



INVERELL
SHIRE COUNCIL



Cr Anthony Michael and Greg Doman, Manager Waste and Projects (right) inspecting the new garbage trucks with drivers (from left) Robert Austin, Darran Adams and William Warner.

Business Paper
Ordinary Meeting of Council
Wednesday, 22 April 2020

INVERELL SHIRE COUNCIL**NOTICE OF ORDINARY MEETING OF COUNCIL**

17 April, 2020

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 22 April, 2020, commencing at **3.00 PM**.

Your attendance at this Ordinary Meeting of Council would be appreciated.

Please Note: Under the provisions of the Code of Meeting Practice the proceedings of this meeting (including presentations, deputations and debate) will be webcast. An audio recording of the meeting will be uploaded on the Council's website at a later time. Your attendance at this meeting is taken as consent to the possibility that your voice may be recorded and broadcast to the public.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

P J HENRY PSM

GENERAL MANAGER

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Recording of Council Meetings

Council meetings are recorded. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded.

The recording will be archived. All care is taken to maintain your privacy; however as a visitor of the public gallery, your presence may be recorded.

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – regulated by the *Local Government Act 1993* and Office of Local Government
- **Non-pecuniary** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- 1st** Do I have private interests affected by a matter I am officially involved in?
2nd Is my official role one of influence or perceived influence over the matter?
3rd Do my private interests conflict with my official role?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflicts of interest.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Declaration Form](#)

Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.





MEETING CALENDAR

October 2019 – September 2020

Ordinary Meetings:

Time: 3.00 pm

Venue: Council Chambers

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
23	27	18	No Meeting	26	25	22	27	[^] 24	22	26	23

Major Committee Meetings:

Civil and Environmental Services - 9.00 am

Economic and Community Sustainability - 10.30 am

Venue: Committee Room

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
9	13	No Meeting	No Meeting	12	11	8	13	10	8	12	9

Members of the public are invited to observe meetings of the Council.

Should you wish to address Council, please contact the Office of the General Manager on 6728 8206.

[^] Meeting at which the Management Plan for 2020/21 is adopted.



INTERNAL CALENDAR

MAY 2020

SUN	MON	TUE	WED	THU	FRI	SAT
Last day for RAO to submit QBRs review to Council 4 th quarterly rates installment due Requests to Valuer General for estimates of changes in value of land for supplementary valuations 31.					1.	2.
3.	LIRS portal opens for claims for the month Reports due for Committee Meetings by 4.30pm 4.	5.	6.	7.	8.	9.
10.	11.	12.	9am - Civil & Environmental meeting 10.30am - Economic & Community Sustainability meeting 13.	14.	15.	16.
17.	Expected 4 th installment of 2018-19 Financial Assistance Grants Reports due for Ordinary Meeting by 4.30pm 18.	19.	20.	21.	22.	23.
24.	25.	26.	Ordinary Meeting, 3pm 27.	28.	29.	30.

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 25 March, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 25 MARCH 2020 AT 3.00PM**

PRESENT: Cr Anthony Michael (Deputy Mayor), Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight and Cr Paul King OAM.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services) and Sharon Stafford (Executive Assistant).

1 APOLOGIES

RESOLUTION 2020/11

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- a) That the apologies received from Cr Paul Harmon (Mayor) and Cr Jacki Watts for personal reasons be accepted and leave of absence granted.*
- b) The apologies received from Cr Neil McCosker and Cr Mal Peters be accepted and leave of absence be granted.*

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2020/12

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That the Minutes of the Ordinary Meeting of Council held on 26 February, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

4 PUBLIC FORUM

The Chairperson noted that no members of the public or press were registered to speak at the Public Forum Session.

5 NOTICES OF BUSINESS

5.1 NOTICE OF BUSINESS - DEFER BUSINESS AND RURAL RATES S13.5.3

Motion was not put.

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

7.1 BROCC DELEGATES REPORT - MARCH 2020 S14.10.1

RESOLUTION 2020/13

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

1. *ISC provide a letter of support for the Border Region Inland Rail Connectivity Project to Mr Lester Rodgers, General Manager, Moree Plains Shire Council;*
2. *ISC investigate the status of the Bruxner Way with the newly formed panel for the Regional Roads Reclassification; and*
3. *ISC support the development of a Cross Border Engagement Strategy and endorse Cr Dight as a BROCC delegate (and Vice Chair of that organisation) to attend meetings associated with the strategy.*

CARRIED

8 COMMITTEE REPORTS

8.1 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 MARCH 2020

RESOLUTION 2020/14

Moved: Cr Kate Dight

Seconded: Cr Di Baker

- i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 11 March, 2020, be received and noted; and*
- ii) *The following recommendations of the Economic & Community Sustainability Committee be adopted by Council.*

.CARRIED

8.1.1 Inverell Community Garden

RECOMMENDATION:

Moved: Cr Kate Dight

Seconded: Cr Anthony Michael

That Council support the Inverell Community Garden to a maximum of \$56,246 for infrastructure development specifically connected with the relocation of the Community Garden to the Ross Street site.

8.1.2 Request to Licence Land - Part Portion of Land Located at Inverell Aerodrome**RECOMMENDATION:**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That:

- i) Council enter into a Licence Agreement with Mr Patrick Coleman for part portion of land (part lot 4 DP 1029079) located at the Inverell Aerodrome for a five (5) year period with a further five (5) year option;*
- ii) The Licence fee be \$758.93 per annum (GST exclusive) with a 3% increase per annum; and*
- iii) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.1.3 Support and Moratorium on Lease - National Transport Museum**RECOMMENDATION:**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Committee receive a further report containing a financial analysis of the Transport Museum operations to identify any opportunities to increase revenue and decrease expenses.

8.1.4 Request to Licence Land - Lots 1 and 3 DP 1037597 Bonshaw Road, Ashford - Simon Pintus**RECOMMENDATION:**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That:

- 1. Council enter into a Licence Agreement with Mr Simon Pintus for Lots 1 and 3 DP 1037597, Bonshaw Road, Ashford for a five (5) year period with a further five (5) year option;*
- 2. The Licence fee be \$100 per annum (GST Inclusive) with a 3% increase per annum; and*
- 3. The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.1.5 Governance - Monthly Investment Report

RECOMMENDATION:

Moved: Cr Kate Dight
 Seconded: Cr Anthony Michael

That:

- i) the report indicating Council's Fund Management position be received and noted; and*
- ii) the Certification of the Responsible Accounting Officer be noted.*

8.2 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 11 MARCH 2020

RESOLUTION 2020/15

Moved: Cr Stewart Berryman
 Seconded: Cr Di Baker

- i) That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 11 March, 2020, be received and noted; and*
- ii) The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

CARRIED

8.2.1 Lake Inverell Report

RECOMMENDATION:

Moved: Cr Mal Peters
 Seconded: Cr Stewart Berryman

That Council take no further action in this matter.

8.2.2 Inverell Sewage Treatment Plant Effluent Options

RECOMMENDATION:

Moved: Cr Anthony Michael
 Seconded: Cr Stewart Berryman

That:

- 1. Inverell Sewage Treatment Plant Effluent Options report be received and noted;*
- 2. The Inverell Golf Club be advised that Council has undertaken investigations into supplying treated effluent for the watering of the golf course and the proposal is not financially feasible due to the high capital and operational cost associated with pumping from the Inverell Sewage Treatment Plant to the Golf Club; and*
- 3. A concept design, estimate and report be prepared for installing a chemical dosing facility at the Inverell Sewage Treatment Plant for nutrient stripping to improve the quality of treated effluent discharged into the Macintyre River and also reduce the annual EPA Load Based Licencing fees payable by Council.*

**8.3 WASTE MANAGEMENT SUNSET COMMITTEE MEETING MINUTES - 25 MARCH 2020
S31.9.3****RESOLUTION 2020/16**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

*That a supplementary report on this matter be received.***CARRIED****SUPPLEMENTARY REPORT****8.4 WASTE MANAGEMENT SUNSET COMMITTEE MINUTES - 25 MARCH 2020****RESOLUTION 2020/17**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

- i) *That the Minutes of the Waste Management Sunset Committee held on Wednesday, 25 March, 2020, be received and noted; and*
- ii) *The following recommendations of the Waste Management Sunset Committee be adopted by Council.*

CARRIED**8.4.1 Proposed Tingha Rural Extension of the Domestic Waste Collection Service****RECOMMENDATION:***That:*

- a) *The proposed Tingha rural extension of the Domestic Waste Collection Service Route be adopted and properties fronting the route be advised and levied the domestic waste management charge from 1 July 2020;*
- b) *Council write and inform residents of the introduction of the rural extension of the Domestic Waste Collection Service;*
- c) *Council write and inform residents located along minor roads that should they wish to participate in a group collection point service this service is available subject to the standard domestic waste management charge; and*
- d) *Council write and inform Tingha village residents that the kerbside recycling service will be changed to the alternate Friday.*

8.4.2 Review of Free Entry to Charitable and Community Service Organisations to the Inverell Landfill

RECOMMENDATION:

That Council continue to allow free access for Charitable and Community Service not-for-profit Organisations at the Inverell Waste Management Facility in accordance with the current Policy.

8.4.3 Contract Management Inverell Materials Recovery Facility

RECOMMENDATION:

That the Committee receive a supplementary report in relation to this matter.

8.4.4 Contract Management Inverell Materials Recovery Facility

RECOMMENDATION:

That:

- 1) *Council enter into negotiations with Northaven to operate the Inverell Materials Recovery Facility on a month by month basis from 30 June, 2020.*
- 2) *That this arrangement be reviewed on a regular basis with a view to pursuing a long-term management agreement when conditions permit.*

9 DESTINATION REPORTS

9.1 INVERELL TENNIS CLUB - ANNUAL GENERAL MEETING (AGM) S26.4.17

RESOLUTION 2020/18

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That the office bearers elected to the Executive positions in the Inverell Tennis Club be noted and the three (3) nominated persons, Matthew Butler, Jean Bell & June Baxter-Turner be formally appointed as members of the Section 355 Committee of Council responsible for the management of the reserve on which the tennis courts are located.

CARRIED

9.2 INVERELL HOSPITAL ART WORKS S26.5.10

RESOLUTION 2020/19

Moved: Cr Di Baker

Seconded: Cr Kate Dight

- i) *That Council add the Inverell Hospital as a declared location with Council's insurer; and*
- ii) *The Inverell Shire Council Acquisitional Art Collection should be assessed to identify art*

work of particular value or significance that should not be loaned out.

- iii) *The remainder of the Inverell Shire Council Acquisitional Art Collection is loaned for display at the redeveloped Inverell Hospital on a rotational basis.*

CARRIED

10 INFORMATION REPORTS

RESOLUTION 2020/20

Moved: Cr Stewart Berryman

Seconded: Cr Paul King OAM

That the information reports be received and noted.

CARRIED

10.1 STRATEGIC TASKS - 'SIGN OFF' - MARCH 2020 S4.13.2

10.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING FEBRUARY 2020 S18.10.2/12

10.3 ORDINANCE ACTIVITIES REPORT FOR FEBRUARY 2020 S13.5.2/13

10.4 SEPTIC TANK APPROVALS FOR FEBRUARY 2020 S29.19.1

10.5 STATUS OF TOWN WATER SUPPLIES S32.15.19

10.6 SUMMARY OF ARTS NORTH WEST SUPPORT OF ARTS AND CULTURAL ACTIVITY 2019 S26.5.4

11 GOVERNANCE REPORTS

Nil

12 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

Nil

The Meeting closed at 3.10pm.

- 3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS**
- 4 PUBLIC FORUM**

5 NOTICES OF BUSINESS

5.1 NOTICE OF BUSINESS - INTEREST ON RATES

File Number: S13.5.3 / 20/14599

We, Councillors Anthony Michael and Dianna Baker give notice that at the next Ordinary Meeting of Council to be held on 22 April 2020, we intend to move the following motion:

MOTION:

That:

“for those persons that have completed an ‘Agreement to Pay’ for regular periodical payment of outstanding rates, that the interest rate charged for the period 1st March to 30th June 2020 be set at 0%.”

RATIONALE:

COVID 19 has brought another financially stressed time following the severe drought and bushfires. We believe we can help. Agreements to Pay are worked out and agreed to in conjunction with the rate payer. This motion is designed to remove any interest penalty for anyone or entity who needs financial relief and consideration. ISC can do this by removing all interest which would normally be payable from March 1 to the end of the financial year. When we consider the upcoming budget, there is the same 0% interest reduction to be considered in the next financial year.

This proposal assists those ratepayers that are experiencing difficulties. The combined impacts of drought and COVID-9 led economic slowdown would be exacerbating their circumstances. It does not act as a disincentive to paying rates.

Cr A Michael

Cr D Baker

14 April 2020

Local Government (General) Regulation 2005

241 Giving notice of business

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

ATTACHMENTS:

Nil

5.2 NOTICE OF BUSINESS - LEAVE OF ABSENCE CR N MCCOSKER**File Number: S13.5.3 / 20/14737****NOTICE OF BUSINESS**

I, Councillor Neil McCosker, give notice that at the next Ordinary Meeting of Council to be held on 22 April 2020, I intend to move the following motion:

MOTION:

'That Mr Paul Henry explain why my leave of absence requested for the meeting dated 25th March 2020 was presented to Cr Baker as an apology only?'

RATIONALE:

It is to be noted that on the 24th March 2020, I emailed Mr Henry with the following message: *"I wish to apply for leave of absence from the Ordinary Meeting Wednesday 25 March 2020. Please accept my apology."* This is clearly not an "apology" only.

The reason why Mr Henry omitted the words *"I wish to apply for leave of absence"* and claimed that I sent in an "apology" only, should be explained, given that on the 25 March 2020, Mr Paul Henry returned my email stating: *"Noted.thanks Neil."*

Whilst a reason was not given (due to an oversight amid pressure of work generated by COVID-19) and Mr Henry did not suggest that I add a reason, this would allow one to reasonably assume that the leave of absence request was in order.

I believe that Cr Baker acted harshly in not accepting my request for leave of absence and apology from the 25 March 2020 meeting.

This is a time where value should be put on the role that Councillors will play, now and in the future, given the extreme and unprecedented economic and community disruption that we face due to COVID-19. It should not be a time to castigate a Councillor for unwittingly omitting a couple of words in seeking leave of absence from a meeting.

Councillor Neil McCosker
16/04/2020

GENERAL MANAGER'S COMMENTS

- a) An apology via email from Cr McCosker on 24 March, 2020.
- b) Apology conveyed to Council.
- c) Council may or may not accept the apology.
- d) Council resolved as follows:

RESOLUTION 2020/11

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- a) *That the apologies received from Cr Paul Harmon (Mayor) and Cr Jacki Watts for personal reasons be accepted and leave of absence granted.*

- b) The apologies received from Cr Neil McCosker and Cr Mal Peters be accepted and leave of absence be granted.*

Local Government (General) Regulation 2005**241 Giving notice of business**

- (1) A council must not transact business at a meeting of the council:
- (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before, the council, or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1), or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

ATTACHMENTS:

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS**8.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 26 MARCH 2020**

File Number: S13.5.2/13 / 20/14756

Author: Emily McCausland, Corporate Support Administration Officer

SUMMARY:

Meeting held on Thursday, 26 March, 2020.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i) That the Minutes of the Audit Risk and Improvement Committee held on Thursday, 26 March, 2020, be received and noted.*
- ii) The recommendations from the Audit Risk and Improvement Committee be adopted by Council.*

8.1.1 Review of Council Policies**RECOMMENDATION:**

- i) That the report be received and noted; and*
- ii) The requested further information is provided.*

8.1.2 External Audit - Audited 2018-19 Financial Statements**RECOMMENDATION:**

That the Committee note the report.

8.1.3 External Audit 2018-19 Management Letter**RECOMMENDATION:**

That the Committee receive and note the final Management Letter relating to the external Audit for the year ended 30 June, 2019.

8.1.4 Audit Engagement Plan**RECOMMENDATION:**

That the Committee receive and note the report.

8.1.5 Compliance Reporting

RECOMMENDATION:

That the Committee note the information.

8.1.6 Updated ARIC Charter

RECOMMENDATION:

That the Committee note the report.

8.1.7 Internal Audit Program

RECOMMENDATION:

That the following risks be the focus of the Internal Audit program for 20/21:

- 1. Complaints Management*
- 2. General Financial Controls*
- 3. Project Management Review*

This is provisional on relying on the external audit process to provide confidence that Receipting & Rates Review and General IT Controls can be considered low risk.

8.1.8 Procurement Internal Audit

RECOMMENDATION:

That the Committee:

- i) Receive the Internal Audit Report on Procurement; and*
- i) That Management's responses to the recommendations are provided in a further report.*

8.1.9 WHS Update Report

RECOMMENDATION:

That the Committee receive and note the progress report.

8.1.10 Outstanding Actions Report

RECOMMENDATION:

That the Committee receive the report and note the information provided.

8.1.11 Quarterly Budget Review Period as at 30 September 2019

RECOMMENDATION:

That the Committee receive and note the report.

8.1.12 ARIC Meeting Dates for 2020

RECOMMENDATION:

- i) That the ARIC meet on Wednesday 17 June (this meeting replacing the 1 April meeting) The notional meeting dates of Wednesday 5 August and Tuesday 20 October, 2020 be set but these be subject to change should the need arise.*
- ii) The Committee note the Local Government Election date has now changed to September 2021; and the term of appointment for the ARIC members be clarified.*

CARRIED

ATTACHMENTS:

- 1. Minutes of Audit Risk and Improvement Committee Meeting 26 March, 2020**

**MINUTES OF INVERELL SHIRE COUNCIL
AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON THURSDAY, 26 MARCH 2020 AT 10.00 AM**

PRESENT:

1 ATTENDANCE

Mr Phil Schwenke (Chair - Independent Member), Cr Kate Dight (via telephone), Mrs Nicki Lavender (Independent Member) via telephone, Mr Paul Cornall via telephone (Forsyths Accounting), Mr Chris Harper via telephone (NSW Audit Office) for item # 8.1, 8.2 and 8.3; and Mr Todd Dewey via telephone (Crowe) for item 10.3.

Scott Norman (Director Corporate & Economic Services) via telephone, Paul Pay (Manager Financial Services) and Alex Rainger (Risk Co-ordinator) for item 11.1.

2 APOLOGIES

Kylie Ellis (Crowe), Sally Williams.

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Minutes of the Audit Risk and Improvement Committee Meeting held on 16 October, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

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

Nil

It was agreed to move to the external accountability reports to allow the External Auditors speak to their findings and recommendations.

8.1 EXTERNAL AUDIT - AUDITED 2018-19 FINANCIAL STATEMENTS S4.11.21/02

This report was provided for information. The NSW Audit Office has issued an unmodified audit opinion in regard to financial statements of Inverell Shire Council (the Council) for the year ended 30 June, 2019.

Chris Harper spoke regarding the Auditor General's Report to Parliament – Local Government, which includes sector wide observations and encouraged Committee members to read it. It is available on the NSW Audit Office's website.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee note the report.

CARRIED**8.2 EXTERNAL AUDIT 2018-19 MANAGEMENT LETTER S4.11.21/02**

The NSW Audit Office has issued a final Management Letter for the external audit year ended 30 June, 2019. Chris Harper from the NSW Audit Office provided comments on the risks listed in the letter:

- Landfill and quarry rehabilitation provisions,
- Disposal of renewed road infrastructure assets,
- Crown Land Management (repeat issue); this is common across the sector; this is a matter of reconciling Council's register against the Crown Lands data base. There are some parcels of land which require further investigation. Adjustments may be required. Council is working through this process.
- Related Party Questionnaires. There was a questionnaire that wasn't received from a Councillor prior to the audit. Reminders to ensure all questionnaires are received and all Councillors are reminded of their obligations. The Committee sought clarification on why this was considered a low risk? Chris replied that there are other controls Council uses to get the required information; the questionnaires are just one part of the process.
- The Tingha Boundary adjustment was also briefly touched on.

The Committee asked about the Fraud controls which Management agreed to have rectified by January 2020. Scott Norman advised it is still in progress. The external auditors flagged it will be followed up as part of the 2020 interim audit.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee receive and note the final Management Letter relating to the external Audit for the year ended 30 June, 2019.

CARRIED**8.3 AUDIT ENGAGEMENT PLAN S4.11.21/02**

The Draft Audit Engagement Plan for 2019-20 was presented for the Committee's consideration.

Chris Harper provided a summary of the plan including:

Section 2 - Key areas

- The application of new accounting standards.
- IT controls.
- Transport assets are due for a comprehensive revaluation.
- The recognition of assets acquired as part of the Tingha boundary adjustment; ensuring they are recorded completely and accurately.

Section 5 – Engagement Timetable

The proposed timetable was agreed to by Council, current circumstances in regard to the COVID 19 Pandemic means timeframes will be fluid. The interim audit may need to take place remotely.

Section 7 – Engagement Fees

There are 2 additional fees being for the new accounting standards and the Tingha boundary adjustment work. These are one off and won't be recurring.

COMMITTEE RESOLUTION

Moved: Mrs Nicki Lavender (Independent Member)

Seconded: Cr Kate Dight

That the Committee receive and note the report.

CARRIED

Paul Cornall and Chris Harper left the meeting.

It was agreed to move to the reports relating to current internal audits to allow the Internal Auditor to speak to the findings and recommendations.

10.3 PROCUREMENT INTERNAL AUDIT S4.11.21/02

The draft Internal Audit of Procurement was presented for the Committee's consideration.

Scott Norman provided the following commentary by way of response from Management.

- There were no issues raised that management disagreed with, however some recommendations are easier to achieve than others.
- Improvements to the Contractor Management System has been pushed back to enable the implementation of new Safe Systems of Work documents. The revised Contractor Management System will be reliant on these documents.
- The Procurement module in the Tech One system encompasses the entire supply chain and is beyond the scope of Council's current operations. Its implementation is not a realistic objective in the short term.

Todd Dewey from Crowe provided the following update:

- Todd Dewey is comfortable with the draft Contract Management Policy.
- All risks are rated low and medium, which reflects the effective controls that are in place.
- The report is in draft subject to specific questions from the committee.

EFT Sure third party system

Paul Pay explained the implementation of eftsure. It works by first confirming suppliers details; including names, ABNs, email address, trading address and bank details. When a payment is scheduled bank details are verified just prior to payment.

COMMITTEE RESOLUTION

Moved: Mrs Nicki Lavender (Independent Member)

Seconded: Cr Kate Dight

That the Committee:

- i) *Receive the Internal Audit Report on Procurement; and*

- i) *That Managements responses to the recommendations are provided in a further report.*

CARRIED

The Committee asked about progress on the Employee Wellbeing Audit and were informed that Crowe had progressed as far as possible but was waiting on management approval prior to proceeding with the internal questionnaire. It was agreed that the Committee would like this prioritised and completed prior to the next ARIC meeting.

Todd Dewey left the meeting.

5 INFORMATION REPORTS

6.1 UPDATED RISK MANAGEMENT FRAMEWORK S4.11.21/02

The committee was asked to note the revised Risk Management Framework as per recommendation 3 the audit of the Framework.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the information report be received and noted.

6.2 ARIC 2020-21 BUDGET PROPOSAL S4.11.21/02

The Committee was informed that 2020-21 budget submission for the operation of the ARIC totals \$45,000 which should be adequate to complete 3 internal audits.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the information report be received and noted.

6 RISK MANAGEMENT FRAMEWORK & CONTROLS REPORTS

7.1 REVIEW OF COUNCIL POLICIES S4.11.21/02

The report detailed the status of all Council policies. In Sally's William's absence Scott Norman spoke to this stating there are no policies out of date. It was noted that some of them had not been reviewed for some time. These were typically due for review within the first 6 months of a new Council being elected, giving the new Councillors to familiarise themselves and make changes where appropriate.

Some policies align with legislation so therefore have remained unchanged as there has been no legislative changes. Scott Norman to provide further detail on which of the policies this applies to.

Nicki Lavender raised the point that the policies should still be reviewed as part of best practice even if the legislation has not changed as there have likely been operational and organisational structural changes over that time.

The workload of reviewing the majority of the policies just after an election was acknowledged. Cr Dight asked if the reviewing can be staggered. Scott Norman replied that quite often the review results in very little change. However, where circumstances prompt change (whether or not it is due for review) the job is delegated to the appropriate responsible officer for review so the workload is shared. The staggered review means that Councillors are given a greater opportunity to review any substantive changes.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

- i) That the report be received and noted; and*
- ii) The requested further information is provided.*

CARRIED

10 LEGISLATIVE COMPLIANCE REPORTS

9.1 COMPLIANCE REPORTING S4.11.21/02

The Committee has previously resolved that compliance reporting shall commence with OLG compliance calendar. The 3 most recent Strategic Task Council Reports were provided for the Committee information.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee note the information.

CARRIED

10 INTERNAL AUDIT PROGRAM REPORTS

10.1 UPDATED ARIC CHARTER S4.11.21/03

SUMMARY:

Council adopted the revised Audit Risk and Improvement Committee (ARIC) Charter at the November 2019 meeting. This was recommendation of the Audit of the Risk Framework.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee note the report.

CARRIED

10.2 INTERNAL AUDIT PROGRAM S4.11.21/03

SUMMARY:

At the October 2019 ARIC Meeting the Committee requested a revised Internal Audit Program be presented for their consideration.

The suggested Audit Plan was discussed. For 20/21 there is a proposed budget for 3 audits at a notional value of \$12,000. This is less than the nominated 4 audits on the current program. Scott Norman provided an update on the audit program as follows:

- Procurement and Contract Management - Complete
- General IT Controls – has not been internally audited but has been the focus of 2 external audits. It was suggested a briefing report be provided by the external auditors to confirm that this is now a low priority so that other risks can be focused on, all members agreed.
- Employee Wellbeing and Culture Review – still in process, staff interviews have been completed by Crowe. A survey for staff has been completed; this is with Scott Norman for approval then distribution to staff. Todd Dewey advised there will be a quick turn around once these have been completed.
- General Financial Review (Expenditure Incl. Credit Cards) – Credit Cards Completed
- Receipting and Rates Review - It was suggested a briefing report be provided by the external auditors as to how they view this risk.
- Complaints Management.
- General Financial Controls (Assets and payroll) - outstanding
- Project Management Review - outstanding
- General Financial Controls (Payroll) - outstanding
- Waste Management - outstanding
- Records Management - outstanding
- Risk Management – outstanding.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the following risks be the focus of the Internal Audit program for 20/21

1. *Complaints Management*
2. *General Financial Controls*
3. *Project Management Review*

This is provisional on relying on the external audit process to provide confidence that Receipting & Rates Review and General IT Controls can be considered low risk.

CARRIED

11 GENERAL BUSINESS REPORTS

11.1 WHS UPDATE REPORT S4.11.21/02

This report updated the Committee on progress to implement the corrective action plan which was developed following StateCover's audit of Inverell Shire Council's WHS Management System (WHSMS).

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee receive and note the progress report.

CARRIED

11.2 OUTSTANDING ACTIONS REPORT S4.11.21/02

The report updated the Committee on the status of previous resolutions with actions that remain incomplete.

Scott provided an update on the outstanding actions:

- Fraud Control - Mikaela Bennion (Trainee Accountant) is the lead on this project and it is in progress.
- FBT Tax Audit – Paul Pay provided a summary on the FBT Audit. In February Kevin Smith from Australian College provided FBT training to staff over 2 days. The following 2 days Kevin Smith reviewed the last 2 submitted FBT claims and has provided a draft report with no significant issues being identified. Kevin did provide a shortlist of possible improvements with internal paperwork. Kevin also reviewed the salary packaging arrangements.
- The Statewide Board Initiative Insurable Risk workshop was run in February. The review aims to ensure that Council has appropriate cover to reflect the insurable risks to which it is exposed.
- Risk Management Framework Documentation. Implementation of the changes to the Risk Framework are partially complete, currently the Risk Register is being reformatted.
- Timing of minutes – taken on board
- Procurement – Management Comments to be provided.
- Code of meeting – waiting for new guidelines – submission on working paper has been

- sent.
- Compliance reporting – OLG Calendar being reported to ARIC
- IT governance to be included in work plan and need a report from External Auditors.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee receive the report and note the information provided.

CARRIED**11.3 QUARTERLY BUDGET REVIEW PERIOD AS AT 30 SEPTEMBER 2019 S4.11.21/02**

The Quarterly Budget Reviews for periods ended 30 September and 31 December, 2019 were provided for the Committee's information.

Cr Dight reported that there were detailed questions asked in the Committee meeting and there was a lot of discussion.

September – Largely new grants that were received in June/July which weren't previously recognised.

December – The Committee asked if the interest income budget is still achievable. Paul Pay stated this year's budget should still be achievable; however future projections may not be met.

Cr Dight asked Paul Pay to provide an explanation of the Interest Equalisation Fund. The Interest Equalisation Fund is comprised of unspent funds which have created 3 new reserves to cover operational expenditure previously funded from interest income.

As these reviews are public documents future reviews will be provided to the Committee for their information but will not be regularly reported to meetings.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

That the Committee receive and note the report.

CARRIED**11.4 ARIC MEETING DATES FOR 2020 S4.11.21/02**

The Committee considered ARIC Meeting Dates for 2020.

It was agreed that the next meeting should be held 17 June, 2020. Due to the impacts of the Corona virus future meetings may need to be held via telephone or video conferencing.

The Committee recognised the need to be flexible with regard to the dates for the rest of the year.

It was also noted that the Local Government Election date has now changed to September 2021 and the term of appointment for the ARIC members needs to be confirmed.

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Mrs Nicki Lavender (Independent Member)

- i) *That the ARIC meet on Wednesday 17 June (this meeting replacing the 1 April meeting) The notional meeting dates of Wednesday 5 August and Tuesday 20 October, 2020 be set but these be subject to change should the need arise.*
- ii) *The Committee note the Local Government Election date has now changed to September 2021; and the term of appointment for the ARIC members be clarified.*

CARRIED

12 OTHER BUSINESS

Covid-19

Council's arrangements

Scott Norman spoke about Council's situation and provided the following updates:

- Council will keep providing services as long as possible where permitted to do so.
- The library is now closed but will still be providing online and outreach services (click and collect for books and online story time via Facebook).
- Inverell and Ashford Pools are closed.
- The current Health Order is being observed across the organisation.
- The Business Continuity Plan existed, however it did not have a section on pandemics which has now been added. Critical services/functions have been identified as Water/Sewer, Waste Services and Payroll. Working from home arrangements have been made for critical roles and the phone system can be moved for working at home arrangements if need be.
- Water and sewer team have been split in two, staff have been spread out in IT
- Council does have responses in place and are as prepared as possible
- No confirmed cases at Council.

Questions were raised about the remote access and the security of data in working from home arrangements. Scott Norman provided assurances that limited staff are likely to work from home, that the inherent security of the Citrix Managed Desktop environment would be relied upon and very little hard copy data is required to be taken off site.

A fleet of laptops has been borrowed from the Library, they have been cleaned and updated and ready to roll out to staff if need be.

Employee Wellbeing and Security

Messaging only coming from GM so there is no confusion. Employees have access to leave entitlements to assist with changed personal circumstances. Hand sanitiser has been placed around the building and there is a staff member performing a regular clean with disinfectant of all surfaces in the buildings. Social distancing is being practised.

Council meetings

Council meetings will continue as normal while possible.

Programs:

A question was asked regarding grant programs currently in place and if there would be issues with deadlines. Scott Norman provided a brief update saying there had been no issues identified at this stage.

Travel arrangements for future meetings

Future meetings may need to occur by phone conferencing or video conferencing (which is the preferred method.)

NEXT MEETING

10am 17th June 2020

The Meeting closed at 12.00pm.

9 DESTINATION REPORTS**9.1 EXPIRING LICENCE AGREEMENT - INVERELL MOUNTAIN BIKE CLUB INC****File Number:** S5.10.149 / 20/9725**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

The Licence Agreement between Council and Inverell Mountain Bike Club Inc. is due to expire on 31 July, 2020. Council is requested to consider offering Inverell Mountain Bike Club Inc. a new Agreement.

RECOMMENDATION:*That:*

- i) Council renew the agreement with Inverell Mountain Bike Club Inc. for Part Lot 54 DP 753271, Inverell;*
- ii) The licence agreement be for a five (5) year period with a five (5) year option;*
- iii) The Licence fee be \$280.47 per annum (GST Inclusive) with a 3% increase per annum; and*
- iv) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

COMMENTARY:

The Licence Agreement between Council and Inverell Mountain Bike Club Inc. for Part Lot 54 DP 753271, Inverell expires 31 July, 2020. Access to the land is from Bundarra Road. The authorised use of the land is for the purpose of a Mountain Bike Facility.

An inspection of the area confirms use is in accordance with the Licence Agreement.

It is noted that the licences are issued subject to the licensee providing Public Liability Insurance for \$10M. This is a significant expense for many not for profit clubs.

Further noted is the last billed amount of \$272.30 (GST inclusive).

The Council is requested to consider offering Inverell Mountain Bike Club Inc. a new Agreement.



ATTACHMENTS:

Nil

9.2 EXPIRING LICENCE AGREEMENT - INVERELL MACINTYRE LIONS CLUB INC.**File Number:** S5.10.91 / 20/9736**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

The Licence Agreement between Council and Inverell Macintyre Lions Club Inc. is due to expire on 15 May, 2020. Council is requested to consider offering Inverell Macintyre Lions Club Inc. a new Agreement.

RECOMMENDATION:*That:*

- i) Council renew the agreement with Inverell Macintyre Lions Club Inc. for Austral Band Hall, Campbell Street, Inverell;*
- ii) The licence agreement be for a five (5) year period with a five (5) year option;*
- iii) The Licence fee be \$550 per annum (GST Inclusive) per annum; and*
- iv) The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

COMMENTARY:

The Licence Agreement between Council and Inverell Macintyre Lions Club Inc. for the Austral Band Hall, Campbell Street, Inverell expires on 15 May, 2020. The authorised use of the hall is for the purpose of a meeting venue of Inverell Macintyre Lions Club and Leo Club.

An inspection of the area confirms use is in accordance with the Licence Agreement.

It is noted that the licences are issued subject to the licensee providing Public Liability Insurance for \$10M. These Policies can be a significant expense for a not for profit organisation.

Further noted is the last billed amount of \$550 (GST inclusive).

Council is requested to consider offering Inverell Macintyre Lions Club Inc. a new Agreement.

ATTACHMENTS:**Nil**

9.3 DA-57/2019/B - APPLICATION FOR MODIFICATION - ONE (1) INTO TWO (2) LOT SUBDIVISION AND SINGLE DWELLING USE ONLY ON PROPOSED LOT 2 FRONTING DAVEY STREET - 43 BRAE STREET, INVERELL

File Number: DA-57/2019/B / 20/12313

Author: Chris Faley, Development Services Coordinator

SUMMARY:

An application has been received to modify DA-57/2019 pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.

DA-57/2019 was approved on 24 July, 2019 for the following development at 43 Brae Street, Inverell:

1. One (1) into two (2) lot subdivision, being:
 - Lot 1 – Existing dwelling fronting Brae Street; and
 - Lot 2 – Vacant lot fronting Davey Street.
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

Administrative modifications were undertaken to DA-57/2019 under delegation on 2 March, 2020.

The application to modify DA-57/2019 currently being considered by Council proposes the alteration to the lot design. The alteration to the lot design results in proposed Lot 2, being the vacant lot fronting Davey Street, being decreased in size and having a smaller building envelope available to allow for the future construction of a single dwelling.

The decrease in lot size and the smaller building envelope for proposed Lot 2 fronting Davey Street reinforces the intended construction of a single dwelling on this lot and further reduces any potential for a dual occupancy or similar development fronting Davey Street.

A number of other minor changes are also proposed as part of the application to modify DA-57/2019, including a garage no longer requiring demolition and several administrative changes to the conditions of consent.

The application for modification has been examined having regard to the matters for consideration under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. The proposed modification is considered to result in substantially the same development as originally approved. It is also considered that the modification will have minimal environmental impact.

Submissions were received in response to the original neighbour notification of DA-57/2019, which were considered in the assessment and determination of DA-57/2019. The proposed modification is not considered to impact, alter or modify the issues raised by the submission makers. In accordance with the *Inverell Community Participation Plan 2019*, notification of this modification (DA-57/2019/B) was not considered necessary.

It is recommended that the application to the modify DA-57/2019 be approved subject to modified conditions of consent.

RECOMMENDATION:

1. That the Application for Modification to a Development Application 57/2019/B be approved subject to the following conditions of consent:

PRELIMINARY

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning and Assessment Act 1979.

Consent is granted for:

- One (1) into two (2) lot subdivision;
- Single dwelling use only on proposed Lot 2 fronting Davey Street.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans (as amended) and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

Note: This is a modified Notice of Determination for the original DA-57/2019. Deleted conditions have ~~strikethrough~~. New conditions or modifications to existing conditions have underline.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).

DURING SUBDIVISION WORKS

- ~~3. All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.~~

- ~~4. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:~~

- ~~• The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;~~
- ~~• Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and~~
- ~~• The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.~~

- ~~5. All utilities are to be disconnected from the outbuilding and capped to the satisfaction of the relevant authority.~~

6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:

- Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
- Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or

road surface and shall implement measures to prevent the movement of such material off site;

- Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
- Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
- Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
- Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

7. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the Environmental Planning and Assessment Act 1979. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
- ~~8. Prior to issue of a Subdivision Certificate, separate Development Consent and a Construction Certificate must be obtained for the construction of a dwelling on proposed Lot 2.~~
9. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
 - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.
10. Prior to issue of a Subdivision Certificate, the roof water from the existing dwelling on proposed Lot 1 must be redirected to Brae Street.
11. Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be provided along the common boundary of proposed Lots 1 and 2.

Prior to construction of this inter-allotment drainage, plans of the inter-allotment drainage, prepared by a suitably qualified engineer, are to be submitted to and approved by Council. These plans are to show piped and surface drainage paths, including kerbs as necessary beneath fences, to direct drainage to Davey Street.
12. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply and a sewer junction for Lot 2. This will require payment to Council of:
 - A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and

- A sewer junction fee in accordance with Council's fees and charges.
13. A 3m easement over Council's sewer main and the sewer connection to Lot 2 is to be shown on the plan of subdivision and dedicated in favour of Council.
 14. Prior to issue of a Subdivision Certificate, the existing water service in Davey Street is to be disconnected from the dwelling and relocated to serve Lot 2.
 15. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and new water connection for the existing dwelling on Lot 1. This will require payment to Council of:
 - A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
 - A water connection fee in accordance with Council's fees and charges.
 16. Prior to the issue of a Subdivision Certificate, a Community Services Contribution must be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.
 - ~~17. Prior to issue of a Subdivision Certificate, a concrete access crossing is to be constructed from the kerb in Davey Street to the boundary of Lot 2. The location of the access is to be in accordance with the approved plan. Prior to the commencement of this work the applicant is required to:

 - ~~Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and~~
 - ~~Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.~~

~~The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.~~

~~All work is to be completed to the standard approved by Council, at the applicant's expense.~~~~
 18. Prior to the issue of a Subdivision Certificate, the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify:
 - (a) No more than one (1) dwelling house may be constructed on proposed Lot 2; and
 - (b) No dwelling may be constructed on proposed Lot 2 unless it complies with the Inverell Development Control Plan 2013.

COMMENTARY:

At the Ordinary Meeting of Council on 24 July, 2019, Council granted consent (Resolution - 2019/69) to DA-57/2019 for a residential development at 43 Brae Street, Inverell comprising:

1. One (1) into two (2) lot subdivision, being:
 - Lot 1 – Existing dwelling fronting Brae Street; and
 - Lot 2 – Vacant lot fronting Davey Street.
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

A copy of the report to the July 2019 Ordinary Meeting of Council is included as **Attachment 1** to this report.

On 10 February 2020, the applicant lodged a modification (DA-57/2019/A) to this development. The modification (DA-57/2019/A) sought the deletion of Condition 8 which stated:

"Prior to issue of a Subdivision Certificate, separate Development Consent and a Construction Certificate must be obtained for the construction of a dwelling on proposed Lot 2."

The deletion of Condition 8 was supported on the basis of a new Condition 18 being inserted that stated:

"Prior to the issue of a Subdivision Certificate, the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify:

- (a) No more than one (1) dwelling house may be constructed on proposed Lot 2; and*
- (b) No dwelling may be constructed on proposed Lot 2 unless it complies with the Inverell Development Control Plan 2013."*

The modification (DA-57/2019/A) was considered to be an administrative matter with the new Condition 18 achieving the same intent and outcome as the deleted Condition 8. DA-57/2019/A was approved under delegation on 2 March, 2020. The current conditions of approval relating to the development of 43 Brae Street, Inverell are those contained in DA-57/2019/A. A copy of the conditions of consent and approved plan are included as **Attachment 2** to this report.

On the 16 March, 2020, a further application for modification to DA-57/2019 was lodged by the applicant. This modification (DA-57/2019/B) proposes:

1. Alterations to the lot design by relocating the common boundary line approximately 5 metres south-east (towards Davey Street), with a small deviation (2 metres) around the existing garage. This results in the following changes to the proposed lots:
 - Lot 1 is increased from 1252.6m² to 1421m²; and
 - Lot 2 is reduced from 651m² to 485m².
2. The modification to the lot configuration will result in:
 - The building envelope on proposed Lot 2 being reduced from 356.28m² to approximately 280m²; and
 - The existing garage located at the rear of the dwelling (proposed Lot 1) not requiring demolition.
3. The deletion of Condition 17, which requires a concrete access crossing to be constructed from the kerb in Davey Street to the boundary of Lot 2 as part of the subdivision. It is proposed that the access crossing will be constructed as part of the future dwelling construction on proposed Lot 2.

The applicant is still seeking development consent inclusive of a 'Single dwelling use only' on proposed Lot 2 fronting Davey Street. The proposed modification plan is included in **Attachment 3**.

Pursuant to Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979, Council may modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) The regulations, if the regulations so require, or*

- (ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

This report provides an assessment in relation to the above matters for consideration under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.

Where applicable, discussion has also been provided in relation to the *Inverell Local Environmental Plan 2012*, *Inverell Development Control Plan 2013* or the *Inverell Community Participation Plan*; however, detailed assessment of these plans is not considered necessary for this particular modification. Overall, it is considered that the development (as modified) remains consistent with these plans.

Given less than twelve (12) months has lapsed since the original determination of DA-57/2019, it is considered that no significant changes to the site or neighbourhood conditions has occurred since the original report to the July 2019 Ordinary Meeting of Council (refer **Attachment 1** to this report).

This modification (DA-57/2019/B) has been examined having regard to the matters for consideration in Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to modified conditions.

MODIFICATION DETAILS (DA-57/2019/B)

Applicant:	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley
Owner:	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley
Application No:	DA-57/2019/B
Address:	43 Brae Street, INVERELL 2360
Title Particulars:	Lot A DP 360260
Development Description:	<ol style="list-style-type: none">1. One (1) into two (2) lot subdivision, being:<ul style="list-style-type: none">- Lot 1 – Existing dwelling fronting Brae Street; and- Lot 2 – Vacant lot fronting Davey Street.2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street. <p><i>Note: Although a modification is sought, the development description will remain the same. A comparison of the approved development and the proposed modification is provided below.</i></p>
BCA Classification	Class 1a
Existing Site Area:	1903m ²
Zoning:	R1 General Residential
Existing Use:	Residential – dwelling and outbuilding (garage)

APPROVED DEVELOPMENT AND PROPOSED MODIFICATION (DA-57/2019/B)

Approved Development

The approved development consists of:

1. One (1) into two (2) lot subdivision, being:
 - Proposed Lot 1 containing the existing dwelling and having an area of approximately 1252.6m². This lot has sole frontage and access to Brae Street. The

existing access crossing and driveway from Brae Street continues to serve the dwelling; and

- Proposed Lot 2 is approximately 651m² measuring 31.49 metres wide x 20.65 metres deep. It comprises the area at the rear of the 43 Brae Street dwelling. Proposed Lot 2 has sole frontage and access to Davey Street.
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street, with a building envelope measuring 29.69 metres wide x 12 metres deep (356.28m²).
 3. The common boundary between proposed Lot 1 and proposed Lot 2 will dissect an outbuilding at the rear of the existing building. Accordingly, to facilitate the subdivision, this outbuilding will be demolished as part of the subdivision works. All services will be disconnected from the outbuilding and demolition waste disposed at the Inverell Landfill.

The approved subdivision plan, which shows the subdivision and the single dwelling building envelope on proposed Lot 2, is included in **Attachment 2**.

Proposed Modification (DA-57/2019/B)

The applicant is proposing the following modification to DA-57/2019:

1. Alterations to the lot design by relocating the common boundary line approximately 5 metres south-east (towards Davey Street), with a small deviation (2 metres) around the existing garage. This results in the following changes to the proposed lots:
 - Lot 1 is increased from 1252.6m² to 1421m²; and
 - Lot 2 is reduced from 651m² to 485m².
2. The modification to the lot configuration will result in:
 - The building envelope on proposed Lot 2 being reduced from 356.28m² to approximately 280m²; and
 - The existing garage located at the rear of the dwelling (proposed Lot 1) not requiring demolition.
3. The deletion of Condition 17, which requires a concrete access crossing to be constructed from the kerb in Davey Street to the boundary of Lot 2 as part of the subdivision. It is proposed that the access crossing will be constructed as part of the future dwelling construction on proposed Lot 2.

The proposed modification plan is included in **Attachment 3**.

Specific to the request to delete Condition 17, recent residential subdivisions undertaken in Inverell do not require access crossings to be constructed as part of the subdivision. Rather the construction of access crossings is undertaken by future developers/homeowners, who consider the design and location of their access as part of the dwelling development. For DA-57/2019, the applicants request to delete Condition 17 is intended to achieve a consistent approach with other residential subdivisions. The deletion of Condition 17 could have been included with the previous administrative changes undertaken under delegation; however, was not requested at the time.

The site is zoned R1 General Residential under the *Inverell Local Environmental Plan 2012*. The minimum lot size applicable to the subdivision of 43 Brae Street is 450m² as per Clause 4.1 of the *Inverell Local Environmental Plan 2012*. The proposed modified lot sizes under DA-57/2019/B, including the reduced area of proposed Lot 2, comply with the minimum lot size requirements of the *Inverell Local Environmental Plan 2012* and the subdivision controls of the *Inverell Development Control Plan 2013*.

ASSESSMENT - SECTION 4.55 (1A) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

A detailed assessment of environmental impacts was undertaken in the original assessment of DA-57/2019. Of these environmental impacts, heritage, access, parking and traffic have been identified as the primary issues associated with the proposed subdivision and 'single dwelling use only'.

It is considered that heritage, access, parking and traffic also remain the primary environmental impacts that require consideration for the proposed modification (DA-57/2019/B). These are discussed in Table 1 below.

Table 1 – Consideration of Environmental Impacts

<i>Impact</i>	<i>Consideration</i>
Heritage	The site is located in the Ross Hill Heritage Conservation Area. However, the site does not contain an item of environmental heritage;

	<p>with the nearest item being located opposite the site at number 44 Brae Street.</p> <p>As assessed under DA-57/2019, the subdivision is acceptable within the Ross Hill Heritage Conservation Area and the erection of a single dwelling on proposed Lot 2 is subject to a separate Development Application, which will consider the style of single dwelling. At the time of original determination of DA-57/2019, it was considered that any future dwelling on proposed Lot 2 will be unlikely to impact the heritage conservation area.</p> <p>The proposed modification is considered to have minimal impact on heritage conservation as:</p> <ul style="list-style-type: none"> • The proposed modification will reduce the size of proposed Lot 2, which subsequently reduces the size of building envelope. The reduced lot and building envelope size for Lot 2 will likely result in a dwelling with a smaller footprint and reduced prominence in the area; • There will be no changes to the frontage or streetscape in Brae Street associated with the existing dwelling (proposed Lot 1); and • Although the garage at the rear of the dwelling (proposed Lot 1) does not provide any significant contribution to the heritage conservation area, the garage being retained rather than demolished is considered appropriate. Where reasonable Council should encourage minor changes to development to avoid demolition of structurally sound and useable buildings.
Access, Parking and Traffic	<p>In relation to access, parking and traffic, the original assessment report for DA-57/2019 concluded that:</p> <p><i>“One (1) additional dwelling in Davey Street is not considered to significantly affect traffic volumes, pedestrian safety or parking. Davey Street has sufficient capacity to service this development and any future dwelling can incorporate on-site parking consistent with the Inverell Development Control plan 2013 and surrounding properties”.</i></p> <p>The proposed modification will still result in the final outcome of one (1) additional dwelling fronting and taking access from Davey Street. Accordingly, there will be no change to access and traffic arrangements associated with the subdivision or ‘single dwelling use only’.</p> <p>It is also considered that the reduction in lot size and building envelope size for proposed Lot 2, will likely result in a dwelling with a smaller footprint (e.g. fewer bedrooms). A reduced dwelling size on proposed Lot 2 will likely result in fewer traffic movements in Davey Street, compared to the original approved development.</p> <p>Lastly, as part of this modification the applicant has requested the deletion of Condition 17, which requires a concrete access crossing to be constructed, from the kerb in Davey Street to the boundary of Lot 2, prior to issue of a Subdivision Certificate. Should Council support the deletion of Condition 17, the new access crossing in Davey Street would still need to be constructed to Council’s specifications as part of the construction of the dwelling. This approach is not unreasonable, being consistent with the recent residential estate subdivisions (e.g. Max Place, Mather Street)</p>

	<p>undertaken in Inverell, where access crossings are constructed as part of the dwelling.</p> <p>Overall, the proposed modification (DA-57/2019/B) is considered to have minimal environmental impacts in relation to access, parking and traffic.</p>
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In addition to the consideration of primary impacts in Table 1 above, it is also noted that the proposed modification (DA-57/2019/B) will also have minor positive impacts as a result of retaining the garage, which removes demolition works and associated waste material from the development.

Overall, the proposed modification is considered to have minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The consideration of whether a modification is substantially the same development requires a comparison of the modification to the original development.

Firstly, the key change to the development is the alteration of the subdivision design and subsequent changes to lot sizes and the building envelope on proposed Lot 2. In this regard, the numerical changes have been shown in Table 2 below.

Table 2 – Quantitative Comparison of Approved Development and Proposed Modification

Matter	Original Size	Modified Size	Percentage Change
Proposed Lot 1	1252.6m ²	1421m ²	13.5%
Proposed Lot 2	651m ²	485m ²	25.5%
Proposed Lot 2 Building Envelope	356.28m ²	280m ²	21.5%

Based on Table 2 above, the numerical changes to the lot sizes and building envelope size are not considered to be excessive, with the largest change being a twenty-five percentage (25%) reduction of proposed Lot 2.

When considering whether a modified development is substantially the same, numerical changes should not be considered in isolation. Consideration should also be given to essential characteristics of a development (i.e. non-numeric qualitative measures). DA-57/2019 was approved for a subdivision and 'single dwelling use only', which is considered to comprise the following "essential" characteristics:

- A large lot containing the existing dwelling, which fronts Brae Street;
- A smaller vacant lot fronting Davey Street; and
- The ability to construct a single dwelling on the vacant lot fronting Davey Street.

It is considered that the modified development will still result in the "essential" characteristics of two (2) lots (one large and one small) and a single dwelling fronting Davey Street.

It is noted that there are a number of ancillary components associated with the original subdivision and 'single dwelling use only', including:

- Provision of services;
- Demolition of a garage; and
- Construction of a new access crossing in Davey Street.

These ancillary components 'service' the development and are not essential characteristics. In this regard, retaining the garage and deleting Condition 17 requiring construction of an access crossing

prior to issue of a Subdivision Certificate does not alter the essential characteristics of the development.

With the garage being retained and no other demolition works proposed, it is considered that Conditions 3, 4 and 5 (refer **Attachment 2**) relating to demolition can also be deleted.

In conclusion, DA-57/2019 was approved at the Ordinary Meeting of Council on 24 July, 2019 for:

1. One (1) into two (2) lot subdivision, being:
 - Lot 1 – Existing dwelling fronting Brae Street; and
 - Lot 2 – Vacant lot fronting Davey Street.
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

Whilst the proposed modification (DA-57/2019/B) contains a number of minor changes, a comparison of numerical changes and essential characteristics of the modification (DA-57/2019/B) and original development, demonstrates that the modified development (DA-57/2019/B) will remain essentially or materially the same as originally approved.

In conclusion, the modification (DA-57/2019/B) is considered substantially the same development as originally approved.

(c) it has notified the application in accordance with—

(i) The regulations, if the regulations so require, or

(ii) A development control plan, if the consent authority is a council that has made a development control plan that requires notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The notification provisions of the *Inverell Development Control Plan 2013* were superseded by the provisions of the *Inverell Community Participation Plan 2019*, which was adopted by Council on 27 November, 2019 (Resolution – 2019/117).

Pursuant to Section 2.22 of the *Inverell Community Participation Plan 2019*:

"Where in the opinion of Council, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification/public exhibition of a Development Application may not be required."

It is acknowledged that three (3) submissions were received in response to the original notification of DA-57/2019, two (2) of which were by way of objection. The submissions were addressed in the development assessment report to the July 2019 Ordinary Meeting of Council (included as **Attachment 1** to this report). The matters raised in the submissions were:

1. Request for assurance that a dual occupancy or multi-dwelling housing can never be developed within a Heritage Conservation Area;
2. Request for assurance that a dual occupancy or multi-dwelling housing can never be developed on proposed Lot 2;
3. Compliance with the Outcome of Section 7.7.1 of the *Inverell Development Control Plan 2013*;
4. Suitability of Davey Street – Road Width, Traffic Frequency, Parking;
5. Pedestrian Access;
6. Request for Consideration of Alternative Access from Brae Street (Battle-Axe Subdivision); and
7. Precedent.

In consideration of the matters above:

- The proposed modification (DA-57/2019/B) does not alter, modify or change the original intention for a single dwelling only to be constructed on proposed Lot 2. This is reflected in the Condition 18 of the current development consent (refer **Attachment 2**);
- The proposed modification (DA-57/2019/B) complies with Section 7.7.1 of the *Inverell Development Control Plan 2013*. Given the historic mixed development undertaken within the Ross Hill Heritage Conservation Area. The proposed subdivision (including modification under DA-57/2019/B) is not inconsistent with the density and character of the area;
- Proposed Lot 2, and any future dwelling, will continue to have frontage to and take access from Davey Street, which has been deemed suitable for use for an additional single dwelling. The proposed modification (DA-57/2019/B) may actually reduce traffic and potential pedestrian conflict on Davey Street, compared to the original development, noting the modification will likely result in a smaller dwelling being constructed on proposed Lot 2; and
- The modification will not establish or influence any precedents in the area.

Given the proposed modification (DA-57/2019/B) will not impact, alter or modify the issues raised previously raised by the submission makers, it is considered that the modification (DA-57/2019B) is of a minor nature. Pursuant to Section 2.22 of the *Inverell Community Participation Plan 2019*, it is considered that notification of the modification (DA-57/2019/B) was not required.

Regardless of this modification, it should be noted that the construction of a dwelling on proposed Lot 2 will require a separate Development Application. This Development Application for a single dwelling on proposed Lot 2 would be notified to surrounding landowners in accordance with the *Inverell Community Participation Plan 2019*.

CONCLUSION

An application has been received to modify DA-57/2019 pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.

DA-57/2019 was approved at the Ordinary Meeting of Council on 24 July, 2019 for the following development:

1. One (1) into two (2) lot subdivision, being:
 - Lot 1 – Existing dwelling fronting Brae Street; and
 - Lot 2 – Vacant lot fronting Davey Street.
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

This modification (DA-57/2019/B) proposes:

1. Alterations to the lot design by relocating the common boundary line approximately 5 metres south-east (towards Davey Street), with a small deviation (2 metres) around the existing garage. This results in the following changes to the proposed lots:
 - Lot 1 is increased from 1252.6m² to 1421m²; and
 - Lot 2 is reduced from 651m² to 485m².
2. The modification to the lot configuration will result in:
 - The building envelope on proposed Lot 2 being reduced from 356.28m² to approximately 280m²; and
 - The existing garage located at the rear of the dwelling (proposed Lot 1) not requiring demolition.
3. The deletion of Condition 17, which requires a concrete access crossing to be constructed from the kerb in Davey Street to the boundary of Lot 2 as part of the subdivision.

The modification has been assessed in accordance with the requirements of Section 4.55 (1A) of the *Environmental Planning and Assessment 1979*. It is considered that:

- The modified development will have minimal environmental impact, with specific consideration given to:
 - Heritage Conservation – The modification does not impact Brae Street and any future dwelling (likely a smaller footprint as a result of the modification) will likely achieve compliance with the controls for new buildings in Heritage Conservation Area. This is also reflected in Condition 18 of the current consent; and
 - Access, Parking and Traffic – The development does not alter the intended construction a single dwelling on proposed Lot 2 fronting Davey Street, which has previously been deemed suitable for an additional single dwelling.
- In consideration of both the numerical changes and essential characteristics of the development, the proposed modification is considered to result in the same development as originally approved.
- Pursuant to Section 2.22 of the *Inverell Community Participation Plan 2019*, the modification is considered of a minor nature and did not require notification. It is considered that the modification (DA-57/2019/B) does not impact, modify or alter the matters raised by submission makers in response to the original notification of DA-57/2019.

Overall, it is recommended that the modification (DA-57/2019/B) be approved subject to modified conditions.

ATTACHMENTS:

1. **DA-57/2019 - Report to the Ordinary Meeting of Council July 2019**
2. **DA-57/2019/A - Current Consent and Approved Plan**
3. **DA-57/2019/B - Proposed Modification Plan**

7.2 DA-57/2019 - ONE (1) INTO TWO (2) LOT SUBDIVISION AND SINGLE DWELLING USE ONLY ON PROPOSED LOT 2 FRONTING DAVEY STREET - 43 BRAE STREET, INVERELL**File Number: S13.5.2/12 / 19/23694****Author: Chris Faley, Development Planner****SUMMARY:**

An application (DA-57/2019) has been received for a residential development at 43 Brae Street, Inverell. The proposed development comprises:

1. One (1) into two (2) lot subdivision, being;
 - Lot 1 – Existing dwelling fronting Brae Street;
 - Lot 2 – Vacant lot fronting Davey Street;
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

DA-57/2019 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to:

- Comply with the *Inverell Local Environmental Plan 2012*;
- Comply with the *Inverell Development Control Plan 2013*;
- Comply with the applicable state environmental planning policies;
- Have minimal impact on the natural and built environments;
- Have minimal social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Three (3) submissions have been received in response to the neighbour notification of DA-57/2019. The matters raised in the submissions have been assessed and on balance, it is considered that the matters raised do not preclude issuing of development consent.

It is recommended that DA-57/2019 be approved subject to conditions of consent.

RECOMMENDATION:

That Development Application 57/2019 be approved subject to the following conditions of consent:

PRELIMINARY

1. *Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning and Assessment Act 1979.*

Consent is granted for:

- *One (1) into two (2) lot subdivision;*
- *Single dwelling use only on proposed Lot 2 fronting Davey Street.*

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. *The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).*

DURING SUBDIVISION WORKS

3. *All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.*
4. *At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:*
 - *The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;*
 - *Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and*
 - *The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.*
5. *All utilities are to be disconnected from the outbuilding and capped to the satisfaction of the relevant authority.*
6. *To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:*
 - *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;*
 - *Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;*
 - *Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;*
 - *Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these*

building operations shall be contained on site;

- *Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;*
- *Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and*
- *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

7. *A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the Environmental Planning and Assessment Act 1979. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.*
8. *Prior to issue of a Subdivision Certificate, separate Development Consent and a Construction Certificate must be obtained for the construction of a dwelling on proposed Lot 2.*
9. *Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:*
 - *An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.*
 - *An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.*
10. *Prior to issue of a Subdivision Certificate, the roof water from the existing dwelling on proposed Lot 1 must be redirected to Brae Street.*
11. *Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be provided along the common boundary of proposed Lots 1 and 2.*
Prior to construction of this inter-allotment drainage, plans of the inter-allotment drainage, prepared by a suitably qualified engineer, are to be submitted to and approved by Council. These plans are to show piped and surface drainage paths, including kerbs as necessary beneath fences, to direct drainage to Davey Street.
12. *Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply and a sewer junction for Lot 2. This will require payment to Council of:*
 - *A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and*
 - *A sewer junction fee in accordance with Council's fees and charges.*
13. *A 3m easement over Council's sewer main and the sewer connection to Lot 2 is to be shown on the plan of subdivision and dedicated in favour of Council.*
14. *Prior to issue of a Subdivision Certificate, the existing water service in Davey Street is to be disconnected from the dwelling and relocated to serve Lot 2.*

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15. *Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and new water connection for the existing dwelling on Lot 1. This will require payment to Council of:*
 - *A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and*
 - *A water connection fee in accordance with Council's fees and charges.*
16. *Prior to the issue of a Subdivision Certificate, a Community Services Contribution must be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.*
17. *Prior to issue of a Subdivision Certificate, a concrete access crossing is to be constructed from the kerb in Davey Street to the boundary of Lot 2. The location of the access is to be in accordance with the approved plan. Prior to the commencement of this work the applicant is required to:*
 - *Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and*
 - *Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.*

The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

All work is to be completed to the standard approved by Council, at the applicant's expense.
18. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

COMMENTARY:

An application (DA-57/2019) has been received for a residential development at 43 Brae Street, Inverell. The proposed development comprises:

1. One (1) into two (2) lot subdivision, being;
 - Lot 1 – Existing dwelling fronting Brae Street;
 - Lot 2 – Vacant lot fronting Davey Street;
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

The subdivision sketch is included as **attachment 1** to this report.

The site is zoned 'R1 General Residential' pursuant to the *Inverell Local Environmental Plan 2012*. Pursuant to Section 1.5 of the *Environmental Planning and Assessment Act 1979*, the development comprises:

- The subdivision of land; and
- The use of land – The applicant is seeking consent for the use of proposed Lot 2 for a 'single dwelling' only. A further Development Application and a Construction Certificate will need to be approved for the erection of the dwelling. It is recommended that any approval of DA-57/2019 include a condition of consent requiring a Development Application and Construction Certificate to be approved for the dwelling on proposed Lot 2 prior to issue of a Subdivision Certificate.

Subdivision and a 'dwelling-house' are permissible within the R1 General Residential zone, with the subdivision complying with the Minimum Lot Size provisions specified in Clause 4.1 of the *Inverell Local Environmental Plan 2012*. The proposed development is considered to comply with

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the relevant State Environmental Planning Policies and the *Inverell Development Control Plan 2013*.

The application was notified to adjoining and adjacent neighbours from 18 June 2019 to 2 July 2019. As a result of notification:

- One (1) submission being “a request for assurance that there can never be any dual occupancy or multi dwelling housing developed on the proposed Lot 2 / 43 Brae Street, or for that matter any future subdivision within the immediate area”. This submission maker whilst being opposed in principle, clearly states that “I am not submitting a formal objection”; and
- Two (2) submissions by way of objection, with the objections primarily relating to traffic, parking and pedestrians.

These submissions are discussed further in the ‘Submissions’ section of this report. DA-57/2019 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions.

APPLICATION DETAILS

Applicant:	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley
Owner:	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley
Application No:	DA-57/2019
Address:	43 Brae Street, INVERELL 2360
Title Particulars:	Lot A DP 360260
Proposed Development:	<ol style="list-style-type: none"> 1. One (1) into two (2) lot subdivision, being; <ul style="list-style-type: none"> - Lot 1 – Existing dwelling fronting Brae Street; - Lot 2 – Vacant lot fronting Davey Street; 2. ‘Single dwelling use only’ on proposed Lot 2 fronting Davey Street.
BCA Classification	Class 1a
Existing Site Area:	1903m ²
Zoning:	R1 General Residential
Existing Use:	Residential – dwelling and outbuilding (garage)

DA-57/2019 - APPLICATION HISTORY

<u>Date</u>	<u>Comment</u>
13 June 2019	DA-57/2019 lodged.
18 June 2019	Neighbour notification begins.
2 July 2019	Notification period ends. Three (3) submissions received as a result of notification.

PAST APPLICATIONS RELEVANT TO THIS PROPERTY

DA-156/2018 was lodged on 28 November 2018, amended by the applicant on 12 March 2019, and sought consent for:

1. Demolition of an outbuilding;
2. One (1) into two (2) lot subdivision, being;
 - Lot 1 – Existing dwelling fronting Brae Street;

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- Lot 2 – Vacant lot fronting Davey Street; and

3. Construction of Dual Occupancy (Attached) on rear lot fronting Davey Street.

At the Ordinary Meeting of Council on 27 March 2019, Council resolved (Res. 12/19):

that DA 156/2018 – Dual Occupancy at 43 Brae Street be refused on the basis of the additional traffic generated by the development will likely result in both traffic and pedestrian safety impacts given the width of the formed Davey Street carriageway.

SUBJECT SITE AND LOCALITY

The site is known as Lot A DP 360260, 43 Brae Street, Inverell and has an area of 1903m². It contains a dwelling and outbuilding (garage) and has frontage to Brae Street and rear boundary adjoining Davey Street (Figure 1).

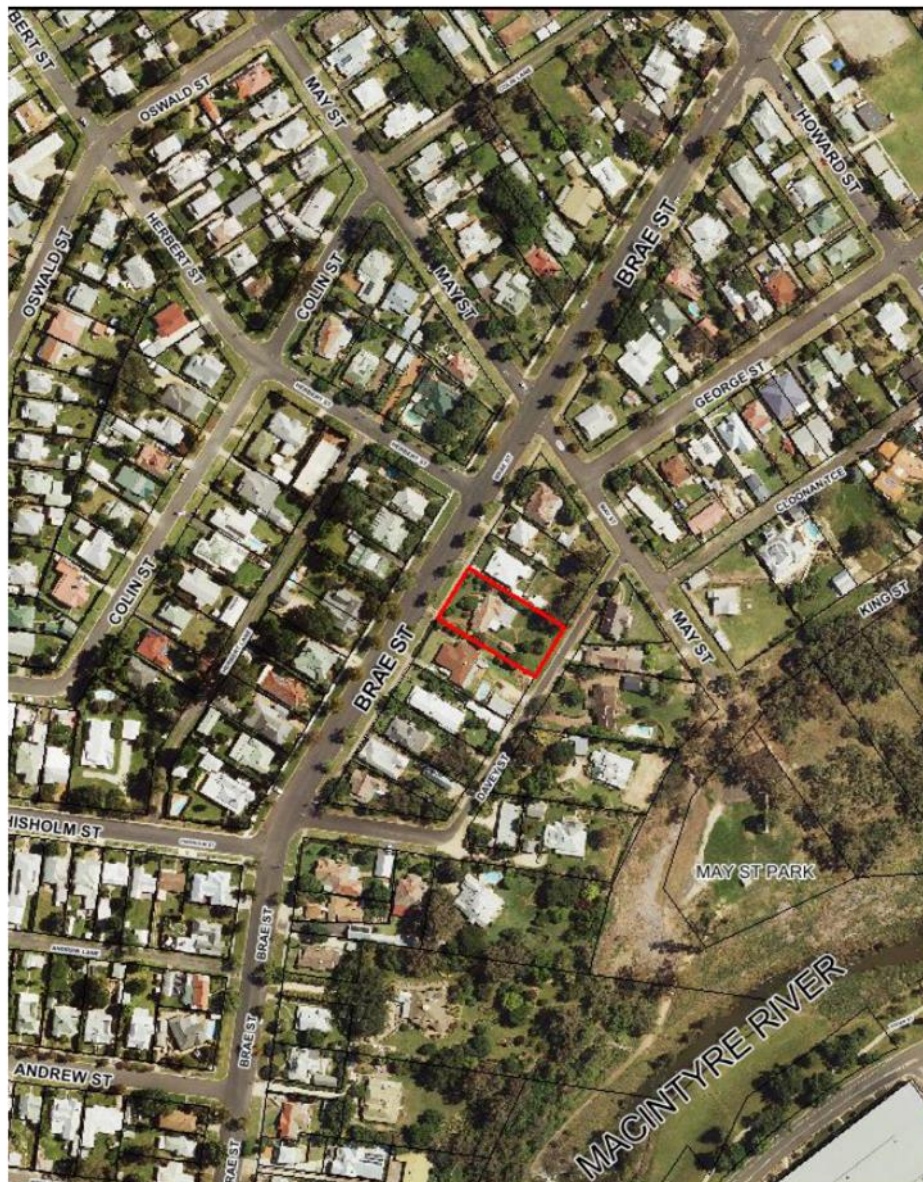


Figure 1 – Site Plan

43 Brae Street is located in a residential area on the northern side of the Macintyre River (Figure 2). The area is mapped under Schedule 5 of the *Inverell Local Environmental Plan 2012* as the Ross Hill Heritage Conservation Area, centered on the Brae Street streetscape (Figure 3). The site does not contain an item of environmental heritage. The nearest item of environmental heritage to the development is located opposite the site at number 44 Brae Street (shown in Figure 3).



Figure 2 – Locality Plan

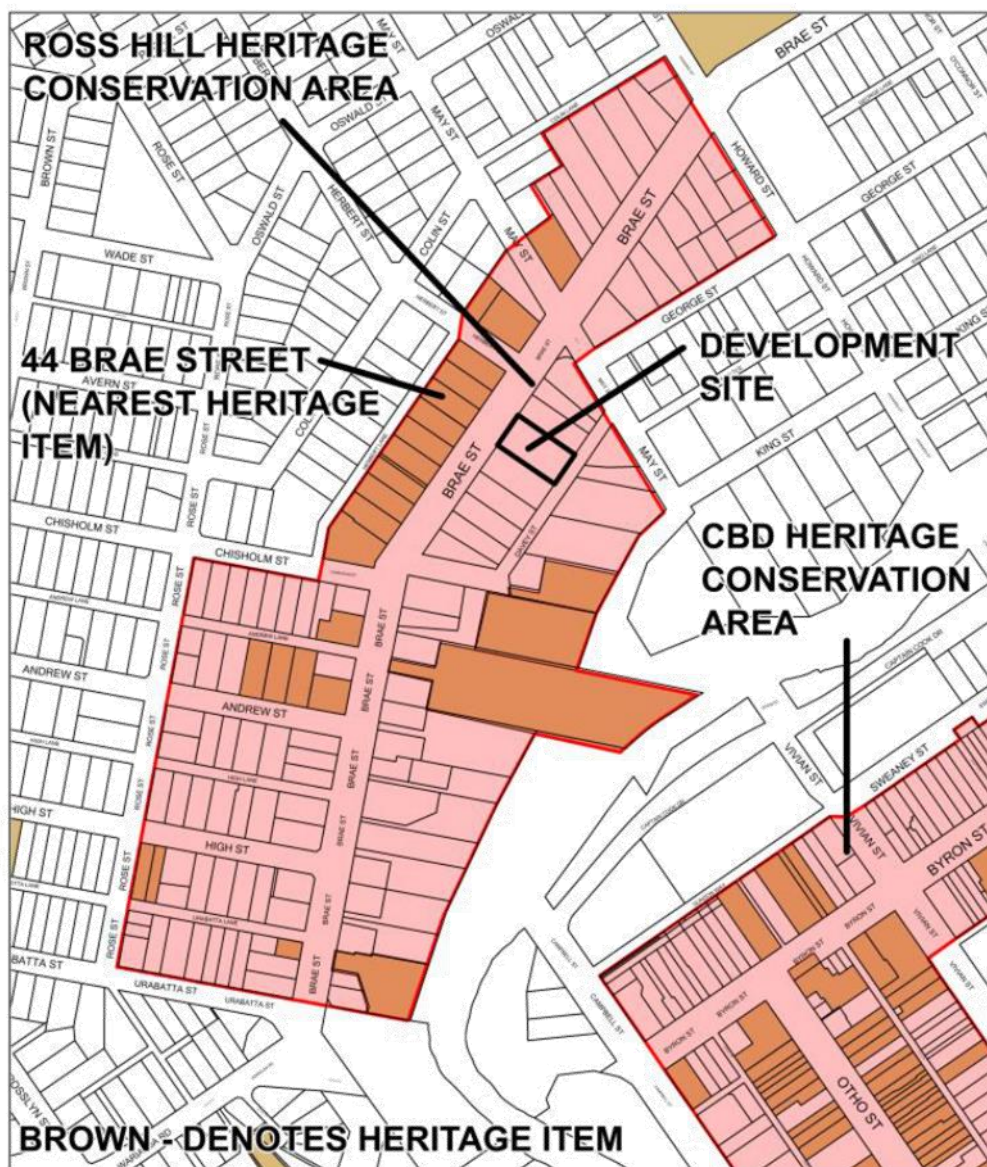


Figure 3 –Ross Hill Conservation Area Plan

The surrounding land use consists of mixed residential development on various size and shaped lots (Figure 4). 43 Brae Street is within walking distance of:

- Inverell High and Ross Hill Schools (approx. 500-600 metres);
- May Street Park (approx. 250 metres); and
- The Inverell CBD via the suspension bridge or main bridge.



Figure 4 – Land use map

Access and frontage to 43 Brae Street is from both Brae Street (primary frontage/access) and Davey Street (secondary access). Brae Street is a wide bitumen sealed urban street. Davey Street is a 5 metre wide bitumen sealed street with mountable kerb and gutter (3.8 metre bitumen + 1.2m gutter = 5 metre trafficable width). The Davey Street road reserve has a width of 12.2 metres. The Davey Street formation is illustrated in Figure 5. 13 properties currently have a formed vehicle access crossing (e.g. concrete, granite, etc.) in Davey Street (Refer Figure 6).

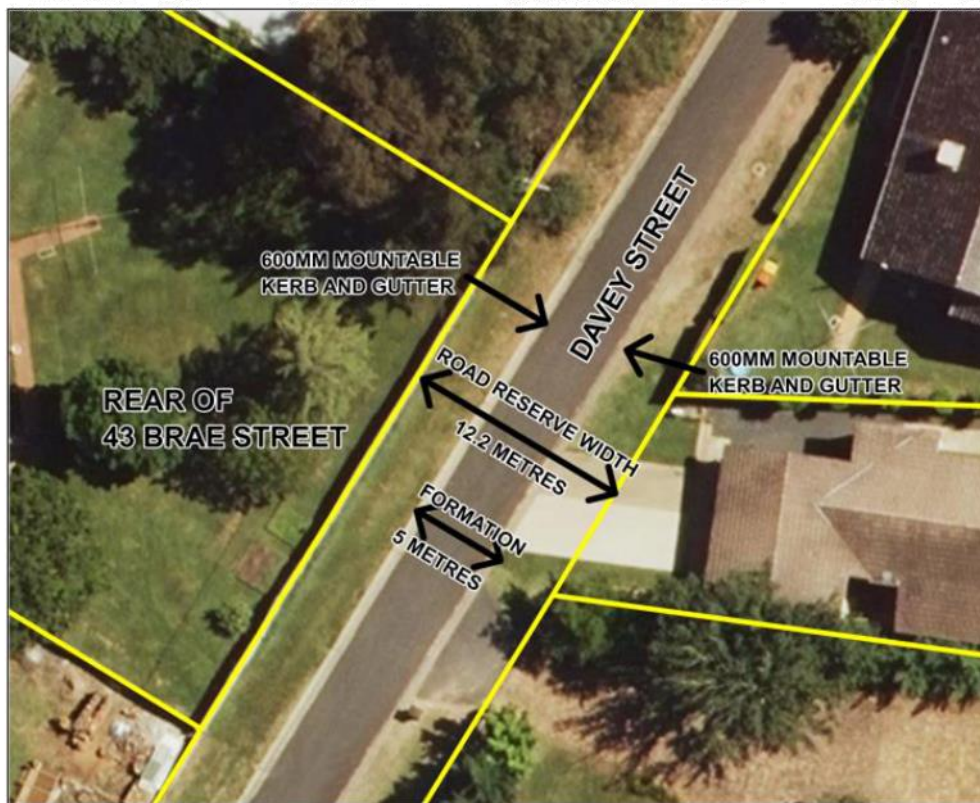


Figure 5 – Davey Street Formation



Figure 6 – Davey Street accesses

Water, sewer, electricity and telecommunications are connected to the site and can be provided to the proposed development. Some minor onsite landscaping will be affected by the development.

Council's sewer main crosses the site behind the dwelling. The proposed development is clear of the main and proposed Lot 2 can gravity feed to the main. Easements for sewer will be required to the development. Stormwater from the site currently drains to Davey Street. As part of this development,

- Roof water from the existing dwelling on proposed Lot 1 will be redirected to Brae Street;
- Surface water from proposed Lot 1 will be captured in an inter-allotment drainage system and discharged via easement over Lot 2 to Davey Street (refer **attachment 1**); and
- Proposed Lot 2 will discharge stormwater to Davey Street.

The following photos depict the site and locality.

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Photo 1 – The site from Brae Street



Photo 2 – The site from Davey Street



Photo 3 – Davey Street frontage looking from May Street



Photo 4 – Davey Street frontage looking towards May Street



Photo 5 – The outbuilding to be demolished



Photo 6 – Existing access crossings to the rear of Brae Street properties adjacent to the site



Photo 7 – The slope of the site and location of proposed Lot 2

PROPOSED DEVELOPMENT

It is proposed to undertake a residential development at 43 Brae Street, Inverell. The development consists of:

1. One (1) into two (2) lot subdivision; and
2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street.

The plan included in **attachment 1** shows the subdivision and the single dwelling building envelope on proposed Lot 2.

1. One (1) into two (2) lot subdivision

Proposed Lot 1 will contain the existing dwelling and have an area of approximately 1252.6m². This lot will have sole frontage and access to Brae Street. The existing access crossing and driveway from Brae Street will continue to serve the dwelling.

Proposed Lot 2 will be approximately 651m² measuring 31.49 metres wide x 20.65 metres deep. It will comprise the area at the rear of the 43 Brae Street dwelling. Proposed Lot 2 will have sole frontage and access to Davey Street. A new access crossing off Davey Street has been nominated on the southern side of proposed Lot 2 (refer **attachment 1**).

2. 'Single dwelling use only' on proposed Lot 2 fronting Davey Street

The 'single dwelling use only' will facilitate the future construction of a single dwelling on proposed Lot 2. A building envelope has been nominated for the future dwelling. This envelope measures 29.69 metres wide x 12 metres deep (356.28m²). It is setback:

- 4.5 metres from the front boundary;
- 4.1 metres from the rear boundary; and
- 0.9 metres from each side boundary.

A separate Development Application will need to be lodged for the erection of the dwelling.

Demolition of outbuilding (garage)

The common boundary between proposed Lot 1 and proposed Lot 2 will dissect an outbuilding at the rear of the existing building. Accordingly, to facilitate the subdivision, this outbuilding will be

demolished as part of the subdivision works. All services will be disconnected from the outbuilding and demolition waste disposed at the Inverell Landfill.

PLANS & DOCUMENTATION

The following information was submitted with the Development Application:

- Subdivision sketch; and
- Statement of Environmental Effects.

Attachment 1 includes a copy of the subdivision sketch.

REFERRALS UNDERTAKEN & OTHER APPROVALS REQUIRED

Internal Referrals

Engineering Referral

The application was referred to Council's **Manager Environmental Engineering**. The following comments were received:

Traffic & Pedestrian Counts Davey Street

A traffic counter was placed in Davey Street adjacent the northern boundary of the subject site over a three week period from 19 April to 9 May 2019. The table below summarises the data collected

Date	Average Daily Traffic (ADT)	*Heavy Vehicle %	Average of Heavy Vehicles per day	Mean Speed km/h	85th% speed km/h
19.4.19-25.4.19	54.429	3.3	1.8	27.2	34.6
26.4.19-3.5.19	59.375	5.3	3.1	27.8	34.2
3.5.19-9.5.19	57.429	5.5	3.2	28.2	36
Total Average	57.1	4.7	2.7	27.7	34.9

**Under AUSTROADS Vehicle Classification System, Heavy Vehicle Classes begin with Class 3 - a two axle truck or bus with a distance greater than 3.2m between the first and second axle.*

The above results indicate very low average daily traffic counts, low vehicle speed (in a 50km speed limit area), along with a small percentage of heavy vehicles including garbage trucks.

On Monday 11 March 2019, a visual vehicle and pedestrian count was undertaken at the same location in Davey Street, in the morning and afternoon to capture school times. The observations are summarised below.

8:30 AM – 9:30 AM

Travelling from May St towards Brae St = 5 x Cars

Nil Pedestrians

Travelling from Brae St towards May St = 4 x Cars

2 x Pedestrians (Adults)

3:30 PM – 4:30 PM

Travelling from May St towards Brae St = 8 x Cars

2 x Pedestrians (Inverell High School Students)

Travelling from Brae St towards May St = 6 x Cars

1 Truck (entered driveway of 19 Davey Street at corner of May Street) (Nil Pedestrians)

During the visual inspections the traffic speeds were observed to be low for an urban residential street. No passing movements were observed due to the infrequency of vehicles using the street.

Suitability of Davey Street for Proposed Development

Davey Street is a 260m long local street that runs east off Brae Street for approximately 80m then deflects northward for approximately 180m to intersect May Street. The eastern leg running off Brae Street has a road reserve width of 20.1m with a distance between upright kerbs of approximately 10m. The northern leg of Davey Street through to May Street has a road reserve width of 12.2m with mountable kerb and gutter width of 5m (3.8m of pavement plus 2 x 600mm mountable kerb and gutter).

The northern leg of Davey Street was designated as a lane in earlier times, however was widened out to 12.2m to become a street in the late 1960's / early 1970's to cater for development in the area between Brae Street and May Street. The narrowest section of Davey Street with a road reserve width of 12.2m is therefore classified as a street (not a laneway) under the Inverell Development Control Plan 2013. Laneways are described in the DCP Glossary as a narrow public access, usually 6m to 10m wide located between two streets.

The geometry of Davey Street with T intersections at both ends combined with a dog leg towards the southern end calms traffic and discourages through traffic. May Street is a local street terminating at the Lookout and does not attract through traffic.

Based on nine traffic movements per day for each dwelling with access off Davey Street (including Brae Street properties that use rear access off Davey Street), the current traffic counts based on 13 dwellings would be 117 per day. The proposed single dwelling would create an additional 9 traffic movements, taking the total to around 126 traffic movements per day, which is a light traffic volume. Davey Street is two way traffic, which provides the option for traffic to access from May Street or Brae Street, further diluting traffic movements throughout the street. The three weeks of traffic counts with an average daily count of 57 vehicles confirms the dilution effect, with a mean vehicle speed of 27km/h and 85th percentile speed of 35km/h.

The geometry of the narrower section of Davey Street with gentle mountable kerbs fronting the proposed development allows room for vehicles to pass and vehicles to Parallel Park off the roadway while still allowing safe pedestrian movements in a streetscape where traffic volumes and speed are low. The streetscape in Davey Street safely copes with the current development and an additional dwelling is unlikely to change the situation.

Davey Street therefore has capacity to cater for more infilling development as allowed under current planning legislation and the Inverell LEP.

Davey Street has underground stormwater drainage. Overall the sealed pavement, kerb and gutter and drainage are in good condition, and require no augmentation to accommodate the proposed development. The footpath area along the frontage to the proposed development is totally clear of any obstructions including power poles.

In summary Davey Street has capacity to service further infilling development while not compromising traffic and pedestrian safety or the character of the local precinct.

Access & Parking

The footprint for a future single dwelling on proposed Lot 2 (not subject this Development Application) proposes a driveway at the southern end of the site. The dwelling would most likely be in the order of 4 bedrooms. The proposed driveway location has good sight distance in all directions.

Drainage

The proposed development comprises an overall area of approximately 1,900 sqm sloping from Brae Street in a north easterly direction to Davey Street.

Engineering design is to be provided for the inter-allotment drainage systems for proposed Lots 1 & 2 showing piped and surface drainage paths including kerbs as necessary beneath fences to direct drainage.

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The inter-allotment drainage systems for proposed Lots 1 & 2 are to be kept independent, with an easement to be created over proposed Lot 2 for drainage of proposed Lot 1 fronting Brae Street. Roof water from Lot 1 is to be directed to Brae Street kerb and gutter.

Water Supply

The water service to the existing site is off Davey Street, with the meter located approximately 4.5m from the southern boundary. A town water supply main is located along the eastern footpath of Davey Street. The existing water service off Davey Street is to service proposed Lot 2.

A new water service is required from the water main located on the western side of Brae Street to service the residual house on proposed Lot 1. This cost will be by quotation as it involves a street crossing.

Under Council's Development Servicing Plan No. 1, a Water Contribution for 1 Equivalent Tenement is required for the development.

Sewer

Proposed Lot 2 will require a new sewer junction and a 150mm diameter line from the sewer main located in proposed Lot 1. This work will require engineering design prior to construction and works-as-executed drawings once constructed.

A 3 metre wide easement for sewerage is to be created over the existing sewer main through proposed Lot 1 and the sewer extension into proposed Lot 2.

Under Council's Development Servicing Plan No. 1, a Sewer Contribution for 1 Equivalent Tenement is required for the development.

Planner Comment:

The comments provided by Council's Manager Environmental Engineering in relation to traffic and pedestrian counts and suitability of Davey Street are discussed further in the 'Submissions' section of this report in response to the objections received. Conditions of consent can be imposed in relation to the inter-allotment drainage, services, access and contributions.

Heritage Advisor

Council's Heritage Advisor previously commented on this subdivision design under DA-156/2018. Accordingly, the comments provided for DA-156/2018 in relation to the subdivision remain relevant to this application and further referral was not considered necessary.

"ITEM 2: Proposed subdivision and duplex – 43 Brae St, Inverell (DA156-2018)

Visited the property with Council officer Elise Short.

The property is not listed as a heritage item within Inverell LEP 2012, however, is within the Ross Hill Conservation Area (C0006).

The proposal is to subdivide the lot and erect a duplex at the rear fronting Davey Street.

The proposal does not retain the typical block width characteristics and historic subdivision pattern of the area including the characteristic rhythm and built form spacing.

Mitch McKay, Heritage Advisor

3 December 2018"

Planner Comment:

These comments were provided considering the lot pattern in the immediate vicinity of the development. While the lot layout varies with that typically in the immediate vicinity, a broader consideration of the Ross Hill conservation area and locality demonstrates that there is a variety of lot styles (rectangle, battle-axe, square, small, large) on Brae Street, Davey Street, the surrounding streets and Ross Hill.

DA-57/2019 was discussed with Council's Heritage Advisor during his visit on 10 July 2019, the Heritage Advisor acknowledged this broader context and compatibility. Furthermore, the Heritage Advisor indicated that subdivision for the purposes of a single dwelling house only is a reduction on

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the previous proposal, and the impacts on the Heritage Conservation Area, subject to design, is minimal.

The Development Application for the construction of the dwelling on proposed Lot 2 would be referred to Council's Heritage Advisor to comment on the design in relation to height, bulk, scale within streetscape and area. It is considered that any future dwelling constructed on proposed Lot 2 will be able to achieve compliance with the design considerations within the Heritage Conservation Area.

External Referrals

No external referrals were required for this application.

Other Approvals

Subject to the approval of DA-57/2019, the following additional approvals are required for this development:

- Subdivision Certificate – Required prior to Council endorsing the plan of subdivision. All conditions of consent for the subdivision would need to be completed prior to issuing of the Subdivision Certificate;
- Development Application and Construction Certificate – For the construction of the future single dwelling on proposed Lot 2; and
- Approval under Section 138 of the *Roads Act 1993* for construction of the access crossing in Davey Street.

Council Policies

It is considered that no Council policies apply to the assessment of this Development Application.

ASSESSMENT - STATUTORY REQUIREMENTS – S.4.15

In determining a Development Application, a consent authority is to take into consideration the following matters that are of **relevance** to the development, the subject of the Development Application.

Relevant State Environmental Planning Policies

Policy	Comment
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	43 Brae Street has been historically residential land and there is no evidence that the site is unsuitable for the development.

Local Environmental Plans

Inverell Local Environmental Plan 2012

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.2	Aims of Plan	<p><i>The particular aims of this Plan are as follows:</i></p> <ul style="list-style-type: none"> <i>a) To encourage sustainable economic growth and development;</i> <i>b) To protect and retain productive agricultural land;</i> <i>c) To protect, conserve and enhance natural assets;</i> <i>d) To protect built and cultural heritage assets; and</i> <i>e) To provide opportunities for growth.</i> <p>The proposed subdivision for one (1) additional dwelling is considered to contribute to the residential growth of Inverell, without adversely impacting natural or heritage assets.</p> <p>The development is not inconsistent with the aims of the</p>

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		LEP.
2.1	Land use zones	<p>The site is zoned R1 General Residential. The development is characterised as subdivision and the use of Lot 2 for a single 'dwelling house', which is permissible with consent.</p> <p>The objectives of the R1 zone are:</p> <ul style="list-style-type: none"> ▪ <i>To provide for the housing needs of the community;</i> ▪ <i>To provide for a variety of housing types and densities; and</i> ▪ <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The development will provide an additional choice in housing while providing for the housing needs of the community. The development is consistent with the objectives of the R1 General Residential zone.</p>
4.1	Minimum Lot Size	<p>The Minimum Lot Size as per the LEP Lot Size Map for the site is 450m².</p> <p>Proposed Lot 1 (dwelling) has an area of 1255m² and proposed Lot 2 (vacant) has an area of 651m².</p> <p>The proposed lots exceed the Minimum Lot Size (MLS) for the site and the subdivision is compliant with this clause.</p>
5.10	Heritage conservation	<p>The site is located within the Ross Hill Heritage Conservation Area as identified under Schedule 5 of the ILEP.</p> <p>The site does not contain an item of environmental heritage; with the nearest heritage item being opposite the site at 44 Brae Street (refer Figure 3). Being located on the opposite side of Brae Street the development, the heritage item at 44 Brae Street is not considered to be adversely impacted by this development.</p> <p>The subdivision is at the rear of 43 Brae Street and will not be inconsistent with the residential context or character of the area. The location and frontage to Davey Street will minimise any alteration to the Brae Street streetscape and will not affect the significance of the broader conservation area.</p> <p>The outbuilding (garage) to be demolished to facilitate the subdivision is not listed as item of environmental heritage and does not provide any significant contribution to the heritage conservation area or the streetscape. The demolition of the outbuilding is considered to have minimal heritage or environmental impacts.</p> <p>The erection of a single dwelling on proposed Lot 2 will be subject to a separate Development Application, which will consider the style of single dwelling. However, being located at the rear of 43 Brae Street is considered that any future dwelling on proposed Lot 2 will be unlikely to impact the heritage conservation area.</p>
6.1	Earthworks	<p>Minimal earthworks are required for the provision of services to the subdivision and will be controlled through</p>

Item 7.2

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		<p>appropriate sediment and erosion control measures.</p> <p>It is likely that earthworks will be required for the future construction of the single dwelling on proposed Lot 2. Whilst these earthworks would be assessed in greater detail in a future Development Application, based on the topography of the site, any future earthworks for a dwelling are considered to be minimal.</p>
6.6	Essential Services	<p><u>Water Supply</u></p> <p>The existing water service to the site is located in Davey Street, which will serve proposed Lot 2. A new water service for the dwelling can be provided from Brae Street to the existing dwelling.</p> <p><u>Sewer</u></p> <p>Sewer is connected to the existing dwelling (proposed Lot 1) from the main crossing the site. Sewer can be supplied to proposed Lot 2 (and future dwelling) from this sewer main as well.</p> <p><u>Stormwater</u></p> <p>All roof and surface water from the site is currently discharged to Davey Street. The applicant proposes to discharge stormwater from Lot 1 (existing dwelling) to a stormwater pit and discharged to Davey Street via an inter-allotment drainage easement along the northern boundary of proposed Lot 2. In this instance the existing dwelling roof water must be drained to Brae Street with site runoff only to be captured in the proposed inter-allotment drainage. Proposed Lot 2 (and the future dwelling) will discharge stormwater to the gutter in Davey Street, which is acceptable.</p> <p>Subject to detailed engineering design, the proposed stormwater drainage is satisfactory.</p> <p><u>Access</u></p> <p>Access to the site from Brae Street is existing and satisfactory. An access crossing is required from Davey Street. The suitability of Davey Street for access has been considered by Council's Manager Environmental Services (refer previous comments) and discussed further in the 'Submissions' section of the report.</p> <p><u>Electricity & Telephone</u></p> <p>Electricity and telephone infrastructure is available to the site, subject to the connection requirements of the utility agencies, which is acceptable.</p>

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Development Control PlansInverell Development Control Plan 2013 – Chapter 1 Introduction

SECTION	TITLE	COMMENT AND ASSESSMENT
1.11	Notification of Applications	The application was notified to adjoining and adjacent neighbours from 18 June 2019 to 2 July 2019. Three (3) submissions have been received, two (2) by way of formal objections. These submissions have been discussed further in the 'Submissions' section of the report.
1.12	Advertising of Applications	The development did not meet the criteria to be advertised.

Inverell Development Control Plan 2013 – Chapter 2 Subdivision

SECTION	TITLE	COMMENT AND ASSESSMENT
2.3	Site Analysis	The proposed subdivision design is considered to respond to the characteristics of the site, including slope, street frontage, services and solar access. The design is considered satisfactory and is discussed further below.
2.4	Lot Dimensions	The development has been designed to allow the existing dwelling (proposed Lot 1) to retain its access and private open space. It is considered that the subdivision provides <i>"sufficient area and configuration to enable the construction of dwellings and accessible on-site parking facilities"</i> for the Davey Street lot, as demonstrated by the single dwelling use only and building envelope on proposed Lot 2 forming part of this application. The proposed Lots comply with the Minimum Lot Size of the <i>Inverell Local Environmental Plan 2012</i> .
2.5	Lot Orientation	The proposed lot layout has provided opportunities for each lot to achieve good solar orientation while preserving private open space for the existing dwelling.
2.6	Frontage and Access	Both proposed lots will have adequate frontage (approximately 31 metres) to a public street, which allows for suitable pedestrian and vehicular access.
2.8	Landscape	The development will ensure minimal disturbance to the onsite landscaping and vegetation.
2.10	Stormwater Drainage	The existing dwelling roof water must be redirected to Brae Street while the proposed surface runoff inter-allotment drainage to Davey Street, which is considered satisfactory.
2.11	Utility Services	The development can be provided with water, sewer, electricity and telecommunications services.

Inverell Development Control Plan 2013 – Chapter 3 Residential Accommodation

A detailed assessment of this chapter will be undertaken for the Development Application lodged for the erection of the dwelling on proposed Lot 2. As part of the considerations for this Development Application for the single dwelling use only, it is considered that the size of proposed Lot 2 and the nominated building envelope are sufficient to ensure that any future dwelling can be suitably designed to achieve compliance with the provisions of this chapter.

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Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic

SECTION	TITLE	COMMENT AND ASSESSMENT
5.3	Parking space requirements	The existing dwelling (proposed Lot 1) and any future dwelling (proposed Lot 2) require one (1) roofed space per dwelling.
5.4	Provision of Car Parking	<p><u>Existing dwelling (proposed Lot 1)</u></p> <p>The single attached carport provides roofed parking for the existing dwelling and will be retained in compliance with sections 5.3 and 5.4.</p> <p><u>Single Dwelling Use (proposed Lot 2)</u></p> <p>It is considered that the building envelope on proposed Lot 2 and the nominated access crossing will facilitate the construction of a covered car parking for any future dwelling. Given the area available, it is likely that single dwelling will have sufficient space for two (2) covered parking spaces (e.g. double garage) and two (2) parking spaces in front of the garage. Therefore, any future dwelling could likely achieve four (4) on-site parking spaces. This is consistent with the nearby 17 Davey Street (refer Photo 8).</p>



Photo 8 – Parking arrangement on 17 Davey Street (opposite development site)

5.5	Design	<p>The design of the access and on-site car parking is consistent with the area and this section.</p> <p>There is no requirement for a single dwelling to have vehicles enter and exit a property in a forward direction. A reversing movement over the footpath is considered acceptable, and safe, in both Brae Street and Davey Street.</p>
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5.6	Stormwater	The hardstand areas will drain to Davey Street.
5.7	Landscaping	At this stage, no specific landscaping requirements apply. Landscaping treatment of proposed Lot 2 can be addressed in the future Development Application for the erection of the single dwelling house.
5.8	Access and Frontage to Laneways	This clause does not apply as Davey Street is not a "Laneway". This is discussed in the 'Referrals' section of the report by Council's Manager Development Services.

Inverell Development Control Plan 2013 – Chapter 7 Heritage

SECTION	TITLE	COMMENT AND ASSESSMENT
7.4	New Development and Buildings	<p>The development is consistent with this section as it respects the character of the surrounding conservation area, by subdividing the rear of the lot and maintaining the Brae Street frontage and streetscape.</p> <p>It is considered that any future Development Application for the erection of the dwelling on proposed Lot 2 can address the siting, scale, proportions, setbacks, facades, materials, finishes and colours to be in keeping with and sympathetic to the locality.</p>
7.7	Subdivision of Land	<p><u>7.7.1. General</u></p> <p><u>Outcome</u></p> <ul style="list-style-type: none"> To ensure that subdivision is consistent with and respects the heritage significance of Heritage Items and Heritage Conservation Areas. <p>The proposed development is considered to comply with the outcome of this Section, through compliance with the Acceptable Solutions discussed below.</p> <p><u>Acceptable Solution</u></p> <ul style="list-style-type: none"> Subdivisions should not substantially alter the density of development such that the character and heritage significance of the Heritage Item or Heritage Conservation Area is adversely affected. <p>The Ross Hill Heritage Conservation Area extends from Warialda Road to Howard Street. Within this area there is:</p> <ul style="list-style-type: none"> A mixture of lot sizes ranging from approximately 350m² to 1.2 hectares; A range of housing types, including single dwellings, semi-detached dwelling, dual occupancies and unit developments; and Different lot shapes, e.g. rectangular, battle-axe, triangle. <p>The proposed development will result in two (2) standard density rectangular lots containing single dwellings only. Given the historic mixed development undertaken within the Ross Hill Heritage Conservation Area, the proposed subdivision is not inconsistent with the density and</p>

		<p>character of the area.</p> <ul style="list-style-type: none"> • <i>The lot and subsequent building spacing (frontage widths, side and front boundary setbacks) should be typical of surrounding development such that:</i> <ul style="list-style-type: none"> – <i>Vistas and views to and from Heritage Items are not interrupted or obscured;</i> – <i>The landscape quality of the Heritage Conservation Area streetscape is retained; and</i> – <i>The setting of Heritage Items and a satisfactory curtilage, including important garden and landscape elements, is retained.</i> <p>The site does not contain an item of environmental heritage; with the nearest item being located opposite the site at number 44 Brae Street (refer Figure 3). The proposed subdivision and future dwelling on Lot 2 are not considered to impact views or vistas of any heritage items.</p> <p>The existing landscaping and streetscape along Brae Street will be retained with the subdivision. It is considered that the rear of the development site does not contain any important landscaping elements. Furthermore, the new single dwelling on proposed Lot 2 can incorporate landscaping to contribute to the Davey Street landscape.</p> <ul style="list-style-type: none"> • <i>The design of works and services, such as kerbing and guttering, access crossings and the like should be consistent with original elements of the Heritage Item or Heritage Conservation Area.</i> <p>There will be no change to the vehicular access or visible services to the existing dwelling fronting Brae Street. The access crossings to existing dwellings in Davey Street are a mixture of concrete, bitumen, pavers and gravel. It is considered an additional concrete or bitumen access crossing to proposed Lot 2 is consistent with Davey Street and the Heritage Conservation Area.</p> <ul style="list-style-type: none"> • <i>Subdivision should not require rearranged existing or historic vehicular access or car parking that would adversely affect the streetscape of the Heritage Conservation Area.</i> <p>43 Brae Street has two (2) historic vehicular access points, one (1) from Brae Street and another from Davey Street. The proposed subdivision utilises these existing access arrangements without adversely affecting the streetscape of the Heritage Conservation Area.</p>
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Section 7.11 Plan

In accordance with Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979*, Council's Section 94 Plan applies to the site. The development will be required to pay one (1) contribution for Community Services and this can be included as a condition of consent.

The likely impacts of that development

Matters	Consideration
Context & Setting	<p>The proposed subdivision for a single dwelling house is consistent with the dominant land use and past land development practices in the area. The locality contains a mix of residential styles and materials as well as lot shapes and sizes.</p> <p>To provide further certainty regarding the design of the single dwelling, it is recommended that a Development Application and Construction Certificate be approved for the dwelling prior to issue of a Subdivision Certificate.</p>
Access, Traffic & Transport	<p>Ultimately, the proposed development facilitates the construction of an additional dwelling taking access from Davey Street. As previously discussed by Council's Manager Environmental Engineering, Davey Street is considered to be suitable for additional traffic generated by this development. Furthermore, the proximity of the site to the CBD, schools and parks provides occupants the opportunity to walk or cycle potentially reducing traffic movements.</p> <p>The development is not considered to have an adverse impact on traffic or transport. Traffic, access and pedestrians in Davey Street is discussed further in the 'Submissions' section of the report.</p>
Utilities	All utilities are available to the site and utility infrastructure is not considered to be adversely impacted.
Heritage	The site is located in the Ross Hill Heritage Conservation Area. The development has been designed to be in keeping with and sensitive to the context of the area. A future Development Application will assess the appearance of the dwelling on proposed Lot 2. It is considered a suitable design can be achieved without impacting the conservation area. Due to past disturbance, it is highly unlikely that the site would contain any Aboriginal or European artefacts.
Other Land Resources	The site is not suitable for production of resources.
Water	The Macintyre River is located approximately 200 metres to the south-east and is not considered to be adversely affected by the development. It is considered that the development can adequately manage and direct stormwater into Council's stormwater drainage system.
Soils	The development has been designed to follow the gentle down slope of the site and suitable sediment and erosion control measures will be implemented during and post construction.
Air Quality	The development is not considered to result in significant odour or dust affecting air quality in the locality.
Flora & Fauna	The site contains no significant flora or fauna.
Waste	The development will utilise Council's garbage and recycling collection services. All demolition and construction waste will need to be disposed at the Inverell landfill and this can be enforced as a condition of consent.
Energy	One (1) additional lot/dwelling is not considered to significantly impact energy supply or infrastructure in the area.
Noise & Vibration	Noise and vibration will occur during the demolition of the outbuilding and the utility construction activities. Suitable conditions can be placed on any subsequent consent to restrict hours of demolition and construction.

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Natural Hazards	The site is not subject to flooding, bush fire or other natural hazard.
Safety, Security & Crime Prevention	The development does not adversely impact safety or security in the area. The development facilitates one (1) dwelling, which will provide further passive surveillance for pedestrians and residents of Davey Street.
Social Impacts in the Locality	<p>In the development assessment process, social impacts can be defined as a significant change or consequence experienced by people or communities as a result of a development. Such changes may include, but are not limited to a person's way of life, access to services, health and wellbeing, aesthetics and/or amenity (sunlight, views, traffic, noise impacts). Social impacts can be both positive and negative.</p> <p>When considering social impacts as part of a Development Application, the Land and Environment Court in <u>New Century Development Pty limited v Baulkham Hills Shire Council [2003] NSWLEC 154</u> has held that:</p> <p><i>"the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area (Dixon at [53])."</i></p> <p><i>In Broad, de Jersey J explained (at 304) that whilst the court is clearly entitled to have regard to the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.</i></p> <p><i>A fear or concern without rational or justified foundation is not a matter which, by itself, can be considered as an amenity or social impact pursuant to s 79C(1) of the EP&A Act".</i></p> <p>In the case of this Development Application, submission makers have raised fears relating to traffic volumes, traffic safety and pedestrian safety. These matters have been assessed by Council technical staff and it has been determined that these possible impacts will not be significant in the context of the immediate or surrounding residential properties or neighbourhood.</p> <p>Accordingly, whilst submissions have been received, consistent with the Land and Environment Court findings, these submissions do not constitute evidence of a negative social impact as a result of the proposed development.</p> <p>DA-57/2019 will result in one additional single dwelling which will not significantly or adversely impact traffic volumes, pedestrian safety, residential amenity or access to services. The perceived negative social impacts as a result of the proposed development by the submission makers is considered to be minimal and would not be sufficient to warrant rejection of this application.</p>
Economic Impact in the Locality	The development contributes to the residential growth of Inverell and is not considered to have an adverse economic impact.
Site Design & Internal Design	The design of the subdivision is consistent with Council controls and the nominated building envelope of proposed Lot 2 is considered satisfactory, with any future dwelling (subject to separate Development Application and Construction prior to issue of a Subdivision Certificate) likely to achieve compliance with Council's development controls.
Construction	Minimal construction is required for the provision of services and access as part of the subdivision. Construction impacts for the erection of the dwelling

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	will be considered in separate application; however, generally dwelling construction will have minimal impacts.
Cumulative Impacts	It is considered that the above mentioned impacts from the development can be adequately mitigated and it is not anticipated that they would attribute to cumulative or detrimental impacts in the locality.
Climate Change	The development is not considered to significantly influence climate change factors.

Suitability of the Site

In assessing the suitability of the site, two (2) matters are considered:

Does the proposal fit in the locality?

The locality is characterised by a mixture of residential development of diverse dwelling styles, height and material on varying lot sizes and shapes. The proposed subdivision, for the purpose of constructing one (1) additional dwelling (single dwelling only on proposed Lot 2) is compatible with the surrounding dwellings and is considered to 'fit' in the residential locality.

Are the site attributes conducive to development?

The constraints of the site (access, sewer main, existing development) have been accounted for in the design of the development. All essential services (water, sewer, electricity and telephone) are available to the site. There is sufficient fall for roof and ground water to be conveyed to Davey Street.

The location of the site is also conducive to in-fill development. It is located within walking distance of schools, parks and the CBD. Additionally, the site is not constrained by natural hazards such as flooding.

Legal and practical access is available from Brae Street and Davey Street. An assessment of Davey Street also confirms that it is suitable for use by this development. It is considered that the proposed building envelope for the future single dwelling has sufficient size to cater for on-site parking.

Overall, it is considered that the site attributes are conducive to the proposed development.

Submissions

The application was notified to adjoining and adjacent neighbours from 18 June 2019 to 2 July 2019. As a result of notification:

- One (1) submission was received requesting assurance that dual occupancies or multi dwelling housing can never be developed on the site or within the heritage conservation area. This submission is not a formal objection to DA-57/2019; and
- Two (2) submissions by way of objection, with the objections primarily relating to traffic and access.

The submissions have been circulated separately to Councillors with the Business Paper and the matters raised by submission makers are discussed below.

Request for assurance that a dual occupancy or multi-dwelling housing can never be developed within a Heritage Conservation Area

The submission maker has requested that the *Inverell Development Control Plan 2013* be amended to include an additional point that dual occupancy and multi-dwelling housing will not be permitted in subdivision lots within any area designated as a Heritage Conservation Area.

Firstly, it must be noted that this Development Application has been lodged for a subdivision and single dwelling use only. A dual occupancy and/or multi-dwelling housing have not been proposed in DA-57/2019. Accordingly, Council's assessment of DA-57/2019 must be limited to the development as lodged and it is not appropriate for Council to consider development controls for another development type as part of the assessment of DA-57/2019.

Secondly, a Development Control Plan cannot be amended through the Development Application process. Development Control Plans are made and amended in accordance with Division 3.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). In this regard, Section 3.42 of the EP&A Act 1979 states:

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
- (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
 - (b) *facilitating development that is permissible under any such instrument,*
 - (c) *achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

Based on Section 3.42 of the EP&A Act 1979 above, the *Inverell Development Control Plan 2013* is not a statutory document. It is a guiding document only, subservient to the *Inverell Local Environmental Plan 2012*. The *Inverell Development Control Plan 2013* has no power to prohibit a development, which is permissible with consent under the *Inverell Local Environmental Plan 2012*.

The Ross Hill Heritage Conservation Area, which includes Davey Street, is zoned R1 General Residential under the *Inverell Local Environmental Plan 2012*. On 12 June 2019, the Civil and Environmental Services Committee considered a report in relation to Infill Development. This report noted:

- Item 4.3 Page 28 of the Committee Business Paper – *In reviewing the Standard Instrument – Principle Local Environmental Plan it is noted that it is mandatory for Multi Dwelling Housing, Residential Flat Buildings and Semi-detached Dwellings to be permitted with consent in the R1 General Residential Zone. Inverell Local Environmental Plan 2012 adopted the R1 Zone and the above development types are all legitimate forms of infill development subject to going through the development assessment process; and*
- Item 4.3 Page 34 of the Committee Business Paper – *The unjustified restriction of infill development would likely impact negatively on Inverell's housing market and economy; and inhibit Inverell's ability to achieve the goals contained within the New England and North West Regional Plan (sic) 2036.*

It was subsequently resolved (Res. 2019/50) at the Ordinary Meeting of Council on 26 June 2019:

That:

1. *The information regarding infill development in the township of Inverell be received and noted;*
2. *Further information be provided to the committee regarding state government planning reforms, in particular local character overlays as the matters progress; and*
3. *Given limited strategic justification, Council not seek to progress any changes in regards to planning controls for infill development at this point in time.*

In conclusion, Council is unable to provide any assurances regarding possible future dual occupancy or multi-dwelling developments in Heritage Conservation Areas. This is on the basis of:

- The *Inverell Development Control Plan 2013* is not a statutory document, which can be amended to prohibit certain development types;
- Consistent with the resolution (Res. 2019/50) at the Ordinary Meeting of Council on 26 June 2019, there is limited strategic justification for Council to progress any changes in regards to planning controls for infill development (e.g. amend the *Inverell Local Environmental Plan 2012*); and

- It should also be noted that Development Application objections, contained to a single property, does not constitute strategic justification to commence significant planning reforms.

Request for assurance that a dual occupancy or multi-dwelling housing can never be developed on proposed Lot 2

It appears that submission makers have concerns regarding the developers intentions to follow through on the construction of a single dwelling on proposed Lot 2. There appears to be the perception that the subdivision may be undertaken and then a new application lodged for a dual occupancy once the lot has been created.

Whilst Council should not pursue any changes to its planning controls, in relation to this development and the concerns of the submission makers, to provide greater certainty that a single dwelling will be constructed on proposed Lot 2, a Development Application and Construction Certificate should be approved for the dwelling on proposed Lot 2 prior to issue of a Subdivision Certificate.

This approach is also recommended as it allows Council to assess other impacts (e.g. height, streetscape, etc.) of the single dwelling within the heritage conservation area, prior to undertaking a final sign-off on the subdivision. Simply, this Development Application facilitates the end goal of an additional single dwelling in the heritage conservation area. The appearance of this dwelling has greater significance on a heritage area than a subdivision, which is an invisible line on a map. Whilst it is likely that the future dwelling will achieve compliance with Council's controls (as discussed throughout this report) and dwelling plans are not required as part of this initial Development Application, it is not unreasonable as a precaution to require a suitable dwelling to be designed and approved prior to issue of a Subdivision Certificate.

Compliance with the Outcome of Section 7.7.1 of the Inverell Development Control Plan 2013

Section 7.7.1 of the Inverell Development Control Plan 2013 relates to the subdivision of a heritage listed property and/or subdivision of land within a heritage conservation area. A submission maker has commented on their perceived non-compliance of the development with Section 7.7.1 of the Inverell Development Control Plan 2013.

It should be noted that the provisions of the Inverell Development Control Plan 2013 are structured as both an 'Outcome' and 'Acceptable Solutions'. In this regard:

- 'Outcomes' guide, but do not prescribe, how development is to be undertaken; and
- 'Acceptable Solutions' are specific measures that when applied will achieve the intent of the chapter and the outcomes for the particular development matter.

A detailed assessment of Section 7.7.1 of the Inverell Development Control Plan 2013 has been undertaken previously in this report. This assessment has determined that the development is consistent with the Acceptable Solutions and therefore satisfies the Outcome of Section 7.7.1 of the Inverell Development Control Plan 2013.

Suitability of Davey Street – Road Width, Traffic Frequency, Parking

Submission makers have raised a number of objections in relation to the suitability of Davey Street as access for this development with concerns raised in relation to road width, traffic frequency, parking access and passing of vehicles.

Council's Manager Environmental Engineering has reviewed the suitability of Davey Street, including traffic and pedestrians counts, and provided detailed comments which have been included previously in the 'Referrals' section of this report. Based on this review:

- Based on the estimate of nine (9) traffic movements per day for each dwelling with access off Davey Street (including Brae Street properties that use rear access off Davey Street), the current traffic counts based on 13 dwellings would be 117 per day. The proposed single dwelling would create an additional 9 traffic movements, taking the total to around 126 traffic movements per day, which is considered to be a light traffic volume;

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- Davey Street is two (2) way traffic, which provides the option for traffic to access from May Street or Brae Street, further diluting traffic movements throughout the street. Three (3) weeks of traffic counts were undertaken with an average daily count of 57 vehicles (confirming the dilution effect) with a mean vehicle speed of 27km/h and 85th percentile speed of 35km/h;
- The geometry of Davey Street with "T" intersections at both ends, combined with a dog leg towards the southern end calms traffic and does not encourage through traffic;
- During visual inspections of Davey Street, the traffic speeds were observed to be low for an urban residential street. No passing movements were observed due to the infrequency of vehicles using the street;
- May Street is a local street terminating at the Lookout and does not attract through traffic;
- The geometry of the narrower section of Davey Street with gentle mountable kerbs fronting the proposed development allows room for vehicles to pass and vehicles to parallel park off the roadway while still allowing safe pedestrian movements; and
- The proposed driveway location in Davey Street for proposed Lot 2 has good sight distance in all directions.

Overall, it is considered that the development has made satisfactory provision for safe pedestrian and vehicle movements without compromising the efficiency or safety of the road network. Furthermore, the proximity of the site to the CBD, schools and parks provides occupants the opportunity to walk or cycle potentially reducing traffic movements.

Pedestrian Access

Two (2) submission makers are concerned that the proposed development will significantly impact pedestrian safety in Davey Street; however, the submission makers acknowledge that:

- Pedestrians currently walk on the roadway; and/or
- Cars and pedestrians are currently sharing the verge.

Accordingly, it appears that pedestrians and vehicles have historically shared the same spaces in Davey Street with minimal conflict. Based on the traffic count data obtained between 19 April 2019 and 9 May 2019, the mean vehicle speed for Davey Street is 28km/hr, with an 85th vehicle speed of 35km/hr. These low speeds minimise potential conflicts between pedestrians and vehicles.

As previously discussed above, one (1) additional dwelling is not considered to significantly alter traffic frequency or volume in Davey Street. Furthermore, based on existing pedestrian behaviour one (1) additional dwelling will not exacerbate any issues associated with the historic pedestrian and vehicle arrangements.

Request for Consideration of Alternative Access from Brae Street (Battle-Axe Subdivision)

A submission maker has queried whether consideration has been given to accessing the development (i.e. proposed Lot 2) via Brae Street, which would require proposed Lot 2 to be redesigned into a battle-axe allotment.

In this case, it is considered that a battle-axe style subdivision off Brae Street is not achievable or desirable for 43 Brae Street as:

- There is insufficient width between the existing dwelling and side boundaries to achieve a battle-axe handle;
- The width and standard of construction of Davey Street is suitable for one (1) additional dwelling as discussed above; and
- As Davey Street is suitable for use for one (1) additional dwelling, the proposed rectangular Lot 2 is a better design outcome than a re-designed battle-axe lot.

Precedent

Concerns have been raised that the approval of this development will establish a precedent for further subdivision and/or development fronting Davey Street.

Whilst it is acknowledged that there is some limited potential for further development of Brae Street properties, no Development Applications have been lodged and Council must consider DA-57/2019 based on the current circumstances. As discussed above, it is considered that Davey Street is suitable for use by this development.

In the event that a Development Application is received for another site at a later date, that Development Application will be subject to a merit based assessment of the circumstances applicable at that point in time. Approval of DA-57/2019 will not establish a precedent for automatic approval or refusal of further Development Applications.

Public Interest

The application is not considered to be prejudicial to the public interest.

CONCLUSION

DA-57/2019 was lodged for the subdivision of the land into two (2) lots and a 'single dwelling use only' on proposed Lot 2 fronting Davey Street.

A separate Development Application will need to be approved for the erection of the dwelling on proposed Lot 2. It is considered that a suitable dwelling design can be achieved which will not adversely impact the heritage conservation area or amenity of surrounding properties; however, to provide further certainty it is recommended that condition of consent require a Development Application and Construction Certificate to be approved for the dwelling on proposed Lot 2 prior to issue of a Subdivision Certificate.

Three (3) submissions were received in response to the notification of DA-57/2019, being:


- One (1) submission requesting assurance that dual occupancies or multi dwelling housing can never be developed on the site or within the heritage conservation area. This submission is not a formal objection to DA-57/2019; and
- Two (2) submissions by way of objection, with the objections primarily relating to traffic, parking and pedestrians.

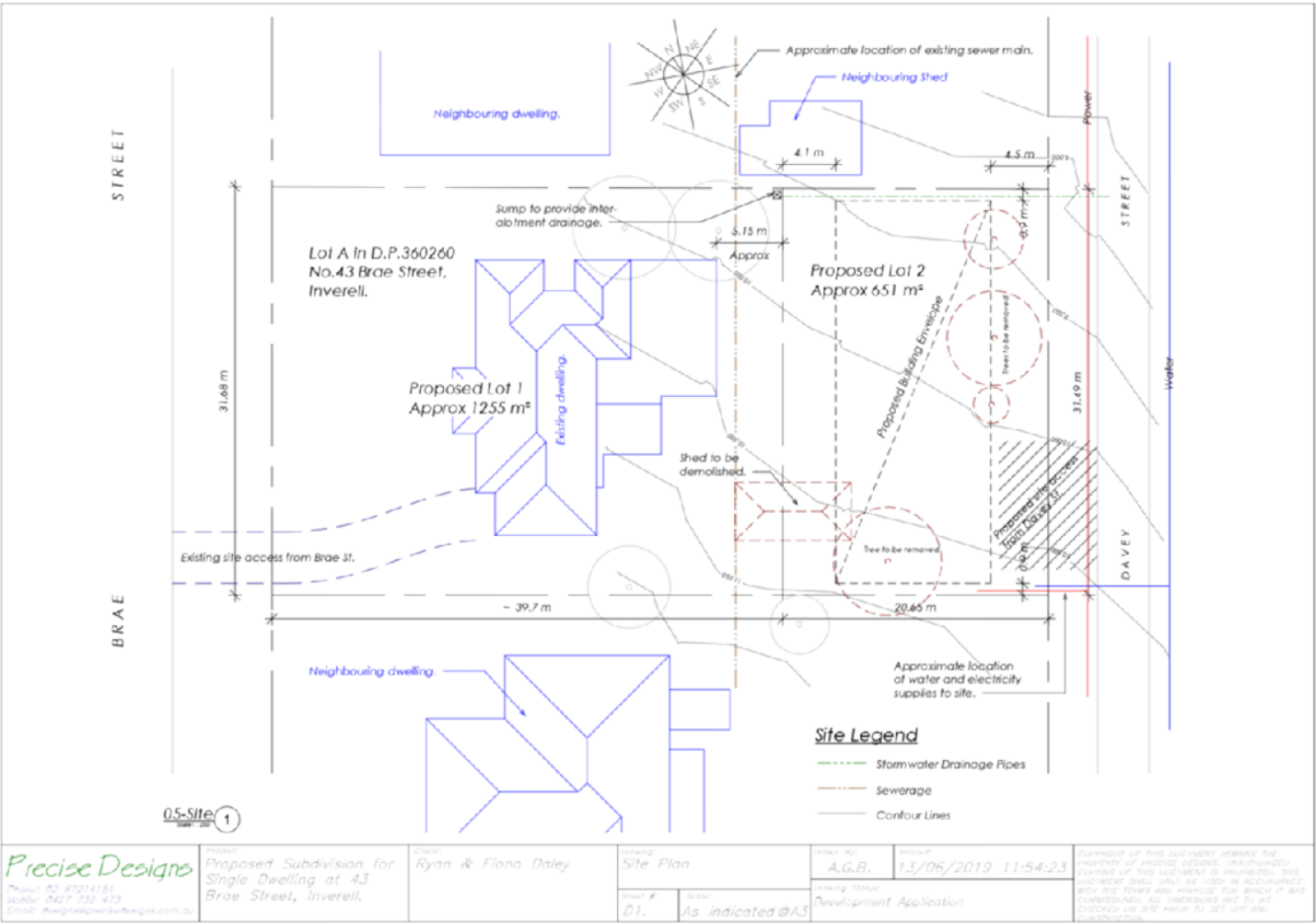
These submissions have been considered in this assessment and in response;

- The proposed development nominates a 'single dwelling' use only on proposed Lot 2. There is no proposal for dual occupancies or multi-dwelling housing on proposed Lot 2;
- There is insufficient strategic justification to commence any significant planning reforms to prohibit dual occupancy and/or multi-dwelling development within Heritage Conservation Areas or the R1 General Residential zone; and
- One (1) additional dwelling in Davey Street is not considered to significantly affect traffic volumes, pedestrian safety or parking. Davey Street has sufficient capacity to service this development and any future dwelling can incorporate on-site parking consistent with the Inverell Development Control plan 2013 and surrounding properties.

The proposed development complies with the *Inverell Local Environmental Plan 2012*, *Inverell Development Control Plan 2013* (IDCP) and applicable state planning policies. Following an assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA-57/2019 be approved subject to conditions.

ATTACHMENTS:

1. [Site Plan – DA -57/2019](#) 



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NOTICE TO APPLICANT OF DETERMINATION OF AN AMENDED DEVELOPMENT APPLICATION

Issued under the Environmental Planning & Assessment Act, 1979 Section 81(1)(a)

TO: **Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley**
OF: **18 Morley Street**
Toowong QLD 4066

being the applicant in respect of **Application No DA-57/2019/A**

Notice is hereby given of the determination by Council of **Application No. DA-57/2019/A** relating to the land owned by **Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley, of 18 Morley Street, Toowong QLD 4066** and is described as follows:

Lot A DP 360260
43 Brae Street, INVERELL 2360

The development proposal is:

One (1) into Two Lot Subdivision
Single Dwelling Use Only on Proposed Lot 2 fronting Davey Street

The determination is amended in accordance with s.96(1A) of the Environmental Planning and Assessment Act 1979 on 2 March 2020.

This consent expires five (5) years from **24 July 2019** in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

PRELIMINARY

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning and Assessment Act 1979. Consent is granted for:

- One (1) into two (2) lot subdivision;
- Single dwelling use only on proposed Lot 2 fronting Davey Street.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).

DURING SUBDIVISION WORKS

3. All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.
4. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

Administration Centre, 144 Otho Street (PO Box 138), Inverell NSW 2360
Ph: 02 6728 8288 Fax: 02 6728 8277 DX 6159
council@inverell.nsw.gov.au

- The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work;
 - Precautions are to be taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes; and
 - The site shall be sealed off at all times against the unauthorised entry of persons or vehicles.
5. All utilities are to be disconnected from the outbuilding and capped to the satisfaction of the relevant authority.
6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:
- Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
 - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

7. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the Environmental Planning and Assessment Act 1979. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.
- ~~8. Prior to issue of a Subdivision Certificate, separate Development Consent and a Construction Certificate must be obtained for the construction of a dwelling on proposed Lot 2.~~
9. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
- An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.
 - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.

10. Prior to issue of a Subdivision Certificate, the roof water from the existing dwelling on proposed Lot 1 must be redirected to Brae Street.

11. Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be provided along the common boundary of proposed Lots 1 and 2.

Prior to construction of this inter-allotment drainage, plans of the inter-allotment drainage, prepared by a suitably qualified engineer, are to be submitted to and approved by Council. These plans are to show piped and surface drainage paths, including kerbs as necessary beneath fences, to direct drainage to Davey Street.

12. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply and a sewer junction for Lot 2. This will require payment to Council of:

- A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
- A sewer junction fee in accordance with Council's fees and charges.

13. A 3m easement over Council's sewer main and the sewer connection to Lot 2 is to be shown on the plan of subdivision and dedicated in favour of Council.

14. Prior to issue of a Subdivision Certificate, the existing water service in Davey Street is to be disconnected from the dwelling and relocated to serve Lot 2.

15. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply and new water connection for the existing dwelling on Lot 1. This will require payment to Council of:

- A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement; and
- A water connection fee in accordance with Council's fees and charges.

16. Prior to the issue of a Subdivision Certificate, a Community Services Contribution must be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

17. Prior to issue of a Subdivision Certificate, a concrete access crossing is to be constructed from the kerb in Davey Street to the boundary of Lot 2. The location of the access is to be in accordance with the approved plan. Prior to the commencement of this work the applicant is required to:

- Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and
- Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.

The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

All work is to be completed to the standard approved by Council, at the applicant's expense.

18. Prior to the issue of a Subdivision Certificate, the plan of subdivision and section 88B instrument under the Conveyancing Act 1919 must establish the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify:

- (a) No more than one (1) dwelling house may be constructed on proposed Lot 2; and
- (b) No dwelling may be constructed on proposed Lot 2 unless it complies with the Inverell Development Control Plan 2013.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



CHRIS FALEY
DEVELOPMENT SERVICES COORDINATOR
DATE : 2 March 2020

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

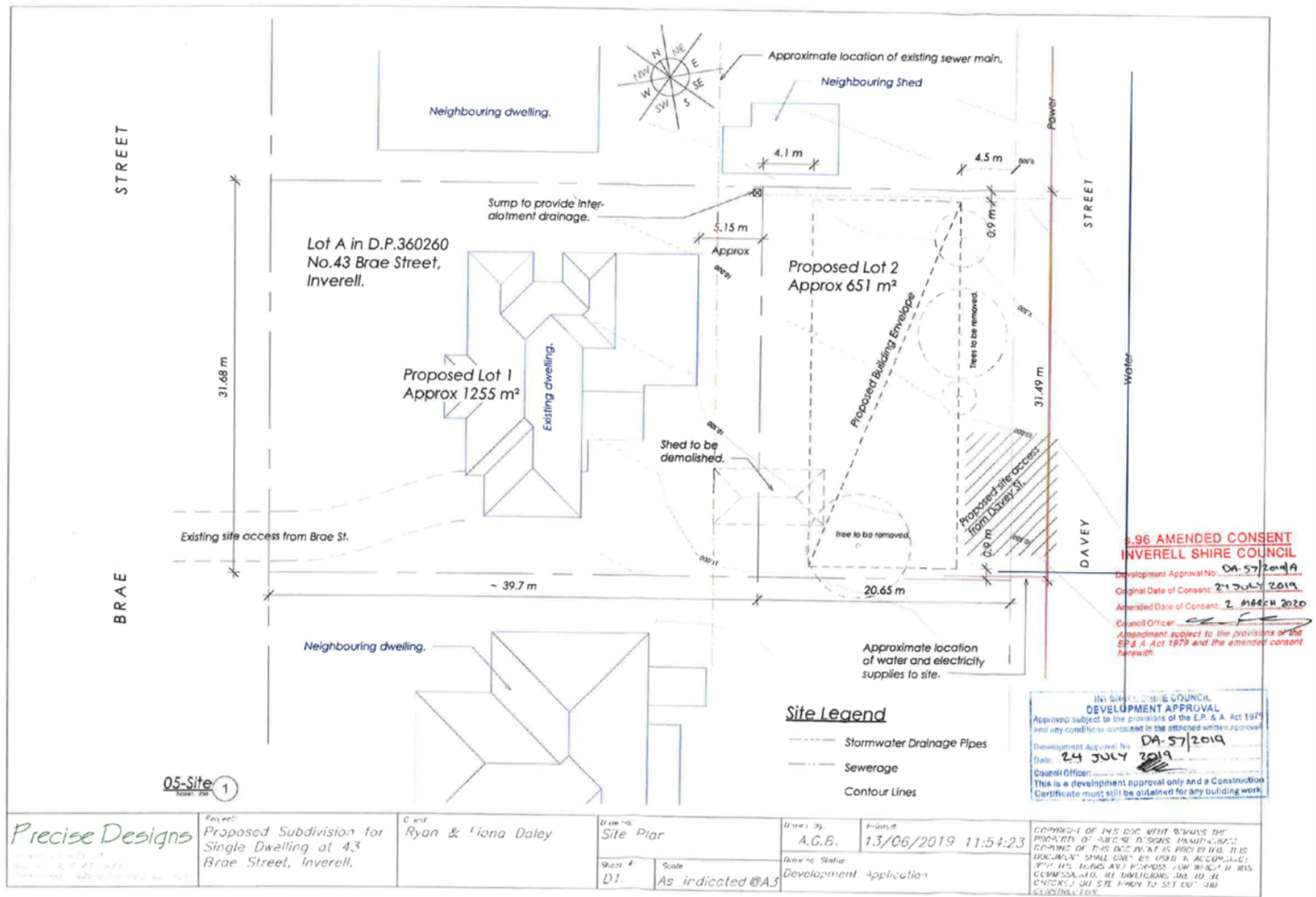
1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
1. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
2. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - state that unauthorised entry to the work site is prohibited.

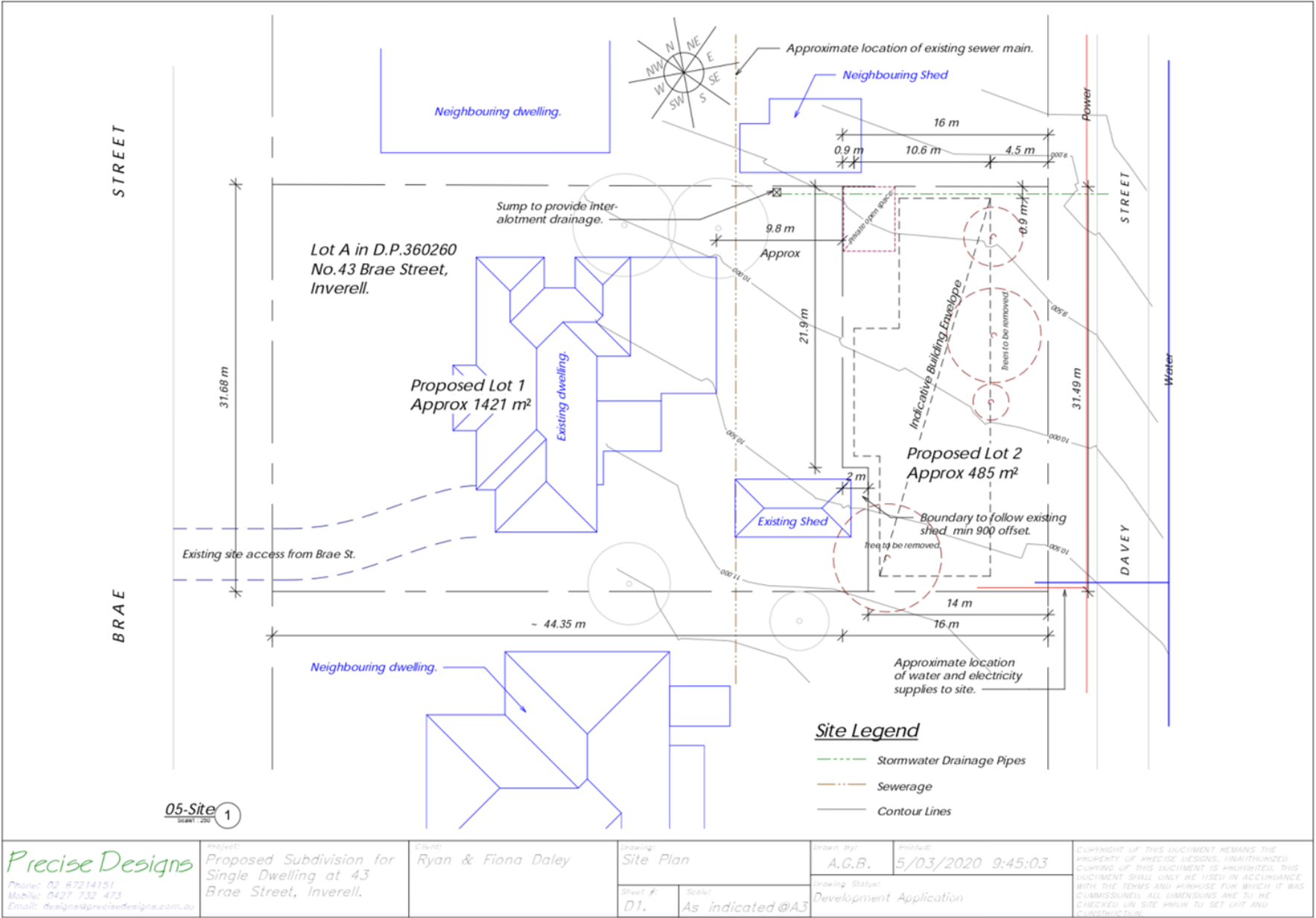
The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

3. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

4. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.





9.4 2020 GENERAL LAND REVALUATIONS**File Number: S25.12.11 / 20/13146****Author: Paul Pay, Manager Financial Services****SUMMARY:**

The NSW Valuer General (VG) has now provided Council with the 2019 General Valuations for the 8,830 rateable and non rateable properties within the Inverell Shire. The following information is provided for your information.

RECOMMENDATION:

That the report be received and noted.

COMMENTARY:

The Office of the Valuer General has issued to Council the valuation details of the 2019 general valuation; the base date for valuations is now 1 July, 2019. New land values are issued to Council every three (3) years. These land values will be used for rating purposes from 1 July, 2020.

Valuation notices will be issued to all ratepayers by the VG from 16 April, 2020. Ratepayers are able to lodge objections to their land value if they are dissatisfied, by the date specified on the notice, which is 60 days from receiving the notice, however in the past the VG has been more flexible about these deadlines.

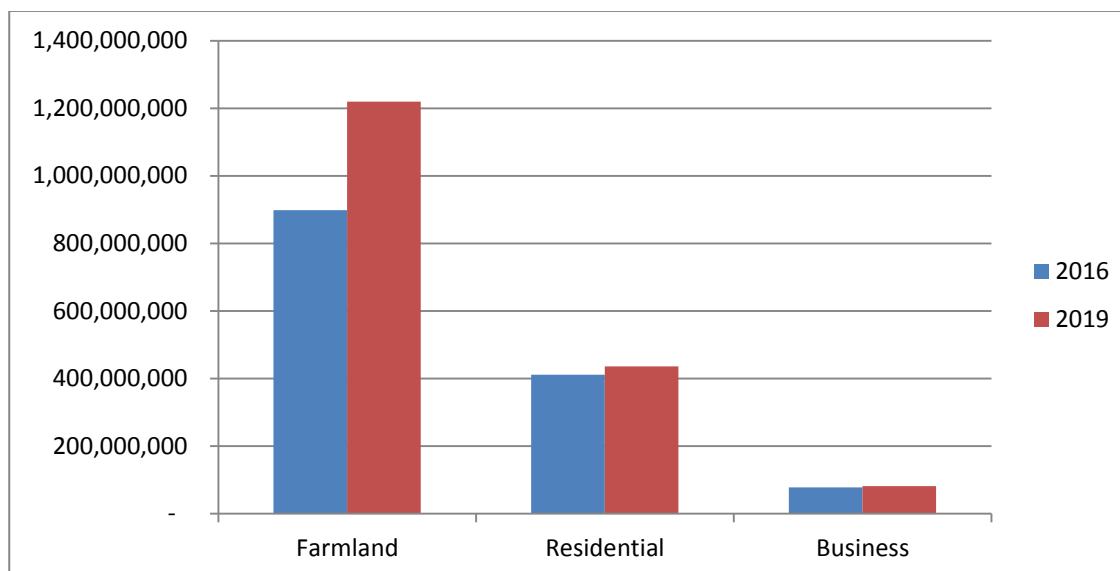
1. GENERAL INFORMATION – SHIRE WIDE ANALYSIS

The total rateable land value for the Inverell Shire has increased by \$347,498,612. Prior to the 2019 revaluation, the total land value was \$1,389,025,296. It is now \$1,736,523,908. This represents a total Shire increase of 25.02%.

Council's 8,546 rateable properties had land valuation movements as follows:

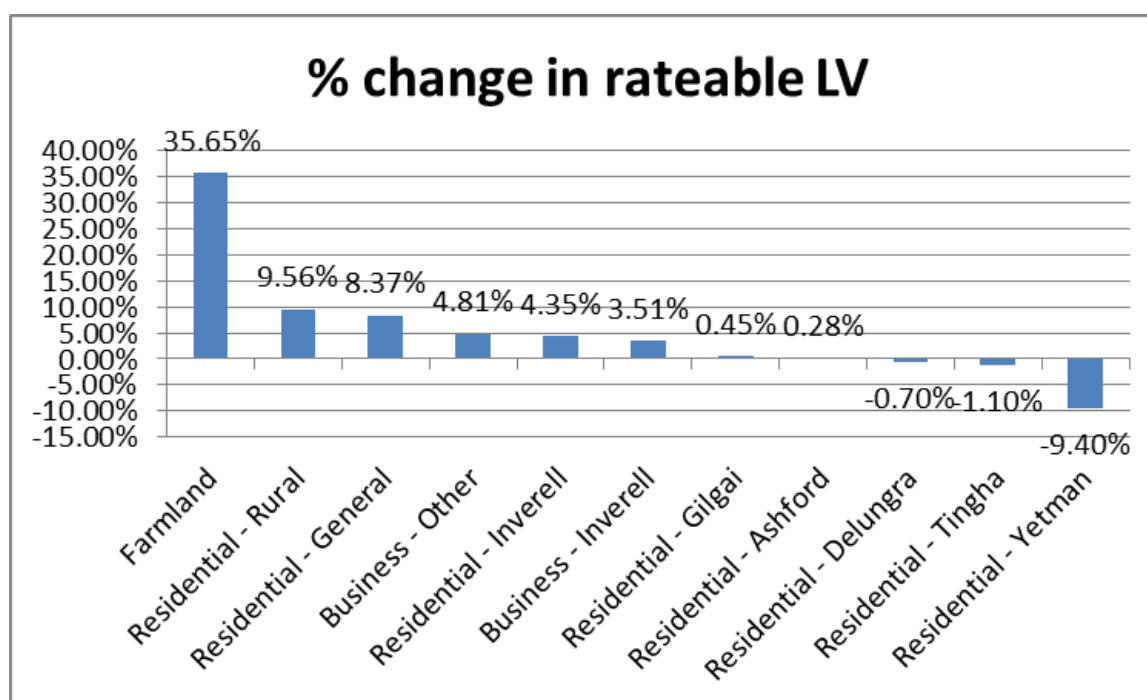
- 285 properties decreased in land value;
- 1,714 did not change at all; and
- 6,547 increased in land value.

Council's rateable properties are categorised into one of four (4) categories: business, farmland, residential, and mining. It is noted that Council has no properties in the category of mining. Land values for the 2016 and the 2019 base dates by rate category are provided for comparative purposes below.



1.1 General information – Increase/decrease in Land Value (LV) by Rate category

Analysis has been conducted within each rate category. The below graph illustrates the increase/decrease for each rate category and sub category.



2. IMPACT ON RATING

Some ratepayers may be impacted by more significant rates increases if their individual valuation increases more than their respective rate category average. Similarly, if the property land value decreases substantially less than their rate category average, a decrease in rates may occur.

A guide to understanding rates calculations is provided as an attachment to this report.

Council has conducted some analysis, based on preliminary rates estimates for 2020/21, the analysis on each category has been provided below. This analysis has been conducted only on the general rates (base and ad valorem) including the allowable rate peg of 2.6% for 2020/21; it does not include service charges, i.e. water, sewer, garbage and non rateable properties.

3. **FARMLAND ANALYSIS**

The assessments assigned to the Farmland rating category have seen significant increases in their land value (from \$898.7M to \$1.2B). The percentage increase of individual assessments is not uniform and this has resulted in significant fluctuations in rating for individual properties. An analysis indicates:

- The 2016 average Farmland property valuation was \$598,746.
- In 2019 the average Farmland property valuation was \$811,108, a 35.46% increase.
- Based on the 2020/21 estimates the average Farmland property will pay \$3,068 in general rates as opposed to the previous year of \$3,000.

The farmland category, which has 1,503 properties, has significant variations in land values, these range from \$17,400 (93.86ha) to \$33,800,000 (7,826.108ha). Farmland ratepayers will see significant movement in general rates based on the individual valuation property movements.

The largest LV% increase is for a property located at Atholwood (40.48 HA), increasing from \$10,800 to \$60,200, which is a 457% increase. While this percentage increase is large, based on the 2020/21 rates estimates, the property will increase in rates by \$165.

The largest increase in dollar terms will be a 7826.108ha property located in the Bukkulla district. The valuation has increased by 103.61%; the general rates will increase by 53%, which will be an approximate \$41,530 increase. This is also the largest valuation held in the Shire; this property has a land value of \$33,800,000, which has estimated 2020/21 general rates of \$119,000.

A significant number of farmland properties will see a decrease in general rates in 2020/21. This has been contributed by 40 properties decreasing in value, 28 not changing at all, 645 properties increasing between 15 and 25%.

<i>1079 will see a reduction in general rates</i>		<i>424 will see an increase in general rates</i>	
	Total LV		Total LV
2016	458,563,618	2016 LV	440,831,930
Average property 2016	425,384	Average property 2016	1,037,252
2019	556,697,095	2019 LV	662,541,617
Average property 2019	516,417	Average property 2019	1,558,921
Average LV % change	17.19%	Average LV % change	49.25%
Average rating decrease	\$162.08	Average rating increase	\$656.36

3.1 **Farmland decreases**

In total, 1079 properties will decrease in rates. The individual farmland decreases in general rates, range from \$1.82 to \$3,202, with the average decrease being \$163. The following movement in rates are noted:

- 473 properties will decrease between \$0 and \$100;
- 435 will decrease annually between \$100 and \$250;
- 134 will decrease annually between \$250 and \$500;
- 29 will decrease annually between \$500 and \$1500, and
- 8 will decrease annually above \$1500 (\$3,202; \$2,696; \$2,306; \$2,078; \$1,961; \$1,887; \$1,716; \$1,556).

3.2 Farmland increases

In total, 424 properties will increase in rates. It should be noted that the combined land value of these properties contributes 54.29% of the total farmland category land value. The following movement in rates are noted:

- 3 properties will increase annually more than \$8,000 (\$41,528; \$15,949; \$15,605);
- 5 properties will increase annually between \$3,000 and \$8,000;
- 9 properties will increase annually between \$2,000 and \$3,000;
- 20 properties will increase annually between \$1,500 and \$2,000;
- 87 will increase annually between \$500 and \$1500;
- 81 will increase annually between \$250 and \$500;
- 93 will increase annually between \$100 and \$250, and
- 126 will increase between \$0 and \$100.

3.3 Farmland – Inverell Armidale Boundary adjustment

Farmland properties that became part of the Inverell Shire Council on 1 July, 2019, were declared as Farmland. Within the Inverell Shire Council rating structure, only one farmland rate is permitted.

Sixteen (16) farmland ratepayers had a rating increase of more than \$1,000 in 2019/20, five (5) of these will once again be impacted in 2020/21, with a rating increase more than \$1,000. The other eleven (11) ratepayers will have increase, below \$1,000 or a rating reduction, as shown below.

Assessment	Locality	LV change	\$ General rates increase/decrease	% General rates increase/decrease
115104	Georges Creek	42.19%	\$2,966.65	7.48%
114301	Georges Creek	92.63%	\$2,010.90	43.45%
114583	Tingha	68.18%	\$1,385.75	26.03%
114298	Georges Creek	92.79%	\$1,177.93	42.11%
114333	Georges Creek	54.48%	\$1,044.45	16.23%
115101	Tingha	66.90%	\$851.72	24.52%
115117	Bundarra	46.09%	\$621.55	10.09%
114303	Georges Creek	45.85%	\$616.52	18.75%
114316	Bundarra	45.69%	\$295.05	9.44%
114382	Stanborough	41.99%	\$185.56	6.77%
114383	Tingha	38.40%	\$159.11	4.37%
114334	Tingha	37.94%	\$118.54	3.99%
114315	Tingha	35.25%	\$73.37	2.13%

114300	The Basin	18.92%	-\$259.13	-9.26%
114314	Bassendean	18.00%	-\$499.10	-10.27%
114310	Bundarra	11.56%	-\$2696.45	-15.44%

4. RESIDENTIAL AND BUSINESS RATE CATEGORIES

All ratepayers within each category whose land values vary (above or below) from the “average land value” for that category will see a significant movement in their rates. A brief summary of each has been included below. Most village categories have remained stagnant.

4.1 Residential Rural Analysis

The Residential Rural category had an increase in total land value of 9.56%, (from \$113,189,870 to \$124,006,160). An analysis indicates:

- The 2016 average Residential Rural property valuation was \$116,932.
- In 2019 the average Residential Rural property valuation was \$128,106, a 9.51% increase.
- Based on the 2020/21 estimates, the average Residential Rural property will pay \$1,073 in general rates as opposed to the previous year of \$1,043.
- 299 properties will decrease in general rates, four (4) between \$400 and \$940.
- 669 properties will increase in general rates, with no properties' rates rising more than \$475.

The largest LV % increase is for a property located at Old Mill (7.38ha), increasing from \$30,000 to \$55,000, which is an 83.33% increase. While this percentage increase is large, based on the 2020/21 rates estimates, the property will increase annually in general rates by \$154.

The largest increase in dollar terms will be a 25.79ha property located on the Yetman Road. The valuation has increase by 53.33%; the general rates will increase by 37.09%, which will be an approximate \$473 annual increase.

4.2 Residential General Analysis

The Residential General category had an increase in total land value of 8.37%, (from \$22,501,740 to \$24,384,730). An analysis indicates:

- The 2016 average Residential General property valuation was \$48,495.
- In 2019 the average Residential General property valuation was \$52,104, a 7.44% increase.
- Based on the 2020/21 estimates, the average Residential General property will pay \$729 in general rates as opposed to the previous year of \$717.
- 185 properties will decrease in general rates, two (2) between \$200 and \$470.
- 286 properties will increase in general rates, with no properties' rates rising more than \$450.

The largest LV % and dollar amount increase is for a property located on Alsace Road (1ha), increasing from \$56,600 to \$105,000, which is an 85.51% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$442.

4.2 Residential Inverell Analysis

The Residential Inverell category had an increase in total land value of 4.35%, (from \$264,379,777 to \$275,889,561). An analysis indicates:

- The 2016 average Residential Inverell property valuation was \$63,992.
- In 2019 the average Residential Inverell property valuation was \$66,704, a 4.35% increase.
- Based on the 2020/21 estimates, the average Residential Inverell property will pay \$1,173 in general rates as opposed to the previous year of \$1,144.

Decreases in general rates

- 434 properties will decrease in general rates by less than \$20
- 42 properties will decrease in general rates, between \$20 and \$100,
- 34 properties will decrease in general rates, between \$100 and \$300,
- 13 properties will decrease in general rates, between \$300 and \$500
- 7 properties will decrease in general rates, between \$500 and \$1000
- 1 properties will decrease in general rates, by \$5288

Increases in general rates

- 1848 properties will increase in general rates by less than \$20;
- 1172 properties will increase in general rates, between \$20 and \$50;
- 316 properties will increase in general rates, between \$50 and \$100;
- 246 properties will increase in general rates, between \$100 and \$200;
- 36 properties will increase in general rates, between \$200 and \$500.
- 4 properties will increase in general rates, between \$500 and \$667.

The largest decrease in dollar terms is for a property located in Mather Street (3.521ha), decreasing from \$606,000 to \$240,000, which is a -60.40% decrease. Based on the 2020/21 rates estimates, the property will decrease in general rates by \$5,288.

The largest increase in dollar terms will be a property located in Woodland Avenue. The valuation has increased from \$108,000 to \$156,000, which is a 44.44% increase; the general rates will increase by 37.57%, which will be an approximate \$667 annual increase.

The largest LV % increase is a strata complex in Evans St, increasing from \$4,710 to \$16,300, which is a 246.07% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$164.

4.4 Residential Ashford Analysis

The Residential Ashford category had an increase in total land value of 0.28%, (from \$3,094,180 to \$3,102,720). An analysis indicates:

- The 2016 average Residential Ashford property valuation was \$12,182.
- In 2019 the average Residential Ashford property valuation was \$12,215, a 0.27% increase.
- Based on the 2020/21 estimates, the average Residential Ashford property will pay \$564 in general rates as opposed to the previous year of \$550.
- One (1) property will decrease in general rates by \$21.

- 220 properties will increase in general rates by less than \$20
- 33 properties will increase in general rates, between \$20 and \$52

The largest increase in dollar terms will be a property located in Inverell Street. The valuation has remained unchanged; the general rates will increase by approximate \$52 annually.

The largest LV % increase is for a property located in Sinclair Street, increasing from \$2,680 to \$3,240, which is a 20.90% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$18.50.

4.5 Residential Tingha Analysis

The Residential Tingha category had a decrease in total land value of -1.10%, (from \$1,156,135 to \$1,143,385). An analysis indicates:

- The 2016 average Residential Tingha property valuation was \$4,129.
- In 2019 the average Residential Tingha property valuation was \$4,069, a -1.45% decrease.
- Based on the 2020/21 estimates, the average Residential Tingha property will pay \$533 in general rates as opposed to the previous year of \$522.
- Two (2) properties will decrease in general rates, one by \$22 and one by \$683.
- 207 properties will increase in general rates by less than \$20
- 68 properties will increase in general rates, between \$20 and \$50
- 3 properties will increase in general rates, between \$50 and \$94

The largest decrease in dollar terms is for a property located on Darbys Road, decreasing from \$19,000 to \$9,000, which is a -52.63% decrease. Based on the 2020/21 rates estimates, the property will decrease in general rates by \$683.

The largest increase in dollar terms and LV % will be a property located on the Guyra Road. The valuation has increased by 22.22%; the general rates will increase by 17.05%, which will be an approximate \$94 annual increase.

4.6 Residential Gilgai Analysis

The Residential Gilgai category had an increased in total land value of 0.45%, (from \$3,515,600 to \$3,531,400). An analysis indicates:

- The 2016 average Residential Gilgai property valuation was \$32,552.
- In 2019 the average Residential Gilgai property valuation was \$32,698, a 0.44% decrease.
- Based on the 2020/21 estimates, the average Residential Gilgai property will pay \$658 in general rates as opposed to the previous year of \$642.
- 89 properties will increase in general rates by less than \$20
- 15 properties will increase in general rates, between \$20 and \$50
- 4 properties will increase in general rates, between \$50 and \$95

The largest increase in dollar terms will be a property located in Park Street. The valuation has increased from \$60,000 to \$65,100, which is an 8.50% increase; the general rates will increase by 9.54%, which will be an approximate \$95 annual increase.

The largest LV % increase is for a property located on Old Stannifer Road, increasing from \$24,000 to \$28,500, which is an 18.75% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$71.

4.7 Residential Delungra Analysis

The Residential Delungra category had a decrease in total land value of -0.70%, (from \$3,022,460 to \$3,001,390). An analysis indicates:

- The 2016 average Residential Delungra property valuation was \$20,016.
- In 2019 the average Residential Delungra property valuation was \$19,877, a 0.69% decrease.
- Based on the 2020/21 estimates, the average Residential Delungra property will pay \$588 in general rates as opposed to the previous year of \$573.
- One (1) property will decrease in general rates, by \$532.
- 127 properties will increase in general rates by less than \$20
- 22 properties will increase in general rates, between \$20 and \$52
- One (1) property will increase in general rates, by \$136.

The largest decrease in dollar terms is for a property located in Inverell Street, decreasing from \$33,400 to \$2,630, which is a -92.13% decrease. Based on the 2020/21 rates estimates, the property will decrease in general rates by \$532.

The largest increase in dollar terms and LV % change will be a property located in Inverell Street. The valuation has increased from \$9,500 to \$16,500, which is a 73.68% increase; the general rates will increase by 34.86%, which will be an approximate \$136 annual increase.

4.8 Residential Yetman Analysis

The Residential Yetman category had a decreased in total land value of -9.40%, (from \$1,000,240 to \$906,180). An analysis indicates:

- The 2016 average Residential Yetman property valuation was \$15,155.
- In 2019 the average Residential Yetman property valuation was \$13,730, a 9.40% decrease.
- Based on the 2020/21 estimates, the average Residential Yetman property will pay \$579 in general rates as opposed to the previous year of \$565.
- 17 properties will decrease in general rates, by no more than \$96.
- 45 properties will increase in general rates, between \$0 and \$44
- 4 properties will increase in general rates, between \$44 and \$101

The largest increase in dollar terms will be a property located in MacIntyre Street (6320m²). The valuation has remained unchanged; the general rates will increase by 11.34%, which will be an approximate \$101 annual increase.

The largest LV % increase is for a property located on Yetman West Road, increasing from \$1,900 to \$2,300, which is a 21.05% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$17.

4.9 Business – Inverell Analysis

The Business Inverell category had an increased in total land value of 3.51%, (from \$58,415,081 to \$60,466,119). An analysis indicates:

- The 2016 average Business Inverell property valuation was \$142,476.
- In 2019 the average Business Inverell property valuation was \$147,839, a 3.76% increase.

- Based on the 2020/21 estimates, the average Business Inverell property will pay \$5,925 in general rates as opposed to the previous year of \$5,756.

Decreases in general rates

- 45 properties will decrease in general rates by less than \$20
- 68 properties will decrease in general rates, between \$20 and \$50,
- 14 properties will decrease in general rates, between \$50 and \$100,
- 4 properties will decrease in general rates, between \$100 and \$290,
- 4 properties will decrease in general rates, between \$290 and \$1315,

Increases in general rates

- 11 properties will increase in general rates by less than \$50
- 39 properties will increase in general rates, between \$50 and \$100
- 116 properties will increase in general rates, between \$100 and \$200.
- 46 properties will increase in general rates, between \$200 and \$300.
- 23 properties will increase in general rates, between \$300 and \$400.
- 19 properties will increase in general rates, between \$400 and \$600.
- 13 properties will increase in general rates, between \$600 and \$825.
- 3 properties will increase in general rates, between \$1,000 and \$1,310.
- 3 properties will increase in general rates, between \$1,640 and \$1,950.
- 1 property will increase by \$2,445.

The largest increase in dollar terms will be a property located in Rivers Street. The valuation has increased from \$235,000 to \$300,000 which is a 27.66% increase; the general rates will increase by 26.14%, which will be an approximate \$2,444 annual increase.

The largest LV % increase is for a strata property located in Otho St, increasing from \$4,710 to \$24,450, which is a 419.11% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$760.

4.10 Business - Other Analysis

The Business Other category had an increased in total land value of 4.81%, (from \$20,032,121 to \$20,996,551). An analysis indicates:

- The 2016 average Business Other property valuation was \$108,282.
- In 2019 the average Business Other property valuation was \$113,495, a 4.81% increase.
- Based on the 2020/21 estimates, the average Business Other property will pay \$3,238 in general rates as opposed to the previous year of \$3,153.
- One (1) property will decrease in general rates by \$1,185
- 19 properties will decrease in general rates, between \$100 and \$1,000
- 78 properties will decrease in general rates, between \$0 and \$100.
- 88 properties will increase in general rates; of these 7 will increase between \$1,000 and \$2,775.

The largest decrease in dollar terms is for a Council owned property on the Auburn Vale Road, decreasing from \$50,000 to \$6,300, which is a -87.40% decrease. Based on the 2020/21 rates estimates, the property will decrease in general rates by \$1,185.

The largest increase in dollar terms will be a property located at Matheson. The valuation has increased from \$349,000 to \$460,000 which is a 31.81% increase; the general rates will increase by 28.71%, which will be an approximate \$2,775 annual increase.

The largest LV % increase is for a Council owned property on Burtenshaw Road, increasing from \$35,000 to \$84,000, which is a 140% increase. Based on the 2020/21 rates estimates, the property will increase in general rates by \$1,284.

CHIEF FINANCIAL OFFICERS COMMENT:

The new land Values as provided by the Valuer General with a base date of 1 July, 2019 will be used to calculate the 2020/21 General Rates.

LEGAL IMPLICATIONS:

ATTACHMENTS:

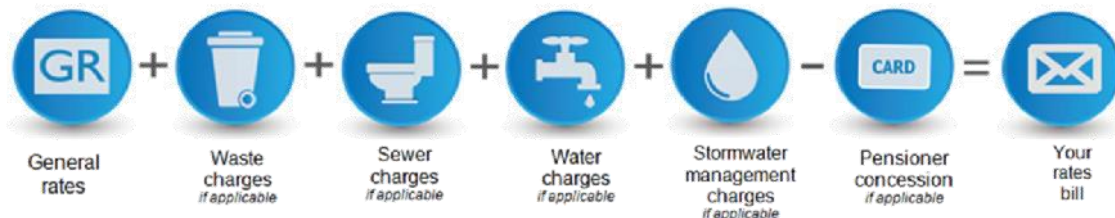
1. **A Guide to Understanding Rates 2020-2021**



A guide to understanding your 2020/21 Land Rates



How your rates bill is calculated



What are land rates? Land rates are a levy billed each financial year to fund the services and facilities provided by Council, other than roads. Rates are calculated on the value of land, and do not include any improvements such as buildings.

Why do I have to pay rates? The funds collected in annual rates enable Council to help the local community to run smoothly. Council administers various laws and regulations to help maintain and improve services and facilities for the community. These services include community services, sporting and recreation services, environmental planning, local infrastructure, public health, environmental protection and waste collection, treatment and disposal.

Does Council receive more money if my land value increases?

No, the income council can make from rates is capped in a process called rate pegging. Council must ensure that our total income received from rates does not grow past the limit set by IPART. Regardless of any land valuation movements and changes, Councils rating income can not exceed the rate peg increase.



Who decides the amount I have to pay? - The total amount of income that a council can raise from certain rates and charges is limited. This is called the rate peg percentage. The rate peg is determined on an annual basis, by the Independent Pricing and Regulatory Tribunal (IPART).



Rate Categories - All rateable land must be declared as Residential, Business, Farming or Mining, in accordance with the *Local Government Act*.

From this declaration, Council may adopt sub categories; Council currently has 12 in total.

An example of each rate category and the general rates charged is provided below for 2020/21:

Rate Category	Land Value example*	Cents in the \$	Ad valorem total	Base amount	Total General Rates
	LV	x	=	+	
Residential - Inverell	66,704	0.0142150	948.20	225.00	\$ 1,173.20
Residential - General	52,104	0.0096753	504.12	225.00	\$ 729.12
Residential - Ashford	12,215	0.0277640	339.15	225.00	\$ 564.15
Residential - Delungra	19,877	0.0182393	362.54	225.00	\$ 587.54
Residential - Gilgai	32,698	0.0132520	433.32	225.00	\$ 658.32
Residential - Yetman	13,760	0.0258040	355.07	225.00	\$ 580.07
Residential - Tingha	4,069	0.0758100	308.47	225.00	\$ 533.47
Residential - Rural	128,106	0.0066170	847.67	225.00	\$ 1,072.67
Farmland	811,108	0.0035050	2842.93	225.00	\$ 3,067.93
Business – Inverell	147,839	0.0385550	5699.93	225.00	\$ 5,924.93
Business – Other	113,495	0.0265500	3013.29	225.00	\$ 3,238.29
Mining	0	0.0265500		225.00	\$ 225.00



Why are my rates different to my neighbour?

General rates are made up of two components – a base amount and a variable rate or ad valorem rate (in proportion to the value). The ad valorem rate is set by Council, for each category and sub category; this rate is then multiplied by your land value.



FREQUENTLY ASKED QUESTIONS

My rates went up more than the rate-peg percentage? *Yes, that is possible, as the Rate pegging applies to a council's overall general income and not to rates on individual properties. Your rates bill is determined by your land value.*

Will my rates increase because my land value has increased? *Possibly, but not necessarily. If the value of your land has increased by a greater percentage than other properties in your rate category, then your rates will increase. If your land value had increased by a lesser percentage than other properties in your rate category, your rates could stay the same or even be reduced.*

Will my rates decrease because my land value has decreased? *Not always. If all properties within that rate category have also decreased at the same rate, no changes in rating would be seen. A decrease in rates would only occur, if the valuation decrease was below the average for the shire or the rate category.*



Annual Charges

Annual Water Charge – All rateable land that is situated within 225 metres of a water pipe of the council is subject to the annual water availability charge, whether connected or not. The charge for this year is \$375.00 per year, or per connected meter. \$340 for ratepayers affected by the ARC boundary adjustment.



Garbage Collection – Council charges an annual charge for domestic waste management on all land that is serviced by the Garbage Collection Service. The occupied rate is \$340 per year, which includes one 240L waste collection per week, and one recycle collection per fortnight. Undeveloped (vacant) land that is within the serviced area is subject to a \$60 charge. \$325 (140l) for ratepayers affected by the ARC boundary adjustment.

The annual waste management charge is levied on all rateable land within the Shire. Income from the Annual Waste Management Charge is utilised to directly offset part of the substantial costs associated with the management and maintenance of Council's Waste Depots and associated programs. The Annual Waste Management Charge for this year is \$90 per assessment. \$75 for ratepayers affected by the ARC boundary adjustment.

Annual Sewer Charge (residential) All Residential properties that are situated within 75 metres of a sewer main connected or not, are charged the Annual Sewer Charge, of \$525. Different sewer rates apply for flats, units, duplex's and commercial properties.



Storm water Management Charge – For all properties within the urban area, \$25 is charged per residential assessment, \$12.50 per Residential Strata lot and \$25.00 for Business Premises for each 350 square meters or additional part thereof, subject to a maximum on Business Premises of \$250.

When do I have to pay my rates and charges?

Rates and charges notices are issued in July each year. There are two options available to pay your rates and charges:

- Option 1 – Pay in full by 31 August each year
- Option 2 – Pay by quarterly installments due on, 31 August, 30 November, 28 February, 31 May

How can I pay my rates?

	At Council	Yetman RTC	Ashford RTC	Mail	B Pay	Phone	Website
Cash	✓	✓	✓				
Credit Card* (Visa, Mastercard)	✓				✓	✓	✓
Cheque	✓	✓	✓	✓			
Money order	✓	✓	✓	✓			
EFTPOS / Debit card	✓				✓		
Direct Debit	✓						
Centerpay	✓						
*A merchant fee does apply – excluding bpay							

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9.5	2020/2021 DRAFT ESTIMATES AND OPERATIONAL PLAN, AND LONG TERM FINANCIAL PLAN
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File Number: S12.5.3 / 20/12253

Author: Paul Pay, Manager Financial Services

SUMMARY:

The purpose of this report is to consider the draft 2020/2021 Operational Plan and Budget, the Long Term Financial Plan and to make a recommendation to Council in this matter.

RECOMMENDATION:

1. That the following works be funded from the Urban Works Vote and be included in the 2020/2021 Budget:

i) Inverell and Villages - Urban Renewal and Upgrade General Fund, Water Fund

Project subject to a further report to Civil and Environmental Committee \$525.687K \$ 0K

ii) Footpaths and Cycleway Construction \$45K

\$ for \$ Contribution to PAMP Program

(Subject to RMS approving the 2020/2021 Program)

iii) Village Works – Community suggested projects

Ashford	\$7.54K
Delungra	\$7.54K
Gilgai	\$7.54K
Yetman	\$7.54K
Tingha	\$7.54K
Oakwood	\$1.54K
Bonshaw	\$1.12K
Graman	\$1.12K
Nullamanna	\$1.12K
Elsmore	\$1.12K
Stannifer	\$1.12K
Gum Flat	\$1.12K

2. That:

- i) the budget allocations of \$2.22M for the 2020/2021 ACRD Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the funding allocations and individual works proposed to be undertaken under this program;
- ii) the budget allocations of the \$160K RMS Supplementary Block Grant Program be the subject of a further report to the Civil and Environmental Services Committee Meeting;
- iii) the budget allocation of \$2.1M for the 2020/2021 Roads to Recovery Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the specific projects to be funded;
- iv) the budget allocation of \$2.9M for the 2020/2021 Block Grant Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the specific projects to be funded; and
- v) the budget allocation of \$555.8K for the RMS Repair Program be endorsed and a report on the projects for the RMS approved Repair Program for 2020/2021 be presented to the Civil and Environmental Services Committee once advice has

3. That Council utilises the maximum permissible rate increase allowed by IPART of 2.6%.

i) Council provide an allocation of \$150K for joint industry promotions and assistance;

- Local Government Elections \$ 135K

- *Inverell Swimming Pool Redevelopment* \$ 360K

iv) A further report be presented to the Civil and Environment Committee in respect of the specific projects to be funded under the Special Projects – Roads Infrastructure Fund;

v) *the transfers to and from Internally Restricted Assets be endorsed; and*

vi) *the list of inclusions as included in the 2020/2021 draft Operational Plan/Budget and listed in section 4.2.2 & 4.2.3 of the report be endorsed.*

i) The following rating categories be utilised for the 2020/2021 rating year:

Residential – Inverell

Residential – General

Residential – Ashford

Residential – Delungra

Residential – Gilgai

Residential – Yetman

Residential - Tingha

Residential – Rural

Business – Inverell Industrial/Commercial

Business – Other

Farmland

Mining

ii) *A General Base Amount of \$225 plus an Ad Valorem Rate be determined for the categories detailed in above.*

6. That the Interest Rate applicable to Outstanding Rates and Charges for 2020/2021 set at zero percent for 6 months ending 31 December 2020 followed by 6 months at the maximum

allowable rate as advised by the Office of Local Government.

7. *That the following Waste Management Charges be adopted:*

- | | | |
|------|---|----------|
| i) | Waste Management Charge – All Properties | \$90.00 |
| ii) | Waste Management Charge – All Properties
(Tingha Boundary Adjustment) | \$75.00 |
| iii) | Domestic Waste Management - Occupied Charge: per
service per assessment | \$340.00 |
| iv) | Domestic Waste Management - Occupied Charge

Tingha Boundary Adjustment – properties with 140lt garbage
bin per service per assessment | \$325.00 |
| v) | Domestic Waste Management – Unoccupied Charge | \$60.00 |
| vi) | Weekly Commercial Waste Management Charge

(This Charge is levied per Service, and GST is charged if
applicable) | \$340.00 |
| vi) | Weekly Commercial Recycling Charge (ex GST) | \$120.00 |
| vii) | Fortnightly Commercial Recycling Charge (ex GST)

(These Charge are levied per Service, and GST is charged
if applicable) | \$65.00 |

8. *That the Fees and Charges, as recommended, be adopted.*

9. *That:*

- i) *the Stormwater Management Service Charge be set at the maximum amount allowable of \$25.00 per Residential Premises, \$12.50 per Residential Strata lot, and \$25.00 for Business Premises for each 350 square metres or additional part thereof, subject to a maximum charge on Business Premises of \$200.00; and*
- ii) *the Stormwater Management Program as recommended being Gilgai Drainage Project as per the adopted Gilgai Drainage Upgrade Plan, be adopted.*

10. *That:*

- i) *the report on the balanced budget be noted;*
- ii) *the draft estimates (incorporating the Operational Plan and Long Term Financial Plans) for the General Activities for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.*

11. *That:*

- i) *the Sewerage Charges as listed below be adopted for 2020/2021:*

- | | | |
|---|--|-------------|
| • | Sewerage Charge Occupied | \$ 525.00 |
| • | Sewerage Charge Unoccupied | \$ 328.65 |
| • | Sewerage Charge Unoccupied
–Tingha
Boundary adjustment | \$ 270.00 |
| • | Sewerage Charge Flats/Units | \$ 328.65 |
| • | Sewerage Charge Nursing | \$ 2,460.00 |

Homes

- Sewerage Charge \$ 1,575.00
Hotel/Licensed Clubs

<i>Number of Services per Assessment</i>	<i>Annual Charge Per Assessment</i>
1	\$ 525.00
2	\$ 853.65
3	\$1,182.30
4	\$1,510.95
5	\$1,839.60
6	\$2,168.25
7	\$2,496.90
8	\$2,825.55
9	\$3,154.20
10	\$3,482.85
11	\$3,811.50
12	\$4,140.15
13	\$4,468.80
14	\$4,797.45
15	\$5,126.10

- Sewerage Non-Rateable Schools – \$86.90 per receptacle WC's
- Sewerage Non-Rateable Other – WC's \$144.10 per receptacle
- Sewerage Non-Rateable Urinals \$ 86.90 per receptacle

Charge Structure for Motels and Caravan Parks

In accordance with the new charge structure for Motels and Caravan Parks the following charges are proposed for 2020/2021:

- Motel Residence \$ 525.00
- Motel Restaurant \$ 525.00
- Motel Ensuite \$ 164.50
- Caravan Park Residence \$ 525.00
- Caravan Park Amenities \$1,575.00
Block
- Caravan Park Ensuite \$ 164.50
Cabins

- ii) *The Draft Estimates (incorporating Operational Plan) for the Sewerage Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.*

12. *That:*

- i) *a water availability base charge of \$375.00 per assessment (Includes first water meter) be adopted for 2020/2021;*
- ii) *a water charge of \$375.00 per additional water meter, per assessment be*

adopted for 2020/2021;

- iii) a water charge of \$340.00 per assessment (includes first water meter) be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- iv) a water charge of \$340.00 per additional water meter, per assessment be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- v) a charge of \$1.65 per kilolitre be adopted for commercial water consumption for 2020/2021;*
- vi) a charge of \$1.65 per kilolitre, 0 to 600 kilolitres and \$1.92 per kilolitre over 600 kilolitres be adopted for residential water consumption for 2020/2021;*
- vii) a charge of \$0.86 per kilolitre be adopted for water consumption - Abattoirs, plus a 20 per cent early settlement discount for 2020/2021;*
- viii) a charge of \$0.86 per kilolitre be adopted for Community Facilities water consumption; Eligible entities include: Inverell Minor League, Inverell Golf Club, Inverell Tennis Club, Inverell Rugby Club, Gilgai Tennis Club, Inverell Equestrian Council, Inverell Shire Council (Sporting fields and Parks)*
- ix) a charge of \$0.42 per kilolitre be adopted for Raw Water consumption for 2020/2021; and*
- x) the draft Estimates (incorporating Operational Plan) for the Water Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act, 1993.*

COMMENTARY:

Enclosed with this Business Paper is a copy of the draft 2020/2021 Operational Plan and Budget and Long Term Financial Plan.

The draft Operational Plan indicates the “major” actions, which will be undertaken by Council during the financial year 2020/2021, and the draft Budget indicates how these activities will be funded.

1. Draft Operational Plan and Budget guiding principles

The budgets for the three (3) Activities (General, Water and Sewerage) have been compiled utilising the following principles:

- (1) The sustainable provision of core Local Government Services and Infrastructure to the community.
- (2) Some votes have been reduced below the 2019/2020 level due to “special one off” expenditure being included in the votes in that year being excluded and also due to ongoing cost savings being identified.

The Budget has been predicated on the principle that the maintenance of existing facilities should be paramount and therefore maintenance votes in the works area have been maintained.

- (3) The continuation of Council's "Strategic Capital Infrastructure and Projects Fund" as a vehicle for Council to be able to undertake strategic projects which enhance the amenity of the community and which provide Council with a capacity to attract grant funding (most grant funding now requires \$ for \$ matching contributions).
- (4) A "Balanced" Budget for all Activities is to be presented for consideration.

Under these principles, a "Balanced" and "Operationally Sound" budget is to be delivered to Council for consideration. This means that this budget document provides for the continuation of all Council's existing programs and services at the existing service levels with no service cuts. No "Surplus Funds" have been identified for allocation later in 2020/2021 as needs arise, with all revenues being matched to expenditures to maintain the Budget in balance.

The Budget provides substantial funding for the ongoing implementation of Council's Asset Management Program, which is a major requirement of the State Government under the Integrated Planning and Reporting Guidelines.

2. Factors Impacting the Budget:

When preparing the Budget, it was necessary for the following external factors (beyond Council's ability to control income/expenditure) to be taken into account. The factors include:

- Rate pegging limit – IPART has advised Council of the maximum permissible increase. The draft estimates have been prepared on the basis of Council utilising the full 2.6% increase in the General Activities rate income for 2020/2021. This is consistent with Council's Long Term Financial Plan. The 2.6% increase yields Council additional revenue of \$363K additional rate income to that which was raised in 2019/20. It is recommended that Council again take the maximum permissible increase allowed. Failure to do so will negatively impact Council's sustainability.
- Fixed Cost increases in the General Fund of \$595K, Sewer Fund of \$46K and Water Fund of \$226K.
- The electricity costs included in the draft Budget are \$456K General Fund, \$686K Water Fund and \$154K Sewer Fund for a total of \$1.296M, being a reduction on previous years (due largely to Council's energy efficiency and solar generation initiatives).
- Wage and salary increases averaging 2.8% (Local Government State Award increases effective 1 July, 2016), have been allowed for, including increases in respect of staff movements within Council's Salary System. The Superannuation Guarantee Charge has been allowed for at the legislated 9.5%. It is a fact that each year the Award Increase in salaries and wages has exceeded the Rate Peg approved for all NSW Councils. The inadequate 2020/21 Rate Peg index only provided for a 2.4% increase in wage and salary costs for which they did not include an explanation in the rate peg determination.
- Insurance Premiums increased across the three (3) funds by \$73K.
- The Financial Assistance Grant has been included at \$4.1M, the ACRD Road Grant at \$2.22M, the Roads to Recovery Grant at \$2.1M, RMS Repair Program \$0.555M and the Regional Roads Block Grant at \$3.072M.
- The official Australia Cash Rate as set by the Reserve Bank (RBA) has remained at historic lows (0.25% at the time of writing this report), with no official rate increase since November 2010. These historically low interest rates have limited Council's ability to generate interest revenue to offset Council's works programs. The 2020/2021 budget has allocated \$655K in the General Fund, \$125K for the Water Fund and \$58K for the Sewer Fund. These allocations are down by \$266K, on the prior year, across the three funds. Most Economists, including Council's investment advisor, Imperium Markets, and TCorp Local Government Services, have all indicated that interest rates will remain at these

historic lows for the foreseeable future. Council's Long term Financial Plan allows for additional reductions in interest revenue from 2021/22 of \$269K across the three funds.

- Cost shifting is now reported by Local Government New South Wales (LGNSW) to be costing councils 6% of their Total Annual Revenues (in the General Fund this equates to \$2.27M or an 15.8% Rate Increase). Cost Shifting occurs when Federal and State Governments transfer the costs of delivering services and infrastructure onto Local Government, without providing the funding to Local Government to fund the service and infrastructure delivery.
- The Federal Government's three (3) year freeze on indexation of the Financial Assistance Grant has cost the General Fund \$436K in 2016/2017 in lost revenue. While the freeze has been lifted, the lost revenue is ongoing.

Accordingly, Council does not have the financial capacity to fund new services or any capital projects other than those detailed in the budget report in the General Fund 2020/2021 draft Budget. The Water and Sewer Fund (these funds are restricted in their use by legislation and cannot be utilised outside of these activities) continue to have the capacity to fund new services and capital projects on a priority basis; however, the major focuses within the Water and Sewerage Funds are asset management and asset renewal.

On a cash basis, the General Fund will return a cash surplus of \$1,111 Water Fund, a cash surplus of \$1,160 and Sewerage Fund a cash surplus of \$1,675 for a combined fund cash surplus of \$3, 9461.

3. 2020/2021 Budget Programs

The Budget contains a number of programs that require Council to include specific projects for funding during the budget period. The following matters are submitted for Council's determination:

3.1 Urban Works Program:

The Urban Works program is a multi-component joint program involving the General Fund and the Water Fund, supplemented by some minor grant funds. The General Fund funds drainage, kerb and gutter, roadworks, pedestrian works and beautification works. The Water Fund funds the replacement and relocation of the water mains out of the road into the footpath. Councillors will be aware that General Fund monies can be used for any purpose while Water Fund monies can only be utilised for activities associated with the maintenance and improvements of Council's Water Fund infrastructure.

In previous years, it had been the practice of Council to allocate \$1.0M from the General Fund (funded directly from rates collected in the Inverell Residential and Business area) for certain works in the Asset Renewal and Upgrade Works in the Urban areas (Inverell and villages – the villages are subsidised by the Inverell residential ratepayers in respect of the Urban Works Program).

These works were carried out in the following areas:

- i) Urban improvement works/kerb and gutter;
- ii) Pavement widening;
- iii) Sealing of village streets/village works/beautification;
- iv) Footpath construction; and
- v) Urban drainage reconstruction.

In late 2009, Council adopted a new 10-year Road Infrastructure Financial and Asset Management Plan and, with its adoption, it was determined that 2010/2011 would be a transition year and 2011/2012 would be the first year that the full amended categorisation of works would be undertaken. This transition saw the available funds for the Urban Works Construction/Asset Renewal Program reduce to \$517K, with the remainder (\$483K) of the Urban Works Construction/Asset Renewal funding being transferred to Rural Local Roads.

The 2020/2021 budget continues to use this financial plan. However, it is noted that under Long Term Financial Plan, the Urban works vote has increased by CPI each year to the current \$570K in 2020/2021. It is also noted that under the current Long Term Financial Plan the Urban Works Program will receive additional funding from 2022/23 to 2029/30 providing \$812K for the Urban works program in 2029/30.

The following major work categories are now used as sub-components of the Urban Works Program:

- A. Inverell and Villages - Urban Renewal and Upgrade \$525.68K per annum allocation
- B. Footpaths and Cycleway \$45K per annum allocation
- C. Village Works – community suggested projects \$45.5K per annum allocation

The recurrent Urban Construction Budget allocation at \$570.68K represents only 3.9% of Council's 2020/2021 total Roads Budget and is 100% funded from the General Rates collected in the Inverell urban area.

It is recommended that the 2020/2021 Urban Works Program be allocated as follows:

A.	<u>Inverell and Villages - Urban Renewal and Upgrade</u>	<u>General Fund</u> \$ 525.68K	<u>Water Fund</u> \$ 0K
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Project subject to a further report to Civil and Environmental Committee

B.	<u>Footpaths and Cycleway Construction</u>	\$ 45K
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\$ for \$ Contribution to PAMP Program

(Subject to RMS approving the 2020/2021 Program)

C.	<u>Village Works – Community suggested projects</u>
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Ashford	\$ 7.54K
Delungra	\$ 7.54K
Gilgai	\$ 7.54K
Yetman	\$ 7.54K
Tingha	\$ 7.54K
Oakwood	\$ 1.12K
Bonshaw	\$ 1.12K
Graman	\$ 1.12K
Nullamanna	\$ 1.12K
Elsmore	\$ 1.12K

Stannifer	\$	1.12K
Gum Flat	\$	1.12K

GENERAL FUND GRAND TOTAL **\$ 616.22K**

WATER FUND TOTAL **\$ 0K**

RECOMMENDATION:

That the following works be funded from the Urban Works Vote and be included in the 2020/2021 Budget:

i) Inverell and Villages - Urban Renewal and Upgrade General Fund, Water Fund

Project subject to a further report to Civil and Environmental Committee \$525.687K \$ 0K

ii) Footpaths and Cycleway Construction \$45K

\$ for \$ Contribution to PAMP Program

(Subject to RMS approving the 2020/2021 Program)

iii) Village Works – Community suggested projects

Ashford	\$7.54K
Delungra	\$7.54K
Gilgai	\$7.54K
Yetman	\$7.54K
Tingha	\$7.54K
Oakwood	\$1.54K
Bonshaw	\$1.12K
Graman	\$1.12K
Nullamanna	\$1.12K
Elsmore	\$1.12K
Stannifer	\$1.12K
Gum Flat	\$1.12K

GENERAL FUND GRAND TOTAL **\$616.22K**

WATER FUND TOTAL **\$ 0K**

3.2 2020/2021 Grant Funded Road Programs

Council receives financial support from the State and Federal Governments for the maintenance and enhancement of Council's road network. These support programs are:

A. Finance and Assistance Grants – Local Roads Component (ACRD)

The Financial Assistance Grant – Local Roads Component (Formerly ACRD) Grant is a Federal Government grant which provides approximately \$2.2M per year. The grant is not tied. However, Council has traditionally allocated the grant exclusively for expenditure on Rural and Urban Roads within the Shire. Council is one of the few Councils who continue to allocate this grant entirely to roads.

B. RMS Supplementary Block Grant Program

The RMS Supplementary Block Grant Program (previously 3x4 Program) provides tied funds of \$160K to be utilised on the Regional Road Network for upgrade/major maintenance works. This amount has not increased in over 20 years.

It is proposed that the allocation of these funds in 2020/2021 be the subject of a further report to the Civil and Environmental Services Committee once this review is completed.

C. Roads to Recovery Program

The allocation of funds for 2020/2021 will be \$1.402M plus a one off supplementary grant of \$701K, totalling \$2.103M. The works to be completed under this program require Federal Government approval in accordance with the program guidelines. The program as proposed for 2020/2021 being entirely on the Rural Local Road Network, despite 22.39% of the grant being provided on the basis of the Shire's urban population and road length (i.e. \$251K provided on the basis of the Shire's urban population and road length).

It is noted that these matters will be subject to a report to the Civil and Environmental Services Committee and then adoption by Council prior to any works commencing.

Councillors should note that the funding provided to Council under this program is not ongoing. Funding is only guaranteed under Federal legislation for this program to the end of the current program in 2024. If this program is not continued, the impacts on Council's rural shire road assets and workforce will be significant.

D. Block Grant Program – Regional Roads

Council will receive \$2.912M from NSW Roads and Maritime Services (RMS) Block Grant Program in 2020/2021 and \$556K from the RMS Repair Program for the carrying out of maintenance and improvement works on the regional road network. These funds cannot be expended outside of the regional road network and this program is subject to ongoing RMS audit.

A report on the projects for the Roads and Maritime Services approved Repair Program for 2020/2021 will be provided to the Civil and Environmental Services Committee once advice has been received in this matter.

The 2020/2021 Budget includes total income from these funding programs of \$7.95M.

In late 2009, Council adopted a new 10 Year Road Infrastructure Financial and Asset Management Plan and with its adoption it was determined that 2010/2011 would be a transition year and that 2011/2012 would be the first year that the full amended categorisation of works would be undertaken. Accordingly, the 2020/2021 budget continues to allocate expenditure in the same proportions as outlined in the 10 Year Road Infrastructure Financial and Asset Management Plan.

The following table of grant funded road projects are made in the same proportions as the adopted 10 Year Road Infrastructure Financial and Asset Management Plan for each work category.

It is recommended that Council adopt the following budget allocations for 2020/2021 Grant Funded Roads Programs as per Table 1 below.

As stated above, the specific projects that will be funded from these allocations will be the subject of a further report to the Civil and Environmental Services Committee once priority of works have been determined in accordance with Council's Asset Management System.

TABLE 1

2020/2021 GRANT FUNDED ROADS PROGRAMS

WORKS CATEGORY	DESCRIPTION	FUNDING SOURCE					TOTAL \$
		ACRD \$	BLOCK \$	BLOCK SUPP \$	R2R *** \$	REPAIR \$	
RESEALS	Regional Roads		435,630.00				435,630.00
	Repair Program Final Seals		102,865.00				102,865.00
	Urban	176,610.00					176,610.00
	Local/Rural	84,170.00			693,280.00		777,450.00
	Village	40,960.00					40,960.00
	Sub Total	301,740.00	538,495.00	-	693,280.00	-	1,533,515.00
GRAVEL RESHEETING	North	554,420.00			202,055.00		756,475.00
	South	558,500.00			200,000.00		758,500.00
	Sub Total	1,112,920.00	-	-	402,055.00	-	1,514,975.00
ROAD INFRASTRUCTURE	Other Programs		120,000.00				120,000.00
	Bitumen Renewal [#]	238,735.00	555,832.00	160,000.00	281,084.00	555,832.00	1,791,483.00
	Heavy Patching / Stabilisation		174,133.00		427,691.00		601,824.00
	Culverts/Causeways/Bridges				298,973.00		298,973.00
	Culverts - North	113,928.00					113,928.00
	Culverts - South	113,927.00					113,927.00
	Sub Total	466,590.00	849,965.00	160,000.00	1,007,748.00	555,832.00	3,040,135.00
OTHER PROGRAMS	Black Spot	24,280.00					24,280.00
	Environmental Works	5,520.00					5,520.00
	Traffic Facilities		160,000.00				160,000.00
	Pavement Mgt / Risk Management	26,580.00	15,400.00				41,980.00
	Sub Total	56,380.00	175,400.00	-	-	-	231,780.00
ROAD MAINTENANCE	Maintenance ^{**}	284,185.00	1,348,140.00				1,632,325.00
TOTALS		2,221,815.00	2,912,000.00	160,000.00	2,103,083.00	555,832.00	7,952,730.00

[#] Block Grant Bitumen Renewal is Councils matching allocation to the RMS Repair Program

^{**} Maintenance (Mtc) includes Shoulder Mtc, Bitumen Mtc, Roadside Growth Control, Roadside Furnishings, Structure Mtc, Gravel Patching, Grading, Heavy Patching

^{***} R2R allocations includes a one off supplementary grant payment of \$701K

RECOMMENDATION:

That:

- i) the budget allocations of \$2.22M for the 2020/2021 ACRD Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the funding allocations and individual works proposed to be undertaken under this program;
- ii) the budget allocations of the \$160K RMS Supplementary Block Grant Program be the subject of a further report to the Civil and Environmental Services Committee Meeting;
- iii) the budget allocation of \$2.1M for the 2020/2021 Roads to Recovery Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the specific projects to be funded;
- iv) the budget allocation of \$2.9M for the 2020/2021 Block Grant Program be endorsed and a further report be presented to the Civil and Environmental Services Committee in respect of the specific projects to be funded; and
- v) the budget allocation of \$555.8K for the RMS Repair Program be endorsed and a report on the projects for the RMS approved Repair Program for 2020/2021 be presented to the Civil and Environmental Services Committee once advice has been received.

4. Revenue and Expenditure Matters**4.1 Revenue**

A key principle applied to the preparation of a General Activity was the 'Operationally Sound' principle, which ensures all existing services were delivered, maintained and renewed to Council's service standards.

The key features of the 2020/2021 Budget are:

- A general rate increase allowable in terms of Section 506 of the Act (Ratepegging Section) for the 2020/2021 rating year is 2.6% and has been included to fund the increase in fixed costs in the General Fund. Revenue generated from levying the estimated maximum permissible increase of 2.6% is \$363K;
- Increases in Council's fixed cost, as detailed in Attachment 1 below, are funded;
- It's a continuation of the existing rating structure i.e. Base amount and an ad valorem rate;
- A base rate of \$225.00; and
- The maximum permissible rate increase enables Council to meet all the State Government required benchmarks at 30 June, 2021, and also place Council in a sound position to maintain its existing service and infrastructure levels, and continue to address the infrastructure backlog on its road network.

Failure to take the maximum increase allowed will impact negatively on Council's sustainability in future years. The following table illustrates the long term impact of not taking 2020/2021 rate peg increase of 2.6%. Council's budgeted revenue would decrease by \$363K in 2020/2021 increasing to \$454K in 2029/2030. The accumulated loss in revenue over ten (10) years would be approximately \$4.075M

Year		Rate Peg	Lost Revenue	Accumulated Total
1	2020/21	2.60%	363,815	363,815
2	2021/22	2.50%	372,910	736,725
3	2022/23	2.50%	382,233	1,118,959
4	2023/24	2.50%	391,789	1,510,747
5	2024/25	2.50%	401,584	1,912,331
6	2025/26	2.50%	411,623	2,323,954
7	2026/27	2.50%	421,914	2,745,868
8	2027/28	2.50%	432,462	3,178,330
9	2028/29	2.50%	443,273	3,621,603
10	2029/30	2.50%	454,355	4,075,958

RECOMMENDATION:

That Council utilises the maximum permissible rate increase allowed by IPART of 2.6%.

4.1.1 Interest Revenue

The official Australia Cash Rate as set by the Reserve Bank (RBA) has remained at historic lows of 0.25%. Actually, there has been no official rate increase since November 2010.

These historically low interest rates have limited Council's ability to generate additional interest revenue to offset Council's expenditure. Council's Long Term Financial Plan allows for existing deposits to be reinvested on maturity at an interest rate of 0.75%. Therefore the 2020/2021 budget allows for a reduction of \$266K in Interest Revenue, and thereafter reductions of \$534K from 2021/2022.

These reductions have been funded from Council's Interest Equalisation Reserves and expenditure reductions in non-operational areas as shown in the following table.

		2019/2020 ORIGINAL BUDGETS	GENERAL FUND	WATER FUND	SEWER FUND
2020/2021 (Year1)	<i>Assumes portfolio of</i>		42,000,000	9,000,000	5,500,000
	Budget	879,000	879,000	125,000	101,000
	Estimated Interest for 20/21		655,405	125,000	58,750
	Shortfall		223,595	-	42,250
	Suggested Funding				
	Strategic Capital Infrastructure Fund (SCIF)	565,000	100,000	-	
	Internal Restricted Assets (IRA)		123,595	-	42,250
	TOTAL		223,595	-	42,250

2021/2022 to 2030 (Years 2-10)	Budget	879,000	879,000	125,000	101,000
	Estimated Interest for 21/22		439,000	88,360	43,850
	Shortfall		440,000	36,640	57,150
	Suggested Funding				
	Internal Restricted Assets (IRA)	-	150,000	36,640	28,950
	Strategic Capital Infrastructure Fund (SCIF)	565,000	100,000		
	Minor Community Infrastructure Assets	180,000	80,000		
	Community Building Partnership Program	60,000	60,000		
	Industrial Development	150,000	35,000		
	Community Activities	10,000	10,000		
	Council Contribution to River Bank Clean Up	25,000	5,000		
	Additional Increase in annual charges of 1% IE: increase changes by 4% instead of the traditional 3%	-			28,200
	TOTAL		440,000	36,640	57,150

NB: First \$150K (General Fund) \$37K (Water Fund) and \$29K (Sewer) of EOFY savings will allocated to Investment Equalisation Reserve from 2021/2022 until interest rates improve

While reductions in Interest Revenue have not yet impacted on Council's operational expenditure and its ability to deliver services, it is worth noting that the above mentioned budget reductions will impact the funds made available for strategic projects which enhance and strengthen the Shire community economically, culturally and socially.

Most Economists, including Council's investment advisor, Imperium Markets, and Tcorp Local Government Services, have all indicated that interest rates will remain at these historic lows for the foreseeable future with further rate cuts not being ruled out. Further reductions in interest revenue will require cuts to operational budgets.

4.2 Expenditure

In respect of the core budget, a continuation of all Council's existing services and infrastructure levels are maintained for 2020/2021. That said Council will still need to take actions to ensure it continues to be sustainable in the long term. It will also be required going forward, that Council continue to carefully consider the impact that any new project, infrastructure or initiative will have on Council's Operational Budget. While Council has been able to absorb a range of cost increases in the past due to cost savings realised as a direct result of its operational efficiency and

effectiveness program, this is now becoming very difficult. Council will be aware that in the General Fund, Council has now reached a point where only very minimal further energy costs savings will be possible. This has been an area where major cost savings have been realised through Council utilisation of solar energy systems and energy efficient lighting.

4.2.1 Increases in Council's Fixed Costs:

The increases in fixed costs across Council's General Fund have largely been in the areas of employment costs, contracts, materials, electricity/gas and fuel, insurances and legislative compliance. Examples of these cost increases are as follows:

i) Insurance:

Council's insurances increased significantly over the last decade. The following costs are expected in 2020/2021.

BUDGET		2019/2020 \$	2020/2021 \$	VARIANCE Increase/(Decrease) \$
Property Insurance	General Fund	431,250	499,450	68,200
	Water Fund	65,760	66,180	420
	Sewer Fund	33,870	35,420	1,550
Public Liability	General Fund	189,000	192,140	3,140
TOTALS		719,880	793,190	73,310

Note: As shown, Council's insurance costs are increasing by \$73,310. This increase reflects a general increase in insurance across Australia of approximately 10%. It is noted that the above table does include fleet insurance \$243,650 (up from \$190,000). Fleet insurance is funded by Council's Fleet Program.

ii) Legislative Compliance/State Government Charges:

It is difficult to calculate the current cost to Council for legislative compliance, as it is now a significant factor in almost all of Council's operations, especially in respect of the WHS Act.

The following fixed costs incurred by Council in respect of environmental legislative compliance costs are as follows:

	2018/2019 \$	2019/2020 \$	2020/2021 \$
EPA Licence	3,780	3,870	3,970
Environmental Monitoring	37,000	37,930	38,880
Environmental Works - Maintenance/Construction Programs	5,260	5,390	5,520
TOTALS	46,040	47,190	47,190

Fortunately, Council's waste operations are not subject to the state based waste levies at this time. Should these become applicable to Council, a very substantial cost would apply which would need to be passed directly onto ratepayers.

Council also pays a load-based license fee for discharge from the Sewerage Treatment Works of approximately \$107K per annum.

Council continues to pay the following substantial increase in State Government charges in incurred recent years which are paid from Council's limited General Revenues:

- Increase contribution to NSW Rural Fire Service \$ 108K
 - Increase in Flood Gauge Maintenance Costs \$ 50K
 - Increase in Audit Fees (includes Internal Audit) \$ 45K
- TOTAL \$ 203K

iii) Employment Costs – Combined Fund:

	General \$	Water \$	Sewer \$	TOTAL \$
Wages/Oncost	14,553,254	1,145,269	384,953	16,083,476
Superannuation	1,372,866	112,654	76,352	1,561,872
TOTAL 2020/2021	15,926,120	1,257,923	461,305	17,645,348
Wages/Oncost	14,051,073	947,546	375,389	15,374,008
Superannuation	1,355,112	114,657	39,848	1,509,617
TOTAL 2019/2020	15,406,185	1,062,203	415,237	16,883,625
Increase/(Decrease)	519,935	195,720	46,068	761,723

As shown above, the total net cost increase in employment costs for 2020/2021 will be \$761,723 across the three (3) funds with the legislated award increase being 2.8%. The above increase includes new Water Fund positions totaling \$168K. These wages expenses are funded from Water Fund.

The above increase compares to a \$509,756 increase in 2016/2017 and \$401,689 increase in 2017/2018, \$567,562 in 2018/2019 and \$483,479 in 2019/2020.

The continuing large deficit in the now closed Defined Benefits Superannuation Scheme continues to impact Employer Superannuation Contribution Costs.

iv) Electricity

Electricity increases have now flattened out and reduced as a result of Council's energy efficiency initiatives. In the 2020/2021 Budget the following costs have been provided for in the Combined Fund:

BUDGET	2019/2020 \$	2020/2021 \$	VARIANCE Increase/(Decrease) \$
General Fund	477,780	455,810	(21,970)
Water Fund	655,800	686,000	30,200
Sewer Fund	155,800	154,200	(1,600)
TOTALS	1,289,380	1,296,010	(20,410)

Council's energy efficiency programs have still generated a small saving of \$20K.

Given the uncertainty around the trends in network charges and electricity usage, it is not known how long these savings can be sustained. Council in the near future may find itself in a position where it is again confronted with major electricity cost increases of over 10% p.a. as occurred for many years before the global financial crisis.

v) Contracts

The following Contract expenses are expected in 2020/2021.

BUDGET	2019/2020 \$	2020/2021 \$	VARIANCE Increase/(Decrease) \$
General Fund	942,180	963,360	21,180
Water Fund	10,800	10,800	0
Sewer Fund	5,300	5,300	0
TOTALS	958,280	979,460	21,180

The increase in contract costs relates primarily to the Waste Management Contract at Tingha Landfill. This contract is funded by Council's Waste Management Funds.

vi) Plant Charges

It is expected that Council's plant hire rates will need to be increased at 1 July, 2020 by 2.5%. It is noted that plant hire rates have only increased once in the last six years resulting in a significantly increased capacity to undertake works (rates would normally increase by 3% each year).

These increases were complimented by revised plant fleet management practices which have seen only minimal increases in Council's plant hire rates, resulting in a significantly increased capacity to undertake works (rates would normally increase by 3% each year).

Summary

The fixed cost increases / (decreases) for the Rate Pegged General Fund are as follows:

	\$
Insurance Premiums	73,310
Employment Costs	519,935
State Government Charges	1,180
Contracts	21,180
Electricity	(20,410)
TOTALS	595,195

4.2.2 Other Budget Increases – Administrative and Other Programs:

In respect of Council's revenue funded administrative and other programs, outside of increases in the Budget to cover increases in fixed costs, the only increases provided have been provided to the following Budgets:

	\$
Contributions to Emergency Services	53,220
Town Planning Travel	11,530
Inverell Pool Maintenance	10,830
Library Computer Expenses (Equip & Mtc)	21,480
Sporting Fields - Water Usage	7,550
Risk Co-Ordinator - Miscellaneous Costs	2,500
Risk Co-Ordinator - Travel Costs	3,000
Shops & Offices (Old RTA Building	10,000
Donations	15,500
Scholarships Program	(15,500)
TOTALS	120,110

All of the above costs are required due to either legislative obligations or to meet ongoing operational costs.

The Operational Plan and Budget provides for a continuation of Council's financial support of the Inverell Art Gallery, Pioneer Village, National Transport Museum, being the major cultural and tourism assets of the Shire. Tourism is worth \$47M p.a. to the Shire economy.

4.2.3 Existing Service Levels – Works and Maintenance Programs:

The 2020/2021 budget provides for all of Council's existing service levels to be met and for Council to renew its existing assets. This budget also provides for the infrastructure backlog to be removed over the next ten years and the majority of maintenance budgets have been increased by CPI – 2.5%.

In respect of Council's revenue funded works and maintenance programs, outside of increases in the budget to cover increases in fixed costs, CPI movements and some grant funded programs, additional one off increases have been provided to the following Budgets:

	\$
Ashford Pool - Painting	30,000
Risk Management Activities	30,000
TOTALS	60,000

4.2.4 Industry Assistance and Promotion:

The 2020/2021 Operational Plan includes an allocation for the assistance and promotion of Business and Industry of \$150K. These funds may be utilised, subject to a resolution of Council, for works on Private Lands or for the provision of direct financial assistance to private individuals and businesses during 2020/2021.

4.2.5 Strategic Capital Infrastructure Fund

Council recognises the need to ensure the long term financial sustainability and growth of its Community, and that substantial funds must be available for strategic projects which enhance and strengthen the Shire community economically, culturally and socially. The expenditure of funds in these areas usually results in a flow on increase in Council's general revenues. Council also recognises that any new project or initiative undertaken must not negatively impact financially or

In this regard, Council has been financially responsible and quarantined the funds previously allocated to loan repayments specifically for projects which would have otherwise been funded by way of loans or which assist the economic, cultural and social growth of the community. This highly successful strategy has and continues to enable this Council to undertake a range of very successful projects (e.g. CBD redevelopment, Visitors Centre, Campbell Park Upgrade, Library Redevelopment, new rural bitumen seals and accelerating the Urban Works Program) which have resulted in Inverell emerging as a Regional Centre.

The 2020/2021 Budget allocates the \$495K to the following priority areas as matching funding for major Grant Funded Projects:

- It is proposed for the 2020/2021 & 2021/2022 Strategic Capital Infrastructure Budgets be allocated towards the proposed Inverell Swimming Pool redevelopment as discussed in previous budget meetings.

4.2.6 Special Projects – Road Infrastructure Fund

The Budget contains an amount of \$341K for allocation by Council.

4.2.7 Internally Restricted Assets (formerly Reserves) all Funds (IRA)

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The 2020/2021 budgeted transfers from reserves are:

Plant Purchases (funded from accumulated plant depreciation charges)	\$ 2,345K
Gravel Pit Restoration	\$ 90K
General Fund Interest Equalisation	\$ 124K
Sewer Fund Interest Equalisation	\$ 42K

The level of transfers from the Waste Management (implementation of new Waste Strategy) Internally Restricted Assets are not known at this time, but will be substantial and subject of a separate report to Council as the information becomes available. The Waste Internally Restricted Assets balance at 30 June, 2020 is estimated to be \$4.756M; however, costs are currently being incurred in this area with the continued implementation of the Waste Strategy. These funds cannot be utilised for other Council purposes such as road works or other community infrastructure.

A table showing the Internally Restricted Assets and movements proposed by the Budget is shown in Attachment 6 of the 2020/2021 Operational Plan, with the balance at 30 June, 2021 expected to be \$27.20M (down from \$27.64M) in General Fund (dependent on the completion of Internally Restricted Funded Projects – see the Notes on Attachment 6 for details), \$6.41M in Water Fund and \$2.7M in Sewer Fund. The interest that accrues on these funds contributes substantially to the funding of Council's continuing Works Programs. As these funds reduce, so does the quantum of funds available to the annual Works Program.

A review of Council's Internally Restricted Assets will indicate a significant reduction in the quantum of funds held in this area from the levels of previous years, with substantial commitments against the remaining funds.

RECOMMENDATION:

That:

- i) *Council provide an allocation of \$150K for joint industry promotions and assistance;*
- ii) *the following 2020/2021 Strategic Capital Infrastructure/Projects Program projects be endorsed:*
 - ☐ *Local Government Elections* \$ 135K
 - ☐ *Inverell Swimming Pool Redevelopment* \$ 360K
- iii) *The budget allocation for \$341K for the 2020/2021 Special Projects – Roads Infrastructure Fund be endorsed;*
- iv) *A further report be presented to the Civil and Environment Committee in respect of the specific projects to be funding under the Special Projects – Roads Infrastructure Fund;*
- v) *the transfers to and from Internally Restricted Assets be endorsed;*
- vi) *the list of inclusions as included in the 2020/2021 draft Operational Plan/Budget and listed in section 4.2.2 & 4.2.3 of the report be endorsed.*

5	Rating Structure
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The following matters regarding the rating structure are recommended for 2020/2021:

- The continuation of the existing rating structure, utilising a base amount and ad valorem rates.
- A base rate of \$225.00 (on 8529 Assessments, up from 8523 Assessments in 2019/2020, 7963 Assessments in 2018/2019, 7921 Assessments in 2017/2018, 7880 Assessments in 2016/2017, 7,851 Assessments in 2015/2016, 7823 Assessments in 2014/2015, and 7,786 assessments in 2013/2014 – Rate base growth has been consistent but relatively limited over the last five (5) years). The increase in 2019/2020 largely represents the inclusion of properties from the Tingha Boundary Adjustment.

REVENUE RAISED FROM EACH CATEGORY:

When determining the distribution of the rate burden for the 2020/2021 rating year, the existing policy of collecting a certain percentage of rate revenue from each category is noted.

The percentage proposed to be collected from each category is as follows, which closely approximates previous years:

% OF REVENUE FROM CATEGORIES	
RESIDENTIAL	39.60%
BUSINESS	21.05%
RURAL RESIDENTIAL	7.23%
FARMLAND	32.12%
MINING	0.00%
	100.00%

In respect of distribution of the rate burden, it is advised that if the Council believes that additional funds should be expended in the rural area for example, then the percentage of rates collected from the rural area should increase as a percentage of the total rate burden (i.e. by more than the Rate Peg amount, with rates in other categories increasing by a lesser amount). The same would apply in respect of the urban area and each of the villages. Conversely, if the Council believes that additional funds should be expended in the villages, then the percentage of rates collected from the villages which are already subsidised should increase as a percentage of the total rate burden.

A summary of Councils proposed rating structure is shown below. It is worth noting that the 2020/2021 rates structure is based on new land values as provided by the Valuer General. A separate report has been provided to Council on the impact of these valuation changes.

The 2020/2021 actual total revenue shown below is subject to change should Council receive any further supplementary valuations changes from the Valuer General.

2020/2021 RATES SUMMARY

Category	2019/20		2021/20		% Change in Rateable Land Value	2019/20			2021/20			2021/20		
	No of Asses	Rateable Land Value	No of Asses	Rateable Land Value		Base Amount \$225	Advalorem	Total Revenue	Base Amount \$225	Advalorem	Total Revenue	% of Total Revenue	% Increase of Total Revenue	% levy from base amount
Residential - Inverell	4136	264,379,777	4136	275,889,561	4.35%	930,600.00	3,795,436.08	4,726,036	930,600.00	3,921,770.11	4,852,370	33.80	2.67	19.18%
Residential - General	464	22,501,740	468	24,384,730	8.37%	104,400.00	228,167.64	332,568	105,300.00	235,929.58	341,230	2.38	2.60	30.86%
Residential - Ashford	254	3,094,180	254	3,102,720	0.28%	57,150.00	82,506.31	139,656	57,150.00	86,143.92	143,294	1.00	2.60	39.88%
Residential - Delungra	151	3,022,460	151	3,001,390	-0.70%	33,975.00	52,491.06	86,466	33,975.00	54,743.25	88,718	0.62	2.60	38.30%
Residential - Gilgai	108	3,515,600	108	3,531,400	0.45%	24,300.00	44,996.16	69,296	24,300.00	46,798.11	71,098	0.50	2.60	34.18%
Residential - Yetman	66	1,000,240	66	906,180	-9.40%	14,850.00	22,413.38	37,263	14,850.00	23,383.07	38,233	0.27	2.60	38.84%
Residential - Tingha	280	1,156,135	281	1,143,385	-1.10%	63,000.00	83,099.52	146,100	63,000.00	86,680.02	149,905	1.04	2.60	42.18%
Residential Rural	968	113,189,870	968	124,006,160	9.56%	217,800.00	791,763.14	1,009,563	217,800.00	820,548.76	1,038,349	7.23	2.85	20.98%
Farmland	1501	898,718,092	1503	1,219,095,712	35.65%	337,725.00	4,165,558.36	4,503,283	338,175.00	4,272,930.47	4,611,105	32.12	2.39	7.33%
Business - Inverell Industrial / Commercial	410	58,415,081	409	60,466,119	3.51%	92,250.00	2,267,673.44	2,359,923	92,025.00	2,331,271.22	2,423,296	16.88	2.69	3.80%
Business - Other	185	20,032,121	185	20,996,551	4.81%	41,625.00	541,748.68	583,374	41,625.00	557,458.43	599,083	4.17	2.69	6.95%
Mining	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTALS	8523	1,388,025,296	8529	1,736,523,908		1,917,675.00	12,075,853.77	13,993,529	1,919,025.00	12,437,656.94	14,356,662	100.00		38.71

RECOMMENDATION:

That:

i) *The following rating categories be utilised for the 2020/2021 rating year:*

Residential – Inverell

Residential – General

Residential – Ashford

Residential – Delungra

Residential – Gilgai

Residential – Yetman

Residential - Tingha

Residential – Rural

Business – Inverell Industrial/Commercial

Business – Other

Farmland

Mining

ii) *A General Base Amount of \$225 plus an Ad Valorem Rate be determined for the categories detailed in above.*

6 Interest Rate on Outstanding Rates and Charges

The maximum allowable Interest Rate applicable to outstanding rates and charges is set by the Office of Local Government. Council has historically applied the full maximum rate. At the time of writing this report the OLG have not advised Council of the maximum rate for 2020/2021. The current rate for 2019/2020 is 7.5%.

Council has the ability to set this rate at any level between zero and the allowable maximum rate as set by the OLG. Council may like to consider providing some assistance to ratepayers during these extraordinary times by setting the interest rate zero for a period of time.

RECOMMENDATION:

The Interest Rate applicable to Outstanding Rates and Charges for 2020/2021 be set at zero percent for 6 months ending 31 December, 2020 followed by 6 months at the maximum allowable rate as advised by the Office of Local Government.

7 Waste Management Charges

Waste Management continues to be a significant issue for Council. It is recommended under Council's Long Term Financial Plan that the 2020/2021 waste charges increase as follows:

- Waste Management Charge increase to \$90.00 (was \$85.00) and levied on all ratable properties;
- Domestic Waste Management – Occupied Charge increase to \$340.00 (was \$330.00);
- Domestic Waste Management – Unoccupied Charge increase to \$60.00 (was \$55.00);
- Commercial Waste Management Charge increase to \$340.00 (was \$330.00) plus GST if applicable;
- Weekly Commercial Recycling Collection Charge increase to \$120.00 (was \$115.00); and
- Fortnightly Charge increase to \$65.00 (was \$60.00).

To minimise the impact on ratepayers within the Tingha Boundary Adjustment Council adopted in 2019/2020 to implement a transitional phase in period, three years, on some annual waste charges as follows:

- Tingha Domestic Waste Management – Occupied Charge \$325.00 (was \$300.00) for ratepayers with 140 litre garbage bin; and
- Tingha Waste Management Charge \$75.00 (was \$50) and levied on all ratable properties.

This charge structure enables Council to fully meet its operational and legislative obligations in regard to its adopted Waste Management Strategy. This structure sees the cost burden for waste management equitably distributed across the entire Shire. The transfer to Internally Restricted Assets is estimated at \$360K, however, substantial costs will be incurred in 2020/2021 and beyond, in respect of the continuing implementation of Council's new Waste Management Strategy.

Council will note that an "Other Waste Management Charge" is levied for the provision of a commercial garbage collection service to businesses in the Inverell CBD. This charge is levied per bin collection on a user pays basis.

RECOMMENDATION:

That the following Waste Management Charges be adopted:

i)	Waste Management Charge – All Properties	\$ 90.00
ii)	Waste Management Charge – All Properties (Tingha Boundary Adjustment)	\$75.00
iii)	Domestic Waste Management - Occupied Charge: per service per assessment	\$340.00
iv)	Domestic Waste Management - Occupied Charge Tingha Boundary Adjustment – properties with 140lt garbage bin	

	<i>per service per assessment</i>	\$325.00
v)	<i>Domestic Waste Management – Unoccupied Charge</i>	\$60.00
vi)	<i>Weekly Commercial Waste Management Charge (This Charge is levied per Service, and GST is charged if applicable)</i>	\$340.00
vii)	<i>Weekly Commercial Recycling Charge (ex GST)</i>	\$120.00
iv)	<i>Fortnightly Commercial Recycling Charge (ex GST) (These Charge are levied per Service, and GST is charged if applicable)</i>	\$65.00

8 Fees & Charges

Also included with the draft Budget are the proposed 2020/2021 Fees and Charges.

A number of Fees and Charges have been retained at their present level. Where an increase is recommended, these fees are highlighted. It will be noted that GST has been added to those charges to which the new tax applies.

RECOMMENDATION:

That the Fees and Charges, as recommended, be adopted.

9 Stormwater Management Service Charge

The draft Budget as indicated in the Urban Works Program, proposes the continuation of a Stormwater Management Service Charge, the funding mechanism put in place for Council's outside of the National Yield Calculation by the State Government for the funding of Stormwater Management and Drainage Works in urban areas. The charge has, since its inception been applied to all land within the Inverell, Ashford, Delungra, Yetman and Gilgai urban areas that fall within the residential or business categories for rating purposes (except vacant land) to which stormwater services are provided. The charge has previously been set by Council at the maximum unit charge of \$25.00 for all residential properties (generates \$97,375) and business properties (generates \$9,625). While \$25.00 is the maximum charge for Residential Properties, the Regulation states for business properties that:

“The maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is, for land categorised as business, \$25.00 plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres”.

Staff undertook a review of business properties in the urban areas. This review indicated that of the 287 business properties within the urban area only 50 should be paying the \$25.00 charge and the remainder should be charged a higher amount under the regulation. The review also indicated, however, that if Council were to apply the full charges under the Regulation that some business properties would be paying a charge of up to \$2,100.00 per annum.

Noting Council's significant funding needs in respect of Stormwater Management and Drainage Services in the urban areas, and being mindful of the ability of ratepayers to pay, Council in 2015

resolved to implement the provisions of the Regulation in respect of business premises, but limit the maximum amount levied as follows:

- Businesses Stormwater Levy Maximum Total Levy 2015/2016 \$100.00;
- Businesses Stormwater Levy Maximum Total Levy 2016/2017 \$150.00; and
- Businesses Stormwater Levy Maximum Total Levy 2017/2018 and beyond \$200.00.

The current Stormwater Management Levy will generate the following amount:

- 2020/2021 \$146K (Residential \$105,400, Business \$40,600).

It is recommended to raise \$146K from the charge in 2020/2021 to be utilised on the following projects:

- Gilgai Drainage Project \$ 146K (in accordance with Gilgai Drainage Upgrade Plan as adopted by Council).

Once the Gilgai Drainage Project is complete, it is proposed to return to undertake additional works in the Inverell commercial and industrial areas.

RECOMMENDATION:

That:

- i) *the Stormwater Management Service Charge be set at the maximum amount allowable of \$25.00 per Residential Premises, \$12.50 per Residential Strata lot, and \$25.00 for Business Premises for each 350 square metres or additional part thereof, subject to a maximum charge on Business Premises of \$200.00; and*
- ii) *the Stormwater Management Program as recommended being Gilgai Drainage Project as per the adopted Gilgai Drainage Upgrade Plan, be adopted.*

10 Performance Benchmarks

The New South Wales Local Government has established a number of Sustainability Benchmarks to review the performance of Councils.

These indicators are used as financial health checks to monitor the operational liquidity (short term focus), fiscal responsibility (elected term focus) and financial sustainability (long term/intergenerational focus) of the Council. These ratios for the Combined Fund and the General Fund (detailed in the following table) are monitored by Council to ensure its long term financial sustainability.

The following tables indicated that Council will meet all of the performance benchmarks in the Combined Fund and all of the benchmarks for the General Fund except Own Source Review during 2020/2021 & 2021/2022.

Own Source Revenue is impacted by large increases in government grants. During 2020/2021 Council will receive additional grants for the Copeton Northern Foreshore Redevelopment (\$4.5M) and during 2021/2022 Council will receive grants for the Sh12/Tingha Bridge Roundabout (\$3.7M).

GENERAL FUND ONLY

INDICATOR	BENCHMARK	ACTUALS							CURRENT BUDGET	PROPOSED BUDGET									
		2013	2014	2015	2016	2017	2018	2019		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Debt Service Cover Ratio	Greater than 2	120.29	94.31	105.78	109.84	40.09	38.25	36.61	38.56	37.32	18.20	18.07	18.28	18.15	18.72	35.98	36.73	36.98	38.20
Own Source Operating Revenue Ratio	Greater than 60% average over 3 years	59.70%	62.10%	56.54%	55.13%	54.28%	56.10%	60.18%	62.90%	53.53%	56.36%	62.01%	62.10%	62.18%	62.27%	62.35%	62.44%	62.52%	62.60%
Operating Performance Ratio	Greater or equal to break even average over 3 years	-	0.01	0.05	0.19	0.22	0.21	0.18	0.07	0.03	0.02	0.02	0.03	0.02	0.03	0.03	0.03	0.03	0.04
Cash Expense Cover Ratio	Greater than or equal to 3 months	17.33	18.34	18.96	23.10	23.26	24.28	21.80	23.20	22.28	15.87	17.12	16.53	16.07	16.02	15.80	15.05	14.69	14.54
Building & Infrastructure Asset Renewal Ratio	Greater than 100% average over 3 years	63.80%	106.10%	142.00%	143.06%	223.16%	167.55%	177.78%	215.20%	212.20%	300.27%	207.82%	195.39%	185.22%	176.04%	188.02%	209.38%	197.38%	196.29%
Infrastructure Backlog Ratio	Less than 2%	0.0%	8.66%	1.48%	1.46%	1.44%	1.08%	1.08%	0.88%	0.62%	0.40%	0.24%	0.09%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Asset Maintenance Ratio	Greater than 100% average over 3 years	102.00%	103.00%	101.00%	104.00%	106.00%	90.09%	98.78%	101.50%	101.50%	102.00%	100.50%	100.50%	101.00%	101.50%	102.00%	102.00%	101.50%	101.00%
Real Operating Expenditure Per Capita Result	A decrease in Real Operating Expenditure per capita over time	1.3600	1.3400	1.3600	1.1513	1.1578	1.1010	1.1524	1.1154	1.1557	1.2640	1.1331	1.1198	1.1126	1.0944	1.0861	1.0715	1.0611	1.0437
Debt Service Ratio	Greater than 0% and less than or equal to 20% average over 3 years	0.00%	0.00%	0.00%	0.94%	0.72%	1.09%	72.00%	0.78%	77.00%	1.42%	1.53%	1.50%	1.47%	1.43%	73.00%	71.00%	69.00%	68.00%

Meets Benchmark	Does Not Meet Benchmark
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COMBINED FUND (GENERAL, WATER & SEWER)

RATIO	BENCHMARK	ACTUALS							CURRENT BUDGET	PROPOSED BUDGET									
		2013	2014	2015	2016	2017	2018	2019		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Debt Service Cover Ratio	Greater than 2	25.84	16.40	25.28	24.49	19.29	18.88	18.29	14.84	14.43	10.89	11.62	14.92	16.20	22.86	44.09	45.00	45.41	46.80
Own Source Operating Revenue Ratio	Greater than 60% average over 3 years	62.12%	68.50%	62.83%	62.51%	61.28%	63.57%	66.78%	69.30%	61.07%	63.84%	69.00%	69.11%	69.21%	69.30%	69.39%	69.48%	69.57%	69.65%
Operating Performance Ratio	Greater or equal to break even average over 3 years	0.06	0.03	0.07	0.19	0.20	0.18	0.14	0.04	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.02	0.02
Cash Expense Cover Ratio	Greater than or equal to 3 months	18.72	20.05	20.68	24.77	25.14	26.60	22.71	25.13	24.55	19.78	21.02	20.59	20.16	20.22	20.04	19.44	19.13	19.02
Building & Infrastructure Asset Renewal Ratio	Greater than 100% average over 3 years	64.00%	106.13%	67.40%	186.07%	192.22%	115.27%	152.66%	164.22%	163.73%	224.06%	161.24%	153.01%	146.34%	140.60%	148.80%	163.65%	155.76%	155.31%
Infrastructure Backlog Ratio	Less than 2%	0.0%	6.21%	1.10%	1.09%	1.10%	0.86%	0.84%	0.48%	0.31%	0.18%	0.07%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Asset Maintenance Ratio	Greater than 100% average over 3 years	102.00%	103.00%	101.00%	103.00%	106.16%	94.05%	100.53%	101.50%	101.50%	102.00%	100.50%	100.50%	101.00%	101.50%	102.00%	102.00%	101.50%	101.00%
Real Operating Expenditure Per Capita Result	A decrease in Real Operating Expenditure per capita over time	1.6860	1.6600	1.6390	1.4358	1.4684	1.4403	1.5610	1.4408	1.4910	1.5945	1.4588	1.4412	1.4299	1.4080	1.3958	1.3773	1.3632	1.3422
Debt Service Ratio	Greater than 0% and less than or equal to 20% average over 3 years	1.00%	2.00%	1.00%	1.63%	1.85%	2.16%	1.78%	1.97%	1.92%	2.34%	2.31%	1.78%	1.60%	1.14%	0.58%	0.56%	0.55%	0.54%

Meets Benchmark	Does Not Meet Benchmark
------------------------	--------------------------------

11 Summary

An operationally sound draft Budget has again been delivered for 2020/2021 in the General Fund.

The following matters are highlighted:

- Despite very substantial cost pressures, a balanced budget has been achieved;
- The Budget provides for a CONTINUATION OF ALL of Council's existing services and works/asset management programs; and
- Cost savings following Council's efficiency initiatives have had to be applied to fixed cost increases and no funds are available for new or expanded services or increased service levels.

RECOMMENDATION:

That:

- the report on the balanced budget be noted;*
- the draft estimates (incorporating the Operational Plan and Long Term Financial Plans) for the General Activities for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.*

ASSET MANAGEMENT PLANNING:

Council staff have now completed Council's Road Infrastructure Asset Management Plans. The plans have been informed by the Roads Asset Infrastructure Data capture which was conducted in 2015. These plans will be updated as part of the 2020 Road Infrastructure Revaluation.

In respect of the Water and Sewerage Funds, plans for these activities were previously prepared by NSW Public Works. These plans are supplemented by Council's Water and Sewerage Fund Works priorities as adopted by Council.

For buildings and other structures, Council has engaged CT Management Group, who are specialists in this area, to prepare the Asset Management Plans.

Council has expended significant funds over the last 10 years on its buildings and other structures, resulting in these assets being assessed as being in a "satisfactory condition" with no infrastructure backlog in this area. Council commenced during 2016/2017 the major redevelopment of the Inverell Sports Complex and when complete these facilities will meet the standard set in the Open Spaces Strategy adopted by Council.

Councillors' attention is drawn to the proposed actions to be undertaken during 2020/21 in respect of the redevelopment of the Inverell Pool Complex and inclusion of a funding strategy in the Long Term Financial Plan. Council has recently established a working group to conduct a scoping study for this project. The working group will inspect a number of facilities that have recently been redeveloped to gauge the best ideas/materials/techniques for this type of infrastructure upgrade.

However, the Councillors' attention is drawn to the Long Term Financial Plan as provision has been made in this document for funding the cost of the redevelopment. If Council approves the carrying out of the works it will be noted that a "cocktail" of funding sources would be required for the quantum of funds expected to be required for the works. The funding sources include:

- Revenue – Strategic Capital Infrastructure Fund;
- Internally Restricted Assets;
- Loan Funds; and
- Possible Grant Funding.

12 Sewerage Activities

This activity's budget is based on:

- i) a "Balanced" Budget,
- ii) A 5% increase in sewerage charges for 2020/2021. Sewer charges did not increase for three years during the implementation of Council's Special Rate Variation. The Fund will still maintain significant funds to fund the substantial major Asset Renewal and Upgrade Works being undertaken.
- iii) To minimise the impact on ratepayers within the Tingha Boundary Adjustment Council adopted during 2019/2020 to implement a transitional phase in period, three years, on some annual sewerage charges as follows:

Sewerage Charge – Occupied (no phase in period)	\$525.00
Sewerage Charge – Un-Occupied	\$270.00 (35% increase)

Sewerage Fund has been categorised as a Category 1 Business Activity in the draft Operational Plan to comply with the requirements of the National Competition Policy and the COAG Agreement. It is a requirement of the COAG Agreement that Council's Sewerage Operations financially break-even at a minimum, after the depreciation of sewerage assets is brought to account.

The draft Budget provides for Capital Works totalling \$670K (was \$640K in 2019/2020). These works include \$14K for equipment purchases, \$10K fittings & installations, \$108K for mains renewal, \$120K for sewer mains relining and \$318K for pump station. This will be the fourth year of full repayments on the Sewerage Fund \$2M loan for the Inverell Sewerage Treatment Works Asset Renewal and Upgrade Project (\$200K Principal plus \$40K interest less subsidy of \$30K).

"Long Term Financial Modelling" conducted in conjunction with the Department of Commerce highlights that the Sewerage Fund is sustainable in the long term and will be able to meet all its operational and capital expenditure requirements over the next 20 years. Substantial works are currently being undertaken in respect of ascertaining the condition of Council's older underground sewer mains in the asset management area. Significant funds are indicated in the 20 year plan for mains relining and replacement.

The Operational Plan does not provide for the payment of a dividend to the General Fund from the Sewerage Fund. The Sewerage Fund remains in a strong financial position and based on the 2015/2016 NSW Water Supply and Sewerage Benchmarking Report, displays a high level of efficiency and effectiveness.

RECOMMENDATION:*That:*

i) *the Sewerage Charges as listed below be adopted for 2020/2021:*

- *Sewerage Charge Occupied* \$ 525.00
- *Sewerage Charge Unoccupied* \$ 328.65
- *Sewerage Charge Unoccupied – Tingha* \$ 270.00
- Boundary adjustment*
- *Sewerage Charge Flats/Units* \$ 328.65
- *Sewerage Charge Nursing Homes* \$ 2,460.00
- *Sewerage Charge Hotel/Licensed Clubs* \$ 1,575.00

<i>Number of Services per Assessment</i>	<i>Annual Charge Per Assessment</i>
--	-------------------------------------

1	\$ 525.00
2	\$ 853.65
3	\$1,182.30
4	\$1,510.95
5	\$1,839.60
6	\$2,168.25
7	\$2,496.90
8	\$2,825.55
9	\$3,154.20
10	\$3,482.85
11	\$3,811.50
12	\$4,140.15

13\$4,468.80

14\$4,797.45

15\$5,126.10

- *Sewerage Non-Rateable Schools – WC's* \$86.90 per receptacle
- *Sewerage Non-Rateable Other – WC's* \$144.10 per receptacle
- *Sewerage Non-Rateable Urinals* \$86.90 per receptacle

Charge Structure for Motels and Caravan Parks

In accordance with the new charge structure for Motels and Caravan Parks the following charges are proposed for 2020/2021:

<input type="checkbox"/> Motel Residence	\$ 525.00
<input type="checkbox"/> Motel Restaurant	\$ 525.00
<input type="checkbox"/> Motel Ensuite	\$ 164.50
<input type="checkbox"/> Caravan Park Residence	\$ 525.00
<input type="checkbox"/> Caravan Park Amenities Block	\$1,575.00
<input type="checkbox"/> Caravan Park Ensuite Cabins	\$ 164.50

- ii) *The Draft Estimates (incorporating Operational Plan) for the Sewerage Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act 1993.*

13 Water Activities

This activity's budget is presented on the following basis:

- a) a "Balanced" Budget,
- b) A 3% increase in the availability base charge of \$375.00 per assessment (includes first water meter);
- c) To minimise the impact on ratepayers within the Tingha Boundary Adjustment area Council adopted in 2019/2020 to implement a transitional phase in period, three years, and set the annual water access charges at \$240.00 (21.4% increase)
- d) a commercial water consumption charge of \$1.65 per kilolitre,
- e) an Abattoirs water consumption charge of \$0.86 per kilolitre; less 20% early settlement discount; and
- f) a water consumption charge for Community Facilities of \$0.86 per kilolitre; Eligible entities include: Inverell Minor League, Inverell Golf Club, Inverell Tennis Club, Inverell Rugby Club, Gilgai Tennis Club, Inverell Equestrian Council, Inverell Shire Council (Sporting fields and Parks).

Note: This change is a continuation of the position of Council adopted response to requests for assistance by sporting groups (Ref: Res 2019/127)

- g) a "stepped tariff" residential water consumption charge of:
 - \$1.65 per kilolitre 0 to 600 kl annual consumption.
 - \$1.92 per kilolitre over 600 kl annual consumption.
- h) a raw water charge of \$0.42 per kilolitre.

These proposed increases are in line with the increases discussed by Council in respect of Council's Water and Sewerage Strategy. After the proposed increases are applied, Council's Water Charges will still remain at a level equivalent to NSW average charges, with a high level of Supply Security.

Council will be aware that the Water Consumption Charge did not increase over the six (6) year period to 2010/2011. The proposed Water Consumption Charge at \$1.65 for 2020/2021 is 39% below the 2015/2016 NSW median charge of \$2.30 per kilolitre.

The cost per kilolitre of water for the abattoirs did not increase from 1 July, 2004 to 30 June, 2010 and was 60.00 cents per kilolitre plus the 20 per cent early settlement discount (actual cost per kl after discount was 48.00cents per kilolitre, which was less than the cost of production plus pumping of \$0.73 per kilolitre). It is proposed to increase the abattoirs' water charge to \$0.86 cents per kilolitre (actual cost per kl after discount will be \$0.64 per kilolitre, which is still substantially less than the cost of production plus pumping of \$0.73 per kilolitre).

Capital works totalling \$884K (was \$860K in 2019/2020) are proposed in the draft Budget, funded from revenue. The projects include mains replacement \$118K, minor extensions \$54K, new meters \$74K, pump stations \$50K, treatment plants \$292K, minor equipment \$11K, reservoirs upgrades \$235K and backflow prevention works \$50K.

Water Fund has been categorised as a Category 1 Business Activity (turnover over \$2M p.a.) in the draft Operational Plan to comply with the requirements of the National Competition Policy.

The Operational Plan does not provide for the payment of a dividend to the General Fund from the Water Fund or transfers to/from internally restricted assets. The Water Fund remains in a strong financial position and based on the 2015/2016 NSW Water Supply and Sewerage benchmarking report, displays a high level of efficiency and effectiveness.

RECOMMENDATION:

Tthat:

- i) a water availability base charge of \$375.00 per assessment (Includes first water meter) be adopted for 2020/2021;*
- ii) a water charge of \$375.00 per additional water meter, per assessment be adopted for 2020/2021;*
- iii) a water charge of \$340.00 per assessment (includes first water meter) be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- iv) a water charge of \$340.00 per additional water meter, per assessment be adopted for properties within the Tingha Boundary Adjustment area for 2020/2021;*
- v) a charge of \$1.65 per kilolitre be adopted for commercial water consumption for 2020/2021;*
- vi) a charge of \$1.65 per kilolitre, 0 to 600 kilolitres and \$1.92 per kilolitre over 600 kilolitres be adopted for residential water consumption for 2020/2021;*
- vii) a charge of \$0.86 per kilolitre be adopted for water consumption - Abattoirs, plus a 20 per cent early settlement discount for 2020/2021;*

- viii) *a charge of \$0.86 per kilolitre be adopted for Community Facilities water consumption; Eligible entities include: Inverell Minor League, Inverell Golf Club, Inverell Tennis Club, Inverell Rugby Club, Gilgai Tennis Club, Inverell Equestrian Council, Inverell Shire Council (Sporting fields and Parks).*
- ix) *a charge of \$0.42 per kilolitre be adopted for Raw Water consumption for 2020/2021; and*
- x) *the draft Estimates (incorporating Operational Plan) for the Water Fund for 2020/2021 be adopted and placed on public exhibition for a period of 28 days as required by Section 405 of the Local Government Act, 1993.*

RISK ASSESSMENT:

There are many risks pertaining to budgeting including accurate cost estimates, revenue estimates and aligning capital works projects with asset management plans.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

All operations, services and infrastructure projects have been identified and costed within the Draft Budget 2020/2021.

LEGAL IMPLICATIONS:

Public exhibition inviting submissions is required in accordance with Sections 404 and 405 of the Local Government Act.

ATTACHMENTS:

Nil

9.6 MINOR ADMINISTRATIVE AMENDMENTS TO THE INVERELL SHIRE COMMUNITY PARTICIPATION PLAN

File Number: S18.6.66 / 20/14269

Author: Chris Faley, Development Services Coordinator

SUMMARY:

In November 2019, Council adopted the *Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979*.

In April 2020, the Inverell Times announced a temporary stoppage to publication of print editions of the newspaper and the NSW Department of Planning, Industry and Environment released *Planning and Assessment for Councils during COVID 19*, which amongst other matters, provides guidance on community consultation procedures in response to social distancing measures. In response, minor administrative amendments are proposed to the *Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979*.

It is recommended that Council update the *Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979* with the proposed minor amendments.

RECOMMENDATION:

That Council update the Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979 with the proposed minor amendments as identified in Table 1 of the report.

COMMENTARY:

At the Ordinary Meeting of Council on 27 November, 2019, Council adopted (Resolution 2019/117) the *Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979* (Inverell CPP).

The Inverell CPP sets out how and when Council engages with the community on the town planning functions it performs, which includes strategic planning and development assessment. The Inverell CPP also sets out minimum public exhibition timeframes. A copy of the Inverell CPP is included as **Attachment 1** to this report.

Inverell Shire Council has focused on a traditional style of communication that encourages contact between Council staff and the community, which includes:

- Written notices (i.e. letter) being sent to a stakeholder or property owner at their nominated postal address that encourages contact with Council staff for further information;
- Hard copies of Development Application plans and information able to be viewed in person on request at Council's Administration Centre; and
- Static displays for large developments or strategic planning matters.

This traditional style of communication is reflected in the Inverell CPP.

Additionally, both the Inverell CPP and the *Environmental Planning and Assessment Act 1979* contain provisions relating to the advertising of certain planning functions within the local newspaper (e.g. Inverell Times). On 14 April, 2020, the Inverell Times announced that the print edition of the Inverell Times published on 17 April, 2020 will be the last published until the end of June 2020.

In April 2020, the NSW Department of Planning, Industry and Environment released *Planning and Assessment for Councils during COVID 19* containing a number of 'Frequently Asked Questions'. Amongst other matters, these 'Frequently Asked Questions' provide guidance on community consultation procedures in response to social distancing measures. A copy of *Planning and Assessment for Councils during COVID 19* is included as **Attachment 2** to this report.

Specific to community consultation procedures, the NSW Planning, Industry and Environment have provided the following information in their 'Frequently Asked Questions':

- A Community Participation Plan should refer to a broad range of engagement methods that can be used. A Community Participation Plan should not specify any particular community engagement method (e.g. static displays) as mandatory;
- The NSW Department of Planning, Industry and Environment have amended regulations so that physical copies of planning documents are no longer required for exhibition. Planning documents can be made available electronically via a website or the NSW Planning Portal;
- Where e-mail addresses are available, Council can use these for written notices instead of traditional post;
- The NSW Department of Planning, Industry and Environment are aware that a number of local newspapers have closed circulation due to COVID-19. The Department are seeking advice regarding the impact of these newspaper closures and other suitable alternatives. Further advice will be provided by the NSW Department of Planning, Industry and Environment on this matter; and
- Councils may make minor amendments to a Community Participation Plan without re-exhibition; for example, if a Community Participation Plan has requirements that can no longer be satisfied (e.g. advertising in the local newspaper).

In consideration of the temporary stoppage to the publication of print editions of the Inverell Times, and the information provided by the NSW Department of Planning, Industry and Environment, a number of minor amendments to the Inverell CPP are proposed. These amendments alter sections of the Inverell CPP that mandate specific forms of communication.

These proposed minor amendments are shown in Table 1 below.

Table 1 – Proposed Minor Amendments to the Inverell Shire Community Participation Plan

<u>Current Inverell CPP Wording</u>	<u>Proposed Amended Wording</u>	<u>Comment</u>
<i>Section 2 – Page 7 – Note on Written Notices</i>		
“Written notices” in regard to either a strategic planning matter or a development assessment matter are sent to the property owner at their nominated postal address, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;	“Written notices” in regard to either a strategic planning matter or a development assessment matter are given to the property owner, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;	The word “sent” has been replaced with “given”. The words “at their nominated postal address”, have been deleted.
<i>Section 2.1.2 – Page 8 – How Strategic Planning Functions may be exhibited</i>		
The following methods of public exhibition will be used to inform the community for the strategic planning functions of Council: <ul style="list-style-type: none"> • Council Notices within the Inverell Times; • Council’s website; • Council’s social media; and • Static display at Council’s Administration Centre and other locations (as applicable). 	The following methods of public exhibition may be used to inform the community for the strategic planning functions of Council; depending on the specific strategic planning matters being exhibited: <ul style="list-style-type: none"> • Council Notices within the Inverell Times; • Council’s website; • Council’s social media; and 	This section has been changed to identify the entire range of options Council may use for community consultation without mandating any specific method. It is not proposed to remove any options (e.g. static displays) as these may be still be used, as appropriate, at the time of

Depending on the specific strategic planning matters being considered, Council may also undertake one or more of the following public exhibition methods:	<ul style="list-style-type: none"> • Static display at Council's Administration Centre and other locations (as applicable). • Targeted stakeholder consultations/meetings; • On-line surveys; • One-on-one engagement with Council staff; • Open days/drop in sessions; • Notices to stakeholders; • Notices within other regional newspaper/s; • Notices on the land; and • Any other suitable method advised by the NSW Department of Planning, Industry and Environment. 	<p>exhibition.</p> <p>"Letters to stakeholders" has been changed to "Notices to stakeholders".</p> <p>As further advice is pending from the NSW Department of Planning, Industry and Environment following the closure of local newspapers, an additional dot point has been added to cater for this option.</p>
<i>Section 2.2.3 – Page 10 – Advertising of Development Applications</i>		
In addition to notification/public exhibition requirements (Section 2.2.2), the following types of development (as defined in the <i>Inverell Local Environmental Plan 2012</i>) also require advertisement within the local newspaper:	In addition to notification/public exhibition requirements (Section 2.2.2), the following types of development (as defined in the <i>Inverell Local Environmental Plan 2012</i>) will also require additional forms of exhibition, similar to strategic planning functions (Section 2.1.2):	The reliance on the local newspaper has been removed. Rather a full range of exhibition options could be used consistent with the proposed changes to Section 2.1.2 of the Inverell CPP (refer above).
The advertised period will be a minimum of fourteen (14) days from the date of the advertisement within the local newspaper. During the advertising period a sign will also be placed at the site of the proposed development (Refer Photo 1).	The advertised period will be a minimum of fourteen (14) days . During the advertising period a sign will also be placed at the site of the proposed development (Refer Photo 1).	Reference to the local newspaper has been removed.

The proposed minor amendments to the Inverell CPP are consistent with the guidance contained within *Planning and Assessment for Councils during COVID 19* released by NSW Department of Planning, Industry and Environment.

Whilst these amendments alter sections of the Inverell CPP that mandate specific forms of communication, it is intended that in the long term Council would ordinarily use the local newspaper and other traditional forms of communication, where these options are available.

Consistent with *Planning and Assessment for Councils during COVID 19* released by NSW Department of Planning, Industry and Environment, the minor amendments to the Inverell CPP identified in Table 1 are not considered to require public exhibition. It should be noted that no submissions were received during the original exhibition of the Inverell CPP.

It is recommended that Council update the *Inverell Shire Community Participation Plan for planning functions under the EP&A Act 1979* with the proposed minor amendments.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Council's planning functions, including amendments of Community Participation Plans, are undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment guidance.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Inverell Shire Community Participation Plan
2. Planning and Assessment for Councils during COVID 19



INVERELL
SHIRE COUNCIL

Inverell Shire Community Participation Plan

for planning functions under the EP&A Act 1979





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1 INTRODUCTION

1.1 What is our Community Participation Plan?

The Inverell Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. It applies to the entire Inverell Local Government Area.

The Inverell Shire Community Participation Plan has been prepared in accordance with Section 2.6 and Schedule 1 of the *EP&A Act 1979*.

An effective community consultation program does not necessarily mean that all interested parties will be satisfied with an outcome. Rather, effective community consultation is about ensuring that a proposal has been fully explored and that community concerns are identified and considered.

1.2 What planning functions does our Community Participation Plan apply to?

Council's planning functions are divided into two key areas of "**strategic planning**" and "**development assessment**".

Strategic planning is an essential aspect of Council's work where we set the strategic direction, vision and context for the planning system in the Inverell Local Government Area.

Once the strategic direction has been established, Council makes planning decisions on a range of Development Applications. Development Applications assessed by Council include but are not limited to residential dwellings, unit development, subdivisions, commercial and industrial development, quarries, agricultural developments and infrastructure upgrades.

This Community Participation Plan applies to the following planning functions:

Strategic Planning	Development Assessment
<ul style="list-style-type: none"> •Community Participation Plans •Local Strategic Planning Statements •Local Environmental Plans •Development Control Plans •Contribution Plans 	<ul style="list-style-type: none"> •Development Applications (other than Complying Development Certificates) •Applications for modification of development consents •Environmental Impact Statements under Division 5.1 of the <i>EP&A Act 1979</i>

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation or consultation. This Plan does not relate to applications that fall within the following development categories:

- Development which is **exempt development** under the provisions of the *Inverell Local Environmental Plan 2012* or any applicable State Environmental Planning Policy; or
- Development which is **complying development** or **development permitted without consent** (Part 5) under the provisions of any applicable State Environmental Planning Policy.

1.3 What are the principles of community participation?

Inverell Shire Council recognises community participation within the planning system is not only the community's right, but it also helps to deliver better planning results for the people of the Inverell Shire.

Community participation is an overarching term covering how we engage the community in our town planning work under the *EP&A Act 1979*, including legislative reform, plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

The *EP&A Act 1979* guides Council to ensure that it will be clear and easier for the Inverell Shire community to understand how it can participate in town planning decisions. Section 2.23 of the *EP&A Act 1979* outlines the principles that underpin the Inverell Shire Community Participation Plan. These principles are outlined below:

- (a) The community has a right to be informed about planning matters that affect it;
- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning;
- (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning;
- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered;
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community;
- (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made;
- (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account); and
- (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

Consistent with Council's Community Strategic Plan, the above principles support Council's vision: **A Community for Everyone.**



2 MINIMUM EXHIBITION REQUIREMENTS

The opportunity for community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

A regular and valuable way for the communities of the Inverell Shire to participate in the planning system is by making a **“written submission”** on a proposal during an **“exhibition period”** for both **“strategic planning”** and **“development assessment”** projects.

The types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in the **Table 1 (Strategic Planning)** and **Table 2 (Development Assessment)**. These are mandatory and the same as under Section 2.21(2) and Schedule 1 of the *EP&A Act 1979* respectively. Council will always exhibit a proposal for this minimum timeframe and may consider an extended timeframe for exhibition based on the scale and nature of a proposal.

Key points to note about public exhibitions include the following:

- Timeframes are in calendar days and include weekends;
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day;
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition;
- **“Written notices”** in regard to either a strategic planning matter or a development assessment matter are sent to the property owner at their nominated postal address, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;
- If a property is owned by more than one person, a written notice to one (1) owner is taken to be a written notice to all the owners of that land; and
- A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.



2.1 Strategic Planning - Community Participation Requirements

2.1.1 Mandatory Minimum Public Exhibition Timeframes for Strategic Planning Functions

Planning Matter	Minimum Exhibition Timeframe
Draft community participation plan	28 days
Draft Local Strategic Planning Statements	28 days
Planning proposals for Local Environmental Plans subject to a gateway determination	<ul style="list-style-type: none"> • 28 days; or • as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plans	28 days
Draft contribution plans	28 days

Table 1 – Exhibition Timeframes for Strategic Planning Functions

2.1.2 How Strategic Planning Functions may be exhibited

The following methods of public exhibition will be used to inform the community for the strategic planning functions of Council:

- Council Notices within the Inverell Times;
- Council's website;
- Council's social media; and
- Static display at Council's Administration Centre and other locations (as applicable).

Depending on the specific strategic planning matters being considered, Council may also undertake one or more of the following public exhibition methods:

- Targeted stakeholder consultations/meetings;
- On-line surveys;
- One-on-one engagement with Council staff;
- Open days/drop in sessions;
- Letters to stakeholders;
- Notices within other regional newspaper/s; and
- Notices on the land.

Stakeholders include, but are not limited to:

- Landowners
- Business owners
- Developers
- Real estate agents
- Chamber of Commerce
- Community groups
- Members of Parliament
- Local Aboriginal Land Councils
- Council committees
- Other Councils
- Sporting groups
- Government agencies
- Village associations

2.2 Development Assessment - Community Participation Requirements

2.2.1 Mandatory Minimum Exhibition Timeframes for Development Assessment

Planning Matter	Minimum Exhibition Timeframe
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	<ul style="list-style-type: none"> • 14 days; or • in accordance with Sections 2.2.2 and 2.2.3 below.
Application for development consent for designated development	<ul style="list-style-type: none"> • 28 days; and • in accordance with the <i>EP&A Regulation 2000</i>
Application for development consent for nominated integrated development	
Application for development consent for threatened species development	
Application for development consent for State significant development	
Environmental Impact Statement under Division 5.1	
Environmental Impact Statement for State significant infrastructure under Division 5.2	

Table 2 – Minimum Exhibition timeframe for Development Applications

2.2.2 Notification of Development Applications

A “**written notice**” of a Development Application will be sent to the persons who own adjoining land and/or neighbouring land when a Development Application has been received, where, in Council's opinion, the enjoyment of the adjoining land or neighbouring land may be affected by the development in relation to:

- The views to and the views from the adjoining land or neighbouring land;
- Overshadowing;
- Privacy;
- Noise;
- The visual quality of the development in relation to the streetscape;
- The location of the proposed development in relation to the neighbouring boundaries;
- The means of disposing of roof drainage water from the building and any potential adverse effect of drainage on adjoining sites;
- Whether any fuel burning equipment or mechanical devices are to be installed as part of the development;
- The relationship of the proposed development to existing development on adjoining land or neighbouring land;
- The amount of traffic likely to be generated by the development and the capacity of the site to handle the associated traffic movements; or
- The effect the development is likely to have on the future amenity of the neighbourhood.

The notification period/public exhibition will be a minimum of **fourteen (14) days**.

Where in the opinion of Council, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification/public exhibition of a Development Application may not be required.

2.2.3 Advertising of Development Applications

In addition to notification/public exhibition requirements (**Section 2.2.2**), the following types of development (as defined in the *Inverell Local Environmental Plan 2012*) also require advertisement within the local newspaper:

- Within the R1 General Residential zone:
 - Multi dwelling housing;
 - Residential flat building;
 - Group homes, boarding houses and hostels;
 - Seniors housing;
 - Health services facility;
 - Health consulting rooms;
 - Neighbourhood shops;
 - Places of public worship; or
 - Community facilities;
- Telecommunication facilities in residential or rural residential settings;
- Backpackers accommodation;
- Hotel or motel accommodation;
- Caravan parks and camping grounds;
- Hospital;
- Education establishment;
- Recreation facility (outdoor);
- Recreation facility (major);
- Sex services premises;
- Licensed club;
- Demolition of a building or work that is an Item of Environmental Heritage or located within a Heritage Conservation Area; or
- Any development Council considers locally or regionally significant.

The advertised period will be a minimum of **fourteen (14) days** from the date of the advertisement within the local newspaper. During the advertising period a sign will also be placed at the site of the proposed development (**Refer Photo 1**).

Where in the opinion of Council, the development (including modification) is a minor alteration and/or addition to a development type listed above; advertising of a Development Application may not be required.

The *EP&A Act 1979* and other State Environmental Planning Policies may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.



Photo 1 – Example of advertised Development Application sign at the site of the proposed development

2.3 Council and Community Interaction

2.3.1 How does the community get involved with a town planning matter?

Any person is entitled to make a “**written submission**” which may either object to or support a planning matter within the public exhibition, notification or advertising period. Submissions must be in writing and be received by Council by 4.30pm on the day on which the period for submissions close.

All written submissions received during the public exhibition, notification or advertising period will be acknowledged (in writing) as soon as practicable by Council.

Where a petition is received in respect of a development application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged in writing by Council for the purpose of future contact regarding progress of the application.

Anonymous submissions will not be considered by Council.

2.3.2 How does Council consider community input?

Submissions received within the public exhibition, notification or advertising period will be considered in the Council officer's assessment of the matter.

However, Council's consideration of a submission is restricted to planning matters. Non relevant planning issues such as civil disputes between neighbours and private rights cannot be considered.

In certain circumstances, a planning matter and any submissions may be referred to a Committee and/or a Council meeting for consideration. Submissions will form part of the assessment report prepared by Council's Planning staff for consideration by the Committee or Council. The report forms part of the Committee or Council's Business Paper which is a public document and available upon request. Business Papers can be downloaded from Council's website (www.inverell.nsw.gov.au).

An opportunity also exists for individuals in the community to participate in the “**Public Access Forum**” prior to a Committee or Council meeting. Any persons wishing to exercise this opportunity will need to complete a ‘Public Access Forum Application Form’ prior to the meeting day. Council will provide prior notice to a submission maker of a planning matter being considered at an upcoming Committee or Council meeting.

Following determination of a Development Application, or the adoption of a strategic plan, all persons who made a written submission will be notified (in writing) of the decision, and reasons for the decision, regarding the application, strategy or plan.

2.3.3 Privacy

Submissions received on a Development Application are prescribed as open access information under the *Government Information (Public Access) Act 2009*. Any person (including the applicant) may obtain copies of written submissions unless the author of the submission can show good reason as to why the details should be kept confidential. If this is the case, this must be addressed in the written submission. Where a submission is provided to another party, Council will have consideration for the guidelines published for the *Government Information (Public Access) Act 2009*. If it is not considered in the public interest, Council may not disclose certain personal information, including contact details (mail address, phone numbers and e-mail).

3 CONCLUSION

Inverell Shire Council recognises community participation within the planning system is not only the community's right, but it also helps to deliver better planning results for the people of the Inverell Shire.

The Inverell Shire Community Participation Plan sets out how and when Council will engage with the community to encourage effective consultation and engagement when undertaking its town planning functions which includes **strategic planning** and **development assessment**.

The Inverell Shire Community Participation Plan has been prepared to meet the regulatory requirements contained in Schedule 1 to the *EP&A Act 1979* as well as Division 2.6 of the *EP&A Act 1979* and applies to the entire Inverell Local Government Area.

There are many ways for the community to provide feedback to Council or raise questions outside of formal public exhibition. Council will always consider and respond to the views and concerns of the community. Below are the various ways to make contact with Council.

Council contacts:

- In person: 144 Otho Street, Inverell
 - Phone: 67288200
 - E-mail: council@inverell.nsw.gov.au
 - Post: PO Box 138, Inverell NSW 2360
 - Fax: 67288277
 - Facebook: @InverellCouncil
 - Twitter: @invshirecouncil
- Or contact your local Councillor

GLOSSARY OF TERMS

Complying Development	Complying Development is a combined planning and construction approval for low-impact development that can be determined through a fast-track assessment. Complying development applies to a range of development types like the construction of a new dwelling house, alterations and additions to a house, new industrial buildings, demolition of a building, and changes to a business use (identified in the State Policy for exempt and complying development).
Development Application	A Development Application (DA) is a formal application to Council for carrying out various types of 'development' as defined by NSW Planning Legislation and Local Planning Instruments. Development includes activities such as new building works, alterations, additions, demolition, subdivision and the use of land.
Development Assessment	Development Assessment is the process where Council considers a specific proposal for development and decides whether or not it should be approved having regard to the criteria in the <i>EP&A Act 1979</i> . After this process a recommendation is made to either grant consent to refuse a development.
Development permitted without consent	Not all development requires consent before work can start. Development permitted without consent includes some low-impact or routine activities and are outlined within the Local Environmental Plan and/or State Environmental Planning Policies that apply to the area or activity.
Exempt Development	Exempt Development is low-impact development that can be undertaken on certain residential, commercial and industrial properties, usually minor building renovations or ancillary works. As long as the proposed works meet all of the development standards (identified in the State Policy for exempt and complying development), approval may not be needed.
Exhibition period	An Exhibition Period is the time frame that key documents and information will be displayed for review and comment by the public.
Inverell Shire Community Participation Plan	The Inverell Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the <i>EP&A Act 1979</i> and applies to the entire Inverell Local Government Area.
Strategic Planning	Strategic Planning is the term that refers to the planning functions Council undertakes with regards to the use and development of land for the future of the Shire. It can include Local Environmental Plans, Development Control Plans and a range of other planning research documents which inform these statutory plans.
Written notices	Written notices are letters sent to land owners to notify them of a development and advise of the exhibition period within in which they can review and comment on the proposed development or plan.
Written submission	A written submission is a letter, e-mail or facsimile sent to Council in response to a matter on exhibition and should reference the development or plan, address/es, the views you want considered by Council and the submission makers contact information.





Planning,
Industry &
Environment

Planning and Assessment for Councils during COVID 19

Frequently Asked Questions

April 2020



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Section 1: Clarifying essential services

Will there be guidance to councils as to what work they should keep doing, aside from the areas that have been closed under gazetted orders?

The new reality brought about by COVID 19 is one of constant change and ever-evolving response.

The department commits to giving guidance to councils as soon as practicable within this fluid situation.

The public health orders detail what are considered non-essential services. Councils should continue all services and functions that do not fall into the non-essential category. They should ensure that all prescribed public hygiene principles are followed, such as maintaining social distancing.

Please also refer to updates from the Office of Local Government.

Can you clarify what are considered 'essential services' of councils? Could these be published in a circular to all councils?

The NSW Government's Public Health (COVID 19) Restrictions provides guidance, prescribing non-essential activities that must stop.

All other activities are permissible and should be continued.

If a state of emergency is declared, is planning and development considered an 'essential service' that councils must continue to the fullest extent possible?

Yes. Planning and assessment remains an essential service and should continue, subject to social distancing and any other requirements for public safety.

There remains the possibility that this may change in response to the deepening pandemic. However, our current advice is to continue planning services as usual.

Section 2: Managing planning functions

What impact will COVID 19 have on all planning functions, including timeframes for councils to complete their new LEPs and funding?

The department is working in its normal capacity (but within government and health guidelines) to assist councils with the completion of local environment plan (LEP) processes, including making gateway determinations and completing their LEP.

We want to ensure LEPs continue to be processed by councils and the department so that pent-up demand in NSW can be transformed into jobs and economic stimulus.

Discussions are being held about the 18 metro accelerated councils and a decision should be made imminently. We will communicate the outcome.

Can the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) regarding community participation be satisfied by the online exhibition of planning proposals during this time?

Advice on how to publicly exhibit documents such as local strategic planning statements, given the impending deadline, and voluntary planning agreements is as follows:

- measures put in place to protect our community mean that, for the immediate and foreseeable future, all exhibitions will need to be online
- the department has moved quickly to amend regulations so that physical copies of planning documents are no longer required for exhibition
- documents will be available on the Planning Portal and council websites, and the department is working through options to ensure people with limited access to digital platforms are catered for
- with face-to-face engagement no longer an option, we are using tools such as Social Pinpoint to create online engagement hubs
- this new reality will require councils reconfigure their community participation plans. The department is working to provide councils with best practice online engagement information and training resources to ensure the community continues to be at the forefront of planning decisions.

Council is considering amending its community participation plan (CPP) provision to notify adjoining landowners by letter, as we don't have anyone in the office. Can we make this amendment without the usual 28 day exhibition period?

Under the [COVID-19 Legislation Amendment \(Emergency Measures\) Bill 2020](#) (s10.18) councils can continue their normal communication with their communities without the need for face to face provision of information. Minor amendments to a CPP can be made without re-exhibiting for example if a CPP has certain requirements that can no longer be satisfied, such as displays in the council offices or public library.

However, Councils don't need to update their CPP to meet the new social distancing rules and to account for their office closures.

The CPPs all refer to a broad range of engagement methods but none state that they will also use one particular approach (i.e. physical display in their council or library etc.) or that any method is mandatory. The amendment to the EP&A Act means they aren't in breach of the legislation if they don't provide physical access to documents.

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If councils want to update their CPPs to reflect this they can do this quickly without re-exhibiting their CPP, but if a council wants to make a significant change to their CPP, for example, no notifications at all in any channel, such a major change would require re-exhibition.

Community consultation is one of the objects of the EP&A Act and has long been a key feature of the NSW planning system, and it would be a significant amendment to a CPP to remove this requirement.

Should council have no administrative ability to notify adjoining neighbours of proposed developments, please contact your departmental regional team for help in identifying an approach that best resolves this.

As an interim measure, councils should advise their community and applicants that normal administrative processes may take longer than usual.

Will there be an extension of time to adopt local strategic planning statements?

Strategic planning at a local level is key to ensure we create and maintain strong communities for people to live and work. That is why it is important we continue to work towards the 1 July deadline to finalise local strategic planning statements (LSPS) for councils in regional NSW.

There is no provision in the regulation to grant extensions to councils to complete their LSPS beyond 1 July 2020.

If councils have an issue with their LSPS they should raise it with the department via the relevant region's office.

All Greater Sydney councils had finalised their LSPS by the 31 March deadline.

Will there be any impact on gateway determinations and other government agency responses to planning proposals?

NSW Government agencies are continuing to operate throughout the current situation and are rapidly improving online capabilities to support staff and enable them to keep working.

Councils should continue to work directly with the department's regional offices to discuss any implications for specific planning proposals and gateway determinations.

Section 3: Managing planning proposals and planning instruments

How can councils manage DA and DCP notifications—specifically, the need to send physical notification letters to neighbours or affected residents where not all email addresses are available? With reduced staff in the office, we are unable to print the letters and post them.

We have developed a resource guide to assist councils in managing their engagement with the community, including notifications. This is available from the department website.

Councils can make use of a range of external sources, including:

- Australia Post or mail distribution services to print and deliver addressed or unaddressed mail
- leveraging local media or community information sources to alert residents to the planning proposal exhibited on council's website
- using community newsletters and online groups to alert residents to the planning proposal exhibited on council's website.

Where a council has reduced capacity, they should advise their community and applicants that normal administrative processes may take longer than usual.

Where email addresses are available, can councils use these channels without having to amend their DCPs or community participation plans?

Yes.

Will it be enough for council to advertise DA notifications via its website as the sole means of notification? Would it be possible for the responsible minister to deem this as sufficient notification for, say, six months?

Yes, the [COVID-19 Legislation Amendment \(Emergency Measures\) Bill 2020](#) allows the Secretary to override Act and regulation requirements for councils to display physical copies of DAs and other assessments at their offices.

The Secretary has now approved council websites or the NSW Planning Portal to be used to make documents available online instead of council's offices.

What happens if our local newspaper closes?

A consent authority (including councils and the department) are required to give public notice of various planning matters in a newspaper circulating through the relevant area at intervals of not more than two weeks as per [Environmental Planning and Assessment Regulation 2000 clause 3](#) (EP&A Reg.).

Where a local newspaper is no longer circulating due to restrictions arising from the COVID-19 pandemic, the consent authority must advertise the relevant notice in a regional or statewide newspaper that is circulating in the broader area. For example, publishing a notice in the Hawkesbury Gazette, if the local Rouse Hill Times has ceased operations.

Only publishing a notice in an online version of a local newspaper will not satisfy the requirements for public notice as these online versions do not have the same reach and free access.

The specific publication requirements under the EP&A Reg. such as the information that is to be included in the notice and the format of this notice must also be maintained. Provisions requiring a

notice to be placed in a daily newspaper circulating generally throughout the state are still applicable.

The department will consider amending these requirements in the EP&A Reg. to enable more cost effective, efficient and appropriate methods of communicating important planning matters to communities.

Council is considering amending its DCP to remove the requirement to make available physical notifications, such as letters and copies of plans. Will this meet the requirements of the Act? If so (and assuming councillor support), is council able to amend its DCP and waive the usual 28-day exhibition period?

It is possible for councils to waive the requirement for physical notifications, provided these documents are made available through council's website or the [NSW Planning Portal](#). However, public consultation remains a vital part of the planning process and exhibition periods should it remains it is important that exhibition takes place via electronic channels where physical exhibition is not possible.

Can councils accept electronic versions of plans as part of managing DAs?

Yes, you can accept electronic lodgement where relevant and supported by any other evidence to demonstrate compliance with the consent conditions. The supporting evidence can be provided electronically, or by post.

How can councils appropriately issue 'stamped approved' plans or subdivision certificates where we don't have the capacity for electronic stamping and the officer who would authorise the document is working remotely?

Similarly to accepting electronic versions of plans, councils can issue outcomes electronically, with supporting evidence.

Will digital equivalents be accepted all the way through the DA process, for example for linen plans attached to proposed land subdivisions?

Councils can accept an application for a subdivision certificate and the required attachments including the plan of subdivision (linen plan), certificate of compliance from the relevant water supply authority where relevant and any other evidence to demonstrate compliance with the consent conditions either by post or electronically.

Councils should make arrangements directly with applicants for the provision of signed linen plans and the subdivision certificate once approved to enable the applicant to lodge those with NSW Land Registry Services.

Given the current access barriers, should the timeframe for community consultation and exhibitions be extended? And will there be a waiver of long service leave and planning reform fees, like the fee waivers for bushfire victims?

The NSW Government will work closely with stakeholders to provide a package of measures to support the NSW economy during the crisis and for the recovery. All options will be on the table.

Is council able to send its consents electronically: particularly if staff are not in the office to print and post?

Yes

How do council staff continue to undertake inspections for DA's if we are not allowed to visit the site, for example when a DA that has been lodged for an extension to a nursing home?

Site inspections can be carried out, subject to adhering to health and safety requirements. These requirements include a limit of two people in the room, observing social distancing, staff travelling to site in separate vehicles, and other public safety requirements.

Council will need to undertake a risk assessment on a case-by-case basis. Site visits can still occur if appropriate steps are taken to comply with public health orders. This might mean the site visit is more limited in scope than it normally would be, only focussing on specific areas of concern. Councils may need to rely more on photos, videos or aerial imagery than they normally would.

With regard to site inspections of nursing homes, there should be no issue with external inspections if the applicant/site owner is forewarned of the inspection and residents are kept inside or at a safe distance.

What advice do you have regarding subdivision certificate issue and the requirements from NSW Land Registry Services for signatures, for example by councillors, on original documents that are then delivered in hard copy? Is there an equivalent electronic process that will be legally valid?

The department will pursue the development of electronic processes with NSW Land Registry Services.

A key issue for councils is having documents rejected by NSW Land Registry Services. Can the department pursue accepting digital signatures and electronic document transfer?

Yes. The department will pursue the development of electronic processes with NSW Land Registry Services.

Where can I find more information about the 'website' referred to in EP&A Act amendment s10.18 that documents can be advertised on the NSW Planning Portal or other website approved by the minister?

Information about the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 is available on the NSW legislation website: www.legislation.nsw.gov.au/bills/82167dc2-5f11-4a1b-b1c1-8f5d87db27ef

Further information about the COVID changes is available on the department's website: www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response

Has the department approved any council websites as an appropriate channel?

The department approves all official council websites as appropriate alternatives to physical exhibition of documents, in line with [COVID-19 Legislation Amendment \(Emergency Measures\) Bill 2020](#) Section 10.18.

Is there published confirmation that council websites are an endorsed channel for notification under EPA Act amendment s10.18? If so, where?

Yes. The information is on the department's website at: www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response

Is it enough to advertise notifications on either the council's website or the planning portal, or will councils need to advertise notifications on both channels?

Ideally notifications would be advertised on both the planning portal and council's website to give the community more opportunity to view.

The [COVID-19 Legislation Amendment \(Emergency Measures\) Bill 2020](#) allows the Secretary to override Act and regulation requirements for councils to display physical copies of DAs and other assessments at their offices.

The Secretary has now approved council websites or the NSW Planning Portal to be used to make documents available online instead of council's offices.

How can councils manage payments for DAs that are now made through the Planning Portal?

The department is developing the capacity to manage payments through the planning portal. In the meantime, councils will be advised about DAs that are lodged through the planning portal.

Councils can then provide applicants with a fee quotation and the preferred methods of payment outside the online DA process.

What support is available for using the planning portal?

The [NSW Planning Portal](#) includes knowledge management tools for councils, including [Quick Reference Guides on how to progress a DA case in the Portal](#).

You can also contact the ePlanning Training and Implementation team at epanning@planning.nsw.gov.au for any additional assistance.

Are submissions from the community collated and issued to councils when the planning portal is used for consultation?

Each submission will be separately forwarded directly to councils from the portal, for collation by council staff.

Media outlets in our local government area have closed, which severely restricts our ability to advertise. How can council meet the requirement to notify residents without access to a community paper?

Councils can make use of a range of external sources, including:

- Australia Post or mail distribution services to print and deliver addressed or unaddressed mail
- using local business and community newsletters to alert residents to the planning proposal exhibited on council's website
- use social media and local, online groups to alert residents to the planning proposal exhibited on council's website.

Under current circumstances, councils may not be able to progress applications as usual. How can we mitigate the impacts of this? For instance, should deemed refusal periods be extended?

This is a matter the department raised with NSW Local Government and we are awaiting their advice (as at 06/04/20). We will advise councils when an update becomes available.

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How can councils appropriately issue documents (for example, subdivision certificates) where the officer who would authorise the document is working remotely?

The best approach would be to fix this issue by embracing digital signing capabilities. In the meantime, councils will need to use existing channels such as the postal system for lodgement and issue of documents.

Section 4: Exemptions and change of use provisions

We are getting request from health practices for approval for critical testing areas, such as pop-up health test facilities in demountables in car parks. These would ordinarily require development consent, but they need to be installed immediately. Is there any way to fast track approval?

Please refer to www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response for recent Orders.

Has any thought been given to changes of use of a premises in contravention of current DA provisions? For example, to allow repurposing of venues, or to allow wholesalers to retail from their premises?

Please refer to www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response for recent Orders.

Can you explain changes to regulations around home-based business?

The NSW Government's gazetted changes to home businesses include that these businesses can now operate 24 hours, seven days per week, with up to five people (the previous upper limit was two people), subject to social distancing and other public safety restrictions.

The purpose of the changes is to give more flexibility for NSW's approximately 680,000 small businesses continue making their vital contribution to the state economy.

What exemptions will apply to home businesses where food preparation is undertaken?

The minister made an Order on 25 March 2020 in relation to extended operations: https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/A+Activation/Order+1.pdf

This Order allows for home businesses, including those that involve food preparation to:

- operate 24 hours per day
- employ more than two people other than the permanent residents of the dwelling, but not more than five people, providing they can abide by social distancing and noise reduction guidelines.

All other conditions continue to apply to the business. In addition, when operating outside the normal hours of operation of the premises, steps must be taken to ensure it has no adverse impact on the amenity of the neighbourhood—for example by way of noise, smell, fumes or waste products.

Will the department consider exemption to allow food and drink premises to operate for takeaways or delivery for extended trading hours (for example, until midnight) to save some jobs and businesses?

The department will take the issue on board as an action item for consultation with NSW Health. We will advise councils when a path forward is identified for specific exemptions.

Council has been advised that fuel stations are exempt from the need to remove tables and chairs for heavy vehicle drivers. Is this the case?

On 31 March 2020, the National Heavy Vehicle Regulator and Department of Infrastructure, Transport, Regional Development and Communications advised that truck stops throughout Australia will remain open, subject to health and safety measures including properly cleaning and

Planning and Assessment for Councils during COVID 19

sanitising showers and toilets and spacing out seating. Use of truck stops will be limited to heavy vehicle drivers.

How will existing use rights be impacted where businesses/organisations have closed in response to government requirements, but may not reopen?

The answer to this goes back to the fundamental principles that apply—the presumption of abandonment after 12 months. However, that may be reviewed at the end of the pandemic. We are keen to encourage 'status quo' once current restrictions are eased. We will review this at a later date.

Section 5: Planning panels

Can the department commit to ensuring local and regional planning panels can continue throughout the pandemic period?

Yes. Continuing the functions of local and regional planning panels is crucial to ensuring oversight when determining development assessments. The department has moved quickly to enable local and regional planning panels to meet via teleconference, including providing for public participation.

Several panel meetings have been held by teleconference, and these have been well received.

Reflecting the need to prioritise projects that will stimulate economic recovery in NSW, the Planning Panels Secretariat is working with councils to prioritise those DAs that have the greatest economic benefit.

We would appreciate if planning directors could send through to the Planning Panels Secretariat enquiry@planningpanels.nsw.gov.au a list of the DAs that will be reported to their Sydney or regional planning panel up to the end of the financial year.

How will meetings be held? Can we have a consistent approach and protocols for how planning panel public meetings should be carried out?

To help councils manage planning panels, the department has updated its advice on local planning panels. The updated advice is available from www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Local-Planning-Panels

With face-to-face public panel meetings no longer an option, you will need to hold meetings virtually, such as by teleconference, until further notice. Panel members or members of the public are not required to attend panel meetings in person.

As a guide, the approach to planning panel meetings should consider the following:

- When either local planning panels or regional panels meet it must be in public and at a minimum the audio from the meeting must be recorded. The recording of the meeting must be published on the panel's website.
- Teleconferences are considered the most accessible way people can participate in these meetings because all they require is a phone.
- A meeting by teleconference must be open to the public, however councils are able to require those who want to join the teleconference to register, either to listen to proceedings or to address the panel. All panel members should be able to hear the other panel members, and those addressing the panel. The teleconference must have the audio recorded and published on the panel's website.
- People can contact the planning panels phone line on 02 8217 2060 to leave their comments.
- After hearing from all those wishing to address the panel, the panel can close the meeting and adjourn to a separate teleconference to formulate its decision, which would then be published in writing on the panel's website.
- As was the case for physical meetings, teleconference meetings will have audio recorded and published on the Panel Secretariat's website for people to access, in compliance with - planning legislation.
- The NSW Government is aware that the teleconference system is not perfect but it is the best solution to give the greatest number of people access to this important process in extremely trying times.

In the event a community member, who does not have internet access, is able to make a verbal submission but is unable to access the live meeting audio, have we met the conditions for a public meeting? If not, what do we need to do to meet the standard?

The conditions for a public meeting are met when:

- all panel members can hear other panel members and those addressing the panel
- the teleconference audio is recorded and published on the panel's website.

What software solutions do you recommend for panel meetings?

Council's technology advisors may be able to assist you with choosing from the many commercial teleconference systems and services available.

How will we manage practical aspects of panel meetings, for example site inspections?

There is nothing that prevents site inspections, subject to health and safety requirements being adhered to. These requirements include a limit of two people in the room, observing social distancing, staff travelling to site in separate vehicles, and other public safety requirements.

Panels will need to undertake a risk assessment on a case-by-case basis. Site visits can still occur if appropriate steps are taken to comply with public health orders. This might mean the site visit is more limited in scope than it normally would be, only focussing on aspects of the site where potential concerning impacts might be. You may need rely more on photos, videos or aerial imagery. Refer to Section three.

What are expected regional planning panel lead times, particularly given the need to prioritise assessment and determination of development applications to encourage economic stimulus in the building/construction industry?

The department will work with councils to ensure that all development assessment and determination functions continue and that we can identify any opportunities to ensure business as usual and support the recovery of the NSW economy.

How can we manage approvals if we need to determine applications electronically? We have been informed by a panel Chair that their actual signature is not required on their meeting declaration of interest forms. Is this correct? This seems wrong. These forms go on our website and may be perceived as forged if the signature is not on the form.

There are a range of ways that signatures or approval of documents can be given and recorded. An email from a panel member's email address authorising a document, including the time and date on which it was sent, is sufficient in these circumstances.

Section 6: Other

Now that council meetings can be held via teleconference, where a DA needs to be approved by council for delegation purposes, could the meeting be held at any time and then posted online, rather than waiting for council's regular monthly meeting?

If it is a formal meeting conducted by teleconference and appropriate requirements, such as notice periods and the public's right to attend are met, this would be a valid way of progressing the DA application.

Please refer to the Office of Local Government regarding holding council meetings via teleconference.

Council's health and fire safety officers are being denied access to buildings on the grounds that they are breaching public safety requirements. What is the legal status of these officers?

Inspectors are authorised inspectors under the legislation and therefore continue to enjoy right of access.

What about older people who don't have access to computers, the library?
How can we ensure they continue to have access to council proceedings?

The Office of Local Government has changed provisions for council meetings in the legislation and councils are required to conduct their meetings under these rules.

The community is able to access council proceedings under those provisions. Further guidance will be provided on the need to provide hard copies of documents put on public exhibition under the LG Act.

ENDS

9.7 REQUEST FOR REDUCTION ON WATER ACCOUNT - 142 OLD BUNDARRA ROAD, INVERELL**File Number:** S32.10.1/12 / 20/14270**Author:** Somone McLachlan, Debtors Clerk**SUMMARY:**

Council has received a request seeking Council's assistance by issuing an amended account for the property 142 Old Bundarra Road, Inverell based on average usage due to a water leak. Council is being asked to consider a confidential report in respect of this matter.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

- b discussion in relation to the personal hardship of a resident or ratepayer.*

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 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.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the *Local Government (General) Regulation 2005* makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) Personnel matters concerning particular individuals (other than councillors.)*
- (b) The personal hardship of any resident or ratepayer.*
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) Commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the council, or*
 - (iii) reveal a trade secret.*
- (e) Information that would, if disclosed, prejudice the maintenance of law.*
- (f) Matters affecting the security of the council, councillors, council staff or council property.*
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) The grounds must specify the following:*
 - (a) the relevant provision of section 10A (2),*

- (b) *the matter that is to be discussed during the closed part of the meeting,*
- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

- b discussion in relation to the personal hardship of a resident or ratepayer.

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 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*.

9.8 REFLECTION GARDEN

File Number: S21.8.31 / 20/14484

Author: Paul Henry, General Manager

SUMMARY:

Additional information was sought from the community group that is seeking permission to have a 'Reflection Garden' constructed in Victoria Park.

The Group request Council determines if the project can proceed.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

At the February 2020 Committee meetings a report on the possible construction of a Reflection Garden in Victoria Park was considered. This report is attached for information.

When considering this report Council sought additional information from the Support Group for the Reflection Garden.

A. Support Group Comments

The Support Group was requested to advise what financial or 'in kind' contribution will be made towards the cost of the proposed project.

The Group advised that the following contributions will be provided:

- A \$1000 cash contribution from Macintyre Lions Club (a letter from the Club confirming this contribution has been received).
- Members of the Macintyre Lions Club will assist in garden development.
- Community members with the necessary building skills will donate their time for construction of walls/paving.

B. Building Envelope

At the February Meeting the dimensions of the proposed walls was uncertain. The Support Group indicated that they are prepared to be guided by Council as to the allowable 'building envelope'.

It is suggested that the 'building envelope' (excluding pathway) for the walls be 0.5m (W) x 3m (L) x 1.5m (H). A 0.5m wide path around the walls would be installed.

The material costs for the proposed structure is approximately \$5K.

C. Location

Councillors may wish to note the existing Master Plan for Victoria Park. Two (2) matters have previously been determined by Council, being:

- a) The 'learn to ride' track has been removed as a suitable facility for the park, and

- b) The large garden proposed for the centre of the Park has been placed on hold until the concept plan for the redevelopment of the Pool is finalised (this area may be required for an expansion of the Memorial Pool footprint).

The Support Group wish to locate the Garden near the Rivers/Vivian Street entrance to the park. The Macintyre Lions Club has advised that they have no objection to the location of the garden in proximity to the entrance gateway.

D. Request from the Support Group

The Support Group has requested the Council to determine if the Reflection Garden is permitted to be constructed in Victoria Park.

If so, what is the location that will be chosen for this structure?

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Reflection Garden - Report to February 2020 Economic Committee
2. Reflection Garden - Concept Plan
3. Victoria Park - Master Plan

5.9 REFLECTION GARDEN - VICTORIA PARK**File Number:** S21.8.31 / 20/3253**Author:** Paul Henry, General Manager**SUMMARY:**

The Infant Loss Support Group have provided details on a 'Reflection' Garden proposed for Victoria Park – a concept that was presented to Council at the July 2019 Council Meeting. Consideration of the Group's proposal is requested.

RECOMMENDATION:

A matter for the Committee.

COMMENTARY:

At the July 2019 Council Meeting, members of the Infant Loss Support Group presented a concept to Council – the proposal was to construct a remembrance structure/garden for parents who had experienced grief at the loss of a child. Council resolved that it was prepared to receive a detailed proposal from the Group.

Since July 2019, the Group has been refining the original concept, and a more detailed proposal has now been submitted for Council to consider. It will be noted that the Group have sought to address the issues raised during the debate.

1. The Proposal**a) Aim**

The aim of the Group is to establish a remembrance garden for our local and visiting families who have experienced the death of a baby or child, or pregnancy loss.

The Group have a shared vision of a welcoming, happy, family friendly memorial garden which will provide a gentle and peaceful location for families to remember and acknowledge the lives of babies who have died through either miscarriage, still birth or infant death. Not only will the garden give comfort by acknowledgement, it will importantly provide a place for people to meet and share stories, as well as allow siblings a special place to remember their brothers and sisters.

b) The Structure

The Group have submitted a draft concept design, but certainly note it is a flexible concept, and open to suggestions by appropriately skilled designers. The draft design proposes a central structure which resembles a wave shape, to represent the highs and lows, or 'waves' of grief experienced during loss. It is low enough to be seen over, so it doesn't obstruct the park view or be too intrusive, but also high enough to be decorated with artwork.

There is a 'figure 8' pathway proposed for around the central structure, symbolising the continuity/infinity of the memories.

Seating around the edge of the garden will allow people to sit quietly, chat, reflect, rest, remember and share time together.

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c) Materials

- Central Feature – rendered brick (to provide a uniform surface for artwork/decoration to be mounted)
- Seating – park/garden benches, preferably a durable timber, or matching construction to the inner structure.
- Paving – complimentary to existing paving in Victoria Park
- Landscaping / Gardens – bark chips or pebbles, low maintenance grasses
- Size / dimensions – 6 metres x 4 metres (large enough to provide some seating and a sense of presence, whilst also not being too intrusive and impeding on the existing park area and function, nor costing too much to create.
- Artwork / Decorations – the central structure is designed to give the opportunity to communicate with people, through artwork, designs and words. Artwork would include Aboriginal designs, representing the traditional custodians of the land and the culture and spirituality of the land. It is also envisaged that murals, supportive words/statements and tiles representing various situations would be featured on the central structure

d) How will construction be undertaken

The Group envisage the establishment of the garden will be a joint project of Council and the community. Council will have responsibility for directing works; the Group will be responsible for arranging tradespeople and volunteers capable of assisting at working bees etc.

e) Will plaques be placed on wall? What form? What process is proposed for approving and placing plaques on structure?

The Garden would not contain the names or plaques of individual children or families, but would rather represent in a generic way many different scenarios of pregnancy/baby loss. The memorial would therefore not require any ongoing process of approving for mounting plaques on the structure.

f) Contributions (?) e.g. working bees, cash, materials

Inverell Macintyre Lions have given written confirmation that they are supportive of the project. This may be in the form of both financial support, or the supply of building goods and trade skills. Inverell Apex has also agreed that they will support a working bee with man-power. The Danthonia Community have assisted with design ideas and are also keen to provide help to create the garden.

g) Alternative Sites Investigated

- i) Lions Park
 - Not easily accessible from central hub of the town
- ii) Sinclair Park
 - On intersection of two (2) busy roads
 - No playground equipment for siblings to play on
 - Memorial would be out of character for this site
- iii) Campbell Park
 - Shade, play equipment, amenities, easily accessible
 - Sites considered suitable and on flat ground were not in the shade
 - Potential for flooding
 - Very busy (markets, parkrun, concerts, festivals, bike path)
 - Traffic noise

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- iv) Lake Inverell
 - Too far from hub of town
 - More suited to recreational pursuits
- v) Cemetery
 - Too far from hub of town
 - Sense of sadness and isolation attached to cemetery does not support the function of the Garden
- vi) Victoria Park (Vivian & Rivers Street corner adjacent to Walk of Honour)
 - Preferred location for the garden as it fulfils all the selection criteria
 - Does not impede the implementation of Council's concept master plan for the park
 - Fenced and shaded playground equipment for siblings to play on
 - Family friendly park
 - Accessible
 - Close to hub of town (within walking distance)
 - Accessible
 - Public Toilets nearby
 - Established shade trees
 - Recognised by Aboriginal community as place of gathering and is their preferred location
 - Close to churches

2. Other Matters

a) Macintyre Lions Club

The Club has advised the Group of its support for their proposal and offered to provide funding and labour to construct associated landscaping.

A copy of the Club's letter of support has been received by Council.

b) Request for Assistance

The Group offer that the garden is not intended to unduly burden the Council with immediate or ongoing costs – the purpose and function of the garden is absolutely in the best interest of many families in our community, and is extremely well supported by the general community.

The Group respectfully request Council's assistance to further develop and design the garden, and partner with the community with the initial construction of the garden including funding and use of Council's equipment, materials and skills. The Group also request from Council, a commitment to provide the minimal upkeep to the garden as part of the routine maintenance of Victoria Park.

3. Council Determination

The Group requests Council to:

- a) Approve the location of the 'reflection area' in the south western corner of Victoria Park.
- b) Determine the final form of the 'structure' that constitutes the 'reflection' area.
- c) Determine a suitable 'low cost/low maintenance' landscaping plan.
- d) That a cost of the installation of the 'reflection area' be prepared and the funding of this cost be discussed with the Group.

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RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

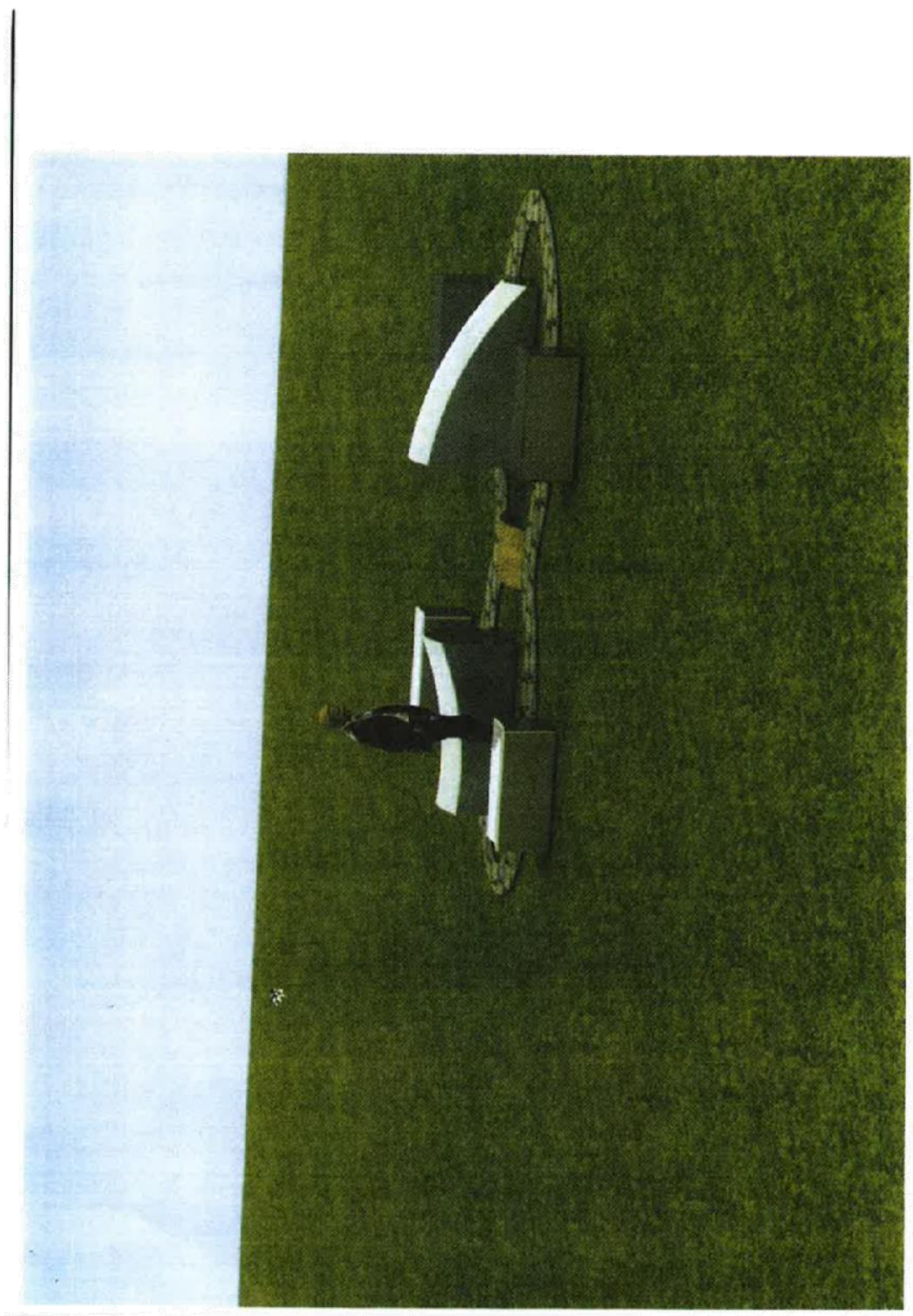
Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Reflection Garden - Design Concept
2. Inverell Macintyre Lions - Support of Proposal - Baby Remembrance Garden



S01

Part # Garden-Master
Part Name:

Dm. melvinoble
Date: 9/10/2019

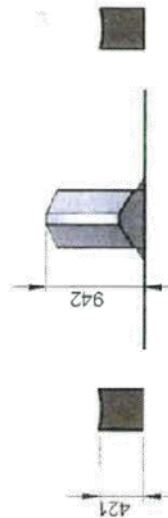
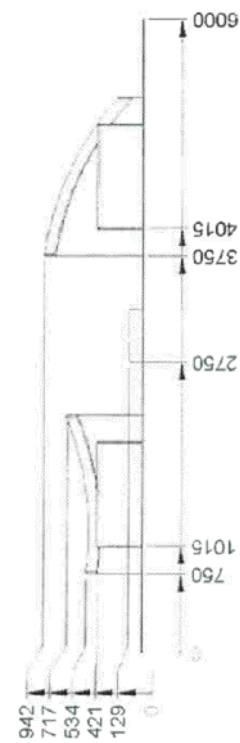
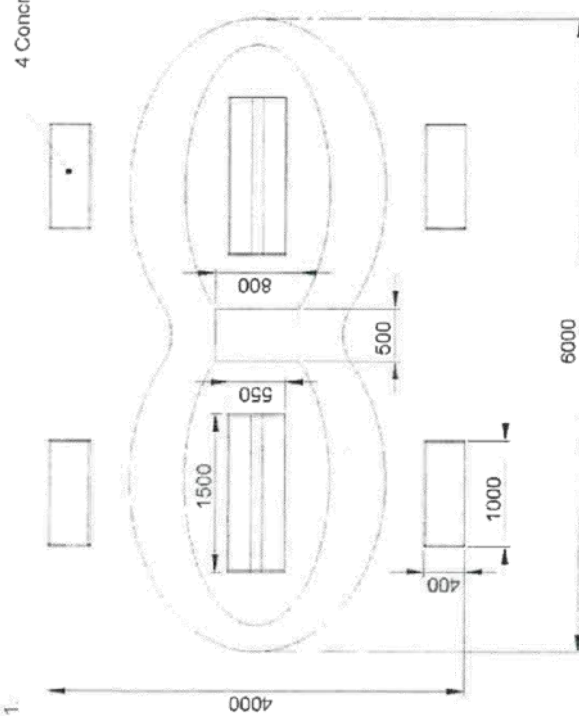
Material: Material (not specified)

Qty: Unless otherwise specified, all dimensions in millimetres

NOTES:

1.

4 Concrete Benches





9.9 LAND MATTERS - PROPOSED ROUNDABOUT GWYDIR HIGHWAY, BUNDARRA ROAD AND CHESTER STREET**File Number:** S5.2.59 / 20/14797**Author:** Nicole Riley, Administration Coordinator**SUMMARY:**

A confidential report has been prepared on this matter. The Councillors are being asked to refer the matter to a Closed Council for consideration.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 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*.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) *Personnel matters concerning particular individuals (other than councillors.)*
- (b) *The personal hardship of any resident or ratepayer.*
- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) *Commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret.*
- (e) *Information that would, if disclosed, prejudice the maintenance of law.*
- (f) *Matters affecting the security of the council, councillors, council staff or council property.*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) *Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) *The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A (2),*

- (b) *the matter that is to be discussed during the closed part of the meeting,*
- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 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*.

9.10 SUPPORT FOR THE NATIONAL TRANSPORT MUSEUM**File Number:** S5.10.145 / 20/14813**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

Council has previously received a request from the National Transport Museum asking that a moratorium be placed on their rent payments. A confidential report has been prepared on this matter.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

- d(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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 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*.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) *Personnel matters concerning particular individuals (other than councillors.)*
- (b) *The personal hardship of any resident or ratepayer.*
- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) *Commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret.*
- (e) *Information that would, if disclosed, prejudice the maintenance of law.*
- (f) *Matters affecting the security of the council, councillors, council staff or council property.*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) *Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) *The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A (2),*

- (b) *the matter that is to be discussed during the closed part of the meeting,*
- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

- d(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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 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*.

9.11 LAND PURCHASE - INVERELL POLOCROSSE - EDDY PARK LANE**File Number:** S15.8.25/12 / 20/14889**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

A confidential report has been prepared on this matter. The Councillors are being asked to refer the matter to a Closed Council for consideration.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 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*.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) *Personnel matters concerning particular individuals (other than councillors.)*
- (b) *The personal hardship of any resident or ratepayer.*
- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) *Commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret.*
- (e) *Information that would, if disclosed, prejudice the maintenance of law.*
- (f) *Matters affecting the security of the council, councillors, council staff or council property.*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) *Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) *The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A (2),*
 - (b) *the matter that is to be discussed during the closed part of the meeting,*

- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

- c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 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*.

10 INFORMATION REPORTS**10.1 STRATEGIC TASKS - 'SIGN OFF' - APRIL 2020****File Number:** S4.13.2 / 20/10678**Author:** Kristy Paton, Temporary Corporate Support Officer - Publishing**SUMMARY:**

A part of a successful governance program is a need for administration to indicate to the policy makers that the requirements of the legislation, under which the organisation operates, has been provided. As a result, this information report provides councillors with a statement of assurance from the General Manager that in accordance with the *Local Government Act, 1993*; the tasks have been complied with.

COMMENTARY:

The April, 2020 tasks required to be undertaken are detailed below. Any of these tasks may be added to as Council becomes familiar with this new initiative.

Date	Compliance Requirement	Achieved/Not Achieved	Comments
30 April	Fourth quarter rates instalment notices to be sent (LGA s 562)		Posting scheduled for 27 April
30 April	Public bodies to provide Council with a list of parcels of land to which rate rebate applies (LGA s 600 (5))	Achieved	

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the months of April 2020. I confirm the accuracy and completeness of the information provided above, in that to the best of my knowledge and understanding, all material information has been herein disclosed.

P J HENRY PSM
GENERAL MANAGER

ATTACHMENTS:

Nil

10.2 WORKS UPDATE**File Number:** S28.21.1/13 / 20/12268**Author:** Justin Pay, Manager Civil Engineering**SUMMARY:**

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

COMMENTARY:**Rifle Range Road Subdivision**

This project is the final stage of an industrial subdivision being undertaken by Council on Rifle Range Road, Inverell. This stage involves the construction of sewer, water, drainage and road infrastructure for up to twenty three (23) various sized industrial lots located between Rifle Range Road and Pioneer Village. The \$1.475M project is being funded from the Industrial Development Internal revote and the Industrial Promotion and Assistance vote. The design for the project was completed by Local Government Engineering Services and is in accordance with relevant Austroads Design Guidelines. Earthworks for road construction, underground drainage and sewer have been completed and placement of pavement material has commenced in preparation for kerb and gutter works.

Construction of the pavement of this project was undertaken in stages, consistent with Council's standard construction techniques and engineering specifications. Pavement depths of up to 600mm were required for the project given the proposed traffic composition and the underlying soil types. In order to achieve these pavement depths whilst also ensuring proper drainage, areas of existing soil were required to be removed, or "boxed out". This is a standard pavement construction technique. Some construction areas had considerable volumes of cut for pavement construction, sewer and drainage installation. This is due to the site constraints, including depth of drainage lines, depth of sewer and provision of proper road drainage in varying natural site gradients.

The project has experienced minor delays as crews have been working on the Sporting Complex Upgrade and Town Centre Renewal Plan. Works have been progressing in between these two (2) projects with kerb and gutter now completed for this project. Drainage pit construction has commenced with base material haulage commencing early April 2020. Works are expected to continue over the next four (4) weeks with a planned completion date at the end of April 2020.



Sub base pavement material placed and compacted with Kerb and Gutter construction completed
– Rifle Range Road Industrial Subdivision

Guyra Road Pavement Rehabilitation and Widening – Slurry Gully

This project involves the widening and rehabilitation of a section of Guyra Road 66.66km to 68.58km west of Guyra at the locality known as Slurry Gully (2km west of Tingha). The project has been constructed in two (2) stages with stage one (1) (CH 67.40km to 68.58km) an 1180 metre section completed and stage two (2) (CH 66.66km to 67.40km) a 740 metre section currently under construction. Council has committed \$1.41M to this project with \$1.087M being funded from the Repair Program and \$323K from the Block Grant.

Stage two (2) is progressing as planned with all drainage, earthworks and sub base now complete. Haulage of the base material has commenced and is expected to be completed within two (2) weeks. A primer seal for stage two (2) is planned for early April 2020 with a final seal for both stage one (1) and stage two (2) programmed for November 2020, in conjunction with the 2020/2021 Resealing Program.



Pavement construction sub base completed - Stage two (2) MR135 Slurry Gully.

Inverell Sporting Complex Athletics Precinct Upgrade

Council has been successful in obtaining \$350K from the Stronger Country Communities Fund to contribute towards the construction of a new athletics precinct at the Inverell Sporting Complex on Eucalypt Drive. Works involve the construction of a new athletics precinct and associated infrastructure with upgrades to Eucalypt Drive including drainage works and the construction of kerb and gutter. The total budget allocation for this project is \$789K with the remaining \$439K required for this project being revenue funded by Council.

The project is nearing completion with the shotput and discus throwing platforms constructed and the longjump sandpits are complete. The remaining works include fencing and planting grass runners on the new athletics fields along with the planting of trees. These works are intended to be completed by the end of April, 2020.



Newly constructed discus platform and longjump pit – Inverell Sports Complex Upgrade

Byron Street – Town Centre Renewal Plan Project – Campbell Street to Vivian Street

This project is stage two (2) of the Town Centre Renewal Plan (TCRP). This stage is located along Byron Street from Campbell Street to Vivian Street. The stage consists of the removal of eleven (11) Plane trees, planting of six (6) new Pin Oak trees in the newly constructed centre median plus six (6) Chanticleer Pear edge plantings. The existing raised crossings will also be removed and replaced with at grade level crossings. The project is estimated to cost \$1.54M and is expected to take sixteen (16) weeks to complete. This follows on from Stage one (1) in Otho Street, which was completed early 2018.

This project is practically complete. The asphalt works were completed as night works over three (3) nights commencing Monday, 16 March 2020 and the trees were planted over two (2) mornings in the week commencing 23 March, 2020. The tree pit bollards and irrigation system for the trees in the median are all installed and the street is fully open to the public. The only remaining works are line marking of the parking bays which will be completed by the end of April, 2020. It is necessary to delay the line marking in order for the recently laid asphalt to sufficiently 'cure'.



Centre median completed with trees and bollards– TCRP Byron Street



Centre median complete – TCRP Byron Street



New bins and seats installed – TCRP Byron Street

Lake Inverell All Abilities Project

Council has been successful in obtaining \$881,606 from the Stronger Country Communities Fund to contribute towards the upgrade of the Lake Inverell Precinct. Works consist of the construction of a new kayak launching facility, boardwalk, lookout platform and footpaths which allow for wheelchair access to the new facilities. This project is 100% grant funded.

Works are well underway with the kayak launch facility access road 80% complete which included the construction of a retaining wall with sandstone blocks. The piers for the kayak launching platform are complete and the steel works are underway. The concrete footings and columns for the boardwalk are complete and the steelworks are currently being completed. The lookout platform is practically complete with the handrail being the only remaining works. Stage one (1) of the footpaths is currently underway.

Works are expected to be completed by the end of the 2019/2020 financial year.



New lookout platform – Lake Inverell



Concrete columns for new boardwalk facility – Lake Inverell



Piers for new kayak launching facility – Lake Inverell

Inverell Campbell Street Water Main Replacement

Works have commenced to replace the water main in Campbell Street, between Rivers and Henderson Street. The existing main in this location has reached the end of its useful life and requires replacement. The replacement main will provide better service to the existing dentist and proposed medical centre at this location. Works have been brought forward in order to minimise conflict with construction crews working on the medical centre adjacent to the site.



Water main replacement commencing in Campbell Street, between Rivers and Henderson Street

Maintenance Grading

The following maintenance grading works were undertaken during March 2020.

Road Number	Road Name	Length Graded (km)
SR 27	Atholwood Road	21.69
SR 32	Coalmine Road	12.92
SR 74	Goberts Road	15.64
SR 34	Sandy Creek Road	6.76
SR 12	Blue Nobby Road	9.79
SR 18	Milkomi Road	11.97
SR 254	Stannifer Road	9.00
SR 256	Grants Road	4.72
SR 259	Mephams Road	1.28
SR 255	Silvermines Road	6.00
SR 060	Nullamanna Road	37.62
SR 044	Pindaroi Road	16.85
SR 246	Elsmore Road	24.62
	TOTAL	178.86

Reactive Spot Grading

The following reactive spot grading works were undertaken during March 2020.

Road Number	Road Name	Length Graded (km)
SR 13	Appletree Flat Road	8
	TOTAL	8

Gravel Patching

The following gravel patching works were undertaken during March 2020.

Road Number	Road Name	Area Patched (sqm)
SR 105	Glen Esk Road	3500
	TOTAL	3500

Gravel Re-sheeting

Gravel re-sheeting works re-commenced in March 2020 and the following works were undertaken.

Road Number	Road Name	Length Re-sheeted (km)
SR 128	Delungra Road	4.68
	TOTAL	4.68

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.

ATTACHMENTS:

Nil

10.3 CRITICAL COMMUNICATIONS ENHANCEMENT PROGRAM UPDATE

File Number: S10.12.2/13 / 20/12272

Author: Elise Short, Planning Officer

SUMMARY:

This report follows on from the Critical Communications Enhancement Program Update provided to the Civil and Environmental Services Committee in February 2020. Council has recently received further information about this program and how it relates to the Inverell Shire Council Local Government Area. It is requested that Council note the information.

COMMENTARY:

On 8 January, 2020 Council received an update from Visionstream on behalf of the NSW Telco Authority relating to the status of the Critical Communications Enhancement Program (CCEP) in the Inverell Shire. This information was provided to the Civil and Environmental Services Committee as part of the February 2020 business paper.

On 2 March, 2020 Council received follow up information from Visionstream confirming the fifth site which is located at Atholwood.

What is the Critical Communications Enhancement Program (CCEP)?

The CCEP will consolidate the large number of separate radio communication assets built, owned and maintained by numerous NSW Government agencies for the purposes of law enforcement, emergency services and essential service communications. This will enable critical information to be shared between agencies and across state borders during major incidents and events. The program will also expand network capacity, availability and resilience designed to meet mission critical or public safety standards of operation.

Why is the CCEP needed?

NSW Government agencies and essential services have typically owned and operated their own, dedicated radio networks. The existence of both the Government Radio Network and numerous agency radio networks has resulted in substantial duplication of radio infrastructure, coverage and costs.

What are the benefits of the CCEP?

Some of the benefits of the CCEP for NSW Government agencies, emergency services and the broader community include:

- **Greater accessibility to public safety standard radio communications** for frontline responders and day-to-day operations through the increased coverage – from less than 35 per cent of the state at present to over 80 per cent when complete;
- **More flexible incident responses and coordination** as agencies can more easily share information between each other and across borders including during times of major incidents;
- **A single common platform for emergency communications**, which will support agencies in continuing to deliver public safety, law enforcement and essential services to the NSW community; and
- **More efficient management of resources** by reducing the duplication of infrastructure and taking advantage of the economies of scale that can be realised through a common platform.

What is happening in the Inverell Shire?

Further to the report in February 2020, the full preliminary design of the CCEP within the Inverell Shire Local Government Area has now been validated. The initial report confirmed that it is proposed to either upgrade and/or install radio communication infrastructure at four (4) separate

locations. The four (4) sites are located at Sawtooth Hill Trig, Inverell (Swanbrook Road), Mt Topper and Yetman as shown in **Figure 1**. These sites are located on either Crown Land or privately owned land.

A fifth site at Atholwood (**Figure 1**) had also been identified. The correspondence received from Visionstream on 2 March 2020 confirmed that this site is now included in the CCEP within the Inverell Shire Local Government Area.

It also confirmed that all five (5) sites have been assessed by Visionstream as being capable of meeting the Development without Consent provisions of Clause 114(1) of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). These provisions state that “*Development for the purposes of telecommunications facilities (including radio facilities) may be carried out by a public authority without consent on any land.*” As such, the NSW Telco Authority will be the determining authority under this Policy and are required to undertake a review of Environmental Factors for these proposals.

NSW Telco Authority, or any company acting on their behalf, will also consult with Inverell Shire Council and potentially affected properties as deemed necessary under the provisions of Clauses 13-15 and 141(2) of the Infrastructure SEPP.

It is requested that Council note the formal inclusion and planning pathway for this fifth site.

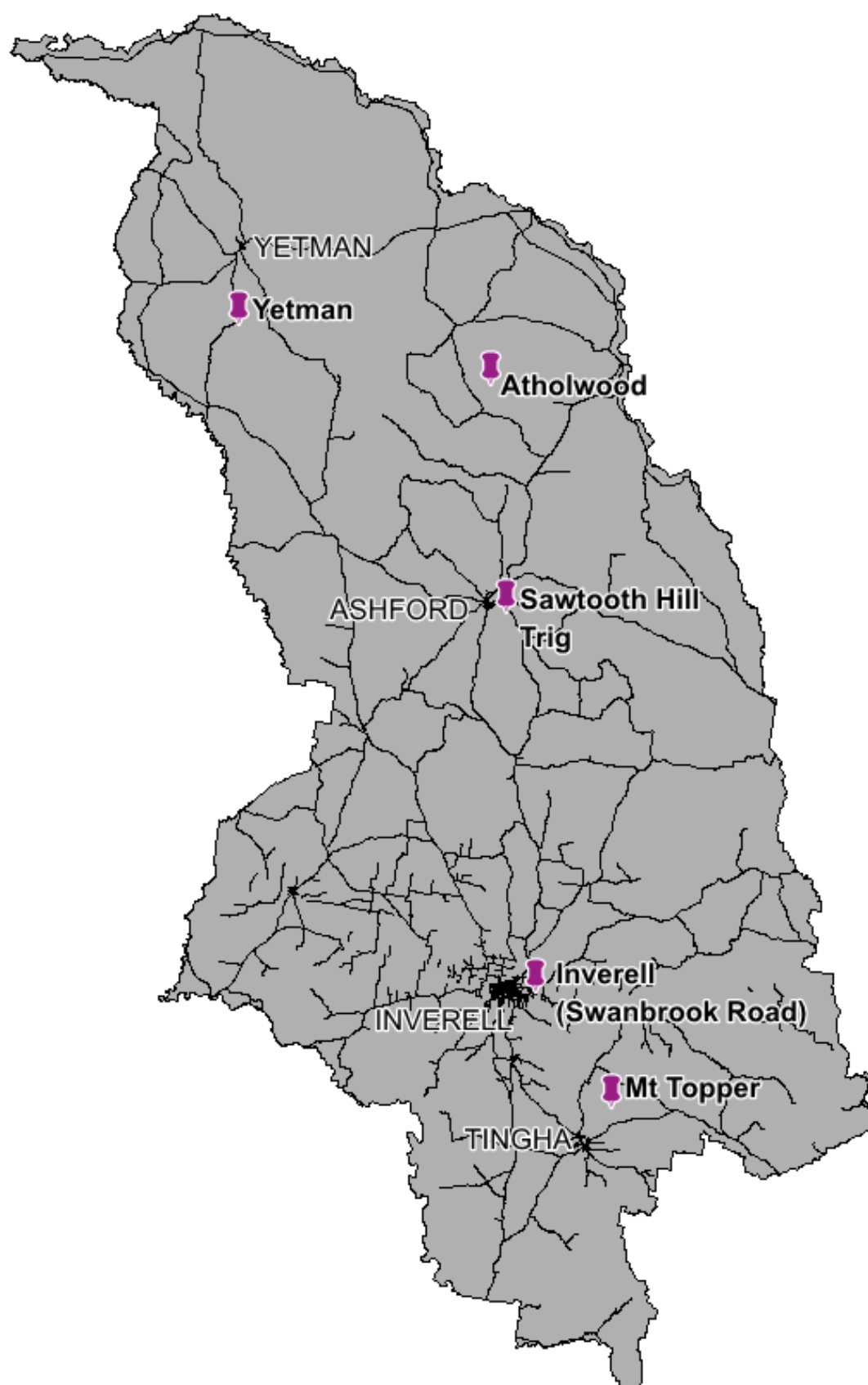


Figure 1 – Location of radio communication infrastructure proposals

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

The upgrades to Critical Communications infrastructure within the Inverell Shire LGA is consistent with Council's Destination 5 – Services & Infrastructure where *Communities are supported by sustainable services and infrastructure*.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

10.4 LOCAL GOVERNMENT ELECTIONS**File Number:** S13.7.4/04 / 20/13024**Author:** Scott Norman, Director Corporate and Economic Services**SUMMARY:**

Local government elections have been postponed for at least a year. The terms of the elected members and Integrated Planning and Reporting (IP&R) timeframes are being amended accordingly.

COMMENTARY:

In response to the COVID-19 pandemic Parliament has passed amendments to the Local Government Act to provide the Minister with the power to postpone the elections for 12 months with a possible further extension to 31 December, 2021 should the need arise. Accordingly the NSW Government has made the decision to postpone the September local government elections. It is the Government's intention that these council elections will be held in September 2021. Further information can be found in this [circular](#).

Current councillors will continue to hold their civic offices until the rescheduled local government elections are held. Mayoral elections will need to be held for mayors elected by councillors in September 2018 as their two-year terms expire this year. As the Inverell Shire appointed a deputy mayor for a period of 2 years in September 2018 an election for that position will also be required assuming Council still wishes to appoint a deputy mayor.

The Integrated Planning and Reporting (IP&R) timeline will need to be amended to reflect these changes. This will be done by a change in the relevant regulation.

The Electoral Commission NSW has released an Election Bulletin No. 2 with information for current councillors and candidates. It can be found at [Bulletin-No-2](#). The Commission has also notified Council that it will not proceed with securing venues (returning offices & pre-poll venues) for the 2020 elections but will begin replanning for the 2021 elections.

CHIEF FINANCIAL OFFICERS COMMENT:

The funding for a 2020 Election is contained in the Draft Budget, it is likely that Council will incur some expense in the 2020-21 year and the balance will be available to revote as appropriate.

ATTACHMENTS:**Nil**

10.5 QUEENSLAND NSW INTERCONNECTOR UPGRADE (QNI) - TRANSGRID

File Number: S18.6.12/13 / 20/13260

Author: Kristy Paton, Temporary Corporate Support Officer - Publishing

SUMMARY:

This report is intended to provide an update to Councillors on an upgrade to the Queensland NSW Interconnector (QNI).

COMMENTARY:

Why is an upgrade needed?

An upgrade to the Queensland NSW Interconnector (QNI) will boost interstate transmission capacity and increase power flow on existing transmission lines. This will make it easier and more efficient to share power generation and resources amongst the National Energy Market.

The project has been identified as a priority by both the Australian Energy Market Operator in the 2018 Integrated Systems Plan and by the NSW State Government in their Transmission Infrastructure Strategy.

What is involved in the project?

Work to upgrade transmission lines will take place along existing lines between Liddell power station, Muswellbrook and Tamworth substations. Activities may include:

- Replacement of pole structures
- Removal of existing pole structures
- Installation of new mid-span structures
- Strengthening pole structures
- Replacement or rearrangement of transmission line insulators.

As part of the QNI Upgrade, TransGrid will also upgrade substations at Tamworth, Dumaresq, Armidale and Muswellbrook. Activities will include replacing conductors and other equipment to ensure the quality and reliability of electricity supply.

In a Media statement released by TransGrid on 30 March, 2020 it was announced that the project has advanced following the decision by the Australian Energy Regulator (AER) to approve the Regulatory Investment Test for Transmission (RIT-T).

Executive Manager of Works Delivery Michael Gatt said TransGrid welcomed the Regulator's determination which supports the options assessment, costs and net benefits of the QNI project.

"The QNI upgrade is important because it will increase the capacity to share electricity between Queensland and New South Wales and reduce current and forecast network constraints."

The project has been supported by the Australian and NSW Governments which have provided joint-underwriting to enable TransGrid to accelerate the delivery of the upgrade.

Early works have commenced on the upgrade project which is expected to be delivered in September, 2021.

Further information can be found here: <https://www.transgrid.com.au/qni>

ATTACHMENTS:

Nil

10.6 STATUS OF TOWN WATER SUPPLIES**File Number:** S32.15.19 / 20/13606**Author:** Michael Bryant, Manager Environmental Engineering**SUMMARY:**

The purpose of this report is to update Council on the status of all town water supplies with the extended drought impacting water resources in the region over the past two (2) years. The situation has improved with above average rainfall along with cooler weather during the first three months of 2020.

COMMENTARY:

At the November 2019 Ordinary Meeting of Council, it was confirmed that a Status Report on Council water supplies will be provided to monthly Council meetings whilst the drought continues.

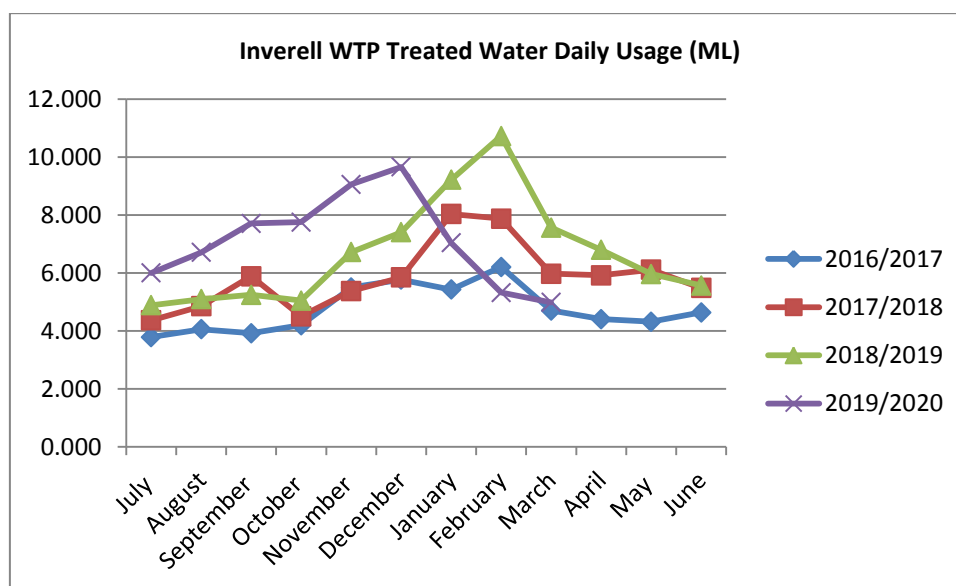
Council operates three (3) treated (potable) town water supplies and two (2) raw water supplies. The current status of all water supplies is summarised in the table below. Monthly daily usage trends for the Copeton Scheme are also displayed in a graph.

Above average rainfall up to April 2020 combined with humid cooler weather has reduced demand and increased Copeton Dam and Pindari Dam storage levels.

WaterNSW is in the early planning stages of replacing the two (2) main outlet valves at Pindari Dam and tentatively proposing autumn/winter 2020. Council staff are in discussion with WaterNSW staff regarding the management of Severn River flows to the Ashford water supply intake while the works are being undertaken.

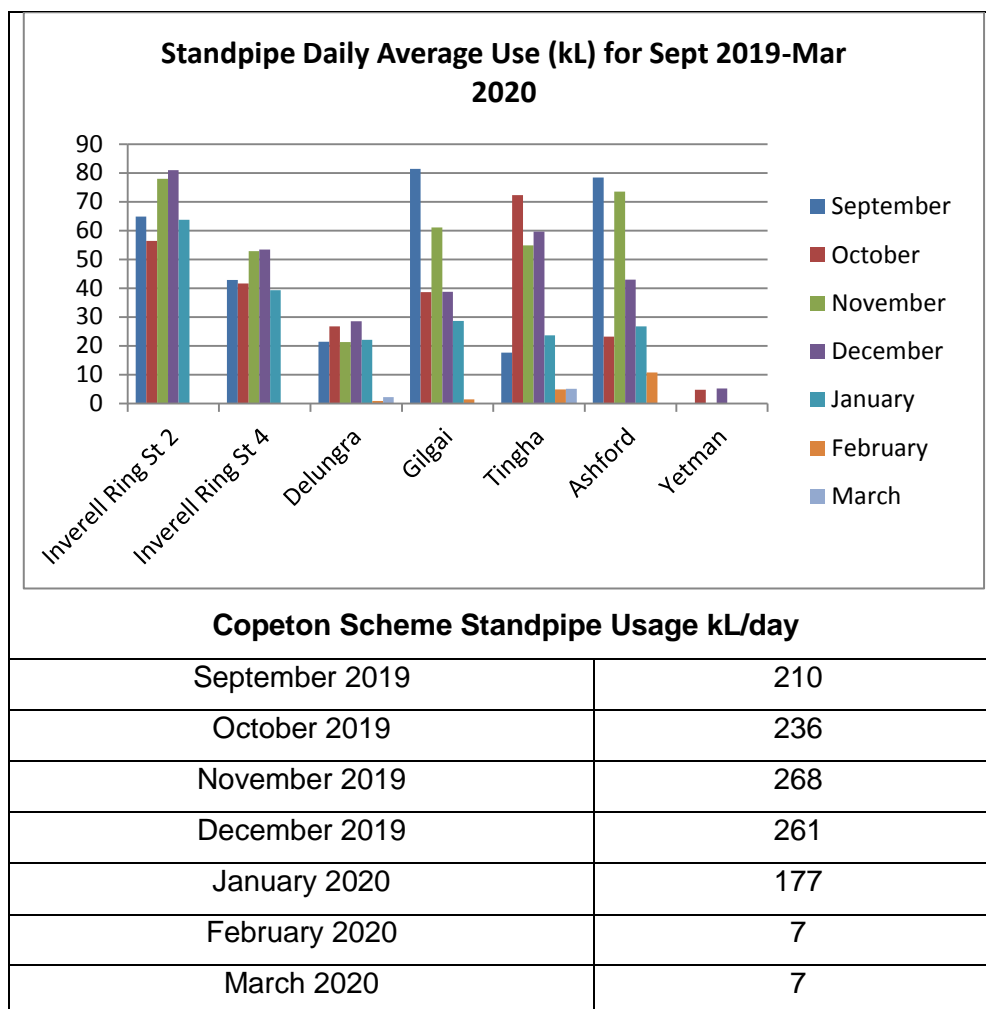
Status of Water Supplies – 9 April 2020			
Name of Water Supply	Source of Water	Comments on Status of Supply	Remedial Action
Copeton Scheme Treated water supply. Supplies Inverell, Gilgai, Tingha, Mt Russell & Delungra.	Copeton Dam. Storage Capacity 1,364,000 ML. Storage level 11.8% and rising, 177,000 ML. Raw water pumped from dam outlet (no transmission losses).	Full allocation under WSP for 2019/2020. March 2020 average consumption 5.0 ML/day Above average rainfall has reduced demand and increased Copeton Dam storage level.	Continue monitoring.
Ashford Treated Water	Pindari Dam. Storage Capacity 312,000 ML. Storage level 10.7% and steady, 33,350ML. Raw water pumped from Severn River to Ashford WTP.	Full allocation under WSP for 2019/2020. Water NSW currently maintaining 10ML/day flow in Severn River. March 2020 consumption 0.29 ML/day	Poor quality raw water in Severn River associated with storms being closely monitored and treated accordingly. Continue monitoring.

Yetman Treated Water.	Ground water – two (2) bores in alluvial aquifer on Macintyre River floodplain.	Full allocation under WSP for 2019/2020. March 2020 consumption 0.04 ML/day.	Continue monitoring ground water levels.
Bonshaw Raw Water – non potable. Restricted flow supply suitable for internal non potable domestic use only, mainly toilet flushing.	Ground water – One (1) bore in alluvial material on Dumaresq River floodplain.	Significant flow in the Dumaresq River has resulted in the aquifer being recharged.	Continue monitoring.
Graman Raw Water – non potable. Restricted flow.	Ground water – one (1) bore adjacent Graman Creek.	Bore was stressed in 2019, however now meeting reduced demand following good rainfall and cooler weather.	Continue monitoring.



Public Standpipes – Potable Water

Council has standpipes accessible to the public located at Inverell, Gilgai, Tingha, Delungra, Ashford and Yetman. The standpipes provide the opportunity for members of the community to access potable water. The graph and table below summarises standpipe usage. Demand has reduced substantially on 2019 levels.



Conclusion

All treated water supplies within the Council area are improving following above average rainfall during 2020 with demand predicted to fall further over autumn and winter.

The town water supplies will continue to be closely monitored.

RISK ASSESSMENT:

It is important that the town water supplies are closely monitored to ensure there is potable water available for the community.

The ISC community is very much dependent upon the judicious management of regional water resources by the NSW Government in ensuring that sufficient water reserves are retained in Copeton Dam and Pindari Dam for town water supplies during extended drought sequences.

POLICY IMPLICATIONS:

Council has a Drought Management Plan in place to manage town water supplies.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

10.7 SEPTIC TANK APPROVALS FOR MARCH 2020**File Number: S29.19.1 / 20/13666****Author: Elaine Kenny, Administration Officer****SUMMARY:**

The following details the Septic Tank approvals for March 2020.

INFORMATION:

<u>Septic Application Number</u>	<u>Applicant</u>	<u>Property</u>
S – 3/2020	Mr Richard John Mortlock	7641 Gwydir Highway, ROB ROY

ATTACHMENTS:**Nil**

10.8 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENTS DURING MARCH 2020

File Number: S13.5.2/13 / 20/13668

Author: Elaine Kenny, Administration Officer

SUMMARY:

This report is intended to keep Council updated on the Development Applications, Construction Certificates and Complying Development Certificates determined during the month of March 2020.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING MARCH 2020

Development Approvals

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-139/2019	Mr Brett William Tomlinson	61-67 Otho Street, INVERELL	Alterations/Additions to Oxford Hotel	600,000
DA-12/2020	Mr Michael Bruce Mephram	7 Max Place, INVEREL	Dual Occupancy (Attached)	330,000
DA-16/2020	Mr Nathan Edward Worgan	12 May Street, INVERELL	Construct deck and front portico	8,000
DA-17/2020	D & D Management Superannuation Pty Ltd	28 Inverell Street, DELUNGRA	Demolish shed and construct replacement shed	16,500
DA-18/2020	Mrs Marilyn Lee Oakenfull	95 Copeton Dam Road, INVERELL	Install Swimming pool and Spa	3,000
DA-19/2020	Mr Gregory Allan Cox and Mrs Rhonda Elizabeth Cox	34 Harland Street, INVERELL	Construct a carport for the storage of a caravan	3,012
DA-21/2020	Public Works Advisory	10 Tingha Road, INVERELL	Demolition of existing amenities building and concrete stepped seating	624,000
DA-24/2020	Mr Lachlan John Hall	15/47 Mulligan Street, INVERELL	Construct Dwelling	220,000
DA-26/2020	Brian's Tyre and Auto Centre	164 Ashford Road, INVERELL	Change of Use - Vehicle Repair Station	Nil
DA-28/2020	Northaven Ltd	93 Lawrence Street, INVERELL	Use of Dwelling for Group Home	Nil

Monthly estimated value of Approvals: March 2020	10	1,804,512
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Development Amendments

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-144/2015/A	Mr Benjamin Mark Acland Hollands	35 Elsmore Common Road, ELSMORE	Additions to Dwelling and Shed (Modification to Shed)	Nil
DA-57/2017/A	Mr Andrew Perry Tucker	9 Masons Lane, INVERELL	Modification to DA-57/2017 - Dwelling Design and Temporary Occupation Provisions	Nil
DA-95/2017/A	Inverell Community Garden	140 Ross Street, INVERELL	Community Facility	Nil
DA-143/2018/A	Armajun Aboriginal Health Services	3 Rivers Street, INVERELL	Medical Centre and Offices	Nil
DA-57/2019/A	Mr Ryan Joseph Hansen Daley and Mrs Ana Fiona Daley	43 Brae Street, INVERELL	One (1) into Two Lot Subdivision Single Dwelling Use Only on Proposed Lot 2 fronting Davey Street	Nil
DA-119/2019/A	Mr Glen James Cross and Mrs Diane Caroline Cross	199 Old Bundarra Road, INVERELL	Construct new shed	Nil
Monthly estimated value of Approvals: March 2020			6	Nil

Development Refusals

Nil

Variation to Development Standards Approved

As part of the monitoring and reporting requirements established by the NSW Department of Planning, a report of all variations approved under delegation in accordance with Clause 4.6 of the *Inverell Local Environmental Plan 2012* must be provided to a full council meeting.

The following details the variations to development standards approved during March 2020.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING MARCH 2020**Construction Certificates approved by Council**

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-67/2019	Armajun Aboriginal Health Services	3 Rivers Street, INVERELL	Medical Centre and Offices	4,000,000
CC-3/2020	Jaeteg Pty Ltd	190 Evans Street, INVERELL	New Shed	120,000
CC-5/2020	Mr William John Raymond Gils	2 Leonard Street, INVERELL	Convert Garage to studio	1,000
CC-12/2020	Mr Michael Bruce Mephram	7 Max Place, INVERELL	Dual Occupancy (Attached)	330,000
CC-15/2020	Mr Nathan Edward Worgan	12 May Street, INVERELL	Construct deck and front portico	8,000
CC-16/2020	D & D Management Superannuation Pty Ltd	28 Inverell Street, DELUNGRA	Demolish shed and construct replacement shed	16,500
CC-17/2020	Mrs Marilyn Lee Oakenfull	95 Copeton Dam Road, INVERELL	Install Swimming pool and Spa	3,000
CC-18/2020	Mr Gregory Allan Cox and Mrs Rhonda Elizabeth Cox	34 Harland Street, INVERELL	Construct a carport for the storage of a caravan	3,102
CC-22/2020	Mr Mark Patrick Anthony Hargreaves	15/47 Mulligan Street, INVERELL	Construct Dwelling	220,000
Monthly estimated value of Approvals: March 2020			9	4,701,602

Amended Construction Certificates approved by Council

Nil

Construction Certificates approved by Private Certifier

Nil

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING MARCH 2020**Complying Development Certificates Approved by Council**

Nil

<u>Complying Development Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CD-6/2020	Mr Dylan Gavin Norman Hogg	463 Old Bundarra Road, INVERELL	New Shed	18,500
Monthly estimated value of Approvals: March 2020			1	18,500

Amended Complying Development Certificates approved by Council

Nil

Complying Development Certificates approved by Private Certifier

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-25/2020	Mr Brett John Griffiths and Mrs Jeanette Griffiths	700 Old Bundarra Road, INVERELL	Dwelling	194,350
CC-29/2020	RLX Investment Company Pty Ltd	375 Yetman Road, INVERELL	Inverell Saleyards - Agents Offices	Nil- Overall Cost as nomination in Original CC
Monthly estimated value of Approvals: March 2020			2	194,350

Amended Complying Development Certificates approved by Private Certifier

Nil

TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING MARCH 2020:

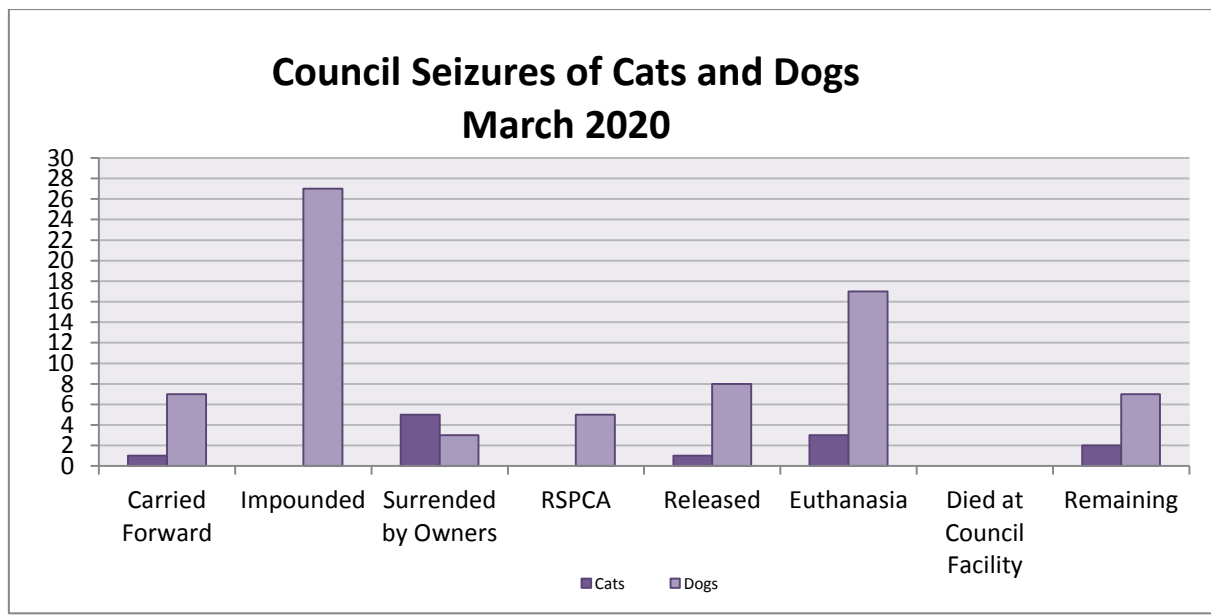
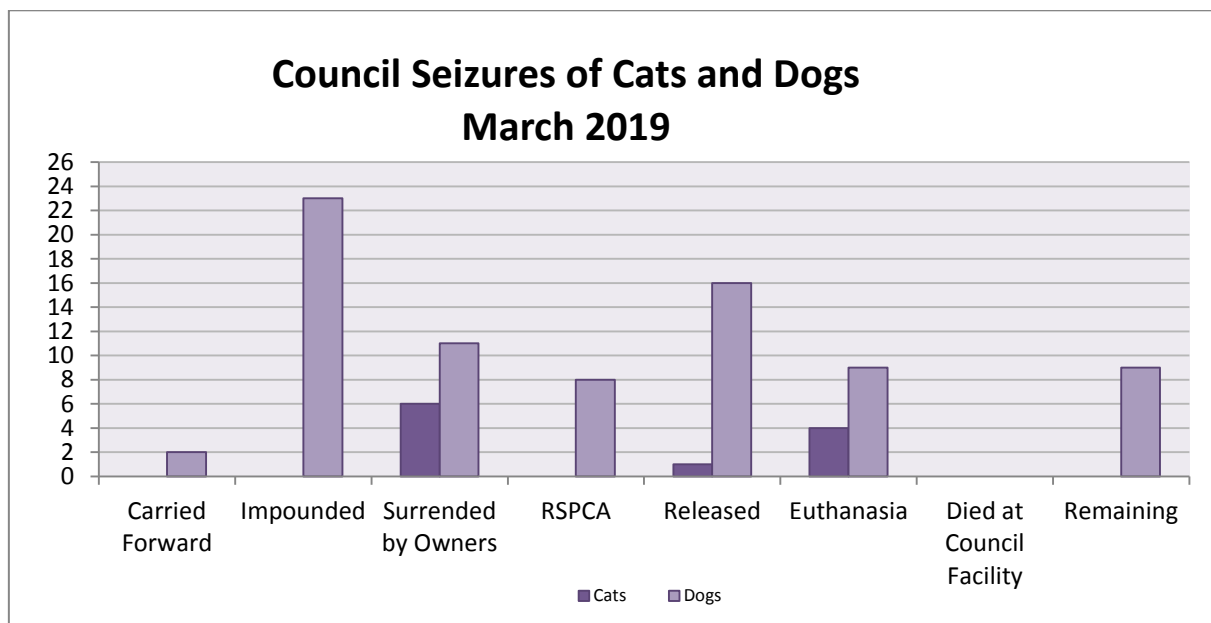
<u>Type of Consent</u>	<u>Number</u>	<u>\$ Amount</u>
Construction Certificates – Council Approved	9	4,701,602
Construction Certificates – Private Certifier	2	194,350
Complying Development – Council Approved	1	18,500
Complying Development – Private Certifier	0	Nil
Totals	12	4,914,452

Estimated Value of Approvals issued in the financial ytd in:	2019/2020	(103)	\$15,173,052
	2018/2019	(123)	\$14,749,822

ATTACHMENTS:**Nil**

10.9 ORDINANCE ACTIVITIES REPORT FOR MARCH 2020**File Number:** S13.5.2/13 / 20/13671**Author:** Elaine Kenny, Administration Officer**SUMMARY:**

The following details the number of various Ordinance activities carried out during March 2020, in comparison to the same month in 2019.

INFORMATION:**COMPLIANCE****Inverell Shire Council Pound Monthly Report March 2020****Inverell Shire Council Pound Monthly Report March 2019****ATTACHMENTS:****Nil**

10.10 ASSISTANCE WITH COVID 19 IMPACTS**File Number:** S13.5.2/13 / 20/13818**Author:** Scott Norman, Director Corporate and Economic Services**SUMMARY:**

This report details Council's operational response to request for assistance with the impacts of the COVID-19 pandemic.

COMMENTARY:

Council has been approached for rent relief by tenants whose businesses have been impacted by the COVID-19 pandemic.

The Nick King's Lifestyle Centre, The Riverside Restaurant and Function Centre and Billabong Blue Sapphires have all been assisted with rent relief. This decision was taken under delegated authority and shall be reviewed in line with changes in the current restrictions.

On a more "hands on" level Staff from the Inverell Library and Tourist Information Centre have been assisting with Meals on Wheels. Quite a few of Meals on Wheels regular volunteers are older and are more at risk from the COVID-19 virus, this resulted in Meals on Wheels putting out a call for help after their volunteer workforce shrunk.

The Health Minister, Brad Hazzard MP has publicly stated that Councils will need to take on a welfare function to support vulnerable people while socially isolating. No further direction has been received at this time; however the Office of local Government has confirmed that they will be issuing advice.

RISK ASSESSMENT:

Meals on Wheels have implemented "no contact" deliveries.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

If the loss of rent income accumulates to a material amount it will be recognised in a future budget review.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

10.11 PUBLIC CONCERN AROUND 5G MOBILE NETWORKS**File Number:** S14.18.6/13 / 20/14345**Author:** Paul Henry, General Manager**SUMMARY:**

Council is in receipt of information from ARPANSA about the new generation of mobile phone technology – 5G. Council is being asked to receive and note the information provided.

COMMENTARY:

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has received an increasing number of enquiries with respect to 5G mobile networks and concerns about the impact of this technology on the health of individuals and the environment. The Authority has issued some technical information for Councils.

a) Who is ARPANSA?

ARPANSA is the Australian Government's primary authority on radiation protection and nuclear safety. This includes electromagnetic radiation, including from radio waves like those used in wireless communications, such as 5G mobile networks. In order to provide the best advice on the protection of the Australian public from the effects of radiation, ARPANSA undertakes its own research and reviews relevant scientific research. This includes research and reviews of exposure to radio waves from telecommunications sources such as mobile phone base stations — sometimes called 'towers'.

ARPANSA has no role in promoting the deployment of the 5G network, and no decision-making role regarding the regulatory arrangements. The Australian Communications and Media Authority (ACMA) regulate radio waves from mobile phone base stations and other communications installations. The ACMA's regulatory arrangements require base stations to comply with the exposure limits in ARPANSA's Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz ('ARPANSA RF Standard'). The ARPANSA RF Standard is designed to protect people of all ages and health status against all known adverse health effects from exposure to radio waves.

b) ARPANSA Commentary

Exposure to sufficiently high levels of radio waves can heat biological tissue and potentially cause tissue damage. However, the amount of environmental radio waves routinely encountered by the general public from telecommunications sources is far too low to produce significant heating or increased body temperature. At low levels of exposure to radio waves (that is, intensities lower than those that would produce measurable heating) the evidence for harmful health effects is ambiguous and unproven. Although there have been studies reporting a range of biological effects at low levels, there has been no indication that such effects might constitute a hazard to human health or the environment.

In a 2016 measurement survey that ARPANSA conducted on radio wave levels in the environment, we found that exposure to traditional radio broadcasts, particularly AM radio, continues to be the most dominant source of background exposure for radio waves, with exposure 50,000 times below the safety limit in the ARPANSA RF Standard. Deployment of technologies to support 5G mobile networks including small cells in close proximity to people's homes is unlikely to change this situation, with the radio wave exposure from current mobile networks currently being on average 500,000 times below the safety limit.

The 5G mobile networks in Australia will initially use frequencies in the current mobile phone network, and then move to higher frequencies in the future. It is important to note that higher frequencies do not mean higher exposure. It's not expected that the higher frequencies from 5G technologies, where they are still below the limits of the ARPANSA RF Standard, will cause any health effects or impact to the environment.

Authorities around the world including ARPANSA and the World Health Organization have examined the scientific evidence regarding possible health effects from base stations and mobile phones. Current research indicates that there are no established health effects, including cancer, from the low exposure to radio waves from mobile phone base station antennas.

ARPANSA continues to review the research into the potential health effects of radio wave emissions from base stations and other sources in order to provide accurate and up-to-date advice to the Government and the Australian people. Further information or fact sheets on this and other topics can be obtained from the ARPANSA website (<https://www.arpansa.gov.au>). We also operate a Talk to a Scientist program that provides a unique opportunity for the public and community to talk directly with our scientists on issues about radiation exposure and protection in Australia. You are welcome to refer any individuals seeking information on 5G technologies to this program via the details on the ARPANSA website (<https://www.arpansa.gov.auintalk-to-a-scientist>).

In addition the Commonwealth Government recently announced a \$9 million program over four years' to provide additional funding for research and to deliver accessible information to communities about the safety of regulated radio waves from telecommunications facilities. Relevant departments and agencies including ARPANSA are working on the detail and deployment of this program and it is expected further information will be provided in future.

ATTACHMENTS:**Nil**

11 GOVERNANCE REPORTS**11.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS**

File Number: S1.2.3/13 / 20/11116

Author: Nicole Riley, Administration Coordinator

SUMMARY:

Council is in receipt of two (2) audit reports from the Roads & Maritime Services (RMS), on Council's performance on road maintenance as a contractor.

RECOMMENDATION:

That the information be received and noted.

COMMENTARY:

The RMS conducts regular Contract Performance Reporting on the Road and Maintenance Council Contracts. Reports are submitted to Council four (4) times a year with the most recent ones being completed for quarter three (3), July 2019 to September 2019 and quarter four (4), October 2019 to December 2019.

A copy of the quarter three (3) report has been included in attachment 1 and the quarter four (4) report has been included in attachment 2.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Quarter Three (3) 2019 Contractor Performance Report
2. Quarter Four (4) 2019 Contractor Performance Report



Transport
Roads & Maritime
Services

ROADS AND MARITIME SERVICES

RMS Form No 517 (amended)

Catalogue No. 45062482

(October 2018)

Contractor Performance Report

Single Invitation Maintenance Contract

General Information

Contractor's Name

Inverell Shire Council

Trading as

ABN 72 695 204 530

Contract No. 08.2547.1956

Equip Contract No.

Contract Description

Inverell Shire Council

At Acceptance of Tender

Original Due date for

Contract Period (weeks) 188

Completion 30/06/2012

Date of Acceptance of Tender 03/11/2008

Original Contract Sum \$ 4,359,375.00

Reason for Report

Progress

Quarter 1

☐

Quarter 2

☐

Quarter 3

☒

Quarter 4

☐

Key Milestones

Defect Correction Period

☐

After construction
or call back

☐

Continuing unsatisfactory
Performance

☐

Termination of Contract

☐

Contract Sum as

Varied at Report Date \$ 0.00



Contractor's Performance

	Unsatisfactory	Marginal	Acceptable	Good	Superior	Rating
Collaboration - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC staff are very cooperative with RMS staff across the board from senior management down to field staff. They are quick to respond to requests and work cooperatively on project delivery. The field staff in particular seek to meet or surpass surveillance officer expectations.						
Community and Stakeholder Engagement - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC have a good relationship with their community and stakeholders and engage effectively with them for all RMCC works. When required they have been very cooperative with RMS Communications staff to engage the community.						
Contract Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Little contract management work has been required due to limited work available this last quarter and established systems continuing in the contract managers absence.						
Environmental Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
In the past quarter there have been no environmental incidents and Council have continued to cooperate well to ensure compliance with environmental standards.						
People Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
In the absence of the contract manager other staff stepped up to ensure essential reporting was delivered and a sense of strong team work was evident. No known instances of people management issues.						
Quality Management Systems - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
The contract manager has been on unscheduled leave during a significant part of this quarter and this has impacted on delivery of some paperwork. The impact has been manageable due to low work volumes and other staff stepping up.						
Standard of Work - RMCC - Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC have a dedicated team delivering the routine maintenance on HW12 and this has proven to be a very effective arrangement with strong stewardship of the network and excellent outcomes.						



Transport
Roads & Maritime
Services

Standard of Work 2 - RMCC - Minor Works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Minor works are well managed by ISC with prompt action to detect and address any issues that arise. In the absence of the contract manager staff have responded well and ensured the network is kept at a high standard.						
Standard of Work 3 - RMCC - Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
The staff have continued to operate within established maintenance guidelines in the absence of the contract manager demonstrating an excellent operations system that quickly responds to issues as they arise.						
Subcontractor Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
With very little work occurring this last quarter the engagement of subcontractors would have been minimal. No issues have been reported.						
Time Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Work proposals and routine reports have been delayed by staff absences but a willingness to comply and find ways to meet requests has been evident. Overall time management has been good.						
Traffic Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC management take responsibility for ensuring a high standard of traffic control on their works and where issues arise they are very responsive to take corrective actions. No issues this quarter.						
Workplace Health and Safety Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC have had no project work in the last quarter but continue to demonstrate good WH&S practices on their maintenance works. The RMCC team always use best practice WH&S approach to their works.						
Workplace Relations Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
There are no known workplace relations issues with staff appearing to enjoy their roles at Council. There have been no WR issues reported.						
Performance Score	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	71%



Transport
Roads & Maritime
Services

Overall Comments *(Use separate report if necessary)*

Reporting Officer

In my opinion:

ISC have well established systems and experienced staff making them an easy Council to work with and one who can be relied upon to keep the network at a high standard.

Name: Paul Radnidge

Report Date: 09/12/2019

Phone: 6640 1018

Reviewing Officer:

In my opinion:

Reviewed

The report has been forwarded to the Contractor **Yes** *(All reports are to be forwarded)*

Review Officer Name: David Pattison

Review Date: 10/12/2019

Review Officer Phone: 6640 1078

Response from Contractor Received and report finalised: **Yes**

Contractor Rep Name:

Discussion Date:

Contractor Rep Phone:

Approving Officer

In my opinion:

I agree with the Reporting Officers comments.

Name: David Pattison

Report Date: 10/12/2019

Phone: 6640 1078

Attachments:

Distribution:

1. Contractor's Representative
2. RMS's Representative



**Transport
for NSW**

Transport for NSW

Form No 517 (amended)
Catalogue No. 45062482
(October 2018)

Contractor Performance Report

Single Invitation Maintenance Contract

General Information

Contractor's Name

Inverell Shire Council

Trading as

ABN 72 695 204 530

Contract No. 08.2547.1956

Equip Contract No.

Contract Description

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At Acceptance of Tender

Original Due date for

Contract Period (weeks) 188

Completion 30/06/2012

Date of Acceptance of Tender 03/11/2008

Original Contract Sum \$ 4,359,375.00

Reason for Report

Progress

Quarter 1

☐

Quarter 2

☐

Quarter 3

☐

Quarter 4

☒

Key Milestones

Defect Correction Period

☐

After construction
or call back

☐

Continuing unsatisfactory
Performance

☐

Termination of Contract

☐

Contract Sum as

Varied at Report Date \$ 0.00



Transport
for NSW

Contractor's Performance

	Unsatisfactory	Marginal	Acceptable	Good	Superior	Rating
Collaboration - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC staff continue to be very cooperative with RMS staff across the board from senior management to field staff. They are quick to respond to requests and work cooperatively on project delivery. The field staff in particular seek to meet or surpass surveillance officer expectations.						
Community and Stakeholder Engagement - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC have a good relationship with their community and stakeholders and engage effectively with them for all RMCC works. When required they have been very cooperative with RMS Communications staff to engage the community.						
Contract Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Little contract management work has been required due to limited work available this last quarter and established systems continuing in the contract managers absence.						
Environmental Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
In the past quarter there have been no environmental incidents and Council have continued to cooperate well to ensure compliance with environmental standards. Environmental targets for the upcoming Swan Vale project have been received positively by Council.						
People Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
In the absence of the contract manager other staff stepped up to ensure essential reporting was delivered and a sense of strong team work was evident. No known instances of people management issues and they continue to function well.						
Quality Management Systems - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Maintenance work quality has continued at a high standard and no project work has been undertaken in this quarter.						



**Transport
for NSW**

Standard of Work - RMCC - Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>The dedicated team delivering maintenance works ensure that works are conducted to high safety and quality standards.</p> <p>Their stewardship of the network means that the road conditions are consistently of a high standard.</p>						
Standard of Work 2 - RMCC - Minor Works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>ISC manage minor works very well and regularly update their RMAP to reflect the needs of the network. Their quality of work is of a high standard.</p>						
Standard of Work 3 - RMCC - Pavement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC are well equipped and have experienced staff that deliver excellent pavement maintenance works at economical rates. They excel at delivering heavy patching programs across their network.</p>						
Subcontractor Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>Subcontractor management is regularly discussed at RMCC meetings and ISC demonstrate a good understanding of their obligations to manage subcontractors.</p>						
Time Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>Routine reports have been submitted on-time and now the contract manager is back from unplanned leave Work Proposals have been discussed. No time management issues have been noted.</p>						
Traffic Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>ISC management take responsibility for ensuring a high standard of traffic control on their works and where issues arise they are very responsive to take corrective actions. No issues this quarter.</p>						
Workplace Health and Safety Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>ISC have had no project work in this quarter but continue to demonstrate good WH&S practices on their maintenance works. They use a dedicated two-man crew who are well acquainted with WH&S policy and procedures.</p>						



Transport
for NSW

Workplace Relations Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC demonstrate a strong team culture with all RMCC related staff working together to deliver quality outputs.						
Performance Score	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	72%

**Transport
for NSW****Overall Comments** *(Use separate report if necessary)*

Reporting Officer*In my opinion:*

ISC have had a quiet quarter with zero project work, limited maintenance expenditure and the RMCC Contract Manager being on unplanned leave. However, the network has continued to be kept in a well maintained condition in part due to the low rainfall conditions.

A handwritten signature in black ink, appearing to read 'P. Radnidge'.

Name: Paul Radnidge

Report Date: 04/03/2020

Phone: 6640 1018

Reviewing Officer:*In my opinion:**Reviewed*

The report has been forwarded to the Contractor **Yes** *(All reports are to be forwarded)*

Review Officer Name: David Pattison

Review Date:

Review Officer Phone: 6640 1078

Response from Contractor Received and report finalised: **Yes**

Contractor Rep Name:

Discussion Date:

Contractor Rep Phone:

Approving Officer*In my opinion:*

Name: David Pattison

A handwritten signature in black ink, appearing to read 'D. Pattison'.

Report Date: 10 March 2020

Phone: 6640 1078

Attachments:

Distribution:

1. Contractor's Representative
2. TfNSW's Representative

11.2 GOVERNANCE - MONTHLY INVESTMENT REPORT**File Number:** S12.12.2 / 20/14240**Author:** Paul Pay, Manager Financial Services**SUMMARY:**

To report the balance of investments held as at 31 March, 2020.

RECOMMENDATION:

That:

- i) the report indicating Council's Fund Management position be received and noted; and*
- ii) the Certification of the Responsible Accounting Officer be noted.*

COMMENTARY:

Contained within this report are the following items that highlight Council's Investment Portfolio performance for the month to 31 March, 2020 and an update of the investment environment:

- (a) Council's investments as at 31 March, 2020;
- (b) Council Investments by Fund as at 31 March, 2020;
- (c) Interest – Budgeted vs Actual;
- (d) Investment Portfolio Performance;
- (e) Investment Commentary; and
- (f) Certification – Responsible Accounting Officer.

A) Council Investments as at 31 March, 2020

Term Deposit Investment Group										
<i>Investment No.</i>	<i>Borrower</i>	<i>FUND</i>	<i>Rating</i>	<i>Risk Rating</i>	<i>Purchase Date</i>	<i>Maturity Date</i>	<i>Current Yield</i>	<i>Principal Value</i>	<i>Current value</i>	<i>Term (days)</i>
20/10	National Australia Bank	General	AA-	1	09-Oct-19	09-Apr-20	1.60%	1,000,000	1,000,000	183
20/24	National Australia Bank	General	AA-	1	09-Jan-20	09-Apr-20	1.60%	2,000,000	2,000,000	91
19/27	St George Bank	General	AA-	1	17-Apr-19	17-Apr-20	2.60%	2,000,000	2,000,000	366
20/15	AMP BANK	General	A-	2	27-Nov-19	25-May-20	2.10%	2,000,000	2,000,000	180
20/17	AMP BANK	General	A-	2	27-Nov-19	25-May-20	2.10%	1,000,000	1,000,000	180
20/18	AMP BANK	Water	A-	2	27-Nov-19	25-May-20	2.10%	1,000,000	1,000,000	180
20/19	AMP BANK	General	A-	2	27-Nov-19	25-May-20	2.10%	1,000,000	1,000,000	180
20/04	Bank of Queensland	Sewer	BBB+	2	27-Aug-19	27-May-20	1.65%	2,000,000	2,000,000	274
20/20	AMP BANK	General	BBB+	2	13-Dec-19	10-Jun-20	2.00%	2,000,000	2,000,000	180
20/21	BNK Bank	Water	NR	3	17-Dec-19	17-Jun-20	1.90%	2,000,000	2,000,000	183
20/25	Bank of Sydney	General	NR	3	20-Jan-20	20-Jul-20	1.85%	1,000,000	1,000,000	182
20/26	Bank of Sydney	General	NR	3	20-Jan-20	20-Jul-20	1.85%	1,500,000	1,500,000	182
20/28	Bank of Sydney	General	NR	3	31-Jan-20	31-Jul-20	2.00%	2,000,000	2,000,000	182
20/29	National Australia Bank	Sewer	AA-	1	20-Feb-20	20-Aug-20	1.54%	2,000,000	2,000,000	182
20/14	Bank of Sydney	General	NR	3	27-Nov-19	27-Aug-20	1.99%	1,000,000	1,000,000	274
20/22	BNK Bank	Water	NR	3	17-Dec-19	17-Sep-20	1.85%	1,000,000	1,000,000	275
20/09	St George Bank	General	AA-	1	03-Oct-19	06-Oct-20	1.70%	1,000,000	1,000,000	365
20/23	St George Bank	Water	AA-	1	17-Dec-19	16-Oct-20	1.70%	1,000,000	1,000,000	304
19/09	ING BANK	General	A	1	25-Oct-18	25-Oct-20	2.90%	2,000,000	2,000,000	731
20/16	AMP BANK	General	A-	2	27-Nov-19	27-Nov-20	1.85%	2,000,000	2,000,000	366
20/27	Warwick Credit Union	General	NR	3	20-Jan-20	20-Jan-21	1.85%	1,000,000	1,000,000	366
19/26	Police Credit Union (SA)	General	NR	3	28-Mar-19	29-Mar-21	2.90%	2,000,000	2,000,000	732
19/30	Rural Bank	General	BBB+	2	17-Apr-19	19-Apr-21	2.63%	1,000,000	1,000,000	733
19/33	Westpac Bank	Water	AA-	1	27-Jun-19	27-Jun-21	2.30%	2,000,000	2,000,000	731
20/02	Bank of Queensland	General	BBB+	2	17-Jul-19	19-Jul-21	2.00%	1,500,000	1,500,000	733
20/03	Bank of Queensland	General	BBB+	2	27-Aug-19	27-Aug-21	1.75%	2,000,000	2,000,000	731
20/33	AMP Bank	General	BBB+	2	24-Mar-20	24-Sep-21	1.80%	1,000,000	1,000,000	549
20/08	AMB - Australian Military Bank	Sewer	BBB+	2	30-Sep-19	30-Sep-21	1.77%	1,500,000	1,500,000	731
19/10	Westpac Bank	General	AA-	1	25-Oct-18	25-Oct-21	2.97%	2,000,000	2,000,000	1096
20/30	Auswide Bank	General	BBB	2	02-Mar-20	02-Mar-22	1.75%	2,000,000	2,000,000	730
20/31	Warwick Credit Union	General	NR	3	02-Mar-20	02-Mar-22	1.90%	1,000,000	1,000,000	730
19/29	Newcastle Permanent	General	BBB	2	17-Apr-19	19-Apr-22	2.70%	1,000,000	1,000,000	1098
19/31	Westpac Bank	Water	AA-	1	25-Jun-19	25-Jun-22	2.30%	1,000,000	1,000,000	1096
19/34	Westpac Bank	General	AA-	1	25-Jun-19	25-Jun-22	2.30%	2,000,000	2,000,000	1096
19/32	Westpac Bank	General	AA-	1	27-Jun-19	27-Jun-22	2.30%	2,000,000	2,000,000	1096
20/05	Bank of Queensland	General	BBB+	2	03-Sep-19	05-Sep-22	1.80%	1,000,000	1,000,000	1098
20/06	Bank of Queensland	General	BBB+	2	13-Sep-19	13-Sep-22	1.80%	1,000,000	1,000,000	1096
20/32	Auswide Bank	General	BBB	2	24-Mar-20	24-Mar-23	1.88%	1,000,000	1,000,000	1095
Sub Total - Term Deposit Investment Group							TOTALS	56,500,000	56,500,000	
Floating Rate Notes Investment Group										
<i>As at Date</i>	<i>Borrower</i>	<i>FUND</i>	<i>Rating</i>	<i>Risk Rating</i>	<i>Purchase Date</i>	<i>Maturity Date</i>	<i>Current Yield*</i>	<i>Principal Value</i>	<i>Current value</i>	
31/7/19	Commonwealth Bank	General	A1+	1	11/1/2019	11/1/2024	2.025% 3M BBSW + 113bp	2,000,000.00	2,015,108.00	
31/7/19	ANZ Bank	General	A1+	1	08/2/2019	08/2/2024	2.01% 3M BBSW + 110bp	2,000,000.00	2,012,994.00	
31/7/19	ANZ Bank	Water	A1+	1	08/2/2019	08/2/2024	2.01% 3M BBSW + 110bp	1,000,000.00	1,006,497.00	
Sub Total - Floating Rate Notes Investment Group								5,000,000.00	5,034,599.00	
Cash Deposits Accounts Investment Group										
<i>As at Date</i>	<i>Borrower</i>	<i>FUND</i>	<i>Rating</i>	<i>Risk Rating</i>	<i>Purchase Date</i>	<i>Maturity Date</i>	<i>Current Yield</i>	<i>Principal Value</i>	<i>Current value</i>	
									-	
Sub Total - Cash Deposits Accounts Investment Group								-	-	

B) Council Investments by Fund 31 March, 2020

Portfolio by Fund	29/02/2020	31/03/2020
General Fund	\$ 44,085,609	\$ 47,028,102
Water Fund	\$ 9,015,427	\$ 9,006,497
Sewer Fund	\$ 5,500,000	\$ 5,500,000
TOTAL	\$ 58,601,036	\$ 61,534,599

Council's investment portfolio has increased by \$2,933,563 throughout March 2020. This was in respect of normal cash flow movements for receipts collected and payments made during March 2020. This includes rate collections and grant receipts during February invested on a short term basis to maximise interest revenues.

Interest – Budgeted verses Actual Result to Date

	Ledger	2019/2020 Budget \$	Actuals to Date \$	Accrued Interest to Date \$	TOTAL \$
General Fund	128820	879,000.00	365,813.07	460,911.48	826,724.55
Water Fund	812350	125,000.00	64,682.17	82,308.25	146,990.42
Sewer Fund	906320	105,000.00	95,963.60	38,662.88	134,626.48
TOTAL		1,109,000.00	526,458.84	581,882.61	1,108,341.45

Term deposit interest rates have moved to historic lows of approximately 0.9% for a 12 month term deposit. Given our strong investment balances, Council is expected to meet interest revenue targets in 2019/2020. Any additional interest received during 2019/2020 will be allocated to Council's Investment Equalisation Reserves to help fund future budget reductions in interest revenue.

It is noted that further rate cuts may require Council to downgrade this target in future years. This will require Council to reduce expenditure to offset the reduced income from investment revenue. Expenditure can be reduced by cutting various programs from the budget or by reducing/freezing budget increases, that is, no CPI increases. This results in an expenditure decrease in real terms.

C) Investment Portfolio Performance

Investment Portfolio Return		Benchmarks		
	% pa	RBA Cash Rate	Aus Bond Bank Bill	11am Cash Rate
Benchmark as at 31-3-2020		0.25%	1.23%	0.25%
Term Deposits	2.04%			
Cash Deposit Accounts	1.25%			
Floating Rate Notes	2.02%			

D) Investment Commentary

Council's investment portfolio returns exceeded the Australia Bond Bank Bill benchmark in all investment categories except for Council's cash deposit accounts. These accounts are held for liquidity purposes. Term Deposits exceeded all benchmarking indexes.

Council's investment portfolio of \$61.5M is almost entirely invested in fixed term deposits. Overall, the portfolio is highly liquid, highly rated and short-dated from a counterparty perspective.

The RBA cut the cash rate by 25bp to a new record low of 0.50% in its scheduled meeting on 3 March while retaining an easing bias. The Board said the cut was to "support the economy as it responds to the global coronavirus outbreak", where the outbreak will delay progress in achieving

full employment and the inflation target. The Board said it was “prepared to ease monetary policy further”.

The RBA’s emergency meeting on 19 March came with little to no surprise, announcing a further 25bp rate cut, bringing the official cash rate down to 0.25%. Their forward guidance is not to raise rates until there is a sustainable recovery and its economic objectives of full employment and target inflation are back on track.

The RBA has also provided a set of objectives through some of the unconventional policies implemented, including:

- Setting a 0.25% target for the 3-year bond yield;
- Buying Commonwealth/semi-government bonds to meet this target and across the curve to address market dislocations; and
- Establishing a term funding facility for bank loans (\$90bn at 0.25% for 3 years), especially to support new loans to small- and medium-sized businesses.

The global key risks for the RBA stem from the impact of ongoing trade and technology disputes, geo-political uncertainty and the ongoing repercussions from the COVID-19 pandemic. In Australia, they are closely monitoring employment, inflation, wage growth, housing and consumption, and the recent impact of the bushfires and floods.

With official rates at 0.25% and the RBA announcing unconventional policies, interest rates are not expected to move from their current policy setting, although there is the possibility for the RBA to cut in smaller increments (less than 25bp) or adopting negative rates if the global economy continues to deteriorate rapidly:

Over the longer-term, the domestic bond market continues to suggest a ‘lower-for-longer’ period of interest rates, with 10-year government bond yields trading below 0.8%.

E) Certification – Responsible Accounting Officer

I Scott Norman, hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the Local Government (General) Regulations 2005 and Council’s Investment Policy.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

It is noted that the volatility for current financial markets and pending legal actions will not impact on Council’s rates and charges, its ability to deliver its existing services across the funds, or its medium or long term sustainability. Council’s overall Investment Portfolio remains sound.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

12 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)**RECOMMENDATION:**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with the reasons stated in the referral reports:

- 12.1 Request For Reduction on Water Account - 142 Old Bundarra Road, Inverell**
- 12.2 Land Matters - Proposed Roundabout Gwydir Highway, Bundarra Road and Chester Street**
- 12.3 Support for the National Transport Museum**
- 12.4 Land Purchase - Inverell Polocrosse - Eddy Park Lane**