

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 14 AUGUST 2024 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 and Cr Wendy Wilks.

**IN ATTENDANCE:** Brett McInnes (General Manager), Paul Pay (Director Corporate and Community Services), Anthony Alliston (Director Environmental Services), Justin Pay (Director Civil Services) and Sharon Stafford (Governance and Executive Services Coordinator).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2024/111**

Moved: Cr Di Baker  
Seconded: Cr Kate Dight

*That the Minutes of the Ordinary Meeting of Council held on 24 July 2024, 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 Wendy Wilks declared a pecuniary interest in Item #11.2 'DA-55/2024 - Detached Dual Occupancy - Installation of a Pre-Manufactured Dwelling and Construction of a Carport'. The nature of the interest being Cr Wilks is part owner of the property subject to the development application.

**4 PUBLIC FORUM**

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

At 3.02pm Cr Wilks left the meeting having previously declared a pecuniary interest in Item #11.2 'DA-55/2024 - Detached Dual Occupancy - Installation of a Pre-Manufactured Dwelling and Construction of a Carport'.

Chris and Jim Moore – Objection to DA-55/2024 - Detached Dual Occupancy - Installation of a Pre-Manufactured Dwelling and Construction of a Carport

Mrs Moore spoke in opposition to the development proposed for 5 Granville Street, Inverell citing the following areas of particular concern:

- vehicle access and parking
- covered parking spaces
- neighbourhood character

- security and criminal activity

Clayton Arnold – Objection to DA-55/2024 - Detached Dual Occupancy - Installation of a Pre-Manufactured Dwelling and Construction of a Carport

Mr Arnold objected to the development proposed for 5 Granville Street, Inverell citing privacy concerns, the potential for the property to be an Airbnb and concern that the development may reduce the market value of his property.

At 3.19pm, Cr Wilks returned to the meeting.

**5 MAYORAL MINUTE**

Nil

**6 ELECTIONS**

Nil

**7 ADVOCACY REPORTS**

**7.1 MEMBER FOR NORTHERN TABLELANDS - BRENDAN MOYLAN MP S14.18.6/17**

**RESOLUTION 2024/112**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That the report be received and noted.*

**CARRIED**

**8 NOTICES OF BUSINESS**

Nil

**9 QUESTIONS WITH NOTICE**

Nil

**10 COMMITTEE REPORTS**

**10.1 INVERELL & DISTRICT LIQUOR CONSULTATIVE COMMITTEE MINUTES - 23 JULY 2024**

**RESOLUTION 2024/113**

Moved: Cr Paul King OAM

Seconded: Cr Di Baker

*That the Minutes of the Inverell & District Liquor Consultative Committee held on Tuesday, 23 July 2024, be received and noted.*

**CARRIED**

**11 DESTINATION REPORTS****11.1 GENERAL MANAGER ANNUAL PERFORMANCE REVIEW FOR 2023/24 PERIOD S22.19.1****RESOLUTION 2024/114**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That a supplementary report on the General Manager's annual review of performance be received.*

**CARRIED**

At 3.20pm, Cr Wilks left the meeting having previously declared a pecuniary interest in Item #11.2 'DA-55/2024 - Detached Dual Occupancy - Installation of a Pre-Manufactured Dwelling and Construction of a Carport'. The nature of the interest being Cr Wilks is part owner of the property subject to the development application.

**11.2 DA-55/2024 - DETACHED DUAL OCCUPANCY - INSTALLATION OF A PRE-MANUFACTURED DWELLING AND CONSTRUCTION OF A CARPORT DA-55/2024****RESOLUTION 2024/115**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That Development Application 55/2024 for a detached dual occupancy development including the installation of a pre-manufactured dwelling and construction of a carport at 5 Granville Street, Inverell be approved subject to the following conditions of consent:*

**General**

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 detached dual occupancy development including the installation of a pre-manufactured dwelling and construction of a carport and ancillary site works.*  
*To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and documentation, unless modified by any conditions of consent.*  
*Any deviation from the plans or conditions will require the consent of Council.*
2. *The applicant 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 INSTALLATION OF THE PRE-MANUFACTURED DWELLING****Prior to the Installation of the Pre-Manufactured Dwelling**

3. *Approval under Section 68 of the Local Government Act 1993 is to be obtained for the installation of the Pre-Manufactured Dwelling.*
4. *Prior to the issue of an approval under Section 68 of the Local Government Act 1993, a single contribution must be paid to Council pursuant to Section 7.11 (previously Section 94) of the Environmental Planning and Assessment Act 1979 for Community Services.*

5. *Prior to the commencement of any works on the site, a Construction Certificate must be issued for the piers and decking in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*
6. *Before site work commences, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council:*
  - i. *Council's Development Control Plan,*
  - ii. *The guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).*
7. *Before any site work commences, Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).*
8. *Prior to the issue of an approval under Section 68 of the Local Government Act 1993, in reliance upon Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000, a Certificate of Compliance must be issued by Council for the development and complied with by the applicant.*

*Note:*

- *This will require payment to Council of a Contribution for water under Council's Development Servicing Plan No. 1 for 0.8 equivalent tenements.*
  - *This will require payment to Council of a Contribution for sewer under Council's Development Servicing Plan No. 1 for 1.00 equivalent tenements.*
9. *Prior to the installation of the Pre-Manufactured Dwelling, approval under Section 68 of the Local Government Act 1993 is to be obtained for stormwater drainage work, water supply work and sewerage works.*
  10. *Prior to an approval under Section 68 of the Local Government Act 1993, approval under Section 138 of the Roads Act 1993 is to be obtained for all works within Granville Street, including construction of concrete access crossings for both dwellings in Granville Street.*

*The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed plans of all work in the road reserve.*

#### ***Prior to the Occupation of the Pre-Manufactured Dwelling***

11. *Prior to the occupation of the pre-manufactured dwelling, a final inspection is to be undertaken and a notice must be issued by Council confirming its suitability for occupation.*
12. *Prior to the occupation of the pre-manufactured dwelling, compliance plates are to be attached to the pre-manufactured dwelling in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, certifying that the applicable home complies with the Building Code of Australia.*
13. *Prior to the occupation of the pre-manufactured dwelling, Council must be given written notice of the installation of the pre-manufactured dwelling within 7 days after completion of the installation. The notice must include:*
  - *The site identifier of the dwelling site on which the pre-manufactured home or associated structure has been installed;*
  - *The particulars contained on each compliance plate relating to the pre-*

*manufactured home or associated structure.*

*The notice must also be accompanied by:*

- *A copy of the engineer's certificate for the pre-manufactured home or associated structure;*
- *A fully dimensioned diagram of the dwelling site on which the pre-manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of the Part have been complied with;*
- *A plumbing and drainage Certificate of Compliance;*
- *An electrical Compliance Certificate;*
- *A water proofing Compliance Certificate;*
- *A glazing Compliance Certificate; and*
- *A termite protection Compliance Certificate.*

**CONDITIONS RELATING TO THE CONSTRUCTION OF THE CARPORT, DECK AND PIERS FOR THE PRE-MANUFACTURED DWELLING**

***Prior to Construction***

14. *A Construction Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*

**CONDITIONS RELATING TO THE OVERALL DEVELOPMENT**

***During Construction***

15. *During construction, erosion and sediment control measures are to be implemented and maintained in accordance with the approved Civil Drawings.*
16. *Construction may only be carried out between:*
  - *7.00am and 6.00pm on Monday to Friday; and*
  - *8.00am to 1.00pm on Saturday.*

*No construction is to be carried out at any time on a Sunday or a public holiday.*

17. *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 quiet enjoyment of the surrounding neighbourhood.*
18. *All waste must be contained and removed to the Inverell Waste Depot located at 55 Burtenshaw Road, Inverell.*
19. *For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of development consent and construction certificate on site.*
20. *Any fill brought to the site must be:*
  - *Virgin excavated natural material as defined in the Protection of the Environment Operations Act 1997; and/or*
  - *Comprise materials covered by a resource recovery exemption under the Protection of the Environment Operations (Waste) Regulation 2014.*
21. *The existing bank/drain levels in Granville Lane across the rear boundary of the site are*

*not to be altered or impacted during or post-construction.*

**Prior to Occupation**

- 22. *In accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979, an application for an Occupation Certificate, must be made on completion of the works for the deck and carport. All works specified in the development consent and approved Construction Certificate plans must be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.*

*Note: Prior to issue of the Occupation Certificate, the Accredited Certifier is required to be satisfied, amongst other things, that:*

- *all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
  - *any preconditions to the issue of the certificate required by a development consent have been met.*
- 23. *Prior to occupation of the pre-manufactured dwelling, all stormwater is to be completed in accordance with the approved engineering plans and Australian Standard 3500.3 Plumbing and drainage.*
- 24. *Prior to issue of an Occupation Certificate access crossings to each dwelling are to be constructed from the edge of Granville Street to the boundary of the property. The proposed locations of the access crossings are to be approved by Council and all work is to be completed to the standard approved by Council, at the applicant's expense. Prior to the commencement of this work the applicant is required to:*
  - *Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and*
  - *Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.*

*The installation of the vehicular access crossings must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.*
- 25. *Prior to occupation of the pre-manufactured dwelling, all landscaping (including vegetated screening along the side boundaries where identified on the approved plans) is to be completed in accordance with the approved plans.*
- 26. *Prior to occupation of the pre-manufactured dwelling, any damage to adjoining properties or infrastructure (not identified within the dilapidation report) is to be repaired at no cost to the relevant property owner or authority.*

- 27. *The units shall be numbered as follows:*

<b>Primary Address</b>	<b>Sub-address 1</b>	<b>Sub-address 2</b>
5 Granville Street, Inverell	1/5 Granville Street, Inverell	2/5 Granville Street, Inverell
Whole - Lot 2 DP 565490	Dwelling located at front of lot	Dwelling located at rear of lot

**Ongoing Use**

- 28. *All car parking and vehicle movement areas are to be maintained in perpetuity in a reasonable manner.*
- 29. *All landscaping is to be maintained in perpetuity in a reasonable manner to protect the privacy and amenity of neighbouring properties.*
- 30. *Any other condition deemed appropriate by the Director Environmental Services.*

**Advice Only**

31. *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) to locate these cables.*
32. *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](http://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.*
33. *The service cables must meet the requirements of the NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements.*
34. *Works around the service cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cables integrity protected.*
35. *The Applicant should also be aware that as per the NSW Service and Installation Rules, if anything is constructed over the service cables and at any point the service cables have to be removed or replaced due to damage, that the Applicant is responsible for all costs associated with that replacement or removal.*
36. *Any garden beds etc. or any cut and fill on the properties must not affect the service pit(s). If it does and the service pit(s) must be raised or lowered to comply with Essential Energy's requirements, these works will be at the Applicant's/Landowner's expense.*
37. *Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. 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. 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](mailto:contestableworks@essentialenergy.com.au).*
38. *The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the unit(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.*

**Reasons for Approval**

1. *The development, subject to conditions, is consistent with the objectives of the R1 General Residential zone.*
2. *In consideration of design controls of the Inverell Development Control Plan 2013, the proposed dual occupancy (detached) is considered appropriate in its design, orientation and compatibility with the surrounding built environment.*

**CARRIED**

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

At 3.26pm, Cr Wilks returned to the meeting.

**11.3 INVERELL SHIRE COUNCIL FLEXIBLE WORK ARRANGEMENTS POLICY S22.7.7**

**RESOLUTION 2024/116**

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

*That:*

- i) Council formally provide their support for the preparation and implementation of a Flexible Work Arrangements Management Policy consistent with the key aspects contained within the report;*
- ii) Upon final endorsement a copy of the policy be provided to Councillors for their information; and*
- iii) At the conclusion of 12 months from the policy commencement the General Manager provide a report back to Council regarding the implementation and performance of the policy.*

**CARRIED**

**11.4 REFERRAL OF CONFIDENTIAL MATTERS S13.5.2/17**

**RESOLUTION 2024/117**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

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

**Item: #14.1 General Manager Annual Performance Review for 2023/24 Period**

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

**Item: #14.2 Service Agreement for the New England Renewable Energy Zone - Inverell Shire Council and EnergyCo**

**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.*

**CARRIED**



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**12 INFORMATION REPORTS**

**RESOLUTION 2024/118**

Moved: Cr Kate Dight  
Seconded: Cr Di Baker

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

**CARRIED**

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**12.1 INVERELL LIBRARY STATISTICAL OVERVIEW 2023/24 S16.14.2**

**RESOLUTION 2024/119**

Moved: Cr Kate Dight  
Seconded: Cr Jacko Ross

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

**CARRIED**

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**12.2 JLT PUBLIC SECTOR RISK REPORT S27.3.4**

**RESOLUTION 2024/120**

Moved: Cr Stewart Berryman  
Seconded: Cr Di Baker

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

**CARRIED**

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**12.3 WORKS UPDATE S28.21.1/17**

**RESOLUTION 2024/121**

Moved: Cr Di Baker  
Seconded: Cr Wendy Wilks

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

**CARRIED**

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**12.4 ORDINANCE ACTIVITIES REPORT FOR JULY 2024 S18.10.1**

**RESOLUTION 2024/122**

Moved: Cr Kate Dight  
Seconded: Cr Jo Williams

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

**CARRIED**

**12.5 BONSHAW RAW WATER SUPPLY DROUGHT SECURITY UPDATE S32.13.2**

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**RESOLUTION 2024/123**

Moved: Cr Wendy Wilks  
Seconded: Cr Kate Dight

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

**CARRIED**

**12.6 INVERELL DRAFT PRE-EVENT RECOVERY PLAN S9.9.2/17**

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**RESOLUTION 2024/124**

Moved: Cr Jacko Ross  
Seconded: Cr Wendy Wilks

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

**CARRIED**

**12.7 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JULY 2024 S18.10.2/17**

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**RESOLUTION 2024/125**

Moved: Cr Di Baker  
Seconded: Cr Kate Dight

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

**CARRIED**

**12.8 STRATEGIC TASKS - 'SIGN OFF' - JULY 2024 S4.13.2**

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## 13 GOVERNANCE REPORTS

### 13.1 ARIC MEMBERSHIP S4.11.21/04

#### RESOLUTION 2024/126

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That Council:*

- i. appoint Mr Phil Schwenke as an independent member of ARIC for a further 12 months until 31 December 2025;*
- ii. appoint Mr Les Hullick as an independent member of ARIC for a further four (4) years until 31 December 2028; and*
- iii. commence recruitment for a new independent member of the Audit Risk and Improvement Committee in accordance with the new Risk Management and Internal Audit for Local Government in NSW Guidelines (November 2023) during June 2025 for a commencement date of December 2025.*

**CARRIED**

### 13.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/17

#### RESOLUTION 2024/127

Moved: Cr Wendy Wilks

Seconded: Cr Jo Williams

*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**

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

At 3.51pm, 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 2024/128

Moved: Cr Paul King OAM

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**

Note: At 4.05pm, Staff left the meeting while Items #14.1 and #14.3 were being considered.

Note: At 4.40pm, Staff returned to the meeting.

**RESOLUTION 2024/129**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

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

**CARRIED**

Upon resuming Open Council at 4.41pm, 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:

**14.2 SERVICE AGREEMENT FOR THE NEW ENGLAND RENEWABLE ENERGY ZONE - INVERELL SHIRE COUNCIL AND ENERGYCO S18.6.52/10**

**RECOMMENDATION:**

*That Council:*

- 1) *Enter into the service agreement between EnergyCo and Inverell Shire Council for the sum of \$250,000 per year for an initial three (3) year period; and*
- 2) *Endorse the use of the EnergyCo funding primarily for procuring development engineering services to assist with technical, advisory and consultation services directly related to the development and acceleration of the New England Renewable Energy Zone.*

Note: Staff left the meeting while Items #14.1 and #14.3 were being considered.

**14.1 GENERAL MANAGER ANNUAL PERFORMANCE REVIEW FOR 2023/24 PERIOD S22.19.1**

**RECOMMENDATION:**

*That a supplementary confidential report on this matter be received.*

**CARRIED**

**14.3 SUPPLEMENTARY REPORT - GENERAL MANAGER ANNUAL PERFORMANCE REVIEW FOR 2023/24 PERIOD S22.19.1**

**RECOMMENDATION:**

*That Council:*

1. *Note the report of the General Manager Performance Appraisal Panel.*
2. *Note the finding of the Panel that the General Manager's performance has been assessed as better than satisfactory in terms of his employment contract and associated offer of employment.*
3. *Note that the Committee has agreed on a Performance Agreement for 2024/25.*

Note: Staff returned to the meeting.

**ADOPTION OF RECOMMENDATIONS**

**RESOLUTION 2024/130**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 4.45pm.**