



INVERELL  
SHIRE COUNCIL



*The Brighter Access Sapphire City Festival finale evening was held on Saturday, 28<sup>th</sup> October, 2023.*

*Pictured above are The Cover Girls who were amongst the performers who entertained the crowd on the evening.*

Business Paper  
Ordinary Meeting of Council  
Wednesday, 22 November 2023

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

17 November, 2023

An Ordinary Meeting of Council will be held in the Council Chambers, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 22 November, 2023, commencing at **3.00pm**.

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

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

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

**BRETT MCINNES**

**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	<sup>^</sup> 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.

<sup>^</sup> Meeting at which the Management Plan for 2023/2024 is adopted.



**INVERELL**  
SHIRE COUNCIL

# INTERNAL CALENDAR

## December 2023

SUN	MON	TUE	WED	THU	FRI	SAT
					Inverell Theatre Company – A Christmas Carol 1.	Inverell Theatre Company – A Christmas Carol 2.
Sapphire City Markets 3.	Reports due for Ordinary Council Meeting 4.			Inverell Theatre Company – A Christmas Carol 7.	Inverell Theatre Company – A Christmas Carol 8.	Inverell Theatre Company – A Christmas Carol (Matinee) The Sapphire City Concert Band - Carols in the Park 9.
Sapphire City Markets Danthonia Christmas Carols 10.		5:00pm Inverell Equestrian Centre Management Committee Meeting 12.	3.00pm Ordinary Council Meeting 13.			Combined Churches – Christmas in the Park 16.
Sapphire City Markets Combined Churches - Christmas Service 17.			Start of School Holidays 20.			Salvation Army Christmas Remembrance Service 23.
Christmas Eve 24.	Christmas Day 25.	Boxing Day 26.				
New Year's Eve 31.						

 Council office closed

**1 APOLOGIES**

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

*That the Minutes of the Ordinary Meeting of Council held on 25 October, 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, 25 OCTOBER 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) and Sharon Stafford (Executive Assistant).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/160**

Moved: Cr Paul King OAM

Seconded: Cr Nicky Lavender

*That the Minutes of the Ordinary Meeting of Council held on 27 September, 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**

Nil

**4 PUBLIC FORUM**

Nil

**5 MAYORAL MINUTE**

**5.1 RESIGNATION OF GENERAL MANAGER S16.7.6**

**RESOLUTION 2023/161**

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

1. *That Council place on record its appreciation for the distinguished service provided by General Manager, Mr Paul Henry PSM to Council and the Inverell Shire community over the last 32 years;*
2. *Council extend its best wishes to Paul, his wife Gabrielle and family for his upcoming retirement; and*
3. *The contents of the Mayoral Minute be formally noted.*

**CARRIED**

**6 ADVOCACY REPORTS**

Nil

**7 NOTICES OF BUSINESS**

Nil

**8 QUESTIONS WITH NOTICE**

Nil

**9 COMMITTEE REPORTS****9.1 CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MINUTES - 11 OCTOBER 2023****RESOLUTION 2023/162**

Moved: Cr Stewart Berryman

Seconded: Cr Di Baker

- i. *That the Minutes of the Civil and Environmental Services Committee held on Wednesday, 11 October, 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 Regional Emergency Road Repair Fund****RECOMMENDATION:***That:*

1. *The information be received and noted;*
2. *\$544,993 be allocated to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project from Regional Emergency Road Repair Fund (RERRF) to replace the now unavailable REPAIR funding allocation; and*
3. *A further report be presented to Council to allocate the remaining Regional Emergency Road Repair Fund (RERRF) funding once the funding deeds are completed.*

**9.1.2 MR187 Yetman Road - Ring Street to Mcfertridge Lane - Speed Zone Review****RECOMMENDATION:***That:*

1. *The information be received and noted; and*
2. *A formal request be forwarded to Transport for NSW to undertake a review of the speed zone environment on Yetman Road between Ring Street to McFertridge Lane in accordance with the NSW Speed Zoning Standard.*

**9.1.3 Information Reports****RECOMMENDATION**

*That the information reports be received and noted.*

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 11 OCTOBER 2023****RESOLUTION 2023/163**

Moved: Cr Paul King OAM

Seconded: Cr Kate Dight

- i. That the Minutes of the Economic and Community Sustainability Committee held on Wednesday, 11 October, 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 - Waiver of Copeton Northern Foreshores Community Hall Hire Fee - Charity Event - Tiffany and Janice Pollock****RECOMMENDATION:**

*That Council donate \$250.00 hall hire free from Council's donation budget.*

**9.2.2 Request for Donation - Waiver of Town Hall Hire fees - BreastScreen NSW (Hunter New England Health)****RECOMMENDATION:**

*That Council donate \$560.00 town hall hire free from Council's donation budget.*

**9.2.3 Privacy and Personal Information Protection Act 1998 Amendments****RECOMMENDATION:**

*That Council adopts the following policies and documents:*

- i) Council's Privacy Management Plan;*
- ii) Data Breach Response Policy;*
- iii) Eligible Data Breach Incident Register; and*
- iv) Public Data Breach Notification Register.*

#### 9.2.4 Risk Management Framework

**RECOMMENDATION:**

*That the Risk Management Framework be adopted.*

#### 9.2.5 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.*

#### 9.2.6 Outstanding Debtor Account - 215057-1

**RECOMMENDATION:**

*That the General Manager be authorised to proceed in accordance with option 3 as detailed in the report.*

### 10 DESTINATION REPORTS

#### 10.1 EVANS STREET CULTURAL PRECINCT UPGRADE S26.5.10

**RESOLUTION 2023/164**

Moved: Cr Paul King OAM

Seconded: Cr Jo Williams

*That:*

- a) Council review the draft concept plans for the upgrade of the Evans Street Cultural Precinct;*
- b) Approve the plans in principle; and*
- c) Authorise the development of required engineering designs.*

**CARRIED**

#### 10.2 DUTIES OF DISCLOSURE - PECUNIARY AND OTHER MATTERS S13.6.5/15

**RESOLUTION 2023/165**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the tabling of the 'Disclosure of Pecuniary Interests and Other Matters' returns by the General Manager be noted.*

**CARRIED**

**10.3 RECRUITMENT OF GENERAL MANAGER S22-24/23****RESOLUTION 2023/166**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That the supplementary report be received and considered.***CARRIED****10.4 REFERRAL OF CONFIDENTIAL MATTERS S13.5.2/16****RESOLUTION 2023/167**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

*That Council move into Closed (Public excluded) meeting of the Council and that the press and members of the public be asked to leave the chambers whilst Council considers the following items:***Item:** 13.1 Recruitment of General Manager**Authority:** Section 10A (2) (a) personnel matters concerning particular individuals (other than councillors)**CARRIED****11 INFORMATION REPORTS**

Nil

**12 GOVERNANCE REPORTS****12.1 GENERAL & SPECIAL PURPOSE FINANCIAL REPORTS 2022/2023 S12.11.5****RESOLUTION 2023/168**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

*That:*

- i) *it be noted that the Financial Statements have changed due to the required manner in which landfill provisions are recorded within the Financial Statements. Further, it be noted that the residual value of Landfill assets has changed from the original statements which were presented to Council on 27 September, 2023.*
- ii) *Council record as an opinion of Council, in accordance with s413 (2c) of the Local Government Act 1993, that the draft 2022/2023 annual financial report is in accordance with:*
  - *the Local Government Act 1993 (as amended) and the Regulations made there under,*
  - *the Australian Accounting Standards and professional pronouncements,*

- *the Local Government Code of Accounting Practice and Financial Reporting, and*
- *presents fairly the Council's operating result and financial position for the year, and*
- *accords with Council's accounting and other records; and*
- *that the Council is not aware of any matter that would render this report false or misleading in any way.*

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

- i) the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the statements as required by s413(2) of the Local Government Act 1993;*
- ii) Council authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;*
- iii) Council authorise the General Manager to place the audited Financial Statements on public exhibition and provide notice in accordance with s418(3) of the Local Government Act 1993, that Council will consider the Reports of its Auditors for the year ended 30 June, 2023 at its Ordinary Meeting to be held on Wednesday, 22 November, 2023; and*
- iv) Council present the signed audited Financial Statements to the public at the Ordinary Council meeting to be held on 22 November, 2023 in accordance with s 419 (1) Local Government Act 1993.*

**CARRIED**

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

At 3.14pm, 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 2023/169**

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

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

**CARRIED**

#### **RESOLUTION 2023/170**

Moved: Cr Kate Dight

Seconded: Cr Stewart Berryman

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

**CARRIED**

Upon resuming Open Council at 3.17pm, 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 RECRUITMENT OF GENERAL MANAGER S22-24/23****RECOMMENDATION:**

*That:*

1. *Council receive and note the recruitment report from Leading Roles.*
2. *Council appoint 'Candidate A' as the preferred candidate for the position of General Manager subject to the successful completion of relevant background and eligibility checks.*
3. *On successful completion of the relevant checks, Council delegate authority to the Mayor to:*
  - a. *Offer 'Candidate A' a five-year fixed term performance-based contract for the General Manager's position,*
  - b. *Finalise the Total Remuneration Package, within the parameters determined by Council, and*
  - c. *Affix the Common Seal of Council to the Contract.*
4. *It be noted that the recruitment process and appointment was:*
  - a. *In accordance with the merit selection principles as required by s.349 of the Local Government Act (NSW) 1993*
  - b. *Completed in accordance with s.26A of the Local Government Act (NSW) 1993 and the Office of Local Government Guidelines for the Appointment of General Managers.*
5. *The confidentiality of the documents and considerations in respect of the recruitment process be maintained.*
6. *On completion of the recruitment process, the Mayor be authorised to inform the community of the name and relevant details of the person appointed as the General Manager of Inverell Shire Council.*

**CARRIED****ADOPTION OF RECOMMENDATIONS****RESOLUTION 2023/171**

Moved: Cr Di Baker

Seconded: Cr Kate Dight

*That the recommendations of Closed Council be adopted.*

**CARRIED**

**The Meeting closed at 3.18pm.**

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

**5 MAYORAL MINUTE****5.1 BIPARTISAN SUPPORT – PARLIAMENTARY INQUIRY INTO CRIME, LAW AND ORDER IN REGIONAL NSW****File Number:** S14.11.1/16 / 23/37197**Author:** Cr Paul Harmon, Mayor**RECOMMENDATION:**

*That Council endorse the following recommendations listed in the Country Mayors Association of NSW report into Crime, Law and Order and call on the member for Northern Tablelands the Hon. Adam Marshall MP to support the establishment of a Parliamentary Inquiry with the suggested terms of reference in the document:*

- 1. That, Inverell Shire Council call on all members of the NSW Parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of Crime Statistical and Research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.*
- 2. That, Inverell Shire Council calls on all members of the NSW Parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.*
- 3. That, Inverell Shire Council call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non-24 hour police stations, all of which are located in Regional, Rural and Remote Local Government areas.*
- 4. That, Inverell Shire Council calls on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.*

**BACKGROUND**

On 19 October 2023, Country Mayors Association of NSW (CMA) supported by the Police Association of NSW launched the CMA report into Crime, Law and Order in regional communities. The recommendations within the report call for the establishment of a Parliamentary inquiry, an increase in funding to enhance front line policing in regional communities in need, establishment of first response agreements in all police stations and that the formula used to determine the first response agreements in those stations with agreements are reviewed. The report also calls for bipartisan support from all State MPs.

**COMMENTARY:**

The Country Mayors Association of New South Wales joined forces with the Police Association of New South Wales to call for a Parliamentary Inquiry into crime, law and order in regional New South Wales.

CMA Chairman, Mayor Jamie Chaffey said statistics showed residents of rural, regional and remote New South Wales were more likely to be sexually assaulted, more likely to have their cars stolen, more likely to have their homes broken into and more likely to be impacted by domestic

violence. When these crimes did occur, the Police response was delayed due to the resources available.

“It is estimated one-third of New South Wales’ population live outside metropolitan areas,” Mayor Chaffey said. “But we are still second-class citizens when it comes to the safety of our communities.

“For the first time, our CMA annual survey has revealed that crime, law and order is now in the top five (5) emerging issues for New South Wales local governments.

“We knew crime was increasing, but we looked to the NSW Bureau of Crime Statistics and Research (BOCSAR) data to clarify the situation. We were shocked to learn that as well as the alarming incident counts in regional New South Wales, the rate of incidents per 100,000 people was, in some cases, horrifying when compared to metropolitan figures. Up to 90% of crimes including vehicle theft, breaking and entering, sexual assault and domestic assault are happening here, in our regional communities”, Mayor Chaffey added.

“We also have significantly fewer Police than our city cousins, and as a whole, New South Wales has less Police per head of population than Queensland, Victoria and South Australia. Our Police officers are already facing an incredible workload, with only one (1) Police officer per 467 NSW residents.

“We have not been heard by our state leaders, and our people - particularly the elderly and the vulnerable - are scared. They need to feel safe. They deserve to feel safe.”

“In this Country Mayors Association of New South Wales report, endorsed by the Police Association of New South Wales, we are calling for change. The report paints a very clear picture of a law and order crisis in regional communities. Our already-stretched Police officers cannot continue to try to address this impossible challenge alone.”, Mayor Chaffey concluded.

## **CONCLUSION**

Following the success of the Parliamentary Inquiry into health outcomes and access to health services in regional New South Wales that was established in 2020, we know the only way forward is to seek the bipartisan support of our state Members of Parliament to commit to this inquiry.

The health inquiry saw 15 public hearings across New South Wales, and heard one heart-breaking story after another about the level of inequity and the lack of care for our regional communities. It came up with 22 findings and 44 recommendations to bring about the changes needed.

This is what we need to make a difference in crime, law and order in our regional, rural and remote communities. We need a bold, hard look at everything from Police numbers, to the experiences of people who have suffered at the hands of this inequity. We need a clear way forward. Please help us to end this.

## **ATTACHMENTS:**

1. **Endorsed Report - Crime, Law & Order** [↓](#)



## Endorsed Report

# Country Mayors Association of NSW

## Crime, Law & Order

*ENDORSED OCTOBER 2023*



**THE COUNTRY MAYORS  
ASSOCIATION OF NSW INC**  
*"What we want is nothing more than equity"*



**THE COUNTRY MAYORS  
ASSOCIATION OF NSW INC**

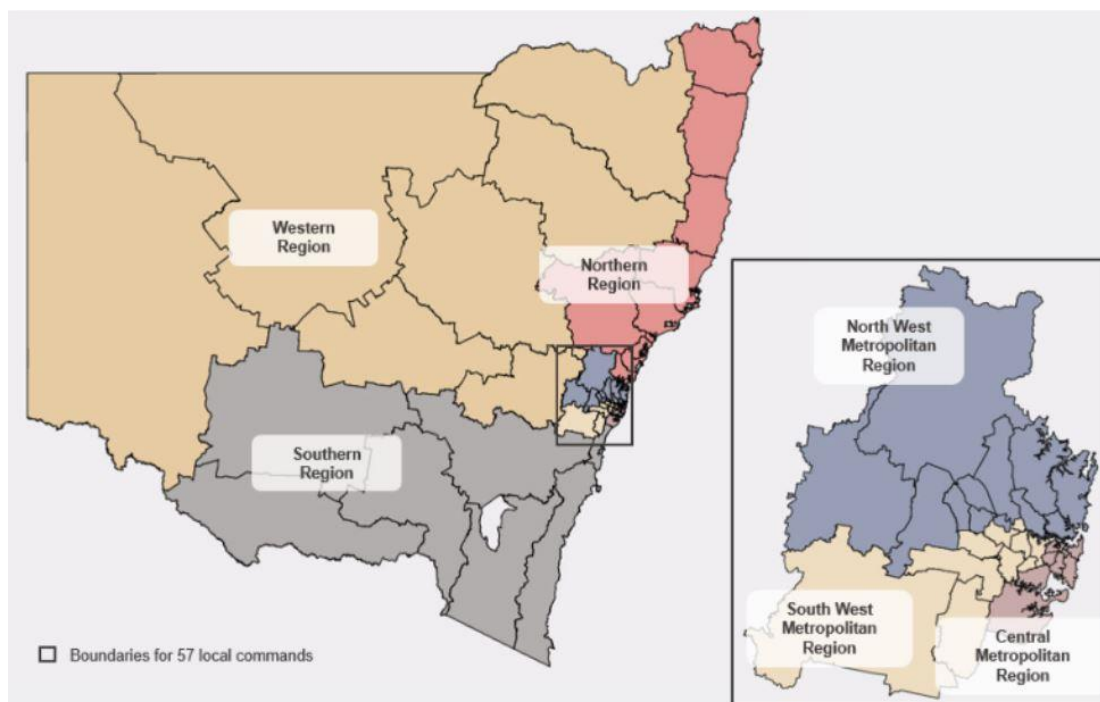
*"What we want is nothing more than equity"*

## Policing Regions

There are 17,659 sworn police officers operating across 57 police area commands and police districts (local commands) and six police regions in New South Wales.

As the image below shows there are three Metropolitan regions with the rest of NSW broken into three Regional, Rural and Remote regions.

The Metropolitan regions service 10,434 square kilometres or 1% of NSW land mass of NSW and the Regional and Rural regions service 789,940 Square kilometres or 99% of the land mass of NSW.



Source of information

NSW POLICE ANNUAL REPORTS

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Disclaimer - The content of this report is provided as an information source only. Whilst the material contained within this document has been formulated with all due care, taken from the BOCSAR website <https://www.bocsar.nsw.gov.au/>, the Country Mayors Association of NSW created this report to the best of their knowledge and that all the information contained within the report is a true and accurate representation, and therefore accepts no responsibility for the quality and accuracy of the Material.





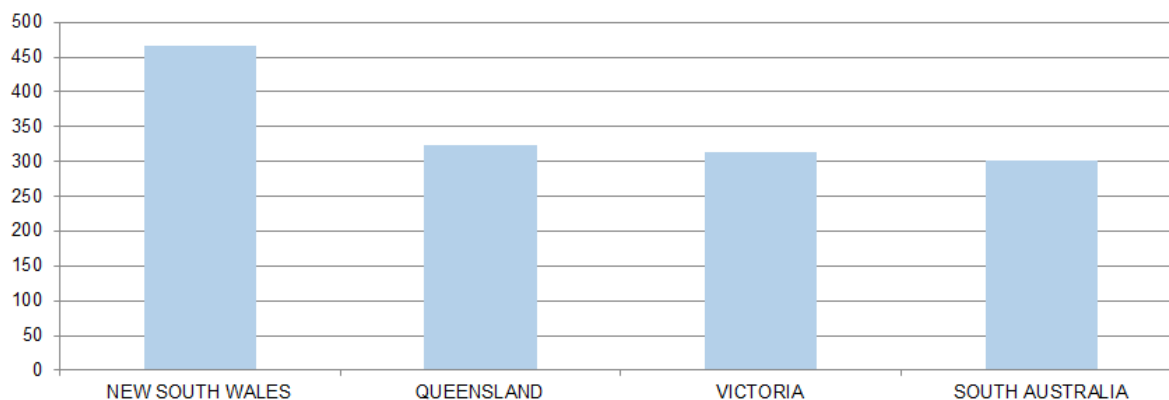
## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

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

### COMPARISON POLICING RESOURCES DISTRIBUTION BETWEEN METROPOLITAN - REGIONAL & RURAL REGIONS 2021-22 YEAR

STATE	POLICE COUNT	POPULATION	RATIO-POLICE OFFICER PER PERSON	OPERATIONAL EXPENSES	\$ SPENT PER PERSON
NEW SOUTH WALES	17,659	8,238,800	1- 467	\$4,615,000	\$560
QUEENSLAND	16,615	5,378,300	1- 324	\$2,858,646	\$532
VICTORIA	21,398	6,704,300	1- 313	\$4,099,679	\$611
SOUTH AUSTRALIA	6103	1,834,300	1- 301	\$1,036,241	\$565

### RATIO - POLICE OFFICER PER PERSON



New South Wales Police Officer Counts			
YEAR	POLICE COUNT	POPULATION	RATIO-POLICE OFFICER PER PERSON
2015	16693	7.62	1-456
2016	16627	7.7	1-463
2017	16649	7.81	1-469
2018	16788	7.89	1-469
2019	17111	7.992	1-467
2020	17348	8.072	1-465
2021	17727	8.163	1-460
2022	17659	8.24	1-466
2023	TBA	TBA	TBA

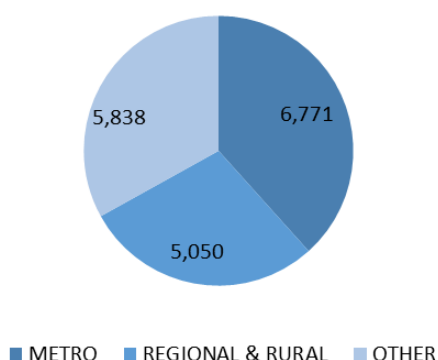


## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

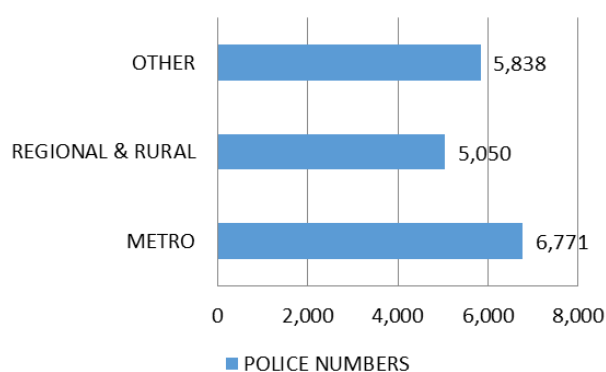
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### COMPARISON POLICING RESOURCES DISTRIBUTION BETWEEN METROPOLITAN - REGIONAL & RURAL REGIONS 2021-22 YEAR

#### POLICE NUMBERS



#### POLICE NUMBERS



	DISTRIBUTION%
<b>NEW SOUTH WALES</b>	<b>100%</b>
<b>METRO</b>	<b>38%</b>
<b>REGIONAL &amp; RURAL</b>	<b>29%</b>
<b>OTHER</b>	<b>33%</b>

#### Explanation of Other (Taken from NSW Police Annual Report)

\* Region population estimates have been derived by taking each region's share of the NSW population. The figures above do not include staff (police and administrative) who are centrally managed but deployed throughout the regions in specialist and corporate roles to provide investigative support, radio communications, call centres, forensic services, complaints and employee management, air and sea policing, specialist surveillance, canine and mounted support, media and public relations, counter terrorism and major crime investigation, police prosecutions, technology support, occupational health and safety, injury management, education and training, human resource support and asset management. The figures above represent actual police strength as at 30 June 2022. These figures will vary from month to month and year to year. Actual strength across the NSW Police Force has decreased from 17,727 in 2020-21 to 17,659 in 2021-22.



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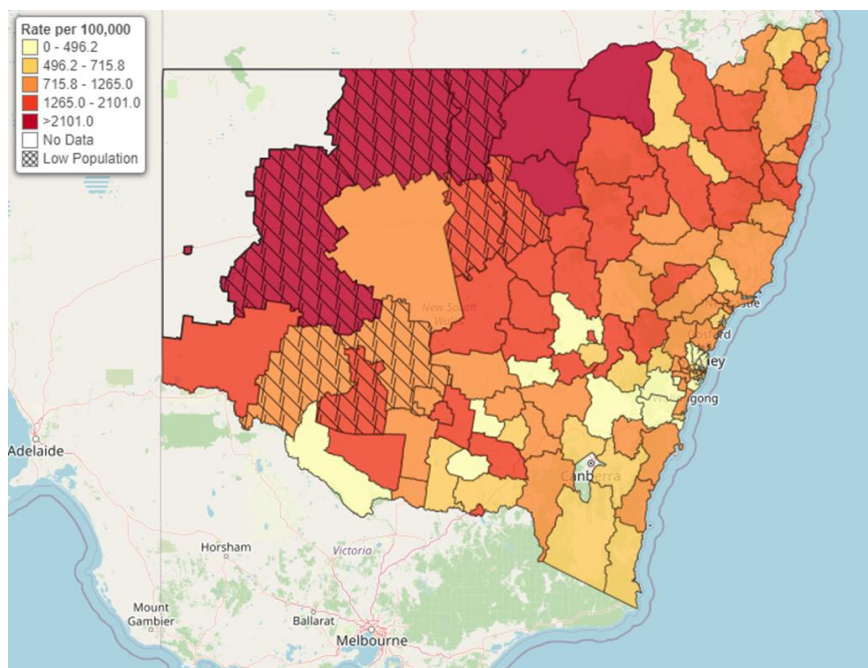
## **WHERE ARE THE CRIME RATES AND CRIME COUNTS THE HIGHEST**





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### About:

The Bureau is a statistical and research agency within the Department of Communities and Justice. It was established in 1969.

### Their aims are to:

- identify factors that affect the distribution and frequency of crime;
- identify factors that affect the effectiveness, efficiency or equity of the NSW criminal justice system;
- Ensure that information on these factors and on crime and justice trends is available and accessible to our clients.

### Their four main areas of activity are:

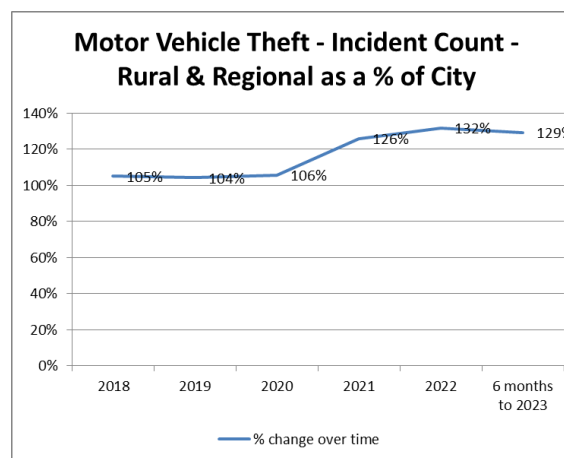
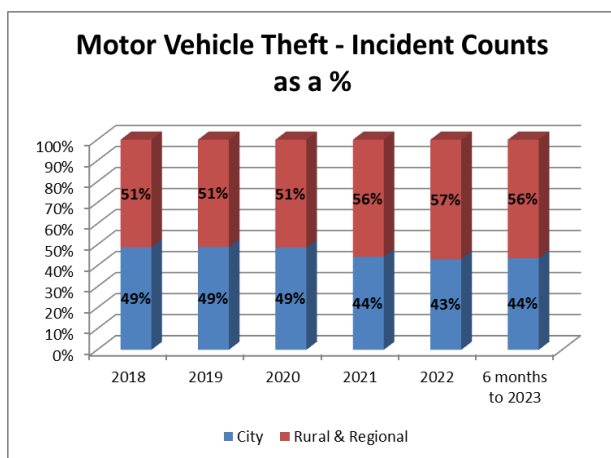
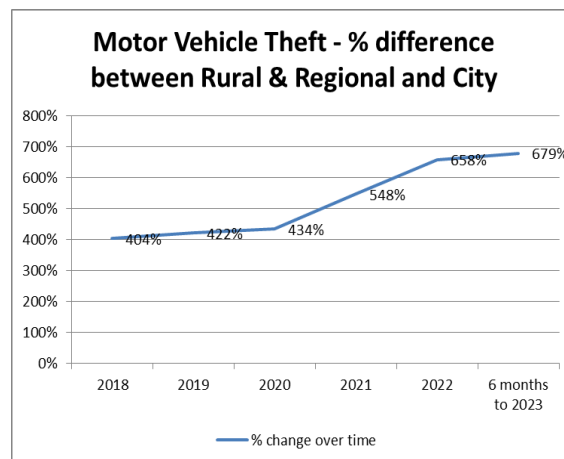
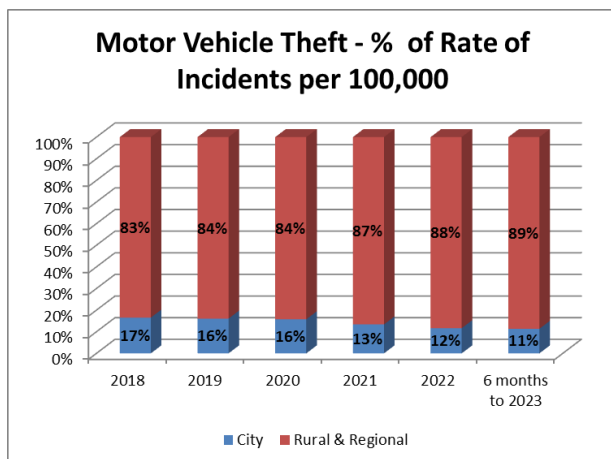
- developing and maintaining statistical databases on crime and criminal justice in NSW;
- conducting research on crime and criminal justice issues and problems;
- monitoring trends in crime and criminal justice;
- providing information and advice on crime and criminal justice in NSW.



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## MOTOR VEHICLE THEFT



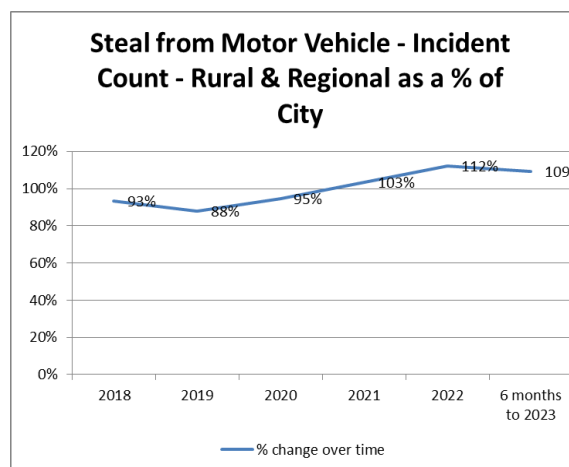
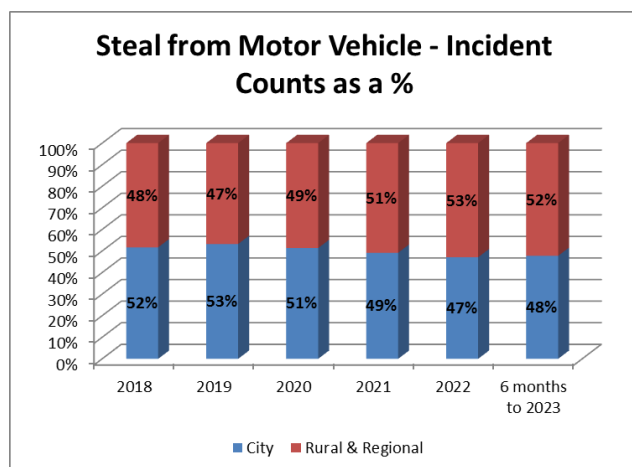
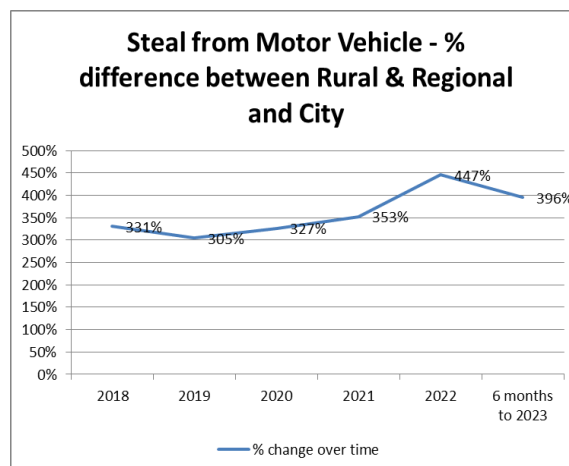
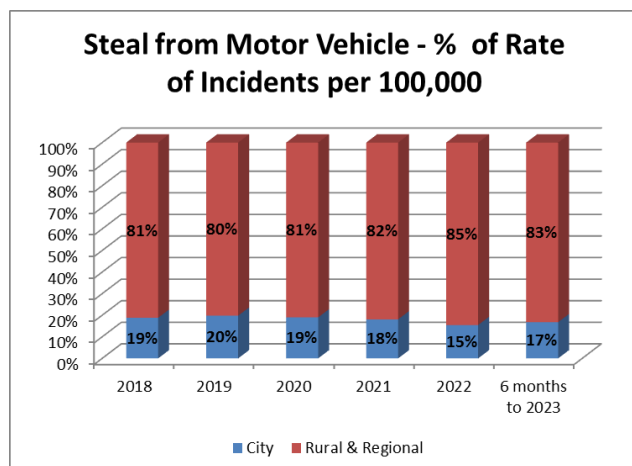
Motor Vehicle Theft - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	6383	6575	5703	4640	5302	3022
Rural and Regional	6707	6853	6026	5845	6990	3905
Total	13090	13428	11729	10485	12292	6927



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## STEAL FROM MOTOR VEHICLE



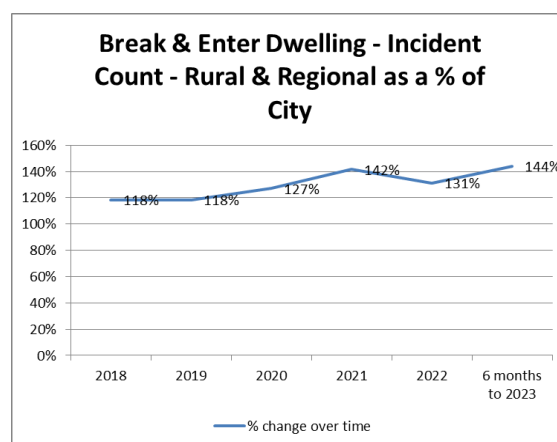
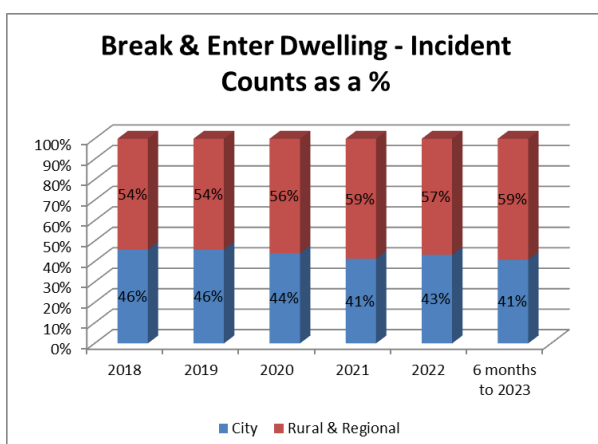
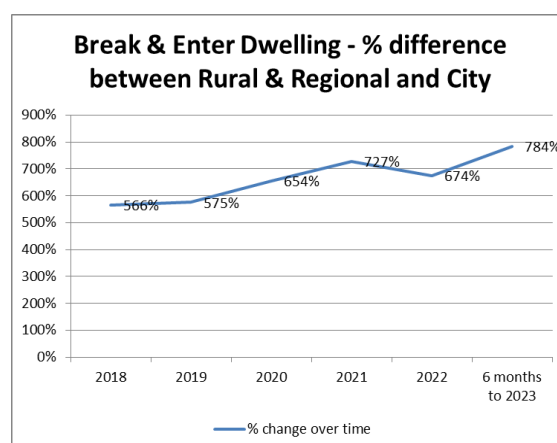
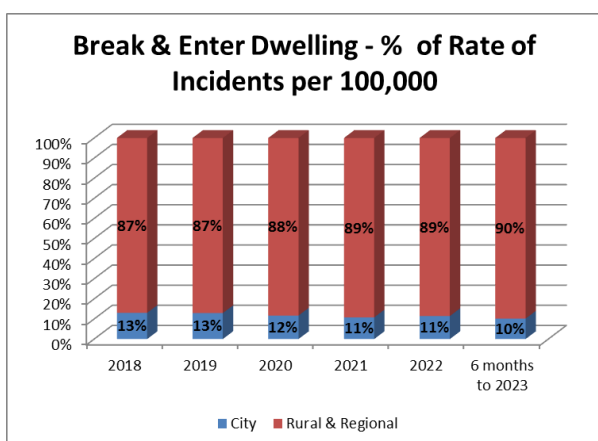
Steal from Motor Vehicle - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	19702	20330	14553	13634	12790	7040
Rural and Regional	18407	17856	13781	14090	14370	7699
Total	38109	38186	28334	27724	27160	14739





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## BREAK & ENTER DWELLING

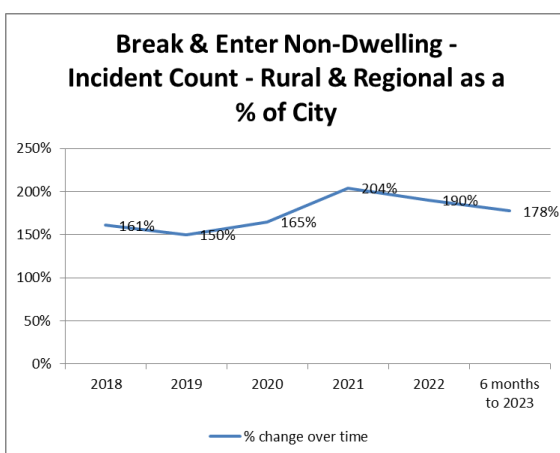
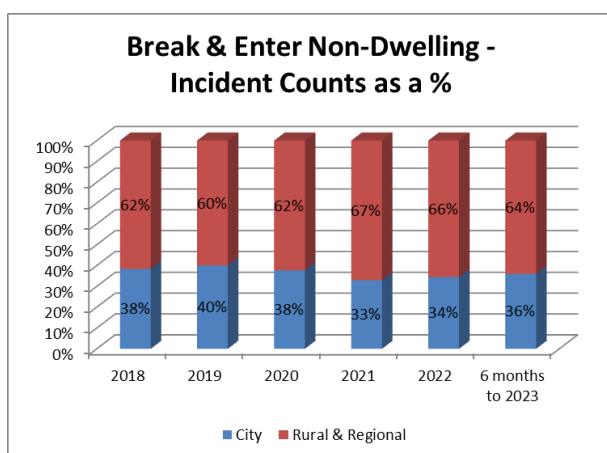
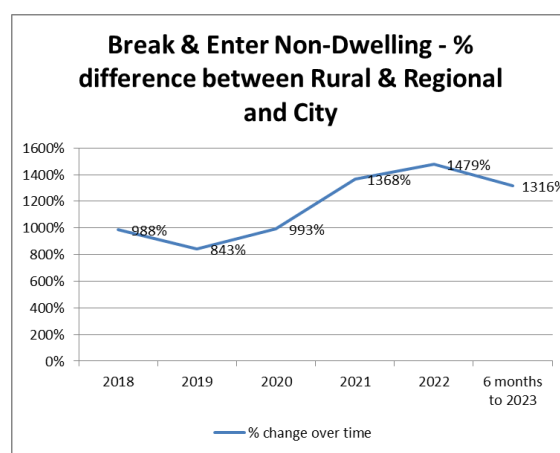
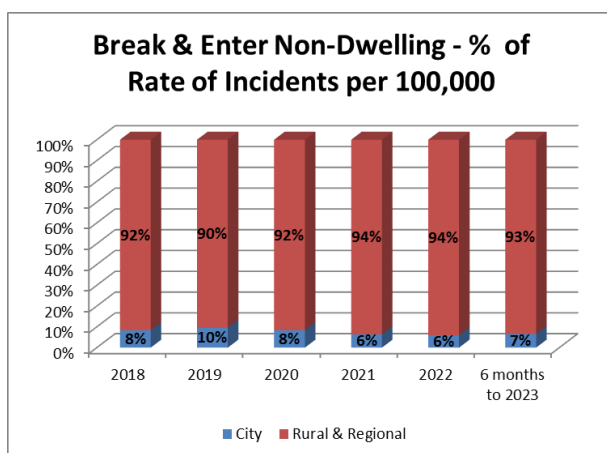


Break & Enter Dwelling - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	12151	11676	8669	7394	8112	3948
Rural and Regional	14398	13834	11027	10480	10645	5693
Total	26549	25510	19696	17874	18757	9641



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## BREAK & ENTER NON-DWELLING

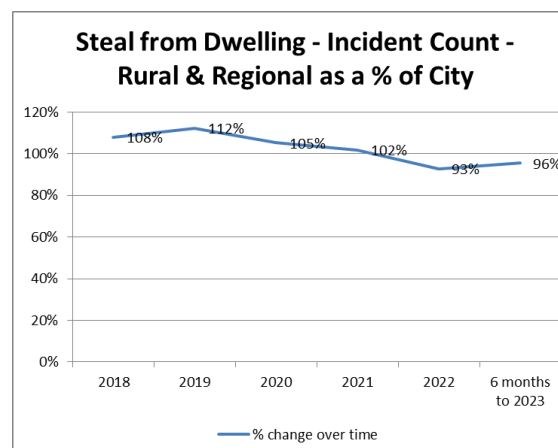
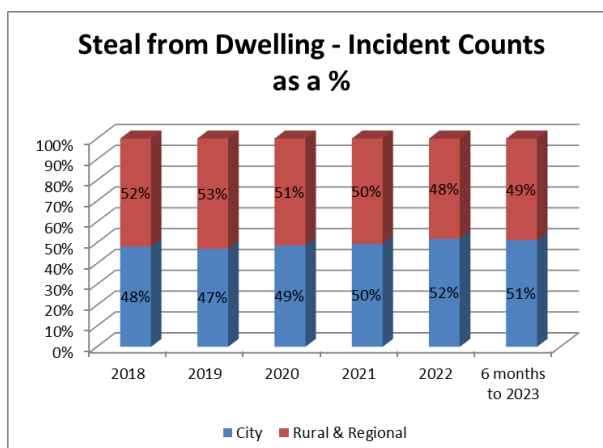
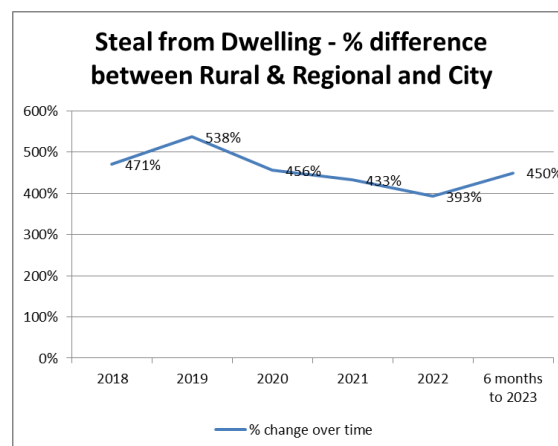
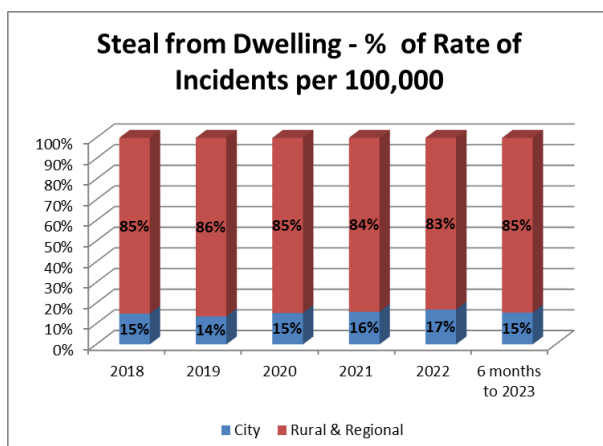


Break & Enter Non-Dwelling - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	3919	3966	2783	2353	2553	1522
Rural and Regional	6303	5950	4593	4801	4857	2702
Total	10222	9916	7376	7154	7410	4224



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## STEAL FROM DWELLING

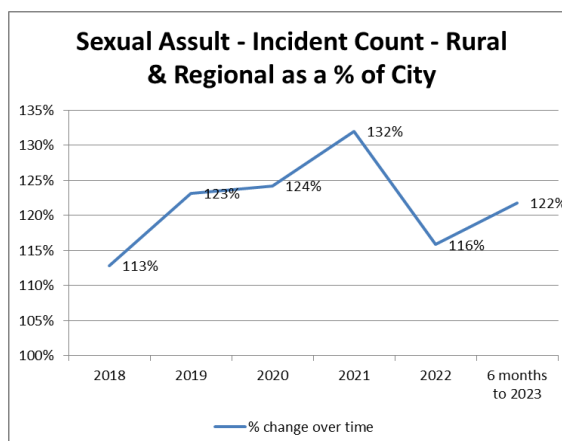
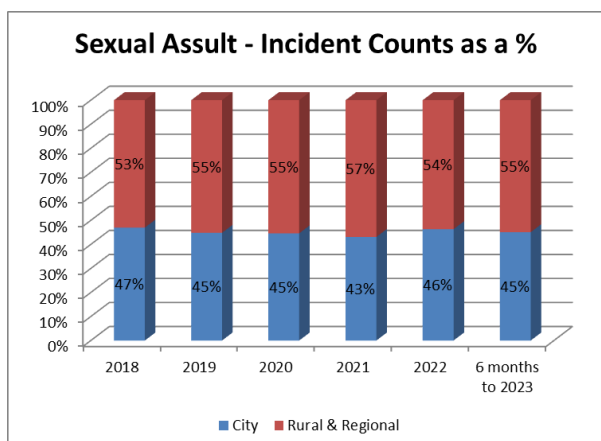
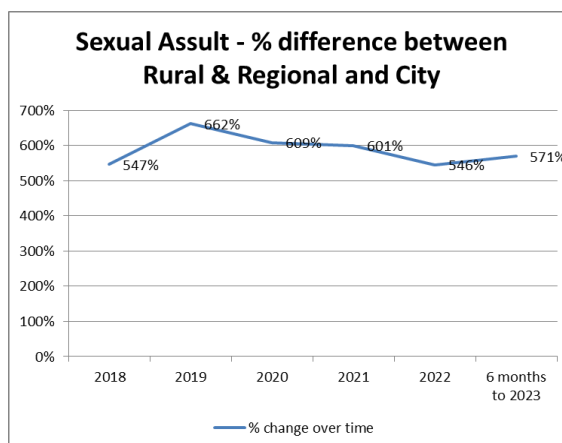
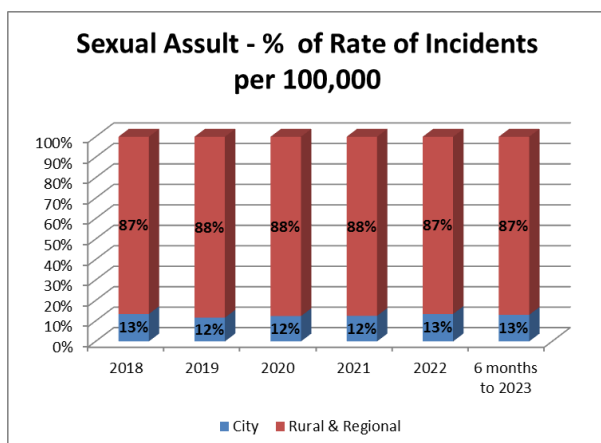


Steal from Dwelling - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	9249	8848	8184	8143	7869	3924
Rural and Regional	9984	9939	8612	8290	7294	3749
Total	19233	18787	16796	16433	15163	7673



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## SEXUAL ASSAULT

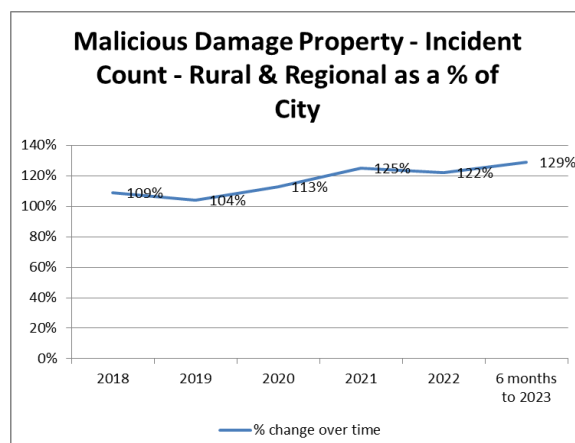
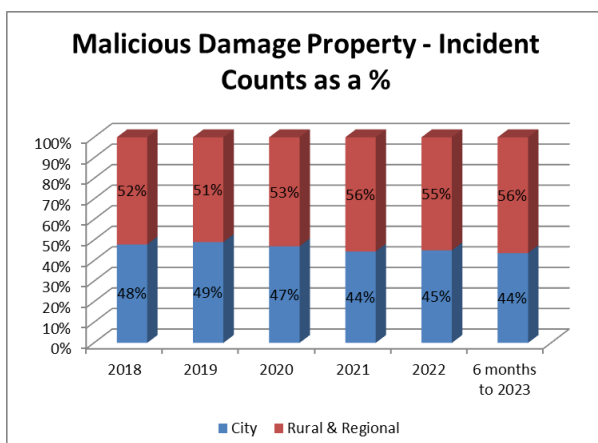
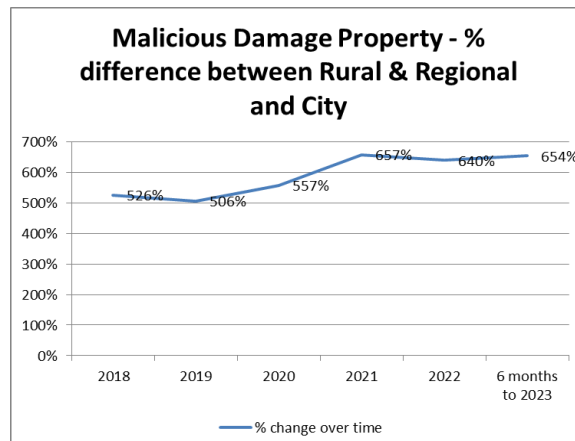
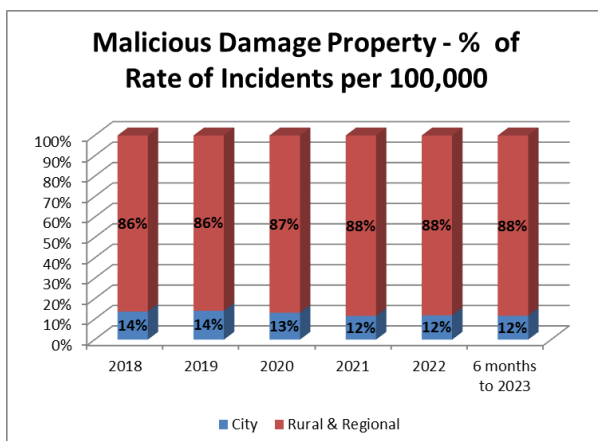


Sexual Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	2754	2843	3127	3149	3396	1564
Rural and Regional	3108	3501	3884	4157	3935	1905
Total	5862	6344	7011	7306	7331	3469



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## MALICIOUS DAMAGE PROPERTY



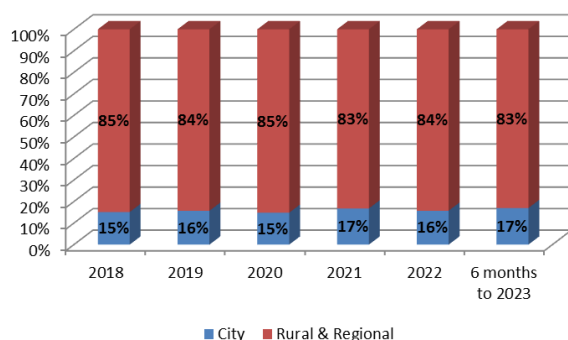
Malicious Damage Property - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	28004	28000	25028	21870	21809	10532
Rural and Regional	30487	29077	28235	27342	26610	13570
Total	58491	57077	53263	49212	48419	24102



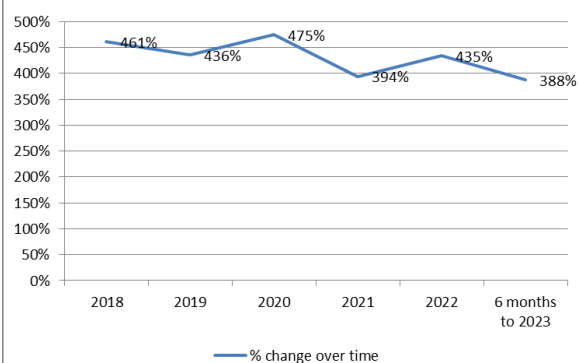
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## USE-POSSESS CANNABIS

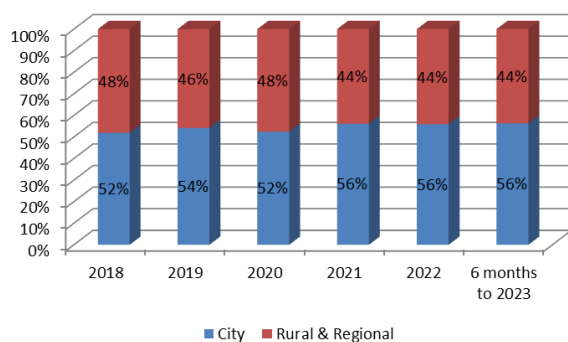
**Use-Possess Cannabis - % of Rate of Incidents per 100,000**



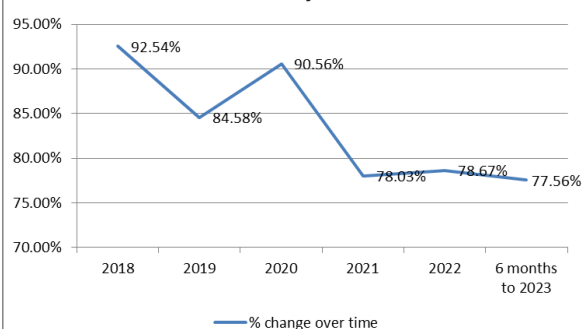
**Use-Possess Cannabis - % difference between Rural & Regional and City**



**Use-Possess Cannabis - Incident Counts as %**



**Use-Possess Cannabis - Incident Count - Rural & Regional as a % of City**

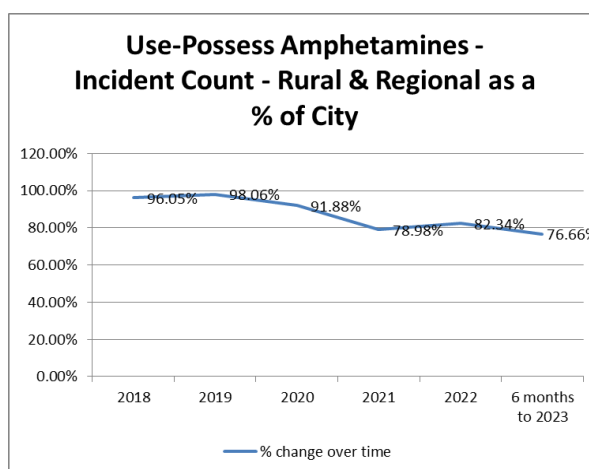
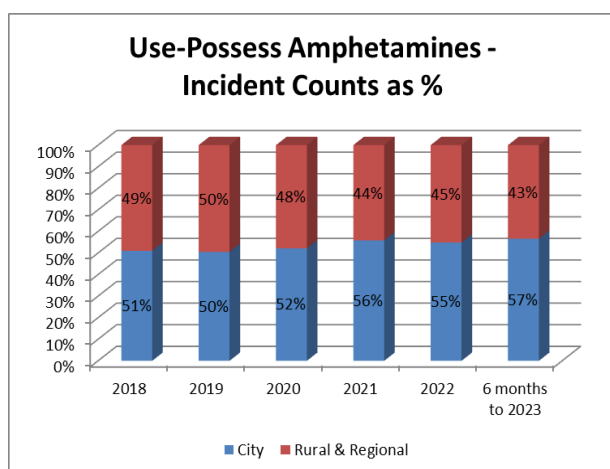
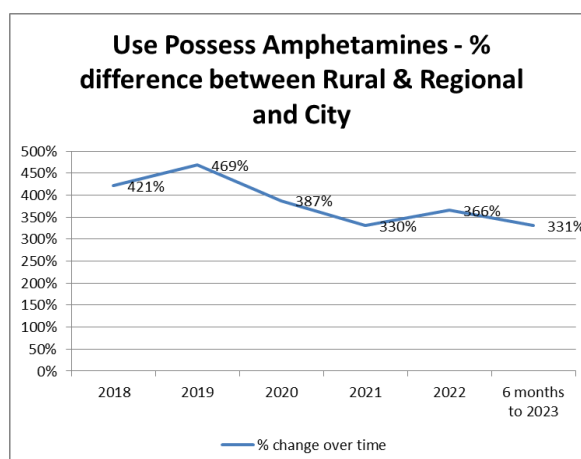
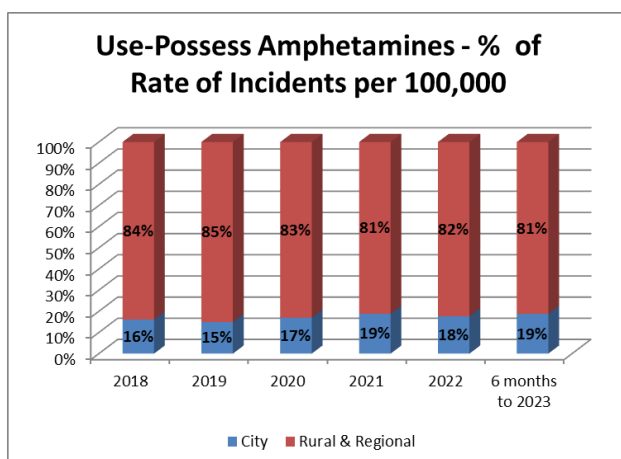


Use-Possess Cannabis - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	8901	9536	9509	9065	8717	4144
Rural and Regional	8237	8066	8611	7073	6858	3214
Total	17138	17602	18120	16138	15575	7358



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## USE-POSSESS AMPHETAMINES

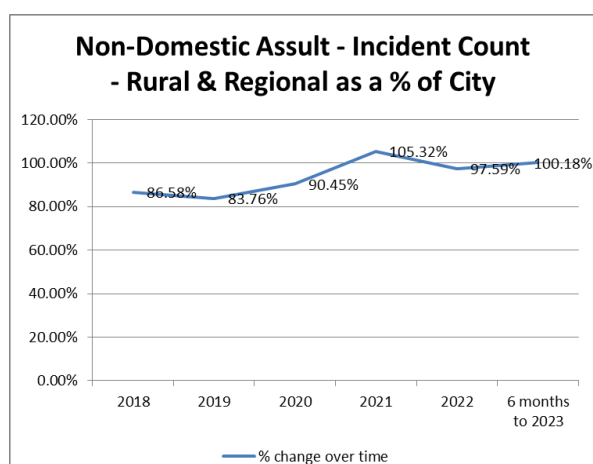
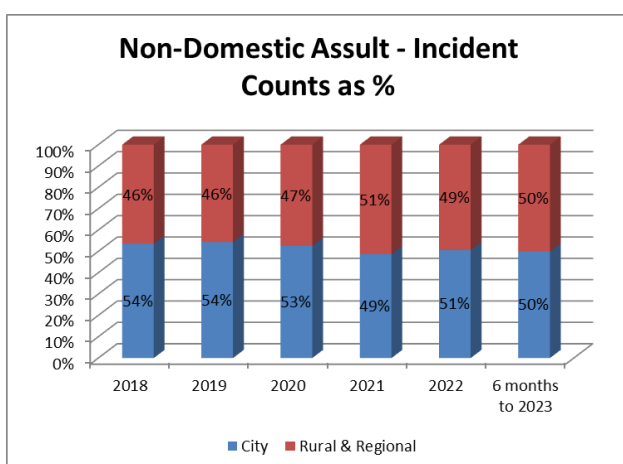
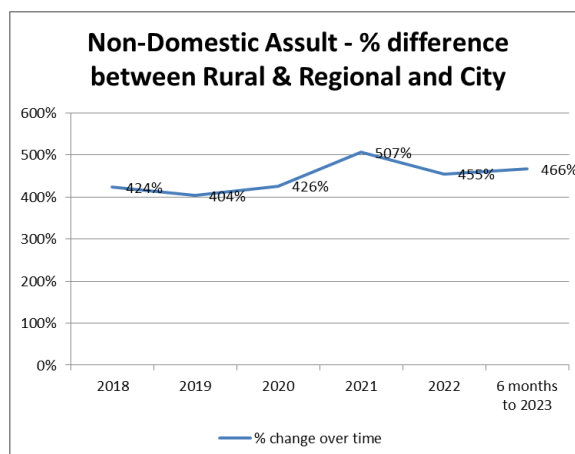
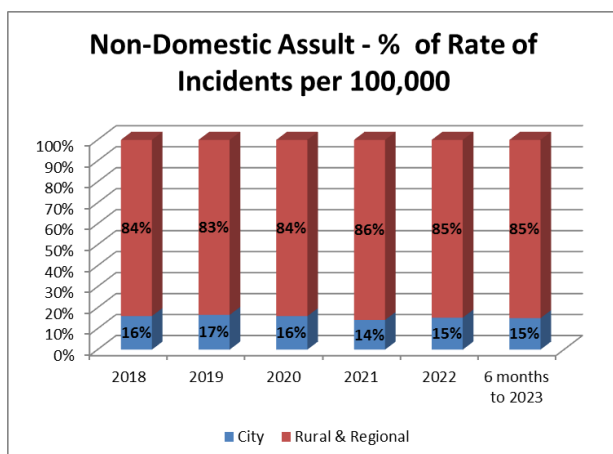


Use-Possess Amphetamines - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	3597	4015	4160	4100	3432	1774
Rural and Regional	3455	3937	3822	3238	2826	1360
Total	7052	7952	7982	7338	6258	3134



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## NON-DOMESTIC ASSAULT



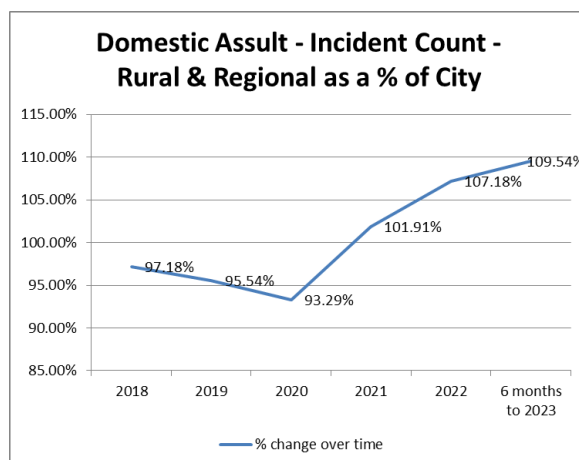
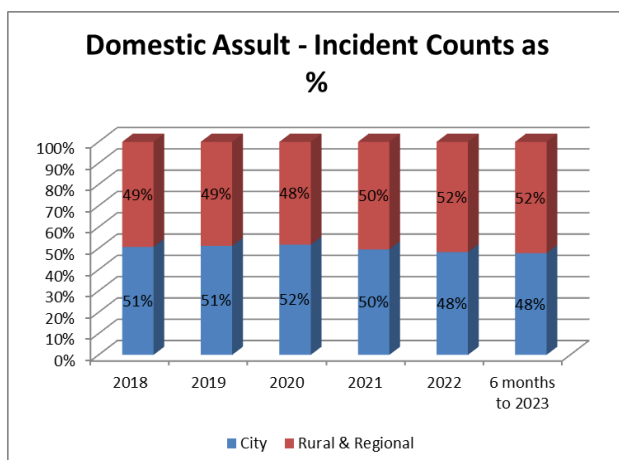
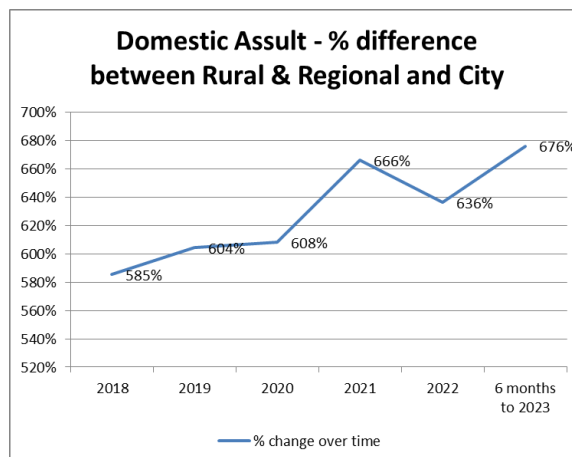
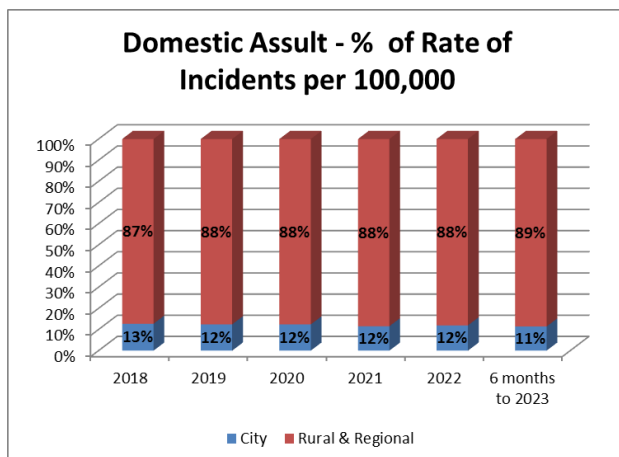
Non-Domestic Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	16345	16879	14944	13389	15122	7868
Rural and Regional	14152	14138	13517	14101	14757	7882
Total	30497	31017	28461	27490	29879	15750





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## DOMESTIC ASSAULT

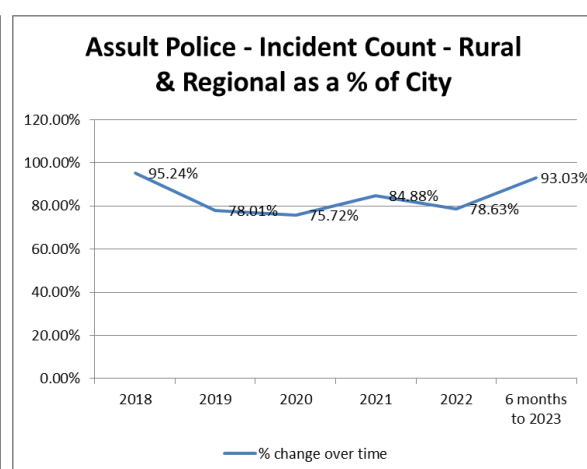
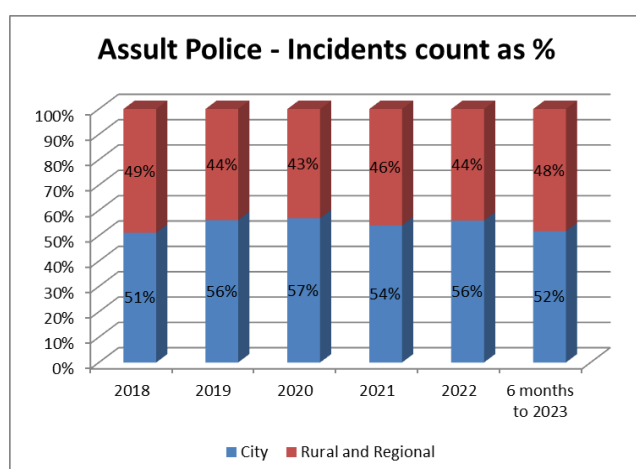
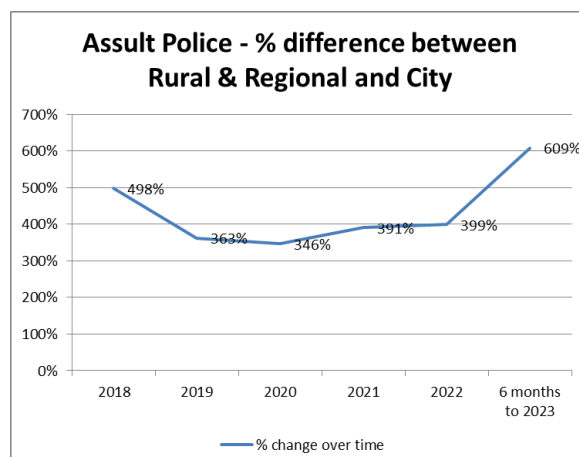
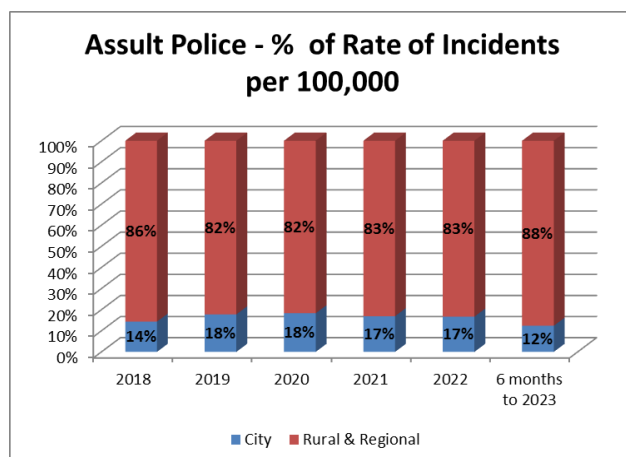


Domestic Assault - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	15069	16026	16689	15899	16265	8279
Rural and Regional	14644	15312	15570	16203	17433	9069
Total	29713	31338	32259	32102	33698	17348



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## ASSAULT POLICE

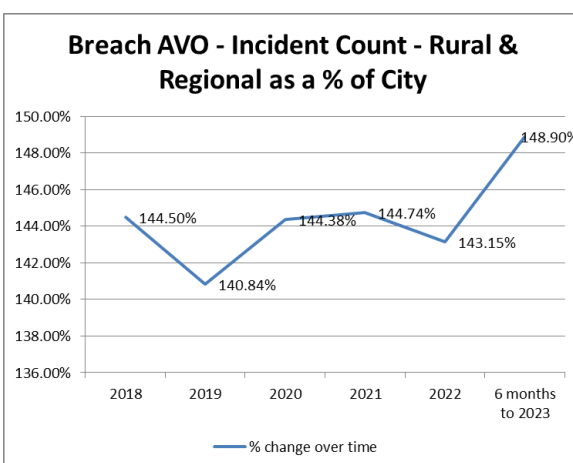
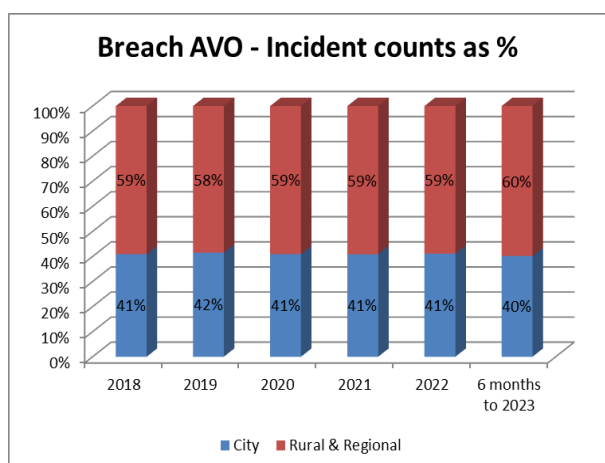
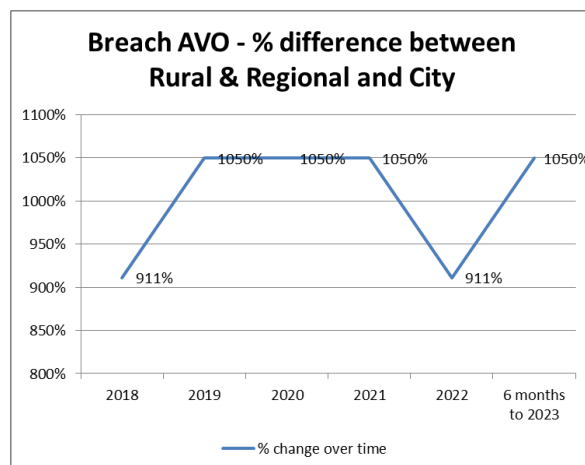
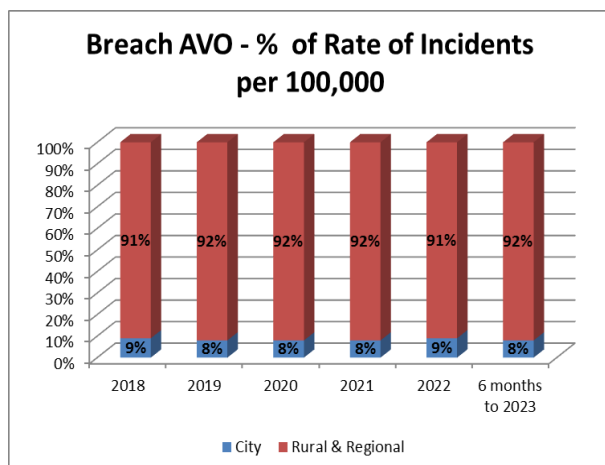


Assault Police - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	1261	1396	1433	1402	1535	660
Rural and Regional	1201	1089	1085	1190	1207	614
Total	2462	2485	2518	2592	2742	1274



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## BREACH AVO



Breach AVO - Incident Count						
Location	2018	2019	2020	2021	2022	6 months to 2023
City	6450	7277	8030	8489	9062	4677
Rural and Regional	9320	10249	11594	12287	12972	6964
Total	15770	17526	19624	20776	22034	11641



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## SUMMARY AND RECOMMENDATIONS

As Chairman of the NSW Country Mayors Association (CMA), I offer this report seeking support to effect positive change for Regional, Rural and Remote NSW communities.

CMA conducts an Annual Survey of our members to ensure that we advocate for change in areas that are most of need in our communities. The results from this year's survey can be found on the CMA website <https://nswcountrymayors.com.au/members-annual-survey/>. Crime Law and Order has for the first time now been identified in the top 10 issues impacting our communities.

This report is a comprehensive factual representation of policing numbers, funds spent, distribution of workforce and statistical data on crime categories over a six year period comparing Metropolitan to Regional, Rural and Remote Local Government areas in NSW. The source of data used for this report is a combination of, NSW Annual Police Reports and the NSW Bureau of Crime Statistics and Research (BOCSAR).

According to the NSW Annual Police Report, In 2021/22 year, there were 17,659 police officers which equates to a ratio of residents to police officer (1:467). For that same period of time Queensland had a ratio of (1:324), the South Australian ratio was (1:301), and Victoria's ratio was (1:313). These ratio's highlight the increased workload of police officers in NSW when compared to other Eastern seaboard states of Australia.

The rates of crime in the majority of reportable categories in NSW are substantially higher in Regional, Rural and Remote Local Government areas, then the Metropolitan LGA's. We believe this is a strong lead indicator that there are inadequate policing resources to ensure equality of the reportable rates of crime in the Regional, Rural and Remote regions into the future. It is not unreasonable that the residents of Regional, Rural and Remote NSW communities should expect to have rates of reportable crime no greater than Metropolitan residents, to achieve that change is required.

The graphs in each reportable category show the incident counts and incident rates; as a percentage in the highest majority of these reportable areas both the incident rates and counts are higher then in the Metropolitan LGA's. These results are extremely alarming considering only an estimated one third of the population of NSW resides in Regional, Rural and Remote areas.

### **Recommendations:**

- 1) That, the Country Mayors Association of NSW call on the all members of the NSW parliament to commit to bipartisan support to establish a Parliamentary Inquiry into and report on the rate of crime in all categories reported on by the Bureau of crime statistical and research (BOCSAR) in Regional, Rural and Remote New South Wales, specifically focussing on the inequity between Metro and Regional Local Government areas.
- 2) That, the Country Mayors Association of NSW calls on all members of the NSW parliament to commit to bipartisan support to increase spending on the NSW police force to increase front line policing numbers in Regional, Rural and Remote regions most at need.
- 3) That, the Country Mayors Association of NSW call on the NSW Government to commit to the minimum staffing agreements (known in the NSW Police Force as First Response Agreements) for non 24 hour police stations all of which are located in Regional, Rural and Remote Local Government areas.
- 4) That, the Country Mayors Association of NSW calls on the NSW Government to review the current formula used to assess staffing levels including the universally agreed outdated current model for those Local Government areas that do have a First Response Agreement in place.



## THE COUNTRY MAYORS ASSOCIATION OF NSW INC

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### **Suggested - Terms of Reference For the Parliamentary Inquiry:**

The Country Mayors Association of NSW expects, at the very minimum, that the Inquiry should include public hearings in Rural, Regional and Remote NSW and that the Terms of Reference for the Parliamentary Inquiry should include:

1. That the body undertaking the Parliamentary Inquiry inquire into and report on law enforcement outcomes and access police and police services in Rural, Regional and Remote NSW, and in particular:

(a) Equitable and proportionate policing numbers and service to people living in Rural, Regional and Remote NSW;

(b) A comparison of physical policing numbers and crime statistics for people living in LGAs in Rural, Regional and Remote NSW compared to those living in Metropolitan NSW LGAs;

(c) Access to policing services in Rural, Regional and Remote NSW including service availability, barriers to access and quality of services;

(d) People's experience, wait-times and quality of service in Rural, Regional and Remote NSW and how it compares to Metropolitan NSW;

(e) An analysis of the planning systems and projections that are used by NSW Police in determining the provision of law enforcement services that are to be made available to meet the needs of residents living in Rural, Regional and Remote NSW;

(f) An analysis of the capital and recurrent law enforcement expenditure in Rural, Regional and Remote NSW in comparison to population growth and relative to Metropolitan NSW;

(g) An examination of the staffing challenges and allocations that exist in Rural, Regional and Remote policing and the current strategies and initiatives that NSW Police is undertaking to address them;

(h) Re-offending rates and related impacts on NSW Police, including the ability to retain police officers;

(i) Doli incapax, its application and its effectiveness in actually managing re-offending rates;

(j) The accessibility and availability of support services for members of the NSW Police Service;

(k) An examination of the impact of attrition within the NSW Police Service impacting the ability of those police remaining to effectively and safely undertake their duties;

(l) Analyse police staffing levels in Regional, Rural and Remote Local Government areas and report on the process of committing to a First Response Agreement for non 24 hour police stations;

(m) Review of the methodology used to assess staffing levels for Regional, Rural and Remote Local Government areas that currently have First Response Agreements in place.

(n) Investigate the functions being performed by NSW police officers on behalf of other agencies such as prisoner transport, mental health assistance and all other support functions that impact on the availability of general duties police officers and their response times in Regional, Rural and Remote Local Government areas, and;

(o) Any other related matters.

**6 ADVOCACY REPORTS****6.1 MEMORANDUM OF UNDERSTANDING BETWEEN GOONDIWINDI REGIONAL COUNCIL & INVERELL SHIRE COUNCIL****File Number:** S14.10.1 / 23/36149**Author:** Cr Kate Dight, Councillor**SUMMARY:**

Consistent with a previous resolution of the Border Rivers Regional organisation of Councils (BROC), a Memorandum of Understanding (MoU) has been prepared between Goondiwindi Regional Council and Inverell Shire Council to further facilitate cross-border collaborative working arrangements. Council is being asked to endorse the MoU.

**RECOMMENDATION:***That:*

- i. The report be received and noted; and*
- ii. The Memorandum of Understanding between Goondiwindi Regional Council and Inverell Shire Council be signed by the Mayor.*

**COMMENTARY:**

At the May 2023 Border Regional Organisation of Councils (BROC) meeting held in St George, it was resolved that neighbouring QLD/NSW Councils would be encouraged to explore and investigate Memorandums of Understanding (MoU) for Cross Border Collaborative Working Arrangements, noting alignment with but not limited to the following four (4) BROC Strategic Priority Areas:

- 1 ECONOMIC DEVELOPMENT & TOURISM
  - Industry
  - Digital Connectivity
  - Tourism
- 2 LIVEABILITY
  - Health
  - Housing
  - Education
  - Policing/Crime Prevention
- 3 INFRASTRUCTURE
  - Road Network
  - Transport
  - Water Security, Urban & Waste Water
- 4 DISASTER MANAGEMENT
  - Agency Coordination
  - Biosecurity

The matter was previously reported to Council in June, including the intent to develop a MoU with Goondiwindi Regional Council.

Each MoU would seek to formalise the shared vision of a commitment to working together for the betterment of the border region local government areas.

The MoU would also seek to advance the following objectives:

- i. A commitment to working collaboratively to achieve outcomes for the betterment of both Shires (shire-wide);
- ii. Seek to promote efficient and effective service delivery of 'Border communities'; and
- iii. Develop a shared advocacy on the BROCC 'Strategic Priority Areas' (SPA).

To further the resolved position of BROCC, a draft MoU was prepared and forwarded to all member Councils. Councils were invited to use the draft document as a starting point and the basis of a MoU with their neighbouring Council/s.

Council has subsequently prepared a MoU with its cross-border Council, Goondiwindi Regional Council. Goondiwindi Regional Council has indicated that they are comfortable with the contents of the MoU and are prepared to endorse accordingly.

A copy of the draft MoU is attached for Council to now consider.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

The MoU will provide policy guidance on relevant cross-border matters consistent with the adopted position of BROCC.

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Draft MOU - Inverell Shire Council & Goondiwindi Regional Council [↓](#)

## **Goondiwindi Regional Council**



**and**

## **Inverell Shire Council**



## **Memorandum of Understanding**

## **Cross Border Collaborative Working Arrangement**

**[insert date]**



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## 1. Introduction

This MoU document seeks to formalise the shared vision of a commitment to working together for the betterment of the border region local government areas of Goondiwindi Shire Council and Inverell Shire Council.

This document also seeks to support the objectives and outcomes contained in the 2016 - 19 Statement of Principles and Priorities for Cross-border Collaboration between the Queensland and New South Wales governments<sup>1</sup>.

This MoU has been developed to advance the following objectives:

- i. A commitment to working collaboratively to achieve outcomes for the betterment of both Shires (shire-wide);
- ii. Seek to promote efficient and effective service delivery of 'Border communities';
- iii. Develop a shared advocacy on the BROC 'Strategic Priority Areas' (SPA).

### The BROC Strategic Priority Areas (SPA):

- 1 ECONOMIC DEVELOPMENT & TOURISM
  - Industry
  - Digital Connectivity
  - Tourism
- 2 LIVEABILITY
  - Health
  - Housing
  - Education
  - Policing/Crime Prevention
- 3 INFRASTRUCTURE
  - Road Network
  - Transport
  - Water Security, Urban & Waste Water
- 4 DISASTER MANAGEMENT
  - Agency Coordination
  - Biosecurity

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<sup>1</sup> <https://www.premiers.qld.gov.au/about-us/what-we-do/assets/qld-nsw-mou-2016-2019.pdf>

## 2. Background

Both QLD and NSW Councils have a limited history of working collaboratively on various joint projects across their Shire footprints, however this document signals a heightened commitment from the parties to strengthen the linkages that exist between border communities.

Add further background as required.

## 3. Purpose

3.1 This MoU establishes the collaborative working arrangements approach between Goondiwindi Shire Council and Inverell Shire Council. It builds on the Parties existing commitment to working collaboratively for the betterment of both Shires and recognises the history of shared responsibility and the importance of a continued strong partnership.

3.2 This MoU sets out the framework for both Parties.

3.3 Both Parties seek from this MoU:

- i. **Collaboration:** a collaborative approach to delivering agreed projects and services.
- ii. **Cooperative partnership:** an understanding of the roles, responsibilities and obligations of the Parties.
- iii. **Service delivery:** sharing services to strengthen community capability.
- iv. **Value for money:** the cost-effective use of resources devoted to the management and support of projects and activities.
- v. **Accountability:** integrated decision-making with clearly defined roles and responsibilities
- vi. **Efficiency:** avoid duplication and conflict between the provision of services.
- vii. **Transparency:** information sharing in relation to agreed projects and activities.

3.4 Any prior obligation, whether financial or otherwise, of either Party, shall continue in the same manner as was the case prior to this MoU. This MoU does not create any additional financial commitment on the parties. Furthermore, it is acknowledged that each party shall continue to prioritise their own communities.

3.5 This MoU does not constitute or create any legally binding or enforceable obligations on the part of either Party.

3.6 The Parties are expected to always act in good faith during the term of this MoU.

## 4. Commencement and Duration

The MoU will commence the date both Parties have signed and remain valid for a period of (insert time frame) or until either (insert alternative terms).

## 5. Collaborative Working Arrangement – Strategic Priority Areas (SAP) - Activities

Goondiwindi Shire Council and Inverell Shire Council agree to the following activities forming the basis of this MoU:

### 5.1 ECONOMIC DEVELOPMENT & TOURISM

- Industry
- Digital Connectivity
- Tourism

Both Goondiwindi Shire Council and Inverell Shire Council agree to:

- i. Work together to examine economic development & tourism needs of residents and determine if there are any service gaps in the border communities;
- ii. Develop a joint advocacy position on strategies to address these identified services gaps;
- iii. Consider and if appropriate support industry proposals that seek to enhance the economic outcomes of the border region;
- iv. Jointly apply for or support each other parties' applications for grants to deliver economic outcomes for the border region's communities.

### 5.2 LIVEABILITY

- Health
- Housing
- Education
- Policing/Crime Prevention

Both Goondiwindi Shire Council and Inverell Shire Council agree to:

- i. Work together to examine the liveability needs of residents and determine if there are any service gaps in the border communities;
- ii. Develop a joint advocacy position on improved delivery of services in the border communities.

### 5.3 INFRASTRUCTURE

- Road Network
- Transport
- Water Security, Urban & Waste Water

Both Goondiwindi Shire Council and Inverell Shire Council agree to:

- i. Examine opportunities to utilise shared contract arrangements for the efficient and effective delivery of services to the border communities;
- ii. Review service delivery including general maintenance and procurement to gain efficiencies and cost savings in the border regions; and
- iii. Advocate together on behalf of the region with respect to the proposed long-term program of infrastructure upgrade works.

#### 5.4 DISASTER MANAGEMENT

- Agency Coordination
- Biosecurity

Both Goondiwindi Shire Council and Inverell Shire Council agree to:

- i. Work together to respond and recover from disaster events;
- ii. Proactively work together to inform the travelling public of road closures due to disaster events;
- iii. Share and disseminate emergency information during response and recovery phases;
- iv. Participate in Local Disaster Management Group meetings;
- v. Advocate for Cross Border Disaster Management Framework; and
- vi. Develop a joint advocacy position on any identified services gaps.

### 6. Intellectual Property

6.1 Unless expressly provided, nothing in this MoU has the effect of transferring any intellectual property owned or created by either Party, to the other Party.

### 7. Confidential Information

7.1 The Parties agree unless expressly authorised in writing by the other Party or required by law, confidential information will not be disclosed to any third party.

7.2 The Parties understand they are bound by privacy laws applicable to them in their respective jurisdictions.

### 8. Costs

8.1 The Parties agree expenses associated with the implementation of this MoU and compliance with any legislative requirements remains the responsibility of each Party.

8.2 Should costs be incurred that are otherwise not considered by this MoU or the legislative provisions the responsibility for these costs will be subject to negotiation between the Parties.

## 9. Review and Variation

9.1 The MoU may be varied by agreement between the Parties in writing.

9.2 It will be sufficient evidence of any agreement to vary a schedule to the MoU if the Parties execute and date a document purporting to be a substitute schedule.

9.3 The Parties agree to review the content of the MoU 12 months from the commencement date, and thereafter annually on the anniversary of the initial review, or at such other time as may be agreed by the Parties.

## 10. Termination

10.1 Either party may, at any time, withdraw from this MoU without legal consequence by providing 30 days written notice to the other party.

## 11. Definitions

Word or phrase	Definition
MoU	Memorandum of Understanding
SPA	Strategic Priority Areas

## 12. Signatures

Signed by the Parties on the dates set out below:

**SIGNED** for **Goondiwindi Shire Council** by its duly authorised representative, in the presence of:

_____ Signature of representative	_____ Signature of witness
_____ Name of representative (BLOCK LETTERS)	_____ Name of witness (BLOCK LETTERS)
_____ Date signed	

**SIGNED** for **Inverell Shire Council** by its duly authorised representative, in the presence of:

_____ Signature of representative	_____ Signature of witness
_____ Name of representative (BLOCK LETTERS)	_____ Name of witness (BLOCK LETTERS)
_____ Date signed	

**7       NOTICES OF BUSINESS**

Nil

**8       QUESTIONS WITH NOTICE**

Nil



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

**File Number:** S4.11.16/15 / 23/37935

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

**SUMMARY:**

Meeting held on Wednesday, 8 November, 2023.

For the consideration of Council.

**COMMENTARY:**

Refer to the attached minutes of the meeting.

**RECOMMENDATION:**

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

**9.1.1 Holdfast Crossing - Fish Passage Project Update****RECOMMENDATION:**

*That the amended proposal from the Department of Planning and Environment, Water Infrastructure NSW regarding the Reconnecting the Northern Basin: Fish Passage Project at Holdfast Crossing be approved.*

**9.1.2 Information Reports****RECOMMENDATION**

*That the information reports be received and noted.*

**ATTACHMENTS:**

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

**MINUTES OF INVERELL SHIRE COUNCIL  
CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 8 NOVEMBER 2023 AT 8.50AM**

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

**IN ATTENDANCE:** Cr Kate Dight, Cr Paul King OAM and Cr Jo Williams.

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

## **1 APOLOGIES**

### **COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Paul Harmon

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

**CARRIED**

## **2 CONFIRMATION OF MINUTES**

### **COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 11 October, 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 Dight declared a non-pecuniary (in-significant) interest in Item #5.1 'Holdfast Crossing – Fish Passage Project Update'. The nature of the interest is that Cr Dight has a family connection to a land owner adjacent to Holdfast Crossing.

## **4 PUBLIC FORUM**

## 5 DESTINATION REPORTS

### 5.1 HOLDFAST CROSSING - FISH PASSAGE PROJECT UPDATE S28.10.SR17

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

*That the Committee recommend to Council that the amended proposal from the Department of Planning and Environment, Water Infrastructure NSW regarding the Reconnecting the Northern Basin: Fish Passage Project at Holdfast Crossing be approved.*

**CARRIED**

## 6 INFORMATION REPORTS

### 6.1 PROTECTING LOCAL WATER UTILITIES FROM PRIVATISATION S14.18.6/16

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Di Baker

*That the information be noted.*

**CARRIED**

### 6.2 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT S5.9.27

#### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Wendy Wilks

*That the information be noted.*

**CARRIED**

### 6.3 S29.5.7 - TENDERS INVERELL SEWAGE TREATMENT PLANT (STP) AERATION SYSTEM UPGRADE S4.19.32

#### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Di Baker

*That the information be noted.*

**CARRIED**

### 6.4 WORKS UPDATE S28.21.1/16

#### COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks  
 Seconded: Cr Di Baker  
*That the information be noted.*

**CARRIED**

**6.5 UPDATE ON THE INVERELL BUNNINGS DEVELOPMENT APPLICATION (DA-1/2023)  
 DA-1/2023**

**COMMITTEE RESOLUTION**

Moved: Cr Wendy Wilks  
 Seconded: Cr Di Baker  
*That the information be noted.*

**CARRIED**

**6.6 LOCAL GOVERNMENT NSW EPLANNING SURVEY FINDINGS S18.6.60**

**COMMITTEE RESOLUTION**

Moved: Cr Wendy Wilks  
 Seconded: Cr Di Baker  
*That the information be noted.*

**CARRIED**

**6.7 OPERATING WITH COMPLIANCE AT DELUNGRA SEWAGE TREATMENT PLANT  
 S29.12.3**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon  
 Seconded: Cr Wendy Wilks  
*That the information be noted.*

**CARRIED**

**6.8 UPDATE - DELUNGRA AND TINGHA PRECINCT INSPECTIONS AND COMMUNITY  
 FORUMS S2.17.7**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon  
 Seconded: Cr Wendy Wilks  
*That the information be noted.*

**CARRIED**

**The Meeting closed at 9.26am.**

**9.2 ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MINUTES - 8 NOVEMBER 2023**

**File Number:** S4.11.17/15 / 23/37943

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

**SUMMARY:**

Meeting held on Wednesday, 8 November, 2023.

For the consideration of Council.

**COMMENTARY:**

Refer to the attached minutes of the meeting.

**RECOMMENDATION:**

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

**9.2.1 Parliamentary Inquiry into Crime, Law and Order in Regional NSW**

**RECOMMENDATION:**

*That:*

- a) the report be received and noted;*
- b) the Committee note the intent for a Mayoral Minute to be considered at the November Council meeting.*

**9.2.2 Expiring Licence Agreement - Mr Gerard Merchant**

**RECOMMENDATION:**

*That:*

- i) Council renew the Licence Agreement with Gerard Merchant for part portion of land located at Inverell Aerodrome, Gilgai for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$854.21 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**9.2.3 Council's Performance Report - Statecover Mutual**

**RECOMMENDATION:**

*That the information be noted.*

#### **9.2.4 Request to Share Project Cost by Sapphire Wind Farm Community Benefit Fund Committee - National Transport Museum**

##### **RECOMMENDATION:**

*That:*

- i. Council partner with the Sapphire Wind Farm Community Benefit Fund and National Transport Museum to install evaporative air conditioners at the Museum; and*
- ii. Council fund its \$10,000 contribution from Minor Community Infrastructure Assets budget allocation.*

#### **9.2.5 Request to Licence Land - Lots 290, 291 and 292 DP 753287 (Reserve 80153) adjacent to Ross and Clive Streets, Inverell**

##### **RECOMMENDATION:**

*That:*

- i) Council enter into a Licence Agreement with Paul and Jayne Miller for Lots 290, 291 and 292 DP 753287, (Reserve 80153) adjacent to Ross and Clive Streets, Inverell for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$420.00 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

#### **9.2.6 Request to Licence Land - Part Lot 1 DP 1140913 Cameron Park and Part Closed Road, Cameron Street, Inverell**

##### **RECOMMENDATION:**

*That:*

- i) Council enter into a Licence Agreement with David Luxford for Part Lot 1 DP 140913 Cameron Park and Part Closed Road, Cameron Street, Inverell for a two (2) year period with a two (2) year option;*
- ii) the Licence fee be \$530.45 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

#### **9.2.7 Quarterly Budget and Operational Plan 2022/2023**

##### **RECOMMENDATION:**

*That:*

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 2023 be*

*adopted; and*

- ii) The proposed variations to budget votes for the 2023/2024 Financial Year be adopted providing an estimated Cash Surplus at 30 September, 2023 from operations of \$7,834.*

### **9.2.8 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.*

### **9.2.9 Information Reports**

#### **RECOMMENDATION**

*That the information reports be received and noted.*

#### **ATTACHMENTS:**

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

**MINUTES OF INVERELL SHIRE COUNCIL  
ECONOMIC AND COMMUNITY SUSTAINABILITY COMMITTEE MEETING  
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON WEDNESDAY, 8 NOVEMBER 2023 AT 10.30AM**

**PRESENT:** Cr Paul King OAM (Chair), Cr Paul Harmon (Mayor), Cr Kate Dight and Cr Jo Williams.

**IN ATTENDANCE:** Cr Stewart Berryman, Cr Di Baker and Cr Wendy Wilks.  
Brett McInnes (General Manager) 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 Nicky Lavender for personal reasons be accepted and leave of absence granted.*

**CARRIED**

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Kate Dight  
Seconded: Cr Jo Williams

*That the Minutes of the Economic and Community Sustainability Committee Meeting held on 11 October, 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 ADVOCACY REPORTS**

**4.1 PARLIAMENTARY INQUIRY INTO CRIME, LAW AND ORDER IN REGIONAL NSW  
S14.11.1/16**

**COMMITTEE RESOLUTION**

Moved: Cr Kate Dight  
Seconded: Cr Paul Harmon



*The Committee recommend to Council that:*

- a) *the report be received and noted;*
- b) *the Committee note the intent for a Mayoral Minute to be considered at the November Council meeting.*

**CARRIED**

## **5 DESTINATION REPORTS**

### **5.1 EXPIRING LICENCE AGREEMENT - MR GERARD MERCHANT S5.10.139**

#### **COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*The Committee recommends to Council that:*

- i) *Council renew the Licence Agreement with Gerard Merchant for part portion of land located at Inverell Aerodrome, Gilgai for a five (5) year period with a further five (5) year option;*
- ii) *the Licence fee be \$854.21 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) *the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**CARRIED**

### **5.2 COUNCIL'S PERFORMANCE REPORT - STATECOVER MUTUAL S27.1.12**

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Jo Williams

*That the information be noted.*

**CARRIED**

### **5.3 REQUEST TO SHARE PROJECT COST BY SAPPHIRE WIND FARM COMMUNITY BENEFIT FUND COMMITTEE - NATIONAL TRANSPORT MUSEUM S5.10.145**

#### **COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

*The Committee recommends to Council that:*

- i. *Council partner with the Sapphire Wind Farm Community Benefit Fund and National Transport Museum to install evaporative air conditioners at the Museum; and*
- ii. *Council fund its \$10,000 contribution from Minor Community Infrastructure Assets budget allocation.*

**CARRIED**

**5.4 REQUEST TO LICENCE LAND - LOTS 290, 291 AND 292 DP 753287 (RESERVE 80153) ADJACENT TO ROSS AND CLIVE STREETS, INVERELL S5.4.8****COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Paul Harmon

*The Committee recommends to Council that:*

- i) Council enter into a Licence Agreement with Paul and Jayne Miller for Lots 290, 291 and 292 DP 753287, (Reserve 80153) adjacent to Ross and Clive Streets, Inverell for a five (5) year period with a further five (5) year option;*
- ii) the Licence fee be \$420.00 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**CARRIED**

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

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

*The Committee recommends to Council that:*

- i) Council enter into a Licence Agreement with David Luxford for Part Lot 1 DP 140913 Cameron Park and Part Closed Road, Cameron Street, Inverell for a two (2) year period with a two (2) year option;*
- ii) the Licence fee be \$530.45 per annum (GST Inclusive) with a 3% increase per annum; and*
- iii) the Licence Agreement be subject to any other terms and conditions as negotiated by Council's General Manager.*

**CARRIED**

**6 INFORMATION REPORTS****6.1 BP WITHDRAW AVGAS REFUELLING SERVICES AT INVERELL AIRPORT S30.7.1****COMMITTEE RESOLUTION**

Moved: Cr Kate Dight

Seconded: Cr Jo Williams

*That the information report be received and noted.*

**CARRIED**

## 7 GOVERNANCE REPORTS

### 7.1 QUARTERLY BUDGET AND OPERATIONAL PLAN 2022/2023 S12.5.1/15

#### COMMITTEE RESOLUTION

Moved: Cr Jo Williams

Seconded: Cr Kate Dight

*The Committee recommends to Council that:*

- i) Council's Quarterly Operational Plan and Budget Review for 30 September, 2023 be adopted; and*
- ii) The proposed variations to budget votes for the 2023/2024 Financial Year be adopted providing an estimated Cash Surplus at 30 September, 2023 from operations of \$7,834.*

**CARRIED**

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

#### COMMITTEE RESOLUTION

Moved: Cr Paul Harmon

Seconded: Cr Kate Dight

*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 11.47am.**

**10 DESTINATION REPORTS****10.1 REQUEST FOR COUNCIL ASSISTANCE - INVERELL SHOW SOCIETY - INVERELL SHOW 23, 24 AND 25 FEBRUARY 2024****File Number:** S12.22.1/16 / 23/36500**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Council is in receipt of correspondence and an accompanying Request for Donation Application Form from the Inverell Show Society seeking financial assistance for the amount of \$15,000 to contribute to the production costs of the 2024 Inverell Show and for the use of Council's VMS Boards.

**RECOMMENDATION:**

*A matter for Council.*

**COMMENTARY:**

The Inverell Show Society have written to Council seeking Council's assistance with the production of the Inverell Show which will be held on the weekend of the 23, 24 and 25 of February 2024.

The Show Society have requested the use of Council's Variable Message Signs (VMS Boards) to help with advertising of the Show. The same request was approved for the 2023 Show. Council provided two (2) boards for two (2) weeks, one (1) positioned east of Inverell on private property and the other west of Inverell on private property. The boards were used to promote the main attractions for Friday and Saturday nights.

The Show Society have also requested financial assistance for the amount of \$15,000. The production costs of the show are expected to be approximately \$100,000. A budget has been provided outlining the costs thus far. These costs include but are not limited to:

• Entertainment (fireworks, Rodeo, band, racing ducks)	\$44,400
• Prize Money	\$25,000
• Showground costs (rent, electricity and water)	\$10,961.60 \$2645.55 (last year's cost) \$179.60 (last year's cost)
• Gate keepers (Local clubs)	\$5,500
• Security	\$3,480
• Cleaning	\$3,750
• Bar staff	\$2,800

The cost to produce the Show has increased dramatically but the Show Society have chosen to keep the gate fees the same as last year in respect of the current economic climate. Gate fees are listed below:

<b>Family Pass:</b> (2 adults, 3 children under 15)	\$40
<b>Adults:</b> (15 years and over)	\$15
<b>Pensioners</b> (Aged and Disability Only)	\$10

<b>Children:</b> (5 to 15 years)	\$5
<b>Children</b> (under 5 years)	Free
<b>Car Stands</b> (If Available)	\$35 per year
<b>Camping fees</b>	\$10 per night
<b>Horse stalls</b>	\$10 per stall

**Robyn Brown, Secretary/ Treasurer of the Show Society has provided the following information regarding income for the Society:**

“Our income is generated by the Showman's Guild rent for the week, which supports the town, gate entries, entry in events, sponsorship, trade displays, bar profit, stabling and camping and rent for the canteen.

The Showman's guild pays a nominal amount. If we charge too much, they don't come and without the sideshows people simply don't support our show.

We experienced this when we clashed with the Newcastle show and the Guild went elsewhere.

Entry fees are well below what we pay out in prize money but without competitors there is no day time entertainment - woodchop, campdraft, horse events, pavilion displays and rodeo etc.

Our sponsorship to date is \$5250, a huge decrease on last year. This won't pay for the fireworks. We still have businesses to approach but our manpower is low and honestly businesses are doing it tough.

The cost for our local traders has been kept to a minimum because without our machinery displays etc the grounds are bare. We need them to fill the space, promote their goods and hopefully make a sale.

Our bar profit is affected by paying bar staff and security.

In 2023 we held a successful show. In 2022 it rained and events were cancelled. The 2021 Show was cancelled due to COVID. In 2020 the effects of the drought were still being felt.

Prior to this we were broke. Hence a few people working really hard to put on an event. All volunteering their time. No longer paid staff.

We are trying to conduct a community event fully supported by volunteers.

The biggest issue with the show is the unknown and that is community support. Will people be financially able to attend our event?

We still need to spend money to put on a great event but will the support be there?”

It should be noted that Ms Brown, Secretary of the Show Society has recently taken over as Treasurer. Council requested details of income for the Show Society from previous years but this was unable to be provided.

The Show Society was last assisted by Council by way of the Drought Communities Programme Funding in 2019 when they received \$67,650. This allowed for free entry to the show.

In December 2022, the Show Society requested financial assistance for the amount of \$10,000. Council resolved to refer the request to the Sapphire City Festival Committee for their consideration. The Committee provided a donation to the Show Society for the amount of \$5,500.

The Inverell Show has something on offer for everyone and the economic and social benefits to the Inverell Community are immeasurable. The Show Society are a small group of volunteers who work tirelessly throughout the year to ensure the show is enjoyed by everyone.

Council is requested to consider the requests made by the Inverell Show Society and determine if the VMS boards will be provided for use and if financial assistance will be provided for the 2024 Show.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Council has no grant funding available to support this request and the Sapphire City Festival does not have sufficient funds to support a \$15,000 sponsorship.

Council's donation budget has funding available of \$49,176 should Council elect to support this event.

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

Nil

**10.2 REGIONAL DEVELOPMENT AUSTRALIA NORTHERN INLAND - RETIREMENT OF LES PARSONS****File Number:** S14.18.6/16 / 23/37591**Author:** Brett McInnes, General Manager**SUMMARY:**

Council is in receipt of correspondence from the Executive Director of Regional Development Australia-Northern Inland (RDANI) advising of the retirement of Board member, Mr Les Parsons OAM. Council is being asked to formally acknowledge the service of Mr Parsons.

**RECOMMENDATION:***That:*

- i) the report be received and noted; and*
- ii) a letter of appreciation be forwarded to Mr Les Parsons OAM acknowledging his dedicated service to the community.*

**COMMENTARY:**

Correspondence has been received from the Executive Director of Regional Development Australia-Northern Inland (RDANI), Mr Nathan Axelsson formally advising Council of the resignation of their longest standing Board Member, Mr Les Parsons OAM.

Mr Axelsson acknowledges that for more than 20 years, Les has made a significant contribution across the region as a valued and respected Committee Member of RDANI in addition to his dedicated service to the Inverell Shire.

"We are extremely grateful for Les' years of dedicated volunteer work across the Northern Inland, playing a key role in building a strong and connected region that is well placed for continued growth and success" said Mr Axelsson.

A copy of RDANI's letter is attached for the attention of Council.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. RDANI Letter - Retirement of Les Parsons [↓](#)



The General Manager  
Inverell Shire Council  
PO Box 138  
Inverell NSW 2360

**24 October 2023**

Dear Paul,

**Re: Resignation of Les Parsons OAM from the RDA Northern Inland Committee**

On behalf of the Chair and Committee of Regional Development Australia – Northern Inland (RDANI), I would like to formally advise Inverell Shire Council of the resignation of our longest standing Board Member, Les Parsons OAM.

For more than 20 years, Les has made a significant contribution across the region as a valued and respected Committee Member of RDANI. Additionally, we acknowledge his dedicated service to the Inverell Shire, as a Councillor and member of organisations such as the Inverell Bush Fire brigade, the Lions Club and various tourism promotion bodies.

We are extremely grateful for Les's years of dedicated volunteer work across the Northern Inland, playing a key role in building a strong and connected region that is well placed for continued growth and success.

Yours sincerely,

Nathan Axelsson  
Executive Director



An Australian Government Initiative



**10.3 RE-NOMINATION OF COUNCIL REPRESENTATIVES TO THE NORTHERN REGIONAL PLANNING PANEL****File Number:** S18.6.11 / 23/37727**Author:** Chris Faley, Development Services Coordinator**SUMMARY:**

At the Ordinary Meeting of Council on 23 September 2020, Council resolved to nominate Councillor Dianna Baker and Mr Brett McInnes as Council representatives to the Northern Regional Planning Panel for a term of three (3) years.

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

**RECOMMENDATION:**

*That Council re-nominates Councillor Dianna Baker and Mr Brett McInnes, General Manager as Council representatives to the Northern Regional Planning Panel for a term of three (3) years.*

**COMMENTARY:****Background**

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

A RPP is comprised of five (5) members; three (3) appointed by the Minister for Planning from a pool of sixty (60) experts (subject to rotation) and two (2) appointed by the relevant local Council.

At the Ordinary Meeting of Council held 23 September 2020, it was resolved (Resolution - 2020/97) to nominate Councillor Dianna Baker and Council's General Manager, Mr Brett McInnes as Council representatives on the Northern Regional Planning Panel (NRPP) for a term on three (3) years.

On 6 November 2023, correspondence was received from the Department of Planning and Environment advising that the nomination of Cr Baker and Mr McInnes to the NRPP has expired. The Department of Planning and Environment has requested Council to re-nominate its representatives to the NRPP.

**Nomination of Council Representatives to the Northern Regional Planning Panel**

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

When considering representatives, it is important to understand that they will not be representing Council or the Inverell community. Individuals are nominated by Council to make independent planning decisions in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). Panel members must abide by a strict code of conduct (**Attachment 2**) and will have personal responsibilities as well as potential liabilities.

In relation to Council's previously nominated members:

- Councillor Dianna Baker has completed a Bachelor of Urban and Regional Planning, has been a member of the NRPP since 2016 and meets the expertise requirements for a Council member to the NRPP. There is nothing to prevent Council nominating a Councillor Member to the NRPP; however, it would restrict the advocacy role the Councillor could take

on behalf of the local community when exercising their role as part of the NRPP. Cr Baker is aware of the restrictions associated with being a NRPP member.

- Council's General Manager, Mr Brett McInnes meets a range of expertise requirements for a Council Member to the NRPP. Council's organisational structure enables Mr McInnes to participate in the NRPP without a conflict of interest on the basis that Council's Manager Development Services has responsibility for the assessment of a Development Application being considered by the NRPP.

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

Council may also appoint up to four (4) alternate members that can sit on the NRPP. An alternate member would only join the NRPP where the regularly nominated members are absent or declares an interest. Council considered the appointment of alternative members at the Civil and Environmental Services Committee Meeting on 12 April 2023. Given the limited number of Regionally Significant Development Applications lodged within the Inverell Shire and the ability to appoint alternate members at any time, it was resolved at the Ordinary Meeting of Council (Resolution - 2023/50) the appointment of alternate members to the NRPP be considered on a case-by-case basis, if required after lodgement of a relevant Development Application.

### **Conclusion**

Council are requested to nominate two (2) Council representatives for the Northern Regional Planning Panel.

It is recommended that Council nominate Councillor Dianna Baker and Mr Brett McInnes as Council representatives to the Northern Regional Planning Panel.

It is also recommended that the Council's representatives be appointed for the maximum term of three (3) years.

### **RISK ASSESSMENT:**

Nil

### **POLICY IMPLICATIONS:**

Nil

### **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

### **LEGAL IMPLICATIONS:**

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

### **ATTACHMENTS:**

1. Planning Panels Operational Procedures [📄](#)
2. Code of Conduct [📄](#)



# **Sydney District & Regional Planning Panels Operational Procedures**

**November 2022**

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

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

The procedures do not affect or replace relevant statutory requirements.

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

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

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

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

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

Sydney District and Regional Planning Panels Operational Procedures  
© State of New South Wales through the NSW Department of Planning and Environment  
November 2022  
NSW Department of Planning and Environment  
Four Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150.  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## Definitions

*Capital Investment Value* or *CIV* has the same meaning as 'capital investment value' defined in the Dictionary in Schedule 7 of the *Environmental Planning and Assessment Regulation 2021*.

*Commission* means the Greater Cities Commission.

*Council* means the council for the local government area in which the land the subject of a panel matter is located.

*Days* means calendar days unless otherwise stated.

*Department* means the Department of Planning and Environment.

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

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

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

*EP&A Regulation* means the *Environmental Planning & Assessment Regulation 2021*.

*Greater Sydney Region* means the region comprising the local government areas as described in Schedule 1 of the *Greater Cities Commission Act 2022*.

*GCC Act* means the *Greater Cities Commission Act 2022*.

*LALC* means Local Aboriginal Land Council.

*LEP* means local environmental plan.

*LGA* means local government area.

*LGNSW* means Local Government NSW.

*LG Act* means the *Local Government Act 1993*.

*LPP* means local planning panel.

*Minister* means the Minister for Planning.

*Panel* or *Planning Panel* means a Sydney District Planning Panel or Regional Planning Panel constituted under Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

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

*Planning proposal* has the same meaning as a 'planning proposal' under section 3.33 of the *Environmental Planning & Assessment Act 1979*.

*Planning Systems SEPP* or *PS SEPP* means the *State Environmental Planning Policy (Planning Systems) 2021*.

*Regional Planning Panel* means a regional planning panel constituted under clause 10 of Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

*Regionally significant development* means development that meets criteria set out under Part 2.4, Part 3.3 and Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

*Planning proposal authority* or *PPA* means the public authorities identified under section 3.32 of the *Environmental Planning & Assessment Act 1979*.

*SCC* means a Site Compatibility Certificate issued under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

*Secretariat* means the Planning Panels Secretariat of the Department which provides technical and administrative support to Planning Panels.

*Secretary* means the Secretary of the Department of Planning and Environment.

*Strategic Planning Panel* means a Sydney District or Regional Planning Panel convened for the specific function of considering a strategic or Aboriginal land planning matter.

*Sydney District Planning Panel* means a Sydney district planning panel constituted under clause 9 of Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

*Transport and Infrastructure SEPP* means the *State Environmental Planning Policy (Transport and Infrastructure) 2021*

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

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## 1. Introduction

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

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

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

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

The procedures should be read in conjunction with the Local Environmental Plan Making Guidelines, relevant Planning Circulars and the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

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



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## **2. Defining the regions and districts**

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

The nine Planning Panels are the:

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

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### 3. Functions of Planning Panels

#### 3.1 Functions

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

- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs,
- undertaking independent reviews for specific Local Aboriginal Land Council lands,
- advising the Minister or the Secretary upon request, and
- preparing planning proposals if they are directed to be a planning proposal authority.

**Note:** Section 2.15 of the EP&A Act contains the functions that may be exercised by Planning Panels.

**Note:** In relation to preparing planning proposals, see Chapter 14 of this Operational Procedures.

#### 3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
  - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures,
  - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews,
  - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development, and
  - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions,
- the Planning System SEPP sets out in Parts 2.4, 3.3 and Schedule 6 development declared to be regionally significant,
- the Transport and Infrastructure SEPP sets out the process for consideration and determination of relevant applications for Site Compatibility Certificates.

#### 3.3 Classes of regionally significant development

The Planning System SEPP identifies the types of development classified as regionally significant (see Parts 2.4, 3.3 and Schedule 6 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

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

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

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's certificate or another relevant expert assessment to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 21-020 (or as updated).

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

- new or amended conditions of consent imposed by the Panel;
- development for which the applicant or landowner is:

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

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

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## **4. Membership of Planning Panels**

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

### **4.1 Chairs and Members**

Each Panel consists of 5 members:

- 3 members, including the chair, appointed by the Minister (State members), and
- 2 members appointed by the relevant council (council members).

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

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

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

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

Terms of appointment for Panel members (both State and council members), must not exceed 3 years. Members are eligible for re-appointment. A State member of a Sydney District Planning Panel must not be a member for more than 9 years in total.

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

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

**Note:** In relation to the membership of a Planning Panel responsible for preparing planning proposals, see further Chapter 14 of this Operational Procedures.

### **4.3 Expertise requirements for members appointed by the Minister**

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

### **4.4 Council members**

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

To reduce the opportunity to improperly influence panel members councils should consider appointing a minimum of 4 alternate members to enable regular rotation.

### **4.5 Selection of council members**

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

When appointing its nominees to a panel, council should require a statutory declaration to be signed by proposed nominees stating that they are not property developers or real estate agents, as required by section 2.13 of the Act. Council should also arrange probity checks. These checks should include, at a minimum:

- a. public register of real estate agents check
- b. bankruptcy record check
- c. National Police check (ACIC).

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This is in line with the checks and declarations required for State members.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of 3 years. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

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

If a council fails to nominate 1 or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

#### **4.6 Payment of council members**

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

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

#### **4.7 Alternate members**

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

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

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

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

#### **4.8 Rotation of members**

To ensure there is a level of randomisation involved in which panel members and alternates hear a matter, all members are required to regularly rotate with alternate members. This will reduce opportunities for panel members to be improperly influenced. The chair is to determine the frequency of rotation in consultation with the Planning Panel secretariat.

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

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## **5. Code of Conduct considerations**

### **5.1 Planning Panels Code of Conduct**

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

### **5.2 Declaration of interests**

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

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

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

### **5.3 Representations to Planning Panel members**

If a Panel member is approached by any person about a matter to come before the Panel, the Panel member must not discuss the matter.

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

### **5.4 Interactions with third parties about matters before the Planning Panel**

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

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

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

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## 6. Administration

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

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

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

[www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)

The contact details for the Secretariat are:

phone: (02) 8217 2060

email: [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

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## **7. Government information, privacy and complaints**

### **7.1 Right to information and privacy management**

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

For applications of this nature visit the Department's website at:

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

### **7.2 Complaints**

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

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

If you wish to make a complaint visit the Department's website at: telephone, write or email the Department at:

<https://www.planning.nsw.gov.au/Contact-Us?>

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

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

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

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

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



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## 8. Monitoring, review, and reporting

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

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

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

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

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

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

**Note:** The requirements relating to the timeframes for assessing development applications under the *Environmental Planning and Assessment Regulation 2021* must be considered by Panels.

### 8.1 Availability of information

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

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

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

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## **9. Liability and indemnification**

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

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

For further information please contact the NSW Self Insurance Corporation (icare) at:

<https://www.icare.nsw.gov.au>

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## 10. Roles of councils and other panels

### 10.1 Role of councillors and council staff

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

### 10.2 Assessment role

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

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

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

### 10.3 Determination role

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

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

### 10.4 Post-determination role

Council staff are responsible for post-determination functions including:

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

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

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

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

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

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Panel in writing when the matter specified in the condition has been satisfied (see section 277(2) of the EP&A Regulation).

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### 10.5 Support provided to Planning Panels by councils

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

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

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

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

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

### 10.6 Role of design review panels

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

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

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

Council assessment officers and the Panels should consider the advice of the design review report in their assessment reports and in making a determination. The design review report may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.  
**Return to design review panel**

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#### **10.7 Role of local planning panels**

Although similar in operation, the roles of local planning panels and the Sydney district and Regional Planning Panels do not overlap. Local planning panels determine all DAs that meet criteria set by the Minister.

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## **11. Development application and assessment**

### **11.1 Pre-development application meetings**

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

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

Applicants should consider the Local Government Design Review Panel manual in relation to pre-application design reviews and the requirements to be met in that process.

### **11.2 Making of development applications**

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

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

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

### **11.3 Notification to the Secretariat**

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

The registration is made via the NSW Planning Portal. Documents can be automatically linked via the NSW Planning Portal meaning that DA documents and any updated information are electronically transmitted to the Secretariat.

The Secretariat advises relevant Panel members of the DA once the registration is accepted. The DA documents, including the application form are made available to Panel members electronically via the NSW Planning Portal.

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

### **11.4 Kick-off briefing and timing for determination**

Generally within 28 days of the lodgement of a DA, the Secretariat will arrange a Kick-off briefing between the Panel, relevant council staff and the applicant. At this meeting, the applicant will be invited to outline the DA to the Panel, and the Panel chair will identify key issues including areas where further information is required. Importantly, for larger matters, the Panel chair will outline a timeframe for a subsequent briefing between all parties (generally around day 128 since lodgement), and an estimated date for determination (generally no more than 250 days since lodgement).

### **11.5 Public exhibition of development applications by council**

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

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

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

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

#### **11.6 Requests for additional information**

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

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

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

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

#### **11.7 Status reports**

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

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

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

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

#### **11.8 Assessment of the development application**

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

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

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

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

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

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

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

Council assessment officers (and the Panels) should consider the advice of any design review report in their assessment reports and in making a determination. The design review report may be used in the following ways:

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- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.

**Return to design review panel**

**11.9 Varying development standards**

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required. Council's assessment report includes an assessment of the application against the relevant statutory provisions.

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

**11.10 Local infrastructure contributions**

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

**11.11 Special infrastructure contributions and certification requirements**

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

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

**11.12 Development subject to delays in determination**

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 6 of the Planning Systems SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Panels website,



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

#### **11.13 Council representation to the Planning Panel**

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

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

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

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

#### **11.14 Submission of assessment report to the Secretariat**

The completed assessment report and recommendation is to be immediately uploaded to the NSW Planning Portal such that it is sent via electronic means to the Secretariat.

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

The following items are to be uploaded to the NSW Planning Portal:

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

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

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

#### **11.15 Written submissions to the Planning Panel**

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

Submissions sent to the Panel will be given to council for assessment. If additional late information is received from the applicant it will be published on the NSW Planning Portal for transparency. Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

#### **11.16 Rezoning, development control plans and planning agreements**

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

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

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Panel would normally make reference to any planning agreement and its relationship to the DA. The planning agreement would normally be exhibited by the council before the assessment report is provided to the Panel, and the planning agreement would be provided to the Panel as part of the supporting documentation for the DA.

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

#### **11.17 Referral of Crown development applications with a CIV less than \$5 million**

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

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

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

For Crown DAs with a CIV of less than \$5 million where a council or LPP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Panel (see section 4.33(2) of the EP&A Act).

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

Once the application is referred to a Panel, the council registers the DA on the NSW Planning Portal and uploads its assessment report to the NSW Planning Portal for the Planning Panel to consider.

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## 12. Determination of development applications

### 12.1 Determining regionally significant development applications

Planning Panels determine regionally significant development as the consent authority.

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

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

Public determination meetings may be held wholly or partly by audio link, audio visual link or other electronic means (EP&A Act Schedule 2 clause 25(4)). Such meetings must be recorded with the recording made publicly available on the Planning Panel website.

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

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

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.  
**Return to design review panel**

### 12.2 Obligation to consult council – if adverse financial impacts

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

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

### 12.3 Determining Crown development applications

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

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

Where the Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Panel fails to determine the DA within the prescribed period, the applicant or the

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Panel may refer the DA to the Minister. The Minister may then direct the Panel to approve or refuse the Crown DA within a specified time.

#### **12.4 Determining DAs for coastal protection works**

Certain coastal protection works are classified as regionally significant development. Where a Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see EP&A Act Schedule 2 clause 20(2) and clause 8A, Schedule 6 of the Planning System SEPP).

#### **12.5 Delegation to council to determine applications**

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

In situations where the determination is delegated, councils must:

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

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

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

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## 13. Reviews and appeals

### 13.1 Decision reviews

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

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

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

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

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

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

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

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

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

### 13.2 Appeals against a Planning Panel determination

#### *Merit appeals*

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

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

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

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

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

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

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

Council is to:

- 1) provide the Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
- 2) provide the council's proposed statement of facts and contentions to the Panel at least 7 days before the earlier of:
  - a) the day of the first directions hearing for the appeal or
  - b) the day the statement is proposed to be filed,
- 3) identify in the council's statement of facts and contentions the steps taken by the council to notify the Panel of the appeal, and any response received by the council, and
- 4) provide the Panel, within 3 days, with:
  - a) a copy of any directions or orders made by the Court in relation to the appeal,
  - b) the dates on which the Court has arranged a conciliation conference under section 34 or section 34AA of the *Land and Environment Court Act 1979*,
  - c) the dates on which the appeal will be heard,
  - d) a copy of any judgment of the Court in relation to the appeal.
- 5) Request instructions if a conciliation conference has been arranged:
  - a) as to any agreement that might be reached between the parties as to the terms of a decision in the proceedings that would be acceptable to the parties, at least 14 days before the conciliation conference is held, and
  - b) as to any proposed in principle agreement that is reached between the parties at or after the conciliation conference, at the time of or no later than 2 days after an in-principle agreement is reached and before any written agreement is executed.

The Panel is to respond to requests from council for instructions within 7 days of the request.

#### *Deemed Refusals*

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

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

#### *Judicial review and civil enforcement proceedings*

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

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

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*Appeals against determinations where council is the applicant*

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



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## 14. Planning proposals - Strategic Planning Panels

Planning Panels also undertake LEP making functions, including:

- acting as the planning proposal authority in relation to LEP making if directed by the Minister and in certain circumstances,
- undertaking administrative reviews in relation to LEP making,
- overseeing Aboriginal land planning proposals, and
- providing advice to the Minister or the Secretary on matters relevant to LEP making.

**Note:** The Independent Planning Commission undertakes these functions if directed by the Minister in relation to LEP making for the City of Sydney LGA.

### 14.1 Strategic Planning Panels

When convened for specific strategic and Aboriginal land planning functions a Planning Panel will be known as the Strategic Planning Panel of the [relevant] Planning Panel.

### 14.2 Strategic Planning Panel members

The constitution of a Strategic Planning Panel is to comply with the EP&A Act and this Chapter 14 of the Operational Procedures.

A Strategic Planning Panel will consist of 5 members:

- 3 members, including the chair, appointed by the Minister (State members), and
- 2 members appointed by the relevant council (council members).

At least 2 of the State members appointed by the Minister must have expertise in strategic planning (district or regional strategic planning). The State members may be members or alternate members, so long as they have relevant strategic or Aboriginal land planning expertise.

For matters relating to Aboriginal land planning, specifically land in a development delivery plan made under the Planning Systems SEPP, at least 1 of the State members with strategic planning expertise should also identify as being Aboriginal or Torres Strait Islander or have expertise in Aboriginal land planning.

**Note:** This Chapter should be read together with Chapter 4 of this Operational Procedures.

### 14.3 Reviews

A Strategic Planning Panel may conduct certain LEP related reviews, including:

- Rezoning reviews — that may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway determination,
- Independent reviews — that may be requested by a LALC before a planning proposal for land subject to a development delivery plan made under the Planning Systems SEPP has been submitted to the Department for a Gateway determination.

The Department's LEP Making Guidelines sets out how to apply for a rezoning review, fees and costs, eligibility requirements and information the council or proponent must provide for reviews to be undertaken.

### 14.4 Rezoning reviews

The Department will provide the Strategic Planning Panel with the rezoning planning proposal, council's comments on the proposal and a summary briefing report for review.

The Strategic Planning Panel will be briefed by the proponent and council and may request a site visit to assist in its consideration of any matter relevant to the planning proposal. All briefings or site visits should follow the procedures set out in Schedule 1 of this Operational Procedures.

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#### *Assessment and Determination*

The Strategic Planning Panel's review and determination are to be in accordance with the LEP Making Guidelines.

The Strategic Planning Panel will assess the rezoning planning proposal, having regard to the matters outlined in the LEP Making Guidelines and determine whether the planning proposal has:

- strategic merit, and
- site-specific merit.

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

The Department will monitor the progress of the rezoning review to achieve an outcome within a target of 100 days of receiving the initial rezoning review request.

#### *Recommendation*

If the Strategic Planning Panel recommends that the planning proposal should proceed to a Gateway determination, it will:

- notify the relevant council that the Strategic Planning Panel will assume the PPA role, if the council has refused to support the planning proposal, or
- identify the PPA (either council or itself) where council has not made a determination on a planning proposal but has informed the panel in writing prior to the Strategic Planning Panel meeting of its nomination.

#### *Planning Proposal Authority*

The Strategic Planning Panel may be directed to be the PPA for a planning proposal by the Minister.

The Strategic Planning Panel has delegated authority to direct itself to be the PPA in the following cases:

- a. in a case where the recommendation relates to a proposed instrument relating to land owned by a Local Aboriginal Land Council and to which Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 applies:
  - i. before the recommendation was made, a written request to prepare a planning proposal has been submitted to the Department of Planning and Environment by the Local Aboriginal Land Council, or
- b. in any other case:
  - i. before the recommendation was made, a written request to prepare a planning proposal has been submitted to the council, and
  - ii. after the recommendation was made, the council has been given an opportunity to be the planning proposal authority, unless the council has previously refused to support the request to prepare a planning proposal.

**Note:** The appointment function under s 3.32(2)(c) of the EP&A Act has been delegated by the Minister to the Planning Panels and the Independent Planning Commission under an instrument of delegation.

#### **14.5 Independent reviews**

An independent review is an administrative review process closely aligned with rezoning reviews. Independent proposal reviews give LALCs an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan made under the Planning Systems SEPP.

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### *Assessment and Determination*

When a Strategic Planning Panel is undertaking an independent review, it must consider the:

- strategic merit - consideration must be given to the consistency of the planning proposal with the relevant development delivery plan for the land, and
- site-specific merit - consideration must be given to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The Strategic Planning Panel must determine whether or not to recommend that a planning proposal be submitted for a Gateway determination under section 3.34 of the EP&A Act.

Further detail on the independent review process can be found in Planning Circular PS 22-001 Independent review of planning proposals for identified Aboriginal land, or as updated.

### **14.6 Planning Proposal Authority**

As the PPA, the Strategic Planning Panel performs functions that a council normally would in preparing a LEP. This includes:

- submitting a planning proposal that satisfies the requirements of section 3.33 of the EP&A Act including any requirements issued by the Secretary for a Gateway determination,
- undertaking any necessary agency consultation prior to public exhibition of the planning proposal,
- exhibiting the planning proposal in accordance with the terms of the Gateway determination (if all relevant Gateway conditions have been met Panel endorsement to proceed to exhibition is not necessary),
- considering a recommendation report, addressing submissions received during public exhibition,
- holding a public meeting if the planning proposal is the subject of 10 or more unique submissions by way of objection following public exhibition,
- if required by the Minister, conducting a review of the planning proposal if there has been any delay in the matter being finalised, or if for any other reason the Minister considers it appropriate to do so,
- providing a revised planning proposal to the Minister following consideration of any submission or report during community consultation or for any other reason,
- submitting a request to the Department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining the planning proposal.

The Secretary is responsible for making arrangements for the drafting of any required LEP to give effect to the final proposals of the PPA.

### **14.7 Support provided to the Planning Panel in its role as PPA**

The Secretariat are to provide any necessary support for agency and community consultation (public exhibition) and can facilitate the provision of technical support from other parts of the Department and briefings to the Strategic Planning Panel.

### **14.8 Strategic Planning Panel decisions and advice to be made publicly available**

A Strategic Planning Panel will need to make decisions throughout the LEP making process when undertaking reviews or acting as PPA. Decisions of the Strategic Planning Panel must be made publicly available on the relevant Planning Panels website within 7 business days of any decision.

### **14.9 Community consultation**

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

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

### **15. Site compatibility certificates**

Panels determine applications for SCCs made under section 3.14 of the Transport and Infrastructure SEPP.

Written applications are to be lodged with the Department. The Department prepares an assessment of the application and a recommendation for the relevant Panel. The Panel considers the application and the Department's assessment report and those matters set out at section 3.14(6) of the SEPP. The Panel may determine an application by issuing a SCC or refusing to do so.

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

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

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

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## **Schedule 1: Procedures for briefings, meetings and decisions.**

### **1 Briefings and site visits**

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

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

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

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

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

The assessment officer briefing the Panel during a site visit should have available a set of large-scale plans and be able to point out relevant features of the site and the proposed development.

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

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

It is not mandatory that the Panel be briefed prior to considering a matter. However, the Panel will typically hold a Kick-off briefing within 28 days of the DA being lodged. At this Kick-off briefing, the Panel chair will identify key issues, any areas where further information is to be requested and set out a timetable for the next phases of the assessment process, including the estimated timing for determination. Where there is an additional assessment briefing, it should take place no later than 128 days after the lodgement of the DA. The assessment of a DA should not be delayed for a briefing to occur.

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

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

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

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

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

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

- it would be beneficial to gain a joint understanding between the Panel, council and applicant of the key issues and timing for resolution relating to a DA or planning proposal,
- the Panel could benefit from additional technical explanation on a complex matter,

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- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

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

## **2 Meetings**

The Panel may meet on-line, in-person or a combination of both. The Panel will generally conduct its business on-line.

### *Public briefing meetings*

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

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Panel. A recording will be made of public briefing meetings and made available on the Planning Panel website.

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

### *Determination meetings*

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

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

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

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

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

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

## **3 Procedures for public meetings**

Planning Panel meetings are to be conducted in public.

### *Meeting dates and agendas*

Expected determination timeframes for DAs are estimated soon after the DA is lodged and referred to the Planning Panels. Regular status updates on DAs ensure that DAs are determined in a timely manner. Briefings and meetings are scheduled on an as-needs basis. Generally, Panels will have a regular schedule of proposed meeting dates that is determined at the beginning of each year by the Secretariat in consultation with the chair. Meeting dates can be utilised for any Panel related business including public briefing meetings, Panel briefings including Kick-off briefings and site visits, meetings with relevant Government agencies (eg concurrence authority) or Panel meetings. Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

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Additional meetings or briefings of a Panel may be organised at the discretion of the chair and via the Secretariat.

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

*The meeting time and venue*

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

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

The meeting time, meeting format and if relevant, venue should:

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

*Notice of meeting*

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

The notice is to include details of:

- the time, date and format of the meeting,
- if relevant, the venue for the meeting,
- the matter under consideration (DA/s or planning proposal),
- the availability of the assessment report, supporting documentation and recommendations, and
- other matters to be considered at the meeting.

*Distribution of meeting papers*

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

*Opening and closing meetings*

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

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

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

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

*Declarations of interest procedures*

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

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

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

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

#### *Presentations at a Panel meeting*

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

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

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

#### *a) Presentation by the assessment officer*

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

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



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

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

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

b) Presentation by the applicant or proponent

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

c) Presentation by people or groups who made submissions

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

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

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

As a guide:

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

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

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

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

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

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

e) Presentation by an expert engaged by the Panel

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

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

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

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

#### *Adjourning during a Planning Panel meeting*

A Panel may adjourn a meeting where:

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

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

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

Panel discussions during adjournments are not recorded.

#### **4 Decisions and determinations**

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

#### *Quorum for a Planning Panel decisions*

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

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

#### *The Planning Panel's consideration*

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

#### *Deferring the decision*

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

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

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

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

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*The Panel's reasons*

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

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

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

*Determinations on DAs*

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

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

If the Panel resolves to approve an application that is recommended for refusal, the Panel may seek a further report from the council's planning officer providing recommended conditions of consent. The Panel may request without prejudice conditions of consent before a Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

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

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act. The date that the determination has effect is the date that it is registered (by the Panel secretariat) on the NSW Planning Portal (EP&A Act s.4.20(1)). The council will provide the Notice of Determination after this date.

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

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

*Determinations on matters other than DAs*

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

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

*Resolutions of the Panels*

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

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

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*Dissenting views*

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

*Timing of Determination and Statement of Reasons*

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

*Signatures*

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

**5 Transactions of business outside meetings**

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

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

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

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

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

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

**6 Records of proceedings**

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

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

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

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

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

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

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

Record details are to include:

- the opening and closing times of the meeting,
- the details of the matter considered by the Panel,
- the names of all members of the Panel, including the chair, and any other attendees at the meeting,
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter,
- any adjournments and reasons for the adjournment,
- the names of each person heard by the Panel in respect of a matter,
- any decision of the Panel,
- reasons for the decision,
- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous, and
- the signatures of all the members making the decision.

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

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

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



## Sydney District and Regional Planning Panels Code of Conduct

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## Introduction

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

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

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

## Purpose of the Code

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

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

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

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

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

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

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

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

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

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

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

## Code of Conduct

### 1. Key principles

#### Integrity

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

#### Leadership

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

#### Selflessness

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

#### Impartiality

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

#### Accountability

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

#### Openness

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

#### Honesty

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

#### Respect

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

### 2. General conduct obligations

#### General conduct

- 2.1. You must not conduct yourself in carrying out your functions as a planning panel member in a manner that is likely to bring the planning panel into disrepute. Specifically, you must not act in a way that:
  - a. contravenes the EP&A Act<sup>1</sup>
  - b. is improper or unethical

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

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

#### Fairness and equity

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

#### Making decisions and taking actions

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

### 3. Conflicts of interests

#### General

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

### Management of conflicts

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

### Pecuniary interests

- 3.10. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person<sup>2</sup>.
- 3.11. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make<sup>3</sup>.
- 3.12. A member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative<sup>4</sup> of the member, or a partner or employer of the member, or a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- 3.13. The obligation on planning panel members with respect to pecuniary interests are set out in clause 27 of Schedule 2 of the EP&A Act (attached at **Appendix A**). All planning panel members must comply with the requirements set out in this provision. In particular:
  - a. If a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of a planning panel and the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's attention, disclose the nature of the interest at or before a meeting of the planning panel.
  - b. After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning panel otherwise determines:

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

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

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

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

### Non-pecuniary interests

- 3.14. A non-pecuniary interest is a private or personal interest that a person has that may, for example, be based on a family or personal relationship, membership of an association, society or trade union or involvement or interest in an activity which may include an interest of a financial nature<sup>5</sup>.
- 3.15. You should consider possible non-pecuniary interests that may arise while carrying out your duties as a planning panel member. Where possible, the source of potential conflict should be removed.
- 3.16. However, where this is not possible, if a member has a non-pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of the member's duties, the member must follow the procedures set out in clause 27 of schedule 2 of the EP&A Act in the same manner as if the interest was a pecuniary interest.

### Conflicts of duties

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

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

- consideration on whether to make a submission to the panel on a DA for regional development
- c. council staff members that have:
  - presented, or been present at a council meeting, that considers an assessment report for the planning panel, or a related matter as per section 3.19(b)
  - been directly or indirectly involved in the preparation of the assessment report for the planning panel
  - approved agenda items for reporting to council meetings or have been a signatory to correspondence in relation to matters that may come before a panel.
- 3.20. Members of a particular planning panel will have a close working relationship with each other. Therefore, to avoid a perception of bias, a planning panel member must not represent an applicant, council or submitter at a planning panel meeting for a planning panel of which they are a permanent member or have been used regularly as an alternate member. A planning panel chair must not represent an applicant, council or submitter at any planning panel meeting.
- 3.21. A planning panel member may not undertake any employment, business or other roles or activities, in relation to a DA, planning proposal or development site for which the member has participated in making a determination on as a panel member, for at least two (2) years following the determination.
- 3.22. Councillors who have deliberated or voted on a matter in their role at council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council's nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgement.
- 3.23. A councillor must stand aside from their place on the panel if suspended as a councillor for any reason (including under sections 438I, 438W 440C, 440I, 482 or 482A of the *Local Government Act 1993*), for the period of that suspension. This is because the roles and responsibilities of a panel member are so similar to that of a councillor that the continuation of the suspended councillor on the panel during the period of his or her suspension would adversely affect the reputation of the panel.
- 3.24. A councillor must stand aside from their place on the panel if dismissed as a councillor due to misconduct under section 440B, 482 or 482A of the *Local Government Act 1993*. This is because the roles and responsibilities of a panel member are so similar to that of a councillor that the continuation of the dismissed councillor on the panel would adversely affect the reputation of the panel.
- 3.25. A conflict of duties may arise for council staff<sup>6</sup> (including general managers and other senior staff) who are nominated to sit as a member of the planning panel. In selecting its members to a planning panel, council should have regard to the conflict of duties that may be created for a person nominated to the planning panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the planning panel, approving agenda items for reporting to council meetings, or being signatory to correspondence in relation to matters that may come before a panel.  
Council employees (including general managers and other senior staff) who are nominated to sit as a member of the planning panel must ensure that appropriate measures are in place to manage potential conflicts and ensure they will be able to comply with the requirements of this Code<sup>7</sup>.

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

<sup>7</sup> In particular Part 6 of the Code.



### Political Donations

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

## 4. Recording declarations of interest

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

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

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

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

## 5. Personal benefit

### Personal dealings with council

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

### Gifts and benefits

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

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

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

### Obligations of planning panel members

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

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

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

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

### Inappropriate interactions

- 6.3. Planning panel members must not engage in inappropriate interactions when exercising functions as a planning panel member.
- 6.4. In relation to council staff<sup>8</sup>, planning panel members must not:
  - a. approach, make requests of, make enquiries or issue instructions to council staff other than through the planning panels secretariat and in accordance with this Code
  - b. be overbearing or threatening to council staff
  - c. make personal attacks on council staff in a public forum
  - d. direct or pressure council staff in the performance of their work or recommendations they make, or
  - e. influence or attempt to influence staff in the preparation of assessment reports or other information to be submitted to the planning panel.
- 6.5. If a planning panel member is approached by any person about a development application that is to be determined by the planning panel, the planning panel member must not discuss the development.
- 6.6. The planning panels Operational Procedures recognises that there may be some circumstances where it is appropriate for the planning panel to be briefed by the applicant with council staff in attendance. Where this occurs, a record of the meeting, including attendees and matters discussed, will be made publicly available.

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

## 7. Relationship between planning panel members and others

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

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

## 8. Protecting and using information

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

## 9. Use of public resources

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

## 10. Public comment/media

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

## 11. Lobbying

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

## 12. Breaches of this Code

### Reporting suspected breaches

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

### Reporting possible corrupt conduct

- 12.3. Planning panel members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*. Planning panel members are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.
- 12.4. The *Public Interest Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. Access to a Public Interest Disclosure Officer can be arranged through the Department of Planning, Industry and Environment. The planning panel chair is under a duty to report to the Independent Commission Against Corruption (ICAC) any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct<sup>9</sup>.
- 12.5. Planning panel members, or any other persons, can also report directly to the following investigative bodies:
  - a. Corrupt conduct should be reported to the Independent Commission against Corruption (ICAC)<sup>10</sup>,
  - b. Maladministration<sup>11</sup> should be reported to the NSW Ombudsman, and
  - c. Serious and substantial waste of public money should be reported to the NSW Auditor General.

### Handling of suspected breaches

- 12.6. Suspected breaches of the Code will be handled in accordance with the planning panels' Complaints Handling Policy.
- 12.7. The planning panel chair may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach.
- 12.8. A person who is alleged to have breached the Code must be given:
  - a) the full particulars of the alleged breach<sup>12</sup>
  - b) an opportunity to respond to the allegations
  - c) the right to have a legal or other representative present during any meetings/discussions in respect of the matter.
- 12.9. Serious breaches of the Code may be referred to the Minister in respect of state members or the relevant council with respect to council nominees. Proven breaches of the Code may warrant removal from office.
- 12.10. The Minister may remove a planning panel state member from office at any time and without notice. The Minister must provide a written statement of the reasons for removing the member from office and make that statement publicly available.

<sup>9</sup> Section 11, ICAC Act.

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

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

<sup>12</sup> These particulars should not include the details of the person who made the allegation.

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**Sydney District and Regional Planning Panels Code of Conduct**

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

### 13. Acknowledgement of this Code

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

## Appendix A

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

#### 27 Disclosure of pecuniary interests

(1) If:

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

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

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

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

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

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

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

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

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

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

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

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

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**Sydney District and Regional Planning Panels Code of Conduct**

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



**10.4 REQUEST FOR CONSIDERATION - WAIVER OF 2023/24 LEASE FEE - INVERELL AND DISTRICT LAPIDARY CLUB INC****File Number:** S5.10.125 / 23/37771**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Council is in receipt of a letter from Mr Ross Provis, Secretary of the Inverell and District Lapidary Club Inc. In the letter, Mr Provis requests Council waive the 2023/24 annual rent for the Lease Agreement for Lot 4, Section 50, DP 758536 McIlveen Street, Inverell.

**RECOMMENDATION:**

*A matter for Council.*

**COMMENTARY:**

In September 2011 Council entered into a 20-year Lease Agreement with the Inverell and District Lapidary Club Inc for Crown Reserve R110114 located at Lot 4, Section 50, DP 758536 McIlveen Street, Inverell. The initial fee (rent) was set in accordance with market value at \$1,200 per annum. A 50% discount was applied (the maximum discount allowed) making the initial fee \$600 per annum subject to yearly CPI increases. In September 2023, the Club was invoiced \$869.60 being for the 2023/2024 rent.

Mr Provis, the Secretary of the Club has written to Council to request the 2023/24 rent be waived. Mr Provis cites “massive cost increases” and a tourist flow that has not returned to pre-pandemic levels as reasons for the request. Clause 12 of the agreement stipulates that the Lessee is also responsible for the land rates on the property and Mr Provis states in his letter that the rates for the property have doubled since the agreement was entered into. Rates paid in 2011/2012 upon signing the lease was \$1,594.00

Rates charges for the past 3 years are as follows:

2023/24 - \$3,202.02

2022/23 - \$3,056.68

2021/22 - \$2,974.39

The main source of income for the Club is the Gem and Craft Show held in October each year as part of the Sapphire City Festival. In 2019, 2020 and 2021 the Gem and Craft Show was not held due to COVID. The Show returned in 2022, however numbers were low. In October this year, there were 130 people who attended the Show. The cost to enter the club is by way of donation.

In the past, based on the impacts of COVID the following donations / waiving of fees have been provided:

2020 – waiving of 2020/2021 rent fee - \$773.27

2021 – waiving of 2021/2022 rent fee – \$796.47

2022 – waiving of 2022/2023 rent fee - \$820.37.

In the response to the 2022/2023 request the Lapidary Club were advised:

*“Please note that Council is unlikely to provide further assistance in future years and the Inverell Lapidary Club will need to raise the required funds to pay future fees”.*

Council is requested to determine if the rent for 2023/24 will be waived for a fourth year.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Council's donation budget has funding available of \$49,176 should Council elect to support this request.

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

Nil

**10.5 INDEPENDENT PRICING AND REGULATORY TRIBUNAL'S FINAL REPORT ON THE REVIEW OF THE RATE PEG METHODOLOGY****File Number:** S25.11.3 / 23/38373**Author:** Brett McInnes, General Manager**SUMMARY:**

The Independent Pricing and Regulatory Tribunal (IPART) published their final report on the review of the Rate Peg Methodology on 9 November 2023.

Preliminary information has been provided to Council for their consideration.

**RECOMMENDATION:**

*That:*

- 1) *The information be received and noted; and*
- 2) *A more detailed report on the matter be provided to the December 2023 Council Meeting.*

**COMMENTARY:**

Over the past year, the Independent Pricing and Regulatory Tribunal (IPART) has undertaken a process to review the methodology used to calculate the rate peg each year. This culminated in IPART publishing their final report on the review on 9 November 2023. The original trigger for the review was the very low rate peg for the 2022-23 year which coincided with a period of rapidly increasing inflation.

A copy of the Executive Summary from the review has been included in **Attachment 1**. A full copy of the report can be downloaded via the following link:

[https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF)

At the time of writing, the report was still undergoing detailed review by staff. It is intended that a more comprehensive report on the matter be provided to the December 2023 Council meeting.

The Chair of IPART, Ms Carmel Donnelly PSM addressed the recent LGNSW Conference in regards to the review. Key points made by Ms Donnelly included:

- The new base cost model will use forward looking rather than past indicators to more accurately reflect the cost increases experienced by Councils
- The new methodology will be specific to the type of Council such as metropolitan, regional and rural/remote
- It is proposed to commence using the new methodology for the 2024/25 year
- There will be a separate Emergency Services Levy calculation as part of the methodology specifically applied to each individual Council
- The rate peg methodology review is not the complete answer to Councils financial sustainability. It is also intended that IPART undertake a review more broadly regarding the financial sustainability of Councils.

Any improvement to the rate peg methodology that more accurately reflects the cost increases experienced by Council will benefit our long-term financial sustainability.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. **Executive Summary - Independent Pricing and Regulatory Tribunal's Final Report on the Review of the Rate Peg Methodology** [↓](#)

Chapter 1 »

Executive Summary

01

IPART has completed a review of our methodology for setting the rate peg – that is, the maximum amount in percentage terms by which a council may increase its general (or rates) income<sup>a</sup> in a year.

We conducted the review to develop a new methodology that:

- allows councils to vary their general income annually to reflect (as far as possible) changes in the costs of providing local government goods and services due to inflation and other external factors
- continues to include a population factor.

This Final Report outlines our decisions on the new methodology and explains how we will implement this methodology. We will work towards applying our new methodology for the rate peg for the 2024-25 financial year, if feasible. However, there may be issues that mean that an immediate implementation is not feasible. In this case, we would implement the new methodology for the rate peg for the 2025-26 financial year.

The report also outlines our recommendation for an independent review of the financial model of councils and other measures to improve financial sustainability, accountability, equity, efficiency, and community trust within the sector that could be considered as part of such review.

## 1.1 The role of councils in NSW and their challenges

Across NSW, 128 councils provide important goods, services, and facilities to their local communities. For example, they provide local roads, bridges and footpaths; libraries, parks and playgrounds; sporting fields and swimming pools; and public health, childcare, aged care and emergency management services.

Councils fund their operations from a mix of revenue sources. The rates they levy on property owners typically raise around a third of their total income. The rest comes from government grants, development contributions, and user fees and charges.

<sup>a</sup> For almost all councils, general income consists entirely of rates income. For a small number of councils, general income also includes some annual charges such as drainage levies. In this Final Report we use 'rates income' to describe general income.

## Councils' main sources of operating income



### Rates and annual charges

This includes residential, business, farming, and mining rates, plus any special rates charged by councils, as well as annual charges such as domestic waste management charges.



### Grants and development contributions

Councils may receive or apply for State and Federal government grants. Councils may also charge developers development contributions to fund local infrastructure necessary to serve the needs of the development.



### User fees and charges

Councils can charge for the sale of goods and services, such as parking, child and aged care services, building and regulatory services and private works.

However, local councils and their communities vary widely across the state. For example, councils differ in the size of the Local Government Area (LGA) they serve, and the level of development and local infrastructure in this area. Local communities differ in the size of their population, and their demographic and socio-economic characteristics, needs and preferences for local government services.

This diversity means councils can face significant and often different challenges in managing their revenues and costs to meet their community's needs and ensure their financial sustainability. The recent COVID-19 pandemic, economic volatility, bushfires, droughts and floods, and growing climate and cyber security threats, have increased these challenges. They also reinforce how important it is for councils to be financially sustainable so they can deliver reliable, safe services that their communities can afford.

## 1.2 The local government rate peg

Councils have the power to levy rates (and other charges) within the constraints of the *Local Government Act 1993* and the rating system it establishes. Within this system, councils set the rating structure and determine the rate levels for each rating category. But the total income they can raise through these rates is regulated in several ways – one of which is the local government rate peg (rate peg).

IPART sets the rate peg as the delegate of the Minister for Local Government and has done so since 2010. The rate peg represents the maximum amount in percentage terms by which councils may increase their rates income in a year. This means they can increase their rates income by an amount up to this percentage. Councils can choose to increase their rates income by this percentage, by a lower percentage, or reduce or maintain its rates income. If a council increases its rates income by less than the rate peg in a given year, it has up to 10 years to catch-up this shortfall.<sup>b</sup> Councils ultimately have discretion when setting rates as to how the impact of rate changes are distributed among ratepayers. This may mean that some rates increase by more than the rate peg or by less than the rate peg or be reduced, provided the increase in total rates income does not exceed the rate peg.

The purpose of the rate peg is twofold:

1. It allows all councils to automatically increase their rates income each year to keep pace with the estimated change in the costs of providing their current services and service levels to households, businesses, and the broader community – that is, their base costs. This helps ensure that they can maintain the scope, quantity and quality of these services over time without undermining their financial sustainability.
2. It also limits the impact of these automatic increases on ratepayers, by ensuring that councils cannot increase their rates income by more than the estimated change in their base costs, and that they engage with their communities if they propose a step change in their rates income to fund improvements in the scope, quantity or quality of their services.<sup>c</sup>

In recent years, the local government sector has raised concerns about the methodology we used to set the rate peg. These concerns primarily relate to how we measure the annual change in councils' base costs, including our Local Government Cost Index (LGCI). The previous Premier and the then Minister for Local Government asked IPART to review the rate peg methodology to address these concerns. Appendix F shows the Terms of Reference for this review.

### 1.3 Our decisions on the new rate peg methodology

Based on our analysis and consideration of stakeholder views, we have developed a new rate peg methodology that we will use to set the rate peg for the 2024-25 financial year, if it is feasible to do so, and onwards. The new methodology for setting the rate peg will use forward-looking measures of councils' base costs. This addresses the issue of using lagged data in a volatile economic climate. The new methodology will result in rate pegs that more accurately reflect changes in the costs NSW councils incur in providing their current services, and our changes also more accurately consider the diversity of councils across the State.

Under the new rate peg methodology, we will:

- Measure the annual change in NSW councils' base costs for 3 groups of councils (instead of one that includes all NSW councils) to better account for the diversity of their base cost patterns. These groups are metropolitan, regional, and rural councils.

<sup>b</sup> The catch-up provisions are specified in section 511 of the *Local Government Act 1993*.

<sup>c</sup> This consultation is one of the requirements councils must demonstrate they have met if they apply to IPART for a special variation to the rate peg. They must be granted a special variation to increase their rates income by more than the rate peg.



- Use a new, simpler model with forward-looking indicators to measure this change instead of the LGCI. This measure, the Base Cost Change (BCC), comprises 3 components that we consider better capture councils' costs:
  - Employee costs (primarily wages, including superannuation guarantee) measured by the Local Government (State) Award.
  - Asset costs measured by the Reserve Bank of Australia's (RBA's) forecast change in the Consumer Price Index (CPI), adjusted to reflect the average difference between changes in the Producer Price Index (Road and bridge construction, NSW) and changes in the CPI.
  - All other operating costs (including administration, utility costs, insurance but excluding the Emergency Services Levy (ESL)) measured by the RBA's forecast change in the CPI.
- Include a separate council-specific ESL factor, lagged by one year,<sup>d</sup> that reflects the annual change in each council's ESL contribution. This provides for councils to fund their required contributions to support the NSW State Emergency Service, NSW Fire and Rescue and NSW Rural Fire Service without needing to reduce other council services or erode their financial sustainability. In addition, when changes in this contribution impact the rate peg, the approach will ensure this impact is transparent to councils, ratepayers and all stakeholders.
- Maintain our existing approach and make additional adjustments for costs driven by external factors outside councils' control as needed, if ratepayers will benefit from these costs and we have the information we need to calculate the necessary adjustment. These costs may include managing climate change impacts and cyber security threats, for example.
- Continue to add a population factor but use a refined approach to more accurately measure the change in councils' residential populations by deducting prison populations from the residential population in a council area and then calculating the growth in the non-prisoner residential population of a council area for the relevant year.
- Retain the productivity factor in the rate peg methodology and for it to remain as zero by default unless there is evidence to depart from that approach. This may include further analysis and consultation on the factor and considering outcomes of other local government reviews which could inform other ways of driving productivity and determining the appropriate role of the productivity factor.

We decided not to release an indicative rate peg in September and a final rate peg in May each year as proposed in the Draft Report. Our draft decision was to set ESL factors in May to incorporate actual ESL contribution costs for the year the rate peg is to apply, once this information is available in late April. This would allow councils to recover these costs in the year they are payable, therefore, removing the lag from this measure in our old methodology. May is the earliest possible release date for a final rate peg to include up to date ESL contributions. Most stakeholders told us that a May release is not practical as it would impact existing planning and budgeting processes and impact the time available to engage with the community. As a result, we have decided to maintain the lag in this measure of ESL contributions.

<sup>d</sup> For example, this means that the ESL factor in the rate peg for the 2024-25 financial year will capture the change in invoiced ESL contributions amounts between the 2022-23 and 2023-24 financial years (adjusted for cost sharing arrangements for specific councils).

## 1.4 How the new methodology will be implemented

We have decided to implement all decisions on the rate peg methodology set out in this Final Report from when we set the rate peg for the 2024-25 financial year. The new methodology will produce rate pegs that more accurately reflect changes in inflation and costs incurred by councils by using forward-looking indicators to measure changes in councils' base costs and introducing council-specific factors for changes in councils' ESL contributions. As a result, we prefer to implement our new methodology as soon as possible. Under this approach, we intend to release the rate peg for the 2024-25 financial year in October 2023. We can implement these decisions under the existing delegation from the Minister for Local Government to set the rate peg.

However, there may be issues that mean that an immediate implementation is not feasible. In this case we would implement the new methodology for the rate peg for the 2025-26 financial year.

We have also decided not to include any additional adjustments in the rate peg to capture recent inflationary impacts. This is because the divergences caused by the 2-year lag in the LGCI even out over time, and some councils have already received an additional increase for higher-than-expected inflation rates through the additional special variations in 2022. However, councils may apply through the special variations process, if required, for an adjustment due to past inflationary impacts.

The ESL factor will capture the year-on-year cost changes based on the invoiced amounts that councils receive from the NSW Government, adjusted for any cost-sharing arrangements for contributions to the NSW Rural Fire Service for specific councils. As such, the ESL factor will not capture the recent increases in ESL contribution costs due to the discontinuation of the ESL subsidy by the NSW Government (see Chapter 4). However, we recognise that this may place pressure on councils' budgets for 2023-24 and going forward. Therefore, we have decided to capture the impact of the discontinuation of the ESL subsidy in the rate peg through a specific adjustment factor. Including the impact of the subsidy will likely increase the rate peg by a significant amount for some councils. So, to limit the impact on ratepayer affordability we consider it is appropriate to phase in this increase over several years. We plan to consult with ratepayers and councils on the proposed timeframe to phase in this adjustment.

We will also closely monitor the performance of different measures of employee costs as part of future rate peg decisions. This is because the implementation of any new methodology introduces uncertainty, and monitoring is necessary to ensure there are no unintended consequences. This could involve comparing the Award increases against a benchmark measure such as the RBA's forecast change in the Wage Price Index, the Fair Work Commission's minimum wage decision, or other Award increases, and reviewing changes in employee costs reported in councils' financial statements over time.

If we identify significant divergences between the Award increases and measures of wage increases in the wider economy, we may consider whether to not allow for full cost-recovery of Award increases or to use the productivity factor in our rate peg methodology to assist with incentives.<sup>e</sup> Identifying significant divergences could also trigger an immediate review of how we measure changes in employee costs in the rate peg.

We will continue to consult with ratepayers, councils and other stakeholders. We will hold periodic ratepayer workshops, and this will be a mechanism for ratepayers and other stakeholders to provide their feedback and views on the implementation of the new rate peg methodology and for us to share any new developments on our rate peg methodology.

We have decided to establish a council implementation reference group to advise us on the implementation of our new rate peg methodology. The purpose of the reference group would be to identify any practical issues or unintended consequences that might arise from implementation. We will develop a Terms of Reference for the reference group and consult publicly on this. We will also make the minutes of meetings with the reference group publicly available to support transparency (see Chapter 8).

We will review our rate peg methodology at least every 5 years using a transparent and consultative review process. These periodic reviews will ensure that our methodology remains up to date and fit for purpose. However, should we identify material changes in the sector or economy, including any unintended consequences from the implementation of our new rate peg methodology, we may undertake a review earlier.

## 1.5 Our recommendation to review the financial model for councils

Throughout this review, stakeholders made it clear they have concerns about councils' performance and financial sustainability, and the affordability of rates in the current cost of living climate.

Our decisions on the rate peg methodology may address some of these concerns. But many of the issues raised cannot be fixed by the rate peg or the special variation process. Therefore, we recommend the NSW Government commission an independent review of the financial model for councils to identify improvements.

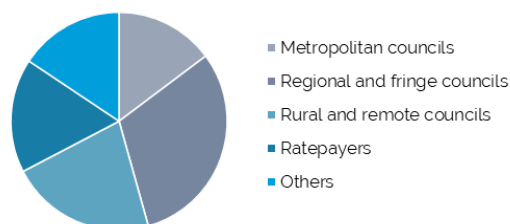
We consider this independent review could provide greater transparency of councils' financial sustainability. We have summarised the key issues stakeholders raised that could be investigated in this review. We have also outlined some key measures that could help improve equity of the rating system and affordability, better support councils to serve their communities, and better support councils' financial sustainability and performance in the long term. These measures could be considered as part of the recommended investigation (see Chapter 9).

<sup>e</sup> We have decided to retain the productivity factor in the rate peg methodology and set this at zero unless there is evidence to depart from this approach (see Chapter 7).

## 1.6 How we approached this review

Since our review started in August 2022, we have undertaken extensive consultation and heard views of residential and business ratepayers, as well as councils, from metropolitan, regional and rural areas across NSW. **Figure 1.1** indicates the range of stakeholders we engaged with.

Figure 1.1 We engaged with stakeholders throughout NSW



Note: 'Other' refers to government agencies, media, universities, peak bodies and other industry/professional groups. This excludes participants to the ratepayer survey and focus groups conducted by ORIMA.

Source: IPART analysis

We published an [Issues Paper](#) in September 2022 and invited submissions from all interested parties. We received 96 submissions, most of which were from councils and council organisations. We also held 7 [public workshops](#) – 3 in-person workshops in Wagga Wagga, Sydney, and Tamworth, and 4 online workshops – in late November and early December 2022.

We undertook our own analysis, sought expert advice, and considered the stakeholder views we heard through our consultation. Given the diversity of these views, we developed a range of options for improving the rate peg methodology and undertook further consultation to test and refine these options before making our draft decisions. The Office of Local Government granted an extension to the review to allow for this further work.

Then, in March and April 2023, we held 4 [technical workshops](#) (one with ratepayers and 3 with representatives from local government including councils, and academics). We limited the number of stakeholders we invited to participate in these workshops to allow for a more targeted and technical discussion of the options for each element of the rate peg methodology.

In addition, we engaged ORIMA, a specialist market and social research company, to undertake 2 [NSW-wide surveys](#) to better understand the views of residential and business ratepayers. ORIMA carried out these surveys in November 2022 and March-April 2023 respectively. ORIMA also held 5 [focus groups](#) – 3 with residential ratepayers and 2 with business ratepayers – to further explore the survey results.

In June 2023, we published our [Draft Report](#). We considered all views we received as part of our draft decisions and recommendations. We received 73 submissions, most of which were from councils and council organisations.

Lastly, we held an online Public Hearing on 18 July 2023, which was attended by 115 stakeholders. This provided another opportunity for stakeholders to have their say on our draft decisions.

Executive Summary



Throughout this report, we have acknowledged the different views from stakeholders and how we considered these views in our final decisions and recommendations. We provided our Final Report and recommendation to the Minister for Local Government in August 2023.



## 1.7 What we heard through our consultation

Our consultations highlighted that it is in the ratepayers' long-term interests for councils to be financially sustainable and deliver affordable services that their communities want and need.

Councils told us that their primary concern is to achieve and maintain financial sustainability, to use their rates income effectively and efficiently, and to maximise what can be achieved.

**Figure 1.2** shows that the interests and objectives of councils and ratepayers are interrelated, and an appropriate rate peg methodology should support the delivery of better outcomes for all stakeholders.

Figure 1.2 Stakeholder interests and objectives for the rate peg



Source: ORIMA, [Rate Peg Focus Groups Research Report](#), May 2023, p 2 and IPART.

### 1.7.1 What we heard from councils

Councils raised a range of specific concerns about the old rate peg methodology, which mostly relate to how accurately it measured the change in their base costs. For example, they said to improve the methodology we should:

- improve the LGCI so that it better reflects their actual costs
- address volatility in the rate peg associated with the lag between when the change in the LGCI is measured and when councils apply the resulting rate peg to their rates income
- better account for differences between individual councils and/or council types
- better reflect councils' actual labour costs, including by recognising their need to compete with private and public sector employers to attract and retain staff
- improve the population factor to better reflect changes in councils' base costs associated with population growth
- capture the change in costs due to external factors outside of councils' control – such as their ESL contribution, and managing the risks of climate change and natural disasters, and cyber security threats.

Councils also raised concerns about the broader regulatory framework for local government, and its impact on their financial sustainability. They identified a range of issues they consider undermine their financial position and limit the effectiveness of the rate peg in maintaining their financial sustainability.

In response to our Draft Report, councils were generally supportive of the new methodology. We heard that:

- Most support the BCC model and support introducing separate BCC models for metropolitan, regional, and rural councils.
- Most support a council-specific adjustment factor to reflect the costs of the ESL. However, many were concerned about our draft proposal to set ESL factors and a final rate peg in May, as discussed in section 1.4.
- Many also support maintaining our approach to make adjustments to the rate peg for external costs, as in the old methodology. Some also largely supported IPART creating a process to develop adjustment factors for groups of councils to recover specific external costs.
- There were mixed views on the population factor but most supported excluding prison populations.
- Most thought that a productivity factor would penalise councils for productivity improvements and would therefore be a disincentive to pursue them.
- Many prefer a staged implementation of changes to the rate peg methodology over 2 years and to include an adjustment for the impact of transitioning from the LGCI to the BCC model.
- Many support an independent review of the financial model for councils in NSW and improvements to the broader regulatory framework, including improving equity in the rating system.

## 1.7.2 What we heard from ratepayers

Ratepayers told us their prime concern was the affordability of their rates, and the impact a new rate peg methodology would have on their cost of living. They also questioned:

- How the rate peg compares to the change in the CPI. Some put the view that council incomes have grown by much greater than the CPI.
- The timing of changes to the methodology. They said changes may not be appropriate in the current economic climate.
- Whether there is an effective measurement of councils' productivity. Many indicated they are not confident councils use the money they collect through rates efficiently.
- Why our review is focusing on the lag in the LGCI. They noted that this lag cuts both ways and councils do not seem to have an issue when inflation is lower than the rate peg.

In the ratepayer survey, most ratepayers were generally satisfied with the quality and level of services that their council provides. However, they raised some broad concerns about the performance and regulation of councils. For example:

- More than half of all residential and business ratepayers surveyed were concerned about how fairly rates are split across types of ratepayers.
- More than 60% of business ratepayers said they were not comfortable trusting their council to keep rates reasonable.
- Around a third of residential ratepayers said councils' communication about how rates income is used was not good enough.

In the ratepayer focus groups to further investigate the survey findings it emerged that overall, ratepayers wanted the regulated rate setting framework to reflect the principles of transparency, accountability, efficiency, and fairness. Business ratepayers also wanted more business-like expectations of accountability and performance to be applied to councils.

In addition, the ratepayer focus groups revealed that:

- There is a widely held view that councils don't use rates income effectively, and therefore ratepayers generally pay more than they need to.
- Ratepayers have only a general sense of what councils use rates income for, and this is strongly influenced by the services and facilities they can see and personally use.
- The opportunity to discuss issues and hear other opinions in an open forum enabled residential ratepayers to better consider the value of paying rates to support council services.

In response to our Draft Report, ratepayers reinforced these key concerns. In addition, they told us that:

- Ratepayers support the rate peg to encourage financial restraint but consider that it could reduce the democratic accountability of councils to their communities on rates. Ratepayers expressed frustration that councils are not held accountable for large rates increases and that the rate peg provides limited protection due to special variation approvals.



- Improved productivity, efficiency and management rather than higher rates should address increased council spending and that other options for council income could be explored. Some ratepayers wanted more work done to review council financial performance.
- Some are concerned about the equity of the rating system, and consider that councils focus on residential ratepayers compared to other groups (e.g. farmland ratepayers) and that increases should be applied evenly across ratepayers.

## 1.8 Our decisions, recommendations, and findings

We can implement our decisions on the rate peg methodology under our delegation from the then Minister in 2010. Our preference is to implement our decisions for the rate peg for the 2024-25 financial year, to be released in October 2023. There may be issues that mean that it is not feasible to do so, in which case we would implement the new methodology for the rate peg for the 2025-26 financial year. For matters that are outside our delegation from the Minister, we have made a recommendation below. We have also set out key findings from our review.

Our decisions are:

1.	To replace the LGCI with a Base Cost Change model with 3 components:	35
a.	employee costs	35
b.	asset costs	35
c.	other operating costs.	35
2.	To develop separate Base Cost Change models for 3 council groups:	35
a.	metropolitan councils (Office of Local Government groups 1,2,3, 6 and 7)	35
b.	regional councils (Office of Local Government groups 4 and 5)	35
c.	rural councils (Office of Local Government groups 8 to 11).	35
3.	For each council group, calculate the Base Cost Change as follows:	36
a.	For employee costs, we will use the annual wage increases prescribed by the Local Government (State) Award for the year the rate peg applies. When the Award increase is not available, we will use the Reserve Bank of Australia's forecast change in the Wage Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies). We will adjust for changes in the superannuation guarantee.	36
b.	For asset costs, we will use the Reserve Bank of Australia's forecast change in the Consumer Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies), adjusted to reflect the average difference between changes in the Producer Price Index (Road and bridge construction, NSW) and changes in the Consumer Price Index (All groups, Sydney) over the most recent 5-year period for which data is available.	36
c.	For other operating costs, we will use the Reserve Bank of Australia's forecast change in the Consumer Price Index from the most recent Statement on Monetary Policy (averaging the changes over the year to June and December for the year the rate peg applies).	36
d.	Weight the 3 components using the latest 3 years of data obtained from the Financial Data Returns of councils in that group and update the weights annually.	36

4.	To release rate pegs for councils around September each year, for the upcoming financial year.	36
5.	To include a separate ESL factor, lagged by one-year, in our rate peg methodology that reflects the annual change in each council's Emergency Services Levy (ESL) contribution. This factor will reflect an individual council's contribution based on:	61
a.	ESL contribution assessment notices for councils that do not engage in ESL contribution cost sharing arrangements.	61
b.	ESL contribution assessment notices and cost sharing allocation information for councils that engage in ESL contribution cost sharing as part of a rural fire district agreement.	61
6.	To use the information we have collected on cost sharing to set ESL factors until notified of changes to the arrangement by relevant councils in the district.	61
7.	To publish the cost sharing information we have used to calculate ESL factors on our website when we set the rate peg each year – subject to receiving permission from the relevant councils and agencies.	61
8.	To include an additional specific adjustment factor to the rate peg to reflect the impact of discontinuing the ESL subsidy. We may choose to phase in the adjustment over one or more years and at different speeds for different councils.	61
9.	To maintain our existing approach and include specific adjustment factors in the rate peg methodology on an as needs basis for external costs.	76
10.	To change the 'change in population' component of the population factor to deduct prison populations from the residential population in a council area and then calculate the growth in the non-prisoner residential population of a council area for the relevant year. We will not make retrospective adjustments for previous population factors.	85
11.	To retain the productivity factor in the rate peg methodology and for it to remain as zero by default unless there is evidence to depart from that approach.	108
12.	To implement decisions 1-11 under section 1.8 of our Final Report from the rate peg for the 2024-25 financial year, if it is feasible to do so.	114
13.	To establish a council implementation reference group to advise on the implementation of our new rate peg methodology.	114
14.	To review our rate peg methodology at least every five years, unless there is a material change to the sector or the economy, to ensure its stays fit for purpose.	114

#### Our recommendation is:

1.	That the NSW Government consider commissioning an independent review of the financial model for councils in NSW including the broader issues raised in this report.	121
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Executive Summary

Our findings are:

- |    |  |    |
|----|--|----|
| 1. | The 2-year lag under our old rate peg methodology does not allow for changes in council costs to be reflected in a timely manner in the rate peg. This can be problematic during periods of cost volatility.   | 36 |
| 2. | Some councils that are part of rural fire districts have entered arrangements with other councils to share the costs of the Rural Fire Service component of the Emergency Services Levy (ESL) contribution. They pay an amount that is different to the total ESL contribution set out in their assessment notice. | 61 |

## 1.9 Structure of this Final Report

The rest of this report explains our decisions and recommendation in more detail, including the stakeholder views and other options we considered to address these issues:

### Chapters

02	discusses the role of the rate peg within the broader regulatory framework, and how we considered this role in reviewing the methodology
03	focuses on our improvements to how we measure the change in councils' base costs
04	discusses our decision to include in the methodology a factor to measure changes in councils' Emergency Services Levy contributions
05	explains our decision to include specific adjustments in the rate peg methodology for changes in councils' costs due to other external factors on an as needed basis
06	discusses our decision on the population factor
07	outlines our decision on the productivity factor
08	discusses how we will implement the new methodology
09	focuses on our recommendation for an independent review of councils' financial model and measures that could be reviewed as part of this review.

### Appendices

A	sets out our decision on the rate peg methodology formula
B	discusses alternative options we considered as part of this review
C	discusses ratepayer survey results and results of our ratepayer analysis
D	discusses councils' financial sustainability
E	discusses climate change cost considerations
F	sets out the Terms of Reference for this review
G	provides Emergency Services Levy factor worked examples
H	provides a Glossary

**10.6 REFERRAL OF CONFIDENTIAL MATTERS****File Number:** S4.19.32 / 23/38475**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

Referral of Confidential Matter.

**RECOMMENDATION:**

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

**Item:** 13.1 S29.5.7 - Tenders Inverell Sewage Treatment Plant (STP) Aeration System Upgrade

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

**COMMENTARY:**

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

**Item:** S29.5.7 - Tenders Inverell Sewage Treatment Plant (STP) Aeration System Upgrade.

**Description:** The purpose of this report is for Council to consider tenders received for upgrading the aeration systems in Intermittent Decanted Aeration (IDEA) Tanks 1 & 2 at Inverell Sewage Treatment Plant. Council is being asked to consider acceptance of tender and subsequent execution of contract for the project.

**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 INVERELL AQUATIC CENTRE - 70% DESIGN STAGE COMMUNITY CONSULTATION

**File Number:** S5.9.27 / 23/37642

**Author:** Greg Doman, Manager Environmental Health

#### SUMMARY:

The purpose of this report is to inform Council of the 70% design community consultation that was undertaken as part of the Inverell Aquatic Centre Replacement project.

The 70% design consultation concluded the significant community engagement process that has been undertaken for the project.

#### COMMENTARY:

Council undertook planned community consultation for the 70% design stage of the Inverell Aquatic Centre (IAC) Replacement project from the 10 October until 27 October 2023. The community consultation involved placing the architectural plans and an audio-visual fly through of the facility on exhibition at Council's Administration Centre and Library.

Council used both print and social media to engage with the community who were able to view and provide feedback in relation to the 70% design stage of the IAC Replacement Project.

During the exhibition period Council staff held a drop-in session at the administration centre on 17 October 2023. No community members attended the drop in-session.

Council staff also met separately with four (4) stakeholder groups during the community consultation period. The stakeholder meetings provided an opportunity for each stakeholder group to specifically discuss with Council staff detailed aspects of the 70% facility design that were of importance to them.

During the four (4) stakeholder meetings, a number of specific matters were raised and discussed, including:

- Details surrounding lane ropes and flag points;
- Provisions for a timing system;
- Clocks;
- Emergency safety resuscitation equipment locations within the facility;
- Access for people with a disability to the program pool and how this will operate;
- A hose point within the program pool to enable facility users to use on joints;
- Wifi connection availability throughout the facility;
- The installation of a public address (PA) system within the facility to assist with swimming meets; and
- Additional seating during larger swimming events.

The items raised by stakeholders are not considered to be significant design items and largely relate to the operation of the facility. The identified items will be addressed either in the final design or as part of the "*fittings, fixtures and equipment*" (FFE) that will be provided within the facility. The specific details and extent of the FFE are currently being developed. The overall feedback from the meetings was positive.

During the consultation period Council received six (6) written submissions. A copy of submissions and subsequent response from Council will be distributed to Councillors under separate cover. The following is a summary of matters raised.

- Water flow within the 25/50m pool;
- Inclusion of an installation/ retrieval system for the pool covers;
- Terminology used on plans;
- Positive feedback regarding audio-visual fly through presentation;
- Clarification regarding entry points to the 25/50m pool;
- Concerns over practising in the toddler pool and potential impacts from larger children using this pool;
- Water temperature of the designated heated pool;
- Provisions of access to the designated heated pool;
- The need to provide a number of different programs in the designated heated pool to cater for user groups in the community;
- Positive feedback regarding the project and the inclusive design of the facility;
- The use of café area to attract people to the facility;
- Confirmation regarding heating of the 25/50m pool during winter; and
- Concerns regarding the splash park being located within the building and the potential impacts of noise on other facility users.

The submissions received as part of the 70% design stage community consultation (whilst few in numbers) appear to be from a wide demographic of potential facility users. The fact that no significant design issues were identified reflects the extensive consultation that has taken place to date and previous opportunities to raise matters.

The 70% design consultation concludes a comprehensive community engagement process for this project which commenced at Feasibility stage.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

Nil

**11.2 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT**

**File Number:** S5.9.27 / 23/38090

**Author:** Greg Doman, Manager Environmental Health

**SUMMARY:**

A Project Control Group (PCG) has been established for the Inverell Aquatic Centre Replacement. Minutes of the PCG meetings are provided to the Councillors for their information.

**COMMENTARY:**

A Project Control Group (PCG) meeting was held on 9 November 2023 for the Inverell Aquatic Centre Replacement.

**Attachment 1** contains a copy of the minutes from the meeting held on 9 November 2023 for the information of the Councillors.

**ATTACHMENTS:**

1. Inverell Aquatic Centre Replacement PCG Minutes - 9 November 2023 [↓](#)



**MINUTES OF INVERELL SHIRE COUNCIL  
INVERELL AQUATIC CENTRE REPLACEMENT - PROJECT CONTROL GROUP MEETING  
HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET,  
INVERELL  
ON THURSDAY, 9 NOVEMBER 2023 AT 2.30PM**

**PRESENT:** Brett McInnes (General Manager), Paul Pay (Director Corporate and Economic Services), Greg Doman (Manager Environmental Health), Cr Stewart Berryman and Peter Atkinson (Project Manager).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

Moved: Cr Stewart Berryman

Seconded: Mr Paul Pay

*That the Minutes of the Inverell Aquatic Centre Replacement - Project Control Group Meeting held on 5 October, 2023, as circulated to members, be confirmed as a true and correct record of that meeting.*

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

Nil

**4 BUSINESS ARISING FROM PREVIOUS MINUTES**

**4.1. 70% DESIGN COMMUNITY CONSULTATION**

Council undertook community consultation from 10 October until 27 October 2023. During this period Council exhibited design plans and provided an audio visual fly through at Council's Administration Centre and Library. During the exhibition period Council met with stakeholder groups and held a drop-in session. No community members attended the drop-in session.

A further information report will be prepared for Council regarding the submissions received as part of the 70% Design Community Consultation.

**5 MATTERS FOR DETERMINATION**

**5.1. 70% DESIGN REVIEW**

On 1 November 2023 a second meeting was held with Hines Constructions, Specialist Advisory Group and Council staff in relation to outstanding design items. The majority of items have been addressed and Council are waiting on amended plans.

Inverell Aquatic Centre Replacement - Project Control Group Meeting  
Minutes

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9 November 2023

## **5.2. ON-SITE ACTIVITIES**

Hines Constructions resumed work at the Inverell Aquatic Centre on Monday, 30 October 2023.

## **5.3 CONSIDERATION OF PAYMENT CLAIM 8**

### **COMMITTEE RESOLUTION**

*That the PCG unanimously support the payment of progress claim number 8 in the amount of \$76,532.53 GST Exclusive.*

**CARRIED**

## **6 MATTERS WITHOUT NOTICE**

General Manager advised that the Growing Regions Fund had been extended until 27 November 2023. Council is still awaiting confirmation regarding progression to the next stage.

General Manager advised that Council is awaiting the finalisation of a number of project variations, investigations which are expected to be resolved in the next couple of weeks.

## **7 NEXT MEETING**

To be advised.

**The Meeting closed at 2.40pm.**

**11.3 NEW SOUTH WALES HOUSING CRISIS - NATIONAL HOUSING ACCORD****File Number: S18.6.71 / 23/37901****Author: Anthony Alliston, Manager Development Services****SUMMARY:**

The purpose of this report is to inform Council in regard to recent correspondence received from The Honourable Paul Scully MP, Minister for Planning and Public Spaces.

Specifically, the correspondence requests that the *“letter be tabled at your next council meeting so that councillors are clear about the State government’s intentions on behalf of the people of NSW to deliver more low and mid-rise homes, while reminding them of their duty during election periods”*.

**COMMENTARY:**Background

On the 30 October 2023, Council received correspondence from The Honourable Paul Scully MP, Minister for Planning and Public Spaces. A copy of the correspondence is included as **Attachment 1**.

The correspondence states that there is a housing crisis in NSW. It also states that *“through the National Housing Accord, council’s and the NSW Government are committed to working together to look at every opportunity to address this crisis”*.

Discussion

The letter specifically references examples in Greater Sydney where the NSW Government have identified “limitations” across residential zones constraining the ability to deliver diverse housing in low and medium density areas.

This is not considered applicable to Inverell as our primary “urban” residential zone is the R1 General Residential zone. The *Inverell Local Environmental Plan 2012* does not differentiate between “high, “medium” and “low” residential zones like many of the Greater Sydney Councils.

The correspondence also informs Councils that the Department of Planning and Environment (Department) will be releasing a “tool kit” to help Councils deliver the outcomes that “we” need. Notwithstanding this, the correspondence is urging Councils to immediately commence work in identifying locations and permitting more low and mid-rise homes ahead of the Departments “tool kit”.

The diverse housing referenced in the correspondence such as terraces, townhouses and two (2) storey residential flat buildings are all permitted within Inverell’s R1 General Residential zone. It is considered that Inverell Shire Council does not need to identify additional locations within the township to permit more low and mid-rise homes.

In regard to the point above it should also be noted that with the adoption of the *Inverell Local Environmental Plan 2012* and the *Structure Plans for New Residential Areas* (October 2021), over 1000 standard residential lots have been identified for future housing development across Inverell’s R1 General Residential zone.

At this point it is unclear as to whether future Department initiatives will mandate State-wide changes to residential zones and planning policies, including Inverell’s. Councillors will be kept informed of any future housing reforms or residential zoning changes proposed by the Department.

The final point of the correspondence is a reminder to Councils in regard to the upcoming 2024 NSW local government elections to be held on 14 September 2024. It is a reminder that all planning and assessment and other Council responsibilities and operations should continue as normal until the start of the caretaker period (16 August 2024).

### Media Release

In the correspondence the reference to “a number of limitations” appears to infer the limitations of Councils in delivering housing. There appears to be a collective view from NSW Councils that Councils are being used as “scapegoats” by the State Government and planning bureaucrats in relation to the “housing crisis”. This is evidenced in a media release (30 October 2023) from Local Government NSW. A copy of the media release is included as **Attachment 2**. There are numerous other media releases in relation to this topic with the same sentiment from NSW Councils.

### Conclusion

Correspondence has been received from The Honourable Paul Scully MP, Minister for Planning and Public Spaces in regards to the NSW “housing crisis”, future proposed housing reforms and Councils’ responsibilities leading up to the NSW local government elections.

As requested, the correspondence is being tabled at the November 2023 Ordinary Meeting of Council.

At this point in time it is considered that Inverell Shire Council do not need to revise its planning or housing “policy settings” in regard to prioritising low and mid-rise housing types in our main residential zone, however Council staff will continue to monitor the Departments proposed housing reform work (tool kit) and keep the Council informed of any significant developments.

### **RISK ASSESSMENT:**

Nil

### **POLICY IMPLICATIONS:**

It is considered that Inverell Shire Council do not need to amend or change its planning policies in regard to further prioritising low and mid-rise housing types in our main residential zone.

### **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

### **LEGAL IMPLICATIONS:**

Nil

### **ATTACHMENTS:**

1. Correspondence - The Hon Paul Scully MP 30 October 2023 [↓](#)
2. Local Government NSW Media Release - 30 October 2023 [↓](#)

**The Hon Paul Scully MP**  
Minister for Planning and Public Spaces



Ref: MDPE23/3451

Clr Paul Harmon  
Mayor  
PO Box 138  
INVERELL NSW 2360  
via: [paul.harmon@inverell.nsw.gov.au](mailto:paul.harmon@inverell.nsw.gov.au).

Dear Clr Harmon,

I write to you regarding the need to allow for more housing in our low and medium density zones across New South Wales to help increase supply and diversity of homes we are delivering in our suburbs.

New South Wales is in a housing crisis. Through the National Housing Accord, councils and the NSW Government are committed to working together to look at every opportunity to address this crisis.

Our shared task is to approve and encourage the necessary investment and commencements for 377,000 homes by 2029.

The land use planning and assessment functions of councils and the Department will need to quickly adjust towards approaches that lead to more homes in well-located areas.

As a way to increase our housing numbers in NSW, the NSW Government has identified a number of limitations across the residential zones constraining our ability to deliver this diverse housing in our low and medium density areas. In Greater Sydney these include:

- Terraces, townhouses and 2 storey residential flat buildings (i.e. manor houses) are only permitted in the R2 low density residential zone in 2 of 35 Local Environmental Plans (LEPs) in Greater Sydney – just six per cent. This is despite 77 per cent of residential land being zoned R2. Even though the R3 medium density zones do allow terraces, they only make up 13% of residential land; and
- Residential flat buildings (RFBs) are only permitted in the R3 medium density zone in 47% of LEPs. Even though the R4 high density residential zones do allow RFBs, they only make up 3% of residential land.

The story is more mixed outside of our major cities but there are still opportunities available for the planning system to priorities low and mid-rise housing types in our main residential zones.

We are asking councils to review their local policy settings and approaches in the interests of housing supply. I ask you to identify existing well-located areas where terraces, small unit blocks or well-designed mid-rise apartments can be permitted.

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6080  
[nsw.gov.au/ministerscully](https://nsw.gov.au/ministerscully)

Research consistently shows that there is unmet demand for additional small apartment and low-rise multi-dwelling housing options as well as purpose-built rental and affordable and social housing.

With this in mind, the Department will be realigning its resources to support councils in these initiatives and is developing a tool kit to help councils and state agencies deliver the outcomes we need. Councils shouldn't wait for this work to happen, rather I am asking you to begin work identifying locations and permitting more low and mid-rise homes immediately.

This urgency for all of us to play our part to approve and deliver housing in all parts of New South Wales brings me to my final point. The upcoming 2024 NSW local government elections are scheduled to be held on Saturday 14 September 2024. The caretaker period will begin 4 weeks before on 16 August 2024.

The NSW local government elections may have an impact on some policy and program timeframes and exhibition dates and may impact on planning assessment timeframe targets.

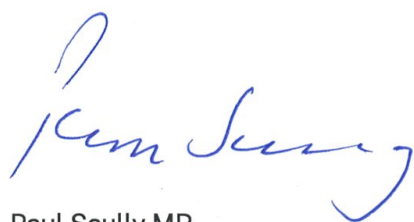
All planning assessments and other council responsibilities and operations should continue as normal until the start of the caretaker period. It is my express view that councils should continue to undertake their legal responsibilities under local government and planning legislation to make sure that we keep up the momentum on delivering the approvals for housing developments across New South Wales.

I would also request that this letter be tabled at your next council meeting so that councillors are clear about the State government's intentions on behalf of the people of NSW to deliver more low and mid-rise homes, while reminding them of their duty during election periods.

We all have a part to play in delivering on the National Housing Accord and a role in helping the next generation into home ownership or long-term rental. I urge you to look at your policy settings with the aim of expanding the number of homes in your LGA.

Should you have any questions regarding the housing reform work or to caretaker conventions for local government elections, please contact the Department at [stakeholder.engagement@dpie.nsw.gov.au](mailto:stakeholder.engagement@dpie.nsw.gov.au).

Yours sincerely



**Paul Scully MP**  
Minister for Planning and Public Spaces

20/10/23

52 Martin Place Sydney NSW 2000  
GPO Box 5341 Sydney NSW 2001

02 7225 6080  
[nsw.gov.au/ministerscully](https://nsw.gov.au/ministerscully)



11/16/23, 9:38 AM

End the scapegoating, councils warn government | LGNSW



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## END THE SCAPEGOATING, COUNCILS WARN GOVERNMENT

Councils say they're sick of being scapegoated for the housing crisis and have called for an urgent sit-down with the NSW Premier, key Ministers and planning bureaucrats.

Local Government NSW (LGNSW) President Cr Darriea Turley AM said councils had consistently sought to take a collaborative and positive approach to working with the Government to help

<https://www.lgnsw.org.au/Public/Public/Media-Releases/2023/End-the-scapegoating-councils-warn-government.aspx>

2/4

11/16/23, 9:38 AM

End the scapegoating, councils warn government | LGNSW

ease the housing crisis, but enough was enough.

"Making councils the whipping boy is disingenuous and it has to stop," Cr Turley said.

"The Premier, Planning Minister Paul Scully and Housing Minister Rose Jackson well know that:

- Councils are approving 97 per cent of all DAs
- Councils have met 2022/23 state housing targets by approving more than 85,095 dwellings
- Far more development applications are being approved than builds commencing: the figures for the past two financial years show 103,460 DAs determined but only 83,419 construction certificates lodged
- Even fewer homes are being completed: over that 24-month period only 70,886 occupation certificates were requested.

"These are the Government's own figures, and the rhetoric being bandied about in State Parliament and in the media is nothing more than convenient fiction."

Cr Turley said the significant disparity between approved DAs and construction certificates showed the failure of private developers to build the homes that had already been approved.

"Land banking is a massive problem – some developers have no intention of developing and selling the number of homes required to meet demand, because this would simply drive down the cost of homes and therefore their profits.

"All you hear from the development industry is the need for less regulation and faster approvals."

Cr Turley said land banking of a different sort was undertaken by smaller developers, who may have had every intention to proceed but now find they cannot make a profit due to a 20% rise in the cost of materials, labour shortages and high interest rates.

"The business model for most developers and builders requires them to carry debt, so the spike in interest rates – something neither local nor state governments can control – makes it uneconomic for them to proceed," she said.

"Labour shortages and the declining number of subcontractors are other factors."

Cr Turley said it was time to end the blame game, and she proposed a roundtable involving the local government sector, State Government ministers, senior planning bureaucrats and developers.

"We are all stakeholders and we all want to find a solution to the housing crisis," she said.

<https://www.lgnsww.org.au/Public/Public/Media-Releases/2023/End-the-scapegoating-councils-warn-government.aspx>

3/4



11/16/23, 9:38 AM

End the scapegoating, councils warn government | LGNSW

"Councils and their communities want liveable homes rather than cheap, easy developments thrown up without any scrutiny.

"Communities want housing growth and lower prices, supported by critical local infrastructure such as roads, public transport, parks, public schools and hospitals.

"Developers want to be able to plan and build homes with some certainty as to the process, and they have a right to a fair profit for doing so.

"The State Government wants all of these things, so let's stop the pointless and misleading sniping and focus on working together to develop and implement sensible, workable solutions in the best interest of all."

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Level 8, 28 Margaret Street Sydney NSW 2000

02 9242 4000

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# 11.4 ORDINANCE ACTIVITIES REPORT FOR SEPTEMBER 2023

**File Number:** S18.10.1 / 23/34130

**Author:** Robyn Waters, Administration Officer

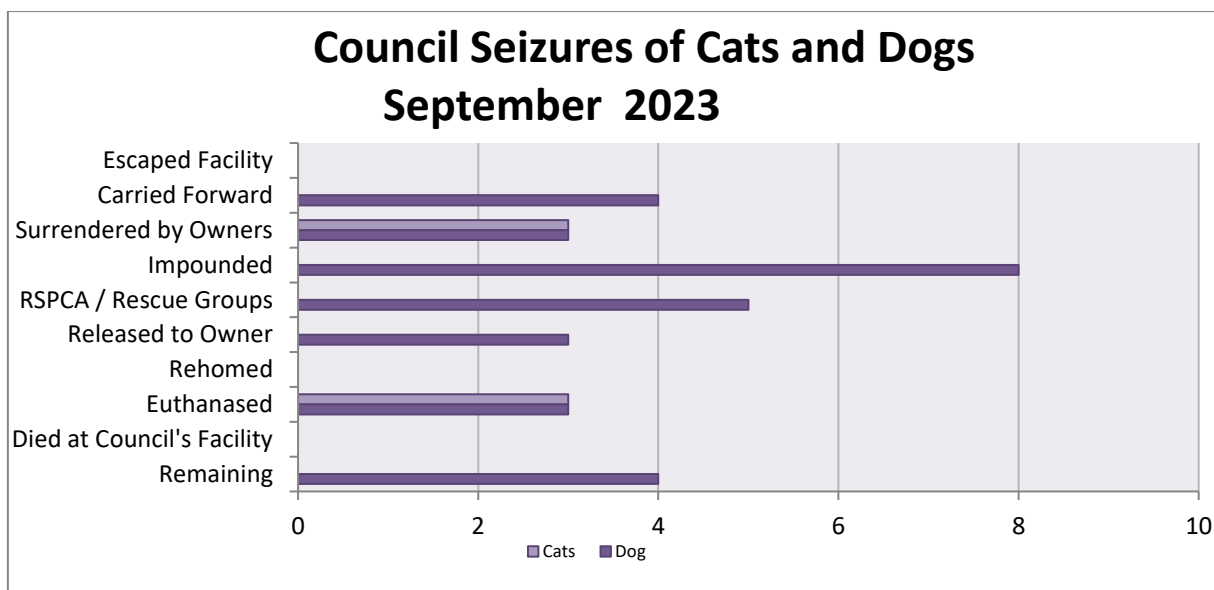
## SUMMARY:

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

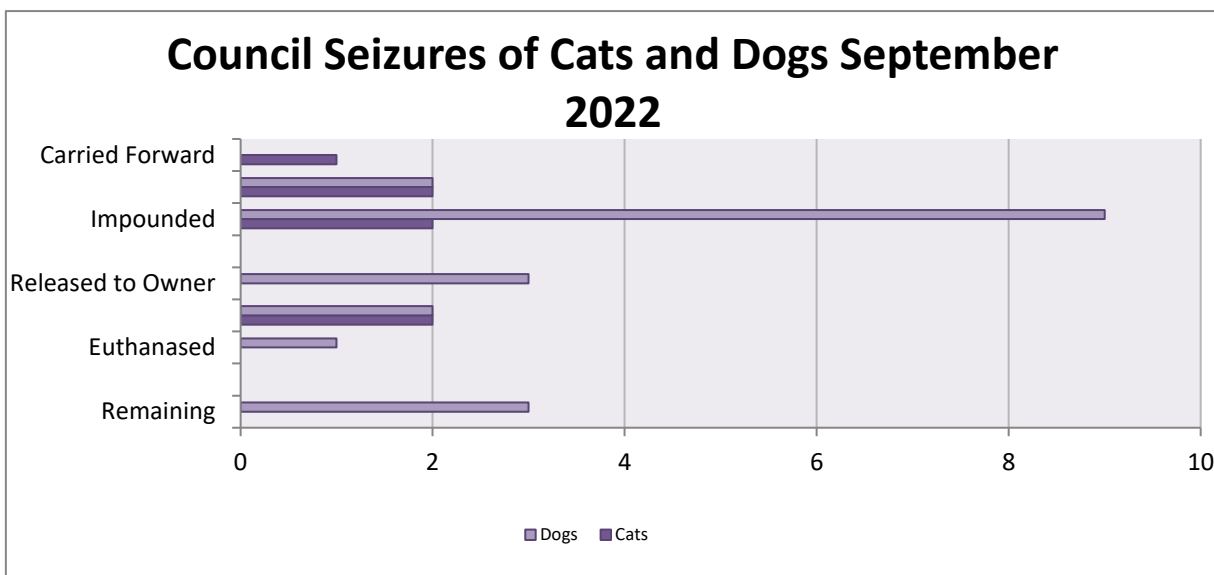
## INFORMATION:

### COMPLIANCE

#### Inverell Shire Council Pound Monthly Report September 2023



#### Inverell Shire Council Pound Monthly Report September 2022

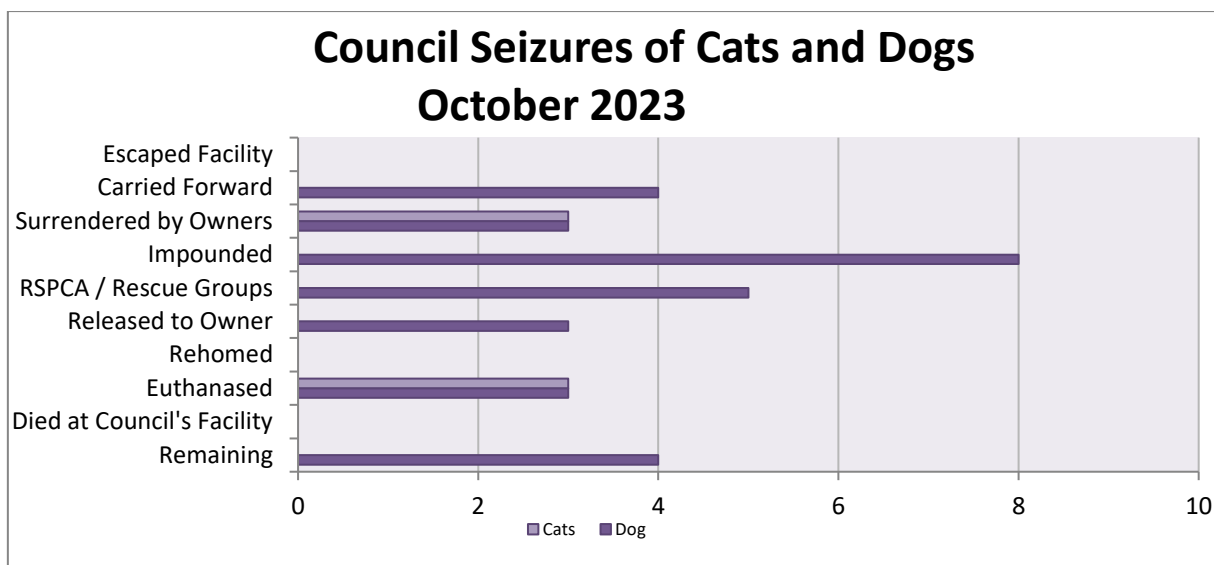
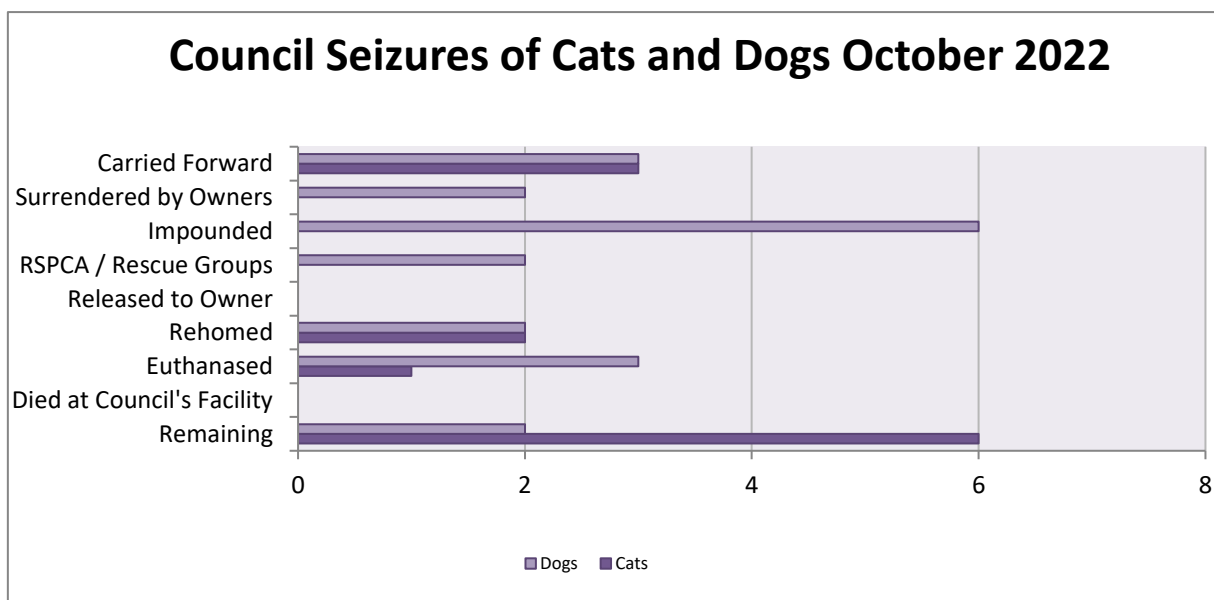


## ATTACHMENTS:

Nil

**11.5 ORDINANCE ACTIVITIES REPORT FOR OCTOBER 2023****File Number:** S18.10.1 / 23/38064**Author:** Robyn Waters, Administration Officer**SUMMARY:**

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

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

**11.6 STRATEGIC TASKS - 'SIGN OFF' - SEPTEMBER 2023****File Number:** S4.13.2 / 23/34012**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

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

**COMMENTARY:**

The September 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.

Date	Compliance Requirement	Achieved/Not Achieved	Comments
13 September 2023	Last day to determine the number of councillors [LGA s224]	Not applicable	No changes planned for the number of Councillors.
30 September 2023	Written returns of interest due for councillors and designated persons who held office at 30 June [MCC cl4.21(b)] to be lodged. GM to table returns at next Council meeting [MCC cl 4.25]	Achieved	Tabled at the October 2023 ordinary Council meeting.

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of September, 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.

**B MCINNES****GENERAL MANAGER****ATTACHMENTS:****Nil**

**11.7 STRATEGIC TASKS - 'SIGN OFF' - OCTOBER 2023****File Number:** S4.13.2 / 23/36827**Author:** Kristy Paton, Corporate Support Officer - Publishing**SUMMARY:**

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

**COMMENTARY:**

The October 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.

Date	Compliance Requirement	Achieved/Not Achieved	Comments
5 October 2023	Last day for councils to divide their area into wards, abolish all wards, alter ward boundaries or change ward names [LG Reg s277A]	Not required	
6 October 2023	Application for Payment of Pensioner subsidy due	Achieved	Lodged with OLG on 04/10/2023
17 October 2023	Request for extension to lodge financial statements due in writing to OLG [LGA s416(2), Code]	Not applicable	
30 October 2023	Annual Report of obligations under GIPA due to the Minister and the Information Commissioner [GIPA s125]	Achieved	
30 October 2023	Annual Report of obligations under PIDA due to the Minister and the Ombudsman [PIDA s31]	Achieved	
31 October 2023	Financial Statements to be audited [LGAs416(1), Code] and lodged to OLG [LGA s417(5)] with Financial Data Return (FDR)	Achieved	Financial Statements and Financial Data Return lodged on 31 October 2023
31 October 2023	Second quarter rates instalment notices to be sent [LGA s562(5)]	Achieved	

I confirm that the performance criteria as set out in the criteria for scheduled tasks have been met for the month of October, 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.

B MCINNES

GENERAL MANAGER

**ATTACHMENTS:**

**Nil**

<b>11.8</b>	<b>SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING SEPTEMBER 2023</b>
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**File Number:** S18.10.2/16 / 23/34081

**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 September 2023.

**DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING SEPTEMBER 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-54/2023	Abode Building Design	38 King Street, INVERELL 2360	Shed, earthworks and retaining walls	44,000
DA-58/2023	Ventia Pty Limited	5 Opal Street, TINGHA 2369	Satellite Dish with associated infrastructure	30,000
DA-63/2023	Ruralcert Pty Ltd	293 Swanbrook Road, INVERELL 2360	Secondary dwelling	150,000
DA-74/2023	Mr John David Williams	33 Vivian Street, INVERELL 2360	Shed	25,000
DA-87/2023	Hines Constructions Pty Limited	69 Evans Street, INVERELL 2360	Inverell Aquatic Centre Replacement	24,978,789
DA-88/2023	Abode Building Design	10C Swanbrook Road, INVERELL 2360	Shed	165,000
DA-93/2023	Inverell Art Society	5-7 Evans Street, INVERELL 2360	Storage room and mezzanine floor	15,000
DA-102/2023	Sapphire Nutrition Pty Ltd	20 Swanbrook Road, INVERELL 2360	Installation of concrete plinths to Support LPG gas tank, on an existing E4 General Industrial Developed Site	63,079

DA-104/2023	Ruralcert Pty Ltd	19 Frazer Street, ASHFORD 2361	Two detached sheds	100,000
DA-109/2023	Mr Gregory James Loader	20 Butler Street, INVERELL 2360	Shed	12,000
DA-110/2023	Abode Building Design	80 Brosnans Lane, INVERELL 2360	Shed for the storage of plant and equipment	66,000
DA-113/2023	Abode Building Design	95B Ring Street, INVERELL 2360	The placement of fill to create a level pad at the rear of the lot. The material will be imported from across the road at 102 Ring Street	2,000
DA-115/2023	Abode Building Design	1307 Nullamanna Road, NULLAMANNA 2360	Canteen with accessible ramp and veranda attached to the existing hall building	66,000
<b>Monthly estimated value of Approvals: September 2023</b>			<b>13</b>	<b>25,716,868</b>

**Development Amendments**

Nil

**Development Refusals**

Nil

**Variation to Development Standards Approved**

As part of the monitoring and reporting requirements established by the NSW Department of Planning, a report of all variations approved under delegation in accordance with Clause 4.6 of *the Inverell Local Environmental Plan 2012* must be provided to a full council meeting.

The following details the variations to development standards approved during September 2023.

**INFORMATION:**

Nil

**CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING SEPTEMBER 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-68/2023	Abode Building Design and Mr Gavin Tony Thorpe	274 Blyths Lane, DELUNGRA 2403	Secondary dwelling, shed and septic	499,415



CC-73/2023	Abode Building Design	33 Oliver Street, INVERELL 2360	Stage 1 - Open Steel Framed Skillion and Business Sign	110,000
CC-80/2023	Mr Joerg Gruenfeld	43 Sylvan Drive, INVERELL 2360	Dwelling	430,000
CC-84/2023	Abode Building Design	49 Runnymede Drive, INVERELL 2360	Shed	38,000
CC-87/2023	Ruralcert Pty Ltd	19 Frazer Street, ASHFORD 2361	Two detached sheds	100,000
CC-90/2023	MB & CM Jorgensen Pty Ltd	23 McBrides Lane, INVERELL 2360	In-ground pool	70,499
CC-91/2023	Ms Eriko Kawaramoto	227 Swanbrook Road, INVERELL 2360	Alterations and additions	68,924
CC-92/2023	Mr Gregory Ian Cannon	36 Oliver Street, INVERELL 2360	Change of Use and Internal Fit-out for Commercial Retail Business	77,000
CC-94/2023	Abode Building Design	95B Ring Street, INVERELL 2360	The placement of fill to create a level pad at the rear of the lot. The material will be imported from across the road at 102 Ring Street, Stockpile of additional fill for future levelling.	2,000
CC-95/2023	Mr Ian Francis Jack	102 Ring Street, INVERELL 2360	Stage 1 - level site and fencing	70,000
CC-96/2023	Abode Building Design	133B Old Bundarra Road, INVERELL 2360	Earthworks in preparation of construction of Units 9 & 10	11,000

<b>Monthly estimated value of Approvals: September 2023</b>			<b>11</b>	<b>1,476,838</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 SEPTEMBER 2023****Complying Development Certificates Approved by Council**

Nil

**Amended Complying Development Certificates approved by Council**

Nil

**Complying Development Certificates approved by Private Certifier**

Nil

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

Nil

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

<b>Type of Consent</b>	<b><u>No.</u></b>	<b><u>\$ Amount</u></b>
Construction Certificates – Council Approved	<b>11</b>	<b>1,476,838</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>11</b>	<b>1,476,838</b>

Estimated Value of Approvals issued in the financial ytd in: **2023/2024 (28) 5,857,240**  
**2022/2023 (42) 6,844,702**

Attachments:

Nil

<b>11.9 SUMMARY OF DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES DURING OCTOBER 2023</b>
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**File Number:** S18.10.2/16 / 23/37889

**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 October 2023.

**DEVELOPMENT APPROVALS, REFUSALS AND VARIATIONS DURING OCTOBER 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-1/2023	Bunnings Group Limited	60 Jardine Road, INVERELL 2360	2 lot subdivision. earthworks, Bunnings Warehouse, pylon sign, landscaping and car parking	14,600,000
DA-99/2023	Wakefield Planning	262 Byron Street, INVERELL 2360	Replacement of existing storage silos with increased capacity silos in the same location.	700,000
DA-111/2023	Abode Building Design	143 Brae Street, INVERELL 2360	Demolition of carport, construction of dwelling and subdivision of 1 Lot into 2 Lots	285,890
DA-112/2023	Smk Qld Pty Ltd	Bruxner Way, YETMAN 2410	Extractive Industry - Sandstone Quarry	40,000
DA-114/2023	Abode Building Design	2966 Bundarra Road, GILGAI 2360	New dwelling	413,875
DA-116/2023	Abode Building Design	25 Warana Drive, INVERELL 2360	Alterations and additions to dwelling	99,000
DA-117/2023	Abode Building Design	75 Mather Street, INVERELL 2360	New dwelling	441,320
DA-118/2023	Ruralcert Pty Ltd	6 Sylvan Drive, INVERELL 2360	New dwelling	700,000
DA-119/2023	Mr Brenden Brian Chester	19 Taylor Avenue, INVERELL 2360	Shed	30,000

DA-126/2023	Abode Building Design	2 Lewin Street, INVERELL 2360	Shed	19,800
DA-128/2023	Abode Building Design	77 Mather Street, INVERELL 2360	Shed	19,800
DA-135/2023	Mrs Dianna Faye Baker	186 Yetman Road, INVERELL 2360	Carport	6,000
DA-136/2023	Abode Building Design	187 Byron Street, INVERELL 2360	Storage area	30,000
DA-138/2023	Abode Building Design	51 Wolbah Close, INVERELL 2360	Shed	19,800
<b>Monthly estimated value of Approvals: October 2023</b>			<b>14</b>	<b>17,405,485</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-76/2023/A	The Donnelly Bell Family Trust and the S & E Doodson	495 Onus Road, COPETON 2360	Four lots into two - boundary adjustment	Nil
<b>Monthly estimated value of Approvals: October 2023</b>			<b>1</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 October 2023.

**INFORMATION:**

Nil

**CONSTRUCTION CERTIFICATES APPROVED AND AMENDED DURING OCTOBER 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-74/2023	Ruralcert Pty Ltd	1181 Elsmore Road, ELSMORE 2360	Deck and ramp attached to existing community facility	25,000
CC-99/2023	Mr Gregory James Loader	20 Butler Street, INVERELL 2360	Shed	14,500
CC-100/2023	Abode Building Design	2 Lewin Street, INVERELL 2360	Shed	19,800
CC-102/2023	Abode Building Design	80 Brosnans Lane, INVERELL 2360	Shed	66,000
CC-110/2023	Mr Brenden Brian Chester	19 Taylor Avenue, INVERELL 2360	Shed	30,000
<b>Monthly estimated value of Approvals: October 2023</b>			<b>5</b>	<b>\$155,300</b>

**Amended 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-147/2021/A	Mr Craig William Oakes	91 Granville Street, INVERELL 2360	Alterations and Additions to an Existing Dwelling and Construction of a New Carport	NIL
<b>Monthly estimated value of Approvals: October 2023</b>			<b>1</b>	<b>NIL</b>

**Construction Certificates approved by Private Certifier**

Nil

**Amended Construction Certificates approved by Private Certifier**

Nil

**COMPLYING DEVELOPMENT CERTIFICATES APPROVED AND AMENDED DURING OCTOBER 2023****Complying Development Certificates Approved by Council**

Nil

**Amended Complying Development Certificates approved by Council**

Nil

**Complying Development Certificates approved by Private Certifier**

Nil

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

Nil

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

<b>Type of Consent</b>	<b><u>No.</u></b>	<b><u>\$ Amount</u></b>
Construction Certificates – Council Approved	<b>5</b>	<b>155,300</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>5</b>	<b>155,300</b>

Estimated Value of Approvals issued in the financial ytd in: **2023/2024 (33) \$6,012,540**  
**2022/2023 (52) \$9,009,507**

Attachments:

Nil

## 12 GOVERNANCE REPORTS

### 12.1 DELEGATION OF AUTHORITY - GENERAL MANAGER

**File Number:** S22.2.1 / 23/38316

**Author:** Brett McInnes, General Manager

#### SUMMARY:

Council is being asked to consider delegating certain functions to the General Manager. This is necessary given the recent appointment to the General Manager's position.

#### RECOMMENDATION:

*That Council delegate the functions described in the relevant Instrument of Delegation, attached to this report, to the General Manager, Mr Brett McInnes.*

#### COMMENTARY:

Section 377 of the Local Government Act authorises Council to delegate its functions to the General Manager or any other person or body.

Council, at its meeting on 23 February 2022 resolved to delegate certain functions to the Mayor and General Manager. The current Instrument of Delegation for the Mayor is contained in **Attachment 1** of this report. The proposed Instrument of Delegation for the General Manager is contained in **Attachment 2** of this report. The proposed Instrument of Delegation for the General Manager is consistent with Council's previous delegation on 23 February 2022.

Council has certain functions and duties to perform, as required by the Local Government Act and other acts. It is not practical or efficient for Council (as a body of elected members) to perform the many functions and activities that are required on a day to day basis.

Delegations are the way in which Council enables its Mayor and officers to undertake these functions or activities on its behalf.

Extract from the *Local Government Act 1993*

#### **377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following—
  - (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under section 549 as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,

- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
  - (a) the financial assistance is part of a specified program, and
  - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

**ATTACHMENTS:**

1. **Current Instrument of Delegation - Mayor** [↓](#)
2. **Proposed Instrument of Delegation - General Manager** [↓](#)



**DELEGATION OF AUTHORITY**

<b>MAYOR</b>	Cr Paul Harmon
<b>FILE NO.</b>	2708 & S22.2.1
<b>DELEGATION</b>	<p>Pursuant to Section 377 of the <i>Local Government Act 1993</i>, and subject to compliance with all Council policies and lawful directions made by Council or any public authority, Council hereby delegates to the Mayor authority to exercise or perform on behalf of Council all the power, authorities, duties and function of the Council listed hereunder.</p> <p>These delegations are in addition to the various statutory obligations placed on the Mayor by the Local Government Act and other pieces of State Legislation.</p> <p><b>1 Expulsion From Meetings of Council and Committees</b></p> <p>Power to expel a person (whether a Councillor or another person) from a Council or Committee meeting who commits an act of disorder or engages in disorderly conduct at the meeting.</p> <p><b>2 Matters for Investigation</b></p> <p>To refer to the General Manager matters considered to need investigation and report with referral to Council, as necessary.</p> <p><b>3 Press Releases</b></p> <p>To issue press releases that further the objectives and fosters the image of Council.</p> <p><b>4 Public Statements</b></p> <p>To make public statements on matters of official Council attitude.</p> <p><b>5 General Manager's Leave</b></p> <p>To determine applications for leave for the General Manager.</p> <p><b>6 Civic Role</b></p> <p>To sign correspondence associated with civic duties and to authorise the presentation of small gifts to visitors.</p> <p><b>7 Performance Review Facilitator</b></p> <p>To engage a facilitator to assist the Performance Review Committee in carrying out the review of the performance of the General Manager.</p>
<b>EFFECTIVE FROM</b>	23 February 2022

<b>APPROVED BY</b>	Council
<b>TO BE EXERCISED</b>	As and when required.
<b>REVIEW</b>	Each Term
<b>ACCEPTANCE:</b>	I accept this Delegation of Authority and the responsibilities and the financial obligations attached thereto.
<b>SIGNATURE</b>	<div style="display: flex; justify-content: space-between;"><div>_____ CR P HARMON MAYOR</div><div>_____ DATE</div></div>
<b>AMENDED</b>	
<b>PREPARED BY</b>	Brett McInnes, General Manager

**DELEGATION OF AUTHORITY**

<b>EMPLOYEE</b>	BRETT MCINNES
<b>DIVISION</b>	MANAGEMENT
<b>POSITION</b>	GENERAL MANAGER
<b>NO</b>	3832 & 22.2.1
<b>DELEGATION</b>	See Attached
<b>EFFECTIVE FROM</b>	22 November 2023
<b>APPROVED BY</b>	<div style="text-align: center;"> <div style="display: flex; justify-content: space-between; margin-top: 100px;"> <div> <p>_____</p> <p>CR P J HARMON MAYOR</p> </div> <div> <p>_____</p> <p>DATE:</p> </div> </div> </div>
<b>TO BE EXERCISED</b>	As required
<b>REVIEW</b>	This shall be reviewed on any reclassification or position review.
<b>TERM</b>	This delegation shall be valid for a period of five years, subject to review.
<b>ACCEPTANCE:</b>	"I accept this Delegation of Authority and the responsibilities and the financial obligations attached thereto."
<b>EMPLOYEE SIGNATURE</b>	<div style="text-align: center;"> <div style="display: flex; justify-content: space-between; margin-top: 100px;"> <div> <p>_____</p> <p>BRETT MCINNES</p> </div> <div> <p>_____</p> <p>DATE:</p> </div> </div> </div>
<b>AMENDED</b>	28/11/94, 26/9/95, 6/2/96, 11/2/97, 1/3/2008, 25/09/12, 20/11/2012, 21/12/2016, 28/6/17, 22/8/2018, 24/6/2020, 23/2/2022, 22/11/23

Subject to compliance with Statutes and any policy of Council, authority is delegated to the General Manager to:

**UNDER SECTION 377 OF THE LOCAL GOVERNMENT ACT 1993**

1. Exercise or perform on behalf of Council any powers, authority, duty or function of the Council other than a power, authority, duty of function relating to:
  - (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under section 549 as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
  - (j) the adoption of an operational plan under section 405,
  - (k) the adoption of a financial statement included in an annual financial report,
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
  - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) this power of delegation,
  - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

(1A) Despite subsection (1), Council delegates its functions relating to the granting of financial assistance if—

- (a) the financial assistance is part of a specified program, and
- (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
- (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

**FINANCIAL**

Area of Authority: All Council Matters  
Monetary Limit: \$250K (except where otherwise authorised by Council's Procurement and Disposals Policy)

- To write out and authorise Requisitions,
- Create/Authorise Signature on Purchase Orders,
- Authorise to pay Creditors Claim Forms,
- Receive & Authorise to pay Purchase Orders for goods or services for which funds are available, subject to the requirements of the Local Government Act and Council policies

- Sign & Check Weekly Cheque Run,

- Authorise/Issue code for EFT Payments.

**RATE PAYMENTS & INTEREST CHARGES** (Resolution 363/94 dated 28/11/94)

Authority to either write-off or reduce interest accrued on rates or charges if a ratepayer has agreed to a satisfactory arrangement to pay off outstanding rates, and that the agreement is complied with.

Further that the Mayor be informed on the various requests considered by the General Manager with a summary report to be presented to Council.

**RATES – WRITE OFFS** (Resolutions 189/87 & 531/90)

- a) that the General Manager or persons authorised in writing be given authority to write off rates and debts up to the value of \$500 in any one instance where an error has occurred, the debt is not recoverable at law or in his opinion, it would not be economical to take proceedings for the recovery of such rates or debts.
- b) Where extra charges are incurred due to mitigating circumstances and a ratepayer has a clear record for the past 3 years, the General Manager be authorised to write off amounts up to \$500.00
- c) That rates or debts exceeding the value of \$500.00 shall not be written off except by resolution of Council.

**EXCESS WATER CONSUMPTION** (Resolution 2021/141 27 October 2021)

- a) The General Manager (or other persons authorised by the General Manager) be authorised to write off excess water consumption in accordance with this policy up to the value of \$1,000.
- b) Applications with a write off amount exceeding \$1,000 will be referred to Council for approval.

**POWERS OF CONCURRENCE FOR DETERMINATION OF OBJECTIONS UNDER SECTION 82(3) OF THE LOCAL GOVERNMENT ACT 1993** (Resolution 261/95 dated 26/9/95)

Authority in respect of the power of concurrence to variation of Local Approvals Policy as set out in the instrument of delegation dated 10<sup>th</sup> August 1995 issued by the Director General of the Department of Local Government.

**NSW PLANNING & ENVIRONMENT – DEVELOPMENT ASSESSMENT BEST PRACTICE (Res 52/17)**

To determine development applications where a single objection has been received that relates to a development application that complies with Council's adopted development standard.

Where the General Manager proposed to exercise such delegated authority, Councillors be advised accordingly.

**FOOD ACT 2003 (Trim 18/1016)**

Authority to act as a Category B Enforcement Agency in accordance with the *Food Act 2003* s.111(4).

**FIXING OF LEVELS (Roadworks)** (11 February 1997 - Res 9/97)

Authority to execute any plans for fixing of levels, which have been exhibited and against which there are no objections.

Note: Administrative procedure required under the Roads Act.

**LOCAL ENVIRONMENTAL PLANS** (Resolution 172/12 – 20 November 2012)

1. The report on the changes introduced by the Minister for Planning and Infrastructure in relation to Council delegations and independent reviews for Local Environmental Plan (LEP) making decisions be noted;
2. Council accepts the Minister's delegation for making LEP amendments, subject to the necessary 'gateway determinations' by the Department in each individual case; and
3. Pursuant to Part 3 of Chapter 12 of the *Local Government Act 1993*, the Minister's delegations be extended to the General Manager and, with the General Manager's approval, the Director Civil & Environmental Services, other than in relation to any proposal involving reclassification of public land; and subject to:
  - a) the necessary 'gateway determinations' by the Department in each individual case;
  - b) Council's specific resolution to support a proposal prior to any LEP amendment being submitted for a 'gateway determination' and also following public exhibition; and
  - c) prior to submission of any draft planning instrument to Parliamentary Council.

**PLUMBING AND DRAINAGE ACT 2011** (Resolution 175/12 – 20 November 2012)

- i) Council accepts the delegation of functions under the *Plumbing and Drainage Act 2011*,
- ii) Council sub delegate the functions under the *Plumbing and Drainage Act 2011* to Council's General Manager.

### Instrument of delegation

under section 21 of the *Plumbing and Drainage Act 2011*

Section 21 of the *Plumbing and Drainage Act 2011* (Plumbing and Drainage Act) provides that:

- (1) The plumbing regulator may delegate any of the plumbing regulator's functions under this Act, other than this power of delegation, to:
  - (a) a local council, or
  - (b) any other person whom the regulator considers has the necessary skills, knowledge or experience to exercise the function.
- (2) A local council may sub-delegate any function delegated to it by the plumbing regulator to:
  - (a) the general manager of the council, or
  - (b) a person engaged as a contractor by the local council whom the council considers has the necessary skills, knowledge or experience to exercise the function.

In accordance with this provision, I, Andrew Gavrielatos, Acting Commissioner for Fair Trading, the plumbing regulator for the purposes of the Plumbing and Drainage Act, hereby delegate the exercise of the following functions to the Inverell Shire Council in the council's area of operations. These functions are to be undertaken by an officer or employee of council holding the necessary skills, knowledge or experience to exercise the functions.

Function	Conditions
To monitor compliance with the Plumbing and Drainage Act (s19 (a))	This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation 2012</i> (Plumbing and Drainage Regulation) and guidelines (if any) issued by the plumbing regulator.
To ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19 (b))	This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation</i> and guidelines (if any) issued by the plumbing regulator.
To undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act (s19 (c)) other than: <ul style="list-style-type: none"> <li>Receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed</li> </ul>	The exercise of any function by the council as a delegate of the plumbing regulator under the Plumbing and Drainage Act is to be in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation</i> and



<p>alternative solutions (s9 (3) of the Plumbing and Drainage Act and clause 10 of the Plumbing and Drainage Regulation),</p> <ul style="list-style-type: none"> <li>• Authorising fittings for use in plumbing and drainage work (s20), and</li> <li>• Initiating criminal or other proceedings as provided for in Part 5 of the Plumbing and Drainage Act.</li> </ul>	<p>guidelines (if any) issued by the plumbing regulator.</p>
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**Commencement:**

This delegation commences on 1 January 2013 and continues until revoked or replaced by the Commissioner for Fair Trading.

SIGNED:

*A. Gavrielatos*

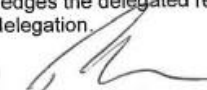
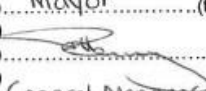
**Andrew Gavrielatos**  
**ACTING COMMISSIONER FOR FAIR TRADING:**  
 Date: 8 November 2012

**Acknowledgment of Delegation**

The Inverell Shire Council hereby acknowledges the delegated responsibilities and agrees to act in accordance with the delegation.

The Common Seal of the  
 Inverell Shire Council  
 was hereunto affixed on the  
 29 day of November 2012  
 in pursuance of a resolution  
 made by the Council on the  
 20 day of November 2012

Resol 175/12

 (signature)  
 Mayor (title of position)  
 (signature)  
 General Manager (title of position)



**12.2 POLICY - APPOINTMENT OF AN ACTING GENERAL MANAGER****File Number:** S4.14.1/01 / 23/38325**Author:** Brett McInnes, General Manager**SUMMARY:**

Council is requested to determine a process for appointing an Acting General Manager for the times when the General Manager is on leave.

**RECOMMENDATION:**

1. *That when the General Manager is on leave, a member of the Executive Team will fill the role of Acting General Manager. The position will default to the following persons:*  
  
*Director Corporate and Economic Services*
2. *That the appointment of a member of the Executive Team will cease upon the return to work of the General Manager or a resolution of Council, and*
3. *That any person acting as General Manager, pursuant to this resolution, has all the functions and delegations given to the General Manager by the Council.*

**COMMENTARY:**

Section 351 of the Local Government Act states that Council may appoint a person to the position of General Manager if the General Manager is absent from duty.

Council's past practice has been to have a member of Council's Executive Leadership Team fill the role of General Manager if the holder of that office is on annual leave or sick leave. In order to avoid the necessity of requiring Council to pass a specific resolution appointing an Acting General Manager, prior to any period of leave taken by the General Manager, a policy on this issue is adopted at the start of each Council term. As a result of the recent appointment of the General Manager it is necessary to update this policy.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

This amends Council's previous policy on the matter (copy of relevant resolution is contained in **Attachment 1**).

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Council Resolution 2022/32 - Policy - Appointment of an Acting General Manager [↓](#)

## FOR ACTION

**FROM:** Minutes of Ordinary Council Meeting held on 23/02/2022

**TO:** Paul Henry, General Manager

**TARGET DATE:** 9/03/2022

**NOTES:**

**Item No:** 11.2

**Subject:** POLICY - APPOINTMENT OF AN ACTING GENERAL MANAGER

**File Reference:** S4.14.1/01 / 22/2204

**Prepared by:** Paul Henry, General Manager

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### RESOLUTION 2022/32

Moved: Cr Di Baker

Seconded: Cr Jacko Ross

1. *That when the General Manager is on leave, a member of the Executive Team will fill the role of Acting General Manager. The position will default to the following persons in the nominated order:*
  1. *Director Civil and Environmental Services*
  2. *Director Corporate and Economic Services*
2. *That the appointment of a member of the Executive Team will cease upon the return to work of the General Manager or a resolution of Council, and*
3. *That any person acting as General Manager, pursuant to this resolution, has all the functions and delegations given to the General Manager by the Council.*

**CARRIED**

[Open Item in Minutes](#)

[Open Officer's Report](#)

**12.3 PRESENTATION OF COUNCIL'S 2022/2023 AUDITED FINANCIAL REPORTS****File Number:** S13.5.2/16 / 23/37942**Author:** Paul Pay, Director Corporate and Economic Services**SUMMARY:**

Council statutory financial reports for the financial year ending 30 June, 2023, have been completed and audited in accordance with Section 413 of the *Local Government Act 1993* (LGA).

Council's financial reports have been submitted to the Office of Local Government in accordance with legislative requirements.

Council is now required to consider the audit report. The Auditor will attend today's Council meeting to speak in relation to the reports.

**RECOMMENDATION:**

- i) *That Standing Orders are suspended to allow the NSW Audit Office to present their 2023 audit report.*

On resuming the meeting:

- ii) *the information be received and noted; and*
- iii) *the Audit Report for the 2022/2023 Financial Year be adopted.*

**COMMENTARY:**

In accordance with Section 418 of the *Local Government Act 1993* (LGA), Council is required to present its audited consolidated Annual Financial Statements to the public. Section 418(2) requires public notice of at least seven (7) days be given of the Council meeting date fixed for presentation of the audited financial statements. In accordance with this provision an advertisement was placed in the Inverell Times on Thursday, 9 November, 2023, advertising Council's financial result for the year ended 30 June, 2023, and calling for submissions on the General Purpose Financial Reports.

Section 420 of the LGA, allows any person to make a submission to Council with respect to the audited financial statements or auditor's report within seven (7) days of the reports being presented to the public. At the time this report was prepared no submissions had been received. Any submissions received will be provided to Council.

Council's Auditors, NSW Audit Office, have completed the audit of Council's financial statements for the year ending 30 June, 2023 under Section 417 of the LGA. In accordance with Section 417, Council's auditors must prepare the following reports to Council:

1. An Independent Audit Report for the General Purpose Financial Statements;
2. An Independent Audit Report for the Special Purpose Financial Statements;
3. An Independent Audit Report for Special Schedule - Permissible Rates Income; and
4. A report on the conduct of the audit.

The above mentioned audit reports have been attached for your reference.

It is a requirement of the Office of Local Government (OLG) that lodgement of the Audited Financial Statements and the Auditors Reports is submitted to the OLG by 31 October, 2023.

This requirement has been met with Council submitting the Statements on 31 October, 2023.

Paul Cornall, Principal, Forsyths, will be representing the NSW Audit Office and will be in attendance at this meeting to deliver and speak in relation to their Audit Report.

A copy of Council's Audited Financial Statements including the Audit Reports has been provided with this Business Paper under separate cover.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

There are no financial implications resulting from the adoption of the recommendations. The Audited Financial Reports provide a "snapshot" of Council's financial position as at 30 June, 2023.

**LEGAL IMPLICATIONS:**

Section 413 of the *Local Government Act, 1993*, requires that Council prepare financial reports for each year. Sections 414 and 415 of the Act require that the reports must be audited and the nature of the audit, with Section 416 specifying the nature of the Audit Report.

Section 418 of the Act requires that, Council give public notice of its intention to present the reports at a meeting, Council provide a summary of the reports in the public notice, and that Council make available copies of the reports to the public.

Section 419 of the Act requires that the audited reports be presented at a meeting in accordance with the public notice and that the Auditor may attend the meeting.

Section 420 provides that any person may make a submission to Council in respect of the audited financial reports or the audit report.

Council has complied with all legislative guidelines in this matter.

**ATTACHMENTS:**

1. Independent Audit Report for the General Purpose Financial Statements [↓](#)
2. Independent Audit Report for the Special Purpose Financial Statements [↓](#)
3. Independent Audit Report for Special Schedule - Permissible Rates Income [↓](#)
4. Report on the Conduct of the Audit [↓](#)



## INDEPENDENT AUDITOR'S REPORT

### Report on the general purpose financial statements

#### Inverell Shire Council

To the Councillors of the Inverell Shire Council

#### Opinion

I have audited the accompanying financial statements of Inverell Shire Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
  - have been prepared, in all material respects, in accordance with the requirements of this Division
  - are consistent with the Council's accounting records
  - present fairly, in all material respects, the financial position of the Council as at 30 June 2023, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit

My opinion should be read in conjunction with the rest of this report.

#### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Other Information**

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the special purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the special purpose financial statements and Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Financial Statements**

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

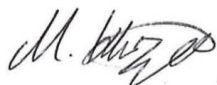
Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 'Material budget variations'

- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Michael Kharzoo  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

31 October 2023  
SYDNEY





## INDEPENDENT AUDITOR'S REPORT

### Report on the special purpose financial statements

#### Inverell Shire Council

To the Councillors of the Inverell Shire Council

#### Opinion

I have audited the accompanying special purpose financial statements (the financial statements) of Inverell Shire Council's (the Council) Declared Business Activities, which comprise the Statement by Councillors and Management, the Income Statement of each Declared Business Activity for the year ended 30 June 2023, the Statement of Financial Position of each Declared Business Activity as at 30 June 2023 and the Significant Accounting Policies note.

The Declared Business Activities of the Council are:

- Water Supply
- Sewerage

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Council's declared Business Activities as at 30 June 2023, and their financial performance for the year then ended, in accordance with the Australian Accounting Standards described in the significant accounting policies note and the Local Government Code of Accounting Practice and Financial Reporting 2022–23 (LG Code).

My opinion should be read in conjunction with the rest of this report.

#### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as the auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Emphasis of Matter - Basis of Accounting**

Without modifying my opinion, I draw attention to the Significant Accounting Policies note to the financial statements which describes the basis of accounting. The financial statements have been prepared for the purpose of fulfilling the Council's financial reporting responsibilities under the LG Code. As a result, the financial statements may not be suitable for another purpose.

**Other Information**

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and Special Schedule 'Permissible income for general rates'.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

**The Councillors' Responsibilities for the Financial Statements**

The Councillors are responsible for the preparation and fair presentation of the financial statements and for determining that the accounting policies, described in the Significant Accounting Policies note to the financial statements, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

**Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

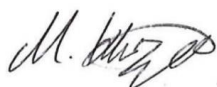
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Michael Kharzoo  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

31 October 2023  
SYDNEY



## INDEPENDENT AUDITOR'S REPORT

### Special Schedule – Permissible income for general rates

#### Inverell Shire Council

To the Councillors of Inverell Shire Council

#### Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Inverell Shire Council (the Council) for the year ending 30 June 2024.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting 2022–23 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

#### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

#### Other Information

The Council's annual report for the year ended 30 June 2023 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements, special purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2023'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements and the special purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

### **The Councillors' Responsibilities for the Schedule**

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### **Auditor's Responsibilities for the Audit of the Schedule**

My objectives are to:

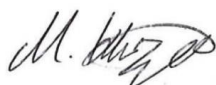
- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar8.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar8.pdf). The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Michael Kharzoo  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

31 October 2023  
SYDNEY



Cr Paul Harmon  
Mayor  
Inverell Shire Council  
PO Box 138  
INVERELL NSW 2360

Contact: Michael Kharzoo  
Phone no: 02 9275 7188  
Our ref: R008-16585809-46934

31 October 2023

Dear Mayor

**Report on the Conduct of the Audit  
for the year ended 30 June 2023  
Inverell Shire Council**

I have audited the general purpose financial statements (GPFS) of the Inverell Shire Council (the Council) for the year ended 30 June 2023 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2023 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

## INCOME STATEMENT

### Operating result

	2023 \$m	2022 \$m	Variance %
Rates and annual charges revenue	23.8	22.9	↑ 3.9
Grants and contributions revenue	28.4	28.2	↑ 0.7
Operating result from continuing operations	9.1	9.7	↓ 6.2

Level 19, Darling Park Tower 2, 201 Sussex Street, Sydney NSW 2000  
GPO Box 12, Sydney NSW 2001 | t 02 9275 7101 | mail@audit.nsw.gov.au | audit.nsw.gov.au

Net operating result before capital grants and contributions	0.1	2.9	96.6
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The Council's operating result from continuing operations was a surplus of \$9.1 million, which was \$0.6 million lower than the 2021–22 result. This was primarily due to a net loss on disposal of assets of \$2 million due to the demolition of the old aquatic centre, as well as increases in materials and contract costs of \$1.8 million related to increases in infrastructure repair works. This was partially offset by increases in interest and investment income of \$1.7 million as well as rates and annual charges (noted below).

The net operating result before capital grants and contributions (\$0.1 million) was \$2.8 million lower than the 2021–22 result. This is due to changes noted above and predominately higher capital grant income in the current year with the related expenditure being incurred in infrastructure capital works.

Rates and annual charges revenue (\$23.8 million) increased by \$0.9 million (3.9 per cent) in 2022–23 due to the rate peg increase of 2.0 per cent as well as increases in annual charges resulting from increases in underlying associated costs.

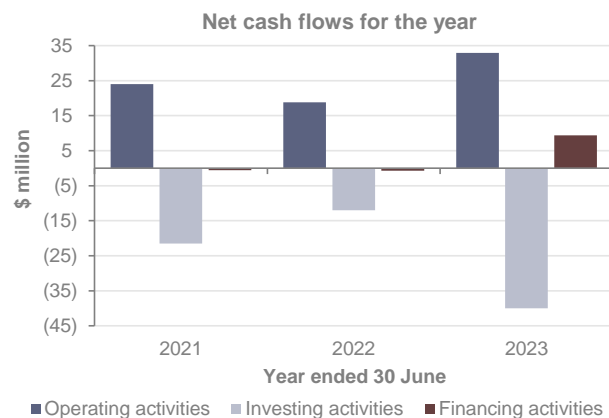
Grants and contributions revenue was relatively consistent with the prior year.

## STATEMENT OF CASH FLOWS

Cash from operating activities increased by \$14.1 million, which was mainly due to an increase in grants and contributions and user charges and fees cash receipts received during the year.

Cash outflows from investing activities increased by \$28.1 million, which was mainly due to increased acquisitions of term deposits.

Cash from financing activities increased by \$10.0 million due to new borrowings to fund the construction of the new aquatic centre.



## FINANCIAL POSITION

### Cash and investments

Cash and investments	2023	2022	Commentary
	\$m	\$m	
<b>Total cash, cash equivalents and investments</b>	<b>102.1</b>	<b>74.8</b>	Externally restricted cash and investments are restricted in their use by externally imposed requirements. The main reason for the increase is the unspent loan to fund the construction of the new aquatic centre.
Restricted and allocated cash, cash equivalents and investments:			Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect identified programs of works and any forward plans identified by Council.
• External restrictions	44.4	30.0	
• Internal allocations	41.8	38.4	

At 30 June 2023 Council holds \$15.9 in unrestricted and unallocated cash, cash equivalents and investments. This is an improvement on 2021-22 (\$6.4 million).

## Debt

At 30 June 2023, Council had:

- \$11.1 million in secured loans (\$1.7 million in 2021-22)
- \$0.2 million in an approved overdraft facility, with \$Nil drawn down.

## PERFORMANCE

### Performance measures

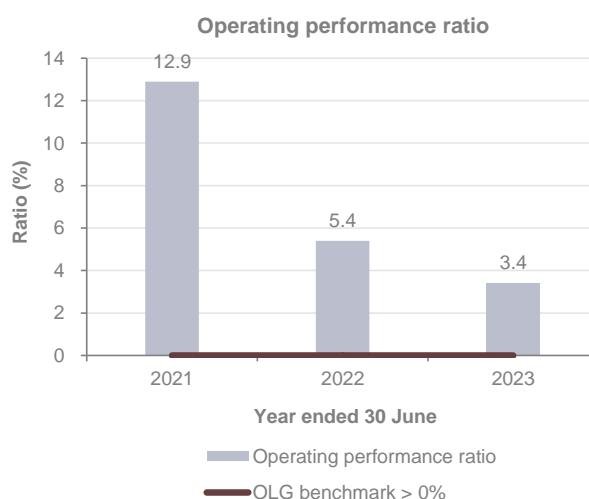
The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment.

#### Operating performance ratio

The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.

The Council's operating performance ratio of 3.4 per cent exceeded the benchmark for the current reporting period.

The ratio decreased during the year, mainly due to the decrease in grants and contribution revenue provided for operating purposes and increases in operating costs.

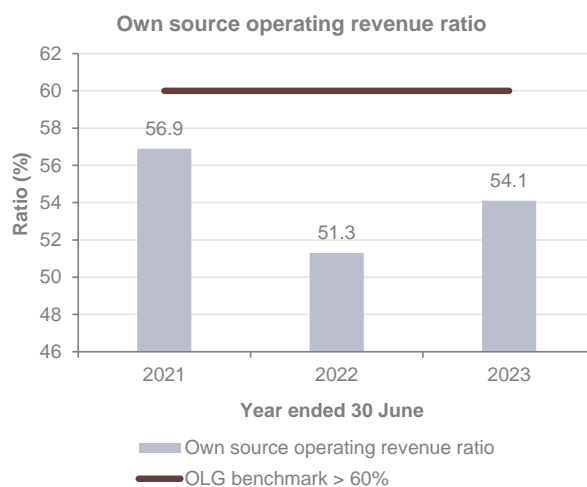




### Own source operating revenue ratio

The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.

The Council's own source operating revenue ratio of 54.1 per cent did not meet the benchmark for the current reporting period.

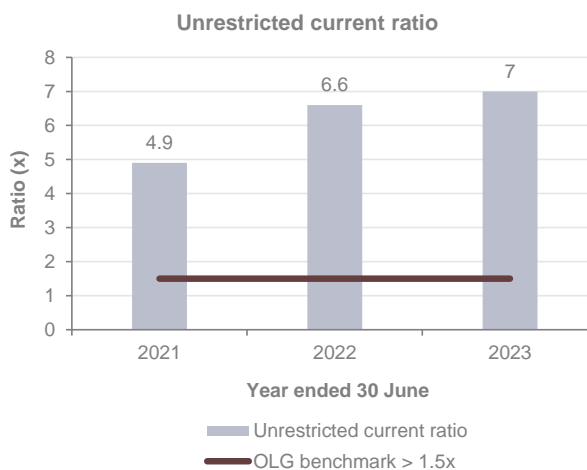


### Unrestricted current ratio

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.

The Council's liquidity ratio of 7.0 exceeded the benchmark for the current reporting period.

The ratio improved during the year due to an increase in unrestricted cash and investments compared to prior year with investments held to maturity being held for shorter terms and classified as current assets.

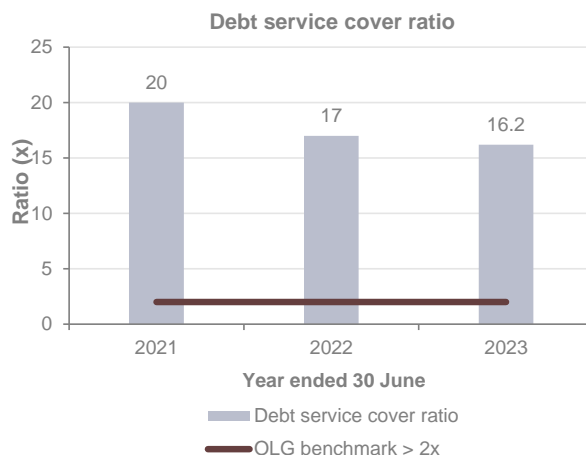


### Debt service cover ratio

The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.

The Council's debt service cover ratio of 16.2 exceeded the benchmark for the current reporting period.

The ratio remained relatively stable compared to the prior year.

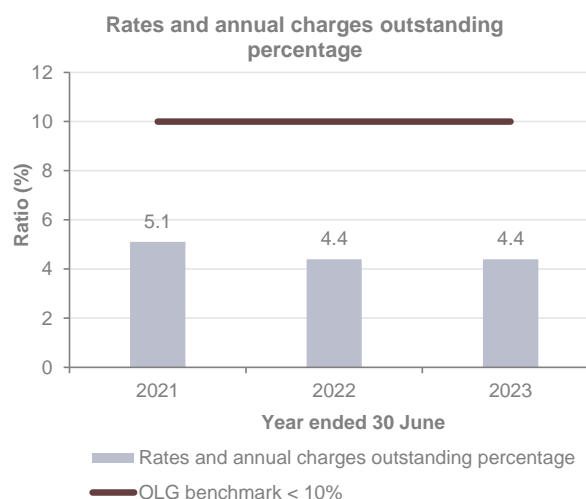


### Rates and annual charges outstanding percentage

The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for regional and rural councils.

The Council's rates and annual charges outstanding percentage of 4.4 per cent is within the industry benchmark for the current reporting period.

The ratio has remained stable compared to the prior year.

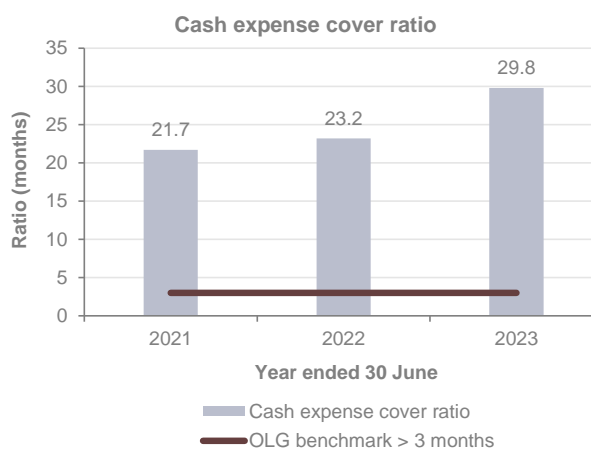


### Cash expense cover ratio

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

The Council's cash expense cover ratio was 29.8, which exceeded the benchmark for the current reporting period.

The ratio increased during the year due to an increase in total cash, cash equivalents and investments held by Council at year end.



### Infrastructure, property, plant and equipment renewals

Council renewed \$16.2 million of infrastructure, property, plant and equipment during the 2022-23 financial year (2021-22 \$13.9 million).

## OTHER MATTERS

### Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

Michael Kharzoo  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

**12.4 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS**

**File Number:** S1.2.3/17 / 23/37992

**Author:** Nicole Riley, Administration Coordinator

**SUMMARY:**

Council is in receipt of an audit report from Transport for NSW (TfNSW), on Council's performance on road maintenance as a contractor.

**RECOMMENDATION:**

*That the information be received and noted.*

**COMMENTARY:**

TfNSW conducts regular Contract Performance Reporting on the Road and Maintenance Council Contracts. Reports are submitted to Council four (4) times a year with the most recent one being completed for quarter three (3), July 2023 – September 2023.

A copy of the report has been included in **Attachment 1**.

**RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Quarter Three (3) 2023 Contractor Performance Report [↓](#)



## Transport for NSW

Form No 517 (amended)  
Catalogue No. 45062482  
(October 2018)

## Contractor Performance Report

### Single Invitation Maintenance Contract

#### General Information

##### Contractor's Name

Inverell Shire Council

##### Trading as

**ABN** 72 695 204 530

**Contract No.** 20.0000303560.1432

**Equip Contract No.** CW2419142

##### Contract Description

RMCC - Inverell Shire Council

##### At Acceptance of Tender

**Contract Period (weeks)** 104

##### Original Due date for

**Completion** 29/09/2022

**Date of Acceptance of Tender** 01/07/2020

**Original Contract Sum** \$ 8,505,200.00

#### Reason for Report

##### Progress

Quarter 1

☐

Quarter 2

☐

Quarter 3

☒

Quarter 4

☐

##### Key Milestones

Defect Correction Period

☐

After construction  
or call  
back

☐

Continuing unsatisfactory  
Performance

☐

Termination of Contract

☐

##### Contract Sum as

**Varied at Report Date** \$ 0.00

### Contractor's Performance

	Unsatisfactory	Marginal	Acceptable	Good	Superior	Rating
<b>Collaboration - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Councils RMCC Contract Manager and field staff actively engage with TfNSW staff to resolve network and design issues.						
<b>Community and Stakeholder Engagement - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
None undertaken during Q3 - Not applicable.						
<b>Contract Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC contract manager has continued to deliver detailed documentation on time. All claim submissions are up to date.						
<b>Environmental Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
Not applicable - No environmental incidents.						
<b>People Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
All nominated key personnel have been present throughout Q3 with demonstrated knowledge of work to be carried out. Councils contract manager regularly and proactively updates TfNSW of potential staffing changes and training needs. Site rules and procedures are regularly in place for maintenance work carried out.						
<b>Quality Management Systems - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC has produced good quality documentation within timeframes required. Both RMCC maintenance documentation and documentation for its spray seal service provider has been submitted for review.						
<b>Standard of Work - RMCC - Maintenance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC use a dedicated team delivering the routine maintenance on HW12 and this continues to be a very effective arrangement with strong stewardship of the network and excellent outcomes.						



<b>Standard of Work 2 - RMCC - Minor Works</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
None undertaken during Q3 - Not applicable.						
<b>Standard of Work 3 - RMCC - Pavement</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
Not assessed - No pavement work undertaken during Q3. Council has advised they are not able to undertake any pavement rehabilitation projects until February 2024 due to resources required to complete its Fixing Local Roads pothole repair funding program.						
<b>Subcontractor Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
Not assessed. No subcontractors engaged for RMCC works in Q3.						
<b>Time Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Routine reports have been delivered in a timely manner with regular updates for scheduled work and inspections. All delivery and maintenance issues are raised and discussed ahead of time.						
<b>Traffic Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
ISC management take responsibility for ensuring a high standard of traffic management on their works and were very responsive to take corrective actions where issues arose. They continue to deliver high standards of traffic management for their works.						
<b>Workplace Health and Safety Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
The RMCC team use best practice WH&S approach to their routine works and are very responsive to requests from TfNSW Surveillance Officer.						
<b>Workplace Relations Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
There are no known workplace relation issues with staff appearing to enjoy their roles at Council.  Councils RMCC Contract Manager demonstrates understanding and takes practical steps towards building a productive workplace culture with cooperative relations, effective communication and consultation.						
<b>Performance Score</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	68%

**Overall Comments** *(Use separate report if necessary)***Reporting Officer***In my opinion:*

ISC continue to deliver quality works through an efficient and effective management team for all works and issues raised during Quarter 3.

Council has progressed well through Q3 with its preparation to complete the spray seal program before the end of 2023 and has completed scoping for its annual heavy patching program.

Council has advised they are not able to undertake any pavement rehabilitation projects until February 2024 due to resources required to complete its Fixing Local Roads pothole repair funding program.

Name: Rhys Banfield

Phone: 0439 805 743

A handwritten signature in blue ink, appearing to read 'Rhys B.', is placed over the name and phone number.

Report Date: 16/10/2023

**Reviewing Officer:***In my opinion:*

Reviewed.

The report has been forwarded to the Contractor **Yes** *(All reports are to be forwarded)*

Review Officer Name:

Review Date: 17/10/2023

Review Officer Phone:

Response from Contractor Received and report finalised: **Yes**

Contractor Rep Name: Scott Hamilton

Discussion Date:

Contractor Rep Phone: 02 6728 8200

**Approving Officer***In my opinion:**I concur with the above comments.*

A handwritten signature in black ink, appearing to read 'Darren Patch', is placed above the name and phone number.

Name: Darren Patch

Report Date: 30/10/2023

Phone: 0418 775 528

Attachments:

Distribution:

1. Contractor's Representative
2. TfNSW's Representative



**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 S29.5.7 - Tenders Inverell Sewage Treatment Plant (STP) Aeration System Upgrade**