

INVERELL SHIRE COUNCIL
NOTICE OF MEETING
CIVIL & ENVIRONMENTAL SERVICES COMMITTEE

5 May, 2016

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 11 May, 2016, commencing at 8.30 am.

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

P J HENRY PSM

GENERAL MANAGER






A G E N D A

SECTION A	APOLOGIES CONFIRMATION OF MINUTES DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS PUBLIC FORUM BUSINESS ARISING FROM PREVIOUS MINUTES
SECTION B	ADVOCACY REPORTS
SECTION C	COMMITTEE REPORTS
SECTION D	DESTINATION REPORTS
SECTION E	INFORMATION REPORTS
SECTION F	GENERAL BUSINESS
SECTION G	CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

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, 11 May, 2016

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MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON
WEDNESDAY, 13 APRIL, 2016, COMMENCING AT 8.30 AM.

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

Also in attendance: Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services), Ken Beddie (Director Corporate and Economic Services) and Stephen Golding (Executive Manager Corporate and Community Services).

SECTION A

APOLOGIES:

An apology was received from Cr P J Harmon for business reasons.

RESOLVED (Johnston/Michael) that the apology from Cr Harmon be noted.

1. CONFIRMATION OF MINUTES

RESOLVED (Michael/Watts) that the Minutes of the Civil and Environmental Services Committee Meeting held on 9 March, 2016, 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 S13.5.6/09

There were no members of the public present to speak.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

SECTION B
ADVOCACY REPORTS

Cr Baker Inverell Hospital Redevelopment

Cr Baker noted the recent community meeting held at the Town Hall on 29 March, 2016 regarding the Hospital Redevelopment. Mr Adam Marshall, Member for Northern Tablelands addressed the meeting. Sarah Mitchell, Parliamentary Secretary for Regional and Rural Health has not yet approved the Clinical Service Plan.

No actual formal presentation was made by Mr Michael DiRienzo, Chief Executive of Hunter New England Health, which was disappointing consider the strong number of attendees. Also in attendance was Inverell Hospital Manager, Mr Hamish Yates.

Cr Michael Hunter New England Area Health

The Deputy Mayor and General Manager attended the regular bi-monthly meeting with Hunter New England Area Health yesterday. Topic discussed included the Hospital Redevelopment and the Clinical Service Plan. The Clinical Service Plan is yet to be approved.

Cr Michael

Bellevue Park Playground

Cr Michael noted the opening of the new Bellevue Park playground yesterday and congratulated Council on a job well done.

Cr Jones

Opera in the Paddock

Cr Jones noted the success of the recent Opera in the Paddock event.

Cr Jones

Town Hall Event

Cr Jones noted the success of the recent combined event held at the Inverell Town Hall by the Inverell Male Choir and Sydney Male Choir.

SECTION D
DESTINATION REPORTS

1. REVIEW OF COMPLYING DEVELOPMENT FOR INLAND NSW S18.3.1

DP-A *RESOLVED (Jones/Baker) that the Committee recommend to Council that Council endorse the draft submission to NSW Department of Planning and Environment in relation to the background paper – A Review of Complying Development for Inland NSW.*

SECTION E
INFORMATION REPORTS

1. WORKS UPDATE S28.21.1/09

2. KURRAJONG RE-ENACTMENT MARCH S6.8.9

3. COMPANION ANIMAL CONTROL S11.1.2

RESOLVED (Michael/Baker) that the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 13 April, 2016, be received and noted.

At this juncture, the time being 9.00am, Cr Jones left the meeting.

SECTION F
GENERAL BUSINESS

GM-A Cr Watts Opening of Facilities S13.6.1

Cr Watts asked if Councillors could be notified of 'Official Opening Events'.

Cr Watts Delungra – Gwydir Road Intersection

Cr Watts asked about the possibility of STOP signs being installed at this intersection. Manager Civil Engineering, Mr Justin Pay advised that STOP signs are delegated to the RMS. This intersection was reviewed by RMS 12 months ago with no recommendation for a STOP sign.

DCES-A Cr Watts Delungra Landfill S31.8.7

Cr Watts asked for an update regarding the Delungra Landfill.

It was noted that the Delungra Landfill will be converted to a Transfer Station. At this stage, it will be one of the last landfills to be converted.

Cr Watts asked if it was possible for a report to be submitted to the Delungra District Development Council.

The Director Civil & Environmental Services, Mr Brett McInnes advised that an information report will be provided at the next public meeting at Delungra.

General
Manager

Update – May Street Lookout

The General Manager briefed the Committee on the current May Street Lookout Work for the Dole Project. The Riverbank is being vegetated with plants and turf. The land is being re-shaped which will enable wheelchair access.

The General Manager noted the 'Gravesite' as being a myth. The concrete with dates is in fact an anchor point for the Telstra link from one side of the river to the other.

General
Manager

Armidale Airport Development Committee

The offer to have an Inverell Shire Council representative on the Armidale Airport Development Committee was discussed; however Councillors declined the offer to take a position on the Committee.

General
Manager

Interest in Council Land

The Committee was advised of renewed interest in Council land in Oliver Street that was subject of a report to Council in July, 2014.

There being no further business, the meeting closed at 9.27am.

CR H N CASTLEDINE

CHAIRPERSON

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 11/05/2016

ITEM NO:	1.	FILE NO: S7.9.2/09
DESTINATION 2:	A community that is healthy, educated and sustainable	C
SUBJECT:	SWIMMING POOL INSPECTION PROGRAM	
PREPARED BY:	Howard Marsden, Building Surveyor	

SUMMARY:

From 29 April, 2016, new regulations applying to the sale or lease of properties with swimming pools will take effect. Under the new changes, home buyers of properties with swimming pools that have been determined non-compliant will have 90 days from settlement to rectify non-compliant pool barriers.

COMMENTARY:

New laws apply to the sale or lease of properties with a pool in NSW. These changes have been introduced to further protect the safety of children under the age of five (5) around backyard swimming pools. From 29 April, 2016:

- Properties sold with a pool must have either:
 - A certificate of compliance;
 - A relevant occupation certificate and a certificate of registration; or
 - A certificate of non-compliance.
- Properties leased with a pool must have either:
 - A certificate of compliance; or
 - A relevant occupation certificate and a certificate of registration.

A media release from the Hon. Paul Toole, Minister for Local Government announcing the new regulations is included as Appendix 1 (D6).

When a person purchases a property with a non-compliant pool, where Council or a Private Certifier consider the defects to have no significant risk to public safety, the purchaser will have 90 days from settlement to satisfactorily rectify issues of non-compliance.

Pools which are deemed to pose significant risk to public safety will still be subject to the Council's existing Notice of Direction and Direction process.

The recent changes will have minimal impact on Council resources. Council's process essentially will remain the same with the exception of:

1. Officers will need to generate a Certificate of Non Compliance on the NSW State Government's on-line swimming pool register.
2. Council's letter template for non compliances is to be altered to reflect requirements set out in 18B Swimming Pools Regulation 2008.

It is requested that the Committee endorse an amendment to Council's Swimming Pool Inspection Program (22 April, 2015 Council Res-26/15) to reflect current legislative requirements. Included as Appendix 2 (D7-D22) is a draft Amended Swimming Pool Inspection Program, with the proposed amendments shown in red.

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 Council endorse the amended Swimming Pool Inspection Program to reflect current legislative requirements.

ITEM NO:	2.	FILE NO: S19.10.3
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	ILLEGAL BUILDING WORKS - CORRESPONDENCE FROM WARRINGAH COUNCIL	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

Warringah Council has written to the Hon. Rob Stokes, Minister for Planning and the Hon. Paul Toole, Minister for Local Government, seeking their support and assistance to deter illegal development and increase sanctions for illegal works.

Warringah Council is requesting that all other New South Wales Councils consider resolving a similar position.

The Committee is requested to recommend to Council that a letter be sent to the Ministers in support of Warringah Council.

COMMENTARY:

On 14 April, 2016 a letter from Warringah Council to the Hon. Rob Stokes, Minister for Planning was copied via email to all New South Wales Councils. A copy of this letter is attached as Appendix 3 (D23-D24) for the Committee's information.

Warringah Council has resolved:

- A. *That Council write to the Minister for Planning, Rob Stokes, and cc the Minister for Local Government, Hon. Paul Toole, seeking their support and assistance in:*
 - a) *Changing legislation to deter illegal developments that are built without appropriate approvals;*
 - b) *Increasing sanctions for illegal works and commencement of building works without appropriate consent.*
- B. *That Council write to all Councils in NSW asking them to pass similar resolutions to highlight the growing problem of illegal developments in NSW.*

'Illegal works', which Inverell Shire Council refer to as 'development carried out without consent', has historically occurred, and continues to occur in the Inverell Shire and in all New South Wales Local Government Areas. In recent years, the Development Services Section of Council has sought to improve and take a more consistent and thorough approach in respect of development carried out without consent. This decision has also resulted in additional expenditure of resources in the compliance function of Council's Development Services Section.

Typically, Council's Development Services Section becomes aware of development carried out without consent under the following circumstances:

- When a property is being sold and the owner/vendor "wants to do the right thing";
- When a purchaser's solicitor requests confirmation on Council approvals on a property;
- When notified by an adjoining (possibly affected) property owner;
- By a disgruntled employee of a business;
- By a business in competition with somebody who has undertaken the works;
- By a Council staff member or Councillor when the works are obvious (can be seen from a street); and
- Social media (e.g. residents showing off their new deck or pool).

When Development Services staff become aware of alleged development carried out without consent, there are a number of options available in respect to undertaking "compliance" action. The action taken is determined on a case by case basis and will depend on a variety of factors including the scale and magnitude of the works, the anticipated impacts on neighbours or surrounding properties and whether the person(s) undertaking the works have already been advised by Council that approval is required. The following is a brief summary of the "compliance" actions available to Council:

- 'Stop Work' orders;
- Requiring lodgement of necessary development and/or building applications;
- Applications for development consent for the continued use of building/structure;
- Requiring lodgement of an application for a Building Certificate for works already completed;
- Issuing a Penalty Infringement Notice – generally \$1,500 for an individual and \$3,000 for a company;
- Demolition Orders; and
- Legal action through the Land and Environment Court.

Depending on the nature of the development carried out without consent, more than one of the options above may be used.

Appendix 4 (D25) includes a flow chart documenting the compliance process developed for use by Development Services staff for residential development undertaken without consent.

In reference to the letter from Warringah Council, their main issue in relation to “*illegal works*” relates to the rights of adjoining properties which may be affected. Warringah Council maintains that when the development approval process is not followed, surrounding residents are not informed of the proposed plans and they have no opportunity to comment on the proposed plans before building works commence. Warringah Council are also of a view that once Council intervenes, the developer is then able to submit a Building Certificate to avoid an important part of the Development Application process.

It should be noted that Inverell Shire Council takes a different approach towards development carried out without consent. With reference to the flow chart included as Appendix 2 (D25), depending on the situation, Inverell Council still requires a Development Application to be submitted for the on-going use of the unauthorised works. As part of this approval process, Council staff follow the Development Application process which includes giving adjoining or affected property owners the right to view plans and comment on the works, even if they have been completed. Council staff will also assess the works and the development against its town planning controls and the Building Code of Australia.

Despite the difference between Inverell and Warringah Council, it is still considered that the introduction of stronger legislation to address development without consent would benefit Inverell, and all New South Wales Councils.

Stronger and simpler legislation would further assist Inverell Shire Council in protecting the rights of neighbours against development carried out without consent and is also likely to reduce the burden on Council’s resources in the compliance area. Most importantly, it is considered that the introduction of stronger legislation, and its promotion, will help deter development carried out without consent from being undertaken in the first place.

The Committee is requested to recommend that Council write to the Minister for Planning, Hon. Rob Stokes and cc the Minister for Local Government, Hon. Paul Toole, in support of Warringah Council’s resolution.

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 Council write to the Minister for Planning, Hon. Rob Stokes, and cc the Minister for Local Government, Hon. Paul Toole, in support of Warringah Council's resolution.

APPENDIX 1



Paul Toole
Minister for Local Government

MEDIA RELEASE

Wednesday, 27 April 2016

MAKING BACKYARD POOLS SAFER

Minister for Local Government Paul Toole announced today that new regulations applying to the sale and lease of properties with swimming pools will take effect from this Friday.

Under the changes, homebuyers of properties with swimming pools will have 90 days from settlement to rectify non-compliant pool barriers.

Mr Toole said the new regulations are aimed at creating an effective pool barrier framework that protects the safety of children around backyard swimming pools.

"From April 29, vendors will need to attach to the contract of sale a Certificate of Compliance or a Certificate of Non-Compliance that outlines what needs to be fixed.

"While there is no substitute for responsible adult supervision around a swimming pool, a compliant pool barrier helps minimise the risk of drowning or near drowning.

"In addition to a public information campaign run in partnership with Royal Life Saving NSW, there has been engagement with the legal and real estate sectors to ensure understanding of the change," Mr Toole said.

Michael Ilinsky from Royal Life Saving NSW said compliance checks at time of property sale is a positive outcome as it empowers homebuyers and ensures that future pool owners are provided with a compliant swimming pool.

"These regulations will ensure that swimming pool safety is heightened at the critical time a family takes possession of a new home and pool.

"Royal Life Saving strongly suggests those intending to sell a home with a swimming pool should organise a compliance inspection of their swimming pool immediately. This can be completed by council or a private certifier," Mr Ilinsky said.

More information is available here: www.qlc.nsw.gov.au/public/my-home/swimming-pools

MEDIA: Antonia Morrow 0419 468 235

APPENDIX 2



MANAGEMENT POLICY:	Swimming Pool Inspection Program
Ref:	S7.9.2/08

Contact Officer	Manager Development Services
Approval Date	22 April 2015
Approval Authority	Council (Res 26/15)
Reviewed	
Amended	
Date of Next Review	September 2016

Policy statement

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 attached Swimming Pool Inspection Program has been adopted by Council to provide a foundation for Council's approach to swimming pool regulation.



SWIMMING POOL INSPECTION 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, **Certificates of Non Compliance** 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 *Inspection of pool subject to a Contract of Sale*

Properties to be sold with a pool must have attached to the contract for the sale of land:

- A certificate of compliance; or
- A relevant occupation certificate and a certificate of registration; or
- A certificate of non-compliance.

If a pool is found non-compliant, but the swimming pool does not pose a significant risk to public safety:

- A certificate of non-compliance will be issued via the NSW Swimming Pool Register within seven days of the inspection; and
- A written notice (inspection report) detailing reasons for the noncompliance and steps to be taken to meet the requirements for compliance will also be issued.

If a pool is found non-compliant and the swimming pool does pose a significant risk to public safety:

- A certificate of non-compliance will be issued via the NSW Swimming Pool Register within seven days of the inspection; and
- A Notice of Intention to Serve a Direction will be issued.

3.1.5 *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

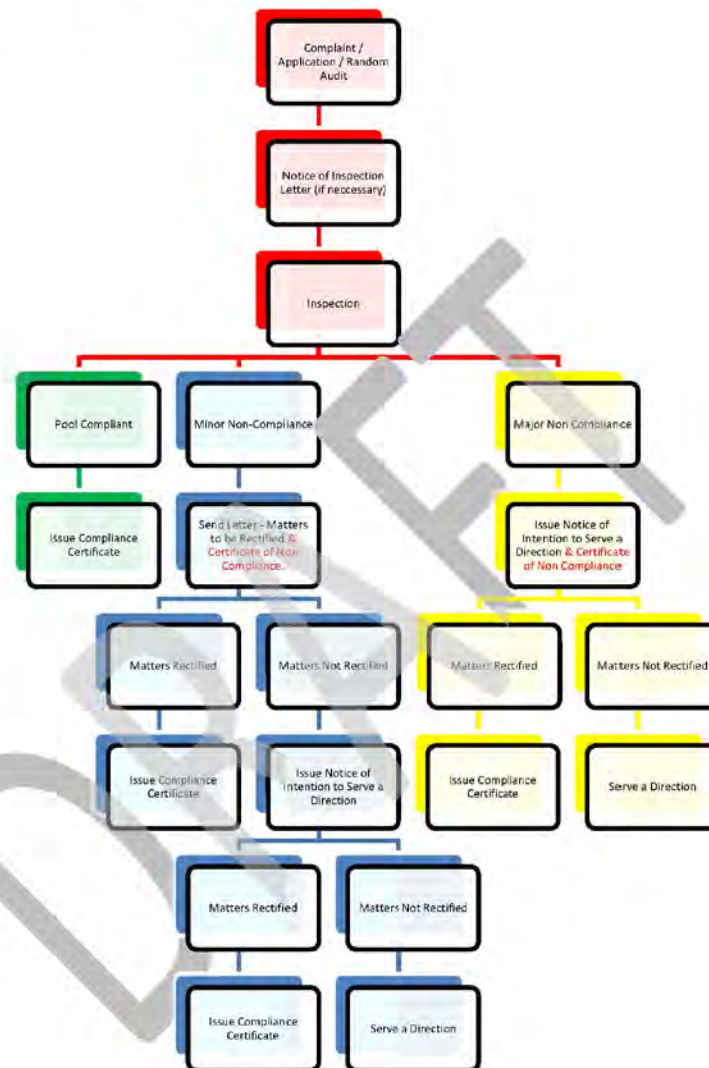
As per the requirements of the *Swimming Pools Act 1992* and *Swimming Pool Regulation 2008*, Council may charge a fee for:

- 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 of Non Compliance** 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.

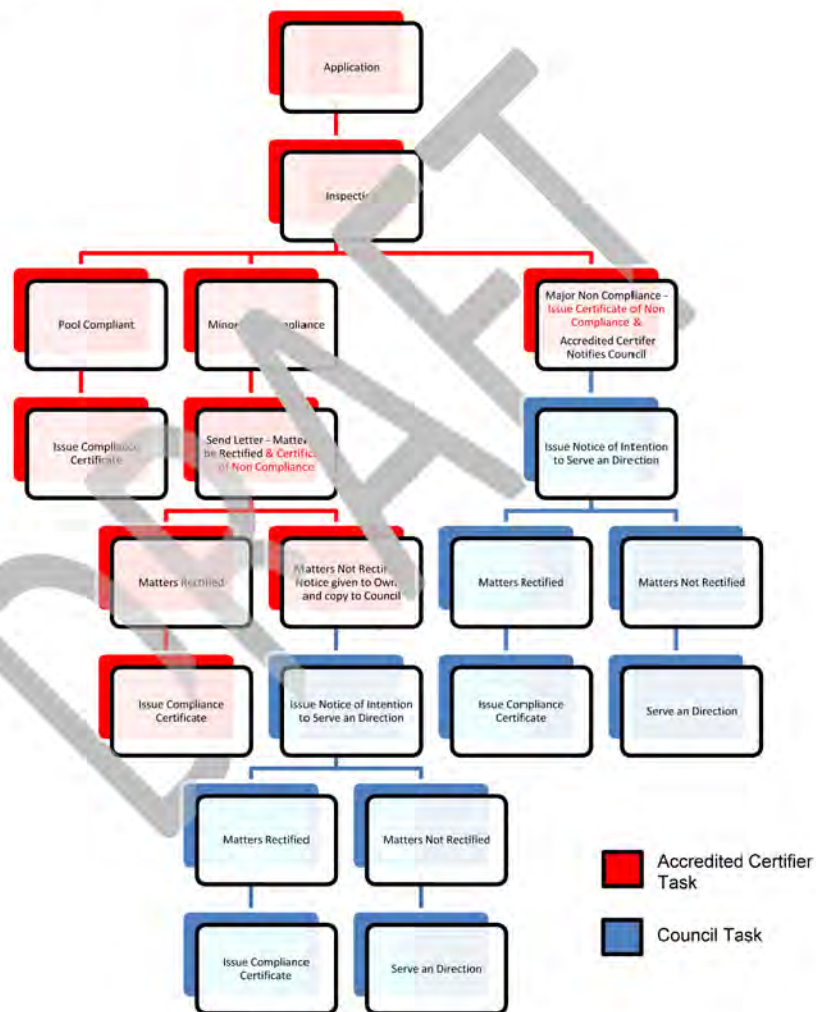
A copy of the notice will be given to Council:

- 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 – NOTICE OF FAILED POOL INSPECTION

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

<<Date>>

<<NAME>>
 <<ADDRESS>>

Dear Sir/Madam

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

SECTION 18B NOTICE OF POOL INSPECTION
MATTERS OF NON COMPLIANCE
LOT <<>> DP <<>> – <<ADDRESS>>

On (INSERT DATE) Council has carried out an inspection of the Swimming Pool at the above premises and in accordance with *Section 18B of the Swimming Pool Regulation 2008* notifies 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.

Council is of the opinion that: (DELETE NON APPLICABLE)



- The Swimming Pool does not pose a significant risk to public safety and advised that the above non compliance's are to be satisfactorily addressed within:
 - Six (6) weeks of this notice.
 - Ninety (90) days from the date of property settlement.
- The Swimming Pool poses a significant risk to public safety and action will be taken under section 23 of the Swimming Pools Act 1992.

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 <<>> – <<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



resuscitation can occur?

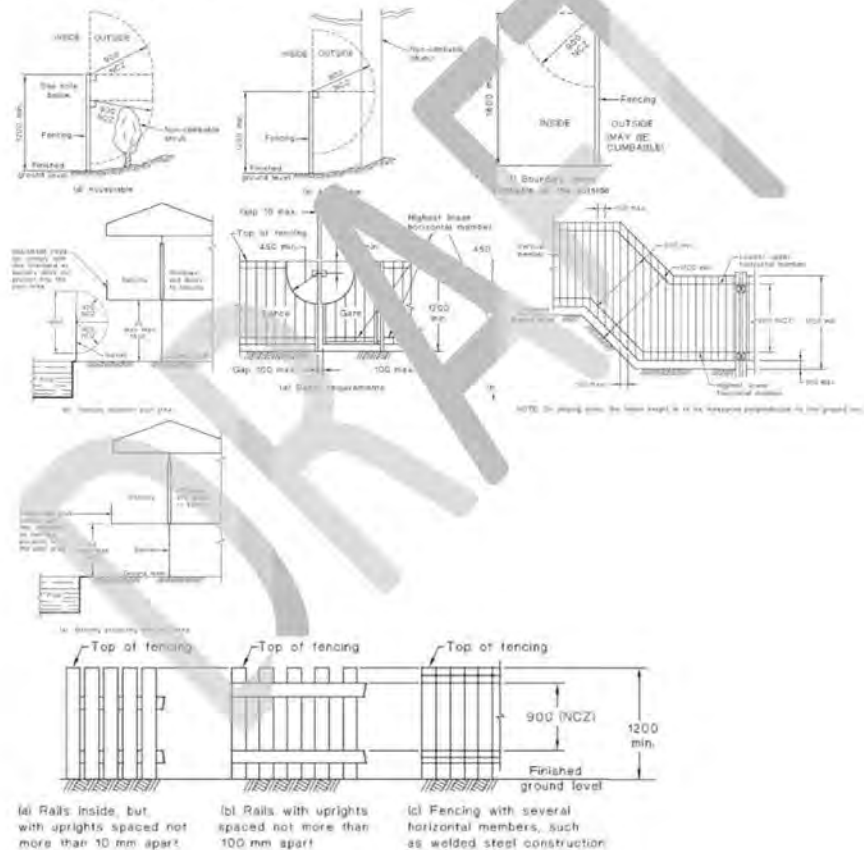
Comments: _____

Inspection Result: (Circle appropriate)

SATISFACTORY REINSPECTION REQUIRED DEFECTIVE

Reason: (if not satisfactory) _____

Diagrams from AS 1926.1



APPENDIX 3

8 April 2016

The Hon. Rob Stokes, MP
 Minister for Planning
 GPO Box 5341
 SYDNEY NSW 2001

Our Ref: 2016/101657

Dear Minister

Council Resolution relating to Illegal Works that are built without appropriate approvals

Warringah Council resolved unanimously on 22 March 2016:-

- A. *That Council write to the Minister for Planning, Rob Stokes, and cc the Minister for Local Government, Hon. Paul Toole, seeking their support and assistance in:*
- a) *Changing legislation to deter illegal developments that are built without appropriate approvals;*
 - b) *Increasing sanctions for illegal works and commencement of building works without appropriate consent.*
- B. *That Council write to all Councils in NSW asking them to pass similar resolutions to highlight the growing problem of illegal developments in NSW.*

Please see below for the background to this resolution for your consideration:-

There are an increasing number of illegal works being reported across the Warringah LGA. Council staff issue Notices of Intention Orders but the developer can put in a Building Certificate, for retrospective approval.

Currently, when the development approval process is not followed, surrounding residents are not informed of the proposed plans and they have no opportunity to comment on the proposed plans before building works commence. Often when Council intervenes with a Notices of Intent the developer is then able to submit a Building Certificate. In doing this the developer has been able to avoid an important part of the DA process.

There is minimal recourse for residents affected by illegal development and history with Land and Environment Court shows that once a structure is up, it is rarely given an order to demolition.



This type of development is occurring due to the current planning legislation. There may be a need for some form of retrospective approval to prevent problems in future with insurance, conveyancing etc, or where development would have been compliant if they lodged their application. However, this should not be the easier path for gaining a development approval.

There needs to be stronger legislation which protects the rights of residents where works have been undertaken illegally, especially where they are non-compliant with planning controls and result in a negative impact on surrounding properties. It should also serve as a deterrent for people who may consider trying to go around the appropriate processes and approvals.

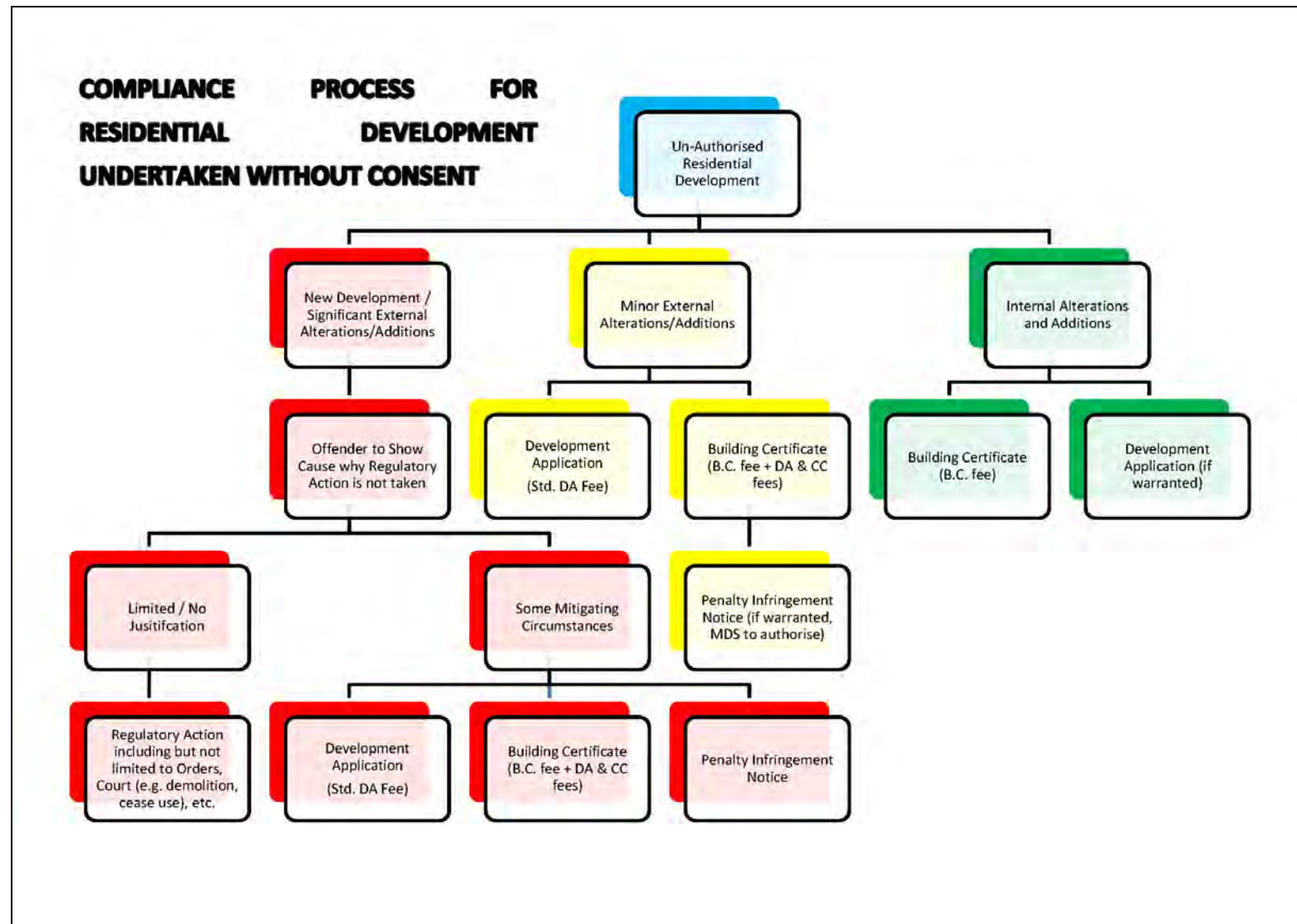
Thank you for consideration of the above and if you would like any clarification or discuss potential action on the issues please contact Peter Robinson on 02 9942 2414 or at council@warringah.nsw.gov.au.

Yours faithfully

Rik Hart
General Manager

cc: Hon Paul Toole, Minister for Local Government -
office@toole.minister.nsw.gov.au
All Councils in NSW
Warringah Councillors

APPENDIX 4



TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 11/05/2016

ITEM NO:	1.	FILE NO: S6.8.9
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	ROTARY PARK	
PREPARED BY:	Nicole Riley, Administration Coordinator	

SUMMARY:

Council is in receipt of correspondence from the Rotary Club of Inverell East, thanking Council for their involvement in the May Street Park Project.

COMMENTARY:

In 2010 an initiative by the Inverell East Rotary Club sought to establish a park at the end of May Street, Inverell. The project was also designed to rehabilitate the riverbank through the removal of exotic plants and woody weeds. The park also creates a lookout over the CBD.

Council is now in receipt of correspondence from Rotary Club of Inverell East thanking Council, in particular, Anthony Alliston and outdoor staff for their invaluable support provided throughout the project.

A copy of the correspondence received is attached as Appendix 1 (E8) for the Committee's information.

ITEM NO:	2.	FILE NO: S28.21.1/09
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**

All associated construction works for the Cameron Oval Upgrade project will be completed in early May, with the official opening planned for 18 May. Tree plantings were completed in April with further plantings planned for Spring 2016.

Whilst grass cover on the fields has yet to reach 100%, the fields are being utilised to play cricket and full grass coverage is expected in the 2016/2017 growing season.

Ashford Road Realignment and Widening – North of Byron Station Lane

Construction works have commenced on a 1.6km section of Ashford Road, 9km north of Inverell. This project involves the rehabilitation and widening of an existing section of Ashford Road and incorporates a new road alignment for an 800 metre Greenfield section.

Earthworks commenced early April, 2016 on the Greenfield section with drainage and pavement construction to be completed whilst the existing sealed road remains intact. On completion of the Greenfield section, the rehabilitation and widening of the existing road will commence. The project is due to be completed in August, 2016.

Ashford Road Rehabilitation and Widening – South of Byron Station Lane

This project includes road rehabilitation and widening of a 1km section of Ashford Road located 7.5km north of Inverell. Construction began in mid April, 80% of the road shoulder works were completed by the end of April. Works yet to be undertaken include the remaining road shoulder works, a layer of stabilised road base and application of a two (2) coat bitumen seal. The project is planned for completion the week ending 20 May, 2016.

Active Transport Program – Cycleway Construction and Kerb Ramps

Works are now complete on some of the missing links in Inverell's cycleway network. The projects completed to date include the nature reserve adjacent to the golf driving range and skate park, Lions Park from Kitching Bridge to the Warialda Road and Glen Innes Road from the Scout Hall to Henderson Street.

Works have commenced this week on the cycleway adjacent to Victoria Park from Vivian Street to Lawrence Street and will be completed early May, 2016. A number of kerb ramps are also currently under construction along Wood Street from the TAFE to Oliver Street and Evans Street from the TAFE to Vivian Street. These kerb ramps will be completed early May, 2016.

Council staff are currently in negotiations with the Road & Maritime Services to access additional Active Transport Funding for this financial year. If successful, cycleway works will be completed along Rivers Street adjacent to Varley Oval.

Tree Planting

Consistent with Council's adopted Town Centre Renewal Plan; significant street plantings were recently undertaken. This included advanced Japanese Maples in Evans Street and advanced *Nyssa Sylvatica* "Tupelo's" in Wood Street. Further planting of advanced *Callistemon Salignus* in Mansfield Street has been deferred until spring due to availability of suitable stock.

Maintenance Grading

Maintenance grading works were undertaken on the following roads during April, 2016:

SR 28 Goat Rock Road	15.0km
SR 166 Reserve Creek Road	8.9km
SR 167 Sheep Station Creek Road	1.0km
SR 171 Strattons Lane	4.0km
SR 172 Ewens Road	3.0km
SR 173 Delungra Bypass Road	7.7km
SR 174 Abbotts Lane	4.8km
SR 175 Leaders Lane	3.5km
SR 230 Rickeys Lane	9.0km
SR 231 Pineleigh Road	3.0km
SR 232 Poolbrook Road	5.2km

SR 266 Duftys Lane 2.3km
 Total 67.4km

Reactive/Spot Grading

Reactive/spot grading works were undertaken on the following roads during April, 2016.

SR 9 North Star Road 8.0km
 SR 12 Blue Nobby Road 4.0km
 SR 18 Milkomi Road 3.0km
 SR 27 Atholwood Road 2.0km
 SR 44 Pindaroi Road 5.0km
 SR 243 Waterloo Road 2.8km
 SR 238 Woodstock Road 1.0km
 SR 254 Stannifer Road 1.5km
 Total 27.3km

Heavy Patching

No heavy patching works were undertaken during April, 2016.

Gravel Resheeting

Gravel resheeting works were undertaken on the following road during April, 2016:

SR 250 McLachlans Lane 3.3km
 Total 3.3km

Gravel Patching

Gravel patching works were undertaken on the following road during April, 2016.

SR 252 McLachlans Lane 1.3km
 Total 1.3km

Other Maintenance Activities

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities, such as bitumen patching, drainage and shoulder repairs as well as vegetation control, are continuing as required. Town maintenance will continue as programmed.

ITEM NO:	3.	FILE NO: S18.6.52/02
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	COMMENCEMENT OF CONSTRUCTION OF WHITE ROCK WIND FARM	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

Council has received notification from Goldwind Australia Pty Ltd regarding the commencement of construction of the White Rock Wind Farm.

COMMENTARY:

Goldwind Australia Pty Ltd has advised that Stage 1 of the White Rock Wind Farm (WRWF) will commence construction from Monday, 2 May, 2016. WRWF is located 18 kilometres west of Glen Innes in the New England Tablelands area between Matheson and Maybole, NSW.

Stage 1 of the WRWF involves installation of 70 Goldwind GW121 2.5 MW turbines and associated facilities including grid connection via a new 132 kV powerline. Each wind turbine will have a hub height of about 89 metres and the turbine rotor is 121.4 metres in diameter. The total height to the top of the rotor swept area is slightly less than 150 metres. The 8 kilometres of 132 kV transmission line from the substation near White Rock Mountain to the existing line near Gwydir Highway will be supported on poles of 25 to 30 metres in height.

The map included as Appendix 2 (E9) shows the indicative location of the wind farm and the wind turbines as proposed.

Access routes during construction will be via:

- Illparran Road via the Gwydir Highway; and
- Kelleys Road via Maybole Road, Grahams Valley Road and the New England Highway.

Kelleys Road is the only section of the route that is located within the Inverell Shire, with the remaining roads within the Glen Innes Shire. A pre-construction dilapidation report on the road network has been completed. The State Significant Development Approval requires a post construction dilapidation report to be undertaken and restoration of any damage that may result from traffic related to the construction, at the proponents expense.

The full period of wind farm construction will extend for approximately 18 months, ending in late 2017 after which the WRWF will operate for approximately 25 years. Initial works will involve on-ground earthworks and construction activities, including the installation of temporary construction facilities, access tracks, hardstands and foundations. Installation of the wind turbine structures is not expected to commence until October, 2016 at the earliest.

There are also two (2) permanent and three (3) temporary 90 metre meteorological masts currently installed on site. The currently installed temporary masts will be removed shortly, with one (1) mast to be moved to a nearby location for a further 3-6 months.

ITEM NO:	4.	FILE NO: S28.21.1/09
DESTINATION :	The communities are served by sustainable services and infrastructure	
SUBJECT:	2015/2016 GRAVEL RESHEETING PROGRAM	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

This report is intended to keep the Committee updated on the recently completed 2015/2016 Gravel Resheeting Program.

COMMENTARY:

Council's Works Staff and contractors completed the 2015/16 gravel resheeting program in the period between October, 2015 and March, 2016. Costings of the program have been reconciled and a detailed analysis has been undertaken.

The table below shows the average cost per kilometre for Council's previous six (6) years gravel resheeting programs.

Year	Actual Expenditure	Length of Completed Resheeting (m)	Average Unit Rate Cost per Kilometre
15/16	\$ 1,563,956	112,774	\$13,868
14/15	\$ 1,073,927	67,227	\$15,975
13/14	\$ 946,874	61,335	\$15,438
12/13	\$ 1,267,550	78,060	\$16,239
11/12	\$ 1,101,393	70,966	\$14,287
10/11	\$ 650,682	42,473	\$15,320

In the 2015/16 program 112.8km was resheeted, this is an increase of 45.5km from the 2014/15 program.

The original budget adopted by Council allocated \$1,965,691 to complete 109km on specified roads with \$150,309 assigned to reactionary resheeting, with the location for this expenditure to be determined throughout the year. The total budget for gravel resheeting in 2015/2016 is \$2,116,000. This is a significantly larger program than that undertaken in previous years. The increased budget was due to additional Roads to Recovery funding as well as funding allocated from Council's Fit for the Future Backlog Program.

The total expenditure for the program was \$1,563,956.35 with \$552,043 of under expended funds. A combination of factors have aided in completing the works at rates lower than budgeted. These include but are not limited to, ideal weather conditions, good performance of local contractors, short gravel haulage lengths, use of good quality gravels, and operational efficiencies gained due to the efforts and experience of the staff involved in the gravel resheeting program. The use of new technologies such as Navman GPS tracking on Council's heavy plant fleet has significantly contributed to the efficiency gains in the program.

These under expended funds will allow Council to undertake further gravel resheeting on its unsealed road network. It is planned to utilise these funds to resheet 20km of Nullamanna Road. This work is scheduled to be undertaken as soon as a reliable source of water becomes available in the area. The recent period of dry weather has eliminated Council's normal sources in the area and decent rainfall will be required to replenish these sources, prior to works commencing.

The last reported 2012/2013 RMS Regional Road Network Gravel Resheet figure was \$26,500 per kilometre. Some Group 11 Council Gravel Resheeting Rates are up to \$33,380 per km. Whilst these figures are slightly dated, they do show that Council's current average rate of under \$14,000 per kilometre is very competitive when compared to industry standards.

Considering the quantum of works undertaken, Council's resheeting team have achieved a very cost competitive unit rate whilst providing a quality outcome.

ITEM NO:	5.	FILE NO: S28.21.1/09
DESTINATION :	The communities are served by sustainable services and infrastructure	
SUBJECT:	2015/2016 BITUMEN RESURFACING PROGRAM	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

This report is intended to keep the Committee updated on the recently completed 2015/2016 Bitumen Resurfacing Program.

COMMENTARY:

Council's Works Staff and contract bitumen suppliers completed the 2015/16 bitumen resurfacing program in the months of November and December, 2015. Costings of the program have been reconciled and a detailed analysis has been undertaken.

The table below shows the cost per square metre for Council's previous three (3) years bitumen resurfacing programs, as well as the IPWEA 2010 industry benchmark for the New England Region.

	2015/16 Unit Rate	2014/15 Unit Rate	2013/14 Unit Rate	IPWEA 2010 Benchmark
Rural**	\$3.71/m2	\$3.23/m2	\$3.51/m2	\$4.86/m2*
Urban	\$3.90/m2	\$3.67/m2	\$3.46/m2	\$4.93/m2*

Notes:

*Adjusted for CPI 3%

** Rural includes Regional and Local Roads combined due to similar nature

The bitumen utilised for the regional roads in this years program was Olexobit HSS, a polymer modified binder. This type of product has superior qualities to the typical treatments that Council has used in the past; historically the price of this product has made it an unsuitable option. Due to lower refinery prices the selected bitumen supply contractors were able to offer this product at a competitive rate to the C170 product that Council has historically used. The use of this product will provide a higher level of service over the life of the bitumen seal and require lower maintenance. It is also expected that the service life will be greater than the previously used product. Utilising this product does require some different application techniques to the alternative as well as slightly higher aggregate application rates. This has led to a higher unit rate for the Rural area, it is expected though that this option will be more cost effective over the life of the asset.

The Urban unit rate was higher in this years program (the standard C170 bitumen was used in the Urban area as Olexobit HSS is unsuitable for this application); whilst every effort was made in the planning stages to ensure the highest possible economy of scale benefit, this years program included work on some smaller isolated segments leading to higher establishment cost in the urban area.

In the 2015/16 program, 545,069 square metres were resurfaced; this is an increase of 79,682 square metres on the 2014/15 program. The majority of this extra resurfacing work was undertaken on the Bruxner Way.

The original budget adopted by Council was \$1,944,251. This was a larger program than that undertaken in previous years. The increased budget was due to an allocation of \$895,064,000 from Council's Fit for the Future Backlog Program.

The total expenditure for the program was \$2,058,308. The additional expenditure associated with the use of the Olexobit HSS product and wet weather impacts, was funded from efficiency gains from other works within the Roads to Recovery program.

Considering the quantum of works undertaken, Council's resealing team again achieved a very cost competitive unit rate whilst providing a quality outcome.

RECOMMENDATION:

That the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 11 May, 2016, be received and noted.

APPENDIX 1



Be a gift
to the world

Rotary Club of Inverell East

President: Julie Clendinning
Secretary: Ros Scoble

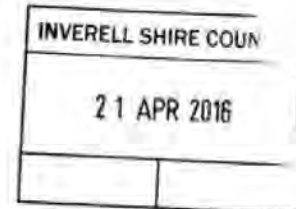
PO Box 472

Inverell

NSW 2360

Australia 2360

secretary@inverelleastrotary.org.au



Mr Paul Henry
General Manager
Inverell Shire Council
Otho Street
Inverell 2360

15th April, 2016

Dear Paul,

Re: Appreciation for assistance with Rotary Park

On behalf of the President and members of the Rotary Club of Inverell East I wish to express our sincere appreciation to you and Council for the very generous, ongoing assistance that Council has given to furthering the development of Rotary Park.

It would have taken the club members a considerable length of time to achieve what council staff members have done in such a short space of time. When one considers how it looked 12 months ago and how the park is looking now the transformation is amazing.

Also, would you please convey our thanks to Mr Anthony Alliston and the outdoor staff who have carried out the labour.

Regards

Ros Scoble
Secretary
Rotary Club of Inverell East
0428764005
rscoble1@bigpond.com

APPENDIX 2

