

INVERELL SHIRE COUNCIL

NOTICE OF CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING

2 April, 2015

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 8 April, 2015, commencing at 8.30 am.

Your attendance at this Civil & Environmental Services Committee Meeting would be appreciated.

P J HENRY PSM

GENERAL MANAGER






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Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan
- Inverell Shire Council Delivery Plan
- Inverell Shire Council Management Plan.

Destinations	Icon	Code
<p>1. A recognised leader in a broader context.</p> <p>Giving priority to the recognition of the Shire as a vital component of the New England North West Region through Regional Leadership.</p>		R
<p>2. A community that is healthy, educated and sustained.</p> <p>Giving priority to the Shire as a sustainable and equitable place that promotes health, well being, life long learning and lifestyle diversity.</p>		C
<p>3. An environment that is protected and sustained.</p> <p>Giving priority to sustainable agriculture, the protection and conservation of rivers, waterways bio diversity and the built environment.</p>		E
<p>4. A strong local economy.</p> <p>Giving priority to economic and employment growth and the attraction of visitors.</p>		B
<p>5. The Communities are served by sustainable services and infrastructure.</p> <p>Giving priority to the provision of community focused services and the maintenance, enhancement and upgrade of infrastructure.</p>		S

CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING

Wednesday, 8 April, 2015

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MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON
WEDNESDAY, 11 MARCH, 2015, COMMENCING AT 8.30 AM.

PRESENT: Cr H N Castledine (Chairperson), Crs A A Michael, B C Johnston,
P J Harmon and D C Jones.

Also in attendance: Crs J A Watts, D F Baker and P J Girle.

Paul Henry (General Manager), Brett McInnes (Director Civil and
Environmental Services), Ken Beddie (Director Corporate and
Economic Services), Stephen Golding (Executive Manager Corporate
and Community Services) and Anthony Alliston (Manager
Development Services).

APOLOGIES:

There were no apologies received.

SECTION A

1. CONFIRMATION OF MINUTES

*RESOLVED (Michael/Harmon) that the Minutes of the Civil and Environmental
Services Committee Meeting held on 11 February, 2015, as circulated to members, be
confirmed as a true and correct record of that meeting.*

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

There were no interests declared.

3. PUBLIC FORUM S13.5.6

There were no members of the public present to speak.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

SECTION B
ADVOCACY REPORTS

Cr Watts International Women's Day

Cr Watts informed the Committee of the International Women's
Day that was held at the Inverell Art Gallery on 8 March, 2015.
There were 48 attendees with the themes being 'Make it Happen'
and 'What do you want to happen in Inverell?' Cr Watts will submit
a future report advising of the information gathered from the
event.

Cr Harmon Inverell NBN Rollout

Cr Harmon and Cr Jones met with Senator John Williams
regarding the NBN rollout. A Telstra representative advised that
the exchange isn't capable as yet. Senator Williams will be
meeting with representatives of the NBN rollout to find out the
actual issue surrounding the Township of Inverell.

Cr Harmon Inverell Hospital Redevelopment

Cr Harmon informed the Committee of the funding announcement for the Inverell Hospital. NSW Deputy Premier, Troy Grant announced a \$30M commitment to redevelop the Inverell Hospital if the Baird Government is re-elected.

Cr Harmon Sites Inspections – Funding Allocation

Cr Harmon and the Member of Northern Tablelands, Adam Marshall inspected the sites for the successful grant funding of \$191K for Waste Transfer Station and \$300K for Missing Links – footpaths and cycle ways.

SECTION D
DESTINATION REPORTS

1. EXPRESSIONS OF INTEREST INVERELL PUBLIC OPEN SPACE STRATEGY (LISTING) S18.6.63

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

- i) the matters and information are 'commercial information of a confidential nature 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 E
INFORMATION REPORTS

- 1. ASHFORD WATER TREATMENT PLANT PCG MEETING MINUTES – 17 FEBRUARY 2015 S5.9.12
- 2. BRUXNER WAY BRIDGES S15.8.48
- 3. WORKS UPDATE S28.21.1

RESOLVED (Michael/Harmon) that the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 11 March, 2015, be received and noted.

SECTION F
GENERAL BUSINESS

Cr Harmon Inverell Toughen Up Challenge

Cr Harmon passed on his congratulations to the organising Committee of the Inverell Toughen Up Challenge that took place on 7 March, 2015. The event includes obstacle activities and was a success whilst also promoting health.

Cr Baker Inverell Equestrian Centre

Cr Baker advised of the working bee held at the Inverell Equestrian Centre last weekend. The day consisted of commencing replacement of the old wooden fence with a steel fence. Cr Baker congratulates the people who assisted. It was noted that Council provided the materials for this project.

Cr Baker International Women's Day

Cr Baker noted a suggestion raised at the International Women's Day, that a female Councillor become a representative to assist women in finding suitable support and services within the community.

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

At this juncture, the time being 9.18am, Cr Jones left the meeting.

At 9.18am, 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 were no members of the public present to respond.

CLOSED COMMITTEE REPORTS

At this juncture, the time being 9.19am, Cr Jones returned to the meeting.

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

Upon resuming Open Committee, at 9.34am, the Chair verbally reported that the Committee, with the Press and Public excluded, having considered the matters referred to it, recommends as follows:

1. EXPRESSIONS OF INTEREST INVERELL PUBLIC OPEN SPACE STRATEGY S18.6.63

MDS-A *That the Committee recommend to Council that Council engage Ross Planning to undertake the preparation of the Inverell Public Open Space Strategy.*

ADOPTION OF RECOMMENDATION

RESOLVED (Harmon/Michael) that the recommendation from Closed Committee be adopted.

There being no further business, the meeting closed at 9.35am.

CR H N CASTLEDINE

CHAIRPERSON

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 08/04/2015

ITEM NO:	1.	FILE NO: S30.11.4
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	MEETING WITH REPRESENTATIVES OF CONCERNED INVERELL RATEPAYER'S ASSOCIATION (CIRA)	
PREPARED BY:	Cr Paul Harmon	

SUMMARY:

A report on the discussions held with representatives of the Concerned Inverell Ratepayer's Association (CIRA) is provided for the Councillor's consideration.

COMMENTARY:

On Wednesday, 25 March, 2015 a meeting was held with representatives of CIRA (Mrs Caroline Wilson, Mrs Anne McCosker and Mr Larry Cameron) for the following purposes:

- a) To provide CIRA with an opportunity to raise any issue arising out of the Petition submitted to Council,
- b) Other matters or proposals the Association may wish to bring to Council's attention,
- c) Enable the Association to seek commentary or clarification on any other aspect of the Town Centre Renewal Plan (TCRP), and
- d) Outline by Council representatives on 'where to from here'.

Council representatives at this meeting were Messrs Henry, McInnes and myself.

For the Councillor's information, the wording of the Petition submitted by the Association was:

'On June 25th 2014, the Inverell Shire Council passed a motion in support of the Town Centre Renewal Plan. A key recommendation of this plan was to remove the London Plane Trees that are situated in Otho St (beginning from the Henderson St roundabout), Byron St, the Evans St median strip and Campbell St. The Council seeks instead to place a median strip in Byron St and Otho St, with minimal and select plantings of Pin Oaks.

We urge the Council to do the following:

- *To rescind the motion and delay the implementation of the Town Centre Renewal Plan,*
- *To revisit and revise the recommendations presented in the Renewal Plan,*
- *In doing so, to reject the recommendations for the removal of the London Plane trees and the subsequent instalment of a median strip'.*

Mrs Wilson indicated that while individual members of the Association may oppose various aspects of the TCRP (eg community square at Town Hall, removal of raised crossing) the Association requests Council to reconsider two (2) matters:

- i) The removal of Plane trees and replacement with another tree type,
- ii) Not undertake centre plantings of trees.

The Association supports the retention of the trees planted on the side of the streets in the CBD and that Council should 'manage' the Plane trees in the CBD.

Mr McInnes outlined the Plane tree issues that Council has been managing for a number of years including tree root removal to repair displaced footpath pavers. The significance of these issues have been reported to Council since 2008 and have now reached the point that substantial tree roots, that have grown over the 'root barrier', are being cut. The size of these roots can lead to questioning the structural integrity of these trees.

Mrs Wilson asked what information was provided to the Arborist, Mr Hartley, to frame his report to Council on how to manage the Plane trees. Mr McInnes advised of the details of the request made to Mr Hartley, and the advice sought from other Councils regarding management practices for Plane trees. However, no other Council has been identified with the same issue that is faced by Inverell Shire Council – trees planted in concrete pipes. Mrs Wilson asked if there was value in seeking further advice on how to manage the issues surrounding the Plane trees.

I indicated that I would 'take back to Council' for a decision, the matter of engaging another Arborist to review the recommendations contained in Mark Hartley's report.

The Association representatives stressed the following points:

- The development of the TCRP was undertaken with a lack of consultation,
- The community is opposed to spending money on the CBD rather than on roadworks,
- The Plane trees need to be managed not removed.

During discussion of the management issues associated with the Plane trees, Mrs Wilson asked me if I had an 'open mind' on the matter. I indicated that I have formed the view that progressive removal of the Plane trees is an acceptable treatment for the management issues.

I indicated that the Association's comments would be reported to the April, Civil and Environmental Services Committee and that I would support the engagement of an Arborist to conduct a 'peer review' of the tree management report presented to Council.

The meeting concluded with an indication from both myself and the Association to meet again after the receipt of the 'peer review', if that course of action was supported by Council.

Background Information

i) Arborist's Brief

When Council engaged Mark Hartley, the following brief was provided for his response:

- *Examine the trees in the urban area and in particular look at trees under the electrical wires and trees in the commercial area,*
- *Look at the overall effectiveness and longevity of the planting strategies,*
- *Examine and consider the damage caused by trees,*
- *Make recommendations to provide an efficient and cost effective long term urban canopy,*
- *Identify available options to retain the existing trees – such as pruning, hormone treatments, root barriers and an indication of the likely workload and success rate,*
- *Identify available options for replacement – identification of suitable replacement species that would suit Inverell's particular situation. This would include likely growth rates (both above and underground), likely annual maintenance requirements, maturity size and shape, aesthetics, and any other relevant information,*
- *Identify available options regarding the staging of any replacement plantings to minimise impact on existing streetscape and spread financial burden.*

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: S.06 Established population centres are revitalised and people have pride in the community in which they live.

Term Achievement: S.06.01 A program of renewal for facilities is implemented that contributes to a sense of community identity and cohesiveness.

Operational Objective: S.06.01.01 Work with residents to create and revitalise places and spaces to reflect their local identity, making public places more appealing for use by broad range of community members.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That a suitably qualified Arborist be engaged to provide a peer review of the recommendations contained in the original Arborist's report.

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 08/04/2015

ITEM NO:	1.	FILE NO: S11.12.2
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	PROPOSED AMENDMENT TO THE PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010 TO ENHANCE THE WOOD HEATER FRAMEWORK	
PREPARED BY:	Phil Sutton, Environmental Compliance Coordinator	

SUMMARY:

NSW Environment Protection Authority has invited Council to review the proposed amendment of the *Protection of the Environment Operations (Clean Air) Regulation 2010*. Council has been asked to respond to the questionnaire (Appendix 1, D8-D17) and make a submission by 15 May, 2015.

COMMENTARY:

The Environment Protection Authority (EPA) is proposing an amendment to the current wood heater regulatory framework to give powers to NSW Councils to introduce additional controls on wood heater installation. The amendments to the Regulation propose:

- A new schedule of additional controls Councils can choose to implement either in their entire LGA or designated areas such as high density neighbourhoods, new development precincts or localities affected by wood smoke because of their topography; and
- Incorporates updated Australian/New Zealand Standards for wood heaters which set more stringent emission limits and new efficiency limits.

The amendment to the Regulation presents Councils with the opportunity to consider listing their LGA on the appropriate part of a new Schedule in accordance with the level of wood heater control desired by their community.

Wood heaters are a popular and viable heating source within the Inverell Shire area. A search of Councils records has indicated that wood smoke from wood heaters has caused minimal problems over the last 10 years. A more common area of concern is burning of waste in open areas (incinerators). Wood smoke does not present problems in the Inverell area as experienced by Councils such as Armidale Dumaresq.

Inverell Shire Council is currently nominated in Part 3 of Schedule 8 – LGA's in which burning is generally prohibited. Part 3 does allow the burning of vegetation which is dry and seasoned, and gives Council the ability to regulate all other burning. The schedule has been sufficient enough for Council to manage any smoke and burning related issues that have arisen. If the amendment is adopted by other LGA's, the new, more efficient wood heaters would roll out through the retail sector over time. The decision to nominate Council for the new Schedule is a voluntary one and if Council chooses not to do so, the existing Schedule 8 would apply at the commencement of the adopted Regulation.

Given the very low level of complaints and adequacy of the existing framework, it is considered appropriate to respond to the EPA questionnaire on the basis of not introducing additional controls.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.

Term Achievement: E.03.03 The Shire's built and natural heritage is being promoted, protected and conserved.

Operational Objective: E.03.03.01 To facilitate the protection and rehabilitation of significant examples of the built environment.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That the Committee recommend to Council that Council not elect to introduce an additional framework of controls for wood heaters under the proposed amendment to the Regulations.

ITEM NO:	2.	FILE NO: S7.9.2/08
DESTINATION 2:	A community that is healthy, educated and sustainable	C
SUBJECT:	SWIMMING POOL INSPECTION PROGRAM	
PREPARED BY:	Howard Marsden, Building Surveyor	

SUMMARY:

After a comprehensive review of the relevant Swimming Pool Legislation, a formalised Swimming Pool Inspection Program has been prepared. It is requested that the Committee endorse the proposed program.

COMMENTARY:

On 29 October, 2012, amendments to the *Swimming Pool Act 1992* (the Act) came into affect. The Act is designed to provide safety for children under the age of five (5) years around private swimming pools in NSW, with the responsibilities of pool owners and Council being expanded under the amended legislation. An information report was provided to the Committee on 4 September, 2013 detailing these amendments.

In response to the amendments to the Act, a Swimming Pool Inspection Program has been prepared to provide a formal approach in respect of the following:

- Registration of swimming pools;
- Inspection Program;
- Notices issued by an Accredited Certifier;
- Exemption Applications; and
- Penalty Infringement Notices.

A copy of the Swimming Pool Inspection Program is attached as Appendix 2 (D18-D29).

The proposed swimming pool inspection program is consistent with past practice and current inspection standards. It is requested that the Committee endorse the proposed program.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: C.03 Promote an ordered and safe Community.

Term Achievement: C.03.01 Compliance and regulation programs have been developed and implemented to provide a safe environment for citizens and visitors.

Operational Objective: C.03.01.01 To promote the image of Council by providing timely response to citizen requests regarding Acts and Regulations.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That the Committee recommend to Council that the proposed Swimming Pool Inspection Program be endorsed.

ITEM NO:	3.	FILE NO: S28.13.2
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	REQUEST TO SUPPORT NAMING OF 'HAYES GULLY' - BEDWELL DOWNS ROAD	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

This report has been prepared following receipt of correspondence requesting Council's support for the naming of a watercourse within Lot 6 DP 750091, along the Bedwell Downs Road, as "Hayes Gully".

Council is being requested to support the name "Hayes Gully" for the watercourse within Lot 6 DP 750091, along Bedwell Downs Road.

COMMENTARY:

Council has received correspondence from Mr Chris and Mrs Amber Doney, requesting support for the naming of a watercourse located within Lot 6 DP 750091, 1095 Bedwell Downs Road, Yetman. A copy of this correspondence is attached as Appendix 3 (D30-D31).

The watercourse is located within Lot 6 DP 750091, crossing Bedwell Downs Road and discharging into Ena Creek. Figure 1 shows the location of the watercourse. It is proposed to name this watercourse "Hayes Gully".

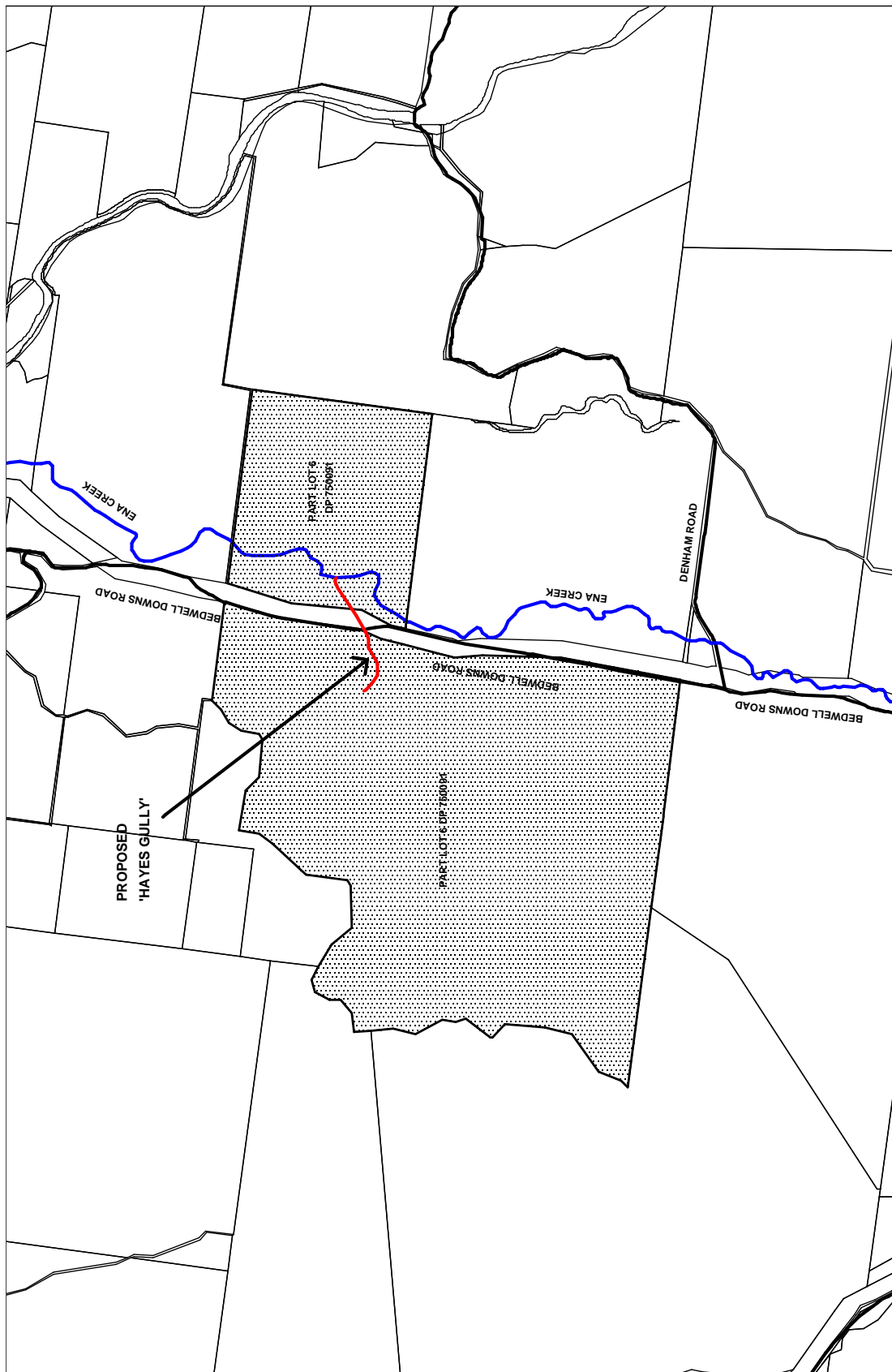
The name "Hayes Gully" has been proposed to honour a deceased family patriarch who gave substantial private contributions to many Australian charities and farming families.

The NSW Geographical Names Board (GNB) is responsible for the official naming of watercourse and will undertake the assessment, public exhibition and gazettal of the proposed name. The GNB have advised Council that prior to undertaking the naming process, they require the endorsement of the "Hayes Gully" name by Council as the watercourse is located within the Inverell Local Government Area. A copy of the correspondence from the GNB is included as Appendix 4 (D32).

The watercourse is a minor gully and is primarily located within private property. On that basis, it is considered reasonable to support the name "Hayes Gully" for the purpose of enabling the GNB to commence the naming process, including assessment of the suitability of the name.

It is recommended that Council support the name "Hayes Gully" for the watercourse within Lot 6 DP 750091, along Bedwell Downs Road.

Figure 1 – Location of Hayes Gully



RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.06 Protect and manage significant natural features and landscapes.

Term Achievement: E.06.01 Council has a partnership program to identify, protect and maintain the Shire's Natural Heritage strategy.

Operational Objective: E.06.01.01 To facilitate the management of the Shire's living heritage in protecting significant landscapes and natural features.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That the Committee recommend to Council that Council support the name "Hayes Gully" for the watercourse within Lot 6 DP 750091, along Bedwell Downs Road.

ITEM NO:	4.	FILE NO: S15.8.22
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	REGIONAL ROADS REPAIR PROGRAM - ADDITIONAL FUNDING	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

The Roads and Maritime Services (RMS) have contacted Council to inform that they have additional available funding under the Regional Roads REPAIR Program for the 2014/2015 financial year. This funding will allow for two (2) additional road construction projects to be undertaken this financial year.

COMMENTARY:

The RMS have informed Council that they have additional available funding under the Regional Roads REPAIR Program for the 2014/2015 financial year. They have advised that \$312,500 is available for the "3 Sisters" project on MR137, Ashford Road. Also, \$96,030 is available for the rehabilitation of the section of MR187, Yetman Road, from the Saleyards to Fullers Lane.

Under the REPAIR program, RMS contributes to a maximum of 50% of the project estimate, as supplied by Council at the beginning of the five (5) year program. Sufficient funds exist within the 2014/15 RMS Block Grant (including the \$160K 3x4 supplementary component) for the Council contribution required to complete these works.

Accepting the additional funding and undertaking the projects this financial year requires rescheduling of the current works program. Bitumen road renewal works under the Roads to Recovery Program will need to be deferred to the 2015/2016 financial year. Also, the planned redevelopment of Wood Street Gilgai, funded from the Urban Drainage Reconstruction vote, will need to be deferred until next financial year. Neither of these funding sources require funding to be expended in the current financial year.

Accepting the additional REPAIR program funding is an excellent way for Council to supplement Block grant funding and improve the Regional Road network within the Shire. In order to meet the program conditions and have the funding expended in the required timeframe, RMS required an immediate decision from Council. As such the funding has been informally accepted and plans have been put in place to undertake the additional projects.

RECOMMENDATION:

That the Committee recommend to Council that:

- i) Council accept the offer of additional Repair Program Funding; and*
- ii) the suggested amendment to the Works Program be approved.*

APPENDIX 1

**NSW LOCAL GOVERNMENT WOOD SMOKE SURVEY**

The Environment Protection Authority (EPA) is proposing to amend the current wood heater regulatory framework under the *Protection of the Environment Operations (Clean Air) Regulation 2010* and assist local councils in managing wood smoke in their local area. Smoke emissions for domestic solid fuel heaters are largely managed by local government in NSW as they affect local air quality. Therefore the EPA is seeking the views of councils on this proposed amendment and their listing in a new Schedule. A copy of the proposed amendment is attached at the end of this survey (**Attachment A**).

This survey is part of the EPA's consultation process and will provide useful information to aid the implementation of the proposed regulatory framework. Answers to survey questions will be used by the EPA to determine the level of local council support for this proposed amendment and if additional schedule categories are required. All personal or Council identifying information in this survey will be kept confidential. The EPA may contact participants to clarify information provided in this survey.

This survey is anticipated to take 10 - 20 minutes to complete. Please write your answers within the text boxes of this document and attach additional pages or supporting material if required. If you have any questions on the survey please contact Nadia Kanhoush on (02) 9995 5827 or email nadia.kanhoush@epa.nsw.gov.au.

Please return this survey by **Friday 15 May 2015** either through email to woodsmoke.reduction@epa.nsw.gov.au (preferred) or fax to (02) 9995 5938.

Name of Council:

Name of wood smoke contact officer(s):

Position:

Email:

Phone number:

Please continue to the next page.

COUNCILS CURRENT WOOD SMOKE CONTROLS

1. Are wood heaters or open fireplaces a popular source of heating in your LGA?

☐ Yes ☐ No
 (Please give details of figures if available)

2. Is wood smoke considered a problem in your LGA?

☐ Yes ☐ No ☐ Don't know
 (Please give details of what your council is aware of)

3. Do you have visible smoke across residential areas in your LGA?

☐ Yes ☐ No ☐ Don't know
 (Please give details)

4. Does your Council have any of the following strategies for dealing with wood smoke? (Please tick and provide details in the table below.)

Strategy	✓	Please provide details
No strategy		
Local air quality plan		
Local air quality policy		
Local education program		
Media and advertising campaign		

Other(s) (please list and provide details)

--

5. Has your Council noticed any change in community views on wood smoke over the past five years?

☐ Yes (please give details)

☐ No

☐ Don't know

--

6. Has your Council issued warnings to people with visible wood smoke from their wood heaters?

☐ Yes

☐ No

☐ Don't know

If yes, what sort of warnings? Please include the number issued:

Type of warning	Number issued

Please continue to the next page

THE PROPOSED REGULATION AMENDMENT

The proposed amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010* in **Attachment A** is designed to provide a streamlined but flexible framework for councils to choose an appropriate level of control for wood heater installations in their local government area. The framework complements existing planning instruments and regulatory powers currently available to local government (*Local Government Act 1993* and smoke abatement notices under the *Protection of the Environment Operations Act 1997*).

The proposed amendment will incorporate the updated Australian/New Zealand Standards that include more stringent limits for wood heater emissions and efficiency. The Regulation adopts a staged approach to setting efficiency and emissions limits for new solid fuel heaters:

- 55 per cent efficiency and 2.5 grams of particle emissions per kilogram of fuel burnt (g/kg) (1.4 g/kg for catalytic heaters) from the date the Regulation commences; and
- 60 per cent efficiency and 1.5 g/kg (0.8 g/kg for catalytic heaters) from 1 September 2019.

The amended Regulation also introduces a new Schedule of additional controls that councils can choose to implement either in their entire local government area or designated areas (similar to control of burning in the open), such as high density neighbourhoods, new development precincts or localities that are likely to be affected by wood smoke because of their topography. Councils can choose to be listed in one or more Parts of the Schedule.

New Schedule
<u>Part 1</u> No new wood heaters, except with an approval.
<u>Part 2</u> Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> • an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and • a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.
<u>Part 3</u> No new open fire places, except with an approval.
<u>Not listed</u> General Regulation requirements apply.

A council will be able to publish on its website the locations within the local government area where:

- general Regulation requirements would apply; or
- restrictions on installation of certain types of heaters would apply in designated areas. This information can be presented as a map, a list of precincts, types of zoning or an allotment size.

7. Would your Council consider placement in this new Schedule?

☐ Yes

☐ No

Please explain why you would or won't consider placement in this Schedule.

8. Which Part(s) of the Schedule would your Council consider to control wood smoke in your local government area? (Please tick as many as apply.)

New Schedule	Please ✓
Part 1 No new wood heaters, except with an approval.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 2 Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 3 No new open fire places, except with an approval.	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Please outline why your Council would not choose a Part(s)?

New Schedule	Please provide comments
Part 1 No new wood heaters, except with an approval.	
Part 2 Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012. 	
Part 3 No new open fire places, except with an approval.	

10. Are there any other measures that you would recommend for consideration? Please list.

--

11. Do you have any other comments?

--

Attachment A

Protection of the Environment Operation (Clean Air) Amendment (Heaters and Fireplaces) Regulation 2014	
4. Definitions	<p>In this Part:</p> <p>approval means an approval granted and in force under clause 7C.</p> <p>certificate of exemption means a certificate issued by a body approved by the EPA, being a certificate exempting all heaters of a particular model from compliance with both Standard 4012 and Standard 4013.</p> <p>heater means any solid fuel burning appliance that is designed, manufactured or adapted for domestic use.</p> <p>model of heater means a particular design of heater made by a particular manufacturer.</p> <p>Standard 4012 means the document entitled AS/NZS 4012:2014, Domestic solid fuel burning appliances—Method for determination of power output and efficiency, published by Standards Australia and as in force from time to time.</p> <p>Standard 4013 means the document entitled AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission, published by Standards Australia and as in force from time to time.</p>
5. Application of Part	<p>(1) This Part applies to heaters (including the wholesale and retail sale of heaters) and open fireplaces.</p> <p>(2) However, this Part does not apply to the sale or installation of heaters of the following kind:</p> <ul style="list-style-type: none"> (a) a masonry appliance built on site (except as provided by clause 7B), (b) a central heating appliance, (c) a cooking stove appliance, (d) an appliance intended for use solely for heating water, (e) an appliance intended for use solely for distributing heat through ducts, (f) a pellet heater. <p>(3) In this clause:</p> <p>central heating appliance means a heating appliance that is intended for space heating of premises by means of transferring heat to the living areas of the premises by ducted hot air, hot water or another fluid.</p> <p>cooking stove appliance means a solid fuel burning appliance:</p> <ul style="list-style-type: none"> (a) that has at least one cooking hot plate, and (b) that has an oven with a volume of not less than 28 litres, and (c) around which gaseous combustion products are capable of being routed. <p>pellet heater means a domestic, automatic, continuous feed, pellet fuel burning appliance that is designed and manufactured to burn compressed wood or biomass pellets.</p>
6. Requirement for certificates of compliance when heaters are sold	<p>(1) A person must not sell a heater to any other person unless:</p> <ul style="list-style-type: none"> (a) the heater is marked in accordance with both Standard 4012 and Standard 4013, and (b) an appropriate certificate of compliance is in force in relation to heaters of the same model as that heater, and (c) in the case of a sale to a person whose business includes the wholesale or retail sale of heaters—a copy of the appropriate certificate of compliance has been given to the purchaser. <p>Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in the case of an individual).</p> <p>(2) This clause does not apply to a heater of a model for which a certificate of exemption is in force.</p> <p>(3) In this clause:</p> <p>appropriate certificate of compliance, in relation to a heater, means:</p> <ul style="list-style-type: none"> (a) in the case of a heater sold before 1 September 2019—a certificate issued by a body approved by the EPA

**Protection of the Environment Operation (Clean Air) Amendment
 (Heaters and Fireplaces) Regulation 2014**

and certifying that all heaters of that model:

- (i) comply with Standard 4012 and Standard 4013, and
 - (ii) have an overall average efficiency of not less than 55% as tested and calculated in accordance with Standard 4012, and
 - (iii) have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (A) 2.5 g/kg (for heaters without catalytic combustors), or
 - (B) 1.4 g/kg (for heaters with catalytic combustors), or
- (b) in the case of a heater sold on or after 1 September 2019—a certificate issued by a body approved by the EPA and certifying that all heaters of that model:
- (i) comply with Standard 4012 and Standard 4013, and
 - (ii) have an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and
 - (iii) have an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (A) 1.5 g/kg (for heaters without catalytic combustors), or
 - (B) 0.8 g/kg (for heaters with catalytic combustors).

7. Interference with heaters

(1) A person must not:

- (a) alter the structure, exhaust system or inlet air system of any heater of a model to that is the subject of a certificate of compliance or certificate of exemption, or
 - (b) mark on a heater that it complies with Standard 4012 or Standard 4013, or both, if the heater is not of a model that is the subject of a certificate of compliance.
- Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in the case of an individual).

(2) This clause extends to any person who causes or permits the doing of a thing that is prohibited under this clause.

(3) Nothing in this clause makes it an offence for a person to carry out any repair work on any heater (including repairs or alterations in accordance with a notice under section 96 of the Act).

(4) In this clause:

certificate of compliance means a certificate issued by a body approved by the EPA, being a certificate certifying that all heaters of a particular model comply with both Standard 4012 and Standard 4013.

7A. Installation of heaters in certain areas

(1) This clause commences on 1 September 2016.

(2) A person must not install, or cause or permit the installation of, a heater in premises in a local government area (or a part of a local government area) specified in Part 1 of Schedule 9, except in accordance with an approval.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

(3) A person must not install, or cause or permit the installation of, a heater in premises in a local government area (or a part of a local government area) specified in Part 2 of Schedule 9, except in accordance with an approval, if the heater does not have:

- (a) an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and
- (b) an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than:
 - (i) 1.5 g/kg (for heaters without catalytic combustors), or
 - (ii) 0.8 g/kg (for heaters with catalytic combustors).

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

Protection of the Environment Operation (Clean Air) Amendment (Heaters and Fireplaces) Regulation 2014	
individual).	
7B. Installation of open fireplaces in certain areas	
(1) This clause commences on 1 September 2016.	
(2) A person must not install, or cause or permit the installation of, an open fireplace in premises in a local government area (or a part of a local government area) specified in Part 3 of Schedule 9, except in accordance with an approval.	
Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).	
7C. Approval for certain heaters and open fireplaces	
(1) The council of a local government area may grant an approval for the purposes of this Part in respect of the installation of a heater or open fireplace in premises in the local government area (or a part of the local government area):	
(a) to any class of persons—by means of a notice published in a local newspaper circulating in the local government area, or	
(b) to any particular person—by means of a written notice given to the person.	
(2) Before granting an approval for the purposes of this Part, the local council must consider the impact that the use of the heater or open fireplace is likely to have on local and regional air quality and amenity.	
(3) An approval:	
(a) is subject to such conditions (if any) specified in the notice by which the approval is granted, and	
(b) may be amended or revoked by means of a notice given or published in the same way as the original notice granting the approval was given or published, and	
(c) remains in force until it is revoked by the local council that granted it.	
Note. Heaters and open fireplaces may be installed in accordance with an approval in certain areas where the installation would otherwise be prohibited under clause 7A or 7B.	
Schedule 9 Local government areas in which the installation of certain heaters or open fireplaces requires approval (Clauses 7A and 7B)	
Part 1 Areas in which the installation of heaters requires approval	
Part 2 Areas in which the installation of heaters below certain efficiency levels requires approval	
Part 3 Areas in which the installation of open fireplaces require approval	

QUESTIONS AND ANSWERS

Amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010* to enhance wood heater framework

1. Why is the Environment Protection Authority amending the Regulation?

Wood smoke from domestic solid fuel appliances such as wood heaters or open fireplaces significantly contributes to ambient particle pollution in NSW and can adversely impact the health of elderly people, children and those with existing health conditions, such as asthma.

While the NSW Government recognises that wood heaters can be an efficient and cost-effective heating source if used correctly, a poorly operated heater can create localised smoke and odour nuisance. Wood smoke affects local air quality differently from area to area. This depends on local topography (e.g. a valley will tend to accumulate wood smoke), weather patterns, population density, the number of wood heaters in use and how they are operated.

An economic study commissioned by the EPA in 2011 estimated that, with no change to current wood smoke controls, the cost to health of wood smoke emissions across NSW at \$8.1 billion over the next 20 years, factoring in population growth and the hundreds of thousands of extra new residences required to meet housing demands. In Sydney, newly installed wood heaters alone are expected to emit 1629 tonnes of particulate matter (PM₁₀) per year. This equates to a 20% growth in wood heater emissions¹.

2. What is the amendment to the *Protection of the Environment Operations (Clean Air) Regulation 2010*?

The amendment to the Regulation:

1. incorporates and mandates the updated Australian/New Zealand Standards for more stringent limits for wood heater particle emissions and new thermal efficiency limits; and
2. introduces a new Schedule to allow councils the flexibility to choose a level of control on wood heater installations appropriate for local conditions. The additional controls under a new Schedule are outlined in the table below.

New Schedule: Schedule 9	
Part 1	No new wood heaters, except with an approval.
Part 2	Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none"> • a minimum efficiency of 60% as tested in accordance with AS/NZS 4013; and • an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012.
Part 3	No new open fire places, except with an approval.
Not listed	General Regulation requirements apply.

3. What are the new Australian/New Zealand Standards for wood heaters?

The updated Australian/ New Zealand Standards (published in August 2014) introduce a staged approach to setting particle emission and thermal efficiency limits for wood heaters:

- 55 per cent efficiency limit and 2.5 grams of particle emission per kilogram of fuel burnt (g/kg), within twelve months after publishing the standards; and
- 60 per cent efficiency and 1.5 g/kg) (0.8g/kg for catalytic heaters) within five years after publishing.

4. How would the amended Regulation work?

Under the Regulation amendment, councils can choose to be listed in the Schedule and apply restrictions to wood heater installations for their entire local government area or in designated areas. Using this approach, councils have the flexibility to target locations impacted by wood smoke.

For example, within a local government area, a council may consider disallowing installation of wood heaters in high density residences or houses located in a valley where smoke is trapped. In another part of the same council area with lower residential density or with good wind dispersion, the council may permit only low emission, high efficiency wood heaters. In rural areas of the council area, only the general Regulation requirements would apply.

¹ Based on the air emissions inventory 2008 values. Details are available from the Environment Protection Authority.

The council can inform its community by publishing on its website the council areas where:

- general Regulation requirements would apply; or
- restrictions on installation of certain types of heaters would apply in designated areas, presented as a map, a list of precincts, types of zoning or an allotment size.

The amendment to the Regulation is designed to complement existing planning instruments such as development control plans and local approvals policies, and regulatory powers that are available to local government under the *Local Government Act 1993* and *Protection of the Environment Operations Act 1997*. If a council chooses not to be listed in the Schedule, the general Regulation requirements apply. A similar approach is currently used to control open burning in NSW.

This overall approach and regulatory framework is supported by the results of the economic assessment and feedback from local government and other stakeholders that the EPA received during its consultation on the discussion paper *Wood Smoke discussion paper* in 2013.

5. How do councils nominate their areas on the Schedule of the Regulation?

During this consultation period councils can decide if they want to be included in the new Schedule and what locations of their local government area the control measures should apply to. If a council decides that restrictions on installation of certain types of heaters would apply in designated areas, such locations can be defined as a list of precincts, a map, types of zoning or allotment sizes.

To become included in the Schedule of the Regulation councils must provide a written submission to the EPA by **Friday 15 May 2015** with the following information:

- the Part(s) of the Schedule that the council area is to be listed in; and
- the nominated designated areas where Part(s) of the Schedule would apply.

At the end of consultation period the draft Regulation will be amended to include councils that choose the additional control in the Schedule. Once the Regulation is finalised, it will be published in the Government Gazette. The new framework will come into force on 1 September 2016.

6. What if councils don't nominate their areas by the end of consultation period?

Nominating an area by the end of consultation period (Friday 15 May 2015) would be the easiest and quickest method for councils because they can combine their community consultation with the EPA's consultation process and start putting procedures in place to implement the Schedule in their local government area when the new framework commences on 1 September 2016.

Councils can nominate their area at a later date if they are unable to do so during the consultation period by writing to the EPA. Placement and subsequent amendment of the Schedule is subject to the approval of the Minister for the Environment.

7. What if councils decide not to nominate their areas on the new Schedule?

Nominating and listing local government areas on the new Schedule is voluntary. If a council decides not to list their area on the new Schedule, then the general Regulation amendment would apply when it commences.

8. How will the State Government support new wood smoke controls if they are adopted?

The EPA will facilitate the listing of local councils in the new Schedule either during the consultation period or at a later date. The EPA will also continue supporting local government by providing education material and advice.

9. How to make a submission?

Submissions can be made by printing and completing the PDF submission form available at <http://www.epa.nsw.gov.au/woodsmoke/WoodSmokeOptions.htm> and –

- emailing it to woodsmoke.reduction@epa.nsw.gov.au, or
- faxing it to (02) 9995 5938, or
- mailing it to –

Principal Air Programs Officer
 Air Policy and Programs Unit
 Environment Protection Authority
 PO Box A290
 Sydney South NSW 1232

10. When does the consultation period end?

The consultation period will close at **5.00pm, Friday, 15 May 2015**.

APPENDIX 2

SWIMMING POOL PROGRAM**1 Introduction**

In NSW the *Swimming Pools Act 1992* requires that all swimming pools have an appropriate child resistant barrier that restricts access between the residence and the swimming pool. A swimming pool is defined by the *Swimming Pools Act 1992* as:

Any excavation, structure or vessel:

- (a) *Capable of being filled with water to a depth of 300mm or more, and;*
- (b) *Solely used, designed, manufactured or adapted to be used for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated in a bathroom or any other circumstance declared by the regulations not be a swimming pool.*

Inverell Shire Council is the responsible authority within the Inverell Local Government Area for ensuring that swimming pools are compliant with the *Swimming Pools Act 1992*.

The purpose of this document is to provide a foundation for Council's approach to swimming pool regulation.

2 Register

Swimming pool owners are required to register their swimming pools on an on-line register provided by the NSW State Government. Additionally, swimming pool owners are encouraged to self-assess their pool and state in the register that to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.

This register records information relating to last issued Compliance Certificates and inspections undertaken. Council has access to and will utilise this register for inspection and random audits.

3 Inspection Program**3.1 Types of Inspections****3.1.1 Mandatory Inspection**

The following categories of premises are to be inspected at least once every three years:

- Tourist and visitor accommodation, including:
 - Backpackers' accommodation;
 - Bed and breakfast accommodation;
 - Farm stay accommodation;
 - Hotel or motel accommodation; and
 - Serviced apartments.
- Any premises containing more than two (2) dwellings.

3.1.2 *Complaint based Inspection*

On receipt of a written complaint concerning an alleged defective swimming pool barrier, as far as is practicable, Council will commence investigation of the complaint within 72 hours after it is received.

Council may decline to investigate a complaint that it considers to be vexatious, misconceived, frivolous or lacking in substance.

3.1.3 *Certificate of Compliance Application Inspection*

Section 22C of the Swimming Pool Act provides for a swimming pool owner to make application to Council for an inspection. Council will carry out that inspection within a reasonable time, generally ten (10) days, from the receipt of an application. Priority will be given to applications which are required to enable the sale or lease of the premises.

3.1.4 *Random Audit Inspection*

Where resources permit, the NSW Government swimming pool register will be reviewed to identify swimming pools where:

- There is not a valid Certificate of Compliance;
- There is not a relevant Occupation Certificate in existence; or
- Council has not carried out an inspection of the swimming pool in the past 5 years.

Properties will then be randomly selected from the list to be subject to the inspection process.

Where Council has received a Development Application or Complying Development Certificate application for a property which has a swimming pool, arrangements will be made with the swimming pool owner for an inspection to be undertaken of the swimming pool.

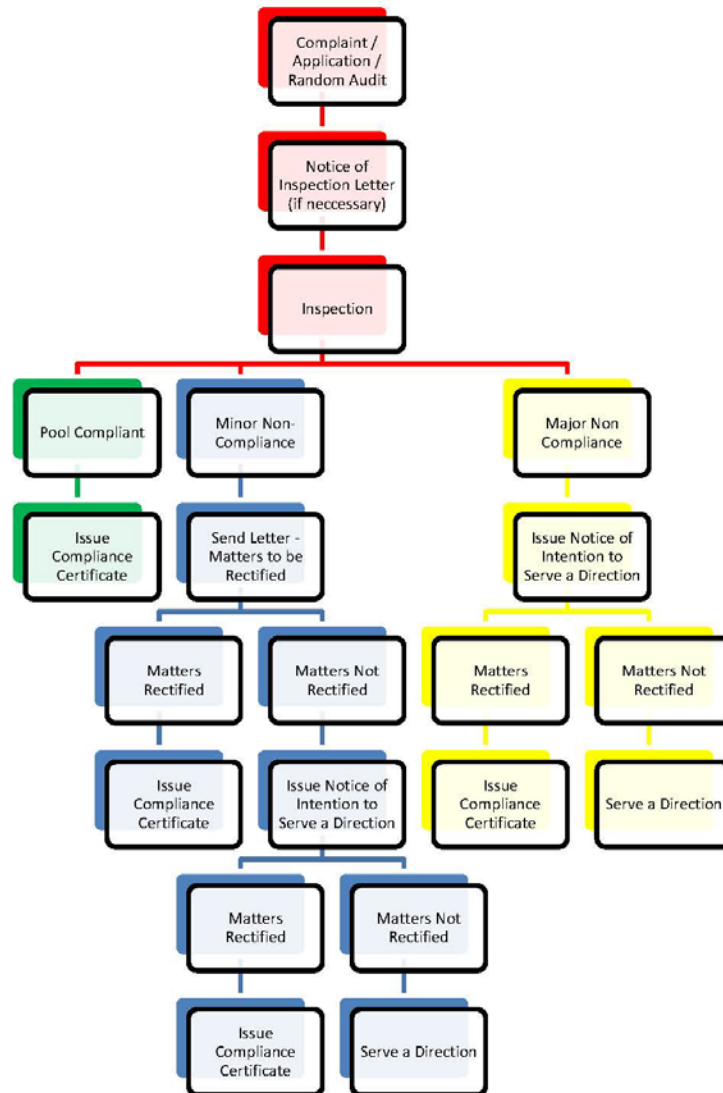
3.2 Inspection Fees

As per the requirements of the *Swimming Pools Act 1992* and *Swimming Pool Regulation 2008*, Council may charge a fee for:

- The initial inspection; and
- One (1) re-inspection.

The fees are contained in Council's Fees and Charges.

3.3 Council Inspection Process



4 Notices issued by an Accredited Certifier

4.1 Summary

An Accredited Certifier may be engaged to undertake an inspection pursuant to Section 22C of the *Swimming Pools Act 1992* and can issue Certificates of Compliance under Section 22D of the *Swimming Pools Act 1992*.

Where an Accredited Certifier is not satisfied that the swimming pool is compliant, they must issue a Notice to the owner, specifying amongst other matters, the reasons why the Accredited Certifier is not satisfied that the requirements for the issue of a certificate of

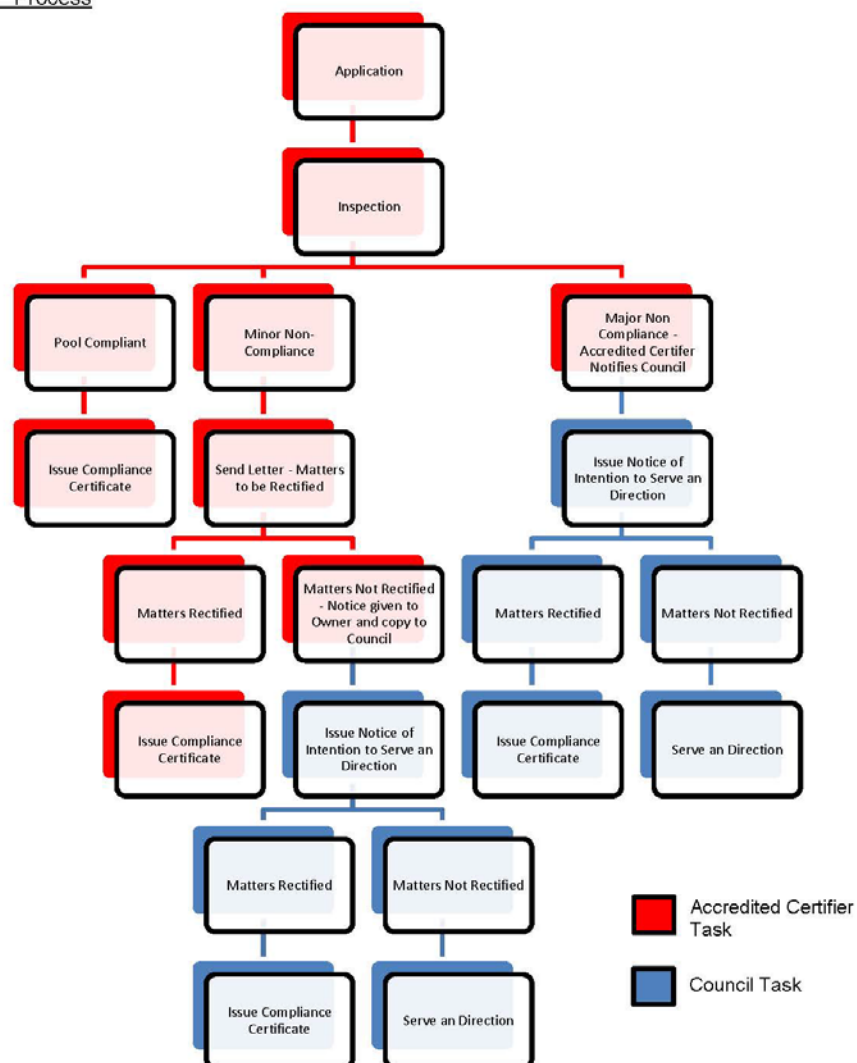
compliance have been met and the steps that need to be taken in order to meet those requirements.

A copy of the notice will be given to Council:

- Immediately, if the Accredited Certifier is of the opinion that the swimming pool poses a significant risk to public safety; or
- Six (6) weeks after the date of inspection if a certificate of compliance is not issued for the swimming pool by the Accredited Certifier before that time.

Council will then undertake enforcement procedures.

4.2 Process



5 Exemption Applications

Under section 22 of the *Swimming Pools Act 1992* the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed, may apply to council for an exemption for the subject pool from all or any of the requirements of the *Swimming Pools Act 1992*.

For an exemption to be granted, the council must be satisfied in the particular circumstances of the case;

- That it is impractical or unreasonable for the swimming pool to comply with those requirements:
 - Because of the physical nature of the premises;
 - Because of the design or construction of the swimming pool; or
 - Because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption
- That an alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

An exemption may be granted unconditionally or subject to such conditions as the council considers appropriate to ensure that effective provision is made for restricting access to the swimming pool.

6 Penalty Infringement Notices

There are a range of Penalty Infringement Notices (on the spot fines) that will be issued by Council for non-compliance with the requirements of the Act. Such penalties are not used as an initial response by Council but rather as a deterrent for continued failure to comply.

TEMPLATE - NOTICE OF INSPECTION

Our Ref: s7.9.2
Contact: <<Name>>

<<Date>>

<<NAME>>
<<ADDRESS>>

Dear Sir/Madam

**INSPECTION OF PRIVATE SWIMMING POOL
LOT <<>> DP <<>> – <<ADDRESS>>**

As part of Inverell Councils Swimming Pool inspection Program, Officers will be conducting pool compliance inspections in your area over the next three months. As part of this program, a Council Inspector will conduct a safety inspection of your swimming pool.

Inverell Council is offering a booking service to allow you to book in for a preferred pool inspection time. Please call as soon as possible on **67 288202** to make an appointment. We encourage you to use this service to make a mutually convenient arrangement for this inspection.

If we do not hear from you within 7 days we will assume you have **not** chosen the booking service, and your swimming pool will be inspected in the near future between 8:30 and 4:30, Monday to Friday.

Yours faithfully

HOWARD MARSDEN
BUILDING SURVEYOR

TEMPLATE – LETTER – MATTERS TO BE RECTIFIED

Our Ref: s7.9.2
Contact: <<Name>>

<<Date>>

<<NAME>>
<<ADDRESS>>

Dear Sir/Madam

**POOL INSPECTION – MATTERS TO BE RECTIFIED
LOT <<>> DP <<>> – <<ADDRESS>>**

Council has carried out an inspection of the Swimming Pool at the above premises and wishes to inform that a compliance certificate will not be issued until the following non-compliances are rectified.

1. All gates must swing outwards from the pool area,
2. Gates must be fitted with a self closing device which will return the gate to the closed position and operate the latching device-
 - a) from any position from resting on the latching mechanism to fully open; and
 - b) from a stationary start without the application of a manual force.
3. The gate latch must be 1500mm above the ground level, or if located inside the gate 1200mm above the ground level and at least 150mm below the top of the gate.
4. A 900mm Non-Climbable zone maintained around the Pool Fence,
5. All openings between the bottom of fence and the finished ground levels must not exceed 100mm,
6. A warning notice and CPR chart is to be installed in a prominent position with in the swimming pool enclosure. The notice must comply with the Swimming Pools Regulation 2008,
7. Where a boundary fence makes up a part of the pool fence it is to be no less than 1800mm in height and extend 900mm beyond intersecting pool fences,
8. The windows that open directly into the pool area shall have the opening portions of the window altered to comply with one of the following-
 - a) Be totally covered by bars or a metal screen that are fixed to the building with fasteners that can only be removed by the use of a tool. The opening between bars and the horizontal dimension of openings in a metal screen shall not be greater than 100 mm.
 - b) Be fixed to the building with fasteners that can only be removed by the use of a tool so that it will remain closed or will open to a maximum of 100 mm.

When the above Issues have been rectified please contact Council for a follow up inspection.

Should you have any queries please do not hesitate to contact Council's Assistant Building Surveyor Mr Howard Marsden on 02 67288241.

Yours faithfully

HOWARD MARSDEN
BUILDING SURVEYOR

TEMPLATE – NOTICE TO SERVE A DIRECTION

Our Ref: s7.9.2
Contact: <<Name>>

<<Date>>

<<NAME>>
<<ADDRESS>>

Dear Sir/Madam

**SWIMMING POOLS ACT 1992 - NOTICE OF PROPOSED DIRECTION
LOT <<DP>> DP <<DP>> – <<ADDRESS>>**

This is an advice under Section 23(5) of the Swimming Pools Act 1992 (as amended) (the "Act"), that Council intends to serve you with a Direction under Section 23(1) of the Act. A draft copy of that Direction to Comply is attached to this letter. The Direction to Comply will be forwarded to you after fifteen (15) days from the date of this letter.

The purpose of this notification is to encourage your compliance with the Act before a formal legally enforceable Direction is issued.

Useful information to assist you

- The Department of Local Government's website at www.dlg.nsw.gov.au has information and resources under the topic "Backyard Swimming Pools" which includes the brochure Swimming Pool Laws. It also includes a Home Swimming Pool Safety Checklist and a link to the Royal Life Saving Society Australia's home pool safety webpage at www.homepoolsafety.com.au, which includes a checklist, fact sheets and other resources relevant to private swimming pools.
- Hard copies of the Australian Standard AS1926-1986 "Fences and gates for private swimming pools" and AS1926.1-2012 "Swimming pool safety, Part 1: safety barriers for swimming pools" are available for viewing at Council's Customer Service Centre. Please note due to copyright restrictions, copies of the documents are unable to be made.
- A Warning Notice printed on rigid plastic board that provides resuscitation guidance issued by Royal Lifesaving Society Australia, is available for purchase from Council's Customer Service centres.

Should you require clarification concerning the contents of this letter or the attached Draft Direction to Comply, please contact the above mentioned officer during business hours.

Yours faithfully

HOWARD MARSDEN
BUILDING SURVEYOR
Encl. Draft Direction to Comply

TEMPLATE – DIRECTION TO COMPLY

Our Ref: s7.9.2
Contact: <<Name>>

<<Date>>

<<NAME>>
<<ADDRESS>>

Dear Sir/Madam

**SWIMMING POOLS ACT 1992 (SECTION 23)
DIRECTION TO COMPLY
LOT <<>> DP <<>> – <<ADDRESS>>**

WHEREAS a swimming pool situated at premises known as, Lot X DP XXXXXX, XX Street, Suburb, NSW Postcode, within the Inverell Shire Council area does not comply with the requirements of the provisions of the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008 in respect of the matters specified in Schedule 1 below, TAKE NOTICE that you as the owner of the subject premises are hereby DIRECTED to comply with the said provisions by carrying out and completing the works or taking such measures as are specified in Schedule 2 below, within a period of 30 days from the date hereon.

SCHEDULE 1

1. Barrier/swimming pool fence
2. Swimming pool gate
3. Warning notice

SCHEDULE 2

1. The swimming pool fence/barrier is less than 1200mm in height. You are required to modify the swimming pool fencing so that it has a minimum height of 1200mm in accordance with the Australian Standard.
2. The swimming pool gate does not self close back to the latched position. You are required to modify the swimming pool gate so that it self closes back to the latched position even when resting on the latch in accordance with the Australian Standard.
3. A warning notice is to be installed in a prominent position within the swimming pool enclosure. The notice must comply with the Swimming Pools Regulation 2008.
4. All works carried out to the swimming pool fencing must be carried out in accordance with Australian Standard 1926.1-2012 Swimming Pool Safety Part 1: 'Safety barriers for swimming pools'.

THIS DIRECTION is issued by Council for the reason that the existing barrier separating the swimming pool from the residence situated on the premises or separating the swimming pool from any place (whether public or private) adjoining the premises is not an effective child-resistant barrier.

RIGHT OF APPEAL

Your attention is drawn to Section 26 of the Swimming Pools Act 1992 which provides that you, as the owner of the premises, are entitled to appeal to the Land and Environment Court against the Council's decision to give the direction contained in this notice. Such an appeal must be made within 28 days of the date of this notice.

FAILURE TO COMPLY

Failure to comply with this "Direction to Comply" may result in Council instigating legal action under the provisions of the Swimming Pools Act 1992, or the serving of penalty infringement notice (on-the-spot fines) under the provisions of the Swimming Pools Regulation 2008.

HOWARD MARSDEN
BUILDING SURVEYOR

TEMPLATE – INSPECTION CHECKLIST

**SWIMMING POOL INSPECTION CHECKLIST
 NEW OUTDOOR SWIMMING POOL FENCE - AS 1962.1 CHECKLIST**

<p style="text-align: center; color: #ccc;"><i>Accreditation stamp:</i></p>	<p>PROPERTY DETAILS:</p> <hr/> <hr/> <hr/> <p>APPLICANT:</p> <hr/> <hr/> <hr/>
---	--

TIME OF INSPECTION: ____:____AM/PM

Signature: _____

Pool fence around swimming pool

	Yes	No	N/A
Is the pool fence a minimum 1.2m in height around the entire swimming pool?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the bottom of the pool fence no greater than 100mm off the ground?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are gaps/spaces in the pool fence no greater than 100mm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the pool fence include a continuous Non-Climbable Zone (NCZ) of 900mm (see diagram)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is there a clear 900mm area on the outside of the pool fence free of all footholds? ☐ Yes ☐ No ☐ N/A

Is there a clear 300mm area on the inside of the pool fence free from all footholds? ☐ Yes ☐ No ☐ N/A

Is the boundary fence surrounding the pool area a minimum 1.8m in height measured inside the pool area and contain NCZ? ☐ Yes ☐ No ☐ N/A

Gates

Does the gate swing away from the pool area? ☐ Yes ☐ No ☐ N/A

Does the gate self-close at any position from resting on the latch mechanism to fully open? ☐ Yes ☐ No ☐ N/A

Is the release to the latching device a minimum 1500mm above finished ground level? (or located and shielded in accordance with the diagram below)? ☐ Yes ☐ No ☐ N/A

Openable portion of windows leading into pool areas

Is any window with a sill height of less than 900mm when measured inside the building totally covered by bars or mesh screen (or prevented from opening more than 100mm)? ☐ Yes ☐ No ☐ N/A

Is any window with a sill height between 900mm and 1200mm when measured inside the building totally covered by bars, mesh screen or fitted with a securely fixed flyscreen? ☐ Yes ☐ No ☐ N/A

Are all other windows provided with a minimum sill height of 1200mm? ☐ Yes ☐ No ☐ N/A

Note: No doors are to lead into *outdoor* pool areas unless a Section 22 Exemption has been approved.

Balconies

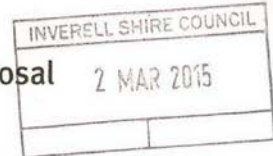
Is any balcony within or near the pool enclosure protected in accordance with Section 2.9 (see diagram)? ☐ Yes ☐ No ☐ N/A

Loading requirements Section 3 of AS1926.1 – 2007

Have you checked that the strength of the fence, gate and posts are adequate to restrict young children? ☐ Yes ☐ No ☐ N/A

Resuscitation Sign

Is a current resuscitation chart located within 3.0m of an area in which resuscitation can occur? ☐ Yes ☐ No ☐ N/A

APPENDIX 3**Geographical Names Board of New South Wales naming proposal**

Proposed name: HAYES GULLY
 Pronunciation if not obvious (use Macquarie Dictionary symbols):
 Local Government Area: INVERELL SHIRE COUNCIL
 Parish: ENA County: ARRAWATTA
 Latitude: -29.095368984 Longitude: 150.893481579 Lot DP or Por: DP 750091
 Area: Suburb: YETMAN State Electorate: NEW ENGLAND
 Other reference:

Description of feature, including location and extent

(Please attach identification aids e.g. marked map, marked photograph):

A dry gully running through private property crossing a Crown Road and feeding into Ena Creek when wet.

Reason for choice of name (If insufficient space, please attach details)

If the name commemorates a person, biographical details must be supplied: To honour a family (Patriarch passed away 4 years ago) who has given substantial private contributions to many Australian Charities and farming families of whom we are one.
rural orientated

Naming proposals approved by the Geographical Names Board will be advertised in local newspapers.

Name of local newspaper(s): Inverell Times
 Applicant's name: Chris & Amber Doney
 Address: 1095 BEDWELL DOWNS RD YETMAN
 Telephone: 0429 089 828 Facsimile:
 Contact person if not stated above:
 Signature: [Signature] Date: 23/2/15 Your Reference:

Send this completed form with attached maps to:

The Secretary
 Geographical Names Board
 PO Box 143
 Bathurst NSW 2795
 T: 02 6332 8 214
 F: 02 6332 8 217

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 HAS BEEN POSTED TO
 4**

Disclaimer

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

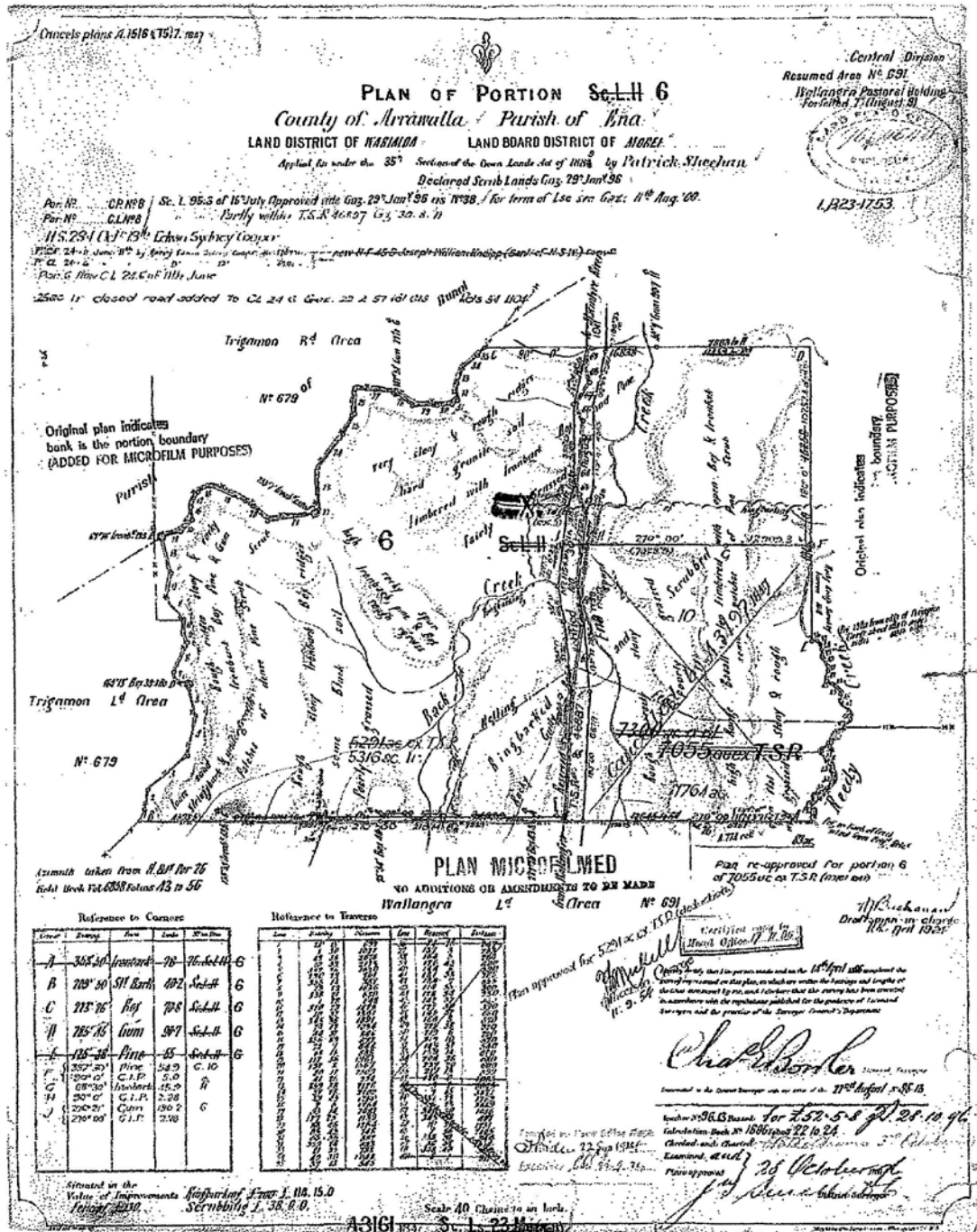
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 F: +61 2 6332 8217
 E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

Req:R189805 /Doc:CP 03161-1847 P /Rev:12-Sep-2014 /Sts:OK.OK /Prt:12-Sep-2014 12:25 /Pgs:ALL /Seq:1 of 1
 Ref:WHL:CAH:14308 /Src:T



APPENDIX 4

From: Susan Fietz <Susan.Fietz@lpi.nsw.gov.au>
Sent: Monday, 9 March 2015 2:03 PM
Subject: RE: Enquiry - Hayes Gully Naming Proposal

Hi Chris

Further to our telephone conversation, if you could take the matter to the Council meeting and get their concurrence to the proposal, we can then submit to the Board at an upcoming meeting.

Thanks

Susan Fietz

Statutory Officer | Geographical Names Board

Land and Property Information | Department of Finance & Services

346 Panorama Ave Bathurst NSW 2795 | PO Box 143, BATHURST NSW 2795

Email: susan.fietz@lpi.nsw.gov.au | Tel: (02) 6332 8052 | Fax: (02) 6322 846

www.gnb.nsw.gov.au

From: Christopher J. Faley [<mailto:Christopher.Faley@inverell.nsw.gov.au>]
Sent: Monday, 9 March 2015 1:18 PM
To: GNB
Subject: Enquiry - Hayes Gully Naming Proposal

Dear Sir/Madam

Inverell Shire Council has received the attached naming proposal. It appears that it was also sent to the GNB for action. Could you please advise whether you require any action from Council or whether the GNB will action this request.

Regards

Chris Faley

Development Planner | Civil and Environmental Services



Inverell

PO Box 138 Inverell NSW 2360

Shire Council Tel 02 6728 8251 | Fax 02 6728 8277 | chris.faley@inverell.nsw.gov.au

PRIVATE AND CONFIDENTIAL:

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender.

The opinions expressed in this message are the personal views of the individual sender, and do not necessarily represent the corporate opinions or policies of Inverell Shire Council.

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender,

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 08/04/2015

ITEM NO:	1.	FILE NO: S30.9.11
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	RENEWAL OF NSW ROAD MANAGER DELEGATION – HEAVY VEHICLE ACCESS PERMITS	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

On 21 February, 2014, the National Heavy Vehicle Regulator delegated to all road managers in NSW, the power to issue heavy vehicle access permits for Class 1 and 3 heavy vehicle journeys wholly within the state. The delegation has now been renewed for a further 12 months to 22 January, 2016.

COMMENTARY:

On the 10 February, 2014 the Heavy Vehicle National Law (HVNL) was proclaimed in New South Wales. The HVNL established the National Heavy Vehicle Regulator (NHVR), Australia's first national independent regulator for all vehicles over 4.5 tonnes gross vehicle mass. The NHVR are now responsible for administering access permits and notices.

The NHVR commenced administering access permits and notices on the 10 February, 2014. Disruption to the heavy vehicle industry resulted, due to delays by the NHVR issuing permits. This led the NHVR to delegate authority to all road managers in NSW to issue heavy vehicle access permits for Class 1 and 3 heavy vehicle journeys wholly within the state. This delegation has been renewed for a further 12 months to 22 January, 2016.

Access permits and notices allow vehicles that do not comply with general access requirements to travel on the road network. Vehicles requiring a permit or notice are referred to as Restricted Access Vehicles, and are predominantly considered as one of 3 Classes. Class 1 are vehicles such as oversize or over mass (OSOM) including agricultural and special purpose vehicles. Class 2 are vehicles such as B-doubles, road trains, controlled access buses. Class 3 are vehicles that exceed prescribed mass or dimension requirements and are not Class 1 heavy vehicles, typically Class 3 vehicles are those carrying bailed agricultural goods.

Under the delegation:

- Councils can issue permits directly to heavy vehicle operators for journeys by Class 1 and 3 heavy vehicles with their local government area.
- Councils can continue to charge \$70 for the issue of a permit to be lodged directly with Council.
- Roads and Maritime Services can issue permits directly to heavy vehicle operators for journeys on state roads within NSW.

The delegation is a temporary measure while NHVR develop a new Permit Management System. This system is expected to be delivered from January, 2016.

Over the preceding 12 month period, Council has received very few requests for access permits. In most cases assessing the request is a desktop exercise that requires minimal resources to complete, as such, Council has not levied the \$70 charge on any applications to date.

ITEM NO:	2.	FILE NO: S28.21.1
DESTINATION 5:	The communities are served by sustainable services and infrastructure.	S
SUBJECT:	WORKS UPDATE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

This report is intended to keep Council updated on the capital works and maintenance programs.

COMMENTARY:**Cameron Park Upgrade**

Work is continuing on the Cameron Park Upgrade Project. The irrigation system is now fully installed and operational. Concrete cricket pitches and the associated approaches are also now complete. Grass was planted on 24 and 25 February and is growing well. Pavement and kerb and gutter works are underway. Delays have been experienced due to resource utilisation on other projects. Fencing, footpath works and other ancillary works are programmed for completion in April.

Ashford Medical Centre – Civil Works

This project has reached the stage of practical completion. All internal works including concrete driveway, bitumen sealed car park, kerb and gutter, concrete foot path and drainage works are now complete. Minor internal landscaping and completion of pavement works in Jubilee Street are underway and due for completion in early April.

Killeen Street Swanbrook Road Intersection Upgrade

This project was initially delayed due to resource commitments on other Council projects. Crews have now completed all sewer main drainage and water main works for this project. Kerb and gutter works have commenced and have been completed along Swanbrook Road. Pavement works, bitumen sealing and footpath works are due for completion early April in anticipation of the medical centre opening. Project completion is planned for the end of April.

Ashford Road “Karoola” Reconstruction – Stage One & Stage Two

Stage one (1), consisting of a 560 metre section on the northern end of this project has been completed. Pavement widening and rehabilitation works were undertaken in early March with a final seal completed on 18 March.

Stage two (2), a 1.5km section collectively known as the 3 sisters, is due to commence in June. Interflow, a specialist contractor engaged by Council, has completed the relining of several large piped culverts with the pipe extensions for these culverts due to commence shortly in preparation for widening and reconstruction works associated with stage two (2).

Maintenance Grading

Maintenance grading works were undertaken on the following roads during March, 2015:

SR 26	Camp Creek Road	14.7km
SR 28	Goat Rock Road	13.7km
SR 106	Gunnee Road	7.8km

SR 128 Delungra Road	16.9km
SR 173 Delungra Bypass Road	7.7km
Total	60.8km

Gravel Resheeting Program

Gravel resheeting works were undertaken on the following roads during March, 2015:

SR 27 Atholwood Road	1.7km
SR 54 Emmaville Road	6.7km
SR 58 Rocky Creek Road	5.0km
Total	13.4km

Gravel Patching

No gravel patching works occurred during March 2015.

Other Maintenance Activities

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities are continuing as required. Town maintenance will continue as required.

ITEM NO:	3.	FILE NO: S30.9.5
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	SPEED ZONE CHANGES - MULTIPLE LOCAL ROADS	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Council is in receipt of the outcome from a number of speed zone reviews undertaken by Roads and Maritime Service on several local roads in the Shire. The reviews have concluded with a number of speed zone changes. Roads included are, Old Stannifer Road, Bundarra Road, Rifle Range Road and Old Bundarra Road.

COMMENTARY:

In the latter months of 2014 Council received a number of requests for speed zone changes on local roads within the Shire, relating to road safety concerns. These requests came from the Police, a local school bus operator and members of the community. Roads and Maritime Service (RMS) are the sole authority responsible for setting and maintaining speed zones in NSW. As such, Council forwarded these requests to RMS for their consideration.

The RMS undertook a number of speed zone reviews on roads including Old Stannifer Road, Bundarra Road and Old Bundarra Road. Council engineering staff were consulted by RMS throughout the reviews.

The outcome of the reviews are as follows:

Bundarra Road:

- The existing 60km/h speed limit on Bundarra Road from 350m north of Rifle Range Road be extended to 200m south of Rifle Range Road.

Old Stannifer Road:

- The existing speed limit of 100km/h be reduced to an 80km/h speed limit. A distance of 2.5km.
- The existing 100km/h speed limit on Melia Close be reduced to 50km/h.

Old Bundarra Road:

- The existing 80km/h speed limit on Old Bundarra Road be extended 2.4km finishing 100m south of Leviathan Road.

Rifle Range Road:

- The existing 100km/h speed limit be reduced to 60km/h from Bundarra Road to 800m east of Bundarra Road.

Council staff will liaise with RMS and undertake signage works in order for the changes to be implemented. It is expected that the speed zone changes will be in place early May, 2015.

ITEM NO:	4.	FILE NO: S28.11.1
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	NORTH WEST WEIGHT OF LOADS - LEVEL OF SERVICE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

At its March, 2015 meeting, the North West Weight of Loads (NWWOL) Committee had an in depth discussion regarding levels of service. This was triggered by a number of factors including, rising administration costs, falling revenues and the resignation of Walgett Shire Council from the group.

COMMENTARY:

The North West Weight of Loads (NWWOL) group is a cooperative comprising member Councils of Gwydir, Glen Innes, Walgett, Narrabri, Gunnedah, Warrumbungle, Dubbo, Inverell and Moree who are the administrative Council. The function of the group is to police roads for heavy vehicle offences such as overloading and breaches of relevant heavy vehicle law, with the purpose of protecting the road assets of each member Council. In February 2015, Walgett Shire Council resigned from the group. This was one of a number of triggers for a review into the level of service provided by NWWOL to its members.

The two (2) other main triggers are the increasing administrative costs and declining revenues. Moree Shire Council are the administrative Council and undertake all associated administration works, including issuing of fines, handling the groups finances, provision of business papers for the quarterly meetings and day-to-day support for the two (2) teams of field inspectors. Each member Council contributes to the administration cost, on the basis of a charge based on the amount of time field inspection crews spend in each Council. For example, the average amount of inspectors time spent in Inverell is 8.5%, therefore Inverell contribute to 8.5% of the administration cost.

The other cost associated with the group are wages cost for the inspectors and capital costs associated with equipment (vehicle, scales etc). These costs are also apportioned to each member Council on the basis of inspector time spent in each Local Government Area. A reduction of expenditure by a member Council effectively reduces the amount of time spent by inspection crews policing the road assets of that member Council.

Over time, the administration burden of the NWWOL group has increased, increasing the administration cost for the group. This is compounded by the fact that the groups revenues are declining. Revenue comes in the form of fines received as a result of the inspectors duties, as well as funding received from Roads and Maritime Services (RMS) for policing classified roads. Whilst revenue from RMS has remained constant, fines received have reduced over the last 10 years. A number of factors have caused the reduction of fines received, including;

- The National Heavy Vehicle Law imposes lower financial penalties for some offences,
- Poorer than average grain crop and livestock production in the region in recent times,
- NWWOL group is achieving its goal in reducing the number of operators operating outside of the law.

Whilst it is a positive sign that fewer operators are breaking the law, resulting in protection of Council road assets, it does create the need for the NWWOL group to change its operation to suit the current conditions.

At the March, 2015 meeting, each member Council was requested to provide an indication of the level of financial support that they would be willing to commit to the continued function of the NWWOL. The majority of Councils indicated that they were happy with their current level of support, whilst some smaller Councils indicated a reduction in their contribution.

Council's delegate advised of the proposed 2015/16 budget allocation of \$23,000. This is consistent with historical service levels. There may be minor scope to increase the contribution if required, however this would need to be offset by a corresponding reduction in the spending on a related activity. These indicative figures as supplied by each Council will be factored into financial modelling by the NWWOL administrators to determine the most cost effective method of function for the NWWOL group moving forward. Once this modelling is complete, a report will be provided to each member Council regarding possible options moving forward. Once this report is received from NWWOL, a further report will be provided to the Civil and Environmental Services Committee in order for a determination to be made regarding the level of service required of the NWWOL by Council and the level of financial support Council is willing to supply.

ITEM NO:	5.	FILE NO: S6.8.9
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	URALLA SHIRE COUNCIL – ABINGTON BRIDGE	
PREPARED BY:	Paul Henry, General Manager	

SUMMARY:

Council is in receipt of correspondence from Uralla Shire Council regarding funding of a new bridge and approaches at Abington Creek.

Councillors are being asked to receive and note the information below.

COMMENTARY:

Council has received correspondence from Robert Bell, Director Infrastructure and Regulation, Uralla Shire Council thanking Council for supporting their bid for funding to construct a new bridge and approaches at Abington Creek. Uralla Shire Council has been successful in obtaining \$1.4M from the State and Federal Government for the project.


Uralla Shire Council plans to invite tenders in April, 2015 and have all works completed in the next financial year.

A copy of the correspondence is attached as Appendix 1 (E7) for the information of Council.

RECOMMENDATION:

That the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 8 April, 2015, be received and noted.

APPENDIX 1

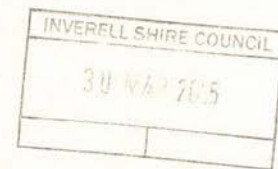


Infrastructure & Regulation

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E: council@uralla.nsw.gov.au
32 Salisbury Street, Uralla NSW 2358
PO Box 106, Uralla NSW 2358
ABN: 55 868 272 018

26 March 2015

Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360



Dear Mr Henry,

Abington Creek Bridge

Council has resolved to thank you for your support for the funding of a new bridge and approaches at Abington Creek. We have been successful in obtaining \$1.4 million from the State and Federal Governments.

Council plans to invite tenders in April 2015 and have all works completed in the next financial year.

Please contact me should you require further information.

Yours sincerely,

Robert Bell
Director Infrastructure & Regulation