the centre be guided by a Memorandum of Understanding (MOU) in the terms outlined in this report; and*
- c) *The MOU be for a (3) year period.*

**9.2.5 Rural Recovery Support Service****RECOMMENDATION:**

*That the information report be received and noted.*

**9.2.6 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.*

**9.2.7 Information Reports****RECOMMENDATION**

*That the information reports be received and noted.*

**9.3 INVERELL & DISTRICT LIQUOR CONSULTATIVE COMMITTEE MINUTES - 12 SEPTEMBER 2023****RESOLUTION 2023/146**

Moved: Cr Di Baker

Seconded: Cr Jo Williams

*That the Minutes of the Inverell & District Liquor Consultative Committee held on Tuesday, 12 September, 2023, be received and noted.*

**CARRIED**

**10 DESTINATION REPORTS****10.1 ASHFORD SWIMMING POOL - UPCOMING SEASON AND SCHOOL ACCESS S5.11.6****RESOLUTION 2023/147**

Moved: Cr Nicky Lavender

Seconded: Cr Kate Dight

*That Council:*

1. *Receive and note the information regarding the upcoming swimming season and Ashford Pool;*
2. *That Council waive the entry fee for all schools within the Inverell Shire accessing the Ashford Pool during the 2023/24 swim season for formal school activities; and*
3. *School access be in accordance with normal booking and availability arrangements with fee waiver subject to review throughout the season.*

**CARRIED**

**10.2 TRANSFER OF INTERNALLY RESTRICTED ASSETS AND BUDGET REVOTES FROM 2022/2023 S12.5.1/15****RESOLUTION 2023/148**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

*That:*

- i) *The report be received and noted;*
- ii) *The list of revotes in the attachment be revoted to the 2023/2024 budget; and*
- iii) *The transfers to Council's Externally / Internally Restricted Assets for the 2022/2023*

*Financial Year totalling \$9,083,801 and Council's transfers from Externally / Internally Restricted Assets for the 2022/2023 Financial Year totalling \$8,544,013 be endorsed.*

**CARRIED**

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

#### **RESOLUTION 2023/149**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*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 Housing Proposal - Homes North Community Housing Co Ltd (Homes North).

**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 STRATEGIC TASKS - 'SIGN OFF' - AUGUST 2023 S4.13.2

#### **RESOLUTION 2023/150**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

*That the information report be received and noted.*

**CARRIED**

### 11.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING AUGUST 2023 S18.10.2/16

#### **RESOLUTION 2023/151**

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

*That the information report be received and noted.*

**CARRIED**

### 11.3 NORTHERN INLAND POPULATION MIGRATION FOR 2016 - 2021 S8.3.1/16

#### **RESOLUTION 2023/152**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the information report be received and noted.*

**CARRIED**

#### **11.4 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2023 S18.10.1**

##### **RESOLUTION 2023/153**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the information report be received and noted.*

**CARRIED**

#### **11.5 FINAL PRE-TOURNAMENT UPDATE - 2023 RALE RASIC JOEYS MINI WORLD CUP S26.3.21**

##### **RESOLUTION 2023/154**

Moved: Cr Jacko Ross

Seconded: Cr Stewart Berryman

*That the information report be received and noted.*

**CARRIED**

#### **11.6 LITERARY DINNER WITH PETER WATT S3.6.17/05**

##### **RESOLUTION 2023/155**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the information report be received and noted.*

**CARRIED**

### **12 GOVERNANCE REPORTS**

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

##### **RESOLUTION 2023/156**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That:*

- i) the report be received and noted;*
- ii) Council's DRAFT 2022/2023 Financial Statements be "referred to audit" in accordance with s413(1) of the Local Government Act 1993.*
- iii) If during the audit process, the NSW Audit Office requires any material changes, or discovers any audit issues that would render the Financial Statements false or misleading in any way, the draft financial statements are to be returned to Council for*

*further consideration.*

- iv) *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.*
- v) *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 3.49pm, 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 2023/157**

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 2023/158**

Moved: Cr Kate Dight  
Seconded: Cr Di Baker

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

**CARRIED**

Upon resuming Open Council at 4.22pm, 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 HOUSING PROPOSAL - HOMES NORTH COMMUNITY HOUSING CO LTD (HOMES NORTH) S3.16.8****RECOMMENDATION:**

1. *That it be noted that Homes North requires an area of 2,925.25m<sup>2</sup> to undertake the construction of a social housing project;*
2. *Council commit this area to Homes North for the proposed project;*
3. *That the Mayor and General Manager be authorised to discuss and agree details of the concept design and timetable with Homes North;*
4. *That the title of the area of land required be transferred to Homes North after the issuing of an Occupation Certificate for the housing units constructed under this proposal;*
5. *Appropriate safeguard be incorporated into any land transfer to prevent the future sale or transfer of ownership from Homes North without the express approval of Council; and*
6. *Any necessary documents be completed under the Common Seal of Council.*

**ADOPTION OF RECOMMENDATIONS****RESOLUTION 2023/159**

Moved: Cr Di Baker  
Seconded: Cr Stewart Berryman

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 4.23pm.**

- 3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS**
- 4 PUBLIC FORUM**

## 5 MAYORAL MINUTE

### 5.1 RESIGNATION OF GENERAL MANAGER

**File Number:** S16.7.6 / 23/34160

**Author:** Cr Paul Harmon, Mayor

#### RECOMMENDATION:

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.*

#### COMMENTARY:

In a few weeks, the resignation of Council's General Manager, Mr Paul Henry PSM, will take effect and now is an appropriate time to record that occurrence. Whilst it is not possible to encapsulate the distinguished service and many achievements of Mr Henry in the pages of a Mayoral Minute, I would ask my fellow Councillors to join with me and reflect upon a remarkable career.

Paul's local government career spans more than 48 years – over 32 years of that period has been in the service of Inverell Shire Council. Previously, Paul served with Gunnedah Municipal Council, Great Lakes Shire Council, Scone Shire Council, Moree Plains Shire Council, Cobar Shire Council and Bingara Shire Council.

Paul joined Inverell Shire in June 1991, not long after the disastrous February flood of that year and the release of a damning report into the Council by the Department of Local Government. In concert with councillors and staff, he played a significant role in the transformational process to address the need for infrastructure improvements and organisational review.

The subsequent leadership provided by Paul, working collaboratively with Councillors and fellow staff, was pivotal in establishing a strong financial position and long-term planning processes. Indeed, Inverell Shire was one of only a handful of Councils in NSW that IPART deemed 'Fit for the Future' when it conducted its review into Local Government concluding in 2015. Such acumen and the commitment to strong financial management over the years has allowed Council to deliver more for our residents while responding to a changing operating environment.

I would expect that any fair-minded observers would acknowledge that over the years Council has delivered many improvements to community infrastructure for the use of our residents. Delivering quality services and outcomes for the community has always been a key focus for Paul, both in his role as General Manager and as a dedicated community member. Since announcing his pending retirement this has been echoed in my exchanges with many community members across the Shire wishing to pay tribute to the dedicated service provided by Paul.

I should also acknowledge Paul's involvement in the formation of two insurance mutuals that have delivered significant benefits for local government. That being Statewide Mutual and StateCover Mutual Ltd. His commitment to the industry and his desire to deliver benefits to this Council is reiterated in the establishment of these entities.

Established in 1993, Statewide is a mutual that provides Public Liability and Professional Indemnity Insurance for 113 Councils across the State. Paul participated in the Working Party that established this Mutual and went on to serve as the inaugural Chairperson (4 years) and then as a Board member for 5 more years.

Following the success of Statewide, Paul became involved in the Working Party seeking to establish a Worker's Compensation Mutual. After 5 years of effort, StateCover was established in 2004. Today StateCover is the insurer of choice for 134 Councils and delivers superior 'return-to-work' rates, affordable premiums and 'best practice' wellbeing programs for members. Paul was a member of the StateCover Board for 14 years.

In 2008 Mr Henry was duly recognised for his outstanding contribution to the betterment of local government. Paul was named on the Queen's Birthday Honours List and awarded a Public Service Medal for leading the Council through a period of significant change. This award was acknowledgement of dedication and commitment over an enduring period to the community.

This medal was a most fitting tribute to Paul's many years of outstanding public service, and I was delighted that his hard work and ongoing endeavours were suitably recognised.

Paul has worked tirelessly over many years for not only the betterment of Inverell Shire but also the local government industry. Paul's industry expertise has seen him serve on numerous regional and state based working groups, forums and advisory bodies, guiding policy responses for the industry.

In the higher echelon of achievement comes the praise from one's peers. I can attest that Paul is held in high esteem and great regard throughout the executive ranks of local government. Paul's wise counsel and guidance has been greatly appreciated by many of his colleagues throughout his career.

Whilst modest in his own assessment of his time in role, Paul should be very proud that his contribution leaves a lasting legacy for not only Inverell Shire but also the local government sector.

In closing I personally wish to thank Paul for the wonderful support that he has provided to me as Mayor. I wish Paul and his wife Gabrielle much health and happiness in their retirement.

#### **ATTACHMENTS:**

**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 - 11 OCTOBER 2023**

**File Number:** S4.11.16/15 / 23/34522

**Author:** Kristy Paton, Corporate Support Officer - Publishing

**SUMMARY:**

Meeting held on Wednesday, 11 October, 2023.

For the consideration of Council.

**COMMENTARY:**

Refer to the attached minutes of the meeting.

**RECOMMENDATION:**

- 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.*

**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.*

#### **ATTACHMENTS:**

1. **Minutes of Civil and Environmental Services Committee Meeting 11 October, 2023**

**MINUTES OF INVERELL SHIRE COUNCIL  
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD AT THE TINGHA TOWN HALL, RUBY STREET, TINGHA  
ON WEDNESDAY, 11 OCTOBER 2023 AT 2.05PM**

**PRESENT:** Cr Stewart Berryman (Chair), Cr Paul Harmon (Mayor), Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

**IN ATTENDANCE:** Cr Kate Dight, Cr Paul King OAM and Cr Jo Williams.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Paul Pay (Director Corporate and Economic Services) and Justin Pay (Manager Civil Engineering).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 13 September, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**CARRIED**

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

Cr Jo Williams declared a Non-Pecuniary Interest (insignificant) in relation to Item #5.2 "MR187 Yetman Road – Ring Street to McFertridge Lane – Speed Zone Review S28.10.MR187". The nature of the interest is Cr Williams is a resident within the speed zone area.

**4 PUBLIC FORUM**

Nil

**5 DESTINATION REPORTS**

**5.1 REGIONAL EMERGENCY ROAD REPAIR FUND S15.8.140**

**COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman

Seconded: Cr Jacko Ross

*That the Committee recommend to Council 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.*

**CARRIED**

## **5.2 MR187 YETMAN ROAD - RING STREET TO MCFERTRIDGE LANE - SPEED ZONE REVIEW S28.10.MR187**

### **COMMITTEE RESOLUTION**

Moved: Cr Wendy Wilks

Seconded: Cr Stewart Berryman

*That the Committee recommend to Council 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.*

**CARRIED**

## **6 INFORMATION REPORTS**

### **6.1 WORKS UPDATE S28.21.1/16**

#### **COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

*That the information report be received and noted.*

**CARRIED**

### **6.2 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022 - INCREASE TO BASIX STANDARDS AND NEW NON-RESIDENTIAL SUSTAINABILITY REQUIREMENTS S18.3.1**

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

*That the information report be received and noted.*

**CARRIED**

### **6.3 CATTLE GRID REPAIRS - TINGHA COMMON TRUST S28.9.23**

#### **COMMITTEE RESOLUTION**

Moved: Cr Di Baker  
Seconded: Cr Wendy Wilks

*That the information report be received and noted.*

**CARRIED**

**6.4 ADMINISTRATIVE AMENDMENT NO. 5 TO THE GUYRA LOCAL ENVIRONMENTAL  
PLAN 2012 - INVERELL LOCAL GOVERNMENT AREA S18.6.34**

**COMMITTEE RESOLUTION**

Moved: Cr Wendy Wilks  
Seconded: Cr Stewart Berryman

*That the information report be received and noted.*

**CARRIED**

**The Meeting closed at 2.28pm.**

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 OCTOBER 2023****File Number:** S4.11.17/15 / 23/34525**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Meeting held on Wednesday, 11 October, 2023.

For the consideration of Council.

**COMMENTARY:**

Refer to the attached minutes of the meeting.

**RECOMMENDATION:**

- 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.*

**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.*

**ATTACHMENTS:**

1. **Minutes of Economic and Community Sustainability Committee Meeting 11 October, 2023**

**MINUTES OF INVERELL SHIRE COUNCIL  
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING  
HELD AT THE TINGHA TOWN HALL, RUBY STREET, TINGHA  
ON WEDNESDAY, 11 OCTOBER 2023 AT 2.30PM**

**PRESENT:** Cr Paul King OAM (Chair), Cr Paul Harmon (Mayor), Cr Kate Dight and Cr Jo Williams.

**IN ATTENDANCE:** Cr Stewart Berryman, Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Paul Pay (Director Corporate and Economic Services) and Justin Pay (Manager Civil Engineering).

## **1 APOLOGIES**

### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

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

**CARRIED**

## **2 CONFIRMATION OF MINUTES**

### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

*That the Minutes of the Economic and Community Sustainability Committee Meeting held on 13 September, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**CARRIED**

## **3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil

## **4 DESTINATION REPORTS**

### **4.1 REQUEST FOR DONATION - WAIVER OF COPETON NORTHERN FORESHORES COMMUNITY HALL HIRE FEE - CHARITY EVENT - TIFFANY AND JANICE POLLOCK S12.22.1/16**

### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Jo Williams

*That the Committee recommend to Council that Council donate \$250.00 hall hire free from Council's donation budget.*

**CARRIED**

#### **4.2 REQUEST FOR DONATION - WAIVER OF TOWN HALL HIRE FEES - BREASTSCREEN NSW (HUNTER NEW ENGLAND HEALTH) S12.22.1/16**

##### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

*That the Committee recommend to Council that Council donate \$560.00 town hall hire free from Council's donation budget.*

**CARRIED**

#### **4.3 PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 AMENDMENTS S16.11.2**

##### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*The Committee recommends to Council 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.*

**CARRIED**

#### **4.4 REFERRAL OF CONFIDENTIAL MATTERS S24.11.4**

##### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

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

**Item:** 6.1 Outstanding Debtor Account - 215057-1

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

**CARRIED**

## 5 GOVERNANCE REPORTS

### 5.1 RISK MANAGEMENT FRAMEWORK S27.8.1

#### COMMITTEE RESOLUTION

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

*That the Committee recommend to Council that the Risk Management Framework be adopted.*

**CARRIED**

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

#### COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*The Committee recommends to Council 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**

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

At 2.44pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Committee Meeting should not be considered in Closed Committee. There was no response.

#### COMMITTEE RESOLUTION

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

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

**CARRIED**

#### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Jo Williams

*That the Committee proceeds out of Closed Committee into Open Committee.*

**CARRIED**

Upon resuming Open Committee at 2.47pm, the Chairperson verbally reported that the Committee had met in Closed Committee, with the Press and Public excluded, and had resolved to recommend to Council the following:

#### **6.1 OUTSTANDING DEBTOR ACCOUNT - 215057-1 S24.11.4**

##### **RECOMMENDATION:**

*The Committee recommends to Council that the General Manager be authorised to proceed in accordance with option 3 as detailed in the report.*

#### **ADOPTION OF RECOMMENDATIONS**

##### **COMMITTEE RESOLUTION**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

*That the recommendations of Closed Committee be adopted.*

**CARRIED**

**The Meeting closed at 2.48pm.**

## 10 DESTINATION REPORTS

### 10.1 EVANS STREET CULTURAL PRECINCT UPGRADE

**File Number:** S26.5.10 / 23/34084

**Author:** Peter Caddey, Manager Administrative and Marketing Services

#### SUMMARY:

Draft concept plans for the upgrade of Evans Street Cultural Precinct have been received. Council is being asked to review the plans and consider the recommendation.

#### RECOMMENDATION:

*That Council:*

- a) 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.*

#### COMMENTARY:

The Public Art Sunset Committee has been investigating potential options for a suitable treatment to deliver an aesthetic upgrade to the Evans Street Cultural Precinct, located between Otho and Campbell Streets. The aim of the upgrade is to provide a more “welcoming” entrance and amenity in the cultural precinct.

The precinct encompasses the Inverell Town Hall, Inverell Art Gallery, Butler Hall, Inverell Shire Library and Inverell Club. The area features two (2) existing items of public art:

- Meandering Macintyre Footpath Mosaic.
- Mural of Aunt Elizabeth Connors.

The purpose of the upgrade is to create a location which will become the focal point for the cultural fabric of the community, whilst aesthetically enhancing the existing infrastructure. The upgrade will encourage greater usage of the precinct for the hosting of events and provide substantial beautification for residents and visitors.

Council delegated authority to the Sunset Public Art Committee to investigate the project and provide a recommendation to Council for consideration.

Mr Tim Russell from Dominico Blue Building was requested to develop concept plans for a potential treatment of the precinct. Concept plans are attached for reference **Attachment 1 – Evans St Concept Plans**.

The concept plans provide considerable detail on the treatment proposed.

- 200mm CHS curved steel column structures will be installed over Evans Street to create a tunnel effect. The column structures will be placed at either end of the precinct with a third structure in the centre of the street. The column structure will be 6.6 metres in height at the apex after being mounted on engineered concrete plinths. Each structure will feature two curved columns; measuring 12,000mm across and 18,000mm across respectively, together with infilled laser cut panels. Signage will be constructed on each end frame.
- Ten (10) 7 metre multi-function light poles will be installed (5 either side of Evans Street). Catenary wires will be secured to the top of the light poles and strung perpendicular to the road surface.

- Eleven catenary wires will be secured between the column structures, the entire length of the street. The wires will be installed to house permanent LED bud lighting which will provide an excellent ambiance at night and attract visitors to the precinct.
- A covered walkway is to be installed along the eastern side of Evans Street providing much needed shade to the precinct. Path lighting will be a feature under the awning, which will service to illuminate the path and provide lighting to view the footpath mosaic at night. The covered walkway is not fixed to the existing buildings and is setback from the kerb to allow sufficient parking clearance. It has been noted that the existing design of the walkway does not allow for unimpaired viewing of the Aunt Elizabeth Mural and the design will be altered if council elects to proceed. Council has received numerous requests to supply more shade in Evans Street.
- The plans allow for a suspended lighting bar to be installed on the column structure on the northern end of Evans Street and a portable stage. These inclusions will encourage an increase in outdoor entertainment events to be hosted in the precinct, and enhance those already being delivered.

Separate to the project, a permanent sculpture is to be erected in the road blister to the north of the Art Gallery entrance. This public art feature will increase the catalogue of artwork in the precinct which will be further enhanced by the proposed upgrade.

Due to the nature of the project, full detailed plans and quotations cannot be completed without the associated engineering designs.

Council is requested to approve the concept plans in principle and authorise the project to proceed to the development of required engineering designs. Once the engineered designs are completed, an estimate of cost can be prepared for Council's consideration.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

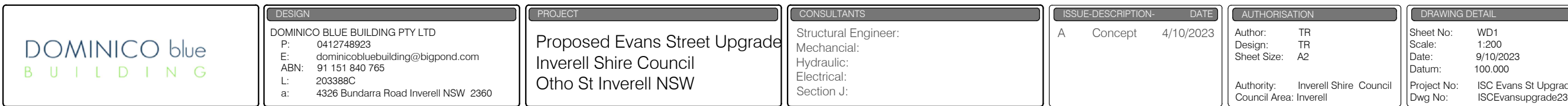
Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Attachment 1 - Evans Street Concept Plans [↓](#)



**10.2 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS**

**File Number:** S13.6.5/15 / 23/34181

**Author:** Paul Henry, General Manager

**SUMMARY:**

Clause 4.9 of the Model Code of Conduct for Local Councils in NSW requires that Councillors must submit a return within 3 months after 30 June each year.

The purpose of this report is to table the disclosure forms submitted by Councillors.

**RECOMMENDATION:**

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

**COMMENTARY:**

Under the provisions of Clause 4.9 of the Model Code of Conduct for Local Councils in NSW, Councillors must complete and lodge with the General Manager a 'Disclosure of Pecuniary Interests and Other Matters' return within 3 months after 30 June of each year.

In accordance with the Act, the completed Disclosure Forms will be tabled at today's meeting.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Compliance with Clause 4.9 – 4.15 of the Model Code of Conduct:

[Disclosure of interests in written returns](#)

- 4.9 A Councillor must make and lodge with the General Manager a return in the form set out in schedule 2 to this code, disclosing the Councillor's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a Councillor, and
  - (b) 30 June of each year, and
  - (c) the Councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.10 A Councillor need not make and lodge a return under clause 4.9 paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a Councillor in the preceding 3 months.

- 4.11 A Councillor must not make and lodge a return that the Councillor knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The General Manager must keep a register of returns required to be made and lodged with the General Manager.
- 4.13 Returns required to be lodged with the General Manager under Clause 4.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the General Manager under Clause 4.9(c) must be tabled at the next council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under Clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

**ATTACHMENTS:**

Nil

**10.3 RECRUITMENT OF GENERAL MANAGER**

**File Number:** S22-24/23 / 23/34745

**Author:** Cr Paul Harmon, Mayor

**SUMMARY:**

A supplementary report will be tabled for consideration by Council.

**RECOMMENDATION:**

*That the supplementary report be received and considered.*

**COMMENTARY:**

A report prepared by the Human Resource Consultant engaged to assist Council with the recruitment of the General Manager will be tabled for consideration at today's meeting.

**ATTACHMENTS:**

Nil

**11 INFORMATION REPORTS**

Nil

**12 GOVERNANCE REPORTS****12.1 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2022/2023****File Number: S12.11.5 / 23/34565****Author: Robert Kimmince, Manager Financial Services****SUMMARY:**

Council at its September meeting resolved to sign the draft Financial Statement subject to no material change. During the audit process Council was required to make a material change to the financial statements and Council is asked to sign the updated statements.

**RECOMMENDATION:**

*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.*

**COMMENTARY:**

Council, at its Ordinary meeting held on 27 September, 2023 resolved to endorse and sign the draft Financial Statements as per the resolution below:

*That:*

- i) The report be received and noted;*
- ii) Council's DRAFT 2022/2023 Financial Statements be "referred to audit" in accordance with s413(1) of the Local Government Act 1993.*
- iii) If during the audit process, the NSW Audit Office requires any material changes, or discovers any audit issues that would render the Financial*

*Statements false or misleading in any way, the draft financial statements are to be returned to Council for further consideration.*

- iv) *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.*
- v) *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.*

During the ongoing audit process the NSW Audit Office have requested a material change to the Financial Statements with regards to Landfill provisions and Landfill asset values. Therefore, in accordance with above resolution (point five), Council is asked to review, authorise and sign the financial statements.

### **Materiality**

Materiality is a key accounting principle that determines whether a discrepancy, such as an omission or misstatement, would impact a reasonable user's decision-making. If it would, the information is material. If the information is insignificant or irrelevant, it is said to be immaterial.

The Audit Office deem materiality to be 2.4% of operating expenditure. Therefore, materiality for 2022/2023 Financials would be \$1.275M (2.4% \* \$53.125M). Thus, any change in the Financial Statements more than \$1.275M is deemed to be material.

### **Landfill Provisions**

When completing a set of Financial Statements, Council must make or review the Provision for the rehabilitation of Council Landfill facilities.

Council's Landfill facilities include Inverell & Tingha waste depots. All other small landfills have been rehabilitated and are now waste transfer stations.

Councils have an obligation to restore and rehabilitate Landfills once Council has finished using these assets or at other times during the period of control.

AASB 137 requires a provision to be recognised when there is a liability, i.e. cost to restore and rehabilitate landfills. Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date.

The discount rate used to determine the present value reflects current market assessments of the time, value of money and the risks specific to the liability.

When completing the 2023 statements, Landfill provisions were adjusted to take into account the predicted inflation rate for the cost of present and future rehabilitation (estimated 4.5% for 2023; 3.75% for 2024 and 3.0% thereafter) together with the discount rate for the 30 year Bond rates (4.5%).

The resulting adjustment for "Revised Discount Rate" decreased Council provision for Landfill restoration and rehabilitation by \$2.309M.

### **Landfill Provisions Material Change**

The material change with regards to Landfill Provisions is about how the decrease in provision is reported in the Financial Statements. The calculation of the decrease (\$2.309M) has not changed.

Following advice from Council's Auditor, it was recommended that the value of Council Landfill assets be adjusted down by the same amount as the provision due to a material movement in the balance of the provision.

Thus, in addition to the original entry (decreasing the provision, offset by an increase in the asset revaluation reserve) the Audit Office required Council to decrease the value of Council's Landfill Assets. This was achieved by decreasing Council's "Tip Asset" values (from \$5.245M to \$2.936M) and decreasing the asset revaluation reserve.

The additional entry impacted the following pages of the Financial Statements:

1. Page 6 – Statement of Comprehensive Income – removed "Other Movements" line.
2. Page 7 – Statement of Financial Position – change in values of "Non-Current Assets – IPPE"
3. Page 8 – Statement of Changes in Equity – removed line "Gain (loss) on revaluation of other reserves"
4. Page 9 – Statement of Cash Flows – removed line – "Other Reversal Unused Tip Provision"
5. Page 42 – Note C1-7 Infrastructure, Property, plant & Equipment – Change values on "Tip assets"

An updated set of Financial Statements have been supplied under separate cover.

Section 413(2)(c) of the *Local Government Act 1993* requires a Statement, signed by the General Manager, Responsible Accounting Officer, Mayor and one Councillor, to accompany the draft Financial Reports when they are sent to the Audit Office. The form of this statement is specified in the Local Government Code of Accounting Practice and requires Council authorisation.

### **Staff Certification:**

The General Manager, Mr Paul Henry, and the Responsible Accounting Officer, Mr Paul Pay, have both certified that to the best of their knowledge, the General Purpose and Special Purpose Financial Reports have been prepared in accordance with all statutory requirements and believe the reports present fairly the financial position of Inverell Shire Council at 30 June, 2023.

### **Council Certification:**

Before audit certificates will be issued by the Audit Office of NSW, Council must record as an opinion of Council in accordance with the provisions of s413(2)(c) of the *Local Government Act 1993*, (as amended) that Council's Annual Financial Reports/Special Purpose Finance Reports have been prepared in accordance with:

- *the Local Government Act 1993 (as amended) and the Regulations made there under,*
- *the Australian Accounting Standards and professional pronouncements, and*
- *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.*

### **Legislative Requirements**

After the 2022/2023 Financial Statements have been audited, Council must present the signed audited Financial Statements to the public at an Ordinary Council meeting in accordance with Section 419 (1) of the *Local Government Act 1993*. The last possible day to present the financial reports is 5 December, 2023.

Council must also place the audited Financial Statements on public exhibition and provide notice in accordance with Section 418 (3) of the *Local Government Act 1993*, that Council will consider the Reports of its Auditors for the year ended 30 June, 2023. The public notice must provide a minimum of seven (7) days' notice for the public presentation.

It is proposed that the audited 2022/2023 Financial Statements be presented to the public at Council's Ordinary Meeting to be held on Wednesday 22 November, 2023 and that Council make a public notice in the Inverell Times no later than 9 November, 2023.

### **LEGAL IMPLICATIONS:**

These reports ensure compliance with:

- The *Local Government Act 1993*, (as amended) and the Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Department of Water and Energy Practice Management of Water Supply and Sewerage Guidelines.
- NSW Government Policy Statement '*Application of National Competition Policy to Local Government*'.
- Department of Local Government Guidelines '*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*'.

### **ATTACHMENTS:**

**Nil**

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

Nil