



INVERELL
SHIRE COUNCIL



Mayor Paul Harmon and Kyle Schuman from New England Aquatics pictured at the Inverell Aquatic Centre. A community survey is currently underway to gain feedback to help plan a new Aquatic Centre.

Business Paper
Ordinary Meeting of Council
Wednesday, 23 September 2020

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

17 September, 2020

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 23 September, 2020, commencing at **3.00PM**.

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

October 2020

SUN	MON	TUE	WED	THU	FRI	SAT
				Low Cost Loan Initiative Interim Progress Report Due 1.	Closing date for Pensioner Concession subsidies claims 2.	Labour Day 3.
Sapphire City Markets 4.	Labour Day Public Holiday in Lieu 5.	Reports due for Committee Meetings by 4.30pm 6.				
Last Day of School Holidays 11.			9am Civil & Environmental meeting 10:30am Economic & Community Sustainability meeting 14.		Request for extension to lodge financial statements to be submitted in writing to OLG 16.	
Gone Fishing Day at Campbell Park Sapphire City Markets 18.	Reports due for Ordinary meeting by 4:30pm 19.			Pink Ribbon Day 22.		
			3pm Ordinary meeting 28.	- Annual Report of obligations under the Public Interest Disclosures Act 1994 and the Government Information (Public Access) Act 2009 due - Low Cost Loan Initiative Interim Progress report due 29.	- Second quarter rates instalment notice to be sent (s.562) - Electronic lodgement of Grants Commission General Data Return - Last day for financial statements to be audited - Audited Financial Statements & FDR to be lodged with OLG (s.417(5)) 30.	

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 26 August, 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, 26 AUGUST 2020 AT 3.00 PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Anthony Michael (Deputy Mayor), Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, Cr Neil McCosker via zoom, Cr Mal Peters via zoom and Cr Jacki Watts.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services) and Scott Norman (Director Corporate and Economic Services).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 2020/78

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That the Minutes of the Ordinary Meeting of Council held on 22 July, 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

4 PUBLIC FORUM

At this juncture, the time being 3.04pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak.

Alex Wrobel, Inverell Polocrosse Club – Item 9.2 160 Eddy Park Lane, Inverell

Alex Wrobel expanded on the Inverell Polocrosse Club proposal to ensure the ongoing use and control of their Club's current grounds. He also spoke of planned future events including an incentive sale for polocrosse horses which is hoped will raise funds for the Club and attract people to Inverell for the sale and associated competition.

Nicky Lavender, Inverell Chamber of Commerce – Item 8.3.1 Planning Proposal - Amendment to the Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road.

Nicky Lavender spoke in favour of item 8.3.1 Planning Proposal - Amendment to the Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road. She said the Chamber supported the proposal as an opportunity to promote economic growth for the Shire, and while the move from the existing location would not be ideal, the positives far outweigh the negatives and the proposed site is the best option to stop leakage from the CBD.

Andrew Walsh – Cycle Precinct

Andrew Walsh spoke in support of a proposal to redevelop the BMX Track in Lions Park, Inverell into a pump track and cycle learning centre. He said the facility would complement the Criterium Track and the BMX Track could also be used by skate boarders, roller skaters and scooters which

would encourage use by young families; as would a learn to ride facility that emulates the real world on road environment.

5 QUESTIONS WITH NOTICE

Nil

6 MAYORAL MINUTE

6.1 MAYORAL MINUTE - NSW / QLD CROSS BORDER ISSUES S14.18.6/13

RESOLUTION 2020/79

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

That the NSW Cross Border Commissioner and Member for Northern Tablelands be requested to renew their efforts in approaching the Queensland Minister for Health to:

- a) Implement the compassionate grounds for entry into Queensland that were available to NSW residents under the initial border closure rules; and*
- b) Include the 2360 postcode in the 'border bubble'.*

CARRIED

7 ADVOCACY REPORTS

7.1 NOTICE OF BUSINESS - BONSHAW WATER SUPPLY S13.5.3

RESOLUTION 2020/80

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

That:

- i) Council staff prepare a report that identifies all operational issues, including but not limited to, water pressure issues impacting the Bonshaw Water Supply; and*
- ii) Prepare a report on the options available to address the identified issues.*

CARRIED

7.2 BORDER REGIONAL ORGANISATION OF COUNCILS MEETING - FRIDAY 14 AUGUST 2020 S14.10.1

RESOLUTION 2020/81

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That:

- i) Inverell Shire Council invite Tim Breen to address Council to advocate for the NilWaste to Energy Project; and*

- ii) *Council work with the Goondiwindi Regional Council to advocate to James McTavish issues relating to standardisation of town water use levels and cross border COVID 19 restrictions affecting the medical and agricultural industry for the Inverell Shire Council.*

CARRIED

8 COMMITTEE REPORTS

8.1 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES - 5 AUGUST 2020 S4.11.21/02

RESOLUTION 2020/82

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

That the Minutes from the Audit Risk and Improvement Committee meeting held on 5 August, 2020 be received and noted.

CARRIED

8.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 12 AUGUST 2020

RESOLUTION 2020/83

Moved: Cr Jacki Watts

Seconded: Cr Kate Dight

- i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 12 August, 2020, be received and noted; and*
- ii) *The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

CARRIED

8.2.1 Water Forums

That the report be received and noted.

8.2.2 Reflection Garden

That Council proceed with the project and choose the exact location to avoid impact on Council services but as close as possible to the preferred site.

8.2.3 Governance - Monthly Investment Report

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.*

8.2.4 Copeton Northern Foreshores Communal Hall Tender

That:

- a) the Tender from Efficient Building Pty Ltd for the Copeton Northern Foreshores Communal Hall for the Tender price of \$471,856.78 (excluding GST) be accepted; and*
- b) the General Manager be authorised to execute the contract as a Simple Works Contract.*

8.3 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 12 AUGUST 2020**RESOLUTION 2020/84**

Moved: Cr Di Baker

Seconded: Cr Stewart Berryman

- i) That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 12 August, 2020, be received and noted; and*
- ii) The following recommendations of the Civil and Environmental Services Committee be adopted by Council excluding Item 8.3.1 Planning Proposal - Amendment to the Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road, Inverell.*

CARRIED

8.3.2 Annual Heritage Advisory Service Update

That the 2019-2020 annual reporting and funding acquittals to Heritage NSW, be noted.

8.3.3 Rural Sealed Road Rehabilitation Plan

That:

- i) the Rural Sealed Roads – Rehabilitation Plan 2020 – 2024 be adopted; and*
- ii) the associated Local Roads and Regional Roads Rehabilitation Programs be endorsed, and utilised for funding allocations in the nominated Budget Votes.*

8.3.4 Funding Allocation - Gravel Resheeting, Woodstock Road and Waterloo Road

That the 2020/2021 Special Roads Projects budget of \$341,055 be allocated for gravel resheeting to be completed on sections of Woodstock Road and Waterloo Road during the current financial year.

8.3.5 Regional Road Transfer and Road Classification Review

That:

- i) The information in the report be received and noted;*
- ii) Council staff conduct a review of all Council controlled roads in accordance with the classification framework provided by TfNSW and a further report be presented to Council regarding any potential classification changes;*
- iii) A priority submission be made for the Bruxner Way and Bundarra Road to be transferred to State Government control, provided the conditions outlined in the report are met;*
- iv) Council provide in principal support for the transfer of all ISC controlled Regional Roads to State Government control, provided the conditions outlined in the report are met; and*
- v) Council notify NEJO, BROOC and neighbouring Councils of its position so that joint submissions can be investigated.*

8.3.6 D-33/1992 - Subdivision Off Palaroo Lane - Road Naming

That:

- 1. The road running south off Palaroo Lane not be named "Lorikeet Lane";*
- 2. The appropriate steps be taken to formally name the road running south off Palaroo Lane as "Olive Grove Lane"; and*
- 3. Council authorise the General Manager to undertake the road naming in accordance with the NSW Road Regulation 2018.*

8.3.1 Planning Proposal - Amendment to the Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road, Inverell**RESOLUTION 2020/85**

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

That:

- i. The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to facilitate a large format retail development be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway Determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- ii. The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway*

Determination, including any minor amendments, information requests and public exhibition; and

iii. *A further report be submitted in relation to this matter following public exhibition.*

S375A Record of Voting	Councillors For:	Councillors Against:
Harmon	√	
Baker	√	
Berryman	√	
Dight	√	
King	√	
Watts	√	
Michael		√
Peters		√
McCosker		√

CARRIED 6/3

9 DESTINATION REPORTS

9.1 TERM OF ARIC MEMBERS S4.11.21/02

RESOLUTION 2020/86

Moved: Cr Kate Dight

Seconded: Cr Paul King OAM

That Council:

- i) *Thank the Audit Risk and Improvement Committee members for agreeing to extend their term until 31 August, 2021.*
- ii) *Amend the Audit Risk and Improvement Committee Charter to allow for the temporary appointment of an additional Independent Member and refer the amended Charter to the Audit Risk and Improvement Committee for endorsement.*
- iii) *Commence recruitment of an additional Independent Committee Member as a transitional measure aimed at providing the opportunity for some continuity of membership when the next Committee is appointed.*

CARRIED

9.2 INVERELL POLOCROSSE CLUB - 160 EDDY PARK LANE, INVERELL S5.2.0/13**RESOLUTION 2020/87**

Moved: Cr Anthony Michael

Seconded: Cr Stewart Berryman

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.

CARRIED

10 INFORMATION REPORTS**RESOLUTION 2020/88**

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the following information reports be received and noted.

CARRIED

10.1 RENEWABLE ENERGY ZONE (REZ) S7.14.4**10.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JULY 2020 S18.10.2/13****10.3 SEPTIC TANK APPROVALS FOR JULY 2020 S29.19.1****10.4 ORDINANCE ACTIVITIES REPORT FOR JULY 2020 S18.10.1****10.5 STRATEGIC TASKS - 'SIGN OFF' - JULY 2020 S4.13.2****10.6 STATUS OF TOWN WATER SUPPLIES S32.15.19****10.7 PROCUREMENT PROCEDURES - PLANT HIRE S13.5.3**

11 GOVERNANCE REPORTS

11.1 REVISED MODEL CODE OF CONDUCT S4.14.5/01

RESOLUTION 2020/89

Moved: Cr Di Baker

Seconded: Cr Paul King OAM

A. *That Council adopt the:*

i) 2020 Model Code of Conduct for councillors;

ii) 2020 Model Code of Conduct for staff and delegates;

iii) 2020 Model Code of Conduct for Committee Members, Delegates of Council and Council Advisers; and

B. *2020 Procedures for the Administration of Codes of Conduct.*

CARRIED

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

At 4.15pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

RESOLUTION 2020/90

Moved: Cr Anthony Michael

Seconded: Cr Paul King OAM

That Council proceeds into Closed Council to discuss the matters referred to it, for the reasons stated in the motions of referral.

CARRIED

RESOLUTION 2020/91

Moved: Cr Jacki Watts

Seconded: Cr Di Baker

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.18pm, the Chairperson verbally reported that the Council had met in Closed Council, with the Press and Public excluded, and had resolved to recommend to Council the following:

12.1 INVERELL POLOCROSSE CLUB - 160 EDDY PARK LANE, INVERELL S5.2.0/13

- i) *That Council make an offer to purchase 160 Eddy Park Lane, Inverell in the sum of \$85K for the use of Inverell Polocrosse Club on the provision that the Club contribute \$32K towards the purchase.*
- ii) *The purchase be subject to any other terms and conditions as negotiated by the General Manager;*
- iii) *Council retain ownership of the land;*
- iv) *The Inverell Polocrosse Club be granted a licence to occupy the land subject to conditions determined by the General Manager.*
- v) *The Inverell Polocrosse Club to have the right to purchase the land from Council at some point in the future at the Valuer General's Land Valuation that is applicable at the time of purchase by the Club.*
- vi) *The land be classified as operational land.*

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2020/92**

Moved: Cr Anthony Michael

Seconded: Cr Jacki Watts

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.20pm.

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

4 PUBLIC FORUM

5 NOTICES OF BUSINESS

Nil

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

7.1 ELECTION OF MAYOR

File Number: S13.7.2 / 20/35845

Author: Paul Henry, General Manager

RECOMMENDATION:

That:

- i) *In the event that more than one candidate has been nominated for the position of Mayor the method of election for Mayor be determined by Council; and*
- ii) *the nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

SUMMARY:

In accordance with Section 230 of the *Local Government Act, 1993*, the term of office of the Mayor expires at the date of this meeting. Council is now requested to conduct an election for the position of Mayor. The mayor elected in September 2020 will hold their office until ordinary elections are held on 4 September 2021.

COMMENTARY:

In accordance with Section 230 of the *Local Government Act, 1993*, a Mayor elected by the Councillors holds the office of Mayor for two (2) years. With the Local Government Elections being delayed now until 2021, special provision has been made on this occasion for a Mayor elected by the Councillors to hold the office of Mayor for one (1) year. The current term of the Mayor expires today and Councillors are requested to participate in the election of a Mayor for the next year.

A. PROCEDURES

Schedule 7 of *Local Government (General) Regulation 2005*, prescribes procedures to be followed for the election of the Mayor. A summary of these provisions is as follows:

i) Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

ii) Nomination

Nominations shall be in writing. A nomination must be signed by two (2) or more Councillors (one (1) of whom may be the nominee). This nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination must be delivered or sent to the Returning Officer prior to the meeting.

A nomination form for the position of Mayor has been sent to Councillors, under separate cover, for use, should you wish to arrange a nomination for the position of Mayor.

As Returning Officer, I now invite nominations for the position of Mayor for a one (1) year period.

iii) Election

If only one (1) Councillor is nominated, the Returning Officer will declare that Councillor is elected as Mayor for the ensuing term.

If more than one (1) Councillor is nominated, Council must determine by resolution, the method of election from the following choices:

- a) Ordinary Ballot (i.e. a secret ballot);
- b) Preferential Ballot (i.e. place 1, 2, 3 etc. against nominated candidates); or
- c) Open Voting (i.e. by show of hands).

Council will note that in previous elections, the method of election chosen by Council for the election of a Mayor was by Ordinary Ballot.

In the event that there is a tie in the vote for determining the method of voting, the current Mayor may use their casting vote to determine the method of voting.

Note:

Office Local Government Circular 20-29 September 2020 Mayoral Elections states:

- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

iv) Methods of Voting – Explained

a) Ordinary Ballot

This method is a secret ballot.

A valid vote under this method is recorded by a Councillor placing an (X) against the name of the candidate of the Councillor's choice.

Where there are only two (2) candidates, the Returning Officer shall declare elected the candidate who receives the highest number of votes.

Where there are three (3) or more candidates, the candidate who receives the lowest number of votes is excluded and a further vote is taken in respect of the remaining candidates. This methodology is continued until there are only two (2) candidates remaining, and on the final vote the General Manager shall declare elected that candidate who received the higher number of votes.

b) Preferential Ballot

Members vote for ALL candidates in order of preference by using the figures "1", "2", "3" etc. and normal preferential counting takes place until one (1) candidate has an absolute majority, whereupon he/she shall be declared by the General Manager to be elected.

In this regard "absolute majority" means more than one (1) half of the number of formal ballot papers.

c) Open Voting

This is the most transparent method of voting.

Councillors are asked to raise their hand when called upon to show their support for a Mayoral candidate.

v) Voting Process

The following processes will be utilised for the various methods of voting:

a) Ordinary Ballot (secret ballot)

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

Three or more candidates

The returning officer announces the results of the first round of voting. The candidate with the lowest number of votes is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

The Returning Officer will show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

Two Candidates

The voting process is undertaken in the manner mentioned above. The Returning Officer announces the result.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

b) Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

c) Open Voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

B. RELEVANT INFORMATION

Information relevant to the position of Mayor is detailed below:

- The Mayor receives the following annual fees:
 1. Councillor Fee \$12,160.00
 2. Mayoral Fee \$26,530.00
- The following facilities are provided to the Mayor:
 1. A mobile phone/PDA, and basic computer for Council use only;
 2. Civic and private use of a motor vehicle with the private use component to be reimbursed to Council at the Senior Executive Service NSW State Government rate as determined each April by the Remuneration Panel.

C. NOMINATION PAPERS AND VOTING MATERIAL
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By convention, previous Councils have resolved to destroy the nomination forms and voting papers associated with the election of the Mayor.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND MANAGEMENT PLAN:

Strategy: R.07 Council is recognised for and distinguished by its management, innovation and customer service.

Term Achievement: (R.07.1) Council's operating culture is flexible, efficient, integrated and aligned to Council's strategic objectives and program delivery.

Operational Objective:

While the election of a Mayor is a statutory requirement, Council's strategic plan makes the following comment on the objectives and program of the role of the Mayor:

"The Mayor is a vital conduit between this organisation and the community and therefore actively promotes Local Government as an effective, responsible and responsive form of government".

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

The abovementioned Councillor and Mayoral fees are provided for in the annual operating budget.

LEGAL IMPLICATIONS:

The election of a Mayor is to be conducted as prescribed in *Schedule 7* of the Local Government (General) Regulation 2005.

ATTACHMENTS:

Nil

7.2 ELECTION OF DEPUTY MAYOR**File Number:** S13.7.2 / 20/35856**Author:** Paul Henry, General Manager**RECOMMENDATION:***That:*

- i) Council determine if there shall be a Deputy Mayoral position on Council;*
- ii) If so, the election for Deputy Mayor be carried out by the same method of voting as used for the election of the Mayor; and*
- iv) the nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

SUMMARY:

In accordance with *Section 231* of the *Local Government Act, 1993*, Council may elect a person from among their number to be the Deputy Mayor. Council is requested to determine if a Deputy Mayor is to be elected. Should Council resolve to elect a person from among their number to be the Deputy Mayor, then Council is requested to conduct an election for the position.

COMMENTARY:

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The provisions of *Schedule 7* of the *Local Government (General) Regulation 2005*, also apply to the election of Deputy Mayor.

A nomination for this position must be in writing and delivered or sent to the returning officer prior to the meeting.

A nomination form for the position of Deputy Mayor has been sent to Councillors under separate cover, should any Councillor wish to arrange nomination for the position of Deputy Mayor.

In previous years the election method utilised for the Deputy Mayoral position was the Ordinary Ballot method.

Note:

Office Local Government Circular 20-29 September 2020 Mayoral Elections states:

- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be by way of an ordinary or preferential ballot.

Information relevant to the position of Deputy Mayor is as follows:

- The period of Office for the Deputy Mayor is generally two (2) years (however due to the local Government Elections being delayed until 2021, the term on this occasion will be one (1) year)
- The Deputy Mayor receives no fees other than the Councillor fee (\$12,160.00), unless Council determines that a fee is to be paid. If Council determines that a fee is to be paid, the amount is funded from the Mayoral fee, effectively reducing the amount paid to the Mayor. In previous years, Council has not paid a Deputy Mayor's fee.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND MANAGEMENT PLAN:

Strategy: R.07 Council is recognised for and distinguished by its management, innovation and customer service.

Unlike the election of the Mayor, the election of a Deputy Mayor is not a legal requirement however, the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor. The Deputy Mayor is part of a leadership team that would have carriage for this strategic goal.

Term Achievement: (R.07.1) Council's operating culture is flexible, efficient, integrated and aligned to Council's strategic objectives and program delivery.

Operational Objective: The Deputy Mayor assists in undertaking activities that seek to achieve the following operational objective.

"To actively promote Local Government as an effective, responsible and responsive form of Government".

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

The above mentioned Councillor and Mayoral fees are provided for in the annual operating budget.

LEGAL IMPLICATIONS:

The election of a Deputy Mayor is to be conducted as prescribed in *Schedule 7* of the Local Government (General) Regulation 2005.

ATTACHMENTS:

Nil

8 COMMITTEE REPORTS**8.1 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 9 SEPTEMBER 2020****File Number:** S4.11.17/12 / 20/36143**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Meeting held on Wednesday, 9 September, 2020.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i) *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 9 September, 2020, be received and noted; and*
- ii) *The recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

8.1.1 Question with Notice - Tingha Garbage Service**RECOMMENDATION:**

That the Civil and Environmental Services Committee receive a report to their February 2021 meeting regarding the recent extension of the Tingha salvaging area in relation to its implementation, its community acceptance and any issues that have arisen.

8.1.2 Classification of Freehold Tingha Lands**RECOMMENDATION:***That:*

1. *Council resolve the following land be classified as 'Operational Land':*

Location	Description	Purpose
35 New Valley Road Tingha	Lot 107 DP 722455	Tingha Depot
29 Diamond Street Tingha	Lot 7 Sect 10 DP 704	Vacant Land
16-18 Ruby Street Tingha	Lot 2 DP 218026	Tingha Town Hall & Fire Shed
14 Ruby Street Tingha	Lot 31 DP 1071167; Lot 1 DP 218026; Lot 2 Sect 3 DP 704; Lot 2 DP 587489	Wing Hing Long Store Tingha

31 Garnet Street Tingha	Lot 4 Sect 16 DP704; Lot 4 Sect 17 DP704; Lot 3 Sect 16 DP704; Lot 3 Sect 17 DP704; Lot 1 Sect 14 DP704; Lot 6 DP668621; Lot 2 Sect 14 DP704; Lot 3 Sect 14 DP704; Lot 4 Sect 14 DP704; Lot 5 Sect 17 DP704; Lot 5 DP229966; Lot 6 DP229966	Vacant Land
32 Albion Flat Road Tingha	Lot 1 DP 829960	Water Reservoir
14060 Guyra Road Tingha	Lot 1 DP 1120941	Sewer Ponds
2-4 Sapphire Street Tingha	Lot 81 DP753655; Lot 1 Sect 4 DP704	Symes Park & Aged Care Units
156 Kempton Road Tingha	Lot 123 DP42110	Tingha Garbage Tip
23 Garnet Street Tingha	Lot 1 & 2 DP 229966	Tingha Cemetery

8.1.3 Expression of Interest to Licence Land - 2 Ring Street, Inverell

RECOMMENDATION:

That:

- i) Council enter into a Licence Agreement with Peter Jarrett for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$500 per annum (GST Inclusive) with a 3% increase per annum;*
- iii) The licence be conditional on development approval; and*
- iv) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

8.1.4 Request for Consideration - Concession for Rates - Tingha Buffalo Lodge

RECOMMENDATION:

That to assist in the deliberations regarding a contribution towards rates or charges, Council write to the Tingha Buffalo Lodge requesting further information on their membership and quantum and recipients of recent community donations.

8.1.5 Expiring Licence Agreement - Inverell Building Supplies

RECOMMENDATION:

That:

- i) Council renew the agreement with Inverell Building Supplies for Part Lot 2, DP 1126040 for a further five (5) year period;*
- ii) the licence fee be \$753.54 per annum (GST Inclusive) 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.

8.1.6 Governance - Monthly Investment Report

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.*

ATTACHMENTS:

- 1. Minutes of Economic and Community Sustainability Committee Meeting 9 September, 2020**

**MINUTES OF INVERELL SHIRE COUNCIL
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 9 SEPTEMBER 2020 AT 9.55AM**

PRESENT: Cr Jacki Watts (Chair), Cr Paul Harmon (Mayor), Cr Paul King OAM, Cr Kate Dight via Zoom and Cr Anthony Michael (Deputy Mayor).

IN ATTENDANCE: Cr Stewart Berryman, Cr Neil McCosker via Zoom and Cr Di Baker.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Greg Doman (Manager Waste & Projects) and Scott Norman (Director Corporate & Economic Services).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Paul King OAM
Seconded: Cr Anthony Michael

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 12 August, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

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

NIL

4 QUESTIONS WITH NOTICE

4.1 QUESTION WITH NOTICE - TINGHA GARBAGE SERVICE S13.5.3

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
Seconded: Cr Paul King OAM

That the Committee recommend to Council that the Civil and Environmental Services Committee receive a report to their February 2021 meeting regarding the recent extension of the Tingha salvaging area in relation to its implementation, its community acceptance and any issues that have arisen.

CARRIED

5 DESTINATION REPORTS

5.1 CLASSIFICATION OF FREEHOLD TINGHA LANDS S5.19.1

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Kate Dight

That the Committee recommend to Council that:

1. Council resolve the following land be classified as 'Operational Land':

Location	Description	Purpose
35 New Valley Road Tingha	Lot 107 DP 722455	Tingha Depot
29 Diamond Street Tingha	Lot 7 Sect 10 DP 704	Vacant Land
16-18 Ruby Street Tingha	Lot 2 DP 218026	Tingha Town Hall & Fire Shed
14 Ruby Street Tingha	Lot 31 DP 1071167; Lot 1 DP 218026; Lot 2 Sect 3 DP 704; Lot 2 DP 587489	Wing Hing Long Store Tingha
31 Garnet Street Tingha	Lot 4 Sect 16 DP704; Lot 4 Sect 17 DP704; Lot 3 Sect 16 DP704; Lot 3 Sect 17 DP704; Lot 1 Sect 14 DP704; Lot 6 DP668621; Lot 2 Sect 14 DP704; Lot 3 Sect 14 DP704; Lot 4 Sect 14 DP704; Lot 5 Sect 17 DP704; Lot 5 DP229966; Lot 6 DP229966	Vacant Land
32 Albion Flat Road Tingha	Lot 1 DP 829960	Water Reservoir
14060 Guyra Road Tingha	Lot 1 DP 1120941	Sewer Ponds
2-4 Sapphire Street Tingha	Lot 81 DP753655; Lot 1 Sect 4 DP704	Symes Park & Aged Care Units
156 Kempton Road Tingha	Lot 123 DP42110	Tingha Garbage Tip
23 Garnet Street Tingha	Lot 1 & 2 DP 229966	Tingha Cemetery

CARRIED

5.2 EXPRESSION OF INTEREST TO LICENCE LAND - 2 RING STREET, INVERELL S5.10.65

COMMITTEE RESOLUTION

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

The Committee recommend to Council that:

- i) Council enter into a Licence Agreement with Peter Jarrett for a five (5) year period with a further five (5) year option;
- ii) the Licence fee be \$500 per annum (GST Inclusive) with a 3% increase per annum;

- iii) *The licence be conditional on development approval; and*
- iv) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

CARRIED

5.3 REQUEST FOR CONSIDERATION - CONCESSION FOR RATES - TINGHA BUFFALO LODGE S25.9.3/13

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
Seconded: Cr Paul King OAM

The Committee recommend to Council that to assist in the deliberations regarding a contribution towards rates or charges, Council write to the Tingha Buffalo Lodge requesting further information on their membership and quantum and recipients of recent community donations.

CARRIED

5.4 EXPIRING LICENCE AGREEMENT - INVERELL BUILDING SUPPLIES S5.10.107

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael
Seconded: Cr Paul King OAM

That the Committee recommend to Council that:

- i) *Council renew the agreement with Inverell Building Supplies for Part Lot 2, DP 1126040 for a further five (5) year period;*
- ii) *the licence fee be \$753.54 per annum (GST Inclusive) 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.*

CARRIED

6 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael
Seconded: Cr Paul King OAM

That the information reports be received and noted.

CARRIED

6.1 LIBRARY STATISTICAL OVERVIEW 2019/20 S3.6.10

6.2 FEDERAL GOVERNMENT GRANTS COMMUNITY INFRASTRUCTURE FUNDING (COVID-19) S15.8.106

6.3 UNIVERSITY OF NEW ENGLAND - VIRTUAL HEALTH NETWORK S24.20.5

At 10:28 am, Cr Paul Harmon left the meeting.

At 10:31 am, Cr Paul Harmon rejoined the meeting.

7 GOVERNANCE REPORTS**7.1 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2/13****COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael

Seconded: Cr Paul King OAM

The Committee recommend to Council that:

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

CARRIED

The Meeting closed at 10.37am.

8.2 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 9 SEPTEMBER 2020

File Number: S4.11.16/12 / 20/36145

Author: Kristy Paton, Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 9 September, 2020.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i) That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 9 September, 2020, be received and noted; and
- ii) The recommendations of the Civil and Environmental Services Committee be adopted by Council.

8.2.1 DA-96/2019 - Cattle Feedlot - 1804-2033 Tarwoona Road, Camp Creek

RECOMMENDATION:

That development application 96/2019 be approved subject to the following conditions of consent:

General Conditions

1. *Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.*

Consent is granted for a beef cattle feedlot.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
Environmental Impact Statement			
<i>Development Application and Environmental Impact Statement – Proposed Beef Cattle Feedlot, Tarwoona Road, Camp Creek</i>	<i>15/08/2019</i>	<i>RU01Z000</i>	<i>V02R02</i>
Additional Information			
<i>Local Government Engineering Services - Traffic Impact Assessment</i>	<i>28/05/2020</i>	<i>IV2481</i>	<i>Rev C</i>
<i>AREA Environmental Consultants & Communication – Biodiversity Development Assessment Report</i>	<i>17/01/2020</i>	<i>QU-0042</i>	<i>V3.4</i>
<i>Chance Find Procedure –</i>	<i>-</i>	<i>-</i>	<i>-</i>

<i>Cultural heritage items</i>			
<i>Matrix Acoustics - Road Traffic Noise Assessment</i>	21/04/2020	-	-

Any deviation will require the consent of Council.

2. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 25,055.*
3. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.*
4. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 2** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the National Resources Access Regulator.*
5. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 3** of this consent) and any subsequent Fisheries Permit (as amended), issued by the Department of Primary Industries (Fisheries).*
6. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 4** of this consent) and any subsequent Water Use Approval and/or Water Management Work Approval (as amended), issued by the WaterNSW.*
7. *The final design, construction and operation of the feedlot must be undertaken in accordance with the Mitigation Measures summarised in **Section 15.3** of the approved Environmental Impact Statement.*
8. *Permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development, at the applicant's expense.*
9. *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).*

Prior to Construction (including road upgrades)

10. *Prior to the commencement of any works (including earthworks and road upgrades) a Construction Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*
11. *Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:*
 - *A map of the primary haulage routes highlighting critical locations;*
 - *Safety initiatives for haulage through residential areas and/or school zones;*
 - *An induction process for vehicle operators and regular toolbox meetings;*
 - *A complaints resolution and disciplinary procedure; and*
 - *Community consultation measures for peak haulage periods.*
12. *Prior to issue of a Construction Certificate, protection buffer areas with suitable fencing/delineation, must be provided around the Aboriginal Cultural Heritage Artefacts identified in "Figure 34 – Heritage Assessment Aboriginal Objects" being Drawing No. "RU01Z – EIS – HA -34D" of the Environmental Impact Statement. The proposed method of fencing/delineation must be submitted to and approved by Council.*

Note: Council may undertake consultation with the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment in relation to the proposed

fencing/delineation method.

13. *Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 must be obtained from Council for:*

- *Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;*
- *Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;*
- *Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;*
- *Permanent vehicle classifiers to be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development;*
- *The proposed new access crossing; and*
- *Any other road upgrades.*

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design of all works.

Note: Council will consult with the Goondiwindi Regional Council, National Resource Access Regulator and Department of Primary Industries (Fisheries) in relation to the proposed road upgrades, bridge upgrade and works within 40 metres of the Dumaresq River.

14. *Prior to issue of a Construction Certificate, an approval from Goondiwindi Regional Council must be obtained for the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road. A copy of this approval is to be provided to Inverell Shire Council.*
15. *Prior to issue of a Construction Certificate, the applicant must provide Council with documentary evidence that the required biodiversity credits have been retired in accordance with the Biodiversity Conservation Act 2016.*

The retired biodiversity credits must be of the number and class as specified within the Biodiversity Development Assessment Report prepared by AREA Environmental Consultants & Communication, Report No. QU-0042, Version No. V3.4, dated 17/01/2020.

16. *Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 must be obtained from Council for the installation and operation of on-site sewage management systems for the administration office and other amenities.*

During Construction / Demolition

17. *The applicant will:*
- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
 - *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*
18. *The Chance Find Procedure prepared for the discovery of Aboriginal artefacts or places must be implemented and maintained for the duration of works.*
19. *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.*
20. *All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.*

Prior to Occupation / Commencement of Use

21. *Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.*

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
 - any preconditions to the issue of the certificate required by a development consent have been met.*
22. *Prior to issue of an Occupation Certificate, the following road works are to be completed in accordance with the approval issued under Section 138 of the Roads Act 1993:*
- Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;*
 - Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;*
 - Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;*
 - The proposed new access crossing; and*
 - Any other road upgrades.*
23. *Prior to issue of an Occupation Certificate, the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road must be completed in accordance with the approval issued by Goondiwindi Regional Council. Goondiwindi Regional Council must provide Inverell Shire Council with a formal sign-off that the works have been completed to the required standards.*
24. *Prior to issue of an Occupation Certificate, permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development in accordance with the approval under Section 138 of the Roads Act 1993.*
25. *Prior to issue of an Occupation Certificate, Cunningham Weir Road and Tarwoona Road (from Cunningham Weir Road to the Feedlot Access) must be gazetted as a B-Double approved route.*
26. *Prior to issue of an Occupation Certificate, the landscaped earthen mound on the northern side of the main feedlot complex is to be completed.*
27. *Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval and other requirements and licences issued by:*
- NSW Environment Protection Authority;*
 - National Resources Access Regulator;*
 - Department of Primary Industries (Fisheries); and*
 - WaterNSW.*

Ongoing Use

28. *A Sec. 94 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:*
- Financial quarter January to March – to be paid by **30 April** of that year;*
 - Financial quarter April to June – to be paid by **31 July** of that year;*

- *Financial quarter July to September – to be paid by **31 October** of that year; and*
- *Financial quarter October to December – to be paid by **31 January** of the next year.*

The current rate is \$1.176 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 25,055 head of cattle for that financial quarter.

29. *A report must be provided to Inverell Shire Council each financial year, by 31 July, which addresses:*

- *The source of water, including current water licences, for the feedlot site during that financial year;*
- *A comparison of the total water available in relation to the maximum feedlot capacity; and*
- *In the event that if any water restriction and/or water licences are revoked, surrendered, modified or otherwise removed from the development site:*
 - *A review of cattle numbers within the feedlot in relation to water supply; and*
 - *Proposed measures to operate the feedlot to match current water supply (e.g. de-stocking).*

30. *A report must be provided to Inverell Shire Council each financial quarter, providing the following data (at minimum), based on the permanent vehicle classifiers installed under this consent:*

- *Traffic volume;*
- *Heavy vehicle traffic volume;*
- *B-Double/HPV/Road Train volume; and*
- *Date and time of B-Double/HPV/Road Train access.*

Note: This condition may be satisfied by the provision of live feed data to Council.

31. *The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.*

32. *All external lighting must:*

- *comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and*
- *be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*

33. *The fencing/delineation provided around the Aboriginal Cultural heritage Artefacts identified in “Figure 34 – Heritage Assessment Aboriginal Objects” being Drawing No. “RU01Z – EIS – HA -34D” of the Environmental Impact Statement must be maintained in perpetuity.*

34. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*

35. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

8.2.2 Procurement of Bitumen and Aggregate Services - 2020/2021 - Bitumen Resealing Program

RECOMMENDATION:

That the tender from NSW Spray Seal under a full service contract for the 2020/2021 Resealing Program for the tender price of \$1,851,568 (plus GST) be accepted.

ATTACHMENTS:

- 1. Minutes of Civil and Environmental Services Committee Meeting 9 September, 2020**

**MINUTES OF INVERELL SHIRE COUNCIL
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 9 SEPTEMBER 2020 AT 9.00AM**

PRESENT: Cr Di Baker (Chair), Cr Paul Harmon (Mayor), Cr Stewart Berryman, and Cr Neil McCosker via Zoom.

IN ATTENDANCE: Cr Anthony Michael (Deputy Mayor), Cr Jacki Watts and Cr Kate Dight via Zoom.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Scott Norman (Director Corporate & Economic Services), Justin Pay (Manager Civil Engineering), Chris Faley (Development Planner) and Anthony Alliston (Manager Development Services).

1 APOLOGIES

COMMITTEE RESOLUTION

Moved: Cr Neil McCosker

Seconded: Cr Paul Harmon

That the apology received from Cr Peters be accepted and leave of absence for personal reasons be granted.

CARRIED

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 August, 2020, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

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

Nil

4 PUBLIC FORUM

Nil

5 DESTINATION REPORTS

5.1 DA-96/2019 - CATTLE FEEDLOT - 1804-2033 TARWOONA ROAD, CAMP CREEK DA-96/2019

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

The Committee recommend to Council that Development Application 96/2019 be approved subject to the following conditions of consent:

General Conditions

1. *Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.*

Consent is granted for a beef cattle feedlot.

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following documents:

Document Description	Date	Report No.	Version No.
Environmental Impact Statement			
<i>Development Application and Environmental Impact Statement – Proposed Beef Cattle Feedlot, Tarwoona Road, Camp Creek</i>	15/08/2019	RU01Z000	V02R02
Additional Information			
<i>Local Government Engineering Services - Traffic Impact Assessment</i>	28/05/2020	IV2481	Rev C
<i>AREA Environmental Consultants & Communication – Biodiversity Development Assessment Report</i>	17/01/2020	QU-0042	V3.4
<i>Chance Find Procedure – Cultural heritage items</i>	-	-	-
<i>Matrix Acoustics - Road Traffic Noise Assessment</i>	21/04/2020	-	-

Any deviation will require the consent of Council.

2. *The maximum head of cattle permitted within the cattle feedlot at any one point in time is 25,055.*
3. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Environmental Protection License (as amended), issued by the NSW Environment Protection Authority.*
4. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 2** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the National Resources Access Regulator.*
5. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 3** of this consent) and any subsequent Fisheries Permit (as amended), issued by the Department of Primary Industries (Fisheries).*
6. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 4** of this consent) and any subsequent Water Use Approval and/or Water*

Management Work Approval (as amended), issued by the WaterNSW.

7. *The final design, construction and operation of the feedlot must be undertaken in accordance with the Mitigation Measures summarised in **Section 15.3** of the approved Environmental Impact Statement.*
8. *Permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development, at the applicant's expense.*
9. *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).*

Prior to Construction (including road upgrades)

10. *Prior to the commencement of any works (including earthworks and road upgrades) a Construction Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.*
11. *Prior to issue of a Construction Certificate, a Heavy Vehicle Code of Conduct for traffic associated with the feedlot must be submitted to and approved by Council. The Code of Conduct must address at minimum:*
 - *A map of the primary haulage routes highlighting critical locations;*
 - *Safety initiatives for haulage through residential areas and/or school zones;*
 - *An induction process for vehicle operators and regular toolbox meetings;*
 - *A complaints resolution and disciplinary procedure; and*
 - *Community consultation measures for peak haulage periods.*
12. *Prior to issue of a Construction Certificate, protection buffer areas with suitable fencing/delineation, must be provided around the Aboriginal Cultural Heritage Artefacts identified in "Figure 34 – Heritage Assessment Aboriginal Objects" being Drawing No. "RU01Z – EIS – HA -34D" of the Environmental Impact Statement. The proposed method of fencing/delineation must be submitted to and approved by Council.*

Note: Council may undertake consultation with the Biodiversity and Conservation Division of the NSW Department of Planning, Industry and Environment in relation to the proposed fencing/delineation method.

13. *Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 must be obtained from Council for:*
 - *Upgrade of the bridge on Cunningham Weir Road over the Dumaresq River;*
 - *Widening and resurfacing of the Cunningham Weir Road including Dumaresq River approaches;*
 - *Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;*
 - *Permanent vehicle classifiers to be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development;*
 - *The proposed new access crossing; and*
 - *Any other road upgrades.*

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design of all works.

Note: Council will consult with the Goondiwindi Regional Council, National Resource Access Regulator and Department of Primary Industries (Fisheries) in relation to the

proposed road upgrades, bridge upgrade and works within 40 metres of the Dumaesq River.

14. *Prior to issue of a Construction Certificate, an approval from Goondiwindi Regional Council must be obtained for the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road. A copy of this approval is to be provided to Inverell Shire Council.*
15. *Prior to issue of a Construction Certificate, the applicant must provide Council with documentary evidence that the required biodiversity credits have been retired in accordance with the Biodiversity Conservation Act 2016.*

The retired biodiversity credits must be of the number and class as specified within the Biodiversity Development Assessment Report prepared by AREA Environmental Consultants & Communication, Report No. QU-0042, Version No. V3.4, dated 17/01/2020.

16. *Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 must be obtained from Council for the installation and operation of on-site sewage management systems for the administration office and other amenities.*

During Construction / Demolition

17. *The applicant will:*
 - *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
 - *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*
18. *The Chance Find Procedure prepared for the discovery of Aboriginal artefacts or places must be implemented and maintained for the duration of works.*
19. *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.*
20. *All demolition work is to be carried out in accordance with Australian Standard 2601 The demolition of structures.*

Prior to Occupation / Commencement of Use

21. *Prior to occupation of the site and commencement of the feedlot use, an Occupation Certificate must be issued in accordance with the Environmental Planning and Assessment Act 1979.*

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- *all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and*
 - *any preconditions to the issue of the certificate required by a development consent have been met.*
22. *Prior to issue of an Occupation Certificate, the following road works are to be completed in accordance with the approval issued under Section 138 of the Roads Act 1993:*
 - *Upgrade of the bridge on Cunningham Weir Road over the Dumaesq River;*
 - *Widening and resurfacing of the Cunningham Weir Road including Dumaesq River approaches;*
 - *Upgrade of existing intersection at Tarwoona Road onto Cunningham Weir Road;*

- *The proposed new access crossing; and*
- *Any other road upgrades.*

23. *Prior to issue of an Occupation Certificate, the upgrade works in Queensland to the Cunningham Weir Road and Texas-Yelarbon Road must be completed in accordance with the approval issued by Goondiwindi Regional Council. Goondiwindi Regional Council must provide Inverell Shire Council with a formal sign-off that the works have been completed to the required standards.*
24. *Prior to issue of an Occupation Certificate, permanent vehicle classifiers must be installed on Cunningham Weir Road, the access to the feedlot and Tarwoona Road to the east of the development in accordance with the approval under Section 138 of the Roads Act 1993.*
25. *Prior to issue of an Occupation Certificate, Cunningham Weir Road and Tarwoona Road (from Cunningham Weir Road to the Feedlot Access) must be gazetted as a B-Double approved route.*
26. *Prior to issue of an Occupation Certificate, the landscaped earthen mound on the northern side of the main feedlot complex is to be completed.*
27. *Prior to issue of an Occupation Certificate, documentary evidence must be provided to Council demonstrating compliance with the General Terms of Approval and other requirements and licences issued by:*
 - *NSW Environment Protection Authority;*
 - *National Resources Access Regulator;*
 - *Department of Primary Industries (Fisheries); and*
 - *WaterNSW.*

Ongoing Use

28. *A Sec. 94 Contribution for the ongoing maintenance of the local road network is to be paid to Council every quarter, with payments to be made at the following times:*
 - *Financial quarter January to March – to be paid by **30 April** of that year;*
 - *Financial quarter April to June – to be paid by **31 July** of that year;*
 - *Financial quarter July to September – to be paid by **31 October** of that year; and*
 - *Financial quarter October to December – to be paid by **31 January** of the next year.*

The current rate is \$1.176 per head and is subject to CPI adjustment each financial quarter.

The applicant is to provide Council with details of cattle processed through the feedlot during the financial quarter at the time a payment is made. If Council does not receive these details, the contribution will be levied on maximum processing of 25,055 head of cattle for that financial quarter.

29. *A report must be provided to Inverell Shire Council each financial year, by 31 July, which addresses:*
 - *The source of water, including current water licences, for the feedlot site during that financial year;*
 - *A comparison of the total water available in relation to the maximum feedlot capacity; and*
 - *In the event that if any water restriction and/or water licences are revoked,*

surrendered, modified or otherwise removed from the development site:

- *A review of cattle numbers within the feedlot in relation to water supply; and*
- *Proposed measures to operate the feedlot to match current water supply (e.g. de-stocking).*

30. *A report must be provided to Inverell Shire Council each financial quarter, providing the following data (at minimum), based on the permanent vehicle classifiers installed under this consent:*

- *Traffic volume;*
- *Heavy vehicle traffic volume;*
- *B-Double/HPV/Road Train volume; and*
- *Date and time of B-Double/HPV/Road Train access.*

Note: This condition may be satisfied by the provision of live feed data to Council.

31. *The National Guidelines for Beef Cattle Feedlots in Australia is to be complied with at all times during the operation of the feedlot to ensure animal health and welfare.*

32. *All external lighting must:*

- *comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting; and*
- *be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*

33. *The fencing/delineation provided around the Aboriginal Cultural heritage Artefacts identified in “Figure 34 – Heritage Assessment Aboriginal Objects” being Drawing No. “RU01Z – EIS – HA -34D” of the Environmental Impact Statement must be maintained in perpetuity.*

34. *The operation of the feedlot, including all associated traffic, must comply with the approved Heavy Vehicle Code of Conduct.*

35. *Any other condition deemed appropriate by the Director Civil and Environmental Services.*

S375A Record of Voting on Planning Matters

In Favour: Crs Paul Harmon, Stewart Berryman, Di Baker and Neil McCosker

Against: Nil

CARRIED 4/0

5.2 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES - 2020/2021 - BITUMEN RESEALING PROGRAM S28.28.2/12

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

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.

CARRIED

6 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the information reports be received and noted.

CARRIED

6.1 WORKS UPDATE S28.21.1/13

6.2 INLAND RAIL - NORTH STAR TO NSW/QLD BORDER (SSI - 9371) - NOTICE OF EXHIBITION S18.6.69

6.3 BITUMEN RESURFACING PROGRAM OUTCOMES - 2019/2020 S28.21.1/13

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

At 9.27am, the Chairperson noted that no members of the public or press were in attendance at the meeting therefore the Committee proceeded to consider the motion to close the meeting to the press and public.

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Paul Harmon

That the Committee proceeds into Closed Committee to discuss the matters referred to it, for the reasons stated in the motions of referral.

CARRIED

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

That the Committee proceeds out of Closed Committee into Open Committee.

CARRIED

Upon resuming Open Committee at 9.31am, the Chairperson verbally reported that the Committee had met in Closed Committee, with the Press and Public excluded, and had resolved to recommend to Council the following:

7.1 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES - 2020/2021 - BITUMEN RESEALING PROGRAM S28.28.2/12

The Committee recommend to Council that the tender from NSW Spray Seal under a full service contract for the 2020/2021 Resealing Program for the tender price of \$1,851,568 (plus GST) be accepted.

ADOPTION OF RECOMMENDATIONS

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Stewart Berryman

That the recommendations of Closed Committee be adopted.

CARRIED

The Meeting closed at 9.34am.

9 DESTINATION REPORTS

9.1 RE-NOMINATION OF COUNCIL REPRESENTATIVES TO THE NORTHERN REGIONAL PLANNING PANEL

File Number: S18.6.11 / 20/36305

Author: Paul Henry, General Manager

SUMMARY:

In June 2020, the Department of Planning, Industry and Environment requested Inverell Shire Council confirm the current Council representatives to the Northern Regional Planning Panel.

At the Ordinary Meeting of Council on 22 July 2020, it was resolved (Resolution 2020/70) that Council re-nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern Regional Planning Panel until September 2020.

The nomination of Cr Baker and Mr McInnes has now expired and Council must re-nominate its representatives to the Northern Regional Planning Panel.

RECOMMENDATION:

That Council nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern Regional Planning Panel for a term of three (3) years.

COMMENTARY:

Background

The Regional Planning Panels (RPP) commenced operation on 1 July, 2009. They were established to determine regionally significant developments such as those with a Capital Investment Value (CIV) between \$5M and \$100M and/or developments where the Council is involved as a proponent or has a conflict of interest (above a capital investment threshold).

A RPP is comprised of five (5) members; three (3) appointed by the Minister for Planning and two (2) appointed by the relevant local council.

At the Ordinary Meeting of Council held 23 November 2016, it was resolved (Resolution - 130/16) to nominate Councillor Dianna Baker and Council's Director Civil and Environmental Services, Mr Brett McInnes as Council representatives on the Northern Regional Planning Panel (NRPP).

On 19 June, 2020, correspondence was received from the Department of Planning, Industry and Environment advising that the nomination of Cr Baker and Mr McInnes to the NRPP had expired. At time of expiration of these nominations, Council was in receipt of DA-59/2020 for the construction of the new Inverell Police Station, which required determination by the NRPP.

To facilitate the determination of DA-59/2020, at the Ordinary Meeting of Council on 22 July, 2020 it was resolved (Resolution 2020/70):

That Council re-nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern Regional Planning Panel until September 2020.

DA-59/2020 was approved on 22 July, 2020.

The nomination of Cr Baker and Mr McInnes to the NRPP has now expired and Council must re-nominate its representatives to the NRPP.

Nomination of Council Representatives to the Northern Regional Planning Panel

The Planning Panels Operational Procedures (**Attachment 2**) set out that two (2) members of the NRPP are appointed by the Council. At least one (1) council nominated member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

When considering representatives it is important to understand that they will not be representing Council or the Inverell community. Individuals are nominated by Council to represent the Crown and to make independent planning decisions in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). Panel members must abide by a strict code of conduct (**Attachment 3**) and will have personal responsibilities as well as potential liabilities.

In relation to Council's previously nominated members:

- Councillor Diana Baker has completed a Bachelor of Urban and Regional Planning, been a member of the NRPP for since 2016 and meets the expertise requirements for a Council member to the NRPP. There is nothing to prevent Council nominating a Councillor Member to NRPP; however, it would restrict the advocacy role the Councillor could take on behalf of the local community when exercising their role as part of the NRPP. Cr Baker is aware of the restrictions associated with being a NRPP member.
- Council's Director Civil and Environmental Services, Mr Brett McInnes meets a range of the expertise requirements for a Council member to the NRPP. Council's organisational structure enables Mr McInnes to participate in the NRPP without any conflict of interest. This is on the basis of Council's Manager Development Services having responsibility for the assessment of a Development Application being considered by the NRPP.

Council is not restricted to nominating people from the local area or re-nominating previous members of the NRPP. Council can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. However, to ensure the greatest degree of continuity for the Panels, Council is encouraged to appoint members for the maximum term of three (3) years provided for under the *Environmental Planning and Assessment Act 1979*. After three (3) years, previous Council members can be re-nominated or new representatives nominated.

Conclusion

Council are requested to nominate two (2) Council representatives for the Northern Regional Planning Panel. It is recommended that Council nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern Regional Planning Panel. It is also recommended that the Council's representatives be appointed for the maximum term of three (3) years.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Any appointment to the Joint Regional Planning Panel must be consistent with the provisions of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS:

1. **Sydney District and Regional Planning Panels Operational Procedures August 2020**
2. **Sydney District and Regional Planning Panels Code of Conduct August 2020**



Sydney District and Regional Planning Panels operational procedures

August 2020



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Disclaimer: These procedures are provided for general guidance and information only and are made available on the understanding that the NSW Department of Planning, Industry and Environment (department) is not providing legal advice.

The department has compiled the procedures in good faith, exercising all due care and attention.

The procedures do not affect or replace relevant statutory requirements.

Where an inconsistency arises between the provisions of the procedures and relevant statutory provisions, the statutory requirements prevail.

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The procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the procedures.

It should be noted that the procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the procedures and the statutory requirements applying to Sydney District and Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

Definitions

Aboriginal Land SEPP means the State Environmental Planning Policy (Aboriginal Land) 2019

Capital Investment Value (CIV) means all costs necessary to establish and operate a development, as defined in clause 3 of the Environmental Planning & Assessment Regulation 2000

Commission means the Greater Sydney Commission

Council means the council for the local government area in which the land the subject of a development application, rezoning review or application for a site compatibility certificate is located

Days means calendar days unless otherwise stated

Department means the Department of Planning, Industry and Environment

Development Application (DA) means an application for consent under Part 4 of the *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

District means any part of the Greater Sydney Region, or other region of the State, declared to be a district by the Minister

Education SEPP means the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

EP&A Act means the *Environmental Planning & Assessment Act 1979*

EP&A Regulation means the Environmental Planning & Assessment Regulation 2000

Greater Sydney Region means the region comprising the local government areas within the boundary shown on the map in Schedule 1 of the *Greater Sydney Commission Act 2015*

GSC Act means the *Greater Sydney Commission Act 2015*

LALC means Local Aboriginal Land Council

LEP means local environmental plan

LGA means local government area

LGNSW means Local Government NSW

LG Act means *Local Government Act 1993*

Minister means the Minister for Planning and Public Spaces

Panel or Planning Panel means a Sydney district or regional planning panel. The Panels were previously known as Joint Regional Planning Panels (JRPPs).

Planning Panel meeting means a public briefing meeting or a public determination meeting.

Planning proposal means a document prepared to explain the intended effect of, and justification for, making a proposed environmental planning instrument

Regionally significant development means development that meets criteria set out under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011

Planning proposal authority (PPA) means the public authorities identified under section 3.32 of the EP&A Act

SCC means a Site Compatibility Certificate issued under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Seniors SEPP means the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Sydney District and Regional Planning Panels operational procedures

Secretariat means the Planning Panels Secretariat which provides technical and administrative support to the Planning Panels

Secretary means the Secretary of the Department of Planning, Industry and Environment

State and Regional Development SEPP or SRD SEPP means the State Environmental Planning Policy (State and Regional Development) 2011

Sydney Planning Panel means a Sydney district planning panel

Unique submission means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

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1. Introduction

The Planning Panels (Panels) were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

These procedures relate to the operation of both the Sydney District and Regional Planning Panels.

The Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

These procedures are the Planning Panels charter and have been developed to explain the objectives, powers and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

2. Defining the regions and districts

Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region (see sections 2.12 and 3.2 and Part 3 of Schedule 2 of the EP&A Act).

The nine Planning Panels are the:

- Northern Regional Planning Panel
- Hunter and Central Coast Regional Planning Panel
- Western Regional Planning Panel
- Southern Regional Planning Panel
- Sydney North Planning Panel
- Sydney Eastern City Planning Panel
- Sydney Central City Planning Panel
- Sydney Western City Planning Panel
- Sydney South Planning Panel.

3. Functions of Planning Panels

3.1 Functions

The principal functions of Planning Panels are to determine regionally significant DAs and undertake rezoning reviews. Additional functions of Planning Panels include:

- preparing planning proposals if they are directed to be a planning proposal authority
- determining Crown DAs
- determining modification applications for regionally significant development
- determining DA reviews
- determining SCCs
- advising the Minister upon request.

3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
 - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures
 - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews
 - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development
 - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions
- the State and Regional Development SEPP sets out in Part 4 and Schedule 7 development declared to be regionally significant
- the Aboriginal Land SEPP sets out in Part 3 development declared to be regionally significant
- the Seniors SEPP and the Education SEPP both set out processes for consideration and determination of relevant applications for Site Compatibility Certificates.

3.3 Classes of regionally significant development

The State and Regional Development SEPP identifies the types of development classified as regionally significant (see Schedule 7 of the SEPP). The Aboriginal Land SEPP also identifies development declared to be regionally significant development (see Part 3 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

Note: State significant development or development within the City of Sydney cannot be declared as regionally significant development (see section 4.7 of the EP&A Act).

On lodgement of a DA, the council will decide if a DA is regionally significant development.

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's

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certificate or similar expert assessment to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 10-008 (or as updated).

The Planning Panels determine applications to modify consent for regionally significant development under section 4.55(2) of the EP&A Act which seek to modify:

- new or amended conditions of consent imposed by the Panel
- development for which the applicant or landowner is:
 - the council
 - a councillor
 - a member of council staff who is principally involved in the exercise of council's functions under the Act
 - a member of the NSW or Commonwealth Parliament, or
 - a relative (within the meaning of the *Local Government Act 1993*) of a person referred to above;
- development that is subject to 10 or more unique submissions by way of an objection; or
- development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

All other section 4.55(2), 4.55(1) and 4.55(1A) modification applications to development consents granted by a Panel are to be determined by the relevant council. A court granted consent may be modified by a Panel under section 4.56 if it is the consent authority.

4. Membership of Planning Panels

(Part 4, Schedule 2 of the EP&A Act)

4.1 Members

Each Panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Panel.

The agenda of a Panel meeting may include consideration of multiple matters, each located in different council areas. The council members who join the State members to form a Panel will change, depending on the LGA in which the matter under consideration is located.

Panel members can be appointed to more than one Panel, either as a Panel member and/or as an alternate member.

When there is a vacancy on a Panel, the Minister in the case of a State member, and the relevant council in the case of a council member, will appoint another member to that vacancy.

Terms of appointment for Panel members, both State and council, must not exceed three years. Members are eligible for re-appointment. A State member of a Sydney Planning Panel must not be a member for more than nine years in total.

The secretariat is responsible for maintaining a register of all Panel members.

4.2 Chair and deputy chair

Chairs of the Planning Panels are appointed by the Minister from among the State members. The Minister must obtain the concurrence of Local Government NSW (LGNSW) to the appointment unless LGNSW:

- does not notify its concurrence or refusal within 21 days of being requested, or
- has previously refused to give concurrence for two different persons nominated by the Minister for that appointment.

At any time, the members may determine to elect a deputy chair from among the State members for any term. The role of a deputy chair is to act as the chair in the chair's absence.

The chair (or, in the absence of the chair, a person elected by the members) presides at Panel meetings. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

4.3 Expertise requirements for members appointed by the Minister

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

4.4 Council members

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

4.5 Selection of council members

Each council determines how their members are selected. In selecting members, councils should have regard to any conflict of duties that would be created for a person nominated to the Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's contact details to the secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a Panel member.

If a council fails to nominate one or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

4.6 Payment of council members

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Panel meetings.

4.7 Alternate members

The Minister may at any time appoint a person to be the alternate of another member appointed by the Minister and may revoke any such appointment.

A council may also at any time appoint a person to be the alternate of a member nominated by the council and may revoke any such appointment.

Any changes are to be notified in writing to the secretariat as soon as possible and at least 14 days before undertaking any Panel business.

The alternate will act in the place of the member with all the powers of the member. Although a member may be appointed as an alternate for two or more members, they will only have one vote on any Panel decision.

4.8 Rotation of members

All chairs and members are required to periodically rotate with alternate members. The chair is to determine the frequency of rotation.

Following a matter being deferred, where possible the same members should reconvene to finalise the determination.

5. Code of Conduct considerations

5.1 Planning Panels Code of Conduct

All Panel members must comply with the Planning Panels Code of Conduct when exercising their functions as a Panel member and make impartial merit-based decisions in accordance with their statutory obligations. The latest version of the Planning Panels Code of Conduct is available online at www.planningpanels.nsw.gov.au. On appointment each Panel member must acknowledge in writing that they will abide by the Planning Panels Code of Conduct.

5.2 Declaration of interests

On being informed of a matter to come before the Panel members should consider if they have an actual, potential or reasonably perceived conflict and, if so, declare the conflict and take any appropriate action, such as allowing an alternate member to take their place.

Panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Panel, either before, or at the commencement of, the Panel's determination proceedings. Any verbal declarations are to be recorded in writing.

To avoid any perceptions of bias, and to meet requirements of the Code of Conduct, councillors who have previously deliberated or voted on a matter that is to come before the Panel (such as a submission from the council on a DA for regionally significant development, a related voluntary planning agreement or a planning proposal) must stand aside from their place on the Panel and allow council's nominated alternative member to take their place. Alternatively, the member may choose to not participate in the deliberations or voting on the matter at the council (or council committee) meeting. They should also not remain in the council chamber during the council's deliberations.

5.3 Representations to Planning Panel members

If a Panel member is approached by any person about a matter to come before the Panel, i.e. a DA, or planning proposal or Site Compatibility Certificate, the Panel member must not discuss the matter.

Any person that approaches a Panel member should be encouraged to make a written submission to the council planning staff for DAs during the exhibition period, or if the matter relates to a planning proposal for which the Panel is the Planning Proposal Authority, to the secretariat. Issues raised in submissions will be addressed in the assessment report to be provided to the Panel.

5.4 Interactions with third parties about matters before the Planning Panel

Panel members are not to discuss any matter that is to be considered by the Panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a public briefing meeting, public determination meeting, site visit or briefing.

5.5 Public meetings organised by the council or community about the proposed development

To avoid any perception of bias, Panel members should avoid attending public meetings about a proposed development organised by members of the community or council, unless the meeting has been organised at the request of the Panel.

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Panel members should decline any invitation to attend a public meeting and advise the meeting organisers to make a submission to council and register to address the Panel at its meeting.

6. Administration

Administration and support for the Panels is provided by the Planning Panels Secretariat. Support includes:

- scheduling of meetings, briefings and site visits
- preparing and issuing agendas and business papers
- notification of meetings
- arranging for travel and accommodation for State appointed Panel members
- preparing records of decision (with assistance from council)
- arranging for the audio recording of public Panel meetings
- record keeping for the Panels
- being the first point of contact for councils to notify a Panel of any decision made by the Panel which is the subject of a merit appeal in the Land and Environment Court.

The secretariat is the first point of contact for all Panel matters and publishes a wide range of information on its website:

www.planningportal.nsw.gov.au/planningpanels

The contact details for the secretariat are:

Phone: (02) 8217 2060

Email: enquiry@planningpanels.nsw.gov.au

7. Government information, privacy and complaints

7.1 Right to information and privacy management

The department assists Planning Panels in managing applications made under the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Applications of this nature can be made to patiunit@planning.nsw.gov.au or visit the department's website at:

<http://www.planning.nsw.gov.au/About-Us/Right-to-Information/How-Can-I-Access-Information>

7.2 Complaints

The department assists Planning Panels in managing complaints. Complaints are investigated and managed in accordance with the department's Management of Complaints Policy.

Dissatisfaction with determinations of the Planning Panels will not be regarded as a complaint.

If you wish to make a complaint telephone, write or email the department at:

Phone: 1300 305 695

Email: information@planning.nsw.gov.au

Complaints made in this way will be recorded in the department's Complaints Register and will be allocated to the appropriate level for investigation and response.

If you are not satisfied with a response, you can ask for the issue to be considered by a more senior officer.

Code of conduct complaints will be dealt with under the Planning Panels Code of Conduct.

At any time, a person can complain to external bodies such as the Independent Commission Against Corruption (ICAC), the Ombudsman, or the Audit Office of NSW. Allegations of corrupt conduct, misconduct, or serious waste of resources are encouraged to be made directly to these organisations.

Complaints about council, councillors, council staff or local planning panels (IHAPs) should be directed to the relevant council.

8. Monitoring, review and reporting

The secretariat monitors the progress of DAs referred to the Panels. It is expected that council will complete its assessment report within 60 days after the close of the public exhibition period.

The performance of the Panels is monitored and reported in the department's Annual Report.

Once a planning assessment is completed by the council and referred to the Panel, the Panel will be expected to:

- a. determine the matter within 2 weeks (14 calendar days) for development and modification of consent applications; and
- b. provide its advice within 2 weeks (14 calendar days) on planning proposals.

To ensure assessment and determination times are not subject to delay:

- a. Panel chairs are obliged to work with senior council staff to ensure that key issues are addressed during assessment, in order to minimise the number of deferrals by the panel at determination stage.
- b. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement the Panel chair may require the council to report the matter to the Panel within 4 weeks for determination.

Note: The requirements relating to the timeframes for assessing development applications under the *Environmental Planning and Assessment Regulation 2000* must be considered by the Panels.

8.1 Availability of information

The secretariat makes a range of information publicly available on its website, including:

Panel notices with dates, locations and times (at least 7 days before the Planning Panel meeting),

- the relevant council's assessment report and recommendation (at least 7 days before the Panel meeting)
- records of briefings and Panel meetings, Determinations and Statements of Reasons, decisions on rezoning reviews and Site Compatibility Certificates, resolutions of the Planning Panels and any advice provided by the Panels to the Minister, Secretary or GSC, as relevant
- audio recordings of Panel meetings
- a schedule of meeting dates reserved for Panel business.

Councils remain responsible for receiving, notifying and exhibiting DAs and supporting documents in accordance with statutory provisions and council's own notification and exhibition requirements set out in its community participation plan.

9. Liability and indemnification

Panel members are excluded from personal liability as long as the act or omission was done in good faith for the purpose of carrying out their duties under the EP&A Act (see s 2.28 of the EP&A Act).

The NSW Government extends insurance indemnity cover to Panel members. For indemnification provisions to apply Panel members must act honestly and in accordance with the Panel Code of Conduct in the performance of their responsibilities.

For further information please contact the NSW Self Insurance Corporation (icare) at:
<https://www.icare.nsw.gov.au>

10. Roles of councils and other panels

10.1 Role of councillors and council staff

The elected council and council staff have different roles in the assessment of DAs. Under the *Local Government Act 1993*, the independence of council staff is protected in the preparation of advice and recommendations. Staff members are not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the staff member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

10.2 Assessment role

Council staff undertake the assessment of a DA. The assessment of a DA includes accepting the DA, consultation, concurrence and obtaining general terms of approval from an agency if required, carrying out community participation requirements and assessment of the matters set out in 4.15 of the EP&A Act. The assessment is documented in a report with recommendations. The report is then considered by the person or body that is the consent authority.

Council is responsible for carrying out community participation requirements on behalf of the Panels (see section 4.7(2)(d) and Division 2.6 of the EP&A Act).

The department undertakes the assessment of planning proposals and applications for site compatibility certificates referred to the Panels.

10.3 Determination role

Historically, one of the roles of an elected council has been to determine or make decisions on DAs in their capacity as a consent authority. There are occasions, however, where the determination role is performed by other people or bodies, either because the council has delegated that function, or because it has been conferred upon another person or body. For example, where local planning panels have been introduced elected councils no longer determine DAs (see section 2.17 of the EP&A Act).

The Panel for the area in which the development is to be carried out is the consent authority for regionally significant development (see section 4.5 of the EP&A Act).

10.4 Post-determination role

Council staff are responsible for post-determination functions including:

- Notifying Panel determinations on DAs (see sections 4.7(2)(e), 4.18 and 4.59 of the EP&A Act)
- registering Panel development consents on the NSW Planning Portal (see sections 4.7(2)(e) and 4.20 of the EP&A Act)
- monitoring and enforcing compliance with conditions of the development consent.

The notice of determination should be issued once council receives a copy of the endorsed and final determination from the Panel. The notice of determination must include all conditions imposed by the Panel, including any additional or amended conditions.

The council has no power to amend conditions or include additional conditions following the Panel's determination.

Council will advise any person who made a submission on the DA of the determination.

The council continues to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Panel in writing when the matter specified in the condition has been satisfied (see clause 123E (2) of the EP&A Regulation).

10.5 Support provided to Planning Panels by councils

Planning Panels are entitled on request to the general manager of a council, to use the staff and facilities of the relevant council, have access to council records, and any other assistance or action for the purpose of carrying out their functions (see section 2.27 of the EP&A Act).

It is expected that use of council facilities such as meeting rooms would be arranged prior to Panel meetings.

Support, such as recording the written decisions of the Panel, audio recording of Panel meetings, copying of documents and the provision of professional advice, may also be required.

Generally, the relevant council bears the administrative and council staffing costs associated with Panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as administrative support.

The chair and members of a Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made. Requests by members of Panels for support and assistance from councils should be made through the chair to the general manager (or other person nominated by the general manager) of the council concerned.

10.6 Role of design review panels

Design review panels are established by councils either formally under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* with the approval of the Minister, or informally to bring special design expertise to the assessment of certain types of DAs.

Design review panels that are properly integrated in the assessment process are an effective tool which helps to improve the quality of design outcomes. The quality of design has a bearing on many, but not all, of the matters considered in the assessment of a DA.

The role of design review panels in the assessment of applications is not changed by the fact that the application is to be determined by a Panel. However, it is generally more effective in terms of design quality outcomes and timeliness if the design review panel is convened at the pre-DA stage or early in the assessment phase.

10.7 Role of local planning panels

The purpose of local planning panels is to provide independent, expert determination of DAs. Local planning panels determine all DAs that meet criteria set by the Minister.

Although similar in operation, the roles of local planning panels and the Planning Panels do not overlap.

11. Development application and assessment

11.1 Pre-development application meetings

Pre-DA meetings between applicants and assessment officers are commonly used to inform lodgement requirements and likely assessment pathways before applications are submitted to the consent authority.

Applicants are encouraged to meet with council before lodging a DA, and to respond to the advice of council when preparing the DA.

To avoid any apprehension of bias, it is not appropriate for determining bodies, such as Panels or their members to participate in pre-DA meetings.

11.2 Making of development applications

DAs for regionally significant development are made to the relevant local council.

In the case of development located in two or more LGAs, a separate DA must be lodged with the councils of each LGA. Additionally:

- each DA should only address that part of the development located on land in the relevant LGA
- neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate
- the Panel will determine each DA separately (although the determinations may be made concurrently).

11.3 Notification to the secretariat

Within 7 days of receiving a DA for regionally significant development, the council registers the DA with the secretariat.

The registration is made via the Panels website or the NSW Planning Portal. The registration includes all information required on the website registration page. The DA documents are electronically transmitted to the secretariat at the same time.

The secretariat advises relevant Panel members of the DA once the registration is accepted. The DA documents, including the application form are generally sent to Panel members electronically.

These documents allow Panel members to become familiar with the development and to identify if they have any potential conflicts of interest prior to their review of the assessment report and before attending the Panel meeting to consider the application in public.

11.4 Public exhibition of development applications by council

Public exhibition of the DA is undertaken by council staff in accordance with the requirements of the EP&A Act, EP&A Regulation and Council's Community Participation Plan or any relevant development control plan or policy of council.

Notification of exhibition, including letters and advertisements, should contain appropriate statements to advise:

- that the {name of relevant} Panel is the consent authority for the application

- that submissions made in respect of the application should be made to {name of relevant} Council, but will be provided to the Panel and may be viewed by other persons with an interest in the application
- names and addresses of submitters will be provided to the Panel for notification purposes
- other information required by the EP&A Act or EP&A Regulation.

11.5 Requests for additional information

It is the applicant's responsibility to provide adequate information and technical reports on potential impacts of the proposed development.

Holding a pre-DA meeting with council staff will often clarify council requirements for the lodgement of an application. However, the applicant may be requested by council staff to provide further information or reports to properly address all relevant aspects of the development, or to enable an assessment report to be completed.

During the assessment process the Panel may identify issues at a briefing that must be addressed or clarified in council's assessment report, and for which council may request further information.

Amended plans or additional information for a DA must be lodged with council.

11.6 Status reports

Councils must advise the secretariat if it is evident that there are difficulties in assessing the DA or the assessment report will not be completed within the timeframe indicated in the referral notification.

The secretariat tracks the progress of DAs registered with it and requests status updates from council for DAs lodged for 70 days or more.

Where a response or concurrence from public agencies delays the assessment of a DA, a council can ask the secretariat for assistance to ensure the agency responds to council in a timely manner.

Where there is an ongoing and unreasonable delay in the processing of a DA, council may be requested by the Panel to complete its assessment without further delay.

11.7 Assessment of the development application

The council that received the DA is responsible, through its staff, for the assessment of the application.

It is council's responsibility to prepare an assessment report addressing all statutory requirements and properly considering all issues. Usually councils will rely on their own professional staff, however where they do not have the technical expertise required in-house, they may engage external expertise. All costs associated with the preparation of the assessment report are to be covered from application fees, which are retained by council.

The assessment report must clearly identify how the proposal meets the relevant requirements for regionally significant development, and that the Panel is responsible for determining the application.

The assessment report must include a recommendation on the proposed development:

- if the recommendation is for approval of the application, the report must include recommended conditions of consent
- if the recommendation is for refusal, the report must include reasons for refusal based on the assessment in the report.

The chair of the Panel may request without prejudice draft conditions of consent where council's report recommends refusal.

In considering an application, a Panel may request additional information to assist in its determination of the application.

11.8 Varying development standards

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required (or, where the development is not in a standard instrument LEP, an objection under *State Environmental Planning Policy No 1—Development Standards* (SEPP 1)). Council's assessment report includes an assessment of the application against the relevant statutory provisions.

The function of obtaining concurrence from the Secretary under clause 4.6 is a matter for the council. However, where concurrence is assumed, the council does not need to obtain concurrence. The Panel will determine whether a clause 4.6 application is well founded on the basis of the applicant's justification.

11.9 Local infrastructure contributions

The assessment report should address contributions required in accordance with the council's relevant contributions plan (see section 7.11 and 7.12 of the EP&A Act). The Panel is able to impose additional or different contributions than those set out in the contributions plan. For Crown developments, councils should address contributions in accordance with the relevant planning circular (Circular No. D6, issued September 1995 or as updated).

11.10 Special infrastructure contributions and certification requirements

If the development falls within a special contributions area the council should address the relevant requirements in its assessment report and recommend appropriate conditions in accordance with the Ministerial direction (see section 7.24 of the EP&A Act).

The council must address any "Satisfactory Arrangements" clause in the applicable LEP in its assessment report. These clauses usually state that development consent must not be granted by a consent authority until arrangements to the satisfaction of the Secretary have been made to contribute to regional or State infrastructure. A Panel cannot provide consent to the DA until the Secretary (or delegate) of the department has certified in writing that satisfactory arrangements have been made.

11.11 Development subject to delays in determination

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 7 of the State and Regional Development SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Panels website,
- the applicant is to complete the relevant part of the form and submit it to **both** the relevant council and the secretariat,
- once the council receives the referral form it cannot determine the DA until a decision has been made regarding whether the Panel will have the function of determining the DA, however council can continue to assess the DA,

- the council sends the completed referral form and copies of all DA documents, to the secretariat within seven days. Council should also send its explanation for the delay in completing its assessment,
- the chair will consider the information in the referral form and advise the secretariat if the referral is accepted (i.e. the applicant is not responsible for a delay in the application), generally within 14 days of the applicant making the referral. The chair will consider a number of matters in making this decision, including:
 - permissibility and zoning, including whether the determination is dependent on a rezoning
 - whether the determination is dependent on a voluntary planning agreement or the approval of a masterplan or DCP
 - whether the landowner's consent has been provided
 - whether the required referrals and concurrences have been obtained
 - whether there have been requests for further information, and what the responses were to those requests
 - if council has considered the DA and the outcome of that consideration
- once the chair decides, the secretariat will notify the council and the applicant as to whether the development is regionally significant development
- if the referral is not accepted the chair must advise the reason(s) for not accepting the referral
- if the referral is accepted, council completes the assessment of the application and prepares an assessment report for submission to the secretariat
- a briefing with council may be held prior to determination.

11.12 Council representation to the Planning Panel

An elected council may make a submission on a DA within their LGA that is to be determined by a Panel up to seven days before the Panel meeting.

After the assessment report is sent to the secretariat, it may be given to the elected council to assist in its decision as to whether it will be making a submission to the Panel. The elected council's submission should not be prepared by persons involved in the assessment of the application but could be prepared by another council officer, or a consultant.

A council submission should not be specifically referenced in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the Panel at the meeting to express the views of council.

Councillors who are also Panel members have an independent role because they have been nominated by their council as its nominee to the Panel.

11.13 Submission of assessment report to the secretariat

The completed assessment report and recommendation is to be immediately sent via electronic means to the secretariat.

The assessment report is not to be endorsed or presented to the elected council before being sent to the secretariat.

The following items are to be sent in a digital format to the secretariat:

- assessment report and any attachments and recommendations (including conditions)
- the Council Assessment Report cover sheet (available on the Planning Panels website),

- final architectural drawings and plans and other reports that the assessing officer considers that the Panel may require in order to make an informed decision
- copies of each submission received in respect of the DA
- a completed List of Submitters (available on the Planning Panels website) containing the names, postal addresses and email addresses (if provided) of every person or body who made a submission to allow the secretariat to notify submitters of the details of the Panel meeting
- in the case of petitions, only the name and address of the head petitioner should be provided, if that person can be identified and
- the final number of unique submissions by way of objection received.

Note: Council's assessment report must include a summary and assessment of all submissions so that the Planning Panel can consider the submissions as part of the assessment of the DA. Based on the details provided by council, the secretariat will notify persons who made submissions of the time, date and venue of the Panel meeting at which the relevant application will be considered. Councils should also give the secretariat copies of any late submissions and, where necessary, provide further assessment if the issues are not already covered in council's assessment report.

11.14 Written submissions to the Planning Panel

All written submissions must be sent directly to council to be considered as part of the assessment of the DA.

Submissions sent to the Panel will be given to council for assessment. Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

11.15 Rezoning, development control plans and planning agreements

Where a DA is lodged concurrently with a planning proposal seeking the rezoning of land under the LEP Council's assessment report must address the DA against the proposed zoning. Council is responsible for progressing the planning proposal. The Panel cannot determine a DA to approve such development until the land is rezoned to permit that development.

Where the provisions of an environmental planning instrument require a development control plan (DCP), (previously known as a master plan) to be adopted by the council before granting development consent, it is the responsibility of council to prepare and adopt the DCP prior to sending the assessment report to the Panel. In such circumstances, the Panel will not determine the application until the DCP is adopted by the council.

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Panel would normally make reference to any planning agreement and its relationship to the DA.

The Panel may only impose a condition of consent requiring a planning agreement be entered into if the condition reflects the terms of any offer made by the applicant to enter into a planning agreement (see section 7.4 of the EP&A Act).

11.16 Referral of Crown development applications with a CIV less than \$5 million

Crown DAs with a CIV greater than \$5 million are regionally significant development. Crown DAs with a CIV under \$5 million can be referred to the relevant Panel (see section 4.33 of the EP&A Act) by either:

- the applicant where council (or IHAP, if relevant) has not determined in the prescribed period, or
- the council at any time including before the end of the prescribed period.

Before the end of the prescribed period, only a council (not the applicant) can refer an application to the Panel.

For Crown DAs with a CIV of less than \$5 million where a council or IHAP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Panel (see section 4.33(2) of the EP&A Act). Planning Circular PS 09-017 outlines the Crown DA provisions and policy.

The referral to the Panel must be in writing. Additional procedures for the referral, including the requirement to notify the other party in writing of the referral are set out at sections 4.33(6) and section 4.33(7) of the EP&A Act.

Once the application is referred to a Panel, the council registers DA on the Planning Panels website and gives its assessment report to the Planning Panel to consider.

12. Determination of development applications

12.1 Determining regionally significant development applications

Planning Panels determine regionally significant development as the consent authority.

For contentious matters, where the DA has attracted 10 or more unique submissions by way of objection, the Panels will generally hold a public determination meeting to consider the DA. Refer to **Schedule 1** for more information on the detailed procedures for Panel meetings.

The purpose of the public determination meeting is for the Panel to hear views of the community and other interested parties, such as the applicant and the council, on the DA before the Panel makes a decision.

After reviewing written submissions on a DA, considering the recommendation in council's assessment report and hearing from those wishing to address the Panel, the Panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

In circumstances where the DA is the subject of less than 10 unique submissions by way of objection a Panel is able to determine the application by an electronic circulation of papers.

12.2 Obligation to consult council—if adverse financial impacts

A Panel must not make a decision that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a council without first consulting the council (see section 2.26 of the EP&A Act).

The consultation must be in writing, with the council being given a specified time to respond in writing. Where a briefing with the general manager (or nominee) is to be held to discuss the matter, all relevant Panel members should be present, and a meeting record and outcomes should be sent to the secretariat.

12.3 Determining Crown development applications

A consent authority for Crown development cannot refuse consent to a Crown DA except with the approval of the Minister, nor can it impose a condition on a development consent for Crown development except with the approval of the applicant or the Minister.

This requirement applies to Crown development that is to be considered by a Panel, where the application is for regionally significant development, or where the DA is referred to the Panel under Division 4.6 of the EP&A Act.

Where the Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Panel fails to determine the DA within the prescribed period, the applicant or the Panel may refer the DA to the Minister. The Minister may then direct the Panel to approve or refuse the Crown DA within a specified time.

12.4 Determining DAs for coastal protection works

Certain coastal protection works are classified as regionally significant development. Where a Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see clause 8A, Schedule 7 of the SRD SEPP).

12.5 Delegation to council to determine applications

If the Minister agrees, Panels may delegate the determination of applications to councils, a local planning panel of a council or the general manager or other staff of council (see section 2.16(2) of the EP&A Act). Delegation may be for development in a specified area, for a class of application, or be made on a case-by-case basis.

In situations where the determination is delegated, councils must:

- register the application on the Planning Panels website
- inform and update the secretariat on the processing of the application as requested
- provide a copy to the secretariat of all determination documents, including the assessment report and Notice of Determination.

The chair of the relevant Planning Panel may request the council to not exercise the delegated function in certain circumstances.

Any determination made by council under delegation is a decision of the Panel.

13. Reviews and appeals

13.1 Decision reviews

Planning Panels also review decisions made on DAs by the Panels (see Division 8.2 of the EP&A Act). The Council notifies the Panel when a request to review a decision has been lodged. The Panel reviewing the decision will be comprised of different members to those members that made the original decision and will be called the Decision Review Panel of the [relevant] Planning Panel.

Note that decision reviews cannot be requested where the following applies:

- the time to lodge a legal appeal has passed,
- a merit appeal has been determined regarding the DA, or
- it is an application for complying development, a Crown DA or a designated development DA.

The Decision Review Panel may ask to be briefed on the decision review request, either by the applicant, Council staff undertaking the assessment, or other experts engaged to assess the application.

The circumstances where this may be needed include where the applicant for the DA has amended the development the subject of the original DA since the original determination.

If needed, the Decision Review Panel may also hold a site visit or public briefing meeting.

Council must prepare an additional assessment report to the Decision Review Panel if the DA or application to modify a development consent has been amended after its initial determination, or if submissions have been made following any further notification.

A Decision Review Panel will only need to hold a public determination meeting if the application was exhibited and 10 or more unique submissions by way of objection were received.

Council must give written notice to the applicant of the result of the review within 7 days of the completion of the review.

13.2 Appeals against a Planning Panel determination

Merit appeals

An applicant who is dissatisfied with a determination or deemed refusal of an application may lodge a merit appeal to the Land and Environment Court within six months against the decision as provided for in the EP&A Act.

Note: An application is deemed to have been refused if it is not determined within 40 days, or 60 days if the application is for designated or integrated development, requires concurrence of a concurrence authority or is accompanied by a biodiversity development assessment report and that proposes a discount in the biodiversity credits required under the report to be retired.

If the development is designated development, then an objector to the development who is dissatisfied with a determination may also lodge a merit appeal in the Land and Environment Court within 28 days as provided for in the EP&A Act.

The council for the area will be the respondent for any merit appeal against a determination made by a Panel on a development application. The council is subject to the control and direction of the Panel in connection with the conduct of the appeal.

The council is to give notice of the appeal to the Planning Panel. It must do this by notifying the secretariat. Notification to the Panel must be made no more than seven days after the council receives notice of the appeal and must advise whether the council will be actively defending the appeal.

Sydney District and Regional Planning Panels operational procedures

Note: Each Planning Panel chair has delegated authority to act as the Planning Panel's representative to provide instructions and seek legal advice in relation to appeals. Planning Panel delegations are published on the Planning Panels website.

The Panel will determine its level of involvement in an appeal, and what directions (if any) it wishes to issue to the council, on a case-by-case basis. While a Panel has the power to direct and control the council, it may choose not to exercise the power. If a Panel wishes to take a more active role in a council's conduct of the appeal, the Panel can exercise its powers to control and direct council. In some circumstances the Panel may seek to join proceedings and act as the respondent in the place of the council.

Council is to:

1. provide the Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
2. provide the council's proposed statement of facts and contentions to the Panel at least 7 days before the later of:
 - a. the day of the first directions hearing for the appeal or
 - b. the day the statement is filed,
3. identify in the council's statement of facts and contentions the steps taken by the council to notify the Panel of the appeal, and any response received by the council, and
4. provide the Panel with:
 - a. a copy of any directions or orders made by the Court in relation to the appeal within 7 days of the directions or orders being given,
 - b. a copy of any proposed in principle agreement between the parties to the appeal following a conciliation conference under section 34 of the *Land and Environment Court Act 1979* within 3 days of the proposed in principle agreement being reached and before any written agreement is executed,
 - c. the dates on which the appeal will be heard within 3 days of the council receiving notice of them, and
 - d. a copy of any judgment of the Court in relation to the appeal.

The council should include in its Statement of Facts and Contentions the actions taken by council to notify the Panel of the appeal and any response from the Panel.

Deemed refusals

A Panel may determine a DA even though it is subject to a deemed refusal appeal. When a deemed refusal appeal has been filed with the Court, the usual practice is for council's assessment officer to complete their assessment report.

Applications may be deemed to have been refused before a Panel has been briefed on the application. Where a Panel has not been briefed on an application that is subject to an appeal, the Panel may request a briefing from the council.

Judicial review and civil enforcement proceedings

Any person may commence judicial review or civil enforcement proceedings in the Land and Environment Court against a Panel determination. Unlike merit appeals, in these types of proceedings the Panel will be named as a respondent.

A submitting appearance may be filed by the Panel if the grounds of challenge are not related to the powers or procedures of the Panel in determining the application.

Sydney District and Regional Planning Panels operational procedures

Appeals against determinations where council is the applicant

The Panel will be the respondent in merit appeal and judicial review proceedings in the Land & Environment Court where council is the applicant.

14. Planning proposals

Panels also undertake plan-making functions including:

- undertaking administrative reviews,
- acting as the planning proposal authority (PPA) in certain circumstances, and
- providing advice to the Minister or the Secretary on any planning or development matters or environmental planning instrument referred to them.

Note: The Independent Planning Commission undertakes these functions in the City of Sydney LGA.

14.1 Reviews

A Panel may be asked to review certain plan-making decisions. Reviews include:

- **Rezoning reviews**—which may be requested by a proponent before a planning proposal has been submitted to the department for a Gateway Determination, and
- **Independent proposal reviews**—which may be requested by a Local Aboriginal Land Council before a planning proposal for land subject to a development delivery plan or interim development delivery plan, that is shown in the Aboriginal Land SEPP, has been submitted to the department for a Gateway Determination.

These review processes allow councils and proponents to have decisions about the strategic merits of proposed amendments to LEPs reconsidered.

The department's *A Guide to Preparing Local Environmental Plans* sets out lodgement requirements, including information the council or proponent must provide for reviews to be undertaken.

14.2 Rezoning reviews

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a rezoning review if:

- the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information, or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

On receipt of an application the department notifies the Panel and the relevant council within 3 business days.

The Panel reviews the planning proposal initially considered by council, rather than any amended or updated version. Council will be requested to confirm that the planning proposal is that which was initially considered by council, and to provide any additional comments or information to the department within 21 days.

The Panel may be briefed by the department, council and proponent to clarify any issues before completing the review. The Panel may request a site visit to assist in its considerations.

A briefing or site visit will be attended by the Panel, department staff and, in certain circumstances, the applicant and council staff. Any briefing or site visit will follow the procedures set out in Schedule 1.

Determination

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Panel's determination is to be based on the strategic and site-specific merits of the proposal.

Planning proposals that do not reasonably meet the strategic and site-specific merit tests will not proceed to a Gateway determination.

The Panel's determination is to provide a clear decision on whether the planning proposal should proceed or not to a Gateway determination.

Decisions on rezoning reviews will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Communication of the Panel's determination is made to the proponent and the council within 90 days of the department receiving the initial rezoning review request.

Planning Proposal Authority

If the Panel determines that a proposal should proceed to a Gateway determination, councils will be provided the opportunity of accepting the planning proposal authority role. If the council does not accept the role within 42 days an alternate planning proposal authority will be appointed.

Each Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to a rezoning review and the council has not accepted this role.

14.3 Independent proposal reviews

Independent proposal reviews give Local Aboriginal Land Councils an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan, or interim development delivery plan, that is shown in the Aboriginal Land SEPP.

The process for an independent proposal review is similar to that outlined for rezoning reviews.

When a Panel is undertaking an independent proposal review in determining the strategic merit of a proposal it will also need to consider the consistency of the planning proposal with the relevant development delivery plan for the land (or interim development delivery plan) shown in the Aboriginal Land SEPP and when determining the site-specific merit of the proposal it will also need to have regard to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The review and determination should be in accordance with the Planning Circular PS 19-003 (or as updated).

Each Panel has delegated authority to direct itself to be the planning proposal authority where a proposal has been subject to an independent proposal review and the council has not accepted this role.

14.4 Planning Proposal Authority (PPA)

A Panel may be directed to be the PPA for planning proposal by the Minister. Generally, a Panel has delegation from the Minister to act as PPA if it has recommended that a planning proposal proceed to Gateway and the council has declined to remain as the PPA.

As PPA, the Panel performs all the functions that a council normally would in preparing LEPs. This includes:

- submitting a planning proposal to Gateway
- undertaking any necessary agency consultation prior to public exhibition of the proposal

- endorsing the public exhibition of a planning proposal that has received a Gateway determination and met all of the Gateway conditions
- exhibiting the planning proposal in accordance with the terms of the Gateway determination
- considering a recommendation report, addressing submissions received during public exhibition
- holding a public meeting if the proposal is the subject of 10 or more unique submissions by way of objection following public exhibition
- submitting a request to the department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining and making the LEP.

14.5 Support provided to the Planning Panel in its role as PPA

When a Panel is acting as PPA the secretariat arranges any necessary agency and community consultation (public exhibition) and the department provides technical support and briefings to the Panel.

14.6 Availability of Planning Panel decisions and advice

The Panel needs to make a number of decisions throughout the plan-making process when undertaking reviews or acting as PPA. Decisions of the Panels will be made publicly available on the Planning Panels website within 7 business days of any decision.

14.7 Community consultation

There is no requirement for a Panel meeting to be held prior to determining a rezoning review. The Gateway determination details requirements, if any, for community consultation on planning proposals. The Panel may hold Panel meetings at any time, at the discretion of the chair.

Submissions received as part of the public exhibition of a planning proposal for which a Panel is the PPA are made publicly available on the Panels' website.

15. Site compatibility certificates

Panels determine applications for SCCs made under the Seniors SEPP and the Education SEPP.

Written applications are to be lodged with the department. The department prepares an assessment of the application and a recommendation for the relevant Panel. The Panel considers the application and the department's assessment report and those matters set out within clause 25 of the Seniors SEPP, or clause 15 of the Education SEPP as relevant. The Panel may determine an application by issuing a SCC or refusing to do so.

The Panel may request a briefing and/or a site visit to assist in its considerations.

A briefing or site visit will be attended by the Panel and department staff and follow the procedures set out in Schedule 1.

Decisions on SCCs will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.

Should a DA be supported by an SCC issued by the Panel come before the Panel for determination, the Panel will be comprised of different members to the members that issued the SCC.

Schedule 1: Procedures for briefings, meetings and decisions.

1. Briefings and site visits

The chair may agree to a site visit or a briefing prior to a Panel making a decision or providing advice on a matter.

A site visit or briefing is solely to identify and clarify issues with the proposal. Panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations at site visits or briefings.

However, the Panel may identify issues that it expects to be addressed or clarified in any assessment report.

A site visit or briefing will be attended by the Panel and relevant council or department assessment staff or other persons engaged in the assessment of the DA or matter to be determined by the Panel. In some circumstances, other parties, including the applicant or people who made submissions on an application or matter may also be invited to attend a site visit or briefing. The invitation of parties is at the discretion of the chair.

Briefings on DAs may include a presentation by council assessment staff on key elements of the proposal and the planning controls that affect it (such as zoning), and an overview of issues of concern arising through the Council's assessment or raised in submissions. The timing of the submission of the assessment report and tentative date for a determination may also be discussed.

The assessment officer briefing the Panel should have available a set of large-scale plans at the briefing.

Only Panel members who will sit on the Panel to determine the matter should attend the briefing.

Briefings and site visits on planning proposals and site compatibility certificates follow the same format, with departmental staff briefing the Panel.

It is not mandatory that the Panel be briefed prior to considering a matter. Where there is a briefing, it should take place within four weeks of the close of any public exhibition period, and before council makes any major request for further information from the applicant (although council can request further information before the exhibition). The assessment of a DA should not be delayed for a briefing to occur.

Panel members may identify further issues where they need clarification or more information. A Panel may request briefings with council or department staff to clarify any element of the proposal and the assessment report prior to the Panel making its decision.

Briefings are not determination meetings and Panel members should not make any comment that would indicate pre-determination of the matter.

The chair should take into consideration the availability of all members of the Panel and any other necessary persons when deciding to conduct a site visit.

Entry to any private land may only take place with the express permission of the owner of the land, and it is the responsibility of council staff, in relation to a DA, or department staff in relation to a planning proposal, to seek owner's consent when required.

A written record of the briefing or site visit is made including time, date, attendees, any declarations and key issues discussed and is published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

It may be appropriate to invite the applicant or proponent to attend the briefing when:

- the Panel could benefit from additional technical explanation on a complex matter
- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

The Panel will publish clearly documented reasons why a briefing by an applicant was necessary so that there is no apprehension of bias.

Site inspections and briefings are not public meetings of the Panel.

2. Meetings

Public briefing meetings

If the matter before the Panel attracts significant community interest, the Panel may consider calling a public briefing meeting.

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Panel.

Panel members should not make any comment that would indicate pre-determination of the application at a public meeting.

Determination meetings

For contentious matters, where a DA has attracted 10 or more unique submissions by way of objection, the Panels will generally hold a public determination meeting to consider the DA.

Notice of a public determination meeting is given at least 7 days before the meeting. Notice of the meeting (including the time, date and venue for the meeting) are:

- notified on the Panels website
- given to every person who made a submission to the council (in the case of petitions, only the head petitioner).

The meeting agenda, any business papers, assessment reports and attachments (including any representations made by council) are distributed to members of the Panel and uploaded on the Planning Panels website in advance of the meeting.

People wishing to address the Panel must register prior to the meeting.

The chair determines the order of presentations to the Panel and the amount of time given to each speaker. At the meeting, it is acceptable to provide the Panel with written material which summarises the matters to be presented to the panel by the speaker. However, written material must be kept to a minimum.

3. Procedures for public meetings

Planning Panel meetings are to be conducted in public.

Meeting dates and agendas

A regular schedule of proposed meeting dates is determined at the beginning of each year by the secretariat in consultation with the chair. The meeting dates are listed on the Planning Panels website and are reserved for public briefing meetings, Panel briefings and site visits, or Panel meetings. Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

Additional meetings of a Panel may be organised at the discretion of the chair. These additional dates are posted on the website as soon as they become available.

The chair may consult with the general managers (or their nominee) of the relevant councils when approving the agenda for each meeting.

The council notifies the secretariat of any revised date for completion of the assessment report as soon as it is aware of any delay and advises of the reasons for the delay.

The meeting time and venue

The meeting time and venue is determined by the chair in consultation with relevant councils, and taking into account:

- the location of the proposed developments to be considered at the Panel meeting
- the number of persons who have expressed an interest in the different matters to be considered at the Panel meeting
- the availability of a suitable venue and the accessibility of the proposed venue for those persons
- local considerations and logistics.

The meeting time and venue should:

- maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting, and
- facilitate the open exchange of information between the Panel members and other parties.

Items from a number of different LGAs might be considered at one meeting provided the venue is reasonably accessible to most interested parties.

In regional areas, the chair may need to convene meetings in a number of locations to ensure they are accessible to the greatest number of people with an interest in the application being considered.

Notice of meeting

Notice of a Panel meeting is to be given by the secretariat at least 7 days before the meeting. Notice is given to Panel members, the general managers (or their nominee) of the councils in that region or district, every person who made a submission to the council (in the case of petitions, only the head petitioner) in respect of an item to be considered at the meeting and the applicants for those items. A notice is placed on the Panels website and may be placed in the local newspaper.

The notice is to include details of:

- the time and date of the meeting
- the venue for the meeting
- the matter under consideration (DA/s or planning proposal)
- the availability of agenda and business papers, which will include the assessment report and recommendations
- other matters to be considered at the meeting.

Distribution of meeting agenda and business papers

The meeting agenda, business papers/assessment reports and attachments, including any representations made by councils, are to be distributed to members of the Panel and uploaded on the Panels website by the secretariat no less than 7 days prior to the meeting.

Opening and closing meetings

The chair will open the meeting by introducing the Panel and its members, state the purpose of the meeting, read out any apologies and call for declarations of interest following the declarations of interest procedures.

The chair will note any site visits or briefings the panel has had the benefit of and describe the order of proceedings and time limits for speakers.

The chair may also request council staff to briefly summarise the key issues that have arisen in the assessment report.

The panel will then listen to those wishing to address the panel. After the presentations the panel will make its determination and the chair will read out the decision of the panel before closing the meeting.

Declarations of interest procedures

The declarations of interest procedures set out below follow the requirements of the Panels Code of Conduct (Code):

1. The chair calls on Panel members to complete and sign written declarations of interest forms prior to the meeting for each panel matter (under clause 4.1 of the Code). Any verbal declarations must be recorded in writing.

Note: Under the Code, a panel member should declare the following interests:

- a. an actual, potential or reasonably perceived conflict of interest (see clause 3.1 of the Code)
 - b. a pecuniary interest listed under clauses 3.10 – 3.12 of the Code
 - c. a non-pecuniary interest (see clause 3.14 of the Code)
 - d. a conflict of duties listed under clauses 3.18 – 3.25 of the Code
 - e. a pecuniary interest or non-pecuniary interest arising from a political contribution or donation (see clause 3.26 of the Code)
 - f. a position and pecuniary interest in corporations, partnerships or other businesses that may be relevant to the activities of the Panel in accordance with the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' (see clause 4.3 of the Code)
 - g. a personal dealing with council (see clause 5.1 of the Code)
 - h. a gift or benefit listed under clauses 5.2 – 5.6 of the Code.
2. The chair reviews the written and signed declarations and the management measures put in place for any declared interests.
 3. If the chair is satisfied that reasonable and appropriate management measures are consistent with those set out in the Code, then a note to this effect is to be made on the meeting record.
 4. Should the chair have concerns, the chair is to raise these concerns with the member and suggest additional reasonable and appropriate management measures including, if warranted, that the member not take part in the determination for the matter (see clause 3.8 of the Code).
 5. The chair is to provide the member an opportunity to respond.
 6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

Presentations at a Panel meeting

The chair determines the order of presentations to the Panel. Panel members may ask questions of those making presentations. The amount of time given to each speaker is at the discretion of the chair.

At the Panel meeting, it is at the chair's discretion whether to accept written material which summarises the matters to be presented to the Panel by the speaker. Any allowed written material must be kept to a minimum.

By registering to speak at a meeting, speakers agree to being audio recorded and to the publication of that recording on the Panels website.

a. Presentation by the assessment officer

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. The assessment officer should have available at the Panel meeting a set of large-scale plans (including any amended plans).

Generally, it is council's professional planning and assessment staff that prepare DA assessment reports for the Panel's consideration.

Where a Panel is acting in the role of the PPA for a planning proposal matter the department provides technical assistance, which may include the provision of an assessment report for the Panel.

The assessment officer (or representative) should inform the chair of any late submissions received, and of any issues raised which may not have been addressed in the assessment report.

The assessment officer (or representative) should be present throughout the Panel meeting, so that the chair can seek clarification where necessary of assessment issues that may arise during the course of the meeting. Other technical experts from the council/department may also be present (such as traffic engineers) and the chair may ask for clarification of specific issues. Any questions to council/department staff can only be made by Panel members and are to be directed through the chair.

b. Presentation by the applicant or proponent

The applicant, in the case of a DA, or the proponent, in the case of a planning proposal, will be given the opportunity to outline the proposal and respond to the assessment report. The applicant/proponent may also be required to respond to submissions made at the meeting. The time allocated to the applicant/proponent, including their consultant(s), is at the discretion of the chair, but is generally 15 minutes. Additional time may be allocated where professional consultants have been engaged by the applicant/proponent to present at the meeting.

c. Presentation by people or groups who made submissions

Panel meetings enable people or groups to make a presentation to the Panel meeting. People who wish to address the Panel must register with the secretariat prior to the meeting by contacting the secretariat by telephone or email within the timeframe specified in the notification letter (generally two days before the Panel meeting).

For those people who are of the view that they would not be appropriately or adequately represented by any groups, they may register to speak to the Panel as individuals.

The chair will advise on the time allocated for verbal submissions which will vary from meeting to meeting depending on a number of considerations such as the number of registered speakers.

As a guide:

- individual submitters will have 3 minutes to speak
- a speaker for a community organisation/group will have 10 minutes to present. Additional time may be allocated where professional consultants have been engaged by community groups to present at the meeting.

In addition, where a large group of people have common issues to raise at the meeting, the chair may ask that a spokesperson be appointed to speak on behalf of the group. In such cases, the spokesperson will generally be allocated more time than individual speakers.

The chair seeks to ensure that all groups or individuals who request to address the Panel are heard. Any requests for extending time limits should be made to the Panel at the meeting and may be granted at the discretion of the chair.

Speakers should focus their oral presentations on the assessment report and its recommendation rather than re-stating information outlined in their earlier written submissions. The Panel has been provided with all submissions and associated documents before the Panel meeting.

d. Presentation by people or groups that have not made a submission

The chair has the discretion to allow any member of the public to address the Panel, even if they have not made a submission or registered to speak by the relevant deadline. Considerations may include the number of persons that made submissions and have requested to address the meeting and the available time.

e. Presentation by an expert engaged by the Panel

For the purpose of making a decision on a matter, such as a DA or a planning proposal, a Panel may obtain independent assessment reports, advice and assistance that the Panel may require, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council/department in assessing the application.

Selection of such experts is to be determined by the chair in consultation with the other Panel members.

Depending on the circumstances, the expert may submit a report with recommendations directly to the Panel. In addition, the expert may be invited to present the outcomes of their report at the Panel meeting.

The independent assessment report should be made available on the Planning Panels website prior to the meeting, except where this information includes legal advice provided to the Panel and is subject to legal professional privilege.

Adjourning during a Planning Panel meeting

A Panel may adjourn a meeting where:

- a briefing is required to hear confidential or sensitive information, and/or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair publicly states the reasons for the adjournment which are recorded in the audio and written record of the meeting.

If the meeting is adjourned so that the panel may confer amongst themselves prior to making a decision, the chair briefly summarises the matters discussed in the adjournment after reconvening the meeting. The panel may discuss the matter further in the meeting and/or make its determination.

Panel discussions during adjournments are not recorded.

4. Decisions and determinations

The Panel will strive to make its decisions unanimously. Where a decision cannot be made by unanimously, the decision will be made by majority vote. The chair will have a second or casting vote if required because of an equality of votes.

Quorum for a Planning Panel decisions

A quorum is a majority of the Panel's members, including the chair, i.e. a total of three members. The decision of the Panel will be deferred if a quorum is not present.

Where conflicts of interest are known before a decision is to be made, alternate members will be used to make a quorum.

The Planning Panel's consideration

In addition to the assessment report, the Panel is to take into account all written submissions, as well as the views expressed by those addressing the Panel should a public meeting be required.

Deferring the decision

A decision may be deferred for any reason including to obtain additional information or advice.

Should the Panel determine to defer a decision on an application, it must provide a written record of the reasons for deferral.

Where the determination of a proposal is deferred pending the provision of additional information, the panel must specify the timeframe in which the information is to be provided to the council for assessment.

It is the council's responsibility to follow up on any requests for additional information or amendments from the applicant, to determine whether re-exhibition is required, and to provide a supplementary assessment report to the Panel.

The Panel's reasons

The Panel must provide reasons for its decisions, which are to be recorded in the 'Determination and Statement of Reasons' template provided by the secretariat.

The Panel may rely on the conclusions and recommendations within the assessment report, however, the Panel must identify where it has its own reasons for making the decision and where it adopts the reasons from any assessment report of Council or the department. As part of setting out its reasons the Panel is to:

- provide a summary of the main issues raised in submissions
- demonstrate how the Panel considered the community's concerns
- demonstrate how the Panel dealt with the issues raised, should they have been found to have merit i.e. requested further studies, applied appropriate conditions or, agreed with council recommendation that the applicant had satisfactorily addressed the concerns.

Determinations on DAs

The determination must clearly state whether a DA is unconditionally approved, approved with conditions, or refused.

Any new conditions of consent or changes to the recommended conditions of consent must be recorded.

If the Panel resolves to approve an application that is recommended for refusal, the Panel may seek a further report from the council's planning officer providing recommended conditions of

consent. The Panel may request without prejudice conditions of consent before a Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

- the decision of the Panel
- the date of the decision
- the reasons for the decision (having regard to any statutory requirements applying to the decision)
- how community views were considered in making the decision.

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act.

The decision of the Panel is not subject to a 'Rescission Motion' as in local government.

Decisions of Decision Review Panels are called a 'Review of Decision' Determination and Statement of Reasons.

Determinations on matters other than DAs

Decisions made by the Panels on SCCs, Rezoning Reviews and where the Panel is the Planning Proposal Authority will include the following:

- the decision of the Panel
- the date of the decision
- the reasons for the decision (having regard to any statutory requirements applying to the decision).

Resolutions of the Panels

The Panels may from time to time make resolutions on certain matters, e.g. to authorise the chair to provide instruction in relation to legal appeals on behalf of the Panel.

Resolutions of the Panel will be published on the Panels website.

Dissenting views

If the decision (and reasons for the decision) is not unanimous, all members of the Panel (i.e. including the minority) still need to give reasons.

Timing of Determination and Statement of Reasons

It is preferable that the Panel record both its decision and its reasons at the time of the determination.

Signatures

All members of the Panel must sign the Determination and Statement of Reasons. Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

5. Transactions of business outside meetings

A Panel can transact its business by the circulation of papers, (including the electronic transmission of the information in the papers) (known as an electronic determination) (see Schedule 2, Clause 26 of the EP&A Act). The chair and each Panel member have the same voting rights as they have at a public meeting.

The chair may decide that the Panel can complete its business through an electronic determination. These circumstances may arise when:

- there are less than 10 unique submissions by way of objection
- the Panel has held a public meeting and deferred its decision to request specific additional information from an applicant or council (such as amended drawings) and if council, after having accepted the amended drawings, has decided that re-exhibition of is not required
- the Panel is voting on a procedural matter, or
- the Panel is voting on a decision following a briefing in relation to a Rezoning Review, Planning Proposal or site compatibility certificate.

Prior to an electronic determination the council report and recommendation are made available on the Planning Panels website for 7 days.

Following consideration of the assessment report, the Panel advises the secretariat of its decision and a record of decision is completed and endorsed by all members.

Resolutions approved by circulation of papers are recorded in writing and made publicly available on the Panels website within 7 days. The circulation of papers is generally done electronically and are not recorded by audio/ video record, an audio record or a transcription record.

6. Records of proceedings

The chair is responsible for ensuring that full and accurate records are kept of the proceedings of Panel meetings, briefings and other business.

An audio recording will be made for all public briefing meetings and determination meetings and will be published on the Panels website. By registering to speak at a meeting, speakers agree to being recorded and to the publication of that recording. Where a speaker has not registered to speak but wants to make a submission at the meeting it is at the chair's discretion and the speaker is asked to agree to being recorded and that recording being published.

Document templates for written records of proceedings are provided by the secretariat.

Secretariat or council staff will assist in the preparation of draft written records. A copy of the unconfirmed written record is provided to all Panel members who participated in the proceedings. Panel members may submit any proposed corrections to the unconfirmed record to the secretariat for confirmation by the chair.

Alternatively, a Panel may choose to complete and endorse the final record immediately after completing the meeting or briefing. In this case, draft records are not circulated.

When the written records have been confirmed and endorsed by the chair the written record is placed on the Panels website.

The confirmed written record is available within 7 days of the Panel meeting or briefing.

Any written record for a Panel meeting details:

- the opening and closing times of the meeting
- the details of the matter considered by the Panel
- the names of all members of the Panel, including the chair
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter
- any adjournments and reasons for the adjournment
- the names of each person heard by the Panel in respect of a matter
- any decision of the Panel
- reasons for the decision

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- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous
- the signatures of all the members making the decision.

A written record of briefings or site visits are made including time, date, attendees, any declarations and key issues discussed and are published on the Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

The secretariat, with assistance from the relevant council, is responsible for recording decisions for Panel meetings.

Panel members are required to provide any notes made during a meeting, briefing or site inspection to the secretariat for registration as a record. This includes hand-written or electronic notations.



Sydney District and Regional Planning Panels Code of Conduct

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Introduction

This Code of Conduct (Code) applies to all members of the Sydney District and Regional Planning Panels (panels), including:

- chairs
- state appointed members
- council nominees
- alternates acting for panel members.

The Code outlines the standards of conduct expected of panel members. It is the personal responsibility of each panel member to comply with this Code. The Code will be kept under review and will be subject to changes that may be required to reflect the experience of the implementation and operation of the panels.

Purpose of the Code

This Code sets out the minimum requirements of behaviour for panel members in carrying out their functions. The Code has been developed to assist panel members to:

- a. understand the standards of conduct that are expected while carrying out the functions of a panel member
- b. act honestly, ethically and responsibly
- c. exercise a reasonable degree of care and diligence
- d. act in a way that enhances public confidence in the integrity of the role of panels in the planning system.

As public officials, members of the panels have a particular obligation to act in the public interest. All members of the panels must:

- comply with the ethical framework for the public sector set out in the *Public Sector Employment and Management Act 2002* and the *Government Sector Employment Act 2013*
- have a clear understanding of their public duty and legal responsibilities
- act for a proper purpose and without exceeding their powers.

Application of the Model Code of Conduct for Local Councils in NSW (Model Code)

Councils are required under the *Local Government Act 1993* to adopt a code of conduct. Such codes must incorporate the provisions of the 'Model Code' prescribed under the Local Government (General) Regulation 2005.

Council's adopted code applies to, amongst others, councillors, the general manager, council staff and members of council committees. The Model Code does not apply to planning panel members. However, parts of the Model Code have been used to assist in the development of this Code, along with other relevant codes of conduct applying to members of state boards and other statutory bodies.

It is recognised that councillors and council staff may undertake functions as a member of a planning panel separate to their ordinary functions as a councillor or member of council staff. When exercising functions **as a panel member**, councillors and council staff must ensure that they comply with this Code.

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Council staff are not subject to this Code where they are responsible for:

- dealing with development matters under the *Environmental Planning and Assessment Act 1979* (EP&A Act),
- preparing assessment reports, and/or
- assisting a planning panel in the exercise of its functions.

The Model Code requires that council staff act lawfully, ethically and fairly. In relation to development decisions, council staff must ensure decisions are properly made and parties involved in the development process are dealt with fairly. People must not use their position to influence other council officials in the performance of their duties or to obtain a private benefit for themselves or for somebody else.

Code of Conduct

1. Key principles

Integrity

- 1.1. You must not place yourself under any financial or other obligation to any individual or organisation that might be reasonably thought to influence you in the exercise of your functions as a planning panel member.

Leadership

- 1.2. You have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in planning panels and their role in the planning system.

Selflessness

- 1.3. You have a duty to make decisions in the public interest. You must not make a decision or take action that causes or results in you obtaining:
 - a financial benefit (including avoiding a financial loss), or
 - other benefits for yourself, your family, friends or business interests.

Impartiality

- 1.4. You should make decisions on merit and in accordance with your statutory obligations when carrying out your functions as a planning panel member.

Accountability

- 1.5. You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others.

Openness

- 1.6. You have a duty to be as open as possible about your decisions and actions.

Honesty

- 1.7. You have a duty to act honestly and in good faith for the proper purpose.

Respect

- 1.8. You must treat others with respect at all times.

2. General conduct obligations

General conduct

- 2.1. You must not conduct yourself in carrying out your functions as a planning panel member in a manner that is likely to bring the planning panel into disrepute. Specifically, you must not act in a way that:
 - a. contravenes the EP&A Act¹
 - b. is improper or unethical

¹ A reference to the *Environmental Planning and Assessment Act 1979* (EP&A Act) includes a reference to the *Environmental Planning and Assessment Regulation 2000*.

- c. is an abuse of power
 - d. causes, comprises or involves intimidation, harassment or verbal abuse, or
 - e. causes, comprises or involves discrimination, disadvantage or adverse treatment.
- 2.2. You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions as a planning panel member, having regard to the statutory obligations under the EP&A Act.

Fairness and equity

- 2.3. You must consider issues consistently, promptly, conscientiously and fairly.
- 2.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Making decisions and taking actions

- 2.5. You must ensure that decisions and actions are reasonable, fair and for the proper purpose and that parties involved in the development process are dealt with fairly.
- 2.6. You must ensure that no action, statement or communication between yourself and others (such as applicants, objectors, councillors and members of the public) conveys any suggestion of willingness to provide improper concessions or preferential treatment, or suggests that you are not bringing an open mind to the decision.
- 2.7. You should attend all briefings, meetings and other business of the planning panel as far as is possible, and allow the necessary time to prepare.

3. Conflicts of interests

General

- 3.1. A conflict of interests exists where there is an actual, potential, or reasonably perceived conflict between a panel member's private interests or other duties, and the impartial performance of their functions as a planning panel member.
- An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.
- A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.
- A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.
- 3.2. Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.
- 3.3. Any conflicts of interests must be managed to uphold the probity of planning panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.
- 3.4. Private interests can be of two types: pecuniary or non-pecuniary.
- 3.5. A conflict of duties may also constitute a conflict of interest.

Management of conflicts

- 3.6. Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest / issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict or ceasing to provide services.
- 3.7. The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual planning panel members.
- 3.8. Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.
- 3.9. When the conflict of interest arises as a result of an interest of the chair, the deputy chair is to assume the chair's leadership role in the management of the conflict process.

Pecuniary interests

- 3.10. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person².
- 3.11. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make³.
- 3.12. A member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative⁴ of the member, or a partner or employer of the member, or a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- 3.13. The obligation on planning panel members with respect to pecuniary interests are set out in clause 27 of Schedule 2 of the EP&A Act (attached at **Appendix A**). All planning panel members must comply with the requirements set out in this provision. In particular:
 - a. If a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of a planning panel and the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's attention, disclose the nature of the interest at or before a meeting of the planning panel.
 - b. After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning panel otherwise determines:

² The term 'pecuniary interests' adopted by this Code is based on the definition of that term in s.442(1) of the *Local Government Act 1993*.

³ See s.442(2) *Local Government Act 1993* or if it is an interest referred to in s.448(a), (b), (e) or (g) of the *Local Government Act 1993*.

⁴ The term 'relative' adopted by this Code is the definition of that term under s 3 of the *Local Government Act 1993*.

- be present during any deliberation of the panel with respect to the matter, or
- take part in any decision of the panel with respect to the matter.

Non-pecuniary interests

- 3.14. A non-pecuniary interest is a private or personal interest that a person has that may, for example, be based on a family or personal relationship, membership of an association, society or trade union or involvement or interest in an activity which may include an interest of a financial nature⁵.
- 3.15. You should consider possible non-pecuniary interests that may arise while carrying out your duties as a planning panel member. Where possible, the source of potential conflict should be removed.
- 3.16. However, where this is not possible, if a member has a non-pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of the member's duties, the member must follow the procedures set out in clause 27 of schedule 2 of the EP&A Act in the same manner as if the interest was a pecuniary interest.

Conflicts of duties

- 3.17. A conflict of duties is a conflict between competing and incompatible public duties. For example, a conflict of duties arises where public officials hold more than one official position which requires them to address competing objectives or interests.
- 3.18. Panel members must ensure that any employment, business or other roles or activities they engage in will not:
 - a. conflict with, impair or otherwise prevent the full exercise of their functions as a planning panel member
 - b. involve using confidential information or resources obtained through their role as a planning panel member, or
 - c. discredit, bring into disrepute or disadvantage the reputation of the planning panel.
- 3.19. The following situations are considered to represent a conflict of duties for panel members (however this list is not exhaustive):
 - a. members who have current or previous involvement in a specific project, or site, that is subject of a DA for regional development, or a planning proposal that is subsequently reviewed by a planning panel, for example as a consultant,
 - b. councillor members where they have deliberated or voted on, or otherwise considered, a matter, and/or been present when such consideration is undertaken, in their role at council and that matter, or a related matter, subsequently comes before the panel. Matters which are considered to be related to a panel matter include, but are not limited to:
 - a planning proposal for the site
 - a voluntary planning agreement for the development or planning proposal
 - a Masterplan for the development or planning proposal
 - a Plan of Management for the development
 - property matters related to the site, including leases, licences, purchase of land, disposal of land and management of lands
 - legal matters related to the site, development or proposal

⁵ The term 'non-pecuniary interest' as adopted by this Code is based on the meaning of that term under the Local Government Model Code of Conduct.

- consideration on whether to make a submission to the panel on a DA for regional development
- c. council staff members that have:
 - presented, or been present at a council meeting, that considers an assessment report for the planning panel, or a related matter as per section 3.19(b)
 - been directly or indirectly involved in the preparation of the assessment report for the planning panel
 - approved agenda items for reporting to council meetings or have been a signatory to correspondence in relation to matters that may come before a panel.
- 3.20. Members of a particular planning panel will have a close working relationship with each other. Therefore, to avoid a perception of bias, a planning panel member must not represent an applicant, council or submitter at a planning panel meeting for a planning panel of which they are a permanent member or have been used regularly as an alternate member. A planning panel chair must not represent an applicant, council or submitter at any planning panel meeting.
- 3.21. A planning panel member may not undertake any employment, business or other roles or activities, in relation to a DA, planning proposal or development site for which the member has participated in making a determination on as a panel member, for at least two (2) years following the determination.
- 3.22. Councillors who have deliberated or voted on a matter in their role at council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council's nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgement.
- 3.23. A councillor must stand aside from their place on the panel if suspended as a councillor for any reason (including under sections 438I, 438W 440C, 440I, 482 or 482A of the *Local Government Act 1993*), for the period of that suspension. This is because the roles and responsibilities of a panel member are so similar to that of a councillor that the continuation of the suspended councillor on the panel during the period of his or her suspension would adversely affect the reputation of the panel.
- 3.24. A councillor must stand aside from their place on the panel if dismissed as a councillor due to misconduct under section 440B, 482 or 482A of the *Local Government Act 1993*. This is because the roles and responsibilities of a panel member are so similar to that of a councillor that the continuation of the dismissed councillor on the panel would adversely affect the reputation of the panel.
- 3.25. A conflict of duties may arise for council staff⁶ (including general managers and other senior staff) who are nominated to sit as a member of the planning panel. In selecting its members to a planning panel, council should have regard to the conflict of duties that may be created for a person nominated to the planning panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the planning panel, approving agenda items for reporting to council meetings, or being signatory to correspondence in relation to matters that may come before a panel.
Council employees (including general managers and other senior staff) who are nominated to sit as a member of the planning panel must ensure that appropriate measures are in place to manage potential conflicts and ensure they will be able to comply with the requirements of this Code⁷.

⁶ A reference in this section to council 'staff' includes a reference to council contractors or consultants.

⁷ In particular Part 6 of the Code.

Political Donations

- 3.26. Planning panel members should be aware that political contributions or donations may give rise to a pecuniary or non-pecuniary interest. It is the responsibility of planning panel members to determine in each instance whether such an interest arises and whether the provisions of this Code and clause 27 of schedule 2 of the EP&A Act applies.
- 3.27. Where a planning panel member makes a disclosure under clause 27(1)(b) of schedule 2 to the EP&A Act with respect to an interest which arises because of a political donation, the planning panel is required to take this into consideration in determining under clause 27(6) whether it is appropriate for the member to be present during any deliberations or take part in any decision with respect to the matter.

4. Recording declarations of interest

- 4.1. Planning panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the panel, either before, or at the commencement of consideration of the matter.
- 4.2. Where any pecuniary or non-pecuniary interest in a matter before the planning panel has been disclosed by a member, whether declared before or at the commencement of the panel meeting, this will be noted in the panel's decision record, even when the member is not in attendance.

Records of all panel briefings and meetings are made available on the planning Panels website.
- 4.3. As a member of a government board or committee, all planning panel members are also required to adhere to the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' ("the DPC Guidelines").

In accordance with the DPC Guidelines, planning panel members are required to disclose interests which include positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to the activities of the planning panel.

These declarations will be required to be made by panel members on an annual basis. Taken together, schedule 2 of the EP&A Act and the requirements of the DPC Guidelines ensure that the pecuniary interest disclosure requirements for planning panel members are the same as those for local government councillors.
- 4.4. A register of declarations made by planning panel members, will be maintained by the Planning Panels Secretariat (secretariat), in accordance with the DPC Guidelines. Upon request, the register of declarations will be available for inspection at the secretariat during normal office hours.

5. Personal benefit

Personal dealings with council

- 5.1. Planning panel members may have reason to have private dealings with a council that is within the region where they are a planning panel member (for example as a ratepayer). Planning panel members must not expect or request preferential treatment in relation to any matter in which they have a private interest because of their role as a planning panel member. Planning panel members must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

Gifts and benefits

- 5.2. Planning panel members must not:
 - a. seek or accept a bribe or other improper inducement,
 - b. seek gifts or benefits of any kind,
 - c. accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty,
 - d. accept any gift or benefit of more than token value, or
 - e. accept an offer of money, regardless of the amount.
- 5.3. A gift or benefit is any item, service, prize, hospitality or travel which has an intrinsic value and/or value to the recipient, a member of their family, relation, friend or associate.
- 5.4. Generally speaking token gifts and benefits include:
 - a. free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of matters before the planning panel
 - ii. conferences, or
 - iii. social functions organised by groups.
 - b. invitations to and attendance at local social, cultural and sporting events,
 - c. gifts of single bottles of reasonably priced alcohol at end of year functions and public occasions, and
 - d. ties, scarves, coasters, tie pins, diaries, chocolates or flowers.
- 5.5. Gifts and tokens that have more than a token value include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- 5.6. As a general rule, any gift from an applicant, objector or associate of an applicant or objector in relation to a matter to be determined by a planning panel would fall into a category referred to in paragraph 5.2(c) and therefore should not be accepted.
- 5.7. The planning panels secretariat is to maintain a register of gifts for each planning panel to ensure the receipt and disposal of gifts is conducted in an open and transparent manner. When offered a gift or benefit, planning panel members must inform the secretariat of the following information for the purposes of making a recording on the register of gifts:
 - the person who made the offer and the date on which the offer was made
 - whether or not you accepted the gift/benefit
 - whether the gift or benefit was allocated to another person or body
 - the value of the gift or benefit.

Planning panel members should also advise the planning panel chair of any such notification to the planning panels secretariat.

6. Relationship between planning panel members, council and council staff

Obligations of planning panel members

- 6.1. Section 2.27 of the EP&A Act provides that a planning panel is entitled:

- a. to have access to, and to make copies of and take extracts from records of the council relevant to the exercise of the planning panel's functions
- b. to the use of staff and facilities of the council in order to exercise the planning panel's functions
- c. to any assistance or action by the council for the purposes of exercising the planning panel's functions.

All such requests for assistance will be made by the planning panel chair to the general manager (or such other staff member nominated by the general manager).

- 6.2. Planning panel members have a responsibility to promote and support an effective and co-operative working relationship with the council, general manager and council staff and contractors.

Inappropriate interactions

- 6.3. Planning panel members must not engage in inappropriate interactions when exercising functions as a planning panel member.
- 6.4. In relation to council staff⁸, planning panel members must not:
 - a. approach, make requests of, make enquiries or issue instructions to council staff other than through the planning panels secretariat and in accordance with this Code
 - b. be overbearing or threatening to council staff
 - c. make personal attacks on council staff in a public forum
 - d. direct or pressure council staff in the performance of their work or recommendations they make, or
 - e. influence or attempt to influence staff in the preparation of assessment reports or other information to be submitted to the planning panel.
- 6.5. If a planning panel member is approached by any person about a development application that is to be determined by the planning panel, the planning panel member must not discuss the development.
- 6.6. The planning panels Operational Procedures recognises that there may be some circumstances where it is appropriate for the planning panel to be briefed by the applicant with council staff in attendance. Where this occurs, a record of the meeting, including attendees and matters discussed, will be made publicly available.

However, individual members of the planning panel must not hold private meetings, briefings, site visits or discussions in respect of the matter.
- 6.7. Where meetings, briefings or site visits occur panel members should not express any views that would indicate pre-judgement of the matter.

7. Relationship between planning panel members and others

- 7.1. Planning panel members must adhere to the Key Principles and General Conduct Obligations contained in this Code when dealing with others, including council staff, councillors, Department of Planning, Industry and Environment staff and the secretariat.

⁸ A reference in this clause to council 'staff' includes a reference to council contractors or consultants.

8. Protecting and using information

- 8.1. Information must be handled in accordance with section 10.5 of the EP&A Act.
- 8.2. In addition to the obligations under section 10.5 of the EP&A Act, planning members must:
 - a. protect confidential information,
 - b. only release confidential information if you have authority to do so,
 - c. only use confidential information for the purpose it is intended to be used,
 - d. not use confidential information gained through your position as a planning panel member for the purpose of securing a private benefit for yourself or for any other person,
 - e. not use confidential information with the intention to cause harm or detriment to the planning panel or any other person or body, and
 - f. not disclose any information discussed during a confidential session of a planning panel.
- 8.3. When dealing with personal information, planning panel members must comply with the *Privacy and Personal Information Protection Act 1998*.

9. Use of public resources

- 9.1. Planning panel members may be provided with equipment and other resources to perform planning panel functions. All such resources are to be used only for planning panel purposes and in accordance with any guidelines or rules about the use of those resources.

10. Public comment/media

- 10.1. The planning panel chair is responsible for speaking to the media on behalf of the planning panel, to allow its decisions to be properly represented and communicated. The chair can authorise another planning panel member to speak to the media on behalf of the planning panel at any time. Other non-authorised members can speak to the media about planning panel matters however, in doing so, they do not represent the views of the planning panel.

11. Lobbying

- 11.1. All planning panel members must comply with the *NSW Lobbyists Code of Conduct* published on the Department of Premier and Cabinet's website (www.dpc.nsw.gov.au). The Lobbyists Code regulates contact between registered lobbyists and Government representatives and *M2014-13- NSW Lobbyists Code of Conduct* restricts the circumstances in which a lobbyist can be appointed to a NSW Government board or committee.
- 11.2. Members of the planning panel have a responsibility to consider the Lobbyists Code and declare if they could potentially be considered a lobbyist. The application of the Lobbyists Code then takes precedence for further action and decisions and would be monitored by the chair.

12. Breaches of this Code

Reporting suspected breaches

- 12.1. Planning panel members are required to report suspected breaches of the Code to the planning panel chair or the Minister.
- 12.2. Any other person may report a suspected breach of the Code under the planning panels' Complaints Handling Policy.

Reporting possible corrupt conduct

- 12.3. Planning panel members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*. Planning panel members are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.
- 12.4. The *Public Interest Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. Access to a Public Interest Disclosure Officer can be arranged through the Department of Planning, Industry and Environment. The planning panel chair is under a duty to report to the Independent Commission Against Corruption (ICAC) any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct⁹.
- 12.5. Planning panel members, or any other persons, can also report directly to the following investigative bodies:
 - a. Corrupt conduct should be reported to the Independent Commission against Corruption (ICAC)¹⁰,
 - b. Maladministration¹¹ should be reported to the NSW Ombudsman, and
 - c. Serious and substantial waste of public money should be reported to the NSW Auditor General.

Handling of suspected breaches

- 12.6. Suspected breaches of the Code will be handled in accordance with the planning panels' Complaints Handling Policy.
- 12.7. The planning panel chair may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach.
- 12.8. A person who is alleged to have breached the Code must be given:
 - a) the full particulars of the alleged breach¹²
 - b) an opportunity to respond to the allegations
 - c) the right to have a legal or other representative present during any meetings/discussions in respect of the matter.
- 12.9. Serious breaches of the Code may be referred to the Minister in respect of state members or the relevant council with respect to council nominees. Proven breaches of the Code may warrant removal from office.
- 12.10. The Minister may remove a planning panel state member from office at any time and without notice. The Minister must provide a written statement of the reasons for removing the member from office and make that statement publicly available.

⁹ Section 11, ICAC Act.

¹⁰ Section 10 of the ICAC Act allows any person to make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.

¹¹ Maladministration is defined in s 11(2) of the *Public Interest Disclosures Act 1994*

¹² These particulars should not include the details of the person who made the allegation.

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- 12.11. The relevant council may remove its nominee/s from office at any time and without notice. The general manager of the applicable council must provide a written statement of the reasons for removing the member from office and make that statement publicly available. The council must also notify the planning panels secretariat.
- 12.12. The Minister may remove any member if the Independent Commission Against Corruption recommends that consideration be given to the removal of the member because of corrupt conduct by the member.

13. Acknowledgement of this Code

- 13.1. On appointment all planning panel members are required to acknowledge in writing that they will abide by the principles, obligations and requirements of this Code.

Appendix A

Extract from Schedule 2 of the *Environmental Planning and Assessment Act 1979*

27 Disclosure of pecuniary interests

(1) If:

- (a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the planning body
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the planning body.

(2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- (a) the member, or
- (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
- (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.

(3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):

- (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.

(4) A disclosure by a member at a meeting of the planning body that the member, or a spouse, de facto partner, relative, partner or employer of the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(5) Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the planning body.

(6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning body otherwise determines:

- (a) be present during any deliberation of the panel with respect to the matter, or
- (b) take part in any decision of the panel with respect to the matter.

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- (7) For the purposes of the making of a determination by the planning body under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the panel for the purpose of making the determination, or
 - (b) take part in the making by the panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the planning body.
- (9) This clause extends to a council nominee of a Sydney district or regional planning panel, and the provisions of Part 2 (Duties of disclosure) of Chapter 14 of the *Local Government Act 1993* do not apply to any such nominee when exercising functions as a member of the panel.

9.2 URBAN WORKS PROGRAM 2020/21**File Number:** S28.21.1/13 / 20/36465**Author:** Brett McInnes, Director Civil and Environmental Services**SUMMARY:**

This report has been provided to give Council an update in relation to the Urban Works Program. The opportunity exists to identify priority project/s for the 2020/21 Urban Works Program.

RECOMMENDATION:

That Council take the following actions in regards to the 2020/21 Urban Works Program:

- i) That \$20,000 be allocated for investigation and design of appropriate tree pits for replacement edge plantings in Byron Street, between Lawrence and Wood Street.*
- ii) That \$102,000 be provided as a co-contribution to match Transport for NSW funding under the PAMP Program.*
- iii) Residual funds of \$423,180 not be allocated until such time as the detailed designs and costings for the Gwydir Highway, Bundarra Road and Chester Street intersection upgrade have been completed.*

COMMENTARY:

Each year Council identifies particular projects to be completed as part of its Urban Works Program.

Background

In March 2016 Council considered a detailed report that was presented to inform future Urban Works Programs. The report contained a table that listed a range of urban works projects nominated in apparent order of priority. The table was populated on the basis of Councillor identified priorities and renewal projects from Council's asset management system. The nominated projects were endorsed by Council for future programs. The original table and a status update (blue text) has been provided below for the information of the Councillors.

No.	Project	Issue	Desktop Estimate/Status
1	Chisholm Street (Brae St to Brown St) Project completed.	Minimal gravel in road shoulder and under existing kerb and gutter, pavement and kerb and gutter extremely deformed due to garbage truck access. Causing significant drainage issues and effecting access to properties	Completed
2	Old Bundarra Road Pavement Rehab (Macintyre St to Lions Park) Project completed. Council has also recently received \$42K funding under the Fixing Local Roads Program to provide an asphalt overlay on the corner of Old Bundarra	The sealed pavement has reached the end of its useful life and has significant defects, rutting, roughness, edge breaks and potholing. Currently significant maintenance burden to maintain safe and trafficable surface.	Completed

	Road and Rosslyn Street. These works are expected to be completed by November 2020.		
3	<p><i>PAMP/Cycleway Program</i></p> <p>Council has made funding applications for:</p> <ul style="list-style-type: none"> • Shared path from Lions Park to Brae Street, under the town bridge • Shared path adjacent to Brooks Oval • Campbell Street pedestrian refuge at the library. 	<p><i>Council has applied for \$102K funding from TfNSW. This is a 50:50 funding program and Council needs to provide matching funding if successful. Council will be notified of the funding application outcome in October.</i></p>	<p>Ongoing</p> <p>\$102K (Council Contribution)</p>
4	<p><i>Captain Cook Drive / Wood Street intersection pavement and asphalt.</i></p> <p>Project completed.</p>	<p><i>Section of pavement on the corner behind Royal Hotel Motel deformed due to water ingress and high heavy vehicle use. Section to have pavement rehabilitated and Asphalt surface applied.</i></p>	<p>Completed</p>
5	<p><i>Gilchrist Street Shoulders, Kerb and Gutter replacement (Bannockburn Rd to Jack St)</i></p> <p>Project completed.</p>	<p><i>Kerb and Gutter has reached end of useful life. Pavement is thin and weak and deformed due to garbage truck. Project would complete rehab of Gilchrist St.</i></p>	<p>Completed</p>
6	<p><i>Town Centre Renewal Plan Works</i></p> <p>Council adopted the enhancement concepts contained in the TCRP to guide the future development of the town centre in May 2014. Since that time implementation works have been undertaken as part of the 2014/15, 2015/16 and 2016/17 Urban Works Program. The Otho Street renewal was a significant TCRP project completed in 17/18.</p> <p>More recently, the major renewal works in Byron Street (between Campbell and Vivian Streets) was completed as part of the 19/20 Urban Works Program.</p>	<p><i>Council has adopted the design concepts contained in the TCRP to guide the future development of the town centre. This project is ongoing with Council determining what components have been funded on an annual basis.</i></p>	<p>Ongoing</p> <p>Separate comments have been provided below in regards to future staging and cost estimates for this project.</p>

7	<p><i>Mansfield Street - New Kerb and Gutter including pavement upgrade (Bennett St to SH12)</i></p> <p>This project has not been funded to date. Commencement of project contingent upon upgrade of SH12 and Mansfield Street intersection.</p>	<p><i>Final block of Mansfield St upgrade. Pavement in this block at end of useful life, significant maintenance required to keep surface safe and trafficable. Contingent upon SH12 upgrades at intersection.</i></p>	<p><i>\$270K. Note this figure is Mansfield St works only. It does not include intersection treatment and turning lanes on SH12. These works are estimated at approx. \$750K.</i></p>
8	<p><i>Intersection black spots Mansfield Street</i></p> <p>Project completed.</p>	<p><i>Various intersecting streets with Mansfield Street have significant crash history.</i></p>	Completed
9	<p><i>Cloonan Terrace - New Kerb and Gutter including pavement upgrade</i></p> <p>This project has not commenced and has not yet been funded. Survey work has been completed and the project placed on the design priority list.</p>	<p><i>Current pavement is failing and lack of completed Kerb and Gutter is causing drainage and access problems for residents.</i></p>	\$210K
10	<p><i>Chester Street</i></p> <p>It is intended that the initial stage of this project be addressed at the same time as the Bundarra Road, SH12, and Chester Street intersection upgrade.</p>	<p><i>Pavement and Kerb and Gutter severely deformed and in need of rehab. Drainage issues, ponding of water and extremely rough surface.</i></p>	<p><i>\$450K per block (3 blocks priority further 2 lower priority) doesn't include SH12 intersection upgrade</i></p>
11	<p><i>Granville Street</i></p> <p>This project has not commenced and has not yet been funded. Survey work has been completed and the project placed on the design priority list.</p>	<p><i>Pavement and Kerb and Gutter severely deformed and in need of rehab. Drainage issues, ponding of water and extremely rough surface.</i></p>	<p><i>\$450K per block (2 blocks priority further 2 lower priority)</i></p>
12	<p><i>Lawrence Street - New Kerb and Gutter</i></p> <p>This project has not commenced and has not yet been funded. Survey work has been completed and the project placed on the design priority list.</p>	<p><i>Missing links of kerb and gutter including pavement rehab from Henderson Street to end of street.</i></p>	\$600K

2020/21 Urban Works Program

The Council adopted budget for 2020/21 included a quantum of \$570,680 for urban works. Of this, Council has already allocated \$45,500 for the recurrent village projects fund and a provisional sum

of \$45,000 for the PAMP program. Now the PAMP applications have been completed it will be necessary to allocate an additional \$57,000 to match Transport for NSW funding (subject to successful application). Remaining unallocated Urban Works funds are as follows:

2020/21 Urban Works Program budget	\$570,680
Village Projects fund	\$45,000
PAMP Program \$ for \$ funding (\$45,000 + \$57,000)	\$102,000
Unallocated Urban Works budget	\$423,180

Town Centre Renewal Plan (TCRP)

As indicated in project No.6 in the table above, Council has been progressively implementing aspects of the TCRP since its adoption in May 2014.

Full Design work has been completed to implement the TCRP centre median treatment in Byron Street between Vivian and Lawrence Streets. An estimate of \$1.4M for these works was provided when Council considered the Urban Works Program in September 2020. At this point in time this project remains unfunded.

In March 2016 Council endorsed TCRP design plans for Byron Street, between Lawrence Street and Wood Street. These plans included significant edge (footpath, kerb and gutter, drainage etc.) renewal as well as the centre median treatment. To date these works have not been funded with priority given to Otho Street and other blocks in Byron Street. The nature of Byron Street (between Lawrence and Wood Streets) differs from the core CBD with more direct vehicle access points creating challenges for the centre median and planting treatment.

Council may have noticed in recent times the extensive kerb renewal works that were necessary in front of REPCO in Byron Street. This was due to the root system of an inappropriately planted Plane Tree damaging the kerb. There are a number of locations in Byron Street (between Lawrence and Wood Street) where Plane trees are negatively impacting on kerb and drainage. Photographs showing damage have been included in **attachment 1** for the information of Council.

Whilst Council has previously resolved to remove inappropriately planted Plane trees in the CBD this has been undertaken in conjunction with new plantings. Modern technology such as strata cells (used in centre median) exist to create suitable tree pits for planting in urban areas. These tree pits enable the trees to have a suitable growing environment and prevent deleterious impacts on surrounding infrastructure. Strata cells and the like in combination with permeable paving create a surface that can be driven over above the tree root ball. Such a system can be utilised for new edge plantings as well as centre median plantings.

Noting the variation in Byron Street (between Lawrence and Wood Street) to the core CBD, it is proposed to investigate and design a tree edge replacement concept for this precinct for the consideration of Council. It is estimated that \$20,000 will be required for these works. The completion of this design will provide Council with another option to consider for tree replacement in this area noting the ongoing concern with damage to infrastructure.

Gwydir Highway, Bundarra Road & Chester Street Intersection Upgrade

Council have previously received extensive reports in relation to this project. A tripartite funding arrangement exists with contributions from the federal government, state government and Council.

Negotiations in regard to this project are continuing and procurement underway to complete detailed designs. As indicated in project No.10 in the above table it is proposed to rehabilitate Chester Street in conjunction with the intersection upgrade.

This is a major project that will need to be completed by an RMS accredited contractor and subject to tender.

Accordingly, it is considered prudent at this point in time if the bulk of the urban works vote remain unallocated until such time detailed designs and costings are completed.

Conclusion

In 2016, Council undertook a planning exercise that identified a range of future urban works projects to inform future works programs. A significant number of those projects have since been completed. The opportunity exists to complete further works as part of the 2020/21 Urban Works Program.

In addition to the recurrent villages vote, the following allocations are proposed for the 2020/21 Urban Works Program:

PAMP \$ for \$ co-contribution.	\$102,000
Future allocation upon completion of detailed designs for Gwydir Highway, Bundarra Road and Chester Street Upgrade.	\$423,180
Design works replacement of edge plantings Byron Street (between Lawrence and Wood Streets.	\$20,000

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

The Council adopted budget for 2020/21 included a quantum of \$570,680 for urban works. This report seeks to further allocate the funds to various projects that will make up the Urban Works Program.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:**1. Photographs Showing Damage**







9.3 COPETON NORTHERN FORESHORES - SPLASHPARK TENDER**File Number:** S4.19.19 / 20/36741**Author:** Paul Henry, General Manager**SUMMARY:**

Tenders have been received for the construction of a Splashpark at Copeton Northern Foreshores. A 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*.

9.4 BUDGET REVOTES FROM 2019/2020

File Number: S12.5.1/13 / 20/36994

Author: Paul Pay, Manager Financial Services

SUMMARY:

Revote of unexpended revenue as at 30 June, 2020, for works in progress.

RECOMMENDATION:

That the list of revotes representing works in progress as at 30 June, 2020 be revoted to the 2020/2021 budget.

COMMENTARY:

The attached table represents Budget Revotes for works in progress but incomplete as at 30 June, 2020 and requiring completion in 2020/2021.

Revotes of \$11.91M include General Fund \$5.84M, Water Fund \$2.92M and Sewer Fund \$3.15M and are funded from revenues received during 2019/2020.

A significant quantity of the outstanding General Fund Works for 2019/2020, are now either complete or will be completed in the 2020/2021 Financial Year.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

A full report on Council's financial position will be provided upon completion of the Financial Statements.

LEGAL IMPLICATIONS:

A resolution of Council is required for the revoting of expenditures.

ATTACHMENTS:

1. Budget Revotes 2019/2020

BUDGET VARIATIONS - FINANCE MEETING 23-9-2020 - REVOTES			
LEDGER NO.	DESCRIPTION	AMOUNT \$	COMMENT/REASON
GENERAL FUND			
<i>Increase/Decrease in EXPENDITURE</i>			
146601-1000	New Street Lighting (LED Street Lighting upgrade)	184,997.00	Revote - 2019/2020 Program
134320-1000	Cultural & Arts Initiatives	122,711.00	Revote - 2019/2020 Program
148070-1000	Joint Promotions	31,964.00	Revote - 2019/2020 Program
137050/134330	Other Cultural Activities	17,315.00	Revote - 2019/2020 Program
132420-5535	Industry Promotions (Fire Protection Pioneer Village)	55,000.00	Revote - 2019/2020 Program
148010-1000	Industrial Development	176,951.00	Revote - 2019/2020 Program
148030-1000	Industry Promotions, Marketing & Infrastructure	120,601.00	Revote - 2019/2020 Program
147185-1000	Tourism Development - Pioneer Village restumping Project	60,000.00	Revote - 2019/2020 Program
129391-1000	Special Projects - CCTV Security Trailer	129,782.00	Revote - 2019/2020 Program
130391-1000	Joint Organisation Of Councils	99,270.00	Revote - 2019/2020 Program
136070-1000	Wing Hing Long Museum	30,850.00	Revote - Building Repairs
147230-1000	Tourism Promotions	69,946.00	Revote - 2019/2020 Program
147190-4230	Tourism Marketing	20,932.00	Revote - 2019/2020 Program
132501-1000	Tourism Promotions - Xmas Lighting	4,000.00	Revote - 2019/2020 Program
128099-1000	Tourism Marketing - Tourist Brochure	12,000.00	Revote - 2019/2020 Program
160180-1000	Library Books	8,346.00	Revote - 2019/2020 Program
139120-3001	Ashford Community Works	11,075.00	Revote - Community Project
139120-3020	Bonshaw Community Works	1,137.00	Revote - Community Project
139120-3030	Bukkulla Community Works	1,000.00	Revote - Community Project
139120-3050	Delunga Community Works	11,390.00	Revote - Community Project
139120-3060	Elsmore Community Works	5,180.00	Revote - Community Project
139120-3070	Gilgai Community Works	12,930.00	Revote - Community Project
139120-3080	Graman Community Works	9,240.00	Revote - Community Project
139120-3090	Gum Flat Community Works	4,180.00	Revote - Community Project
139120-3150	Nullamanna Community Works	5,180.00	Revote - Community Project
139120-3160	Oakwood Community Works	5,180.00	Revote - Community Project
139120-3190	Stannifer Community Works	5,180.00	Revote - Community Project
139120-3200	Tingha Community Works	7,360.00	Revote - Community Project
139120-3230	Yetman Community Works	9,462.00	Revote - Community Project
160650-1000	Donations	10,000.00	Revote 2019/20 Recreation/Cultural Grants to Donations
146453-1000	Road Strategies	40,545.00	Revote - 2019/2020 Program
159772-1000	Environmental Sustainability Program	72,333.00	Revote - SCIPF Program
137371-1000	SCIPF - Lake Inverell Precinct	109,000.00	Revote - SCIPF Program
151131-1000	Building Maintenance Program	46,795.00	Revote - Building Repairs
134930-1000	Equestrian Council Works	12,072.00	Revote - 2019/2020 Program
130100-1000	Computer Projects -Non-Capital	30,000.00	Revote - 2019/2020 Program
130101-1000	Computer Projects - Replace Servers, switches and batteries	76,000.00	Revote - 2019/2020 Program
131060-1000	Computer Projects - CCTV Project	27,000.00	Revote - 2019/2020 Program
160665-1000	Computer Projects - Telecommunications CNFS	100,000.00	Revote - 2019/2020 Program
136260-4921	Local Heritage Program (Assistance to Owners)	35,168.00	Revote - 2019/2020 Program
148409-1000	Maintenance Grading	48,960.00	Revote - 2019/2020 Program
139433-1100	Special Roads Projects (Wind Farm Rates)	46,969.00	Revote - Special Road Projects
137336-1000	Off Road Recreational Circuit - Lake Inverell Drive - Landscaping	97,137.00	Revote - 2019/2020 Program
151130-1000	Remove/Demolish/Decontaminate	40,000.00	Revote - 2019/2020 Program
147120-4570	Aerodrome Maintenance	66,707.00	Revote - 2019/2020 Program
135960-3070	Urban Drainage Construction (Gilgai Drainage - Park Street)	430,256.00	Revote - Urban Works - (Fund from Stormwater Management Charge)
148420-1000	Special Projects - Minor Road Projects	102,194.00	Revote - 2019/2020 Program
139300-1000	Heavy Patching Shire Roads	52,636.00	Revote - 2019/2020 Program
142007-1000	County Lane Upgrade	108,236.00	Revote - Urban Works Program
160280-1000	CBD Carparking Upgrades (River Street Indent Parking)	94,090.00	Revote - Urban Works Program
145650-3050	Footpath Extensions Program	11,110.00	Revote - Active Transport Program
139200-1000	Bitumen Reseals Urban	24,730.00	Revote - 2019/2020 Program
139404-1100	Road Infrastructure Program - Heavy Patching	185,518.00	Revote - 2019/2020 Program
139405-1100	Road Infrastructure Program - Asset Renewal - Backlog Prevention	39,796.00	Revote - 2019/2020 Program
139412-1100	MR63-71 klm North Warialda-Seg 170 - Black Dam	946,056.00	Revote - 2019/2020 Program
140110-1000	Gravel Resheeting - Minor Road-North	44,220.00	Revote - 2019/2020 Program
160665-1000	Copeton Northern Foreshores Upgrade	236,094.00	Revote - 2019/2020 Program
137369-1000	Council Contribution to River Bank Clean up	50,000.00	Revote - Community Project
134340-42000	Linking Together Centre - Building Mtc	106,748.00	Revote - Building Repairs
180660-1000	Community Kitchen	4,280.00	Revote - Community Project
134326-1000	Community Better Partnership - Village Signage (ISC Contrib)	27,783.00	Revote - Community Project
132930-1000	Storm Damage Clean-up Costs	30,000.00	Revote - 2019/2020 Program
148421-1000	Rural Roads Maintenance	106,000.00	Revote - 2019/2020 Program
140230-1000	Rural Roads Maintenance Grading	140,000.00	Revote - 2019/2020 Program
147960-1000	Gravel Pit Investigations	50,000.00	Revote - Gravel Pit Royalties
146460-1000	Asset Management - Segment Markers	75,000.00	Revote - 2018/2019 Asset Managemet Program
160562-1000	Replacement exercise equipment - Campbell Park	75,000.00	Revote - Passive Park Improvements
161590-1000	Iso Tanks (two tanks + compressors)	100,000.00	Revote - Depot improvements
142994-1100	Road infrastructure - Culverts & Floodway's	240,000.00	Revote - 2019/2020 Program
142992-1100	Road infrastructure - Gravel Resheeting	100,000.00	Revote - 2019/2020 Program
132420-1000	Pioneer Village	6,000.00	Revote - Site Improvements
140515-1000	Solar Lighting Mtc Program	30,000.00	Revote - 2019/2020 Program
140230-1110	Shoulder Grading Maintenance - Local Roads	150,000.00	Revote - 2019/2020 Program
140150-1000	Drainage Maintenance - Local Roads	150,000.00	Revote - 2019/2020 Program
147830-1000	Tingha Caravan Park	30,000.00	Revote - Site Improvements
TOTAL INCREASE IN EXPENDITURE		5,837,592	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
NET CHANGE TO CURRENT BUDGET Surplus/(Deficit)		5,837,592	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
Restricted Assets			
TOTAL FUNDING FROM RESTRICTED ASSETS		-	
FUNDED FROM EQUITY (G5795.000)		-	
NET CHANGE TO FINANCIAL POSITION Surplus/(Deficit)		5,837,592	

BUDGET VARIATIONS - FINANCE MEETING 23-9-2020 - REVOTES			
LEDGER NO.	DESCRIPTION	AMOUNT \$	COMMENT/REASON
WATER FUND			
<i>Increase/Decrease in EXPENDITURE</i>			
813285-1000	Backflow Prevention Works	828,750.00	Revote - 2019/2020 Program
813282-1000	Pump station Upgrades	413,716.00	Revote - 2019/2020 Program
813260-3100	Inverell Water Treatment Plant	913,372.00	Revote - 2019/2020 Program
813220-1100	Mains Replacement	53,685.00	Revote - 2019/2020 Program
813280-3100	Metering	136,769.00	Revote - 2019/2020 Program
813288-3100	Telemetry Upgrades	538,101.00	Revote - 2019/2020 Program
813290-3100	Other Plant	39,474.00	Revote - 2019/2020 Program
TOTAL INCREASE IN EXPENDITURE		2,923,867	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
NET CHANGE TO CURRENT BUDGET Surplus/(Deficit)		2,923,867	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
<i>Restricted Assets</i>			
TOTAL FUNDING FROM RESTRICTED ASSETS		-	
FUNDED FROM EQUITY (G5795.000)		-	
NET CHANGE TO FINANCIAL POSITION Surplus/(Deficit)		2,923,867	
SEWER FUND			
<i>Increase/Decrease in EXPENDITURE</i>			
907280-1000	Sewer Investigation		
907320-3050	Treatment Works -Delungra	100,000.00	Revote - 2019/2020 Program
907320-3070	Treatment Works -Gilgai	80,000.00	Revote - 2019/2020 Program
907321-3100	Treatment Works -Inverell (Loan Funds)	1,203,989.00	Revote - 2019/2020 Program
907272-3100	Treatment Works - Inverell (Telemetry)	245,938.00	Revote - 2019/2020 Program
907272-3050	Treatment Works - Delungra (Telemetry)	100,000.00	Revote - 2019/2020 Program
907250-3100	Mains Inverell	166,395.00	Revote - 2019/2020 Program
907110-1100	Mains Relining	239,447.00	Revote - 2019/2020 Program
907170-1000	Other Equipment	10,000.00	Revote - 2019/2020 Program
907270-1000	Pumping Stations	1,000,000.00	Revote - 2019/2020 Program
TOTAL INCREASE IN EXPENDITURE		3,145,769	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
NET CHANGE TO CURRENT BUDGET Surplus/(Deficit)		3,145,769	<i>Positive figure indicates increased expenditure, (Negative) figure decreased expenditure</i>
<i>Restricted Assets</i>			
TOTAL FUNDING FROM RESTRICTED ASSETS		-	
FUNDED FROM EQUITY (G5795.000)		-	
NET CHANGE TO FINANCIAL POSITION Surplus/(Deficit)		3,145,769	
REVOTE SUMMARY			
GENERAL FUND REVOTES		5,837,592	
WATER FUND REVOTES		2,923,867	
SEWER FUND REVOTES		3,145,769	
COMBINED FUND - TOTAL REVOTES		11,907,228	

9.5 REQUEST TO PLAY MUSIC IN THE CBD DURING NAIDOC WEEK**File Number:** S26.3.1 / 20/37003**Author:** Scott Norman, Director Corporate and Economic Services**SUMMARY:**

A request has been received from the Inverell/Tingha NAIDOC Committee to play culturally appropriate music through the CBD public address system during NAIDOC week.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

A request has been received from the Inverell/Tingha NAIDOC Committee to play culturally appropriate music through the CBD public address system during NAIDOC Week. The request is attached.

NAIDOC Week has been postponed this year and will be celebrated 8-15 November 2020. The Inverell march will be held the morning of Thursday 12 November, 2020.

POLICY IMPLICATIONS:

The CBD Public address system is primarily an emergency address system. Council has previously allowed the Inverell Chamber of Commerce to play Christmas music and it has been used to play music to accompany the White Ribbon Anti - Violence March.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Council would have to ensure that it held the appropriate licence to broadcast the music. This is not expected to be an obstacle.

ATTACHMENTS:

1. Request for Support from Council to play music NAIDOC 2020

Inverell/Tingha NAIDOC Committee
Sandi O'Donnell- Secretary
21 Oliver Street
Inverell NSW 2360

16th September 2020

(1) To the Mayor and Shire Councillors.

We the members of the Inverell/Tingha NAIDOC Committee are writing to request the support of the Inverell Shire Council to play cultural appropriate music over the speakers in the CBD during NAIDOC celebrations in November 2020.

We are made up of local residents and express full support of this. As the festive season is celebrated each year with music played in the streets we request that the town support NAIDOC celebrations this year the same way. With COVID restrictions and changes to community involvement this would allow everyone to be a part of the celebrations.

(2) NAIDOC Week is usually celebrated in the first full week of July. However, this year NAIDOC Week will be celebrated from 8-15 November and promote the theme "[Always Was, Always Will Be.](#)"

(3) The November dates follow the decision by the National NAIDOC Committee (NNC) to postpone NAIDOC Week from the original July dates due to the impacts and uncertainty from the escalating Coronavirus (COVID-19) pandemic across our communities and cities.

NAIDOC 2020 invites all Australians to embrace and acknowledge the true history of this country - a history which dates back thousands of generations. The very first footprints on this continent were those belonging to First Nations peoples and we have maintained ongoing spiritual and cultural connections to the land and sea. All Australians should celebrate that we have the world's oldest oral stories and that our First Peoples engraved the world's first maps, made the earliest paintings of ceremonies, invented unique technologies and built and engineered structures that predate well-known ancient sites such as the Egyptian pyramids or Stonehenge.

We would like to see local support and feel the music could encourage more to engage in the celebration and breakdown barriers that are currently being experienced around our nation.

We are looking forward to your response.

Sincerely,

10 INFORMATION REPORTS

10.1 UPDATE OF PROJECTS IN PROGRESS - SEPTEMBER 2020

File Number: S15.8.99 / 20/35362

Author: Fiona Adams, Manager Integrated Planning and Reporting

SUMMARY:

This report is a summary of current funded projects being implemented by Council. These projects are funded by state and federal government grant programs for bushfire and drought recovery as well as regional development.

COMMENTARY:

Council continues to deliver a number of projects across the shire, thanks to funding from both State and Federal grants programs. The projects provide vital infrastructure upgrades and assist many of the shire's smaller communities in drought and bushfire recovery. Importantly, these projects also engage local contractors, suppliers and businesses. A summary of project progress during the period 1 August – 16 September, 2020 is provided below.

Native Plant vouchers

Vouchers have been distributed to ratepayers across the shire, with each voucher entitling the holder to two (2) native plants. The initiative aims to help residents replace garden plants lost in the drought and also promote waterwise species. To date, 362 ratepayers have presented their vouchers to claim their plants. The program will continue until 31 October, 2020.

Lake Inverell viewing platform permanent shade structure

In addition to the NSW Government funded upgrades to Lake Inverell, funding from the Australian Government's Drought Communities Programme has provided for the construction of a permanent roof over the viewing platform at 'Platypus Point'.



Town Hall Lighting

Stage lighting at the Town Hall has been upgraded, with six existing lamps on the lighting bar replaced with LED lights. The multi-coloured lights provide the ability to customise lighting for stage productions, with a wide variety of lighting effects and colour combinations now possible. The new lighting is expected to use approximately 70 per cent less energy and will also provide reduced radiant heat compared to the previous lights. This project is funded by the NSW Government.



Mobile Stage

Thanks to funding from the Australian Government's Drought Communities Programme, Council has purchased a 6.5 x 4 metre trailer-mounted mobile stage. The unit can be towed by a 4WD vehicle and when compared with Council's current portable stage, requires fewer staff to transport and assemble and also comes with a roof canopy attached.



Stage upon arrival.



Stage assembled with backdrop, canopy and safety railings in place.

Half Court Basketball Court

Council received funding from the NSW Government's Stronger Country Communities Fund to construct a half court basketball court alongside Inverell Skate Park. Construction of the facility will commence 21 September, 2020 and will include an all weather basketball court, mural wall and shaded seating with charge points for mobile devices.

Small Business Enhancement Program

The small business enhancement program awarded grants to businesses located throughout the shire, including Inverell, Delungra, Mount Russell and Ashford. The program is funded by the Australian Government's Drought Communities. Recipients have until the end of October 2020 to complete their projects. Those who have completed their projects are shown below:



Left:
Ross Hill Store, Bannockburn Road, Inverell
Store lighting was upgraded to LED and a more energy efficient, dual purpose grill was installed. This eliminated the use of existing inefficient appliances and provided additional workspace.



Below:
Out the Back Cafe, Byron Street, Inverell
Signage has been erected at the rear of the café to promote access from Pasterfield car park and Big W.





Wyoming Lavender Estate, Mount Russell
Signage has been erected on the Gwydir Highway to promote the venue and encourage motorists to turn off the highway to visit the lavender farm.

ATTACHMENTS:

Nil

10.2 STRATEGIC TASKS - 'SIGN OFF' - SEPTEMBER 2020**File Number:** S4.13.2 / 20/35390**Author:** Kristy Paton, 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 September, 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 September 2020	Roads and Bridges Data Return due (Grants Commission)	Achieved	Completed and returned 01/09/20
11 September 2020	Last day to determine the number of Councillors (s 224)		Not applicable to Inverell Shire Council.
30 September 2020	Lodge completed written returns of interest for councillors and designated persons (Model Code of 4.21 (b)) General Manager to table returns at next council meeting (Model Code of Conduct cl. 4.25)	Pending	Reminders sent to be tabled at October Ordinary meeting.

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of September 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 PSMGENERAL MANAGER**ATTACHMENTS:**

Nil

10.3 NATIVE FISH RESTOCKING GRANT PROGRAM**File Number:** S15.8.7/13 / 20/35455**Author:** Fiona Adams, Manager Integrated Planning and Reporting**SUMMARY:**

Council has been approved for funding under the NSW Government's Dollar-for-Dollar Native Fish Stocking Program 2020-21.

COMMENTARY:

Council has received approval under the Dollar-for-Dollar Native Fish Stocking Program for the purchase of fingerlings to restock waterways in Inverell Shire. Funds have been provided on a dollar-for-dollar basis, with NSW Department of Primary Industries (Fisheries) and Council each contributing \$4,000 to the initiative. Council has participated in the program for more than 20 years.

As with last year's restocking, Council will partner with Inverell RSM Fishing Club to coordinate the purchase and release of fingerlings. The club has also been awarded funding under the 2020-21 program and their assistance with last year's program involved more than 35 members. The release dates for fingerlings will be confirmed with the fish hatchery, however, the release of Golden Perch is expected before Christmas, with Murray Cod to be later in the season.

Fingerlings are expected to be released into the Macintyre and Severn Rivers at publicly accessible locations.

ATTACHMENTS:

Nil

10.4 INVERELL SPORTING COMPLEX - PROPOSED AMENITY BUILDING**File Number:** S5.9.28 / 20/35497**Author:** Anthony Alliston, Manager Development Services**SUMMARY:**

This report has been prepared to inform Councillors that Council has been successful in obtaining full funding under the Federal Government's Local Roads and Community Infrastructure Program to construct a new accessible amenities building at the Inverell Sporting Complex, Eucalypt Drive, Inverell.

COMMENTARY:

In light of the fact that there are no accessible amenities at the Inverell Sporting Complex which comply with modern day requirements, the concept of constructing a modern and compliant accessible amenity building for people with disability was presented to Councillors in March 2019. The project was then placed in Council's funding prospectus with a view to obtaining grant funding to complete the project.

Council has now been successful in obtaining \$1M grant funding to construct the new accessible amenities building and carpark at the Inverell Sporting Complex. The funding has been provided by the Federal Government under the Local Roads and Community Infrastructure Program.

It is anticipated that the deed of agreement will be executed later this month.

The project has been funded under the criteria of "Improved Accessibility of Community Facilities and Areas". The scope of the project is to provide a modern and compliant accessible facility within the Sporting Complex precinct, including:

- accessible car parking and "kids drop-off zone";
- multiple pedestrian access points;
- supplementary male and female toilets;
- a specific change room targeted for use by female athletes;
- fully compliant accessible unisex toilet and shower;
- a referees toilet, shower and change room;
- storage for sporting organisations; and
- accessible paths of travel to and from the facility.

The new building will provide for improved and safer vehicle access during large events and it will also mean that children will not have to cross Eucalypt Drive to access amenities.

Precise Designs were commissioned by Council to prepare the plans in accordance with the scope of works provided by Council and in-line with the grant application. The plans and specifications have been approved pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979* and Council is in a position to call for tenders once the deed of agreement has been executed.

The plans, specifications and the carpark design are included as **Attachment 1**.

In accordance with the deed of agreement, Council are required to complete the project by 31 December, 2021.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

- 1. Plans, Specifications and Carpark Design**

Sheet Index

D0	COVER
D1	Site Plan
D2	Floor Plan
D3	Section
D4	Access & Mobility
D5	Roof Frame, Fixtures & Electrical
D6	Wall Elevations

Proposed Amenity Building for Inverell Shire Council.



Inverell Shire Council Sporting Complex



Work Health & Safety Notes.

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS DURING CONSTRUCTION
Wherever possible, components for this building should be prefabricated off site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier whenever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE
For houses or other low-rise buildings where scaffolding is appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or ladders should be used in accordance with relevant codes of practice, regulations or legislation.

For buildings where scaffold, ladders, trestles are not appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

ANCHORAGE POINTS (Non-residential only)
Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.

b) SLIPPERY OR UNEVEN SURFACES
FLOOR FINISHES Specified
If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner
If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZS 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operators are at a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose materials, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS
LOOSE MATERIALS OR SMALL OBJECTS
Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below:

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS
During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility. Mechanisms lifting materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT
For building on a major road, narrow road or steeply sloping road
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas. **For building where on-site loading/unloading is required:**
Construction of the building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

For all buildings:
Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES
GENERAL
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as One Before You Dig). appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power:
Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully isolated and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines:
Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS
Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, supplies or fabrications should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods and areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES
ASBESTOS
For alterations to a building constructed prior to 1990:
If the existing building was constructed prior to 1990, it therefore may contain asbestos 1986, it therefore is likely to contain asbestos either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS
Many materials used in the construction of this building can cause harm if inhaled as powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER
The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS
Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE
Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation materials.

TIMBER FLOORS
This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES
EXCAVATION
Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES
For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, all testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES
For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS
Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING
RESIDENTIAL BUILDINGS
This building has been designed as a residential building. If, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS
For non-residential buildings where the end-use has not been identified:
This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user.

For non-residential buildings where the end-use is known:
This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY
All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZS 3012 and all licensing requirements. All work using plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies. All construction work should be carried out in accordance with Code of Practice: Managing Risks in Construction Work.

ADDITIONAL INFORMATION

- All paths of travel both during and after construction are to remain free of obstructions.
- All access to the site during construction is to remain limited to authorised personnel who are to be made aware of this report.
- Future demolished to adhere to the Code of Practice for demolition work.
- Adequate ventilation is to be allowed for both during and after construction to prevent injury due to heat and/or air born contaminants.
- All components of the construction are comply with NCCA and all relevant Australian Standards and any additional future work is to be designed and carried out with reference to these.
- Positioning of hoist plant equipment both during and after construction must be carried out to prevent nuisance and/or injury to neighbouring properties.
- The Project Manager, Construction Manager, Builder and anyone in charge of the site/building both during and after construction must implement all safety requirements in compliance with this report, the NCCA and all relevant standards unless otherwise negotiated with the designer in writing. Any actions not in compliance become the responsibility of the person/persons who carried them out.
- All products selected by the owner and not approved in writing by the designer are the responsibility of the owner.

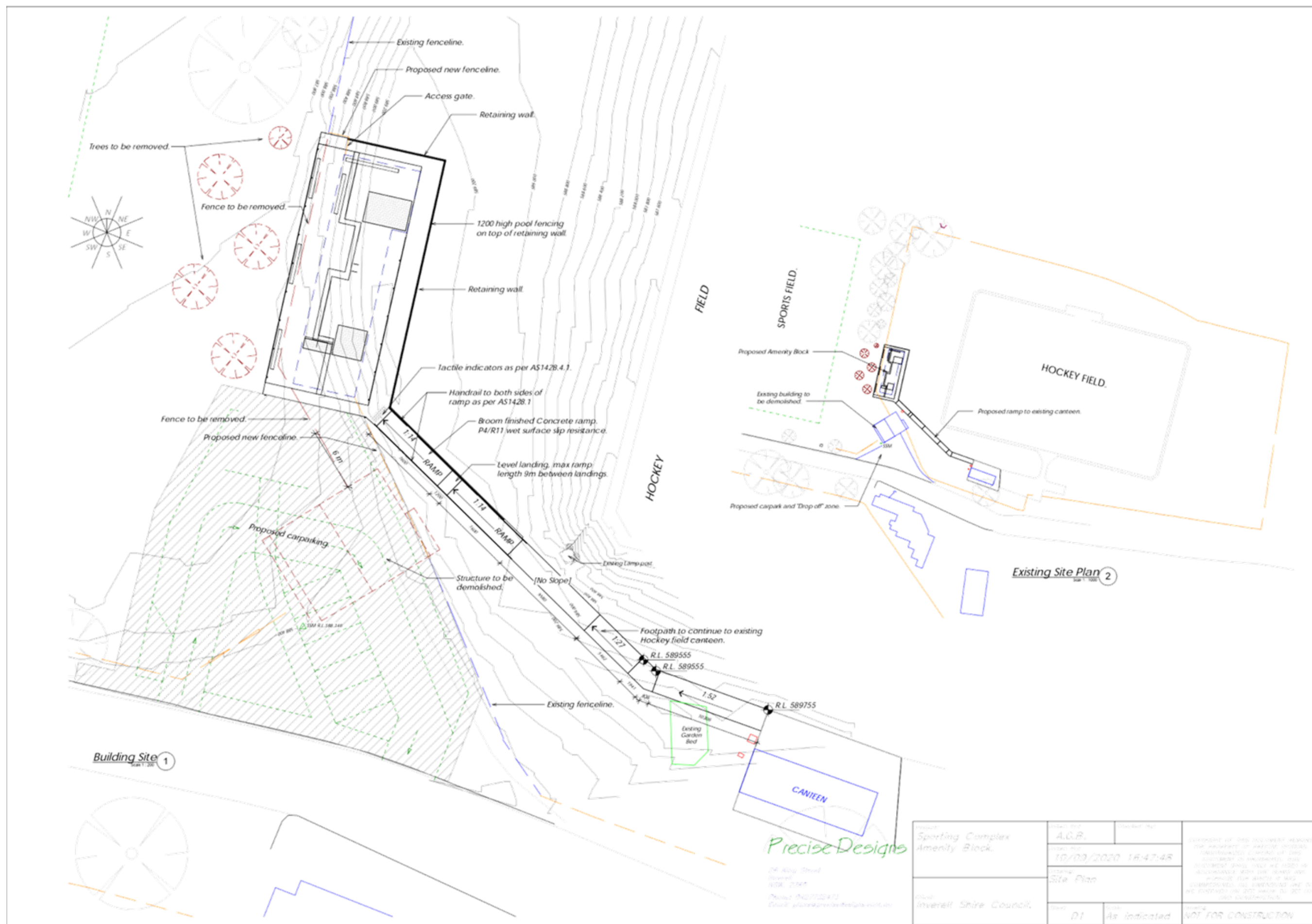
THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.
THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENERS, DEMOLISHERS.

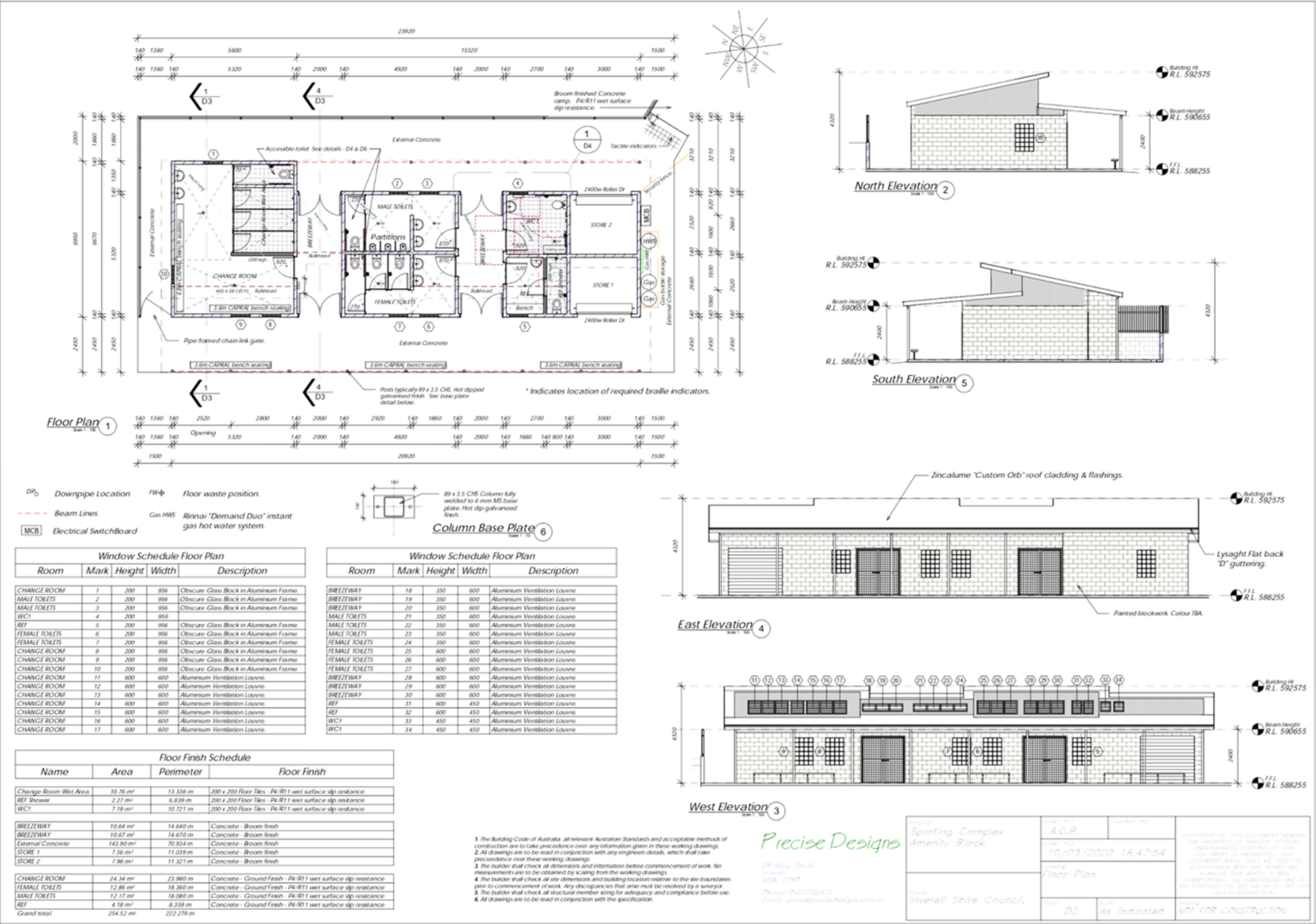
Precise Designs
26 King Street
Inverell NSW, 2360
Phone: 02 67214151
Email: plans@precisedesigns.com.au

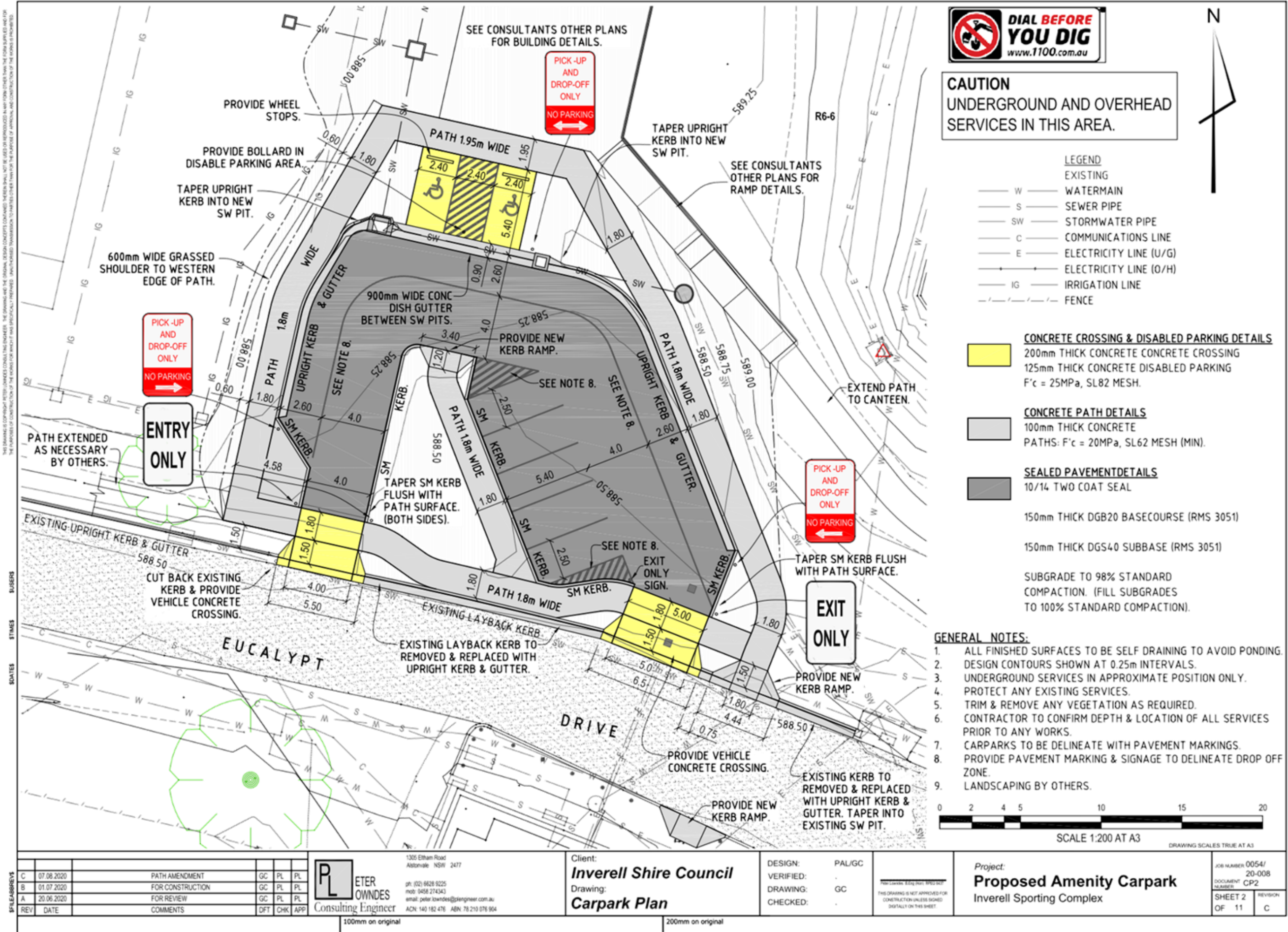
bdca
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

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10/09/2020 16:47:47







10.5 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING AUGUST 2020
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File Number: S18.10.2/13 / 20/36189

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 August 2020.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING AUGUST 2020

Development Approvals

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-43/2020	Inverell Shire Council	100 Ross Street, INVERELL 2360	Subdivision	Nil
DA-55/2020	Mr Mark John Warrener	6 Anderson Street, INVERELL 2360	Construct Dual Occupancy (Detached) on proposed Lot 2 of DA-26/2017	\$500,000
DA-61/2020	Mr Digby Charles McNeil & Mrs Johan Mary McNeil	69 Vivian Street, INVERELL 2360	Alterations and additions to old boys boarding house to accommodate 3 residential apartments to be used for long term and short term accommodation. Construction of a 3 bay garage with domestic laundry. Construction of car parking.	\$285,000
DA-67/2020	Mr Rex William Daley & Ms Vanessa Ann Bloxsome	496 Yetman Road, INVERELL 2360	Subdivision	Nil
DA-68/2020	Creative Planning Solutions	25 Medora Street, INVERELL 2360	Dual Occupancy (Detached)	\$752,224
DA-69/2020	Jorgensen Building	19 Auburn Vale Road, INVERELL 2360	Dwelling	\$235,000

		17 Auburn Vale Road, INVERELL 2360		
DA-75/2020	Boss Engineering	10 Taylor Avenue, INVERELL 2360	Construction of two skillion additions to existing 'Boss Ag Parts' sheds	\$70,000
DA-80/2020	Mr Lachlan Peter Mayled & Mrs Mia Jane Mayled	479 Old Bundarra Road, INVERELL 2360	New Dwelling	\$400,000
DA-82/2020	Mr Michael Gabriel Boney & Mrs Janelle Margaret Boney	48 Froude Street, INVERELL 2360	Additions to dwelling	\$25,000
DA-84/2020	Mrs Alexandra Diana Mason	362 Wiltshire Road, GUM FLAT 2360	Farm Shed	\$75,000
DA-85/2020	Mr Luke Charles Holder	3 Max Place, INVERELL 2360	New dwelling and shed	\$320,000
DA-86/2020	Mr Bradley Jason House	30 King Street, INVERELL 2360	New Shed	\$19,000
DA-87/2020	Mrs Debbie Patricia Taber	78 Lawrence Street, INVERELL 2360	Shed	\$4,990
DA-88/2020	Inverell Mountain Bike Club	4076 Bundarra Road, INVERELL 2360	Amenities	Nil
DA-89/2020	Mrs Jody Leigh Griffey	145 Otho Street, INVERELL 2360	Change of use to food premises	\$10,000
DA-90/2020	Mr Athol Henry Caine	1021 Nullamanna Road, NULLAMANNA 2360	Private Cemetery	Nil
DA-91/2020	New England North West Planning Services	30 Albion Flat Road, TINGHA 2369	New Shed	\$19,500
DA-94/2020	Mrs Marilyn Peta Harvy	254 Cherry Tree Hill Road, CHERRY TREE HILL 2360	Stables	\$150,000
DA-99/2020	Ms Eriko Kawaramoto	7374 Gwydir Highway, INVERELL 2360	Alterations and Additions to Dwelling	\$75,000
Monthly estimated value of Approvals: August 2020			19	\$2,940,714

Development Amendments

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-81/2019/A	Inverell Community Youth Centre	16-18 Vivian Street, INVERELL 2360	Community Facility (Inverell Community Youth Centre) and Boundary Adjustment	Nil
DA-54/2020A	Mr Bradley James Tindall & Mrs Tracey Jane Tindall	Yetman Road, INVERELL 2360 Bolands Lane, INVERELL 2360	Subdivision	Nil
Monthly estimated value of Approvals: August 2020			2	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 August 2020.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING AUGUST 2020**Construction Certificates approved by Council**

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-86/2019	Mr Benjamin John Hawthorne	50 Lewin Street, INVERELL 2360	Construct double story duplex	\$650,000
CC-46/2020	Mr Digby Charles McNeil & Mrs Johan Mary McNeil	69 Vivian Street, INVERELL 2360	Alteration and Additions to the old boys boarding house Construction of a 3 bay garage with domestic laundry Construction of carparking	\$285,000
CC-51/2020	Ruralplan Consultants	13420 Guyra Road, TINGHA 2369	Alterations and Additions to Existing Cellar Door Premises	\$350,000
CC-57/2020	Mr Anthonee Evan Williams	74 Oswald Street, INVERELL 2360	Construct New Shed and Skillions	\$12,000
CC-60/2020	Mr Lachlan Peter Mayled & Mrs Mia Jane Mayled	479 Old Bundarra Road, INVERELL 2360	New Dwelling	\$400,000
CC-61/2020	Mr Michael Gabriel Boney & Mrs Janelle Margaret Boney	48 Froude Street, INVERELL 2360	Additions to dwelling	\$25,000
CC-64/2020	Mr Luke Charles Holder	3 Max Place, INVERELL 2360	New dwelling and shed	\$320,000
CC-65/2020	Mr Bradley Jason House	30 King Street, INVERELL 2360	New Shed	\$19,000
CC-66/2020	Mrs Debbie Patricia Taber	78 Lawrence Street, INVERELL 2360	Shed	\$4,990
CC-67/2020	Inverell Community Youth Centre	16-18 Vivian Street, INVERELL 2360	Community Facility (Inverell Community Youth Centre) and Boundary Adjustment	\$191,000

CC-69/2020	New England North West Planning Services	30 Albion Flat Road, TINGHA 2369	New Shed	\$19,500
Monthly estimated value of Approvals: August 2020			11	\$2,276,490

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 AUGUST 2020**Complying Development Certificates Approved by Council**

<u>Complying Development Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CD-14/2020	Mrs Jennifer Anne Thomas	106-108 Byron Street, INVERELL 2360	Change of Use - Office Premises to Takeaway food and drink premises	\$1,000
CD-15/2020	Daley Holdings Pty Ltd	262 Byron Street, INVERELL 2360	Internal Fit Out	\$75,000
CD-16/2020	Mr Kevin Anthony Cavanagh	24 May Street, INVERELL 2360	Construct shed	\$19,500
CD-18/2020	Mr Daniel Paul Tickle & Ms Dallas Clare Cook	8351 Gwydir Highway, LITTLE PLAIN 2360	Install in-ground pool and associated pool barrier	\$18,000
Monthly estimated value of Approvals: August 2020			4	\$113,500

Amended Complying Development Certificates approved by Council

Nil

Complying Development Certificates approved by Private Certifier

<u>Complying Development Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CD-17/2020	Mr Gill Burgess	18 Henderson Street, INVERELL 2360	Demolition of Dwelling and Detached Shed	\$10,000
Monthly estimated value of Approvals: August 2020			1	\$10,000

Amended Complying Development Certificates approved by Private Certifier

Nil

TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING AUGUST 2020:

<u>Type of Consent</u>	<u>Number</u>	<u>\$ Amount</u>
Construction Certificates – Council Approved	11	\$2,276,490
Construction Certificates – Private Certifier	0	Nil
Complying Development – Council Approved	4	\$113,500
Complying Development – Private Certifier	1	\$10,000
Totals	16	\$2,399,990

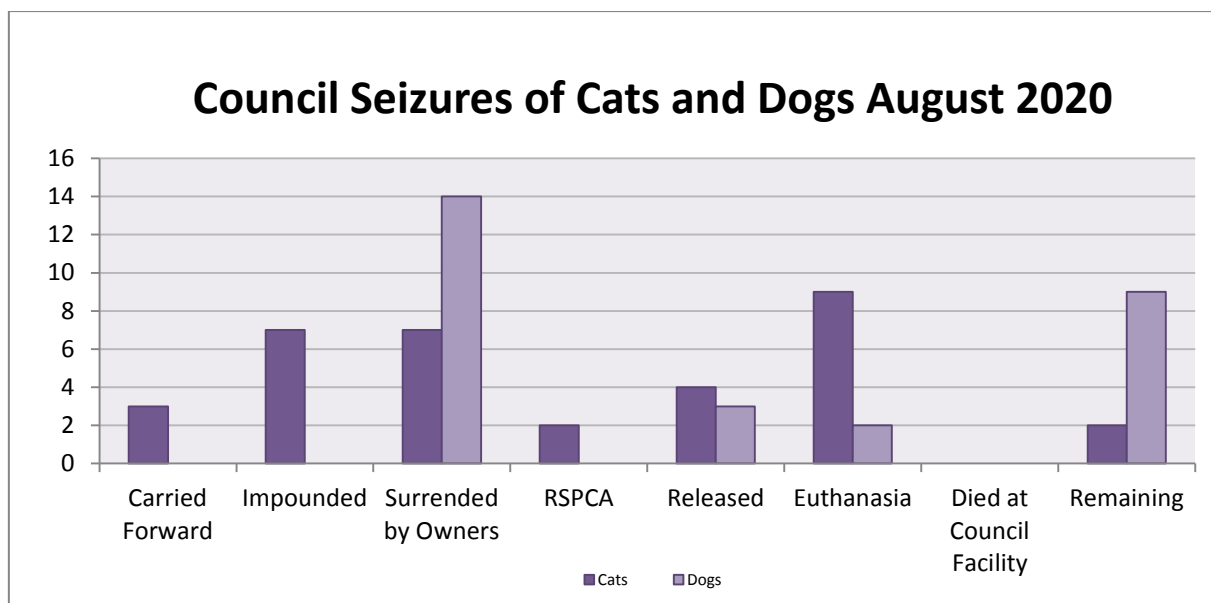
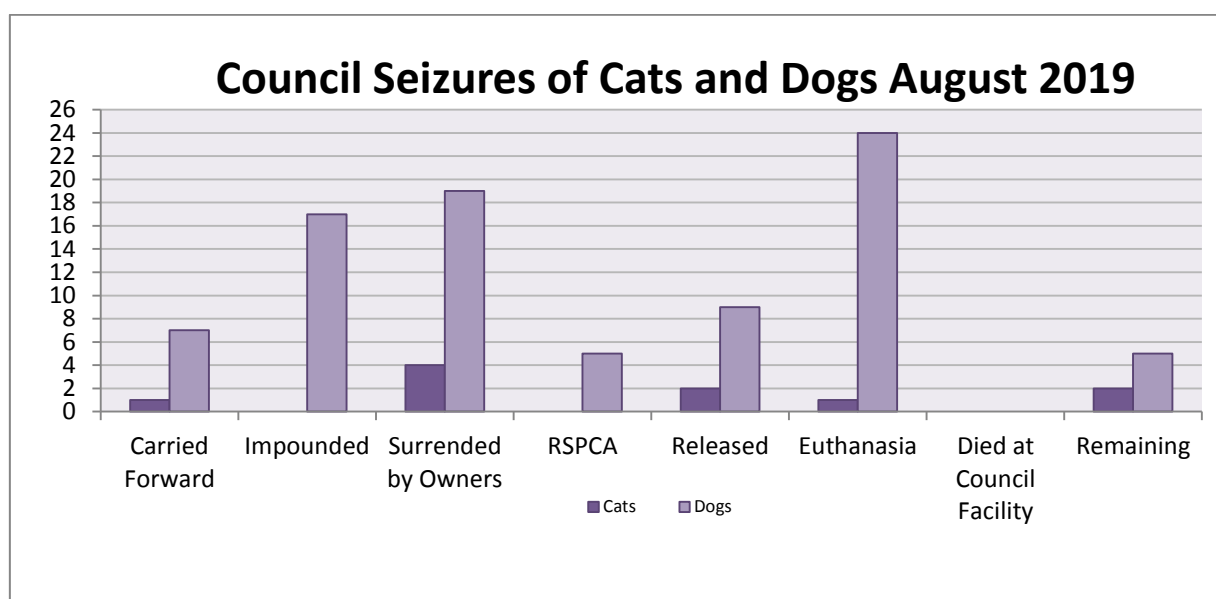
Estimated Value of Approvals issued in the financial ytd in:	2020/2021	(26)	\$3,549,025
	2019/2020	(14)	\$1,001,536

ATTACHMENTS:

Nil

10.6 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2020**File Number:** S18.10.1 / 20/36457**Author:** Alexandra Kennedy, Administration Officer**SUMMARY:**

The following details the number of various Ordinance activities carried out during August 2020, in comparison to the same month in 2019.

INFORMATION:**COMPLIANCE****Inverell Shire Council Pound Monthly Report August 2020****Inverell Shire Council Pound Monthly Report August 2019****ATTACHMENTS:****Nil**

10.7 SEPTIC TANK APPROVALS FOR AUGUST 2020

File Number: **S29.19.1 / 20/36464**

Author: **Alexandra Kennedy, Administration Officer**

SUMMARY:

The following details the Septic Tank approvals for August 2020.

INFORMATION:

Nil

ATTACHMENTS:

Nil

10.8 STATUS OF TOWN WATER SUPPLIES**File Number:** S32.15.19 / 20/36536**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 eight (8) months of 2020.

COMMENTARY:

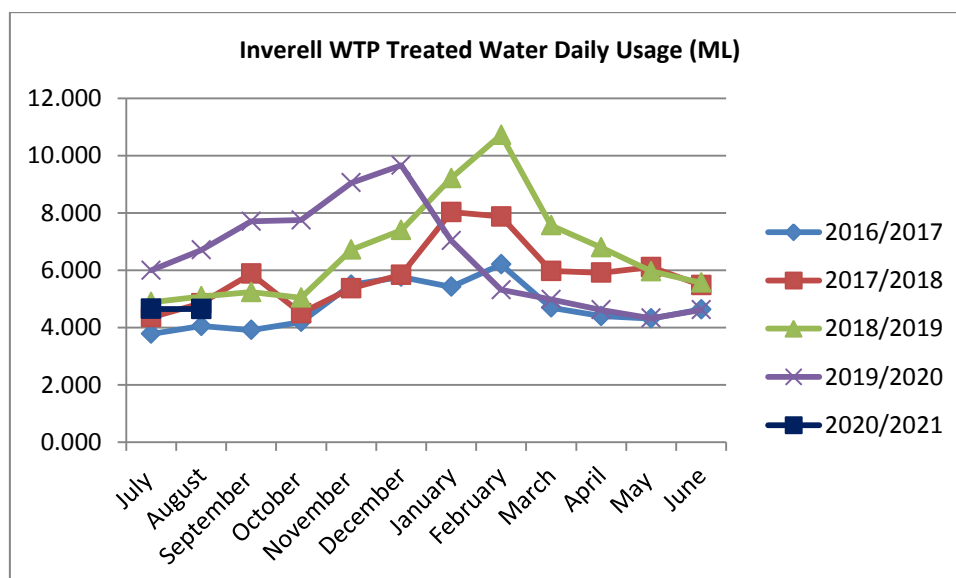
At the November 2019 Ordinary Meeting of Council, it was confirmed that a Status Report on Council water supplies will be provided to monthly Council meetings whilst the drought continues.

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 September 2020 combined with humid cooler weather has reduced demand; however Copeton Dam and Pindari Dam storage levels still remain low.

Status of Water Supplies – 14 September 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 16.3% and falling, 237,359 ML. Raw water pumped from dam outlet (no transmission losses).	Full allocation under WSP for 2020/2021. August 2020 average consumption 4.81ML/day. Cold weather has reduced demand.	Continue monitoring.
Ashford Treated Water	Pindari Dam. Storage Capacity 312,000 ML. Storage level 17.1% and falling, 53,353 ML. Raw water pumped from Severn River to Ashford WTP.	Full allocation under WSP for 2020/2021. Water NSW currently maintaining flow in Severn River. Water NSW has completed value replacements at Pindari Dam. August 2020 average consumption low at 0.22 ML/day.	Continue monitoring.
Yetman Treated Water.	Ground water – two (2) bores in alluvial aquifer on Macintyre River	Full allocation under WSP for 2020/2021. August 2020 average consumption 0.056	Continue monitoring ground water levels.

	floodplain.	ML/day.	
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.	Flow in the Dumaresq River has resulted in the aquifer being recharged and meeting demand.	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. Demand has reduced substantially due to minimal use.

Conclusion

All treated water supplies within the Council area have improved following above average rainfall during 2020 with demand predicted to increase during spring.

It should be noted that if predicted above average rainfall is not received over the next few months Copeton Dam and Pindari Dam water levels will decline over summer.

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

11 GOVERNANCE REPORTS

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 Copeton Northern Foreshores - Splashpark Tender