



INVERELL SHIRE COUNCIL



Inverell's Australia Day Celebrations were held in Victoria Park. The program included the awarding of the Inverell Citizen of the Year and the Inverell Young Citizen of the Year. A BBQ Breakfast was hosted by the Macintyre Lions Club and crowds were treated to performances by the Danthonia Choir, Joshua Williams and Aunty Esther Gardiner.

Pictured with the Mayor, Cr Paul Harmon is Allen East, recipient of the Inverell Citizen of the Year Award and Inverell's Australia Day Ambassador - Ms Sascha Estens – [Rabbit Hop Films](#).

Business Paper
Ordinary Meeting of Council
Wednesday, 22 February 2023

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

17 February, 2023

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 22 February, 2023, 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 recorded. The 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.

BRETT MCINNES

ACTING 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 Code of Conduct and Office of Local Government
- **Non-pecuniary** – regulated by Code 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?

Code of Conduct

For more detailed definitions refer to Council's and Model Code of Conduct, Part 4 – Pecuniary Interests and Part 5 – Non – Pecuniary Conflicts of Interest.

Disclosure of pecuniary interests / non-pecuniary interests

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

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

January 2023 – December 2023

Ordinary Meetings:

Time: 3.00 pm

Venue: Council Chambers

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
25 (Special)	22	22	26	24	^28	26	23	27	25	22	13

Major Committee Meetings:

Civil and Environmental Services - 9.00 am

Economic and Community Sustainability - 10.30 am

Venue: Committee Room

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed	Wed
No Meeting	8	8	12	10	14	12	9	13	11	8	No Meeting

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 2023/2024 is adopted.



INTERNAL CALENDAR

MARCH 2023

SUN	MON	TUE	WED	THU	FRI	SAT
				2.00pm LEMC Meeting		Chinese Lantern Festival Tingha
			1.	2.	3.	4.
Sapphire City Markets			9.00am Civil & Environmental Committee Meeting 10.30am Economic & Community Sustainability Committee Meeting			Thrive Inverell – International Women’s Day Long Lunch
5.	6.	7.	8.	9.	10	11.
	Reports due for Ordinary Council Meeting by 4.30pm	10.00am ARIC Meeting				
12.	13.	14.	15.	16.	17.	18.
Sapphire City Markets		Harmony Day	3.00pm Ordinary Council Meeting			
19.	20.	21.	22.	23.	24.	25.
26.	27.	28.	29	30.	31.	

 Council office closed

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 14 December, 2022, and the Special Council Meeting held on 25 January, 2023, as circulated to members, be confirmed as true and correct records of these meetings.

**MINUTES OF INVERELL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 14 DECEMBER 2022 AT 3.10PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Di Baker, Cr Stewart Berryman, Cr Kate Dight, Cr Paul King OAM, Cr Jacko Ross, Cr Wendy Wilks and Cr Nicky Lavender.

IN ATTENDANCE: Paul Henry (General Manager) and Paul Pay (Director Corporate and Economic Services).

1 APOLOGIES

RESOLUTION 2022/163

Moved: Cr Kate Dight

Seconded: Cr Di Baker

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

CARRIED

2 CONFIRMATION OF MINUTES

RESOLUTION 2022/164

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

That the Minutes of the Ordinary Meeting of Council held on 30 November, 2022, 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 Wilks declared a pecuniary interest in Item #6.1 'Land Sale S5.2.0/15'. The nature of the interest is that she is related to a Director of the proposed purchaser.

Cr Paul Harmon declared a pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during December 2022 S18.10.2/15'. The nature of the interest is that Cr Harmon is the owner of a property subject to a Development Application during that period.

Cr Paul Harmon declared a non-pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during December 2022 S18.10.2/15'. The nature of the interest is that Cr Harmon is an employee of one of the applicants.

4 PUBLIC FORUM

Nil

SUSPENSION OF STANDING ORDERS

RESOLUTION 2022/165

Moved: Cr Kate Dight
 Seconded: Cr Paul King OAM

That standing orders be suspended to allow the following presentations:

- i. Cathryn MacFarland - Forsyths Chartered Accountants representing The NSW Audit Office to present the results of the 2021-2022 external audit.*
- ii. Mr Phil Schwenke, Chair of the Audit Risk and Improvement Committee to present his Annual Report on the activities of the Committee.*

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLUTION 2022/166

Moved: Cr Wendy Wilks
 Seconded: Cr Kate Dight

That standing orders resume.

CARRIED

5 MAYORAL MINUTE

Nil

6 ADVOCACY REPORTS

Nil

7 NOTICES OF BUSINESS

Nil

8 QUESTIONS WITH NOTICE

Nil

9 COMMITTEE REPORTS

Nil

10 DESTINATION REPORTS**10.1 EXPIRING LICENCE AGREEMENT S5.10.113****RESOLUTION 2022/167**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

That:

- i. Council renew the agreement with Mr I Farnsworth and Mrs D Farnsworth for Lot 2, DP 1040205, Taylor Avenue, Inverell for a further three (3) year term with a further three (3) year option under the same terms and conditions;*
- ii. The Licence fee be \$35.81 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**10.2 COUNCIL'S PERFORMANCE REPORT - STATECOVER MUTUAL S27.1.12****RECOMMENDATION:***That:*

- i. the information be noted; and*
- ii. the Management Team be congratulated for their management and improvement of Council's Work Health and Safety Systems.*

10.3 INVERELL SHOW - 24, 25 AND 26 FEBRUARY 2023 S12.22.1/16**RESOLUTION 2022/168**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

That:

- i. the request for sponsorship be referred to the Sapphire City Festival Committee for their consideration.*
- ii. Should the Sapphire City Festival choose not to provide sponsorship that Council provide \$3,000 to sponsor the Baby Animal Petting Zoo.*

CARRIED**10.4 ANNUAL REPORT FROM THE CHAIR OF AUDIT, RISK AND IMPROVEMENT COMMITTEE S4.11.21****RESOLUTION 2022/169**

Moved: Cr Stewart Berryman
Seconded: Cr Jacko Ross

That:

1. *the report as tabled be received and noted; and*
2. *Mr Phil Schwenke, Chair of the Audit Risk and Improvement Committee be thanked for his Annual Report on the activities of the Committee.*

CARRIED

10.5 REFERRAL OF CONFIDENTIAL REPORT

RESOLUTION 2022/170

Moved: Cr Stewart Berryman
Seconded: Cr Kate Dight

That Council move into Closed (Public excluded) meeting of the Council and that the press members of the public be asked to leave the chambers whilst Council considers the following items:

Item: #13.1 Land Sale

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

CARRIED

11 INFORMATION REPORTS

11.1 PUBLIC LIBRARIES NEW SOUTH WALES ANNUAL CONFERENCE AND AGM S3.6.4

RESOLUTION 2022/171

Moved: Cr Kate Dight
Seconded: Cr Di Baker

That the information report be received and noted.

CARRIED

11.2 STRATEGIC TASKS - 'SIGN OFF' - NOVEMBER 2022 S4.13.2

RESOLUTION 2022/172

Moved: Cr Nicky Lavender
Seconded: Cr Di Baker

That the information report be received and noted.

CARRIED

11.3 WORKS UPDATE S28.21.1/15**RESOLUTION 2022/173**

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

*That the information report be received and noted.***CARRIED**

At 3.14pm, Cr Paul Harmon left the meeting having previously declared a pecuniary and non-pecuniary interest in Item #11.4 'Summary of Development Applications, Construction Certificates and Complying Development Certificates during November 2022 S18.10.2/15'. The nature of the pecuniary interest is that Cr Harmon made a Development Application during that period. The nature of the non-pecuniary interest is that Cr Harmon is an employee of one of the applicants.

Cr Kate Dight assumed the Chair.

11.4 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING NOVEMBER 2022 S18.10.2/15**RESOLUTION 2022/174**

Moved: Cr Nicky Lavender

Seconded: Cr Paul King OAM

*That the information report be received and noted.***CARRIED**

At 3.31pm, Cr Paul Harmon returned to the meeting and resumed as Chair.

11.5 MATHERS BRIDGE - EXTENSION TO FUNDING S28.7.18/91**RESOLUTION 2022/175**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

*That the information report be received and noted.***CARRIED****11.6 ORDINANCE ACTIVITIES REPORT FOR NOVEMBER 2022 S18.10.1****RESOLUTION 2022/176**

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

*That the information report be received and noted.***CARRIED**

12 GOVERNANCE REPORTS**12.1 PRESENTATION OF COUNCIL'S 2021/2022 AUDITED FINANCIAL REPORTS S13.5.2/15****RESOLUTION 2022/177**

Moved: Cr Kate Dight
Seconded: Cr Nicky Lavender

That:

- i. the information be received and noted; and*
- ii. the Audit Report for the 2021/2022 Financial Year be adopted.*

CARRIED**12.2 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2****RESOLUTION 2022/178**

Moved: Cr Jacko Ross
Seconded: Cr Stewart Berryman

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**13 CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)**

At 4.18pm, 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 4.19pm, Cr Wendy Wilks left the meeting having previously declared a pecuniary interest in Item #13.1 'Land Sale S5.2.0/15'. The nature of the interest is that she is related to a Director of the proposed purchaser.

RESOLUTION 2022/179

Moved: Cr Di Baker
Seconded: Cr Kate Dight

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

CARRIED

RESOLUTION 2022/180

Moved: Cr Di Baker

Seconded: Cr Nicky Lavender

*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:

13.1 LAND SALE - TAYLOR AVENUE S5.2.0/15**RESOLUTION 2022/181***That:*

- i. The General Manager be authorised to complete the sale of lot 5 DP 867523 & lot 10 DP 1123056 at Taylor Avenue to BOSS Engineering at the purchase price of \$165,000, plus GST if applicable;*
- ii. Council transfer ownership of Water and Sewerage assets contained within the properties to BOSS Engineering at no cost;*
- iii. Council create a drainage easement on Lot 5 DP 867523 prior to the sale to ensure access to Council's trapezoidal open drain; and*
- iv. Any necessary documents associated with the sale be completed under the Common Seal of Council.*

CARRIED**ADOPTION OF RECOMMENDATIONS****RESOLUTION 2022/182**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.***CARRIED****The Meeting closed at 4.32pm.**

**MINUTES OF INVERELL SHIRE COUNCIL
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 25 JANUARY 2023 AT 3.00PM**

PRESENT: Cr Paul Harmon (Mayor), Cr Kate Dight, Cr Di Baker, Cr Stewart Berryman, Cr Paul King OAM, Cr Nicky Lavender, Cr Jacko Ross, Cr Wendy Wilks and Cr Jo Williams.

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

1 APOLOGIES

Nil

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

Cr Paul King OAM declared a pecuniary interest in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre', the nature of the interest is that the tenant of the Inverell Aquatic Centre is a family member.

Paul Henry declared a non-pecuniary interest (insignificant) in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre', the nature of the interest is that Mr Henry is a member of the Gym that operates from the Inverell Memorial Pool building.

Cr Jacko Ross declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mr Ross is the Chairperson of the Inverell RSM Club who own and operate a motel in Inverell.

Cr Wendy Wilks declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mrs Wilks operates an Airbnb in Inverell.

Paul Pay declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 – 31 Room Motel, 141 Otho Street, Inverell), the nature of the interest is that Mr Pay is a Director of the Inverell RSM Club who own and operate a motel in Inverell.

Cr Di Baker declared a non-pecuniary Interest in Item #7.1 'Inverell Aquatic Centre Development Design and Construction Procurement Selective Tender' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy', the nature of the interest is that Cr Baker is a member of the Regional Planning Panel which may be required to evaluate the Development Application for the redevelopment of the Inverell Aquatic Centre.

Cr Wendy Wilks declared a pecuniary interest in Item #7.1 'Inverell Aquatic Centre Development Design and Construction Procurement Selective Tender' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy', the nature of the interest is that Cr Wilks has a family member listed as a subcontractor to one of the tenderers for this project.

3 PUBLIC FORUM

At this juncture, the time being 3.03pm, the Mayor welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak.

Mr Andrew Fuller

Mr Fuller thanked Council for the opportunity to speak before Council. Mr Fuller made the following statement:

“You have in front of you a submission addressing what I see as an unnecessarily divisive and expensive decision regarding the redevelopment of the Inverell Swimming Complex.

For many reasons, a lot of them beyond anyone’s control, the Community consultation has not been widely disseminated or understood. The rebuild will be the single largest financial commitment, for all, by this Council, in our lifetime, as it was for the people of the fifties.

I believe the five musts for the best broad Australian education are; reading, writing, arithmetic, music and swimming. We are such a lucky small population with the longest available coastline in the world, essentially a common language and a liveable climate. We must try and build on our good luck.

The current proposal, as I understand it, is to essentially replace the present complex with an eight-lane pool giving much the same services, duplicating some of the same problems.

In previous correspondence with Council and Councillors I gave suggestions, and reasons for them, to indicate a new development on less flood prone land, away from unsuitable trees and congestion.

This land would access either present Council Land or Crown Land to build an eight-lane world class facility to fit in with all foreseeable likely uses while maintaining the present pool until its completion. This would leave the present building for suggested uses such as museums, covered nursery, performance arena, ice skating or many others that could flow from the Community after its closing.

The development would not disrupt the present use and even factoring in a rising maintenance cost the overall benefit to the health and wellbeing of our Community would be a lasting legacy to the foresight of this Council.

Thank you for the opportunity to address you on this very important issue.”

4 DESTINATION REPORTS

4.1 REFERRAL OF CONFIDENTIAL ITEMS

RESOLUTION 2023/1

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That Council refer the items to Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:

Item: *Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender*

Authority: *Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*

Item: *Inverell Aquatic Centre Redevelopment Funding Strategy*

Authority: *Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business*

CARRIED

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

At 3.08pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

At 3.08pm, Cr Di Baker left the meeting having previously declared a non-pecuniary interest in Item #7.1 'Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender S5.9.27' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy' S5.9.29, the nature of the interest is that Cr Baker is a member of the Regional Planning Panel which may be required to evaluate the Development Application for the redevelopment of the Inverell Aquatic Centre.

At 3.08pm, Cr Wendy Wilks left the meeting having declared a pecuniary interest in Item #7.1 'Inverell Aquatic Centre Replacement Design and Construction Procurement - Selective Tender S5.9.27' and Item #7.2 'Inverell Aquatic Centre Redevelopment Funding Strategy' S5.9.29, the nature of the interest is that Cr Wilks has a family member listed as a subcontractor to one of the tenderers for this project.

At 3.08pm Michael King, Senior Associate, Otium Planning Group Pty Ltd was invited to attend the meeting to answer questions about the Inverell Aquatic Centre Redevelopment. Mr King is a member of the Tender Evaluation Panel and a member of the Specialist Advisory Group.

RESOLUTION 2023/2

Moved: Cr Kate Dight

Seconded: Cr Di Baker

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

CARRIED

RESOLUTION 2023/3

Moved: Cr Stewart Berryman

Seconded: Cr Paul King OAM

That Council proceeds out of Closed Council into Open Council.

CARRIED

Upon resuming Open Council at 4.26pm, 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:

7.1 INVERELL AQUATIC CENTRE REPLACEMENT DESIGN AND CONSTRUCTION PROCUREMENT - SELECTIVE TENDER S5.9.27**RECOMMENDATION:**

That after considering the tenders received for the design and construction of the Inverell Aquatic Centre Replacement the following actions be taken:

- 1) In accordance with 178 (1) (b) of the Local Government (General) Regulation 2021, Council decline to accept any of the tenders.*
- 2) In accordance with 178 (3) (e) of the Local Government (General) Regulation 2021, Council enter into negotiations with the following tenderers in order of preference as stated below with a view to entering into a contract for the subject project:*
 - i) Hines Constructions Pty Ltd*
 - ii) Lipman Pty Ltd*
- 3) Consistent with 178 (4) of the Local Government (General) Regulation 2021:*
 - a) Council not invite fresh tenders as:*
 - i) it is satisfied that it is unlikely to receive any more competitive conforming tenders if a further process was run; and*
 - ii) a further process would not therefore, represent value for money; and*
 - b) Entering into negotiations will provide Council with the opportunity to:*
 - i) further refine several components of the project to obtain a best value maximum ceiling price for the design and construct contract; and*
 - ii) further consider minor issues of conformance with the tender documents.*
- 4) The Mayor and General Manager be delegated authority to enter into a subsequent contract for the design and construction of the Inverell Aquatic Centre Replacement consistent with the Funding Strategy contained within this report and a satisfactory contractor financial viability assessment.*
- 5) A report be presented to the February 2023 Ordinary meeting of Council advising the outcome of the negotiations identified in point 2) above.*

7.2 INVERELL AQUATIC CENTRE REDEVELOPMENT FUNDING STRATEGY S5.9.29**RECOMMENDATION:**

That:

- i. Council endorse this funding model, noting the funding strategy will be fluid with ongoing updates to be provided to Council throughout the project.*
- ii. Council endorse the transfer of \$8,380,514 from the Swimming Pool Internally Restricted Asset.*
- iii. Council endorse the transfer of \$1,867,434 from other Internally Restricted Reserves as detailed in the tables provided in the report.*
- iv. Council authorise the first \$400,000 of End of Financial Year (EOFY) budget savings to be allocated to the replenishment of the Internally Restricted Reserves identified in recommendation iii) above.*
- v. That \$715,000 from the Local Roads and Community Infrastructure Program (Phase 3 Extension) be allocated to the IAC redevelopment.*
- vi. Council borrow up to \$10,000,000 for the redevelopment of the Inverell Aquatic Centre over twenty (20) years;*
- vii. That the General Manager be authorised to:*
 - a) submit a loan application to TCorp and commence the loan assessment process and negotiate with an alternative financial institution should the loan assessment process from TCorp be unfavourable to Council.*
 - b) enter into a principal and interest loan arrangement with an appropriate financial institution that will deliver the best financial outcome for Council providing the fixed interest rate does not exceed the upper limit provided in this report.*
- viii. Loan Repayments be funded from the Strategic Capital Infrastructure Fund, Urban Works and other minor funding sources as detailed in the tables provided in the report;*
- ix. Any community benefit funds from renewal energy projects be allocated towards the retirement of debt (interest) on any loans entered into for the IAC project; and*
- x. Council endorse the engagement of BDO to complete a contractor viability assessment on Council's preferred contractor and that their final report be considered by the Tender Evaluation Panel and General Manager prior to entering into any construction contracts.*

ADOPTION OF RECOMMENDATIONS**RESOLUTION 2023/4**

Moved: Cr Stewart Berryman

Seconded: Cr Jo Williams

That the recommendations of Closed Council be adopted.

CARRIED

DESTINATION REPORTS CONT.

At 4.26pm, Cr Di Baker returned to the meeting.

At 4.26pm, Cr Wendy Wilks returned to the meeting.

At 4.26pm Michael King left the meeting.

At 4.28pm, Cr Paul King OAM left the meeting having declared a pecuniary interest in Item #4.2 'Use of Existing Building at the Inverell Aquatic Centre S5.9.29', the nature of the interest is that the tenant of the Inverell Aquatic Centre is a family member.

4.2 USE OF EXISTING BUILDING AT THE INVERELL AQUATIC CENTRE S5.9.29**RESOLUTION 2023/5**

Moved: Cr Jacko Ross

Seconded: Cr Kate Dight

That:

1. *the lease agreement with Nick King Lifestyle Centre be renewed for the period 1 January, 2023 to 31 December, 2024 (nominal completion date for construction of the Inverell Aquatic Centre). Further, that the expiration date of the lease be extended on a week by week basis to coincide with the actual date of completion of construction of the Aquatic Centre.*
2. *That Council call for Expressions of Interest for the future occupation of the redundant building space that will result from the redevelopment of the pool complex.*

CARRIED

At 4.30pm, Cr Paul King OAM returned to the meeting.

At 4.30pm, Cr Jacko Ross left the meeting having previously declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 - 31 Room Motel, 141 Otho Street, Inverell). The nature of the interest is that Mr Ross is the Chairperson of the Inverell RSM Club who own and operate a motel in Inverell.

At 4.30pm, Paul Pay left the meeting having previously declared a pecuniary interest in Item #5.1 'Update on Significant Development Proposals' (DA-162/2022 - 31 Room Motel, 141 Otho Street, Inverell). The nature of the interest is that Mr Pay is a Director of the Inverell RSM Club who own and operate a motel in Inverell.

5 INFORMATION REPORTS**RESOLUTION 2023/6**

Moved: Cr Paul King

Seconded: Cr Jo Williams

That the following information report be received and noted.

CARRIED**5.1 UPDATE ON SIGNIFICANT DEVELOPMENT PROPOSALS DA-162/2022**

At 4.32pm, Cr Jacko Ross returned to the meeting.

At 4.32pm, Paul Pay returned to the meeting

6 QUESTIONS WITH NOTICE

Nil

The Meeting closed at 4.33pm.

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

5 ELECTIONS

5.1 ELECTION OF DEPUTY MAYOR

File Number: S13.7.2 / 22/28583

Author: Paul Henry, General Manager

RECOMMENDATION:

That:

- i) Council determine if there shall be a Deputy Mayoral position on Council;*
- ii) If so, determine the term for the this position;*
- iii) In the event that more than one candidate has been nominated for the position of Deputy Mayor the method of election for Deputy Mayor be determined by Council; and*
- iv) The nomination forms and ballot papers used in the election be destroyed following the declaration of the result.*

SUMMARY:

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

COMMENTARY:

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

The provisions of *clause 394 and schedule 7 of the Local Government (General) Regulation 2005*, also apply to the election of Deputy Mayor.

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

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

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

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

- The period of Office for the Deputy Mayor as resolved by Council on 12 January 2022 was for one (1) year.
- The Deputy Mayor receives no fees other than the Councillor fee (\$12,650.00), unless Council determines that a fee is to be paid. If Council determines that a fee is to be paid, the amount is funded from the Mayoral fee, effectively reducing the amount paid to the Mayor. In previous years, Council has not paid a Deputy Mayor's fee.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

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

LEGAL IMPLICATIONS:

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

ATTACHMENTS:

Nil

5.2 APPOINTMENT OF COUNCIL COMMITTEES

File Number: S13.6.7 / 22/28584
Author: Paul Henry, General Manager

SUMMARY:

To facilitate Council’s decision making process, Council has established a number of Committees. Council is requested to appoint members to the following Committee Structure.

RECOMMENDATION:
That:
 i) Council determine its representatives on the Major Committees;
 ii) Council determine its representatives on the Advisory Committees; and
 iii) Council determine its representatives on the Community Committees.

COMMENTARY:

All Committees, irrespective of their status, make recommendations to Council for consideration – a decision of a Committee is not binding on Council, unless a specific delegation of authority is made by Council to that particular Committee. To date, Council has not delegated a permanent task to any of its Major Committees.

A. TYPES OF COMMITTEES

I) MAJOR COMMITTEES

To facilitate Council’s decision-making process, Council has established ‘Major’ Committees to consider issues relating to a particular range of activities/functions. In the past, the two (2) ‘Major Committees’ together with their functional responsibilities have included:

ECONOMIC & COMMUNITY SUSTAINABILITY COMMITTEE RESPONSIBILITIES	CIVIL & ENVIRONMENTAL SERVICES COMMITTEE RESPONSIBILITIES
❖ Financial/Budget Issues	❖ Recreational Services
❖ Corporate Planning	❖ Waste Services
❖ Human Resources	❖ Civil Infrastructure
❖ Information Services	❖ Town Planning
❖ Economic Development	❖ Environmental Activities
❖ Cultural Activities	❖ Building Control
❖ Social Activities	❖ Compliance
❖ Industry Development	❖ Emergency Management

It should also be noted that Council’s Meeting Code provides for the Chairperson to co-opt Councillors in attendance at the meeting to be a member of the Committee to that meeting for the purpose of providing a quorum.

In addition, the Local Government Act provides that the Mayor is an ex-officio member of all Committees.

II) ADVISORY COMMITTEES

Advisory Committees are comprised of elected members, staff and community members that consider issues relating to a single Council function/service.

The following Advisory Committees have been established or are required by statute:

COMMITTEE	DELEGATE ENTITLEMENT	CURRENT DELEGATES
<p>Aboriginal Consultative Committee Established to promote an increased knowledge and understanding of Aboriginal Culture and society in the wider community and to develop the interests of the Aboriginal people in the local area.</p>	<p>Mayor, General Manager, 1 Ashford Local Land Council, 1 Anaiwan Local Land Council, 5 members of the community</p>	<p>- Mayor - Cr King - (General Manager - servicing officer)</p>
<p>Aquatic Centre Planning Sunset Committee Established to consider the contents of the relevant consultant reports and work with staff to develop a Swimming Pools Renewal Strategy. Upon completion of the strategy, the committee will assist in the formulation of a design brief to achieve the outcomes contained in the strategy.</p>	<p>Mayor, 3 Representatives</p>	<p>- Mayor - Cr Ross - Cr Berryman - Cr Wilks</p>
<p>Audit Risk & Improvement Committee Committee established to guide the internal audit function of Council.</p>	<p>1 Representative (excluding the Mayor), and 2 independents</p>	<p>- Cr Lavender</p>
<p>Conduct Review Committee (Statutory term) Committee that establishes the facts of an allegation that has been referred to it in accordance with the provisions of Council’s Code of Conduct.</p>	<p>1 Representative (Mayor), General Manager), and 3 independents</p>	<p>- Mayor - General Manager - Expressions of interest to be called for independents as required.</p>
<p>Local Emergency Management Committee (LEMC) - Provision of the State Emergency Rescue and Management Act. The role of the LEMC is to: <ul style="list-style-type: none"> • Prevent or reduce the impact of emergencies; • Ensure the preparedness of our community; • Provide an effective and coordinated response to the emergency; • Provide for the recovery of our community. </p>	<p>1 Representative And Local Emergency Management Officer (LEMO).</p>	<p>- Cr Wilks - Manager Civil Engineering (LEMO).</p>

<p>Local Traffic Committee (LTC) A technical review committee that advises the Council on matters for which the Council has delegated authority. Council is not bound by the advice given by its LTC, however if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify the RMS & the NSW Police before proceeding.</p>	<p>LTC comprises 4 formal representatives: - 1 Council - 1 NSW Police - 1 RMS - 1 Local State Member or their nominee</p>	<p>- Manager Civil Engineering (delegated by the Mayor).</p>
<p>Waste Management Sunset Committee A Committee formed to: a. Review the approved Waste Management Strategy and recommend any appropriate amendments to Council for consideration, and b. The issues of Container Deposit Scheme and scavenging rights be referred to the Sunset Committee for consideration.</p>	<p>Comprises 3 Representatives</p>	<p>- Cr Harmon - Cr King - Cr Berryman</p>
<p>Public Art Sunset Committee A sub-committee formed to work with the Inverell Art Gallery Supervisor and Inverell Cultural Group president to develop a vision for public art projects in Inverell Shire.</p>	<p>Comprises: - General Manager - Manager Tourism - 1 Representative - 3 community reps</p>	<p>- General Manager - Manager Administrative and Marketing Services - Cr Williams</p>

III) COMMUNITY COMMITTEES

A function of a Council may, subject to the provisions of *Section 355* of the *Local Government Act*, be exercised by a Committee of the Council.

Accordingly, the following Committees have been established:

COMMITTEE	DELEGATE ENTITLEMENT	CURRENT DELEGATE
Delungra District Development Council	1 Representative	Cr Lavender
Equestrian Council	(Fixed Term) 1 Representative	Cr Baker
Inverell Development Support Group	2 Representatives (Mayor & General Manager)	Cr Harmon General Manager
Inverell Liquor Consultative Committee	1 Representative	Cr King
Inverell Sports Council	(Fixed Term) 2 Representatives	Cr Harmon Cr Ross
Inverell Sapphire City Festival	1 Representative	Mayor (ex-officio) Cr Dight
Yetman Hall and Progress Association	1 Representative	Cr Dight
Youth Council	1 Representative	Cr Dight

ATTACHMENTS:

Nil

5.3 ELECTION OF DELEGATES TO REGIONAL & LOCAL ORGANISATIONS (ANNUAL APPOINTMENT)

File Number: S13.6.7 / 23/5135
Author: Paul Henry, General Manager

SUMMARY:

Inverell Shire Council is entitled to be represented upon a number of Regional and/or Local Organisations. Council is requested to appoint delegates to the following list of Regional and/or Local Organisations.

RECOMMENDATION:
That:

- i) Council determine if it wishes to appoint delegates to these organisations, and if so;
- ii) Council appoint its representatives to those organisations as determined above.

COMMENTARY:

A list of known Regional and/or Local Organisations, to which Inverell Shire Council is entitled to be represented upon, include:

COMMITTEE	DELEGATE ENTITLEMENT	CURRENT DELEGATE
Country Public Libraries Association of NSW	1 Representative	Cr Dight
Inverell Pioneer Village	1 Representative	Cr Berryman
Northern Tablelands Bush Fire Management Committee	1 Representative	Local Emergency Management Officer (Manager Civil Engineering)
Overloading of Vehicles Committee	1 Representative	Manager Civil Engineering
Border Regional Organisation of Councils (BROC)	1 Representative	Cr Dight

ATTACHMENTS:

Nil

5.4 MEETING DATES AND TIMES**File Number:** S13.5.4 / 23/5137**Author:** Paul Henry, General Manager**SUMMARY:**

Council is required to set a date and time for the regular Ordinary and Major Committee Meetings of the Council.

RECOMMENDATION:

A matter for Council.

COMMENTARY:

Council's Ordinary Meetings have been held on the fourth Wednesday of each month commencing at 3.00pm. Council may resolve to hold these meetings on an alternative day and/or hour if it wishes.

Council's Major Committee Meetings (Civil and Environmental Services Committee and Economic and Community Sustainability Committee) have, in the past, been held on the same day on the second Wednesday of each month commencing at 9.00am and 10.30am respectively. Council may resolve to hold these meetings on an alternative day/s and/or hours if it wishes.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

In accordance with *Section 365* of the *Local Government Act, 1993*, Council is required to meet at least 10 times each year, each time in a different month.

ATTACHMENTS:

Nil

6 ADVOCACY REPORTS

Nil

7 NOTICES OF BUSINESS

Nil

8 QUESTIONS WITH NOTICE

Nil

9 COMMITTEE REPORTS**9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 8 FEBRUARY 2023**

File Number: S4.11.16/15 / 23/4795

Author: Kristy Paton, Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 8 February, 2023.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i. That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 8 February, 2023, be received and noted; and*
- ii. The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

9.1.1 DA-125/2021 - Two (2) Lot Subdivision and Manufactured Home Estate - 31 Brownleigh Vale Drive, Inverell**RECOMMENDATION:**

That Development Application 125/2021 be approved subject to:

- 1. General Terms of Approval being issued by the Department of Planning and Environment – Water for this development;*
- 2. The following conditions of consent:*

GENERAL CONDITIONS

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

Consent is granted for:

- A two (2) lot subdivision; and*
- Construction of a manufactured home estate on proposed Lot 2.*

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

- 2. The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the Department of Planning and Environment - Water.*
- 3. All fees, Section 7.11 (formerly Section 94) contribution and other contributions will be adjusted in accordance with Council's fees and charges at the date of payment.*

4. *The development must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the Environmental Planning & Assessment Regulation 2021.*

CONDITIONS RELATING TO THE 2 LOT SUBDIVISION

Prior to Commencement of any Subdivision Works

5. *Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.*

Prior to issue of a Subdivision Works Certificate

6. *Prior to the issue of a Subdivision Works Certificate, a detailed engineering survey and design must be submitted to and approved by Council for the following works:*

- *The extension of Brownleigh Vale Drive and cul-de-sac, which is to be bitumen sealed with rollover kerb and gutter or similar;*
- *The extension of the street lighting into the proposed cul-de-sac;*
- *The two existing 100mm diameter water mains running along Brownleigh Vale Drive will need to be cross connected at the end of the cul-de-sac servicing the proposed development. Stop valves will need to be provided to allow flow from alternate sources during water main outages;*
- *Stormwater drainage for the cul-de-sac; and*
- *Erosion and sediment control during construction.*

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
 - *Group 0 - Planning and Design;*
 - *Group 01- General;*
 - *Group 11- Construction- Roadways; and*
 - *Group 13- Construction- Public Utilities.*
- **Water Supply Code of Australia**
 - *WSA 02 - Sewerage Code of Australia; and*
 - *WSA 03- Water Supply Code of Australia.*

7. *Prior to issue of a Subdivision Works Certificate, a geotechnical/hydrological report is to be submitted to and approved by Council. At minimum, this report must:*

- *Investigate geotechnical conditions below the depth of excavation and/or likely foundation depth to determine the presence of groundwater on both proposed Lot 1 and proposed Lot 2;*
- *Where groundwater is present, the report must include recommendations in relation to:*
 - *Design parameters for the Manufactured Home Estate (e.g. foundations, permanent and temporary supports, road pavement); and*
 - *Design parameters for any future residential construction on proposed lot 1; and*
 - *Measures to be implemented during construction of the Manufactured Home Estate and installation of homes to mitigate potential groundwater impacts.*

8. *Prior to issue of a Subdivision Works Certificate, a Traffic Management Plan (TMP) relating to the construction traffic shall be submitted to Council for approval. The TMP should at a minimum:*

- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic for the subdivision; and*
- *Provide a transport code of conduct that ensures any impacts are reduced as far as reasonably practical.*

9. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.*

During Subdivision Works

10. *The applicant will:*

- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
- *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*

11. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*

12. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*

13. *During construction the applicant must ensure that arrangements are made for Council to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.*

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:

- *After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);*
- *After completion and compaction of the road sub grade;*
- *After placement and compaction of each layer of gravel pavement material prior to sealing;*
- *After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;*
- *During application of bitumen seal or asphaltic concrete wearing surface;*
- *After restoration and completion of all works; and*
- *As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.*

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

14. *During subdivision works, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*
15. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*
16. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.*
17. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

Prior to Issue of a Subdivision Certificate

18. *An application for a Subdivision Certificate must be submitted to and approved by Council. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.*
19. *Prior to issue of a Subdivision Certificate, the extension of Brownleigh Vale Drive and cul-de-sac are to be dedicated as public road, at no cost to Council.*
20. *Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to user pursuant to Section 88B of the Conveyancing Act 1919 must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.*
21. *Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.*
22. *Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:*
 - *An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and*
 - *An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.*
23. *Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.*
24. *Prior to the issue of a Subdivision Certificate, the proponent is to enter into a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.*
25. *Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.*
26. *Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lot 2 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979.*
27. *Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a*

Certificate of Compliance must be issued by Council for Lot 2 and complied with by the applicant.

Note:

- *This will require payment to Council of a Contribution (for water) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement; and*
- *This will require payment to Council of a Contribution (for sewer) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement.*

CONDITIONS RELATING TO THE MANUFACTURED HOME ESTATE

Prior to Commencement of Works

28. *Prior to commencement of any works for the manufactured home estate, a staging plan must be submitted to and approved by Council for the construction of civil infrastructure, landscaping and installation of manufactured homes.*

This staging plan must nominate the following works to be completed as part of Stage 1:

- *Access crossings off Brownleigh Vale Drive;*
- *Construction of the main community building at the estate entrance;*
- *Construction of the community swimming pool;*
- *Construction of the lawn bowling green;*
- *Construction of the community shed;*
- *The car parking adjacent to the main community building; and*
- *Boundary landscaping.*

29. *Prior to commencement of any works for the manufactured home estate, a Construction Certificate must be obtained for the construction of civil and infrastructure and community facilities.*

Separate Construction Certificates may be obtained for each stage, or a combined Construction Certificate inclusive of multiple stages may be obtained, consistent with the approved staging plan.

Prior to Issue of a Construction Certificate

30. *Prior to the issue of a Construction Certificate, detailed engineering survey and design must be submitted to and approved by Council for the following works (as relevant to the stage)*

- *Bulk earthworks and retaining walls, which are to be wholly contained within the development site (including footing and sub-surface drainage);*
- *Sealed access roads;*
- *Sealed car parking, including line marking and visitor parking signage;*
- *Provision of water services to each lot;*
- *Fire hydrants in accordance with Clause 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*
- *Adjustments to Council's sewer main and provision of sewer services, which must comply with the following:*
 - *New Council sewer mains to be constructed in the footpaths (not centre of road);*
 - *No horizontal bending of sewer mains at deflection points. Sewer*

manholes will be required; and

- *Council does not use “Wang” sewer junctions. “Cut-in” sewer junctions will be required.*

- *Stormwater drainage, including the provision of inter-allotment drainage along the boundary with Auburn Road properties. This inter-allotment drainage must be wholly located within the development site;*
- *Provision of lighting along the internal access roads; and*
- *Erosion and sediment control during construction.*

The detailed design must be in accordance with the following:

- ***NATSPEC Specifications***

- *Group 0 - Planning and Design;*
- *Group 01- General;*
- *Group 11- Construction- Roadways; and*
- *Group 13- Construction- Public Utilities.*

- ***Water Supply Code of Australia***

- *WSA 02 - Sewerage Code of Australia; and*
- *WSA 03- Water Supply Code of Australia.*

- ***NSW Water Directorate, building in the Vicinity of Sewer Mains Guidelines 2019 (or any subsequent revisions); and***

- ***The geotechnical/hydrological report provided prior to issue of a Subdivision Works Certificate.***

31. *Prior to issue of a Construction Certificate, a Traffic Management Plan (TMP) relating to the construction traffic for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic; and*
- *Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

32. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council’s road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.*

During Construction

33. *The applicant will:*

- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
- *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*

34. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*

- 35. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*
- 36. *During construction, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*
- 37. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*
- 38. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.*
- 39. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

Prior to Operation of the Manufactured Home Estate

- 40. *Prior to operation of the manufactured home estate, an approval to operate must be obtained for the relevant stage/s in accordance with Section 68 of the Local Government Act 1993.*

Prior to issue of an Approval to Operate under Section 68 of the Local Government Act 1993

- 41. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, all civil works, services, car parking, lighting and landscaping is to be completed in accordance with the approved staging plan, landscaping plans and relevant Construction Certificate.*
- 42. *Prior to issue of a Subdivision Certificate, a three (3) metre easement for sewer is to be created over all sewer mains through the site and dedicated in favour of Council.*
- 43. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for the relevant stage/s of the manufactured home estate.*

Note: This will require payment to Council of contributions for water and sewer under Council’s Development Servicing Plan No. 1 for each dwelling site consistent with the following table.

	<i>Water Contribution</i>	<i>Sewer Contribution</i>
<i>Manufactured Home Type</i>	<i>Equivalent Tenement (ET)</i>	<i>Equivalent Tenement (ET)</i>
<i>3 bedrooms</i>	<i>0.8</i>	<i>1 ET</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>1 bedroom</i>	<i>0.4</i>	<i>0.5</i>

- 44. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a Traffic Management Plan (TMP) relating to the transport of manufactured homes for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*
 - *Identify the transport route;*
 - *Discuss measures to mitigate impacts to traffic flow and adjoining residents*

associated with the process of transporting moveable dwellings; and

- *Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

45. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a flood emergency plan for the manufactured home estate is to be submitted to and approved by Council.*

46. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a suitable agreement must be in place with a private contractor or Council for collection of waste. A copy of this agreement is to be provided to Council.*

Ongoing Use

47. *Manufactured homes are not permitted to be constructed on-site.*

48. *Each manufactured home must be connected to:*

- *Reticulated water;*
- *Reticulated sewer;*
- *Electricity; and*
- *Telephone.*

49. *No manufactured home is permitted to exceed one (1) storey in height'.*

50. *A manufactured home must have a floor level equal to (or above), 1 metre above the 1 in 100 flood level.*

51. *The community facilities are only permitted to be used by residents of the manufactured home estate and their guests.*

52. *The community facilities must comply with the following hours of operation:*

- *Main communal facilities building – 7:00am – 9:00pm Mon-Sun;*
- *Main communal outdoor facilities – 7:00am – 8:00pm Mon-Sun; and*
- *Communal shed – 7:00am – 6:00pm Mon-Sun.*

53. *The swimming pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*

(a) before 8.00 am or after 8.00 pm on any Sunday or public holiday; and

(b) before 7.00 am or after 8.00 pm on any other day.

54. *Musical instruments and electrically amplified sound equipment must not be used in the community facilities in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*

- *Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday; and*
- *Before 8 am and after 10 pm on any other day.*

55. *Service vehicles (e.g. waste) for the manufactured home estate and delivery vehicles to the community facilities are restricted to:*

- *7 am to 6 pm Monday to Saturday; and*
- *8 am to 6 pm on Sundays and public holidays.*

56. *All access roads must be adequately lit between sunset and sunrise.*

57. *All external lighting must:*
- *Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and*
 - *Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*
58. *The use of the main community building as a food premises must comply with all applicable legislation/regulation and standards including:*
- *The Food Act 2003;*
 - *Food Regulation 2004;*
 - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
 - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
 - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control.*
59. *To comply with the Swimming Pools Act 1992 the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:*
- *that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and*
 - *that is designed, constructed, installed and maintained in accordance with the regulations and Australian Standard 1926-2007 Swimming pool safety.*
60. *A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent position adjacent to the pool. The sequence must be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other body that published the sign and the date of its publication.*

Advice Only

- (a) *It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, which may also require easements to be created. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.*
- (b) *The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*
- (c) *Any proposed landscaping in the vicinity of electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- (d) *As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the*

time of registration of the plan of subdivision. This will also include satisfactory arrangements with Essential Energy in relation to the existing overhead powerlines and poles located at the proposed extension of Brownleigh Vale Drive. Refer to Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.

- (e) Essential Energy's records indicate there is overhead electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- (f) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- (g) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines / Underground Assets.*

- 3. *Any other condition, or amendment to the conditions, deemed appropriate by the Director Civil and Environmental Services.*

9.1.2 Review of Council Policy - B Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area.

RECOMMENDATION:

That the amended policy – 'B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area', be adopted.

9.1.3 Fixing Local Roads Pothole Repair Funding

RECOMMENDATION:

That:

- 1. *The information be received and noted; and*
- 2. *The proposed funding allocation model be endorsed for Round 1 and Round 2 of the Fixing Local Roads Pothole Repair funding.*

9.1.4 Modular B Triple Access Request Inverell to Texas

RECOMMENDATION:

That Council approve the application for Modular B-Triple access under pilot arrangement from Inverell Freighters Depot to the Shire Boundary at Texas, QLD through the NHVR permit system.

9.1.5 Special Flood Consideration Clause

RECOMMENDATION:

That Council endorse the intent of the submission as outlined in the report regarding the potential mandating of a Special Flood Considerations Clause.

9.1.6 Governance - Performance Reporting on Road Maintenance Council Contracts

RECOMMENDATION:

That the information report be received and noted.

9.1.7 Information Reports

RECOMMENDATION

That the information be received and noted.

ATTACHMENTS:

- 1. Minutes of Civil and Environmental Services Committee Meeting 8 February, 2023**

**MINUTES OF INVERELL SHIRE COUNCIL
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 8 FEBRUARY 2023 AT 9.00AM**

PRESENT: Cr Stewart Berryman (Chair), Paul Harmon (Mayor), Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

IN ATTENDANCE: Cr Paul King OAM, Cr Nicky Lavender and Cr Jo Williams.

Brett McInnes (Acting General Manager), Paul Pay (Director Corporate and Economic Services), Justin Pay (Manager Civil Engineering), Chris Faley (Development Services Coordinator) and Anthony Alliston (Manager Development Services).

1 APOLOGIES

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Jacko Ross

Seconded: Cr Di Baker

That the Minutes of the Civil and Environmental Services Committee Meeting held on 9 November, 2022, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

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

Mr Anthony Alliston (Manager Development Services) declared a conflict of interest in Item #5.1 DA-125/2021 – Two (2) Lot Subdivision and Manufactured Home Estate – 31 Brownleigh Vale Drive”, the nature of his interest is that a relative is part owner of 31 Brownleigh Vale Drive. Mr Alliston has not participated in the assessment of the development application.

4 PUBLIC FORUM

Janice Thies – Development Application DA-125/2021

Mrs Thies spoke in opposition to the proposed development at 31 Brownleigh Vale Drive, DA-125/2021. Mrs Thies cited the following objections to the proposed development:

1. Only one entry and exit point, this will generate excessive traffic on Brownleigh Vale Drive and Wesley Street;
2. Width of Brownleigh Vale Drive is only eight (8) metres wide which is not wide enough or suitable to carry the proposed volume of traffic;
3. Concerns of the volume of traffic that will enter Warialda Road from Auburn Vale Road; and
4. The bus stops at Vernon Street, Borthwick Street and Harland Street are too far from the proposed development to be considered as an alternative method of transport.

Mrs Thies asked the committee to take these comments into consideration when making a decision on the proposed development.

5 DESTINATION REPORTS

5.1 DA-125/2021 - TWO (2) LOT SUBDIVISION AND MANUFACTURED HOME ESTATE - 31 BROWNLEIGH VALE DRIVE, INVERELL DA-125/2021

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Wendy Wilks

That the Committee recommend to Council that Development Application 125/2021 be approved subject to:

1. *General Terms of Approval being issued by the Department of Planning and Environment – Water for this development;*
2. *The following conditions of consent:*

GENERAL CONDITIONS

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

Consent is granted for:

- *A two (2) lot subdivision; and*
- *Construction of a manufactured home estate on proposed Lot 2.*

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

2. *The development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the Department of Planning and Environment - Water.*
3. *All fees, Section 7.11 (formerly Section 94) contribution and other contributions will be adjusted in accordance with Council's fees and charges at the date of payment.*
4. *The development must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the Environmental Planning & Assessment Regulation 2021.*

CONDITIONS RELATING TO THE 2 LOT SUBDIVISION

Prior to Commencement of any Subdivision Works

5. *Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.*

Prior to issue of a Subdivision Works Certificate

6. *Prior to the issue of a Subdivision Works Certificate, a detailed engineering survey and design must be submitted to and approved by Council for the following works:*
 - *The extension of Brownleigh Vale Drive and cul-de-sac, which is to be bitumen sealed with rollover kerb and gutter or similar;*
 - *The extension of the street lighting into the proposed cul-de-sac;*
 - *The two existing 100mm diameter water mains running along Brownleigh Vale Drive will need to be cross connected at the end of the cul-de-sac servicing the proposed*

development. Stop valves will need to be provided to allow flow from alternate sources during water main outages;

- Stormwater drainage for the cul-de-sac; and
- Erosion and sediment control during construction.

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
 - Group 0 - Planning and Design;
 - Group 01- General;
 - Group 11- Construction- Roadways; and
 - Group 13- Construction- Public Utilities.
- **Water Supply Code of Australia**
 - WSA 02 - Sewerage Code of Australia; and
 - WSA 03- Water Supply Code of Australia.

7. Prior to issue of a Subdivision Works Certificate, a geotechnical/hydrological report is to be submitted to and approved by Council. At minimum, this report must:

- Investigate geotechnical conditions below the depth of excavation and/or likely foundation depth to determine the presence of groundwater on both proposed Lot 1 and proposed Lot 2;
- Where groundwater is present, the report must include recommendations in relation to:
 - Design parameters for the Manufactured Home Estate (e.g. foundations, permanent and temporary supports, road pavement); and
 - Design parameters for any future residential construction on proposed lot 1; and
 - Measures to be implemented during construction of the Manufactured Home Estate and installation of homes to mitigate potential groundwater impacts.

8. Prior to issue of a Subdivision Works Certificate, a Traffic Management Plan (TMP) relating to the construction traffic shall be submitted to Council for approval. The TMP should at a minimum:

- Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic for the subdivision; and
- Provide a transport code of conduct that ensures any impacts are reduced as far as reasonably practical.

9. Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.

During Subdivision Works

10. The applicant will:

- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

11. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*
12. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*
13. *During construction the applicant must ensure that arrangements are made for Council to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.*

Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:

- *After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);*
- *After completion and compaction of the road sub grade;*
- *After placement and compaction of each layer of gravel pavement material prior to sealing;*
- *After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;*
- *During application of bitumen seal or asphaltic concrete wearing surface;*
- *After restoration and completion of all works; and*
- *As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.*

It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.

14. *During subdivision works, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*
15. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*
16. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.*
17. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

Prior to Issue of a Subdivision Certificate

18. *An application for a Subdivision Certificate must be submitted to and approved by Council. A Subdivision Certificate will not be issued nor the final plan signed by Council until all*

relevant conditions have been complied with.

19. *Prior to issue of a Subdivision Certificate, the extension of Brownleigh Vale Drive and cul-de-sac are to be dedicated as public road, at no cost to Council.*
20. *Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to user pursuant to Section 88B of the Conveyancing Act 1919 must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.*
21. *Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of Council, or a payment made of the costs incurred by Council to undertake the repairs.*
22. *Prior to the issue of a Subdivision Certificate, electricity and National Broadband services are to be provided to all lots. The proponent is required to submit to Council, certificates from:*
 - *An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision; and*
 - *An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.*
23. *Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.*
24. *Prior to the issue of a Subdivision Certificate, the proponent is to enter into a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.*
25. *Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.*
26. *Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lot 2 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979.*
27. *Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for Lot 2 and complied with by the applicant.*

Note:

- *This will require payment to Council of a Contribution (for water) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement; and*
- *This will require payment to Council of a Contribution (for sewer) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement.*

CONDITIONS RELATING TO THE MANUFACTURED HOME ESTATE

Prior to Commencement of Works

28. *Prior to commencement of any works for the manufactured home estate, a staging plan must be submitted to and approved by Council for the construction of civil infrastructure, landscaping and installation of manufactured homes.*

This staging plan must nominate the following works to be completed as part of Stage 1:

- *Access crossings off Brownleigh Vale Drive;*
- *Construction of the main community building at the estate entrance;*
- *Construction of the community swimming pool;*
- *Construction of the lawn bowling green;*
- *Construction of the community shed;*
- *The car parking adjacent to the main community building; and*
- *Boundary landscaping.*

29. *Prior to commencement of any works for the manufactured home estate, a Construction Certificate must be obtained for the construction of civil and infrastructure and community facilities.*

Separate Construction Certificates may be obtained for each stage, or a combined Construction Certificate inclusive of multiple stages may be obtained, consistent with the approved staging plan.

Prior to Issue of a Construction Certificate

30. *Prior to the issue of a Construction Certificate, detailed engineering survey and design must be submitted to and approved by Council for the following works (as relevant to the stage)*

- *Bulk earthworks and retaining walls, which are to be wholly contained within the development site (including footing and sub-surface drainage);*
- *Sealed access roads;*
- *Sealed car parking, including line marking and visitor parking signage;*
- *Provision of water services to each lot;*
- *Fire hydrants in accordance with Clause 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*
- *Adjustments to Council's sewer main and provision of sewer services, which must comply with the following:*
 - *New Council sewer mains to be constructed in the footpaths (not centre of road);*
 - *No horizontal bending of sewer mains at deflection points. Sewer manholes will be required; and*
 - *Council does not use "Wang" sewer junctions. "Cut-in" sewer junctions will be required.*
- *Stormwater drainage, including the provision of inter-allotment drainage along the boundary with Auburn Road properties. This inter-allotment drainage must be wholly located within the development site;*
- *Provision of lighting along the internal access roads; and*
- *Erosion and sediment control during construction.*

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
 - *Group 0 - Planning and Design;*
 - *Group 01- General;*

- Group 11- Construction- Roadways; and
 - Group 13- Construction- Public Utilities.
 - **Water Supply Code of Australia**
 - WSA 02 - Sewerage Code of Australia; and
 - WSA 03- Water Supply Code of Australia.
 - **NSW Water Directorate, building in the Vicinity of Sewer Mains Guidelines 2019 (or any subsequent revisions); and**
 - **The geotechnical/hydrological report provided prior to issue of a Subdivision Works Certificate.**
31. *Prior to issue of a Construction Certificate, a Traffic Management Plan (TMP) relating to the construction traffic for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*
- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic; and*
 - *Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*
32. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.*

During Construction

33. *The applicant will:*
- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
 - *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*
34. *Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.*
35. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*
36. *During construction, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*
37. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*
38. *Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works must not interfere with the amenity of the surrounding lands.*
39. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

Prior to Operation of the Manufactured Home Estate

40. *Prior to operation of the manufactured home estate, an approval to operate must be obtained for the relevant stage/s in accordance with Section 68 of the Local Government Act 1993.*

Prior to issue of an Approval to Operate under Section 68 of the Local Government Act 1993

41. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, all civil works, services, car parking, lighting and landscaping is to be completed in accordance with the approved staging plan, landscaping plans and relevant Construction Certificate.*

42. *Prior to issue of a Subdivision Certificate, a three (3) metre easement for sewer is to be created over all sewer mains through the site and dedicated in favour of Council.*

43. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for the relevant stage/s of the manufactured home estate.*

Note: This will require payment to Council of contributions for water and sewer under Council’s Development Servicing Plan No. 1 for each dwelling site consistent with the following table.

	Water Contribution	Sewer Contribution
Manufactured Home Type	Equivalent Tenement (ET)	Equivalent Tenement (ET)
3 bedrooms	0.8	1 ET
2 bedrooms	0.6	0.75
2 bedrooms	0.6	0.75
1 bedroom	0.4	0.5

44. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a Traffic Management Plan (TMP) relating to the transport of manufactured homes for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- *Identify the transport route;*
- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with the process of transporting moveable dwellings; and*
- *Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

45. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a flood emergency plan for the manufactured home estate is to be submitted to and approved by Council.*

46. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a suitable agreement must be in place with a private contractor or Council for collection of waste. A copy of this agreement is to be provided to Council.*

Ongoing Use

47. *Manufactured homes are not permitted to be constructed on-site.*

48. *Each manufactured home must be connected to:*

- *Reticulated water;*

- *Reticulated sewer;*
 - *Electricity; and*
 - *Telephone.*
49. *No manufactured home is permitted to exceed one (1) storey in height'.*
50. *A manufactured home must have a floor level equal to (or above), 1 metre above the 1 in 100 flood level.*
51. *The community facilities are only permitted to be used by residents of the manufactured home estate and their guests.*
52. *The community facilities must comply with the following hours of operation:*
- *Main communal facilities building – 7:00am – 9:00pm Mon-Sun;*
 - *Main communal outdoor facilities – 7:00am – 8:00pm Mon-Sun; and*
 - *Communal shed – 7:00am – 6:00pm Mon-Sun.*
53. *The swimming pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- (a) *before 8.00 am or after 8.00 pm on any Sunday or public holiday; and*
 - (b) *before 7.00 am or after 8.00 pm on any other day.*
54. *Musical instruments and electrically amplified sound equipment must not be used in the community facilities in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- *Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday; and*
 - *Before 8 am and after 10 pm on any other day.*
55. *Service vehicles (e.g. waste) for the manufactured home estate and delivery vehicles to the community facilities are restricted to:*
- *7 am to 6 pm Monday to Saturday; and*
 - *8 am to 6 pm on Sundays and public holidays.*
56. *All access roads must be adequately lit between sunset and sunrise.*
57. *All external lighting must:*
- *Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and*
 - *Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*
58. *The use of the main community building as a food premises must comply with all applicable legislation/regulation and standards including:*
- *The Food Act 2003;*
 - *Food Regulation 2004;*
 - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
 - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
 - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant*

control.

59. To comply with the Swimming Pools Act 1992 the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:
- that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
 - that is designed, constructed, installed and maintained in accordance with the regulations and Australian Standard 1926-2007 Swimming pool safety.
60. A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent position adjacent to the pool. The sequence must be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other body that published the sign and the date of its publication.

Advice Only

- (a) It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, which may also require easements to be created. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
- (b) The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
- (c) Any proposed landscaping in the vicinity of electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- (d) As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. This will also include satisfactory arrangements with Essential Energy in relation to the existing overhead powerlines and poles located at the proposed extension of Brownleigh Vale Drive. Refer to Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.
- (e) Essential Energy's records indicate there is overhead electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (f) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (g) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that

provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines / Underground Assets.

3. *Any other condition, or amendment to the conditions, deemed appropriate by the Director Civil and Environmental Services.*

S375A Record of Voting	Councillors For:	Councillors Against:
Harmon	√	
Baker	√	
Berryman	√	
Ross	√	
Wilks	√	

CARRIED

At 9.42am, Chris Faley left the meeting.

At 9.44am, Anthony Allison entered the meeting.

5.2 REVIEW OF COUNCIL POLICY - B DOUBLE, RESTRICTED ACCESS VEHICLE, HIGH MASS LIMIT VEHICLE ASSESSMENT FOR ROUTE APPROVAL ON SHIRE ROADS WITHIN INVERELL SHIRE COUNCIL LOCAL GOVERNMENT AREA. S30.9.11

COMMITTEE RESOLUTION

Moved: Cr Di Baker
 Seconded: Cr Jacko Ross

The Committee recommends to Council that the amended policy – ‘B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area’, be adopted.

CARRIED

5.3 FIXING LOCAL ROADS POTHOLE REPAIR FUNDING S15.8.100/04

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
 Seconded: Cr Jacko Ross

The Committee recommends to Council that:

1. *The information be received and noted; and*
2. *The proposed funding allocation model be endorsed for Round 1 and Round 2 of the Fixing Local Roads Pothole Repair funding.*

CARRIED

5.4 MODULAR B TRIPLE ACCESS REQUEST INVERELL TO TEXAS S28.15.3

COMMITTEE RESOLUTION

Moved: Cr Di Baker
 Seconded: Cr Jacko Ross

The Committee recommends to Council that Council approve the application for Modular B-Triple access under pilot arrangement from Inverell Freighters Depot to the Shire Boundary at Texas, QLD through the NHVR permit system.

CARRIED

5.5 SPECIAL FLOOD CONSIDERATION CLAUSE S18.6.34

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
 Seconded: Cr Jacko Ross

The Committee recommends to Council that Council endorse the intent of the submission as outlined in the report regarding the potential mandating of a Special Flood Considerations Clause.

CARRIED

6 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Di Baker
 Seconded: Cr Wendy Wilks

That the following information report be received and noted.

CARRIED

6.1 WORKS UPDATE S28.21.1/15

7 GOVERNANCE REPORTS

7.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/16

RECOMMENDATION:

That the information be received and noted.

The Meeting closed at 10am.

9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 8 FEBRUARY 2023
--

File Number: S4.11.17/15 / 23/4796

Author: Kristy Paton, Corporate Support Officer - Publishing

SUMMARY:

Meeting held on Wednesday, 8 February, 2023.

For the consideration of Council.

COMMENTARY:

Refer to the attached minutes of the meeting.

RECOMMENDATION:

- i. That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 8 February, 2023, be received and noted; and*
- ii. The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

9.2.1 Expiring Licence Agreement - Inverell Community Gardens

RECOMMENDATION:

That:

- i. Council renew the agreement with Inverell Community Gardens for Reserve 1571, Lot 3 DP 127538 (140 Ross Street), Inverell;*
- ii. The licence agreement be for a five (5) year period with a five (5) year option;*
- iii. The Licence fee be \$521.91 per annum (GST Inclusive) with a 3% increase per annum;*
- iv. The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager; and*
- v. Inverell Community Gardens be responsible for any electricity, water, sewer, waste management and stormwater charges and any metered water use.*

9.2.2 Federal Funding for Trove

RECOMMENDATION:

That:

- 1. Council make representation to the local Federal Member, the Hon. Barnaby Joyce, in relation to the need for a sustainable Federal Funding Model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*
- 2. Council write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to*

ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

3. *Council endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*

9.2.3 Conduct of 2024 Local Government Elections

RECOMMENDATION:

That:

- i. *Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- ii. *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
- iii. *Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

9.2.4 Quarterly Budget and Operational Plan 2022/2023

RECOMMENDATION:

That:

- i) *Council's Quarterly Operational Plan and Budget Review for 31st December, 2022 be adopted; and*
- ii) *The proposed variations to budget votes for the 2022/2023 Financial Year be adopted providing an estimated Cash Surplus at 31st December, 2022 from operations of \$3,603.*

9.2.5 Information Reports

RECOMMENDATION

That the information reports be received and noted.

ATTACHMENTS:

1. **Minutes of Economic and Community Sustainability Committee Meeting 8 February, 2023**

**MINUTES OF INVERELL SHIRE COUNCIL
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,
INVERELL
ON WEDNESDAY, 8 FEBRUARY 2023 AT 11.40 AM**

PRESENT: Cr Paul King OAM (Chair), Cr Paul Harmon (Mayor), Cr Nicky Lavender and Cr Jo Williams.

IN ATTENDANCE: Cr Stewart Berryman, Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.
Brett McInnes (Acting General Manager) and Paul Pay (Director Corporate and Economic Services).

1 APOLOGIES

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
Seconded: Cr Jo Williams

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

CARRIED

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Nicky Lavender
Seconded: Cr Jo Williams

That the Minutes of the Economic and Community Sustainability Committee Meeting held on 9 November, 2022, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

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

Nil

4 DESTINATION REPORTS

4.1 EXPIRING LICENCE AGREEMENT - INVERELL COMMUNITY GARDENS S5.10.126

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
Seconded: Cr Jo Williams

The Committee recommends to Council that:

- i. Council renew the agreement with Inverell Community Gardens for Reserve 1571, Lot 3 DP 127538 (140 Ross Street), Inverell;*
- ii. The licence agreement be for a five (5) year period with a five (5) year option;*
- iii. The Licence fee be \$521.91 per annum (GST Inclusive) with a 3% increase per annum;*
- iv. The Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager; and*
- v. Inverell Community Gardens be responsible for any electricity, water, sewer, waste management and stormwater charges and any metered water use.*

CARRIED

4.2 FEDERAL FUNDING FOR TROVE S3.6.1/17

COMMITTEE RESOLUTION

Moved: Cr Jo Williams

Seconded: Cr Paul Harmon

The Committee recommends to Council that:

- 1. Council make representation to the local Federal Member, the Hon. Barnaby Joyce, in relation to the need for a sustainable Federal Funding Model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*
- 2. Council write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*
- 3. Council endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.*

CARRIED

4.3 CONDUCT OF 2024 LOCAL GOVERNMENT ELECTIONS S13.7.4

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Nicky Lavender

The Committee recommends to Council that:

- i. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- ii. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*

- iii. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

CARRIED

5 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Nicky Lavender
 Seconded: Cr Paul Harmon

That the following information reports be received and noted.

CARRIED

5.1 CROWN LAND - DRAFT PLAN OF MANAGEMENT - PUBLIC HALLS S5.19.4/01

5.2 LOCAL ROADS COMMUNITY INFRASTRUCTURE PROGRAM (LRCI) S15.8.106

6 GOVERNANCE REPORTS

6.1 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

COMMITTEE RESOLUTION

Moved: Cr Paul Harmon
 Seconded: Cr Jo Williams

The Committee recommends to Council that:

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

CARRIED

6.2 QUARTERLY BUDGET AND OPERATIONAL PLAN 2022/2023 S12.5.1

COMMITTEE RESOLUTION

Moved: Cr Nicky Lavender
 Seconded: Cr Paul Harmon

The Committee recommends to Council that:

- i) *Council's Quarterly Operational Plan and Budget Review for 31st December, 2022 be adopted; and*
- ii) *The proposed variations to budget votes for the 2022/2023 Financial Year be adopted providing an estimated Cash Surplus at 31st December, 2022 from operations of \$3,603.*

CARRIED

The Meeting closed at 12.01 pm.

10 DESTINATION REPORTS**10.1 BOUNDARY REALIGNMENT REQUEST BETWEEN GLEN INNES SEVERN COUNCIL AND INVERELL SHIRE COUNCIL****File Number:** S13.3.2 / 23/654**Author:** Paul Henry, General Manager**SUMMARY:**

A request has been received for Council to consider a minor boundary realignment between Glen Innes Severn Council and Inverell Shire Council. Council is being asked to consider the request.

RECOMMENDATION:

That Council accepts in principle the proposal to have the boundary realigned between Glen Innes Severn Council and Inverell Shire Council areas by transferring part of Crown Land Road Corridor between Lot 107 DP 753292 and Lot 2 DP 1187044 having an area of approximately 700m2 from the Inverell Shire Council local government area to the Glen Innes Severn Council local government area.

COMMENTARY:Background

Glen Innes Severn Council (GISC) and Inverell Shire Council (ISC) have received a request from Crown Lands to undertake a boundary realignment between GISC and ISC. The bulk of the Crown Land Road Corridor that is being proposed for sale to the adjoining ratepayer will be rated in GISC. A small area of the proposed Road Corridor is currently located in the ISC local government area (LGA).

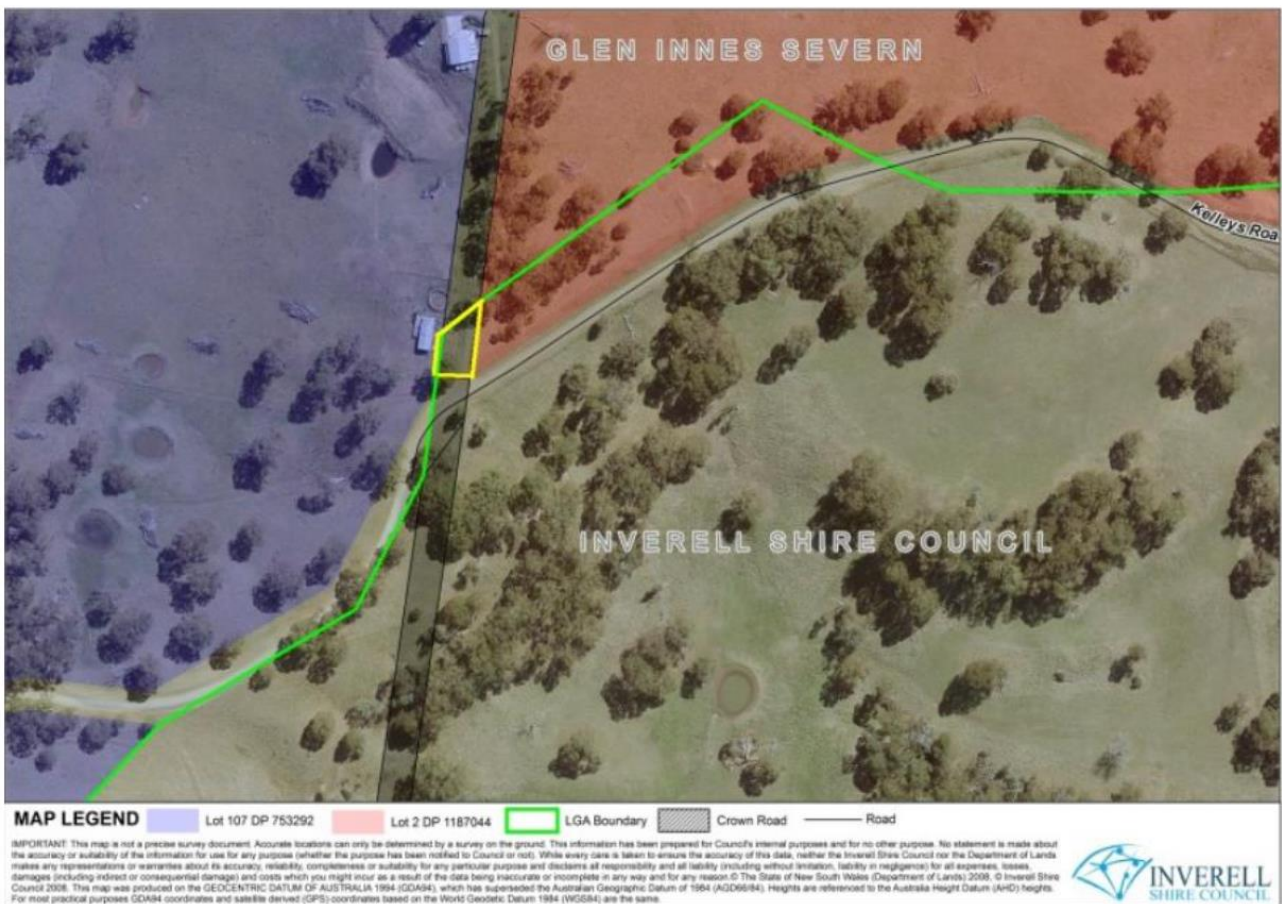
Information

Crown Lands intends on fulfilling the sale of a Crown Land Road Corridor to the landowner of Lot 107 DP 753292.

The landowner of Lot 107 DP 753292 has most of their land situated in the GISC LGA (currently 682.4ha). With the addition of the Crown Land corridor this will become approximately 692.4ha.

Crown Lands has requested that the shire boundary be adjusted so that all of the acquired land is located entirely within the GISC local government area. This would alleviate the prospective owner from receiving rate notices from both Councils.

A map detailing the small area of land subject of the minor proposed boundary adjustment (outlined in yellow) is provided below.



RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

As the area being proposed for a boundary realignment is controlled by Crown Lands, it is not currently rateable land. Once the Crown Land Road Corridor is closed, vested as freehold land and then sold, rates and charges will begin to accrue.

There will be some costs incurred with the Land and Property Information (LPI) in undertaking the boundary adjustment. This cost will not be known until after an application has been submitted. As this has been a request from Crown Lands, any costs incurred in effecting the boundary realignment should be passed onto Crown Lands.

LEGAL IMPLICATIONS:

The Office of Local Government refer to this process as a minor boundary alteration.

As the larger area for both properties is within the GISC lga, the normal process is that GISC would apply to the OLG for the boundary alteration. The OLG then submits the application to the Minister who then determines whether the application will be examined and reported on by the Deputy Secretary or the Local Government Boundaries Commission. Once reported on by either the Deputy Secretary of the Local Government Boundaries Commission, the Minister will then make a determination on whether to support the boundary change and to recommend to Her Excellency the Governor that a Proclamation to alter the government boundaries be approved. Once the

Governor has signed the proclamation, the OLG will publish in the NSW Government Gazette and both GISC and ISC will be notified of the boundary change.

The Local Government Boundaries Commission is an independent statutory authority constituted under section 260 of the *Local Government Act 1993*.

ATTACHMENTS:

Nil

10.2 YURRUUN ABORIGINAL CORPORATION**File Number: S2.14.1 / 23/3638****Author: Paul Henry, General Manager****SUMMARY:**

In August, 2022 a group of local residents formed an Aboriginal Corporation for the purpose of providing services to the communities of Inverell, Tingha and Ashford. Correspondence has been received from the Yurruun Aboriginal Corporation, providing Council details of their vision and current activities.

RECOMMENDATION:

That Council note the formation of the Yurruun Corporation.

COMMENTARY:

Yurruun Aboriginal Corporation was formed in 2022 and is a not-for-profit-organisation that seeks to deliver programs that improve the education, health and employment outcomes for the community.

The Corporation has provided the following information as a way of introduction to Council:

a) Background:

Yurruun is a Gamilaraay word meaning 'Track or Road'.

The Corporation was incorporated in August 2022 by a number of local Gomeroi Community members who are connected to the Inverell, Tingha and Ashford areas.

The members of the corporation were consulted and were encouraged to form the organisation by recognised local elders, including:

- Joyce Livermore
- Yvonne Connors
- Ronald Connors
- Barbara Connors
- Elaine Williams

b) The Corporation

The office holders of the Corporation are:

Chairperson: Leroy Connors

Secretary: Natalie Delaney

Treasurer: Vacant (Previously Jane Blair)

Membership of the Corporation is open to any local person.

To date a number of professionals in the areas of health, youth work, construction, community service and employment / training have joined.

c) The Vision

The Corporation will seek to provide services in the employment / training, cultural activities and social wellbeing space in order to bridge the gap that exists between the delivery of mainstream services and what services First Nations people want/need.

The Corporation will seek to utilise an “interagency” approach by identifying an issue/problem, collaborate with existing service providers and Council, then apply for funding to deliver programs to fill identified gaps in service provision.

Initially, the Corporation will focus on attracting funding for the delivery of programs, however, eventually, it is hoped that the following facilities will be available in Inverell:

- Cultural Centre (Keeping Place)
- Administration Centre / facilities
- Commercial Operations – hairdressers, labour hire etc.

d) What does the Corporation request from Council?

Correspondence from the Corporation has requested that Council:

- i) Acknowledge the establishment of the Corporation; and
- ii) That the Corporation is recognised as a vehicle for ‘Shared Decision Making’ at the local level.

Comment:

Note: These are the views of the author and have been extrapolated from various contacts with ‘locals’ involved in this issue.

The formation of the Corporation and the request for Council to use the Corporation as part of the consultation process with local First Nations people, appears to be driven from three (3) initiatives:

- i) The MOU signed by the NSW Government and Local Government NSW encouraging Councils to develop ‘local responses’ to ‘Closing the Gap’,
- ii) The Native Title Claim (Under Federal Native Title Act) lodged over all lands and waters in 12 Local Government areas from Quirindi to Tenterfield to Moree. The applicants seeking to establish a structure to demonstrate their ability to consult and ‘speak’ for First Nations peoples living in the claimed area, and
- iii) The inclusion in all Regional Water Strategies of a requirement to foster outgoing arrangements for participation of local Aboriginal people in the Water Management process and to develop an ‘Aboriginal Water Strategy’. This strategy seeks to increase Aboriginal people’s rights and interests to the water in the river systems and for these waters to be used for cultural and economic purposes.

This issue of establishing consultation mechanisms in local committees is an emerging issue and one that could require Council to have a number of pathways for First Nations input. This is evident from an apparent view from some sections of the community that the Lands Council structure is not flexible enough to deal with all the issues that those sections expect the Lands Council to address.

Aboriginal Consultative Committee

It is important to also note that the term for existing members of Council’s Aboriginal Consultative Committee has drawn to a conclusion. Council has called for expressions of interest for the five (5) community member positions on the Committee.

The Committee was established to promote an increased knowledge and understanding of Aboriginal culture and society in the wider community and to develop the interests of the Aboriginal people in the local area.

Nominations close on 24 February, 2023.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

10.3 REFERRAL OF CONFIDENTIAL REPORTS**File Number:** S13.5.2/16 / 23/5026**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Referral of Confidential Reports

RECOMMENDATION:

That Council refer the items to Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:

Item: Community Contribution Strategy - Dumaresq Solar Farm P/L (DSF)

Authority: Section 10A (2) (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Item: Request to host 2023 Joeys Mini World Cup

Authority: Section 10A (2) (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Item: Inverell Aquatic Centre Replacement Post Tender Negotiations

Authority: Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COMMENTARY:

In accordance with the provisions of Section 9 (2A) *Local Government Act 1993*, the General Manager is of the opinion that consideration of the following item(s) is likely to take place when the meeting is closed to the public.

Item: Community Contribution Strategy - Dumaresq Solar Farm P/L (DSF)

Description: A proposal has been received from the proponent of a proposed solar farm in the Bonshaw area. The proponent has submitted a proposal for Council's consideration.

Reason: Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it (s. 10A (2) (d(i)) *Local Government Act 1993*)

Item: Request to host 2023 Joeys Mini World Cup

Description: Council has received a request to host the 2023 Joeys Mini World Cup (JMWC) in Inverell.

Reason: Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it (s. 10A (2) (d(i)) *Local Government Act 1993*)

Item: Inverell Aquatic Centre Replacement Post Tender Negotiations

Description: Post tender negotiations for the Inverell Aquatic Centre Replacement with the preferred tenderer are currently underway. It is intended to provide a supplementary report on this matter.

Reason: 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*).

ATTACHMENTS:

Nil

11 INFORMATION REPORTS**11.1 LETTER OF APPRECIATION - NEW ENGLAND VISIONS 2030 INSTITUTE - PROMOTION OF HEALTH PETITION TO 'SPLIT OFF' FROM HUNTER NEW ENGLAND HEALTH****File Number: S24.20.6 / 22/43897****Author: Kristy Paton, Corporate Support Officer - Publishing****SUMMARY:**

Council is in receipt of a letter from the “Think Tank Team” of the New England Visions 2030 Institute in appreciation of Council’s support of the petition to “split off” from Hunter New England Health.

COMMENTARY:

In July 2022, a petition was launched calling on the NSW Parliament to split the Hunter New England Health District. Over 16,000 signatures were received including those of Inverell Shire Councillors.

In the letter, Maria Hitchcock, convenor of the Institute writes:

“The petition demonstrated that there is enormous local support for an improvement in health services. Unfortunately, the Minister for Regional Health, Hon. Bronnie Taylor, did not share our concerns and was not prepared to even look at a split from HNEH. She ignored the concept of a return to a rural based health service and concentrated on workplace shortages which we all know is a nation-wide problem.

Some gains were made, we believe, and we are urging you as Mayor and your Councillors to keep a close eye on medical services in your LGA and monitor the situation closely.”

A copy of the letter from the “Think Tank Team” is attached for your information.

ATTACHMENTS:

1. Letter of Appreciation - New England Visions 2030 Institute [↓](#)

New England Visions 2030 Institute

6th December 2022

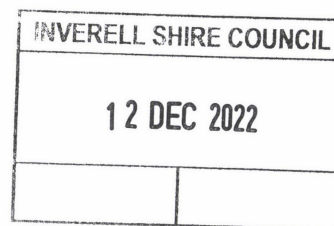
Catalyst for Change

Inverell Shire Council,

Mayor: Paul Harmon
144 Otho St
Inverell NSW 2360

6th December 2022

Dear Paul



On behalf of NEV2030, I would like to thank you for your recent support in promoting our Health Petition to split off from Hunter New England Health.

As you know we collected over 16,000 paper petition signatures and 649 online signatures resulting in a parliamentary debate. We started this petition in order to assess how much support there is in the community for local control of our health services. We knew that the mayors in our New England and North West regions were very concerned at the deterioration in local health services over the years. The petition demonstrated that there is enormous local support for an improvement in health services. As someone who opened almost every envelope and counted most of the signatures I can assure you that the petition was downloaded by numerous individuals who personally collected signatures from friends and relatives, by small and larger businesses which displayed the petition on counters in every town, both large and small. We had petition sheets sent to us from councils, medical centres, dentists, pharmacies, stock and station agents, real estate agents, accountants, lawyers, general stores, petrol stations and so on.

Unfortunately the Minister for Regional Health, Hon. Bronnie Taylor, did not share our concerns and was not prepared to even look at a split from HNEH. Our team was appalled at her response which was released to the media two weeks before the parliamentary debate. She did not even bother to write to NEV 2030, despite the fact that our Think Tank was responsible for initiating the petition. She ignored the concept of a return to a rural based health service and concentrated on workplace shortages which we all know is a national problem.

Some gains were made, we believe, and we are urging you as Mayor and your councillors to keep a close eye on medical services in your LGA and monitor the situation closely. This campaign has only just begun. We have written to the Premier, Health Minister and Minister for Regional Health requesting an audit of medical personnel shortages in the NE and NW regions and their plan to deal with those shortages. We need to hold them to account and let them know that band-aid solutions are unacceptable to the people of our regions. Once again thank you for your support.

Yours sincerely,
Think Tank Team

Mrs Maria Hitchcock OAM (Convenor)
Mr Alun Davies
Mr Martin Levins
Dr John Atchison OAM
Dr Juliet Roberts
Mr Andrew Murat
Dr John Nevin

W. <https://newenglandvisions2030.weebly.com/>

E. newenglandvisions2030@gmail.com

11.2 COUNTRY MAYORS ASSOCIATION (CMA) - 2023 STATE ELECTION PRIORITIES

File Number: S14.11.1/15 / 23/472

Author: Paul Henry, General Manager

SUMMARY:

The Country Mayors Association (CMA) has presented their list of State Election priorities to all political parties contesting the March 2023 election. Details are provided for the information of Council.

COMMENTARY:

The CMA has released a list of priority project areas ahead of the 2023 State Elections.

The Association's members have listed the issues that affect most country communities as:

- Skills and Training
- Health and Services
- Roads and Transport
- Water Security
- Housing
- Crime, Law and Order
- Telecommunications Blackspot Coverage
- Disaster Preparedness and Funding

In response the CMA have put forward six (6) new funding programs, endorsed a range of existing funding streams and calls for a review of the Ministries of Health, Skills and Training, Water, Policy and Emergency Services.

A copy of the 2023 State Election Priorities from the CMA is attached for Council's information.

All political parties have been provided with a copy of this document. The Executive of the CMA has met with a majority of the leaders of these parties to advance the agenda contained in the document.

ATTACHMENTS:

1. **CMA 2023 State Election Priorities** [↓](#)



2023

State Election Priorities



"What we want is nothing more than equity"

2023 State Election Priorities

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Introduction

Brief History of Organisation

NSW Country Mayors Association (CMA) is an incorporated body with a rich history of standing up for the needs of all residents that choose to live, work, and play within a rural local government area covered by our membership. CMA was established prior to 1980 with a handful of members, and has proudly grown to 76 member councils, representing more than three million residents or 37% of the NSW population.

Our mission is to further the interests of rural and regional councils by advocating and lobbying on relevant State and National issues by working with State and Federal governments and other appropriate organisations to further the interests of our members, as well as to act as an information-sharing forum. People should have the same rights and opportunities, regardless of where they live within the State.

2022 has been a challenging year for local government in NSW and our members have experienced extreme financial pressure. Compounding factors include: Rate-pegging determination by Ipart; inflation reaching 7%; an increase in operating expenses; delivery of infrastructure and maintenance projects blowouts; energy price increases; shortage of skilled staff; and the list goes on.

The list of election priorities within this document were resolved by consensus on 18 November 2022 and informed by our annual membership survey of highest priorities.

Acknowledgement to Country

We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging.

We are committed to providing communities in which Aboriginal people are included socially, culturally and economically.



Executive Summary

The NSW Country Mayors Association stands firm in our pursuit of equity of service provision for the residents of our communities that choose to live, work and prosper in country NSW. That is why we are pleased to offer our list of priorities for consideration and implementation to all political parties contesting the 2023 NSW state election.

This document articulates the eight highest priority areas requiring action from the State Government according to our members. Within this document, Country Mayors Association of NSW (CMA) have listed real positive solutions that will, if actioned, make meaningful generation change in country NSW.

CMA conduct a survey of our members to identify the issues most affecting their communities. These priority areas are:

- Skills and Training
- Health Services
- Roads and Transport
- Water Security
- Housing
- Crime, Law and Order
- Telecommunications Blackspot Coverage
- Disaster Preparedness and Funding

Throughout the pages to follow, CMA have sprinkled new funding program suggestions such as: Building Country Homes; Fixing Country Pinch Points; Smart Country Water Users; Building Country Trades; and a Country Roads Restoration Program, all directed to improve the liveability of our members' communities.

Existing extremely popular programs that are delivering real benefits for CMA communities, such as Stronger Country Communities, Resources for Regions, Fixing Local Roads and Bridges, Safe and Secure Water and Connecting Country Communities programs should continue for the next four-year term with an annual increase of inflation.

Our members are also requesting reviews be conducted in the Ministries of Health, Skills and Training, Water, Police and Emergency Services.

CMA calls for a review of the Biodiversity Off-sets Scheme in NSW. We are seeking outcomes that will not penalise developments in regional, rural and remote local government areas, but will act as incentives.

CMA requests that our Chairman or representative have a seat at the table in the NSW Minister for Local Government Advisory Panel.

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The NSW Country Mayors Association stands united with our members to advocate for residents who choose to call country NSW home. We will continue to work with both State and Commonwealth governments to achieve the best quality of life and provision of services for our residents, and we look forward to a prosperous future.





Skills and Education

Ask - The NSW Skills Board oversee the Department of Skills and Training review of the “Smart and Skilled program” to address the inadequate access to apprenticeship and pre-apprenticeship courses in member councils.

Commentary - CMA member councils are experiencing critical skills shortages among many sectors of their communities. Qualified positions in trade are over-represented and the availability to undertake these courses in country communities is extremely low. The requested review must seek out key information to test if equity of service provision through RTOs and the NSW TAFE system is available.

Key information required;

- Availability of apprenticeships courses by LGA
- Course completion rates by LGA
- Courses available that are listed by Infrastructure Australia on their Infrastructure Priority List (IPSL) and the frequency of the course offering
- Time of enquiry to enrolment in five categories - Rural, Regional, Remote, Outer Metro.

Our members are looking for transparency that is not currently available in TAFE NSW annual reports. It is anticipated this data will prove change is needed to provide equity of service provision.

Ask - A commitment to funding a “Building Country Trades Program” to be delivered throughout member councils’ TAFE facilities or RTOs.

Commentary - NSW TAFE is a legitimate tertiary education resource that must be funded and resourced to allow the provision of adequate training to meet the needs of country areas and the tertiary specific courses for those communities without universities. The program guidelines for this new program must ensure local industry input into the apprenticeship courses that will be available to ensure maximum participation. Council and Chamber of Commerce and Industry or other identified business representative bodies should be invited to participate.

Ask - NSW Government agencies commit to funding the training placements to meet 100% of future workforce needs.

Commentary - During a Rural Skills Forum run by CMA in August 2022, member councils expressed disappointment in the number of trained staff that are being poached for State Government positions and therefore adding to the skills shortage in member councils. One of the items on the list of suggestions to see positive change from the forum was to encourage the State Government to train their own trainees and apprentices rather than seeking staff from local government and the private sector.



Health Services

Ask - NSW Regional Health Minister or equivalent commits to a review of the local health districts, including operational performance and boundaries and contractual arrangements of private service providers.

Commentary - CMA held a Rural Health Forum in May 2022, during which many member councils called for a review of the local health districts and their performance.

Ask - That the NSW Government increases the incentives to rural generalists (doctors) to encourage greater numbers providing essential services to our member councils' residents.

Commentary - Country NSW is experiencing critical doctor shortages of all skill sets. Many country hospitals are unable to attract locums to provide care during weekends and holidays and this is adding pressure to facilities in larger regional cities. Increasing the incentive may overcome this critical shortage. Of the 26 councils that contributed to the 2020 Upper House Inquiry, the majority of the submissions reflected the Housing and Accommodation that councils provide to retain medical professionals. This reflects the cost shifting to local government to provide this service in rural and regional councils.

Ask - That NSW Health commits to training and employing sufficient nurse practitioners to ensure every hospital and medical service in Regional, Rural and Remote NSW can provide timely service to residents

Commentary - Country NSW is experiencing critical doctor shortages of all skill sets. Training and/or upskilling local experienced registered nursing staff to become nurse practitioners will help ease the pressure on those doctors serving in country communities.

Ask - NSW State Government recognises that local government in rural and regional NSW has a significant role to play in the provision of aged care, and works with local government to advocate to the Federal Government for appropriate levels of staffing, regulation and legislation to assist councils in the provision of aged care in their community.

Commentary - Provision of aged care in Rural NSW has become an essential service provided by council. There are now 10 councils providing aged care services ranging from in-home care service to full care facilities, including palliative care. This makes local government an important and integral part of aged care services in rural and regional areas. There is a strong community expectation that our senior citizens are able to be cared for in their communities, however the financial implications mean that private providers of aged care see little value in

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establishing services in rural NSW and requires local government to take the lead by providing the much-in-demand services needed by their communities.

The complex regulatory environment surrounding aged care facilities and a lack of suitably qualified aged care staff continues to make it increasingly difficult for councils to provide aged care services. If this service fails, aged residents in need of care will be forced into an already overcrowded state health system, and be required to move from their localities and families when full-time care is needed. The recently-announced 15% salary increase to aged care workers related to those on Federal Awards, and does not apply to the State Award. While any pay increase is welcomed to a generally underpaid sector, it is another cost which will need to be absorbed by local government if staff are to be retained or attracted to rural communities.

Impending changes to the Aged Care Act will require providers to employ Registered Nurses (RN) to provide 24 hours coverage for residents. In Coolamon's 33-bed facility, this means that five RNs will be needed to satisfy regulations and cover for leave, training and other absences of the RN. There are currently insufficient trained RNs in the NSW Health System to provide this number of nurses to rural and regional council-owned aged care facilities. In the short to medium-term, overseas-trained nurses provide a viable answer to the problem, however there is an urgent need to review the qualifications needed and to align these with the skills of trained overseas nurses. A similar issue arises regarding aged care service employees who are essential to the operation of aged care facilities in rural areas. It is difficult to attract aged care service employees due to a number of factors, including lack of housing and spouse employment opportunities. In short, we have a staffing and immigration problem.

Both Federal and State governments must recognise the important contribution played by councils in providing aged care in rural NSW, and provide specific funding to councils supporting this vital service.

Ask - That the health outcomes and access to health and hospital services in rural, regional and remote New South Wales report recommendations be implemented fully and with speed.

Commentary – In May 2022, the final report was handed down for the Upper House Inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales. The report outlined 22 findings that articulated the state of extreme stress of the health system in country communities, and detailed a list of 44 recommendations to improve the situation.

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2615/Report%20no%2057%20-%20PC%202%20-%20Health%20outcomes%20and%20access%20to%20services.pdf>

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Ask - The State Government needs to lobby the Federal Government to reinstate the requirement for overseas doctors to work in "rural and remote areas" for a set term, rather than in "regional" areas for a set term.

Commentary - The 2020 Upper House Inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales listed 22 findings that clearly show how depleted and under extreme stress the health systems are in regional, rural and remote communities. Finding 9 states: "That there is a critical shortage of health professionals across rural, regional and remote communities resulting in staffing deficiencies in hospitals and health services". Without swift action as suggested in this "ask", the current status will not change.





Roads and Transport

Ask - Commit to funding the “Fixing Local Roads Program” from 2023 through to 2027 at the same value plus inflation rate. It is also desirable that this program change to a non-contestable funding stream to allow member councils to plan for future works with certainty.

Commentary - The \$500 million Fixing Local Roads Program has provided a major funding boost to member councils to carry out vital maintenance and repairs on local roads since 2019. Round four opened in September this year.

Ask - The establishment of a \$250 million funding program for Regional, Rural and Remote councils that will allow for recurring failure points in local and regional road networks to be removed – a “Fixing Country Pinch Points Program”. It is also desirable that this program be established as a non-contestable funding stream to allow member councils to plan for future works with certainty.

Commentary - During the past 12 months, 126 out of NSW’s 128 councils have had a natural disaster declaration. The local and regional road networks throughout rural NSW have seen significant damage. Many of these roads have seen extended closure timelines due to isolated locations being affected, such as causeways, creeks, low-lying areas, drains etc. Such a program would enable a targeted approach for swift action.

Ask - The establishment of a “Country Roads Restoration Program”. This new state program should mirror the Commonwealth Government’s Roads to Recovery Program.

Commentary - The Commonwealth “Country Roads Restoration Program” supports the construction and maintenance of the nation’s local road infrastructure assets, which facilitates greater accessibility and improves safety, economic and social outcomes for country Australians. The program provides funding to all local governments and to state and territory governments in unincorporated areas. Flexibility is built into the program, with funding recipients responsible for choosing road projects on which to spend their Roads to Recovery funding, based on their local priorities.

Ask - Acceleration of the Regional Road Reclassification and Transfer Program (15,000km Take Back Program).

Commentary - In February 2019, the NSW Government announced the initiation of a Road Classification Review to ensure the road classification framework was still fit for purpose and that roads across NSW were appropriately classified.

Future Transport 2056 identifies the NSW Road Classification Review (Classification Review) as a key initiative to make adjustments to the classification policy

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framework and update the road network to align with the “Hub and Spoke” Transport Network Model and the “Movement and Place” Framework.

Also in February 2019, the NSW Government announced 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.

Combining the transfer of regional roads with the Classification Review will ensure equity and transparency in all changes and support the development of an integrated road transport network.

An Independent Panel, chaired by Ms Wendy Machin, has been established to make recommendations for consideration by the NSW Government.

The Minister for Regional Transport and Roads has stated the program that was committed during the 2019 election campaign was now scheduled to take up to eight years to deliver.

Ask - Increase regional road funding allocation to the Block, Repair and Supplementary grant programs to member councils by 30%.

Commentary - The current funding allocations are not adequate to maintain the existing network at the Austroads standard for the traffic volumes these roads carry.

Ask - Encouraging greater use of rail for the transporting of grain and thereby reducing the amount of trucks on shire roads with resulting financial, environmental and road safety benefits.

Commentary - The impact on the local road network is exacerbated by the trend towards trialling heavy vehicles to improve the efficiency of road transport as has occurred under the Grain Harvest Scheme. Engineering estimates indicate that a truck carrying an additional 0.5 tonnes does 1.6 times more damage to the road, and a truck carrying an additional 2.13 tonnes is 8.4 times more damaging to the road network.

Ask - Shifting more freight from road to rail improves safety for other users of the road network including school buses and local residents going about their daily activities.

Commentary - The Riverina and South West Slopes and Plains Containerised Cargo Demand Assessment (June 2014) prepared by PWC for Transport for NSW noted that transport by rail has a lower probability of accidents. For each net tonne kilometre travelled, rail is a third less likely to cause either an injury or fatality. This results in savings in relation to health and vehicle repair costs.

Ask - The benefits of moving grain by rail as opposed to road transport are consistent with the findings of the Independent Pricing and Regulatory Tribunal (IPART) in its review of access pricing on the NSW grain line network (April 2012) which noted that:

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Commentary - *“After considering stakeholder submissions and sensitivity testing of assumptions in our supply chain cost model, we confirm our draft finding that rail has a substantial cost advantage over road for transporting grain to port on each of the grain line routes at current access prices.”*

Ask - Increased use of rail aligns with the State’s strategic plans as follows:

Commentary - NSW Freight and Ports Plan 2018-2023

Objective 3 – Capacity

“Make capacity-boosting investments in the rail freight network by improving the capacity of east-west movements through targeted improvements to the NSW rail network and supporting the Inland Rail Project.”

NSW Transport Long Term Masterplan

The proposal is consistent with the 20 Year Vision outlined in the NSW Transport Long Term Master Plan

Section 6 – Providing Essential Access for Regional NSW

- *Make our regional roads safer*
- *Move regional freight more efficiently.*

Section 7 – Supporting Efficient and Productive Freight

- *Implement rail freight infrastructure enhancements to increase the share of freight carried on the rail network, with new investment in rail pinch points, measures to improve rail competitiveness and the development of a metropolitan intermodal terminal network.*
- *Develop rail freight capacity projects.*

Ask – The Highway Corridor strategies are reviewed, prioritised, funded and constructed.

Commentary – There are 10 strategic projects in the road network and corridor-planning program which were created a number of years ago. The recent floods have highlighted the vulnerability of our key corridors and our networks. Some of these projects such as the Newell Highway Corridor Strategy have not been revised and updated since 2015.





Water Security

Ask - Establishment of a funding program to assist our member councils to purchase and install smart water meters throughout residential, commercial and industrial users – the “Smart Country Water Users Program”.

Commentary - Water is a precious resource that enables country communities to thrive. The installation of smart meters allows for real-time monitoring of water use or misuse and excess use. Another significant benefit is early warning leak detection that leads to prompt repair and water conservation.

Ask - Simplify the process to enable the reuse of recycled water on the gravel road networks throughout country NSW.

Commentary - Normal weather cycles will soon return to NSW, and pressure will return on many member councils to implement water restrictions on residents, therefore reducing the livability in some member council towns and villages. The use of potable water on the gravel road network throughout country NSW is a waste during extreme times of water shortages. A review of the Section 60 approval by NSW Health could see barriers removed and the safe use of recycled water replacing the need to use precious potable water.

Ask - Increase in funding of the “Safe and Secure Water Program” to allow more availability for member councils to access support to reduce the risks associated with operation of our water and sewer treatment facilities.

Commentary - Funding currently available is not adequate to address all risk rating five facilities across country NSW.

Ask - The government provide new funding options to support regional and rural communities where small numbers of water connections do not generate sufficient revenue to meet the operational cost of providing the service, even with comparatively high water charges. The support should be sufficient to meet the capital cost of future infrastructure upgrades or improvements.

Commentary - CMA member councils have significant financial pressure that inhibits the implementation of infrastructure enabling potential growth, should such financial support be committed by the State Government. It is anticipated our member councils will see significant growth in population and realisation of opportunities.



Housing

Ask - Establishment of a funding program that will support member councils to increase the housing stock available and improve own source revenue. The "Building Country Homes Program" will be a four-year commitment that will deliver \$100 million each year. The program design will allow applications from regional, rural and remote councils only, and should require equal contributions. The purpose of the fund is to encourage the establishment of new residential estates or increase homes (including refurbishing properties from sale of land for overdue rates) in existing estates. Once the homes are sold, both State and local governments must share the proceeds equally.

Commentary - The establishment of the suggested program will assist in closing the gap between the housing that is available and the housing required in country communities. Extra housing will also assist with the under-population concerns in the majority of member council communities and reduce the job vacancy rates. This approach is consistent with priority area 5.1.1, 5.1.2 & 5.1.3 of the NSW Housing Strategy 2041.

Ask - That an adequately funded and suitably qualified taskforce within the Department of Planning and Environment (DPIE) – Housing and Property is created to identify suitable land in Regional, Rural and Remote LGAs to escalate the creation of affordable housing in member councils.

Commentary - NSW Housing Strategy 2041- Priority Area 3 is maximising the impact of NSW Government-owned land, investment or assets and government-led development projects or funding to achieve the housing vision. Priority 3.1.1 states the NSW Government should support the ongoing growth of the affordable housing industry through new supply development partnerships that attract low-cost finance, and a new policy to enable affordable housing provider-led redevelopment of Land and Housing Corporation-owned land through long-term leases.

Ask - Establishment of a fund to provide interest-free loans to enable critical head work infrastructure (sewer, water, storm water, communications and power) to be available to developers in identified regional, rural and remote council areas with critical affordable housing shortages.

Commentary - The housing system is complex, and although the NSW Government can have a significant impact through investment, policy, legislation and regulation, it cannot achieve the Housing 2041 vision alone. Collaboration is at the centre of the strategy and will be key to its successful delivery over the next 20 years. This includes collaboration with local government, community housing providers, the development industry, the finance industry and other private sector partners.

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Ask - The Department of Planning and Environment ensures that regional housing initiatives that bring forward new housing opportunities be prioritised for Renewable Energy Zones (REZ) and Special Activation Precinct areas. The Department of Planning and Environment should require all State Significant Development proposals within the Renewable Energy Zones to supply appropriate housing for construction workers unless they have demonstrated adequately that there is sufficient housing supply in the local area, and that such assessment be required to consider the cumulative impact on housing demand of concurrent projects.

Commentary - The imposition of a Renewable Energy Zone on a local government area will have a significant impact, both positive and negative. To date, LGAs have not been sufficiently engaged or consulted by state government bodies (Energy Corporation / Department of Planning) or the renewable energy proponents, yet are the ones who will bear the social and financial burden.

At one end of the spectrum, the nature of how renewables projects come into being sets the scene for social friction in a community. This is initially between host landholders and near neighbours who discover they have been kept in the dark about developments which will fundamentally change their amenity and possibly their livelihood. The social friction will then radiate outwards to the town centres during construction phase as a tight accommodation market is placed under increased stress and the availability of skilled labour is soaked up. The infrastructure of the LGAs hosting the REZ will be placed under considerable strain.

What makes a REZ unique is the cumulative impacts of multiple renewables projects coming into being within a defined area. The old rules and ways of doing business are not appropriate for a REZ and it is the responsibility of the LGAs to determine how a REZ is created for the benefit of all in their communities.

Ask - That the NSW Government relax rules under biodiversity legislation for councils trying to develop on green field residential land.

Commentary - NSW Housing Strategy - Action Plan 2021-22-022 - 5.1.3 states: Support councils to explore potential use of under-utilised operational land for the purposes of housing where this is deemed appropriate by local communities. Relevant guidance will be provided by NSW Government. Without relaxing the biodiversity rules, the costs will significantly inhibit the development of this land.



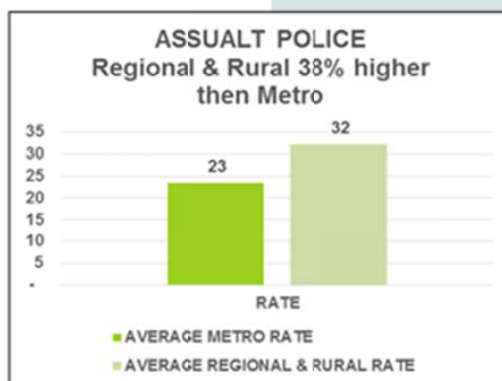
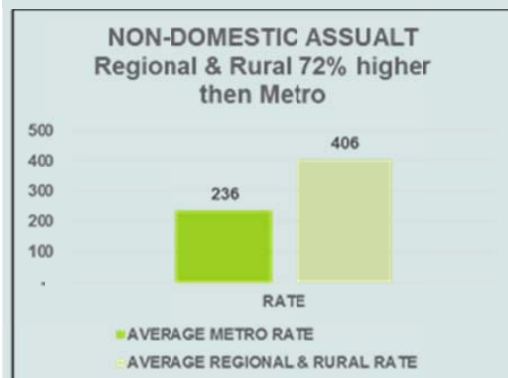
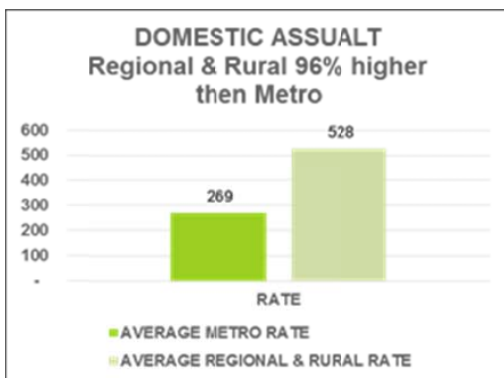


Crime, Law and Order

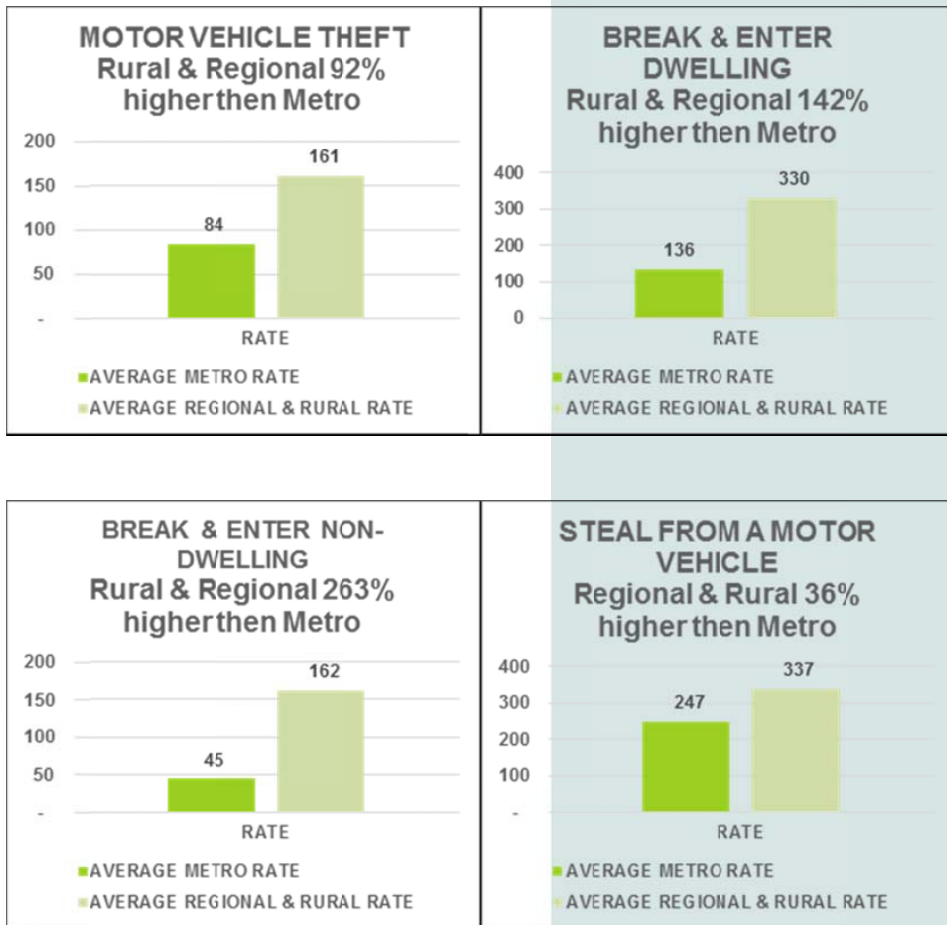
Ask - NSW Government conduct a review and redistribution of the policing workforce to ensure equity according to the NSW Bureau of Crime Statistics and Research (BOCSAR) crime rates between metropolitan and regional, rural and remote LGAs.

Commentary - According to the data published on the NSW Bureau of Crime Statistics and Research (BOCSAR), the rates of crime in the majority of reportable categories are substantially higher in regional, rural and remote LGAs than in metropolitan LGAs. It is reasonable to assume that this imbalance or inequity is due to the incorrect distribution of policing resources according to the need. It is not unreasonable that the residents of regional, rural and remote NSW should expect to have crime rates equal to that of metropolitan residents. To achieve this, change is required.

Graphs indicate crime rates year 2021/22 according to BOCSAR data



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Ask - The NSW Government increase spending on the NSW police force to increase front-line proactive policing numbers and policing intervention programs in regional, rural and remote LGAs most in need according to the BOCSAR data.

Commentary - According to the 2021 NSW Police Annual Report, NSW had the highest ratio of residents to police officers at 1:466 when compared to Queensland, Victoria and South Australia. Queensland was the next highest at 1:332, followed by Victoria at 1:303 and South Australia at 1:293. NSW also had the lowest spend per resident at \$511, Queensland at \$512, South Australia at \$564 and Victoria at \$622.



Telecommunications Blackspot Coverage

Ask - That the NSW Government commits to funding the “Connecting Country Communities” Mobile Black Spot Program and the “Regional Digital Connectivity Program” at current annual funding levels plus inflation rate until 2027.

Commentary - This major infrastructure investment will help regional, rural and remote residents and businesses stay connected. In particular, the rollout will improve mobile coverage along major transport routes, in small communities and across locations prone to natural disasters. It will make country NSW an even better place to live and do business.

As part of the Federal 2022–23 Budget, the Commonwealth committed \$300 million to boost multi-carrier mobile coverage on regional roads, and improve mobile coverage in under-served remote communities. This commitment forms a key part of the Government's Better Connectivity Plan for Regional and Rural Australia and CMA is seeking a long-term commitment from the NSW Government to boost the funding available to our member councils.





Disaster Preparedness and Funding

Ask - Commitment to increase disaster recovery funding to councils for the task of assessment, clean-up and building back more resilient infrastructure and services following natural disaster events, and to reduce assessment timeline for the category of natural disasters to stop financial uncertainty impeding recovery.

Commentary - Responding to natural disasters, including the provision of relief and recovery assistance to disaster-affected communities, is primarily the responsibility of state and territory governments. However, in recognition of the significant cost of natural disasters, the Australian Government established the Natural Disaster Relief and Recovery Arrangements (NDRRA) to alleviate the financial burden on the states and to facilitate the early provision of assistance to disaster-affected communities.

Through the NDRRA, the Australian Government provides financial assistance directly to the states to assist them with costs associated with certain disaster relief and recovery assistance measures. The NDRRA makes provisions for state governments to activate relief and recovery assistance immediately following a disaster without seeking approval from the Australian Government.

Under these arrangements, the state or territory government determines which areas receive NDRRA assistance and what assistance is available to individuals and communities, making available whatever assistance is deemed necessary regardless of whether it is eligible for cost sharing under the NDRRA. This recognises that states are best placed to identify the type and level of assistance to make available following a disaster, in accordance with their responsibility for disaster management.

The current process of declaring a natural disaster in NSW relies on federal approval of the category (A,B,C or D) and this process can take months before approval is granted, delaying the delivery of works.

Ask - Commit to policy reform that will see the Emergency Services Levy (ESL) being removed from local government and funded by other means, and that the Rural Fires Act is amended to remove the provision of Section 119 that fire-fighting assets are vested in council, and any other section which might indicate same.

Commentary - Accounting Assessment of Control of Red Fleet Assets

1. Under Australian Accounting Standard AASB 116 *Property, Plant and Equipment*, issued by the Australian Accounting Standards Board (AASB), an entity recognises items of property, plant and equipment **in its financial statements**. Therefore, who controls an item is important.

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2. AASB 15 (Revenue from Contracts with Customers) defines control as: *"the ability to direct the use of, and obtain substantially all of the remaining benefits from, the asset. Control includes the ability to prevent other entities from directing the use of, and obtaining the benefits from, an asset"*.

3. AASB 16 also includes in the right to control *the right to direct the use of the identified asset* (paras B24-B30).

4. *Framework for the Preparation and Presentation of Financial Statements* (para Aus49.1) states that: *"An asset is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity"*, and that *"In respect of not-for-profit entities in the public or private sector ... Future economic benefits is synonymous with the notion of service potential"*.

5. *AASB Conceptual Framework for Financial Reporting* in para 4.21 states that: *"An entity has the present ability to direct the use of an economic resource if it has the right to deploy that economic resource in its activities, or to allow another party to deploy the economic resource in that other party's activities"*.

NSW local government bodies LGNSW and NSW Country Mayors Association have been calling for a reversal of the decision that places a huge financial burden on our members and puts a cloud over the long-term viability of some member councils.

Ask - Increase the funding available to councils through the "Floodplain Management Grant Program" to remove the financial burden from local government when flood mitigation studies are conducted.

Commentary - The NSW Floodplain Management Program provides financial support to local councils and eligible public land managers to help them manage flood risk in their communities. The program supports the implementation of the NSW Government's Flood Prone Land Policy.

Support provided under the programs usually involves \$2 from government for every \$1 provided by the applicant. Increasing the funding available would eliminate the requirement for councils to contribute.

Ask - NSW Government establish a funding program that will lead to an increase in the installation of flood gauges and automated warning systems.

Commentary - Across our member councils, the current amount and condition of flood gauges is unacceptable and swift action is required. Members have raised concerns for the safety of those road users travelling through the network of local and regional roads during flooding events.

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Ask - NSW Government provide adequate funding to allow member councils to implement any and all relevant recommendations from the recent "2022 NSW Flood Enquiry" and that the NSW Flood Inquiry Report recommendations by Mick Fuller and Mary O'Kane be implemented fully and with speed.

Commentary - In March 2022, the NSW Flood Inquiry was commissioned to examine and report on the causes of, planning and preparedness for, response to and recovery from the 2022 catastrophic flood events.

The inquiry made 28 recommendations for change. The recommendations are intended to provide practical, proactive and sustained mechanisms to ensure readiness for and resilience to flood (and by extension, other disasters). These mechanisms include enabling governance structures, administrative tools, new or enhanced systems, and better technology and processes to improve the ways in which decision-makers at all levels – state and local government, community and within families and households – plan and prepare for, respond to and recover from flood.

Ask - NSW Government take responsibility for the management and ownership of member councils State Emergency Services buildings, including the depreciation responsibilities.

Commentary - CMA member councils are carrying a huge financial burden with the provision of buildings and the responsibility of depreciation on an annual basis for our amazing volunteers who serve as SES members.

CMA recognises that our communities depend on the services provided by our SES teams to keep us safe during extreme conditions and our member council stand united in full support. However, in many cases, the facilities our volunteers are utilising are inadequate or in need of a major refurbishment. The ongoing costs of these works simply can not be met by our members.

Ask - That the NSW State Government undertakes a comprehensive review of Volunteer Emergency Services in the State with a review to rationalising the structure, financial sustainability and volunteer workforce required for future emergency events.

Commentary - The significant impact of recent natural disasters on rural communities has seen an unprecedented call upon Volunteer Emergency Services. The increasing demand on volunteers is compounded by a growing decrease in numbers of volunteers available to deploy for increasing longer periods of time away from their own locality.

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Smaller rural communities are providing volunteers for SES, RFS and other volunteer rescue agencies, however the number of volunteers has reduced the capacity of single purpose agencies such as the SES and RFS to properly fulfil its purpose. In many rural areas, it is simply a case of larger agricultural businesses taking over smaller, more manpower-intensive family farms and in doing so, reducing the number of volunteers readily available to support local RFS brigades. The fire threat does not decrease, but the workforce available to man the brigades has been eroded.

Both the RFS and SES have a large and cumbersome Command and Control structure which in many areas has become disconnected from the brigade or unit at the local level and often does not have a proper understanding of local issues which is compounded by an over-reliance on policies and instructions delivered remotely to local brigades and units' management teams.

A review into the volunteer emergency services would undoubtedly find many cases of duplication within the Command and Control functions of these services and with appropriate action, significant savings could be found to better fund emergency services in rural and regional NSW.



11.3	SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING DECEMBER 2022
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File Number: S18.10.2/15 / 23/3028

Author: Robyn Waters, 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 December, 2022.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING DECEMBER 2022

Development Approvals

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-63/2022	The Trustee for S M K Unit Trust	974 Limestone Road, LIMESTONE 2361	Subdivision	NIL
DA-116/2022	Mr Marcus James Gilligan	8 Butler Street INVERELL 2360	Shed	9,000
DA-123/2022	Mr Connor Noel Ridley	52 Mulligan Street INVERELL 2360	Dwelling and Subdivision	383,740
DA-138/2022	Wilks Bros Holdings Pty Ltd	193 Ring Street INVERELL 2360	Additional Self Storage Units	700,000
DA-147/2022	Mr Raymond Edward Lintern	52 Ely Street ASHFORD 2361	Relocate Dwelling	110,000
DA-150/2022	Mr Christopher David Wilesmith	47 Staggs Lane INVERELL 2360	Installation of relocatable home resulting in dual occupancy (detached)	112,000
DA-152/2022	Mr Stewart Douglas Johnston	14 Talbragar Close INVERELL 2360	Shed	50,162
DA-154/2022	Matthew Ritchie	38 Bennett Street INVERELL 2360	Shed	10,000
DA-155/2022	Ms Danelle Clare Mills	3332 Ashford Road BUKKULLA 2360	Dwelling	50,247
DA-156/2022	Abode Building	2 Leonard Street	Extension to existing shed and new concrete	19,800

	Design	INVERELL 2360	driveway to existing access	
DA-157/2022	Abode Building Design	536 Yetman Road INVERELL 2360	Pool, earthworks and retaining wall	33,000
DA-159/2022	Mr Michael Roy Schofield	15 Prince Street INVERELL 2360	Shed	19,000
DA-160/2022	Abode Building Design	64 Ditzells Drive INVERELL 2360	Additions to existing dwelling and new shed	177,915
DA-163/2022	Abode Building Design	274 Blyths Lane, DELUNGRA 2403	Dual Occupancy - Dwelling, septic system and farm shed	499,415
DA-164/2022	New England Surveying & Engineering	651 Stannifer Road STANNIFER 2369	Subdivision - Two lot boundary adjustment with both existing dwellings retained.	NIL
DA-165/2022	Mrs Robyn Nadine Adams	2 Lewin Street INVERELL 2360	Garage	31,000
DA-166/2022	Mr Niall Daniel Webb	3 Sylvan Drive INVERELL 2360	Shed	30,000
DA-167/2022	Mr Michael John Hyatt	173 Auburn Vale Road INVERELL 2360	Shed	45,000
DA-168/2022	Mr Evan Ashley Groth	135 Brosnans Lane INVERELL 2360	Shed	18,000
DA-171/2022	Mr John David Williams	82 Granville Street INVERELL 2360	Alterations and additions to existing dwelling, garage, carport and inground pool	132,000
DA-174/2022	TBN Construct Pty Ltd	86 MacIntyre Station Road BUKKULLA 2360	Addition of pavilion to dwelling	20,000
Monthly estimated value of Approvals: December 2022			21	2,450,279

Development Amendments

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 December 2022.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING DECEMBER 2022**Construction Certificates approved by Council**

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-120/2022	Mr Raymond Edward Lintern	52 Ely Street ASHFORD 2361	Relocate Dwelling	110,000
CC-125/2022	Abode Building Design	89 Gordon Street INVERELL 2360	Granny Flat	202,400
CC-126/2022	Denori Pty Ltd	1 Swan Street INVERELL 2360	Single Dwelling, Earthworks & Retaining Wall	450,000
CC-127/2022	Mr Royden Christopher Tutt	55 Brae Street INVERELL 2360	New Dwelling	300,000
CC-130/2022	Miss Eleasha Cassandra Tutt	38 Bennett Street INVERELL 2360	Shed	10,000
CC-131/2022	Ms Karen Joanne Crawford	22 Andrew Lane INVERELL 2360	New Pool and Carport	44,000
CC-140/2022	Abode Building Design	89 King Street INVERELL 2360	Shed and Retaining Wall	2,500
CC-143/2022	Big River Pools	93-103 Moore Street INVERELL 2360	Pool	45,500
CC-144/2022	Mr Evan Ashley Groth	135 Brosnans Lane INVERELL 2360	Shed	18,000
Monthly estimated value of Approvals: December 2022			9	1,182,400

Amended Construction Certificates approved by Council

Nil

Construction Certificates approved by Private Certifier

Nil

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING December 2022

Complying Development Certificates Approved by Council

CD-20/2022	Picton Bros Spanline	80 Gordon Street INVERELL 2360	Alterations to the dwelling	26,380
CD-21/2022	Mr John David Williams	44 Talbragar Close INVERELL 2360	Construction of 34m ² insulated roof over an alfresco area	30,000
Monthly estimated value of Approvals: December 2022			2	56,380

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 December 2022:

Type of Consent	Number	\$ Amount
Construction Certificates – Council Approved	9	1,182,400
Construction Certificates – Private Certifier	NIL	Nil
Complying Development – Council Approved	2	56,380
Complying Development – Private Certifier	NIL	Nil
Totals	11	1,238,780

Estimated Value of Approvals issued in the financial ytd in:	2022/2023	(77)	\$13,341,387
	2021/2022	(105)	\$14,406,859

Attachments:

Nil

11.4 ORDINANCE ACTIVITIES REPORT FOR DECEMBER 2022

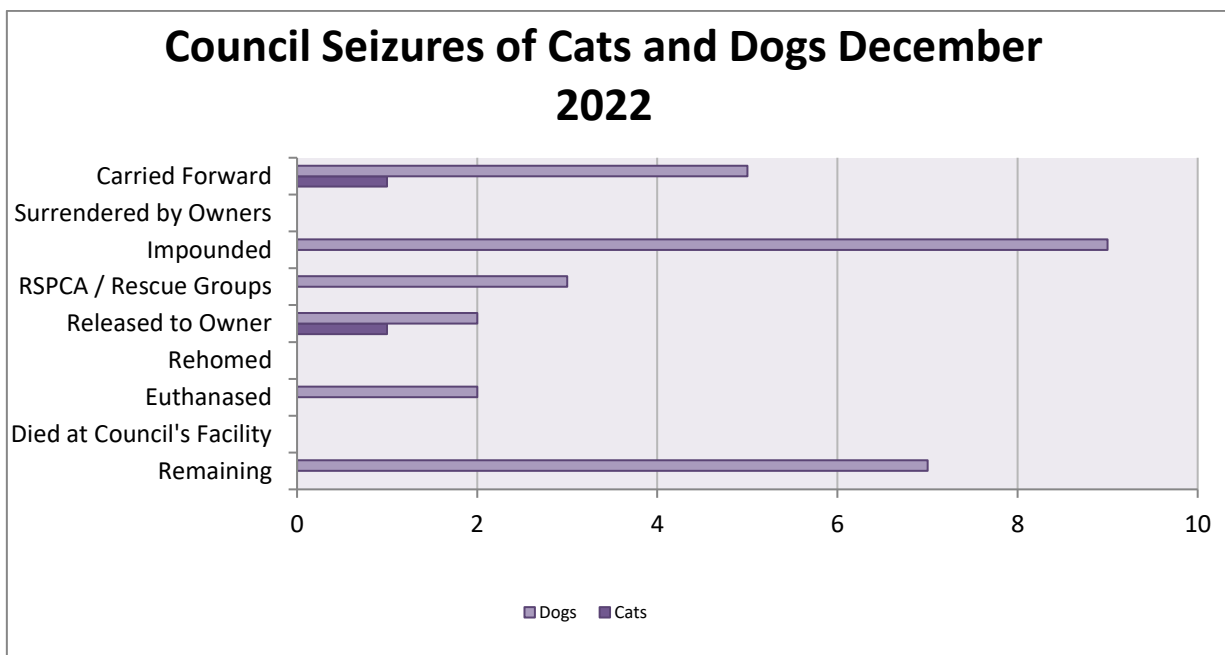
File Number: S18.10.1 / 23/3116
Author: Robyn Waters, Administration Officer

SUMMARY:

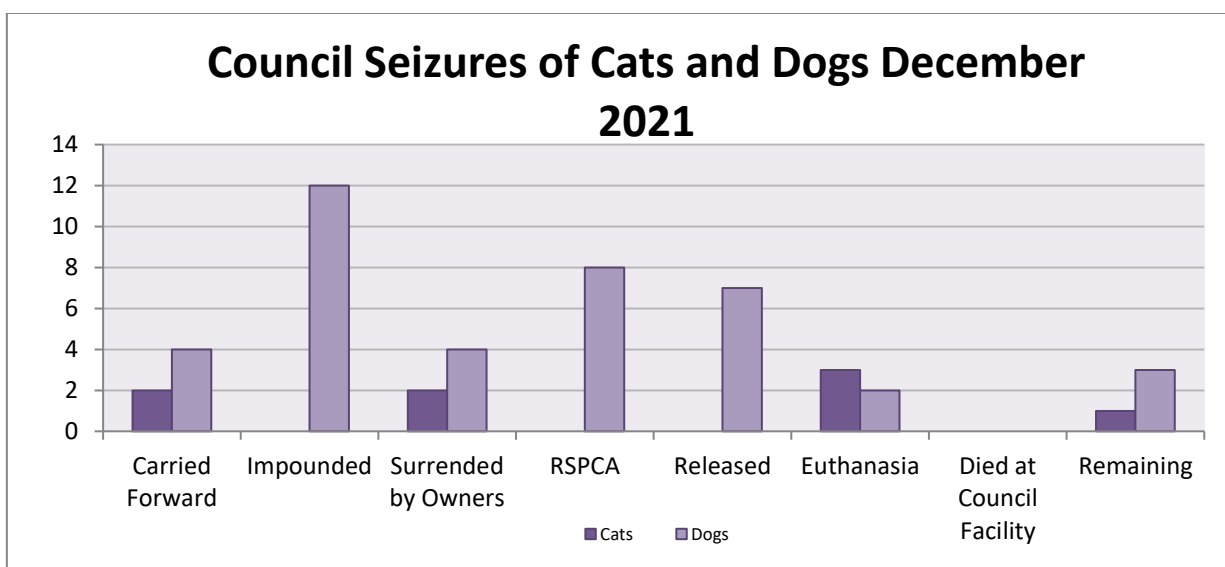
The following details the number of various Ordinance activities carried out during December 2022, in comparison to the same month in 2021.

INFORMATION: COMPLIANCE

Inverell Shire Council Pound Monthly Report December 2022



Inverell Shire Council Pound Monthly Report December 2021



ATTACHMENTS:

Nil

11.5	SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JANUARY 2023
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File Number: S18.10.2/16 / 23/4476

Author: Robyn Waters, 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 January 2023.

DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING JANUARY 2023

Development Approvals

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-151/2022	Mr Michael James Walls	71 Mather Street, INVERELL 2360	Dwelling, earthworks and retaining wall	414,700
DA-161/2022	Mr Thomas John Carner Graham	7 Brewery Street, INVERELL 2360	Additions to Shed	20,000
DA-169/2022	Mrs Kathie Louise Barratt	7 Oakland Lane, INVERELL 2360	Addition to Shed	4,000
DA-170/2022	3D Genetics Pty Ltd	472 Karoola Road, BUKKULLA 2369	Dual Occupancy	760,800
DA-172/2022	Boss Engineering	40 Taylor Avenue, INVERELL 2360	Excavation for a building pad and emergency vehicle access & construction of a 78.5m x 25m prefabricated steel shed.	375,000
DA-173/2022	Abode Building Design	11 Terry Drive, INVERELL 2360	Construction of Semi-Detached Dwellings (Duplex) & Subdivision	573,760
DA-2/2023	TBN Construct Pty Ltd	1422 Oakwood Road, MOUNT RUSSELL 2360	Re-piering, surface drainage, roof re-structure, minor addition. Interior/exterior renovation	220,000
DA-3/2023	Abode Building Design	31 Bolands Lane, INVERELL 2360	Shed, earthworks, bathroom and laundry facilities for temporary	33,000

			occupation	
DA-5/2023	Mrs Lisa Ann Frost	50A-50B Mather Street, INVERELL 2360	Install new 3.85m x 2.2m x 1.19m Pool Spa.	19,000
Monthly estimated value of Approvals: January 2023			9	2,420,260

Development Amendments

<u>Development Application Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Development</u>	<u>\$ Amount</u>
DA-87/2021/A	Mr Anthony Colin Smith	3 Duff Street, ASHFORD 2361	Dwelling - Modification to Bush Fire Water Supply Requirements	NIL
DA-72/2022/A	Mr Thomas John Cartner Graham	7 Brewery Street, INVERELL 2360	Modification to Shed	163
Monthly estimated value of Approvals: January 2023			2	163

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 January 2023.

INFORMATION:

Nil

CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING JANUARY 2023**Construction Certificates approved by Council**

<u>Construction Certificate Number</u>	<u>Applicant</u>	<u>Property</u>	<u>Construction</u>	<u>\$ Amount</u>
CC-87/2022	Dineen Holdings Pty Limited	23 Brissett Street, INVERELL 2360	Construction of Bus Storage Shed	500,000
CC-124/2022	Mr Christopher David Wilesmith	47 Staggs Lane, INVERELL 2360	Construction of deck and carport	112,000

CC-129/2022	Mr Michael James Walls	71 Mather Street, INVERELL 2360	Dwelling, earthworks and retaining wall	414,700
CC-132/2022	Abode Building Design	2 Leonard Street, INVERELL 2360	Extension to existing shed and new concrete driveway to access	19,800
CC-133/2022	Abode Building Design	536 Yetman Road, INVERELL 2360	Pool, earthworks and retaining wall	33,000
CC-134/2022	Mr Michael Roy Schofield	15 Prince Street, INVERELL 2360	Shed	19,000
CC-135/2022	Abode Building Design	64 Ditzells Drive, INVERELL 2360	Additions to existing dwelling and new shed	177,915
CC-136/2022	Mr Sean Geoffrey Taylor	15 East Street, INVERELL 2360	New shed, carport and alfresco	27,500
CC-138/2022	Mr Thomas John Cartner Graham	7 Brewery Street, INVERELL 2360	Additions to shed	20,000
CC-139/2022	Mrs Kathie Louise Barratt	7 Oakland Lane, INVERELL 2360	Addition to Shed	4,000
CC-145/2022	Mr Michael John Hyatt	173 Auburn Vale Road, INVERELL 2360	Shed	45,000
CC-1/2023	Mr Stewart Douglas Johnston	14 Talbragar Close, INVERELL 2360	Shed	50,162
CC-3/2023	Mrs Lisa Anne Frost	50A-50B Mather Street, INVERELL 2360	Install new 3.85m x 2.2m x 1.19m Pool Spa	19,000
CC-7/2023	Signmaker (Australia) Pty Ltd	172 Ashford Road, INVERELL 2360	Installation of 1 x 6m pylon sign	26,200
Monthly estimated value of Approvals: January 2023			14	1,468,277

Amended Construction Certificates approved by Council

Nil

Construction Certificates approved by Private Certifier

NIL

Amended Construction Certificates approved by Private Certifier

Nil

COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING January 2023

Complying Development Certificates Approved by Council

CD-1/2023	Mrs Natalie Ann Fitzgerald	406 Old Bundarra Road, INVERELL 2360	Carport	19,800
CD-2/2023	Mr John David Williams	37B Mulligan Street, INVERELL 2360	Shed	15,000
Monthly estimated value of Approvals: January 2023			2	34,800

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 January 2023:

Type of Consent	Number	\$ Amount
Construction Certificates – Council Approved	14	1,468,277
Construction Certificates – Private Certifier	Nil	Nil
Complying Development – Council Approved	2	34,800
Complying Development – Private Certifier	Nil	Nil
Totals	16	1,503,077

Estimated Value of Approvals issued in the financial ytd in: **2022/2023 (93) \$14,844,464**
2021/2022 (118) \$18,524,124

Attachments:

Nil

11.6 ORDINANCE ACTIVITIES REPORT FOR JANUARY 2023

File Number: S18.10.2 / 23/4607
Author: Robyn Waters, Administration Officer

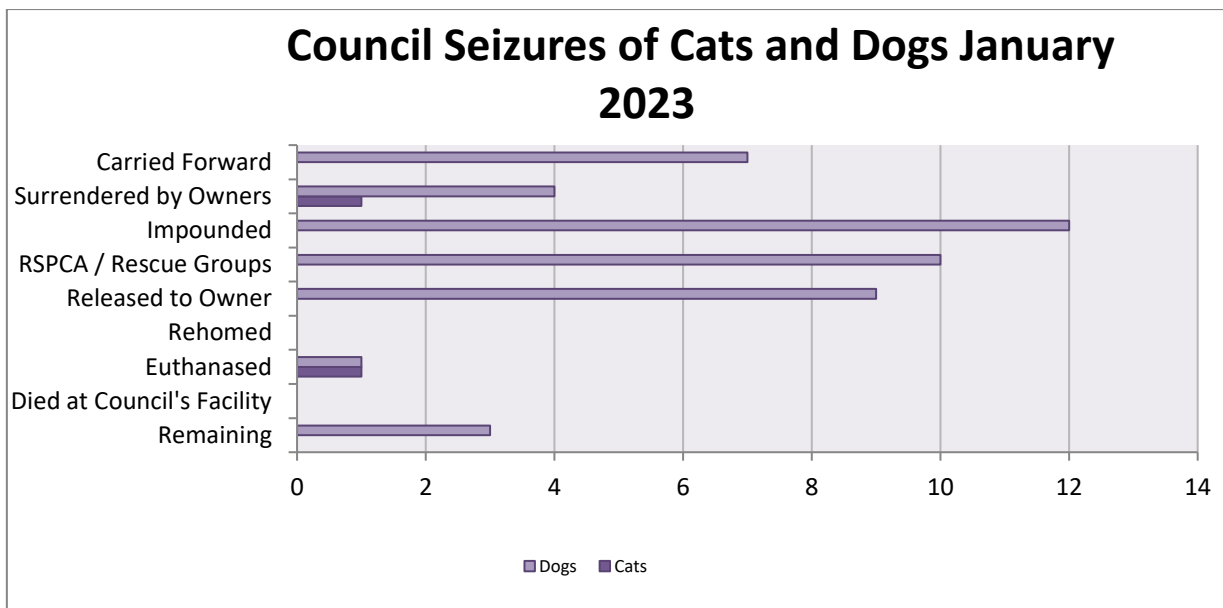
SUMMARY:

The following details the number of various Ordinance activities carried out during January 2023, in comparison to the same month in 2022.

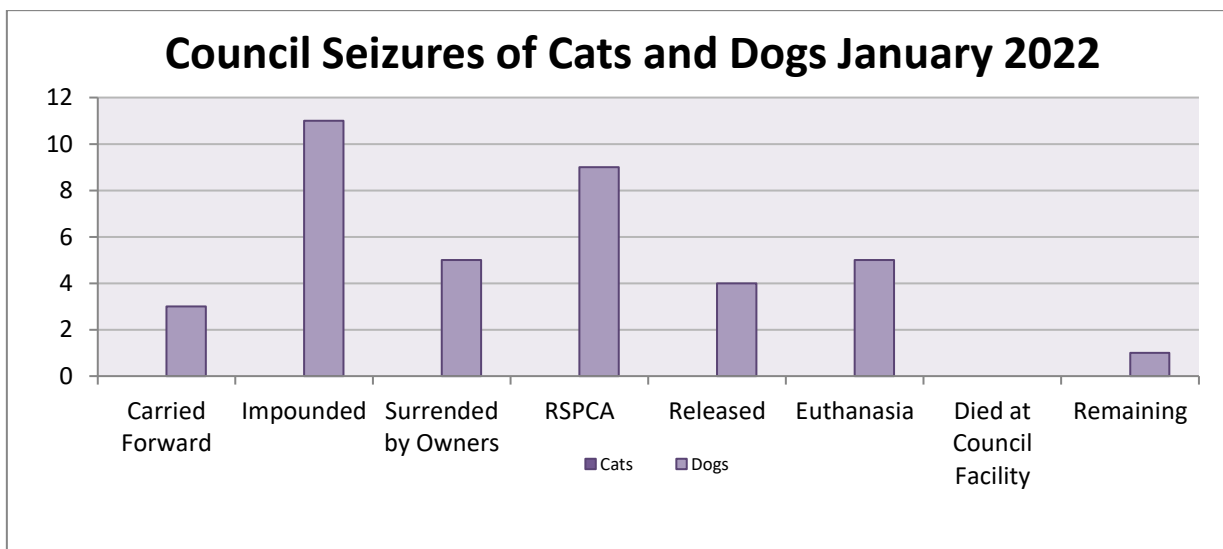
INFORMATION:

COMPLIANCE

Inverell Shire Council Pound Monthly Report January 2023



Inverell Shire Council Pound Monthly Report January 2022



ATTACHMENTS:

Nil

12 GOVERNANCE REPORTS**12.1 DRAFT RISK APPETITE STATEMENTS****File Number:** S4.11.21 / 23/4884**Author:** Paul Pay, Director Corporate and Economic Services**SUMMARY:**

Council is asked to endorse the draft Risk Appetite Statements developed after the December 2022 Enterprise Risk Management & Risk Appetite Workshop.

RECOMMENDATION:

That Council adopt the draft Risk Appetite Statements and refer them to the Audit, Risk and Improvement Committee for inclusion in the Enterprise Risk Management Framework.

COMMENTARY:

In December 2022 Councillors, members of the Audit Risk and Improvement Committee and Senior Staff participated in an Enterprise Risk Management & Risk Appetite Workshop to further develop Council's Enterprise Risk Management Systems and to review Council's Risk Appetite Statements.

These systems are integral to Council's operations. They seek to identify and respond to risks and uncertainty that could impact Council's ability to deliver services to our Community. The Enterprise Risk Management Framework is also central to the work of the Audit Risk and Improvement Committee.

The principle objective of the workshop was to gauge the group's appetite for risk across the operations of Council. Risk appetite relates to "the amount and type of risk that an organisation is willing to take in order to meet their strategic objectives". It is a judgement call – or series of judgement calls that is best fleshed out in a workshop type environment.

The key outcome from the workshop are the draft Risk Appetite Statements, based on Councillors' feedback. These have been developed by Craig Hutley from Marsh Advisory Services who facilitated the workshop. His report is attached. The draft Risk Appetite Statements themselves start on page 4 of the report. If Council is satisfied the Statements reflect the conclusions reached at the workshop it is requested they be adopted and referred to the Audit Risk and Improvement Committee for inclusion in the Enterprise Risk Management Framework.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

The Risk Appetite Statements are a critical part of a mature Enterprise Risk Management Framework.

CHIEF FINANCIAL OFFICERS COMMENT:

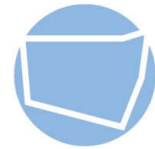
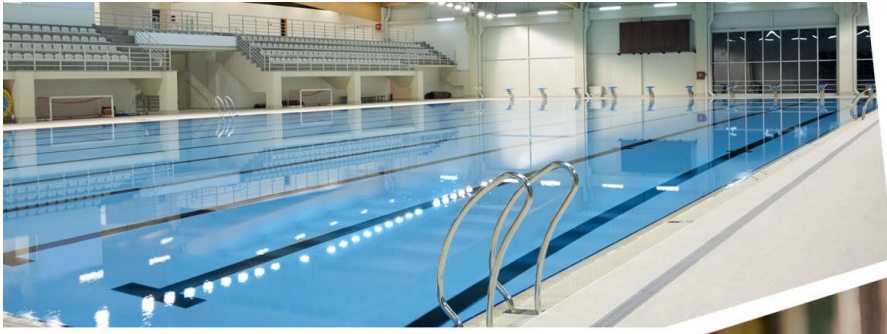
The workshop was funded by Statewide Mutual

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. **Draft Risk Appetite Statements** [↓](#)



**statewide
mutual.**



DRAFT RISK APPETITE STATEMENTS

Inverell Shire Council

Version: 1.0 | 15 December 2022



Document Control Page

VERSION 1	Prepared by Craig Hutley, Principal, Strategic Risk, Marsh Advisory Adopted by Council	15 December 2022 Resolution



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EXECUTIVE SUMMARY

Risk Appetite is an articulation of an organisation’s willingness to take, retain or accept risk and, because it operates at strategic and operational levels, it is an integral part of any risk management capability. In order to influence strategies and objectives it should be considered and reviewed during Strategic Planning. Additionally, risk appetites are a key influence, along with the cost/benefit of mitigation considerations, when determining the Target Risk Ratings of specific risks. Understanding and applying effective risk appetite considerations is highly beneficial in managing risk.

Inverell Shire Council has articulated its appetite for taking, retaining or accepting risk through qualitative Risk Appetite Statements that are based on nominated risk categories. Council has chosen to identify its risks within twelve risk categories that now contain primary and secondary positions of risk appetites.

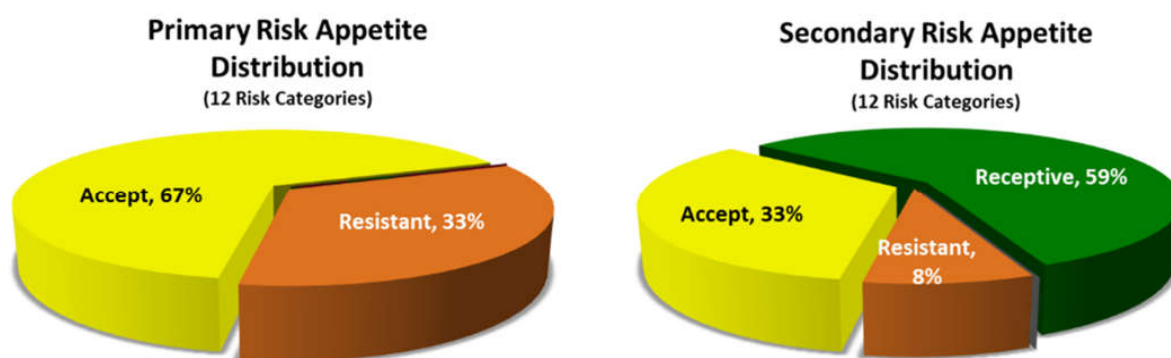
Through a workshop exercise involving Councillor’s, Audit Risk and Improvement Committee members, and members of Council’s Executive Leadership Team, risk appetite levels have been determined for each of Council’s risk categories. The risk appetite levels produced are based on an ordinal scale of four levels: **Avoid**, **Resistant**, **Accept**, and **Receptive**. In this order, the levels provide an indication of an increasing willingness to take on, retain or accept risk, where Avoid and Resistant are considered more conservative, and Accept and Receptive are considered less conservative.

Inverell Shire Council has a primary risk appetite position that is considered less conservative. There are eight risk categories which have a primary risk appetite of **Accept** (67%) and four risk categories with a primary risk appetite of **Resistant** (33%). All of the risk categories have a secondary risk appetite distributed across three Risk Appetite levels. Of the secondary risk appetite positions, only one risk category (Financial) indicates a more conservative position to its primary position. The remainder move towards less conservative positions. The secondary risk appetite positions are: **Resistant** (1 category, or 8%) and **Accept** (4 categories, or 33%), and **Receptive** (7 categories, or 59%).

The distribution of primary and secondary risk appetite positions for Inverell Shire Council is indicative of a less conservative overall appetite towards taking, retaining or accepting risk. The distributions of primary and secondary levels of risk appetite for Council are illustrated in Diagram 1.

It should be noted that Risk Appetite Statements provide guidance only on Council’s appetite for risk with regard to certain risk categories. There are many variable that should be considered in decision making, and the organisation’s appetite for taking, retaining or accepting risk is only one of them.

Diagram 1 – Inverell Shire Council Primary and Secondary Risk Appetite Distributions



An important caveat to well-articulated qualitative Risk Appetite Statements is that they are, by their nature, not readily measurable (quantitative). In order to fully operationalise the concept of risk appetite, the development of several representative risk tolerance metrics for each risk category is required. These tolerances will provide an adjustable and ongoing ability to measure whether Council continues to operate within its stated risk appetites.



RISK APPETITE SUMMARY

The Risk Appetite Statements for Inverell Shire Council are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the current Operational Plan. The Council has a strategic focus on multiple areas, and many different and varied operations are carried out to support the Local Government Area. As such, appetites for risk can vary across these different operations and strategic focus areas. Therefore, Council’s Risk Appetite Statements have been developed against each of Council’s Risk Categories. These Statements use a four-level ordinal scale to indicate the amount of risk Council is willing to take, retain or accept for each category. Diagram 2 illustrates the four-level ordinal scale, with a definition for each.

Diagram 2: Risk Appetite Levels and Definitions

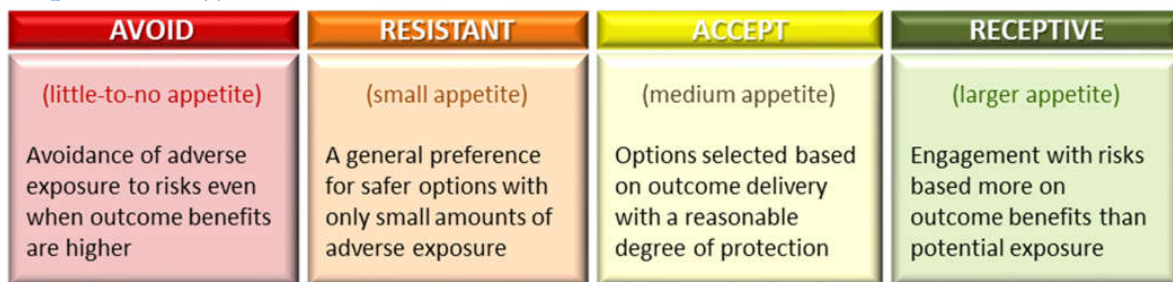


Table 1, provides a summary of Inverell Shire Council’s risk appetite positions across its identified risk categories. Each category has one coloured cell, which represents the Primary Appetite position and one ‘greyed’ cell, which represents the Secondary Appetite position for those categories with an identified secondary appetite. These positions are defined as follows:

Primary Appetite: indicates a general appetite for taking, retaining or accepting risk for the given risk category.

Secondary Appetite: indicates an appetite-by-exception position for taking, retaining or accepting risk in specific circumstances. It is not necessary for all risk categories to have a Secondary Appetite position.

Table 1: Summary of Council’s Risk Appetite positions

Category of Risk	Avoid	Resistant	Accept	Receptive
Financial		Secondary	Primary	
WH&S		Primary	Secondary	
People		Primary	Secondary	
Service Delivery			Primary	Secondary
Compliance		Primary	Secondary	
Environmental			Primary	Secondary
Reputation			Primary	Secondary
Information Technology			Primary	Secondary
Cyber Security		Primary	Secondary	
Property and Assets			Primary	Secondary
Project Budgets			Primary	Secondary
Project Timeframes			Primary	Secondary

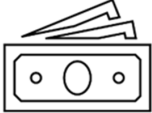



RISK APPETITE STATEMENTS


The tables below contain the primary and secondary Risk Appetite Statements for each risk category of Inverell Shire Council. These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take, retain or accept risk, in pursuit of its strategic objectives.

Note: The effectiveness of Risk Appetite Statements will be improved through the development of quantifiable Risk Tolerances from representative metrics for each risk category.





▲ ▲ ▲ ▲ ▲ - Indicates the Secondary Risk Appetite

Financial		
	Level	Risk Appetite Statement
 Financial	Accept	Regarding its Financial activities, Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ In certain circumstances, when considered appropriate, Council will adopt a more conservative Resistant position to Financial risks where safer options with smaller exposures are warranted.





Work Health & Safety		
	Level	Risk Appetite Statement
 WH&S	Resistant	In the pursuit of its objectives, Council seeks Resistant to adverse exposure to risks with regard to the Work Health & Safety of its employees, and any other people contracted to work for Council. Council's preferred position is for safer options with only small amounts of adverse exposure. ▲ Council recognises that in certain circumstances it may need to Accept small amounts of exposure and is willing to do so in exceptional circumstances where there remains a reasonable degree of protection.

People		
	Level	Risk Appetite Statement
 People	Resistant	To achieve its objectives, Council has a small risk appetite and is Resistant to risk relating to its People . Notwithstanding the risk appetite levels of other risk categories where people are involved, with regard to its people Council has a general preference for safer options with only small amounts of adverse exposure. ▲ Council recognises that in certain circumstances it may need to Accept small amounts of exposure and is willing to do so where there remains a reasonable degree of protection.




Service Delivery		
		Risk Appetite Statement
 Service Delivery	Accept	With regard to Service Delivery decisions and activities, Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.
Compliance		
	Level	Risk Appetite Statement
 Compliance	Resistant	In the pursuit of its objectives, Council is Resistant to risk in regard to Compliance with relevant legislation, regulations, standards, codes and/or policies. Council has only a small appetite for risk in these areas and prefers safer options with only small amounts of adverse exposure. ▲ Council is, however, cognisant of the fact that in certain circumstances it will be prudent to Accept risk exposures so long as there remains a reasonable degree of protection.
Environmental		
	Level	Risk Appetite Statement
 Environmental	Accept	With regard to Environmental decisions and activities, Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.
Reputation		
	Level	Risk Appetite Statement
 Reputation	Accept	With regard to its Reputation , Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.



Information Technology		
	Level	Risk Appetite Statement
 Information Technology	Accept	With regard to its Information Technology , Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.
Cyber Security		
	Level	Risk Appetite Statement
 Cyber Security	Resistant	In the pursuit of its objectives, Council is Resistant to risk in regard to Cyber Security . Council has only a small appetite for risk in this area and prefers safer options with only small amounts of adverse exposure. ▲ Council is, however, cognisant of the fact that in certain circumstances it will be prudent to Accept risk exposures so long as there remains a reasonable degree of protection.
Property & Assets		
	Level	Risk Appetite Statement
 Property & Assets	Accept	With regard to its Property & Assets , Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.
Project Budgets		
	Level	Risk Appetite Statement
 Project Budgets	Accept	With regard to the setting and management of Project Budgets , Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection. ▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.



Project Timeframes		
	Level	Risk Appetite Statement
 <p>Project Timeframes</p>	<p>Accept</p>	<p>With regard to the setting and management of Project Timeframes, Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will endeavour to select options based on outcome delivery, whilst maintaining a reasonable degree of protection.</p> <p>▲ However, in some circumstances Council may be more Receptive to risk and focus more on outcome benefits.</p>

CONCLUSION

The Risk Appetites expressed in this document will provide guidance to decision-makers as to where Council’s general position is with regard to the level of risk it is willing to take, retain or accept in pursuit of its Strategies. The statements should be considered and reviewed during strategic planning and can be used as an influence when determining whether to increase or decrease control activity on specific risks, or whether to pursue opportunities. Additionally, it is better practice to review the Risk Appetite Statements thoroughly at least on a semi-annual basis and also every time there is a substantial shift in Inverell Shire Council’s operating environment.

If more robust guidance is required, then Council should implement quantifiable risk tolerances for each of its risk categories. These tolerances will provide guidance on whether the risk appetite levels are set appropriately as well as provide indicative measures of whether Council is operating within its expressed appetite level for taking risks.

The development of Risk Appetite Statements is a very good start to Inverell Shire Council’s risk management journey. This work will help the Council to continue an upward trajectory towards risk management maturity, and ultimately facilitate a capability for robust, repeatable and consistent quality decision-making.

CONTACTS

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 Title: Principal, Strategic Risk, Marsh Advisory, Pacific Practice Lead Queensland and Northern Territory
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13 REFERRAL OF 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:

- 13.1 Community Contribution Strategy - Dumaresq Solar Farm P/L (DSF)
- 13.2 Request to host 2023 Joeys Mini World Cup
- 13.3 Inverell Aquatic Centre Replacement Post Tender Negotiations