INVERELL
SHIRE COUNCIL

Council has received a grant of $43,100 to update and reprint the booklet 'A Heritage Walk in Inverell' and also develop a mobile phone app; enabling visitors to Inverell to undertake a self-guided tour of our town's built heritage.

Business Paper

Ordinary Meeting of Council

Wednesday, 27 October 2021

INVERELL SHIRE COUNCIL

NOTICE OF ORDINARY MEETING OF COUNCIL

22 October, 2021

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 27 October, 2021, 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 – conflictions 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 practible 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 2021

Ordinary Meetings:
Time: 3.00 pm
Venue: Council Chambers

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
Wed 27	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed

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

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 2021/2022 is adopted.

INVERELL SHIRE COUNCIL

INTERNAL CALENDAR
November 2021

SUN	MON	TUE	WED	THU	FRI	SAT
	Low Cost Loan Initiative Interim Progress report due **1.**	Melbourne Cup Day Picnic Day **2.**	12.00pm close of candidate nominations **3.**	LIRS Portal opens for claims for the month **4.**	Council caretaker period commences **5.**	**6.**
Sapphire City Markets **7.**	Reports for Ordinary Meeting due by 4.30pm **8.**	**9.**	**10.**	**11.**	Survey of seizures of cats and dogs 20-21 due **12.**	**13.**
14.	**15.**	Expected 2nd instalment of 2021-22 Financial Assistance Grants **16.**	3.00pm Ordinary Council Meeting **17.**	**18.**	**19.**	**20.**
Sapphire City Markets **21.**	Pre-poll voting opens **22.**	**23.**	**24.**	**25.**	**26.**	**27.**
28.	5.00pm postal vote applications close **29.**	2nd quarterly rates instalments due Lodgement of ALGA's National Local Road Data system returns Quarterly budget review statement to be submitted to Council Financial statements to be audited and lodged with OLG with financial data returns Annual governance report to be prepared and uploaded to Council's website **30.**				

Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 22 September, 2021, 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, 22 SEPTEMBER 2021 AT 3.00PM

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 and Cr Jacki Watts.

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

1 APOLOGIES

RESOLUTION 2021/94

Moved: Cr Jacki Watts
Seconded: Cr Di Baker

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

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2021/95

Moved: Cr Di Baker
Seconded: Cr Paul King OAM

That the Minutes of the Ordinary Meeting of Council held on 25 August, 2021, 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

Cr Kate Dight declared a non-pecuniary interest in 'Item 10.4 - New England Renewable Energy Zone'. Cr Dight stated that her interest arises as her family has an interest in another Renewable Energy Project in another Local Government Area.

4 PUBLIC FORUM

Nil

5 NOTICES OF BUSINESS

5.1 NOTICE OF BUSINESS - DISPOSAL OF GOODS AND PROPERTY S13.5.3

RESOLUTION 2021/96

Moved: Cr Jacki Watts
Seconded: Cr Di Baker

That the notice of business be received and noted.

CARRIED

5.2 NOTICE OF BUSINESS - CREDIT CARDS S13.5.3

RESOLUTION 2021/97

Moved: Cr Jacki Watts
Seconded: Cr Di Baker

That the notice of business be received and noted.

CARRIED

5.3 NOTICE OF BUSINESS - SUPPORT TO BRING MORE DOCTORS TO INVERELL SHIRE S13.5.3

RESOLUTION 2021/98

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That:

I. Inverell Shire Council (ISC) supports government action to bring more Doctors to Inverell Shire, the New England and Rural and Regional NSW; and

II. ISC take a regional approach and consult with the Primary Health Network and Hunter New England Health on this issue.

III. ISC seeks the support of the New England Joint Organisation on this issue through the submission process currently open.

CARRIED

6 QUESTIONS WITH NOTICE

Nil

7 ADVOCACY REPORTS

Nil

8 COMMITTEE REPORTS

8.1 AQUATIC CENTRE PLANNING SUNSET COMMITTEE MINUTES - 22 SEPTEMBER 2021

RESOLUTION 2021/99

Moved: Cr Anthony Michael
Seconded: Cr Kate Dight

I. That the Minutes of the Aquatic Centre Planning Sunset Committee held on Wednesday, 22 September, 2021, be received and noted; and

II. The following recommendations of the Aquatic Centre Planning Sunset Committee be adopted by Council.

CARRIED

1 AQUATIC CENTRE DESIGN CONCEPT RATIONALE AND REVIEW

RESOLUTION 2021/100

Moved: Cr Paul King OAM
Seconded: Cr Stewart Berryman

I. The Committee endorse amendment 1 to the adopted concept plan for the purposes of further costing and investigation.

II. The committee acknowledge a closure period of 12 to 18 months will be required to facilitate construction of the new Aquatic Centre.

CARRIED

9 DESTINATION REPORTS

9.1 ELECTION OF DEPUTY MAYOR S13.7.2

RESOLUTION 2021/101

Moved: Cr Kate Dight
Seconded: Cr Paul King OAM

1. That Council appoint a Deputy Mayor; and the term be a three (3) month period.

The General Manager advised that being only one (1) nomination, Cr Anthony Michael was duly declared elected as Deputy Mayor for the ensuing three (3) month period.

CARRIED

9.2 REQUEST TO LICENCE LAND - PART LOT 1 DP 1140913 CAMERON PARK AND PART CLOSED ROAD, CAMERON STREET, INVERELL S5.10.18

RESOLUTION 2021/102

Moved: Cr Anthony Michael
Seconded: Cr Kate Dight

That:

i) Council enter into a Licence Agreement with Sarah Clayton for Part Lot 1 DP 140913 Cameron Park and Part Closed Road, Cameron Street, Inverell for a five (5) year period with a five (5) year option;

ii) the Licence fee be $500.00 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

9.3 REQUEST TO LICENCE LAND - LOT 1 DP 124236 WYNDHAM STREET, INVERELL S5.10.33

RESOLUTION 2021/103

Moved: Cr Paul King OAM
Seconded: Cr Kate Dight

That:

i) Council enter into a Licence Agreement with Mr and Mrs Paul and Jayne Miller for Lot 1 DP 124236, Wyndham Street, Inverell for a five (5) year period with a further five (5) year option;

ii) the Licence fee be $600.00 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

9.4 REQUEST FOR DONATION IN LIEU OF RATES - INVERELL THEATRE COMPANY S12.22.18/08

RESOLUTION 2021/104

Moved: Cr Di Baker
Seconded: Cr Stewart Berryman

Council provide a one-off donation in lieu of rates to the Inverell Theatre Company from Council's donation budget.

CARRIED

9.5 PROPOSAL FOR AN INVERELL SHIRE YOUTH COUNCIL S3.16.13

RESOLUTION 2021/105

Moved: Cr Kate Dight
Seconded: Cr Di Baker

That:

1. *Council agree to the concept of forming an Inverell Shire Council Youth Council; and*
2. *Council Staff present a plan of Management to Council for further discussion on the manner in which this proposed Council will operate.*

CARRIED

9.6 REQUEST TO PURCHASE INDUSTRIAL LAND S5.2.0/14

RESOLUTION 2021/106

Moved: Cr Anthony Michael
Seconded: Cr Di Baker

That the matter be referred to Closed Council for consideration as the matters and information are:

> *"information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)*

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

9.7 SALE OF LAND - BRISSETT STREET, INVERELL S5.2.0/14

RESOLUTION 2021/107

Moved: Cr Kate Dight
Seconded: Cr Di Baker

That the matter be referred to Closed Council for consideration as the matters and information are:

> *"information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)*

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

9.8 TRANSFER OF INTERNALLY RESTRICTED ASSETS AND BUDGET REVOTES FROM 2020/2021 S12.5.1/14

RESOLUTION 2021/108

Moved: Cr Kate Dight
Seconded: Cr Di Baker

That:

i) the report be received and noted;

ii) the list of revotes in the attachment be revoted to the 2021/2022 budget; and

iii) the transfers to Council's Internally Restricted Assets for the 2020/2021 Financial Year totalling $7,420,362 and Council's transfers from Internally Restricted Assets for the 2020/2021 Financial Year totalling $5,250,969 be endorsed.

CARRIED

At 3:32pm, Cr Paul Harmon left the meeting and Cr Michael assumed the Chair.

9.9 SALE OF LAND FOR UNPAID RATES S12.8.9/05

RESOLUTION 2021/109

Moved: Cr Di Baker
Seconded: Cr Jacki Watts

That the matter be referred to Closed Council for consideration as the matters and information are:

"discussion in relation to the personal hardship of a resident or ratepayer." S.10A (2)(b) Local Government Act 1993)

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

9.10 MIGRATING FINANCIAL MANAGEMENT SYSTEMS TO A CLOUD BASED SOLUTION S16.7.12/04

RESOLUTION 2021/110

Moved: Cr Di Baker
Seconded: Cr Jacki Watts

That the matter be referred to Closed Council for consideration as the matters and information are:

"information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

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

At 3.34pm, Cr Paul Harmon returned to the meeting and resumed the Chair.

10 INFORMATION REPORTS

RESOLUTION 2021/111

Moved: Cr Paul King OAM
Seconded: Cr Di Baker

That the following information reports be received and noted with the exception of Item '10.2 – Mobile Black Spot Program S10.12.2/14' and Item '10.4 New England Renewable Energy Zone S18.6.52/10' which were considered separately.

CARRIED

10.1 STRATEGIC TASKS - 'SIGN OFF' - SEPTEMBER 2021 S4.13.2

10.3 WORKS UPDATE S28.21.1/14

10.5 SEPTIC TANK APPROVALS FOR AUGUST 2021 S29.19.1

10.6 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING AUGUST 2021 S18.10.2/14

10.7 ORDINANCE ACTIVITIES REPORT FOR AUGUST 2021 S18.10.1

10.8 FURTHER UPDATE - MARCH 2021 FLOOD EVENT S5.20.1

10.2 MOBILE BLACK SPOT PROGRAM S10.12.2/14

RESOLUTION 2021/112

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That Council forward a letter of appreciation to Hon. Barnaby Joyce, MP.

CARRIED

10.4 NEW ENGLAND RENEWABLE ENERGY ZONE S18.6.52/10

RESOLUTION 2021/113

Moved: Cr Kate Dight
Seconded: Cr Stewart Berryman

That:

1. That the information report be received and noted; and

2. Council request that the Renewable Energy Zone area boundary is expanded to include the 330Kva line that runs north to Bonshaw and over the Queensland Border.

CARRIED

11 GOVERNANCE REPORTS

11.1 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

RESOLUTION 2021/114

Moved: Cr Jacki Watts
Seconded: Cr Kate Dight

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

11.2 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2020/2021 S12.11.5

RESOLUTION 2021/115

Moved: Cr Kate Dight
Seconded: Cr Jacki Watts

That:

i) the report be received and noted;

ii) Council's DRAFT 2020/2021 Financial Statements be "referred to audit" in accordance with s413(1) of the Local Government Act 1993.

iii) If during the audit process, the NSW Audit Office requires any material changes, or discovers any audit issues that would render the Financial Statements false or misleading in any way, the draft financial statements are to be returned to Council for further consideration.

iv) In the opinion of Council, in accordance with s413 (2c) of the Local Government Act 1993, the draft 2020/2021 annual financial report is in accordance with;

- *the Local Government Act 1993 (as amended) and the Regulations made there under,*
- *the Australian Accounting Standards and professional pronouncements,*
- *the Local Government Code of Accounting Practice and Financial Reporting,*
- *presents fairly the Council's operating result and financial position for the year,*
- *accords with Council's accounting and other records; and*
- *that the Council is not aware of any matter that would render this report false or misleading in any way.*

v) Subject to no material audit changes or audit issues discovered as a result of the audit process:

i) the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the statements as required by s413(2) of the Local Government Act 1993;

ii) Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;

iii) Council authorise the General Manager to place the audited Financial Statements on public exhibition and provide notice in accordance with s418(3) of the Local Government Act 1993, that Council will consider the Reports of its Auditors for the year ended 30 June, 2021 at its Ordinary Meeting to be held on Wednesday 17 November, 2021; and

iv) Council present the signed audited Financial Statements to the public at the ordinary Council meeting to be held on 17 November, 2021 in accordance with s 419 (1) of the Local Government Act 1993.

CARRIED

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

At 3.57pm, the Chairperson noted that no members of the public or press were in attendance at the meeting therefore Council proceeded to consider the motion to close the meeting to the press and public.

At 3:57pm, Cr Di Baker left the meeting.

At 4.01pm, Cr Di Baker returned to the meeting.

RESOLUTION 2021/116

Moved: Cr Jacki Watts
Seconded: Cr Stewart Berryman

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

CARRIED

RESOLUTION 2021/117

Moved: Cr Jacki Watts
Seconded: Cr Kate Dight

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.25pm, 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 REQUEST TO PURCHASE INDUSTRIAL LAND S5.2.0/14

RESOLUTION 2021/118

Moved: Cr Anthony Michael
Seconded: Cr Stewart Berryman

That:

a) The General Manager be authorised to negotiate and complete the sale of lots 24 & 25 in the Rifle Range Road Industrial Estate to Precision Seeding Solutions P/L in accordance with the pricing options provided in the body of the report;

b) That any necessary documents associated with the sale be completed under the Common Seal of Council; and

c) The General Manager provide a report to Council on the outcome of the negotiations.

CARRIED

12.2 SALE OF LAND - BRISSETT STREET, INVERELL S5.2.0/14

RESOLUTION 2021/119

Moved: Cr Anthony Michael
Seconded: Cr Neil McCosker

i) That the sale of Lot 3 DP 1080168 Brissett Street, Inverell to BRSM P/L for the sum of $170K be approved; and

ii) That any necessary documentation be completed under the Common Seal of Council.

CARRIED

12.3 SALE OF LAND FOR UNPAID RATES S12.8.9/05

RESOLUTION 2021/120

Moved: Cr Di Baker
Seconded: Cr Kate Dight

That:

a) the report be received and noted; and

b) the General Manager be authorised to write off any unsatisfied rates, charges and legal fees, for all properties sold in accordance with Section 719 of the Local Government Act 1993.

CARRIED

12.4 MIGRATING FINANCIAL MANAGEMENT SYSTEMS TO A CLOUD BASED SOLUTION S16.7.12/04

RESOLUTION 2021/121

Moved: Cr Di Baker
Seconded: Cr Jacki Watts

That:

i) In accordance with section 55(3)(i) of the Local Government Act 1993 (unavailability of competitive tenders) that Council not invite tenders for the provision of financial management systems through a cloud-based solution;

ii) Council notes the reason why a satisfactory result would not be achieved by inviting tenders include:

- *The unavailability of reliable alternative suppliers;*
- *TechnologyOne is the only supplier that can deliver, manage and support their software under a 'Software as a Service model';*
- *leveraging existing knowledge of TechnologyOne system capabilities; and*
- *the cost and time burden of proceeding to tender will, in all likelihood, achieve a similar assessment.*

iii) Council delegate to the General Manager the authority to negotiate directly with TechnologyOne and enter into a contract with TechnologyOne (subject to appropriate terms and conditions) for the provision of a cloud-based solution.

CARRIED

ADOPTION OF RECOMMENDATIONS

RESOLUTION 2021/122

Moved: Cr Di Baker
Seconded: Cr Paul King OAM

That the recommendations of Closed Council be adopted.

CARRIED

The Meeting closed at 4.27pm.

3 DISCLOSURE OF INTERESTS / PECUNIARY AND NON-PECUNIARY INTERESTS

4 PUBLIC FORUM

5 ADVOCACY REPORTS

5.1 MAYORAL MINUTE - INFRASTRUCTURE CONTRIBUTIONS REFORMS

File Number: **S18.5.2 / 21/37138**

Author: **Paul Harmon, Mayor**

RECOMMENDATION:

That Council support the campaign by LGNSW against changes to the Infrastructure Contributions, by:

1. *Calling on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.*

2. *Calling on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.*

3. *Calling on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.*

4. *Writing to the local State Member(s) the Hon Adam Marshall MP, the Premier the Hon Dominic Perrottet, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.*

5. *Writing to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.*

6. *Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities worse off.*

COMMENTARY:

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June.

The Bill was subsequently referred on 24 June, 2021 to the Upper House Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

Councils support efforts to reduce complexity, cut red tape and improve transparency and equity.

Implementation of the reforms will have far reaching financial implications for our council and community.

The proposed reforms will:

- Result in a new regional infrastructure contributions system to collect levies on development in Sydney, Central Coast, Hunter and the Illawarra area;
- Reduce the range of community infrastructures that can be funded from Developer Contributions;
- Contributions to be paid to the State Government, not Councils:
- No guarantees that funds would 'be spent' in the Local Government Area where the development is occurring or where the contributions were raised.

These reforms may force some councils to delay or completely remove projects from their expenditure plan with a detrimental impact not only on community wellbeing and participation in civic life, but also crucially on job creation.

Councils need to be in a position to deliver quality infrastructure and open spaces if they are to attract homebuyers, housing and commercial development and business investment and these reforms put this at risk.

Councils also object to the Government's decision to tie reform of the rate peg to cater for population growth to reductions in infrastructure contributions. Reform of the rate peg is required independent of changes to contributions. This presents a concerning cost shift from developers onto local government and ratepayers.

It is premature to push forward with this legislation while so much of the infrastructure reform agenda remains unknown.

Local Government NSW (LGNSW) has been advocating this position on our behalf and has met with the Minister for Planning and Public Spaces the Hon Rob Stokes MP on several occasions to stress that councils and their communities must *not* be worse off under any reforms.

LGNSW will continue its advocacy efforts on our behalf, including engagement with cross benchers and independents and is asking councils in NSW to add their voice in calling on the NSW Government to withdraw the Bill from the NSW Parliament.

ATTACHMENTS:

Nil

6 NOTICES OF BUSINESS

6.1 NOTICE OF BUSINESS - COUNCILLORS AND STAFF TO BE FULLY VACCINATED TO ATTEND COUNCIL MEETINGS

File Number: S13.5.3 / 21/36306

I, Councillor Mal Peters, give notice that at the next Ordinary Meeting of Council to be held on 27 October 2021, I intend to move the following motion:

MOTION:

That ISC require all councillors and staff that attend council meetings be double vaccinated for Covid 19. If people are not double vaccinated they attend by video link.

RATIONALE:

Inverell has been very fortunate to have not had any Covid cases. That is unlikely to continue as the economy opens up and people start travelling more extensively. Until Inverell gets up into the 80% double vaccinated rate it remains vulnerable. Medical evidence has demonstrated that double vaccinated people are less likely to spread the disease. I am told many organisations are now mandating double vaccination as a prerequisite to attend meetings including the golf clubhouse and CWA.
Thank you

COUNCILLOR MAL PETERS

DATE 10 OCTOBER 2021

Local Government (General) Regulation 2005

241 Giving notice of business

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

Such a motion can be moved without notice.
(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

GENERAL MANAGER'S RESPONSE:

A. Unvaccinated Adults

The Public Health (COVID-19 General) Order sets out the restrictions that are imposed on "unvaccinated adults.'

Clause 2.18 of the Order lists the premises to which "unvaccinated adults" are denied entry.

These premises are:

- Entertainment facilities;
- Major recreation facilities;
- Hospitality venues;
- Places of Public Worship;
- Premises hosting a significant event;
- Hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours;
- Public Swimming Pools;
- Information and education facilities; and
- Retail premises.

Council's Administration Centre and Council Chambers are not in the class of premises that is required to deny entry to unvaccinated adults.

B. Video Link

At its April 2021 Meeting, Council resolved that Council Meetings will be conducted "in person".

The prevailing Public Health Order provides that any Local Government Area subject to a 'stay at home' order, Council meetings may be held by electronic means. Inverell Shire Council is not subject to a "stay at home" order.

Until December 2021, a Council is permitted to amend its Meeting Code to allow conduct of Council Meetings by electronic means. This amendment can be effected by passing a resolution to permit Councillors to satisfy attendance requirements by joining Council Meetings by an audio visual link.

ATTACHMENTS:

Nil

7 QUESTIONS WITH NOTICE

Nil

8 COMMITTEE REPORTS

Nil

9 DESTINATION REPORTS

9.1 REQUEST FOR REDUCTION ON WATER ACCOUNT - GRANVILLE STREET, INVERELL

File Number: **S32.10.1/14 / 21/37317**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

Council has received a request seeking Council's assistance by issuing an amended account for a property in Granville Street, Inverell based on average usage due to a water leak. Council is being asked to consider a confidential report in respect of this matter.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

a personnel matters concerning particular individuals (other than councillors).

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:

"Personnel matters concerning particular individuals (other than councillors.)" (s.10A(2)(a) Local Government Act 1993)

"The personal hardship of any resident or ratepayer." (s.10A(2)(b) Local Government Act 1993)

"Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

"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." (s.10A(2)(d) Local Government Act 1993)

"Information that would, if disclosed, prejudice the maintenance of law." (s.10A(2)(e) Local Government Act 1993)

"Matters affecting the security of the council, councillors, council staff or council property." (s.10A(2)(f) Local Government Act 1993)

"Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege." (s.10A(2)(f) Local Government Act 1993)

"Information concerning the nature and location of a place or an item of Aboriginal significance on community land." (s.10A(2)(h) Local Government Act 1993) .

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:

a personnel matters concerning particular individuals (other than councillors).

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.*

9.2 REQUEST FOR REDUCTION ON WATER ACCOUNT - VERNON STREET, INVERELL

File Number: **S32.10.1/14 / 21/37307**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

Council has received a request seeking Council's assistance by issuing an amended account for a property in Vernon Street, Inverell based on average usage due to a water leak. Council is being asked to consider a confidential report in respect of this matter.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

a personnel matters concerning particular individuals (other than councillors).

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:

"Personnel matters concerning particular individuals (other than councillors.)" (s.10A(2)(a) Local Government Act 1993)

"The personal hardship of any resident or ratepayer." (s.10A(2)(b) Local Government Act 1993)

"Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

"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." (s.10A(2)(d) Local Government Act 1993)

"Information that would, if disclosed, prejudice the maintenance of law." (s.10A(2)(e) Local Government Act 1993)

"Matters affecting the security of the council, councillors, council staff or council property." (s.10A(2)(f) Local Government Act 1993)

"Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege." (s.10A(2)(f) Local Government Act 1993)

"Information concerning the nature and location of a place or an item of Aboriginal significance on community land." (s.10A(2)(h) Local Government Act 1993) .

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:

a personnel matters concerning particular individuals (other than councillors).

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.*

9.3 EXPRESSIONS OF INTEREST IN OPERATING THE KIOSK AT COPETON NORTHERN FORESHORES

File Number: **S5.10.174 / 21/37434**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

Expressions of Interest in operating the Kiosk at Copeton Northern Foreshores closed on 8 October, 2021. A confidential report has been prepared on this matter for Council's consideration.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

"Personnel matters concerning particular individuals (other than councillors.)" (s.10A(2)(a) Local Government Act 1993)

"The personal hardship of any resident or ratepayer." (s.10A(2)(b) Local Government Act 1993)

"Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

"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." (s.10A(2)(d) Local Government Act 1993)

"Information that would, if disclosed, prejudice the maintenance of law." (s.10A(2)(e) Local Government Act 1993)

"Matters affecting the security of the council, councillors, council staff or council property." (s.10A(2)(f) Local Government Act 1993)

"Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege." (s.10A(2)(f) Local Government Act 1993)

"Information concerning the nature and location of a place or an item of Aboriginal significance on community land." (s.10A(2)(h) Local Government Act 1993) .

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act, 1993.*

9.4 BROOKS OVAL AMENITIES BUILDING TENDER

File Number: **S5.9.31 / 21/37673**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

Tenders for the construction of the Brooks Oval Amenities Building closed on 15 October, 2021. A confidential report has been prepared on this matter for the consideration of Council.

RECOMMENDATION:

That the matter be referred to Closed Council for consideration as the matters and information are:

c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

COMMENTARY:

The *Local Government Act 1993* (the Act), and the Local Government (General) Regulation 2005 makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

"Personnel matters concerning particular individuals (other than councillors.)" (s.10A(2)(a) Local Government Act 1993)

"The personal hardship of any resident or ratepayer." (s.10A(2)(b) Local Government Act 1993)

"Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

"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." (s.10A(2)(d) Local Government Act 1993)

"Information that would, if disclosed, prejudice the maintenance of law." (s.10A(2)(e) Local Government Act 1993)

"Matters affecting the security of the council, councillors, council staff or council property." (s.10A(2)(f) Local Government Act 1993)

"Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege." (s.10A(2)(f) Local Government Act 1993)

"Information concerning the nature and location of a place or an item of Aboriginal significance on community land." (s.10A(2)(h) Local Government Act 1993) .

It is recommended that, pursuant to Section 10A(2) of the *Local Government Act 1993* the matter be referred to Closed Committee for consideration as the matters and information are:

c information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

On balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act, 1993.*

9.5 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS

File Number: **S13.6.5/13 / 21/35447**

Author: **Paul Henry, General Manager**

SUMMARY:

Section 449 of the *Local Government Act 1993* requires that Councillors and designated persons submit returns disclosing their pecuniary interests and other matters annually.

The purpose of this report is to table the disclosure forms submitted by Councillors and designated persons.

RECOMMENDATION:

That the tabling of the pecuniary interest returns by the General Manager be noted.

COMMENTARY:

Under the provisions of Section 449 of the *Local Government Act, 1993*, Councillors and designated persons must complete and lodge with the General Manager a pecuniary interest return as part of Schedule 2 of Section 449.

The General Manager is obliged to ensure returns are tabled in accordance with Section 450A of the *Local Government Act*. The current annual declaration period is from 1 July, 2020 to 30 June, 2021.

In accordance with the Act, the completed Disclosure Forms will be tabled at today's meeting.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Compliance with Council's policy relating to Designated Persons.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Compliance with Section 449 of the *Local Government Act, 1993.*

449 Returns disclosing interests of councillors and designated persons
(1) A councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations.
450A Register and tabling of returns
(1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
(2) Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council.

ATTACHMENTS:

Nil

9.6 'TINGHA BRIDGE ROUNDABOUT' - CARETAKER PERIOD

File Number: **S28.28.12 / 21/37248**

Author: **Paul Henry, General Manager**

SUMMARY:

An application to the Minister for Local Government is required to enable Council to consider entering into a contract during the caretaker period.

RECOMMENDATION:

That:

1. *Council authorise the making of an application to the Minister for Local Government, the Hon Shelley Hancock, seeking authority for Council to:*
   a) *deal with a report to select a preferred tender for the construction of a roundabout on the intersection of Gwydir Highway and Bundarra Road; and*
   b) *execute a contract during the upcoming caretaker period, with the preferred tender for the construction of the roundabout;*
2. *Council note that in accordance with Council Policy on Tendering, the Tender for the construction of the roundabout work was invited by the Open Public Tender Method;*
3. *Council note the information on the ability of the General Manager to deal with the tender evaluation process; and*
4. *Council note the November Council Meeting will be held on Wednesday, 24 November, 2021.*

COMMENTARY:

A. Caretaker Period

During the most recent briefings of Council on the progress with the 'Tingha Bridge Roundabout' project, staff highlighted to Councillors that the timeline for the project would be impacted by a 'caretaker period' when the date of the Local Government elections was changed.

Councillors will recall that a 'caretaker period' comes into effect for 30 days prior to the date of a Local Government election. This period for the local election will run from 5 November, 2021 to 4 December, 2021.

During this period one of the actions that Council is not permitted to undertake is to 'enter into a contract or undertaking involving an expenditure or receipt by Council of an amount equal to or greater than $150,000'.

As the likely tender price for the construction of the roundabout would certainly exceed this amount, Councillors were informed that in order for the Council to consider a report on the tender process and then enter into a contract for the construction of the roundabout an application to the Minister for Local Government would be required. The application would seek authority for Council to undertake these two (2) activities during the 'caretaker period'.

This application was submitted to the Minister.

Advice has now been received from the Office of Local Government that this application needs a resolution of Council authorising the lodgement of the application by the General Manager. Under

s.377(1)(s) of the Local Government Act the making of an application to a Minister or Governor cannot be delegated to the General Manager.

Council is required to formally resolve to authorise the application to the Minister for Council to deal with the tenders for the construction of the roundabout, in particular the execution of the contract for construction.

B. Tender for Construction

In accordance with the project timeline, tenders were invited for the construction of the roundabout.

This tender invitation was by the 'Open Tendering Method' – which was in accordance with the Council's Tendering Policy.

Under cl.7 of the Local Government (Tendering) Regulations 1999 Council must decide which of the following tending methods are to be used, either:

a) Open tendering method, or

b) Selective tendering method (invitees determined after a public advertisement calling for Expressions of Interest), or

c) Selective tendering method by a recognised contractor from a list adopted by Council.

Council has a tendering policy that requires all tenders to be by the open tendering method, unless Council resolves to utilise an alternative method for a specific project.

C. Outside Caretaker Period

While the timetable for the project provides for the report on the evaluation of tenders to be presented to the November Council meeting, it is possible the evaluation process may raise an issue that requires additional time to be devoted to the process. Should this occur the tender evaluation report could be considered and determined by the General Manager.

This action is permitted under the delegations of authority, by Council, to the General Manager. The only action that the General Manager cannot undertake in respect of tenders is:

i) The acceptance of tenders to provide services currently provided by members of staff of the Council, (s.377(1)(i); and

ii) Decide not to accept any of the tenders for a proposed contract. This matter must be determined by Council (cl.19(3) Tender Regulations).

The ability of the General Manager to deal with the tenders will ensure that the contractual obligations of the land purchase to take possession of the site on 17 January, 2022 complete construction of the roundabout and hand back the residual of the old service station site by 30 November, 2022 can remain on track.

To provide the maximum amount of time for the Tender Evaluation process to be undertaken, it is proposed that the November Council meeting be held on Wednesday, 24 November, 2021.

ATTACHMENTS:

Nil

9.7 EXPIRING LICENCE AGREEMENT - MR DON STRAHLEY

File Number: **S5.10.124 / 21/34020**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

The Licence Agreement between Council and Mr Don Strahley is due to expire on 14 November, 2021. Council is requested to consider renewing the agreement.

RECOMMENDATION:

That:

i) Council renew the agreement with Mr Don Strahley for part portion of land located at Inverell Aerodrome, Gilgai for a five (5) year period with the option of a further five (5) year period;

ii) the licence fee be $701.14 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.

COMMENTARY:

The Licence Agreement between Council and Mr Don Strahley for part portion of land located at Inverell Aerodrome, Gilgai, is due to expire on 14 November, 2021.

The authorised use of the land as stated in the agreement is as follows:

The Licensee will have the non-exclusive licence and privilege to use and occupy the Land in order to:

a) maintain in compliance with the requirements of Council and the Department of Aviation a building to be used as a hangar for the housing and maintenance of light aircrafts and for such other purposes as may be approved by council and said Department.
b) house at no risk to Council in the hangar. At a rental to be approved by Council and the Department of aviation the light aircrafts of other companies and persons.
c) use in common with other aircrafts the Aerodrome for the operation, take-off and landing of light aircrafts and to use the said lands as a base for light aircrafts and for the purposes hereby granted and to use such aircraft for air charter, flying training, aircraft hire, crop dusting and agricultural work at all times in accordance with the regulations of the Department of Aviation and for such purposes to store all necessary fertilisers and other materials and accessories at all times in a proper and safe manner, and location approved by Council.

It is noted that the licences are issued subject to the licensee providing Public Liability Insurance for $10M.

Further noted is the last annual billed amount of $680.72 (GST inclusive).

Council is requested to consider offering Mr Don Strahley a new agreement.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.8 EXPIRING LICENCE AGREEMENT - KAREN DICKSON

File Number: **S5.10.21 / 21/35767**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

The Licence Agreement between Council and Karen Dickson is due to expire on 31 October, 2021. Council is requested to consider renewing the agreement.

RECOMMENDATION:

That:

i) Council renew the agreement with Karen Dickson for Lots 3, 4, 5 Section 1 DP 448428, Lot 1 DP 196967 and Lot 6 DP 1150735, Edward Street, Inverell for a two (2) year period;

ii) the licence fee be $159.13 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.

COMMENTARY:

The Licence Agreement between Council and Karen Dickson for Lots 3, 4, 5 Section 1 DP 448428, Lot 1 DP 196967 and Lot 6 DP 1150735, Edward Street, Inverell is due to expire on 31 October, 2021.

The use of the land is for the purpose of grazing and holding stock, the land is approximately 0.9 hectares in size and is located next to Council's sewer pump station No.1.

It is noted that licence Agreements are issued subject to the licensee providing Public Liability Insurance for $10M. These policies now cost over $500 p.a.

Further noted is the last annual billed amount of $154.50 (GST inclusive).

Council is asked to consider offering Karen Dickson a new Agreement for a two (2) year period.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.9 INVERELL SHOWGROUND LAND MANAGER - REQUEST FOR A DONATION FOR SEWER CHARGES

File Number: **S25.9.3 / 21/36872**

Author: **Emma Murphy, Revenue Coordinator**

SUMMARY:

Council is in receipt of a letter from Heather Morris, Secretary of Inverell Showground Land Manager (trust of the Inverell Showground land). The Trust is seeking a reduction/adjustment to the sewer usage charges for the Inverell Showground in 2021/22.

RECOMMENDATION:

That:

I. Council makes a donation in lieu of sewer rates to the Inverell Showground equivalent to 30% of the sewerage rates for the 2021/2022 financial year; and

II. the annual sewer charge is to be paid in full prior to the donation being provided.

COMMENTARY:

In 2020, the Inverell Showground Land Manager applied to Council for a reduction in the sewer charges for the 2020/21 rating year due to The Showground Trust receiving minimal income during 2020/21 due to the COVID-19 pandemic and minimal opportunities to host events. Council acceded to this request by providing a 30% reduction in the sewer charges for the 2020/21 rating year for the sum of $2,265.78 (RES 2020/43).

The Inverell Showground Land Manager has again applied to Council for financial support; seeking a donation for the 2021/22 sewer charges.

The Inverell Showground Land Manager has advised due to the continuance of the COVID-19 pandemic during 2021, the Showground income has been reduced due to the regular and itinerant events being cancelled along with camping being minimal due to traveller uncertainty and restrictions under the Public Health Order.

Providing a reduction in the number of sewer services in the rating system is not permissible under the *Local Government Act 1993* and *Local Government Regulations 2005*. Should Council wish to provide the Trust with assistance for the 2021/2022 financial year, a donation may be made in lieu of rates.

If a 30% donation in lieu of sewer rates is provided this would equate to, $2,358.00.

The Inverell Showground Trust has limited means of generating income, as the majority of user groups of the facility are small volunteer groups that provide community benefit, such as but not limited to: Inverell Pony Club, Northern NSW Hereford Youth Group, Inverell Men's Shed and Inverell Basketball. Any donation provided to the Trust would also assist these volunteer groups, all of which have also been affected by the COVID-19 pandemic in their ability to conduct events.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

9.10 INVERELL SHIRE YOUTH COUNCIL

File Number: **S3.16.13 / 21/36884**

Author: **Christy Galbraith, Corporate Support Coordinator**

SUMMARY:

This report is intended to provide Councillors with a Plan of Management for Youth Council as resolved at the Ordinary Council Meeting held on 22 September, 2021.

RECOMMENDATION:

That:

1. *Council agree to forming a Youth Council via the following process:*
   - (a) *The Youth Council shall be a Section 355 Committee of Council consisting of eight (8) youth members selected from an advertised Expression of Interest process.*
   - (b) *The Committee membership be comprised of youth representatives aged 14 – 24 years from the Inverell Shire.*
   - (c) *The Committee shall consist of eight (8) youth members, one (1) councillor and two (2) staff members.*
   - (d) *The Committee will be selected for a period of 12 months with Expressions of Interest being sought annually.*
2. *Council allocate an annual budget for the Youth Council of $5,000.*

COMMENTARY:

Council may recall that a proposal was received on 11 July, 2021 from Max McFarlane, a year 11 student at Inverell High School, to establish an Inverell Youth Council. This proposal was provided to Council at the Ordinary Council Meeting held on 22 September, 2021.

As per resolution 2021/104, please find attached Plan of Management for Youth Council approved on 19 December, 2006 (Res 338/06).

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Plan of Management for Youth Council

Plan of Management for Youth Council

Inverell Shire Council

Document Control Page

Project:	Youth Council		
Prepared By:	Joerg Schmidt-Liermann	Approved By:	Inverell Shire Council
Date:	28 October 2005	Date:	19 December 2006 (Res 338/06
File Location	S24.10.3		

Revision	Date	Author	Description
1.0	28/10/2005	Joerg Schmidt-Liermann	First release.
2.0	26/06/07	Joerg Schmidt-Liermann	Second release (change name to Youth Council)
3.0	24/06/08	Stephen Golding	Third release (Management – 2.4(h) change from 50% to 75% attendance)

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PLAN OF MANAGEMENT

YOUTH COUNCIL

1 ADMINISTRATION

1.1 NAME

The Committee shall be known as the Youth Council.

1.2 DEFINITION

a) Council shall be the Council of the Shire of Inverell.

b) The Youth Council shall be a Section 355 Committee of Council consisting of eighteen (18) youth members nominated by Council in consultation with Inverell High School & Macintyre High School.

1.3 OBJECTIVE

a) To develop appropriate strategies to provide drug and alcohol free youth entertainment.
b) To provide a focal point for the co-ordination of youth activities.
c) To provide a political voice and give expression to issues affecting the youth of the Inverell Shire Community
d) To develop cooperation between youth and other community members in communities in rural and regional NSW and Australia, in order to share experiences and progress the work of the committee.
e) To develop and oversight the implementation of a range of projects and programs designed to address youth service gaps.
f) To promote and positively portray the contribution that young people make to our communities.

1.4 POLICY

Policy shall be set by the Committee within the guidelines of the objectives and the Plan of Management and shall:

a) Receive and consider submissions from organisations and individuals registering an interest;
b) Permit application for and acceptance of grant funds, donations and other income, necessary to the financing of the Committee's activities.

2 AUTHORITY

2.1 FORMATION

Inverell Shire Council by resolution number 338/06 resolved that the Youth Council become a Section 355 Committee of Council.

2.2 COUNCIL PARTICIPATION

a) That Committee membership be comprised of student representatives from all High Schools in the Inverell Shire as nominated by those schools and confirmed by Council, comprising: 9 student representatives from Inverell High School (students from year 12, and students from year 11), 9 student representatives from Macintyre High School (students from year 12, and students from year 11).

b) That Council provide the secretariat services for the Committee;

c) That Council will assist the Committee with reasonable requests for administrative and financial support;

d) That the Committee's activities be covered by Council's Insurance Policy;

2.3 LIMITATION

a) Council shall not be obliged to act on any recommendation of the Committee;

b) The Committee shall act as an advisory body to the Council on the development and implementation of appropriate strategies in keeping with the Committee's objectives, within the local government area and any other geographic or social context considered appropriate.

c) That the Committee on approval from Council assume responsibility for the implementation of Council endorsed strategies to promote the interests of young people in our community.

2.4 MANAGEMENT

The Committee shall:

a) Be appointed by Council in December following the Ordinary Election of Councillors;

b) Hold office until the next Committee is appointed;

c) Consists of eighteen (18) student members;

d) Have a quorum of five (5).

e) Permit for the co-opting of community members;

f) Have its chairman determined by the Committee membership on an alternating basis.

g) Meet once every three (3) months or more often if the Committee determines;

h) Require members to attend 75% of meetings scheduled (any member that fails to attend three consecutive meetings, without permission, will have their membership of the Committee forfeited subject to confirmation by the Committee).

i) Determine its own meeting times and procedure;

j) Report to Council every December for the calendar year ended the previous June on:

i. Performance in any key strategic activities implemented; and
ii. Any other matters.

k) Arrange and supervise all employees, contractors or volunteers.

2.5 MEMBERSHIP

ELECTED MEMBERS:

Cr John Irvine

STAFF:

General Manager's Nominee

YOUTH MEMBERS:

9 students - Inverell High School (4 students from yr 12 and 5 students from yr 11)
9 students - Macintyre High School (4 students from yr 12 and 5 students from yr 11)

EX-OFFICIO MEMBERSHIP

Council's Mayor, Cr Barry Johnston

3 OPERATION

3.1 FINANCE

a) Expenditure

i. The Council may vote money for the development and implementation of strategies in line with the Committee's objectives, following consideration of estimates prepared by the Committee.

ii. The Committee may use Council's ordering and payment system for the expenditure of funds for the supply of goods and services.

b) Income

i. All income received by the Committee shall be paid into a suitable account approved by the General Manager.

ii. The Committee shall submit an estimate of income annually.

c) Sources of Income

It would be anticipated that the following income would be used to cover expenditure on the Committees projects:

i. Rate revenue, as allocated by Council;
ii. Government Grants:
    - Specific grants as available,
    - Grants as applied.
iii. Donations:
    - Private, groups or specific organisation,
    - Public appeal,
    - Business or Company.

3.2 REVIEW

The Committee shall review the operation of the Plan of Management once a year and make recommendations, as required, to Council for consideration.

The Council shall review the objectives and policies of the Committee at least every four (4) years and shall review the operations of the Committee annually.

9.11 NEW COUNCIL POLICY – WATER USAGE CHARGES – UNDETECTED LEAKS POLICY

File Number: **S25.9.3 / 21/37494**

Author: **Emma Murphy, Revenue Coordinator**

SUMMARY:

This report recommends that a new Council Policy be adopted – *Water Usage Charges – Undetected leaks Policy.*

RECOMMENDATION:

That Council adopt the Water Usage Charges – Undetected leaks Policy, and this policy be reviewed every 2 years.

COMMENTARY:

Council currently accepts applications from ratepayers that are seeking a reduction in their water account due to an undetected leak or pipe breakage. Currently each application is individually assessed and is referred to Council for determination.

The number of applications recently received has increased significantly. In the past 12 months at least 10 applications have been received, some have been significant leaks, while some applications have had only minor water loss.

It is possible that the increased number of applications is due to the long dry period followed by a heavy wet season, however it is also anticipated that real estate agents, the community, and local plumbers are becoming increasingly aware of the type of assistance Council has offered ratepayers in the past for breaks and leaks.

The proposed policy will provide Council with set criteria to assess each application. For an application to be successful the below criteria would need to be met:

- The leak must have been significant and undetectable, greater than 150kl and 1.5 times greater than the average consumption for the same period.
- Application is made on the prescribed form containing all the requested information.
- The application is received within 30 days of the water account being issued.
- The General Manager will have the delegation to write off water account usage up to $1,000, applications above this amount would be a matter for Council.

Having applications assessed under the proposed policy and criteria will ensure that the determination made under each application will be consistent across the Shire.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. **Water Usage Charges - Undetected Leaks Policy**
2. **Application form for Undected Leaks**

Inverell Shire Council

Water Usage Charges - Undetected Leaks Policy

Document Control Page

Project:	Inverell Shire Council		
Prepared By:	Emma Murphy	Approved By:	
Date:	27/10/21	Date:	

Revision	Date	Author	Description
1.0	27/10/21	Emma Murphy	First release.

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1. Objective

The purpose of this policy is to provide a framework for processing and assessing requests for a reduction in water usage charges due to an undetectable water leak.

The objectives of this policy are to:

- Provide some financial relief to property owners when water is lost due to an undetectable leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services.
- Provide a standard approach in dealing with requests for financial relief when water is lost due to an undetectable leak.

2. Background / Legislative requirements

Section 607 of the Local Government Act 1993 deals with writing off of rates, charges and accrued interest. Section 131 of the Local Government (General) Regulation 2005 details procedures for writing off rates and charges.

This Policy provides a means for Council to grant relief from water consumption charges resulting from a concealed or hidden leak.

3. Applicable Legislation

The administration of debt recovery and financial hardship is governed by the following:

- Local Government Act 1993
- Local Government General Regulations 2005 (NSW)
- Office of Local Government, Debt Management and Hardship Guidelines (November 2018)

4. Applicable Council / Management Policies

This policy works in conjunction with the following Council / Management policies:

- Council Policy – Write-offs – Rates, Charges, Debts and Hardship
- Management Policy – Write-offs – Extra Charges (pensioners) – Hardship

5. Delegation

a) The General Manager (or other persons authorised by the General Manager) be authorised to write off excess water consumption in accordance with this policy up to the value of $1,000.

b) Applications with a write off amount exceeding $1,000 will be referred to Council for approval.

6. High Reads

Council will take best efforts to notify the owner / managing agent if there is a significant increase in water consumption, at the time of reading the meter or shortly there after.

7. Owner / managing agent contact

It is recognised that personal contact with owner / managing agent may not always be possible, should no details be held in Council's data base.

Council will make every reasonable effort to contact the ratepayer/owner when Council identifies a high read during the water meter reading process. Contact efforts may include:

- using known address, telephone and email details as recorded in billing system
- searching other Council databases for any alternative contact details
- internet search to find contact details
- company search where appropriate

All contact attempts and search efforts to be recorded in notes against the respective account.

8. Owner / Managing Agent responsibilities

The owner of a property is responsible for the maintenance and upkeep of their internal water service workings.

Should an owner/managing agent identify a leak, either through their own investigation or advice from Council. The owner / managing agent should take reasonable steps to rectify the leak, and this should be demonstrated in the application, or supporting documents.

9. Criteria for Financial relief for concealed or undetectable leaks

Council will only give consideration to adjusting the water consumption for were there has been an undetectable leak under the following circumstances:

a) The application is to be made on Councils Undetected Leaks Application Form, and must include all requested documentation:

- Fully completed application form
- Specific information amount the leak (including dates)
- Provide a written statement from a licenced plumber stating the reasons why the leak was not detected or could not have been detected.
- Should a licenced plumber not have engaged in the repair – a detailed statutory declaration from the repairer must be included with the application.
- The owner/managing agent has demonstrated that they have taken all reasonable steps to rectify the leak promptly.

b) The application must be made by the owner/s of the property, or the managing agent. Applications received from tenants must be co-signed by the owner or managing agent.

c) The application must be received by Council within 30 days of the issue of the water usage account.

d) The leakage must have been significant and undetectable.

e) Financial relief will only be provided to the billing period, where the leak was identified by the owner/managing agent.

f) Significant leakage is determined if the water usage for the period in question is greater than 150 kilolitres and is 1.5 times greater than the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period.

g) The maximum adjustment allowed will be 100% of the difference between the usage on the affected account and the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period.

h) Best efforts should be made by the owner/managing agent to pay the water usage account by the due date, even if the financial relief determination hasn't been made.

i) The maximum adjustment determined under this policy is $1,000, requests for reduction above $1,000 must be referred to Council for determination.

10. Definitions

Council policy
Policy created and approved by the General Manager of a council and/or the elected body.

Owner
The certificate title holder of the property.

Managing agent
A property managing agent, also known as property managers, are hired by owners or landlords of income-producing properties to run the day to day requirements of their real estate.

For Council to consider an application submitted by a managing agent, Council must record the property management of the water usage account.

Regulation
Local Government (General) Regulation (2005)

The Council
The elected representatives, or councillors, who form the governing body of a local council.

Undetectable Leak
Undetectable leakage is defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and it not clearly visible by the owner. (It does not include leakage from an appliance, fixture, water pump, hot water system or the like).

Significant Leakage
Significant leakage is determined if the water usage for the period in question is greater than 150 kilolitres and is 1.5 times greater than the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period.

INVERELL
SHIRE COUNCIL

UNDETECTED LEAKS APPLICATION FORM

This application should be completed in accordance with Councils *Water Usage Charges - Undetected Leaks Policy,* which the criteria is detailed within this form. Please ensure before submitting this application the following is attached:

1. A fully completed application form (part 1, 2, 3 and 4)

2. Provide a written statement from a licenced plumber stating the reasons why the leak was not detected or could not have been detected. Should a licenced plumber not have engaged in the repair – a detailed statutory declaration from the repairer must be included with the application, along with the reasoning on why a plumber did not complete the repair.

Please note that applications that are incomplete, or are submitted without the required documentation will not be processed.

PART 1 – Property details

Applicants name:	
Property owner:	
Property Address:	
Email:	Phone:
Name of the repairing plumber:	
Meter no:	

PART 2 – Details of the Fault/Leak

Date the leak was identified:	Date the leak was repaired:
Estimated duration of leak:	
Meter reading details: Where possible please read the water meter at the time of the repair, or as soon as possible following the repair.	
Water meter reading:	Date of the reading:
Location of the leak, i.e. pipe, value, fitting:	
Where the leak was located, i.e. garden, walls, under house:	
Where was the water dispersed to: ❑Ground ❑Sewer ❑Wall Cavity ❑Other_____	
Was the leak visible: ❑Yes ❑No	

Continues over the page

Administration Centre, 144 Otho Street (PO Box 138), Inverell NSW 2360
Ph: 02 67 288 288 Fax: 02 67 288 277
DX 6159
www.inverell.nsw.gov.au

XXXX
XXXX

Any other additional information that you wish to add to support your application:

PART 3

Owner Acknowledgement	**Please tick**
I have read and understand that my application must address the Definition for an undetected leak and meet all the criteria for financial relief for concealed or undetectable leaks, which is defined as: *Undetectable leakage is defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and it not clearly visible by the owner. (It does not include leakage from an appliance, fixture, water pump, hot water system or the like).*	
I have attached supporting documentation from my licensed plumber as required	
I acknowledge that any reduction (discount) applied, will apply to one billing period only, i.e. the billing period for which the undetected leak commenced	
I acknowledge as the owner, it is my responsibility for the maintenance and upkeep of their internal water service workings, and should I or the managing agent identify a leak, either through their own investigation or advice from Council. Works would be completed promptly to rectify the leak, and this will be demonstrated in the application, or supporting documents.	
I will make best efforts to pay full account by the due date shown on the account, even if I have not had a response from my application.	
I understand that Inverell Shire Council may inspect the site of the undetected leak to verify that the application and repairs meets the undetected leak criteria and relevant plumbing standards	
As the owner or managing agent of the above property, I/we consent to this application and consent to an Officer of the Council to enter the property for the purpose of carrying out all or any inspection which may deem appropriate in relation to accessing this application.	

PART 4

Applicant Signature:	Date:
Owner / Managing agent Signature:	Date:

Terms and Conditions

Prior to submitting this application ensure you are familiar with the criteria as per Council's Water Usage Charges - Undetected Leaks Policy.

In accordance with the Policy:

1. Criteria for Financial relief for concealed or undetectable leaks

Council will only give consideration to adjusting the water consumption for were there has been an undetectable leak under the following circumstances:

a) The application is to be made on Councils undetectable leaks application form, and must include all requested documentation:

- Fully completed application form
- Specific information amount the leak (including dates)
- Provide a written statement from a licenced plumber stating the reasons why the leak was not detected or could not have been detected.
- Should a licenced plumber not have engaged in the repair – a detailed statutory declaration from the repairer must be included with the application.

b) The application must be made by the owner/s of the property, or the managing agent. Applications received from tenants must be co-signed by the owner or managing agent.

c) The application must be received by Council within 30 days of the issue of the water usage account.

d) The leakage must have been significant and undetectable.

e) *Financial relief will only be provided to the billing period, where the leak was identified by the owner/managing agent.*

f) Significant leakage is determined if the water usage for the period in question is greater than 150 kilolitres.

g) And is 1.5 times greater than the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period.

h) The maximum adjustment allowed will be 100% of the difference between the usage on the affected account and the average consumption for the corresponding period for the past three (3) years, or from change of ownership if occurred within a shorter period.

i) Best efforts should be made by the owner/managing agent to pay the water usage account by the due date, even if the financial relief determination hasn't been made.

j) The maximum adjustment determined under this policy is $1,000, requests for reduction above $1,000 is a matter for Council.

k) The determination of the application will be made by the General Manager (or other persons authorised by the General Manager), and the applicant will be notified within 30 days from the application being received.

9.12 PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES 2021-2022

File Number: **S28.28.2/13 / 21/37331**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

A confidential report has been prepared regarding the Procurement of Bitumen and Aggregate Services for 2021/2022 – Bitumen Resealing program. Council is asked to consider 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:

"Personnel matters concerning particular individuals (other than councillors.)" (s.10A(2)(a) Local Government Act 1993)

"The personal hardship of any resident or ratepayer." (s.10A(2)(b) Local Government Act 1993)

"Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business." (s.10A(2)(c) Local Government Act 1993)

"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." (s.10A(2)(d) Local Government Act 1993)

"Information that would, if disclosed, prejudice the maintenance of law." (s.10A(2)(e) Local Government Act 1993)

"Matters affecting the security of the council, councillors, council staff or council property." (s.10A(2)(f) Local Government Act 1993)

"Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege." (s.10A(2)(f) Local Government Act 1993)

"Information concerning the nature and location of a place or an item of Aboriginal significance on community land." (s.10A(2)(h) Local Government Act 1993) .

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.*

9.13 STRUCTURE PLANS FOR NEW RESIDENTIAL AREAS

File Number: **S18.6.65 / 21/35183**

Author: **Anthony Alliston, Manager Development Services**

SUMMARY:

This report is intended to provide Council with background information and an update on the status of the Draft Structure Plans for New Residential Areas.

It is intended that a formal presentation from the project consultant be provided to Councillors at the meeting.

Council is being asked to endorse the Draft Structure Plans for New Residential Areas to be placed on public exhibition as well as amend the previously endorsed Communications Strategy.

RECOMMENDATION:

That Council:

1. *Suspend standing orders to facilitate a presentation from Mr David Tooby of King and Campbell Pty Ltd regarding the Draft Structure Plans for New Residential Areas;*
2. *endorse the Draft Structure Plans for New Residential Areas to be placed on public exhibition;*
3. *endorse the proposed amendments to the Communications Strategy; and*
4. *receive a further report on the matter after the public exhibition process.*

COMMENTARY:

Background

Under the former *Inverell Local Environmental Plan 1988*, a number of areas on the fringes of the Inverell Township were zoned *1(d) Urban Investigation*, which at that time identified lands to be investigated for future urban development.

With the findings of the *Inverell Living Lands Strategy* and the gazettal of the *Inverell Local Environmental Plan 2012* (ILEP 2012), Council rezoned these areas from *1(d) Urban Investigation* to *R1 General Residential*. These areas are defined as "*New Residential Areas*" under the *Inverell Development Control Plan 2013* (IDCP 2013) and are generally described as:

1. New Residential Area East Inverell – To the south of Glen Innes Road between Lake Inverell Drive and Moore Street;
2. New Residential Area East Inverell – From Short Street to Swanbrook Road and from Moore Street to Onus Avenue;
3. New Residential Area West Inverell – Between Vernon Street and Jardine Road.

From 2012, Council's Development Services Department have received numerous requests for residential subdivision development within these New Residential Areas, particularly around the Lake Inverell Drive area.

Section 2.13 of the IDCP 2013 requires that a Structure Plan be prepared for each New Residential Area prior to subdivision development being undertaken. A Structure Plan would provide the overall framework for a New Residential Area, ensuring that road linkages, stormwater drainage and service provision be undertaken in an orderly and efficient manner.

Ideally potential developers would prepare the relevant Structure Plans as part of a Development Application. This approach, however, has been unsuccessful for a number of reasons including costs, time, multiple ownerships and competing interests. Based on the enquiries at the time, it

was determined that the lack of Structure Plans was restricting opportunities for development in these areas.

To resolve this impasse and to facilitate development within the New Residential Areas, it was considered a positive and proactive step for Council to undertake and manage the preparation of the Structure Plans. It was therefore recommended, and subsequently endorsed (RES:115/15), that Council engage the services of a suitably qualified consultant to assist Council in the preparation of the Structure Plans.

Project Commencement

On 28 March, 2018 (RES:20/18) Council resolved to engage King and Campbell Pty Ltd to prepare Draft Structure Plans for New Residential Areas.

As a result of the Expression of Interest (EOI) process, King and Campbell were selected on the basis that they submitted the most comprehensive proposal with specific examples of very similar projects. King and Campbell's proposal demonstrated that they had extensive experience in the delivery of projects of this nature and have a strong focus on communication and community engagement.

Communication Strategy

On 9 May, 2018 Council endorsed (RES:48/18) a Communication Strategy for the New Residential Areas project. A copy of the endorsed Communication Strategy is included as **Attachment 1**. The purpose of the Communication Strategy was to set out how Council and King and Campbell Pty Ltd would engage with key stakeholders and the community, throughout the development of the plans.

Since the adoption of the Communication Strategy for the New Residential Areas project, Council adopted a Community Participation Plan (CPP) in accordance with the recommendations of the Department of Planning Industry and Environment. The CPP outlines how Council will engage with the community when undertaking its town planning functions.

It is therefore proposed to amend the Communication Strategy in line with Council's CPP and in consideration of the inherent limitations regarding COVID-19 Public Health Orders.

A copy of the revised Communications Strategy is included as **Attachment 2**. Council is being asked to endorse the revised Communication Strategy.

The proposed minor amendments include removal of:

- presentation to Stakeholders;
- media release and fact sheet;
- advertising in Inverell Sentinal; and
- radio advertising.

Based on the stakeholder consultation already undertaken it is considered that the level of consultation retained within the revised Communication Strategy is adequate to inform and engage the community during the next phase of the project. Should Council endorse the revised Communication Strategy then Section 2 of the Draft Structure Plans for New Residential Areas will need to be amended accordingly.

Project Update

King and Campbell Pty Ltd, in accordance with the approved scope of works have now finalised the Draft Structure Plans for New Residential Areas. A copy of the Draft Structure Plans for New Residential Areas has been provided under separate cover.

The following is a summary of the works undertaken by King and Campbell:

- Task 1 – Document review and base plan preparation;
- Task 2 – Preliminary Site Analysis Plans;
- Task 3 – Site visit number one (1);

- Task 4 – Finalise Site Analysis Plans and Preparation of Preliminary Structure Plans;
- Task 5 – Site visit number two (2) and stakeholder engagement;
- Task 6 – Preparation of Draft Stakeholder Engagement Report;
- Task 7 – Preparation of Draft Structure Plans and Draft Sequencing Plans; and
- Task 8 – Preparation of Draft Report.

King and Campbell had completed the bulk of this work by the end of 2019, however since this time there have been various delays based on Council's resources and project priorities. As such the Draft Report and Plans have been held in abeyance for some time and only finalised in October 2021.

In addition, since commencement of this project there have been a number of residential subdivisions constructed and made available for sale, including:

- 9 lots – off Brewery Street;
- 32 lots – Mather Street extension; and
- 22 lots – off Vernon Street.

These residential land releases have, to some extent, satisfied the current demands for vacant residential lots over the past few years.

The next step towards the conclusion of this project is the completion of Stage Four (4) of the Communication Strategy. This involves a presentation by King and Campbell to Council. It is recommended that Council suspend standing orders whilst considering this matter to enable a formal presentation from Mr David Tooby, Principal of King and Campbell Pty Ltd. It is the intention that the presentation may facilitate discussion in regard to the key aspects and a resolution to endorse the Draft Structure Plans for New Residential Areas to be placed on public exhibition.

Summary of the Draft Structure Plans for New Residential Areas

The Draft Structure Plans for New Residential Areas is broken up into five (5) sections which are summarised below.

Section 1- Introduction

The introduction provides an overall background to the project. It also provides an outline of the project vision and aims. The overall vision for the new residential areas for Inverell is summarised as follows:

> *"The new residential areas for Inverell are well planned urban communities, to respect and reflect their natural settings, sustain a healthy and connected community and provide valuable connections to the township of Inverell."*

Section 1 describes the project areas, being:

- Area 1 East Inverell – to the south of Glen Innes Road between Lake Inverell Road and Moore Street;
- Area 2 East Inverell – from Short Street to Swanbrook Road and from Moore Street to Onus Avenue; and
- Area 3 West Inverell – between Vernon Street and Jardine Road.

Each area is graphically depicted **(see Exhibit 01- Overall Site Context within the Draft Structure Plans for New Residential Areas which has been provided under separate cover**).

Section 2 – Communication Strategy

Section 2 outlines the endorsed Communication Strategy by Council in May 2018. **Attachment 2** to this report outlines the proposed amendments to the Communication Strategy. If endorsed, this section of the report will need to be updated to reflect the amended Communication Strategy.

Section 2 also outlines and summarises the findings of the key stakeholder feedback sessions which were conducted in June and September 2018 by King and Campbell.

Section 3 – Constraints, Opportunities Analysis and Mapping

Section 3 provides an outline of each New Residential Area in respect to matters such native vegetation, landform and watercourses, services and infrastructure, natural hazards, road and cycleway infrastructure, open space, retail and community services facilities, Aboriginal and European heritage as well as existing approvals and applications. The constraints and opportunities analysis is also depicted via mapping (**see Exhibits 02-05 within the Draft Structure Plans for New Residential Areas which has been provided under separate cover).**

Section 4- Structure Plans

This section outlines the planning principles associated with the Structure Plans including social, natural and economic considerations. It also describes the pattern and character of residential development. The physical layout of the Structure Plans is specifically identified in **Exhibits 11, 12 and 13** and outline the proposed road networks, drainage networks and water and sewer networks for each of the residential areas.

Of relevance is Section 4.4 - Preliminary Yield Estimate which outlines approximately 1,000 lots may be provided within the three (3) residential areas. With the current demand of approximately 12-15 new dwellings constructed each year this allows for a land supply of well over 50 years.

Section 4.8 – Sequencing of Development provides discussion in respect to sequencing in consideration of the location and capacity of existing infrastructure, the logical sequencing of road and trunk service construction and the location of individual properties. **Exhibits 20, 21 and 22** specifically show sequencing for each of the new residential areas.

Section 4.8 also provides discussion on “Out-of-Sequence” development and the ability of landholders to develop their property ahead of an adjoining landholder. It is the responsibility of each landholder to determine the economic feasibility of the upfront provision of services if out-of-sequence development is sought after.

Section 5- Next Steps

This section outlines some of the ensuing logical next steps should the Structure Plans be adopted by Council. This includes amending a number of existing Council policy documents and additional assessments including:

- *The Inverell Development Control Plan;*
- *The Inverell Shire Section 94 Contribution Plan;*
- *The Development Servicing Plan (DSP) 1; and*
- *The Preparation of a Future Urban Traffic Analysis and Assessment.*

Conclusion

The Draft Structure Plans for New Residential Areas have now been completed in accordance with the endorsed brief and scope of works.

Council is being requested to endorse the proposed amendments to the Communications Strategy and in accordance with Stage five (5) of the revised Communication Strategy Council is being requested to endorse the Draft Structure Plans for New Residential Areas to be placed on public exhibition.

Upon completion of public exhibition, it is intended that the matter will be reported back to Council.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

If the Structure Plans for New Residential Areas are adopted by Council, this will necessitate changes to the *Inverell Development Control Plan 2013*; specifically, Chapter 2 – Subdivision, Section 2.13 – New Residential Areas.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1. Endorsed Communication Strategy - May 2018
2. Amended Communication Strategy - October 2021

Communication Strategy
Inverell Shire Council
Structure Plans for New Residential Areas 2018

KING + CAMPBELL

Stage One - Communication Initiation (Inverell Shire Council)

- ∇ Media Release;
- ∇ Newspaper advertising – Inverell Times and Inverell Sentinel;
- ∇ Web-site and Facebook notifications;
- ∇ Identification of stakeholders and stakeholder groups; and
- ∇ Correspondence to "key" stakeholders identified for targeted consultation (Stage Three).

Stage Two - Targeted Consultations – Internal (King & Campbell)

- ∇ Workshop with Council Planners and Engineers;
- ∇ Individual Staff meetings, as required; and
- ∇ Meeting with Councillors, as required.

Stage Three - Targeted Consultations – External (King & Campbell)

- ∇ Stakeholder group interviews; and
- ∇ Draft Stakeholder Engagement report.

Stage Four - Draft Structure Plans (King & Campbell and Inverell Shire Council)

- ∇ Presentation of Draft Structure Plan to Council and Key Stakeholders; and
- ∇ Draft Structure Plan finalised and presented for endorsement (by Council) prior to exhibition.

Stage Five - Exhibition of Draft Structure Plan (King & Campbell and Inverell Shire Council)

- ∇ Exhibition period – minimum four (4) weeks;
- ∇ Media release;
- ∇ Fact sheet;
- ∇ Newspaper advertising – Inverell Times and Inverell Sentinel;
- ∇ Radio advertising;
- ∇ Web-site and Facebook;
- ∇ Correspondence to "key" stakeholders and user groups; and
- ∇ Static displays – Council offices and library.

Stage Six - Review of Submissions (King & Campbell and Inverell Shire Council)

- ∇ Review submissions;
- ∇ Prepare report summarising issues raised during public exhibition period to Council;
- ∇ Council to determine if modification and/or re-exhibition of Draft Structure Plans are required; and
- ∇ King & Campbell to make any necessary changes to Draft Structure Plans.

Stage Seven - Finalisation of Draft Structure Plans (King & Campbell and Inverell)

- ∇ King & Campbell finalise Draft Structure Plans; and
- ∇ Council Staff prepare report to Council for consideration and adoption of Draft Structure Plans.

Attachment to report 21 35183 (Title Endorsed Communication Strategy - May 2018)

Communication Strategy
Inverell Shire Council
Structure Plans for New Residential Areas 2020

KING + CAMPBELL

Stage One - Communication Initiation (Inverell Shire Council)

- ∇ Media Release;
- ∇ Newspaper advertising – Inverell Times and Inverell Sentinel;
- ∇ Web-site and Facebook notifications;
- ∇ Identification of stakeholders and stakeholder groups; and
- ∇ Correspondence to "key" stakeholders identified for targeted consultation (Stage Three).

Stage Two - Targeted Consultations – Internal (King & Campbell)

- ∇ Workshop with Council Planners and Engineers;
- ∇ Individual Staff meetings, as required; and
- ∇ Meeting with Councillors, as required.

Stage Three - Targeted Consultations – External (King & Campbell)

- ∇ Stakeholder group interviews; and
- ∇ Draft Stakeholder Engagement report.

Stage Four - Draft Structure Plans (King & Campbell and Inverell Shire Council)

- ∇ Presentation of Draft Structure Plan to Council; and
- ∇ Draft Structure Plan finalised and presented for endorsement (by Council) prior to exhibition.

Stage Five - Exhibition of Draft Structure Plan (King & Campbell and Inverell Shire Council)

- ∇ Exhibition period – minimum four (4) weeks;
- ∇ Newspaper advertising – Inverell Times;
- ∇ Web-site and Facebook;
- ∇ Correspondence to "key" stakeholders and user groups; and
- ∇ Static displays – Council offices and library.

Stage Six - Review of Submissions (King & Campbell and Inverell Shire Council)

- ∇ Review submissions;
- ∇ Prepare report summarising issues raised during public exhibition period to Council;
- ∇ Council to determine if modification and/or re-exhibition of Draft Structure Plans are required; and
- ∇ King & Campbell to make any necessary changes to Draft Structure Plans.

Stage Seven - Finalisation of Draft Structure Plans (King & Campbell and Inverell)

- ∇ King & Campbell finalise Draft Structure Plans; and
- ∇ Council Staff prepare report to Council for consideration and adoption of Draft Structure Plans.

Attachment to report 21 35183 (Title Amended Communication Strategy - October 2021)

9.14 ROAD CLOSURE - VENENTIAN CARNIVAL

File Number: **S28.23.1/14 / 21/37045**

Author: **Michael Frost, Technical Support Officer**

SUMMARY:

Council is in receipt of a request from Apex Club of Inverell for the closure of Captain Cook Drive to allow for activities associated with the 2021 Venetian Carnival. Apex has further requested that Council waive the fee associated with the road closure. Council is requested to make a determination regarding the road closure and associated fees.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Council is in receipt of a request from Inverell Apex Club for the closure of Captain Cook Drive for activities associated with the 2021 Venetian Carnival.

The Apex Venetian Carnival is the major fundraiser for service clubs in town and attracts many families to Campbell Park to enjoy the festivities. The 2021 Carnival will be held on Saturday, 4 December. In past years, Captain Cook Drive has been closed in the vicinity of Campbell Park for the duration of the carnival to ensure the safety of pedestrians accessing the carnival.

It is proposed to close the road for the duration of the carnival, between the hours of 4pm and 10pm, at the location between Byron Street Roundabout and the entrance of Pasterfield car park. Council has legislated authority under the *Roads Act* to grant a permit for an event with an associated road closure and has approved similar requests in previous years. No issues have arisen with the closure of this section of road in previous years and a safer pedestrian environment is provided for families attending the carnival. Should Council agree to the requested road closure, the appropriate approvals will also be obtained from the NSW Police.

The estimated cost associated with implementing the road closure is $350 which is the amount budgeted each year specifically for the Venetian Carnival. Council have previously donated $350 towards advertising and road closure costs and the Apex Club are seeking a similar contribution for this year's event.

Council are requested to make a determination regarding:

- Granting permission for closure of Captain Cook Drive for the Venetian Carnival between the Byron Street Roundabout and entrance to Pasterfield car park between the hours of 4.00pm and 10.00pm on Saturday, 4 December 2021; and

- The request for the incurred costs associated with the road closure being considered as a donation.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

LEGAL IMPLICATIONS:

Council has legislated authority under the *Roads Act* to grant a permit for an event with an associated road closure. Should Council agree to the requested road closure, the appropriate approvals will also be obtained from the NSW Police.

ATTACHMENTS:

Nil

9.15 DA-17/2019 - ROAD NAMING - STAGE 2 OF RIFLE RANGE ROAD INDUSTRIAL SUBDIVISION

File Number: **DA-17/2019 / 21/37136**

Author: **Chris Faley, Development Services Coordinator**

SUMMARY:

Council has completed construction of Stage 2 of the Industrial Subdivision off Rifle Range Road, which includes the construction and dedication of a new public road. It is recommended Council formally name the new public road "Sierra Drive".

RECOMMENDATION:

That the new public road created under DA-17/2019 be named "Sierra Drive".

COMMENTARY:

On 12 March, 2019, DA-17/2019 was approved for Stage 2 of the Rifle Range Road Industrial Subdivision located on the southern fringe of Inverell.

Stage 2 of the Rifle Range Road Industrial Subdivision involves the creation of the twenty-three (23) industrial lots ranging in size from 1900m² to 9222m², which have frontage to a new public "ring" road connecting either end to Rifle Range Road. A copy of the approved DA-17/2019 subdivision sketch is included as **Figure 1**.

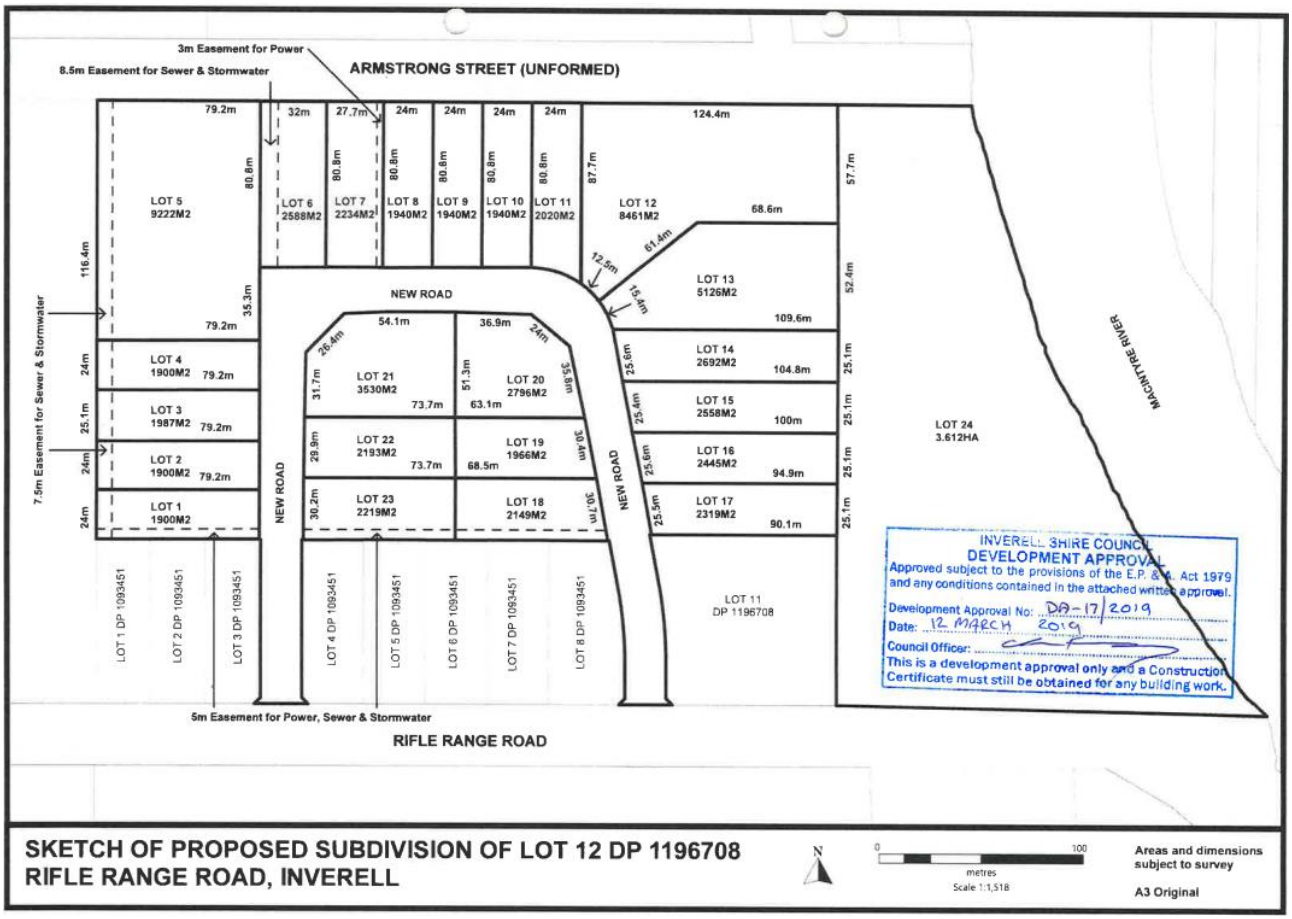

Figure 1 – DA-17/2019 – Approved Subdivision Sketch

The construction of Stage 2 of this subdivision has been completed and Council has engaged the services of a Registered Surveyor to complete the survey and registration of the subdivision. As

part of this survey and registration process, the new “ring” road will be dedicated as a public road and a suitable name must be determined for this new road.

It is common practice for new roads in Inverell to be named after the original property name. The land purchased by Council to undertake the Rifle Road Industrial Subdivision was originally known as “Sierra Park”. Therefore, it is recommended that Council name the new public road created under DA-17/2019 as “Sierra Drive.

“Sierra Drive” is consistent with Council’s Street and Road Naming Policy, which is included as **Attachment 1**.

Alternatively, Council may select a name consistent with Council’s Street and Road Naming Policy.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Any new road name must be consistent with Council’s Street and Road Naming Policy and NSW Address Policy and Manual.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Management Policy - Street & Road Naming

INVERELL
SHIRE COUNCIL

MANAGEMENT POLICY:	STREET & ROAD NAMING POLICY
Contact Officer	Director Civil & Environmental Services
Approval Date	20 May 1997
Approval Authority	Council
Reviewed	Nov 1998, Dec 99, Jan 2001, March 2007, September 2009, December 2010, September 2018
Amended	December 2010
Date of Next Review	September 2021

1 Policy statement

That Council adopt the following policy concerning the naming of roads and streets within the Shire area:

Public Roads

- A public road is defined as a road that has been gazetted under the *Roads Act 1993* under the control of Council.
- A request to name a new public road or rename an existing public road can be made by anybody.
- Generally, Council will not consider the naming of any unformed road reserves.
- The payments of costs associated with the erection of road name signage will be determined by Council.

Private Roads

- A private road is defined as Right of Carriageway over privately owned land utilised by two or more parcels of land or common property within a Strata or Community Title.
- Council will only consider formally naming a private road where it serves a minimum of three (3) separate properties.
- A request to name a private road can be made by any land owner who is legally entitled to the use of the road.

  However, the concurrence of all land owners who are legally entitled to utilise the road must be obtained by the applicant.
- The applicant shall be liable for the costs associated with the erection of a road name sign. In addition to the 'road name', the sign is to specify that the road is 'private'.
- In the case of rural properties, each owner shall be liable for the costs associated with the erection of rural addressing posts.

Road Naming Process

1. The applicant is to nominate a name for the road. This name can be chosen from the pre-approved list of names (Appendix A) or chosen in accordance with the road naming guidelines (Appendix B).

   If a name is not proposed by the applicant or the works are undertaken by Council, a name may be chosen by the Director of Civil and Environmental Services.

2. The name is then to be submitted to Council for preliminary consideration.

3. If accepted, then the proposed name is to be advertised for twenty-eight days in the Inverell Times and written notification provided to the following persons or bodies:

   (i) Australia Post,

   (ii) the Registrar-General,

   (iii) the Surveyor-General,

   (iv) the Chief Executive of the Ambulance Service of NSW,

   (v) New South Wales Fire Brigades,

   (vi) the NSW Rural Fire Service,

   (vii) the NSW Police Force,

   (viii) the State Emergency Service,

   (ix) the New South Wales Volunteer Rescue Association Incorporated,

   (x) in the case of a classified road—the RMS.

4. The matter is then re-submitted to Council if there are any objections received or alternative suggestions made at which time another decision will be made.

5. When the final decision has been made, or if no objections were received, the new name is to advertised in the Inverell Times and the Government Gazette with written notification provided to the following persons or bodies:

   (i) Australia Post,

   (ii) the Registrar-General,

   (iii) the Surveyor-General,

   (iv) the Chief Executive of the Ambulance Service of NSW,

   (v) New South Wales Fire Brigades,

   (vi) the NSW Rural Fire Service,

   (vii) the NSW Police Force,

   (viii) the State Emergency Service,

   (ix) the New South Wales Volunteer Rescue Association Incorporated,

(x) in the case of a classified road—the RMS.

APPENDIX A - APPROVED LIST OF POTENTIAL ROAD AND STREET NAMES

- Apex Avenue
- Burge
- Comino
- Cush
- Dasey
- Fay
- John Northey
- Turner
- Wills
- Harkins

APPENDIX B - GUIDELINES TO THE NAMING OF STREETS

1. Preference to euphonious, pleasant sounding names. Names should where possible be pleasant and harmonious.

2. Aboriginal or historic names are encouraged.

3. Long established unofficial names should be preserved where possible. This includes old property names where the road has been called by a particular name.

4. The naming of roads or streets after living people should not be a common practice unless the person is famous or has made an outstanding contribution to the community eg Queen Elizabeth.

5. The use of Christian names preceding a surname is not favoured.

6. Long roads and streets should have only one name.

7. The use of the cardinal points of the compass in names is not favoured.

8. Names should not include apostrophes or hyphens.

9. Names which may cause offence will not be used.

10. Satisfactory to name after eminent persons now deceased (i.e. early explorers and settlers).

11. Long and clumsy names are not favoured.

12. Do not alter names that have been corrupted by usage back to the original.

13. Retention of old property names appropriate.

9.16 SCHWENKES LANE

File Number: **S28.10.SR215 / 21/37300**

Author: **Justin Pay, Manager Civil Engineering**

SUMMARY:

During discussions regarding Government grant funding opportunities at a previous Councillor briefing session, the prospect was raised of bitumen sealing Schwenkes Lane, Gilgai. Initial investigations have been made and Council is requested to determine if the matter should be further examined.

RECOMMENDATION:

That Council seek funding to facilitate the drainage upgrades and re-sheeting of Schwenkes Lane as identified in option 2 of the report.

COMMENTARY:

During discussions regarding Government grant funding opportunities at a Councillor briefing session, the prospect was raised of bitumen sealing Schwenkes Lane, Gilgai.

Schwenkes Lane is a 2.16km long Rural Collector Road, that runs from Bundarra Road in the village of Gilgai, to Old Bundarra Road. 295m of the lane is currently bitumen sealed and the remaining 1.865km is unsealed. A map of the road is included in Attachment 1 for the information of Councillors. There is a significant change of grade or "hill" in the unsealed section and the roadside drainage acts as a basin, draining a significant volume of water from adjacent agricultural paddocks. There is significant road side vegetation that overhangs the road and impacts on the existing road side drainage. There is currently no reported traffic accident data on Schwenkes Lane for the past 5 years.

Due to the classification as Rural Collector, the road receives several maintenance grades per year, as well as other unplanned maintenance as required. A review of Council's customer complaint system indicated that in the past 5 years, the road has been subject to over a dozen requests for maintenance via telephone and over 8 written requests for action to be taken on the road. The majority of the written requests make note that bitumen sealing would be the local communities preferred action.

Several local Schwenkes Lane and Gilgai residents have raised the prospect of bitumen sealing the road many times over the past decades. The key issues raised in their argument is that the lane acts as a thoroughfare from Tingha/Gilgai into south Inverell and is very well trafficked. This leads to dust issues and periodically the condition of the road does not meet their expectations due to potholes, corrugations and other surface defects. The current condition of the road surface is poor, it has reached the intervention level and requires maintenance grading. Due to flood damage impacts on Council's unsealed road network grading of Schwenkes lane was delayed. Road hazard signs are in place to manage risk associated with surface defects and maintenance grading crew is scheduled to be on site in 2-4 weeks. Due to the increased rainfall during 2021 the road side drainage on Schwenkes lane has been significantly impacted. There are many drain wash outs and a large volume of sedimentation in the table drains and culverts. While maintenance crews are undertaking grading, drainage maintenance works will also be undertaken. At the completion of these works the road will be providing a level of service commensurate with Council's Roads Asset Management Plan (AMP).

Previous Upgrade Works

In 2011 Council received grant funding under the Black Spot program to undertake upgrade works on the road. This funding was accessed due to the crash history on the road at that time. These works included vertical realignment of the road, vegetation removal, drainage improvements and

gravel resheeting. Bitumen sealing of the road was considered at the time and not determined necessary.

At the time of announcing the works Council received a petition from local residents requesting significant draining upgrade on the road. As an outcome of the petition a meeting was held between Council representatives and local residents where it was determined that significant drainage upgrades would be undertaken. These works were completed in 2011.

Road Classification

A review of Schwenkes Lane was undertaken to determine if the current classification Rural Collector Road in Council's Road Hierarchy was adequate. In Council's Roads AMP a Rural Collector Road is defined as; "*Rural roads carrying moderate volumes of local and commercial traffic and connecting local areas to arterial roads in Council's rural areas".*

A Rural Arterial Road is defined as; *"Rural roads carrying high to moderate volumes of traffic and connecting local areas to regional roads or providing access from neighbouring shires into Council's rural areas. Roads identified by the community as being important for economic, environment or social reasons."*

Given that the functionality of the road has not changed since the previous classification, a traffic study was undertaken in order to review traffic usage patterns. Traffic counters were recently placed on the road and yielded the following results:

SR215 Schwenkes Lane – Segment 40 (Near Old Bundarra Rd Intersection) data captured 2021

Average Daily Traffic – 100

Heavy Vehicle % - 19

Speed -

Mean – 60.4 KM/H

85th % - 73.4 KM/H

SR215 Schwenkes Lane – Segment 10 (Near Gilgai School Entry) data captured 2021

Average Daily Traffic – 114.214

Heavy Vehicle % - 18.6

Speed -

Mean – 46.4 KM/H

85th % - 59 KM/H

This data was compared to historical data to determine any pattern change or increase in usage, the below data was captured in 2005 and 2009 respectively:

SR215 Schwenkes Lane – Segment 40 (Near Old Bundarra Rd Intersection) data captured 2005

Average Daily Traffic – 70

Heavy Vehicle % - 12

Speed -

Mean – 45.8 KM/H

85th % 53.6 KM/H

SR215 Schwenkes Lane – Segment 10 (Near Gilgai School Entry) data captured 2009

Average Daily Traffic – 113

Heavy Vehicle % - 15.7

Speed -

Mean – 56.8 KM/H

85th % - 70.6KM/H

These traffic counts show that there has not been an increase in daily traffic at segment 10 and an increase to 100vpd on the unsealed section, this increase is likely due to the upgrade works completed in 2011.The above data indicates that the usage on the road has not significantly changed since the road was classified, this therefore does not support a change in the classification of Schwenkes Lane.

Road Upgrade Options

Several options exist for Council to consider:

Option 1. Upgrade to Sealed Road Standard

In order to upgrade the road to a sealed road standard, significant drainage works and vertical realignment would be required in order to achieve suitable sight distance in accordance with relevant Australian and Engineering Standards. Achieving this would require significant vegetation removal (fence line to fence line) and given the geology of the area, vertical realignment would come at significant financial cost. Initial desktop estimates indicate that funding required to upgrade the road to a sealed standard would be in excess of $2.5 million.

If the road were upgraded to sealed road standard it would most likely divert some traffic off the Bundarra Road on to the Old Bundarra Road for access to Inverell. This would have the effect of moving traffic off the State Government funded Regional Road network, onto the Council funded local road network. This would have a significant maintenance burden on Council's ongoing budgets. Further to this, additional traffic on Schwenkes Lane would lead to additional traffic on Old Bundarra Road, this would subsequently lead to pressure from road users to upgrade Old Bundarra Road.

When considering cost-benefit analysis for upgrading roads from unsealed to sealed road standard, there is significant documented research that indicates 200-250 vehicles per day is a minimum traffic volume needed for the financial cost to be superseded by the benefit to the community. As such, based on the traffic volumes, significant upgrade cost and future maintenance burden on Council, upgrading the road to bitumen sealed standard is not supported from a technical perspective.

If Council were to determine that broader community benefits of the project outweigh the cost, it would be prudent to undertake a project to investigate and design the project so that an informed decision could be made once detailed plans and costings were available.

Option 2. Further Drainage Upgrades, Gravel Resheeting and Enhanced Signage

If Council determined that bitumen sealing was inappropriate at this stage but wished to undertake works to improve the condition of the road, other lower cost options are available. A project to gravel resheet, further upgrade the drainage and install enhanced signage would be a cost-effective option to upgrade the road to a standard that comes closer to meeting the expectation of local residents. The drainage upgrades would provide a reduction in the ongoing maintenance burden and would reduce the severity of surface defects in between maintenance intervention by Council. Enhanced signage may improve driver behaviour, in turn improving safety for road users and limiting impacts on local residents. A project of this nature would cost approximately $225K. No funding is currently identified in Council's works program for this project.

Option 3. Continue to Maintain the Road in accordance with the Roads Asset Management Plan - Not Complete any Further Upgrade

At the completion of the above-mentioned planned maintenance works (scheduled to commence in 2-4 weeks) the condition of the road will provide a level of service commensurate with Council's Roads AMP. Council would continue to undertake routine and un-planned maintenance in accordance with the AMP. This outcome would be unlikely to reduce the number of ongoing

maintenance requests from residents but would provide a level of service proportionate with other roads classified as Rural Collector Road in Council's Road Hierarchy.

Conclusion

Traffic usage data does not support bitumen sealing Schwenkes Lane on a cost-benefit basis. The road is subject to ongoing community requests for maintenance and upgrade and lower cost upgrade options exist that will provide benefit to the community whilst reducing Council's ongoing maintenance burden. Given the quantum of existing grant funding opportunities currently available for road upgrades, it is recommended that Council seek grant funding in order to carry out a project that achieves the outcomes outlined in option 2 of this report.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

NIL

ATTACHMENTS:

1. Map - Schwenkes Lane

Old Bundarra Road
Schwenkes Lane
End Seg 040
LEGEND
Sealed
Unsealed
Causeway
Culvert
Start Seg 010
Woodford Place
Park Street
Marsh Street
Church Street
Wood Street
Old Stannifer Road
Hall Street
Short Street
Bundarra Road

9.17 REGIONAL ROAD TRANSFER AND ROAD CLASSIFICATION - FULL ROUND

File Number: **S28.24.1 / 21/37305**

Author: **Justin Pay, Manager Civil Engineering**

SUMMARY:

The State Government's Regional Road Reclassification and Transfer review process has progressed to the Full Submission Round, eligible Councils have been invited to make submissions to the independent review panel. Council is requested to make determination on a potential submission.

RECOMMENDATION:

That Council make a full round submission for the Bruxner Way and Bundarra Road to be transferred to State Government control, provided the following conditions are met:

1. *Funding for maintenance, rehabilitation and upgrade of the Regional Road Network in Inverell Shire must not be reduced;*

2. *The level of service provided by the Regional Road network in Inverell Shire must not be reduced;*

3. *Funding received by Council from State and Federal Government such as FAGS and Roads to Recovery must not be reduced; and*

4. *Future maintenance of the State Controlled Regional Road network within Inverell Shire be undertaken on a similar basis as the RMCC – with lower level of service standards than the State Road network.*

5. *That Council apply for an extension to the full round submission deadline, for the remaining Regional Road network, due to resource impacts resulting from Flood Damage repair works.*

6. *A submission seeking further information, identifying Council's resolved position and noted concerns be made to local state member the Hon. Adam Marshall MP.*

7. *A further report be presented to Council in order for a determination to be made regarding any further reclassification or transfer submissions.*

COMMENTARY:

In February 2019, the NSW State Government announced the initiation of a Road Classification Review to ensure the road classification framework is still fit for purpose and that roads across NSW are appropriately classified. Also, in February 2019, the State Government announced that up to 15,000 kilometres of Council owned roads would be returned to state management as part of a broader package of support for local Councils to better manage and maintain the rural road network.

An independent panel was formed and is tasked with undertaking consultation, receiving submissions from Councils, Joint Organisations and other stakeholders and making final recommendations to the State Government relating to reclassification and transfer of roads.

Council will recall a report that was presented to the August 2020 Civil and Environmental Services Committee meeting, which provided background on the process and outlined the proposed time frame. As a result of the August report, Council resolved *inter-alia* that:

(i) 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,

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.

The conditions referred to in the resolution were:

- Funding for maintenance, rehabilitation and upgrade of the Regional Road network in Inverell Shire must not be reduced;
- The level of service provided by the Regional Road network in Inverell Shire must not be reduced;
- Funding received by Council from State and Federal Government such as FAGS and Roads to Recovery must not be reduced; and
- Future maintenance of the State Controlled Regional Road network within Inverell Shire be undertaken on a similar basis as the RMCC – with lower level of service standards than the State Road network.

These conditions resulted from the fact that very little detail has been provided by the state government regarding future level of service, funding model, funding level and potential impacts on Council staff levels.

Following the August 2020 resolution, a conditional priority submission was made for the transfer of Bruxner Way and Bundarra Road and Council was subsequently selected to make a full priority submission for the transfer of these roads. Council is yet to be formally notified regarding the outcome of these submissions, however the Independent Panel has released their Interim Report. The report is provided for the information of Council in Attachment 1. Whilst the title indicates the report was presented in February 2021, it was only made available to Council (to be viewed online) during September 2021. This report lists the Council's and Roads that were recommended for reclassification or transfer, no Inverell Shire Council roads were listed in the report and therefore we were not successful with our Priority Round submissions.

Following on from the release of the Interim Report, the Panel has announced that eligible Councils can now make submissions to the full round of the Regional Road Reclassification and Transfer review process. Submissions for this round are due on 24 December, 2021 and the level of detailed information required for each submission is extensive. The Panel recently held online webinars to give Councils an update on the process and to provide instruction on how to make a submission. The Panel indicated during the webinar that they acknowledge that the submission process will be very resource intensive for Councils, noting that extensions to the submission deadline would be available to Councils who were impacted by recent Disaster Declarations.

Council will recall from previous reports that several key questions were unanswered regarding the Regional Road Reclassification and Transfer review process, these are summarised below:

- If roads are transferred would Council road funding be reduced? For example:
    - Financial Assistance Grants (FAGS) and Roads to Recovery funding are based on road length in each Shire, would funding under these programs be reduced if the transfer occurred?
    - BLOCK grant and REPAIR program funding is calculated on Regional Road length, how would the funding levels of these programs be impacted in the case of a partial transfer?
- If roads are transferred, would the level of service of the Regional Road network be maintained?
- Would TfNSW be making changes to the current Roads Maintenance Council Contract relating to the maintenance of the State Road network?
- Would the RMCC be extended to include the new "State controlled Regional Roads" after the transfer?

- If the RMCC was extended, this may make the contract more viable for a large contractor to compete with Councils. Will the State Government ensure that Councils are not negatively impacted by this?
- Will roads being reclassified or transferred be brought up to a higher standard before reclassification/transfer or in a specified timeframe?
- With potential reductions to Council budget, would Councils be able to maintain existing staffing levels?
- With potential reductions to Council budget, would Councils be able to maintain existing plant resource levels?
- The State Government assuming control of the Regional Road network would eliminate Councils ability to determine priorities for maintenance and upgrade works. It would also reduce Councils capacity to assign revenue funds to Regional Road upgrades.

Unfortunately, none of the above questions have been answered by the Panel, or the State Government to date. During the recent webinars these questions were again put to the Independent Panel, no direct answers were given, they noted that the Panel would make a recommendation to the State Government once all Full Round submissions had been received and reviewed, but they could not give any indication of what would be included in the recommendations and they could not guarantee that these recommendations would be accepted and acted upon by the State Government.

Multiple attempts have been made to gain answers relating to future level of service, funding model, funding level and potential impacts on Council staff levels. Unfortunately, no further information has been provided. The previous consultation report provided by the independent panel notes:

"Many councils talked to us about matters that are outside the scope of our Terms of Reference. Mostly you asked about how transferred roads would be administered and funded. This feedback has been shared with the Minister for Regional Transport and Roads."

Council previously made priority submission for the Bruxner Way and Bundarra Road to be transferred, on a conditional basis. It was noted in the priority submission that Council was only willing for the roads to be transferred to state government control if all above mentions conditions were met. It is recommended that Council continue with this approach for the Full Submission round.

The potential scenario does exist where Council makes conditional submission for these roads to be transferred, the submission is successful and the State Government does not meet the conditions set by Council. Unfortunately, with such limited information available at this time, it is not known how likely this risk is.

Council's original submission for the Bruxner Way was lodged in conjunction with our neighbouring Councils and with support from BROC. Both Tenterfield Shire Council and Moree Plains Shire Council have indicated that they will pursue Full Round submission for Bruxner Way to be transferred. Subsequent to our Priority Round submission, several neighbouring Councils have indicated a desire to pursue a joint submission to the Full Round for the transfer of Bundarra Road to State Government control.

Given that no information has been provided on how the transferred roads will be administered or funded, Council is not in a position to make an informed decision. With no new information available it is recommended Council's position remain unchanged and that a Full Round submission be made, by the current 24 December, 21 Deadline, for the Bruxner Way and Bundarra Road to be transferred to State Government control, provided the following conditions are met:

- Funding for maintenance, rehabilitation and upgrade of the Regional Road network in Inverell Shire must not be reduced;
- The level of service provided by the Regional Road network in Inverell Shire must not be reduced;

- Funding received by Council from State and Federal Government such as FAGS and Roads to Recovery must not be reduced; and
- Future maintenance of the State Controlled Regional Road network within Inverell Shire be undertaken on a similar basis as the RMCC – with lower level of service standards than the State Road network.

Council has previously indicated in-principal support for the transfer of all ISC controlled Regional Roads to State Government control, provided the conditions outlined in the above resolution are met. Unfortunately, at the current time insufficient information existed for Council to make an informed decision as to whether these conditions will be met, or what impacts may arise if they are not.

Given the significant impacts on Council's resources due to the current volume of government grants and the extensive work load created by the March 2021 flooding event, it is recommended that Council pursue an extension to the full round submission deadline, for any potential further submissions. This would allow staff adequate time to prepare quality submissions for the remaining Regional Road network. This approach would also provide further time that additional information may be forthcoming from the state government regarding the above-mentioned questions. An extension of the deadline would allow staff time to liaise with Councils that were successful in the priority round, to gauge the level of knowledge they have regarding the impacts of road transfer to stage government control. If this approach was taken, a further report would be presented to Council, outlining any additional information and providing Council an opportunity to make a determination regarding the remainder of the Regional Road network.

It is also recommended that Council's concerns and resolved position in this matter be brought to the attention of the local state member in an attempt to gain further information regarding the process.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

There is currently insufficient information available to predict the financial impact. While there is potential for financial win for Council, there are some key risks to be considered:

- Whether any reduction in funding would be offset by reduced maintenance and reconstruction costs.
- Whether ISC would be contracted to maintain the transferred road length.
- Whether the changes would flow through to impacts on the scale of capacity of the ISC Road Construction - Maintenance Operations. This has the potential for the loss of local jobs and reduced plant utilisation rates or a reduction in Council's fleet.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Independent Panel - Road Classification Review & Regional Road Transfer - Interim Report

Independent Panel - Road Classification Review and Regional Road Transfer
Interim Report

February 2021

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Appendix A – The Independent Panel's – Summary of the nomination round
Appendix B – The Independent Panel's Road Classification Review and Regional Road Transfer Priority Submission Guidelines
Appendix C – Priority Submission Filtering Guidelines
Appendix D – Category 1 TfNSW and Council applications recommended for reclassification
Appendix E – Category 2 Council applications recommended for reclassification or transfer

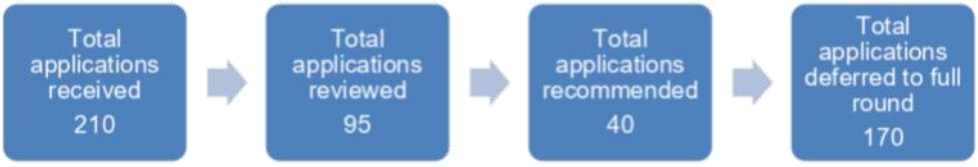
1. Executive Summary

Future Transport 2056 identifies the Road Reclassification Review as a key initiative to make adjustments to the classification framework and update the road network to align with the 'Hub and Spoke' Transport Network Model and the 'Movement and Place' Framework. The NSW Road Reclassification Review and Regional Road Transfer considers both road reclassifications and regional road transfers. The last Reclassification Review took place in 2004, and is noted by the Panel as a business as usual process that occurs once a decade or as required. The Regional Road Transfer is a new component, following a government commitment announced in February 2019 for a process to transfer up to 15,000 kilometres of council-owned roads back to the State.

This interim report advises on priority submissions, comprising submissions made by councils in the priority round and submissions by Transport for NSW (TfNSW) for network adjustments. The priority round was designed to be a limited round intended to capture roads across the state in need of urgent attention, to assist councils experiencing hardship in relation to particular roads, or to meet existing Government commitments.

The Panel received 178 council priority submissions for road reclassifications and/or transfers. The Panel also considered 32 TfNSW and council nominations for reclassification that are largely network adjustments. All recommended reclassification proposals from the Panel in this report are supported by impacted councils. It should be noted that the Panel has in some instances made recommendations that vary from the original application, and may not align with TfNSW or council comments.

Figure 1- Priority round applications



The Panel recommends 16 council priority submissions including,

- 11 applications for reclassification
- 4 applications for transfer; and
- 1 application for a combined reclassification and transfer

The Panel also recommends 24 TfNSW submissions for reclassification which are principally network adjustments. Details of the Panel's recommendations are listed below in Table 3 and 4 and further expanded on in Appendix D and E.

The Panel applied a four-step evaluation process designated in the Panel's Road Reclassification Review and Regional Road Transfer Priority Submissions Guidelines (the Guidelines) (Appendix B). The process allowed for evidence-based recommendations to be made by the Panel.

The Guidelines provided the governance arrangements for the evaluation of priority submissions to ensure consistency and fairness in evaluating the applications. The Panel evaluated six priority submissions that councils had nominated as Government commitments, however only one was substantiated.

The balance of applications not recommended in the priority round will be further considered in the full round. In some cases the complexity of the proposals and information availability prevented the Panel from making a considered recommendation. In the full round, further information will be sourced for these applications that will enable the Panel to make recommendations to be included in the final report.

The priority submission round was a short and targeted round. Importantly, it was a small round which examined how the proposed evaluation and governance processes worked. The Panel, moving forward into the full round, will use the learnings from the priority round to refine the specific information collected from applicants, the round's structure and to improve evaluation process and further strengthen the governance arrangements.

The evaluation of some priority submissions was hindered by information gaps. However, the majority of priority submissions contained sufficient information to carry out assessments as per the Guidelines. The Panel, as an assurance measure, suggests that recommendations for road reclassification and/or transfer that contain unverified information should undergo further validation prior to implementation.

The Panel has considered process and recommendation risks associated with the priority round and has identified these within this report. The planning, delivery and evaluation processes for the full round will take these risks into account. The Panel has been working towards delivering the agreed Terms of Reference (ToR) during the priority round. Specifically, it has delivered against Term 3 and remains on track to deliver the remaining terms as part of the final report. Finally, the Panel remains on track with the agreed timetable and the request for full round remains scheduled for release in March 2021.

The table below sets out how road reclassifications have been treated compared to road transfer applications and details the characteristics of State, Regional or Local Road classifications.

Table 1 - Reclassification versus transfer (application types and scenarios)

Reclassification applications

Current classification	Proposed classification	Ownership/ management changes?	Notes
Local Road	Regional Road	No	Council will maintain ownership/management. Classification affects funding arrangements for maintenance.
Regional Road	State Road	Yes	State will assume ownership and management of the road due to State-classified roads being managed by the state.
Local Road	State Road	Yes	State will assume ownership and management of the road due to State-classified roads being managed by the State.
State Road	Local Road	Yes	Council will assume ownership and management of the road due to Local-classified roads being managed by councils.
State Road	Regional Road	Yes	Council will assume ownership and management of the road due to Regional-classified roads being managed by councils.

Transfer applications

Current ownership/ management	Proposed ownership/ management	Ownership/ management changes?	Changes to road classification?
Council owned/ managed Regional Road	State owned/ managed Regional Road	Yes	No. Applicable for roads classified as Regional Roads only and for eligible councils only (non-metropolitan areas). Road remains classified as a Regional Road owned/managed by the State.

Figure 2 – Types of road classifications

State Roads are major arterial links throughout the State and within major urban areas which are the responsibility of the State government to fund and prioritise, due to their significance in the network.

State Roads include roads classified under the *Roads Act 1993* as Freeways, State Highways and Important Main Roads.

Regional Roads are routes of secondary importance between State Roads and Local Roads. Some Regional-classified roads are located within metropolitan areas. They are designated Regional based on their significance rather than their geographical location.

Regional Roads include roads classified under the Act as Secondary Roads and the less significant Main Roads. They also include some roads not classified under the Act.

It is the responsibility of councils to fund, prioritise and carry out works on Regional Roads. They are eligible for funding assistance from the State government in recognition of their importance to the network.

Local Roads are the remaining council-controlled roads which provide for local circulation and access. It is the responsibility of councils to fund, prioritise and carry out works on Local Roads.

Local Roads are eligible for State government grant funding to support maintenance through the $500m Fixing Local Roads program as well as Financial Assistance Grant funding through the Federal Government.

2. Background

The last Road Reclassification Review took place between 2003 and 2009, with implementation finalised in 2012. After the Minister's announcement of the current review and the Panel's appointment, consultation was carried out with councils and key stakeholders. Inclusive to this process was a council nomination process that captured submissions for reclassification and/or transfer. The Panel's summary of the nomination round is in Appendix A.

Councils that identified immediate need and risk in the nomination process were invited to make a submission in the priority round. Specifically, roads that may pose a risk to the safety of road users that were not able to be supported and maintained by councils or met Government commitments. Councils had absolute discretion over whether to make a priority submission, and if no submission was made, they retained the option to make a submission in the full round.

The priority submission round criteria was informed by the nomination process and Councils were asked to provide information on road condition, traffic flows, bridges, the road's function, on the application background and context, costings, crash history, safety, resilience, emergency management, vehicle access, and community and employment impacts. Applicants were also required to provide road maps and financial data sheets for transfer applications. If the proposed road reclassification or transfer went across two or more local government areas, the lead council was required to obtain and provide letters of support from the other affected councils. Joint submissions were also encouraged.

The Panel considered TfNSW road reclassification applications in conjunction with the priority council submissions. These applications dealt primarily with network adjustments. In total 52 (lead) councils covering 234 roads were invited to submit applications in the priority submission round. The priority submission round opened on 9 November 2020 and closed on 9 December 2020. Extensions were granted to 11 councils up to 4 January 2021. As a result, 178 council applications were received of which 63 applications were shortlisted according to the priority round assessment and reviewed by the Panel.

The Panel categorised reclassification submissions made by TfNSW and submissions made by councils in the priority round as Category 1 and 2, respectively. Category 1 were largely network adjustments submitted by TfNSW where management arrangements for a road had been determined by agreement between TfNSW and Council but the administration reclassification had not been carried out. Category 2 consisted of Council applications for reclassification and/or transfer that were the result of invited priority submissions.

Table 2 - Breakdown of priority round applications

Reclassifications

	Total for the priority round	Total reviewed	Total recommended	Total deferred to full round
Priority applications (number)	159	74	39	120
Local to Regional (kms)	530.08	319.21	211.60	318.48
Local to State (kms)	140.85	30.68	31.39	109.46
Regional to Local (kms)	1.00	1.00	1.00	0
Regional to Regional (kms)	3.79	1.02	1.02	2.77
Regional to State (kms)	671.99	497.44	10.13	661.86
State to Local (kms)	6.21	6.21	6.21	0
State to Regional (kms)	0.27	0.27	0.27	0
State to State (kms)	96.00	96.00	92.10	3.90
Total reclassification (kms)	**1,450.19**	**951.83**	**353.72**	**1,096.47**

Transfers

	Total for the priority round	Total reviewed	Total recommended	Total deferred to full round
Priority applications (number)*	108	39	5	103
Total transfer (kms)	**2,835.42**	**1,717.52**	**391.42**	**2,444.00**

*Note: Overall 210 priority applications were received across 3 application types (reclassification, reclassification & transfer and transfer). Applications received for the combined reclassification & transfer will appear in both the Reclassification and Transfer numbers above.

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Figure 3 - Breakdown of road reclassification and transfers applications received from each region

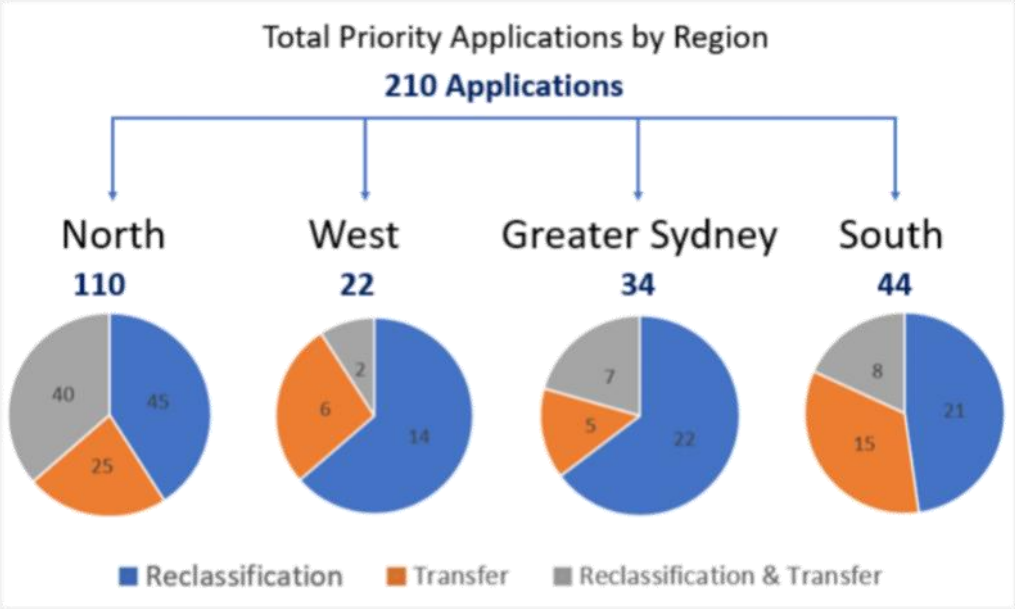

Figure 4 - Total Net Movement of reclassifications and transfers proposed by councils and TfNSW

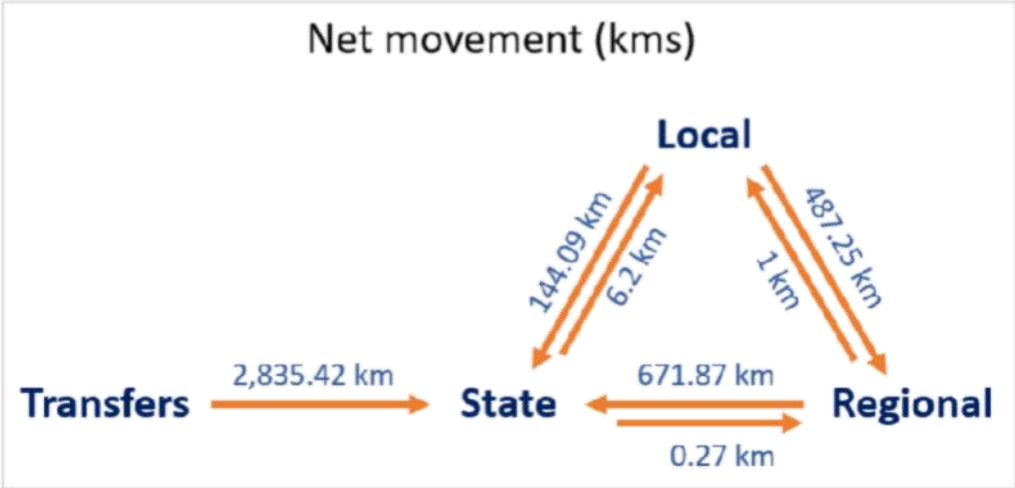

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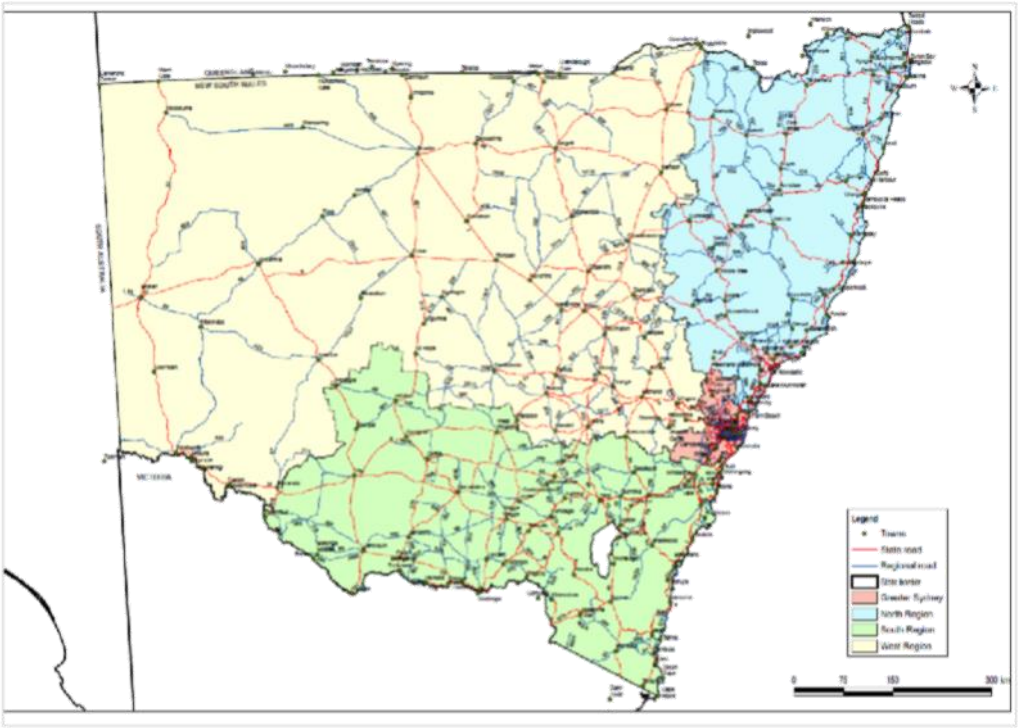
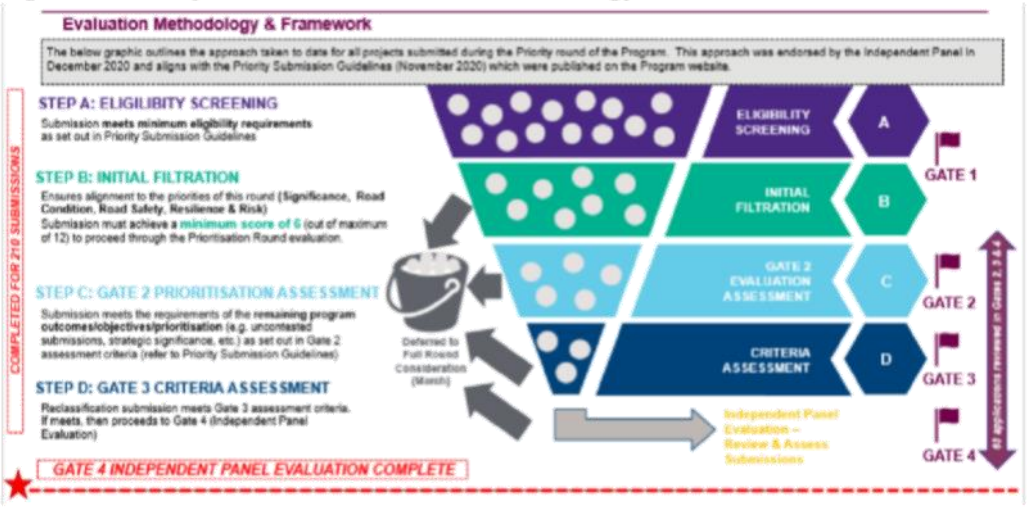
Figure 5 - Current regional road network



3. Evaluation process

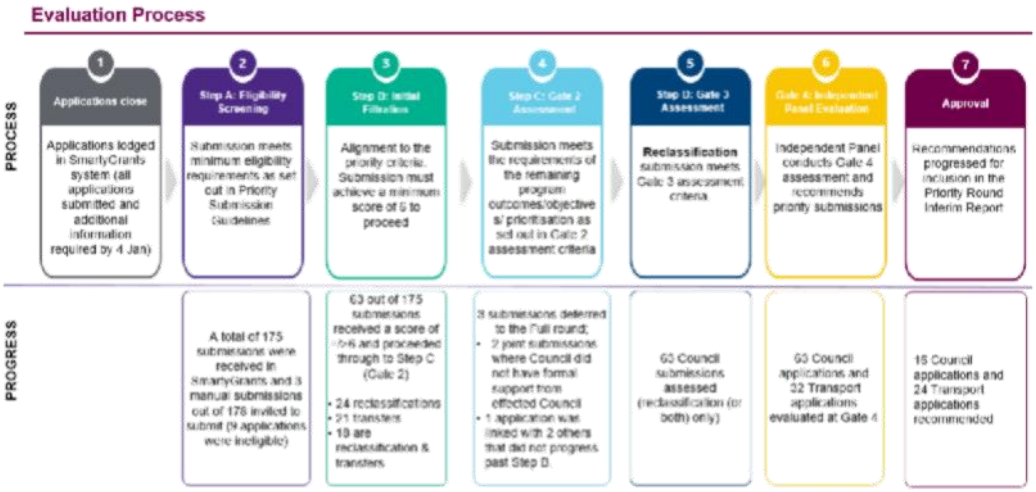
The priority round evaluation methodology and framework for applications is set out below in Figure 6. TfNSW reclassification applications were not subject to steps A, B and C given they had previously been assessed as Category 1.

Figure 6 - Priority submission evaluation methodology and framework



The evaluation process and timeline for priority submissions and TfNSW reclassification applications is set out in Figure 7. As previously noted, TfNSW applications had been previously vetted and classed as Category 1. Therefore, the Panel started evaluating TfNSW applications at Gate 4.

Figure 7 - Evaluation process



The Guidelines were reflected in the evaluation methodology and framework, together with the evaluation process.

In step A (Figure 6) eligibility was confirmed for priority round submissions for transfer. Specifically, if councils making applications for transfer were located in Greater Sydney, Newcastle and Wollongong as defined by the Restart boundaries they were deemed ineligible to apply for transfer. It was noted there was some confusion amongst Councils regarding the difference between road reclassification and transfer applications. Further clarity will be provided in the full round.

Next, all eligible priority round applications moved to step B. The Priority Submission Filtering Guidelines were applied to identify the priority submissions that would progress to step C, (Appendix C). Submissions needed to obtain a minimum score of six out of 12 to progress to Gate 2. Supported priority submissions next proceeded directly to Gate 4 where the Panel undertook their evaluation. Applications with a score of less than six were deferred to the full round.

For Category 1 TfNSW road reclassifications, submissions were considered against Gate 3 criteria to confirm they met the definition and function of a Local, Regional or State road. Submissions that met these criteria progressed to Gate 4 for final evaluation by the Panel.

4. Government commitments

During the evaluation of priority submissions, the Panel gave careful consideration to applications that referenced a Government commitment. In the priority round there were six applications made on these grounds.

For evaluation purposes it was determined that funding grants or funding commitments did not constitute explicit support for reclassification or transfer. Rather, the Panel looked for documented evidence of a Government commitment that specifically called out support for the reclassification or transfer of a road. At the conclusion of the evaluation process there was only one verified Government commitment.

5. Recommendations to the Minister

In total the Panel recommends 40 priority applications consisting of;

- 24 TfNSW applications for reclassification
- 11 council applications for reclassification
- 4 council applications for transfer; and
- 1 council application for a combined reclassification and transfer

The TfNSW reclassification submissions are from Category 1, and the recommendations were made after confirming the impacted councils supported the reclassification. The majority of Category 1 recommendations are largely network adjustments where management arrangements for a road have been determined by agreement between TfNSW and council, but the administrative reclassification had not yet been carried out.

Council priority submissions were from Category 1 and 2. Following the nomination process, the Panel invited selected councils to make submissions in the priority round. Category 2 applications were more complex than Category 1 applications, and this reflects in the number of Category 1 and Category 2 applications that have been recommended. Where Category 1 and Category 2 applications were not recommended in the priority round, they will be held over for further consideration in the full round.

Table 3. Category 1 TfNSW and Council applications recommended for road reclassification

Panel recommended TfNSW and Council road reclassification dashboards that show key information and justifications are contained in Appendix D

Application ID	Road Name	Submission Type	Class Change	Submitted by	LGA/s	Council Comment	Panel Recommendation
TN-059	Edward St & Jones Ave	Classification	Local to Regional	TfNSW	Moree Plains	Support Proposal	Supported by the Panel
TN-060	Frome St	Classification	Local to Regional	TfNSW	Moree Plains	Support Proposal	Supported by the Panel
TN-001	Hunter Expressway	Classification	State to State	TfNSW	Cessnock, Lake Macquarie, Maitland, Singleton	Not Applicable	Supported by the Panel
TN-003	Allandale Rd, Lovedale Rd	Classification	Local to Regional	TfNSW	Cessnock, Maitland	Reflects current road management	Supported by the Panel
TN-005	Hart Rd, Gingers Ln, Frame Dr, Orange St	Classification	Local to Regional	TfNSW	Cessnock	Similar Proposal from Council	Supported by the Panel
TN-006	Buchanan Rd, Mt Vincent Rd to East Maitland	Classification	Local to Regional	TfNSW	Cessnock, Maitland	Reflects current road management	Supported by the Panel
TN-012	Ocean Dr	Classification	Regional to Regional	TfNSW	Port Macquarie - Hastings	Not Applicable	Supported by the Panel
TN-026	Big River Way	Classification	State to State	TfNSW	Clarence Valley	Not Applicable	Supported by the Panel
TN-041	Hinterland Way	Classification	State to State	TfNSW	Byron	Not Applicable	Supported by the Panel
TN-042	Hinterland Way	Classification	State to State	TfNSW	Byron	Not Applicable	Supported by the Panel
TN-073	O'Connell St	Classification	Regional to State	TfNSW	Parramatta	Partial Council support	Supported by the Panel

TN-074	Barney St	Classification	Regional to State	TfNSW	Parramatta	Similar Proposal from Council	Supported by the Panel

Table 3. Category 1 TfNSW and Council applications recommended for road reclassification (Continued)

Application ID	Road Name	Submission Type	Class Change	Submitted by	LGA/s	Council Comment	Panel Recommendation
TN-086	Schofields Rd, South St	Classification	Local to State	TfNSW	Blacktown	Similar Proposal from Council	Supported by the Panel
TN-064	Manildra St, Culling St	Classification	Regional to State	TfNSW	Narromine	Support State Rd Proposal	Supported by the Panel
TN-066	Derringbong St	Classification	Regional to Regional	TfNSW	Narromine	Not Applicable	Supported by the Panel
TN-067	Wentworth Bypass, Manildra St	Classification	Local to Regional	TfNSW	Narromine	Similar Proposal from Council	Supported by the Panel
TN-087	Reg Rattey Dr, Main St, Neeld St	Classification	State to Local	TfNSW	Bland	Support Proposal	Supported by the Panel
TN-088	Main Street	Classification	State to Local	TfNSW	Bland	Support Proposal	Supported by the Panel
TN-089	Main Street	Classification	State to Regional	TfNSW	Bland	Support Proposal	Supported by the Panel
TN-090	Showground Rd	Classification	Local to State	TfNSW	Bland	Support Proposal	Supported by the Panel
TN-102	Sloane St, Grafton St, Reynolds St	Classification	Local to State	TfNSW	Goulburn Mulwaree	Support Proposal	Supported by the Panel
TN-103	Auburn Street, Lagoon Street	Classification	State to Local	TfNSW	Goulburn Mulwaree	Support Proposal	Supported by the Panel
TN-068	Northern Distributor Road	Classification	Local to State	TfNSW	Orange	Similar Proposal from Council	Supported by the Panel
TN-069	Northern Distributor Road	Classification	Local to State	TfNSW	Orange	Similar Proposal from Council	Supported by the Panel

-	Butler Street	Classification	Local to Regional	Council	Byron	Council's Proposal	Supported by the Panel
-	Jonson Street	Classification	Regional to Local	Council	Byron	Council's Proposal	Supported by the Panel

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Table 4. Category 2 Council applications recommended for road reclassification and transfer

Panel recommended council road reclassifications dashboards that show key information and justifications are contained in Appendix E.

Application ID	Road Name	Submission Type	Class Change	Submitted by	LGA/s	Council Nominated as Government Commitment?	TfNSW Comment	Gate 4 Panel Recommendation and Justification
RCRT00004 PRIORITY	Graham Street / Lorne Road	Reclassification	Local to Regional	Port Macquarie-Hastings	Port Macquarie-Hastings	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00019 PRIORITY	Packham Dr between Molong and Manildra	Reclassification & Transfer	Local to Regional	Cabonne	Cabonne	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 3, 4 & 5. Application to transfer is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00031 PRIORITY	Broadwater Evans Head Rd	Reclassification	Local to Regional	Richmond Valley	Richmond Valley	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00033 PRIORITY	Bald Nob Road	Reclassification	Local to Regional	Glen Innes Severn	Glen Innes Severn	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 3, 4 & 5.
RCRT00048 PRIORITY	Kempsey - Armidale Road	Reclassification & Transfer	Local to Regional	Kempsey	Kempsey, Armidale	Yes – Adam Marshall MP	Application to reclassify to State Rd not supported	Application to reclassify from local to regional road is endorsed by the panel. Submission supports Gate 4 considerations 1, 2, 4 & 5. Application to transfer is endorsed by the panel. Submission supports Gate 4 considerations 1, 2, 4 & 5.
RCRT00057 PRIORITY	Byrnes Rd, Edgar St, William St, Ducker St, Lorne St	Reclassification	Local to Regional	Junee	Junee, Wagga Wagga	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations of 1, 4 & 5.

Table 4. Category 2 Council applications recommended for road reclassification and transfer (Continued)

Application ID	Road Name	Submission Type	Class Change	Submitted by	LGA/s	Council Nominated as Government Commitment?	TfNSW Comment	Gate 4 Panel Recommendation and Justification
RCRT00096 PRIORITY	Moorebank Avenue	Reclassification	Local to State	Liverpool City	Liverpool	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00110 PRIORITY	Fifteenth Avenue	Reclassification	Local to State	Liverpool City	Liverpool	Yes- Western Sydney City deal, potential rapid bus	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00111 PRIORITY	Devonshire Road	Reclassification	Regional to State	Liverpool City	Liverpool	No	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00112 PRIORITY	Edmondson Avenue	Reclassification	Local to Regional	Liverpool City	Liverpool	Yes - SIC Road	Supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5.
RCRT00027 PRIORITY	Ross Ln, Tamarind Dr, Tintenbar Rd, Teven Rd, Tuckombil Rd, Rifle Range Rd, Lismore Rd	Reclassification & Transfer	Regional to State	Ballina	Ballina	No	Reclass not supported	Application to transfer is endorsed by the panel. Submission supports Gate 4 considerations 1 & 4. Application to reclassify deferred to full round.
RCRT00046 PRIORITY	Armidale Rd	Reclassification & Transfer	Regional to State	Clarence Valley	Clarence Valley	No	Reclass not supported. Transfer supported	Application to transfer is endorsed by the panel. Submission supports Gate 4 considerations 1, 4 & 5. Application to reclassify deferred to full round
RCRT00018 PRIORITY	Tomingley to Eumungerie via Narromine	Reclassification & Transfer	Regional to State	Narromine	Narromine, Dubbo, Gilgandra	No	Supported	Application to transfer is endorsed by the panel. Submission supports Gate 4 considerations 1, 3, 4 & 5. Application to reclassify deferred to full round
RCRT00114 PRIORITY	Ruttleys Rd	Reclassification & Transfer	Local to Regional	Lake Macquarie	Lake Macquarie, Central Coast	Yes – fixing local road	Reclass supported	Application to reclassify is endorsed by the panel. Submission supports Gate 4 considerations 4 & 5. Application to transfer deferred to full round

6. Risks

Priority round process risks

The Panel identified the following risks that impacted the lead-up to and delivery of the priority round:

- Constraints with the Panel and Review resourcing;
- The current TfNSW team did not participate in the Guidelines development, or council and stakeholders consultation, and do not have the same level of corporate knowledge;
- Tight timeframes, it is recommended that the full round timeline be extended;
- The large amount of information requiring evaluation;
- Information/data quality;
- The TfNSW and general shutdown of councils during the Christmas 2020, and the Evolving Transport impact on the Review; and
- COVID -19 impacts on the Panel and council consultation and their capacity to complete the submission process.

Recommendation risks

The Panel identified the following risks associated with priority submission round recommendations:

- Managing community and council expectations regarding implementation and communications
- Recommendations have been made on reclassification and/or transfer of sections of a road in isolation. Further consideration of networks, corridors, activation precincts and broader road issues will be addressed in the full round; and
- The need to validate information on the road condition and required remediation actions and costs before implementing recommendations.

7. Financial considerations

While it is out of scope for the Panel to consider financial implications on Government, it is noted that any financial implications for councils will have an opposite effect to the State.

The broad financial implications for the reclassifications and/or transfer for local councils will be further considered and an analysis of the financial implications of recommendations will be provided for the full round. Where roads are recommended for reclassification or transfer, it is suggested that any decision on implementation would be conditional on any necessary consideration of environmental, traffic or road investigation studies being dealt with by TfNSW.

8. Emerging issues

The Panel has noted the following emerging issues its evaluation of the priority submission round:

- There have been several applications for reclassification and transfer for the Pacific Highway which have dealt with complex and interconnected issues. The applications have been challenging to analyse, and to make recommendations on specific applications for reclassification and transfer. As a result, these applications have been deferred to the full round to enable obtaining further information and to undertake more detailed evaluation.
- Aerotropolis Precinct Plan and Snowy Hydro No.2 and No.3 are major Commonwealth infrastructure projects in NSW. There are also a number of activation precincts across Regional NSW. The NSW road network will experience increased freight and passenger traffic due as a result of the projects. Further, the projects are likely to produce potential uplifts in the NSW economy and influence regional demographics. In the priority round several applications were made that were in by these projects. Given that the projects are works in progress it was difficult to make recommendations and the applications were deferred to the full round, pending further information being obtained on their impact on the adjacent road network.
- Confusion over the road terminology, an application referenced an “Expressway” which does not formally exist and should have referred to instead ‘Motorway”. The Panel will provide recommendations regarding preferred terminology in its final report.

The Panel continued to acknowledge the concerns of local government and the following themes which were raised in consultation:

- Funding and local employment arrangements for transferred roads;
- Future construction impacting road reclassifications;
- Freight connectivity and resilience of the regional road network; and
- Resource constraints for councils in making submissions

9. Next steps

Applications made for road reclassification and/or transfer that were not recommended will be deferred and further considered in the full submission round. There may be instances where applicants will be asked to provide further information and this will be undertaken to ensure their applications receive equal consideration in the full round.

Councils that chose not to participate in the priority submission round will have a further opportunity to make submissions for road reclassification and/or transfer in the full round, and

will not be disadvantaged by not participating in the priority submission round.

The panel over the past 12 months has made progress on its ToR and delivered against term 3. The Panel is on track to deliver the remaining terms to be included in the final report. The ToR status is set out below:

	Term	Delivery risk	Current status
1	Provide advice on an appropriate road classification policy framework and terminology for the NSW road network;		To be actioned in 2021 and included in final report
2	Review submissions for the reclassification of roads under the framework;		Ongoing
3	Provide advice on the process and criteria for the transfer of regional roads;		Complete
4	Identify eligible roads that could be recommended for transfer to the NSW Government;		Ongoing
5	Provide advice and make recommendations to Government on the prioritisation of any roads for reclassification;		Ongoing
6	Provide advice and make recommendations to Government on the prioritisation of any regional roads for transfer; as per recommendations		Ongoing
7	Provide recommendations for a balanced and logical approach to the allocation of funding to State and Regional roads;		To be actioned in 2021 and included in final report
8	Consult with councils and other key stakeholders, including the freight industry, on the road classification framework;		Ongoing
9	Consult with councils and other key stakeholders, including the freight industry, on the proposed process for the transfer of council owned regional roads;		Ongoing
10	Provide an analysis of the financial implications for local council of recommended road reclassifications and transfers, particularly as to how this may affect grants and financial assistance councils currently receive;		To be actioned in 2021 and included in final report
11	Provide recommendations that give consideration to maintaining local employment in roads maintenance works, such as through Roads Maintenance Council Contracts and direct employment by councils, and supporting economic growth in the regions;		To be actioned in 2021 and included in final report
12	Ensure all recommendations are based on sound economic, social and planning principles that support the customer and network outcomes identified in Future Transport 2056.		To be actioned in 2021 and included in final rep

Green – on track for delivery in final report

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9.18 EXTENSION OF TEMPORARY TRAFFIC MANAGEMENT ARRANGEMENTS FOR DROUGHT RELIEF TRANSPORT

File Number: **S28.15.3/11 / 21/37405**

Author: **Matthew Mepham, Works Engineer**

SUMMARY:

At the Ordinary Council Meeting in August 2018, Council resolved to support temporary traffic management measures to allow temporary movement of larger Restricted Access Vehicles on the Shire road network to facilitate movement of stock feed for drought relief purposes. Transport for NSW have now extended the temporary Drought Recovery Access until 19 September, 2022. They are requesting Inverell Shire Council's consent to extend the temporary access on the Shire road network in order to facilitate the continuing movement of Restricted Access Vehicles.

RECOMMENDATION:

That Council approve the extension of the temporary Drought Recovery Access for Restricted Access Vehicles on the Shire road network until 19 September, 2022 under the General Manager's Delegation.

COMMENTARY:

At the Ordinary Meeting in August 2018, in response to the significant drought conditions and severe impacts on the agricultural sector, Council resolved:

RES 111/18 - *that Council provide support for the necessary traffic management measures to facilitate the temporary movement of A Type Road Trains east of Jardine Road on the Gwydir Highway and associated Network to facilitate the delivery of stockfeed where appropriate risk management measures could be put in place.*

RES 112/18 - *that Council, on a temporary basis, delegate authority to the General Manager to determine applications associated with the transport of stock feed on higher productivity vehicles across the Shire road network given the current drought conditions.*

Since that time, the vast majority of permits applied for and approved under the drought relief measures were for movements along the Gwydir Highway and had minimal impacts on the Shire local road network. Nearly 300 permits for Restricted Access Vehicles have been granted over the past 3 years in line with the Temporary Drought Recovery Access through Inverell. Permits were granted for 12 months at a time during this period, therefore some operators would have multiple permits due to re-application after the 12 month permit period expired. These are included in the 300 permits granted.

Transport for NSW have recently contacted Council to inform they are extending the Temporary Drought Recovery Access on all State roads in preparation for the busy 2021-22 harvest season. The scheme has shown significant benefits in productivity, safety and sustainability for industry and the broader community primarily through a reduction in truck trips required to move the same freight task. Transport is seeking approval from all participating local Councils, including Inverell Shire Council, to extend the Temporary Drought Recovery Access for their Shire road network. A copy of the letter from TfNSW is in attachment 1.

Over the 3 years that Inverell Shire Council has facilitated temporary access of Restricted Access Vehicles, Council has monitored the impacts these vehicles have on our road network. There have been no safety issues with the routes approved but there has been an increase in the maintenance burden. This increased maintenance includes the repairing of damaged pavement caused by the increased screwing and greater freight loads, replacing and repairing guardrails and signage due to the larger turning path required and driver error when manoeuvring the routes that are approved for access.

Council staff are in ongoing discussions with Transport for NSW staff regarding possible grant funding to upgrade the local roads in the Inverell LGA in order to facilitate larger restricted access vehicles moving east-west. The upgrades required are to the intersections of:

- Ring Street – Ashford Road
- Ashford Road – Swanbrook Road
- Swanbrook Road – Runnymede Drive, and;
- Runnymede Drive – Gwydir Highway.

Although there is the increased maintenance burden, the extension of the Temporary Drought Recovery Access through Inverell will help to facilitate the continuing movement of Restricted Access Vehicles and the safe and productive movement of stockfeed. Therefore, it is recommended that Council grant the extension of the Temporary Drought Recovery Access for Restricted Access Vehicles on the Shire road network until 19 September, 2022 under the General Manger's Delegation.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Letter from TfNSW – Temporary Drought Recovery Access Extension

NSW GOVERNMENT | Transport for NSW

29 September 2021

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

RE: Temporary Drought Recovery access extension

Dear Paul

In preparation for the busy 2020-21 harvest season, Transport for NSW and NSW Local Councils, including Inverell Shire Council, worked closely with industry to implement temporary drought recovery access for the safe and productive movement of grain and livestock, particularly using high productivity road trains.

Our analysis of this temporary drought recovery access has shown significant benefits in productivity, safety and sustainability for industry and the broader community primarily through a reduction in truck trips required to move the same freight task.

Given the 2021-22 harvest is expected to be as large if not larger than the previous season and with the broader impacts of Covid-19 in mind, Transport for NSW has been working with road managers from each of the NSW Local Councils to extend the drought recovery access from 1 October 2021 to 19 September 2022. To date, Transport for NSW has extended the drought recovery access on state roads while all other participating NSW Local Councils have extended the drought recovery access on their networks.

My team has been working well with Matthew Mepham from your team to enable the extension of the drought recovery access in Inverell Shire Council. Industry has highlighted to us the importance of the Inverell Shire Council network in the extension of the drought recovery access. With your consent, we will immediately update the relevant maps to extend the Inverell Shire Council drought recovery access to 19 September 2022.

Please don't hesitate to contact me or Pat Munro, Manager Road Access, on 0457 525 211 if you have any questions about the drought recovery access extension. Thank you.

Yours sincerely

Scott Greenow
Director Operations
Freight Branch, Transport for NSW
M: 0476 835 592

Transport for NSW
M 0476 835 592 | W transport.nsw.gov.au | ABN 18 804 239 602

10 INFORMATION REPORTS

10.1 ELECTORAL MATTER - USE OF COUNCIL RESOURCES PRIOR TO LOCAL GOVERNMENT ELECTIONS

File Number: **S13.7.4/04 / 21/37417**

Author: **Paul Pay, Director Corporate and Economic Services**

SUMMARY:

Council is in receipt of information from the NSW Office of Local Government regarding “Electoral matter” and use of Council resources prior to Local Government Elections. Council is requested to note this information.

COMMENTARY:

The NSW Office of Local Government has issued information regarding “Electoral matter” and use of Council resources prior to Local Government Elections.

Council officials must not:

a) use Council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.

b) In the 40 days preceding the election, Councils need to consider whether their publications could amount to an “electoral matter”.

“Electoral matter” is defined under clause 356A of the Local Government (General) Regulation 2005, and broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate fall within the definition of “electoral matter”.

Council publications that promote the achievements of the council may also potentially fall within the definition of “electoral matter”. Further clarification on “electoral matter” can be found in the attached document “Frequently Asked Questions”.

Under the Model Code of Conduct for Local Councils in NSW, the following must not be used for the purpose of assisting anyone’s election campaign:

a) Council resources, property or facilities (unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility); and

b) Council letterhead, Council crests and other information that could give the appearance it is official council material.

Councils and Council officials should be mindful of the need to maintain community confidence in the integrity of the performance of the Council's functions and activities in the lead-up to elections. Councils should be mindful of how the community may perceive any of their activities or actions during this time.

“Electoral matter” commences on 25 October, 2021.

ATTACHMENTS:

1. Frequently Asked Questions - Electoral matter

Frequently Asked Questions

Q. What is "electoral matter"?

"Electoral matter" is defined under clause 356A of the *Local Government (General) Regulation 2005* (the Regulation) and broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate also fall within the definition of electoral matter.

The regulatory requirements that relate to "electoral matter" and "electoral material" under the Regulation apply in the 40 days preceding the election.

Q. Can council publications be "electoral matter"?

A council publication that makes no reference to the Mayor or councillors who are candidates and does not carry their images or statements will not constitute electoral matter if it is not intended or likely to affect voting at the election.

However, council publications that promote the achievements of the council may potentially have this effect and therefore may constitute "electoral matter" even if they do not carry the images or statements of the Mayor or councillors. This potentially includes end-of-term reports. More information on this is provided below.

Ultimately whether a council publication constitutes "electoral matter" is an assessment that needs to be made by each council on a case-by-case basis. If a council is in doubt, then it should defer issuing the publication until after the election.

Q. Does the Mayoral column constitute "electoral matter"?

Yes. Because the Mayoral column carries the Mayor's image and name, it will constitute electoral matter if the Mayor is a candidate. Councils should instead consider publishing the Mayoral column in the 40 days preceding the election as a generic council column.

Q. Does the end-of term report constitute "electoral matter"?

Because the end of term report identifies the achievements of the council over its preceding term it may potentially constitute "electoral matter" because of its potential to impact on voting at the election.

Q. Can the end of term report be reported to council during caretaker period?

Yes. The end-of-term report *must* be presented to the final meeting of an outgoing council. The provisions in the Regulation relating to "electoral material" do not prevent the end-of-term report being presented to the council or from being made available on a council's website as part of the business papers of the meeting.

However, because the final meeting of the outgoing council will normally fall within the 40 day "regulated period" preceding the election, councils should refrain from publishing the end-of-term report as a separate publication until after the elections on 4 December 2021. The end-of-term report should be appended to that year's annual report.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 **F** 02 4428 4199 **TTY** 02 4428 4209
E olg@olg.nsw.gov.au **W** www.olg.nsw.gov.au **ABN** 20 770 707 468

Q. Can mayors or councillors who are candidates attend council-arranged or community events?

Nothing in this circular should be interpreted as preventing the Mayor or councillors who are candidates from attending or presiding over council-arranged or community events in the lead up to the election.

Q. Can mayors or councillors who are candidates make "political statements" at council-arranged events?

Mayors or councillors who are candidates must not use council arranged events that they attend in an official capacity to actively campaign for re-election. However, nothing under the Model Code of Conduct would serve to preclude a councillor who is a candidate from expressing their political views or making political statements at such events.

Q. Can the mayor or councillors who are candidates make comments in the media?

This circular does not seek to prevent the Mayor or councillors who are candidates from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources and the comment is not inconsistent with the council's adopted media policy.

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10.2 TINGHA DISASTER PREPAREDNESS PROJECT

File Number: **S15.8.110 / 21/34479**

Author: **Christy Galbraith, Corporate Support Coordinator**

SUMMARY:

Council was awarded funding under the Bushfire Resilience and Recovery Fund (stream 2) program to upgrade amenities and safety at the Tingha Sport & Recreation Reserve.

COMMENTARY:

Council has recently completed a $55,347 Tingha Disaster Preparedness project funded by the NSW Government.

The project included the installation of five (5) x solar lights and four (4) showers in the amenities block at the Tingha Sport & Recreation Reserve. The project meets a recovery need which is a locally focused solution, designed by the Tingha community.

The Tingha Sport & Recreation Reserve is a designated Neighbourhood Safer Place. The installation of solar lights in the grounds improves safety and visibility after dark and the shower facilities ensures that Tingha is better prepared for future natural disasters and the reserve has the capacity to meet the needs of its community.

Below: Newly installed Solar Lights

RISK ASSESSMENT:

NIL

POLICY IMPLICATIONS:

NIL

CHIEF FINANCIAL OFFICERS COMMENT:

NIL

LEGAL IMPLICATIONS:

NIL

ATTACHMENTS:

Nil

10.3 FIXING LOCAL ROADS FUNDING - MOORE STREET - INVERELL HOSPITAL ACCESS - UPGRADE

File Number: **S15.8.100/03 / 21/35010**

Author: **Paul Henry, General Manager**

SUMMARY:

The State Government has agreed to provide funding to assist with the construction costs of a new entrance to the Inverell Hospital, off Moore Street. The following report is for the information of Council.

COMMENTARY:

The Hon Paul Toole MP, Minister for Regional Transport and Roads has written to advise that Council's application under the Fixing Local Roads Round 3, has been successful in securing $911,654 for the Moore Street – Inverell Hospital Access – Upgrade.

Council were informed that this project was selected because it was nominated to commence within the next six months, so as to deliver immediate stimulus benefits to the community. Additionally, the financial commitments of both Health Infrastructure and Council received favourable weighting.

The project will undertake works along a 1km section of Moore Street and include pavement rehabilitation widening, a turning lane into the hospital, drainage upgrade and improvements to sight distance allowing for safe access to the new hospital.

The project will be funded as follows:

NSW Government Grant	$ 911,654
Health Infrastructure	$ 337,250
Council	$ 100,096 *
Total Cost	$1,349,000

* Internally Restricted Assets – Capital Infrastructure

Fixing Local Roads is an initiative funded by the NSW Government which is specifically designed to help regional and rural councils carry out vital repair work and reduce the maintenance backlog on local roads.

Council will commence construction in February, 2022.

ATTACHMENTS:

Nil

10.4 FACEBOOK PAGES - DEFAMATION

File Number: **S16.13.11 / 21/35446**

Author: **Paul Henry, General Manager**

SUMMARY:

The following information is provided for the information of Council in respect of the moderation of comments on Council's Facebook page.

COMMENTARY:

On 8 September, 2021, the High Court of Australia held that under defamation law media companies are 'publishers' of comments made by members of the public on their Facebook posts and are responsible for the moderation of comments on the public Facebook pages they administer. The findings made in the judgment would likely extend to any public social media account where third parties can comment on posts.

The case arose from an appeal by the media companies of an earlier decision of the Court of Appeal of the NSW Supreme Court. In Fairfax Media Publications Pty Ltd v Voller [2021] HCA 27 the majority of the High Court dismissed the media companies' appeals from that judgment.

In this case, Mr Voller commenced defamation proceedings against Nationwide News Pty Ltd, Fairfax Media Publications Pty Ltd and Australian News Channel Pty Ltd (the media companies), claiming that he had been defamed by third party comments made under posts by the media companies on their Facebook pages.

The High Court Judgment

The media companies asked the High Court to find that they were not liable in defamation for comments made on their Facebook pages, as the publication of defamatory matters must be intentional. The Court rejected their arguments and emphasised that as long as a person or organisation allows and encourages the communication of a matter, including a defamatory matter, that person is a publisher under defamation law.

The Court held that the media companies had participated in the publication of the comments as they had:

- contracted with Facebook for the creation and provision of their pages,
- posted content on their pages which automatically gave users an option to comment, and
- allowed comments which (if not filtered) were automatically accessible by other Facebook users.

This decision has confirmed the courts wide interpretation of who will be considered a publisher, and therefore liable for defamatory comments.

Council has a policy governing the posts by 3rd parties on Council's Facebook page. The page is monitored daily and any comments that do not meet the standards set in the policy will be removed.

This judgement makes this checking of 3rd party posts imperative and the need to be strict in the application of the policy essential.

ATTACHMENTS:

Nil

10.5 FUNDING FOR INVERELL REGIONAL LIVESTOCK EXCHANGE (IRLX)

File Number: **S15.8.119 / 21/36055**

Author: **Fiona Adams, Manager Integrated Planning and Reporting**

SUMMARY:

Council has been awarded $631,000 for redevelopment activities at Inverell Regional Livestock Exchange (IRLX). The funding has been provided from the Australian Government's Building Better Regions Fund.

COMMENTARY:

In early 2021, Council lodged a joint funding application with the owners of Inverell Regional Livestock Exchange (IRLX), AAM Investment Group, to undertake further redevelopment of the facility. The project has been awarded $631,000 from the Federal Government, with AAM Investments to match funding received dollar-for-dollar, resulting in a $1.26M project.

The project will build upon stage 1 of the IRLX redevelopment, which included covered cattle selling areas, rainwater collection tanks, soft flooring, feed yards, truck parking and decoupling area, new truck wash facilities and agents' office facilities.

This new funding will deliver the following Stage 2 redevelopment activities:

1. Construction of new livestock weighing, and animal processing facilities;
2. Construction of new truck wash splash walls;
3. Construction of new access walkways and stairs;
4. Construction of new unloading and loading ramps; and
5. Construction of new shade structures over presently uncovered yard infrastructure.

At the completion of the project, IRLX will be a modern livestock marketing facility that delivers over $60 million in total sales turnover. This will rank Inverell in the top 10 livestock marketing facilities in NSW. The project is expected to take 18 months and will involve local contractors wherever possible.

ATTACHMENTS:

Nil

10.6 FUNDING FOR INVERELL HERITAGE WALK

File Number: **S15.8.118 / 21/36063**

Author: **Fiona Adams, Manager Integrated Planning and Reporting**

SUMMARY:

Council has received funding from the New South Wales Government's Heritage Grants Program. The funding will enable Council to promote the history of Inverell's heritage buildings via a printed booklet and mobile phone application.

COMMENTARY:

Council has received a grant of $43,100 to update and reprint the booklet 'A Heritage Walk in Inverell' and also develop a mobile phone application (app); enabling visitors to Inverell to undertake a self guided tour of our town's built heritage.

At present, Council's Tourist Information Centre distributes a 16 page self guided heritage tour booklet to visitors. Each month, 200-300 copies are distributed at our Visitor Information Centre. Since its original publication more than 12 years ago, there has been considerable additional research undertaken by the Inverell and District Family History Group and Council's Heritage Advisor, Mitch McKay.

This project will update the booklet with new research, additional photos and sites. The booklet will be supported by a GPS activated audio app, called a Soundtrail. Development of the Soundtrail app will engage approximately 50 people connected to Inverell's historic buildings, including descendants of previous owners, to tell the stories of Inverell's heritage landscape and capture oral history of our community. The 60-70 minute long Soundtrail will be available free for users to undertake a self paced tour of Inverell's CBD and will also be available online for remote users.

The project is expected to be completed by June, 2022.

ATTACHMENTS:

Nil

10.7 STRATEGIC TASKS - 'SIGN OFF' - OCTOBER 2021

File Number: **S4.13.2 / 21/36898**

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 October, 2021 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
2 October 2021	Closing date for Pensioner Concession subsidies claims	Achieved	
17 October 2021	Request for extension to lodge financial statements to be submitted in writing to OLG [LGA s416(2); Code]	N/A	No extension requested, will be lodged on time.
31 October 2021	Financial statements to be audited [LGA s416 (1); LGReg cl 413 (G) and lodged with OLG together with Financial Data returns [LGAs417(5); Code]	To be achieved	Will be lodged by the due date.
31 October 2021	Second quarter rates instalment notices to be sent [LGA s 562(5)]	To be achieved	Due for posting on 25 October 2021
31 October 2021	Electronic lodgement of Grants Commission General Data return due	To be achieved	Will be lodged by due date
30 October 2021	Annual Report pf obligations under PIDA to the Minister and the Ombudsman [PIDA s 31]	Achieved	Report lodged
30 October 2021	Annual report of obligations under GIPA to the Minister and the information Commissioner [GIPA s	Achieved	Report lodged

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I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of October, 2021. I confirm the accuracy and completeness of the information provided above, in that to the best of my knowledge and understanding, all material information has been herein disclosed.

P J HENRY PSM

GENERAL MANAGER

ATTACHMENTS:

Nil

10.8 GRAMAN WAR MEMORIAL HALL COMMITTEE PRESIDENT REPORT

File Number: **S5.13.8 / 21/37139**

Author: **Kristy Paton, Corporate Support Officer - Publishing**

SUMMARY:

The Graman War Memorial Hall Committee has provided a copy of the President's Annual Report and financial position for the organisation. Council is requested to note the President's Report.

COMMENTARY:

A requirement of the Plan of Management established for the Graman War Memorial Committee is the need to provide Council with an Annual Report of the group's activities. This requirement is satisfied by the President of this organisation submitting a copy of the President's Report. A copy of the report is attached as Attachment 1 for Council's information.

ATTACHMENTS:

1. **President Report 2021 - Graman War Memorial Hall**

Graman War Memorial Hall

INVERELL SHIRE COUNCIL
05 OCT 2021

Presidents report for 2021

It has been a very rewarding year for the hall thanks to the FRRR Grant of $55092.

We have now completed the major lot of renovations and installed solar panels to eliminate power costs and generate a small income for future maintenance.

The upgrade of the hall has increased the use of the hall and it is now used as a venue for covid safe meetings. These have been groups who normally meet in homes such as CWA and Book club groups.

The sewing group has been able to continue and Landcare also.

We have had a Back to Graman reunion for the Graman School with over 100 people attending at Easter.

The Sewing group held a quilt show again with over 100 people coming out for the day. A welcome attraction for a day out during Covid. $300 went to the hall and over a $1000 was donated to Breast Cancer.

The feedback has been wonderful on the renovations of the hall with interest in holding a wedding and large birthday party.

The mice plague resulted in us having to replace a fridge and urn due to damage.

Thank you to our secretary Rachelle Gower who put forward the proposal for the upgrade of the hall unfortunately she has left for Toowoomba and will be missed in the community.

Thank you for our treasurer, Margaret Lavender for her support.

Also thankyou for the volunteers who help with small maintenance jobs and the mowing of the community lawns.

I hope we all have a safe and disaster free year.

Lois Reardon

Lois Reardon
Prairie Park
1337 Yetman Road
OAKWOOD. NSW. 2360

22 September 2021

Foundation for Rural & Regional ,Renewal (FRRR)

RE: Graman War Memorial Hall Society Incorporated
Project Title: Getting Graman Hall Ready for Rain
Grant Amount: $55,092.00
Ref: 30114

Dear Sir/Madam,

We are now completing the final improvements to the Graman War Memorial Hall using the fund provided by your generous grant and wish to advise the following:

a. Distribution of Grant funds: (Invoices attached)

Decon Building P/L	
Windows	$. 6,371.19
Doors	8,814.93
Stairs	15,657.61
Painting	259.71
Miscellaneous	8,969.79
	$ 40,073.23
North West Solar & Air Conditioning	
Solar Panels	$ 8,540.00
Harvey Norman	
Fridge (due to mice damage)	$. 849.00
Bing Lee (Armidale)	
Urn	$. 89.00
Nisbets	
Crockery (24 x 5 place settings)	$ 1,110.34
Outstanding Balance as at 22-Sep-21	$. 4,320.43

Quotes currently being obtained regarding the removal of a tree dangerously close to building.

.../2

b. Outcome from the Expenditure of Grant Funds:

The installation of solar panels have eliminated the power cost to the Hall and provides a small income which will be used for future maintenance.

The new windows have dramatically improved the appearance of the Hall as well as reducing the heating/cooling costs.

Stair improvements now means the Hall provides suitable access for Disabled People. We were also able to replace a damaged fridge and urn.

Fire liability has been reduced with the installation of gutter guards and colour bond railings between floor level and the ground preventing live stock and children getting under the Hall.

The new crockery will enable a more professional appearance for any larger functions held in the hall e.g. weddings.

c. Acknowledgement of FRRR Grant:

Acknowledgement that the funds for the current improvements to the Hall is currently displayed on an Internal Notice Board within the Hall.

d. Feedback from the Community:

Since the improvements there have been several large events held in the Hall and the comments received from both the Event Organisers and the participants have been impressive. All evolved have appreciated the improved facilities the Hall now offers. This has resulted in additional usage of the Hall as it provides an attractive and Covid safe venue for community use, enabling the local Book Club , Sewing Group and CWA etc. to continue meeting during the Covid crisis therefore allowing participants improved mental health.

e. Unexpected Outcomes:

We have had inquiries to hold large events like weddings and birthday parties at the Hall. Resulting in a Reunion and a Quilt Exhibition being held this year.

On behalf of the whole Graman Community we take this opportunity to thank the FRRR for their generous Grant and we are extremely proud of the improvements we have been able to make to our Hall.

Kind Regards

Lois Reardon
President
Graman War Memorial Hall Society

Graman War Memorial Hall

Treasurers Report as at 30-Jun-21.

The continuation of the Covid Virus in Australia has affected the use of the Graman Memorial Hall again for the 2020/21 Financial year.

Only two large functions occurred during this Financial year (Community Reunion – Easter 2021 & Quilt Show – June 2021) however the Ladies Sewing Group, the CWA & Local Book Club used the Hall for "Covid safe" meetings. Being "Covid safe" enabled these entities to meet during the year ensuring the organisation continued to operate and cater for the mental health requirements of the participants.

During the year the funds received from a Government Grant of $55,092.00 were spent. The main expenditure was as follows:

Windows:	$ 6,37.19
Doors	8,814.03
Stairs	15,657.61
Misc. Repairs	9,229.50
Solar Panels	8,540.00
Fridge	849.00
Urn	89.00
Crockery	1,110.34

The current Bank Balance is $8,782.05 with no additional outstanding liabilities.

Attached is a copy the Balance Sheet as at 30-Jun-21, Bank Statement from 01-Jul-20 to 30-Jun-21 and the Trail Balance for the Financial year 01-Jul-20 to 30-Jun-21.

Regards

Marg Lavender

Marg Lavender
Hon. Treasurer

10.9 WORKS UPDATE

File Number: **S28.21.1/14 / 21/35698**

Author: **Justin Pay, Manager Civil Engineering**

SUMMARY:

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

COMMENTARY:

Rivers Street Indent Parking – Otho Street to Campbell Street

The construction of new indent car parking along Rivers Street between Otho Street and Campbell Street in front of Armajun Health Clinic has been programmed by Council. Works involve construction of a new sealed rear to kerb car park, kerb and gutter, and new drainage construction.

The full length of the carpark kerb and gutter and concrete dish drain have now been constructed. The pavement for the remaining half of the carpark in front of the old Armajun building has also been completed with the blister kerb and gutter on the corner of Rivers and Campbell Streets and the bitumen seal remaining. The bitumen seal has been programmed to be completed mid October, 2021. The final coat of bitumen seal will be incorporated into the construction reseals program later this year. Linemarking will occur after this, which will be incorporated with other linemarking in the area. This will then be the completion of this project.

New Carpark works – Rivers St Indent Parking Project

Fixing Local Roads Funding Grant

Council has been successful in obtaining $2.62M from the Fixing Local Roads Funding Grant to complete works on various roads throughout the shire. These roads include the following:

- SR050 Bukkulla Road
- SR035 Coolatai Road
- SR192 Copeton Dam Road
- SR246 Elsmore Road
- SR101 Gragin Road
- SR123 Mount Russell Road
- SR214 Old Bundarra Road
- SR048 Pindari Dam Road

Works commenced late October 2020, which included shoulder grading on each of the roads.

Shoulder grading has already been completed on Copeton Dam Road and Mount Russell Road. Gragin Road is still on hold due to the shoulders being too wet for machinery. Vegetation removal works along Elsmore Road have now been completed, Mount Russell Road trimming works and removals have also been completed. Bukkulla Road and Coolatai Road have had some vegetation control works completed also.

These works are due to be completed by the end of 2021 calendar year.

Tree Trimming on Mt Russell Road – Fixing Local Roads Funding

Heavy Patching – Bitumen Reseal Segments and Flood Damage

Council construction crews have been undertaking heavy patching on rural roads in preparation for the upcoming Bitumen Resealing Program and heavy patching on flood damaged roads in the northern part of the shire. The roads listed below under Heavy Patching are the roads that have been completed for the month of September.

Flood Damage – March 2021 Event #960

The flooding event of 10 March, 2021 affected a large percentage of Council's road network with the event being declared a natural disaster by Resilience NSW (disaster declaration #960). The declaration allowed Council to access disaster assistance in order to undertake emergency works and essential public asset restoration works to its road network. Natural disaster funding is allocated by Resilience NSW and administered by TfNSW. The current estimate of repair costs for the March 2021 flood event is $10,298,000. This estimate is based on Council's standard unit rates and standard contingencies.

Council undertook and have completed immediate emergency works in order to make the damaged roads and bridges accessible and are now continuing with permanent repair works. This work will be ongoing for some time, however to expedite these works Council have engaged a number of contractors to assist with gravel resheeting works and drainage maintenance works.

Maintenance grading will continue to be undertaken by Council's maintenance crews and is programmed for completion by 1 December, 2021. Drainage maintenance will be undertaken by local contractors and is programmed to be completed by the end of January 2022. Gravel resheeting works will be undertaken by Council crews supplemented by contractors and is programmed for completion by the end of June 2022.

Maintenance Grading

The following maintenance grading works were undertaken during September 2021.

Road Number	**Road Name**	**Length Graded (km)**
SR 299	Querra Creek Road	5.25 Km
SR 281	Rivendell Road	0.90 Km
SR 346	Durkins Road	3.10 Km Flood Damage
SR 117	Morelma Road	9.10 Km Flood Damage
SR 133	Tomes Lane	4.50 Km
SR 134	Carl Tomes Lane	1.20 Km Flood Damage
SR 135	Prestons Lane	2.40 Km Flood Damage
SR 24	Mt Hallam Road	12.00 Km Flood Damage
SR 25	Baltimore Loop Road	23.90 Km Flood Damage
	TOTAL	**62.35 km**

Reactive Spot Grading

There were no reactive spot grading works undertaken during September 2021.

Gravel Patching

The following gravel patching works were undertaken during September 2021. The majority of these works were due to flood damage.

Road Number	Road Name	Area Patched (m2)
SR 299	Querra Creek Road	600 m2
	TOTAL	**600 m2**

Gravel Re-sheeting

There were no gravel re-sheeting works undertaken during September 2021.

Heavy Patching

The following heavy patching works were undertaken during September 2021.

Road Number	Road Name	Area Re-sheeted (m2)
MR 137	Ashford Road	20,782 m2
MR 138	Texas Road	5,530 m2
MR 462	Bruxner Way	4,235 m2
	TOTAL	**30,547 m2**

Other Maintenance Activities

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

ATTACHMENTS:

Nil

10.10 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING SEPTEMBER 2021

File Number: **S18.10.2/14 / 21/36293**

Author: **Michelle Wright, Temporary 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 September 2021.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING SEPTEMBER 2021

Development Approvals

Development Application Number	Applicant	Property	Development	$ Amount
DA-104/2021	Mr Jonathon Bourne	170 Evans Street, Inverell 2360	Industrial Shed and Office	120,000
DA-108/2021	TBN Construct Pty Ltd	15 Loxton Road, Inverell 2360	Dual Occupancy	350,000
DA-112/2021	Boss Engineering	40 Taylor Avenue, Inverell 2360	Proposed large assemblies storage shed for the purpose of housing fabricated steel assemblies prior to sandblasting and finishing.	375,000
DA-113/2021	Boss Engineering	40 Taylor Avenue, Inverell 2360	Construction of an awning roof for the weatherproofing of an existing traffic area & the 12.2m extension of an existing shed to accommodate additional storage.	115,000
DA-117/2021	Ms Sharon Joan Hall	3457 Bundarra Road, Gilgai 2360	Alterations and Additions to Existing Dwelling	58,960
DA-118/2021	Ruralplan Consultants	8 Oakland Lane, Inverell 2360	New Dwelling	465,000
DA-120/2021	Mr William Robert Brown	52 Alsace Road, Inverell 2360	Shed	15,000
DA-122/2021	Arise Design and Drafting	25 Greaves Street, Inverell 2360	Construction of an Accessible Ensuite Bathroom for the resident. Construction	194,350

			of a new driveway and carport and cover pergola area	
DA-123/2021	Origin Energy	23 Byron Street, Inverell 2360	Installation of a 20kw Solar System	41,908
DA-124/2021	Shipmans Construction & Plant Pty Ltd	71 Bolands Lane, Inverell 2360	Above Ground Pool	44,140
DA-126/2021	Mr Gary David Leitch	165-189 Moore Street, Inverell 2360	25 Lot Subdivision with Associated Roads and Infrastructure	Nil
DA-128/2021	Symes Superannuation Fund	18 Brissett Street, Inverell 2360	Industrial Building	75,000
DA-130/2021	Miss Trista Ann Kupaj	6 Mulligan Street, Inverell 2360	Alterations and Additions to Existing Dwelling	145,000
DA-131/2021	Otho Properties Pty Ltd	64 Otho Street, Inverell 2360	Installation of an external, , pre-fabricated steel, access stair case as the sole access for the existing office / storage	32,000
DA-132/2021	Mr Ian Robert McWhirter	56 Clancys Drive, Inverell 2360	Construction of a 16.5m x 13m Shed	30,000
DA-133/2021	TBN Construct Pty Ltd	49 George Street, Inverell 2360	New Shed	40,000
DA-134/2021	Mr Jonathon Bourne	11 Mulligan Street, Inverell 2360	Construction of 6x11 Steel Frame Shed and Demolition of a smaller timber frame shed	25,500
DA-136/2021	M B & C M Jorgensen Pty Ltd	18 Lewin Street, Inverell 2360	Alterations and Additions to Dwelling	150,000
DA-137/2021	Mr Gregory Mark Gardner	6 Lake Inverell Drive, Inverell 2360	Extending Existing Garden Shed by 6m x 3.6m x 2.4m (H)	7,235
DA-139/2021	John Green Pty Ltd	244 Auburn Vale Road, Inverell 2360	New Dwelling and Shed	383,500
DA-143/2021	Mr Jonathan Bourne	46 Warana Drive, Inverell 2360	20’ Shipping Container Conversion into a Storage Area	1,500

			with deck	
DA-146/2021	Mr Jonathan Bourne	12 Oakland Lane, Inverell 2360	Earthworks for a Future Dwelling using on-site fill from cut of the New Shed	2,200
DA-149/2021	Mrs Brenda Doreen Payne	14 Oakland Lane, Inverell 2360	Construction of a new 6ft Colourbond Woodland Grey Fence	2,500
DA-151/2021	Mr James David Harmon	170 Short Street, Inverell 2360	Shed	40,000
DA-152/2021	Mr Timothy William O'Shannessy	126 Brae Street, Inverell 2360	Construction of a New Carport	5,100
DA-153/2021	Mrs Harnah Louise Faley	9 Oakland Lane, Inverell 2360	New Shed	18,670
DA-158/2021	Mrs Maria Rita Varcoe	Bukkulla Road, Ashford 2361	Concept Development Application - Construction of a Dwelling	Nil
Monthly estimated value of Approvals: September 2021			**27**	**2,737,563**

Development Amendments

Development Application Number	**Applicant**	**Property**	**Development**	**$ Amount**
DA-95/2012/A	Inverell Polocrosse Club	160 Eddy Park Lane, Rob Roy 2360	Polocrosse Modification – Installation of Horse Yards	Nil
DA-88/2021/A	Local Government Engineering Services	2 Moore Street, Inverell 2360	One (1) into Two (2) Lot Subdivision	Nil
Monthly estimated value of Approvals: September 2021			**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 September 2021.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING SEPTEMBER 2021

Construction Certificates approved by Council

Construction Certificate Number	Applicant	Property	Construction	$ Amount
CC-27/2021	Bundarra Business Solutions	133A Old Bundarra Road, Inverell 2360	DA-163/2010- Units 9 & 10	600,000
CC-32/2021	Mr Jason Paul Carpenter	6375 Gwydir Highway, Inverell 2360	Proposed Awning to Existing Clubhouse	25,000
CC-37/2021	A & C G Lee Pty Ltd	53 Vivian Street, Inverell 2360	New Commercial Building	400,000
CC-50/2021	John Green Pty Ltd	70 Mather Street, Inverell 2360	New Dwelling and Shed	460,855
CC-56/2021	Abode Building Design	26 George Street, Inverell 2360	Alteration and Addition to Existing Dwelling	450,000
CC-67/2021	John Green Pty Ltd	89 Prince Terrace, Inverell 2360	Dwelling	325,000
CC-93/2021	TBN Construct Pty Ltd	15 Loxton Road, Inverell 2360	Dual Occupancy	350,000
CC-98/2021	Ms Sharon Joan Hall	3457 Bundarra Road, Gilgai 2360	Alterations and Additions to Existing Dwelling	58,960
CC-99/2021	Mr William Robert Brown	52 Alsace Road, Inverell 2360	Shed	15,000
CC-103/2021	Shipmans Construction & Plant Pty Ltd	71 Bolands Lane, Inverell 2360	Above Ground Pool	44,140
CC-105/2021	Miss Trista Ann Kupaj	6 Mulligan Street, Inverell 2360	Alterations and Additions to Existing Dwelling	145,000
CC-106/2021	Mr Ian Robert McWhirter	56 Clancys Drive, Inverell 2360	Construction of a 16.5m x 13m Shed	30,000
CC-107/2021	TBN Construct Pty Ltd	49 George Street, Inverell 2360	New Shed	40,000
CC-108/2021	Mr Gregory Mark	6 Lake Inverell	Extending Existing	7,235

	Gardner	Drive, Inverell 2360	Garden Shed by 6m	
CC-112/2021	Jorgensen Building	18 Lewin Street, Inverell 2360	Addition to Existing Dwelling	150,000
CC-116/2021	Mr James David Harmon	170 Short Street, Inverell 2360	Shed	40,000
CC-117/2021	Mrs Harnah Louise Faley	9 Oakland Lane, Inverell 2360	New Shed	18,760
CC-49/2020/1	Church Communities Australia Ltd	4188 Gwydir Highway, Elsmore 2360	Additions to Existing Industry (Sign Manufacturing) Premises - Stage 2 Construction	1,200,000
Monthly estimated value of Approvals: September 2021			**18**	**4,359,950**

Amended Construction Certificates approved by Council

Construction Certificate Number	**Applicant**	**Property**	**Construction**	**$ Amount**
CC-64/2017/A	Mrs Beverly Robyn Jones	3908 Bundarra Road, Inverell 2360	Shed to Dwelling. Alterations and additions	Nil
CC-74/2021/A	Ruralplan Consultants	60 Alsace Road, Inverell 2360	Dwelling and Shed	Nil
Monthly estimated value of Approvals: September 2021			**2**	**Nil**

Construction Certificates approved by Private Certifier

Construction Certificate Number	**Applicant**	**Property**	**Construction**	**$ Amount**
CC-118/2021	Woolworths Limited	2 Vivian Street, Inverell 2360	Installation of Shade Sails over 52 Existing Carparks	Nil
Monthly estimated value of Approvals: September 2021			**1**	**Nil**

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING SEPTEMBER 2021

Complying Development Certificates Approved by Council

Complying Development Number	Applicant	Property	Construction	$ Amount
CD-25/2021	Mrs Harnah Louise Faley	9 Oakland Lane, Inverell 2360	New Dwelling	480,000
CD-26/2021	Mrs Kasey Leigh Sterling	21 Wolbah Close, Inverell 2360	New Shed	12,500
CD-27/2021	Mr John David Williams	5 Oakland Lane, Inverell 2360	New Shed	18,000
CD-28/2021	Mr John David Williams	74 Greaves Street, Inverell 2360	Addition to Dwelling	18,000
Monthly estimated value of Approvals: September 2021			**4**	**528,500**

Amended Complying Development Certificates approved by Council

Nil

Complying Development Certificates approved by Private Certifier

Nil

Amended Complying Development Certificates approved by Private Certifier

Nil

TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING SEPTEMBER 2021:

Type of Consent	Number	$ Amount
Construction Certificates – Council Approved	**18**	**4,359,950**
Construction Certificates – Private Certifier	**1**	**Nil**
Complying Development – Council Approved	**4**	**528,500**
Complying Development – Private Certifier	**Nil**	**Nil**
Totals	**23**	**4,888,450**

Estimated Value of Approvals issued in the financial ytd in: **2021/2022 (56) $10,562,129**

2020/2021 (39) $6,369,145

Attachments:

Nil

10.11 SEPTIC TANK APPROVALS FOR SEPTEMBER 2021

File Number: **S29.19.1 / 21/36775**

Author: **Michelle Wright, Temporary Administration Officer**

SUMMARY:

The following details the Septic Tank approvals for September 2021.

INFORMATION:

There were no Septic Tank approvals for the month of September.

ATTACHMENTS:

Nil

10.12 ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2021

File Number: **S18.10.1 / 21/36814**

Author: **Michelle Wright, Temporary Administration Officer**

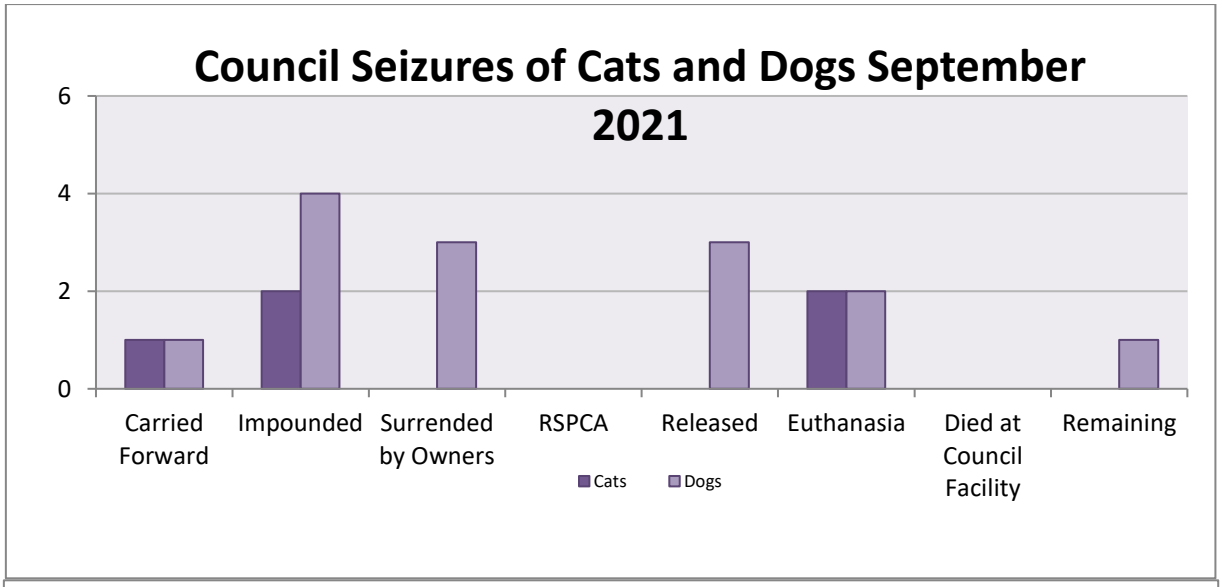
SUMMARY:

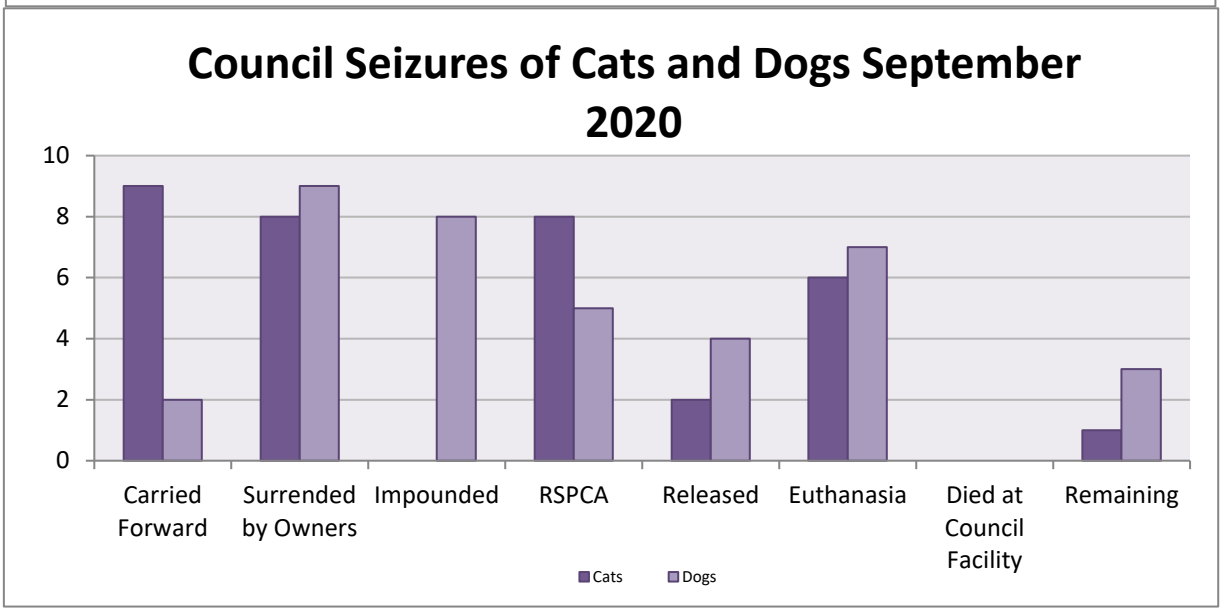
The following details the number of various Ordinance activities carried out during September 2021, in comparison to the same month in 2020.

INFORMATION:

COMPLIANCE

Inverell Shire Council Pound Monthly Report September 2021





Inverell Shire Council Pound Monthly Report September 2020

ATTACHMENTS:

Nil

10.13 UPDATE - RESOLUTION TO NAME "FARRIER LANE" ADJACENT TO TELSTRA STORE - LANE ALREADY GAZETTED BRISSETT LANE

File Number: **S28.13.2 / 21/37191**

Author: **Chris Faley, Development Services Coordinator**

SUMMARY:

The purpose of this report is to advise Councillors that the lane between Byron Street and Sweaney Street (adjacent to the Telstra Store) was gazetted Brissett Lane in 2001.

COMMENTARY:

Recently, Council has been made aware of the confusion surrounding the official name of the lane between Byron Street and Sweaney Street (adjacent to the Telstra Store). This confusion arises from:

- The lane being signposted as “Farrier Lane”; and
- Mapping systems (e.g. Council GIS, Google Maps) showing the lane as “Brissett Lane”.

An investigation into this matter confirms that the lane between Byron and Sweaney Streets (adjacent to the Telstra Store) was officially named “Brissett Lane” in the NSW Government Gazette on 24 August, 2001 (**Attachment 1**).

The origin of “Farrier Lane” can be traced to some misinformation in 2006. On 9 August, 2006, Council’s Planning/Community Committee considered a report (**Attachment 2**) relating to “unnamed” lanes within the Inverell CBD. This report was initiated by a resident request that incorrectly assumed that the lane between Byron Street and Sweaney Street was unnamed. In response to this request, at the Ordinary Meeting of Council on 22 August, 2006, Council resolved (Resolution 211/06):

> *That Council adopt the following:*
>
> *a) The lane between Campbell Street and Campbell Lane be named Delbridge Lane; and*
>
> *b) The lane between Byron Street and Sweaney Streets be named Farrier Lane.*

The lane between Byron Street and Sweaney Street was subsequently signposted as “Farrier Lane”. However, as this lane was officially gazetted “Brissett Lane” in 2001 the name “Farrier Lane” was unable to be gazetted in accordance with the 2006 resolution.

To resolve the confusion, it is proposed to remove the “Farrier Lane” signposts and retain the official “Brissett Lane” name. This is consistent with Section 6.7.9 of the “NSW Address Policy and User Manual’ published by the Geographical Names Board which states, “*road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change*”.

It is noted that Council’s Property System does not identify any properties that use the lane as a principal street address. Therefore, this matter is considered to have negligible impact on the CBD.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. **Brissett Lane - NSW Government Gazette - 24 August 2001**
2. **Farrier Lane - 2006 Report & Resolution**

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BEGA VALLEY SHIRE COUNCIL

Roads Act 1993, Section 10 (1)

Dedication of Land as Public Road

NOTICE is hereby given that the Bega Valley Shire Council, pursuant to section 10 (1) of the Roads Act 1993, has dedicated as public road the land described in the Schedule below as public road. Dated at Bega, 16th August, 2001. D. G. JESSON, General Manager, Bega Valley Shire Council, PO Box 492, Bega, NSW 2550.

SCHEDULE

Lots 1 and 2, Deposited Plan 1015660.

[0731]

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10 (1)

Dedication of Land as Public Road

NOTICE is hereby given by Blacktown City Council that pursuant to section 10 (1), Division 1, Part 2 of the Roads Act 1993, the land described in the Schedule hereunder is hereby dedicated as public road. Dated at Blacktown, 7th August, 2001. I. REYNOLDS, General Manager, Blacktown City Council, Administrative Centre, 62 Flushcombe Road, Blacktown, NSW 2148.

SCHEDULE

Lots 7 and 8, DP 834764.

[0747]

EUROBODALLA SHIRE COUNCIL

Notice of Bush Fire Danger Period

NOTICE is hereby given that the Commissioner, New South Wales Rural Fire Service, declares the period from Saturday, 1st September, 2001 to Sunday, 31st March, 2002 to be a Bush Fire Danger Period for the whole of the Eurobodalla Shire area. Permits to burn are required in the bush fire danger period. Permits are obtained from your local Rural Fire Brigade. For further advice on Brigade Permit Issuing Officers, contact the Eurobodalla Rural Fire Service during business hours on (02) 4474 2855. EUROBODALLA SHIRE COUNCIL, PO Box 99, Moruya, NSW 2537. (Reference No.: 87/6232, 80/1899).

[0732]

GOSFORD CITY COUNCIL

Water Management Act 2000

Erratum

THE notification in *Government Gazette* No. 113 of 20th July, 2001, Folio 5605 under the heading "Levying Water, Sewerage Loan Service, Trade Waste Charges and Drainage Service Charges" is hereby corrected by: (1) Deleting all references to 1st July 2000 and ending 30th June, 2001 and inserting 1st July, 2001 and ending 30th June, 2002. (2) Under the heading "Property Type" Previously Exempt Under Local Government Act at 80mm under the heading "Service Charge" deleting ($)1,220.00 and inserting ($)1,120.00. (3) Under the heading "GENERAL FEES & CHARGES" deleting all references to section 26 Certification Fees and inserting section 307 Certification Fees. P. J. WILSON, General Manager, Gosford City Council, PO Box 21, Gosford, NSW 2250.

[0746]

INVERELL SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

IN accordance with section 162 of the Roads Act 1993, it is notified that there being no objections received, the Council has adopted the names listed below:

Location	*Name*
Lane running between May Street and O'Conner Street (north-west of Prince Street).	Prince Lane.
Lane running between May Street and O'Conner Street (north-west of Oswald Street).	Oswald Lane.
Lane running between May Street and Howard Street.	Colin Lane.
Lane running between O'Conner Street and Whittingham Street (north-west of Brae Street.)	Brae Lane.
Lane running between Howard Street and Hatcher Street, then into George Street (north-west of George Street).	George Lane.
Lane running between May Street and Hatcher Street, then into King Street (north-west of King Street).	King Lane.
Lane running between Chisholm and Herbert Streets.	Herbert Lane.
Lane running between Urabatta Street and Gilchrist Street (east of Swan Street).	Swan Lane.
Lane running between Urabatta Street and Gilchrist Street (east of Jack Street).	Jack Lane.
Lane running between Brown Street and Rose Street (north of Avern Street).	Avern Lane.
Lane running between Brown Street and Rose Street (north of Chisholm Street).	Chisholm Lane.
Lane running between Brown Street and Brae Street (north of Andrew Street).	Andrew Lane.

Location	*Name*
Lane running between Bannockburn Road and Brae Street (north of High Street).	High Lane.
Lane running between Bannockburn Road and Brae Street (north of Urabatta Street).	Urabatta Lane.
Lane running between Mansfield Street and Wood Street (north-west of Sweaney Street).	Sweaney Lane.
Lane running between Vivian Street and Arthur Street (north-west of Byron Street).	Byron Lane.
Lane running between Vivian Street and Arthur Street (north-west of Oliver Street).	Oliver Lane.
Lane running between Byron Street and Henderson Street (north-east of Otho Street).	Otho Lane.
Lane running between Byron Street and Evans Street (north-east of Campbell Street).	Campbell Lane.
Lane running between Campbell Street and Henderson Street (north-east of Campbell Street).	County Lane.
Lane running between Vivian Street and Wood Street (south-east of Ross Street).	Ross Lane.
Lane running between Arthur Street and Murray Street (south-east of Ross Street).	Belgravia Lane.
Lane running between Lawrence Street and Murray Street (south-east of Henderson Street).	Henderson Lane.
Lane running between Gwydir Highway and Murray Street (south-east of Granville Street).	Granville Lane.
Lane running between Gwydir Highway and Murray Street (south-east of Chester Street).	Chester Lane.
Lane running between Lawrence Street and Arthur Street (south-east of Greaves Street).	Greaves Lane.
Lane running between Mansfield Street and Clive Street (south-east of Bennett Street).	Bennett Lane.
Lane running between Gwydir Highway and Wood Street (south-east of East Street).	East Lane.
Lane running north from Short Street (east of Chester Street).	Clive Lane.
Lane running north from Short Street (east of Mulligan Street).	Mulligan Lane.
Lane running from Tingha Road west, south of Macintyre Street.	Macintyre Lane.
Lane running between Byron Street and Sweaney Street, in the block bounded by Vivian Street and Lawrence Street.	Brissett Lane.

By Order of Council, 25th July, 2000.

From Ashford Road (MR137) to Glen Innes to Bonshaw Road (MR58).	Emmaville Road.

By Order of Council, 27th March, 2001.

P. J. HENRY, General Manager, Inverell Shire Council, Administration Centre, 144 Otho Street, Inverell, NSW 2360. [0744]

PARRAMATTA CITY COUNCIL

Roads (General) Regulation 2000

Renaming of Public Road – Nioka Court

NOTICE is hereby given that the Council of the City of Parramatta, in pursuance of Clause 9 of the Roads (General) Regulation 2000, has resolved to rename the road described below.

Description of Road	*New Name*
That formed road running easterly from its intersection with Bettington Road, Oatlands, formerly known as Ingleby Street.	Nioka Court.

T. BARNES, General Manager, Parramatta City Council, 30 Darcy Street, Parramatta, NSW 2150. [0743]

PARRAMATTA CITY COUNCIL

Roads (General) Regulation 2000

Naming of Public Road – Pemulwuay Drive

NOTICE is hereby given that the Council of the City of Parramatta, in pursuance of Part 2, Division 2 of the Roads (General) Regulation 2000, has resolved to assign a name to the presently unnamed public road as described below:

Description of Road	*New Name*
That formed road being the main entrance road off Hammers Road, Old Toongabbie, leading into and circulating through part of premises now known as the Grand United Constitution Hill Village.	Pemulwuay Drive.

Public participation into the assignment of that name as proposed is invited. Submissions should be made prior to 28th September, 2001 to the General Manager, Parramatta City Council, 32 Darcy Street, Parramatta, NSW 2150. T. BARNES, General Manager, Parramatta City Council, Administration Building, 30 Darcy Street, Parramatta, NSW 2150. [0745]

FILE COPY

RECOMMENDATION:

That the Committee recommend to Council that Council approve the lodgement of a submission on the urban flooding issue in relation to the Draft Threat Abatement Plan.

7. SUBJECT: UN-NAMED LANES, INVERELL 28.13.2

REASON: Suggestion from resident

OBJECTIVE: Committee decision

INFORMATION:

A resident has suggested that the two unnamed lanes in the CBD be allocated names. The lanes in question are:

- The lane between Campbell Street and Campbell Lane (beside Inverell District Family Support Services). The name suggested is Delbridge Lane, as the Delbridge Brothers conducted their business near this location.
- The lane between Byron and Sweaney Streets (beside Paynes Dry Cleaners). The name suggested is Farrier Place, as a farrier business was conducted nearby.

Whilst neither site has a business or separate property which uses the lane as its address, the naming would confirm that the lanes are public laneways that are Council maintained.

PREPARED BY: David Pryor, Director Planning and Development

RECOMMENDATION:

A matter for the Committee.

8. SUBJECT: INDIAN MYNAH BIRDS 11.10.1

REASON: Suggestion from resident

OBJECTIVE: Committee decision

INFORMATION:

It has been suggested by a resident that Council should consider supporting a proposal to have Indian Mynah birds declared Noxious or Feral.

Apparently this issue has been given publicity of late in relation to the impact the birds are having on native birds and animals, nesting sites and wildlife habitats. It is suggested that Council take a lead role in having a pest declaration made.

It would appear that there would be two possible ways in which such a declaration could become effective. The first would be to approach the Department of Primary Industries and the State Council of Rural Lands Protection Board's (RLPB) to seek the declaration of the species as noxious. The other would be for a submission to be made to the NSW Scientific Committee to have the predation of such birds declared a threatening process under the *Threatened Species Act*. Either submission would need to be supported by scientific and qualitative data.

Council does not have this data available. It is suggested that the resident be advised to contact either of the above bodies to obtain their advice as to how to pursue the matter.

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SECTION F
PLANNING AND DEVELOPMENT REPORTS

SP-A 1. SUBDIVISION – RESTRICTION TO USER DA-114/06

RESOLVED (Baker/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 114/06.

SP-A 2. SUBDIVISION – RESTRICTION TO USER DA-107/06

RESOLVED (Baker/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 107/06.

SP-A 3. SUBDIVISION – RESTRICTION TO USER DA-98/06

RESOLVED (Baker/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 98/06.

SP-A 4. SUBDIVISION – RESTRICTION TO USER DA-113/06

RESOLVED (Baker/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 113/06.

SP-A 5. SUBDIVISION – RESTRICTION TO USER DA-115/06

RESOLVED (Baker/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 115/06.

DPD-A 6. DRAFT RECOVERY PLAN AND THREAT ABATEMENT PLAN S11.12.4

RESOLVED (Jones/Harmon) that the Committee recommend to Council that Council approve the lodgement of a submission on the urban flooding issue in relation to the Draft Threat Abatement Plan.

DPD-A 7. UN-NAMED LANES, INVERELL 28.13.2

APPROVED AND ADOPTED BY COUNCIL ON 22/8/06 Res. 313/06.

RESOLVED (Jones/Harmon) that the Committee recommend to Council the adoption of the following:

a) that the lane between Campbell Street and Campbell Lane be named Delbridge Lane; and
b) that the lane between Byron and Sweaney Streets be named Farrier Place.

DPD-A 8. INDIAN MYNAH BIRDS 11.10.1

RESOLVED (Johnston/Jones) that the Committee recommend to Council that the resident making the suggestion be advised to contact the NSW Scientific Committee, the Department of Primary Industries or the State Council of Rural Lands Protection Board's with a view to progressing the matter.

10.14 IPART DETERMINATION REVIEW OF WATER NSW BULK WATER PRICES

File Number: **S32.9.1 / 21/37247**

Author: **Michael Bryant, Manager Environmental Engineering**

SUMMARY:

The purpose of this report is to inform Council of the outcome of the recently announced Independent Pricing and Regulatory Tribunal (IPART) Review of Water NSW Rural Bulk Water Prices effective 1 October, 2021.

COMMENTARY:

The IPART review process commenced September 2020 including stakeholder engagement, with IPART handing down its decision in September 2021.

In March 2021 IPART released a Draft Decision on Review of Water NSW's Rural Bulk Water Prices from 1 July, 2021 to 30 June, 2025. It was proposed that in 2021/22 High Security regulated bulk water prices for the Gwydir Valley entitlement would increase by 36.5% and usage by 15.9%. In the Border Rivers the proposed increases were 11.8% and 10.5% respectively.

At the April 2021 Ordinary Council meeting it was resolved that:

1. *Council make a submission to IPART opposing the increase in high security water charges on the basis that the charges are not reflective of the costs involved; and*
2. *Council seek reconsideration of the water charges imposed by WaterNSW.*

The Table below summarises current Water NSW prices and the IPART determination price increases effective 1 October, 2021 in the Border Rivers and Gwydir Valley.

Summary Water NSW Regulated River Price Increases Effective 1 October 2021									
Valley/River	High Security Access			General Security Access			Usage		
	2020/21 $/ML	2021/22 $/ML	Increase %	2020/21 $/ML	2021/22 $/ML	Increase %	2020/21 $/ML	2021/22 $/ML	Increase %
Border Riv.	5.74	6.58	20.0	2.13	2.41	13.1	5.86	7.03	20.0
Gwydir	11.93	17.40	45.9	3.75	4.04	7.7	12.79	17.19	34.4

The IPART approved maximum prices will be increased annually by the Consumer Price Index up to 30 June 2025.

The increases are significant and considerably above CPI and the IPART Draft decision of March 2021, particularly in the Gywdir Valley where High Security access prices will increase by 46% and usage by 34%. Going forward this will impact High Security and General Security bulk water users.

IPART Comments on Price Increases

In summary IPART concluded that the price rises were necessary for sustainable ongoing service delivery with an explanation given below.

The review found that for WaterNSW to deliver effective services into the future, its expenditure needs to be higher than IPART allowed for when it last set prices in 2017. Otherwise, customers may be worse-off in the long-term, as WaterNSW may not be able to deliver effective services and

maintain service quality into the future. In particular, WaterNSW needs higher levels of operating expenditure to maintain its assets to an acceptable quality.

Well-maintained assets are important for customers, to provide the levels of service they seek, and to the community in general. The customer share of WaterNSW's efficient costs is around 19% higher than when IPART last set prices. IPART consider it is appropriate for customers to contribute to the additional expenditure required through higher prices. However, the pricing decisions ensure that customers only pay for efficient expenditure.

Prices and customer bills are generally higher under the IPART pricing decisions. Over the 2021/22 determination period bulk water charges increase (on average) by about 29% for entitlement charges and 31% for usage charges (plus inflation) in most valleys. This returns prices and bills to levels similar to those under the 2014 Australian Consumer and Competition Commission (ACCC) Decision.

Further information including the IPART determination is available on the NSW IPART website https://www.ipart.nsw.gov.au/documents/final-report/final-report-review-water-nsws-rural-bulk-water-prices-september-2021?timeline_id=6913

Financial Impact on Council Town Water Supplies

Council relies heavily on High Security bulk raw water supplied from Copeton Dam for the Copeton town water supply (Inverell, Gilgai, Tingha and Delungra) and Pindari Dam for Ashford. Both dams provided drought security during the recent extended severe drought.

The bulk water charges paid by Council annually are summarised in the Table below, and are dependent on the annual IPART approved prices applied each financial year and annual metered usage. The charges also include other government charges such as NSW Water Administration Ministerial Corporation, Murray Darling Basin Authority and Border Rivers Commission, which amount to around 10% of the annual expenditure.

Inverell Shire Council Annual Bulk Water Expenditure	
Financial Year	Expenditure ($)
2020/21	86,789
2019/20	82,279
2018/19	69,191

An amount of $100,000 has been included in the 2021/22 budget for bulk water charges, which is anticipated to cover the increased water charges effective 1 October 2021, particularly if demand continues to remain low with forecast above average rainfall over the coming months.

RISK ASSESSMENT:

NIL

POLICY IMPLICATIONS:

NIL

CHIEF FINANCIAL OFFICERS COMMENT:

In an average rainfall year Council's current budget allocation is sufficient to fund the above increases. Should additional bulk water supplies be required in years of drought, Council can access its Water – Revenue Equalisation Externally Restricted Reserve which provides financial security for movements in water sales and water purchase in again given year.

LEGAL IMPLICATIONS:

NIL

ATTACHMENTS:

Nil

10.15 KEY ELECTION DATES

File Number: **S13.7.4/04 / 21/37443**

Author: **Paul Pay, Director Corporate and Economic Services**

SUMMARY:

NSW Local Government Elections will be held on 4 December, 2021. This report highlights the key dates until Council's first Council Meeting in January 2022.

COMMENTARY:

The dates listed below outline a timeline leading up the 2021 Local Government Council elections.

25 October 2021	**Candidate Nominations open** Lodgement of Postal Vote Applications opens Close of Electoral Rolls (6.00pm)
03 November 2021	**Candidate Nominations close (12.00 noon)** Registration of Electoral Material (how-to-vote) opens
05 November 2021	Council caretaker period commences
22 November 2021	Pre-poll voting opens
26 November 2021	Registration of how-to-vote closes (5.00pm)
27 November 2021	Declared Institution voting commences
29 November 2021	Postal Vote applications close (5.00pm)
03 December 2021	Pre-poll voting closes (6.00pm) Declared Institutions voting closes (6.00pm)
04 December 2021	Election Day (8am – 6pm)
17 December 2021	Return of Postal votes closes (6.00pm)
20-24 December-2021	Distribution of preferences. Progressive declaration of results.
12 January 2022	First Council Meeting of new elected members

Additional resources and information on the 2021 Elections and candidate nominations can be found at the NSW Electoral Commission website:

https://www.elections.nsw.gov.au/

ATTACHMENTS:

Nil

11 GOVERNANCE REPORTS

11.1 GOVERNANCE - MONTHLY INVESTMENT REPORT

File Number: **S12.12.2 / 21/37447**

Author: **Robert Kimmince, Manager Financial Services**

SUMMARY:

To report the balance of investments held as at 30 September, 2021.

RECOMMENDATION:

That:

i) the report indicating Council's Fund Management position be received and noted; and

ii) the Certification of the Responsible Accounting Officer be noted.

COMMENTARY:

Contained within this report are the following items that highlight Council's Investment Portfolio performance for the month to 30 September, 2021 and an update of the investment environment:

(a) Council's Investments as at 30 September, 2021;

(b) Council Investments by Fund as at 30 September, 2021;

(c) Interest – Budgeted vs. Actual;

(d) Investment Portfolio Performance;

(e) Investment Commentary; and

(f) Certification – Responsible Accounting Officer.

A) Council Investments as at 30 September, 2021

Term Deposit Investment Group											
Investment	*Borrower*	*FUND*	*Rating*	*Interest Frequency*	*Purchase Date*	*Last Coupon Date*	*Maturity Date*	*Current Yield*	*Principal Value*	*Current value*	*Term (days)*
21/06	St George Bank	General	AA-	Maturity	02-Oct-20	02-Oct-20	02-Oct-21	0.75%	1,000,000	1,000,000	365
19/10	Westpac Bank	General	AA-	Quarterly	25-Oct-18	26-Jul-21	25-Oct-21	2.97%	2,000,000	2,000,000	1096
21/07	Community First Credit Union	General	NR	Maturity	25-Nov-20	25-Nov-20	25-Nov-21	0.65%	1,000,000	1,000,000	365
20/35	AMP BANK	General	BBB+	Annually	25-May-20	25-May-21	25-Nov-21	1.45%	1,000,000	1,000,000	549
20/36	AMP BANK	Water	BBB+	Annually	25-May-20	25-May-21	25-Nov-21	1.45%	1,000,000	1,000,000	549
20/37	AMP BANK	General	BBB+	Annually	25-May-20	25-May-21	25-Nov-21	1.45%	1,000,000	1,000,000	549
20/41	AMP BANK	General	BBB+	Annually	10-Jun-20	10-Jun-21	07-Dec-21	1.40%	2,000,000	2,000,000	545
21/09	Warwick Credit Union	General	NR	Maturity	20-Jan-21	20-Jan-21	20-Jan-22	0.80%	1,000,000	1,000,000	365
20/30	Auswide Bank	General	BBB	Annually	02-Mar-20	02-Mar-21	02-Mar-22	1.75%	2,000,000	2,000,000	730
20/31	Warwick Credit Union	General	NR	Maturity	02-Mar-20	02-Mar-20	02-Mar-22	1.90%	1,000,000	1,000,000	730
21/12	BNK Bank	General	BBB	Maturity	29-Mar-21	29-Mar-21	29-Mar-22	0.65%	1,950,000	1,950,000	365
19/29	Newcastle Permanent	General	BBB	Quarterly	17-Apr-19	19-Jul-21	19-Apr-22	2.70%	1,000,000	1,000,000	1098
21/08	AMP Bank	General	BBB+	Annually	27-Nov-20	27-Nov-20	27-May-22	0.75%	2,000,000	2,000,000	546
20/38	Bank of Queensland	Sewer	BBB+	Maturity	27-May-20	27-May-20	27-May-22	1.30%	2,000,000	2,000,000	730
19/31	Westpac Bank	Water	AA-	Annually	25-Jun-19	25-Jun-21	25-Jun-22	2.30%	1,000,000	1,000,000	1096
19/34	Westpac Bank	General	AA-	Annually	25-Jun-19	25-Jun-21	25-Jun-22	2.30%	2,000,000	2,000,000	1096
19/32	Westpac Bank	General	AA-	Annually	27-Jun-19	27-Jun-21	27-Jun-22	2.30%	2,000,000	2,000,000	1096
22/01	Bank of Sydney	General	NR	Annually	19-Jul-21	19-Jul-21	19-Jul-22	0.65%	1,500,000	1,500,000	365
22/02	Bank of Sydney	General	NR	Annually	03-Aug-21	03-Aug-21	03-Aug-22	0.64%	1,000,000	1,000,000	365
20/05	Bank of Queensland	General	BBB+	Annually	03-Sep-19	06-Sep-21	05-Sep-22	1.80%	1,000,000	1,000,000	1098
20/06	Bank of Queensland	General	BBB+	Annually	13-Sep-19	14-Sep-21	13-Sep-22	1.80%	1,000,000	1,000,000	1096
22/04	Bank of Sydney	Water	NR	Annually	17-Sep-21	17-Sep-21	19-Sep-22	0.63%	1,000,000	1,000,000	367
22/06	Bank of Sydney	Sewer	NR	Annually	30-Sep-21	30-Sep-21	30-Sep-22	0.60%	1,500,000	1,500,000	365
21/10	Warwick Credit Union	General	NR	Maturity	22-Jan-21	22-Jan-21	23-Jan-23	1.00%	1,500,000	1,500,000	731
22/05	AMP BANK	General	BBB	Annually	20-Sep-21	20-Sep-21	20-Mar-23	0.80%	1,000,000	1,000,000	546
20/32	Auswide Bank	General	BBB	Annually	24-Mar-20	24-Mar-21	24-Mar-23	1.88%	1,000,000	1,000,000	1095
21/16	National Australia Bank	Water	AA-	Annually	28-Jun-21	28-Jun-21	28-Jun-23	0.60%	1,000,000	1,000,000	730
21/17	ICBC - Industrial and Commerci	General	A	Annually	29-Jun-21	29-Jun-21	29-Jun-23	0.70%	1,000,000	1,000,000	730
21/18	National Australia Bank	Water	AA-	Quarterly	29-Jun-21	29-Sep-21	29-Jun-23	0.65%	2,000,000	2,000,000	730
22/03	National Australia Bank	General	A	Annually	27-Aug-21	27-Aug-21	27-Aug-24	0.85%	2,000,000	2,000,000	1096
21/11	ICBC - Industrial and Commerci	Water	A	Annually	26-Mar-21	26-Mar-21	26-Mar-24	0.82%	2,000,000	2,000,000	1096
21/13	ICBC - Industrial and Commerci	Water	A	Annually	27-May-21	27-May-21	27-May-26	1.40%	1,000,000	1,000,000	1826
21/14	ICBC - Industrial and Commerci	Sewer	A	Annually	27-May-21	27-May-21	27-May-26	1.40%	1,000,000	1,000,000	1826
21/15	ICBC - Industrial and Commerci	General	A	Annually	27-May-21	27-May-21	27-May-26	1.40%	1,000,000	1,000,000	1826
								TOTALS	**46,450,000**	**46,450,000**	

Floating Rate Notes											
As at Date	*Borrower*	*FUND*	*Rating*	*Interest Frequency*	*Purchase Date*	*Last Coupon Date*	*Coupon End Date*	*Current Yield**	*Principal Value*	*Current value*	*Coupon Term*
30/9/21	Commonw ealth Bank	General	A1+	Quarterly	11/1/2019	12/7/2021	11-Jan-24	1.16%	2,000,000	2,046,358	
30/9/21	ANZ Bank	General	A1+	Quarterly	08/2/2019	8/8/2021	08-Feb-24	1.12%	2,000,000	2,045,380	
30/9/21	ANZ Bank	Water	A1+	Quarterly	08/2/2019	8/8/2021	08-Feb-24	1.12%	1,000,000	1,022,690	
									5,000,000	5,114,428	

** Yield changes every 3 months and is a margin over the 3 month BBSW (Bank Bill Swap Rate)*

180 Day Deposit Accounts											
As at Date	*Borrower*	*FUND*	*Rating*	*Interest Frequency*	*Purchase Date*	*Last Coupon Date*	*Maturity Date*	*Current Yield*	*Principal Value*	*Current value*	*Term*
30/9/21	AMP Bank	General	BBB+	Monthly	28/6/2021	28/06/2021	30/6/2022	1.00%	2,500,000	2,500,000	
Sub Total - Cash Deposits Accounts Investment Group									2,500,000	2,500,000	

Cash Deposit Accounts											
As at Date	*Borrower*	*FUND*	*Rating*		*Purchase Date*	*Last Coupon Date*	*Maturity Date*	*Current Yield*	*Value at beg year*	*Current value*	*Term*
30/9/21	Commonwealth Bank	General	A		9/11/2020			0.00%		1,255	
30/9/21	Macquarie Bank	General	AA-	Monthly	9/11/2020	31/8/2021	30/6/2022	0.40%	4,011,560	4,014,286	
30/9/21	Macquarie Bank	Water	AA-	Monthly	9/11/2020	31/8/2021	30/6/2022	0.40%	2,504,313	2,506,015	
30/9/21	Macquarie Bank	Sewer	AA-	Monthly	9/11/2020	31/8/2021	30/6/2022	0.40%	1,501,380	1,502,400	
Sub Total - Cash Deposit Accounts								-	-	8,023,956	-

B) Council Investments by Fund 30 September, 2021

Portfolio by Fund	31/08/2021	30/09/2021
General Fund	$43,559,907	$43,557,279
Water Fund	$12,529,588	$12,528,705
Sewer Fund	$6,002,400	$6,002,400
TOTAL	$62,091,895	$62,088,384

Council's investment portfolio has remained neutral throughout September 2021. This was in respect of normal cash flow movements for receipts collected and payments made during September 2021.

Interest – Budgeted verses Actual Result to Date

	Ledger	2021/2022 Budget $	Actuals to Date $	Accrued Interest to Date $	TOTAL $
General Fund	128820	394,000.00	66,055.53	111,103.16	177,158.69
Water Fund	812350	64,000.00	9,664.16	20,610.40	30,274.56
Sewer Fund	906320	41,000.00	26,622.74	10,106.85	36,729.59
TOTAL		499,000.00	102,342.43	141,820.41	244,162.84

Term deposit interest rates have moved to historic lows of approximately .30%-0.35% for a 12 month term deposit. Given our strong investment balances, Council is expected to meet interest revenue targets in 2021/2022. Any additional interest received during 2021/2022 will be allocated to Council's Investment Equalisation Reserves to help fund future budget reductions in interest revenue.

C) Investment Portfolio Performance

Investment Portfolio Return		Benchmarks		
	% pa	RBA Cash Rate	Aus Bond Bank Bill	11am Cash Rate
Benchmark as at 30/9/21		0.10%	0.020%	0.10%
Term Deposits	1.31%			
Cash Deposit Accounts	0.40%			
180 Day Call Account	1.00%			
Floating Rate Notes	1.13%			

D) Investment Commentary

Council's investment portfolio returns exceeded the Australia Bond Bank Bill benchmark in all investment categories except for Council's cash deposit accounts. These accounts are held for liquidity purposes. Term Deposits exceeded all benchmarking indexes.

Council's investment portfolio of $62M is almost entirely invested in fixed term deposits. Overall, the portfolio is highly liquid, highly rated and short-dated from a counterparty perspective.

E) Certification – Responsible Accounting Officer

I Paul Pay, hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the Local Government (General) Regulations 2005 and Council's Investment Policy.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Council's term deposit portfolio was yielding 1.31% p.a. at month-end, with a weighted average duration of around 421 days or ~14 months. This average duration will provide some income protection against the low interest rate environment over the immediate future. As existing deposits mature however, they will inevitably be reinvested at much lower prevailing rates. Council's Interest Equalisation Reserve will be utilised to smooth out investment returns over the medium/long term.

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

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

RECOMMENDATION:

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with the reasons stated in the referral reports:

12.1 Request for Reduction on Water Account - Vernon Street, Inverell

12.2 Request for Reduction on Water Account - Granville Street, Inverell

12.3 Expressions of Interest in Operating the Kiosk at Copeton Northern Foreshores

12.4 Brooks Oval Amenities Building Tender

12.5 Procurement of Bitumen and Aggregate Services 2021-2022