



**INVERELL**  
SHIRE COUNCIL

The YOU CHOOSE Safer Driving Choices Workshop will be held at the Inverell Town Hall on Monday, 28 August at 7.00pm. YOU CHOOSE was founded in 2017 by Peter and Melissa McGuinness after the loss of their 18-year-old son in a car crash. The Workshop is available to teenagers and parents. The Workshop is free but bookings are essential.

**Business Paper**  
**Ordinary Meeting of Council**  
**Wednesday, 23 August 2023**

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

23 August, 2023

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 23 August, 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.**

**P J HENRY PSM**

**GENERAL MANAGER**

**Agenda**

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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.

## OUR DESTINATIONS



### 01 LEADERSHIP



We will be an accountable and responsible Council that will be involved with the community and responsibly manage public resources.

### 02 PROSPERITY



The Shire has a diverse, strong local economy that provides opportunities that contribute to the quality of life for the community.

### 03 LIVEABILITY



Our community is healthy, safe, educated and offers opportunities for people of all ages and abilities. We value our natural and built environment.

### 04 SERVICES & INFRASTRUCTURE



Our community is enhanced by the provision of civic services and infrastructure. These services are planned and financially sustainable.



## 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

## September 2023

SUN	MON	TUE	WED	THU	FRI	SAT
					1.	2.
Sapphire City Markets 3.	Reports due for Committee Meetings by 4:30pm 4.					
		Inverell & District Liquor Consultative Committee Meeting 10:00am 12.	9:00am Civil & Environmental Committee Meeting  10:30am Economic & Community Sustainability Committee Meeting  2:00pm Community Health Forum 13.	Bindaree Food Group Cod Cash  Delungra Distict Development Council Meeting 7:00pm 14.	Bindaree Food Group Cod Cash 15.	Bindaree Food Group Cod Cash  Combined Concert – Sapphire City & Ballina Shire Council Band (Town Hall) 16.
Bindaree Food Group Cod Cash  Sapphire City Markets  Gilgai War Memorial Hall – 100 Year Anniversary Rededication Service 17.	Reports due for Ordinary Council Meeting by 4:30pm 18.					

	Start of School Holidays		3.00pm Ordinary Council Meeting			
24.	25.	26.	27.	28.	29.	30.
	Faunaverse Presentation – Inverell Library					

 Council office closed



**1 APOLOGIES**

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Ordinary Meeting of Council held on 26 July, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**MINUTES OF INVERELL SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 26 JULY 2023 AT 3.00PM**

**PRESENT:** Cr Paul Harmon (Mayor), Cr Jo Williams, 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), Brett McInnes (Director Civil and Environmental Services) Paul Pay (Director Corporate and Economic Services)

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/99**

Moved: Cr Kate Dight

Seconded: Cr Di Baker

*That the Minutes of the Ordinary Meeting of Council held on 28 June, 2023, 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**

**Previously Declared Interests**

Cr Dight declared a non-pecuniary (significant) interest in Item #9.1.1 'Holdfast Crossing – Fish Passage Project'. The nature of the interest is that Cr Dight has a family connection to a land owner adjacent to Holdfast Crossing.

**4 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.

**Mrs Judy Bloomfield**

Mrs Bloomfield, a member of the local RSPCA spoke about the domestic and feral cat population across the country. Mrs Bloomfield spoke about toxoplasmosis, a disease that cats carry and the effects the disease can have on other animals and people. Mrs Bloomfield spoke about the law that allows cats to roam and the task the RSPCA have taken on to have that law amended.

Mrs Bloomfield requested that Council Ordinance Officers have specific direction to set traps for cats in particular, feral cats and feels that this would make a difference to the numbers of feral cats.

**Mr Bob Bensley**

Mr Bensley addressed Council about his ongoing concerns regarding the lack of information provided to the community on Council matters and coverage of Council meetings in the Inverell Times and on the radio station 2NZ and has met with Mr Henry (General Manager) to discuss his concerns.

Mr Bensley's noted that Council's 2022/2032 Strategic Plan makes provision for 6 sessions of community consultations per year.

Mr Bensley expressed his concerns about the proposed new location of Bunnings and requested a community consultation meeting be held where these concerns can be discussed and addressed.

**5 MAYORAL MINUTE****RESOLUTION 2023/100**

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

*That the Mayoral Minute be considered in the confidential section of the Agenda in accordance with (s. 10A (2) (a) "Personal Matters concerning particular individuals (other than Councillors)" Local Government Act 1993).*

**CARRIED****6 ADVOCACY REPORTS****6.1 NATIONAL AUSTRALIAN LOCAL GOVERNMENT WOMENS ASSOCIATION (ALGWA) CONFERENCE - 17 - 20 MAY 2023 S4.3.1****RESOLUTION 2023/101**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the report on the 2023 National ALGWA Conference be received and noted.*

**CARRIED****6.2 COMMUNITY HEALTH FORUM - JUNE 2023 S24.20.5****RESOLUTION 2023/102**

Moved: Cr Wendy Wilks

Seconded: Cr Jo Williams

*That the report be received and noted.*

**CARRIED****7 NOTICES OF BUSINESS**

Nil

**8 QUESTIONS WITH NOTICE**

Nil

**9 COMMITTEE REPORTS****9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 12 JULY 2023****RESOLUTION 2023/103**

Moved: Cr Stewart Berryman

Seconded: Cr Wendy Wilks

- i. *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 12 July, 2023, be received and noted; and*
- ii. *The following recommendations of the Civil and Environmental Services Committee be adopted by Council.*

**CARRIED****9.1.1 Holdfast Crossing - Fish Passage Project****RECOMMENDATION:***That:*

- 1) *The information be received and noted;*
- 2) *The proposal be supported in principle;*
- 3) *Council undertake community consultation to determine if there are any likely significant impacts on the community; and*
- 4) *A further report be presented to the Committee on the outcomes of the community consultation so that Council can make a final determination on the request.*

**9.1.2 Walkers Bridge Replacement****RECOMMENDATION:***That;*

1. *The alternative bridge replacement solution of a large box culvert structure be endorsed for consultation;*
2. *Council undertake community consultation to determine the level of community support for this option; and*
3. *A further report be presented to the Committee on the outcomes of the community consultation so that Council can make a final determination on the project.*

**9.1.3 Expression of Interest Process - Vernon Street Residential Parcel****RECOMMENDATION:***That:*

1. *The process as identified in the report for offering Council's Vernon Street land parcel for residential development via Expressions of Interest be endorsed; and*
2. *Upon completion, the Expressions of Interest package be approved by Council prior to going to the market.*

#### 9.1.4 Community Garden - Tingha

**RECOMMENDATION:**

*That:*

- a) *the concept plan for a Community Garden submitted by the Tingha Community Spirit Aboriginal Corporation be noted;*
- b) *the proposed location of the road reserve adjacent to Guyra Road / Copes Creek Road be approved as the site for the community garden; and*
- c) *Council assist the Corporation and volunteers during the construction phase by preparing a traffic management plan for the site and installing the required warning signage.*

#### 9.1.5 Governance - Performance Reporting on Road Maintenance Council Contracts

**RECOMMENDATION:**

*That the information be received and noted.*

#### 9.1.6 Information Reports

**RECOMMENDATION**

*That the information reports be received and noted.*

### 9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 12 JULY 2023

**RESOLUTION 2023/104**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

- i. *That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 12 July, 2023, be received and noted; and*
- ii. *The following recommendations of the Economic and Community Sustainability Committee be adopted by Council.*

**CARRIED**

#### 9.2.1 Request for Donation - Inverell Youth Centre

**RECOMMENDATION:**

*That Council does not accede to the donation request.*

### 9.2.2 Dolly Parton's Imagination Library

**RECOMMENDATION:**

*That Council not participate in the Dolly Parton's Imagination Library program.*

### 9.2.3 Emergency Services Levy (ESL)

**RECOMMENDATION:**

*That the information be received and noted.*

### 9.2.4 Governance - Monthly Investment Report

**RECOMMENDATION:**

*That:*

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

### 9.2.5 Information Reports

**RECOMMENDATION**

*That the information reports be received and noted.*

### SUPPLEMENTARY REPORTS

### 9.3 PUBLIC ART SUNSET COMMITTEE MINUTES - 5 JULY 2023

**RESOLUTION 2023/105**

Moved: Cr Di Baker

Seconded: Cr Nicky Lavender

*That a supplementary report be received.*

**CARRIED**

### 9.3.1 PUBLIC ART SUNSET COMMITTEE MINUTES - 5 JULY 2023

**RESOLUTION 2023/106**

Moved: Cr Paul King OAM

Seconded: Cr Jo Williams

- i. *That the Minutes of the Public Art Sunset Committee meeting held on Wednesday, 5 July, 2023, be received and noted; and*
- ii. *The following recommendations of the Public Art Sunset Committee be adopted by Council.*

**CARRIED**

### 9.3.2 HONOUR WALK

**RECOMMENDATION:**

- a) *That a quote for the provision of 4 honour boards be obtained for the Committee's consideration;*
- b) *That each year one honour board be added to the 'walk';*
- c) *That the Committee invite the Community to nominate a person for the honour of being recognised in the 'walk'; and*
- d) *That the Committee recommends to Council the person to be recognised and Council determine the final selection.*

**CARRIED**

### 9.3.3 JUNIOR ART COMPETITION

**RECOMMENDATION:**

- a) *That the Inverell Art Society work with Peter Caddey to develop an Art exhibition/competition for young artists (similar to the 'Archies' competition run by the Art Gallery of NSW);*
- b) *That display space be identified at the Inverell Library and Inverell Art Gallery; and*
- c) *The suggestion that this event be held every two years be considered.*

**CARRIED**

## 10 DESTINATION REPORTS

### 10.1 STATE SIGNIFICANT DEVELOPMENT 8911 - SUNDOWN SOLAR FARM - STURMANS ROAD, SPRING MOUNTAIN S18.6.52/09

**RESOLUTION 2023/107**

Moved: Cr Stewart Berryman  
Seconded: Cr Jacko Ross

*That Council make an on-line submission in respect of State Significant Development 8911 – Sundown Solar Farm – Sturmans Road, Spring Mountain in relation to the following matters:*

- *After construction, a subsequent report to assess the damage that may have resulted from construction;*
- *On-going and regular measures to restore and reinstate road damage resulting from construction of the project;*
- *The final design of the upgrades to Spring Mountain Road and Sturmans Road being approved by Council;*
- *A detailed waste management plan being prepared for Sundown Soar Farm, in consultation*

*with Council, noting that the Inverell Waste Depot may not be able to accept all waste;*

- *Council support of the commitment by Sundown Solar Farm to provide a community benefits fund;*
- *Council having the opportunity to review the draft approval conditions prior to being finalised; and*
- *Any other matters as deemed relevant by the Director Civil and Environmental Services.*

**CARRIED**

## **10.2 INVERELL EQUESTRIAN CENTRE - MANAGEMENT ARRANGEMENTS S26.3.13**

### **RESOLUTION 2023/108**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That:*

- a) The reference to 'Member Organisations' be removed from the Plan of Management for the Equestrian Centre Management Committee;*
- b) The fee for 'Member Organisations' and individuals be removed from the list of fees and charges for the Equestrian Centre, effective 1 July 2023;*
- c) The amended Plan of Management for the Equestrian Centre Management Committee be approved;*
- d) The amended booking procedures and 'Conditions of Hire' for the Centre be noted; and*
- e) Councillors seek nominations from the members of the public for the Management Committee.*

**CARRIED**

## **10.3 GENERAL PRACTITIONER (GP) SUPPORT PROGRAM POLICY S24.20.5**

### **RESOLUTION 2023/109**

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

*That Council adopt the General Practitioner (GP) Support Program Policy.*

**CARRIED**

## **10.4 REFERRAL OF CONFIDENTIAL MATTERS S13.5.2/16**

### **RESOLUTION 2023/110**

Moved: Cr Paul King OAM

Seconded: Cr Nicky Lavender

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

***Item: Mathers Bridge - Demolition and Replacement - Tender***



**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).

**CARRIED**

## 11 INFORMATION REPORTS

### RESOLUTION 2023/111

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

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

**CARRIED**

### 11.1 LETTER OF APPRECIATION - SAPPHIRE CITY CONCERT BAND INC S12.22.1/16

#### RESOLUTION 2023/112

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

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

**CARRIED**

### 11.2 STRATEGIC TASKS - 'SIGN OFF' - JUNE 2023 S4.13.2

#### RESOLUTION 2023/113

Moved: Cr Kate Dight

Seconded: Cr Di Baker

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

**CARRIED**

### 11.3 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JUNE 2023 S18.10.2/16

#### RESOLUTION 2023/114

Moved: Cr Paul King OAM

Seconded: Cr Wendy Wilks

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

**CARRIED**

### 11.4 ORDINANCE ACTIVITIES REPORT FOR JUNE 2023 S18.10.1

**RESOLUTION 2023/115**

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

*That the following information report be received and noted.***CARRIED****RESOLUTION 2023/116**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

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

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**11.5 REVIEW OF DISASTER MANAGEMENT PROCESSES S14.18.6/16**

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**12 GOVERNANCE REPORTS**

Nil

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

At 4.25pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council. There was no response.

**RESOLUTION 2023/117**

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 2023/118**

Moved: Cr Paul King OAM

Seconded: Cr Wendy Wilks

*That Council proceeds out of Closed Council into Open Council.***CARRIED**

Upon resuming Open Council at 4.27pm, 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 MATHERS BRIDGE - DEMOLITION AND REPLACEMENT - TENDER S28.7.18/91****RECOMMENDATION:**

*That Council accept the tender from DavBridge Constructions for the Demolition and Replacement of Mathers Bridge in the amount of \$3,985,941.04 including GST.*

At 3.50 pm, Mr Brett McInnes and Mr Paul Pay left the meeting.

**5.1 RECRUITMENT OF GENERAL MANAGER S22-24/23****RECOMMENDATION:**

1. *That Council invite the following firms to submit a proposal for appointment as the Human Resource Consultant to assist Council with the recruitment process for a General Manager:*
  - *Local Government Solutions*
  - *Leading Roles*
  - *Mason Blackadder & Associates;*
2. *That the Mayor be delegated authority to consider the proposals and appoint a Consultant to oversee the recruitment process;*
3. *That a Selection Panel be established, consisting of the following persons:*
  - *Mayor*
  - *Deputy Mayor*
  - *Cr Berryman*
  - *Appointed Consultant;*
4. *That the role of the Selection Panel be:*
  - *To assist the consultant with 'pre-interview' phase activities; and*
  - *To assess applicants and determine a shortlist of candidates for interview by the 'full Council';*
5. *That interviews of the shortlisted candidates be conducted by the 'full Council'; and*
6. *The appointed Consultant be the contact person for the role.*

**CARRIED**

At 4.27pm, Mr Brett McInnes and Mr Paul Pay returned to the meeting.

**ADOPTION OF RECOMMENDATIONS****RESOLUTION 2023/119**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 4.28 pm.**

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

**5 MAYORAL MINUTE****5.1 PROPOSAL TO NAME NEW BRIDGE ACROSS ROB ROY CREEK ON YETMAN ROAD BARRY JOHNSTON BRIDGE****File Number:** S28.7.18/78 / 23/26587**Author:** Paul Harmon, Mayor**RECOMMENDATION:**

*That Council name the recently constructed bridge across Rob Roy Creek on Yetman Road "Barry Johnston Bridge".*

**COMMENTARY:**

Fellow Councillors would be aware that construction of the new bridge across Rob Roy Creek on Yetman Road (approximately 10km North of Inverell) is in the final stages and recently opened to traffic.

Research by Council staff in consultation with the Geographic Names Board (GNB) has indicated the former bridge in this location had no record of an official name. The bridge has been colloquially known by some as "Moseley Dene" given the Moseley Dene property and Laneway in proximity of the crossing.

Staff have also advised that the GNB does not name bridges, however, it encourages all bridge naming to follow the guidelines as set out in the *NSW Place Name Policy*. Accordingly, Council has the capacity to name infrastructure such as bridges by way of suitable resolution.

Former Inverell Shire Council Mayor and Councillor Mr Barry Campbell Johnston OAM was well known to most who sit in these chambers today. Barry gave 30 years of his life to his community through service as a Councillor on both Ashford Shire and Inverell Shire.

Barry commenced his time in local government when elected to Ashford Shire Council in 1974. He remained a Councillor with Ashford until the merger which formed Inverell Shire Council in 1979.

Barry was subsequently elected as the first Shire President of Inverell Shire in 1979. He continued in this role for six years and provided the leadership that would be lauded for establishing significant foundations for future growth and development in the Shire. Barry took a break from Council in 1987 to return again in 1999 where he would go in to serve until September 2016. This would include 11 years as Mayor and 6 years as a delegate to the Shires Association of NSW. Barry passed away in December 2016 and left a significant legacy by way of his service to the Shire of Inverell.

Whilst this Mayoral Minute does not attempt to bear testimony to the many and varied achievements of Barry whilst in office, his passion and advocacy for the rural sector formed part of his DNA. Barry spent many years engaged in a variety of agricultural pursuits including as a primary producer in the Wallangra District. Barry well understood the challenges faced by those on the land and the important contribution they made to the economy of the Inverell Shire. It is therefore considered appropriate that a significant piece of infrastructure such as the new bridge that forms part of a productivity upgrade that will benefit the rural sector of the Shire bear the name of former Councillor Johnston.

Noting former Councillor Johnston's significant contribution and long-term association with the area, posthumously naming the new bridge as proposed is consistent with the commemorative name provisions of the *NSW Place Name Policy*.

I commend the recommendation to the Council.

**ATTACHMENTS:**

**Nil**

**6 ADVOCACY REPORTS****6.1 COUNTRY MAYORS ASSOCIATION MEETING MINUTES - 26 MAY 2023**

**File Number:** S14.11.1/16 / 23/26256

**Author:** Paul Harmon, Mayor

**SUMMARY:**

I attended the Country Mayors Association meeting on 4 August, 2023. The minutes of the meeting are attached for the information of Council.

**RECOMMENDATION:**

*That the minutes of the Country Mayors Association Meeting held on 4 August, 2023 be received and noted.*

**COMMENTARY:**

I attended the Country Mayors Association meeting held at Parliament House, Sydney on Friday, 4 August, 2023.

Matters considered at the meeting included:

- Regional Roads
- NSW Reconstruction Authority
- Ministerial Updates
- Memorandum of Understanding with NSW Rural Doctors Network
- Health Forum Update
- Land Banking
- CMA State Priorities Document
- Parliamentary Friendship Group for Local Government

The minutes of the meeting are now attached for the information of Council.

**ATTACHMENTS:**

1. Country Mayors Association Meeting Minutes - 4 August 2023 [↓](#)



# THE COUNTRY MAYORS ASSOCIATION OF NSW INC

*"What we want is nothing more than equity"*

**Chairperson:** Cr Jamie Chaffey  
Gunnedah Shire Council, PO Box 63,  
Gunnedah NSW 2380  
**Contact:** (02) 6740 2100  
**Email:** [jamiechaffey@infogunnedah.com.au](mailto:jamiechaffey@infogunnedah.com.au)

## Minutes

### General Meeting

**FRIDAY, 4 August 2023 Theatrette, Parliament House, Sydney**

The meeting opened at 8.30am

#### 1. Chairmans Welcome.

#### 2. Acknowledgement to Country

We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past and present and emerging. We are committed to providing communities in which Aboriginal and Torres Strait Islander people are included socially, culturally and economically.

#### 3. Acknowledgement of Parliamentarians

The Chairman acknowledged the attendance of several Shadow Ministers and members of Parliament as observers.

#### 4. Attendance:

Armidale Regional Council, Mayor, Cr Sam Coupland, Mayor  
Ballina Shire Council, Cr Sharon Cadwallader, Mayor  
Bathurst Regional Council, Cr Robert Taylor, Mayor  
Bathurst Regional Council, Mr David Sherley, General Manager  
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor  
Bellingen Shire Council, Cr Steve Allan, Mayor  
Bellingen Shire Council, Mr Mark Griffioen, General Manager  
Berrigan Shire Council, Cr Matthew Hannan, Mayor  
Bland Shire Council, Cr Brian Monaghan, Mayor  
Bland Shire Council, Mr Grant Baker General Manager  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Bourke Shire Council, Cr Barry Hollman, Mayor  
Bourke Shire Council, Ms Leone Brown, General Manager  
Broken Hill City Council, Cr Jim Hickey, Deputy Mayor  
Broken Hill City Council, Mr Jay Nankivell, General Manager  
Byron Shire Council, Cr Michael Lyon, Mayor  
Byron Shire Council, Mr Mark Arnold, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Ms Heather Nicholls, Acting General Manager  
Cessnock City Council, Cr Jay Suvaal, Mayor



City of Newcastle, Cr Nuatali Nelmes, Lord Mayor  
Cobar Shire Council, Cr Peter Abbott, Mayor  
Cobar Shire Council, Mr Peter Vlatko, General Manager  
Cootamundra-Gundagai Regional Council, Cr Leigh Bowden, Deputy Mayor  
Cootamundra-Gundagai Regional Council, Mr Steve McGrath, General Manager  
Dubbo Regional Council, Cr Mathew Dickerson, Mayor  
Dubbo Regional Council, Mr Murray Wood, CEO  
Eurobodalla Shire Council, Cr Mat Hatcher, Mayor  
Federation Council, Cr Patrick Bourke, Mayor  
Federation Council, Ms Jo Shannon, Director Corporate and Community Services  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager  
Gilgandra Shire Council, Cr Doug Batten, Mayor  
Gilgandra Shire Council, Mr David Neeves, General Manager  
Glen Innes Shire Council, Cr Rob Banham, Mayor  
Glen Innes Shire Council, Mr Bernard Smith, General Manager  
Goulburn Mulwaree Council, Cr Peter Walker, Mayor  
Greater Hume Council, Cr Tony Quinn, Mayor  
Greater Hume Council, Ms Evelyn Arnold, General Manager  
Griffith City Council, Cr Glen Andreazza, Deputy Mayor  
Griffith City Council, Mr Brett Stonestreet, General Manager  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager  
Gwydir Shire Council, Cr Catherine Egan, Deputy Mayor  
Hay Shire Council, Cr Carol Oatway, Mayor  
Hay Shire Council, Mr David Webb, General Manager  
Inverell Shire Council, Cr Paul Harmon, Mayor  
Inverell Shire Council, Mr Paul Henry, General Manager  
Kempsey Shire Council, Cr Leo Hauville, Mayor  
Kempsey Shire Council, Mr Craig Milburn, General Manager  
Kiama Municipal Council, Cr Neil Reilly, Mayor  
Kiama Municipal Council, Ms Jane Stroud, CEO  
Lachlan Shire Council, Cr Paul Phillips, Deputy Mayor  
Lachlan Shire Council, Mr Greg Tory, General Manager  
Leeton Shire Council, Cr Tony Reneker, Mayor  
Lismore City Council, Cr Steve Krieg, Mayor  
Lismore City Council, Mr Jon Gibbons, General Manager  
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor  
Liverpool Plains Shire Council, Mr Gary Murphy, General Manager  
Lockhart Shire Council, Cr Ian Marston  
Lockhart Shire Council, Mr Peter Veneris, General Manager  
MidCoast Council, Cr Claire Pontin, Mayor  
MidCoast Council, Mr Adrian Panuccio, General Manager  
Moree Plains Shire Council, Cr Mark Johnson, Mayor  
Murray River Council, Mr Terry Dodds, General Manager  
Muswellbrook Shire Council, Cr Steve Reynolds, Mayor  
Narrabri Shire Council, Cr Ron Campbell, Mayor  
Narrabri Shire Council, Mr Robert Williams, General Manager  
Narrandera Shire Council, Cr Neville Kschenka, Mayor  
Narrandera Shire Council, Mr George Cowan, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Narromine Shire Council, Ms Jane Redden, General Manager  
Oberon Council, Cr Lauren Trembath  
Oberon Council, Mr Gary Wallace, General Manager  
Orange City Council, Cr Jason Hamling, Mayor

Orange City Council, Mr David Waddell, CEO  
Parkes Shire Council, Cr Ken Keith, Mayor  
Port Stephens Council, Cr Ryan Palmer, Mayor  
Queanbeyan-Palerang Regional Council, Cr Kenrick Winchester, Mayor  
Queanbeyan-Palerang Regional Council, Ms Rebecca Ryan, CEO  
Richmond Valley Council, Cr Robert Mustow, Mayor  
Shellharbour City Council, Cr Chris Homer, Mayor  
Singleton Council, Cr Sue Moore, Mayor  
Singleton Council, Mr Jason Linnane, General Manager  
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor  
Tamworth Regional Council, Cr Russell Webb, Mayor  
Tamworth Regional Council, Mr Paul Bennett, General Manager  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Ms Melissa Boxall, General Manager  
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor  
Upper Lachlan Shire Council, Cr Pam Kensit, Mayor  
Uralla Shire Council, Cr Robert Bell, Mayor  
Wagga Wagga City Council, Cr Dallas Tout, Mayor  
Walcha Council, Cr Eric Noakes, Mayor  
Walcha Council, Mr Phillip Hood, Acting General Manager  
Warren Shire Council, Cr Milton Quigley, Mayor  
Warren Shire Council, Mr Gary Woodman, General Manager  
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
Weddin Shire Council, Cr Craig Bembrick, Mayor  
Weddin Shire Council, Mr Brendan Hayes, Director Environmental Services  
Wingecarribee Shire Council, Mr Viv May, Interim Administrator  
Wingecarribee Shire Council, Ms Lisa Miscamble, General Manager  
Wollondilly Shire Council, Cr Matt Gould, Mayor  
LGNSW, Cr Darriea Turley, President  
LGNSW, Ms Susy Cenedese, Acting Director Advocacy  
LGNSW Ms Bronwen Regan, Director Strategy and Governance  
OLG Brett Whitworth, Deputy Secretary  
OLG Ms Melissa Gibbs, Director Policy and Sector Development  
OLG Ms Tina Baldock, Principal Projects Officer

**Parliamentarian Attendance**

The Hon Mark Speakman MP, Leader of the opposition  
The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources  
The Hon Bronnie Taylor MLC, Shadow Minister for Regional Health, Shadow Minister for Trade, Shadow Minister for Seniors  
The Hon Sarah Mitchell MLC, Deputy Leader of the Opposition in the Legislative Council, Shadow Minister for Education and Early Learning, Shadow Minister for Western NSW  
The Hon Sam Faraway MLC, Shadow Minister for Regional Transport and Roads  
The Hon Leslie Williams MP, Shadow Minister for Women, Shadow Minister for Prevention of Domestic Violence and Sexual Assault  
The Hon Kevin Anderson MP, Shadow Minister for Gaming and Racing, Shadow Minister for the Arts and Heritage  
The Hon Steph Cooke MP, Shadow Minister for Water, Shadow Minister for Crown Lands  
The Hon Wes Fang MLC, Deputy Opposition Whip in the Legislative Council and Shadow Assistant Minister for Police and Emergency Services  
Mr Gurmeh Singh MP, Shadow Minister for Tourism, Shadow Minister for Emergency Services, Shadow Minister for the North Coast

Mr Michael Kemp MP, Member for Oxley  
Ms Tanya Thompson MP, Member for Myall Lakes  
Mr Richie Williams MP, Member for Clarence

**Apologies:**

As submitted

**Special Guests:**

**The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy,  
Minister for the Environment, and Minister for Heritage**

**The Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional  
NSW, Minister for Western NSW**

**Mr Simon Draper, CEO, NSW Reconstruction Authority**

**The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for  
Regional NSW, Shadow Minister for Agriculture and Natural Resources**

**The Hon Wendy Tuckerman MP, Shadow Minister for Local Government,  
Shadow Minister for Small Business**

**5. The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy,  
Minister for the Environment, and Minister for Heritage**

The Minister wants to work together and harness our energies. NSW has been affected by natural disasters that need to be addressed. The Government is committed to climate change and legislation is to be introduced later this year to reduce emissions to net zero by 2050. The Net Zero Commission, an independent body is to report to parliament and will be the architect on how the government is progressing. There will be a transition from coal to other energy sources over the next 5 to 10 years. This will attract investment. There will be many planning and co-ordination challenges and there is a need to work closely with local government. The Government has concerns on how the Biodiversity Offsets Scheme has operated over the past 5 years and the Minister will table a report by the end of August together with a Land Services Review which will be considered together. The Government is preparing for El Nino and is working on water sharing plans where local government needs to work with the government.

**6. The Hon Tara Moriarty MLC, Minister for Agriculture, Minister for Regional  
NSW, Minister for Western NSW**

The Minister acknowledged the work being undertaken by local government. The Government is committed to supporting local government and is seeking thriving regions and in accordance with the communities expectations. The Minister wants to hear directly from councils on their concerns. Regional Roads is a significant issue and funds have and will continue to be committed. People are the Governments number one priority with stamp duty concessions being introduced, speed cameras being not now hidden, access to employment and services are being improved, housing supply and affordability is being focused on, the lot of young people is being improved, people are being encouraged to stay in the regions and businesses are being supported to create local jobs. Bio science is protecting the economy from Bio-Diversity threats. There are 36% of homes in

the State that do not have mobile coverage and 16500km of roads have no or marginal coverage and fixing this is a priority.

**7. Mr Simon Draper, CEO, NSW Reconstruction Authority**

The NSW Reconstruction Authority is a new agency having been created over the last 4 years. Issues are changing and local and historical knowledge is being challenged. The job is to be with communities before and after disasters and when they occur they have to react quickly. The Authority works under two Ministers Planning and Emergency Services. The organisations functions are still being established. There are four functions – Prevention – State and local mitigation plans are needed to be rebuilt in a serviceable way – Preparedness – making sure community leaders are well set up – Recovery – people need to know they will be supported and – Funding – the huge task of adaptation and its expenditure. Everyone likes a bossy co-ordinator. The Authority needs to push programs but local co-ordination is essential as the resulting assets reverts to them

**8. Adoption of Minutes of Previous Meeting:**

RESOLVED that the minutes of the General Meeting held on 26 May 2023 be accepted as a true and accurate record.

Moved Singleton Council Mayor Councillor Sue Moore  
Seconded Narrabri Shire Council Mayor Councillor Ron Campbell

**9. Matters Arising from the Minutes**

Nil

**10. ALGA Update Report**

Cr Linda Scott, President, reported on the 2023 National General Assembly and Regional Forum which included more than 450 local government leaders from across the country, the return of the Australian Council of Local Government, the early payment of Financial Assistance Grants with the 2023-24 allocation bought forward to councils in 2022-23, the fast tracking of disaster funding, the establishment of the Community Energy Upgrades Fund for local governments, Growing Regions Grants, regional bank closure protocols and advised that registrations are now open for the National Local Roads, Transport and Infrastructure congress to be held in Canberra from 6-7 September

RESOLVED That the report be noted

Moved Temora Shire Council Mayor Councillor Rick Firman  
Seconded Parkes Shire Council Mayor Councillor Ken Keith

## 11.LGNSW Update Report

Cr Darriea Turley, President, congratulated the winners of the Local Government Awards, advised of the launch of the Parliamentary Friendship Group for Local Government, announced that David Reynolds CEO Hills Shire has been appointed CEO of LGNSW, advised that the MOU with CMA was being reviewed in accordance with the agreement and congratulated Shadow Minister Wendy Tuckerman on the Review of the Rate Pegging Methodology. The written report included information on LGNSW Annual conference which will be held from 12-14 November 2023 with motions to be submitted by 15 September 2023 and reported on the IPART Review of rate pegging methodology, the Emergency Services Levy burden in 2023/24, the Red Fleet and OLG's requirement that it be supplied with strategies to ensure RFS mobile assets are not assets of the RFS, the Select Committee to examine the recommendations of the Upper House Inquiry into Rural and Regional Health, the single employer model for GP's and emergency department doctors in rural and regional NSW, the LGNSW Water Management Conference in Parkes, the advanced payment of Financial Assistance Grants, Planning Cadetships and more support for community recovery post disaster.

RESOLVED That the report be noted

Moved Forbes Shire Council Mayor Councillor Phyllis Miller  
Seconded Bega Shire Council Mayor

## 12.Membership

RESOLVED that Cessnock City Council and Wollondilly Shire Council be admitted as members of the Association and that the City of Newcastle and Riverina Eastern Regional Organisation of Councils be admitted as Associate members of the Association.

Moved Forbes Shire Council Mayor Councillor Phyllis Miller  
Seconded Blayney Shire Council Mayor Councillor Scott Ferguson

## 13.Correspondence Outward

The Hon Ron Hoenig MP, Minister for Local Government, The Hon Daniel Mookhey MLC, Treasurer, The Hon Jihad Dib MP, Minister for Emergency Services, and The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads	Requesting that the Emergency Services Levy subsidy be restored to Local Government throughout NSW and that CMA be granted a position in a newly formed advisory panel
The Hon Steph Cooke MP, Shadow Minister for Water and Shadow Minister for Crown Lands,	Thanking them for attending and participating in the 26 May meeting and

The Hon Sam Faraway MLC, Shadow Minister for Regional Transport and Roads The Hon Dugald Saunders, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources	extending an open invitation to attend future meetings
Dr Michael Holland MP, Parliamentary Secretary for Health and Parliamentary Secretary for Regional Health The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads The Hon Rose Jackson MLC, Minister for Water, Housing, Homelessness, Mental Health and Youth	Thanking them for attending and participating in the 26 May meeting and advising that CMA looks forward to working with them as a consultative partner in the future
Ms Carmel Donnelly Chair Independent Pricing and Regulatory Tribunal	Thanking her for presenting at the 26 May meeting and inviting her to present her findings at a future CMA meeting after adoption of the report
The Hon Tim Crakanthorp MP, Minister for Skills, TAFE and Tertiary Education and Minister for the Hunter The Hon Duncan Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources The Hon Wendy Tuckerman MP, Shadow Minister for Local Government and Shadow Minister for Small Business	Inviting them to be presenters at the 4 August meeting
The Hon Michael Daley MP, Attorney General	Requesting a reduction in hours for daylight saving
The Hon Ron Hoenig MP, Minister for Local Government	Requesting that RFS assets not be recognized as Local Government assets and be treated in accordance with the Local Government Code of Accounting Practice
The Hon Ron Hoenig MP, Minister for Local Government	Requesting an increase in the Pensioner Rebate Subsidy
The Public Accounts Committee of NSW The Hon Chris Minns MP, Premier	Requesting immediate investigation into the basis behind Councils qualified financial statements for the YE 21/22 due to the accounting for RFS assets
Department of Fair Trading NSW	Application for changes to the Constitution as per resolution 26 May 2023
Mr Ashley Albury, A/Deputy Secretary, Local Government, Office of Local Government	Forwarding Country Mayors response to the qualified audit opinion issued by the NSW Audit Office regarding RFS Assets

**Inward**

The Hon Ron Hoenig MP, Minister for Local Government	Regarding the NSW Governments discontinuation of the 2023/24 Emergency Services levy contributions
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Local Government NSW	Annual Conference motion – real estate agents
Dr Amanda Cohen MLC Greens	Address to Legislative Council on Council issues
The Hon Sam Faraway MLC Shadow Minister for Regional Transport and Roads	Congratulating the Association on a successful 26 May meeting and forwarding a copy of a Notice of Motion to Parliament regarding attendance by parliamentarians at the meeting
Director Planning and Environmental Health Division, Ballina Shire Council	Forwarding copy of letter to Minister for the Environment requesting a Review of NSW Littering Fines (Copy Attached)
Cr Darriea Turley AM, President, LGNSW	Forwarding copy of letter to Auditor General regarding Audit costs for Local Government
The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, Minister for the North Coast	Accepting her invitation and providing a response on the draft terms of reference to the Joint Committee into Protecting Regional Water Utilities from Privatisation and thanking her for the opportunity

#### Media Releases

Don't Touch our Water
Is there a future for Local Government in NSW?
Country Mayors Investing in our Youth

#### Network Meetings

The Hon Steph Cooke MP, Shadow minister for Water, Shadow Minister for Crown Lands	Do we need Constitutional Protection from Privatisation for our Local Water utilities
The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, Minister for the North Coast	Do we need Constitutional Protection from Privatisation for our Local Water utilities
Commonwealth Regional Education Commissioner The Hon Fiona Nash	Addressing the Australian Universities Accord Interim Report and seeking members feedback

RESOLVED That the information be noted

Moved Bourke Shire Council Mayor Councillor Barry Hollman  
Seconded Parkes Shire Council Mayor Councillor Ken Keith

#### 14. Financial Report

RESOLVED That the financial reports for the last quarter were tabled and accepted

Moved Bega Valley Shire Council Mayor Councillor Russell Fitzpatrick  
Seconded Forbes Shire Council Mayor Councillor Phyllis Miller

**15. Acknowledgement of Outgoing Mayors**

Cr Rick Firman Deputy Chairman CMA thanked Mayors Peter Abbott, Cobar Shire Council, Cr Neil Smith, Junee Shire Council and Cr Ron Campbell Narrabri Shire Council for their commitment to Local Government during their years of service and those present were presented with a Country Mayors Association pen.

**16. The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources**

The previous Government was responsible for the Regional Growth Fund and the Snowy Hydro Fund which allocated funds to NSW Statewide. The Opposition do not want programs commissioned by them to be cannibalised. Strategic Country Communities funding is under review, there are questions being raised regarding Resources for Regions and the Department of Regional NSW and the Department Regional Health are under review. Housing solutions such as modular housing need to be found and profit share power benefit schemes need to be introduced. Pot hole funds of \$50million are available and some councils have not taken up the opportunity to participate. Seniors and apprentice travel cards have been suspended and a petition against their suspension is being organised.

**17. The Hon Wendy Tuckerman MP, Shadow Minister for Local Government, Shadow Minister for Small Business**

The Review into Rate Pegging Methodology out. The security of local government funding in the September budget is in doubt. The Code of Conduct recommendations were supported by the previous government but there has been no word on what the government is doing. The Emergency Services Levy changes are extremely important and could be taken to the next election.

**18. The Hon Mark Speakman MP, Leader of the Opposition**

Regional NSW is very important to the Opposition and that is why 13 Shadow Ministers out of 26 are from regional and rural areas. Regional people are doing it tough due to natural disasters. The Opposition is putting rural NSW front and centre and they are holding the Government to account on cost of living. Councils need to advocate with them. Infrastructure projects are being axed or held back. The Opposition will ensure that the government keeps its election promises.

**19. Hosting Non-Metropolitan Meetings of CMA**

RESOLVED that the information be noted

Moved Narromine Shire Council Mayor Councillor Craig Davies  
Seconded Tamworth Regional Council Mayor Councillor Russell Webb



**20. Memorandum of Understanding with NSW Rural Doctors Network**

RESOLVED That the proposal to enter into a Memorandum of Understanding with NSW Rural Doctors Network be endorsed.

Moved Muswellbrook Shire Council Mayor Councillor Steve Reynolds  
Seconded Tamworth Regional Council Mayor Councillor Russell Webb

**21. Update Health Forum Wagga Wagga 14/15 September 2023**

Cr Rick Firman Deputy CMA outlined the events for the Health Forum which is being held in conjunction with Murrumbidgee Local Health District. There will be a Civic Reception hosted by Wagga Wagga City Council on Thursday 14 September between 6.00pm – 7.30pm and the Forum on the 15 September at the upgraded Wagga Base Hospital. There is a strong agenda with Ministers and Shadow Ministers invited although Health Minister Park is unable to attend but will be represented by his Parliamentary Secretary. Dr Joe McGirr, Richard Colbran and Professor Ruth Stewart, National Rural Health Commissioner will be presenters.

**22. Land Banking**

A MOTION was moved That the Country Mayors Association support Murray River Councils lot yield scheme including public land to resolve the longstanding issue that will benefit every regional council to meet the NSW Governments Housing 2042 agenda.

Moved Murray River Shire Council General Manager Mr Terry Dodds  
Seconded Byron Shire Council Mayor Councillor Michael Lyon

An AMENDMENT was moved That the NSW Government be requested to investigate the issue of Land Banking

Moved Bland Shire Council Mayor Councillor Brian Monaghan  
Seconded Shellharbour City Council Mayor Councillor Chris Homer

The AMENDMENT WAS PUT AND WAS LOST

An AMENDMENT was moved That the lot yield scheme be referred to the Executive Committee for consideration with a motion to be submitted to the 24 November 2023 meeting of the Association.

Moved Tamworth Regional Council Mayor Councillor Russell Webb  
Seconded Parkes Shire Council Mayor Councillor Ken Keith

The AMENDMENT WAS PUT AND WAS CARRIED

**23. CMA State Priorities Document**

The Chairman has undertaken advocacy with Ministers and Shadow Ministers so that they are aware of the issues and concerns of Regional and Rural NSW that needs to be addressed in the September State Budget

**24. Parliamentarian Friendship Group for Local Government**

The President LGNSW, Cr Darriea Turley, made mention of the launch of this group in her address. The group comprises members of parliament and former members of parliament that can be used to get local government priorities to the attention of the Government and Shadow Government.

There being no further business the meeting closed at 12.40pm

Cr Jamie Chaffey  
Chairman Country Mayor's Association of NSW

[www.nswcountrymayors.com.au](http://www.nswcountrymayors.com.au)

**6.2 COMMUNITY HEALTH FORUM - AUGUST 2023****File Number:** S24.20.5 / 23/27331**Author:** Cr Wendy Wilks**SUMMARY:**

Cr Wendy Wilks convened the fourth Community Health Forum to scope the critical issues impacting the provision of health services in this Shire. This report summarises the discussions held at this meeting.

**RECOMMENDATION:**

*That the report be received and noted.*

**COMMENTARY:**

Over the past 12 months Council has noted an increased level of debate on the state of Australia's 'health care' services and noted with concern that various matters raised indicate that the system is under stress. As a result, Council is interested in gaining an understanding of the state of our local 'health services'. The outcome would be to identify the issues and a set of solutions that could form the basis of an advocacy program for Council to pursue.

To enable Council to formulate an advocacy position, Cr Wendy Wilks convened a Community Health Forum to scope the critical issues impacting the provision of health services in this Shire. The fourth forum was held on 9 August, 2023 and the following community representatives attended the meeting:

- |                   |                      |
|-------------------|----------------------|
| • Cr Wendy Wilks  | • Shayne O'Brien     |
| • Andrew McIntyre | • Caitlin Sheppard   |
| • Bob Bensley     | • Cr Joanne Williams |
| • David Maddigan  | • Cr Kate Dight      |
| • Vivi Thanh      | • Rosie Bloch (BOSS) |
| • John Williams   |                      |

Also, in attendance was Cheyenne Moody, Primary Health Network (PHN) and Alison Tattersall (PHN) via Zoom

**Alison Tattersall (PHN)**

Manager, Professional Development & Workforce

Alison gave an overview of the PHN as to what they have done and are doing in relation to the workforce increase.

**1. Registrar Incentives**

PHN offered incentives at Inverell, Gunnedah and Moree to attract six new Registrars. Incentives were initially \$10,000 and PHN successfully attracted Registrars to Inverell and Gunnedah. PHN increased the incentive to \$15,000 to attract Registrars to Moree. The incentives provided Registrars with a \$7,500 payment to practise in a medical centre and \$2,500 to see patients at the Hospital. The two Registrars in the first term of 2022 and the second term of 2023 in Inverell mostly practiced medicine at the Inverell Medical Centre and the hospital.

PHN provided similar incentives for the current term and only attracted one registrar in Gunnedah.

PHN believes the incentive program has been successful and they are currently preparing grant applications to fund incentives in 2024.

If funding wasn't to go ahead is that something township or business in the area were able to make contributions towards. Alison said It's a new concept and RACGP and ACCRM are the two main places that place registrars and I don't think they would have a problem taking the money.

It was requested that Alison let us know if the funds could not be found so we can raise the money in the community.

## **2. Workforce Planning and Prioritisation Program (WPPP)**

PHN is also administering the Workforce Planning and Prioritisation Program (WPPP) which will provide independent, evidence-based advice, to inform the geographic distribution and placement of GP registrars to meet the community's current and future GP workforce needs. It will:

- Support the transition to college-led General Practice Training by providing robust, independent, evidence-based advice to the DoHAC and GP colleges to inform the distribution and placement of registrars training on the program.
- Provide advice on GP training capacity and pathways to support and encourage registrars to establish a home in a region, settle there and complete training within that region.

This program has identified Inverell as a place in need of additional registrars.

## **3. Medical Practice Assisting course**

PHN in collaboration with UNE Partnerships are currently offering a fee free Medical Practice Assisting course to upskill and support practice staff. Medical Practice Assistants are formally trained to perform a range of administration and front desk tasks, as well as assisting in a wide range of instructed treatment room activities. They are a highly valued, multiskilled team member of a medical practice and play a role in relieving stress and workload across a practice.

Medical Practice Assistants cannot provide medical advice and they need be supervised by a Registered Nurse or GP but they don't have to be present in the room or even in the building all of the time, however they must be contactable if required.

## **WONCA Conference – Sydney October 2023.**

PHN are having a stand at the 2023 WONCA Conference in Sydney, October 2023. This is a four-day conference that attracts appropriately 2500 Doctors, mainly clinicians and its put on by the Royal Australian College of General Practitioners (RACGP).

PHN will be promoting rural medicine to attract overseas doctors to rural towns such as Inverell. PHN will demonstrate to overseas doctors the pathway of how they can come to Australia and practice medicine. PHN will be promoting Inverell as an area to relocate. PHN have a videographer coming to Inverell to shoot a promotional video with Debbie, Andrew and Cheryl.

Armajun will be volunteering on the PHN stand.

PHN invited the group to participate in a video about Inverell to promote the area to the overseas trained doctors to attract them to our area.

PHN will be handing out postcards that direct people to the PHN web site which will have a tile about Inverell on it too.

## General Business

- It's obviously a competition for the funds available and not easy to get but the six Registrars recently gone through the Inverell Medical Centre see about 80 patients a week each, which is some help.
- Registrars get to apply for the vacant positions. They currently choose large cities like Newcastle rather than places like Inverell. Narrabri recently advertised for a Registrar got no one. Narrabri currently has no Registrars.
- Level 1 Registrars require the most supervision while level 3 Registrars need less supervision and Level 5 requires the least amount of supervision.
- Wendy requested that the next meeting be held on 6/9/23 at 2pm. This would allow CEO Tracy McCosker CEO, Hunter New England Health to attend. Wendy encouraged everyone to attend this meeting to hear her plans. They are also trying to find Doctors so it's in everyone's best interest to work together.
- A discussion was held about the difficulties with employing overseas doctors.
  - Practices need to be accredited with ACCRM and that we would need to address this before the process began.
  - In our area there is not enough training positions. There is only 2 spaces in Inverell and have to work in the Hospital and both ACCRM and RACGP need to have accreditation.
  - They can only work 38 hours per week.
  - The 2 positions are set by ACCRM and RACGP united. And ACCRM will not accredit you as they say there are enough training posts in your area.
  - PHN is trying to talk to ACCRM to see if this can be reviewed. Doctor from Iraqi can be 12-18 months.
- We want to do an appreciation promotion of the Doctors we have. Kate indicated that Goondiwindi look after their Doctors. Goondiwindi Cotton wrote an article about Dr Charles and also have heard so many good things of Dr Abbas from Texas.
- Alison volunteered that the best option from overseas was likely Doctors from the UK market. They are disgruntled with the NHS and would perhaps be a quicker pathway and the cost is the issue much of the time. We will be targeting the Doctors from UK at the WONCA Conference.
- Shayne asked about electronic supervision for registrars and overseas doctors, Alison said its being investigated. Remote supervision is risky but has a place.
- Andrew believes PHN has been really trying to help Inverell and have backed us in our attempts to attract new Doctors.
- John Williams said we need a short-term solution and a long-term solution to the doctor shortage.
  - Short term we need Doctors now, they have to come from overseas and they can't train in the local surgery because this method is not economically sustainable for small local practices. They need to be trained outside of the surgery and preferably in the hospital.

- Long term, I think there is enough medical schools. How many of those have foreign students teaching them and then they go back to their country and we need spaces for our kids to come back to their towns. HECS should be wiped if you do medicine and go out of the city. The further out you go the more HECS is wiped the GPs are scarce in Port Macquarie and they can't get them there.
- We need to start talking up the GP profession and look at the pipeline even at high school and the medical students to be GPs. Start at high school level and encourage them to come and be GPs back in our community.
- Can we ask if the Australian Tertiary Admission Rank (ATAR) can be reduced to encourage more students into medicine. Sydney University only has 45 spots, and the ATAR is lower for those at UNE.
- Registrars are out of the hospital system and ACCRM and RACGP and they need to sign up to a training program RBTS and they are the ones who set the Registrars. If you want to be a training practice it would be worth asking again. They told Thanh not taking anyone in this region last week.

### **New Pilot Program**

ACCRM had previously invited our forum to present any ideas or programs that may be implemented to improve doctor resources.

Wendy presented the following Pilot Program to the bottle necks in attracting new doctors from overseas.

1. Local Medical Centres find an overseas doctor through the normal advertising structures and contract that doctor to five-year contract. PHN bush grants could be used to fund these activities.
2. A government funded central agency, either ACCRM, RACGP, PHN or a new agency be utilised to complete the necessary administration functions to bring the doctor to Australia, such as visas, examinations and language tests and so on. This would reduce the administration burden on local medical practices. The agency would employ specialist staff to streamline the process.
3. A government funded central agency, either ACCRM, RACGP or a new agency, possibly at multiple locations including rural towns, be utilised to train / supervisor overseas doctors until they can practice medicine in Australia without supervision. This will reduce the supervision requirements of local medical practices allowing existing doctors to treat patients. It's difficult for Doctors in a practice to supervise 100% and still run a profitable practice.

An alternative to the central agency could be government funded locums in each town to supervise and train overseas doctors.

4. Once doctors have been fully trained and no longer require supervision they then relocate to the contracting medical centre for their 5 year contract. (see point one above). Local Councils, Chamber of Commerce and other local business to assist in the settling process.

The Pilot Program provides a path to get the Doctors to Australia and into practices. We all need to do what we are good at and together find a place where the Doctors can go to be efficiently trained and be made ready for the community practices.

Wendy proposed to have a meeting of a smaller group to discuss the above plan so it can be submitted to the Parliament. Wendy suggested the group should consist of Andrew McIntyre, Debbie McCowen, Caitlin Sheppard, Carolyn Palmer, Shayne O'Brien, Jo Williams, Kate Dight, Rosie Bloch, Wendy Wilks and anyone else from the forum interested in attending.

Meeting to be held at 9.30am Wednesday 23 August 2023.

### **Parliament Submission**

The Select Committee on Remote, Rural and Regional Health is conducting an inquiry into the implementation of Portfolio Committee No. 2 recommendations relating to workforce issues, workplace culture and funding considerations for remote, rural and regional health.

The Select Committee have invited organisations to make a submission to the inquiry. The closing date for submissions is **Friday 22 September 2023**.

You can make a submission via:

- the Committee's webpage:  
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2979#tab-submissions>
- email to: [remoteruralregionalhealth@parliament.nsw.gov.au](mailto:remoteruralregionalhealth@parliament.nsw.gov.au)
- mail to The Chair, Select Committee on Remote, Rural and Regional Health, Parliament House, Macquarie Street, Sydney NSW 2000.

Wendy Wilks will co-ordinate the submission on behalf of the Community Health Forum.

**Action Plan****(not in any priority order)**

No.	Meeting	Task	Who	When By	Status
1	May 2023	Investigate a marketing campaign to sell the Inverell lifestyle, locally, overseas and in educational institutions - may need variations for different markets.	Inverell Shire Council	14 June 2023 (Next Health Forum Meeting)	Peter Caddey attended to June 2023 to discuss. Further investigation required
2	May 2023	Locate Countries with similar medical standards to Australia. <i>E.g. England, New Zealand, Ireland and Scotland.</i>	Andrew McIntyre Tracey Cook	29 May 2023	
3	May 2023	Bring Community with us. Investigate suitable media coverage to inform community of current issues within the health system at Inverell.	Council Discussion	24 May 2023 (Next Council meeting)	
4	May 2023	Contact ACCRM and invite Dan Halliday to the next Community Health Forum.	Debbie McCowan and Cr Wendy Wilks	29 May 2023	Completed Mr Halliday attended the June 2023 Meeting
5	May 2023	Research other sources of assistance including but not limited to: ACCRM; RDN; Royal College of General Practitioners; Rural Doctors Network; Australia College of Rural and Remote Medicine;  Potentially have these entries present at a future forum.	Andrew McIntyre Cr Wendy Wilks	29 May 2023	
6	May 2023	Discuss "Attract, Connect, Stay" with Karen Munster. Determine if this model would be beneficial to Inverell.	Cr Wendy Wilks	29 May 2023	
7	May 2023	Research Expending intake to University for GP speciality.	TBA	TBA	
8	May 2023	Single employer model - advocate for this directly to Regional Health Minister.	TBA	TBA	



9	June 2023	Mr Caddey will prepare a promotional campaign questionnaire to gather information required to prepare a promotional campaign.	Peter Caddey	23 June 2023	
10	June 2023	Discuss the possibility of Flexible remuneration for trainee situations and investigate with RCGP, PHN, ACRRM and Primary Care Business Council for pilot program funding with a plan. Be creative.	TBA	TBA	
11	June 2023	Collaborate with ACRRM to identify doctors from “the lost tribe” and host events (such as a pizza night) to show off Inverell as a desirable location to practice medicine.	TBA	TBA	
12	June 2023	Engage with Adam Marshall to push for Inverell to be a SEM hub town. (Murrumbidgee Model)	TBA	TBA	
13	June 2023	Investigate opportunities for new funding coming for Mental Health and Women	TBA	TBA	
14	June 2023	Investigate ways of combining RCGP, PHN ACRRM and Primary Care Business council to pilot program and be creative	TBA	TBA	
16	June 2023	Work with the local medical practitioners to complete an integrated services review to establish what medical services are required, what skills are required and what “Model of Care” can be implemented for the Inverell Community. Then develop an Inverell Health Strategic Plan describing how this can be achieved.	TBA	TBA	
17	July 2023	Complete a Community Communication Strategy with the assistance of PHN	Cr Wendy Wilks & Paul Pay	9 August	Commenced
18	July	Participate in the 2023 Bush Bursary Program Cr Jo Williams nominated as the Contact person	Cr Jo Williams	Ongoing	
19	August	Parliament Submission relating to workforce issues, workplace culture and funding considerations for remote, rural and regional health	Wendy Wilks	23 September 2023	

The next Community Health Forum is scheduled for 6 September, 2023 at 2.00pm.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

Nil

**7       NOTICES OF BUSINESS**

Nil

**8       QUESTIONS WITH NOTICE**

Nil

**9 COMMITTEE REPORTS****9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 9 AUGUST 2023****File Number:** S4.11.16/15 / 23/27061**Author:** Larris Cleal, Corporate Support Officer - General Duties**SUMMARY:**

Meeting held on Wednesday, 9 August, 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 Meeting held on Wednesday, 9 August, 2023, be received and noted; and*
- ii. The following recommendations of the Civil and Environmental Services Committee be adopted by Council*

**9.1.1 Yetman Cemetery - Question Without Notice****RECOMMENDATION:***That an appropriate water source be installed at the Yetman Cemetery.***9.1.2 Request - Gilgai Public Hall and Recreation Reserves Manager (Gilgai Trust)****RECOMMENDATION:***That:*

- a) Council hold urgent discussions with the Trust regarding their intentions for the future of the Tennis Courts;*
- b) The availability of Council staff to conduct a clean-up of the Tennis Courts be determined once the Trust advises Council of their intentions regarding the future use of this area; and*
- c) Council's donation to the September event will be the clean-up of the tennis courts.*

**9.1.3 Bonshaw Public School - Student Requests****RECOMMENDATION:***That:*

- a) Council develop a 'Park Equipment Replacement Priority Program', based on the assets management system data, and*

- b) *Identify if funding is available to commence the 'Park Equipment Replacement Priority Program', when the September Quarterly Financial Review is prepared.*

#### **9.1.4 Inverell Polocrosse Club - Costings for Assistance to 2023 Swan Cup**

##### **RECOMMENDATION:**

*That:*

- a) *Council support the 2024 Swan Cup by supplying water over the three-day event; and*
- b) *Council assist the Inverell Polocrosse Club with a grant application for additional fields.*

#### **9.1.5 Update on Sundown Solar Farm (SSD-8911)**

##### **RECOMMENDATION:**

*That:*

- a) *the submission in response to the Sundown Solar Farm be endorsed; and*
- b) *that a further report be prepared for the Committee once Council staff receive further information in regard to the status of the "access scheme declaration" for the New England Renewable Energy Zone.*

#### **9.1.6 Governance - Performance Reporting on Road Maintenance Council Contracts**

##### **RECOMMENDATION:**

*That the information be received and noted.*

#### **9.1.7 Information Reports**

##### **RECOMMENDATION**

*That the information reports be received and noted.*

##### **ATTACHMENTS:**

- 1. Minutes of Civil and Environmental Services Committee Meeting 9 August, 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, 9 AUGUST 2023 AT 9.00AM**

**PRESENT:** Cr Stewart Berryman (Chairperson), Cr Jacko Ross, Cr Wendy Wilks, Cr Kate Dight, Cr Paul King OAM, Cr Nicky Lavender and Cr Jo Williams.

**IN ATTENDANCE:** Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Paul Pay (Director Corporate and Economic Services), Justin Pay (Manager Civil Engineering) and Anthony Alliston (Manager Development Services).

**1 APOLOGIES**

**COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Kate Dight

*That the apology received from Cr Paul Harmon for business reasons be accepted and leave of absence granted.*

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

**CARRIED**

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Wendy Wilks

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 July, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

**CARRIED**

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

Nil

**4 PUBLIC FORUM**

Nil

## 5 DESTINATION REPORTS

### 5.1 YETMAN CEMETERY - QUESTION WITHOUT NOTICE S5.11.16

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Jacko Ross

*The Committee recommends to Council that an appropriate water source be installed at the Yetman Cemetery.*

**CARRIED**

### 5.2 REQUEST - GILGAI PUBLIC HALL AND RECREATION RESERVES MANAGER (GILGAI TRUST) S5.13.7

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Jacko Ross

*The Committee recommends to Council that:*

- a) *Council hold urgent discussions with the Trust regarding their intentions for the future of the Tennis Courts;*
- b) *The availability of Council staff to conduct a clean-up of the Tennis Courts be determined once the Trust advises Council of their intentions regarding the future use of this area; and*
- c) *Council's donation to the September event will be the clean-up of the tennis courts.*

**CARRIED**

### 5.3 BONSHAW PUBLIC SCHOOL - STUDENT REQUESTS S21.8.7

#### COMMITTEE RESOLUTION

Moved: Cr Jacko Ross

Seconded: Cr Wendy Wilks

*The Committee recommends to Council that:*

- a) *Council develop a 'Park Equipment Replacement Priority Program', based on the assets management system data, and*
- b) *Identify if funding is available to commence the 'Park Equipment Replacement Priority Program', when the September Quarterly Financial Review is prepared.*

**CARRIED**

### 5.4 INVERELL POLOCROSSE CLUB - COSTINGS FOR ASSISTANCE TO 2023 SWAN CUP S26.1.1/13

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Jacko Ross

*The Committee recommends to Council that:*

- a) *Council support the 2024 Swan Cup by supplying water over the three-day event; and*
- b) *Council assist the Inverell Polocrosse Club with a grant application for additional fields.*

**CARRIED**

## **5.5 UPDATE ON SUNDOWN SOLAR FARM (SSD-8911) S18.6.52/09**

### **COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Wendy Wilks

*That the Committee recommend to Council that:*

- a) *the submission in response to the Sundown Solar Farm be endorsed; and*
- b) *that a further report be prepared for the Committee once Council staff receive further information in regard to the status of the “access scheme declaration” for the New England Renewable Energy Zone.*

**CARRIED**

## **6 INFORMATION REPORTS**

### **6.1 WORKS UPDATE S28.21.1/16**

#### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks

*That the information report be received and noted.*

**CARRIED**

### **6.2 MAINTENANCE GRADING 2022-2023 S28.21.1/16**

#### **COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Wendy Wilks

*That the information report be received and noted.*

**CARRIED**

### **6.3 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT S5.9.27**

#### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Wendy Wilks



*That the information report be received and noted.*

**CARRIED**

## **7 GOVERNANCE REPORTS**

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

#### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Jacko Ross

*That the information be received and noted.*

**CARRIED**

**The Meeting closed at 9.57am.**

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 9 AUGUST 2023****File Number:** S4.11.17/15 / 23/27063**Author:** Larris Cleal, Corporate Support Officer - General Duties**SUMMARY:**

Meeting held on Wednesday, 9 August, 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 Meeting held on Wednesday, 9 August, 2023, be received and noted; and*
- ii. The following recommendations of the Economic and Community Sustainability Committee be adopted by Council*

**9.2.1 Request for Council's Assistance - Eat Drink Live New England 2023****RECOMMENDATION:**

*That:*

- i. Council donate the cost of the Town Hall Annex hire fees for the amount of \$230 from Council's donation budget;*
- ii. Council staff setup and remove road closure signage for the event; and*
- iii. Council provide in-kind support for the event by:*
  - a) Providing extra garbage bins;*
  - b) Advertising the event through council's social media;*
  - c) Erecting street banners; and*
  - d) Providing and setting up Council's shade structures.*

**9.2.2 Governance - Monthly Investment Report****RECOMMENDATION:**

*That:*

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

### 9.2.3 Information Reports

#### **RECOMMENDATION**

*That the information reports be received and noted.*

#### **ATTACHMENTS:**

1. **Minutes of Economic and Community Sustainability Committee Meeting 9 August, 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, 9 AUGUST 2023 AT 11.07AM**

**PRESENT:** Cr Paul King OAM (Chairperson), Cr Kate Dight, Cr Nicky Lavender and Cr Jo Williams.

**IN ATTENDANCE:** Cr Stewart Berryman, Cr Jacko Ross, Cr Wendy Wilks.

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

## **1 APOLOGIES**

### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*That the apology received from Cr Paul Harmon for business reasons be accepted and leave of absence granted.*

**CARRIED**

## **2 CONFIRMATION OF MINUTES**

### **COMMITTEE RESOLUTION**

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

*That the Minutes of the Economic and Community Sustainability Committee Meeting held on 12 July, 2023, 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**

Cr Nicky Lavender declared a Non-Pecuniary Conflict of Interest in Item 4.1 "Request for Council's Assistance - Eat Drink Live New England 2023 S12.22.1/16" as Cr Lavender is a member of the Eat Drink Live Committee.

## 4 DESTINATION REPORTS

### 4.1 REQUEST FOR COUNCIL'S ASSISTANCE - EAT DRINK LIVE NEW ENGLAND 2023 S12.22.1/16

#### COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*The Committee recommends to Council that:*

- i. Council donate the cost of the Town Hall Annex hire fees for the amount of \$230 from Council's donation budget;
- ii. Council staff setup and remove road closure signage for the event; and
- iii. Council provide in-kind support for the event by:
  - a) Providing extra garbage bins;
  - b) Advertising the event through council's social media;
  - c) Erecting street banners; and
  - d) Providing and setting up Council's shade structures.

**CARRIED**

## 5 INFORMATION REPORTS

#### COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Nicky Lavender

*That the following information reports be received and noted.*

**CARRIED**

### 5.1 LIBRARY STATISTICS 2022/23 S3.6.10

### 5.2 ELECTION OF MAYOR S13.7.2

## 6 GOVERNANCE REPORTS

### 6.1 GOVERNANCE - MONTHLY INVESTMENT REPORT S12.12.2

#### COMMITTEE RESOLUTION

Moved: Cr Kate Dight

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**

**The Meeting closed at 11.18 am.**

## 10 DESTINATION REPORTS

### 10.1 AQUATIC CENTRES CONTRACT MANAGEMENT MODEL

**File Number:** S26.13.1 / 23/26811

**Author:** Brett McInnes, Director Civil and Environmental Services

#### SUMMARY:

This report has been triggered by the need to determine an appropriate contract management arrangement for Council's Aquatic Centres. Council is being asked to endorse a contract management model that will enable tender specifications to be completed and procurement to commence for new contract managers.

#### RECOMMENDATION:

- 1) *That Council endorse a Fee for Service model with utilities and maintenance excluded for the initial term of the new Aquatic Centres Contract.*
- 2) *The contract be for an initial term of 3 years with the provision for 2 x 2-year extension options with the ability in the contract to negotiate a lump sum amount for each of the 2-year extensions.*
- 3) *Council be further briefed upon completion of procurement documents and tender specifications prior to undertaking the tender process.*

#### COMMENTARY:

##### Introduction

Construction of the new Inverell Aquatic Centre is soon to commence. The facility is scheduled for completion in November 2024 and a suitable management arrangement will be required to be in place prior to then.

The Ashford Swimming Pool will operate in isolation over the 2023/24 season (6 months) under a short-term contract agreement.

##### Background

Council has operated the Inverell and Ashford Swimming Pool under a combined management contract for the last 17 years.

The last time Council undertook a detailed review of the pool management model was in 2016. At the time, the merits of contract management vs direct Council management (day labour) were considered.

It was subsequently resolved to continue management of both facilities on a contract basis. Many of the 2016 considerations are still relevant today and a copy of the associated Council report has been included in **Attachment 1** of this report for the information of Council.

For the reasons outlined in the 2016 report and the demands associated with the management of the new Inverell Aquatic Centre, it is not proposed to further consider a direct management (day labour) arrangement.

##### Investigations

The Otium Planning Group (Otium) who have been assisting Council in a specialist advisory capacity for the design and construction of the new Aquatic Centre are also providing advice in regards to operation and management of the new centre. Otium are leisure and recreational

industry specialists and have assisted many Council's across the country with the preparation of management contracts for aquatic centres.

Otium also prepared a Business Plan for Council as part of the Feasibility Study for the new Aquatic Centre. This Business Plan is currently being updated as original assumptions are able to be refined with the development of the detailed design.

Otium have produced a 'Management Contract Options Discussion Paper' which is contained in **Attachment 2** of this report. The Discussion Paper examines the main contract types and contract levers relevant to Aquatic Centre management contracts. It is ultimately concluded that a Fee for Service contract with utilities and maintenance excluded during the initial term is the most suitable arrangement for Inverell Shire.

Representatives from Otium will provide a presentation to Council in regards to the Discussion Paper during the briefing session immediately prior to the Council meeting.

### Proposed Management Model

As indicated in the Discussion Paper, the lack of operating data associated with a new centre would prompt a cautious and somewhat speculative response from any party tendering for a lump sum contract. In the interest of obtaining the most competitive proposals and to enable Council to capture authoritative data for future use, it is agreed that a fee for service contract is the most prudent option.

The fee for service approach is similar to how the previous management contract for both (Inverell and Ashford) pools had evolved. Given the age of these facilities and assets reaching the end of their design life, Council took responsibility for any significant maintenance and repairs as well as major consumables and utilities. Again, such actions were necessary as a lump sum contract approach placing full responsibility on the contractor would be a significant deterrent to potential tenderers.

In a fee for service contract arrangement that excludes maintenance and utilities it means Council inherits financial responsibility and risk associated with these items. With a new facility maintenance should be relatively small scale and predictable. Likewise, detailed business planning should enable Council to predict utility charges with a reasonable degree of confidence. Council is also likely to have stronger purchasing power in regards to core utilities such as electricity. In relation to the Ashford pool, whilst the utility costs are fairly foreseeable, future maintenance costs are likely to increase given the age of the facility. However, it is also considered that Council is better placed to plan for these costs and manage the aging facility accordingly, as opposed to a contractor.

In essence the fee for service model, would see Council paying actual costs for those items excluded and deemed to be their responsibility. Whilst this is likely the most cost-effective option it does carry with it the risk of exposure to price rises such as electricity charges during the term of the contract.

### Next Steps

Upon adoption of the contract model significant work needs to take place to prepare procurement documentation and tender specifications. Once these tasks are completed the matter will return to Council for final endorsement and determination of tendering method in accordance with clause 166 of the *Local Government (General) Regulation 2021*.

It would be beneficial to have contractors in place by the end of the first quarter of 2024. This would facilitate the inclusion of the contractor in the commissioning process which has obvious operational benefits. Further, it would provide adequate time for the contractor to 'gear up' with the purchase of required equipment and uniforms etc. Provision will be incorporated in the contract for the nomination of a rate for the period prior to the opening of the pools to attend to such matters as specified by Council.

### Conclusion

It is necessary for Council to prepare a contract for the management of the new Inverell Aquatic Centre and the Ashford Swimming Pool.



Noting the lack of operational data with a new facility it is considered a fee for service model is the most appropriate for the initial term of the new contract.

A decision in regards to the contract model is necessary to prepare the relevant documentation prior to going to market with the tender process.

**RISK ASSESSMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**CHIEF FINANCIAL OFFICERS COMMENT:**

The fee for service contract model is likely to be the most cost effective for Council in the first instance given the development of the new Aquatic Centre.

**LEGAL IMPLICATIONS:**

Future procurement of contract management will need to be consistent with the relevant tendering provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

**ATTACHMENTS:**

1. **Swimming Pools Management Contract - 2016 Report** [↓](#)
2. **Management Contract Options Discussion Paper** [↓](#)

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON WEDNESDAY, 24 AUGUST, 2016, COMMENCING AT 3 PM.

**SECTION C  
COMMITTEE REPORTS**

**1. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING  
MINUTES – 10 AUGUST 2016 S4.11.16/08**

**85/16 RESOLVED** (Jones/Johnston) that:

- i) *the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 10 August, 2016, be received and noted; and*
- ii) *the following recommendation of the Civil & Environmental Services Committee be adopted by Council:*
  - 1. SWIMMING POOLS MANAGEMENT CONTRACT S26.13.1 & S26.13.3

*That:*

- i) *the Inverell and Ashford Pools continue to be managed on a contract basis; and*
- ii) *the following parameters guide the formulation of the future management contract:*
  - a) *the contract term be for a period of 3 years with a 2 year option,*
  - b) *the contractor retain flexibility to set opening hours with the minimum opening hours and spread of hours to be specified by the contractor as part of tender,*
  - c) *the contractor be provided with exclusive commercial rights and retain all income associated with the operation of both pools,*
  - d) *commencement entry fees and user charges be specified by the contractor as part of the tender and a mechanism be incorporated into the contract to enable formal review of such fees each financial year,*
  - e) *the responsibility split associated with maintenance and repairs and the provision of major consumables generally be consistent with the provisions of the current contract,*
  - f) *the management of the Ashford and Inverell Pools be offered under the single management contract.*

MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON WEDNESDAY, 10 AUGUST, 2016, COMMENCING AT 8.35 AM.

**SUPPLEMENTARY SECTION D  
DESTINATION REPORTS**

**2. SWIMMING POOLS MANAGEMENT CONTRACT S26.13.1 & S26.13.3**

DCES-A

**RESOLVED** (Michael/Harmon) that the Committee recommend to Council that:

- ii) *the Inverell and Ashford Pools continue to be managed on a contract basis; and*

iii) *the following parameters guide the formulation of the future management contract:*

- a) *the contract term be for a period of 3 years with a 2 year option,*
- b) *the contractor retain flexibility to set opening hours with the minimum opening hours and spread of hours to be specified by the contractor as part of tender,*
- c) *the contractor be provided with exclusive commercial rights and retain all income associated with the operation of both pools,*
- d) *commencement entry fees and user charges be specified by the contractor as part of the tender and a mechanism be incorporated into the contract to enable formal review of such fees each financial year,*
- e) *the responsibility split associated with maintenance and repairs and the provision of major consumables generally be consistent with the provisions of the current contract,*
- f) *the management of the Ashford and Inverell Pools be offered under the single management contract.*

<b>ITEM NO:</b>	2.	<b>FILE NO:</b> S26.13.1 & S26.13.3
<b>DESTINATION 5:</b>	The communities are served by sustainable services and infrastructure	<b>S</b>
<b>SUBJECT:</b>	<b>SWIMMING POOLS MANAGEMENT CONTRACT</b>	
<b>PREPARED BY:</b>	Director Civil & Environmental Services, Brett McInnes	

#### **SUMMARY:**

This report has been initiated as an opportunity for the Committee to consider how the key components of the existing swimming pools management contract have operated. This will provide guidance on the formulation of a future management arrangement.

#### **COMMENTARY:**

The Inverell and Ashford Pools have operated under a single specialised service level agreement (contract) for the last 10 years. Whilst the outcomes provided under this structure have largely been positive, it is appropriate to review the key aspects of the agreement. The review outcomes will be fundamental to the formulation of a future management structure for the pools.

#### **Management Options**

Despite the Inverell and Ashford Pools having operated for many years under a contract management arrangement the opportunity exists to consider if this is the best management option moving forward.

There are essentially two management options available that Council may wish to consider. A brief overview (positive and negative) of these options is provided below:

- i) Direct Council Management (internal)
  - Would be necessary to recruit the staffing expertise required.

- Lack of flexibility with Local Government Award would result in higher operating costs (split shifts etc.).
- All operational risk rests with Council.
- Creates additional management burden that would require additional resources.
- A whole range of new processes and procedures would need to be developed.
- Commercial venue management generally falls outside Council's 'core business'.
- Seasonal nature would create staffing challenges during quieter periods.
- Can provide Council with a greater degree of flexibility and responsiveness to changing circumstances.
- More control over scheduling upgrades etc.
- Provides Council with more direct information regarding demands, opportunities and performance associated with each facility.
- Greater ability to respond to changing community needs

ii) Contract/Lease Management (external)

- Council is 'arms length' removed from operational issues and associated risk.
- Provides greater long term budget certainty as contractor's costs are defined.
- Contractors have access to more flexible award arrangements.
- Providing entrepreneurial opportunity to the contractor can result in reduced running costs for Council.
- Contractors can provide the industry specific expertise as it forms part of their 'core business'.
- Contractors would likely have reduced overheads when compared to Council operated facility.
- The availability of suitable contractors in the market place can be an issue for Council.
- The more unknowns associated with the future management of a facility the higher the premium Council is likely to pay any contractor.
- Contractors will focus on programs that generate the greatest commercial return and this needs to be balanced against broader community service requirements.
- There is often a hidden cost to Council associated with overseeing contract management.

Whilst obvious arguments can be made for and against each management option, Council is not well positioned nor is there a strong imperative to shift from the current contract management. There is no doubt future upgrades would be more easily facilitated if Council had direct control of the pools, however such works can also be suitably provisioned under a contract management arrangement.

**Contract Term**

As discussed, the current contract management arrangement has a 10 year duration (concluding March, 2017). Such a period would be considered at the high end of the scale and was predicated on the basis of securing a suitable management solution for the Ashford Pool. When the previous contract manager left the Ashford pool in 2006, this prompted a competitive tendering process and the ultimate combining of the Inverell and Ashford Pool management under a single contract.

Long term (10 to 15 years) pool leases/contracts are generally only entertained where Council might consider a third party funding a significant capital upgrade and needing to provide an adequate period for commercial return. It is suggested such an arrangement in Inverell's situation would significantly constrain contractor interest and may not be consistent with Council's long term strategy for renewal and upgrade.

The pool industry is very dynamic and changing regulatory frameworks can and do have a very real impact on day to day running costs. For example, a change in regulation concerning bather to life guard ratio can impact significantly on staffing costs. It is very difficult to foresee and plan for such change over a long period of time. If significant change occurs and the contract manager does not have suitable capacity to respond this places them under great pressure and is also undesirable from Council's and the community's perspective.

A suitable balance needs to be struck to maximise interest and potential from the external sector whilst not locking the interests of either party in for an excessive period. It is suggested a 3 year contract with a 2 year option would be a more appropriate term. Industry feedback would reflect the suitability of such a term.

#### **Opening Hours**

The current contract provides the manager with the full discretion to determine the opening hours at the Inverell Swimming Pool. The contract also includes clauses to ensure special interest groups such as schools, learn to swim and swimming club are reasonably catered for. Whilst the minimum opening hours have evolved over time to meet most needs and to be sustainable for the contractor, there is no doubt a fringe desire for expanded opening hours. Council needs to be very mindful that specifying increased opening hours is likely to come at a considerable additional cost. The advantage of having a flexible arrangement enables the contractor to respond in peak demand periods providing the facility to the public where opportunity for commercial return exists. Hence, in favourable conditions the pool has often been opened outside normal operating hours.

The current flexible approach is considered more favourable than Council attempting to reflect perceived community demand and specify rigid opening hours. To overcome any concerns associated with service level to the community, interested parties could be requested to specify their minimum opening hours during the tender process.

In line with reasonable expectations and to manage budgetary impacts Council has specified the maximum weekly opening hours for the 6 months of the year the Ashford Pool is open. Occasional increases have been provided in response to climatic conditions after negotiation with the contract manager.

More stringent requirements should be incorporated in any new management contract regarding communicating pool opening hours to the general public.

#### **Retention of Income**

The current contract is structured on the basis of the contractor retaining all income generated from the sites. This includes entry fees, kiosk, coaching (able to be sub contracted) and other recreational activities. This provides an entrepreneurial incentive to the contractor to maximise the use of the facilities. Obviously, the greater the income potential for the contractor is conversely reflected in a reduced management fee for Council. With the contractor retaining all income it also removes the complexities and probity issues associated with Council retaining income under contract management models. The main motivation for a Council seeking to retain income under such a model is to better understand and scope the market potential of a facility.

Whilst there can be the occasional push to open the pool complexes to other external providers (e.g. Swim Coaches) if this is done in isolation to the contract manager it will reduce their commercial return and result in increased management fees for Council. It is also likely to be the source of significant friction between competing interests. The ability to provide a broad range of services also enables a contractor to maximise the potential of their staffing structure.

It is considered continuing the retention of all income and exclusive commercial rights for the contract manager to be the most beneficial scenario for all parties.

#### **Fees and Charges**

Consistent with the income retention approach discussed above, the current contract places the responsibility for setting entry and user fees with the contractor (after liaising with Council). Whilst this approach provides the contractor with an opportunity to respond to circumstances that might arise during the contract period, normal market sensitivities also apply. It is worth noting the entry fees to Council's pools are very competitive on a regional basis.

Whilst there would appear to be little justification to alter this arrangement, certain safe guards are likely to be beneficial. This would include requiring the specification of a schedule of fees in tender documents and a more formalised process for review of fees within the contract.

#### **Maintenance and Repairs**

Generally speaking the contract manager is currently responsible for all grounds maintenance and minor building and plant maintenance. Larger scale and specialist maintenance, repairs and renewal activities are the responsibility of Council. Whilst there is scope for greater clarity in relation to maintenance responsibility in any future contract, the current split in responsibilities is considered the most appropriate from an asset management and cost perspective.

Some pool contracts seek to make the contractor responsible for all maintenance and repairs. Given the age of the Inverell and Ashford pools this would likely give rise to a significant element of speculative pricing on behalf of any interested party.

#### **Provision of Consumables**

It is not uncommon for pool management contracts to make the contractor responsible for the provision of consumables such as gas, water, electricity, pool chemicals etc. The advantage of such an arrangement is to encourage the efficient management of such items. On the flip side, these items have major cash flow impacts on smaller operators and can restrict the competitive process in any future tender.

Under the current contract Council is responsible for providing major consumables with the exception of telecommunication costs which remain the responsibility of the contractor.

There is likely to be significant upgrades to water reticulation, conditioning and treatment systems during the term of the next contract. This will no doubt have an impact on consumption rates and Council would be looking at gaining a benefit from utilising modern technology. As it is not possible at this point to project future consumption rates the most equitable outcome would be for Council to retain responsibility for provision of major consumables.

Until major upgrade works are completed, it is suggested Council continue to retain responsibility for provision of consumables.

#### **Combine or Separate Pools**

The opportunity exists to operate the pools under a separate or combined management contract. Whilst it was 10 years ago, it is worth noting Council was unable to attract a suitable stand alone management option for the Ashford Pool when last tendering.

Offering two pools under the one contract does provide greater economies of scale and more particularly flexibility around staffing arrangements. Industry feedback would also suggest offering both pools under a combined management contract is the preferred option.

#### **Conclusion**

Like all pools of their age, Ashford and Inverell pools present some management challenges. Council needs to balance community service and access obligations with budgetary constraints. The changing face of recreational opportunities and demands also present an evolving dynamic for the traditional swimming pool complex.

The current pools management contract has served Council and the community well. Whilst the duration of the contract inevitably presented a range of unforeseen issues, the good will that exists between the current contract manager and Council enabled the relative smooth running of the facilities.

Any future contract will need to be cognisant of the evolving nature of public swimming pool management. Consideration also needs to be given to facilitating necessary renewal and upgrade

works. The framework of the existing contract combined with the appropriate safe guards and a suitable contract term is likely to foster the most appropriate outcome.

**RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** S.07 Provide accessible and usable recreation facilities and services meet the needs of the community.

**Term Achievement:** S.07.01 Recreational and leisure facilities and services that meet community needs and are maintained to promote optimal utilisation.

**Operational Objective:** S.07.01.01 Facilitate joint use of the Shire's recreation and leisure facilities, sporting and open space facilities including co-location of programs.

**POLICY IMPLICATIONS:**

Nil.

**CHIEF FINANCIAL OFFICERS COMMENT:**

The Committee should be aware of the budgetary impacts associated with any nominated increase in the level of service associated with a new pool management contract.

**LEGAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

*That the Committee recommend to Council that:*

- i) the Inverell and Ashford Pools continue to be managed on a contract basis; and*
- ii) the following parameters guide the formulation of the future management contract:*
  - a) the contract term be for a period of 3 years with a 2 year option,*
  - b) the contractor retain flexibility to set opening hours with the minimum opening hours and spread of hours to be specified by the contractor as part of tender,*
  - c) the contractor be provided with exclusive commercial rights and retain all income associated with the operation of both pools,*
  - d) commencement entry fees and user charges be specified by the contractor as part of the tender and a mechanism be incorporated into the contract to enable formal review of such fees each financial year,*
  - e) the responsibility split associated with maintenance and repairs and the provision of major consumables generally be consistent with the provisions of the current contract,*
  - f) the management of the Ashford and Inverell Pools be offered under the single management contract.*

# MANAGEMENT CONTRACT OPTIONS DISCUSSION PAPER



## INTRODUCTION

This discussion paper explains the types of Management Contract options typically used by local government when tendering aquatic and recreation facility management contracts to the private operator market. It explains the way they work, the advantages and disadvantages of each contract type and which might be the best suited depending on the current situation of the facility operation and building type/age.

The discussion paper includes:

1. Contract types and their roles
2. Advantages and Disadvantages each Contract type

There are two main **contract types** that are generally used for external management contracts. These include:

- Lump Sum (Guaranteed) and/or (Non- Guaranteed)
- Fee for Service

There are also a number of **contract levers** that are often included or excluded in the Lump Sum or Fee for Service models

- Profit Share/or Subsidy Share Arrangement
- Utilities – included or excluded
- Maintenance/asset management – included or excluded

Whilst these are the two main management contract types typically used in the sport and recreation industry, there are also hybrid versions of each that are tailored depending on the financial expectations of Council or community outcomes required from the facility.

Every specification and management contract are different and can accommodate the Council's needs. There is no right or wrong answer, however it's important when going through the decision-making process to consider the following:

1. Does the Council have enough operating, financial and usage data to provide during the tender process to ensure they are getting value for money?
2. How much risk is the Council willing to take on in the first contract term?
3. Given the recent impacts Covid had on the aquatic, sport and recreation market how much financial risk are the contractors willing to take on?
4. What outcomes are the Council expecting from the facility?

## DEFINITIONS

This section explains the three different types of contracts typically used in external management contracts.

### Lump Sum (Guaranteed) and/or (Non-Guaranteed)

Under a lump sum contract, also known as a stipulated sum contract, Council provides explicit specifications for the work, and the contractor provides a fixed price for the project. These contracts require Council to develop a detailed specification outlining expectations before the contractor can establish a price. The contractor then estimates the operating costs including a management fee to provide a fixed tender price. The contractor takes on more financial and operating risks as the fee is fixed. Any variation to this fee would need to be approved by Council.

The guaranteed amount is in the form of a subsidy (paid by Council to the contractor on a monthly basis) or a rent (paid by the contractor to Council on a monthly basis).



This type of contract is typically used when there is comprehensive financial and operational data that can be provided as part of the tender process in order for the contractor to provide a tender bid that is fair and reasonable. The previous operating data also provides an important part of the evaluation process to enable cross checking of the operator assumptions to identify where risk has been built into each tender bid.

A lump sum non-guaranteed contract is often used with greenfield sites or sites undergoing redevelopment where the impact of works on the operating performance of a facility are difficult to predict or forecast. In this instance the financial risk is shared between Council and the operator.

#### **Fee For Service**

A fee for Service contract type is often preferred when the project scope is unclear (Greenfields site) or uncertainty during the start-up phase of new facility. This is because there is a lack of historical operating data on which to base a lump sum contract. Without this historical data it is difficult for contractors to accurately cost a service and therefore proponents may build this risk into the fee.

There are a number of different variations on who collects revenue and pays expenditure, however ultimately Council takes on the financial risk and pays the contractor to provide the service. In this contract type the council takes on more risks because of the uncertainty with the rise and fall of operating costs, particularly during facility establishment period.

Generally, fee for service contracts would have an initial 2-3 year term. This enables Council to have confidence and greater certainty in the operating data to provide to the potential tenderers to price the next Contract term more accurately.

### **OTHER CONTRACT LEVERS**

#### ***Profit Share and/or Subsidy Share Arrangement***

This type of contract is normally an add on to the above contracts and not a stand-alone contract type. A profit-sharing arrangement involves two parties agreeing to a percentage split of the operating surplus or deficit of the service. The split can be any percentage agreed to or specified by the client. There will need to be provisions in the general conditions of contract that clearly outline the profit share or subsidy share formula. It will need to detail:

- how the Council will calculate the profit share or subsidy share amounts
- the timeframe that Council will share or pay the profits or additional subsidy
- any key performance indicators that may be linked to the profit share or subsidy share arrangements.

#### ***Utilities***

Some Councils exclude utilities from the contract given the volatility of energy prices and potential impacts of inflated tender bids from contractors who allow buffers for the price volatility to mitigate their financial risk.

Councils also have a greater buying power for utilities and often have an agreement with a provider given the volume of services they procure.

#### ***Maintenance/Asset Management***

Some Councils exclude maintenance and or asset management from the contract to ensure they maintain control of the asset management responsibilities and are not exposed long term to the contractor under investing in asset renewal budgets.

### **CONTRACT TYPES – ADVANTAGES AND DISADVANTAGES**

This following table explains the advantages and disadvantages of the three Contract Types

Contract Type	Advantages	Disadvantages
Lump Sum (Guaranteed)	• Council's financial risks are reduced	• Greater financial risk for the contractor
	• Payments are made on a regular basis as specified in the contract	• Higher fixed price tender bids could eventuate due to higher risk for contractors
	• Contract Management financial reporting is simplified	• Variations are more likely to occur if contract is not managed well

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Contract Type	Advantages	Disadvantages
	<ul style="list-style-type: none"> <li>Operators can be more incentivised to drive better financial performance</li> </ul>	<ul style="list-style-type: none"> <li>After COVID limited market uptake due to contractors not wanting to take on 100% of financial risk</li> </ul>
	<ul style="list-style-type: none"> <li>The operator often has more flexibility in the day-to-day management and decision making</li> </ul>	<ul style="list-style-type: none"> <li>If the contractor budgets are tight maintenance and asset management investment can be at risk</li> </ul>
		<ul style="list-style-type: none"> <li>The financial stability of contract or the level of maintenance can be at risk if the operator cannot sustain the guaranteed return to Council</li> </ul>
		<ul style="list-style-type: none"> <li>Contractor generally has more control under the contract as they need to deliver a guaranteed financial performance</li> </ul>
Hybrid Lump Sum (Non-Guaranteed)	<ul style="list-style-type: none"> <li>Shared risk between Council and the contractor</li> </ul>	<ul style="list-style-type: none"> <li>Requires Council to have higher financial scrutiny and transparency with the contractors operating performance</li> </ul>
	<ul style="list-style-type: none"> <li>Can provide added incentive to the contractor to drive operating performance harder to achieve a share of the potential net profit</li> </ul>	<ul style="list-style-type: none"> <li>Can expose Council to financial risks in underwriting any operational deficits</li> </ul>
Fee for Service	<ul style="list-style-type: none"> <li>Council pays for the services they require and has greater control to scale service costs up or down</li> </ul>	<ul style="list-style-type: none"> <li>Greater financial risk to Council.</li> </ul>
	<ul style="list-style-type: none"> <li>Council will gain an understanding of performance and financial capability of the operator</li> </ul>	<ul style="list-style-type: none"> <li>Close contract monitoring is required to ensure facility outcomes are being delivered.</li> </ul>
	<ul style="list-style-type: none"> <li>Often used during new facility (greenfield site) establishment period to gather the operating, financial and usage data to inform future contracts</li> </ul>	
	<ul style="list-style-type: none"> <li>More attractive to operators as they are lower risk contracts</li> </ul>	
	<ul style="list-style-type: none"> <li>More flexible and agile contract for Council to manage during start up period of a new facility</li> </ul>	
	<ul style="list-style-type: none"> <li>Less contract variations required from the operator</li> </ul>	

### CONTRACT LEVERS – ADVANTAGES AND DISADVANTAGES

The following table explains the advantages and disadvantages of the various contract levers that can be used in the tender process.

Contract Levers	Advantages	Disadvantages
Profit Share and/or Subsidy Share Arrangement	<ul style="list-style-type: none"> <li>When used correctly can have great outcomes for both parties</li> </ul>	<ul style="list-style-type: none"> <li>Not all sites will make a profit</li> </ul>
	<ul style="list-style-type: none"> <li>Profits can be invested into programs and benefits for the community</li> </ul>	<ul style="list-style-type: none"> <li>Can be complicated to reconcile the profit/share, requires full transparency of the profit and loss performance</li> </ul>
	<ul style="list-style-type: none"> <li>Any increases to the operating subsidy can be shared between both parties</li> </ul>	
Utilities included	<ul style="list-style-type: none"> <li>Lower operational cost to Council</li> </ul>	<ul style="list-style-type: none"> <li>Contractors will build in a buffer to the contractor pricing to allow for price volatility impacts</li> </ul>

Contract Levers	Advantages	Disadvantages
	<ul style="list-style-type: none"> <li>Less financial risk for Council</li> </ul>	<ul style="list-style-type: none"> <li>Greater financial risk to the contractor</li> </ul>
Utilities excluded	<ul style="list-style-type: none"> <li>Less risk to the contractor</li> </ul>	<ul style="list-style-type: none"> <li>Greater financial risk for Council</li> </ul>
	<ul style="list-style-type: none"> <li>Greater control for Council to monitor energy efficiency initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Operator may not be as focused on energy efficiency outcomes as they have no financial exposure to rising energy bills</li> </ul>
	<ul style="list-style-type: none"> <li>Reduces the risk of inflated tender prices</li> </ul>	
Maintenance included	<ul style="list-style-type: none"> <li>Lower operational cost to Council</li> </ul>	<ul style="list-style-type: none"> <li>Contractors will build a buffer into the tender pricing to allow for unknown maintenance items or aging infrastructure issues</li> </ul>
		<ul style="list-style-type: none"> <li>Risk of contractor under-investing in maintenance spending which leads to longer-term financial risks to Council for major asset renewal or replacement</li> </ul>
Maintenance excluded	<ul style="list-style-type: none"> <li>Less risk to the Operator</li> </ul>	<ul style="list-style-type: none"> <li>Greater financial risk to Council</li> </ul>
	<ul style="list-style-type: none"> <li>Reduces the risk of inflated tender prices</li> </ul>	
	<ul style="list-style-type: none"> <li>Council has full control over the asset maintenance programming and renewal spending</li> </ul>	

### RECOMMENDATIONS

Based on the advantages and disadvantages of each contract type and the information gathered at this stage of the project. Otium recommends the following contract type and length for the initial Inverell Aquatic Centre Management Contract.

1. **Fee for Service contract with utilities and maintenance excluded for the length of the first term (3 years).**  
Based on the facility being a greenfield site and limited operating, utilities and usage data the fee for service is a lower-risk option for operators. The Fee for Service contract is commonly used in these circumstances and would be more appealing to the market, therefore ensuring a competitive tender process.
2. **Three year term with 2 x 2 year options.**  
Typically a greenfield facility takes three years to reach business maturity, which has been validated during previous market-sounding interviews with experienced operators. It is also consistent with the financial modelling undertaken by Otium. The three year first term enables the business to stabilise and for Council to capture the operating data which can then inform a lump sum contract negotiation for the further 2 x 2 year options. The lump sum contract negotiation provisions for the further 2 year options will need to be incorporated in the General Conditions of Contract upfront so it's clear and transparent for all operators during the tender process.

**10.2 NEW 'WHISTLE BLOWER' PUBLIC INTEREST DISCLOSURES POLICY****File Number:** S4.16.2 / 23/27079**Author:** Paul Henry, General Manager**SUMMARY:**

A new *Public Interest Disclosures Act 2022* requires Government Agencies, including Councils, to adopt a Policy and Procedures that are consistent with the provisions of the Act.

**RECOMMENDATION:**

*That the 'Public Interest Disclosures Policy and Procedures Manual' be adopted.*

**COMMENTARY:**

In 1994, the State Government introduced the Public Disclosures Act to provide protections for employers reporting wrongdoing. In response, public entities, including Councils were required to establish a policy that:

- a) Encourages employees to speak up about wrongdoing, and
- b) Provide protection from dismissal should a person come forward to report wrongdoing.

In 2022, the Government passed a Bill that was more prescriptive regarding the actions that public authorities need to undertake to promote a culture of 'speaking up', the procedures that need to be followed and detailing the protections available to a person making a report of wrongdoing.

The new provisions of the *Public Interest Disclosures Act 2022*, come into force on 1 October, 2023.

To prepare for the provisions of the 2022 Act coming into force, a new Council policy / procedure document has been prepared and is **attached** for Council's consideration. The attached document meets the standards set by the Act.

The 2022 Act sets out the following matters which were not detailed in the 1994 Act:

- An expanded definition of what is serious wrongdoing,
- How a Voluntary Public Interest Disclosure (PID) should be handled,
- How to deal with a Mandatory PID,
- How to deal with a Witness PID,
- Protections available under the PID Act.

It will be noted that all these issues are addressed in the draft policy submitted to Council.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Public Interest Disclosures Policy - August 2023 [↓](#)



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COUNCIL POLICY:	PUBLIC INTEREST DISCLOSURES POLICY
Ref:	Once adopted 18/15310

Contact Officer	General Manager
Approval Date	TBA
Approval Authority	Council
Reviewed	Oct 2004, March 2007, June 2013, September 2016, August 2023
Date of Next Review	September 2024



## **Inverell Shire Council**

### **Public Interest Disclosures Policy and Procedures Manual**

*(Public Interest Disclosures Act 2022)*

## CONTENTS

1. Introduction
2. Definitions
3. Voluntary Public Interest Disclosures
4. Protections
5. Roles and responsibilities
6. Dealing with Voluntary PIDs
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8. Record Keeping & Reporting
9. Mandatory PIDs
10. Witness PID

### Annexures

A – Names and contact details of disclosure officers

B – List of integrity agencies



## PUBLIC INTEREST DISCLOSURES ACT 2022

### 1. Introduction

‘Good government’ relies on public officials speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector.

A strong ‘speak up’ culture that encourages public officials to report wrongdoing is important to ensure the integrity of the public sector.

An integral part of that ‘speak up’ culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- Protecting those who speak up from detriment
- Taking active steps to maintain the confidentiality of reports
- Imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

#### Policy Statement

**Inverell Shire will treat reports of ‘serious wrongdoing’ with the utmost gravitas. Council is committed to building a ‘speak up culture’ where public officials:**

- **Report conduct they reasonably believe involves serious wrongdoing, and**
- **Are protected from detriment when they do speak up.**

#### 1.1 Objective

This policy sets out:

- How Council will support and protect someone who makes a report of serious wrongdoing,
- How a report of serious wrongdoing will be handled,
- Who can receive a report of serious wrongdoing?
- How to make a report; and
- What protections are available to anyone making a report.

#### 1.2 Who does this Policy apply to?

This policy applies to:

- Elected officials and employed staff members of Council, and
- A person exercising functions on behalf of Council, including a contractor or volunteer.

#### 1.3 Who does this Policy NOT apply to:

This policy does not apply to:

ISC Policies

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- people who have received a service from Council and want to make a complaint about those services, and
- A contractor and their employees who provided a service to Council.

## **2. Definitions**

### **2.1 What is 'serious wrongdoing'?**

Section 13 Public Interest Disclosures Act ('the Act') 2022 defines 'serious wrongdoing' as being one or more of the following actions:

- a) Corrupt conduct
- b) Serious maladministration – the Act defines this action as an action or inaction of a serious nature that is :
  - Contrary to law
  - Unreasonable, unjust, oppressive or discriminatory
  - Based on an improper motive
- c) Government Information contravention – acting to contravene the 'PIPA' Act or "GIPPA' Act
- d) Local Government Pecuniary Interest contravention – Council's Code of Conduct requires Council official's pecuniary interests to be declared and for the Official to act in a prescribed manner. Not observing the Code's provisions is wrongdoing.
- e) A privacy contravention – unlawfully accessing personal information held in Council's records.
- f) A serious or substantial waste of public money.

Note: 'Corrupt conduct' and 'serious waste of public money' is not defined in the Act. The Auditor-General provides following working definition:

*Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.*

*In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste.*

*The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.*

**Types:**

**Absolute:**

*serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example \$500,000.*

**Systemic:**

*the waste indicates a pattern which results from a system weakness within the public authority.*

**Material:**

*the serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority's capacity to perform its primary functions.*

**Materials By Nature Not Amount:**

*the serious and substantial waste may not be material in financial terms but may be significant by nature. That it may be improper or inappropriate [alternatively, this type of waste may constitute "maladministration" as defined in the Public Interest Disclosures Act].*

Waste can take many forms, for example:

- misappropriation or misuse of public property;
- the purchase of unnecessary or inadequate goods and services;
- too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;
- personnel being remunerated for skills that they do not have, but are required to have under the terms and conditions of their employment;
- programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- the absence of appropriate safeguards to prevent the theft or misuse of public property;

- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purposes; and
- purchasing practices where the lowest price is not obtained for comparable goods or services without adequate and appropriate justification.

'Corrupt conduct' is defined in the *Independent Commission Against Corruption Act 1988* (section 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

## 2.2 What is a Public Interest Disclosure?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

## 2.3 What is a Voluntary PID?

A report is a voluntary PID if it has the following five (5) features, which are set out in sections 24 to 27 of the PID Act:

1. A report is made by a public official
2. It is made to a person who can receive voluntary PIDs
3. The public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*
4. The report was made orally or in writing
5. The report is voluntary (meaning it is not a mandatory or witness PID)

**3. Voluntary Public Interest Disclosures****3.1 Who can make a Voluntary PID?**

Any person who is:

- An elected member of Inverell Shire Council
- An employee of Inverell Shire Council
- A contractor or volunteer exercising a function of Inverell Shire Council.

**3.2 How do I make a Voluntary PID?****3.2.1 Who receives a report:**

A person described in Clause 3.1, can make a report to:

- The Mayor of Inverell Shire Council
- The General Manager of Inverell Shire Council
- The 'Disclosure Officer' (the Director Corporate & Economic Services)
- Their Manager (the person who directly, or indirectly supervises that person)

Note: The Manager will communicate the report to the 'Disclosure Officer'.

**3.3 What form should a voluntary PID take?**

A report can be made:

- *in writing* — Either an email or letter to a person who is authorised to receive a voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report.

Note: A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for [us/agency name] to investigate the matter(s) you have disclosed if we cannot contact you for further information.

**3.4 What should be included in a report?**

The report should include as much information as possible so the report can be effective. Information should include:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

**3.5 Unsure if a matter is 'serious wrongdoing'**

A public official should report all wrongdoing when they become aware of the wrongdoing, regardless of whether the official thinks it meets the 'serious wrongdoing' standard.

#### 4. Protections

##### 4.1 How is the maker of a Voluntary PID protected?

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with [agency] that concerns serious wrongdoing relating to [agency] has been made, [we/agency name] will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - A person may seek compensation where unlawful detrimental action has been taken against them.
  - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.
- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- *Protection from liability for own past conduct*

The Attorney General can give the maker of a report an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

#### 4.2 Reporting Detrimental Action

If a public official experiences detrimental action, such as bullying or harassment, the matter should be reported to the 'Disclosure Officer' or an Integrity Agency listed in Annexure B of this policy.

### 5. **Roles and Responsibilities**

Certain officials of within Inverell Shire Council have responsibilities under the Act. They are:

#### (a) **General Manager**

Is responsible for:

- fostering a workplace culture where reporting is encouraged,
- receiving disclosures from public officials,
- ensuring there is a system in place for assessing disclosures,
- ensuring the Council complies with this policy and the PID Act, and
- ensuring that the Council has appropriate systems for:
  - overseeing internal compliance with the PID Act
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
  - implementing corrective action if serious wrongdoing is found to have occurred
  - complying with reporting obligations regarding allegations or findings of detrimental action
  - complying with yearly reporting obligations to the NSW Ombudsman.

#### (b) **Disclosure officers**

Disclosure officers are responsible for:

- receiving reports from public officials, contractors or volunteers,
- receiving reports when they are passed on to them by managers,
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant), and
- ensuring that any oral reports that have been received are recorded in writing.

#### (c) **Managers**

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise, and
- passing on reports they receive to the disclosure officer or the General Manager.



**(d) All employees**

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of [agency name]
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

**6. Dealing with Voluntary PIDs****6.1 Acknowledgment and Updates**

When a Council's disclosure officer receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- An acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how Council deals with the report
  - provide clear information on how to access this PID policy
  - provide details of a contact person and available supports.
- If the report is a voluntary PID, Council will state how the matter will be handled. This may include:
  - investigate the serious wrongdoing
  - refer the report to a different agency (if appropriate) to deal with the voluntary PID.
  - decide to not investigate the report and to not refer it to another agency for it to be investigated. In this situation Council will notify the NSW Ombudsman of this decision.
- If Council decides to investigate the serious wrongdoing, Council will provide updates on the investigation.

**Note:**

There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed. Council will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations that Council has.

If an anonymous report is made, the provisions of this section do not apply.

**6.2 How Confidentiality will be maintained**

Council will not knowingly or wilfully disclose identifying information, unless it is necessary and authorised by the PID Act.

The following steps will be taken to maintain confidentiality:

- limit the number of people who are aware of the maker's identity or information that could identify them.
- If Council must disclose information that may identify the maker of the PID, Council will still not disclose the actual identity of the maker of the PID, unless Council have their consent to do so.
- Ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.

- Ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- Undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- Provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

Note: Under the PID Act, disclosure of identifying information is permitted:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

### **6.3 How Council will minimise the Risk of Detrimental Action**

Council will not tolerate any detrimental action being taken by any person against:

- a person who has made a PID,
- An investigator of a PID,
- A witness, or
- The person that is the subject of a PID.

The following steps will be taken to assess and minimise the risk of detrimental action:

- Explain to the report maker that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- provide details of the person that will be responsible for undertaking a risk assessment
- explain the approvals process for risk assessment and the risk management plan
- explain how the agency will communicate with the maker to identify risks

- listing the protections that will be offered, that is, the agency will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

#### **6.4 How Detrimental Action will be handled**

##### **6.4.1 Council Awareness**

If Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

##### **6.4.2 Person who made a PID Report**

If the person who made a PID report believes they have suffered some detrimental action, they should refer the matter directly to either the General Manager of the 'Disclosure Officer'

**7. Review****7.1 Internal**

a) A person who makes a Voluntary PID may seek an internal review of the following decision:

- Council determining the disclosure is not a Voluntary PID
- Council decides not to investigate the matter or refer the report to an outside agency, or
- Cessation of an investigation.

b) To make a request for an internal review;

- Must be in writing within 28 days of being notified of a Council decision, and
- State the reason why a decision should not have been made, and
- Include any relevant material to be included in the review.

**7.2 External**

A person who makes a voluntary PID may request the Ombudsman to review the decision of Council.

**8. Record Keeping and Reporting****8.1 Record Keeping**

Council will keep full and accurate records with respect to all information in connection with the PID Act. These records will be stored and have access attached that accords with Council's 'Records Security Management Policy' and the State Records Act.

**8.2 Reporting**

Council will provide an annual return to the NSW Ombudsman on:

- Number of voluntary PID received,
- Action taken by Council on these reports, and
- Actions taken to promote 'speak up' culture.

**9. Mandatory PIDs**Introduction

Section 11 of the Independent Commission Against Corruption Act 1988, requires the Mayor or General Manager to report any matter to the ICAC that they suspect, on reasonable grounds, may concern corrupt conduct.

**9.1 Protections for Mandatory PIDs**

A person who has responsibility for making a mandatory PID shall be afforded the protections set out in the PID Act, including:

- *Immunity from civil and criminal liability that might otherwise arise because they made the report (s.40).*
- *Protection from detrimental action*
  - It is an offence from someone to take detrimental action against a person who has made a mandatory PID (s.33)
  - The maker of a mandatory PID is entitled to seek compensation if they have suffered injury, damage or loss as a result of detrimental action being taken (s.35)
  - An order from the court (injunction) can be sought where detrimental action has been threatened or has occurred. This could include an order to prevent someone from being dismissed or seeking reinstatement if they have been dismissed. An agency or mandatory PID maker can make the application for an injunction (s.37).

**9.2 Past Conduct Protections**

No protection is offered by this policy if a public official's past conduct is disclosed as wrongdoing during the course of making a mandatory PID.

The Attorney General of NSW may give an undertaking to not pursue civil or criminal proceedings if the disclosure is in the public interest.

**10. Witness PIDs**Introduction

During the course of any investigation undertaken by an authorised Council Officer, an employee may be asked to disclose information of serious wrongdoing.

A statement of this nature shall be classified as a 'Witness PID'.

**10.1 Protections for Witness PIDs**

The provision of the PID Act regarding protections available to a person making a voluntary PID shall apply to a person making a witness PID.

Refer to clauses 6.3 and 9.1 of this policy for details.

**Annexure A – Names and contact details of disclosure officers for Inverell Shire Council**

Officer	Role	Contact
General Manager	<ul style="list-style-type: none"><li>– Receive Voluntary PID</li><li>– Make Mandatory PID</li><li>– Receive Witness PID</li></ul>	Ph: 02 67 288 206 Inverell Shire Council 144 Otho Street Inverell NSW 2360 <a href="mailto:Paul.henry@inverell.nsw.gov.au">Paul.henry@inverell.nsw.gov.au</a>
Disclosure Officer	<ul style="list-style-type: none"><li>– Receive Voluntary PID</li><li>– Receive Witness PID</li></ul>	Ph: 02 67 288 261 Inverell Shire Council 144 Otho Street Inverell NSW 2360 <a href="mailto:Paul.pay@inverell.nsw.gov.au">Paul.pay@inverell.nsw.gov.au</a>

## Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>



**10.3 MEMBERSHIP OF EQUESTRIAN COUNCIL MANAGEMENT COMMITTEE****File Number:** S26.3.13 / 23/27082**Author:** Paul Henry, General Manager**SUMMARY:**

Nominations were invited for persons interested in appointment to the Inverell Shire Council Equestrian Centre Management Committee. The nomination period has closed and Council is requested to consider the nominations.

**RECOMMENDATION:**

*That Council:*

- i. appoint the following members to the Equestrian Council Management Committee for a period ending 31 October 2024:*
  - *Russell Hamel*
  - *Debbie McCowen*
  - *Kathleen Tighe*
  - *Suzi Mills*
  - *Pauline Thompson*
  - *Pat McMahon*
- ii. appoint Paul Pay, Director of Corporate and Economic Services as Council's representative.*

**COMMENTARY:**

At its Council June Council Meeting, Council withdrew its delegation of authority to the Inverell Equestrian Centre section 355 Committee. In July, Council resolved to (resolution 2023/108):

- a) The reference to 'Member Organisations' be removed from the Plan of Management for the Equestrian Centre Management Committee;*
- b) The fee for 'Member Organisations' and individuals be removed from the list of fees and charges for the Equestrian Centre, effective 1 July 2023;*
- c) The amended Plan of Management for the Equestrian Centre Management Committee be approved;*
- d) The amended booking procedures and 'Conditions of Hire' for the Centre be noted; and*
- e) Council determine the procedure for appointing a 'new' Management Committee.*

Expressions of Interest were invited from any interested person in promoting equestrian sports and managing the Equestrian Centre to serve as a Community Representative on this committee on 10 August, 2023 via the Inverell Times, Council's Website and Newsletter to existing users of the Equestrian Centre. Nominations closed at 10am on Friday, 18 August, 2023. The term of the appointment is until October 2024.

In accordance with the Inverell Equestrian Centre Plan of Management the committee shall comprise six (6) members of the public plus one (1) Council representative. Council also appoints an elected member to each section 355 committee. Council appointed Cr Di Baker to the Equestrian Council Committee in February 2023.

At the close of nominations, the following persons submitted an interest in serving on the Committee:

## 1. Mr Russell Hamel

- Mr Hamel served as Vice President of the Inverell Equestrian Centre (IEC) 2014 and 2015, and as President from 2016-2022.
- During his appointment Mr Hamel organised the building of the arena, fencing, stables and storage shed.
- Mr Hamel has spent many hours welding, mowing and maintaining the facilities.
- Mr Hamel is affiliated with Inverell Working Equitation Club, Inverell Campdraft Club, Inverell Team Penning and Jim's Riding Group.
- Mr Hamel aims to use his handyman skills to develop the facility further and to promote equestrian sport in general.

## 2. Mr Nicholas Triandopoulos

- Mr Triandopoulos was a member of the IEC during the last year and assisted with the last "IEC Fun Day".
- Mr Triandopoulos is affiliated with the Standard Pleasure & Performance Horse Association of NSW Inc (SPPHA NSW).
- Mr Triandopoulos wants to ensure that all user groups are treated in a fair and equitable manner. He believes that in future the facility could be upgraded to attract a wider variety of competitors and disciplines.

## 3. Mrs Pauline Thompson

- Mrs Thompson is a previous member of the IEC, has attended numerous numerous working bees and has judged and designed courses for Showjumping at the IEC.
- Mrs Thompson is the President of the newly formed "Inverell and District Showjumping Club Inc" and is a member of Equestrian Australia.
- Mrs Thompson is an accredited EA Level 2 Showjumping Judge and Level 1 course Designer.
- Mrs Thompson runs a small Connemara Pony Stud
- Mrs Thompson's aim is to have a fair and equal opportunity for all equestrian disciplines to use the grounds and to promote events to encourage participation from outside the area.

## 4. Mrs Suzi Mills

- Mr Mills has been attending clinics, meetings and working bees since 2010. Elected President of IEC in July 2022.
- Mrs Mills is affiliated with the Equestrian Australia, Eventing NSW, Eventing QLD, Warwick Horse Trails, ANWEL, Inverell Working Equitation Club, Inverell Showjumping Club, Armidale Riding Club, NCEC, Toowoomba Jump Club,
- Mrs Mills aim is to maintain and improve the amazing facilities at IEC and to promote equine activities of all types and all levels

## 5. Ms Kathleen (Kate) Tighe

- Ms Tighe is a past secretary and bookkeeper for IEC

- Md Tighe is affiliated with Inverell Working Equitation Group, Jim's Riding Days.
- Ms Tighe participates at events organised by IEC and attends Clinics with instructors from out of town
- Ms Tighe aims to promote clinic, lesson and various competitions at the IEC. She believes in being able to use the grounds at anytime as it is a safe area to ride in all weather.

6. Ms Debbie McCowen

- Ms McCowen has been involved with the IEC since inception as a participant at numerous events at the grounds.
- Ms McCowen is affiliated with Australia Quarter Horse Assoc, Australian Stock Horse Assoc, Australia Campdraft Assoc, Australian Bushman's Campdraft & Rodeo Assoc, Team Penning Australia
- Md McCowen aim is to support the IEC to continue to grow and in offering equestrian activities regardless of the discipline.
- Ms McCowen has sound financial skills, experience in governance and is objective.

7. Pat McMahoan

- Mr McMahan has been attending IEC meetings and volunteers at IEC working bees
- Mr McMahan volunteers as the Animal Welfare Officer at IEC events
- Mr McMahan is affiliated with Inverell Working Equitation Group, Jim's Riding Days and IEC Fun days
- Mr McMahan's aim is to ensure the grounds remain a community asset, available to everyone in the community
- Mr McMahan currently holds positions on a number community committees and has a sound knowledge of the horse industry.

8. Danny Tickle

- Mr Tickle is affiliated with the Bundarra Pony Club, member of the ABCRA competing in Campdraft and Rodeo, Inverell Show Jumping Club and Jim's Riding Days.
- Mr Tickle believes the IEC centre provides excellent facilities to the Inverell Community and he would like be a part of its ongoing success.
- Mr Tickle is currently President of the Bundarra Pony Club and a former President of the Inverell Motorcycle Sports Club providing him with good experience working on Committees.
- Mr Tickle is also the General Manager of a large packing company.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

**Nil**

**10.4 REFERRAL OF CONFIDENTIAL MATTERS****File Number:** S13.5.2/16 / 23/27297**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Referral of Confidential Report

**RECOMMENDATION:**

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

**Item:** Sale of Land - 104 Otho Street, Inverell

**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).

**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:** Sale of Land - 104 Otho Street, Inverell

**Description:** Council has received an offer to purchase 104 Otho Street, Inverell. Council is being asked to consider the offer.

**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*)

**11 INFORMATION REPORTS****11.1 STRATEGIC TASKS - 'SIGN OFF' - JULY 2023****File Number:** S4.13.2 / 23/25414**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

A part of a successful governance program is a need for administration to indicate to the policy makers that the requirements of the legislation, under which the organisation operates, has been provided. As a result, this information report provides Councillors with a statement of assurance from the General Manager that in accordance with the *Local Government Act, 1993*; the tasks have been complied with.

**COMMENTARY:**

The July 2023 tasks required to be undertaken are detailed below. Any of these tasks may be added to as Council becomes familiar with this new initiative.

<b>Date</b>	<b>Compliance Requirement</b>	<b>Achieved/Not Achieved</b>	<b>Comments</b>
	Financial statements to be audited within four months [LGA s416(1)]	In Progress	
7 July 2023	Proposed borrowing return to be submitted to TCorp	Achieved	30 <sup>th</sup> June 2023
31 July 2023	Last day for making rates [LGA s533]	Achieved	Notices posted/emailed 18 <sup>th</sup> July 2023
30 July 2023	Public Interest Disclosures Report due to NSW Ombudsman (PIDA s6CA)  Reminder: written returns of interest due 30 Sept for councillors and designated persons who held office at 30 June [MCC cl4.21(b)]	Achieved	

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of July, 2023. I confirm the accuracy and completeness of the information provided above, in that to the best of my knowledge and understanding, all material information has been herein disclosed.

P J HENRY PSMGENERAL MANAGER**ATTACHMENTS:****Nil**

<b>11.2 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING JULY 2023</b>
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**File Number:** S18.10.2/16 / 23/26645

**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 July 2023.

**DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING JULY 2023**

**Development Approvals**

<b><u>Development Application Number</u></b>	<b><u>Applicant</u></b>	<b><u>Property</u></b>	<b><u>Development</u></b>	<b><u>\$ Amount</u></b>
DA-66/2023	LEGS	276 Byron Street, INVERELL 2360	Bulk Storage Shed to Replace Damaged Storage Bunkers	230,000
DA-78/2023	The Donnelly Bell Family Trust and the S & E Doodson	59 Wynne Street, INVERELL 2360	Subdivision - 2 Lots into 9 Lots	NIL
DA-83/2023	TBN Construct Pty Ltd	32 Chisholm Street, INVERELL 2360	Alterations and additions to existing dwelling	55,000
DA-84/2023	Ms Sally-Ann Smith	15 Swimming Pool Road, TINGHA 2369	Shed	17,000
DA-85/2023	Mr Anthony Charles Alliston	Staggs Lane, INVERELL 2360	Shed	38,000
DA-86/2023	Mr John David Williams	74 Lawrence Street, INVERELL 2360	Alterations and additions to existing building	352,000
DA-91/2023	Abode Building Design	2 Froude Street, INVERELL 2360	Carport	14,200
DA-97/2023	Abode Building Design	14 Colin Street, INVERELL 2360	Demolition of existing shed and construction of carport	33,000
DA-98/2023	Abode Building Design	49 Runnymede Drive,	Shed	38,000

		INVERELL 2360		
DA-100/2023	Abode Building Design	187 Byron Street, INVERELL 2360	Installation of new signage on windows and building facade	4,400
<b>Monthly estimated value of Approvals: July 2023</b>			<b>10</b>	<b>781,600</b>

**Development Amendments**

<b><u>Development Application Number</u></b>	<b><u>Applicant</u></b>	<b><u>Property</u></b>	<b><u>Development</u></b>	<b><u>\$ Amount</u></b>
DA-139/2006/A	Brighter Access Ltd	30 MacIntyre Street, INVERELL 2360	Real Title Subdivision - 2 lots Strata Title Subdivision - 8 lots	NIL
DA-50/2022/A	Mr Jonathon Bourne	25 Short Street, GILGAI 2360	Demolition of Existing Dwelling & Construction of New Dwelling - Modified to Remove On-site Water Storage	NIL
DA-78/2022/A	Abode Building Design	5 Sylvan Drive, INVERELL 2360	New Dwelling, Shed & Pool	NIL
<b>Monthly estimated value of Approvals: July 2023</b>			<b>3</b>	<b>NIL</b>

**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 July 2023.

**INFORMATION:**

Nil

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

<b><u>Construction Certificate Number</u></b>	<b><u>Applicant</u></b>	<b><u>Property</u></b>	<b><u>Construction</u></b>	<b><u>\$ Amount</u></b>
CC-38/2023	Mr Anthony Michael George	52 Bimbadeen Drive, INVERELL 2360	New Dwelling	673,200



CC-40/2023	Abode Building Design	97 Fernhill Road, INVERELL 2360	Dwelling	660,000
CC-53/2023	LEGS	1750 Emmaville Road, ASHFORD 2361	Dwelling and prefabricated cabin linked with common deck	174,250
CC-64/2023	Mr Danny John Everingham	8075 Gwydir Highway, LITTLE PLAIN 2360	Shed	40,000
CC-76/2023	Mr Peter John Newman	20 Terry Drive, INVERELL 2360	Dwelling	632,330
CC-79/2023	Mr Anthony Charles Alliston	Staggs Lane, INVERELL 2360	Shed	38,000
CC-81/2023	Mr Luke Justin Sue-Fong	120 Lorikeet Lane, INVERELL 2360	Two (2) Rural Sheds	137,355
<b>Monthly estimated value of Approvals: July 2023</b>			<b>7</b>	<b>2,355,135</b>

**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 JULY 2023****Complying Development Certificates Approved by Council**

Nil

**Amended Complying Development Certificates approved by Council**

<b><u>Construction Certificate Number</u></b>	<b><u>Applicant</u></b>	<b><u>Property</u></b>	<b><u>Construction</u></b>	<b><u>\$ Amount</u></b>
CD-3/2022/A	Mr Jonathon Bourne	837 Delungra Road, DELUNGRA 2403	Alterations and Additions to Dwelling	NIL
<b>Monthly estimated value of Approvals: July 2023</b>			<b>1</b>	<b>NIL</b>

**Complying Development Certificates approved by Private Certifier**

Nil

**Amended Complying Development Certificates approved by Private Certifier**

Nil

**TOTAL BUILDING CONSTRUCTION FOR INVERELL SHIRE DURING JULY 2023:**

<b>Type of Consent</b>	<b>Number</b>	<b>\$ Amount</b>
Construction Certificates – Council Approved	<b>7</b>	<b>2,355,135</b>
Construction Certificates – Private Certifier	<b>NIL</b>	<b>NIL</b>
Complying Development – Council Approved	<b>NIL</b>	<b>NIL</b>
Complying Development – Private Certifier	<b>NIL</b>	<b>NIL</b>
<b>TOTALS</b>		<b>2,355,135</b>

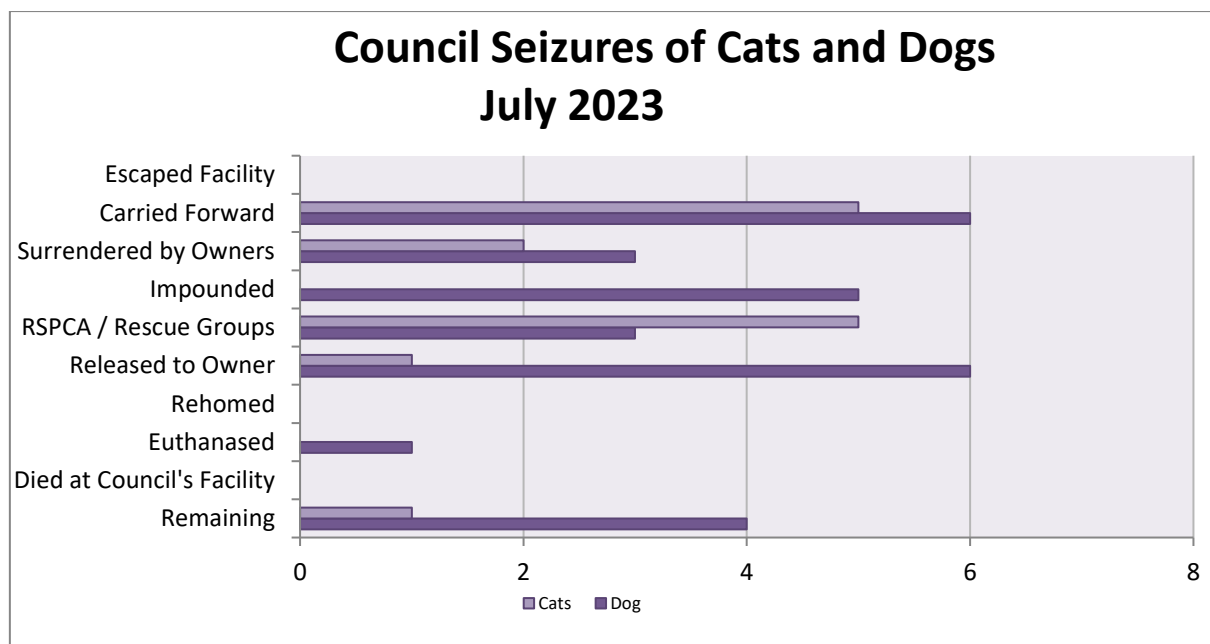
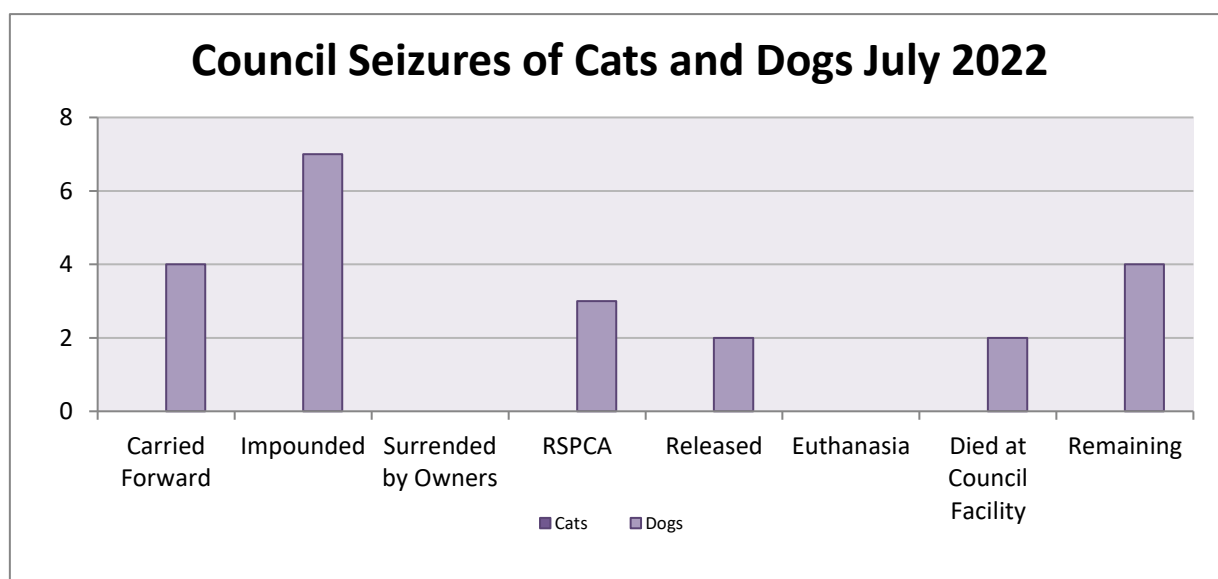
Estimated Value of Approvals issued in the financial ytd in: **2023/2024 (7) 2,355,135**  
**2022/2023 (8) 968,560**

Attachments:

Nil

**11.3 ORDINANCE ACTIVITIES REPORT FOR JULY 2023****File Number:** S18.10.1 / 23/26672**Author:** Robyn Waters, Administration Officer**SUMMARY:**

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

**INFORMATION:****COMPLIANCE****Inverell Shire Council Pound Monthly Report July 2023****Inverell Shire Council Pound Monthly Report July 2022****ATTACHMENTS:****Nil**

**11.4 REPAIR PROGRAM UPDATE - BUNDARRA ROAD ADJACENT TO RACECOURSE****File Number:** S15.8.22 / 23/27149**Author:** Scott Hamilton, Project Engineer**SUMMARY:**

Bundarra Road adjacent to the racecourse was identified as a priority under the Regional Roads Rehabilitation Program 2020-2024. The project was postponed in 2020-2021 due to wet weather and is now proposed to be funded as part of the 2023-2024 REPAIR Program. This report is for the information of Council.

**COMMENTARY:**

MR 73 Bundarra Road from the Pioneer Village to Cunningham's Hill, a 1.2km section adjacent to the Inverell racecourse has been previously identified as a priority under Council's Regional Roads Rehabilitation Program 2020-2024 and was funded in the 2020-2021 financial year under the REPAIR program. Drainage works initially commenced in March 2021 but were short lived due to persistent wet weather and the amount of stormwater runoff laying on and around the site. Continual wet weather in conjunction with poor site drainage coupled with the onset of the winter months delayed the project and subsequently funding was re-allocated to other projects. The project did not progress to the construction stage and was postponed when works could not be completed by 30 June 2021.

With La Nina conditions experienced over much of the country these last two (2) years, coupled with commitments to other projects programmed, including significant flood damage works undertaken within the LGA, Council have been unable to undertake this project.

As we are now moving into drier conditions over the coming months, and a recent assessment of the project site, there is an opportunity to re-commence the drainage works and complete the roadworks this financial year. The project will be funded from this year's REPAIR Program.

Council's rural construction crew are currently working on a project on Bundarra Road, South of Gilgai. It is planned for this crew to complete the bitumen seal on the current section south of Gilgai and re-establish to the racecourse project late August 2023. Commencement of the drainage works and the removal of the trees that line the project site will be undertaken in late August 2023 with the roadworks proceeding early September 2023. The planned project completion date is at the end of November 2023 prior to the commencement of the upcoming storm season and the busy Christmas period.

**RISK ASSESSMENT:**

Council have a window of opportunity to undertake this project now whilst weather conditions are favourable and the project site is significantly dry. There is a significant increase in risk if programming this project in the summer months where storm events and increased traffic could impact on project progression or in the autumn months when leading into colder and less drying conditions.

**ATTACHMENTS:****Nil**

**12 GOVERNANCE REPORTS**

Nil

**13 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 Sale of Land - 104 Otho Street, Inverell**