

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 22 NOVEMBER 2023 AT 3.00PM**

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

IN ATTENDANCE: Brett McInnes (General Manager), Paul Pay (Director Corporate and Economic Services), Justin Pay (Manager Civil Engineering), and Anthony Alliston (Manager Development Services).

1 APOLOGIES

RESOLUTION 2023/172

Moved: Cr Di Baker

Seconded: Cr Kate Dight

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

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

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2023/173

Moved: Cr Stewart Berryman

Seconded: Cr Wendy Wilks

That the Minutes of the Ordinary Meeting of Council held on 25 October, 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 Dight declared a non-pecuniary (in-significant) interest in Item #9.1.1 'Holdfast Crossing – Fish Passage Project Update'. The nature of the interest is that Cr Dight has a family connection to a land owner adjacent to Holdfast Crossing.

Cr Dight declared a pecuniary interest in Item #11.9 Summary of Development Applications, Construction Certificates and Complying Development Certificates during October 2023 S18.10.2/16. The nature of the interest is that Cr Dight's husband is the owner/operator of the extractive industry that relates to DA-112/2023.

4 PUBLIC FORUM

At this juncture, the time being 3.05pm, 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.

Certificate of Service Awards

At the Local Government Conference dinner on 14 November 2023, two Inverell Councillors received Certificate of Service awards. These awards acknowledge the duration of service of an elected member. Mayor Harmon presented the following awards:

- Cr Di Baker - 25 years of service; and
- Cr Stewart Berryman – 15 years of service.

SUSPENSION OF STANDING ORDERS

RESOLUTION 2023/174

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That standing orders be suspended to allow Paul Cornall - Forsyths Chartered Accountants representing The NSW Audit Office to present the results of the 2022-2023 external audit.

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLUTION 2023/175

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That standard orders be resumed and Item 12.3 be brought forward for consideration.

CARRIED

12.3 PRESENTATION OF COUNCIL'S 2022/2023 AUDITED FINANCIAL REPORTS S13.5.2/16

RESOLUTION 2023/176

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

- i. the information be received and noted; and*
- ii. the Audit Report for the 2022/2023 Financial Year be adopted.*

CARRIED

5 MAYORAL MINUTE

5.1 BIPARTISAN SUPPORT – PARLIAMENTARY INQUIRY INTO CRIME, LAW AND ORDER IN REGIONAL NSW S14.11.1/16

RESOLUTION 2023/177

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That Council endorse the following recommendations listed in the Country Mayors Association of NSW report into Crime, Law and Order and call on the member for Northern Tablelands the Hon. Adam Marshall MP to support the establishment of a Parliamentary Inquiry with the suggested terms of reference in the document:

1. *That, Inverell Shire Council call on all members of the NSW Parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of Crime Statistical and Research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.*
2. *That, Inverell Shire Council calls on all members of the NSW Parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.*
3. *That, Inverell Shire Council call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non-24 hour police stations, all of which are located in Regional, Rural and Remote Local Government areas.*
4. *That, Inverell Shire Council calls on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.*

CARRIED

6 ADVOCACY REPORTS

6.1 MEMORANDUM OF UNDERSTANDING BETWEEN GOONDIWINDI REGIONAL COUNCIL & INVERELL SHIRE COUNCIL S14.10.1

RESOLUTION 2023/178

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

- i) *The report be received and noted; and*
- ii) *The Memorandum of Understanding between Goondiwindi Regional Council and Inverell Shire Council be signed by the Mayor.*

CARRIED

7 NOTICES OF BUSINESS

Nil

8 QUESTIONS WITH NOTICE

Nil

9 COMMITTEE REPORTS**9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 8 NOVEMBER 2023****RESOLUTION 2023/179**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

That:

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

CARRIED

Cr Dight declared a non-pecuniary (in-significant) interest in Item #9.1.1 'Holdfast Crossing – Fish Passage Project Update'. The nature of the interest is that Cr Dight has a family connection to a land owner adjacent to Holdfast Crossing.

9.1.1 Holdfast Crossing - Fish Passage Project Update**RECOMMENDATION:**

That the amended proposal from the Department of Planning and Environment, Water Infrastructure NSW regarding the Reconnecting the Northern Basin: Fish Passage Project at Holdfast Crossing be approved.

9.1.2 Information Reports**RECOMMENDATION**

That the information reports be received and noted.

9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 8 NOVEMBER 2023**RESOLUTION 2023/180**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

That:

- i) the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 8 November, 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 Parliamentary Inquiry into Crime, Law and Order in Regional NSW

RECOMMENDATION:

That:

- a) *the report be received and noted;*
- b) *the Committee note the intent for a Mayoral Minute to be considered at the November Council meeting.*

9.2.2 Expiring Licence Agreement - Mr Gerard Merchant

RECOMMENDATION:

That:

- i) *Council renew the Licence Agreement with Gerard Merchant for part portion of land located at Inverell Aerodrome, Gilgai for a five (5) year period with a further five (5) year option;*
- ii) *the Licence fee be \$854.21 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

9.2.3 Council's Performance Report - Statecover Mutual

RECOMMENDATION:

That the information be noted.

9.2.4 Request to Share Project Cost by Sapphire Wind Farm Community Benefit Fund Committee - National Transport Museum

RECOMMENDATION:

That:

- i) *Council partner with the Sapphire Wind Farm Community Benefit Fund and National Transport Museum to install evaporative air conditioners at the Museum; and*
- ii) *Council fund its \$10,000 contribution from Minor Community Infrastructure Assets budget allocation.*

9.2.5 Request to Licence Land - Lots 290, 291 and 292 DP 753287 (Reserve 80153) adjacent to Ross and Clive Streets, Inverell

RECOMMENDATION:

That:

- i) Council enter into a Licence Agreement with Paul and Jayne Miller for Lots 290, 291 and 292 DP 753287, (Reserve 80153) adjacent to Ross and Clive Streets, Inverell for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$420.00 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

9.2.6 Request to Licence Land - Part Lot 1 DP 1140913 Cameron Park and Part Closed Road, Cameron Street, Inverell

RECOMMENDATION:

That:

- i) Council enter into a Licence Agreement with David Luxford for Part Lot 1 DP 140913 Cameron Park and Part Closed Road, Cameron Street, Inverell for a two (2) year period with a two (2) year option;*
- ii) the Licence fee be \$530.45 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

9.2.7 Quarterly Budget and Operational Plan 2022/2023

RECOMMENDATION:

That:

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 2023 be adopted; and*
- ii) The proposed variations to budget votes for the 2023/2024 Financial Year be adopted providing an estimated Cash Surplus at 30 September, 2023 from operations of \$7,834.*

9.2.8 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.*

9.2.9 Information Reports

RECOMMENDATION

That the information reports be received and noted.

10 DESTINATION REPORTS

10.1 REQUEST FOR COUNCIL ASSISTANCE - INVERELL SHOW SOCIETY - INVERELL SHOW 23, 24 AND 25 FEBRUARY 2024 S12.22.1/16

RESOLUTION 2023/181

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

That Council support the Inverell Show Society by:

- i. Providing \$10,000 as a major sponsor to support the 2024 Inverell Show.*
- ii. Providing the use of Council's Variable Message Signs (VMS Boards) to help with advertising of the Show.*

CARRIED

10.2 REGIONAL DEVELOPMENT AUSTRALIA NORTHERN INLAND - RETIREMENT OF LES PARSONS S14.18.6/16

RESOLUTION 2023/182

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

That:

- i) the report be received and noted; and*
- ii) a letter of appreciation be forwarded to Mr Les Parsons OAM acknowledging his dedicated service to the community.*

CARRIED

10.3 RE-NOMINATION OF COUNCIL REPRESENTATIVES TO THE NORTHERN REGIONAL PLANNING PANEL S18.6.11

RESOLUTION 2023/183

Moved: Cr Stewart Berryman

Seconded: Cr Wendy Wilks

That Council re-nominates Councillor Dianna Baker and Mr Brett McInnes, General Manager as Council representatives to the Northern Regional Planning Panel for a term of three (3) years.

CARRIED

10.4 REQUEST FOR CONSIDERATION - WAIVER OF 2023/24 LEASE FEE - INVERELL AND DISTRICT LAPIDARY CLUB INC S5.10.125

RESOLUTION 2023/184

Moved: Cr Kate Dight
Seconded: Cr Stewart Berryman

That Council does not accede to the Lapidary Club's request to waiver the 2023/24 lease fee.

CARRIED

10.5 INDEPENDENT PRICING AND REGULATORY TRIBUNAL'S FINAL REPORT ON THE REVIEW OF THE RATE PEG METHODOLOGY S25.11.3

RESOLUTION 2023/185

Moved: Cr Di Baker
Seconded: Cr Wendy Wilks

That:

- i) The information be received and noted; and*
- ii) A more detailed report on the matter be provided to the December 2023 Council Meeting.*

CARRIED

10.6 REFERRAL OF CONFIDENTIAL MATTERS S4.19.32

RESOLUTION 2023/186

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 S29.5.7 - Tenders Inverell Sewage Treatment Plant (STP) Aeration System Upgrade

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 INVERELL AQUATIC CENTRE - 70% DESIGN STAGE COMMUNITY CONSULTATION S5.9.27

RESOLUTION 2023/187

Moved: Cr Di Baker
Seconded: Cr Stewart Berryman

That the report be received and noted.

CARRIED

11.2 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT S5.9.27**RESOLUTION 2023/188**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

*That the information report be received and noted.***CARRIED****11.3 NEW SOUTH WALES HOUSING CRISIS - NATIONAL HOUSING ACCORD S18.6.71****RESOLUTION 2023/189**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the information report be received and noted.***CARRIED****11.4 ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2023 S18.10.1****RESOLUTION 2023/190**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

*That the information report be received and noted.***CARRIED****11.5 ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2023 S18.10.1****RESOLUTION 2023/191**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

*That the information report be received and noted.***CARRIED****11.6 STRATEGIC TASKS - 'SIGN OFF' - SEPTEMBER 2023 S4.13.2****RESOLUTION 2023/192**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

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

11.7 STRATEGIC TASKS - 'SIGN OFF' - OCTOBER 2023 S4.13.2**RESOLUTION 2023/193**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

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

At 4.01pm, Cr Kate Dight left the meeting having declared a pecuniary interest in item #11.9 Summary of Development Applications, Construction Certificates and Complying Development Certificates during October 2023 S18.10.2/16. The nature of the interest is that Cr Dight husband is the owner/operator of the extractive industry that relates to DA-112/2023 left the meeting.

11.8 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING SEPTEMBER 2023 S18.10.2/16**RESOLUTION 2023/194**

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

*That the information report be received and noted.***CARRIED****11.9 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING OCTOBER 2023 S18.10.2/16****RESOLUTION 2023/195**

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

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

At 4.02pm, Cr Kate Dight returned to the meeting.

12 GOVERNANCE REPORTS**12.1 DELEGATION OF AUTHORITY - GENERAL MANAGER S22.2.1****RESOLUTION 2023/196**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That Council delegate the functions described in the relevant Instrument of Delegation, attached to this report, to the General Manager, Mr Brett McInnes.***CARRIED**

12.2 POLICY - APPOINTMENT OF AN ACTING GENERAL MANAGER S4.14.1/01**RESOLUTION 2023/197**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

1. *That when the General Manager is on leave, a member of the Executive Team will fill the role of Acting General Manager. The position will default to the following person:*

Director Corporate and Economic Services
2. *That the appointment of a member of the Executive Team will cease upon the return to work of the General Manager or a resolution of Council, and*
3. *That any person acting as General Manager, pursuant to this resolution, has all the functions and delegations given to the General Manager by the Council.*

CARRIED

Item #12.3 was brought forward and considered earlier in the meeting.

12.4 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/17**RESOLUTION 2023/198**

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

*That the information be received and noted.***CARRIED****13 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)**

At 4.05pm, 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 2023/199

Moved: Cr Stewart Berryman

Seconded: Cr Jacko Ross

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

RESOLUTION 2023/200

Moved: Cr Kate Dight
Seconded: Cr Jacko Ross

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.10pm, 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 S29.5.7 - TENDERS INVERELL SEWAGE TREATMENT PLANT (STP) AERATION SYSTEM UPGRADE S4.19.32**RECOMMENDATION:**

That:

- i) Council accept the Tender from Aquatec Maxcon Pty Ltd, including the variation of removing the aeration tank Standard Oxygen Transfer Rate testing, in the total sum of \$961,106.00;*
- ii) The Mayor and General Manager be authorised to execute any subsequent contract under Council seal; and*
- iii) The General Manager be authorised to negotiate any reasonable AUD exchange rate variations to the Contract or Specifications before execution.*

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2023/201**

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.11pm.