

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON TUESDAY, 27 MAY, 2008, COMMENCING AT 1 PM.

PRESENT: Cr B C Johnston (Mayor) [Chairman], Crs D F Baker, D K Barnes, J L Cameron, H N Castledine, P J Harmon, D C Jones, K L Kneipp, M P Lewis, P H Lloyd and D B Mudaliar.

The General Manager (Paul Henry), Director Corporate Services (Ken Beddie), Director Technical Services (Greg Moran) and Director Planning & Development (Brett McInnes).

APOLOGIES:

The General Manager advised that Cr W J Irvine tendered his apology and sought leave of absence for personal reasons.

78/08 RESOLVED (Barnes/Lloyd) that the apology from Cr W J Irvine due to his absence for personal reasons be accepted, and that a leave of absence be granted.

CONFIRMATION OF MINUTES

79/08 RESOLVED (Baker/Jones) that the Minutes of the Ordinary Meeting of Council held on 22 April, 2008, as circulated to members, be confirmed as a true and correct record of that meeting.

Cr Lewis noted in respect of Ashford Policing Matters, that following inquiries, it was found that Ashford's Police presence is of a high standard and while the Police are not always in the Ashford Station, they are in most instances on duty within the Ashford Area.

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

There were no interests declared.

PUBLIC FORUM **13.5.4**

At this juncture, the time being 1.05 pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Mr Len Steele Orchard Place

Mr Steele spoke in support of his earlier request to the Planning and Community Meeting during May, 2008, that the section of Orchard Place adjacent to his property be sealed. Mr Steele noted the dust from the road was causing him significant concerns.

Mr Peter Morris Inverell RSL Sub-Branch

Mr Morris noted the Soccer Balls for Afghanistan/IRAICQ project. Mr Morris advised that the Inverell RSL Sub-Branch were donating 300 Soccer Balls to the project. The Mayor acknowledged the RSL's efforts in this matter and thanked the RSL.

At this juncture the Mayor welcomed Miss Kerrie Anderson, Council's Surveyor/Engineering Designer to the meeting. The General Manager detailed Miss Anderson's academic achievements to Council. Miss Anderson was awarded "First in Course Award" for her Diploma in Civil and Structural Engineering.

At this juncture, the time being 1.23 pm, the Public Forum Session closed and Council resumed the balance of the Agenda.

**SECTION B
ELECTED MEMBERS' REPORTS**

1. 2008 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ANNUAL CONFERENCE AND ANNUAL GENERAL MEETING, 3 TO 5 APRIL 4.3.1

80/08 RESOLVED (Baker/Barnes) that the Delegates Report on the 2008 Australian Local Government Women's Conference and Annual General Meeting held 3 to 5 April, be received and noted.

At this juncture, the time being 1.35 pm Cr Cameron left the meeting and returned at 1.39 pm.

2. MAYORAL MINUTE SENIOR STAFF – PERFORMANCE APPRAISAL (LISTING) 22.19.1

81/08 RESOLVED (Barnes/Lloyd) that the matter be referred to closed Council for consideration as:

- i) the report includes 'Personnel matters concerning particular individuals (other than Councillors)' (Section 10A(2)(a) of the Local Government Act, 1993); and
- ii) on balance the public interest in preserving the confidentiality of this matter outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and
- iii) all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

**SECTION D
CORPORATE SERVICES REPORTS**

- MA-A 1. GOODS AND SERVICES TAX - COUNCIL COMPLIANCE REQUIREMENTS FOR 2007/2008 12.24.6

82/08 RESOLVED (Harmon/Castledine) that Council authorise the signing of the "Goods and Services Tax Certificate" for 2007/2008.

2. FINANCIAL STATEMENTS 12.11.1 & 12.20.2

83/08 RESOLVED (Cameron/Jones) that the report be received and it be noted that accounts totalling \$2,678,586.64 have been paid.

3. COUNCIL OPERATIONS – ACTION CHECKLIST 13.5.1

84/08 RESOLVED (Kneipp/Baker) that the information be received and noted.

85/08 RESOLVED (Lloyd/Baker) that the Supplementary Report – Expression of Interest Federation be considered by Council.

4. EXPRESSION OF INTEREST – FEDERATION (LISTING) 22.19.1

86/08 RESOLVED (Baker/Harmon) that the matter be referred to Closed Council for consideration as:

- i. the report includes 'commercial information of a confidential that would, if disclosed prejudice the commercial position of the person who supplied it' (Section 10A(2)(d)(i) of the Local Government Act, 1993);
- ii. on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and
- iii. all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

**SECTION F
PLANNING & DEVELOPMENT REPORTS**

1. STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008 S18.6.29

87/08 RESOLVED (Lloyd/Baker) that a supplementary report regarding the State Environmental Planning Policy (Rural Lands) 2008 be considered.

DPD-A 2. STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008. S18.6.29

88/08 RESOLVED (Lloyd/Harmon) that as a result of considering the provisions of the State Environmental Planning Policy (Rural Lands) 2008, Council amend its Rural Land Use Study to include the following:

- i) recognition that concessional lot subdivision will no longer be provided for;
- ii) a carry over in perpetuity of all dwelling entitlements associated with lots created under the Inverell Local Environmental Plan 1988;
- iii) A proposed three (3) year sunset clause in the new LEP for 'historical' dwelling entitlements in rural areas.

**SECTION H
COMMITTEES REPORTS**

DPD-A 1. PLANNING/COMMUNITY COMMITTEE MEETING MINUTES S4.11.3
AO-A

89/08 RESOLVED (Lloyd/Jones) that:

- a) the Minutes of the Planning/Community Committee Meeting held on Wednesday, 14 May, 2008 be received and noted; and

b) *the following recommendations of the Planning/Community Committee be adopted by Council:*

1. INVERELL SWIMMING POOL - ANNIVERSARY S5.11.39

That investigations be undertaken into the conduct of a suitable event to celebrate the 50th Anniversary of the Inverell Pool.

2. DELUNGRA RESIDENTIAL LAND AVAILABILITY STUDY S5.2.53

That the Draft Delungra Residential Land Availability Study be formally adopted for the purposes of future strategic planning.

3. SUBMISSION IN RESPONSE TO THE PLANNING REFORM DRAFT EXPOSURE BILL S18.6.34

That the submission in response to the planning reform draft exposure bills as prepared by the Director Planning & Development on the 24 April, 2008, be endorsed.

4. CHERRY TREE HILL LANDFILL DEPOT 31.8.3

That:

i) *A rural landfill strategy be developed at the earliest possible time, and*

ii) *A suitable publicity campaign be undertaken regarding this matter.*

5. ROAD NAMING DA 73/2007

That appropriate steps be taken to formally name the roads in the subdivision approved under DA-73/2007 as 'Rosella Place' and 'Corella Court'. If no objections are received, Council authorise the Director Planning and Development, Mr Brett McInnes, to adopt these names and submit them for publication to the Government Gazette.

6. ACCESS & FRONTAGE TO LANEWAYS POLICY S28.3.1

That the Draft Access & Frontage to Laneways Policy be adopted.

7. INVERELL COMMUNITY BASED HERITAGE STUDY S18.6.46

That:

i) *The Inverell Community Based Heritage Study be endorsed for the purposes of public exhibition as part of the Inverell Land Use Strategy;*

ii) *The 2008 Annual Report as prepared by the Heritage Advisor be endorsed;*

iii) *The 2008-2011 Heritage Strategy as prepared by the Heritage Advisor be endorsed; and*

iv) *A public awareness strategy in relation to urban design be prepared.*

2. WORKS/SERVICES COMMITTEE MEETING MINUTES S4.11.4

90/08 RESOLVED (Cameron/Barnes) that:

- a) *the Minutes of the Works/Services Committee Meeting held on Wednesday, 14 May, 2008 be received and noted; and*
- b) *the following recommendations of the Works/Services Committee be adopted by Council:*

1. PLANT REPORT 23.7.9153

That Council purchases the following item of plant. One (1) A Multipac YL25C self-propelled multi-tyred roller with a net change over of \$109,000.00 EXGST, after the trade in of Unit 9153 for \$20,000.00 EXGST.

2. TECHNICAL SERVICES STAFF AWARDED 1061

That Council congratulate Miss Kerrie Anderson on her achievement “First in Course Award” for her Diploma of Civil and Structural Engineering, and wish her every success in the future.

3. NAMS.PLUS 5.6.1

That Council continue to be involved in NAMS.PLUS, and develop Asset Management Plans for each Asset Class under the control of Council.

4. LOCAL SEALED ROADS – REHABILITATION PROGRAM 28.21.1

That:

- i) *the report on Pavement Rehabilitation be adopted by Council with the projected program of works for the 2007-2010 period;*
- ii) *Council review the process utilised to determine the priorities for the Local Sealed Road – Rehabilitation Program; and*
- iii) *In conducting the review that consideration be given to including an additional selection criteria to account for strategic factors and further that the maximum weighing given this factor be determined.*

5. SEWERAGE DUMP POINTS 21.8.14

That the petition be referred to Cr Lloyd for consideration at the next meeting of the Delungra District Development Council Meeting

GM-A 6. SYDNEY AIRPORT

91/08 RESOLVED (Barnes/Jones) that Council approach the Shires Association with a view to seeking their support for the Australian Airport Owners Association in their moves to have the curfew removed from Sydney Airport to assist in ensuring Regional Airlines are not impacted as international flights to Sydney Airport increase.

3. FINANCE/BUDGET COMMITTEE MEETING MINUTES S4.11.2

92/08 RESOLVED (Baker/Harmon) that:

- a) *the Minutes of the Finance/Budget Committee Meeting held on Wednesday, 14 May, 2008 be received and noted; and*
- b) *the following recommendations of the Finance/Budget Committee be adopted by Council:*

1. BUDGET VARIATIONS AND QUARTERLY BUDGET REVIEW 2007/2008
S12.5.1

That:

- i) *Council's Budget Review for 31 March, 2008 be adopted; and*
- ii) *The proposed variations to budget votes for the 2007/2008 Financial Year be adopted providing an estimated Cash Surplus at 30 June, 2008 from operations of \$1,167.*

2. ADVERTISING INVERELL ON CURTAINS 2.15.1

That Council proceed to hold further discussions with Inverell Freighters regarding a "moving billboard".

3. NEW ENGLAND CREDIT UNION (NECU) BRANCH AT ASHFORD RURAL TRANSACTION CENTRE (RTC) 8.12.1

That the General Manager be duly authorised to undertake negotiations in regards to this matter.

4. INVERELL LIQUOR CONSULTATIVE COMMITTEE MEETING MINUTES
S19.9.1

93/08 RESOLVED (Kneipp/Castledine) that:

- i) *the Minutes of the Inverell Liquor Consultative Committee Meeting held on Wednesday, 16 April, 2008 be received and noted; and*
- ii) *the following recommendations of the Inverell Liquor Consultative Committee Meeting be adopted by Council:*

1. LATE NIGHT SALE OF ALCOHOL 19.9.2

That the sale of takeaway alcohol be banned after 10pm in an attempt to curb the incidence of alcohol related crime, anti-social behaviour and malicious damage within the community and that the House Policy be amended to reflect this decision.

2. RESPONSIBLE SERVICE OF ALCOHOL (RSA) TRAINING 19.9.2

That grant funding be sought to conduct RSA training for Year 12 students in the area.

5. INVERELL CAREER & EMPLOYMENT INITIATIVES COMMITTEE MEETING MINUTES S4.11.8

94/08 RESOLVED (Baker/Lloyd) that the Minutes of the Inverell Career & Employment Initiatives Committee Meeting held on Tuesday, 29 April, 2008 be received and noted.

**SECTION I
INFORMATION REPORTS**

1. QUESTIONS WITHOUT NOTICE & PUBLIC FORUM 13.5.5
2. MANAGEMENT TEAM MINUTES S4.11.5
3. 2020 SUMMIT INITIAL REPORT S14.5.1
4. 2020 SUMMIT – LOCAL GOVERNMENT AT A GLANCE FROM THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PRESIDENT, CR PAUL BELL. S14.5.1
5. FINANCIAL STATEMENTS 12.11.4 & 12.12.2
6. MAINTENANCE PROGRAMS 28.21.1
7. PARKS AND RESERVES S21.8.1
8. GRAVEL RESHEETING ON SHIRE ROADS 28.21.1
9. INVERELL COMMUNITY MEN'S SHED INC S26.4.18
10. COUNCIL RESOURCES – DEPARTMENT OF LOCAL GOVERNMENT CIRCULAR S4.2.1
11. CONSTRUCTION CERTIFICATES APPROVED BY COUNCIL FOR APRIL 2008 S7.2.4
12. CONSTRUCTION CERTIFICATES APPROVED BY PRIVATE CERTIFIER FOR APRIL 2008 S7.2.4
13. COMPLYING DEVELOPMENT CERTIFICATES APPROVED DURING APRIL 2008 S7.2.4
14. COMPLYING DEVELOPMENT CERTIFICATES APPROVED BY PRIVATE CERTIFIER FOR APRIL 2008 S7.2.4
15. DEVELOPMENT CONSENTS AND REFUSALS DURING APRIL 2008 S18.10.2
16. SEPTIC TANK APPROVALS FOR APRIL 2008 24.9.1
17. PLANNING & DEVELOPMENT ACTIVITIES REPORT FOR APRIL 2008 18.10.1
18. COMPLIANCE ACTIVITIES REPORT FOR APRIL 2008 19.8.1

95/08 RESOLVED (Kneipp/Lewis) that the items contained in the Information Reports to the Ordinary Meeting of Council held on Tuesday, 27 May, 2008 be received and noted.

**SECTION J
QUESTIONS WITHOUT NOTICE**

- DPD-A **QWN/ORD 44/08** Noxious Weeds – Water Lettuce S11.12.6
Cr Cameron
- Cr Cameron asked for an update of progress in dealing with the Water Lettuce infestation in the Dumaresq River.
- The Director Planning and Development provided Council with an update in this matter.
- 96/08 RESOLVED** (Lloyd/Cameron) that given the nature of the threat to the environment of Water Lettuce that Council make appropriate representations to the Murray Darling Basin Commission and any other appropriate organisation to ensure a more coordinated response to this matter is achieved.
- QWN/ORD 45/08** ABC Radio
Cr Jones
- Cr Jones asked if Council was aware that ABC News Radio will soon be transmitting from a new satellite dish on McIlveen Lookout.
- DTS-A **QWN/ORD 46/08** Telstra Pit S10.9.1
Cr Barnes
- The pit on the corner of Wynne and Cunningham Street requires replacement.
- Can this matter be raised with Telstra on an urgent basis?
- The Director Technical Services noted the problems being experienced with a number of other pits.
- DTS-A **QWN/ORD 47/08** Sewer Pump Station 5.11.34
Cr Barnes
- Can the Graffiti on the Sewer Pump Station on the Old Bundarra Road be removed?
- QWN/ORD 48/08** Water Allocations – Transfer of Entitlements
Cr Barnes
- Cr Barnes noted that this issue was discussed at a recent meeting of Border Rivers and the concept of only allowing 50% of any Water Licence to be traded, with the remaining 50% going to environmental flows. Further information will be presented to Council in relation to this matter.
- GM-A **QWN/ORD 49/08** Electricity Costs S10.12.1
Cr Barnes
- Cr Barnes noted an article in the Inverell Times stating that Country residents are paying 50% more for electricity.
- 97/08 RESOLVED** (Barnes/Harmon) that Council seek support of the Shires Association in achieving equality of price in Electricity Charges between Regional and Metropolitan consumers.

- CIO-A **QWN/ORD 50/08** Bio-diesel S23.9.1
Cr Castledine
- Cr Castledine noted that Townsville Council has achieved a significant grant to produce bio-diesel from algae.
- Can staff obtain information on this matter?
- At this juncture, the time being 3.05 pm Council adjourned for afternoon tea.
- At this juncture, the time being 3.36 pm Council reconvened.
- GM-A **QWN/ORD 51/08** Water and Sewerage Reform S23.15.7
MFS-A Cr Barnes
- Cr Barnes asked whether Local Government had agreed on a position going forward should Water and Sewerage Services be removed from Local Government.
- Can staff investigate the quantum of Capital and Operational Expenditure incurred by Council in its Water and Sewerage funds, less Capital Grants since 1984?

SECTION K
CONFIDENTIAL REPORTS IN CLOSED COUNCIL
(SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT 1993)

At 4.03 pm, the Chairman 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.

CLOSED COUNCIL REPORTS

98/08 RESOLVED (Barnes/Harmon) that Council proceed into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

Upon resuming Open Council at 5.10 pm, the Chair 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:

- GM-A 1. **EXPRESSION OF INTEREST – FEDERATION** **S12.12.7**
- That General Manager be duly authorised to deal with the Federation CDO to achieve the best outcome for Council, noting the current restructure proposal.*
- At this juncture, the time being 4.22 pm, the senior staff left the meeting prior to the discussion of the Senior Staff Performance Appraisals.
- GM-A 2. **MAYORAL MINUTE SENIOR STAFF – PERFORMANCE APPRAISAL**
22.19.1
- That details of the Annual Performance Appraisal of Council's Senior Staff which took place on 26 May, 2008 was noted. It was noted that all issues of concern expressed by Councillors were explored with Directors and the General Manager and have now become management matters.*

At this juncture, the time being 5.04 pm, the senior staff returned to the Chamber following discussion of the Senior Staff Performance Appraisals.

- i) *The information from the Senior Staff Performance Appraisal Committee be received and noted;*
- ii) *The Council unanimously finds the performance of Messrs Henry, Beddie, McInnes and Moran highly commendable during the period of review and in terms of the Contracts of Employment notes the performance of the officers has been highly satisfactory; and*
- iii) *The General Manager undertake the appropriate actions, in respect of professional development and retention matters in accordance with Council's Staff Retention Management Policy.*

ADOPTION OF RECOMMENDATIONS

99/08 RESOLVED *(Harmon/Baker) that the recommendations of Closed Council be adopted.*

There being no further business, the meeting closed at 5.25 pm.

CR B C JOHNSTON

CHAIRMAN