



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 30 July 2024

Time: 10:30 AM

**Location: Narrabri Shire Council Chambers
46-48 Maitland Street
Narrabri**

AGENDA

Ordinary Council Meeting 30 July 2024

**Rob Williams
GENERAL MANAGER**

PUBLIC FORUM (held outside formal Council Meeting)

The Council may hold a public forum prior to each Ordinary Meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting (listed on the Agenda).

Public forums may also be held prior to Extraordinary Council Meetings and meetings of committees of the Council.

Public forums are to be chaired by the mayor or their nominee.

Request to Speak in the Public Forum

To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 5pm on the working day before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council, and to identify any equipment needs at 5pm on the working day before the Public Forum.

The General Manager or their delegate may refuse to allow such material to be presented.

A person may apply to speak on no more than 2 items of business on the agenda of the Council Meeting.

Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

The General Manager or their delegate may refuse an application to speak at a public forum.

No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council Meeting.

If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

Each speaker will be allowed three (3) minutes to address the Council. This time is to be strictly enforced by the Chairperson.

The Chairperson of the meeting can grant one extension of up to a maximum of two (2) minutes, should further information, be considered to be important to the Council. This is solely at the discretion of the Chair.

Speakers at public forums must not digress from their nominated item on the agenda. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a Public Forum. Questions put to a speaker must be direct, succinct and without argument. Debate will not be permitted by the speaker, Councillors or staff.

Speakers are under no obligation to answer a question. Answers by the speaker, to each question are to be limited to three (3) minutes.

Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.

The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

The "*Request to Speak in Public Forum*", at an Ordinary Council Meeting, can be obtained, from Council's Administration Office, or by downloading it from Council's website at:

<http://www.narrabri.nsw.gov.au/speaking-at-public-forum-1232.html>



USE OF MOBILE PHONES AND UNAUTHORISED RECORDING OF MEETINGS

Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

(As per Council's Code of Meeting Practice)

A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the Council.

(As per Council's Code of Meeting Practice)

RECORDING NOTICE

Council advises that this Meeting will be recorded for the purpose of webcasting, and made available on the Internet. As such, all those present should refrain from making any defamatory statements. It is requested that Councillors within the duration of the Meeting, limit discussions to only the business on the agenda and what is permissible under our Code of Meeting Practice.

(As per Council's Code of Meeting Practice)



Mayor
Cr Darrell Tiemens



Deputy Mayor
Cr Brett Dickinson



Cr Rohan Boehm



Cr Robert Browning



Cr Ron Campbell



Cr John Clements



Cr Greg Lamont



Cr Lisa Richardson



Cr Cathy Redding



General Manager
Mr Rob Williams



Director Financial and
Commercial Services
Mr Ted Harrington

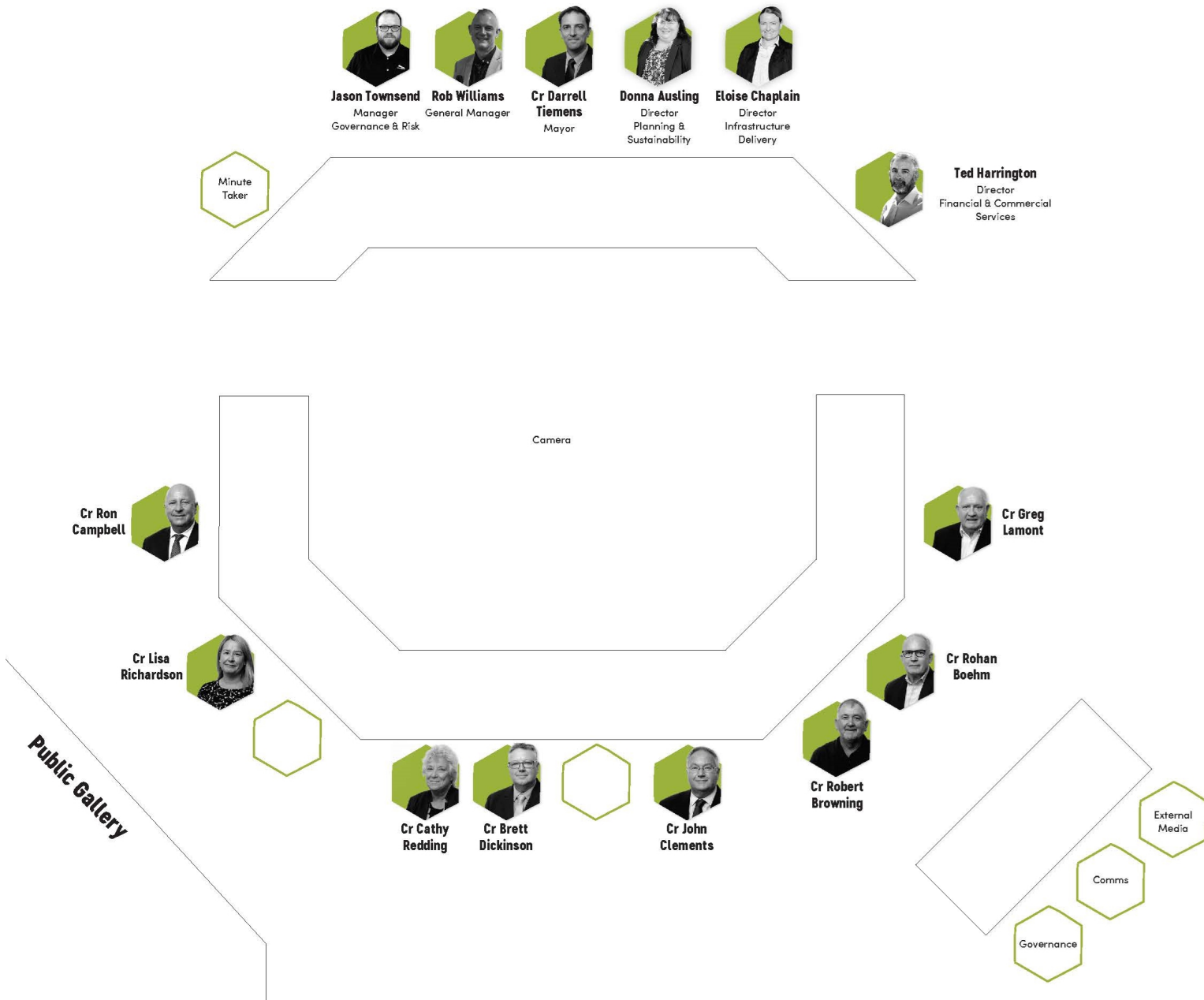


Director Infrastructure Delivery
Mrs Eloise Chaplain



Director Planning and
Sustainability
Ms Donna Ausling

COUNCIL CHAMBERS SEATING CHART



Corporate values



Wellbeing

Recognising safety, health, and wellbeing as a priority for all, especially our staff.



Integrity

Ensuring transparency and honesty in all our activities.



Leadership

Providing guidance and direction to our community and our people.



Community Focus

Delivering prompt, courteous, collaborative, and helpful service, while empowering and responding to the community's changing needs.



Accountability

Accepting our responsibility for the provision of quality services and information to ensure transparency and honesty in all our activities.



Respect

Treating everyone with courtesy, dignity and fairness.



Excellence

Providing services, programs and information which consistently meet and exceed standards.

Vision for 2032

OUR VISION

"The Narrabri Shire will continue to be a strong and vibrant regional economic growth centre providing a quality living environment for the entire community."



Theme 1: SOCIETY

An empowered, inclusive, and connected community



Theme 2: ENVIRONMENT

A sustainable and compatible natural and built environment



Theme 3: ECONOMY

A strong, diverse, and sustainable economy



Theme 4: CIVIC LEADERSHIP

Council as strong leaders for the community

AGENDA

1. Opening Prayer

Members and officers are asked to be upstanding for the opening prayer.

2. Acknowledgement of Country

I would like to acknowledge the Traditional Owners of Country throughout Australia, in particular the Gomeroi People of the Gamilaroi Nation, and recognise their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

3. Recognition of Service Men & Women

Council acknowledges the sacrifice made by Australian service men and women, in particular those who gave their lives in defence of the freedom we enjoy today.

4. Attendance by Audio Visual Link

5. Apologies/Granting of Leave of Absence

6. Declaration of Pecuniary and Non-Pecuniary Interests

Councillors are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest, you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

7. Items to be Considered in the Confidential (Public Excluded) Meeting

Extract from Council's Code of Meeting Practice:

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if
-

disclosed:

- (i) prejudice the commercial position of the person who supplied it,
- or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

The Following matters will be considered in the Closed (Public Excluded) Meeting:

8. Presentations

Nil.

9. Confirmation of Minutes

9.1 Confirmation of Minutes

11

10. Matters of Great Urgency

Nil reports.

11. Questions with Notice

Nil reports.

12. Mayoral Minutes

12.1 Mayoral Appointments for the period 17 June to 21 July 2024

29

13. Delegates Report

13.1 2024 NGA Communique

32

14. Notice of Motions

Nil reports.

15. General Manager Reports

15.1 Resolutions Register - July 2024

37

16. Financial and Commercial Services

16.1 Investment Report - June 2024

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16.2	Proposed Discount for Learn to Swim Pool Entry when undertaking formal 'Learn to Swim' classes	56
17.	Infrastructure Delivery	
17.1	2024 NSW Local Roads Congress	58
17.2	Infrastructure Delivery Status Report - June 2024	60
17.3	40km/hr Zone Narrabri CBD - High Pedestrian Activity Area	71
17.4	Acceptance of Tenders under delegation	76
18.	Planning and Sustainability	
18.1	Planning and Development Report - May and June 2024	78
18.2	Draft Public Art Strategy	103
18.3	Amendment to Section 7.12 Contributions Plan (Schedule of Works)	136
18.4	Narrabri Chamber of Commerce Business Awards 2024 - Complimentary ticket allocation	162
18.5	Draft Narrabri Rural Land Strategy	165
18.6	Community Advocacy Opportunities - July 2024	218
19.	Supplementary Items	
19.1	Contract 2023-24/55 - Design and Construction of Tullamullen Creek Bridge Replacement	288
20.	Confidential (Closed Council) Meeting	
20.1	Northern Regional Planning Panel Membership	289
20.2	Contract 2023-24/52 - Construction and Bitumen Sealing of Lake Circuit	336
20.3	Contract 2023-24/54 - Concrete Causeway Replacement x 4	337
21.	Meeting Closed	

**MINUTES OF NARRABRI SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS
46-48 MAITLAND STREET
NARRABRI
ON TUESDAY, 25 JUNE 2024 AT 1:00 PM**

ATTENDANCE

PRESENT:	Mayor Darrell Tiemens, Councillor Rohan Boehm, Councillor Ron Campbell, Councillor John Clements, Councillor Brett Dickinson, Councillor Catherine Redding
IN ATTENDANCE:	Rob Williams (General Manager), Donna Ausling (Director Planning and Sustainability), Eloise Chaplain (Director Infrastructure Delivery), Jason Townsend (Manager Governance and Risk), Kira O'Neil (Minute Clerk)

Proceedings of the meeting commenced at 1:15 pm.

PUBLIC FORUM

1. Lisa Mullins, Abby O'Brien, Tracey Tomlinson, Anne Bennett - Item 15.3 2024/2025 Operational Plan
2. Alan Redfern - Item 15.3 2024/2025 Operational Plan

1. OPENING PRAYER

Members and officers were upstanding for the opening prayer by the Mayor.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Owners of the land on which the Council met, the Kamilaroi people, and the Council paid its respects to Elders past, present and emerging.

3. RECOGNITION OF SERVICE MEN & WOMEN

Council acknowledged the sacrifice made by Australian service men and women, in particular those who gave their lives in defence of the freedom we enjoy today.

4. ATTENDANCE BY AUDIO VISUAL LINK

Nil.

5. APOLOGIES/GRANTING OF LEAVE OF ABSENCE

COUNCILLOR	DATE / DURATION	APOLOGY / LEAVE OF ABSENCE	REASON
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Cr Lisa Richardson	25 June 2024	Leave of Absence	Emergency Response Training
Cr Greg Lamont	25 June 2024	Leave of Absence	Holiday
Cr Robert Browning	25 June 2024	Leave of Absence	Work Commitments

MINUTE 110/2024

Moved: Cr John Clements Seconded: Cr Brett Dickinson

- 1. That a Leave of Absence be granted to Crs Greg Lamont, Lisa Richardson and Robert Browning for the period of 25 June 2024.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

6. DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS

COUNCILLOR	ITEM NUMBER	PECUNIARY/NON-PECUNIARY	REASON
Cr Brett Dickinson	17.2	Non-significant Non-pecuniary	Brother's company in report

7. ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

The following matters will be considered in the Closed (Public Excluded) Meeting:

- 20.1 Audit, Risk and Improvement Committee Chairperson and Voting Members
Independence and Eligibility
- 20.2 Unconfirmed minutes of the Audit, Risk and Improvement Committee - 20 May 2024

8. PRESENTATIONS

Nil.

9. CONFIRMATION OF MINUTES**9.1 CONFIRMATION OF MINUTES****MINUTE 111/2024**

Moved: Cr John Clements Seconded: Cr Catherine Redding

- 1. That the minutes of Ordinary Meeting of the Narrabri Shire Council held on 28 May 2024 as circularised be confirmed and signed as a correct record by the Mayor.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None
Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0**10. MATTERS OF GREAT URGENCY**

Nil reports.

11. QUESTIONS WITH NOTICE

Nil reports.

12. MAYORAL MINUTES**12.1 MAYORAL APPOINTMENTS FOR THE PERIOD 20 MAY TO 16 JUNE 2024****MINUTE 112/2024**

Moved: Cr Darrell Tiemens Seconded: Cr None

- 1. That Council note the Mayoral appointments for the period 20 May to 16 June 2024.**
- 2. That it be noted that Cr John Clements attended the 27 May 2024 meeting in his capacity as a Councillor not in the course of his employment for the Local Member.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,
Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0**13. DELEGATES REPORT**

Nil reports.

14. NOTICE OF MOTIONS

Nil reports.

15. GENERAL MANAGER REPORTS**15.1 RESOLUTIONS REGISTER - MAY TO JUNE 2024****MINUTE 113/2024**

Moved: Cr John Clements Seconded: Cr Ron Campbell

- 1. That Council receive and note the outstanding Resolutions Register as at 17 June 2024.**
- 2. That Council receive and note the completed Resolutions Register as at 17 June 2024.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,
Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

15.2 DRAFT INTEGRITY FRAMEWORK POLICY

MINUTE 114/2024

Moved: Cr John Clements Seconded: Cr Catherine Redding

- 1. That Council adopt the draft Integrity Framework Policy attached to this report.**
- 2. That the General Manager be permitted to make any administrative changes to the document from time-to-time as required.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

15.3 2024/2025 OPERATIONAL PLAN

MOVE INTO COMMITTEE OF THE WHOLE

MINUTE 115/2024

Moved: Cr Ron Campbell Seconded: Cr Rohan Boehm

- 1. That Council suspend standing orders and move into Committee of the Whole.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

The Council moved into Committee of the Whole, the time being 2:00 pm.

MOVE OUT OF COMMITTEE OF THE WHOLE

MINUTE 116/2024

Moved: Cr None Seconded: Cr None

- 1. That Council resume standing orders and move out Committee of the Whole.**

In Favour: None

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 0/0

The Council moved out of Committee of the Whole, the time being 2:11 pm.

MINUTE 117/2024

Moved: Cr Ron Campbell

Seconded: Cr Rohan Boehm

- 1. That Council adopt the 2024/2025 Operational Plan and Appendices, as attached, and incorporate the amendments outlined in the report.**
- 2. That in relation to the report "2024/2025 Operational Plan", Council make the following determinations:**
 - a. That in relation to ordinary rates, Council adopt the 4.5% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the *Local Government Act 1993*. Council make and levy the ordinary rates for the year 1 July 2024 to 30 June 2025, as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.**
 - b. That in relation to the special rate, Council adopt the 4.5% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 495 of the *Local Government Act 1993*. Council make and levy the special rate for the year 1 July 2024 to 30 June 2025, as per the attached Appendix A - 2024/2025 Revenue Policy & Fees and Charges.**
 - c. That in relation to water supply charges; in accordance with section 501 and Section 502 of the *Local Government Act 1993*, Council make and levy the charges as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.**
 - d. That in relation to sewerage service charges; in accordance with section 501 and Section 502 of the *Local Government Act 1993*, Council make and levy the charges as per the attached Appendix A - 2024/2025 Revenue Policy & Fees and Charges.**
 - e. That in relation to waste management charges; in accordance with Section 496, Section 501 and Section 502 of the *Local Government Act 1993*, Council make and levy the charges as per the attached Appendix A - 2024/2025 Revenue Policy & Fees and Charges.**
 - f. That in relation to interest on overdue rates and charges, Council make and impose the maximum charge for interest of 10.5% from 1 July 2024 to 30 June 2025 inclusive on overdue rates and charges as determined by the Minister for Local Government, in accordance with Section 566 (3) of the *Local Government Act 1993*.**
 - g. That in relation to the exhibited fees and charges as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges, Council adopt the fees and charges for services provided by Council in accordance with Section 502 of the *Local Government Act 1993*.**
- 3. That Council note that the Draft watermark will be removed from the 2024/2025 Operational Plan suite of documents and will undergo corporate branding prior to being uploaded to Council's website.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0**15.4 2024/2025 COUNCILLOR AND MAYORAL FEES**

MINUTE 118/2024

Moved: Cr Rohan Boehm Seconded: Cr Brett Dickinson

- 1. That Council sets its Councillor fees for the 2024/2025 financial year at \$18,340, being the maximum fee available under the Local Government Remuneration Tribunal's 2023/2024 determination.**
- 2. That Council sets its Mayoral fee for the 2024/2025 financial year at \$39,350 being the maximum fee available under the Local Government Remuneration Tribunal's 2024/2025 determination.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,
Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

16. FINANCIAL AND COMMERCIAL SERVICES**16.1 DONATIONS IN LIEU OF ORDINARY RATES 2024/2025****MINUTE 119/2024**

Moved: Cr Rohan Boehm Seconded: Cr John Clements

- 1. That Council authorise the individual amounts totalling \$124,986.11 to be donated to community organisations in this report in accordance with the Donations in Lieu of Ordinary Rates Policy and section 356 of the *Local Government Act 1993* (NSW).**
- 2. That Council authorise the late application for the amount of \$5,391.57.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,
Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

16.2 INVESTMENT REPORT - MAY 2024**MINUTE 120/2024**

Moved: Cr Brett Dickinson Seconded: Cr Catherine Redding

- 1. That Council receive and note the Investment Report for May 2024.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,
Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

16.3 MONTHLY FINANCIAL REPORT - MAY 2024**MINUTE 121/2024**

Moved: Cr Catherine Redding Seconded: Cr Brett Dickinson

1. That Council receive and note the Monthly Financial reports for May 2024.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

16.4 WEE WAA NAB BUILDING CBD MEMORIAL GROVE AND DANGAR PARK MASTERPLANS

MINUTE 122/2024

Moved: Cr John Clements Seconded: Cr Brett Dickinson

1. That Council note the Community Engagement Report (Attachment 2) and acknowledge that 70% was in support of Option A (New Build).

2. That Council Adopt the Wee Waa CBD and Surrounds Masterplan (Option A).

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

17. INFRASTRUCTURE DELIVERY

17.1 INFRASTRUCTURE DELIVERY STATUS REPORT - MAY 2024

MINUTE 123/2024

Moved: Cr Rohan Boehm Seconded: Cr John Clements

1. That Council receive and note the Infrastructure Delivery Status Report for May 2024.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

17.2 2024-2025 ANNUAL PANEL CONTRACTS

At 2:40 pm, Cr Brett Dickinson left the meeting after declaring an interest in relation to Item 17.2, due to a non-significant non-pecuniary interest due to his brother's company being a tenderer in the report. He was not present at or in sight of the meeting during the consideration of the item.

MINUTE 124/2024

Moved: Cr Ron Campbell Seconded: Cr Catherine Redding

1. That report "2024-2025 Annual Panel Contracts" be received and noted and further that Council;

2. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/01 – Hire of Tipping Trucks for the period 1 July 2024, to 30 June 2025:
 - a. Hartlow Pty Ltd
 - b. KT Civil Group
 - c. Lincon Earthmoving Pty Ltd
 - d. Moresgear Pty Ltd
 - e. Narrabri Gravel Haulage Pty Ltd
 - f. Schwager Civil & Concrete Pty Ltd
 - g. Specialised Quarries & Concrete Pty Ltd
 - h. Truebass Pty Ltd
3. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/02 – Hire of Watercart Hire for the period 1 July 2024, to 30 June 2025:
 - a. Alltracks Plant Hire Pty Ltd
 - b. Bordin & Buckley Holdings Pty Ltd
 - c. BPA Civil & Mining Pty Ltd
 - d. Dylan Towner Excavations Pty Ltd
 - e. Grace Rural Pty Ltd T/A Grace Civil
 - f. KT Civil Group Pty Ltd
 - g. Lincon Earthmoving Pty Ltd
 - h. Moresgear Pty Ltd
 - i. Rollers Australia Pty Ltd
 - j. Samlo Pty Ltd
 - k. Sanloma Pty Ltd
 - l. Willtak Pty Ltd.
4. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/03 – Provision of Insitu Stabilisation Services for the period 1 July 2024, to 30 June 2025:
 - a. Bild Infrastructure Pty Ltd
 - b. Durack Civil Pty Ltd
 - c. Fenworx Pty Ltd
 - d. Hiway Stabilizers Australia Pty Ltd
 - e. Roadwork Industries Pty Ltd
 - f. Stabilcorp Pty Ltd
 - g. Stabilised Pavements of Australia Pty Ltd (SPA)
 - h. THE Stabilising Pty Ltd
 - i. WTC Group Aust Pty Ltd
5. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/04 - Provision of Gravel Crushing Services for the period 1 July 2024, to 30 June 2025:
 - a. Calvani Crushing Pty Ltd
 - b. Paradise Bush Rocks Pty Ltd

- c. Roadwork Industries Pty Ltd
- d. Specialised Civil Group Pty Ltd
- 6. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/05 - Provision of Quarry Blasting Services for the period 1 July 2024, to 30 June 2025:
 - a. Precision Drill and Blast
- 7. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/06 - Provision of Bitumen Sealing Services for the period 1 July 2024, to 30 June 2025:
 - a. Bitupave T/A Boral Asphalt
 - b. BMR Quarries Pty Ltd
 - c. Colas, NSW Pty Ltd
 - d. NSW Sprayseal Pty Ltd
- 8. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/09 - Supply and Delivery of 7mm Precoated Aggregate, DG20, Crusher Dust and Bedding Sand for Road Maintenance:
 - a. Daracon Group Pty Ltd
 - b. Specialised Quarries and Concrete
- 9. Grant authority to the General Manager to assess all contracts during May 2025 and May 2026 and extend the term of the contract for additional one or two year periods up to the 30 June 2027 subject to; a sufficient number of Contractors agreeing to any extensions of the contract; Council still requiring the service; and the satisfactory performance of the Contractors.
- 10. That Council note that one or more contractors may go over the tendering threshold of \$250,000.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Catherine Redding

Against: None

Not Present: Robert Browning, Brett Dickinson, Greg Lamont, Lisa Richardson

CARRIED 5/0

Cr Brett Dickinson returned to the meeting, the time being

17.3 DRAFT CONTRACT MANAGEMENT POLICY AND DRAFT PROJECT MANAGEMENT POLICY

MINUTE 125/2024

Moved: Cr John Clements Seconded: Cr Catherine Redding

1. That Council adopt the Draft Contract Management Policy and the Draft Project Management Policy, attached to this report.
2. That the General Manager, or their delegate, be authorised to make any

administrative changes required to publish this policy, provided no content changes.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

17.4 CEMETERIES AND CREMATORIA NSW - INTERMENT SERVICES LEVY

MINUTE 126/2024

Moved: Cr John Clements Seconded: Cr Rohan Boehm

- 1. That Council place on Public Exhibition for a period of at least 28 days the proposed inclusion of the Interment Services Levy within council's Fees and Charges for 2024/2025, increasing burial fees by \$172 per burial and ashes interment fees by \$70 per interment of ashes (including GST).**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

18. PLANNING AND SUSTAINABILITY

18.1 NARRABRI SHIRE COUNCIL TOURISM ADVISORY COMMITTEE

MINUTE 127/2024

Moved: Cr Brett Dickinson Seconded: Cr Catherine Redding

- 1. That Council endorse the Terms of Reference for the Tourism Advisory Committee; and**
- 2. That Council approves distribution of the Expression of Interest.**

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

18.2 COMMUNITY ADVOCACY OPPORTUNITIES - JUNE 2024

At 2:55 pm, Cr John Clements left the meeting after declaring an interest in relation to Item 18.2, due to his role working for the Local Member and was not present at or in sight of the meeting during the consideration of the item.

MINUTE 128/2024

Moved: Cr Ron Campbell Seconded: Cr Rohan Boehm

- 1. That Council receive and note the Report on June 2024 community advocacy**

opportunities.

2. That Council endorse the draft organisational submission on the 2024 Regional Telecommunications Review.
3. That Council receive and note the submission made to Transport for NSW on Freight Policy Reform.
4. That Council receive and note the update on the NSW Environment Protection Authority (NSW EPA) Proposed Food Organics Waste Mandates.
5. That Council receive and note the update in relation advocacy activities in relation to the Narrabri Hospital and local health services.
6. That Council formally seek assistance from the Member for Barwon Mr Roy Butler MP in relation to advocacy activities in respect of the proposed Companion Animals Amendment (Puppy Farms) Bill 2024.
7. That Council endorse the draft organisational submission to the Standing Committee on State Development Inquiry into Beneficial and Productive Post-Mining Land Use.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, Brett Dickinson, Catherine Redding

Against: None

Not Present: John Clements

CARRIED 5/0

Cr John Clements returned to the meeting, the time being 3:05 pm.

19. SUPPLEMENTARY ITEMS

Nil reports.

20. CONFIDENTIAL (CLOSED COUNCIL) MEETING

MINUTE 129/2024

Moved: Cr Brett Dickinson Seconded: Cr Ron Campbell

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

20.1 Audit, Risk and Improvement Committee Chairperson and Voting Members Independence and Eligibility

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

20.2 Unconfirmed minutes of the Audit, Risk and Improvement Committee - 20 May 2024

This matter is considered to be confidential under Section 10A(2) - (f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson,

Catherine Redding
Against: None
Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

20.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHAIRPERSON AND VOTING MEMBERS INDEPENDENCE AND ELIGIBILITY

MINUTE 130/2024

Moved: Cr John Clements Seconded: Cr Catherine Redding

1. That on the advice of staff Council approve that the currently appointed Audit, Risk and Improvement Committee Chairperson and Members satisfy the independence and eligibility criteria prescribed by the *Local Government (General) Regulation 2021 (NSW)* (sections 216D, 216E and 216F) commencing 1 July 2024.
2. That on that basis Council approve for appointment letters to be issued to the Audit, Risk and Improvement Committee Chairperson and Members confirming the end date of their appointment to Council's Audit, Risk and Improvement Committee.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

20.2 UNCONFIRMED MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE - 20 MAY 2024

MINUTE 131/2024

Moved: Cr John Clements Seconded: Cr Ron Campbell

1. That Council note the Unconfirmed Minutes of the Audit, Risk and Improvement Committee held on Monday, 20 May 2024.
2. That Council note that the Audit, Risk and Improvement Committee Business Paper is available for Councillors to access within Council's information system.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

Against: None

Not Present: Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

MINUTE 132/2024

Moved: Cr John Clements Seconded: Cr Ron Campbell

1. That Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out to those present by the Chair of the Meeting or their nominee.

In Favour: Darrell Tiemens, Rohan Boehm, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding

<u>Against:</u>	None
<u>Not Present:</u>	Robert Browning, Greg Lamont, Lisa Richardson

CARRIED 6/0

Council moved out of Closed (Public Excluded) Meeting, the time being 3:12pm and the General Manager read out to those present the resolutions of the Closed (Public Excluded) Meeting.

21. MEETING CLOSED

The Meeting closed at 3:17 pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Council Meeting to be held on 30 July 2024.

.....
CHAIRPERSON

**MINUTES OF NARRABRI SHIRE COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS
46-48 MAITLAND STREET, NARRABRI
ON TUESDAY, 23 JULY 2024 AT 11:30 AM**

ATTENDANCE

PRESENT:	Mayor Darrell Tiemens, Councillor Rohan Boehm, Councillor Robert Browning, Councillor Ron Campbell, Councillor John Clements, Councillor Brett Dickinson, Councillor Greg Lamont, Councillor Catherine Redding, Councillor Lisa Richardson
IN ATTENDANCE:	Rob Williams (General Manager), Donna Ausling (Director Planning and Sustainability), Eloise Chaplain (Director Infrastructure Delivery), Jason Townsend (Manager Governance and Risk), Kira O'Neil (Minute Clerk)

Proceedings of the meeting commenced at 11:30 am.

PUBLIC FORUM

Nil.

1. OPENING PRAYER

Members and officers were upstanding for the opening prayer by the Mayor.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Owners of the land on which the Council met, the Kamilaroi people, and the Council paid its respects to Elders past, present and emerging.

3. RECOGNITION OF SERVICE MEN & WOMEN

Council acknowledged the sacrifice made by Australian service men and women, in particular those who gave their lives in defence of the freedom we enjoy today.

4. ATTENDANCE BY AUDIO VISUAL LINK

Nil.

5. APOLOGIES/GRANTING OF LEAVE OF ABSENCE

Nil.

6. DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

7. ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

The following matters will be considered in the Closed (Public Excluded) Meeting:

20.1 Appointment of Interim General Manager

8. PRESENTATIONS

1. Jacob Sauer Principal at Forsyths (Council's Appointed External Auditor)

9. CONFIRMATION OF MINUTES

Nil.

10. MATTERS OF GREAT URGENCY

Nil.

11. QUESTIONS WITH NOTICE

Nil.

12. MAYORAL MINUTES

Nil reports.

13. DELEGATES REPORT

Nil reports.

14. NOTICE OF MOTIONS

Nil reports.

15. GENERAL MANAGER REPORTS

Nil reports.

16. FINANCIAL AND COMMERCIAL SERVICES

16.1 2022/2023 ANNUAL FINANCIAL STATEMENTS

The Mayor adjourned the meeting to resolve a technical issue, the time being 11:39 pm.

The meeting resumed, the time being 11:41 pm.

MINUTE 133/2024

Moved: Cr Ron Campbell Seconded: Cr John Clements

- 1. That Council present the 2022/2023 Audited Financial Statements including auditors reports as shown in Attachment 1 of this report.**
- 2. That Council adopt the 2022/2023 Annual Report as shown as Attachment 2 to this Report, updated for the Audited Financial Statements as presented in Attachment 1 above.**

In Favour: Darrell Tiemens, Robert Browning, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding, Lisa Richardson

Against: Greg Lamont, Rohan Boehm

Not Present: Nil

CARRIED 7/2

AMENDMENT MOTION

Moved: Cr Greg Lamont Seconded: Cr Rohan Boehm

- 1. That Council present the 2022/2023 Audited Financial Statements including auditors reports as shown in Attachment 1 of this report.**
- 2. That Council adopt the 2022/2023 Annual Report as shown as Attachment 2 to this Report, updated for the Audited Financial Statements as presented in Attachment 1 above.**
- 3. That Council request the Office of Local Government conduct a full investigation into Council's financial position.**

In Favour: Rohan Boehm, Robert Browning, Greg Lamont

Against: Darrell Tiemens, Ron Campbell, John Clements, Brett Dickinson, Catherine Redding, Lisa Richardson

Not Present: Nil

LOST 3/6

17. INFRASTRUCTURE DELIVERY

Nil reports.

18. PLANNING AND SUSTAINABILITY

Nil reports.

19. SUPPLEMENTARY ITEMS

Nil reports.

20. CONFIDENTIAL (CLOSED COUNCIL) MEETING**MINUTE 134/2024**

Moved: Cr Robert Browning Seconded: Cr John Clements

- 1. That Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items: 20.1 Appointment of Interim General Manager.**

This matter is considered to be confidential under Section 10A(2)(a) of the Local Government Act 1993 (NSW), and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than Councillors).

In Favour: Darrell Tiemens, Rohan Boehm, Robert Browning, Ron Campbell, John Clements,
Brett Dickinson, Greg Lamont, Catherine Redding, Lisa Richardson

Against: Nil

Not Present: Nil

CARRIED 9/0

20.1 APPOINTMENT OF INTERIM GENERAL MANAGER**MINUTE 135/2024**

Moved: Cr Robert Browning Seconded: Cr Darrell Tiemens

- 1. That Council appoint an interim General Manager pursuant to sections 334 and 336 of the Local Government Act 1993 (NSW) for a period of up to twelve months, to commence on 16 August 2024 and to terminate on 15 August 2025, with the option to terminate the appointment upon recruitment of a permanent General Manager.**
- 2. That the Mayor be authorised to take all steps necessary to effect the appointment, including signing any letters of offer, instruments of appointment, and negotiating remuneration with the appointed person commensurate with the responsibilities of the position.**
- 3. That the person appointed as interim General Manager remain confidential until announced by the General Manager on or before Friday 26 July 2024.**

In Favour: Darrell Tiemens, Rohan Boehm, Robert Browning, Ron Campbell, John Clements,
Brett Dickinson, Greg Lamont, Catherine Redding, Lisa Richardson

Against: Nil

Not Present: Nil

CARRIED 9/0

MINUTE 136/2024

Moved: Cr Rohan Boehm

Seconded: Cr Brett Dickinson

- 1. That Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out to those present by the Chair of the Meeting or their nominee.**

In Favour: Darrell Tiemens, Rohan Boehm, Robert Browning, Ron Campbell, John Clements, Brett Dickinson, Greg Lamont, Catherine Redding, Lisa Richardson

Against: Nil

Not Present: Nil

CARRIED 9/0**21. MEETING CLOSED**

The Meeting closed at 12:34 pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Council Meeting to be held on 30 July 2024.

.....
CHAIRPERSON

12.1 MAYORAL APPOINTMENTS FOR THE PERIOD 17 JUNE TO 21 JULY 2024**Author:** Darrell Tiemens - Mayor**Attachments:** None**RECOMMENDATION**

1. That Council receive and note the Mayoral appointments for the period 17 June to 21 July 2024.

DETAILS**17 June 2024**

The General Manager, Rob Williams, and I accepted an invitation to receive a virtual update from the NSW Rural Doctors Network in response to their meeting of community representatives in Wee Waa about the health service in the town and opportunities for a redesign of some services to meet community needs.

18 June 2024

- The Deputy Mayor, Cr Brett Dickinson, Cr Cathy Redding and I attended the funding deed ceremony for the final round of the Community Financial Assistance Grant 2023-2024.
- Attended Narrabri Shire Council's Councillor Briefing session.

19 June 2024

- Accepted an invitation to meet with Hon. Mark Coulton MP who was visiting our shire.
- Chaired Council's Saleyards Advisory Committee Meeting.
- Invited by the Country Universities Centre North West to attend their 5th Anniversary Open Day supporting online students in our community. The Hon Mark Coulton MP was also in attendance to celebrate the milestone.

21 June 2024

Attended an interview with Seven Network in response to Narrabri Pathology Services.

25 June 2024

Chaired Narrabri Shire Council's Ordinary Council Meeting.

28 June 2024

Attended an interview with Seven Network in response to hospitals and the pressure on emergency departments at rural hospitals.

1 July 2024

Deputy Mayor, Cr Brett Dickinson, attended the St Francis Xavier's Primary School NAIDOC Assembly.

2 – 4 July 2024

Accompanied by Cr Redding, Cr Boehm, General Manager, Rob Williams, Director Infrastructure

Delivery, Eloise Chaplain, and Director Planning and Sustainability, Donna Ausling we attended the 2024 Australian Local Government Association (ALGA) National General Assembly (NGA).

2 July 2024

Deputy Mayor, Cr Brett Dickinson, attended the Narrabri Inner Wheel Changeover Dinner held at the Narrabri Bowling Club.

3 July 2024

Deputy Mayor, Cr Brett Dickinson, attended and spoke at the RFS Namoi Gwydir Long Service Medal Presentation and Vehicle Handover.

5 July 2024

- Attended the Australian Council of Local Government (ACLG) Forum.
- Deputy Mayor, Cr Brett Dickinson, attended the Narrabri Public School - NAIDOC Ceremony.

Saturday, 6 July 2024

Deputy Mayor, Cr Brett Dickinson, attended the 60th Lions Club Annual Changeover Dinner and Installation of Incoming Presidents and Club Directors held at the Narrabri RSL Club.

8 July 2024

Accompanied by Deputy Mayor, Cr Brett Dickinson we accepted an invitation from the Narrabri Lions Club to attend a dinner with 80 Sydney University of Technology Students in Narrabri. The students are from the Sydney University of Technology in their mid-year break.

Each year the Students in White Group plan a mid-year expedition, they call "[THE BIG LIFT](#)," where they visit a few country communities to meet the locals and offer a half day, four (4) hours of community service work before they leave the next day. On paper 320 hours in one morning.

In 2022 the Club hosted this group, (not the same students) and we were able to utilise their services, filling potholes at the showground, repainting the Tennis Club house, pruning and lopping trees and shrubs at the Old Gaol heritage Centre as well as a general clean up along the creek banks on both sides, from the RSL Club to Cameron Park.

9 July 2024

- Attended the Country Mayors Association virtual meeting to receive an update by Essential Energy's Chief Commercial Officer, Justin Hillier. Justin is an experienced executive with expertise in financial management, strategic planning, corporate development and negotiating commercial transactions in energy, mining and finance sectors across Australia and Asia.
- Invited by the founder and CEO of Sober in the Country, Shanna Whan, to attend a community hall meeting, with Deputy Mayor, Cr Brett Dickinson and Mr Roy Butler our local state member, organised by concerned Maules Creek Locals in response to the proposed solar farm by FRVSA. Mr Roy Butler, the CEO of the CWA, Danica Leys, and local media were also invited to attend this important community meeting held at the Maules Creek Hall.

10 July 2024

Hosted the Honourable Jenny Aitchison, Minister for Regional Transport and Roads, who was performing the official Opening Ceremonies for Resources for Regions Grants – Bullawa Bridge, Old Narrabri Turrawan Road Intersection Upgrade and Old Gunnedah Road Kaputar Road Intersection Upgrade.

The Resources for Regions Round 8 initiative has seen the Bullawa Creek Bridge undergo a complete replacement, with the previous aged, single-lane timber bridge with steel truss being replaced with a reinforced concrete bridge with dual lanes. Grant Funding \$2,750,000.

The Round 9 Resources for Regions program encompassed the realignment of the intersection of Old Narrabri Road SR 17 and Turrawan Road SR 61, as well as the reconstruction and sealing of a 1.3km stretch of gravel road. Grant Funding \$1,750,000.

The Round 9 Resources for Regions funding has been allocated towards the upgrade of the Old Gunnedah Road (SR10) and Kaputar Road (SR5) intersection. Grant Funding \$567,500.

11 July 2024

Invited to attend and speak at Council's NAIDOC flag raising ceremony held outside the Administration Building, followed by morning tea to the Narrabri Aquatic Centre.

12 July 2024

Attended Narrabri Shire Council's Extraordinary Councillor Briefing session on REAP/REIP.

Saturday, 13 July 2024

Attended the Council sponsored Wean Amateur Picnic Races event with Cr Cathy Redding and her husband Paul Redding and presented the cup to the winner.

16 July 2024

Attended Narrabri Shire Council's Councillor Briefing session.

17 July 2024

Accepted an invitation from Narrabri Branch of the Australian Red Cross to attend their Annual General Meeting held at the Narrabri Bowling Club.

13.1 2024 NGA COMMUNIQUE**Author:** Darrell Tiemens, Mayor**Attachments:** 1. 2024 NGA Communique**STRATEGIC LINK****4 Civic Leadership - Council as a strong leader for the community**

Objective 4.1 A transparent and accountable Council

Strategy 4.1.2 Enforce good governance, risk management, and statutory compliance

RECOMMENDATION

1. That Council note the Delegate Report on the NGA 2024 Conference held in Canberra on 2-4 July 2024.

DELEGATES REPORT

The 2024 Australian Local Government Association (ALGA) National General Assembly (NGA) was held at the National Convention Centre in Canberra from 2-4 July 2024.

The NGA of Local Government is convened by the ALGA for local councils across Australia to develop and express a united voice on the core issues affecting Local Government and their communities.

The NGA also provides an opportunity for Local Government to identify and discuss issues which it believes should be addressed by the new Federal Government.

The theme for this year's NGA was "Building Community Trust".

Narrabri Shire Council was one of the most prominent of advocates at the 2024 General Assembly, and all seven motions that it submitted were passed. Council was the lead agency for 6 of the 7 motions as strategic motions. Relevant motions as submitted by Narrabri Shire Council are summarised as follows:

- Motion 4 – constitutional recognition
- Motion 71 – insurers' responses into flood claims and management of household/business insurance costs
- Motion 76 – housing and homeless
- Motion 107 – equity and accessibility of bus transport within remote and rural communities
- Motion 109 – provision of childcare
- Motion 113.1 – regional/rural health advocacy
- Motion 156 – management of waste products from renewable industries

Council took advantage of this important opportunity to advocate for new or expanded programs and key policy initiatives that could strengthen local governments, its capacity to deliver services and infrastructure to local communities across the nation. This service delivery is critical to build, maintain and strengthen the trust of our citizens.



Communique

National General Assembly 2024

More than 1,200 local government leaders from across Australia gathered in Canberra from 2-4 July for the 30th National General Assembly of Local Government (NGA).

We were welcomed to country by Ngunnawal, Kambri and Ngambri custodian Paul Girrawah House. The Assembly recognised the Ngunnawal and Ngambri peoples as traditional custodians of the ACT and recognised any other people or families with connection to the lands of the ACT and region. The Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.

Opening the NGA, and speaking in her first major public address, Her Excellency the Honourable Ms Sam Mostyn AC, Governor General of the Commonwealth of Australia, spoke about increasing civic engagement with our future leaders and the importance of kindness and care in our leadership.

We welcomed and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including the Hon Catherine King, the Hon Kristy McBain, Senator the Hon Bridget McKenzie, the Hon Darren Chester, and Luke Gosling OAM MP.

Delegates received a presentation on new local government financial sustainability research, which highlighted that sustainable federal funding to



councils would deliver a \$7 billion increase to Australia's GDP. The 2024 National State of the Assets report was also launched, outlining the condition of one third of Australia's public infrastructure, which is part of the \$643 billion worth of assets councils manage. This new research reinforces the urgent need for federal Financial Assistance Grants to local government to be restored to at least one percent of Commonwealth taxation revenue.

Across two days, numerous presenters spoke on the theme of building community trust, and how local government is integral to holding and building this trust.

This year's NGA included new listening sessions on housing and community infrastructure, emergency management, roads and transport and energy transition, that provided a free-flowing exchange of ideas between councils, the federal public service, and other stakeholders.

This year's Assembly program included consideration of 160 motions submitted by councils, outlining opportunities for the Federal Government to better support councils and Australian communities.

These motions included solutions to address the financial sustainability of councils, support councils to deliver cost of living relief, facilitate more affordable housing, maintain safe and productive local roads, cycleways and footpaths, better prepare for and recover from natural disasters, and Close the Gap between Indigenous and non-Indigenous Australians.

In the lead up to the next federal election, ALGA will work with our state and territory member associations, and Australia's 537 local governments, to



advocate for critical Financial Assistance Grants to be restored to at least one percent of Commonwealth taxation revenue, and for local government to be restored as a full voting member of National Cabinet.

These are critical to ensuring that local government continues to play a role in the ongoing sustainability and liveability of every community.

15.1 RESOLUTIONS REGISTER - JULY 2024

Responsible Officer: Jason Townsend, Manager Governance and Risk

Author: Alice Gemmell-Smith, Senior Governance Advisor

Attachments:

1. Completed Resolutions Register - July 2024
2. Outstanding Resolution Register - July 2024

STRATEGIC LINK

4 Leadership

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Good governance and transparency dictate that Council maintains a Resolutions Register, and for it to be brought before Ordinary Council Meetings. The Resolutions Register, as at 21 February 2024, is therefore presented to Council.

RECOMMENDATION

1. That Council receive and note the outstanding Resolutions Register for July 2024.
2. That Council receive and note the completed Resolutions Register for July 2024.

BACKGROUND

Council Resolutions are, insofar as they are lawful, binding upon the General Manager and executive arm of Council. It is important, and standard industry practice, that a register of resolutions and actions is maintained to ensure transparency and accountability in enacting those resolutions.

Bringing the register before Council at Ordinary Council Meetings will provide Council and the public with situational awareness of the implementation of its resolutions, ensuring transparency and promoting accountability.

CURRENT SITUATION

The outstanding register has been updated as at 21 February 2024 and is attached to this report. This register lists the outstanding resolutions and action items, as well as a comment on current status. Some of the resolutions and action items are historical and, where no action is possible, a report will be brought to Council seeking resolution.

The completed register shows all actions completed. When all of the actions from a

resolution are completed, it will be moved to the completed register.

Governance and Risk intends to present the Resolutions Register in a report to each month's Ordinary Council Meeting.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

Nil.

CONSULTATION**External Consultation**

Nil.

Internal Consultation

- Executive Management.
- Senior Management.

Directorate(s):
Meeting(s): Council
Officer(s):
Date From:
Date To:

Printed:
6 June 2024
10:48 AM

Narrabri Shire Council

Directorate(s):
Meeting(s): Council
Officer(s):
Date From:
Date To:

Printed:
6 June 2024
10:48 AM

Narrabri Shire Council

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Target Date	Completed	Current Status
				<div>the contract documents for Contract 2024-25/02 – Hire of Watercart Hire for the period 1 July 2024, to 30 June 2025:<div><div>a. Alltracks Plant Hire Pty Ltd</div><div>b. Bordin & Buckley Holdings Pty Ltd</div><div>c. BPA Civil & Mining Pty Ltd</div><div>d. Dylan Towner Excavations Pty Ltd</div><div>e. Grace Rural Pty Ltd T/A Grace Civil</div><div>f. KT Civil Group Pty Ltd</div><div>g. Lincon Earthmoving Pty Ltd</div><div>h. Moresgear Pty Ltd</div><div>i. Rollers Australia Pty Ltd</div><div>j. Samlo Pty Ltd</div><div>k. Sanloma Pty Ltd</div><div>l. Willtak Pty Ltd.</div></div></div> <div>4. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/03 – Provision of Insitu Stabilisation Services for the period 1 July 2024, to 30 June 2025:<div><div>a. Bild Infrastructure Pty Ltd</div><div>b. Durack Civil Pty Ltd</div><div>c. Fenworx Pty Ltd</div><div>d. Hiway Stabilizers Australia Pty Ltd</div><div>e. Roadwork Industries Pty Ltd</div><div>f. Stabilcorp Pty Ltd</div><div>g. Stabilised Pavements of Australia Pty Ltd (SPA)</div><div>h. THE Stabilising Pty Ltd</div><div>i. WTC Group Aust Pty Ltd</div></div></div> <div>5. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/04 – Provision of Gravel Crushing Services for the period 1 July 2024, to 30 June 2025:<div><div>a. Calvani Crushing Pty Ltd</div><div>b. Paradise Bush Rocks Pty Ltd</div><div>c. Roadwork Industries Pty Ltd</div><div>d. Specialised Civil Group Pty Ltd</div></div></div> <div>6. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/05 –</div>				

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Target Date	Completed	Current Status
				<p>Provision of Quarry Blasting Services for the period 1 July 2024, to 30 June 2025:</p> <p>a. Precision Drill and Blast</p> <p>7. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/06 - Provision of Bitumen Sealing Services for the period 1 July 2024, to 30 June 2025:</p> <p>a. Bitupave T/A Boral Asphalt</p> <p>b. BMR Quarries Pty Ltd</p> <p>c. Colas, NSW Pty Ltd</p> <p>d. NSW Sprayseal Pty Ltd</p> <p>8. Accept the tenders submitted, having regard to all the circumstances, the Tender Panel recommends that the most advantageous tenders for council to accept and authorise the General Manager to sign the contract documents for Contract 2024-25/09 - Supply and Delivery of 7mm Precoated Aggregate, DG20, Crusher Dust and Bedding Sand for Road Maintenance:</p> <p>a. Daracon Group Pty Ltd</p> <p>b. Specialised Quarries and Concrete</p> <p>9. Grant authority to the General Manager to assess all contracts during May 2025 and May 2026 and extend the term of the contract for additional one or two year periods up to the 30 June 2027 subject to; a sufficient number of Contractors agreeing to any extensions of the contract; Council still requiring the service; and the satisfactory performance of the Contractors.</p> <p>That Council note that one or more contractors may go over the tendering threshold of \$250,000.</p>				
6	25/06/2024	131/2024	Unconfirmed minutes of the Audit, Risk and Improvement Committee - 20 May 2024	<p>MINUTE 131/2024</p> <p>1. That Council note the Unconfirmed Minutes of the Audit, Risk and Improvement Committee held on Monday, 20 May 2024.</p> <p>2. That Council note that the Audit, Risk and Improvement Committee Business Paper is available for Councillors to access within Council's information system.</p>	Senior Corporate Risk Advisor	25/07/2024	11/07/2024	<p>11 July 2024 10:14am Governance Support Officer – Completion</p> <p>Completed by Governance Support Officer on behalf of Senior Corporate Risk Advisor (action officer) on 06 June 2024 at 10:14:19 AM – No further action required.</p>

Criteria Directorate(s): Meeting(s): Officer(s): Date From: Date To:	Council	Printed: 6 June 2024 10:48 AM
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No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Target Date	Completed	Current Status
7	25/06/2024	125/2024	Draft Contract Management Policy and Draft Project Management Policy	MINUTE 125/2024 1. That Council adopt the Draft Contract Management Policy and the Draft Project Management Policy, attached to this report. 2. That the General Manager, or their delegate, be authorised to make any administrative changes required to publish this policy, provided no content changes.	Manager Assets and Engineering	25/07/2024	11/07/2024	11 July 2024 10:06am Governance Support Officer – Completion Completed by Governance Support Officer on behalf of Manager Assets and Engineering (action officer) on 06 June 2024 at 10:06:54 AM – Adopted policies available on Council’s Website and uploaded to Council’s document management system.
8	25/06/2024	123/2024	Infrastructure Delivery Status Report – May 2024	MINUTE 123/2024 1. That Council receive and note the Infrastructure Delivery Status Report for May 2024.	Director Infrastructure Delivery	25/07/2024	11/07/2024	11 July 2024 10:10am Governance Support Officer – Completion Completed by Governance Support Officer on behalf of Director infrastructure Delivery (action officer) on 06 June 2024 at 10:10:04 AM – No further action required.
9	25/06/2024	121/2024	Monthly Financial Report – May 2024	MINUTE 121/2024 1. That Council receive and note the Monthly Financial Report for May 2024.	Director Financial and Commercial Services	25/07/2024	11/07/2024	11 July 2024 10:10am Governance Support Officer – Completion Completed by Governance Support Officer on behalf of Director Financial and Commercial Services (action officer) on 06 June 2024 at 10:10:58 AM – No further action required.
10	25/06/2024	120/2024	Investment Report – May 2024	MINUTE 120/2024 1. That Council receive and note the Investment Report for May 2024.	Director Financial and Commercial Services	25/07/2024	11/07/2024	11 July 2024 10:11am Governance Support Officer – Completion Completed by Governance Support Officer on behalf of Director Financial and Commercial Services (action officer) on 06 June 2024 at 10:11:22 AM – No further action required.
11	25/06/2024	114/2024	Draft Integrity Framework Policy	MINUTE 114/2024 1. That Council adopt the draft Integrity Framework Policy attached to this report. 2. That the General Manager be permitted to make any administrative changes to the document from time-to-time as required.	Manager Governance and Risk	25/07/2024	11/07/2024	11 July 2024 10:05am Governance Support Officer – Completion Completed by Governance Support Officer on behalf of Manager Governance and Risk (action officer) on 06 June 2024 at 10:05:09 AM – Adopted policy available on Council’s Website and uploaded to Council’s document management system.

12	25/06/2024	117/2024	2024/2025 Operational Plan	<div>MINUTE 117/2024</div> <div>1. That Council adopt the 2024/2025 Operational Plan and Appendices, as attached, and incorporate the amendments outlined in the report.<div><div>a. That in relation to the report “2024/2025 Operational Plan”, Council make the following determinations:</div><div>b. That in relation to ordinary rates, Council adopt the 4.5% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the Local Government Act 1993. Council make and levy the ordinary rates for the year 1 July 2024 to 30 June 2025, as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.</div><div>c. That in relation to the special rate, Council adopt the 4.5% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 495 of the Local Government Act 1993. Council make and levy the special rate for the year 1 July 2024 to 30 June 2025, as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.</div><div>d. That in relation to water supply charges; in accordance with section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.</div><div>e. That in relation to sewerage service charges; in accordance with section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.</div><div>f. That in relation to waste management charges; in accordance with Section 496, Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges as per the attached Appendix A – 2024/2025 Revenue Policy & Fees and Charges.</div><div>g. That in relation to interest on overdue rates and charges, Council make and impose the maximum charge for interest of 10.5% from</div></div></div> <div>Senior Governance Advisor</div> <div>25/07/2024</div> <div>11/07/2024</div>
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Narrabri Shire Council

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
1	25/06/2024	130/2024	Audit, Risk and Improvement Committee Chairperson and Voting Members Independence and Eligibility	MINUTE 130/2024 <ol style="list-style-type: none"> That on the advice of staff Council approve that the currently appointed Audit, Risk and Improvement Committee Chairperson and Members satisfy the independence and eligibility criteria prescribed by the Local Government (General) Regulation 2021 (NSW) (sections 216D, 216E and 216F) commencing 1 July 2024. That on that basis Council approve for appointment letters to be issued to the Audit, Risk and Improvement Committee Chairperson and Members confirming the end date of their appointment to Council's Audit, Risk and Improvement Committee. 	Senior Corporate Risk Advisor	25/07/2024		18 Jul 2024 01:53 pm Senior Corporate Risk Advisor A draft appointment letter is currently underway. Appointment letters in accordance with the Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW will be provided to the Mayor to proof and sign by no later than 31/08/2024.
2	25/06/2024	126/2024	Cemeteries and Crematoria NSW – Interment Services Levy	MINUTE 126/2024 <ol style="list-style-type: none"> That Council place on Public Exhibition for a period of at least 28 days the proposed inclusion of the Interment Services Levy within council's Fees and Charges for 2024/2025, increasing burial fees by \$172 per burial and ashes interment fees by \$70 per interment of ashes (including GST). 	Director Infrastructure Delivery	25/07/2024		18 Jul 2024 02:11 pm Director Infrastructure Delivery The proposed inclusion of the Interment Services Levy within Council's Fees and Charges for 2024/2025 is currently on Public Exhibition.
3	25/06/2024	122/2024	Wee Waa NAB building CBD Memorial Grove and Dangar Park Masterplans	MINUTE 122/2024 <ol style="list-style-type: none"> That Council note the Community Engagement Report (Attachment 2) and acknowledge that 70% was in support of Option A (New Build). That Council Adopt the Wee Waa CBD and Surrounds Masterplan (Option A). 	Manager Commercial Services	25/07/2024	15/05/2026	22 Jul 2024 7:59 am Manager Commercial Services Asbestos removed and currently going to RFQ for demolition. The contract has been awarded to Fulton Trotter Architects. Block has been surveyed ready for future construction.
4	25/06/2024	119/2024	Donations in Lieu of Ordinary Rates 2024/2025	MINUTE 119/2024 <ol style="list-style-type: none"> That Council authorise the individual amounts totalling \$124,986.11 to be donated to community organisations in this report in accordance with the Donations in Lieu of Ordinary Rates Policy and section 356 of the Local Government Act 1993 (NSW). That Council authorise the late application for the amount of \$5,391.57. 	Director Financial and Commercial Services	25/07/2024		19 Jul 2024 3:24 pm Director Financial and Commercial Services On track to be finalised by the due date.

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
5	28/05/2024	103/2024	Renewable Energy Action Plan (REAP) and Renewable Energy Implementation Plan (REIP)	MINUTE 103/2024 <ol style="list-style-type: none"> That Council receive and note the report on the Renewable Energy Action Plan (REAP) and Renewable Energy Implementation Plan (REIP). That Council endorse the draft Renewable Energy Action Plan and Implementation Plan Consultation Paper, pending public response and further discussion. That the Renewable Energy Action Plan and Implementation Plan Consultation Paper be placed on public exhibition for a minimum period of 28 days, and during the exhibition period call for and accept submissions from the public. That a report be returned to Council following the conclusion of the Public Exhibition Period to the next available Ordinary Council Meeting detailing the results of the public exhibition. 	Director Planning and Sustainability	27/06/2024	30/09/2024	18 Jul 2024 3:00 pm Director Planning and Sustainability Items 1 and 3 completed in accordance with the terms of Council's resolution. Consultant presentation at a Councillor Briefing session was coordinated. Items 2 and 4 are pending the outcomes of the consultation period.
6	30/04/2024	075/2024	Naming of a public asset – Park Bench in honour of DR. Robert Anderson	MINUTE 075/2024 <ol style="list-style-type: none"> That Council receive and note the report on the naming of a park bench to be installed in Selina Street Open Space area known as Lot 1 Section 6 DP 939800. That Council name the park bench in honour of Dr. Robert (Bob) Anderson. That Council note that Rotary of Narrabri will be responsible for the costs associated with the supply of the proposed park bench and concrete slab in accordance with Council's specifications. That Council undertake the installation works at the expense of the Narrabri Rotary Club. Upon completion Council retain ownership of the asset. 	Land and Leasing Coordinator	30/05/2024	30/05/2024	19 Jul 2024 12:52 Land and Leasing Coordinator Concrete slab has been poured and plaque holder installed, bench and plaque have not yet been installed.
7	26/03/2024	054/2024	Fee Waiver for Burial Interment	MINUTE 054/2024 <ol style="list-style-type: none"> That Council will review its policy regarding concessions for certain burials/interments in its next Policy review cycle. 	Manager Governance and Risk	25/04/2024	30/09/2024	22 Apr 2024 11:35am Director Financial and Commercial Services – Reallocation Action reassigned to Manager Governance and Risk by Director Financial and Commercial Services – Jason Townsend to drive Policy Review.

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
8	22/08/2023	213/2023	Proposed Amendment to Narrabri Local Environmental Plan (LEP) 2012 – Additional Permitted Use	MINUTE 213/2023 <ol style="list-style-type: none"> That Council prepare a Planning Proposal to amend the Narrabri Local Environmental Plan 2012, pursuant to section 3.33 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to permit the land use ‘retail premises’ on Lots 10 and 11 in DP1242823, 10 and 11 Caroline Way, Narrabri. That Council forward the Planning Proposal to the NSW Department of Planning and Environment accompanied by a request for gateway determination pursuant to section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW). That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination and Council’s adopted Policy. That Council consider a further report on the results of the community consultation. 	Manager Planning and Development	21/09/2023	31/12/2024	18 Jul 2024 2:37pm Manager Planning and Development – Target Date Revision <ol style="list-style-type: none"> Planning Proposoal has been prepared and Draft Scoping Report is now completed. Draft Scoping report has been completed and set to DPHI officers to review, once comments received will be lodged via the Planning Portal with a request for Gateway Determination. Will be actioned once a Gateway Determination is received. Will be actioned once a Gateway Determination is received.
9	22/11/2022	373/2022	Notice of Motion – Wee Waa Lagoon Bridge Extension	MINUTE 373/2022 <ol style="list-style-type: none"> That Narrabri Shire Council seek funding under the NSW Betterment fund or similar State or Commonwealth resilience fund for the following purposes: <ol style="list-style-type: none"> To fully investigate and develop costed plans (not engineering) to extend the Wee Waa lagoon bridge south past Harris Lane. This being to remove the isolation caused to residents and businesses by the inundation of this section of road; To fully investigate whether with a Lagoon creek bridge extension, an increase in the road height at Bohena Creek would be justified; To fully investigate and develop costed plans (not engineering) to raise the road height by bridge or culvert on the Kamilaroi highway east of Wee Waa at Glencoe channel road crossing, Glenarvon floodway; That investigations include assessment of the reduction in isolation and financial and other impacts on individual and business due to isolation caused by flood waters; That a local reference committee be set up at the appropriate time to utilise local knowledge. 	Director Infrastructure Delivery	22/12/2022	31/07/2024	18 Jul 2024 2:11pm Director Infrastructure Delivery Initial draft of modelling received, cost benefit analysis still to be completed.

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
10	27/09/2022	293/2022	Notice of Motion – Roads	MINUTE 293/2022 <ol style="list-style-type: none"> That NSC investigate and report on the following; <ol style="list-style-type: none"> Road repair and construction workforce adequacy. Adequacy of current plant and equipment to the capacity to repair and maintain our roads. Adequacy of current arrangements with external contractors as far a support for the repair and maintenance of NSC roads. A full list of culverts in need of repair or upgrade to concrete base. The current state of all negotiations with state disaster recovery funding processes. Funds held currently for road repair. That Council fully supports and recognises the efforts of staff in this area. 	Director Infrastructure Delivery	27/10/2022	31/07/2024	18 Jul 2024 2:11pm Director Infrastructure Delivery Councillor briefing schedule in August 2024 for Scoping Report.
11	23/08/2022	CO-282/2022	Road Opening and Closure at 3206 Killarney Gap Road Narrabri	MINUTE CO-282/2022 <ol style="list-style-type: none"> That Council; <ol style="list-style-type: none"> approve the proposed land swap with the landowner noted within this report. completes the required Council Road Closure Process under Part 4 Division 3 of the <i>Roads Act 1993</i> (NSW). completes the required Council Road Opening Process under Part 2 Division 1 of the <i>Roads Act 1993</i> (NSW). prepares a Plan of First Title Creation and takes all steps required to complete registration by the Land Registry Services NSW. authorise the General Manager to sign all relevant documents required to effect the road opening and closure and land swap. 	Manager Commercial Services	22/09/2022	31/03/2023	12 Jun 2024 11:06am Manager Commercial Services Section 30 Agreement with landowner’s solicitors for signing, Fyfe making arrangements for lodgement of survey plans.
12	26/04/2022		Narrabri Underground Voluntary Planning Agreement (VPA) Update	MINUTE CO-080/2022 <ol style="list-style-type: none"> That Council accept the \$2.603 million Voluntary Planning Agreement offer from Whitehaven Coal dated 27 January 2022, as negotiated for the NARRabri Underground mine and this motion remain confidential until such time as the matter is concluded. 	Manager Planning and Development	26/05/2022	30/04/2024	18 Jul 2024 2:37pm Manager Planning and Development – Target Date Revision Date will need to be revised. Due to Legal Appeals against the Underground expansion project there has been no progress on finalisation of the VPA. Last email correspondence 24/03/2024 with no ETA given
13	22/03/2022	070/2022	Council Committees	MINUTE 070/2022 <ol style="list-style-type: none"> That Council hold a workshop to consider the formation of Council standing committees. 	Manager Governance and Risk	21/04/2022	30/06/2023	20 Feb 2024 3:19pm Manager Governance and Risk On advice from GM that matter is currently on hold.

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
14	23/02/2021	038/2021	Provision Of New Doctors Residence in Boggabri	MINUTE 038/2021 <ol style="list-style-type: none"> That Council provide a suitable prefabricated home on vacant Council land at 37 Dalton Street Boggabri, at an estimated cost of \$274,800. That the provision of the home be funded from the Maules Creek Coal Voluntary Planning Agreement (VPA) for Boggabri Community projects. That Council upon the successful completion of the new residence, place 29 Laidlaw St, Boggabri for sale with an authorised real estate agent in its current condition; any profits from sale are to be placed into a reserve for Community Projects within Boggabri. That rental income received from 37 Dalton Street, Boggabri be placed into a reserve (restricted) for maintenance and upkeep of the 37 Dalton Street Boggabri. That Council approve the use of the Council Seal for all relevant documents to enact this resolution. 	Manager Commercial Services	09/03/2021	28/06/2026	12 Jun 2024 11:07am Manager Commercial Services - Target Date Revision EOI to go out for 36 Dalton Street, Boggabri, following internal discussions.
15	26/02/2019	025/2019	Single Property - Amendment to Local Government Boundary	MINUTE 025/2019 That Council: <ol style="list-style-type: none"> Support the proposed boundary change. Seek a Council resolution from Moree Plains Shire Council that also supports the boundary change. Authorise making a joint proposal to the Minister for Local Government and His Excellency the Governor of New South Wales. Request a provision for the payment of any outstanding rates and charges to be included in a proclamation to affect the boundary change. 	Finance Coordinator	12/03/2019	30/06/2023	18 Jul 2024 2:51pm Manager Financial Services Rates are awaiting the Boundary Commission to Gazette the change. No response has been received from the Boundary Commission; further follow up email to be sent this month.

Outstanding Actions

No.	Start Date	Minute	Report Title	Resolution	Responsible Officer	Original Target Date	Revised Target Date	Current Status
16	25/09/2018	224/2018	Acquisition of Land for Expansion for Narrabri Landfill	MINUTE 224/2018 That Council: <ol style="list-style-type: none"> Commence action by negotiation or compulsory acquisition to acquire a 15-metre wide strip of land having a total area of approximately one (1) hectare adjoining the Narrabri Landfill site, being part of Lot 153 in DP588798. Authorise the General Manager to negotiate a sale price in accordance with advice from an independent Certified Practising Valuer, and meet all reasonable survey and legal costs associated with this acquisition. Make all necessary arrangements to: <ol style="list-style-type: none"> Classify the land as operational land in accordance with section 31 of the Local Government Act 1993. Apply its Common Seal to any necessary documents relating to the acquisition. 	Director Financial and Commercial Services	09/10/2018	31/12/2024	19 Jul 2024 3:24 pm Director Financial and Commercial Services Target date exceeded due to number of ongoing projects devoting resources. Project Plan to be developed and include all operational requirements of future proposed landsites – recommend by end of Calendar year 2024, based on ongoing projects.
17	11/04/2023	052/2023	Notice of Motion – Security in Wee Waa	MINUTE 052/2023 <ol style="list-style-type: none"> That as a matter of urgency: <ol style="list-style-type: none"> The Council reports on the possibility of installing back to base monitoring of Council Cameras in Wee Waa to allow 24/7 access for the NSW Police. The Council reports on the possibility of purchasing a mobile camera system for Wee Waa which would allow the Police to monitor trouble spots in Wee Waa (as well as any other spots within the Shire). That Council seek grant funding for potential purchase of the items referred to above. 	Director Financial and Commercial Services	11/05/2023	Ongoing	19 Jul 2024 3:24 pm Director Financial and Commercial Services Potential Grant funding sourced for upgrades to CCTV network and provision of access, awaiting advice of outcome from submission. Grants and IT Teams are on the lookout for suitable avenues of funding for mobile systems and are garnering information in relation to specifications from likeminded Councils who have previously procured similar systems, including evaluation of pitfalls and items of a positive nature encountered.

16.1 INVESTMENT REPORT - JUNE 2024

Responsible Officer: Ted Harrington, Director Financial and Commercial Services

Author: Kathleen Wales, Finance Coordinator

Attachments: None

STRATEGIC LINK

4 Civic Leadership - Council as a strong leader for the community

Objective 4.3 A resilient and sustainable Council

Strategy 4.3.2 Sustainably manage Council's finances, assets, and workforce

EXECUTIVE SUMMARY

Council is required to consider a report on its investments in accordance with clause 212 of the *Local Government (General) Regulation 2021* (NSW).

During the month:

- Four (4) investments matured, totalling \$8 million; and
- Three (3) investments were placed, totalling \$8 million.

Council's Responsible Accounting Officer has certified that Council's investments are in accordance with requirements.

RECOMMENDATION

- 1. That Council receive and note the Investment Report for June 2024.**

BACKGROUND

Council is required to consider a report on its investments in accordance with clause 212 of the *Local Government (General) Regulation 2021* (NSW).

CURRENT SITUATION

The following is a summary of investment movements for June 2024.

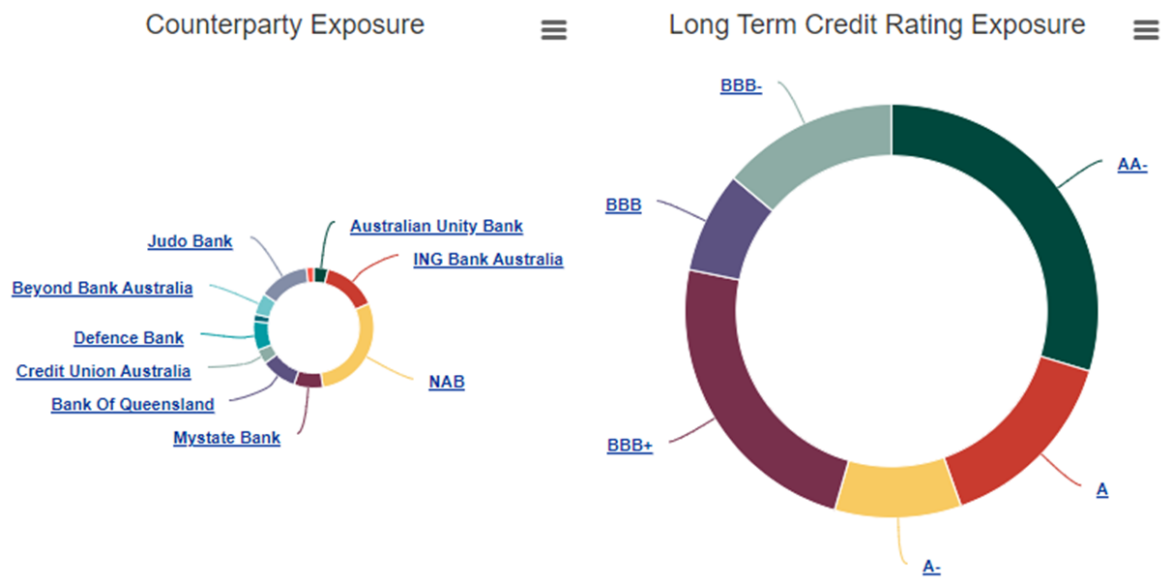
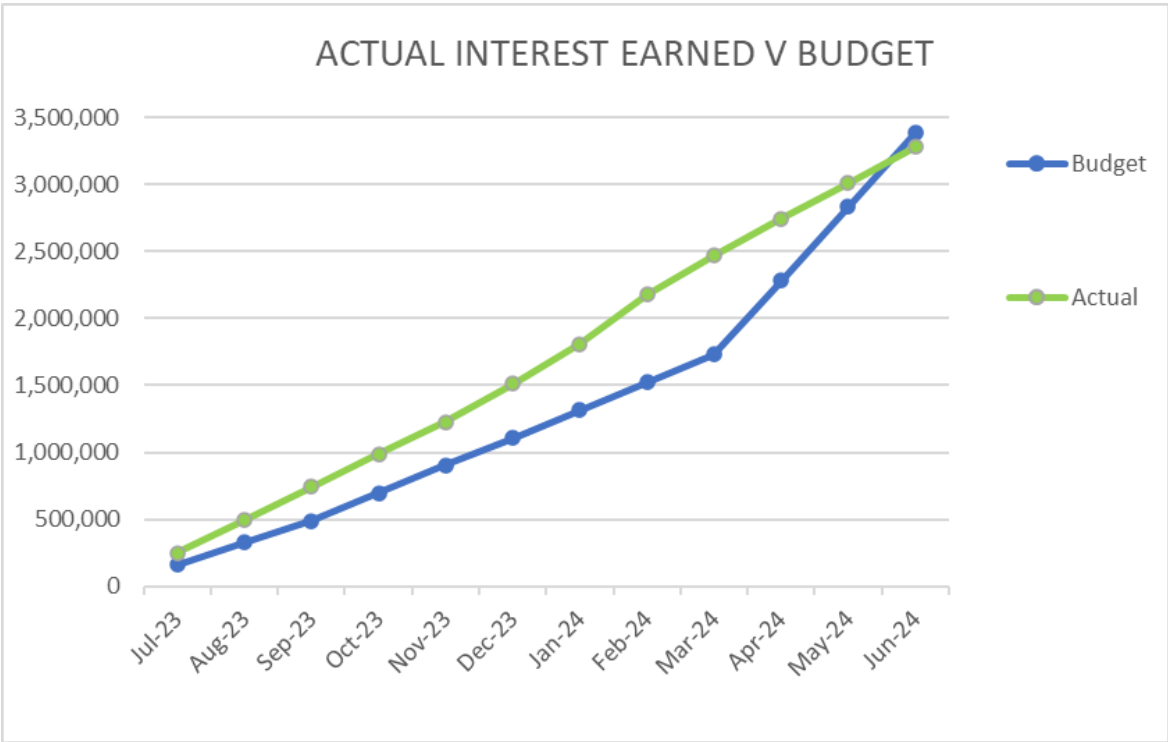
Investments maturing during the month:

- | | | | |
|------------|----------|-------------|------------------|
| • 12/06/24 | P&N Bank | \$1,000,000 | 364 days @ 5.55% |
| • 12/06/24 | NAB | \$1,000,000 | 266 days @ 5.13% |
| • 19/06/24 | NAB | \$4,000,000 | 182 days @ 5.08% |
| • 26/06/24 | Judo | \$2,000,000 | 364 days @ 5.75% |

New Investments secured during the month:

- 12/06/24 P&N Bank \$2,000,000 364 days @ 5.33%
- 19/06/24 NAB \$4,000,000 364 days @ 5.18%
- 26/06/24 Beyond Bank \$2,000,000 364 days @ 5.30%

	Market Value (\$)	Term (days)	Rate	Maturity Date	% of Portfolio
Short Term Deposits (<1 yr)	58,000,000.00				84.50%
Judo	2,000,000.00	371	5.75%	03/07/24	2.91%
NAB	1,000,000.00	182	5.08%	10/07/24	1.46%
NAB	1,000,000.00	336	5.13%	17/07/24	1.46%
Judo	3,000,000.00	230	5.40%	17/07/24	4.37%
NAB	1,000,000.00	329	5.13%	31/07/24	1.46%
NAB	1,000,000.00	308	5.15%	07/08/24	1.46%
NAB	1,000,000.00	364	5.18%	14/08/24	1.46%
NAB	2,000,000.00	364	5.18%	28/08/24	2.91%
Beyond Bank	2,000,000.00	364	5.25%	04/09/24	2.91%
NAB	1,000,000.00	364	5.23%	18/09/24	1.46%
BOQ	1,000,000.00	294	5.35%	18/09/24	1.46%
NAB	1,000,000.00	322	5.28%	02/10/24	1.46%
Judo	1,000,000.00	182	5.15%	09/10/24	1.46%
BOQ	1,000,000.00	182	5.05%	16/10/24	1.46%
BOQ	1,000,000.00	329	5.33%	16/10/24	1.46%
BOQ	2,000,000.00	238	5.10%	13/11/24	2.91%
Defence Bank	2,000,000.00	362	5.50%	27/11/24	2.91%
Judo	2,000,000.00	187	5.20%	04/12/24	2.91%
Defence Bank	2,000,000.00	364	5.40%	11/12/24	2.91%
NAB	2,000,000.00	364	5.04%	08/01/25	2.91%
NAB	2,000,000.00	364	5.08%	15/01/25	2.91%
Regional Australia Bank	1,000,000.00	364	5.20%	22/01/25	1.46%
Australian Unity	2,000,000.00	372	5.15%	05/02/25	2.91%
ING	4,000,000.00	364	5.08%	26/02/25	5.83%
MyStateBank	2,000,000.00	366	5.15%	05/03/25	2.91%
MyStateBank	2,000,000.00	364	5.10%	05/03/25	2.91%
ING	2,000,000.00	364	5.14%	12/03/25	2.91%
Great Southern	2,000,000.00	364	5.09%	02/04/25	2.91%
ING	2,000,000.00	365	5.35%	08/05/25	2.91%
ING	1,000,000.00	364	5.27%	28/05/25	1.46%
P&N Bank	2,000,000.00	364	5.33%	11/06/25	2.91%
NAB	4,000,000.00	364	5.18%	18/06/25	5.83%
Beyond Bank	2,000,000.00	364	5.30%	25/06/25	2.91%
Cash Deposits	10,637,605.31				15.50%
NAB At Call A/c	2,000,000.00	At Call	4.50%	n/a	2.91%
NAB Working A/c	8,637,605.31	At Call	4.10%	n/a	12.58%
Total Cash & Investments	68,637,605.31				100.00%



Investment Rate Summary for June 2024

Average Interest Rate on Investments:	5.22%
Weighted Average Interest Rate on Investments	5.20%

Council's Benchmarks

Bank Bill Swap Rate (BBSW) 90-day index (01/07/2024)	4.44%
Average 11am Cash Rate	4.35%

Source: www.asx.com.au

FINANCIAL IMPLICATIONS

Immediate cashflow requirements to service creditors for the month is used to determine the net movement in the total value of deposits held. Capital works projects for roads were the largest payments for the month of June 2024.

Reported interest income for the period 1 July 2023 to 30 June 2024 is \$3.279M. This is aligned with budgeted predictions following the revision of budget figures at the March QBR taking into account the portfolio value and favourable interest rates currently being obtained.

STATUTORY AND POLICY IMPLICATIONS

Clause 212 of the *Local Government (General) Regulation 2021* (NSW) requires Council's Responsible Accounting Officer to provide a monthly report setting out the details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (NSW).

It is certified that Council's investments have been made in accordance with:

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- Ministerial Investment Order dated 12 January 2011.
- Council's Investment Policy dated 18 October 2022.

CONSULTATION**External Consultation**

Nil.

Internal Consultation

- Responsible Accounting Officer.
- Manager Financial Services.

16.2 PROPOSED DISCOUNT FOR LEARN TO SWIM POOL ENTRY WHEN UNDERTAKING FORMAL 'LEARN TO SWIM' CLASSES

Responsible Officer: Rob Williams, General Manager

Author: Jason Townsend, Manager Governance and Risk

Attachments: None

STRATEGIC LINK

1 Society - An Empowered, Inclusive and connected community

Objective 1.1 A safe and healthy community

Strategy 1.1.1 Support, encourage and enhance health and wellbeing services and programs across the Shire

EXECUTIVE SUMMARY

Following significant engagement from the public regarding increase in pool pod and lane hire fees, Management recommend a one year program whereby children undertaking formal learn-to-swim classes be given a 50% discount on pool entry for those classes.

RECOMMENDATION

1. That Council allocate \$10,000 of the Community Grants budget to fund a 50% discount for children to enter aquatic centres for formal learn-to-swim classes.
2. That Council provides a 50% discount for children to enter aquatic centres for formal learn-to-swim classes for the 2024/2025 year, to commence 1 September 2024.

BACKGROUND

On 1 July 2024, Council increased its lane and pod hire fees. Prior to the adoption of its 2024/2025 fees and charges schedule, there was significant engagement with Council from the public on this issue. This engagement included a petition and presentations at a public forum by local learn-to-swim instructors. Given this engagement from the public and the current cost-of-living issues facing all of society, Council staff considered options to mitigate the effect of the increase, and propose the below.

CURRENT SITUATION

Council staff propose that there be a discount program for pool entry for children attending learn-to-swim classes. Staff propose a 50% discount for the 2024/2025 year. This will limit the impact on families from the increase in lane/pod hire fees, while promoting the uptake of learn-to-swim classes.

FINANCIAL IMPLICATIONS

Based on past numbers of entries for learn-to-swim classes, it is likely that a 50% discount on pool entry for learn-to-swim classes will require funds of around \$10,000. By utilising the Community Grants budget, this will not negatively impact Council's budget position.

STATUTORY AND POLICY IMPLICATIONS

Nil.

CONSULTATION**External Consultation**

Nil.

Internal Consultation

- Senior Management.
- Executive Management.

17.1 2024 NSW LOCAL ROADS CONGRESS**Responsible Officer:** Brett Dickinson, Councillor**Author:** Brett Dickinson, Councillor**Attachments:** None**STRATEGIC LINK****4 Civic Leadership - Council as a strong leader for the community**

Objective 4.3 A resilient and sustainable Council

Strategy 4.3.3 Deliver reliable and quality services through innovation and continuous improvement

EXECUTIVE SUMMARY

The 2024 NSW Local Roads Congress theme for this year's congress was 'Planning for the Future,' aiming to foster productive dialogues among council staff, elected officials, and NSW Ministers to work towards the vision of a safe, efficient and sustainable local road network for our communities.

RECOMMENDATION

1. That Council receive and note report "2024 NSW Local Roads Congress".

BACKGROUND

The NSW Roads and Transport Directorate (RTD) is a joint initiative between Local Government NSW (LGNSW) and the NSW Division of the Institute of Public Works Engineering Australasia (IPWEA NSW and ACT). This year's Roads Congress reflected on past challenges and current trends, to reaffirm the NSW RTD commitment to a sustainable, resilient, and prosperous future for New South Wales (NSW) through strategic and integrated road infrastructure planning.

CURRENT SITUATION

The Congress detailed that the predicted increase to heavy vehicle movements associated with road freight, as well as the changing nature and distribution patterns of the future freight task, require consideration to ensure economic efficiency is maintained while ensuring the local road network is fit to accommodate these increased movements. A concerted approach to road safety, underpinned by innovative technologies and community-focused strategies, will help address the unacceptably high rate of fatalities and trauma on local roads and move closer towards zero deaths or serious injuries. Integrated network planning is a critical process to ensure that the competing demands on the use of the local road network are considered from a holistic perspective and that the potential efficiency gains from network improvements can be maximised.

However, the current government funding models, which tend to be reactive and segmented, present challenges to the achieving these objectives. They do not consistently offer the necessary support for crucial infrastructure development and retention of a skilled workforce within Local Government. This situation highlights the need for transformative funding strategies which enable councils to adopt a more strategic and sustainable approach. Such a model would better align with the long-term functional needs of the local road network, reducing future costs and improving service delivery across all levels of Government.

This was highlighted in the advocacy the RTD has prioritised for the year examples shown below;

The Congress calls on the NSW Government to:

- i. Continue supporting maintenance and improvement of the road network via the Fixing Country Bridges, Regional Emergency Road Repair Fund, Road Block Grant, Regional and Local Roads Repair Programs.
- ii. Review the Fixing Local Roads Program with an annual allocation aligned to the Roads to Recovery distribution formula to provide greater certainty and allow improved short-medium term infrastructure planning by NSW Local Government.
- iii. Provide a long-term commitment to a funding program designed to improve freight outcomes by addressing first and last-mile challenges on the local and regional road network.
- iv. Facilitate a review by the Office of Local Government of the linkages between council long term financial plans and asset management plans and develop new guidelines to support greater alignment between these plans to ensure that the ongoing maintenance costs of assets are funded to meet an acceptable level of service.

The Congress calls on the Australian and NSW Governments to work together with NSW Local Governments to address the following:

- i. A more sustainable long-term funding model for Local Government with a higher level of base funding support and reduced reliance on individual competitive grants.
- ii. Develop a proactive long-term strategy to address the skills shortage in professional engineers and other infrastructure workers, including support for skilled migration and the development of local capacity.
- iii. Sustainable and streamlined natural disaster funding arrangements, including Disaster Recovery Funding Arrangements, for all NSW councils, which includes consistent reporting and assessment processes, increased flexibility to build back better and more efficient approval processes (maximum of 6 months) that enable timely recovery work post-disaster.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

Nil.

CONSULTATION

Nil.

17.2 INFRASTRUCTURE DELIVERY STATUS REPORT - JUNE 2024**Responsible Officer:** Eloise Chaplain, Director Infrastructure Delivery**Author:** Eloise Chaplain, Director Infrastructure Delivery**Attachments:**

1. June ID Status Report
2. Local Traffic Committee Minutes 27 February 2024
3. Local Traffic Committee Minutes 18 March 2024

STRATEGIC LINK**4 Civic Leadership - Council as a strong leader for the community****Objective** 4.1 A transparent and accountable Council**Strategy** 4.1.3 Increase awareness of Council's role in the community including the services and facilities provided**EXECUTIVE SUMMARY**

This report details the monthly work completed and next months planned work for teams within Infrastructure Delivery.

RECOMMENDATION

1. That Council receive and note the Infrastructure Delivery Status Report for June 2024.
2. That Council receive and note the Local Traffic Committee Minutes of 27 February 2024 meeting.
3. That Council receive and note the Local Traffic Committee Minutes of 28 March 2024 meeting.

BACKGROUND

Council's Infrastructure Delivery teams operations have a major impact on the Narrabri Shire's community and therefore wish to report to Council an update on their work as of June 2024. This report will bring data and information from teams each month. Please note due to the date when compiling report information, some works may vary.

CURRENT SITUATION

Please see **Attachment 1** for detailed report. Please see **Attachment 2** and **Attachment 3** for the most recent approved Minutes from the Local Traffic Committee.

FINANCIAL IMPLICATIONS

Costings captured in Operational Plan.

STATUTORY AND POLICY IMPLICATIONS

All works completed in accordance with legislation and Policies relevant to the team.

CONSULTATION

External Consultation

Nil.

Internal Consultation

- Infrastructure Delivery Managers.
- Financial Services.

Infrastructure Delivery Status Report – June

For weekly updates see [Infrastructure Delivery Update | NSC \(nsw.gov.au\)](#)

Roads Maintenance

Please see below Maintenance activities completed in June and plan for July.

Grading	
Completed June	Plan Next Month
MR127 Pilliga Road	MR072 Kamilaroi Highway
MR133 Killarney Gap Road	MR127 Pilliga Road
MR357 Rangari Road	MR133 Killarney Gap Road
SR001 Millie Road	MR357 Rangari Road
SR003 Melburra Road	SR001 Millie Road
SR004 Spring Plains Road	SR002 Berrigal Road
SR010 Old Gunnedah Road	SR003 Melburra Road
SR015 Therribri Road	SR004 Spring Plains Road
SR022 Braymont Road	SR005 Kaputar Road
SR029 Yarrie Lake Road	SR015 Therribri Road
SR030 Culgoora Road	SR026 Goonbri Road
SR045 Nowley Road	SR029 Yarrie Lake Road
SR046 Doreen Lane	SR039 Gwabegar Road
SR047 Middle Route Road	SR045 Nowley Road
SR048 Cubbaroo Lane	SR046 Doreen Lane
SR060 Westport Road	SR047 Middle Route Road
SR061 Turrawan Road	SR060 Westport Road
SR072 Bundock Creek Lane	SR065 Killara Road
SR103 Roma Lane	SR145 Cumnock Lane
SR118 Byalla Lane	SR159 Flood Hill Road
SR203 Cudgewa Lane	SR203 Cudgewa Lane
SR216 Werah Creek Road	SR216 Werah Creek Road
	SR269 Brigalow Lane

Other matters arising:

Other maintenance works also completed, include signage works, tar patching, minor patching and Slashing.

Capital works are well under way with numerous projects running concurrently, with the Pilliga Road Rehab work having been finalised, leaving only the concrete floodway outstanding. Doreen Lane Rehab works on the southern end continuing, as well as completion of rehab works on SR1 Millie Road.

Boggabri Shared path has been completed, with the Shared path on Selina/Guest Street commencing. Tibbereena st path is nearing completion, with the carpark finalisation outstanding.

Construction is continuing on the Yarrie Lake to Pilliga Road Freight Link Stage 1 – Woomera Creek Road and is progressing well, with subbase construction well underway.

We currently have a number of contracts out to market that are all expected to come to the July Council meeting for award.

- SR31 Lake Circuit Upgrade
- Tullamullen Bridge replacement
- 4 x concrete floodway upgrades/replacements

Parks and Open Space Maintenance

Completed June	Plan Next Month
Narrabri Netball Courts surface completed	Turfed around bridge and new carpark area at Collins Park
Dangar Park irrigation installed, electrical works to be completed	Tree and garden planting with Lions Club and University Students
Storage shed frame for Narrabri Netball Courts installed	Wee Waa Multi Courts rebound wall put up and painted
Dangar Park rugby field perimeter fence completed	Wee Waa Multi Courts fencing started
Cooma Oval canteen door replaced	

Other matters arising:

- Nil

Water/ Sewer Maintenance

Projects and Operations delivered in June	Project and Operations planned for Next Month
Water Main Fitzroy Street Narrabri and Wee Waa Street Boggabri.	Water Main Fitzroy Street Narrabri and Wee Waa Street Boggabri. Fitzroy Street Water main complete, Boggabri water main to commence.
70% Design for stairs at Selina Reservoir RFQ received and out for an RFQ	RFQ for construction of stairs at Selina Street currently out waiting on construction prices.
Water Main air scouring is continuing.	Water Main Scouring to commence in Narrabri end of July
Hydrant and Stop Valve Replacement continuing	Hydrant and Stop Valve program completed.
Facility upgrade continuing at Narrabri STP	Facility upgrade continuing at Narrabri STP
Bulk water filling stations project continuing.	Bulk Water filling station installation progressing at Old Gunnedah Rd.
A program for replacing water meters is underway, due to battery failures in electronic meters coming to the end of their life cycle.	Water Meter replacement program commencing at Pilliga, then Wee Waa and Gwabegar

Other matters arising:

**MINUTES OF NARRABRI SHIRE COUNCIL
LOCAL TRAFFIC COMMITTEE MEETING
HELD AT THE NARRABRI SHIRE COUNCIL , 46-48 MAITLAND STREET, NARRABRI
ON TUESDAY, 27 FEBRUARY 2024 AT 10.00AM**

PRESENT: Cr Brett Dickinson (Chair), David Vant (TfNSW), Cr Lisa Kennedy (TfNSW), Chief Inspector Robert Dunn (NSWPF), Scott Pollock (Manager Tourism and Cultural Services)

IN ATTENDANCE: Michael Cain (Chair), Samara Woolley (Minute Clerk)

1 OPENING AND WELCOME

Michael Cain (Chair)

2 ACKNOWLEDGEMENT OF COUNTRY

Michael Cain (Chair)

3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES

Eloise Chaplain (Director Infrastructure Delivery), RMS Representative Emma Maxwell,

4 CONFIRMATION OF MINUTES

MINUTE LTC-001/2024

Moved: Cr Brett Dickinson Seconded: Cr Robert Browning

RECOMMENDATION

That the minutes of Local Traffic Committee Meeting of the Narrabri Shire Council held on 12 December 2023 as circularised be confirmed.

5 REPORTS

5.1 BOGGABRI ANZAC DAY MARCH**MINUTE LTC-002/2024**

Moved: Cr Lisa Kennedy Seconded: Cr Brett Dickinson

RECOMMENDATION

1. That the Local Traffic Committee endorse the Traffic Plans for the Boggabri ANZAC Day March on the 25 April 2024

5.2 DROVER'S CAMPFIRE - BOGGABRI**MINUTE: LTC-003/2024**

Moved: Cr Lisa Kennedy Seconded: Cr Brett Dickinson

RECOMMENDATION

That the Committee endorse the submitted Traffic Management Plan for the event Boggabri Drover's Campfire, held from the 26 to 28 April 2024.

5.3 NARRABRIGHT TRAFFIC MANAGEMENT**MINUTE : LTC-004/2024**

Moved: Cr Robert Browning Seconded: Cr Brett Dickinson

RECOMMENDATION

That the Committee endorses the Traffic Management for Narrabright 2024 which will be held on the 15 March 2024

5.4 TEMPORARY ROAD CLOSURE - SR82 WOOMERA CREEK ROAD/SR212 SANDY HOOK LANE**MINUTE: LTC-005/2024**

Moved: Local Member Representative John Clements Seconded: Cr Brett Dickinson

RECOMMENDATION

That the Committee endorse the temporary road closure of SR82 Woomera Creek Road and SR212 Sandy Hook Lane during construction works.

5.5 NARRABRI ROTARY MARKETS**MINUTE : LTC-006/2024**

Moved: Local Member Representative John Clements Seconded: Cr Brett Dickinson

FOR DISCUSSION

Narrabri Shire Council Staff met with representatives from the rotary earlier this month regarding the location of the Rotary Markets on Selina Street. A relocation of the event has been negotiated and we are aiming to kick the first markets off in the new location in April.

6 ACTIONS

Action : Update and review the Traffic Management plan for Narrabright with ROL

Action: Confirm expected attendees and provide feedback from there Narrabright

Action : Manager Tourism and Cultural Services to update the Traffic Management Plan for Narrabright to reflect the speed zone reduction of 40kph

Action : Chair Michael Cain to investigate the signage near St Francis Xavier's school on Bowen Street

7 NEXT MEETING

Tuesday 30 April 2024

8 MEETING CLOSED

The Meeting closed at 11:49.

The minutes of this meeting were confirmed at the Local Traffic Committee Meeting held on 30 April 2024.

.....

CHAIRPERSON

**MINUTES OF NARRABRI SHIRE COUNCIL
EXTRAORDINARY LOCAL TRAFFIC COMMITTEE MEETING
HELD AT THE VIA EMAIL, 46-48 MAITLAND STREET, NARRABRI
ON MONDAY, 18 MARCH 2024 AT**

PRESENT: Cr Brett Dickinson (Chair), John Clements (Local Member Representative), Chief Inspector Robert Dunn (NSWPF), Lisa Kennedy (TfNSW), David Vant (TfNSW),

IN ATTENDANCE: Michael Cain (Chair), Eloise Chaplain (Director Infrastructure Delivery), Sarah Rushton (Minute Clerk)

1 OPENING AND WELCOME

2 ACKNOWLEDGEMENT OF COUNTRY

I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Kamilaroi people, and pay my respects to Elders past and present.

3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES

Nil

4 REPORTS

5.1 BULLDOG CREEK CAUSEWAY

MINUTE LTC-007/2024

MOVED: ROBERT DUNN

SECONDED: ELOISE CHAPLAIN

That the committee note the report is not needed to be taken to the Local Traffic Committee as it is a Council Road.

5.2 WEE WAA ANZAC DAY MARCH**MINUTE LTC-008/2024****MOVED: ROBERT DUNN****SECONDED: LISA KENNEDY**

- (i) That the Local Traffic Committee endorse the Traffic Plans for the Wee Waa ANZAC Day March on the 24 April 2024

5.3 NARRABRI ANZAC DAY MARCH**MINUTE LTC-009/2024****MOVED: ROBERT DUNN****SECONDED: LISA KENNEDY**

That the Local Traffic Committee endorse the Traffic Plans for the Narrabri ANZAC Day March held on the 25 April 2024

5 ACTIONS

6 NEXT MEETING

Tuesday 30 April 2024

7 MEETING CLOSED

The Meeting closed at 10.30 am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Narrabri Shire Council held on 30 April 2024.

.....
CHAIRPERSON

17.3 40KM/HR ZONE NARRABRI CBD - HIGH PEDESTRIAN ACTIVITY AREA**Responsible Officer:** Eloise Chaplain, Director Infrastructure Delivery**Author:** Eloise Chaplain, Director Infrastructure Delivery**Attachments:**

1. Factsheet_40kmh_zones
2. Maitland St - 40 Zone-SHEET 1

STRATEGIC LINK**4 Civic Leadership - Council as a strong leader for the community****Objective** 4.3 A resilient and sustainable Council**Strategy** 4.3.3 Deliver reliable and quality services through innovation and continuous improvement**EXECUTIVE SUMMARY**

Narrabri Shire Council has been working with Transport for NSW (TfNSW) and NSW Police to establish a High Pedestrian Activity Area (HPAA) in the Narrabri CBD. In becoming a HPAA, creates a safer environment for all road users, particularly pedestrians, cyclists and children. The Local Traffic Committee (LTC) have endorsed a zone for the HPAA which is required to be endorsed by Council for public exhibition.

RECOMMENDATION

1. That Council endorse the establishment of a High Pedestrian Activity Area in Narrabri CBD, as per zone detailed in report, to be placed on public exhibition for a period of at least 28 days, and during the exhibition period call for and accept submissions.
2. That a report be returned to Council following the conclusion of the Public Exhibition Period to the next available Ordinary Council Meeting detailing the results of the public exhibition.

BACKGROUND

A High Pedestrian Activity Area (HPAA) is being investigating for the Narrabri CBD, within this zone a speed limit of 40km/hr would be enforced. Further details on HPAA's can be seen in the attached.

At the August 2023 Ordinary Council Meeting, Council endorsed the investigation into the establishment of a High Pedestrian Activity Area (HPAA), 40km/h, in the Narrabri CBD. Minute shown below.

13.4 IMPLEMENTATION OF 40KM/H SPEED LIMIT IN NARRABRI CBD**MINUTE 209/2023**

Moved: Cr Brett Dickinson Seconded: Cr Rohan Boehm

- 1. That Council endorse the investigation into the establishment of a High Pedestrian Activity Area (HPAA), 40km/h, in the Narrabri CBD.**

In Favour: Crs Ron Campbell, Darrell Tiemens, Rohan Boehm, Robert Browning, John Clements, Brett Dickinson, Greg Lamont and Lisa Richardson

Against: Nil

CARRIED 8/0

CURRENT SITUATION

Narrabri Shire Council have liaised with NSW Police and have determined the zone for the HPAA, in Narrabri CBD, as shown in the attached. This zone was endorsed by the Local Traffic Committee (LTC) at the June 2024 Meeting, minute below:

5.1 40KM/HR ZONE NARRABRI CBD - HIGH PEDESTRIAN ACTIVITY AREA**MINUTE LTC-008/2024**

Moved: John Clements Seconded: Lisa Kennedy

- 1. That the Local Traffic Committee endorse the zone highlighted as the High Pedestrian Activity Area**

Council is required to endorse the attached HPAA zone, shown in the map attached. Once endorsed it will be put on public exhibition for 28 days to obtain community feedback.

FINANCIAL IMPLICATIONS

A Roads Safety Audit is required and will be funded through the current Roads Operational budget, \$14,000.

Further funding is provided through TfNSW. No major infrastructure upgrades are required due to the current infrastructure including, kerb extensions and calming devices.

STATUTORY AND POLICY IMPLICATIONS

Roads Act 1993 (NSW).

CONSULTATION

Local Traffic Committee.

40km/h HPAA

Fact Sheet



Transport
for NSW

AUGUST 2012



What is a 40km/h High Pedestrian Activity Area(HPAA)?

These are areas of high pedestrian activity, near shopping strips, railway stations, bus interchanges, beach-sides and services such as medical centres.

The maximum speed limit is 40km/h at all times. The different road environment helps to alert drivers to the lower speed limit and makes them aware of the presence of pedestrians moving about or near the road.

This creates a safer road environment for all road users, particularly for pedestrians, cyclists and children.



Why 40 km/h?

Managing speed, in accordance with safe system principles, is a key component in managing pedestrian safety. Research and scientific analysis show that a pedestrian hit by a car travelling at 40 km/h has twice the chance of surviving the collision than if the car was travelling 50 km/h.

Travelling speeds higher than 40 km/h greatly increases the risk of injury and death to pedestrians.

How is a 40km/h HPAA created?

Local councils, in partnership with Roads and Maritime Services (RMS) design and implement the schemes in accordance with the Transport for NSW (TfNSW) guidelines for 40km/h zones.

How will I know a 40km/h HPAA?

These are schemes where the street environment makes drivers and pedestrians aware of the different driving conditions.



◀ Signs like this are used to clearly define the beginning of a 40km/h zone.

Signs like this are installed on each exit road from the zone. ▶



There may also be other features such as pavement markings, road hump, pedestrian refuge and kerb extension.

Pedestrian safety

Transport for NSW, Roads and Maritime Services (RMS) and local councils are strongly focused on pedestrian safety. They recognise that everyone is a pedestrian at some time and should be able to walk safely.

40 km/h High Pedestrian Activity areas are part of a strategy to reduce the number and severity of crashes. They have been introduced since 1991 as part of Local Area Traffic Management schemes.

Changing the way streets are used in town centres improves the quality of life. They become places for people, not just traffic.

Comments

The success of a 40km/h HPAA depends on community involvement and participation during their development and operation.

Roads and Maritime Services

Website: www.rms.nsw.gov.au
Phone: 13 22 13
Mail: Locked Bag 928
North Sydney NSW 2059

For more fact sheets on speed management, visit saferroadsnsw.com.au

Transport for NSW

For further enquiries
13 22 13

The information in this brochure is intended as a guide only and is subject to change at any time without notice. It does not replace the relevant legislation.

DO NOT SCALE



PLAN SCALE: NOT TO SCALE
HORIZONTAL SCALE: NOT TO SCALE
VERTICAL SCALE: NOT TO SCALE

DATUM
AHD
SURVEYED: -
DESIGNED: -
DRAWN: -

A	29/04/2024	PRELIMINARY	-	-	-
REV.	DATE	DESCRIPTION	DES.	APP.	

APPROVED
DIRECTOR INFRASTRUCTURE DELIVERY
DATE
AS CONSTRUCTED
ROADS MANAGER
DATE



NARRABRI SHIRE COUNCIL
46-48 MAITLAND STREET NARRABRI NSW 2390 PH: (02) 6799 6866 FAX: (02) 6799 6888
MAITLAND STREET SPEED ZONE
MAITLAND STREET NARRABRI
SPEED ZONE

FILE No. 2324040	No. OF SHEETS 01	SHEET No. 01
PROJECT No. 2324040		
DRAWING No. 01		REV. A

17.4 ACCEPTANCE OF TENDERS UNDER DELEGATION

Responsible Officer: Eloise Chaplain, Director Infrastructure Delivery

Author: Allie Gleeson, Contracts Officer

Attachments: None

STRATEGIC LINK**4 Civic Leadership - Council as a strong leader for the community**

Objective 4.1 A transparent and accountable Council

Strategy 4.1.4 Ensures transparent and accountable decision making for our community

EXECUTIVE SUMMARY

Council has conditionally delegated to the General Manager the ability to determine tenders.

One of the conditions was that a cyclic quarterly report be provided to Council outlining the tenders that have been determined under the delegation.

For this reporting period four (4) tenders have been determined under delegation.

RECOMMENDATION

1. That Council note the determination of tenders under delegation for the period to June 2024.

BACKGROUND

Section 377 of the *Local Government Act 1993* (NSW) (**the LG Act**) provides for a council to delegate functions to the general manager. Prior to the *Local Government Amendment (Governance and Planning) Act 2016* (NSW); acceptance of tenders was a function that a council could not delegate.

The LG Act now enables a council to delegate the determination of tenders as long as the tender does not provide services currently provided by members of staff of a council.

CURRENT SITUATION

Council has delegated to the General Manager the ability to determine tenders, under the following conditions:

1. That the tender not be in excess of a total of \$1,500,000 (ex GST); and

2. That a cyclic report be submitted to Council on a quarterly basis with information relating to tenders determined under the delegation.

The table below outlines the details of the tenders that has been determined during the reporting period.

Tender/Contract Description	Successful Tenderer	No. of Tenders (Local Tenderers)	Tendered Price ex GST
1. 2023-24/07 - Water Main Construction Works for Boggabri, Narrabri and Wee Waa	Moe Jacobs	5 (0)	\$832,263.38
2. 2023-24/43 - Design and Construction of Oval Lighting in Narrabri Shire	Click Village	6 (1)	\$1,074,682.00
3. 2023-24/45 - Design and Construction of Grandstand Infrastructure at Dangar Park Narrabri	Steel Post and Rail Pty Ltd	2 (0)	\$836,502.50
4. 2023-24/50 - Construction of Guest and Selina Street Shared Pathway	Daracon Group	2 (1)	\$377,885.36

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

Council previously conditionally delegated to the General Manager the ability to determine tenders. The conditions placed on the delegation were:

1. *The authority to determine tenders involving a total of receipts or expenditures not in excess of a total of \$1,500,000 (ex GST) and in accordance with the Local Government Act, as amended; and*
2. *That a cyclic report be submitted to Council on a three (3) monthly basis with information relating to these tenders.*

CONSULTATION

External Consultation

Nil.

Internal Consultation

Nil.

18.1 PLANNING AND DEVELOPMENT REPORT - MAY AND JUNE 2024**Responsible Officer:** Donna Ausling, Director Planning and Sustainability**Author:** Michelle Castles, Manager Planning and Development**Attachments:**

1. May 2024 Planning Status Report
2. May 2024 Development Statistics Report
3. June 2024 Development Statistics Report
4. June 2024 Planning Status Report
5. Statement of Expectations Order 2024

STRATEGIC LINK**4 Civic Leadership - Council as a strong leader for the community****Objective** 4.1 A transparent and accountable Council**Strategy** 4.1.3 Increase awareness of Council's role in the community including the services and facilities provided**EXECUTIVE SUMMARY**

This report provides an overview of the activities carried out by the Planning and Development unit for the months of May and June 2024.

RECOMMENDATION

1. That Council receive and note the Planning and Development Report for May and June 2024.

BACKGROUND

This report is divided into Building services and Statutory Planning with an added update on current projects of interest.

An update is provided for the information of Council on Planning and Development Services allied activities during the months of May and June 2024.

CURRENT SITUATION**Building Services**

- During the months of May and June 2024, the following numbers of Construction Certificate Applications were lodged with Council:
 - May 2024 - 2
 - June 2024 - 1

- The number of Construction Certificates assessed and issued by Council for May and June 2024 are listed below:
 - May 2024 - 6
 - June 2024 - 4
- Local Approvals issued for manufactured homes - this is a separate approval pathway from the traditional development application and is resourced by Council's only accredited certifier.
 - May 2024 - 1
 - June 2024 - 0
- The average processing/determination time for construction certificates during Q4 was 37. Ongoing staff shortages (both locally and across the industry statewide), ongoing Planning Portal issues and incomplete applications being lodged all continue to apply pressure to limited council resources.
- It is a statutory requirement for a certifier to **not** issue a Construction Certificate (CC) unless the design and construction of the building is consistent with the development consent (DA) issued. In addition to this statutory duty, certifiers are subject to conduct standards in carrying out certification work and are considered public officials. CC plans and specifications must contain sufficient detail and information to determine that the proposed building will comply with the Building Codes of Australia (BCA). The level of detail required will always be dependent on the particular building work the subject of the application and the plans, specifications and other supporting documentation must cover the entire scope of the proposed building work.
- Council officers continue to utilise external resources in the building certification area as required to assist with workload
- Advertising for the Trainee Building Surveyor position has recently closed. 13 eligible applications were received which is a fantastic response. Applications have been assessed with interviews pending at the time of report.

Statutory Planning

- Eight (8) Development applications (DA) with a value of \$16,554,000 were determined in May 2024
- Four (4) Development Applications with a value of \$318,428 were determined in June 2024.
- Average processing/determination time for DAs for Q4 is 32 days (from the receipt of all required information). This is within the State legislative requirements.
- A total of nine (9) new development applications with a value of \$2,449,428 were lodged with Council in May, and thirteen (13) with a value of \$9,893,114 in June 2024.
- Following the recruitment process for the vacant Development Planner position, interviews were held on Thursday 20 June 2024, subsequently a preferred candidate was offered the role. Unfortunately, due to a number of reasons, the applicant has now officially declined the offer of employment with NSC. Planning staff will liaise with the People and Values Team to have the position re advertised as soon as possible.

Current Projects

- The development application for the Boggabri Coal "Merriown Solar Farm" previously presented to the Northern Regional Planning Panel has been scheduled for a determination hearing on 23 July 2024.
- The extensive redevelopment proposed at the site of the old Edgeroi Service Station is moving ahead with the recent lodgement of the revised DA and associated documentation. This application is a substantial investment within the Shire with a value of just over \$7,000,000.
- Planning staff have received a number of development applications recently for "multi dwelling" accommodation, including an 8 unit development in Wee Waa and a further 3 unit development in Narrabri.

Northern Regional Planning Panel

The Planning Panel system was first established by the NSW Government in 2009 as the Joint Regional Planning Panel, now called the Sydney District and Regional Planning Panels. The planning panel for matters concerning Narrabri Shire is the Northern Regional Planning Panel (NRPP).

Panels consist of five (5) members. Three (3) of the members, including the Chair, are appointed by the Minister (State members), a further two (2) members are nominated by the relevant Council (Council members). At least one (1) Council member must have expertise in a suitable field as set out in the *Sydney District and Regional Planning Panels Operational Procedures* (September 2022). Council expert panel members will be paid a fee for services at an appropriate rate determined by Council.

Following receipt of correspondence from the NSW Department of Planning, Housing and Infrastructure (DPHI) it was identified that Council does not have a "suitably qualified technical expert" as required. As previously reported, Council staff advertised, via a Tender process, for expressions of interest from suitably qualified persons interested in becoming council panel members.

Following the closure of submissions on 30 June 2024 a number of quality applications have been received. Council staff on the assessment panel are now working through reviewing the applications and a separate report seeking endorsement of the preferred candidates will be presented to an upcoming meeting of Council upon completion.

Floodplain Risk Management Advisory Committee

- The next FRMAC meeting has been scheduled for August 2024, date to be confirmed.

Environmental Planning and Assessment (Statement of Expectations) Order 2024

Pursuant to the Government's commitment under the National Housing Accord to address the housing crisis, an updated Ministerial Statement of Expectations Order has been signed and issued by the Minister for Planning and Public Spaces, the honourable Paul Scully on 1 July 2024.

The *Statement of Expectations Order 2024* sets new benchmarks for council performance and sets out the Minister's expectations for how councils should carry out development assessment, planning proposal preparation and strategic planning matters. The benchmarks

are based on past performance and consider reasonable timeframes for each area.

The expectations set out in the updated order include:

- updated minimum performance standards for determining development applications
- a new standard for lodgement times
- a requirement for councils to complete the different stages of planning proposals within benchmark time frames set out in the [Local Environmental Plan-Making Guideline](#)
- a requirement for councils to complete and carry out local strategic planning statements and local planning strategies, with a focus on delivering housing targets within time frames that the department specifies
- two new heads of consideration that guide how the minister considers council performance against the expectations. These are that the minister considers council's individual circumstances and considers whether a council is meeting the expectations in regard to housing.

As can be evidenced by the monthly Planning and Development update reports, average determination timeframes for Quarter 4 were 32 days from the receipt of all required information. The issued Order will therefore have little impact on Planning staff who continuously perform above and beyond the Minister's set expectations.

A copy of the Order is attached to this Report for the information of Council.

FINANCIAL IMPLICATIONS

As outlined in the body of this Report.

STATUTORY AND POLICY IMPLICATIONS

As outlined in the body of this Report.

CONSULTATION

Internal Consultation

- Planning and Development team.
- Governance team.
- People and Values team.
- Projects and Assets team.

External Consultation

- Department of Planning, Housing and Infrastructure.
- Planning Panels Secretariat.
- The Hon. Paul Scully MP, Minister for Planning and Public Spaces.

Planning and Development – Status Report – May 2024

Development and Planning

Development Applications (DA)					
Development Applications lodged and determined					
	Number Applications YTD	Year-to-date Value \$	May 2024 No. of Applications	May 2024 Value \$	Average days determination
Applications lodged	86	\$78,808,710	9	\$2,449,428	-
Applications determined	114	\$44,798,871.15	8	\$16,554,000	33.75
Applications awaiting determination			7	\$39,367,738	-

Development Applications lodged by type				
	Year-to-date Total	Year-to-date Value \$	May 2024 Total	May 2024 Value \$
Dwellings/Dual Occupancy	20	\$12,340,135	2	\$1,405,000
Sheds	18	\$1,902,563	4	\$248,000
Commercial	7	\$8,130,495	1	\$695,000
Industrial	3	\$15,100,570	-	-
Subdivision	9	\$1,097,000	-	-
Tourism Development	-	-	-	-
Modifications	9	\$1,865,532	-	-
Others	19	\$13,386,990	2	\$101,428
Infrastructure/Solar/Pond	1	\$25,345,425	-	-
Total	86	\$79,168,710	9	\$2,449,428

Year-to-Date Figures DA Determined by Council					
Month	Determined		Lodged		Average Processing Time (to EOM)
	Number of DA	Value of DA \$	Number of DA	Value of DA	
July	9	\$207,500	9	\$3,172,037	32
August	13	\$3,058,446	9	\$2,929,377	34
September	9	\$2,825,950.15	11	\$3,083,086	45
Total Q1	31	\$6,091,896.15	29	\$3,172,037	37
October	18	\$5,198,636	8	\$16,948,932	34
November	12	\$1,668,410.00	10	\$6,757,186.00	31
December	5	\$1,298,800.00	5	\$903,500.00	34
Total Q2	35	\$8,165,846.00	23	\$24,609,600	33
January	11	\$7,037,637	6	\$38,421,121	31
February	9	\$2,283,563	6	\$2,216,400	40
March	11	\$3,963,543	5	\$1,571,643	23
Total Q3	31	\$13,284,743	17	\$42,209,164	31
April	9	\$702,386	8	\$356,000	10
May	8	\$16,554,000	9	\$2,449,428	33
June					
Total Q4	17	\$17,256,386			

Average Employee Cost Per Application Determined – Development Applications

	YEAR TO DATE
Planning Budget	\$191,779.78
Number of employees	3
Total number of applications decided to date (Total applications determined to date)	114
Average employee cost per application determined	\$1,682.28

Construction Certificates (CC)

Construction Certificates lodged and determined

	Number CC Applications YTD	YTD Value \$	May 2024 No. of CC	May 2024 Value \$	Average days determination
Council lodged	31	\$5,620,349	2	\$391,960	-
Council determined	45	\$6,140,048	6	\$596,460	40
Construction Certificates awaiting determination			17	\$4,240,363	-

Construction Certificate lodged by type for May

	Private Certifier	Council	May 2024 Total	May 2024 Value \$
Dwelling	3	1	4	\$2,187,816
Shed/Garage	-	1	1	\$11,000
Commercial	-	-	-	-
Industrial	-	-	-	-
Alteration/additions to dwelling	-	-	-	-
Others	-	-	-	-
Total	3	2	5	\$2,198,816

Year to Date Figures CC Determined by Council

Month	Determined		Lodged		Processing Time
	Number of CC	Value of CC \$	Number of CC	Value of CC	
July	3	\$410,480.00	3	\$143,050	34
August	4	\$1,247,530	8	\$1,778,000	24
September	8	\$1,223,246	5	\$1,387,786	46
Total Q1	15	\$2,881,256	16	\$3,308,836	35
October	2	\$26,000	2	\$39,000	36
November	2	\$670,000	1	\$8000	17
December	2	\$17,000	0	0	56.5
Total Q2	6	\$713,000	3	\$47,000	36.5
January	5	\$645,000	4	\$1,259,653	55
February	3	\$214,582	3	\$145,000	88.3
March	7	\$644,790	1	\$389,400	60
Total Q3	15	\$1,504,372	8	\$1,794,053	67.76
April	3	\$444,960	2	\$78,500	30
May	6	\$596,460	2	\$391,960	40
June					
Total Q4	9	\$1,041,420	4	\$470,460	35
YTD Total	45	\$6,140,048	31	\$5,620,349	43.565

Average Employee Cost Per Application Determined – Construction Certificate

	YEAR TO DATE
Building employee budget	\$104,860.53
Number of employees	1
Total number of CC applications determined to date	45
Average employee cost per application determined	\$2,330.23

Inspections

Type of Inspections	Number
Footing	6
Framing	-
Final	7
Wet area	1
Stormwater	1
External Drainage	7
Internal Drainage	4
Site Inspections	8
Swimming Pool	7
Other	-
Total	41

Occupation Certificates

	Lodged	Issued
Council	1	1
Private Certifiers	0	0
Total	1	1

Swimming Pool Compliance Inspections

Application Number	Date Lodged	Inspected (including re-inspections)	NOI/Direction Issued	Non-Compliance Issued	Certificate of Compliance Issued
SPCC2024/0018	04/04/24	13/05/24	DI	13/05/24	-
SPCC2024/0027	06/05/24	20/05/24	-	-	20/05/24
SPCC2024/0024	06/05/24	20/05/24	-	-	20/05/24
SPCC2024/0025	16/05/24	21/05/24 31/05/24	NOI	27/05/24	31/05/24

Building Unit CCs lodged for May (status current ie paid)

Application ID	Status	Primary Property	Full Details	Value \$	Date Lodged	Decision Date	Number of Business Days
CC2024/0056	Past	27 Hinds Street NARRABRI NSW 2390	Staged development. Installation of a transportable residence as dual occupancy and proposed strata subdivision into two lots.	\$140,000	15/05/24	25/05/24	8
CC2024/0049	Current	13 Ugoa Street NARRABRI NSW 2390	Construct 2 new disabled bathrooms attached to the existing amenities blocks.	\$65000	03/05/24	-	21
CC2024/0061	Current	159 Goldman Street NARRABRI NSW 2390	Swimming pool	\$60,000	17/05/24	-	11
CC2024/0062	Current	315 Oakey Valley Road MAULES CREEK NSW 2382	Single Storey Residence	\$380,960	21/05/24	-	6
CC2024/0063	Current	21 Belar Street BELLATA NSW 2397	6x7m garage use to store tools	\$10,000	21/05/24	-	6

Planning Unit DAs Lodged for May

Application ID	Status	Primary Property	Full Details	Value \$	Date Lodged	Decision Date	Number of Days
DA2024/0101	Current	51 Gibbons Street NARRABRI NSW 2390	Multi Unit Dwellings x 3 Townhouses	\$1003590.910	31/05/24	-	1
DA2024/0094	Past	68 Boolcarrol Road WEE WAA NSW 2388	Construction of a single Storey storage shed at an existing depot	\$105,000	09/05/24	20/04/24	11
DA2024/0102	Current	19 Grace Street NARRABRI NSW 2390	Construction of an awning / open sided shed structure over existing tennis court.	\$17,000	24/05/24	-	7
DA2024/0103	Past	36 Eden Lane WEE WAA NSW 2388	In Ground Swimming Pool	\$15,000	24/05/24	29/05/24	5
DA2024/0107	Past	46 Queen Street PILLIGA NSW 2388	Demolition of burnt down house - 10 Feb 2023	\$25,000	29/05/24	31/05/24	2

Floodplain Risk Management Advisory Committee	
Meeting Date	Minutes
Next meeting : TBA	

Development Services Statistics as at: 31 May, 2024

* Year to Date = Financial Year

Development Applications (DAs)

Development Applications Lodged and Determined - Year to Date*				
	May Value (\$)	May (DAs)	Year to date Value (\$)	Year to date Total (DAs)
Applications Lodged	\$ 2,449,428	9	\$ 88,701,824	99
Applications Determined	\$ 16,554,000	8	\$ 45,117,299.15	118
Yet to be Determined	\$ 39,367,738	7	\$ 39,367,738	7
Avg days for determination	34			

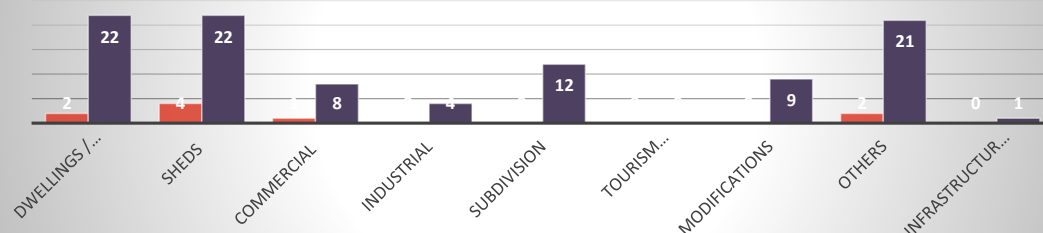
Development Applications lodged and determined - Year to Date*				
	May Value (\$)	May (DAs)	Year to date Value (\$)	Year to date Total (DAs)
Dwellings / Dual Occupancy	\$ 1,405,000	2	\$ 14,687,054	22
Sheds	\$ 248,000	4	\$ 2,014,792	22
Commercial	\$ 695,000	1	\$ 15,187,287	8
Industrial	\$ -	0	\$ 15,250,570	4
Subdivision	\$ -	0	\$ 1,157,500	12
Tourism development	\$ -	0	\$ -	0
Modifications	\$ -	0	\$ 1,865,532	9
Others	\$ 101,428	2	\$ 13,553,665	21
Infrastructure / Solar / Pond	\$ -	0	\$ 25,345,425	1
Total	\$ 2,449,428	9	\$ 89,061,824	99

Construction Certificates (CCs)

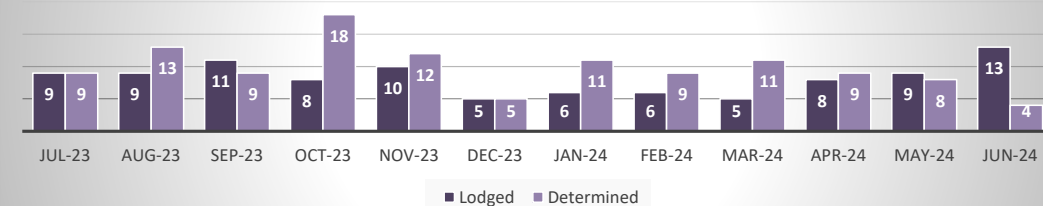
Construction Certificates Lodged and Determined - Year to Date*				
	May Value (\$)	May (CCs)	Year to date Value (\$)	Year to date (CCs)
Applications Lodged	\$ 391,960	2	\$ 5,620,349	31
Council Determined	\$ 596,460.00	6	\$ 6,275,348	49
Private Certifier Determined	\$ 1,806,856	3	\$ 2,365,086	5
Yet to be Determined	\$ 4,240,363.00	17	\$ 34,350,370	51
Avg days for determination	40			

Construction Certificates lodged - Year to Date*				
	May Value (\$)	May (CCs)	Year to date Value (\$)	Year to date (CCs)
Dwelling	\$ 380,960	1	\$ 4,524,180	8
Shed / Garage	\$ 11,000	1	\$ 143,000	3
Commercial	\$ -	0	\$ 301,560	2
Industrial	\$ -	0	\$ 22,000	1
Alteration	\$ -	0	\$ -	0
Swimming Pool	\$ -	0	\$ 211,000	7
Total	\$ 391,960	2	\$ 5,201,740	21

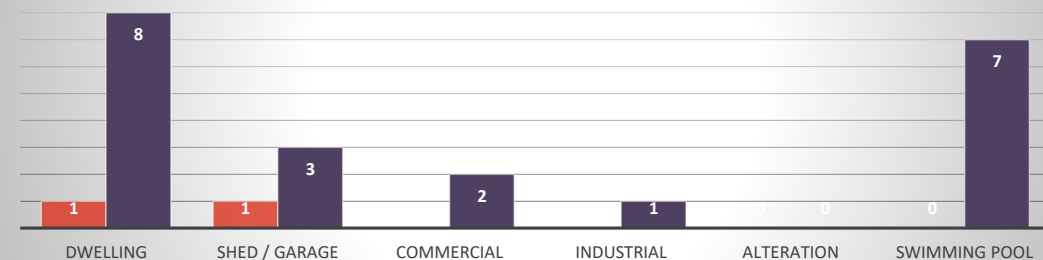
DAs Lodged by Type



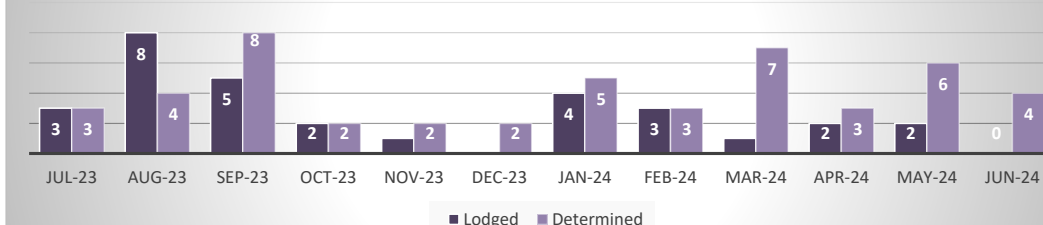
DAs Lodged and Determined by Month



CCs Lodged by Type



CCs Lodged and Determined by Month



Development Services Statistics as at: 31 June, 2024

* Year to Date = Financial Year

Development Applications (DAs)

Development Applications Lodged and Determined - Year to Date*				
	June Value (\$)	June (DAs)	Year to date Value (\$)	Year to date Total (DAs)
Applications Lodged	\$ 9,893,114	13	\$ 88,701,824	99
Applications Determined	\$ 318,428	4	\$ 45,117,299.15	118
Yet to be Determined	\$ 47,935,015	13	\$ 47,935,015	13
Avg days for determination	18			

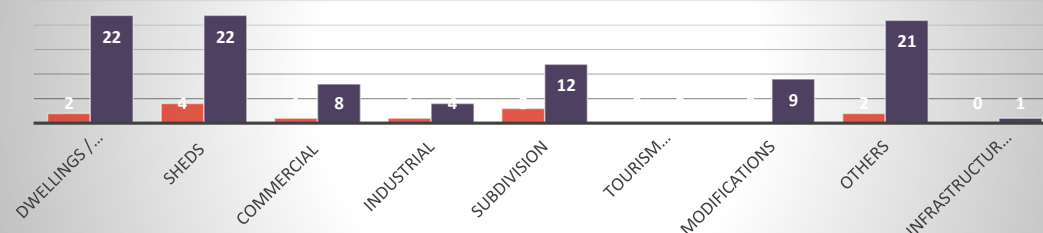
Development Applications lodged and determined - Year to Date*				
	June Value (\$)	June (DAs)	Year to date Value (\$)	Year to date Total (DAs)
Dwellings / Dual Occupancy	\$ 2,346,919	2	\$ 14,687,054	22
Sheds	\$ 112,229	4	\$ 2,014,792	22
Commercial	\$ 7,056,792	1	\$ 15,187,287	8
Industrial	\$ 150,000	1	\$ 15,250,570	4
Subdivision	\$ 60,500	3	\$ 1,157,500	12
Tourism development	-	0	\$ -	0
Modifications	-	0	\$ 1,865,532	9
Others	\$ 166,675	2	\$ 13,553,665	21
Infrastructure / Solar / Pond	-	0	\$ 25,345,425	1
Total	\$ 9,893,114	13	\$ 89,061,824	99

Construction Certificates (CCs)

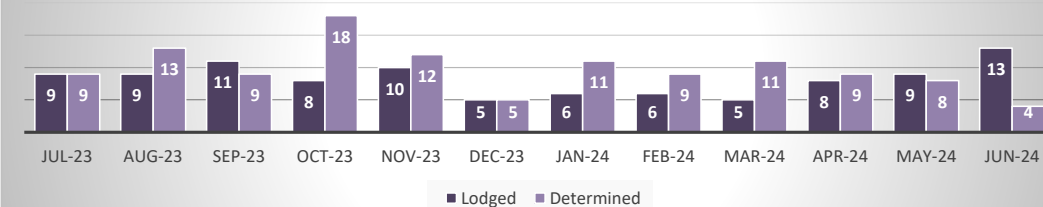
Construction Certificates Lodged and Determined - Year to Date*				
	June Value (\$)	June (CCs)	Year to date Value (\$)	Year to date (CCs)
Applications Lodged	\$ 105,000	1	\$ 5,725,349	32
Council Determined	\$ 212,200.00	4	\$ 6,275,348	49
Private Certifier Determined	\$ -	0	\$ 2,365,086	5
Yet to be Determined	\$ 4,028,163.00	13	\$ 34,350,370	51
Avg days for determination	40			

Construction Certificates lodged - Year to Date*				
	June Value (\$)	June (CCs)	Year to date Value (\$)	Year to date (CCs)
Dwelling	\$ -	0	\$ 4,524,180	8
Shed / Garage	\$ -	0	\$ 143,000	3
Commercial	\$ -	0	\$ 301,560	2
Industrial	\$ -	0	\$ 22,000	1
Alteration	\$ -	0	\$ -	0
Swimming Pool	\$ -	0	\$ 211,000	7
Total	\$ -	0	\$ 5,201,740	21

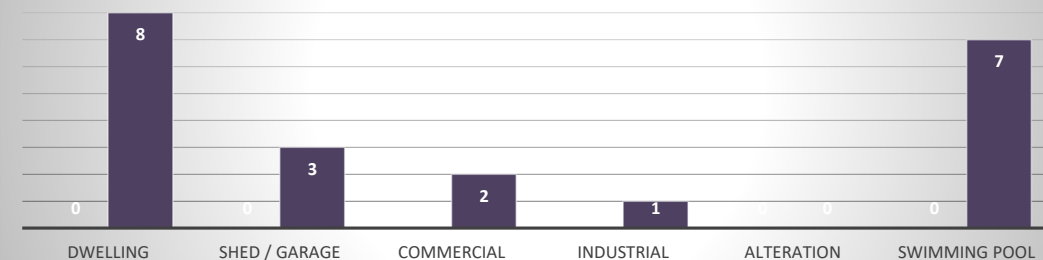
DAs Lodged by Type



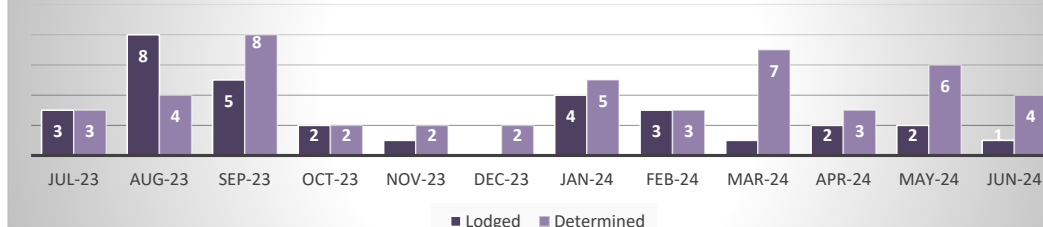
DAs Lodged and Determined by Month



CCs Lodged by Type



CCs Lodged and Determined by Month



Planning and Development – Status Report – June 2024

Development and Planning

Development Applications (DA)					
Development Applications lodged and determined					
	Number Applications YTD	Year-to-date Value \$	June 2024 No. of Applications	June 2024 Value \$	Average days determination
Applications lodged	99	\$88,701,824	13	\$9,893,114.15	-
Applications determined	118	\$45,117,299.15	4	\$318,428.00	31.5
Applications awaiting determination			13	\$47,935,015.06	-
Development Applications lodged by type					
	Year-to-date Total	Year-to-date Value \$	June 2024 Total	June 2024 Value \$	
Dwellings/Dual Occupancy	22	\$14,687,054	2	\$2,346,919	
Sheds	22	\$2,014,792	4	\$112,229	
Commercial	8	\$15,187,287	1	\$7,056,792	
Industrial	4	\$15,250,570	1	\$150,000	
Subdivision	12	\$1,157,500	3	\$60,500	
Tourism Development	-	-	-	-	
Modifications	9	\$1,865,532	-	-	
Others	21	\$13,553,665	2	\$166,675	
Infrastructure/Solar/Pond	1	\$25,345,425	-	-	
Total	99	\$88,701,824	13	\$9,893,114.15	
Year-to-Date Figures DA Determined by Council					
Month	Determined		Lodged		Average Processing Time (to EOM)
	Number of DA	Value of DA \$	Number of DA	Value of DA	
July	9	\$207,500	9	\$3,172,037	32
August	13	\$3,058,446	9	\$2,929,377	34
September	9	\$2,825,950.15	11	\$3,083,086	45
Total Q1	31	\$6,091,896.15	29	\$3,172,037	37
October	18	\$5,198,636	8	\$16,948,932	34
November	12	\$1,668,410.00	10	\$6,757,186.00	31.5
December	5	\$1,298,800.00	5	\$903,500.00	34.4
Total Q2	35	\$8,165,846.00	23	\$24,609,600	33.3
January	11	\$7,037,637	6	\$38,421,121	31
February	9	\$2,283,563	6	\$2,216,400	40
March	11	\$3,963,543	5	\$1,571,643	23.27
Total Q3	31	\$13,284,743	17	\$42,209,164	31.42
April	9	\$702,386	8	\$356,000	10.4
May	8	\$16,554,000	9	\$2,449,428	33.75
June	4	\$318,428.00	13	\$9,893,114.15	31.5
Total Q4	21	17,574,814	30	12,698,542.15	25.22
YTD Total	118	\$45,117,299.15	99	\$88,701,824	31.73

Average Employee Cost Per Application Determined – Development Applications

	YEAR TO DATE
Planning Budget	\$208,291.56
Number of employees	3
Total number of applications decided to date (Total applications determined to date)	118
Average employee cost per application determined	\$1,765.18

Construction Certificates (CC)

Construction Certificates lodged and determined

	Number CC Applications YTD	YTD Value \$	June 2024 No. of CC	June 2024 Value \$	Average days determination
Council lodged	31	\$5,620,349	1	\$105,000	-
Council determined	49	\$6,352,248	4	\$212,200	40
Construction Certificate Determined within 20 days		-	30%	-	25
Construction Certificates awaiting determination			13	\$4,028,163	-

Construction Certificate lodged by type for June

	Private Certifier	Council	June 2024 Total	June 2024 Value \$
Dwelling	-			\$380,960
Shed/Garage	-			\$11,000
Commercial	-	1	1	\$105,000-
Industrial	-	-	-	-
Alteration/additions to dwelling	-	-	-	-
Others	-	-	-	-
Total	0	1	1	\$ 391,960

Year to Date Figures CC Determined by Council

Month	Determined		Lodged		Processing Time
	Number of CC	Value of CC \$	Number of CC	Value of CC	
July	3	\$410,480.00	3	\$143,050	34
August	4	\$1,247,530	8	\$1,778,000	24
September	8	\$1,223,246	5	\$1,387,786	46
Total Q1	15	\$2,881,256	16	\$3,308,836	35
October	2	\$26,000	2	\$39,000	36
November	2	\$670,000	1	\$8000	17
December	2	\$17,000	0	0	56.5
Total Q2	6	\$713,000	3	\$47,000	36.5
January	5	\$645,000	4	\$1,259,653	55
February	3	\$214,582	3	\$145,000	88.3
March	7	\$644,790	1	\$389,400	60
Total Q3	15	\$1,504,372	8	\$1,794,053	67.76
April	3	\$444,960	2	\$78,500	30
May	6	\$596,460	2	\$391,960	40
June	4	\$212,200	0	0	40.25
Total Q4	13	\$1,253,620	4	\$470,460	36.75
YTD Total	49	\$6,352,248	21	\$5,620,349	44

Average Employee Cost Per Application Determined – Construction Certificate

	YEAR TO DATE
Building employee budget	\$114,223.07
Number of employees	1
Total number of CC applications determined to date	49
Average employee cost per application determined	\$2,331.08

Inspections

Type of Inspections	Number
Footing	5
Framing	-
Final	-
Wet area	-
Stormwater	-
External Drainage	3
Internal Drainage	3
Site Inspections	6
Swimming Pool	4
Other	6
Total	27

Occupation Certificates

	Lodged	Issued
Council	0	0
Private Certifiers	1	1
Total	1	1

Swimming Pool Compliance Inspections

Application Number	Date Lodged	Inspected (including re-inspections)	NOI/Direction Issued	Non-Compliance Issued	Certificate of Compliance Issued
SPCC2024/0026	4/06/24	5/6/24 11/6/24	5/6/24	5/6/24	11/6/24
SPCC2024/0022	04/06/24	6/6/24 11/6/24	11/6/24	11/6/24	11/6/24

Building Unit CCs lodged for June (status current ie paid)

Application ID	Status	Primary Property	Full Details	Value \$	Date Lodged	Decision Date	Number of Business Days
CC2024/0066	Current	68 Boolcarrol Road WEE WAA NSW 2388	A new shed to be built on the current depot site.	\$105,000	24/06/24	-	5

Planning Unit DAs Lodged for June

Application ID	Status	Primary Property	Full Details	Value \$	Date Lodged	Decision Date	Number of Days
DA2024/0115	Current	82B Lynn Street BOGGABRI NSW 2382	Residential (Accommodation) shed at rear of the property, 7m x 6m shed on a slab foundation	\$18,800	26/06/24	-	4
DA2024/0114	Current	801 Sunnyside Road SPRING PLAINS NSW 2388	Subdivision of Four Lots into Three Lots	\$33,000	26/06/24	-	4
DA2024/0113	Current	15 Roma Lane NARRABRI NSW 2390	Subdivision of 2 lots into 3 - as part of the settlement of a family estate to equal parts for siblings	\$27,500	21/06/24	-	9
DA2024/0112	Current	4 Wukawa Street NARRABRI NSW 2390	Build garage next to but not attached to existing house. garage is 6 x 7 Metres with 2 roller doors garage to be inline with front of house which is 7.5 meters from boundary. Existing single driveway will be used. Rain water will drain to street.	\$24,389	21/06/24	-	9
DA2024/0111	Current	19 Thurlagoona Avenue NARRABRI NSW 2390	PATIO COVER,DECK,RAMP,AND BALUSTRADE	\$91,675	21/06/24	-	9
DA2024/0110	Past	28207 Kamilaroi Highway BURREN JUNCTION NSW 2386	Rural Subdivision of Lot 77 & 78 DP753922, Lot 2 DP1190792 and creation of right of way easement within Lot 74 in DP753922.	0	20/06/24	-	10
DA2024/0109	Current	209 Merton Street BOGGABRI NSW 2382	Construction of enclosed outbuilding with carport at 209 Merton Street, Boggabri.	\$40,000	27/06/24	-	3
DA2024/0106	Current	22 Laidlaw Street BOGGABRI NSW 2382	Construction of a cement slab, erection of a prefabricated shed kit, installation of a watertank	\$29,040	20/06/24	-	10
DA2024/0099	Current	ELDORADO 1766 Stumpy Lane WEE WAA NSW 2388	A single story residential shed has been built without approval. The unapproved dwelling consists of a lightweight steel street frame colorbond shed, it has been lined and insulated internally and fit out with 2 bathrooms, 4 bedrooms, a kitchen, and LDY.	\$196,918.65	25/06/24	-	5

DA2024/0097	Past	4 Kulaba Street NARRABRI NSW 2390	Additional room 15mx4m for a master bedroom and ensuite and linen cupboard	\$75,000	07/06/24	26/06/24	24
DA2024/0093	Current	55A George Street WEE WAA NSW 2388	Proposed construction of 8, single storey, 2 bedroom residential units with alfresco areas; and associated site works such as covered car parking, fencing and letterboxes.	\$2,150,000	25/06/24	-	5
DA2024/0088	Current	14454 Newell Highway EDGEROI NSW 2390	Construction of a new service station site to replace the old service station within the Village of Edgeroi.	\$7,056,791.50	17/06/24	-	13
DA2024/0081	Past	TREATMENT WORKS 12171 Newell Highway NARRABRI NSW 2390	A temporary prefabricated building to be placed at the back of the admin office of the treatment works to be used as office space, amenities, lunchroom, and lockers for operators	\$150,000	13/06/24	26/06/24	13

Floodplain Risk Management Advisory Committee

Meeting Date	Minutes
Next meeting proposed for August – date to be confirmed	

Environmental Planning and Assessment (Statement of Expectations) Order 2024

I, Paul Scully, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 1/7/2024

Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or Sydney district or regional planning panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Contents

Part 1 Preliminary

- 1 Name of Order
- 2 Commencement
- 3 Definitions

Part 2 Planning and development matters

- 4 Heads of consideration
- 5 Minister's expectations

Environmental Planning and Assessment (Statement of Expectations) Order 2024

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Order

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

2 Commencement

This Order commences on 1 July 2024

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*

Department means the Department of Planning, Housing and Infrastructure

Gateway determination means a determination made by the Minister (or delegate) under section 3.34 of the Act.

LEP means a local environmental plan.

LSPS means a local strategic planning statement.

Minister means the Minister for Planning and Public Spaces.

Minister's expectations means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

Part 2 Planning and development matters

4 Heads of consideration

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- (a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- (b) The duration, frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.
- (e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- (f) The individual circumstances of each council, for example whether external events like natural disasters have impacted the council, or council has received an unexpectedly high volume of DAs compared to their current staffing levels.
- (g) Whether or not other available interventions or support have failed to result in improvements to council performance in relation to the Minister's expectations.
- (h) With respect to development applications for residential accommodation:
 - Whether the Minister's expectations have been met for development assessment timeframes, and
 - Whether the Council has been identified as having a key responsibility in the delivery of housing supply by the NSW government.
- (i) The public interest.

5 Minister's Expectations**(1) Development assessment**

A council should:

- (a) Prepare assessment reports for a regionally significant development application and refer to the relevant Sydney district and regional planning panel as soon as practical and within an average of 250 days from lodgement.
- (b) Lodge development applications for which it is the consent authority as soon as practical and within an average of:
 - From 1 July 2024 to 30 June 2025: 14 days from submission
 - From 1 July 2025 onwards: 7 days from submission.
- (c) Determine development applications for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
 - From 1 July 2024 to 30 June 2025: 115 days from lodgement
 - From 1 July 2025 to 30 June 2026: 105 days from lodgement
 - From 1 July 2026 to 30 June 2027: 95 days from lodgement
 - From 1 July 2027 onwards: 85 days from lodgement.
- (d) Comply with the procedural and reporting requirements prescribed in the *Guide to Varying Development Standards*, for development applications that involve variations to development standards.

(2) Planning proposals

A council should:

- (a) decide whether to support a proponent-initiated planning proposal and submit it for gateway determination within the "planning proposal" stage benchmark timeframes in the LEP Making Guideline.
- (b) as the Planning Proposal Authority, publicly exhibit a planning proposal, respond to submissions, and either resolve to use Local Plan Making Authority delegations or request the Department to make the plan within the "public exhibition and assessment" stage benchmark timeframes set out in the LEP Making Guideline.
- (c) as Local Plan Making Authority, make a LEP which has been delegated to council within the "finalisation" stage benchmark timeframes set out in the LEP Making Guideline.

(3) Strategic planning

A council should:

- (a) prepare or review its LSPS in accordance with the requirements of the Act, and standards and timeframes identified by the Department.
- (b) prepare a local planning strategy (such as a local housing strategy) to ensure the actions identified in the relevant regional or district strategic plan (including any dwelling provision targets) and local strategic planning statements are delivered in accordance with the standards and timeframes identified by the Department.
- (c) give effect to an adopted local planning strategy (such as a local housing strategy) and any Department approval requirements (including submission of Implementation Delivery Plans) in accordance with the standards and timeframes identified by the Department.
- (d) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters when preparing an LSPS, local planning strategy or other plan provided for under the Act.

18.2 DRAFT PUBLIC ART STRATEGY**Responsible Officer:** Donna Ausling, Director Planning and Sustainability**Author:** Scott Pollock, Manager Tourism and Cultural Services**Attachments:** 1. DRAFT - Narrabri Shire Public Art Strategy**STRATEGIC LINK**

Public art related objectives and strategies identified in Council's 2022/2032 Community Strategic Plan include:

1 Society - An Empowered, Inclusive and connected community

Objective 1.2 A vibrant and connected community

Strategy 1.2.4 Enhance access to arts and culture across the Shire

2 Environment - A sustainable and compatible natural and built environment

Objective 2.1 A protected and enhanced natural environment

Strategy 2.1.1 Protect Aboriginal and historic (non-Indigenous) heritage whilst educating the broader community on its significance

2 Environment - A sustainable and compatible natural and built environment

Objective 2.1 A protected and enhanced natural environment

Strategy 2.1.2 Protect and enhance the Shire's natural bushland, open spaces and national parks

3 Economy - A strong, diverse and sustainable economy

Objective 3.2 A regionally renowned economy

Strategy 3.2.2 Promote the Shire as an attractive environment to invest, visit and live

3 Economy - A strong, diverse and sustainable economy

Objective 3.2 A regionally renowned economy

Strategy 3.2.3 Develop and support a variety of events and tourism opportunities in the Shire

4 Civic Leadership - Council as a strong leader for the community

Objective 4.1 A transparent and accountable Council

Strategy 4.1.4 Ensures transparent and accountable decision making for our community

4 Civic Leadership - Council as a strong leader for the community

Objective 4.2 A strong Council that advocates for the Community

Strategy 4.2.1 Communicate and engage with the community regarding decision-making

4 Civic Leadership - Council as a strong leader for the community

Objective 4.2 A strong Council that advocates for the Community

Strategy 4.2.2 Work cooperatively and appropriately with external parties to advocate for the community's best interests

EXECUTIVE SUMMARY

A draft Public Art Strategy has been prepared and is presented for the consideration of Council.

RECOMMENDATION

- 1. That Council receive and note the draft Narrabri Shire Public Art Strategy 2024 - 2028 as attached to this Report.**
- 2. That the draft Narrabri Shire Public Art Strategy 2024 - 2028 be placed on public exhibition for a minimum period of 28 days, and during the exhibition period call for and accept submissions from the public.**
- 3. That a report be returned to Council following the conclusion of the public exhibition period to the next available Ordinary Council Meeting detailing the results of the public exhibition.**

BACKGROUND

Narrabri Shire Council has recently endorsed a Public Art Policy, along with the formation of its first Public Art Advisory Committee. Council's Operational Plan 2023/24 also identifies the need to develop the Narrabri Shire Public Art Strategy (Action 1.2.4.4). Currently, our Council area has few significant public art pieces.

The draft Strategy has been developed in consultation with Council's Public Art Advisory Committee.

CURRENT SITUATION

As detailed previously, Narrabri Shire currently has little public art across the Shire. In the 2022/2032 Community Strategic Plan there are several outcomes and objectives which public art can deliver. The draft Strategy provides the vehicle for delivery and aims to foster a diverse and engaging array of public art experiences within the Narrabri Shire Local Government Area (LGA). Through a thoughtful and coordinated approach, it seeks to create opportunities for original and innovative artistic expressions that are celebrated for their high quality by industry experts and peers.

The draft Public Art Strategy establishes a comprehensive curatorial and technical framework for acquiring new artworks, guiding all decision-making processes related to public art in the towns and villages of Narrabri Shire. By adhering to this strategy, the Shire ensures that it maintains its role as a custodian of its expanding Public Art collection, upholding standards that reflect industry best practices.

It is intended that the Public Art Advisory Committee will use this strategy as a reference for all proposed public art projects in the Shire and as a guidance document. Please note that this document is yet to be branded.

FINANCIAL IMPLICATIONS

There are no financial implications to report at this time.

STATUTORY AND POLICY IMPLICATIONS

Narrabri Shire Council Public Art Policy.

CONSULTATION**Internal Consultation**

- Director of Planning and Sustainability.
- Governance.
- Public Art Advisory Committee.

External Consultation

- Arts North West.

Narrabri Shire Public art Strategy 2024 to 2028

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DRAFT

Acknowledgement of Country

"Narrabri Shire Council acknowledges Traditional Owners of Country throughout Australia. We recognise the continuing connection to lands, waters, and communities of people of the Gamilaraay/Gamilaroi/Gomeroi/Kamilaroi Nation, and pay respect to their Elders past, present, and emerging.

Narrabri Shire Council acknowledges the various spellings of 'Gamilaraay, Gamilaroi, Gomeroi, and Kamilaroi' as valid and interchangeable, guided by the Shire's Local Aboriginal Land Councils.

The Narrabri Shire has a rich history of culture. Council endeavours to unite the Community in preserving the unique heritage, celebrating community strengths and diversities, and achieving social justice by redressing past wrongs through Aboriginal Reconciliation.

Council recognises the valuable contribution to the Narrabri Shire made by Aboriginal and Torres Strait Islander peoples and looks forward to a future of mutual respect and harmony."

Thank you...

Thank you to all who contributed to developing this strategy, including the Narrabri Shire Public Art Advisory Committee. Thank you for generously lending Council your time to contribute to the development of this Strategy. You all shared your wishes of wonder for your community and together we can work together to spread the joy of art across our beautiful Shire.

DRAFT

Message from the Mayor

As the Mayor of our vibrant rural community, it brings me great pleasure to introduce this Public Art Strategy—a testament to our unwavering commitment to creativity, community, and cultural enrichment.

In our unique corner of New South Wales, we cherish the character and spirit that defines us. Our landscapes, people, and stories intertwine to form the rich tapestry of our identity. Public art plays a pivotal role in this context, breathing life into our streets, sparking conversation, and fostering a sense of belonging.

This strategy is more than a roadmap; it celebrates our collective vision for the future. It embodies our dedication to nurturing local talent, promoting inclusivity, and enhancing the public realm for future generations.

Through collaboration with artists, community members, and stakeholders, we have developed a framework that reflects the diverse voices and aspirations of our residents. From murals that adorn forgotten walls to sculptures that punctuate our parks, each piece of public art tells a story—a story of resilience, heritage, and innovation.

As we embark on this journey, let us embrace the transformative power of art to inspire, provoke, and unite. Together, let us build a legacy that transcends time and space—a legacy that celebrates the essence of who we are and who we aspire to be.

I extend my deepest gratitude to all who have contributed to the development of this strategy. Your passion, creativity, and unwavering dedication have laid the foundation for a future filled with beauty, imagination, and boundless possibilities.

With warm regards,

Darrell Tiemens
Mayor

Introduction

Narrabri Shire currently has little public art across the Shire. In the 2022/2032 Community Strategic Plan there are several outcomes and objectives which public art can deliver. The Strategy aims to foster a diverse and engaging array of public art experiences within the Narrabri Shire Local Government Area. Through a thoughtful and coordinated approach, it seeks to create opportunities for original and innovative artistic expressions that are celebrated for their high quality by industry experts and peers. This document establishes a comprehensive curatorial and technical framework for acquiring new artworks, guiding all decision-making processes related to public art in the towns and villages of Narrabri Shire. By adhering to this strategy, the Shire ensures it maintains its role as a custodian of its expanding Public Art collection, upholding standards that reflect industry best practices.

The Strategy is set out as follows:



PART ONE

The Strategy establishes the guiding principles, curatorial themes and context for public art across the Narrabri Shire.



PART TWO

Identifies focus and priority areas for future public art investment, resource allocation and explores potential additional areas for consideration.



PART THREE

Outlines industry best practice processes for public art procurement and management

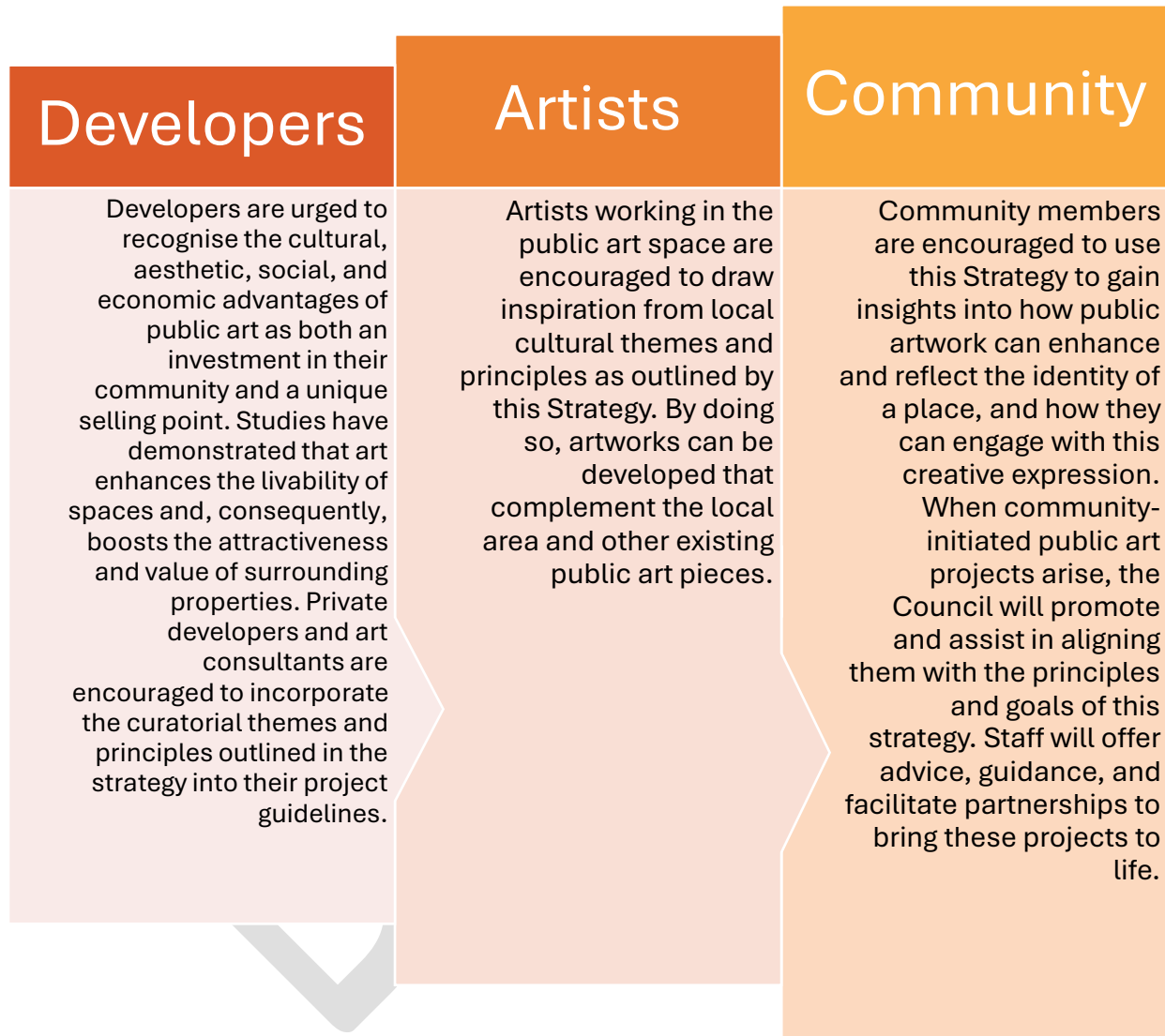


PART FOUR

An Action Plan to outline the timeframes for the implementation of the Strategy.

Stakeholders

Although the Council will spearhead this Strategy, developers, artists, and our communities are urged to actively participate in its implementation.



Current context

Narrabri Shire Council has established A Public Art Advisory Committee (PAAC) to promote and facilitate quality and diverse Public Art initiatives in Narrabri Shire by providing guidelines to determine decisions relating to acquisition, management and deaccession of Public Art. All decisions must be aligned with the Narrabri Shire Public Art Policy.

The Arts Law Centre of Australia defines public art as: “permanent or temporary artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums”.

Currently there are the following pieces of public art across the shire:

- Mosaic dishes (1 meter wide) located at the following locations
 - Two at the Visitor Information Centre, Narrabri
 - One at Narrabri Art and Craft Centre, Narrabri
 - Three at West Lake, Narrabri
- Pirate mural on the water tank at the Pirate Park, Walowa Street, West Lake, Narrabri
- Numerous sculptures at the Rotary Community Wellness Garden, Doyle Street, Narrabri
- War Memorial, Narrabri RSL, corner of Maitland and Tibbereena Streets, Narrabri
- Clock Tower on Tibbereena St, Narrabri
- ‘Cotton Capital of Australia’ piece at the Round about in Wee Waa, intersection of Rose Street and George Street, Wee Waa
- Totem Poles in Dangar Park, Wee Waa
- Pioneer Tree in Dangar Park, Wee Waa
- Wee Waa Highschool
- War Memorial Clock Tower, intersection of Rose Street and Church Street, Wee Waa
- Pink Slug, 148 Merton Street, Boggabri
- War Memorial, Baranbah Street, Baan Baa

Current public art projects – yet to be confirmed:

- Port of Newcastle are sponsoring a piece of public art to be located outside the Narrabri Region Visitor Information Centre, Tibbereena Street, Narrabri. This will be an Aboriginal inspired piece depicting the two main totems of the Kamilaroi people.
- Narrabri Shire Council is working on the Selina Street Water Tank Mural project which aims to develop and implement Narrabri Shire’s first large scale piece of public art. This will involve painting a mural on one of the Shire’s large water tanks. This project will be inspired

by our local community's connection to the land and rivers. This will include the stories and connections of the Kamilaroi people. It will also raise community awareness about flooding, our long history, and our connection to the Namoi Creek and river system.

- It is planned to employ professional artists for the mural project, who will be supported by a team of young artists – enabling an opportunity for these young artists to be upskilled through their participation on the project.
 - To date, \$30,000 (ex GST) in funding has been secured towards this project.
- The Narrabri West Railway Museum Association is working with the PAAC to install public art that honors the work of the original railway men at Narrabri West, as well as commemorate the ongoing commitment of Narrabri West railway workers – drivers, firemen, guards, fettlers, station personnel.
 - Water Tower Mural - It is proposed that a painting by Cyril Knox, a well-known and talented Aboriginal artist in Narrabri and the surrounding area, as well as a fettler, be reproduced on the water tower at Pirate Park, Narrabri West.
 - Fettler's Walk - It is proposed that a space in the Pirate Park/Narrabri West Lake area be identified for paving. This would be completed with engraved paving stones which would be purchased by members of the public to commemorate a Narrabri West railway worker.

about the Shire

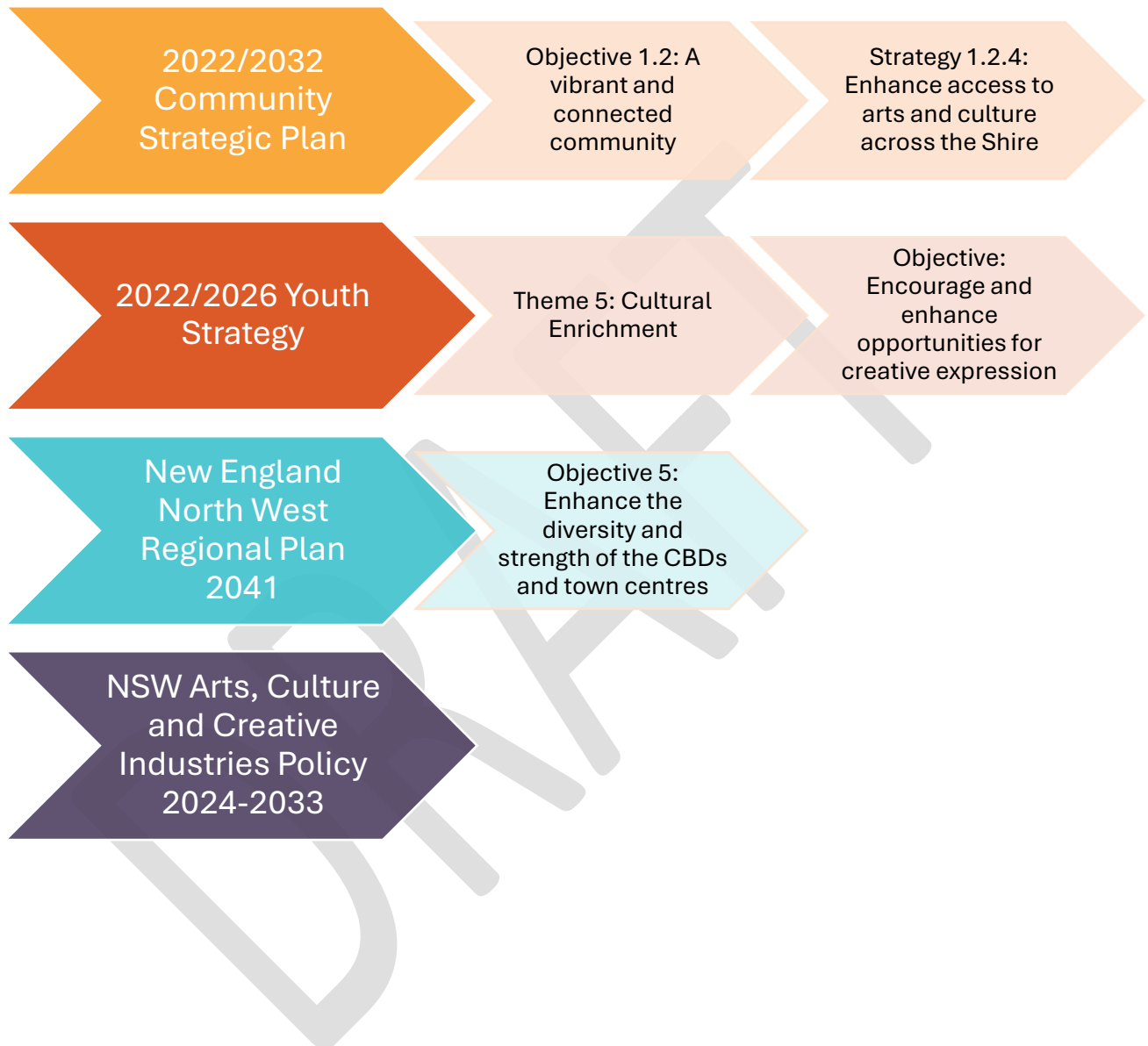


The Narrabri Shire Local Government Area covers 13,031 square kilometres in North West New South Wales and is home to over 12,000 residents.¹ Located halfway between Sydney and Brisbane, the Shire is an exciting and diverse region of NSW and is home to a vast array of National Parks, Aboriginal Cultural Areas, Conservation Areas, and Nature Reserves. The Shire sits within the Federal Government electorate of Parkes and the State Government seat of Barwon and is known as 'Australia's Sportiest Shire'.²

¹ Australian Bureau of Statistics: 2021 Census.

² In 2001 Narrabri was identified as Australia's Sportiest town by Channel Nine's Today Show, based on the sports persons from the town and district. Over one hundred and ten Australian representatives and champions showcasing forty-four sports were either born or started their sporting career in the Narrabri Shire

Strategic Context



Theme 1:	Society - An empowered, inclusive, and connected community
Objective 1.1:	A safe and healthy community
Strategy 1.1.1:	Support, encourage and enhance health and wellbeing services and programs across the Shire
Strategy 1.1.2:	Implement programs to improve crime prevention and risk management across the Shire
Strategy 1.1.3:	Enhance opportunities for participation in sport and recreation across the Shire
Strategy 1.1.4:	Work to ensure that aged and childcare services meet the current and future needs of the Shire
Objective 1.2:	A vibrant and connected community
Strategy 1.2.1:	Improve digital connectivity and access to technology across the Shire
Strategy 1.2.2:	Develop, maintain, and enhance quality community spaces and facilities
Strategy 1.2.3:	Ensure an accessible Shire for all
Strategy 1.2.4:	Enhance access to arts and culture across the Shire
Objective 1.3:	A resilient and strong community
Strategy 1.3.1:	Implement programs to revitalise townships across the Shire
Strategy 1.3.2:	Empower the community's volunteers
Strategy 1.3.3:	Strengthen community resilience through collaboration and capacity building
Strategy 1.3.4:	Increase public amenity across all townships
Theme 2:	Environment - A sustainable and compatible natural and built environment
Objective 2.1:	A protected and enhanced natural environment
Strategy 2.1.1:	Protect Aboriginal and non-Indigenous heritage whilst educating the broader community on its significance
Strategy 2.1.2:	Protect and enhance the Shire's natural bushland, open spaces, and national parks
Strategy 2.1.3:	Protect the Shire's natural environment through improved awareness and mitigation of destructive and invasive flora and fauna
Strategy 2.1.4:	Promote and implement where appropriate sustainable practices, energy efficient and renewable technologies
Objective 2.2:	An integrated and strategic built environment
Strategy 2.2.1:	Maintain, enhance, and support an integrated, diverse and safe transport network: Pedestrian; Road; Rail; and Air
Strategy 2.2.2:	Support the development of appropriate housing across the Shire
Strategy 2.2.3:	Reduce the impact the built environment has on the natural environment
Strategy 2.2.4:	Support strategic and non-conflicting land use that supports sustainable growth through zoning and advocacy
Objective 2.3:	A resilient and sustainable environment
Strategy 2.3.1:	Mitigate impacts of adverse events through strategic planning and preparedness
Strategy 2.3.2:	Ensure appropriate planning controls are implemented for the benefit of the community
Strategy 2.3.3:	Responsibly manage, conserve, and protect water resources
Strategy 2.3.4:	Responsibly manage waste disposal and support the transition to a circular waste economy
Theme 3:	Economy - A strong, diverse, and sustainable economy
Objective 3.1:	A diverse economy
Strategy 3.1.1:	Support local employment opportunities
Strategy 3.1.2:	Actively engage with and support capacity building opportunities for local businesses and innovators
Strategy 3.1.3:	Attract and support opportunities for investment and value-add industries within the Shire
Strategy 3.1.4:	Advocate for and support diverse education and personal development opportunities to ensure available skills meet local demand
Objective 3.2:	A regionally renowned economy
Strategy 3.2.1:	Develop a state significant manufacturing, transport, and logistics hub
Strategy 3.2.2:	Promote the Shire as an attractive environment to invest, visit and live
Strategy 3.2.3:	Develop and support a variety of events and tourism opportunities in the Shire
Strategy 3.2.4:	Capitalise on state significant development that occurs in the Shire for the benefit of the community
Objective 3.3:	A resilient and sustainable economy
Strategy 3.3.1:	Support the resilience, growth, and diversity of the local economy
Strategy 3.3.2:	Revenue from grants and funding programs is maximised and responsibly managed
Strategy 3.3.3:	Achieve economic sustainability through supporting local businesses
Strategy 3.3.4:	Advocate for and invest in infrastructure to support and future-proof the local and broader economy.
Theme 4:	Civic Leadership – Council as a strong leader for the Community
Objective 4.1:	A transparent and accountable Council
Strategy 4.1.1:	Ensure all operations are pre-planned and executed in the best interests of the community
Strategy 4.1.2:	Enforce good governance, risk management, and statutory compliance
Strategy 4.1.3:	Increase awareness of Council's role in the community including the services and facilities provided
Strategy 4.1.4:	Ensures transparent and accountable decision making for our community
Objective 4.2:	A strong Council that advocates for the Community
Strategy 4.2.1:	Communicate and engage with the community regarding decision-making
Strategy 4.2.2:	Work cooperatively and appropriately with external parties to advocate for the community's best interests
Strategy 4.2.3:	Deliver clear and effective communication
Strategy 4.2.4:	Deliver high quality and informative customer service
Objective 4.3:	A resilient and sustainable Council
Strategy 4.3.1:	Ensure policies and procedures are effective and implemented in accordance with legislative requirements and best practice principles
Strategy 4.3.2:	Sustainably manage Council's finances, assets, and workforce

Strategy 4.3.3:	Deliver reliable and quality services through innovation and continuous improvement
Strategy 4.3.4:	Provide a safe and healthy working environment

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Insights from Engagement

Narrabri Shire Council will call for the community's input into developing all Public Art projects. This consultation will take place as projects are identified.

Please note, it is not appropriate to gather this information prior to this strategy as community's opinions and desires change over time and it will take numerous years for projects to be delivered across the shire.

The following engagement activities will be delivered for each project:

- Complete the stakeholder engagement activity schedule
- For each stakeholder, determine the engagement intention (i.e. inform, consult, involve, collaborate, empower)
- Determine the engagement technique (e.g. workshops, one-to-one meeting, focus groups)
 - Narrabri Shire Council's Public Art Assessment checklist will be used, This ensures all principles and intentions are appropriate for the greater community
- Determine the frequency of engagement required for each stakeholder (e.g., daily, weekly, monthly, quarterly, annually)
- Provide a schedule outlining dates and locations where stakeholder engagement activities will take place
- Keep a record of activity progress

2022/2032 Community Strategic Plan

The following outcomes, objectives, and strategies which public art can help deliver were identified during consultation for the 2022/2032 (CSP) Community Strategic Plan

Public art related objectives and strategies identified in Council's 2022/2032 Community Strategic Plan

- **Society – An empowered, inclusive, and connected community;**
Objective 1.2: A vibrant and connected community
Strategy 1.2.4: Enhance access to arts and culture across the Shire
- **Environment – A sustainable and compatible natural and built environment;**
Objective 2.1 A protected and enhanced natural environment
Strategy 2.1.1: Protect Aboriginal and non-Indigenous heritage whilst educating the broader community on its significance; and

Strategy 2.1.2: Protect and enhance the Shire's natural bushland, open spaces and national parks

- **Economy – *A strong, diverse, and sustainable economy***

Objective 3.2: A regionally renowned economy

Strategy 3.2.2: Promote the Shire as an attractive environment to invest, visit and live; and

Strategy 3.2.3: Develop and support a variety of events and tourism opportunities in the Shire

- **Civic Leadership – *Council as strong leaders for the community***

Objective 4.1: A transparent and accountable Council

Strategy 4.1.4: Ensure all operations are pre-planned and executed in the best interests of the community;

Objective 4.2: A strong Council that advocates for the Community

Strategy 4.2.1: Communicate and engage with the community regarding decision-making; and

Strategy 4.2.2: Work cooperatively and appropriately with external parties to advocate for the community's best interest

Part One: Guiding Principles

1.2. Principles

Narrabri Shire Council's public art principles are aligned with the, NSW Public Art Principles as established by the [NSW Public Art Toolkit](#).

This user-friendly interactive guide from Create NSW takes you through the best practice in policymaking, planning, commissioning, implementing, and maintaining public art. The Toolkit includes quick reference links to each step in the process of making public art.

The Toolkit identifies the vital contribution and involvement of Aboriginal communities in the development of public art on Aboriginal land and highlights the importance of early and collaborative engagement with artists and communities.

1.1.1 Public art aims to improve or enhance a place, a community and people's lives

Public art should aim to benefit people. Public art making should consider how public amenity, security and personal wellbeing in everyday life in public places and spaces can be improved. Good public art is a civic responsibility, which aims to either improve a space or help to solve a problem. It has been demonstrated that public art can contribute to better social outcomes in health, transport, education and community-building. Public art making must be sensitive to the historical and contemporary identity of the site. It should be aware of the physical, historical, and community elements that create meaning in place. It should contribute to its current and future identity.

1.1.2 Understanding place in NSW means respecting the First Nations' deep connection to country and enduring possession of the land

The NSW Government acknowledges the First Nations of this land, and the historical and contemporary significance of their cultural traditions. NSW Government seeks to actively engage with First Nations' culture and artists. The original custodians of the land on which any piece of public art is sited should be consulted and acknowledged according to cultural protocols.

1.1.3 Understanding place means respecting the natural world and applying principles of environmentally sustainable art practice

Makers of public art need to be aware of the environmental impact of materials and processes in art production. The physical impact of an artwork in its manufacture and maintenance and the impact of its audience on a site should be considered from inception.

1.1.4 Understanding place means understanding connections to community

Community connections to places are deep. Community voices are vital to the success of public art and should be engaged throughout the commissioning process. There should be a complementary relationship between the artwork and the community. Public art should be both informed by the community and should inspire and engage the community.

1.1.5 Understanding community means acknowledging and reflecting diversity and practicing inclusion

Public art should reflect the diversity of voices, visions and practices that exist within a community. Diversity in all forms should be valued and respected throughout the commissioning process from conception to completion. In commissioning and creating public art, principles of universal design and access need to be understood and used to guide site and materials selection, placement, risk management and access to appropriate modes of interpretation and appreciation.

1.1.6 Value creativity, the artist, and the art practice

The artist's skill, vision and craftsmanship should be acknowledged and respected throughout the commissioning process and for the life of the artwork. Facilitating the vision of the artist within the demands of the brief is paramount to the success of the artwork. Artists should be fairly compensated for their work and their rights should be set out in a contract in accordance with arts industry best practice. The artist's name and a description of their work should be available in a permanent form at the site of the work.

1.1.7 Valuing the artist means valuing and maintaining the integrity of the artwork

Public art should be fit for purpose and its integrity maintained for the duration of its existence, whether it is ephemeral, temporary, or permanent. The commissioning process must include management, safety, durability, and maintenance of the artwork, ensuring works continue to convey artistic excellence and reflect the value of public art to the community.

1.3. Curatorial Themes

1.2.1 Inspiration

Public art serves as a catalyst for inspiration within communities. It has the ability to, breathe life into shared spaces. It can also ignite creativity, dialogue and provoke contemplation. Public art not only beautifies our surroundings but also can inspire us by connecting us to the stories, cultures, and histories of our community.

1.2.2 Engagement

Public art invites people to engage with their surroundings. Whether through installations or sculptures, it encourages active involvement and dialogue. Passersby become participants, pausing to appreciate, discuss, and contribute to these artistic expressions. This engagement unites diverse voices and perspectives, creating a shared experience. Public art weaves a vibrant tapestry of community engagement, enriching our towns and villages.

1.2.3 Place

Public art has the remarkable ability to transform a place into a vibrant, meaningful space that resonates our community's lives, history and dreams. These artworks are not just objects; they are storytellers and historians, creating narratives that are deeply rooted in the fabric of their surroundings.

1.2.4 Society

Public art plays a vital role in shaping society, acting as a mirror that reflects our values, challenges, and aspirations. These artworks serve embody the collective identity of our society and captures the essence through various forms of expression.

Part Two: Priority Areas

2.1. Investment Logic & Key Locations

A framework for deciding where to place art in the Narrabri Shire should consider a few key factors.

Please note: Input from residents and stakeholders is crucial. Their knowledge of the community's needs and desires can guide decisions, ensuring that public art not only beautifies spaces but also resonates with the people who inhabit them. This will be done for each project individually.

2.1.1 – Cultural significance

Areas of cultural significance, such as historical sites or neighborhoods with rich cultural heritage, could be prime locations. For example, these could include places such as along the Narrabri Creek near the CBD, Indigenous sites such as Tulladunna Reserve in Wee Waa, or Barber's Lagoon at Boggabri. Placing art in locations such as these, honors the history and spirit of the community.

2.1.2 – Town/village centres and Open Spaces

Areas with high pedestrian activity, like busy streets, parks, or public walks, offer great visibility and engagement opportunities. Art in these places can capture the attention of a diverse audience, sparking conversations and enriching daily experiences.

2.1.3 – Curated public art walks

When considering curated public art walks, several factors should be considered.

- The selection of artworks should offer a diverse range of styles and aligned with a specific theme
- The walk should be accessible and well-planned, considering factors like ease of navigation, pedestrian safety, and suitable parking

- Ensure there is informative signage to enhance the experience, offering insights into the artists, their inspirations, and the significance of each piece. This can also be done via apps or podcasts
- Consulting with the local community is also essential

2.1.4 Council infrastructure

Council delivers millions of dollars in capital infrastructure projects. These projects include community spaces such as libraries, recreational facilities such as playgrounds and skate parks. They also include urban design and infrastructure improvements including streetscape and town centre revitalisation projects. It is important that Council identifies opportunities for the integration of public art at the earliest possible project planning stage, as part of annual planning for the capital works and program.

2.2. Temporary Installations

Councils should assess the type and location of temporary public art installations as below:

2.2.1 Purpose

Consider the purpose of the installation is crucial. Are we aiming to celebrate a cultural event, promote local artists, or enhance a specific area? Understanding the goal helps in choosing the appropriate art form, whether it's sculptures, murals, or interactive installations.

2.2.2 Assessment

Council should assess the community's preferences and needs. Conducting surveys or seeking input through public forums ensures that the chosen art resonates with residents.

2.2.3 Location

The location should be strategic, focusing on areas with high visibility, foot traffic, or historical significance. Placing temporary art in parks, public walks, or along busy streets maximizes its impact and engagement with the public.

Currently Council only has one annual event which includes temporary installation. This event is the CREATE Festival which includes NarraBRIGHT.

The Narrabri region's annual arts festival, CREATE (which includes NarraBRIGHT) has been held successfully for four years.

Throughout the CREATE Festival, temporary installations are showcased. One is in the main venue, The Crossing Theatre. NarraBright also includes temporary installations such as light projections and shows. These installations are always aligned with the annual theme for CREATE. This is decided by the CREATE Working Committee. The theme is always based on our life, and influencing factors that affect our community. The theme for 2025 is 'Dream' and for 2026 it is 'Water'.

Part Three: Best Practice Procedures

Organisations such as the National Association for Visual Artists, Museums Australia and the Arts Law Centre of Australia provide industry standards of practice for those commissioning and managing public artworks.

3.1. Public art advisory committee

The objective of the Narrabri Shire Council Public Art Advisory Committee (the Committee) is to promote and facilitate quality and diverse Public Art initiatives in Narrabri Shire by providing guidelines to determine decisions relating to acquisition, management and deaccession of Public Art. All decisions must be aligned with the Narrabri Shire Public Art Policy and the Public Art Strategy.

The key responsibilities of the Committee are:

- Encourage art in public places in the Narrabri Shire LGA;
- Raise the profile, recognition, understanding and appreciation of public art and its development,
- Ensure that public art complements and enhances the natural and built environments of the Narrabri Shire LGA and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in the Narrabri Shire LGA Ensure that public art in the Narrabri Shire LGA is sustainable in social, cultural, environmental and economic terms.
- Ensure that public art is given due consideration in Council's strategic directions, policies and planning controls.

3.2. Commissioning art

Public art projects are no different to any other Council project in regard to securing a contractor (artist). Council will make sure this process follows local government laws, Narrabri Shire Council's Public Art Policy, and Procurement Policy.

Large infrastructure projects which involve artists and experts from the start of planning is crucial for successful and meaningful public art results.

3.2.1 Procurement

- Establish artwork opportunity and selection criteria
- Develop Artist Brief, based on information found in the Public Art Strategy
- Identify artist procurement method;
- Advertise opportunity, or send brief to invited artist/s
- Receive Concept Designs from artist/s (it is industry standard to pay an artist fee for concept designs)
- Final concept design is selected, based on selection criteria
- Artist is contracted to complete the project

3.2.2 Design Development

- Artist is provided feedback on the concept design
- Artist is briefed in detail on the site/ project and given an update on installation timeframes
- Artist further develops design, based on feedback and briefing

3.2.3 Records Keeping

- Artist develops full construction documentation including engineering certification, where necessary, safety certifications and prototypes where required
- Artist submits final installation methodology

3.2.4 Fabrication and Installation

- Artist fabricates the work
- Artist installs work
- Artist provides official handover and completion of the project to Council
- Artist submits maintenance manual
- Artist attribution signage is installed

3.3. Donations

Donation and transfer of artwork is a valuable way for Council to realise public artwork in the Narrabri Shire Council area. While there are mutual benefits to these acquisition methods, Council needs to ensure that artworks meet the objectives and principles of this strategy, and that appropriate resources are available to maintain and protect the artworks.

This includes the following process:

- Overview of proposed artwork to be tabled with the PAAC to be assessed
- If any amendments are needed, this is communicated to the donor and then re submitted
- Once approved by the Public Art Advisory Committee it is then tabled with Council for endorsement and appropriate planning approvals will be identified

3.4. Community Lead Installations

Council encourages community groups, artists and other creatives to make proposals for public art projects in line with the principles in this Public Art Strategy and policy. While projects can vary, individuals and groups are encouraged to follow similar processes to engage and commission artists as indicated above. All proposals will be subject to an assessment and consideration process undertaken by the Public Art Advisory Committee and Council staff. Council staff can provide support where requested. It is recommended that opportunities for resourcing are explored through Council's annual funding programs.

3.5. Maintenance of Public art

3.5.1 Budget Allocation

Developing quality public art requires both financial investment and recognition of the significant economic, social, and cultural benefits that urban and public art initiatives bring. Council acknowledges the inherent challenges in this endeavor and is actively seeking resources from diverse funding sources to support these efforts.

At present, the Council allocates funding for public art primarily through its Capital Works Program and a modest portion from arts, cultural, and asset management initiatives. These resources will remain essential, supplemented by ongoing efforts to advocate for augmented budget provisions and enhanced collaboration opportunities across various organisational domains.

Various avenues for additional resourcing will be explored, such as:

- Government and community grants
- Sponsorship and private funding, including support from philanthropic sources
- Donations and bequests
- Development contributions

3.5.2 Maintenance

Council acknowledges the critical role of properly maintaining assets in order to preserve their quality and longevity. Consequently, considerations of the artwork's lifespan and ongoing maintenance requirements should be integral to the concept and design phases of the commissioning process.

Furthermore, the Council acknowledges the transient nature of certain artworks, particularly murals and street art, and generally adopts a five-year lifespan for such commissions, except under extraordinary circumstances where a shorter lifespan may apply.

3.5.3 Deaccession

Deaccessioning involves the procedure of withdrawing a work of art from public exhibition or a public collection. The determination to decommission public artwork will be guided by the asset management and maintenance framework pertinent to each piece, as well as the terms outlined in the initial contract.

Disposal of Public Art must be completed in consultation with the artist or donor, whichever is applicable. Council's Public Art Policy outlines protocols and procedures for the relocation or deaccessioning of artworks within the Public Art collection, adhering to industry best practices. The following steps need to be followed, with all decisions and actions fully documented in the Deaccessioning Form (refer Appendix 3 of Public Art Policy).

1. A **condition assessment** of the artwork must be completed by a suitably qualified professional. From there one of the conditions will determine the following course of action.

A. If the work is deemed to have **deteriorated beyond repair**, then Council must:

- Make all reasonable enquiries to identify and locate the artist or artist's representative;
- Make all reasonable enquiries to identify and locate the donor (if applicable);
- Consult and inform artist or donor of the deaccessioning process;
- Notify artist or donor of the condition of the work;
- Offer the artist or donor the artwork or, if the artist or donor does not wish to have it returned, then
- Dispose of the artwork in a responsible manner.

B. If the work remains in **good condition**:

- The work remains in situ until the deaccessioning process is complete.
- Make all reasonable enquiries to identify and locate the artist or artist's representative.
- Make all reasonable enquiries to identify and locate the donor (if applicable).
- Consult and inform artist and donor of the deaccessioning process.
- The work must have been gifted or bequeathed with no conditions or trusts attached that prohibit its deaccession.
- Undertake an independent valuation of the work by a professional arts valuer to determine the price.
- Council to decide whether the work is to be on-sold, or donated, which can be dependent on how the work was originally acquired.

2. The work is offered (either for sale or donated) in the following order:

- Donor;
- Artist; then
- Not-for-profit organisation or public institution.
- Funds from any decommissioned Public Art will be reused for new or upgraded Public Art within the LGA.

3.6. Partnerships

Council recognises the importance of partnerships and engagement with key stakeholders in the development and presentation of public art. Creating a partnership/sponsorship proposal for businesses to fund art involves setting clear parameters.

3.6.1 Partnerships and Sponsorships

Partnership/Sponsorship proposals should include:

- Defining the type of projects such as murals, sculptures, or art installations;
- Next, establish sponsorship levels, detailing the benefits and recognition each level offers
- The proposal can also outline the projects values and goals;
- Set guidelines for the duration of sponsorship and how funds will be allocated to specific projects; and
- Ensure transparency by detailing how businesses will be recognized for their support and the expected impact of their sponsorship on the community.

Please note: The sponsorship activities of Narrabri Shire Council demonstrate high standards of ethical behaviour and fairness. The Narrabri Shire Council ensures that sponsorship arrangements do not include, or allow, the provision of private or commercial benefits other than what is stated in the sponsorship proposal.

All sponsors must adhere to parts 4, 5 and 6 of the Narrabri Shire Council's Code of Conduct policy.

- Part 4: Pecuniary interests
- Part 5: Non-pecuniary interests
- Part 6: Personal benefit

3.7. Promotion

3.7.1 Marketing and Promotion

Council will investigate avenues and collaborations to guarantee accessibility and effective promotion of the Public Art Collection. This will encompass online platforms and social media channels, and alliances with stakeholders in the visitor economy sector

DRAFT

part Four: action Plan

These objectives and actions aim to leverage public art as a tool for community enrichment, economic development, and cultural sustainability within Narrabri Shire. Each action is designed to contribute to a comprehensive and coordinated approach to public art management and development

Objective	Action	Service Area	Timeframe	Framework ³	CSP Link
Increase Accessibility and Engagement with Public Art	Identify public art projects that are interactive and encourage direct community participation	Community Development	Ongoing	1.1.5 1.2.2	1.3.3
	Install informative signage at key public art locations	Tourism	As needed	2.1.3	1.2.4
	Integrate public art into Council funded infrastructure projects	Council Wide	Ongoing	2.1.4	1.2.4
Foster Economic Development and Tourism	Develop budget for art development and maintenance	Community Development	As needed	1.1.7 3.5.2	4.3.2
	Create a public art marketing strategy targeting regional and national media outlets	Tourism	December 2025	3.7.1	3.2.2
Enhance Cultural Heritage and Community Identity	Identify areas of cultural significance for art installations	Community Development	June 2025	2.1.1	1.2.4
	Identify public art installations that commemorate significant historical events or figures	Community Development	June 2025	2.1.1	2.1.1
	Identify public art installations that reflect the cultural and ethnic diversity of the community.	Community Development	June 2025	2.1.1	1.2.4
Ensure Sustainable Management and Maintenance of Public Art	Develop Public Art Register to track condition and lifecycle of each public art piece	Projects and Assets	December 2025	3.2.3	4.3.2
	Conduct regular inspections and assessments of public art installations	Community Development	Ongoing	1.1.7	4.3.2
Secure Financial Partners and Obtain Funding for Public Art	Develop generic Public Art sponsorship proposal	Communications	June 2025	3.6.1	3.2.2
	Secure sponsorships and grants to fund public art installations.	Economic Development	As per project	3.5.1	1.2.4

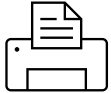
³ As outlined in Parts 1 to 3 of this document and based on the [NSW Public Art Toolkit](#).

contact us

If you have any questions regarding this document or the Integrated Planning and Reporting Framework, please visit our website (www.narrabri.nsw.gov.au) or contact us via:



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In Person: 46-48 Maitland Street, Narrabri NSW 2390

18.3 AMENDMENT TO SECTION 7.12 CONTRIBUTIONS PLAN (SCHEDULE OF WORKS)**Responsible Officer:** Donna Ausling, Director Planning and Sustainability**Author:** Michelle Castles, Manager Planning and Development**Attachments:**

1. 7.12-fixed-development-consent-levies-contribution-plan-adopted-23aug2022
2. Proposed Schedule of Works - 7.12 Contributions Plan

STRATEGIC LINK**1 Society - An Empowered, Inclusive and connected community**

Objective 1.2 A vibrant and connected community

Strategy 1.2.2 Develop, maintain, and enhance quality community spaces and facilities

2 Environment - A sustainable and compatible natural and built environment

Objective 2.3 A resilient and sustainable environment

Strategy 2.3.2 Ensure appropriate planning controls are implemented for the benefit of the community

EXECUTIVE SUMMARY

The Narrabri Shire Council Section 7.12 Development Contributions Plan (the Plan) was originally adopted in 2011. The Plan includes a Schedule of Works (the Schedule), which identifies the projects within the Shire that could be funded through development contributions.

The plan is to be reviewed annually to ensure income received from contributions levied is able to match proposed expenditure, and to update and review the projects to be undertaken.

As projects within the Schedule are completed it is appropriate that the Schedule be amended to remove any completed projects and to add new projects that reflect the aspirations of the community as articulated in the Community Strategic Plan. It also provides the opportunity for minor housekeeping amendments to the Plan to update wording to reflect any recent amendments to legislation.

RECOMMENDATION

1. That Council endorses the amended *Section 7.12 contributions plan* and associated *Schedule of Works* for the purposes of public exhibition.
2. That Council place on public exhibition the *Section 7.12 Contributions Plan* for a period of at least 28 days, and during the exhibition period call for, and accept, submissions from the public.

BACKGROUND

The *Environmental Planning and Assessment Act 1979* (NSW) (the EPA Act) contains mechanisms for local authorities to raise developer contributions from applicants seeking development approval. The contributions assist in offsetting the extra demands on public infrastructure created as a result of the development activity. Council has a duty to progressively expend the funds raised for the nominated purpose.

In accordance with clause 216 of the *Environmental Planning and Assessment Regulation 2021* (NSW):

1. A council is required to keep a contributions plan under review and, if a date by which a plan is to be reviewed is stated in it, is to review the plan by that date.
2. A council is also to consider any submissions about contributions plans received from public authorities or the public.

Council originally adopted the Plan in 2011. The last review of the plan was in 2022 where at its Ordinary Council meeting on 23 August 2022, Council resolved to adopt amendments to the Schedule of Works (refer Minute 277/2022). The regular review of the plan also provides an opportunity for Council to make any necessary "housekeeping" changes to the Plan.

CURRENT SITUATION

Items currently listed on the schedule have been reviewed by relevant council staff. The review has resulted in some projects being reprioritised, some projects removed (as external funding sources and/or co-contributions have assisted) therefore allowing earmarked funding to be reallocated, newly identified projects added and cost estimates amended where deemed necessary.

The proposed Schedule of Works is attached to this report for the information of Council.

FINANCIAL IMPLICATIONS

Levies are collected on all developments within the Shire requiring development or Complying Development consent, prior to works commencing, with a value over \$100,000 at the rate of:

Proposed Cost of Development	Percentage of Levy
-------------------------------------	---------------------------

\$100,000.01 - \$200,000	0.5%
--------------------------	------

Greater than \$200,000.00	1%
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Financial implications as pertaining to the endorsement of the amended Plan are detailed in the body of this Report.

STATUTORY AND POLICY IMPLICATIONS

The amended Schedule will allow improved public amenities and services which assist in improving the health and wellbeing of the community as well as aligning with Council's Community Strategic Plan. The implementation of the amended Schedule will ensure that public facilities in the shire are sufficient for residents and visitors and will improve our towns and villages making them more liveable.

Section 7.12 plans are controlled under strict regulatory requirement to ensure funding is being applied to meet the consequences of demand created by increased development activity.

The amended Schedule must be placed on public exhibition for a minimum of twenty-eight (28) days, in accordance with the *Environmental Planning and Assessment Regulation 2021*.

*Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

CONSULTATION

Internal Consultation

- Director Infrastructure Delivery.
- Director Planning and Strategy.
- Manager Property Services.
- Manager Parks and Open Spaces.

External Consultation

The amended Schedule is to be placed on public exhibition for a minimum of twenty-eight (28) days, in accordance with the *Environmental Planning and Assessment Regulation 2021*.

NARRABRI SHIRE

Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011



NARRABRI SHIRE
DISCOVER THE POTENTIAL

Document history and status

This document was originally prepared by Hill PDA (Job Ref No: C11092).

Amendments since have been made by Narrabri Shire Council.

Version	Issued To	Date	Prepared by:	Reviewed by:
Draft	Narrabri Shire Council	01/07/2011	DB	SH
Revised Draft	N/A	10/07/2019	MH	DB
Update to Schedule of works	N/A	28/09/2021	MH	DA
Annual review and update to schedule	N/A	10/06/2022	MH	DA

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
669/2011	18 October 2011	Adopted by Council
212/2019	24 September 2019	Amended plan Adopted by Council
158/2021	28 September 2021	Amended Schedule of works Adopted by Council
277/2022	23 August 2022	Amended plan and Schedule of works Adopted by Council

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LIST OF APPENDICES

Appendix 1 - Procedure for Council to Determine the Levy Amount

Appendix 2 - Schedule of Works

LIST OF TABLES

Table 1 - Summary of Section 7.12 Levies for Narrabri Shire

1. Introduction

1.1 Legislative Context

Section 7.12 - Fixed Development Consent Levies, of the Environmental Planning and Assessment Act 1979 provides as follows:

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- (2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:
 - (a) the Minister, or
 - (b) a development corporation designated by the Minister to give approvals under this subsection.
- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (5) The regulations may make provision for or with respect to levies under this section, including:
 - (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
 - (b) the maximum percentage of a levy.

1.2 The Purpose of the Plan

In accordance with the above this Section 7.12 Contributions Plan (the Plan) has been prepared by Narrabri Shire Council (from here on referred to as the Council) to:

- Authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979;
- require a certifying authority to impose, as a condition of issuing a complying development

certificate or a construction certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan;

- assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area; and
- To publicly identify the purposes for which the levies are required.

1.3 References and Definitions

In this plan, unless the context or subject matter otherwise indicates or requires the following definitions apply:

- **ABS** means the Australian Bureau of Statistics;
- **EP&A Act** means the Environmental Planning and Assessment Act 1979;
- **EP&A Regulation or Regulation** means the Environmental Planning and Assessment Regulation 2021
- **Council** means Narrabri Shire Council;
- **Development contributions** means a development contribution required to be paid by a condition of development consent imposed pursuant to Section 7.12 of the Act;
- **Levy** means a levy under Section 7.12 of the Act authorised by this Plan; and
- **Public Facility** and **Public Infrastructure** means a public amenity or public service.

2. Summary Schedules

The following schedules are included in this plan:

1. Schedule of Works; and
2. Summary of Levies.

2.1 Schedule of Works

The detailed schedule of works is provided at Appendix 2 and identifies the public facilities for which Section 7.12 levies will be required together with a summary of the anticipated expenditure on the respective items and priority for delivery.

2.2 Summary of the Levies

Levies paid to Council under this Plan will be applied towards meeting the costs of provision, or augmentation, of new public facilities as summarised in the Schedule of Works.

The Plan will be reviewed on an annual basis to ensure income from the levy is able to match proposed expenditure.

Table 1 - Summary of Section 7.12 Levies for Narrabri Shire

Type of Development	Estimated Cost of Development	Levy (%)
Residential accommodation, commercial development, business and retail development, tourist and visitor accommodation, industrial and storage premises development, primary production, any project declared to be a project to which Part 3A of the EP & A Act applies, extractive industries, utility installations, subdivisions and all other forms of development not specifically exempted under this plan.	\$0 - \$100,000	Nil
	\$100,001 - \$200,000	0.5%
	More than \$200,000	1.0%

3. ADMINISTRATION OF THE PLAN

3.1 What is the Name of this Plan?

This development contributions plan is called the Narrabri Shire Council Section 7.12 Fixed Development Consent Levies 2011.

3.2 Application of this Plan

This Plan applies to all land within the Narrabri Shire Local Government Area (LGA).

The Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Environmental Planning and Assessment Act 1979 with respect to development on land to which this Plan applies.

In determining a development application, Council may impose a condition of consent requiring the payment of a levy, or dedication of land, in accordance with the provisions of this Plan.

The contribution rates for different types of development are provided in Table 1 (above).

3.3 When does this Plan Commence?

This plan came into effect when adopted by minute number 669/2011 at the Ordinary Council meeting conducted on the 18 October 2011.

4. OPERATION OF THE PLAN

4.1 Are There Any Exemptions to the Levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less;
- for the purposes of disabled access;
- for the sole purpose of providing affordable housing;
- for the purpose of reducing consumption of mains supplied potable water, or reducing the energy consumption of a building;
- for the sole purpose of the adaptive reuse of an item of environmental heritage;
- Other than the subdivision of land, where a condition under section 7.11 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out;
- Seniors housing, as defined in the State Environmental Planning Policy (Housing) 2021, which is undertaken by a social housing provider;
- School developments that are a Federal Building the Education Revolution Project; or
- Any other Ministerial Direction released following the adoption of this plan.

There are no additional exemptions at the time of commencement of this Plan, however, Council may consider exempting other categories of developments, or components of developments from the requirement for a levy, but only by resolution of Council.

Consideration will be given to requests for exemption for the following types of development:

- works undertaken for charitable purposes or by a registered charity (as defined by the ATO);
- places of worship;
- public infrastructure for or on behalf of the NSW Government including but not limited to hospitals, public transport, police and fire stations and education facilities;
- public community infrastructure such as but not limited to libraries, community facilities, child care facilities, recreational areas, recreational facilities or car parks;
- privately funded community infrastructure, such as but not limited to education facilities, universities, and private hospitals;
- industrial, retail or commercial development, where there is no increase in floor space within an existing building;
- the continued operation of a coal mine, where rail transport is used for the transportation of coal; or
- Demolition (where there is no replacement building or development).

For an exemption to be considered any such development will need to submit a written request making the case for exemption and including details of:

- Under which point in Section 4.1 of this Plan the exemption claimed is to be considered;
- The mechanism ensuring that such development will remain in the form proposed in the future (i.e. not to increase future demand on public amenities and services); and
- Other items if applicable such as: How the development will incorporate the maintenance of the item of heritage significance? How the development will contribute to the public benefit of the community? Works in the public domain included in the development? How the residents/users will utilise existing private facilities attached to the development that replicate those types provided by Council?

4.2 Pooling of Levies

This Plan expressly authorises Section 7.12 levies be paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule (refer to Appendix 2).

4.3 Construction Certificates and the Obligation of Accredited Certifiers

In accordance with Clause 20 of the

Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with Clause 13 of the of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

4.4 How will the Levy be Calculated?

The levy will be determined based on the rate as set out in the Summary Schedule (refer to Table 2).

The levy will be calculated as follows:

Levy	=	%C	x	\$C
Where:				
- %C is the levy rate applicable;				
- \$C is the proposed cost of carrying out the				

The proposed cost of carrying out the development will be determined in accordance with Clause 208 of the EP&A Regulations 2000. The procedure set out in Appendix 1 to this Plan must be followed to enable Council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and if appropriate must be independently certified by a quantity surveyor, who is registered with the Australian Institute of Quantity Surveyors, or a person who can demonstrate equivalent qualifications.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. If the result of a review indicates the value of the works differ from that provided, Council may determine the value of the works to be applied as the basis for any levy payable.

Contribution amounts payable can be checked with Council by contacting (02) 6799 6866 during office hours.

4.5 When is the Levy Payable?

A levy must be paid to Council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

4.6 How will the Levy be Adjusted?

Contributions required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

Contribution = \$Co + A at time of payment

Where:

- \$ Co is the original contribution as set out in the consent; and

- A is the adjustment amount which is:

$\$Co \times \frac{([Current Index^5 - Base Index^6])}{[Base Index]}$

[Base Index]

Note: In the event that the Current Index is less than the Base Index the Current Index shall be taken as not less than the Base Index.

⁵ Current Index (6401.0 - Consumer Price Index Australia) is the Consumer Price Index, Australia CPI: Groups, Weighted Average of Eight Capital Cities, Index Numbers and Percentage Changes as published for the last quarter by the Australian Bureau of Statistics available at the time of review of the contribution rate.

⁶ Base Index (6401.0 - Consumer Price Index Australia) is Consumer Price Index, Australia CPI: Groups, Weighted Average of Eight Capital Cities, Index Numbers and Percentage Changes as published by the Australian Bureau of Statistics published at the date of adoption of this plan which is July 2011.

4.7 Can Deferred or Periodic Payments be Made?

Deferred or periodic payments may be permitted in the following circumstances:

- When the deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program; and
- In other circumstances considered reasonable by Council.

If Council agrees to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security;
- the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required; and

- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

4.8 Accountability

Financial management and accountability are important components of a Section 7.12 Development Contributions Plan. Council is responsible for the maintenance of an accurate and up to date register of all contributions. Monetary contributions received under this Plan are kept in a separate account specifically for this plan. Accounting records show the contributions received and expended, including any interest earned on invested funds for each account. These records are updated on a monthly basis.

Separate accounting records are maintained for all Council's Contributions Plans. Information on Section 7.12 accounts and funds relating to this Plan will be provided in a condensed format within Narrabri Shire Council's Annual Reports in accordance with the requirements of the EP&A Regulations 2021. Information is also available from Council's contribution register relating to this Plan, which can be inspected at Council during ordinary office hours.

4.9 Offer to Enter into a Voluntary Planning Agreement

An applicant may offer to enter into a voluntary planning agreement (VPA) with Council under Section 7.4 of the EP&A Act in connection with the making of a development application, rather than pay a contribution in relation to a development. Under the planning agreement, the applicant may offer to:

- pay money;
- dedicate land;
- carry out works; or
- provide other material public benefits for public purposes.

The applicant's provision under a VPA may be additional to, or instead of, paying a contribution in accordance with a condition of development consent authorised by this Plan. This will be a matter for negotiation with Council. An approach should be made to Council at an early stage in the project, prior to lodgement of any development application, to finalise any negotiations required to avoid delays as part of the development assessment process. The offer to enter into the VPA together with a copy of the draft agreement should accompany the relevant development application.

Council will publicly notify the draft VPA and an explanatory note relating to the draft agreement along with the development application and will consider the VPA as part of its assessment of that application. If Council agrees to enter into the VPA, it may impose a condition of development consent under Section 7.7(3) of the EP&A Act 1979 requiring the agreement to be entered into and performed.

If Council does not agree to enter into the VPA, it may grant consent subject to a condition authorised by this Plan requiring the payment of a contribution.

Appendix 1 - PROCEDURE FOR COUNCIL TO DETERMINE THE LEVY AMOUNT

Procedure

A cost summary report is required to be submitted to allow Council to determine the contribution that will be required. The following should be provided:

- Minor works that are demonstrated to comprise works less than \$50,000 in value do not require a cost report to be completed;
- A cost summary report must be completed for works with a value between \$50,000 and \$500,000 (refer to template over page); or
- A quantity surveyor's Detailed Cost Report must be completed by a registered quantity surveyor for works with a value greater than \$500,000 (refer to template over page).

To avoid doubt, Section 208 of the Environmental Planning and Assessment Regulation 2021 states that the proposed cost of carrying out development is to be determined by adding up all of the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of, or incidental to, erecting the building, or carrying out the work, including the costs (if any) of, and incidental to, demolition, excavation and site preparation, decontamination or remediation;
- the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed; and
- The development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

The Regulation makes clear that the following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:

- the cost of the land on which the development is to be carried out;
- the costs of any repairs to any building or works on the land that are to be retained in connection with the development;
- the costs associated with marketing or financing the development (including interest on any loans);
- the costs associated with legal work carried out or to be carried out in connection with the development;
- project management costs associated with the development;
- the cost of building insurance in respect of the development;
- the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land);

- the costs of commercial stock inventory;
- any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law;
- the costs of enabling access by disabled persons in respect of the development;
- the costs of energy and water efficiency measures associated with the development;
- the cost of any development that is provided as affordable housing; and
- the costs of any development that is the adaptive reuse of a heritage item.

Sample Cost Summary Report (Development Cost No Greater than \$500,000)

Council References		
Development Application No:		
Reference:		
Complying Development Certificate Application No:		
Construction Certificate No:	Date:	
Applicants Details		
Applicant's Name:		Applicant's Address:
Development Details		
Development Name:		Development Address:
Description of Development Cost	Cost Estimate (\$)	
Demolition and alterations		
Hydraulic services		
Structure		
Mechanical services		
External walls, windows and doors		
Fire services		
Internal walls, screens and doors		
Lift services		
Wall finishes		
External works		
Floor finishes		
External services		

Ceiling finishes	
Other related work	
Fittings and equipment	
Sub-total	
Sub-total above carried forward	
Preliminaries and margin	
Sub-total	
Consultant Fees	
Other related development costs	
Sub-total	
Goods and Services Tax	
Total Development Cost	

I certify that I have:

<ul style="list-style-type: none"> Inspected the plans the subject of the application for development consent or construction certificate. Calculated the development costs in accordance with the definition of development costs in clause 208 of the Environmental Planning and Assessment Regulation 2021 at current prices. Included GST in the calculation of development cost.
Signed:
Name:
Position and Qualifications:
Date:

Sample Cost Summary Report (Development Cost more than \$500,000)

This report must be completed by a Registered Quantity Surveyor (A member of the Australian Institute of Quantity Surveyors)

Council References		
Development Application No:		
Reference:		
Complying Development Certificate Application No:		
Construction Certificate No:	Date:	
Applicants Details		
Applicant's Name:	Applicant's Address:	
Development Details		
Development Name:		
Development Address:		
Gross Floor Area – Commercial		sqm
Gross Floor Area – Residential		sqm
Gross Floor Area – Retail		sqm
Gross Floor Area – Other		sqm
Gross Floor Area – Car Parking		sqm
Total Gross Floor Area		sqm
Total Site Area		sqm
Total Number of Car Parking Spaces		
Total Development Cost	\$	
Total Construction Cost	\$	
Total GST	\$	
Estimate Details:		
Professional Fees	\$	
% Of Development Cost		

% Of Construction Cost	
Excavation	\$
Cost per sqm of Site Area	\$
Car Park	\$
Cost per sqm of site area	\$
Cost Per Space	\$
Demolition and Site Preparation	\$
Cost per sqm of site area	\$
Construction – Commercial	\$
Cost per sqm of commercial area	\$
Fit-Out – Commercial	\$
Cost per sqm of commercial area	\$
Construction – Residential	\$
Cost per sqm of Residential area	\$
Fit-Out – Residential	\$
Cost per sqm of Residential area	\$
Construction – Retail	\$
Cost per sqm of Retail area	\$
Fit-Out – Retail	\$
Cost per sqm of Retail area	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate;
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors;
- calculated the development costs in accordance with the definition of development costs in the S7.12 Development Contributions Plan of the council of [insert] at current prices;
- included GST in the calculation of development cost; and
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:

Name:

Position and Qualifications:

Date:

Appendix 2 - SCHEDULE OF WORKS

Fixed Development Consent Levies Contributions Plan Schedule of Works

Priority	Description
Low (L)	Capital Works prioritised and expected to be needed from 7 – 10 years
Medium (M)	Capital Works prioritised and expected to be needed from 3 – 7 years
High (H)	Capital Works prioritised and expected to be needed from 1 – 3 years

Item	Infrastructure	Location	Priority	Estimate (\$)
1	Community Facilities Upgrades	Narrabri - Narrabri creek accessible jetty - All accessible concrete jetty next to boat ramp	L	180,000
2	Community Facilities Upgrades	Narrabri - Gately field - Covered seating areas on the edge of field	L	45,000
3	Community Facilities Upgrades	Narrabri - leash free park - Construct a leash free dog park	M	85,000
4	Community Facilities Upgrades	Boggabri - Vickery Park Gym equipment - Two cover gym stations and connecting pathway	M	135,000
5	Footpath	Killarney Street from Tibbereena Street to Barwan Street	M	51,000
6	Footpath	Barwan Street from Bowen Street to Denison Street	M	51,000
7	Footpath	Gibbons Street from Wandil Place to Existing Footpath	M	28,000
8	Footpath	Boheena Street Wukawa Street to Cooma Road	M	73,000
9	Footpath	Wee Waa Street from Brent Street to Caxton Street	H	64,000
10	Community Facilities Upgrades	Boggabri - Vickery Park Renew Playground Equipment	M	80,000
11	Community Facilities Upgrades	Boggabri - Jubilee Irrigation for Practice fields	M	90,000
12	Community Facilities Upgrades	Wee Waa Dangar Park Irrigation System	M	100,000
13	Community Facilities Upgrades	Wee Waa Tennis Courts Renewal, Picnic Area, Lighting, Fencing and all Access Pathway	M	300,000
14	Shared Path	Wee Waa Levee Shared Path Design	L	20,000
15	Community Facilities Upgrades	Pilliga Bore Projects from Master Plan	L	80,000
16	Community Facilities Upgrades	Narrabri CBD Circular Seating Upgrade	M	330,000
17	Community Facilities Upgrades	Narrabri Skate Park	M	200,000
18	Community Facilities Upgrades	Splash Parks at each town (x3)	L	400,000 each
19	Community Facilities Upgrades	Narrabri Indoor Centre Masterplan	H	50,000
20	Community Facilities Upgrades	Narrabri Cooma Oval Canteen and toilet facilities Design	L	50,000
21	Community Facilities Upgrades	Accessibility Access at all Parks	M	200,000

22	Community Facility	New Companion Animals Impound Facility	H	450,000
23	Cemeteries	Wee Waa Installation of Toilet Amenities Block	H	90,000
24	Cemeteries	Narrabri Lawn - installation of two concrete plinth rows	M	20,000
25	Cemeteries	Narrabri Lawn – Internal Road upgrade	M	100,000
26	Cemeteries	Boggabri – Install Water Tank and Pump	M	20,000
27	Community Facilities Upgrades	Crossing Theatre external refurbishment	M	250,000
28	Pools	Boggabri – Replace Gas BBQ with Electric	M	8,000
29	Pools	Boggabri – Renew Change room Area	M	35,000
30	Pools	Narrabri – Shade Shelter and Tables	M	30,000
31	Pools	Narrabri – Replace tiles and Paint pool shell	M	15,000
32	Pools	Wee Waa – Replace Gas BBQ with Electric	M	8,000
33	Pools	Wee Waa – Paint Shell and Surrounds	M	10,000
34	Pools	Boggabri and Wee Waa – Renew access stairs for pool entry	M	24,000
35	Community Facilities Upgrades	Boggabri – Jubilee Oval reseal carpark entry area	M	35,000
36	Community Facilities Upgrades	Community Works Facilities (Boggabri and Wee Waa)	H	400,000
37	Community Facilities Upgrades	Boggabri Civic and Cultural Precinct	H	3,200,000

For the purposes of section 7.12 (3) of the Act, the cost of providing public amenities or public services is to be indexed annually (as specified in the relevant contributions plan) in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Appendix 2 - SCHEDULE OF WORKS

Priority	Description
Low (L)	Capital Works prioritised and expected to be needed from 7 – 10 years
Medium (M)	Capital Works prioritised and expected to be needed from 3 – 7 years
High (H)	Capital Works prioritised and expected to be needed from 1 – 3 years

Item	Infrastructure	Location	Priority	Estimate (\$)
1	Community Facilities Upgrades	Narrabri - Narrabri Lake Stepping Stones walkway	L	180,000
2	Community Facilities Upgrades	Narrabri - leash free park - Construct a leash free dog park	M	85,000
3	Community Facilities Upgrades	Boggabri - Vickery Park - Pump Track	M	135,000
4	Community Facilities Upgrades	Boggabri - Vickery Park Renew Playground Equipment	M	100,000
5	Community Facilities Upgrades	Boggabri - Jubilee Park - Irrigation for Practice fields	M	190,000
6	Community Facilities Upgrades	Pilliga - Bore Projects - install gravel camping ground	L	80,000
7	Community Facilities Upgrades	Narrabri CBD Circular Seating Upgrade	M	330,000
8	Community Facilities Upgrades	Narrabri Skate Park	M	250,000
9	Community Facilities Upgrades	Narrabri - Cooma Oval - Canteen and toilet facilities	L	50,000
10	Community Facilities Upgrades	Accessibility Access at all Parks	M	200,000
11	Public Amenity	Public Art installations	L	100,000
12	Community Facilities Upgrades	Crossing Theatre external refurbishment	M	250,000
13	Community Facilities Upgrades	Boggabri – Swimming Pool - Renew Change room Area	M	35,000
14	Community Facilities Upgrades	Community Works Facilities (Boggabri)	H	102,000
15	Community Facilities Upgrades	Boggabri Civic and Cultural Precinct	H	3,200,000
16	Community Amenity	Public art installations	H	100,000
17	Community Facilities Upgrades	Wee Waa CBD and Dangar Park Master Plan Project Delivery	H	\$150,000
18	Community Facilities Upgrades	Boggabri Vickery Park Master Plan Project Delivery	H	\$150,000

Note: For the purposes of section 7.12 (3) of the Act, the cost of providing public amenities or public services is to be indexed annually (as specified in the relevant contributions plan) in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

PROPOSED SCHEDULE

18.4 NARRABRI CHAMBER OF COMMERCE BUSINESS AWARDS 2024 - COMPLIMENTARY TICKET ALLOCATION

Responsible Officer: Donna Ausling, Director Planning and Sustainability

Author: Gillian Goddard, Small Business Liaison Officer

Attachments: None

STRATEGIC LINK

3 Economy - A strong, diverse and sustainable economy

Objective 3.2 A regionally renowned economy

Strategy 3.2.3 Develop and support a variety of events and tourism opportunities in the Shire

EXECUTIVE SUMMARY

The 2024 Narrabri and District Chamber of Commerce Business Awards will be held on Saturday, 14 September 2024. In line with historical arrangements, sponsorship has been coordinated from existing financial allocations from within the Economic Development (ED) budget.

This report has been prepared to recommend participation and the allocation of complimentary tickets to the 2024 Narrabri and District Chamber of Commerce Business Awards for the current Mayor and Deputy Mayor given that the event will be held on the same day as the NSW local government elections and final election results are unlikely to be known.

RECOMMENDATION

1. That Council recommend participation and the allocation of tickets to the Narrabri and District Chamber of Commerce Business Awards, on Saturday 14 September 2024, for the *current* Mayor and Deputy Mayor.

BACKGROUND

On 2 July 2024, Council received a letter from Narrabri and District Chamber of Commerce (NDCC) for platinum sponsorship of the 2024 Narrabri and District Chamber of Commerce Business Awards.

In line with historical arrangements and current operational plan actions, sponsorship has been coordinated from existing financial allocations from within the Economic Development (ED) budget.

Sponsorship of the awards includes four complimentary tickets to the event, being held on Saturday 14 September 2024. Since 2022, Council representatives have attended the awards evening, including the Mayor and Deputy Mayor.

NDCC is a not-for-profit organisation that represents and supports its members, mostly local businesses and conducts annual events. NDCC was established in 1927 and is an integral part of Narrabri's economic fabric and community and is a key consultative stakeholder.

NDCC have held 18 previous annual business awards at The Crossing Theatre (events postponed in 2020 and 2021 due to COVID-19). The awards are well received and attended by business and local community.

CURRENT SITUATION

Council is a current financial member of NDCC and regularly participates in activities, engages with, and communicates opportunities and information of relevance to NDCC.

Council is committed to supporting and nurturing, a continued positive and collaborative working relationship with NDCC and business associations across Narrabri Shire that deliver opportunities and create better outcomes for the wider community.

This year, the Narrabri & District Chamber of Commerce Business Awards 2024, will be held on Saturday, 14 September 2024. This falls on the same day as NSW Local Government Elections.

It is intended that remaining complimentary tickets will be allocated to NSC staff to enable their participation in this important annual event that celebrates the outstanding successes and achievements of our business community.

FINANCIAL IMPLICATIONS

Council has provided sponsorship for NDCC Annual Business Awards as outlined below, to a total value of \$41,145.00 from 2011 to 2024. Four complimentary tickets for the 2024 business awards are included as part of platinum sponsorship.

Transaction Date	Summary	Amount
11/08/2011	NSC Silver Sponsorship - 2011	\$1,000.00
07/12/2011	NSC Business Awards - 2011	\$14,000.00
16/08/2012	Best Business Awards – 2012	\$1,000.00
30/08/2012	Narrabri Best Business Awards – 2012	\$1,000.00
15/03/2013	Narrabri Business Awards - 2013	\$15,785.00
29/08/2013	Business Awards – 2013	\$260.00
01/09/2014	Sponsorship Business Award – 2014	\$1,000.00
04/09/2015	Business Award Bell & Johnston - 2015	\$1,000.00
08/08/2016	Sponsorship Business Awards - 2016	\$1,000.00
09/09/2022	Sponsorship Business Awards – 2022	\$2,500.00
31/07/2023	Platinum Sponsorship Business Awards – 2023	\$3,300.00
17/06/2024	Platinum Sponsorship Business Awards – 2024	\$3,300.00
	Total:	\$45, 145.00

STATUTORY AND POLICY IMPLICATIONS

There are no statutory or policy implications to report at this time.

CONSULTATION

Senior Management Team.

18.5 DRAFT NARRABRI RURAL LAND STRATEGY**Responsible Officer:** Donna Ausling, Director Planning and Sustainability**Author:** Michelle Castles, Manager Planning and Development**Attachments:** 1. 240619_Narrabri RLS_FINAL_DRAFT_v3**STRATEGIC LINK****2 Environment - A sustainable and compatible natural and built environment****Objective** 2.2 An integrated and strategic built environment**Strategy** 2.2.4 Support strategic and non-conflicting land use that supports sustainable growth through zoning and advocacy**EXECUTIVE SUMMARY**

A draft Rural Land Strategy has been prepared which is presented for Council's further consideration along with a request for public exhibition for community comment.

RECOMMENDATION

- 1. That Council receive and note the Report on the Narrabri Rural Land Strategy.**
- 2. That the draft Narrabri Rural Land Strategy be placed on public exhibition for 60 days, and during the exhibition period call for and accept submissions from the public.**
- 3. That a report be returned to Council following the conclusion of the public exhibition period to the next available Ordinary Council Meeting detailing the results of the public exhibition.**

BACKGROUND

Narrabri Shire Council prepared and adopted the Narrabri Local Strategic Planning Statement 2040 (Narrabri LSPS) in July 2016, which sets out the 20-year vision for land use in the local area. The Narrabri LSPS contains several Planning Priorities and related actions that relates to agriculture industries and rural land.

A key action of the LSPS and the 23/24 Operational Plan is to "prepare a Rural Lands Study and review it ever four years to ensure that land use policies enable a productive agricultural sector". The Strategy aligns with the vision for sustained and viable rural and agricultural land in the Narrabri LSPS and aligns with the broader strategic directions and actions of the Narrabri Growth Management Strategy, Narrabri Economic Development Strategy and New England North West Regional Plan. The draft Narrabri Shire Rural Land Strategy serves as a land use planning and management framework guiding decisions about rural land use in the Narrabri local government area over the next 20 years. The Strategy is proposed to be used by Narrabri Shire Council to help inform future planning decisions and local planning

policy for rural lands. It will be utilised to inform potential updates to Narrabri Local Environmental Plan 2012 (Narrabri LEP 2012) and Narrabri Development Control Plans (Narrabri DCPs), including land use zoning and development controls in rural areas.

The document has been prepared by specialist planning consultancy firm Ramboll Pty Ltd in a collaboration with Narrabri Shire Council and the NSW Department of Planning, Housing and Infrastructure (DPHI). A copy of the draft Strategy is enclosed for the information of Council at **Attachment 1**.

CURRENT SITUATION

As detailed in the enclosed draft Strategy, the rural areas of Narrabri have long been a cornerstone of the Shire's heritage, community fabric, natural beauty, and economic structure. Presently, it supports a diverse range of activities in rural land including agriculture, mining, gas, research, tourism, rural housing, rural and extractive industries as well as possesses unique environmental and cultural assets with its national parks. Its strategic location on the convergence of two major arterial roads midway between Sydney and Brisbane provides great opportunities to support the economy significant opportunities for diversification and access to export markets. It is vital for Narrabri to encourage investment and spearhead innovation to drive local economic development and variety, all the while preserving the integrity of the rural environment's pristine, ecological, and picturesque qualities. A comprehensive and proactive approach is essential to uphold and preserve the significant role that agriculture and its affiliated sectors play in Narrabri over an extended period.

The Strategy lays the groundwork for enduring strategic planning for the rural zones within the Narrabri Shire, aimed at sustaining the drive of agriculture while promoting inventive diversification and enhanced value creation. The Strategy aligns with the vision for sustained and viable rural and agricultural land in the Narrabri Local Strategic Planning Statement 2040 and aligns with the broader strategic directions and actions of the Narrabri Growth Management Strategy, Narrabri Economic Development Strategy and New England North West Regional Plan.

The Strategy has been structured around three themes each with a set of planning principles to further define how rural land will be guided and managed into the future. These include:

Community and rural character

- Protect productive agricultural land
- Minimise land use conflicts
- Enhance opportunities for First Nations people

Economy and transition

- Encourage diversification of rural economy
- Support transition to new technologies and research

Environment and climate change

- Build greater resilience to climate change and natural hazards
- Protect and enhance biodiversity, landscape and heritage

Each planning principle translates into a range of objectives and recommended actions to ensure more sustainable use of rural land, support growth and innovation in the sector, and ensure less potential for conflict between land uses through better planning and management across all rural land. It further details that Council is committed to the strategic planning and management of rural land, which encompasses enhancing local infrastructure, safeguarding environmental and historical rural assets, and invigorating the local economy. Through the Strategy, the Council will be empowered to foster investment and innovation, paving the way for opportunities that enhance local economic development and diversification. The Strategy stands as a framework for land use planning and management within Narrabri's rural areas, providing guidance for policy-making decisions over the next two decades. The Strategy will be used by Narrabri Shire Council to help inform future planning decisions and local planning policy for rural lands. It will provide insight for possible revisions to *Narrabri Local Environmental Plan 2012* (Narrabri LEP 2012) and Narrabri Development Control Plans (Narrabri DCPs), including land use zoning and development controls in rural areas.

Council's endorsement is sought to the public exhibition of the draft strategy for a period of 60 days to seek community feedback in line with the spirit and intent of Council's Community Participation Plan. Given that the exhibition of the draft documentation will coincide with the caretaker period, a further report in relation to this item will be presented to the October 2024 Ordinary Meeting of Council.

FINANCIAL IMPLICATIONS

There are no financial implications to report at this time.

STATUTORY AND POLICY IMPLICATIONS

Detailed in the body of the Report.

CONSULTATION**Internal Consultation**

- Senior Management Team.
- Economic Development Team.
- Planning & Development Team.

External Consultation

- NSW Department of Planning, Housing and Infrastructure (DPHI).

Narrabri Rural Land Strategy



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Acknowledgment of Country

We acknowledge the Traditional Custodians of the land on which the Rural Land Strategy is located, and recognise the continuing connection to lands, waters, and communities of people of the Gamilaraay/Gamilaroi/Gomeri/Kamilaroi Nation. We pay respect to Elders past, present and emerging.

We recognise the Gamilaraay/Gamilaroi/Gomeri/Kamilaroi Nation continued connection to Country and that this connection can be seen through stories of place and cultural practices such as art, songs, dances, storytelling and caring for the natural and cultural landscape of the area.



Executive summary

The rural areas of Narrabri have long been a cornerstone of the Shire's heritage, community fabric, natural beauty, and economic structure. Presently, it supports a diverse range of activities in rural land including agriculture, mining, gas, research, tourism, rural housing, rural and extractive industries as well as possesses unique environmental and cultural assets with its national parks. Its strategic location on the convergence of two major arterial roads midway between Sydney and Brisbane provides great opportunities to support the economy significant opportunities for diversification and access to export markets.

It is vital for Narrabri to encourage investment and spearhead innovation to drive local economic development and variety, all the while preserving the integrity of the rural environment's pristine, ecological, and picturesque qualities.

A comprehensive and proactive approach is essential to uphold and preserve the significant role that agriculture and its affiliated sectors play in Narrabri over an extended period. The Strategy lays the groundwork for enduring strategic planning for the rural zones within the Narrabri Shire, aimed at sustaining the drive of agriculture while promoting inventive diversification and enhanced value creation.

The Strategy aligns with the vision for sustained and viable rural and agricultural land in the *Narrabri Local Strategic Planning Statement 2040* and aligns with the broader strategic directions and actions of the *Narrabri Growth Management Strategy*, *Narrabri Economic Development Strategy* and *New England North West Regional Plan*.

The Strategy has been structured around three themes each with a set of planning principles to further define how rural land will be guided and managed into the future. These include:

Community and rural character

- Protect productive agricultural land
- Minimise land use conflicts
- Enhance opportunities for First Nations people

Economy and transition

- Encourage diversification of rural economy
- Support transition to new technologies and research

Environment and climate change

- Build greater resilience to climate change and natural hazards
- Protect and enhance biodiversity, landscape and heritage

Each planning principle translates into a range of objectives and recommended actions to ensure more sustainable use of rural land, support growth and innovation in the sector, and ensure less potential for conflict between land uses through better planning and management across all rural land.

Council is committed to the strategic planning and management of rural land, which encompasses enhancing local infrastructure, safeguarding environmental and historical rural assets, and invigorating the local economy. Through the Strategy, the Council will be empowered to foster investment and innovation, paving the way for opportunities that enhance local economic development and diversification.

The Strategy stands as a framework for land use planning and management within Narrabri's rural areas, providing guidance for policy-making decisions over the next two decades. The Strategy will be used by Narrabri Shire Council to help inform future planning decisions and local planning policy for rural lands. It will provide insight for possible revisions to *Narrabri Local Environmental Plan 2012* (Narrabri LEP 2012) and Narrabri Development Control Plans (Narrabri DCPs), including land use zoning and development controls in rural areas.

Part 1

Background and context



1. Introduction

1.1 Need for a rural land strategy

Agriculture plays a key role in the social and economic fabric of Narrabri Shire. Narrabri Shire Council's (Council) vision for the Shire is one of a prosperous region built on a strong agricultural base between its townships and surrounding hinterland.

Narrabri's unique mix of rural land uses includes agriculture, mining, gas, rural industries, research, tourism, rural living, forestry, environmental management and nature parks, as well as having unique environmental and cultural assets.

Its strategic location on the convergence of two major arterial Roads, the Newell and Kamilaroi Highways, midway between Sydney and Brisbane. Alongside road infrastructure, the existing Walgett Railway line and the new Inland Rail offers Narrabri's rural economy significant opportunities for diversification and access to export markets.

It is important for Narrabri to facilitate investment and innovation, and open opportunities for local economic growth and diversification, while protecting the natural, ecological, and scenic quality of the rural environment.

An integrated and forward-thinking strategy is required to support and protect the important contribution agriculture and related industries make to Narrabri in the long term. The Narrabri Rural Land Strategy provides the basis for a long-term strategic direction for rural areas across the Narrabri Shire that maintains agricultural productivity and supports innovation through diversification and value-add processes.

1.2 Purpose of the strategy

Narrabri Shire Council prepared and adopted the *Narrabri Local Strategic Planning Statement 2040* (Narrabri LSPS) in July 2016, which sets out the 20-year vision for land use in the local area. The Narrabri LSPS contains several Planning Priorities and related actions that relates to agriculture industries and rural land. A key action of the LSPS is to *"prepare a Rural Lands Study and review it ever four years to ensure that land use policies enable a productive agricultural sector"*.

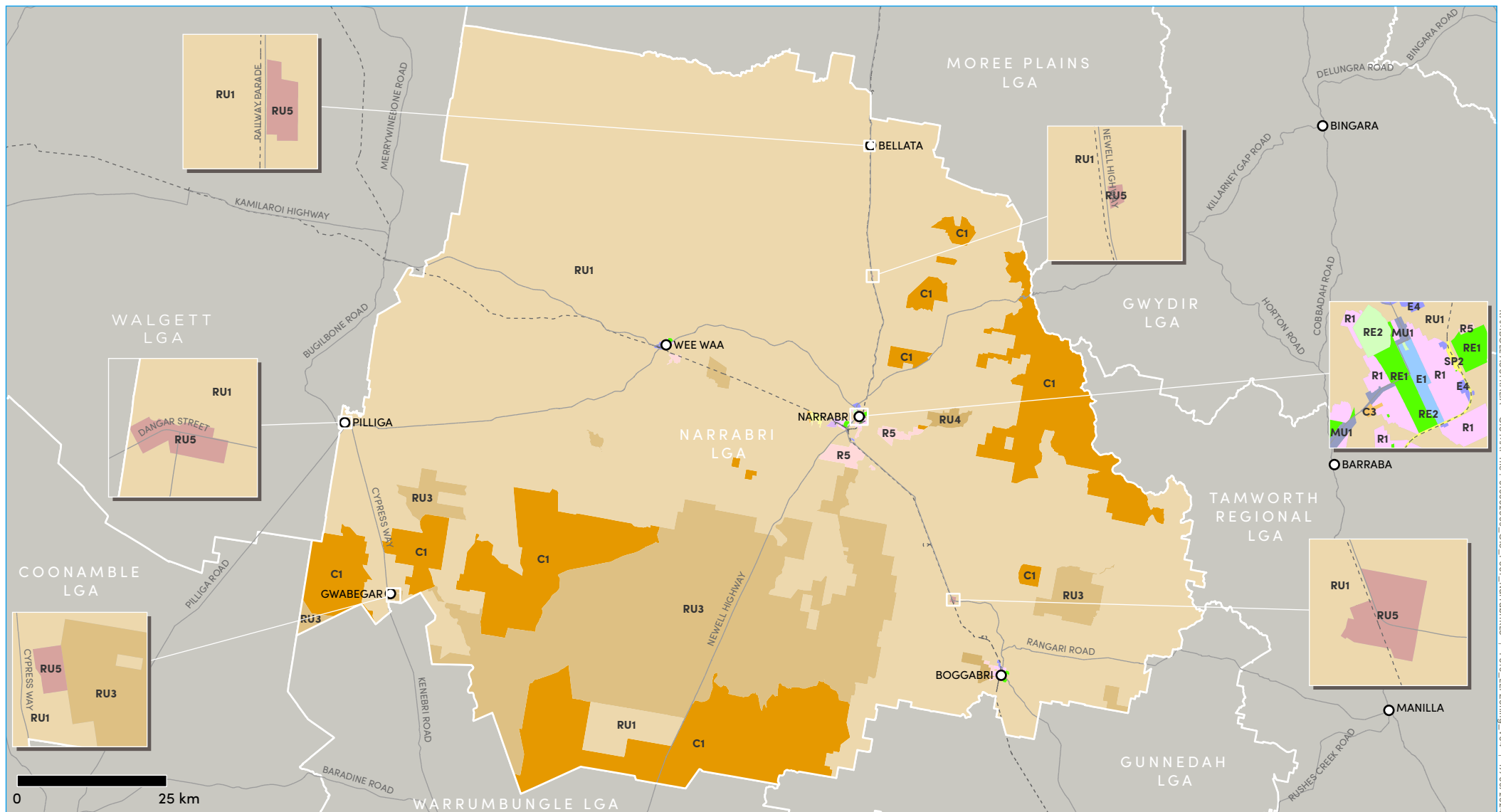
The Strategy aligns with the vision for sustained and viable rural and agricultural land in the Narrabri LSPS and aligns with the broader strategic directions and actions of the Narrabri Growth Management Strategy, Narrabri Economic Development Strategy and New England North West Regional Plan.

This Narrabri Shire Rural Land Strategy serves as a land use planning and management framework guiding decisions about rural land use in the Narrabri local government area over the next 20 years. The Strategy will be used by Narrabri Shire Council to help inform future planning decisions and local planning policy for rural lands. It informs potential updates to *Narrabri Local Environmental Plan 2012* (Narrabri LEP 2012) and Narrabri Development Control Plans (Narrabri DCPs), including land use zoning and development controls in rural areas.

1.3 Where does the Strategy apply?

The Strategy covers land zoned under the Narrabri LEP 2012 as follows (Figure 1):

- RU1 Primary Production
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village
- C1 National Parks and Nature Reserve
- C3 Environmental Management.



Legend

— LGA boundary

LEP zoning (DPHI)

Rural land zones

- C1 - National Parks and Nature Reserves
- C3 - Environmental Management
- RU1 - Primary Production
- RU3 - Forestry
- RU4 - Primary Production Small Lots

RU5 - Village

Other zones

- E1 - Local Centre
- E4 - General Industrial
- IN1 - General Industrial
- MU1 - Mixed Use

R1 - General Residential

- R5 - Large Lot Residential
- RE1 - Public Recreation
- RE2 - Private Recreation
- SP1 - Special Activities
- SP2 - Infrastructure

----- Railway

—— Road

Figure 1: Narrabri LEP rural land use zones

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1.4 How was the strategy developed?

The Strategy was developed utilising different phases:

- Phase 1: Scoping Report
- Phase 2: Exhibition of Draft Rural Lands Strategy
- Phase 3: Final Rural Lands Strategy
- Phase 4 (future): Amendments to Narrabri LEP 2012 and Narrabri DCPs.

The Phase 1 Scoping Report provides an overview of rural and environmental land and relevant policies, strategies and studies as the basis for identifying challenges, opportunities and drivers influencing change on rural land. The Scoping Report was based on desktop research and review, including documents from Department of Planning, Housing and Infrastructure, Council, educational research, industry and related entities. The findings of the Scoping Report are incorporated into this Strategy.

During the development of this Strategy engagement with various stakeholders took place, including State agencies, various areas of Council and relevant stakeholders. The engagement was undertaken between April and June 2024 and included:

1. Meetings, both online and face to face, with the Department, Council and relevant stakeholders, including education institutions, internal State Government and Council staff, and industry.
2. Stakeholder in person meetings.

Further insights are intended to be obtained through public exhibition of the Strategy before being finalised for adoption.

1.5 Structure of this document

This Strategy is split into two parts:

Part 1 – Background and strategy context to the Strategy

1. Introduction – Describes the background and purpose of the Strategy.
2. Strategic context – Gives a brief description of relevant planning policy context, provides an overview of the economic, social and environmental significance of the rural land in a regional and local context, and an overview of key drivers of change which inform the opportunities and constraints.

Part 2 – Way forward for Narrabri rural lands

3. Vision –Statement describing the long term aspiration for Narrabri rural lands.
4. Planning principles – Defines planning principles and recommended actions in three focus areas underpinning the future of rural land in Narrabri.
5. Implementation – Key steps for implementing the recommended actions.



2. Strategic context

2.1 Planning and policy context

Agricultural policy is generally set by the NSW State Government Department of Primary Industries and Department of Planning, Housing and Infrastructure and influences land use planning and supports growth in agricultural production. The NSW planning system uses a tiered approach to planning for rural lands at the State, regional and local levels. This Strategy seeks to align with current strategic directions at the State and regional levels, to guide local actions for the benefit of the Narrabri community. It aligns with the *New England North West Regional Plan 2041* and the *Narrabri Local Strategic Planning Statement 2040*. Together, these sets the 20-year strategic directions for Narrabri towards a prosperous and sustainable future.

Within the strategic context, key planning principles for rural land include:

- Protect the agricultural production value of rural land and ensure lawful agricultural enterprises can operate unencumbered.
- Establishing planning and implementation frameworks to maintain the profitability, productivity and innovation of rural economy.
- Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses.
- Expand agribusiness and diversify the rural economy through emerging sectors including renewable energy and food processing sectors.
- Encourage investment, increased productivity and value adding activities within the region.
- Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land.

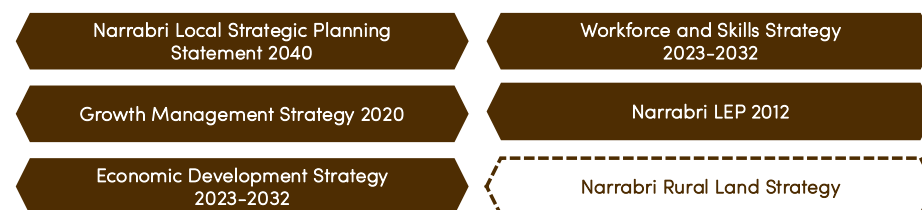
STATE PLANNING



REGIONAL PLANNING



LOCAL PLANNING



2.2 Local context

The following section provides a snapshot of Narrabri's population, economy and what defines its rural character and drivers of change. The snapshot helps define opportunities and constraints in Narrabri, which lead to establishing planning principles and objectives to set the direction for rural land in the area.

2.2.1 Regional agricultural context

Narrabri is one of four LGAs within the North West Plains Sub Region, which is part of New England/North West Planning Region in NSW. The North West Plains Sub Region covers Moree Plains, Narrabri, Gunnedah and Liverpool Plains and covers an area of 40,990 km². The region contains some of the most highly productive and sought-after agricultural land in NSW, where the biggest individual contribution is Moree Plains with \$864 million followed by Narrabri Council with \$375 million, see Figure 2. Moree Plains and Narrabri are also the LGAs with the highest agriculture employment with respectively 34.5% and 27.4% (Department of Primary Industries 2020).

Agriculture is a key economically industry for the North West Plains and is particularly important for cotton, broadacre cropping, beef, sheep and wool, poultry, fruits and nuts. Broadacre is the most dominant industry in terms of Gross Value of Production (GVP). See Table 1 for Narrabri's agricultural production in relation to the North West Plains sub region and NSW in 2015/2016 (Department of Primary Industries 2020).

Narrabri and Moree Plains are commonly known in agriculture as the 'Golden Triangle', which produces consistently high yields of prime hard wheat, and the area makes up a considerable percentage of national production of prime hard wheat. Further both shires combined produce 47% of NSW's cotton, proving to be a growing industry and the single biggest agricultural commodity grown in the North West Plains (Department of Primary Industries 2020).

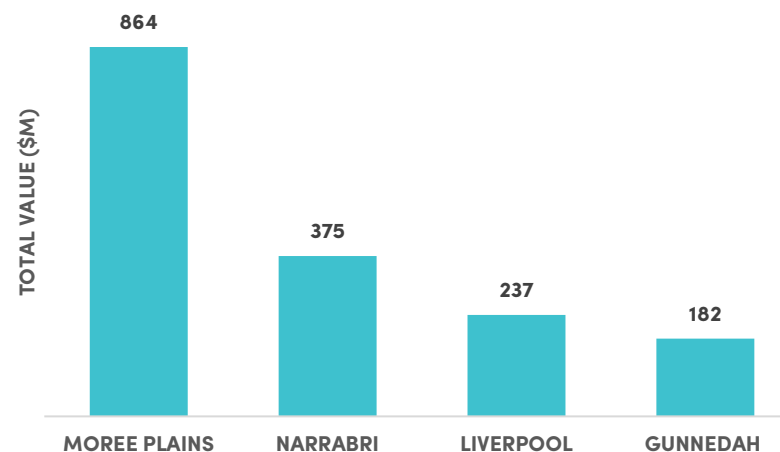


Figure 2. Agriculture value by LGA in the North West Plains Sub Region

Table 1. Comparative value of agricultural commodities

Industry	Narrabri		North West Plains		Narrabri proportion of NSW production
	Value \$M	% of NSW	Value \$M	% of NSW	
Broadacre cropping	\$186.9m	19%	\$989m	24%	4.5%
Cotton	\$140.3m	34%	\$415m	47%	16%
Livestock	\$33m	18%	\$205m	10%	1%
Total	\$360.2m	71%	\$1.609b	81%	21%

2.2.2 Narrabri community

Narrabri is expected to see a decrease in younger age groups and increase in older age groups by 2041 (Department of Planning and Environment n.d.). Based on the Growth Management Strategy, Narrabri has seen an outflow of the population between the ages of 20–30 years who leave in search of better education and employment opportunities, resulting in the loss of potential skilled workers. These trends, combined with an overall declining population is expected to increase pressure on industries especially the agriculture sector. The anticipated increase in an aging population is expected to intensify the pressure on infrastructure and services to accommodate evolving needs. Additionally, this demographic shift may result in heightened challenges in sustaining and enhancing these facilities and services due to a potential decrease in demand and financial income.



Population
12,754



Median age
40 years



Declining population
2021: 13,019
2041: 12,102



Private dwellings
5,960

Narrabri offers a range of community, education, workforce and social opportunities, especially compared to other remote mining and agriculture areas. Despite this, Narrabri has a large proportion of FIFO (Fly-in, Fly-out) and DIDO (Drive-in, Drive-out) workers, which implies that the opportunities, such as suitable housing, are insufficient to encourage FIFO and DIDO workforce to live in Narrabri instead of traveling in and out of the area.

2.2.3 Economy

The economy in Narrabri is largely driven by mining and agriculture industries due to the area's rich fertile soils which support the agricultural production, agribusiness, mineral resource production and several research institutions. The strong agriculture and mining sectors mean that Narrabri has a diverse economic base (REMPLAN n.d.). Narrabri is strategically positioned with easy access to road and rail transportation, which makes export efficient.



Narrabri
Output \$4.5 billion
Regional exports \$3.000 billion
Jobs 6,949



Mining
Output \$2.4 billion (53.5%)
Regional exports \$2.331 billion
Jobs 1,501 (21.6%)



Agriculture, forestry and fishing
Output \$456.5 million (10.2%)
Regional exports \$361 million
Jobs 1,128 (16.2%)

The agriculture sector's primary activities consist of cotton, grain and oil seed cropping, wool and fat lamb production and cattle. The shire is home to some of the largest multi-national agricultural companies in Australia, which all are supporting the growing industry in Narrabri. Further Narrabri is home to several agricultural research facilities, which support research in new technologies in agriculture (Narrabri Shire 2020b). Narrabri's agricultural production accounts for 4.8% of the State's gross agricultural value, which is due to favourable climate and soils, access to national and international markets, strong broadacre cropping and grazing sectors and irrigated crops (Narrabri Shire 2016).

Agriculture has for a long time been the economic base supporting Narrabri, but as noted above employment in the sector has been declining due to specialised and efficient technology. A change in the agriculture sector is giving opportunities for growth in other industries such as tourism, service industries and mining (Narrabri Shire 2016).



Narrabri's agricultural production accounts for 4.8% of NSW's gross agricultural value

The agriculture and mining sectors are vulnerable to the impacts of climate change and require strategic futureproofing to integrate emerging industries and technologies effectively. This includes industries within renewable energy, recycling and research centres. The agriculture sector is already

transitioning by using less water in production, new types of seeds and grains that are more resilient to climate changes and reintroducing First Nation grains. Being home to several research centres gives Narrabri the opportunity to be leaders within the sector and add value and knowledge to the growing industries in the area. To achieve this, a flexibility in the land use planning framework is needed to respond to the evolving agricultural industries.

Despite the growth in economy, it has not transpired in the growth in jobs in Narrabri, where the area had a 2% growth in jobs from 2012-2020 (Australia n.d.). It is uncertain if agriculture and mining will support future job growth in Narrabri, due to mining being a capital-intensive industry with a large proportion of FIFO (Fly-in, Fly-out) and DIDO (Drive-in, Drive-out) workers and a decline in agricultural employment in recent years due to technological improvements and farm consolidation.

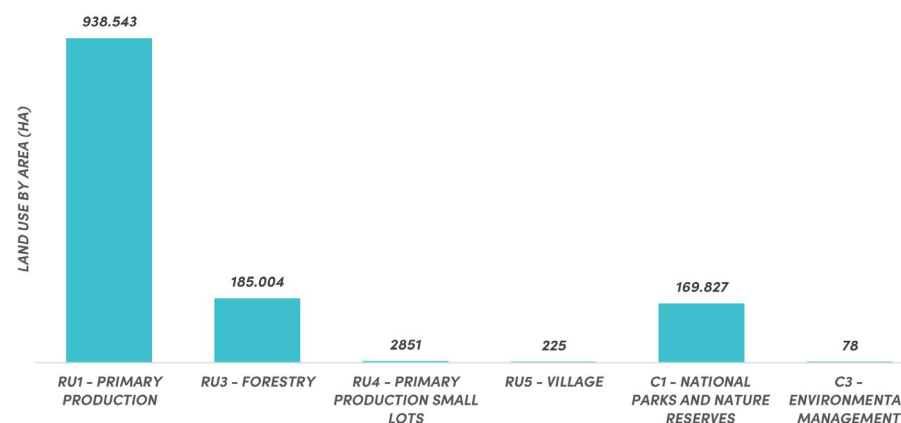


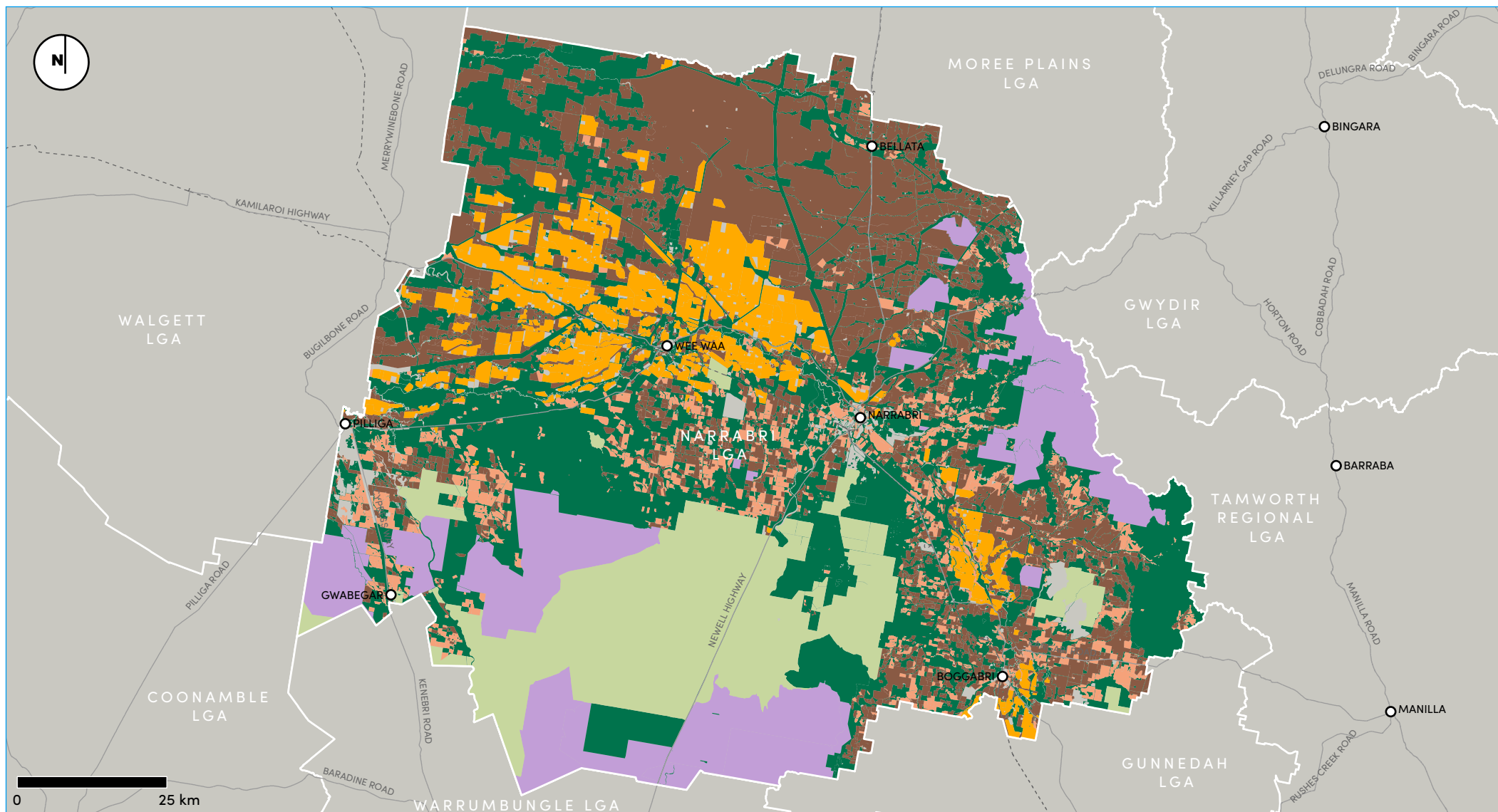
Table 2. Area (ha) of different land uses in Narrabri LGA zoned as either RU or C.

2.2.4 Overview of existing rural lands in Narrabri

Rural land within Narrabri is a mix of land used for agricultural and environmental purposes, occupying 71% of the Shire, covering an area of approximately 9,257 km² (Department of Primary Industries n.d.). Most of the rural land in Narrabri is zoned as RU1 Primary Production with small clusters of RU4 Primary Production Small Lots zoned land located near Narrabri town. The Narrabri LEP 2012 subdivision minimum lot sizes for the purpose of a dwelling house are 100ha for RU1 zone and 40ha for the RU4 zone (Narrabri Shire 2020a). Table 2 shows the area (ha) of the different land uses either zoned as rural or conservation in Narrabri.

Narrabri is estimated to contain around 12% of coal reserves available in New South Wales and has been labelled the “New Coal Frontier” in the state due being home to emerging resource industries of coal and gas (Narrabri Shire n.d.-b). Mining is expected to see a decrease as the energy sector is transitioning into renewable sources.

Rural land in Narrabri consists of several different types of land uses in the different zones, where the majority is cropping as shown on Figure 3.



Legend

LGA boundary	Land use (NSW DCCEEW)	3.2.0 Grazing modified pastures	----- Railway
	1.1.0 Nature conservation	3.3.0 Cropping	— Road
	2.1.0 Grazing native vegetation	4.3.0 Irrigated cropping	
	2.2.0 Production native forestry		

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Figure 3 : Primary use of rural land by use

2.3 Drivers of change

Based on detailed background analysis of relevant documents, data analysis, stakeholder engagement and workshops, the following opportunities and constraints have been identified.

As part of the stakeholder consultation a number of key themes were identified, including support of research facilities and industries, transition in existing industries and growth in new ones, and the pressure from climate change and need for more resilience in Narrabri. These drivers of change inform the opportunities and constraints under three overarching themes:



Part 2

Future directions for rural lands



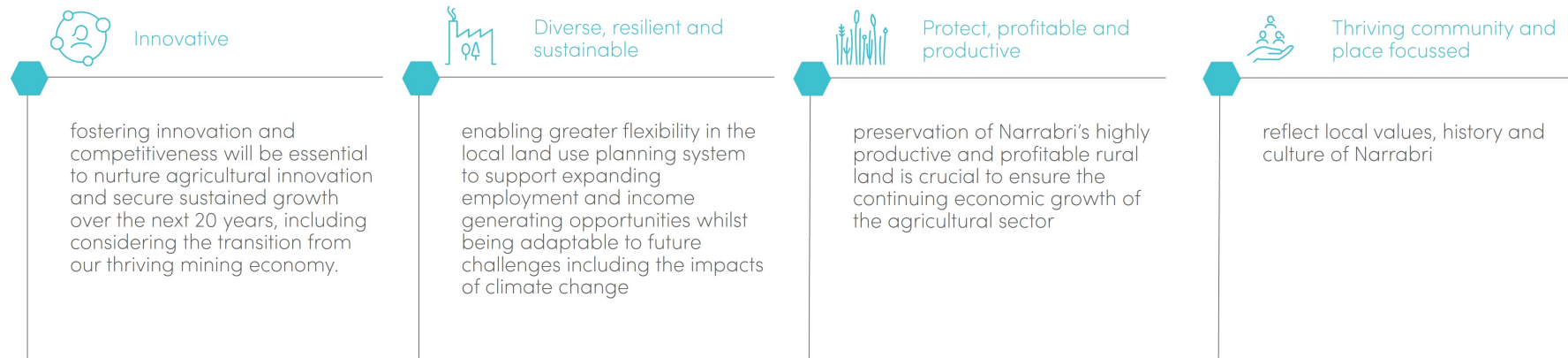
3. Vision

This Strategy provides the framework for managing growth, change and development for rural land in Narrabri for the next 20 years. The Strategy considers potential growth beyond its timeframe as well as the need to ensure planning decisions do not compromise future planning needs.

The vision for Narrabri Shire’s rural land is based on protecting agricultural viability while driving growth through value-added opportunities. To achieve the vision, the Strategy will focus on four key interrelated outcomes described below.

VISION FOR NARRABRI RURAL LAND

Rural land in Narrabri prioritises productivity and innovation. We will foster diverse, resilient, and sustainable land uses, cultivating a thriving rural community where tradition meets innovation. Together, we lay the foundation for prosperity, ensuring a bright future for generations to come.

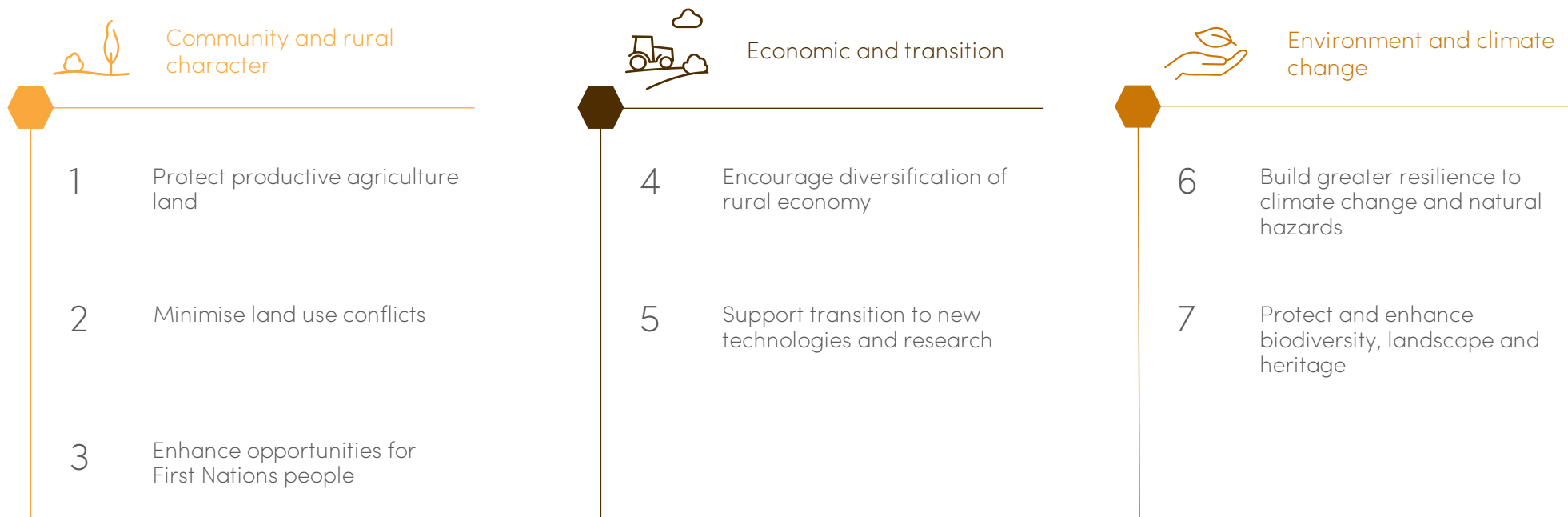




4. Planning principles

Based on identified opportunities and constraints, stakeholder engagement and workshop, and associated research the following principles have been established to define recommended actions for future planning of rural land.

Three interrelated focus areas for rural land in Narrabri provide the basis for generating targeted planning principles for rural land. The planning principles and recommended action aligned with these focus areas, underpinning the future of Narrabri rural land, are described in the following sections.



4.1 Community and rural character

Narrabri's identity is highly influenced from being a mining and agriculture Shire over the past 160 years, as well as being home to a large First Nation community, which makes the region unique. This also means that several interests need to be considered when planning for rural land, such as creating opportunities for agricultural production of traditional grains.

Agriculture is the second largest contributor to Narrabri Shire economy and the backbone of it, and protection of its land is required to maintain the benefits that come along with it. The agriculture sector in Narrabri provides jobs, prosperity, food security, research and environmental outcomes.

4.1.1 Principle 1: Protect productive agriculture land

Opportunities and challenges

Biophysical Strategic Agricultural Land

The NSW Government has mapped the state's most valuable farming land, known as Biophysical Strategic Agricultural Land (BSAL), which has the best quality soil and water resources and plays an important role in the agricultural industry. The BSAL mapping can be assisted by appropriate land use planning controls by providing legal protection through zoning and other controls (NSW Department of Primary Industries 2017). Land with biophysical attributes has the best combination of soil and water characteristics and is highly suited for cropping purposes.

The NSW Government is currently in the early draft stages of mapping State Significant Agricultural Land (SSAL) across the state. This mapping is derived from existing statewide data, focusing on areas with the most relevant characteristics that define the highest quality agricultural lands. This initiative aims to identify and protect lands critical for agricultural production based on a comprehensive set of criteria.

This mapping is yet to be finalised; however, it forms part of the evolving data and information available to guide and inform state and local government along with industry on the location of the most important agricultural land, its value and contribution to regional economies.

Important Agricultural Land maps identify lands that are highly suitable for important agricultural industries at a local and regional scale. They complement the mapping of state/nationally significant agricultural lands. The map was developed using available spatial data sets and were verified by stakeholder workshops. They are supported by a series of agricultural industry profiles. Six case study local government areas were mapped due to their diverse agricultural landscapes and industries. Whilst this mapping does not extend to cover Narrabri Shire, the NSW Department Primary Industries *A guideline to identifying important agricultural lands in NSW* was developed from the pilot and is the current guideline for mapping important agricultural lands in NSW. These guidelines are applicable if further mapping is to be undertaken across Narrabri.

Minimum lot size and fragmentation of productive land

Figure 4 shows a review of the rural planning controls in relation to Minimum Lot Size (MLS) and Biophysical Strategic Agricultural Land (BSAL). The review examines rural zones and the minimum lot sizes to see if there is a correlation in approach, which should be considered in the Strategy.

There is a need to preserve larger scale agricultural land within the Shire to support existing and emerging agricultural activities while preventing further fragmentation of rural land. Large land holdings are an advantage for viable agricultural operations to grow, invest and diversify.

A map showing the location of the important agricultural lands and minimum lot sizes are provided in Figure 4. The key findings are:

- Generally, the BSAL is identified as RU1 Primary Production land across Narrabri LEP 2012. There is a small pocket of rural – residential land

identified for two-hectare minimum lot size on the eastern side of Narrabri that is also identified as BSAL.

- Apart from the above all other BSAL has a minimum lot size of 100 hectares.

Fragmentation of rural land is common, not just to Narrabri. This fragmentation has been enabled over the years through such things as LEPs with clauses that encourage concessional lots to enable the farmer to retire and still live on the land and to then pass the farm on to family members to run, or clauses that permitted the farmer to create additional lots to sell to help through rough times on the land. Legacy lots from previous LEPs is also a contributing factor to fragmentation and rural land use conflict.

While the idea of enabling farmers to remain on the land by permitting additional subdivision entitlements was well intentioned, it created lots below the minimum lot size, leading to significant fragmentation of rural lands and rural land use conflict due to expectations around legacy dwelling entitlements.

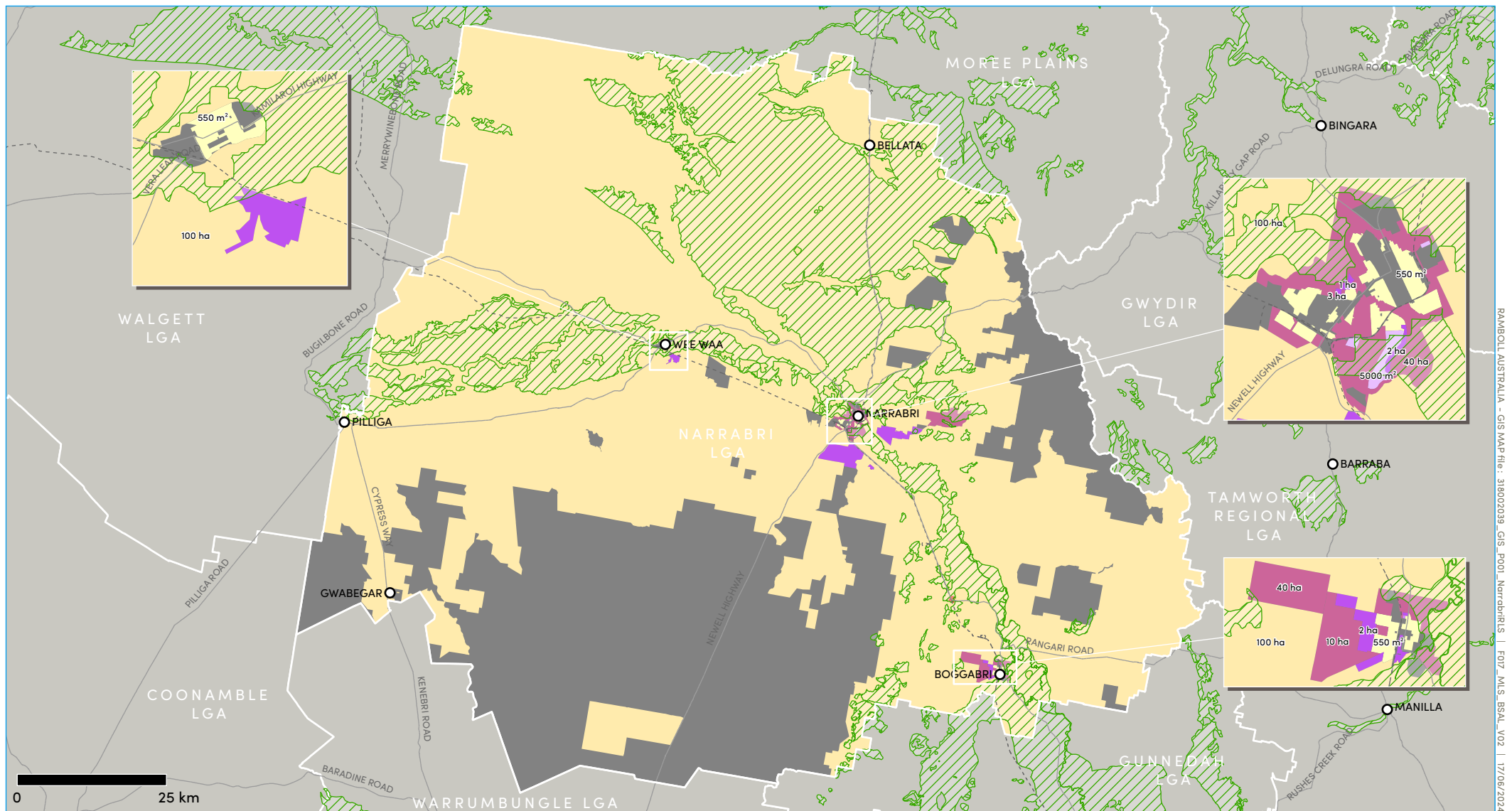
The current RU1 and RU4 zones under the Narrabri LEP 2012 prescribe a minimum lot size of 100ha and 40ha respectively. This should be maintained to continue to support a range of agricultural uses while managing already fragmented land and associated dwelling entitlements.

Objectives

- High quality agricultural land aligned with BSAL and SSAL land should be zoned RU1 Primary Production.
- Rural residential or 'lifestyle' housing are to be located near existing townships to consolidate rural living near existing infrastructure and avoid fragmentation of RU1 zoned land.
- Limiting non-agricultural incompatible land uses on highly productive and high value agricultural land.

Recommended actions

- Review the opportunities and constraints of BSAL, SSAL and Important Agricultural Land (IAL) land, when all mapping is available, with a view to applying RU1 Primary Production zone to protect and sustain their value for future rural productivity.
- Review dwelling entitlements in RU1 Primary Production Zone to avoid changes to minimum lot sizes for land that create additional dwelling eligibilities and rezone land near Narrabri town for rural residential where demand is evident.
- Maintain Narrabri LEP 2012's 100ha and 40ha minimum lot size within the RU1 and RU4 zones.
- Establish development controls to ensure all new dwellings located on rural land do not compromise IAL, BSAL, scenic amenity and agricultural activities.
- Strengthen development controls to discourage dual occupancy development on RU1 land.
- Manage and monitor the supply of R5 large lot residential land through Local Housing Strategy process.



Legend

	LGA boundary		Minimum lot size (DPHI) 550 m²		10 ha		Railway
	Biophysical Strategic Agricultural Land (DPHI)		2,000 m²		40 ha		Road
			5,000 m²		100 ha		
			1 ha		Other zone		
			2 ha				

Figure 4 : Overlay of BSAL mapped land and minimum lot sizes

4.1.2 Principle 2: Minimise land use conflicts

Opportunities and challenges

Right to farm

If agricultural land is not protected from other uses such as residential or industrial uses it is permanently lost for commercial agricultural production. Agriculture has a very important role in regional communities such as Narrabri but is often not prioritised in the overall strategical direction for the area and thereby at risk of being encroached upon. Rural land should predominantly only be used for agricultural production. Encouraging ongoing investment in agriculture and protecting its land and resource base is critical to achieve long-term success.

Land use conflicts occurs when land uses or activities are incompatible with the views, expectations or values of the surrounding community and are near each other. The conflicts most often occur due to different expectations and aspirations of landholders, as well as a lack of understanding of agriculture practices and poor land management. Land use conflicts can potentially constrain legal farming operations and reduce the feasibility of investment in agricultural operations. Land use conflicts occur both when agricultural uses impacts on residential uses and when other land users impact on farmers. Agriculture is the largest industry in Narrabri by land use and in some areas located nearby sensitive land uses such as residential.

The *Right to Farm Act 2019* and *Right to Farm Policy 2015* supports farmers undertaking lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land uses. The policy reinforces the rights and responsibilities of farmers and establishes a standard for ongoing monitoring and evaluation of land use conflicts.

Conventional agriculture, such as farming, can lead to land use conflicts due to noise, odour, dust, smoke, water quality issues, traffic and complaints from

nearby residential neighbours. Conflicts impact the overall community and its wellbeing. Land use conflicts can make it difficult for agricultural industries to plan for future investments due to uncertainty about future planning of land and complaints about legal farming activities.

Education and effective communication between property owners is critical when new land uses and activities are introduced to rural land. There are a number of NSW best practice guidelines for different sectors of the agricultural industry that have been developed by the NSW Department of Primary Industries (DPI) including buffer guidelines which should be used to guide planning on rural land.

Rural Housing

The NSW Agriculture Commissioner's report, *"Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System"* (2021), highlighted that residential development is increasingly fragmenting the rural landscape. This fragmentation affects rural land values, introduces sensitive receptors potentially incompatible with agriculture, and may render agricultural operations unviable.

Fragmentation of agricultural land is a primary factor diminishing its capacity for productive agriculture. This issue is currently recognised by Narrabri LEP 2012 in the objectives of the RU1 Primary Production zone, which aims *"to minimise the fragmentation and alienation of resource lands"*. Fragmentation is largely driven by decisions to reduce minimum lot sizes or allow dwellings on undersized lots.

Ad hoc development of houses on undersized lots in rural areas undermines strategic planning efforts and introduces potentially incompatible land uses into the agricultural landscape. This practice increases the risk of land use conflicts and generates uncertainty for industries investing in rural regions.

The historical planning provisions allowing for the ad hoc emergence of dwellings on rural land pose a significant risk to the rural economy by

introducing sensitive receptors in proximity to agricultural businesses. Sensitive receptors can impair the production, effectively sterilising rural land and reducing the critical viable land mass for productive agricultural uses.

Not all properties in rural zones have the eligibility to build a house.

Where a dwelling is proposed under clause 4.2B 'Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones' (Narrabri LEP 2012) a dwelling eligibility search is required to confirm whether the pre-requisites are met. Consideration is given to:

- Subdivision approvals and the date of the approval where dwellings were permitted. For example, land may have been subdivided under historic LEP provisions. It is important to determine that the subdivision was lawfully approved enabling the dwelling eligibility.
- The history of the landholding. Consideration of the meaning of "existing holding" is to take into consideration the dates for when dwelling eligibilities were first established. Regarding the Narrabri LEP 2012, the existing holding dates that apply are 7 January 1966 in relation to land to which the Narrabri LEP 1992 applied to or 6 June 1986 in relation to land to which the Narrabri LEP No. 2 applied to.

If there is no dwelling eligibility, there are limited options available to obtain development approval for a house. Consolidating neighbouring lots to create a larger lot that meets the minimum lot size in the LEP can provide a dwelling eligibility.

Alternatively, development applications for dwellings on undersized rural lots may be lodged as a request to vary the minimum lot size requirement using the provisions of Clause 4.6 Exceptions to development standards of the applicable LEP. This clause enables the landowner to apply for a house on an undersized lot by seeking a variation to the minimum lot size. The applicant must demonstrate why the minimum lot size provisions are either unreasonable or unnecessary in the circumstances. There is no guarantee that the application for variation will be supported and that any variation of

the lot size by more than 10% will be assessed, nor that concurrence will be provided by the NSW Government.

Applying the two dates of historic existing holding provisions is problematic, given the length of time (since 1966) and the historic records that need to be investigated to determine if the entitlement is applicable or not. Consideration should be given to removing the existing holding provisions within Narrabri LEP. It is important to note that landowners have had opportunities since 1966 to establish dwelling eligibilities on these properties and build a house.

The NSW Agricultural Commissioner has recommended measures to enhance rural zoning effectiveness to prevent the fragmentation of rural land and phase out the ad hoc development of dwelling houses on undersized lots. The Commissioner recommends that Councils should phase out concessional dwelling eligibility and clauses related to existing holdings within rural zones. To facilitate this transition, landholders currently eligible for dwellings under these provisions should be granted a five-year period to submit their development applications, after which their eligibility will expire. Introduction of a sunset clause would enable the community to utilise the existing holdings provision to lodge a development application for a brief period prior to it ceasing to have effect and removal.

It is acknowledged that existing holdings and dwelling eligibilities are an ongoing challenge for many rural and regional local governments. It is important to clearly communicate to the community about any proposed changes to dwelling eligibilities.

Buffers and agent of change

Planning for buffer zones around heavy agricultural industries can be one solution to avoid land use conflicts. The NSW Department of Primary Industries (DPI) has developed an interim guideline '*Buffer Zones to Reduce Land Use Conflict with Agriculture 2018*' to ensure buffer zones are included in development, particular residential development, where property and

landowners have relied on adjacent land to act as a natural buffer. The principle of the agent of change places the responsibility on the initiator of change to provide safeguards to minimise the impact on the operations of existing land uses.

This principle is particularly crucial in rural areas. Introducing new sensitive land uses, such as rural dwellings, without considering or addressing the potential impacts of existing productive agricultural land uses can restrict the productivity of those agricultural uses. Narrabri has high concentrations of broadacre and cropping agricultural uses, which should embrace the principles of the agent of change to ensure its ongoing viability and protection.

Biosecurity

Biosecurity protects the environment, the local economy and community from biosecurity threats and is a shared responsibility. Practicing good biosecurity will support access to premium markets both in Australia and internationally, as well as improve and deliver better yields and decrease costs of primary production. Ensuring good biosecurity will also provide locally grown, safe food and fibre and reduce stock losses and infrastructure damage by pests and diseases.

Biosecurity aims to minimise and manage risks, conserve biodiversity and cultural heritage, as well as prevent biosecurity risks spreading to other areas. It is vital for both the agriculture industry, economy, environment and community. The agriculture industry is obligated to follow the *Biosecurity Act 2015*, which prevents entry of threats to Australia and helps manage and mitigate risks from pests, diseases, weeds and contaminants. In Narrabri the research centres provide knowledge and research on improving different types of crops resilience towards biosecurity threats such as pests and diseases, which is valuable for not only the businesses in Narrabri but the whole agriculture sector.

Objectives

- Minimise potential land use conflicts in Narrabri through planning policy and communication with new and existing landowners on how to live in a changing rural environment.
- Ensure ongoing protection for primary productive agricultural land through land use buffers.
- Support the rights of farmers to undertake lawful agricultural practices.
- Protect productive agricultural land from economic pressure of competing land uses and urban encroachment to protect the future agricultural sector.
- Recognise and acknowledge biosecurity risks for agriculture industries.
- Minimise natural hazard risks and their impacts on rural living.

Recommended actions

- Minimise subdivision of rural land unless it improves agricultural productivity or retains agricultural land.
- Remove holdings provisions by incorporating a sunset provision into the LEP. The sunset clause will enable information to be communicated to the community and provide the opportunity to enquire about dwelling entitlements prior to the proposed changes coming into force.
- Support the *Right to Farm Act 2019* and the *Right to Farm Policy 2015*, which support farmers to undertake lawful agricultural practices without conflicts and complaints from neighbours and other land uses.
- Require intensive agriculture, plant agriculture and other non-agriculture land uses to apply the NSW DPI 'Land Use Conflict Risk Assessment Guide' as part of the development application process, to demonstrate the use will not unreasonably limit the operation of existing agriculture and related industries nor restrict the potential future use of productive agriculture land.
- Support opportunities for intensive livestock agriculture in suitable locations and avoid encroachment of sensitive receptors.
- Manage biosecurity such as invasive species control, pest controls and preparing for future biosecurity emergencies.
- Work with relevant stakeholders to educate landholders to their general biosecurity obligations as outlined in *Biosecurity Act 2015*.

4.1.3 Principle 3: Enhance opportunities for First Nations people

Opportunities and challenges

The New England North West is rich in Aboriginal cultural heritage with the connection of Aboriginal communities to their ancestral country being passed down through generations. Narrabri's population consists of nearly 15% Aboriginal and/or Torres Strait Islander people, compared to 3.4% of NSW (Australian Bureau of Statistics n.d.).

The region has a rich First Nations culture and heritage with a large community, which has great knowledge on protecting and caring for country, which should be actively supported when planning for rural lands. An example of this, is to identify areas of cultural heritage for the First Nations people in Narrabri to ensure these areas are protected from other land uses. Areas of importance for cultural heritage could be used for education and tourism land uses and activities, which would support job opportunities for First Nations people.

Ensuring that First Nations people are engaged in and encouraged to participate in preparation of local plans and strategies should be prioritised to protect their cultural heritage and heighten inclusiveness in the planning processes. The overall outcome should be to deliver opportunities to increase the economic independence of the community through training, employment and tourism.

Providing necessary educational facilities for First Nations people within the agricultural sector and relevant industries will be beneficial for the industry and community in Narrabri and will lead to educated workforce and job opportunities. Further, First Nations knowledge on native grains can provide insights into how the agricultural sector can be more resilient to a changing climate, with there being further potential for collaboration between First Nations people, local businesses and research centres.

Prioritising people and their needs when designing is widely regarded as fundamental in contemporary design and planning. However, appreciating an Indigenous or Aboriginal world view suggests that there are limitations imposed by an entirely human-centred approach to land use. If people and their needs are at the 'centre' of planning considerations, then the landscape and nature are reduced to second order priorities.

Designing with Country principles will be developed and integrated in planning processes related to rural lands to support First Nations knowledge, experiences and cultural interests. We will explore, listen, support and collaborate with First Nations people to identify opportunities to strengthen economic self-determination of communities and seek to achieve better social and economic outcomes for their land.

Local Aboriginal Land Councils (LALCs) are central to the Aboriginal land rights network. LALCs work to improve, protect and foster the best interests of all Aboriginal people within their area. Opportunities exist to work more closely with the Narrabri LALC to identify and map land both owned by the LALC and Government (Crown) to investigate the potential for agriculture.

Objectives

- Support opportunities for First Nations businesses to grow and collaborate with leading agricultural businesses in Narrabri to share knowledge.
- Support educational and research centres to investigate further in First Nations agriculture and partner with First Nations agricultural businesses to support job opportunities.
- Collaborate with First Nations communities in designing with Country and farming practices when planning for rural areas.

Recommended actions

- Narrabri Shire Council work more closely with the Narrabri LALC to build capacity and share knowledge about Aboriginal land and the opportunities to support the aspirations of Aboriginal people and communities.
- Develop a register and portfolio of First Nations Primary and Agricultural Industries case studies.
- Use mapping systems to identify and analysis opportunities for primary production on underutilised Narrabri LALC and Crown land.



4.2 Economy and transition

The Narrabri region is known for its productive mining and agriculture industries which has defined the baseline of the economy and been the main employers in the region. Transition in both sectors lead to opportunities and growth in new emerging industries and a greater diversification of the economy. Narrabri is also home to a several research facilities that provides new technology and knowledge on resilient and sustainable agriculture.

4.2.1 Principle 4: Encourage diversification of rural economy

Opportunities and challenges

Support for new and diversified industries

Narrabri Council adopted *Local Strategic Planning Statement 2040* and *Growth Management Strategy 2020* in recent years, which both set out directions to grow and support the agriculture sector. To support this growth, it is key to not only support existing industries in Narrabri, but also be conscious about supporting new emerging and evolving industries and connecting the different industries to enable potential value-add businesses. Further, the growth is also dependent on sufficient infrastructure to support the production of the new industries. The growth should build on existing and established industries such as cotton and broadacre, whilst supporting opportunities for new areas within the sector such as Indian mustard seeds and innovative value-adding businesses which also support circular economy. Industry Specific Growth Strategies are to be developed to support the growth of existing and emerging industries. The support needs to be visible in both the planning framework and in sufficient infrastructure, that can support the different types of industries. Focus industry sectors for future diversification of Narrabri rural economy include the following.



Agri-tourism

Narrabri is well positioned between Sydney and Brisbane and serviced by both air, road and rail infrastructure making it an ideal place to support agri-tourism activities. The Shire is located on the intersection of the Newell and Kamilaroi Highways, which both are actively promoted as touring routes. The different rural businesses and research institutions is an opportunity to attract both scientific, technical and leisure tours and educate visitors about the knowledge Narrabri holds in the sector.



Renewable energy

Narrabri is strategically well located to attract investment in renewable energy development to the area, including both wind farms, solar energy and battery systems. The area has high daily solar exposure, making the second highest solar penetration region in NSW. This positions Narrabri as a leader in renewable energy. Development of a solar farm of 100MW typically employs couple of hundred people during construction, which both supports the economy and job growth. The key limiting factor in the growth of renewable energy has been grid capacity limitations which needs upgrades (Narrabri Shire 2016) as well as uncertainties in state and federal government energy policies. The transition to renewable energy needs support from efficient sustainable infrastructure and needs to be planned in alignment with productive agricultural land. To support the transition to renewable energy, Council has plans for a Renewable Energy Hub in Narrabri.



Circular Economy

Agriculture is one of the leading contributors to greenhouse gas emissions, water consumption and pollution, as well as having large impacts on the environment (Australian National University n.d.). The agriculture sector holds great opportunities in supporting circular economy practices which are already being

investigated by local businesses in Narrabri. An example is a bio-digester which produces both biogas and natural fertilisers when handling organic waste. The biogas can be used for cooking, generating electricity or as fuel for vehicles. Supporting new innovative technologies within circular economy and connecting local businesses will help close the loop on waste, generate value-added industries and improve the sustainability of agriculture practice.



Horticulture

Horticulture is a growing sector that has the potential for future growth in Narrabri, especially for intensive horticulture both soil based and Controlled Environment Horticulture (CEH). Intensive horticulture utilises temperature-controlled environments to increase productivity and reduce the risk of weather or other external factors. However, a key constraint for horticulture is water security since the industry is dependent on access to water. With ongoing research in making the industry more resilient and less dependent on access to water, there is a great opportunity for more diversification in the economy in Narrabri. Other factors critical to CEH include access to natural gas, flat topography, mean annual temperature below 26°C and a population centre with higher order services. Soil based horticulture is likely to be more suitable for the Narrabri region. Perennial horticulture, such as fruit and nuts, also require high security water entitlements, injection of significant capital to establish orchards, cool stores and has a high seasonal labour requirement. It also requires the supporting services and infrastructure such as daily freight service into capital cities, local supplies inputs and equipment specific for horticultural production.

New emerging industries located in rural lands are likely to extend beyond the agriculture sector and it is key that the planning framework ensures that non-agricultural uses are compatible with primary agriculture production,

the rural character and environmental capabilities of the rural land. The need and support of both existing and emerging industries will potentially change over time of this strategy and the planning framework should be flexible to respond to long term economic trends. Pressures to changing, or diversifying, current farming operations can be generated both “internally” from existing residents seeking alternatives to current ways of living and doing business, and “externally” from new arrivals bringing with them different expectations, knowledge and attitudes.

Further, the dynamic nature of the agricultural industry means that farmers are experiencing loss of markets, reduced commodity prices and imperative to either ‘get big or get out’. The Narrabri regions traditionally strong broadacre farming industry is not immune to these types of pressures. An increasing number of farmers are also seeking supplementary incomes either through on-farm diversification or off-farm employment, while others wish to retire on the property. An appropriate mix of land uses must be considered to sustain the rural population base.

As a result of these changes, the range of land use activities in rural areas are expected to continue to diversify and demand for rural lifestyle living in the Narrabri region can be expected to continue. There is potential for a broader range of rural-based activities including value-add processing across land zoned for primary production under Narrabri LEP 2012.

The term “agri-business” is often used to encompass the economic sectors for farming and farm-related commerce. It involves all the steps for getting agricultural goods to the market, including production, processing and distribution. Agri-businesses are associated with the production, processing, marketing and distribution of agricultural products, often at a large and integrated scale.

The current land use permissibility within the RU1 Primary Production zone under the Narrabri LEP 2012 enables an extensive and wide variety of land uses across all sectors including agricultural, residential, tourism and visitor

accommodation and rural industry. The current land use permissibility in the Narrabri LEP 2012 RU1 zone supports 'agri-businesses' and it is considered that there is no need to modify the "permitted" land uses to support agri-business.

Value-added industries

A strong agriculture sector presents opportunities to leverage current industries and increase value adding opportunities and establish industries for by-products. The Council has a great interest in obtaining and attracting secondary producers and tertiary producers, such as milling and processing, to Narrabri. The area has the strength of an efficient infrastructure network, which makes it profitable for businesses locating to Narrabri due to container packing facilities, highway access and the future Inland Rail, which will connect Narrabri to Melbourne, Brisbane and regional Victoria, NSW and Queensland.

Value added opportunities can lead to cross-section businesses across both agriculture, circular economy and research centres, which will support the foundation of the economy in Narrabri. Narrabri is unique compared to other surrounding areas due to being a hub for research in different industries within agriculture, potentially leading to be the frontrunner of new technology and innovative value-adding possibilities. Retaining manufacturing in both second and third phase in Narrabri will lead to growth in economy and population as well as job opportunities, which generally will improve the livelihood and community in Narrabri.

To boost Narrabri's economic attractiveness, the Council must reinforce existing businesses and strategically advertise the area's opportunities, aiming to draw in new companies to settle in the region.

Large scale industry

The Narrabri Special Activation Precinct program (Narrabri SAP program) identified opportunities for large-scale industrial processing linked to energy and gas. Examples include fertiliser and chemicals, bio-products, grain stores and handling, and renewable energy parts manufacturing. Due to the separation distances required for these types of industries for the purpose of land use safety or amenity (noise, odour, visual) means locating these types of industries is often problematic.



Potential energy precinct

The Narrabri SAP program identified a potential location for large-scale, potentially hazardous and offensive employment-generating industries west of Bohena Creek, which currently grazing land and is zoned RU1 Primary Production. This location would allow such industry to locate with large buffers, or separation distances, to sensitive receptors, but it remains sufficiently proximate to the Narrabri Township for workforce access. This type of industry would require detailed assessment and mitigation of potential environmental, social and economic impacts. For example, noise impacts would be evaluated on a case by case basis in accordance with the NSW Environmental Protection Authority's Noise Policy for Industry.

To support the long term economic growth of Narrabri, the planning framework should consider suitable sites for these types of large scale industries considering the following factors (but not limited to):

- Minimise fragmentation or sterilisation of agriculture land
- Minimise land use conflicts with sensitive receptors and productive agriculture uses (e.g. biosecurity, noise, odour, air quality)
- Good road and/or rail access
- Adequate water, electricity and gas supply
- Local employment generation potential and proximity to labour supply

- Avoid areas of high value biodiversity, minimises impact on cultural values, manages bush fire risk, and avoids high risk flooding areas.

Job opportunities

Councils adopted *Local Strategic Planning Statement 2040* and the earlier *Growth Management Plan 2020* both set out directions to grow the agriculture sector as well as related industries on rural lands. Both strategies support diversification on rural land and identifying opportunities to grow and promote innovation in the agricultural sector, as well as support the tourism and renewable sector, that can lead to growth in job opportunities in Narrabri. An example of this is facilitating appropriate smaller-scale renewable energy projects using solar, hydro or other innovative storage technologies (Narrabri Shire 2020a).

Transition in the industries on rural land can lead to several challenges in the community and economy. Narrabri might experience a decrease in jobs in the traditional rural industries, while transitioning into new innovative types of industries and technologies in the rural lands such as renewable energy and new technology in agriculture, that will make the sector more resilient towards climate changes. Major projects and further research in the pipeline in agriculture and renewable energy sectors can lead to a positive impact on population growth and job opportunities in Narrabri and support the growing industries and economy.

Long term transition of resources and energy sector

The mining sector has dominated both the economy and employment in Narrabri for decades, but with changes in the market and a greater focus on a clean energy transition consideration needs to be planned for changes to the mining sector. Despite the price of coal being steady, it is expected that the mining industry in the medium- to long-term will decline due to global economic and policy influences beyond the control of state and federal governments (Renewal 2023).

With a predicted decreasing focus on mineral resources such as mining in the coming years, there will be a stronger focus on clean energy and renewable energy such as solar farms. With the transition, Narrabri has the opportunity to focus on how the mining land can be restored to support changing land uses and restoration of the land. With multiple examples in Australia and the rest of the world on how to restore mining land in a sustainable way, it gives inspiration on how to support new growth in industries, job opportunities, communities and bringing back nature. Restoring mined land can lead to support of biodiversity, recreational land uses and clean industries such as renewable energy, regenerative farming and other industries that regenerate rather than extract.

With a climate suitable for both solar and wind energy, Narrabri is in a position to become an “Energy Shire” with many levels and types of energy production. However, the key constraint for renewable energy is the current infrastructure network which would need to be improved to support growth in renewable energy. Greater understanding of the electrical network and capacity will assist Council and the renewable industry identify appropriate locations for locating renewable projects.

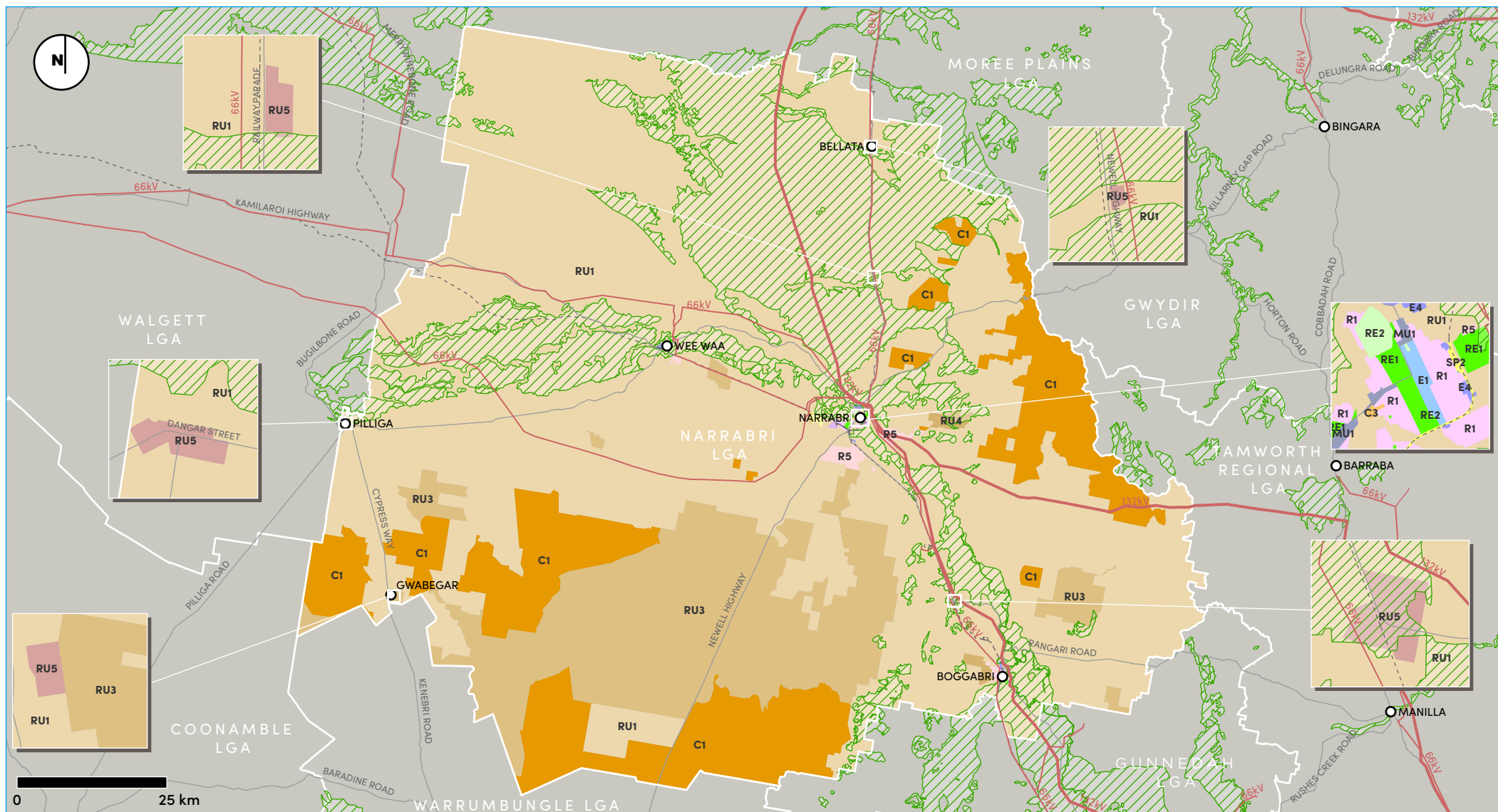
A stronger position in the renewable energy sector will support a diverse economy in Narrabri, which in turn supports a range of uses that co-benefit from locating in the area. While supporting growth in renewable energy sector and providing adequate infrastructure, it is important to protect productive agriculture land, so it is not consumed for non-agricultural uses. Figure 5 shows an overlay of where the transmission line is located and mapped BSAL areas.

Objectives

- Encourage innovation, diversification and value-added agribusiness and non-agriculture industry where these uses complement agriculture and do not compromise productivity on important agriculture land.
- Support the green energy transition by identifying land for investigation for renewable energy production and related industries that avoids (as much as possible) BSAL areas.

Recommended actions

- Develop industry specific growth strategies to support and encourage development of rural industry growth and value-add.
- Review permissibility of industrial, commercial, tourist and related land uses in the RU1 zone. The purpose is to expand the land uses that are permitted with consent in the RU1 zone, to include diversity of uses that reflect the potential value-add industries best suited to Narrabri rural lands.
- Consider proposed large scale industry on a case by case basis, with due consideration of avoiding fragmentation of rural land, minimising land use conflict risks and site suitability.
- Investigate agribusiness, agritourism and other rural-based tourism opportunities within the LGA as a part of the broader Economic Development Strategy.
- Investigate compatible areas for renewable energy land uses to protect productive agriculture lands. This includes collaboration with TransGrid and Essential Energy to understand the capacity and connections to the existing transmission lines within Narrabri and identify locations for renewable energy and development, where the priority is to avoid BSAL mapped areas.
- Review local planning controls to enable development opportunities for renewable energy industries in rural areas.
- Investigate potential future land uses of mining land, including restoration of the environment and biodiversity.
- Identify potential sites and prepare guidelines for locating processing and packaging/value add land uses within Narrabri Shire, giving regard to the extensive work undertaken as part of Narrabri Place Strategy.



Legend

— LGA boundary

Biophysical Strategic Agricultural Land (DPHI)

Electricity transmission line (NSWSS)

132kV

66kV

33kV

LEP zoning (DPHI)

Rural land zones

C1 - National Parks and Nature Reserves

C3 - Environmental Management

RU1 - Primary Production

RU3 - Forestry

RU4 - Primary Production Small Lots

RU5 - Village

Other zones

E1 - Local Centre

E4 - General Industrial

IN1 - General Industrial

MU1 - Mixed Use

R1 - General Residential

R5 - Large Lot Residential

RE1 - Public Recreation

RE2 - Private Recreation

SP1 - Special Activities

SP2 - Infrastructure

----- Railway

— Road

A4

1:900,000

Figure 5 : Electricity transmission lines in Narrabri



4.2.2 Principle 5: Support transition to new technologies and research

Opportunities and challenges

Narrabri is unique compared to other neighbouring LGA's when looking at the number of educational centres and institutes in the Shire. The University of Sydney, Plant Breeding Institute has been identified as a significantly important site not only for the continued research and support that it provides the Narrabri agriculture industry but more broadly its aim to train the next generation of plant breeders/geneticists and scientists. Council's Economic Development Strategy also recognises the importance of this facility in maintaining the Shire's diverse, resilient and sustainable modern economy by including an action for collaboration with the University to explore campus expansion opportunities for the I.A Watson Grain Research Centre to attract more students to the Shire.

The Plant Breeding Institute has undertaken crop breeding and research in Narrabri since 1973 to support a resilient Australian agricultural industry through knowledge and technology (The University of Sydney n.d.-b). One of the research projects has been on New Indian mustard, where the Institute has bred new variants of the seed that are more resilient and productive. The research has found that New Indian mustard has proven efficacy in the pharmaceutical industry and as a bio-lubricant, bioplastic and biofuel making it much more than a food product but instead a crop that offers strong agricultural and industrial opportunities as well as businesses and job growth.

During the Tinderbox Drought in 2017-2019 (The ARC Centre of Excellence for Climate Extremes 2024), the Plant Breeding Institute experienced that their Indian mustard plots were thriving during the dry and hot conditions whereas their canola crops on the same land were thirsty and had unsuccessful productivity. It indicated that New Indian mustard could survive even the harshest climate conditions, and that commercial significant tonnages of

seed could be produced from Indian mustard under harsh environmental conditions (Gluyas n.d.).

Further, the production of New Indian mustard is similar to production of conventional agriculture crops and the agriculture industry therefore won't need much transition to producing the new crops.



The University has also partnered with IA Watson Grains Research Centre and Llara/Campey farms. The Grains Research Centre is used for large-scale field trials, plant breeding, digital agriculture, weed and soil research as well as for teaching. The Llara/Campey farms are part of the Narrabri Farms Network and provides land for research and teaching (The University of Sydney n.d.-a). Besides the IA Watsons Grains Research Centre, Narrabri is also home to the Australian Cotton Research Institute and Cotton Seed Distributors, see Figure 7.

The different institutes and research centres in Narrabri have an important role in providing new research, technology and knowledge in the agriculture sector but also ensuring it is resilient for future climate changes and market trends. They provide opportunities for diversification with research in different types of grains and seeds, such as Indian mustards seeds, vertical integration and in water efficient cropping, preparing Narrabri to become more resilient towards climate change and more extreme weather patterns, such as longer periods of drought, flooding and high temperatures. Investment in new technology, research and types of crops is critical to ensure that Narrabri continues to keep its position as one of the leading Shires in knowledge on resilient and sustainable agriculture. Investment will not only be valuable for the agriculture sector in Narrabri, but more broadly across the whole sector. To recognise the importance and ensure the ongoing operation of research centres such as I.A Watsons Grains, protection of the land on which they operate and surrounding land is essential to avoid land use conflicts, enabling space for expansion and flexibility for further research in the field. This is proposed to be done through the introduction of a designated buffer within the Narrabri LEP 2012.

Objectives

- Recognise and enhance the importance of the research and education facilities, in particular the I.A Watson Grain Research Centre.
- Protect the operational environment of the I.A Watson Grain Research Centre.
- To control development near the I.A Watson Grain Research Centre.

Recommended actions

- Include a designated buffer under a new 'additional local provision' in Narrabri LEP 2012 to protect the operational environment of the I.A Watson Grain Research Centre and prevent land use conflict with adjoining development.
- Review permissibility of research and development uses in the RU1 zone, with the view to including education establishments and similar land uses as permitted with consent in RU1 zone.

4.3 Environment and climate change

4.3.1 Principle 6: Build greater resilience to climate change and natural hazards

Opportunities and challenges

Climate change and natural hazards

Projected longer term changes in weather patterns due to climate change are likely to have significant impacts on the rural land and environment in Narrabri. The New England North West (NENW) Region is predicted to experience increase in average and extreme temperature events, bushfire risk, flooding and drought. Narrabri LGA is expected to see an increase in water demand, instances of heat stress, and loss of biodiversity due to increase in average and extreme temperatures and extended periods without rainfall. The agriculture sector is projected to have a decrease in productivity due to increases in average and extreme temperatures, drought, water scarcity and fire weather. Climate changes will inevitably lead to impacts on agriculture land with both a heightened risk of longer and more intense drought in the future together with lack of groundwater for intensive agriculture and industrial land uses. Changing weather patterns pose significant risks to rural areas, driving transitions in industries, increasing natural hazards, and creating new opportunities for resilient technologies and industries.

In 2017–2019 NSW experienced the worst drought over the historical record from the 1890s. In this period NSW temperatures were the warmest and rainfall was the lowest on record (NSW Department of Planning n.d.). The severe conditions during the drought resulted in declines to ground water levels and had significant impact on the agricultural sector effecting the economy and employment rate (Department of Regional NSW 2023) and led to farmers struggling with failing crops and providing water and food for their livestock. The extreme weather also had an impact on farmers and the community's general mental health causing an increase in stress and anxiety

due to financial stress and uncertainty about the future (Narrabri Shire n.d.-a). Projections of drier and hotter weather in the future could potentially decrease agricultural productivity, reduce output in the agriculture sector, alter breeding seasons for farm animals and change seasonal production and harvesting patterns of grains and feed for farm animals.

The drought from 2017–2019 underscored the susceptibility of agricultural land to climatic changes. However, it also revealed that, through research trials, specific native grains exhibited robust growth in extreme weather conditions, as observed in Narrabri. Meanwhile, Narrabri has also faced significant flooding events in recent years, including the latest one in 2022 (May and Touma n.d.), exposing the region to multiple climate-related risks. Both flooding and drought present major challenges due to their frequency and impact on both urban and rural communities.

There have been several studies prepared to define the flood risk from the Namoi River and its minor tributaries such as Mulgate Creek and Long Gully. It is understood at the time of writing this Report that further investigations and updates to the 2016 flood studies and their implementation are underway. It is recommended that the outcomes of the flood studies be applied to rural land, particularly in relation to RU1 Primary Production zoned land within and surrounding Narrabri town., to ensure flood sensitive development does not occur in a flood planning area.

Climate change is an ongoing challenge for all communities and will likely have future impacts on health of biodiversity, water resources and security, primary production, landscape, infrastructure as well as rural and urban communities. Despite the challenges, climate change presents opportunities for new rural activities, such as carbon capture, renewable energy and further research in resilient agriculture.

Native grains

Narrabri is known for its rich and fertile cropping, but almost all the native grasslands have been removed for cropping or grazing, which have led to

significant plant breeding and farming research to increase the performance. With changes in weather and Narrabri experiencing longer periods of drought, there is great potential for reintroducing production of native grains as part of the agriculture sector due to their drought tolerance. The conventional industrial agriculture sector produces food and other commodities in large quantities where both the quality and price need to match the economic markets. However, when poor agricultural practices are used, they can have large impacts on the environment such as risk of contamination of surrounding land and waterways from runoff of chemical residues as well as be water-intensive (The University of Sydney 2023).

Being more resilient to changing weather patterns, the agriculture sector needs to adjust into a more sustainable way of production that seeks to minimise the impact of farming on the environment. This includes methods that reduce water use and soil disturbance and limit use of fertilisers and need for pest and weed control. The reintroduction of native grains through an agricultural or horticultural setting is a valuable way of using the environment in a sustainable way. The majority of native plants are resilient to some of the challenges the agriculture sector is facing with climate changes, by having adapted to low nutrient soils which means that they require fewer nutrient inputs as fertilisers, as well as adapted to the low seasonal rainfall by developing a root system with tap roots that can access deep soil water reserves while shallow roots can access the periodic rainfall (The University of Sydney 2023).

There is great potential in actively reintroducing native grains to the natural environment and the commercial agriculture sector in Narrabri to make the sector more sustainable and resilient as well as contribute to Narrabri's economy, particularly due to existing research and educational facilities. Reintroducing native grains will further lead to opportunities of providing educational facilities and job opportunities for First Nations people and be well adapted to the changing climate conditions in Narrabri, building resilience into the grains industry.

Water security

Narrabri is located in the centre of Namoi Valley and the Namoi River runs through the Shire supporting agriculture, industries and communities. Namoi River runs from north west to south east, with the floodplain drained by a number of smaller tributaries including Mulgate Creek, Horsearm Creek and Long Gully (WRM Water & Environment 2016).

The agriculture sector will require secure water supply to sustain existing and future production within Narrabri. A lack of water supply during drought conditions adds pressure on agriculture industries and practices. As climate changes are expected to get worse, water demand will increase and water security planning will be critical to support communities in Narrabri, as well as maximise opportunities for efficient water use and to support sustainable growth and development in the rural areas.

Land use in catchments and waterways need to be managed appropriately to ensure that a range of values are not compromised, including water quality, environment, landscape and land uses such as agriculture, recreational activities and urban uses such as domestic water supply. Insuring water security will become more crucial and impose challenges in the future due to more extreme weather with rising temperatures and natural hazards risks such as drought.

Water sharing plans prescribe how water is managed in NSW, and priorities for the environment and support social and economic outcomes. DPHI reviewed the Water Sharing Plan for the Namoi and Peel Unregulated River Water Sources 2012 in June 2023 (NSW Government Natural Resources Commission n.d.), and the plan is extended till 1st July 2025 before it is renewed (The Courier n.d.). Water sharing plans are integral for irrigation from Namoi River to sustain agricultural activities in Narrabri.

Objectives

- Promote measures to improve climate change resilience for rural land and the agricultural sector in Narrabri
- Consider impacts of climate change in local policy and decision making.

Recommended actions

- Work with the Department of Climate Change, Energy, the Environment and Water to prepare an Action Plan for future impacts of climate change on rural areas, including emergency response to natural disasters.
- Engage and work collaboratively with NSW Government to educate rural communities on climate change risks and mitigation measures to ensure they are resilient to changing climate conditions.
- Collaborate with key government agencies and stakeholders to plan and manage water security for rural land uses.
- Support educational and research centres to explore new technologies, regenerative agriculture and sustainable land management.
- Ensure areas mapped as flood plain areas in *Narrabri Floodplain Risk Management Study and Plan* are protected when planning for urban and rural residential areas.
- Support research facilities to ensure that the agriculture sector is innovative and resilient to market and climate changes.

4.3.2 Principle 7: Protect and enhance biodiversity, landscape and heritage

Opportunities and challenges

Narrabri Shire is characterised by its distinctive rural scenery which includes prominent features such as Mount Kaputar National Park, the Pilliga Nature Reserve, the Namoi River, and agricultural land. The different key assets are home to native vegetation and diverse biodiversity, which is essential for overall health of living environment by improving soil stability, water quality, and the productivity of farm enterprises while protecting native flora and

wildlife. Native vegetation has been significantly reduced and modified since European settlement, and most native vegetation is found in national forests and parks, as well as Crown land.

Landscape protection is a vital component of future rural land use planning and economic directions and is a key attraction to investment and driver for future employment opportunities of tourism and agriculture. Further, improved management of the natural environment and land activities are required to address climate change, land use changes and other growth issues, while maintaining a healthy natural environment.

Objectives

- Protect, restore and manage landscape, biodiversity and native vegetation sustainable.
- Recognise and protect First Nations cultural heritage within rural areas.

Recommended actions

- Ensure that the scale and design of non-agricultural development on rural lands consider its surroundings and respect the rural character and local landscape.
- Protect and conserve biodiversity values and connect and restore habitat and ecosystems in rural land uses through developing an evidence-based, local planning framework.



4.4 Recommended actions

The table below summaries the recommended actions for each planning principle. The planning principles will be collaborative between Council, DPHI and other stakeholders as necessary and is divided into different timeframes – ongoing, short term and medium term. The timeframes provide Council with a checklist to prioritise the recommended actions in their future work within rural land.

Planning principle	Recommended actions	Timing
1. Protect productive agriculture land	Identify the opportunities and constraints of BSAL, SSAL and IAL land, when all mapping is available, with a view to applying RU1 Primary Production zone to protect and sustain their value for future rural productivity.	Short term
	Review dwelling entitlements in RU1 Primary Production Zone to avoid changes to minimum lot sizes for land that create additional dwelling eligibilities and rezone land near Narrabri town for rural residential where demand is evident.	Ongoing
	Maintain Narrabri LEP 2012's 100ha and 40ha minimum lot size within the RU1 and RU4 zones.	Ongoing
	Establish development controls to ensure all new dwellings located on rural land do not compromise Important Agricultural Land (IAL), BSAL, scenic amenity and agricultural activities.	Short term
	Strengthen development controls to discourage dual occupancy development on RU1 land.	Short term
2. Minimise land use conflicts	Minimise subdivision of rural land unless it improves agricultural productivity or retains agricultural land.	Ongoing
	Remove holdings provisions via a two-year sunset provision into the LEP. The sunset clause will enable information to be communicated to the community and provide the opportunity to enquire about dwelling entitlements prior to the proposed changes coming into force.	Short term
	Support the <i>Right to Farm Act 2019</i> and the <i>Right to Farm Policy 2015</i> , which support farmers to undertake lawful agricultural practices without conflicts and complaints from neighbours and other land uses.	Long term
	Require intensive agriculture, plant agriculture and other non-agriculture land uses to apply the NSW DPI 'Land Use Conflict Risk Assessment Guide' as part of the development application process, to demonstrate the use will not unreasonably limit the operation of existing agriculture and related industries nor restrict the potential future use of productive agriculture land.	Ongoing
	Support opportunities for intensive livestock agriculture in suitable locations and avoid encroachment of sensitive receptors.	Ongoing
	Manage biosecurity such as invasive species control, pest controls and preparing for future biosecurity emergencies.	Ongoing
	Work with relevant stakeholders to educate landholders to their general biosecurity obligations as outlined in <i>Biosecurity Act 2015</i> .	Ongoing

Planning principle	Recommended actions	Timing
3. Enhance opportunities for First Nations people	Narrabri Shire Council work more closely with the Narrabri LALC to build capacity and share knowledge about Aboriginal land and the opportunities to support the aspirations of Aboriginal people and communities.	Ongoing
	Develop a register and portfolio of First Nations Primary and Agricultural Industries case studies.	Short term – Medium term
	Use mapping systems to identify and analysis opportunities for primary production on underutilised Narrabri LALC and Crown land.	Short term – Medium term
4. Encourage diversification of rural economy	Develop industry specific growth strategies to support and encourage development of rural industry growth and value-add.	Short term – Medium term
	Review permissibility of industrial, commercial, tourist and related land uses in the RU1 zone. The purpose is to expand the land uses that are permitted with consent in the RU1 zone, to include diversity of uses that reflect the potential value-add industries best suited to Narrabri rural lands.	Short term
	Consider proposed large scale industry on a case by case basis, with due consideration of avoiding fragmentation of rural land, minimising land use conflict risks and site suitability.	Ongoing
	Investigate agribusiness, agritourism and other rural-based tourism opportunities within the LGA as a part of the broader Economic Development Strategy.	Ongoing
	Investigate compatible areas for renewable energy land uses to protect productive agriculture lands. This includes collaboration with TransGrid and Essential Energy to understand the capacity and connections to the existing transmission lines within Narrabri and identify locations for renewable energy and development, where the priority is to avoid BSAL mapped areas.	Ongoing
	Review local planning controls to enable development opportunities for renewable energy industries in rural areas.	Short term
	Investigate potential future land uses of mining land, including restoration of the environment and biodiversity.	Medium term
	Identify potential sites and prepare guidelines for locating processing and packaging/value add land uses within Narrabri Shire, giving regard to the extensive work undertaken as part of the Special Activation Precinct/Inland Port project.	Short term
5. Support transition to new technologies and research	Include a designated buffer under a new 'additional local provision' in Narrabri LEP 2012 to protect the operational environment of the I.A Watson Grain Research Centre and prevent land use conflict with adjoining development.	Short term
	Review permissibility of research and development uses in the RU1 zone, with the view to including education establishments and similar land uses as permitted with consent in RU1 zone.	Short term

Planning principle	Recommended actions	Timing
6. Build greater resilience to climate change and natural hazards	Work with the Department of Climate Change, Energy, the Environment and Water to prepare an Action Plan for future impacts of climate change on rural areas, including emergency response to natural disasters.	Short term
	Engage and work collaboratively with NSW Government to educate rural communities on climate change risks and mitigation measures to ensure they are resilient to changing climate conditions.	Ongoing
	Collaborate with key government agencies and stakeholders to plan and manage water security for rural land uses.	Ongoing
	Support educational and research centres to explore new technologies, regenerative agriculture and sustainable land management.	Ongoing
	Ensure areas mapped as flood plain areas in <i>Narrabri Floodplain Risk Management Study and Plan</i> are protected when planning for urban and rural residential areas.	Ongoing
	Support research facilities to ensure that the agriculture sector is innovative and resilient to market and climate changes.	Ongoing
7. Protect and enhance biodiversity, landscape and heritage	Ensure that the scale and design of non-agricultural development on rural lands consider its surroundings and respect the rural character and local landscape.	Ongoing
	Protect and conserve biodiversity values and connect and restore habitat and ecosystems in rural land uses through developing an evidence-based, local planning framework.	Short term – Medium term

5. Implementation

5.1 Monitoring and reviewing

The Strategy provides a framework for Narrabri's rural land over the next 20 years. Narrabri Shire Council will monitor and review the Strategy to ensure that it responds to changes in planning policies, legislations, industry requirements and community expectations. It is most likely that the characteristics of Narrabri, its community, the environment and rural land industries will continue to change over time. This is both a result of growth, effects of climate change, new research and technology, as well as change in demands. To ensure the Strategy is meeting changing demands, it will be reviewed at four yearly intervals to ensure that land use standards enable a productive agricultural sector and respond to new and emerging opportunities in a timely manner.

5.2 Implementation

The Strategy will be implemented by Council progressively over the next 20 years and establish future directions for rural land in Narrabri. The intent of the Strategy is to set a broad direction for Council and help guide future planning decisions related to rural land, agriculture, mining, tourism and other industries.

The Strategy should be seen as a core reference document, particularly in relation to informing planning decisions and in engaging relevant stakeholders on a range of challenges and opportunities.

The Strategy identifies a range of recommended actions that will be prioritised. The recommended actions will help guide Council's decision making in planning for rural land.

Narrabri LEP 2012 and Council's DCPs, along with other associated strategies, plans and policies, will ensure that development of rural lands is consistent

with the long-term land use vision and guiding principles and recommended actions identified in the Rural Land Strategy.

The next steps involve:

- Consultation with the relevant NSW government departments, including (but not limited to):
 - Department of Planning, Housing and Infrastructure
 - Department of Primary Industries
 - Water NSW
 - Transport for NSW
- Consultation with landowners, the stakeholders and the community, including (but not limited to):
 - Local Land Services
 - Local Aboriginal Land Council.
- Following consultation review of submissions and feedback being undertaken.



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18.6 COMMUNITY ADVOCACY OPPORTUNITIES - JULY 2024**Responsible Officer:** Rob Williams, General Manager**Author:** Donna Ausling, Director Planning and Sustainability

Attachments:

1. Deputy Premier Car Response
2. Draft Disaster Adaptation Plan Guidelines
3. Draft Disaster Adaptation Plan Guidelines Frequently Asked Questions
4. Draft Disaster Adaptation Plan Guidelines Overview
5. OCSE Asbestos Review Discussion Paper Submission NSC
6. Letter from Hon Ryan Park MP Minister for Health
7. Tab A - Draft MPS Strategy Framework Version 4
8. RADO Network

STRATEGIC LINK**4 Civic Leadership - Council as a strong leader for the community**

Objective 4.2 A strong Council that advocates for the Community

Strategy 4.2.2 Work cooperatively and appropriately with external parties to advocate for the community's best interests

EXECUTIVE SUMMARY

Council is regularly invited to make formal submissions in relation to various hearings and inquiries. This Report provides details of the associated consultations and engagement along with prospective organisational submissions for Council's further consideration and feedback.

RECOMMENDATION

1. That Council receives and notes the Report on July 2024 community advocacy opportunities.
2. That Council receives and notes the update on childcare advocacy activities.
3. That Council receives and notes the update on the NSW Reconstruction Authority draft Disaster Adaptation Plan (DAP) Guidelines.
4. That Council receives and notes the update on the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Local Government Sustainability.
5. That Council receives and notes the update on the discussion paper for the review of asbestos management in recovered material.
6. That Council receives and notes the update on the Legislative Assembly Committee inquiry on essential worker housing in NSW.
7. That Council receives and notes the update on health advocacy activities.

8. That Council receives and notes the update on the inquiry into Alcohol Consumption in Public Places (Liberalisation) Bill.
9. That Council receives and notes the update in relation to the inquiry into the use of e-scooters, e-bikes and related mobility items.
10. That Council receives and notes the update on changes to Regional Arts Development Organisations (RADO) funding arrangements and formally correspond with the Member for Barwon Roy Butler MP and NSW Minister for Arts, the Hon. John Graham, MLC requesting reinstatement of guaranteed funding for RADOs.
11. That Council receives and notes the update on the NSW Waste Levy Review and corresponding submission made by Northern Inland Regional Waste (NIRW).

BACKGROUND

As detailed previously, Council is regularly invited to make formal submissions in relation to various hearings and inquiries. This Report provides details of the associated consultations and engagement along with prospective organisational submissions for Council's further consideration and feedback.

CURRENT SITUATION

CHILDCARE ADVOCACY

Further to Council's resolution at its August 2023 Ordinary Meeting of Council (refer minute no. 203/2023), the following motion was made at the LGNSW Annual Conference held in Sydney in November 2023:

- [Category 2: X101 – Childcare](#)

Staff Commentary:

LGNSW has subsequently made representations to the Deputy Premier for New South Wales, Minister for Education and Early Learning, Minister for Western Sydney, the Hon Prue Car MP regarding this issue. A response to this letter has been received and is enclosed at **Attachment 1** for the information of Council.

It should also be noted that at the 2024 Australian Local Government Association (ALGA) National General Assembly, Motion No. 109, relating to the provision of childcare, was also passed.

DRAFT DISASTER ADAPTATION PLAN GUIDELINES

The NSW Reconstruction Authority is currently seeking feedback on a set of draft guidelines that aim to improve how impacts of disasters are planned for and reduced. The draft Disaster Adaptation Plan (DAP) Guidelines outlines the approach to the preparation and implementation of DAPs across NSW and align to the State Disaster Mitigation Plan. The DAPs intend to draw together hazard risk information, community insights and existing plans in a defined geographic area. Options may include mitigation infrastructure such as flood levees or sea walls, changes to planning controls on development in certain areas or investing in evacuation capacity upgrades to local or state roads.

Feedback on the draft guidelines is invited until 23 August 2024. A copy of the draft DAP Guidelines, their associated FAQs and a quick read document are enclosed at **Attachments 2-4** respectively.

Staff Commentary:

Staff have reviewed the DAP guidelines and provide the following feedback:

- Opportunities for further cost shifting to local government.
- Potential assigning of DAP-specific betterment funds to regional prize pools that each participating Council will be required to ultimately compete with each other to access.
- Lack of clarity around DAP area boundaries and intricacies. Our LGA-specific risks are very different to Tamworth Regional Council's, for example.
- Need for permanent embedding of Recovery Officers, as funded by the State Government, to assist in embedding the DAPs and addressing administrative requirements and obligations.
- Potential conflict with the LEMC framework.
- Removal of decision-making capacity if planning controls are intended to be 'tampered with' at a regional level and corresponding impacts on local economic development and increases in development costs.
- Further disaster consultation fatigue.
- Uncertainty whether or not DAPs will apply to droughts.
- Regional skills shortages implications.
- The Reconstruction Authority's stakeholder relationships are in the early phases of redevelopment and repair.
- The role of RA is still being established through legislation. Refer also the current Parliamentary inquiry on the Review of the *NSW Reconstruction Authority Act 2022*: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3039>
- A potential additional layer of approval(s).
- Relationship to other strategic planning documents for example the recently developed Transport for NSW (TfNSW) Customer Journey Resilience Plan (2024).
- In the draft disaster adaption guidelines, second paragraph under Reducing Risks: "Historically, around 97% of disaster funding has been spent on response and recovery with only 3% spent on reducing risk." The 97% funding seems to be principally re-active. Therefore, in an effort to try and balance these percentages, more funds should be directed towards grant programs such as the Infrastructure Betterment Fund, where the outcome is not to replace what is there but build infrastructure that is better, stronger, higher to eliminate future risks. Ultimately, in future, this should mean that response and recovery funding requirements will decrease and although in the short to medium term the risk reduction percentage will increase as better infrastructure is built, it ultimately will decrease in the long term with the construction of the new improved infrastructure.
- Actively work with and obtain commitments from the insurance industry to ensure that having spent substantial public funds on mitigation of a risk that residents don't receive blanket premium increase. Residents of Wee Waa have advised that they are receiving flood insurance premium rises despite the fact that Wee Waa township, inside of the levee, does not flood. Undertake a thorough audit and/or assessment

of the Commonwealth Governments National Emergency Management Agency to determine if there are any joint actions or cross overs that the State and Commonwealth governments can work together on or bolster funding for infrastructure or actions to be undertaken. Have a multi-layered approach to actions that come out of the DAP. An example would be if there was a requirement for a new dam or the raising of a wall on an existing dam to mitigate floods. Not only could a community benefit by not being flooded, but with the extra water capacity that could be stored and distributed, new business and industry could be attracted to an area, creating growth, new jobs and all the surrounding infrastructure. There is a corresponding opportunity with development the DAP guidelines, a template should be developed or similar resources with a clear analysis/methodology including, but not limited to population, capital costs of previous disaster funding received, GRP generated, a matrix of recurrent and known funding could be determined to be paid on an annual basis to Councils.

Staff are currently preparing a submission in relation to the draft DAP Guidelines incorporating the above observations. A copy will be forwarded separately for the information of Council.

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON REGIONAL DEVELOPMENT, INFRASTRUCTURE & TRANSPORT INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY

Further to consideration of the above at the May 2024 Ordinary Meeting of Council (refer minute no. 102/2024), a copy of Council's submission (No. 238) is now available from:

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Regional_Development/Infrastructure_and_Transport/Localgovernmentsustainability/Submissions

DISCUSSION PAPER FOR THE REVIEW OF ASBESTOS MANAGEMENT IN RECOVERED MATERIAL

A discussion paper has been prepared in relation to the above. The purpose of the Discussion Paper is to present the preliminary research from the Office of the Chief Scientist and Engineer (OCSE), and to seek information from stakeholders to inform the final review. The paper sets out the background information on asbestos and its management in waste and soil, including:

- A snapshot of national and international standards and guidelines for asbestos thresholds in an environmental context.
- Initial findings from a review of existing asbestos sampling and analytical methodologies.

Through the Paper's release, OCSE is seeking feedback from stakeholders and experts. A copy of the Discussion Paper can be accessed from:

<https://www.chiefscientist.nsw.gov.au/independent-reports/asbestos-management/discussion-paper>

Comments for the discussion paper closed on 19 July 2024.

Staff Commentary:

A copy of the corresponding submission is enclosed at **Attachment 5**.

LEGISLATIVE ASSEMBLY SELECT COMMITTEE ON ESSENTIAL WORKER HOUSING

The Legislative Assembly Committee on Essential Worker Housing has been established to inquire into and report on options for essential worker housing in NSW. The Committee's inquiry will focus on establishing an appropriate definition of essential worker housing for the NSW Government to adopt, as well as identifying options to increase housing supply for essential workers.

The associated terms of reference are reproduced below:

That the Committee inquire into and report on options for essential worker housing in New South Wales, specifically:

(a) Establishing an appropriate definition for essential worker housing for the NSW Government to adopt including criteria for prioritising worker cohorts and geographical areas.

(b) Identify options to increase housing supply for essential workers, including but not limited to:

(i) Planning tools and reforms.

(ii) Incentives for developments on privately owned land.

(iii) Opportunities for developments on government owned land.

(iv) Investigate reforms that promote fiscal sustainability, innovation and essential worker housing in perpetuity.

Submissions are open until 13 September 2024. Further information in relation to this inquiry is available from:

<https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=327#tab-termsreference>

Staff Commentary:

Staff are currently preparing an organisational submission to the above inquiry. It is anticipated that a copy will be forwarded to the August 2024 Ordinary Council Meeting for Council's further consideration.

HEALTH

A response to Council's correspondence regarding Narrabri Hospital Pathology Services from the Minister for Health and Regional Health, the Hon. Ryan Park MP, is enclosed at **Attachment 6** for the information of Council.

Council has also been recently invited by the Country Mayor's Association (CMA) to provide feedback on a framework for a NSW Health Multi Purpose Service (MPS) Strategy, as follows:

"NSW Health is seeking your input into the NSW Health MPS Strategy.

MPS provide integrated health and aged care services to regional and remote communities, in areas that can't support stand-alone aged care and health services.

NSW Health is leading the development of a MPS Strategy to guide and inform decisions about investment and best practice for design, quality, safety, workforce and experiences in MPS. The MPS Strategy will set out considerations for deciding where the MPS model is the right fit for a community and develop strategies to optimise this model including ensuring a sustainable workforce and best practice considerations.

A Draft MPS Strategy Framework (Enclosed) has been developed based on extensive consultation with local health districts and other NSW Health stakeholders.

The vision for the Strategy is that MPS provide sustainable health and aged care services that deliver outcomes and experiences that matter most to residents, patients and communities in regional NSW.

There are two outcomes that we are seeking through the MPS Strategy:

- To inform decisions about the future directions for health services and aged care model that meets the community's needs; and*
- To guide the implementation of best practice in an MPS*

I am requesting your feedback on the Draft Framework attached, and further input for consideration in the development of the NSW MPS Strategy."

A copy of the MPS Strategy Framework is enclosed at **Attachment 7** for the information of Council.

Staff Commentary:

Staff have reviewed the Strategy framework and provide the following preliminary feedback:

- The MPS Strategy framework as presented is opaque and is not designed in such a manner as to elicit meaningful stakeholder engagement. Overall, this appears to be a poor attempt to tick a box rather than providing any fundamental change. How was this list determined? Were stakeholders engaged? If so who? How will this improve health services for those in rural areas when NSW Health is actively downgrading hospitals and the services they provide right across the LHD (particularly HNE LHD). Staff have been unable to identify backing evidence to justify the content of the document. MPS (hospital/aged care combined services) historically have decreased health services in an already isolated and remote area, reducing patient outcomes.
- A strategic framework is typically a tool to assist organisations at specific stages of strategic management cycles, most commonly during the strategy formulation and evaluation phase. Selected frameworks should offer the reader insights into the business or operational environment and assist in the identification of strengths, weaknesses, and appropriate courses of action.
- There is a current environment of suspicion and mistrust in NSW Health activities within rural and regional areas, and the framework as presented will do little to facilitate re-establishment or rebuilding of trust and the development of longstanding community partnerships.
- The framework lacks adequate communication of context and overarching policy alignment.
- On this basis, the strategic framework as presented:

- Is not designed in such a manner as to appropriately inform decisions about the future directions for health services and aged care model that meets the community's needs; and
 - Is not an appropriate framework to guide the implementation of best practice in an MPS.
- Rural patients are already experiencing increasing wait times in emergency departments, how will this MPS framework address this? Over the last five years, the proportion of patients 'seen on time' has decreased and the time in which 90% of presentations were seen has increased. The proportion of patients 'seen on time' was 65%, down from 67% in 2021–22 and from 71% in 2018–19 (source: [Emergency department care access - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au)).
- The considerations provided are including "virtual health access" which unfortunately wreaks of depersonalised and downgrading of services in an attempt to shift in person visits to telehealth and AVL. This is very likely to see diminished patient outcomes, which will be of great concern to our community.
- From what staff have determined, this is stemming from a Federal Health program ([Multi-Purpose Services \(MPS\) Program | Australian Government Department of Health and Aged Care](https://www.health.gov.au)) which was initially introduced to maintain health services in small communities such as Bingara as opposed to being used as a tool (or more likely excuse) to downgrade hospitals. Within the NSW context, it was first introduced in 2014 in the State Infrastructure Strategy 2014 – Rebuilding NSW "as a priority" in an apparent attempt to cost shift onto aged and community care providers. However, this has only resulted in the permanent winding down of hospitals and decreased services in areas transitioned to an MPS.
- From an advocacy perspective, given our community values healthcare highly (as identified in our 2022/2032 CSP), NSC should not only not support the below but strongly object. For the benefit of our community, aged care and hospitals need to remain separate specialised and in person health care providers. Rural residents already experience a lower life expectancy than our urban counterparts, and rural residents are far more likely to require emergency and medical trauma care. Two out of every three road accidents occur on rural roads. Rural residents are more geographically isolated and often have to travel hundreds of kilometres to obtain specialist medical care and medical investigations, which metropolitan patients can access with a same day service, and a maximum of 20 kilometres travel from the outer suburbs.
- Staff have been unable to locate publicly available consultation pieces or the "draft Framework" anywhere in the public domain for the broader community to be aware of and engage in the development of such an integral framework.
- Looking at NSW Health Peer Groups, if Narrabri Hospital (currently classified as a C2 District group 2) or Wee Waa (currently classified as a D1b Community hospitals without surgery) was "transitioned" to an MPS it is highly likely they would become "unpeered" or "very small hospitals". This "transition" would be a categorical downgrade. Hospital peer groupings define groups of similar hospitals based on shared characteristics, and allow a better understanding of the organisation and provision of hospital services. **Public acute group C hospitals** include those public acute hospitals that provide a more limited range of services than Principal referral hospitals or Public acute group A and B hospitals, but do have an obstetric unit, provide surgical services and/or some form of emergency facility (emergency department, or accident and emergency service). **Public acute group D** hospitals are acute public hospitals that offer a smaller range of services relative to the other public acute hospital groups and provide 200 or more separations (consultations) per year. They are mostly situated in regional and remote areas. However, by definition, **very small hospitals**

have few beds and provide care for few admitted patients. Most do not perform surgery. Further information on Peer Groups can be found here: [Australian hospital peer groups \(full publication; 2Nov2015 edition\) \(AIHW\)](#)

- Circling back to its conception in an infrastructure strategy, not a patient outcome or healthcare strategy, this is clearly a cost shifting exercise to maintain existing hospital infrastructure and staff. Further, it is clear that there are significant challenges in respect of staffing of hospitals and associated health assets and the current practice of removing services (such as pathology) and shifting these facilities to aged care.
- Implementation of MPS across NSW are contradictory to the NSW Minister for Regional Health's recent stance on rural health - refer quotes attributable to NSW Minister for Regional Health Ryan Park:

"The NSW Government is committed to providing better health outcomes for regional communities and ensuring equitable care.

"Regional and rural health is a priority to me as Minister and I would like to assure the community that they will continue to receive high-quality pathology services and thank them for contributing to this process."

Staff are currently preparing representations in line with the above observations.

INQUIRY INTO ALCOHOL CONSUMPTION IN PUBLIC PLACES (LIBERALISATION) BILL 2024

An Upper House inquiry has been established to examine the Alcohol Consumption in Public Places (Liberalisation) Bill 2024, a private members bill introduced into the Legislative Council by the Hon John Ruddick MLC. The bill aims to remove restrictions and prohibitions on the consumption of alcohol in public places. This will exclude public places prescribed by the regulations that are of cultural or religious significance, or where a person is intoxicated or disorderly.

Terms of reference for this inquiry are reproduced as follows:

That:

(a) the Alcohol Consumption in Public Places (Liberalisation) Bill 2024 be referred to Portfolio Committee No. 1 – Premier and Finance at the conclusion of the mover's second reading speech in the Council,

and

(b) the committee report by 20 September 2024.

Further information in relation to this inquiry is available from:

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3054#tab-termsofreference>

As an alternative to providing a written submission, the committee made available an online questionnaire to obtain feedback and comments on the issues that will be covered by the inquiry. Submissions to this inquiry (via questionnaire) closed on 19 July 2024.

Staff Commentary:

Due to the submission period falling outside of the Council meeting cycle, a response to the questionnaire was prepared by Council staff indicating opposition to the Bill. Input was also sought from Council's Crime Prevention Advisory Committee as part of this process. A summary of the responses provided is as follows:

"Feedback in relation to the Bill has been sought from Council's Crime Prevention Advisory Committee (CPAC). A community services member organisation of the CPAC specifically identified that they would be in opposition to the bill. The following provides a brief overview of the expressed concerns: "A core pillar of our work as a child safe organisation is to operate in a manner that prioritises the rights of children, at times this means that the rights of a child need to be assessed and prioritised above the rights of adults which even includes the rights of the child's parents. An example is our supported playgroup which happens in the Toy Library building adjoining Collins Park in Narrabri, if the Bill were to pass there is an increased risk to the young children attending playgroup being exposed to increased risks from nearby alcohol consumption. The risks could include general exposure to alcohol consumption at an early age for these children, exposure to risky behaviours that come from excessive alcohol consumption, discarded bottles and cans expose multiple risks including the risk that children may pick up and drink alcohol left in them, and adjacent risks that come alongside excessive alcohol consumption such as drug use. Decreased restrictions around consumption of alcohol in public places presents an unnecessary and increased risk to children, in effect it would be placing the dignity of risk afforded to adults above the duty of care NSW Parliament has to the children of our state."

"Narrabri Shire Council's Regulatory Services and Planning Teams have identified interpretation challenges with the Bill as presented and potential enforcement impediments due to its drafting. A lack of clarity exists with respect of the relationship of the Bill to the legislative requirements under the Roads Act 1993, Local Government Act 1993 and the Liquor Act 2007."

INQUIRY INTO THE USE OF E-SCOOTERS, E-BIKES & RELATED MOBILITY ITEMS

The NSW Legislative Council's Portfolio Committee No. 6 - Transport and the Arts is currently conducting an inquiry into the use of e-scooters, e-bikes and related mobility options. The associated terms of reference are reproduced below:

That Portfolio Committee No. 6 - Transport and the Arts inquire into and report on the use of e-scooters, e-bikes (including shared schemes), related mobility options, and in particular:

(a) the current and anticipated role of all three levels of government in enabling and encouraging safe electrified active transport options

(b) opportunities to reform the regulatory framework to achieve better and safe outcomes for riders and the community

(c) local council, industry and stakeholder perspectives on the utilisation and impact of e-mobility devices in the community

(d) opportunities to improve mobility, the customer experience, safety for users and the community

(e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience

(f) the extent that e-mobility devices have positive community benefits such as encouraging mode shift, relieving congestion, addressing social disadvantage and tourism

(g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and

related mobility options

(h) best practice in other Australian and international jurisdictions

(i) the economic analysis of e-mobility contribution to safe transport at night for shift workers and women, to mode shift and to first and last mile transport, and

(j) any other related matters.

Further information in relation to this inquiry is available from:

[Use of e-scooters, e-bikes and related mobility options \(nsw.gov.au\)](https://nsw.gov.au)

Submissions for this inquiry will close on 18 August 2024.

Staff Commentary:

Staff are currently preparing a staff-level submission to the above inquiry due to consultation period not aligning well to council meeting cycles. Staff have requested input from the Access and Inclusion Advisory Committee and the Traffic Committee, subject to their availability, to inform the contents of the submission.

CHANGES TO RADO FUNDING ARRANGEMENTS

Council staff have recently been advised that as of 2026 all of the Regional Arts Development Organisations (RADOs) will no longer be receiving guaranteed multi-year funding from Create NSW. All of the RADOs including Arts North West (ANW) of which Council has been a member of for many years, will now be forced into competitive funding rounds with all other arts organisations. It is further understood that the Create NSW funding reforms have also removed the ability for organisations to apply for project funding, but rather request that all project funding be outlined as part of the multi-year funding application.

ANW have been advised that there will be 2, 4 and 8 year multi-year funding rounds and that RADOs should apply for the 4 year round, failing to obtain this funding, then apply for the 2 year funding rounds. It should be noted that Create NSW provides ANW \$85,000 and the Country Arts Support Program (CASP) \$17,000 of funding per year. These funds cover ANW operations and core service provision. A summary of the implications of the funding changes are detailed in the **Attachment 8**.

Staff Commentary:

As detailed previously, Narrabri Shire Council, along with a number of local government organisations within the New England North West Region, has been an active member of ANW for many years. The partnerships and sustained collaboration with ANW have been fundamental to the establishment and growth of our arts and cultural programs. These include some of our signature and landmark events including NarraBRIGHT and the Create Festival.

The changes of the funding model are of significant concern. It is therefore recommended that Council advocate for the re-establishment of the funding for RADOs via the local member Mr Roy Butler MP, Member for Barwon and NSW Minister for the Arts the Hon. John Graham, MLC.

NSW WASTE LEVY REVIEW

The NSW Government is currently reviewing the waste levy - its primary instrument to divert waste from landfill and promote resource recovery, to determine how it can drive greater recycling in NSW. An issues paper Review of the NSW waste levy (May 2024) was prepared for this purpose. Information in relation to the review and a copy of the issues paper is available from:

<https://yoursay.epa.nsw.gov.au/nsw-waste-levy-review>

Staff Commentary:

A copy of the submission made by Northern Inland Regional Waste (NIRW), of which Narrabri Shire Council is a member organisation, will be forwarded separately for the information of Council.

FINANCIAL IMPLICATIONS

Detailed in the body of the Report.

STATUTORY AND POLICY IMPLICATIONS

Detailed in the body of the Report.

CONSULTATION**Internal**

- Director Infrastructure Delivery
- Economic Development Team
- Regulatory Compliance Team
- Planning & Development Team
- Waste Services Team
- Tourism & Cultural Services Team

The Hon Prue Car MP

Deputy Premier of New South Wales
Minister for Education and Early Learning
Minister for Western Sydney



Ref: RML23/4508

Cr Darriea Turley AM
President
Local Government NSW
Level 8, 28 Margaret Street
SYDNEY NSW 2000

Email: lgnsw@lgnsw.org.au

Dear Cr Turley *Darriea*

Thank you for your correspondence of 21 December 2023, regarding resolutions of the 2023 Local Government NSW (LGNSW) Annual Conference which relate to my portfolio. The Hon Penny Sharpe MLC also referred your correspondence to me as one of the resolutions included in her list of resolutions falls under my portfolio responsibilities. I apologise for the delay in responding.

I recognise the important role local government's play at a regional level in the early childhood education and care (ECEC) sector and public education. The Department of Education would welcome the opportunity to engage with LGNSW to discuss how we can work together to support the ECEC sector and local councils. I have asked Ms Jenny Merkley, Executive Director, System Stewardship, in the department, to meet with you. You can email earlychildhoodoutcomes@det.nsw.edu.au to arrange a meeting at your convenience.

I have sought clarification and advice from the department on the relevant conference resolutions related to ECEC and public schools and I am advised of the following:

32 Randwick City Council - Support for early childhood education in the local government sector

The NSW Government is supporting early childhood teachers and educators in NSW to upskill and earn more through scholarships, skills programs, accelerated pathways and financial aid.

In 2023, the government made a commitment of \$22 million for initiatives to address key ECEC workforce challenges, including staff attraction and retention, burnout, and access to quality professional development and learning. This was increased to over \$40 million due to significant additional investment in the ECEC Scholarships Program. This investment includes \$29 million for the 2023-24 ECEC Scholarships Program.

The government acknowledges the challenges the ECEC sector faces in terms of attracting and retaining qualified and professional staff and is committed to working with the sector to address these issues.

52 Waverley Council - Early education and care

The department supports engagement across different levels of government to collaborate on reforms to the ECEC sector. The department would welcome a discussion on the appropriate forum for these discussions.

Local governments are eligible to participate in existing funding programs of the department. The department is happy to receive further information from LGNSW regarding the proposed local government funding stream, to understand the scope and outcomes envisaged.

65 Northern Beaches Council - Greater community access to sporting and cultural facilities in schools

The government recognises that schools are valuable community assets and is committed to making them available for community use, when not required for school purposes.

The department currently shares school facilities through entering into community use agreements, leases or licenses with user groups. The department can also enter into a licence agreement with a local government to manage the general community use of a school facility outside of school hours on behalf of the school.

The department meets with Northern Beaches Council representatives fortnightly to discuss opportunities for the shared use of facilities, including during early planning phases of new or upgraded school facilities. While the department does not have authority over decisions regarding community access to facilities in non-government schools but does work closely with the non-government school sectors and encourages them to address community demand by sharing their facilities.

74 Camden Council - Provision of schools for new communities

The department works alongside planning authorities and the private sector to ensure long-term educational infrastructure needs are adequately met. This is especially critical with large-scale developments, such as housing developments, where the department ensures school infrastructure is available when and where required.

The government made an election commitment to undertake an enrolment growth audit, which was released early in 2024 and outlines actions to improve planning of future school infrastructure.

74 Shellharbour City Council - Smart energy schools pilot program expansion

Installations at all trial schools are now complete with commissioning of systems underway to allow the trial to commence. A Virtual Power Plant operator has been engaged. The department intends for the Smart Energy Schools Pilot Program to ultimately include the rollout of Solar and Battery installations across all department schools in NSW. An Expression of Interest (EOI) process was conducted in 2023 with shortlisted proponents advised in December 2023.

101 Narrabri Shire Council Childcare

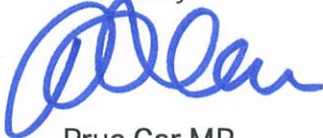
The government has committed record investment over 10 years to increase participation in the State's workforce, particularly for women, by making quality early childhood services more affordable and accessible. The department will keep stakeholders updated about initiatives in this space.

102 Bega Valley Shire Council Skills shortages – childcare

The government is investing in initiatives that support the ECEC workforce to ensure it is recognised, rewarded, and supported to thrive. As part of this investment, the department is delivering on workforce-focused election commitments.

Thank you for your commitment to enhancing education access in NSW.

Sincerely



Prue Car MP

Deputy Premier of New South Wales
Minister for Education and Early Learning
Minister for Western Sydney

13 June 2024

NSW Disaster Adaptation Plan Guidelines

Draft for consultation

July 2024





Danielle Mate is a descendant of the Murrawari and Euahlayi people. Danielle's artwork looks at landscape from an aerial perspective, a mapping of the land as it was done traditionally. The darkest line is the deepest crevice or waterway, the surrounding colour represents the patches of flora, movement and layers of the landscape. This artwork was commissioned for use in these guidelines.

Acknowledgement of Country

The NSW Reconstruction Authority acknowledges that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia, and the oldest continuing culture in human history. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we walk with. We acknowledge the Aboriginal and Torres Strait Islander people who contributed to the development of these guidelines.

We celebrate the deep and enduring connection of Aboriginal and Torres Strait Islander peoples to Country and acknowledge their continuing custodianship of the land, seas, and sky. We acknowledge the important contribution they make to our communities and economies. We reflect on the continuing impact of government policies and practices and recognise our responsibility to work together with and for Aboriginal and Torres Strait Islander peoples, families, and communities, towards improved economic, social and cultural outcomes.

NSW Disaster Adaptation Plan Guidelines (draft for consultation)
Published by the NSW Reconstruction Authority
nsw.gov.au/reducingrisk/dap
First published: July 2024

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1.

Introduction

NSW has always experienced disasters. We know from Aboriginal oral history that bush fires, floods and storms have affected our State for thousands of years.

The impact and cost of disasters in recent times has increased, with NSW experiencing multiple flooding and bush fire events over the past decade. Communities continue to bear the social, environmental, and economic costs with people and communities displaced, critical infrastructure in disrepair and insurance either unavailable or unaffordable.

The primary objective of the *NSW Reconstruction Authority Act 2022* (the RA Act) is to promote community resilience to the impact of disasters in NSW through disaster prevention, preparedness, and adaptation as well as recovery and reconstruction following disasters.

The State Disaster Mitigation Plan (SDMP) and Disaster Adaptation Plans (DAPs), prepared under the RA Act, aim to reduce risk where we can, and adapt where we can't. The development of DAPs will support achieving the SDMP vision of ensuring NSW is well-prepared and successfully manages natural hazard risks to reduce the costs and impacts of disasters on communities. The DAP process allows the RA to achieve this vision working with all levels of government, industry, community and key stakeholders.

Successful disaster adaptation planning requires a coordinated, place and community-centred approach involving a high degree of collaboration between all stakeholders to enable the difficult decisions that may need to be made. There are no simple solutions for reducing natural hazard risk, but with locally shaped, regionally driven and State-facilitated disaster adaptation planning, it is possible to chart a course for a more resilient NSW.

Using the guidelines

These NSW Disaster Adaptation Plan Guidelines are made under section 37 of the RA Act.

Under section 35 of the RA Act, the RA may prepare a DAP or require a relevant entity to prepare a DAP. A relevant entity is defined under the RA Act, as:

- a government agency, or
- a council, or
- a State-owned corporation, or
- a person prescribed by the regulations.



The guidelines outline the approach to preparing and implementing DAPs. The RA will develop DAPs in collaboration with councils, State government agencies, critical infrastructure providers, Aboriginal landowners, and communities.

A relevant entity as defined under the RA Act will only prepare a DAP when required in writing by the RA.

These guidelines are effective from [TBC] and will remain in force until they are varied or revoked in accordance with the RA Act.

Further guidance and supporting tools

Further guidance and supporting tools will be prepared and made available to assist with preparing and implementing DAPs. These will be available at nsw.gov.au/reducingrisk/dap.

When to review a DAP?

Every 5 years a full review of a DAP should be conducted.

Partial reviews of a DAP can occur earlier than 5 years. This includes when a relevant policy has changed, or significant decisions are made which impact other options or adaptation pathways, or at points pre-identified in the DAP, such as a particular scale of disaster.

Independent DAP assurance

The RA will establish an independent assurance process for preparing and implementing DAPs. Assurance will occur throughout each major stage of the DAP process to meet reasonable expectations.

To access information on the independent DAP assurance process visit nsw.gov.au/reducingrisk/dap.

DAP implementation and legislative effect

A DAP must identify the actions that the relevant entity will undertake to mitigate the impact of disasters caused by natural hazards, based on a defined geographic area. It will also identify actions other organisations will undertake where agreement is reached to do so.

Once a DAP has been established, under section 38(1) of the RA Act, relevant entities must have regard to any relevant DAPs when carrying out their prescribed functions (for example, providing a service), unless otherwise specified in the regulations. This creates an obligation for the relevant entity, as defined under Section 35 of the RA Act, to give weight to the information in a DAP as a fundamental element in their decision making.

More specifically, under section 38(3) of the RA Act, councils must have regard to any relevant DAPs when exercising council functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act) or the *Local Government Act 1993*. This includes all strategic and statutory planning functions such as the preparation of Local Strategic Planning Statements, Local Environmental Plans, Development Control Plans and when considering development applications. Councils must also have regard to any relevant DAPs when exercising operational functions as part of the Integrated Planning and Reporting Framework such as operational planning, resource planning, and programs of work.

Under section 38(4) of the RA Act, other planning authorities (as defined in section 2.21 of the EP&A Act) (such as the Department of Planning, Housing and Infrastructure, the Independent Planning Commission and local planning panels) must also have regard to DAPs when carrying out their functions under the EP&A Act. This includes, when preparing regional and district plans and in the assessment and determination of applications for development consent under the EP&A Act.

The place-based, collaborative approach to DAP preparation and implementation set out in this guideline is intended to help relevant entities and other organisations, including planning authorities, to meet their obligations to have regard to DAPs when exercising their functions. Participating in preparing and implementing relevant DAPs helps entities and other organisations to meet their obligations.

A DAP cannot change existing legislation or planning instruments. To give effect to the strategies, actions and projects (hereafter referred to as actions) set out in a DAP, it will be necessary to implement changes through the relevant legislative and regulatory processes. For example, changes proposed to development standards may require an amendment to a Local Environment Plan (LEP) in accordance with procedures set out in the EP&A Act.



2.

Context

International and national frameworks

Disaster adaptation planning must be at the heart of all sustainable development efforts. The United Nations 2030 Agenda for Sustainable Development (including the Sustainable Development Goals) highlight the importance of climate adaptation and disaster risk reduction. Likewise, the United Nations Office for Disaster Risk Reduction recognises that progress in implementing the Sendai Framework for Disaster Risk Reduction 2015-2030 supports the global community in meeting these goals. This relationship between climate change adaptation, disaster risk reduction and sustainable development is reflected in the National Disaster Risk Reduction Framework, its associated National Action Plans, and the National Climate Resilience and Adaptation Strategy 2021-2025.

The SDMP and the NSW DAP Guidelines are underpinned by the directions and approaches of the:

- Sendai Framework for Disaster Risk Reduction 2015-2030
- National Disaster Risk Reduction Framework
- 2030 Agenda for Sustainable Development
- National Climate Resilience and Adaptation Strategy.

The State Disaster Mitigation Plan

The SDMP is the NSW Government's statewide framework for disaster risk reduction. It sets out the strategy to reduce the impact and cost of natural hazards on people, homes, livelihoods, infrastructure, and communities. It also outlines a plan of short and medium term actions to address current challenges and strengthen State-level policy and programs. Implementing these actions will support and guide the development of DAPs.

The risk reduction toolkit identified in the SDMP aims to reduce the exposure and vulnerability of communities and assets to natural hazards. The application of these risk reduction tools is a central part of the preparation, implementation and monitoring of DAPs. See page 71 of the [2024-2026 SDMP](#) for reference to these tools.



Statewide policies

DAPs will also provide an implementation pathway for existing and emerging Statewide policies. For example, the development of DAPs will support implementation of the NSW Climate Change Adaptation Strategy by identifying risk reduction options for climate change-affected natural hazards such as flood, coastal hazards and bush fire.

DAPs will draw on information about hazard and risk reduction options identified under existing arrangements for council-based hazard management. This includes the *NSW Coastal Management Act 2016*, the NSW Floodplain Management Program and arrangements in place in the NSW Rural Fire Service's Planning for Bushfire Protection 2019. The DAP process is intended to build on and complement existing arrangements for council-based hazard risk management.

The DAP processes set out in these guidelines will build on existing single hazard programs at a local scale by:

- drawing on the hazard, exposure and vulnerability data and information collated
- providing an opportunity to reconsider the risk reduction options already identified at a local scale in context of a broader geographical area (e.g. a region)
- allowing them to be reviewed in the context of multiple natural hazard risks
- providing a pathway to funding opportunities.

DAPs will not void liability exemptions provided by existing hazard studies or processes.

Emergency management plans

In NSW, emergency management arrangements are set out in the State, regional and local emergency management plans and recovery plans as per the *State Emergency and Rescue Management Act 1989*.

While a DAP will not specify emergency management requirements, emergency management considerations will inform a DAP. This may include evacuation constraints, workforce requirements and emergency management costs in the short, medium, and long term.

As DAPs provide the mechanisms to apply tools to reduce natural hazard risk to the community, they will also reduce residual risk for the emergency management sector.



Lighthouse and sea breakwall, Wollongong



3.

What is a DAP?

A DAP sets out a plan of actions to implement a preferred ‘adaptation pathway’, or package of risk reduction options, to reduce natural hazard risks in a defined geographic area.

The risk reduction options for a DAP can be drawn from the SDMP risk reduction toolkit. Examples of options could include:

- mitigation infrastructure such as dams or sea walls
- changes to planning controls applied to development in certain areas, including increasing housing in lower risk areas and reducing housing in higher risk areas
- investing in evacuation capacity upgrades to local and State roads
- recommending awareness and preparedness activities based on an area’s identified gaps/needs
- identifying areas for a planned managed relocation program, based on the risk and community support
- investing in social infrastructure such as places for respite during a heatwave
- investing in nature-based measures such as mangrove replanting.

An option becomes an action in a DAP once it is included in the agreed adaptation pathway. Actions may be implemented by the entity preparing the DAP or other organisations where agreement is reached to do so. Implementation of actions will be supported by council or other organisational implementation plans.

A DAP will identify how risk is anticipated to change over time as actions are implemented.

A DAP will include how implementation will be monitored and reported on.

We refer to a package of risk reduction options as an ‘adaptation pathway’ because the options will be implemented over time. They can be proactively implemented – like building a levee in anticipation of a flooding event. Others may not be ready for implementation until a certain condition is met (such as when a disaster of a certain magnitude occurs). As an example, a DAP may identify the need for investment in upgrades and improvements for critical roads after damage in a disaster.



Purpose of DAPs

The purpose of preparing a DAP is to achieve the objectives of the RA Act, which is to promote community resilience to the impact of disasters. The DAP aims to reduce the exposure and vulnerability of people and assets to natural hazards and reduce disaster risk.

In bringing together the consideration of multiple hazards at an appropriate scale, the processes established by these guidelines provide a mechanism for all levels of government, local communities and other appropriate organisations to work together to identify the most effective and suitable risk reduction options.

DAPs will:

- guide government, private sector and philanthropic investment decisions in disaster mitigation
- guide reconstruction decisions post disaster, by providing a vision of the future and guidance for building back better after a disaster has hit.
- guide personal housing and business investment decisions.

Over time, this will allow for greater investment in risk reduction and work to manage the increasing costs in response and recovery.

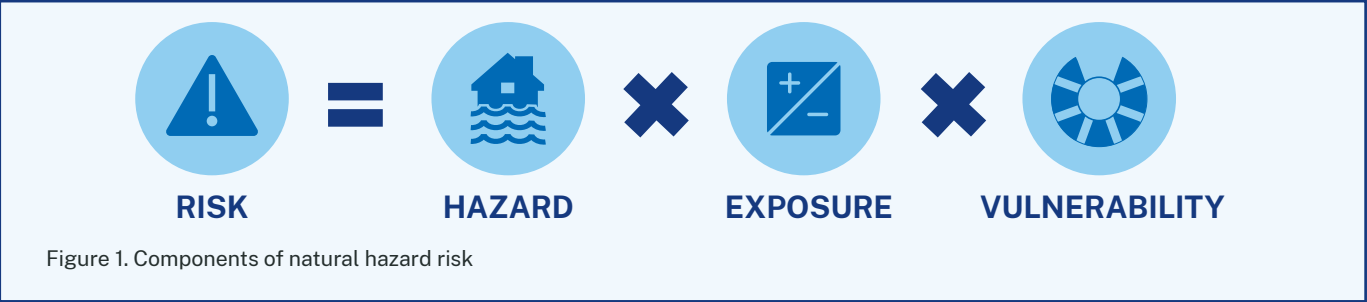
Natural hazards and climate change

Natural events can become hazards when there is a potential negative impact, such as loss of life or economic or environmental damage. A disaster occurs when these natural hazard events significantly affect people, homes, livelihoods, and assets of value, and when the impact of hazards exceed a community's ability to cope or recover from them.

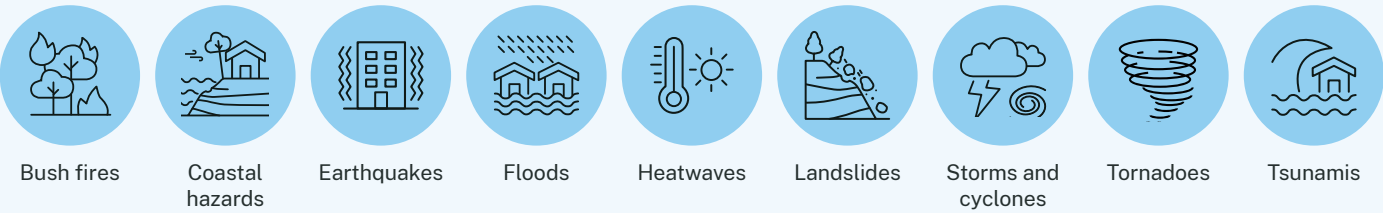
Disaster risk results from the combination of the hazard, and the exposure and vulnerability of people and assets to that hazard. Disaster risk is also influenced by our response to the hazard, including the measures we have in place to manage exposure and vulnerability.

There is often little we can do about the hazard itself. However, disaster risk can be reduced by limiting the exposure of people, homes, and infrastructure to hazards, or increasing their resilience, making them less vulnerable to disaster impacts.

Risks from natural hazards arise when people or assets are exposed or vulnerable to the hazard.



A DAP is prepared to reduce current and future risks from all natural hazards identified under the RA Act that are relevant in the DAP area. These natural hazards include:



Secondary impacts of these hazards, such as air pollution, water pollution, soil contamination and water insecurity should also be addressed. A secondary impact is an indirect consequence of the hazard event such as poor air quality from bush fire smoke and burnt matter being washed into water supply sources.

Climate change is increasing the extent, frequency, intensity and duration of climate-influenced natural hazards, for example floods, landslides, storms, tidal inundation, heatwaves (including marine heatwaves) and bushfires.

Preparation and implementation of DAPs must be informed by an understanding of the impact of climate change on the spatial extent, frequency, intensity and duration of future natural hazard events, taking into account the interacting and compounding nature of natural hazards.

Climate scenarios and associated hazard scenarios and datasets prescribed by the NSW Government in the [NSW Common Planning Assumptions](#) will be used in the preparation of DAPs.

DAP area

The geographic area covered by a DAP will be agreed during Stage 1 of the DAP process in collaboration with the DAP's Steering Committee.

The agreement of boundaries for regional DAPs will be guided by a range of factors including:

- geophysical boundaries such as catchments and sand compartments
- existing regional administrative boundaries
- consideration of strategic planning regions.



DAPs and Aboriginal knowledge

Aboriginal and Torres Strait Islander people in Australia hold the knowledge of Country and past responses to disasters. In caring for Country, Aboriginal people draw on laws, knowledge and customs that have been inherited from ancestors, to ensure the continued health of lands and seas with which they have a traditional attachment or relationship.

Traditional Owners, Aboriginal knowledge holders and Aboriginal scientists possess an invaluable understanding of the behaviour of natural hazards in NSW and their role in supporting the health of Country, as well as practices that enable events like bush fire and flood to continue to play their vital role in the function of our natural environment and ecosystems, and therefore in supporting the health and welfare of the community, while also reducing natural disaster risk.

All disaster adaptation planning, implementation and monitoring should be undertaken with involvement of the local Aboriginal community of the DAP area. This should include recognising the important role of Traditional Owners, Aboriginal knowledge holders and Aboriginal scientists in informing the assessment of natural disaster risk and in the identification, assessment, selection, implementation and monitoring of strategies, actions and projects to enable disaster prevention, preparedness and adaptation as well as recovery and reconstruction following a disaster(s).

Further guidance, tools and information will be prepared and made available to assist DAP entities to work with the Traditional Owners of the DAP area, Aboriginal knowledge holders and Aboriginal scientists in preparing and implementing DAPs. Go to nsw.gov.au/reducingrisk/dap.

4.

How we achieve an inclusive, participatory approach

These guidelines propose a coordinated, place and community-centred approach to disaster adaptation planning, involving a high degree of collaboration between all stakeholders at the right scale.

The intention is to:

- Create a framework for open and collaborative conversations between those who benefit and those affected by different options, including community members, all levels of government, insurance and banking industries, community organisations, and private businesses.
- Enable effective resolution of the difficult decisions that may need to be made, such as competing priorities and values relating to growth, housing supply, equity, and environmental and social impacts.
- Foster innovation to address issues and leverage opportunities for sustainable development.
- Enable progress towards a Country-centred approach to disaster adaptation planning.
- Create efficiencies by streamlining the process to understand risk and assess options.

This place-based, co-designed approach to DAP preparation and implementation recognises that communities are best placed to understand and identify their needs, and better outcomes are achieved when local communities work together and share knowledge to address risks.

Disaster adaptation planning in NSW aims to be multi-hazard, locally shaped, regionally coordinated and State facilitated.



DAPs will primarily be regional in scale

The NSW Government, through the RA, will coordinate the co-design, development, and implementation of regional DAPs.

The purpose of a DAP prepared at a regional scale is to coordinate disaster adaptation planning across the entire region. This will provide better insights into the scale of the disaster risk reduction challenges and opportunities facing a region, and enable stakeholders to collaborate more effectively in identifying and implementing solutions at scale.

A collaborative, regional approach will also enable:

- improved capacity to address hazard risks that cross administrative boundaries
- increased sharing of information and data across levels of government
- cost-sharing to support acquisition and collective access to improved hazard, exposure and vulnerability information and data
- improved access to subject matter specialists
- region-wide capability and capacity building

- region-scale advocacy, particularly on issues that cross local government boundaries
- progress towards a Country-centred approach to disaster adaptation planning at a regional scale
- access to new funding and finance strategies.

Every DAP region is unique. The boundaries and governance arrangements for each DAP region will be established collaboratively during the earliest stages of the DAP process as described in Section 5 of these guidelines.

Figure 2 provides an indicative structure for the governance arrangements proposed for a regional DAP. Regional DAP steering committees will be established, consisting of executive level representatives from all tiers of government, including proposed involvement from relevant agencies of the Australian Government and the NSW Government as well as the region's local government authorities, to ensure the needs of each are represented and considered. These committees may have rotating co-chairing arrangements.

As the convening body and secretariat, and as a member or co-chair of the regional DAP steering committee, the RA will coordinate NSW Government support for the DAP process. This includes the State-level actions set out in the regional DAP, and alignment with relevant State policy development.

Throughout the preparation and implementation of the DAP, the role of a regional DAP steering committee will be to:

- provide strategic oversight, coordination and collective decision-making
- ensure compliance with the DAP process set out in these guidelines, including DAP assurance
- support engagement of relevant subject matter specialists, including Traditional Owners, Aboriginal knowledge holders and Aboriginal scientists
- provide early and effective opportunities for the community impacted by or with an interest in the DAP to participate in the development and implementation of the regional DAP
- provide early and culturally appropriate opportunities for Aboriginal and Torres Strait Islander people and landowners, including Discrete Aboriginal Communities, to be a key partner in the DAP process
- help guide councils and other entities in preparing implementation plans for relevant actions identified in the DAP.

Technical working groups that bring together subject matter specialists to provide technical advice to

inform the disaster adaptation planning process are likely to make important contributions.

Community and stakeholder engagement forums will also be established, such as community reference panels, to enable early and effective engagement for affected communities as part of an overarching approach to community involvement in the DAP process. Engaging the public from the earliest stages of preparing a DAP and throughout DAP implementation will be key to a successful disaster adaptation planning process. This is outlined in further detail below.

Coordination of actions by other organisations such as critical infrastructure providers, NGOs (including community organisations), and industry (banking and insurance) will be facilitated through State coordination groups. These organisations may also be represented on technical or community engagement forums that support the regional steering committee.

Other regional governance arrangements may also be established in response to the needs of an individual region. For example, a community leaders forum may be convened to enable coordination, oversight and engagement with elected officials from local and State Governments.

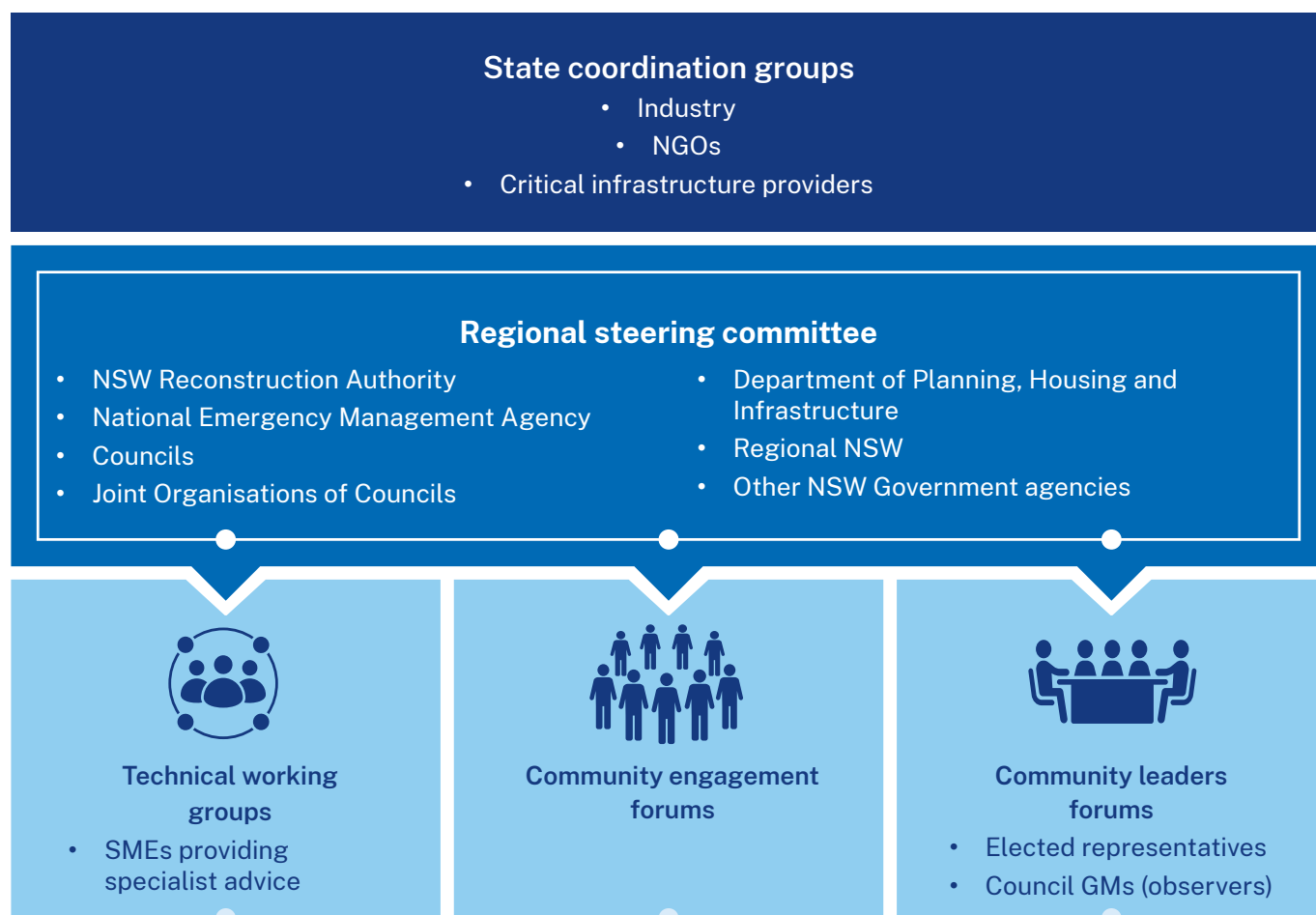


Figure 2. Indicative regional DAP governance arrangements



Flood awareness workshops with diverse communities in Western Sydney. Photo by Adam Hollingworth

Other DAPs

Regional DAPs will provide a robust approach to disaster adaptation planning, particularly where local implementation plans have been prepared by councils or other relevant entities, such as State-owned corporations and critical infrastructure providers, as part of the regional DAP process.

In some instances, a relevant entity may be required by the RA to prepare a separate DAP. These DAPs will need to be prepared in accordance with these guidelines and aligned to the relevant regional DAP(s) which have been prepared in their area. A separate assurance process will also need to be undertaken. See nsw.gov.au/reducingrisk/dap.

Commitment to early, ongoing, and effective community engagement

Early, ongoing, and effective community engagement in disaster adaptation planning will help to build a shared understanding of:

- the multi-hazard risks impacting an area, both now and into the future
- the impact of past, as well as potential future disaster events and the causes and implications for these impacts
- things of value which need to be protected, maintained and/or enhanced through the DAP process

- community aspirations for their area, including their vision for a disaster-resilient future
- key decision-making principles to guide the development and assessment of options and adaptation pathways
- options the community would like considered in the preparation of the DAP
- the anticipated impacts of implementing the DAP
- preferences for different options and potential adaptation pathways
- feedback on the proposed approach to monitoring and evaluation of implementation of the DAP.

At its core, DAP community engagement will be an iterative process of consultation and dialogue with a view to informing DAP decision making. It will be guided by the principles in Table 1 below.

To enable effective community engagement, a range of engagement channels will need to be used, both formal and informal, recognising that different stakeholders have varying amounts of time, levels of understanding and interest. Careful consideration needs to be given to the timing and type of information provided through each engagement channel to support a genuine dialogue with those participating.

Table 1. Principles for engaging with the community

Principle	Benefit
Community at the centre	<ul style="list-style-type: none"> Fosters trust with communities by establishing insights into community knowledge, resources, and challenges. Respects the needs and voice of the community, prioritising inclusion of diverse voices and listening. Encourages a culture of collaborative decision-making.
Early and sustained engagement	<ul style="list-style-type: none"> Fosters trust, shared knowledge, and community buy-in to understanding of risk and planning and actions for risk reduction. Encourages early and ongoing community connections and identifies local leaders and existing networks. Helps develop meaningful relationships with local community leaders who can build wider community connection. Creates better awareness of previous experiences and current capacities, social networks, Country, cultural practices, perceptions and needs. Creates understanding of what worked and didn't work in the past to inform next steps. Fosters long-term collaboration and co-design of solutions.
Embrace local knowledge	<ul style="list-style-type: none"> Provides insights into the local history, knowledge, risks, and vulnerabilities, ensuring coping mechanisms are leveraged. Previous experience is acknowledged and contributes to continuous improvement.
Be inclusive and respectful	<ul style="list-style-type: none"> Enables diverse voices to be heard. Aids transparency. Collaboration with diverse communities can be leveraged to mobilise people and networks.
Support clear, transparent, and two-way communication	<ul style="list-style-type: none"> Greater engagement is achieved through clear and accessible language. Prioritises accessible engagement formats, channels and platforms, to facilitate culturally responsive multilingual communications across diverse language and cultural groups and communities delivered through trusted networks.
Multi-modal engagement	<ul style="list-style-type: none"> Encourages wider participation and captures more diverse perspectives.
Recognise and build capacity and capability	<ul style="list-style-type: none"> Supports cycle of learning and continuous improvement. Builds capacity of government and community to co-design and co-produce place-based risk solutions.

Further guidance, tools and information will be prepared and made available to assist DAP entities in engaging with the community at nsw.gov.au/reducingrisk/dap.



Nepean River, Sydney

5.

Disaster adaptation planning process



These guidelines set out a 5-stage process for preparing and implementing a DAP, summarised in Figure 3. Table 2 summarises the purpose and tasks of each stage in the DAP process.

Disaster adaptation planning is an iterative process. Therefore, the tasks within each stage may not necessarily be undertaken sequentially, but in some instances may be progressed concurrently with a view to informing each other. The stages and tasks set out are valid for all DAPs, regardless of the geographical scope. At the end of each stage, independent assurance will be undertaken to ensure the work provides a robust foundation for the next stage.

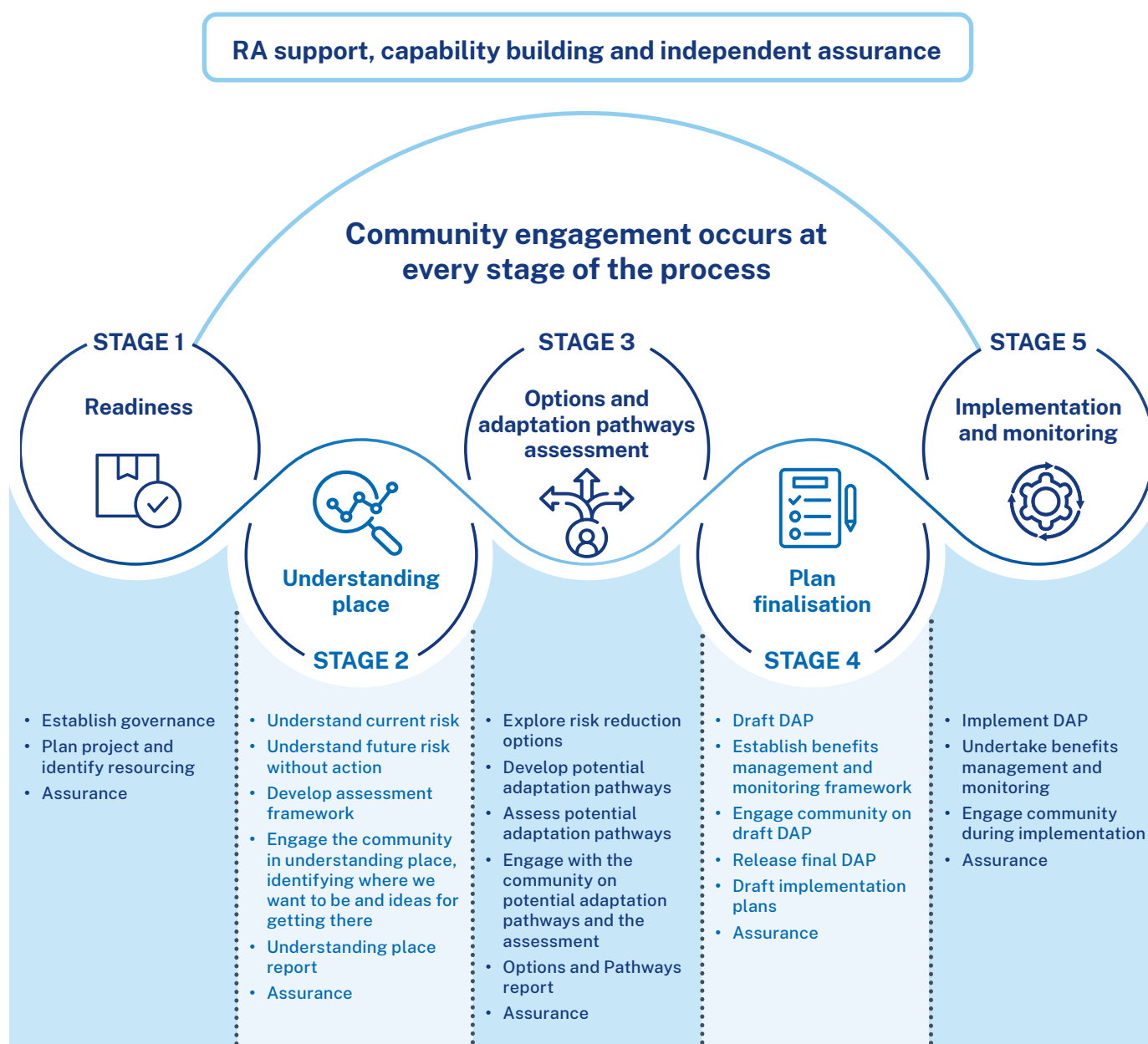


Figure 3. Stages and tasks for preparing, making and implementing a DAP

Table 2. DAP stages and tasks

DAP stages and tasks	Purpose
Stage 1: Readiness	
Establish governance	Reach agreement on the governance arrangements to be established to provide oversight of the DAP process.
Plan project and identify resourcing	Undertake project planning including confirming project resources, program and plan for community engagement.
Assurance	Stage 1 assurance.
Stage 2: Understanding place	
Understand relevant policies and plans	Identify targets, objectives and initiatives set out in other policies, plans and programs which the DAP should support, enable or influence.
Understand current risk	Collect evidence for existing risk (hazards, exposure and vulnerability) and identify existing responses within the area. For example coastal hazards and floodplain risk information collated as part of coastal management and floodplain management programs. Identify any gaps in data and obtain and analyse additional information as required.
Understand future risk without action	Develop an evidence base for anticipated future risk (hazard, exposure and vulnerability) in the DAP area if no action is taken, considering future potential development and climate change impacts.
Develop assessment process	Clearly identify objectives and criteria to assess risk reduction options and adaptation pathways, informed by community values and other policies, plans and programs.
Engage the community in understanding place, identifying where we want to be and ideas for getting there	Draw on lived experience and knowledge of the community to provide insight into recent history, where we are today and future risk. Identify community values and their vision to inform the assessment process and to identify risk reduction options.
Understanding place report	Document the findings of this stage and make this information available to the community.
Assurance	Stage 2 assurance.
Stage 3: Option and adaptation pathway assessment	
Explore options	Collate a long list of risk reduction options guided by the risk reduction toolkit.
Develop potential adaptation pathways	Lay out an adaptation pathways framework and map potential adaptation pathways using packages of risk reduction options.
Assess potential adaptation pathways	Evaluate potential adaptation pathways or packages of options using the assessment process decided earlier. This would consider future risk and the feasibility of potential adaptation pathways, including funding or financing availability.

DAP stages and tasks	Purpose
Engage with the community on potential adaptation pathways and the assessment	Gain community perspectives on the risk reduction options and adaptation pathways being considered.
Options and pathways report	Document the findings of this stage and make this information available to the community.
Assurance	Stage 3 assurance.
Stage 4: Plan finalisation	
Draft DAP	Prepare the draft DAP, including the engagement undertaken, risk reduction options and adaptation pathways considered. Document reasons for selecting the preferred approach and the expected benefits and costs of implementation, including changes to the nature and scale of risk.
Establish monitoring framework	Detail how the benefits and costs of implementing the draft DAP should be managed. Identify how implementation will be monitored and evaluated including defining decision points and triggers for changing pathways.
Engage community on draft DAP	Provide an opportunity for the community to express their views on the draft DAP.
Release final DAP	Review community feedback on the draft DAP and make relevant changes, ensuring the implications of any significant changes are considered. Prepare and publish the final DAP.
Develop implementation plans	Identify how implementation of the draft DAP will be supported by other organisations in the exercise of their functions, for example, short, medium, and long-term actions to be taken by a council through its Integrated Planning and Reporting and/or strategic planning.
Assurance	Stage 4 assurance.
Stage 5: Implementation and monitoring	
Implement DAP	Implement the adopted DAP in collaboration with relevant organisations and supported by ongoing governance.
Undertake monitoring	Undertake benefits and costs management and monitor and evaluate implementation of the DAP to check the extent to which anticipated benefits are being realised and costs are being avoided, and where necessary ensure that new pathways are actioned.
Engage community during DAP implementation	Provide an opportunity for the community to express their views on the implementation of the DAP and its impacts, as part of the process of monitoring, evaluation, being accountable and learning.
Assurance	Stage 5 assurance.

Key inputs to and outputs from the DAP process

Key inputs and outputs in the DAP process are outlined in Figure 4 and further explored in the description of each stage below. This acknowledges existing council hazard information and studies, for example floodplain risk management plans, will be inputs to Stage 2 ‘understanding place’. In addition, options identified from these processes will also be considered in Stage 3 of the DAP process. State-developed hazard and other information (for example development scenarios) will be used to inform the work.

Once DAPs are finalised, councils or organisations, as owners of relevant local or organisational actions, will develop implementation plans. These plans will inform operational plans, asset management plans or council Integrated Planning and Reporting (IP&R) processes.

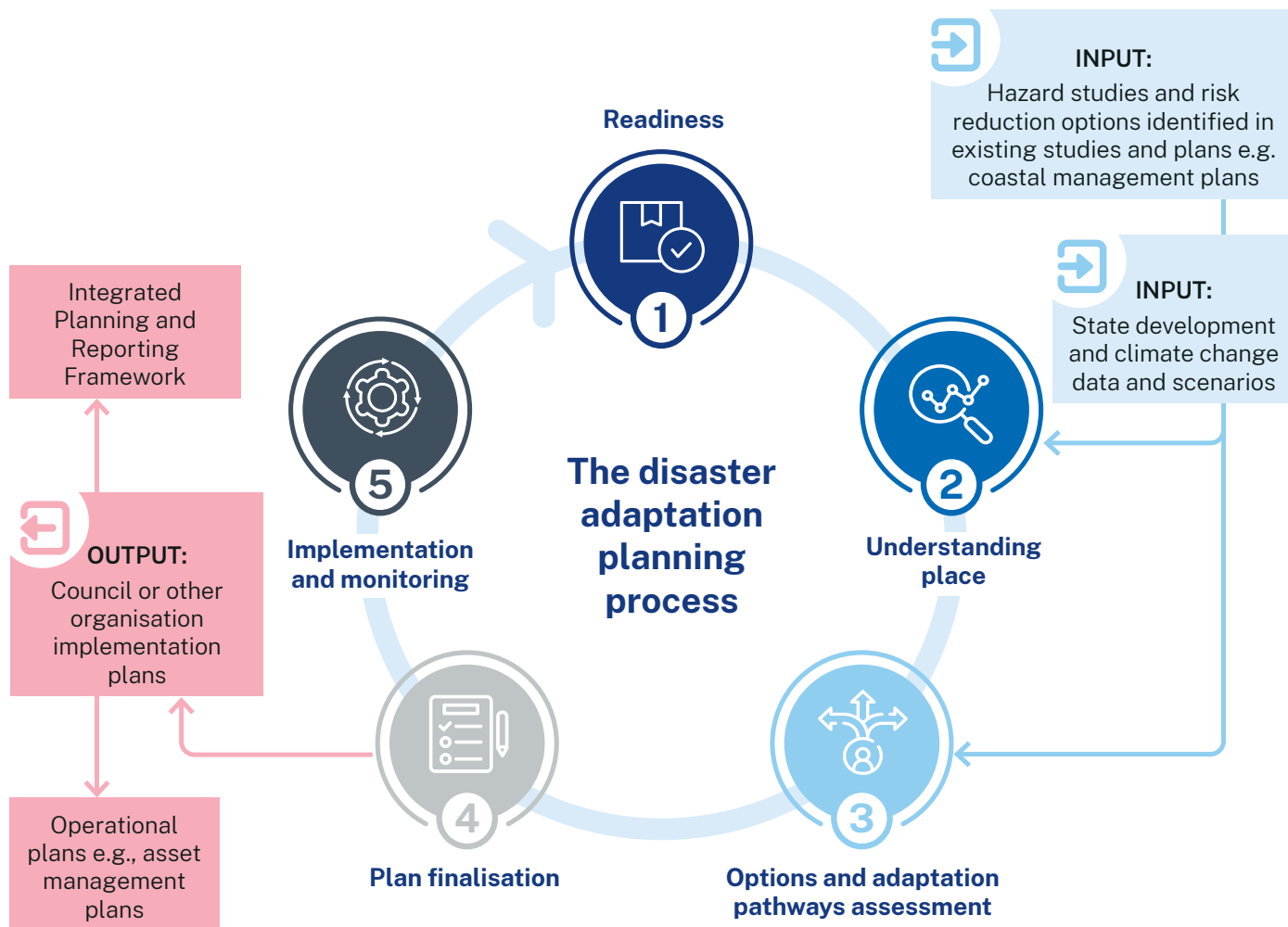


Figure 4. Key inputs and outputs of the DAP process

Outline of stages

Stage 1: Readiness



The Readiness stage lays the foundations for success in undertaking disaster adaptation planning for the DAP area.

Establish governance

Collaborative governance arrangements are agreed and regional boundaries established. This includes the confirmation of terms of reference for any DAP steering committees, technical working groups, community leaders forums, key stakeholder groups, or other governance bodies.

Plan project and identify resources

The resources required to undertake the DAP process are identified and confirmed. The project program, including reporting and deliverables, is mapped out and documented in a project plan.

A community engagement plan is prepared, confirming the engagement activities to be undertaken at each stage of the DAP process, the channels to be used and the culturally appropriate approaches to be employed with respect to engaging with Aboriginal and Torres Strait Islander people and Aboriginal landowners.



Assurance

At the end of Stage 1, the first assurance review is undertaken, and feedback and advice provided.

Stage 2: Understanding place



This stage identifies the current and future risks that a region or location faces without further action. It also includes understanding community values and 'where the community wants to be' in the context of those risks. The information compiled provides the foundation for undertaking the assessment of risk reduction options and potential adaptation pathways considered in preparation of the DAP.

Understand relevant policies, plans and programs

Objectives, actions and targets from related policies, plans and programs are identified to take advantage of potential synergies, deal with any inconsistencies and constraints, and to ensure the DAP supports the achievement of these objectives. Policies, plans and programs may be at the international, national, state, regional or local level (for example, international conventions, national frameworks, Statewide plans, regional economic development plans and community strategic plans).

Understand current risk

Information on historical trends and the current state of risk (hazards, exposure, vulnerability) is compiled to help understand existing strengths and vulnerabilities of the area impacted by the DAP.

This includes information from coastal management plans, floodplain risk management plans and bush fire risk management plans. This information is compiled for the entire DAP area with gaps identified and filled to the extent possible at the time. The methodology used should be the best practicable approach, in the context of the information available, to meet minimum standards required for evidence-based decision making. It is understood that this process will exist on a maturity continuum and will improve in future iterations. The determinants of historical and current disaster risk and the extent to which disaster risk reduction and sustainable development objectives are or aren't being achieved is also identified.

Understand future risk without action

Information on future hazard, vulnerability and exposure is compiled to identify potential future risk, if current policies, plans and programs continue to be implemented. This takes account of actions planned or underway to reduce risk.

The analysis of future risk reflects the different ‘scenarios’ which identify ways that hazards, exposure and vulnerability can be expected to change over time. Information on future development, socio-economic and climate change scenarios is compiled as part of this process. For example, this should include the potential impacts of climate change on the hazard, different levels of projected population and economic growth which could change exposure, as well as different socio-economic profiles which would affect vulnerability, such as the proportion of low-income households.

Collation of information on future risk provides the basis for understanding the emerging opportunities and threats that may be anticipated for the area impacted by the DAP, if action isn’t taken.

Develop assessment process

An assessment process for the DAP is developed that outlines the way in which risk reduction options and adaptation pathways will be assessed. It includes objectives and essential criteria drawn from related policies, plans and programs and priority community values as well as insights provided by understanding current and future risk. The assessment objectives and criteria reflect desired outcomes for disaster risk reduction and sustainable development and enable progress to be measured, either qualitatively or quantitatively.

The assessment process is used to compare the likely costs and benefits of risk reduction options and potential adaptation pathways. It also gives consideration to engineering feasibility, and environmental, social and Aboriginal heritage impacts to enable the selection of a preferred approach to reduce risk to life, homes and livelihoods.

The development of this assessment process may also include identifying and developing supporting decision-making tools which need to be used in the next stage to compare options. For example, a region with a constrained road network will need to undertake hazard evacuation modelling as part of the options analysis process, or a database of assets may need to be developed to map how to best protect critical infrastructure.

Engage the community in understanding place, identifying where we want to be and ideas for getting there

Engagement undertaken at this stage helps to:

- enable community lived experience, knowledge and perspectives to inform an understanding of the place

- build community awareness and understanding of the evidence, research and science.

Engagement at this stage also seeks community perspectives on:

- the recent past, including patterns of change in the region’s hazards, exposure and vulnerability and their experiences and observations as a result of those changes
- potential future risk, including how the region’s hazards, exposure and vulnerability might be expected to change in a range of different ways if plausible trends unfold (for example, climate change is more or less extreme, population growth is high or low etc)
- what they value and their vision for a disaster resilient future
- desired disaster risk reduction and sustainable development outcomes and potential responses to support progress towards those desired outcomes, including what kind of risk reduction options communities are willing to accept. For example, a community in a high-risk area with a strong attachment to place may be unwilling to relocate, preferring to accept their risk of flooding or bushfire, and modifying their home to make it more resilient to the hazard.

Key outputs from this first phase of engagement include:

- prioritised community values to help guide risk reduction options and adaptation pathways development and assessment, assessment of the DAP and development of the monitoring framework for the DAP in a way that reflects community perspectives
- a range of potential risk reduction options for further consideration.

Understanding place report

The understanding place report documents the methodologies employed and the findings of this stage and is published at the end of this stage so as to be accessible to the community.



Assurance

At the end of Stage 2, the next assurance review is undertaken and feedback and advice provided.

Stage 3: Options and adaptation pathways assessment



The Options and Adaptations Pathways Assessment stage identifies a range of risk reduction options, develops and assesses potential adaptation pathways, and identifies a preferred adaptation pathway.

An adaptation pathway is a package of complementary risk reduction options that are drawn from the risk reduction toolkit. Groups of options are package together as adaptation pathways because different options will be implemented over a period of time as certain conditions or 'triggers' arise, such as a disaster event.

Explore options

All potential options are identified including from engagement with the community in Stage 2.

There are a diverse range of tools that can be deployed to prevent new risk, reduce existing risk and manage residual (remaining) risk. These should be aligned to objectives in the assessment process. A suite of risk reduction options can be drawn from the risk reduction tools set out in the SDMP risk reduction toolkit (see Figure 5). The risk reduction toolkit provides broad categories from which a diverse range of options can be drawn.

Options can also be drawn from existing plans and programs (for example coastal management plans and floodplain risk management plans), identified by subject matter specialists or derived based on the knowledge and experience of councils and other organisations.

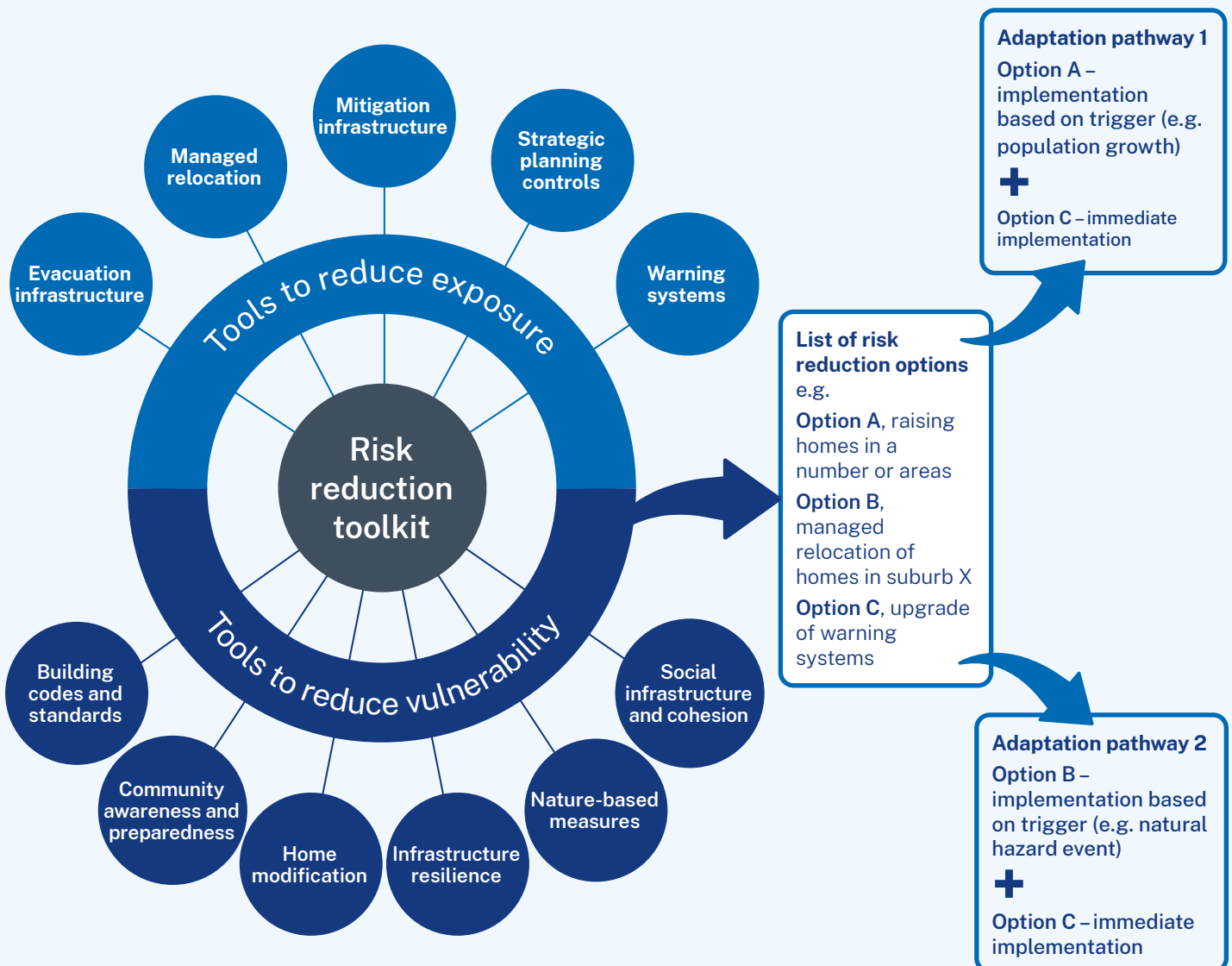


Figure 5. SDMP risk reduction toolkit – helps to identify risk reduction options and adaptation pathways

Develop potential adaptation pathways

One or more potential adaptation pathways are assembled as packages of risk reduction options. These represent alternatives to the existing approach to risk reduction, which are reflected in the current adaptation pathway based on existing policies, plans and programs.

When developing these potential adaptation pathways, an underpinning logic is applied which characterises the way in which the options have been assembled to create the adaptation pathway. For example, options that reflect a greater focus on risk avoidance can be packaged together as a 'risk avoidance' adaptation pathway while options that reflect a greater focus on risk mitigation could be assembled as a 'risk mitigation' adaptation pathway.

Once the potential adaptation pathways are defined, the expected spatial expression and characteristics of each adaptation pathway across the DAP area over time is prepared. For example the anticipated spatial distribution of development and infrastructure. This process can help to highlight:

- options that may have been previously overlooked
- potential conflicts between options
- synergies between options which make more sense when deployed together.

Not all options identified will be spatially explicit, for example actions to improve community awareness and preparedness. In many instances these options are relevant to the entire DAP area and won't warrant detailed spatial consideration.

Assess potential adaptation pathways

The costs and benefits of implementing the different risk reduction options are assessed using the assessment process and knowledge of current and future risk from Stage 2.

Both qualitative and quantitative methodologies can be applied in the assessment process. Quantitative assessments require models, such as evacuation models. Where models aren't available, the assessment process may rely on expert judgement and information derived from studies and wider research. Funding and finance strategies available to support implementation of the risk reduction options will also be identified.

In addition to the nature and scale of costs and benefits, the assessment describes the distribution of these costs and benefits, that is who will benefit and who will pay. Methodologies such as Social Return on Investment can be valuable tools for identifying the distribution of costs and benefits in collaboration with the community.

Engage with the community on potential adaptation pathways and the assessment

Community engagement is undertaken to:

- enable community lived experience, knowledge and perspectives to inform the assessment of the potential adaptation pathways
- build community awareness and understanding of the anticipated implications of each of the potential adaptation pathways, including who may be expected to benefit and who may bear the cost
- provide insights into community preferences across the potential adaptation pathways to help inform the selection and/or development of a preferred adaptation pathway.

Options and Pathways Report

A preferred adaptation pathway is developed drawing on the findings and outcomes of this stage. Funding and finance strategies to support delivery of the preferred adaptation pathway are also identified together with measures for overcoming identified feasibility challenges.

The Options and Pathways Report documents the process undertaken and describes the preferred adaptation pathway and the reasons for its selection. It outlines why other potential adaptation pathways were disregarded. A range of other recommendations are also likely to emerge as a result of the options and pathways tasks which will be documented in the Options and Pathways Report.



Assurance

At the end of Stage 3, the next assurance review is undertaken and feedback and advice provided.



Northern NSW near Murwillumbah

Stage 4: Plan finalisation



During Stage 4 the preferred adaptation pathway identified in Stage 3 is translated into a draft DAP. Opportunities to improve and refine the draft DAP are identified through assessment ahead of community consultation. Supporting implementation plans are also prepared by councils and other organisations and a monitoring framework is prepared.

Draft DAP

The findings of Stages 2 and 3 provide a robust foundation for preparing the draft DAP. This includes identifying the funding and financing options and strategies, ongoing governance arrangements and the program for implementation.

An assessment of the preferred adaptation pathway, reflected in the draft DAP, is undertaken against the assessment process. This assessment and its findings are documented in the draft DAP to describe its cumulative costs and benefits.

The draft DAP includes a description of the DAP preparation process, including the findings and outcomes of all stages. This will explain the reasons for selecting the preferred adaptation pathway and why other potential adaptation pathways were disregarded.

The draft DAP may require Ministerial approval.

Establish monitoring framework

A monitoring framework, including the identification of roles and responsibilities, is established to ensure there is ongoing monitoring and evaluation of DAP implementation. The assessment of the preferred adaptation pathway, makes it possible to anticipate the benefits and costs of implementing the DAP.

The monitoring framework is established to ensure:

- transparency on the extent to which the anticipated benefits and costs of implementation of the DAP are being realised
- the objectives of the plan and the assessment process are being realised
- the plan is being implemented as intended
- the pattern of development observed, including new and/or improved infrastructure, match the preferred adaptation pathway.

Importantly the approach to monitoring the DAP supports implementation of the preferred adaptation pathway by identifying appropriate actions to be taken under certain conditions or when 'trigger' points are reached. This enables timely decision making to ensure unacceptable thresholds are avoided and targets are met.

Engaging community on the draft DAP

The draft DAP is published to enable the community to review and provide feedback. Community engagement will help to:

- build community awareness and understanding of the anticipated benefits and costs of implementing the draft DAP, including who is expected to benefit and who may bear the costs
- provide insights into community concerns and/or support for the draft DAP and any changes members of the community would like to see made
- provide community with an understanding of how their advice and preferences expressed in previous stages of the DAP process have influenced the draft DAP.

Release final DAP

After community consultation concludes, the DAP is reviewed in light of the feedback received and the final DAP is prepared for publication. The final DAP includes how community feedback has been considered.

Develop implementation plans

Implementation plans may be prepared by councils or other appropriate organisations to set out how actions identified in the DAP will be implemented as part of their prescribed functions. For councils, this includes how the DAP actions will be implemented as part of the exercise of their functions under the EP&A Act or the *Local Government Act 1993*. This may relate to the preparation of Local Strategic Planning Statements, Local Environmental Plans, Development Controls Plans, when considering development applications and through the Integrated Planning and Reporting Framework, such as operational planning, resource planning, and programs of works. For other organisations this might include how DAP implementation will be achieved through their asset management plans or business continuity plans.

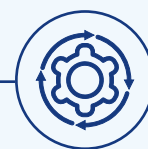
The timing of the finalisation of each DAP will influence how and when actions are integrated into council or other organisation processes. Each council and organisation will identify the most suitable way to achieve this, subject to the timing of their planning cycles. This will signal the timing of delivery of actions reflected in the final DAP.



Assurance

At the end of Stage 4, the next assurance review is undertaken and feedback and advice provided.

Stage 5: Implementation and monitoring



The final phase is focussed on ensuring a DAP has effective implementation, monitoring, evaluation and reporting, and appropriate actions are taken in response, guided by the preferred adaptation pathway.

Implement DAP

Implementation of actions identified in the DAP to give effect to the preferred adaptation pathway may require a range of policy, legislative and other interventions. For example, this could include confirming funding for a project, seeking planning approval or enacting a legislative change. At this stage the identified relevant entity will be responsible for delivery of these actions.

Undertake monitoring

The RA, or as otherwise advised under the established monitoring framework, will monitor and review the implementation of actions against the preferred adaptation pathway. Transparent reporting on progress will occur during this stage. This will enable monitoring of how anticipated benefits are being realised and costs are being avoided and ensure that new pathways are actioned if intolerably adverse outcomes are occurring or may be expected to occur.

Engage community during DAP implementation

The monitoring framework identifies a process to provide the community with an opportunity to share their feedback on the implementation of the DAP and its impacts. This will enable a shared understanding of the actions and that actions continue to be developed and refined during DAP implementation as appropriate.



Assurance

At the end of Stage 5, the next assurance review is undertaken and feedback and advice provided.

Glossary

Word or phrase	Definition
Actions	Actions, strategies and projects set out in a Disaster Adaptation Plan to implement risk reduction options.
Adaptation pathway	A package of complementary risk reduction options, implemented over a period of time and under certain conditions or ‘triggers’ such as a disaster event.
Climate change	A change in the state of the climate that can be identified (e.g. by using statistical tests) by changes in the mean and/or the variability of its properties and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings such as modulations of the solar cycles, volcanic eruptions and persistent anthropogenic changes in the composition of the atmosphere or in land use. (IPCC, 2018)
Community	All members of the public who may be impacted by or have an interest in the preparation or implementation of a DAP. This includes individuals, Aboriginal and Torres Strait Islander people, farmers, developers, not-for-profit organisations, private businesses, utility providers, insurance and banking organisations, universities and academics and others.
Disaster	A serious disruption to the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts. The effect of the disaster can be immediate and localised but is often widespread and could last for a long time. The effect may test or exceed the capacity of a community or society to cope using its own resources, and therefore may require assistance from external sources, which could include neighbouring jurisdictions, or those at the national or international levels. (United Nations Office for Disaster Risk Reduction 2016)
Disaster adaptation planning	The process and arrangements that enable the identification of disaster risk reduction options and ‘adaptation pathways’ to develop a Disaster Adaptation Plan and supporting implementation plans.
Disaster risk	The potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity. The definition of disaster risk reflects the concept of hazardous events and disasters as the outcome of continuously present conditions of risk. Disaster risk comprises different types of potential losses which are often difficult to quantify. Nevertheless, with knowledge of the prevailing hazards and the patterns of population and socioeconomic development, disaster risks can be assessed and mapped, in broad terms at least. (United Nations Office for Disaster Risk Reduction 2016)
Disaster risk management	Is the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, contributing to the strengthening of resilience and reduction of disaster losses. (United Nations Office for Disaster Risk Reduction 2016)

Word or phrase	Definition
Disaster risk reduction	Is aimed at preventing new, and reducing existing, disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development. (United Nations Office for Disaster Risk Reduction 2016)
Evacuation	Moving people and assets temporarily to safer places before, during or after the occurrence of a hazardous event in order to protect them. (United Nations Office for Disaster Risk Reduction 2016)
Exposure	The situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas. (United Nations Office for Disaster Risk Reduction 2016)
Hazard	A process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation. A hazard is characterised by its location, intensity or magnitude, frequency and probability. Hazards may be natural (associated with natural processes and phenomena), anthropogenic (induced entirely or predominantly by human activities and choices) or socio-natural (a combination of natural and anthropogenic factors) in origin. (United Nations Office for Disaster Risk Reduction 2016)
Infrastructure resilience	The capacity of physical infrastructure assets to withstand disruption, operate effectively in crisis, and deal with and adapt to shocks and stresses, including the flexibility to adapt to present and future conditions. (NSW Critical Infrastructure Resilience Strategy)
Mitigation	The lessening or minimising of the adverse impacts of a hazardous event. The adverse impacts of hazards, in particular natural hazards, often cannot be prevented fully, but their scale or severity can be substantially lessened by various strategies and actions. Mitigation measures include engineering techniques and hazard-resistant construction as well as improved environmental and social policies and public awareness. (United Nations Office for Disaster Risk Reduction 2016)
Monitoring framework	A systematic approach to measuring and tracking the progress and impact of a disaster adaptation plan and implementing an adaptation pathway, including through establishment of a system of benefits management which includes a framework for monitoring, evaluation, accountability, and learning which enables action to be taken when certain conditions arise or a 'trigger point' is reached, for example a hazard event occurs.
Organisation	An entity – such as a company, an institution or an association – comprising one or more people and having a particular purpose.
Preparedness	Refers to the knowledge and capacities developed by governments, response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters. Preparedness action is carried out within the context of disaster risk management and aims to build the capacities needed to efficiently manage all types of emergencies and achieve orderly transitions from response to sustained recovery. (United Nations Office for Disaster Risk Reduction 2016)

Word or phrase	Definition
Prevention	<p>Refers to activities and measures to avoid existing and new disaster risks.</p> <p>Disaster prevention expresses the concept and intention to completely avoid potential adverse impacts of hazardous events. While certain disaster risks cannot be eliminated, prevention aims at reducing vulnerability and exposure in such contexts where, as a result, the risk of disaster is removed. Examples include dams or embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones, seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake and immunisation against vaccine-preventable diseases. Prevention measures can also be taken during or after a hazardous event or disaster to prevent secondary hazards or their consequences, such as measures to prevent the contamination of water.</p> <p>(United Nations Office for Disaster Risk Reduction 2016)</p>
Reconstruction	<p>The medium and long-term rebuilding and sustainable restoration of resilient critical infrastructures, services, housing, facilities and livelihoods required for the full functioning of a community, or a society, affected by a disaster, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk.</p> <p>(United Nations Office for Disaster Risk Reduction 2016)</p>
Recovery	<p>The restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk.</p> <p>(United Nations Office for Disaster Risk Reduction 2016)</p>
Resilience	<p>The ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management.</p> <p>(United Nations Office for Disaster Risk Reduction 2016)</p>
Response	<p>Actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.</p> <p>Disaster response is predominantly focused on immediate and short-term needs and is sometimes called disaster relief. Effective, efficient and timely response relies on disaster risk-informed preparedness measures, including the development of the response capacities of individuals, communities, organisations, countries and the international community.</p> <p>The institutional elements of response often include the provision of emergency services and public assistance by public and private sectors and community sectors, as well as community and volunteer participation. “Emergency services” are a critical set of specialised agencies that have specific responsibilities in serving and protecting people and property in emergency and disaster situations. They include civil protection authorities and police and fire services, among many others. The division between the response stage and the subsequent recovery stage is not clear-cut. Some response actions, such as the supply of temporary housing and water supplies, may extend well into the recovery stage.</p> <p>(United Nations Office for Disaster Risk Reduction 2016)</p>
Risk assessment	<p>Is the overall process of risk identification, risk analysis and risk evaluation.</p> <p>(AS/NZS ISO31000:2009 Risk management -Principles and guidelines)</p>

Word or phrase	Definition
Risk reduction	Is a selective application of appropriate techniques and management principles to reduce either the likelihood of the occurrence of an event or its consequences, or both. (Australian Institute for Disaster Resilience 1998)
Risk reduction options	Are options that deliver disaster risk reduction outcomes and are aligned with the principles of sustainable development drawn from the risk reduction toolkit.
Sustainable development	An approach to growth and human development that aims to meet the needs of the present generation without compromising the ability of future generations to meet their own needs. (UN World Commission on Environment and Development, 1987)
Risk reduction tool	A collective term to describe groups of measures to reduce hazard exposure and vulnerability. Tools to reduce exposure include evacuation infrastructure, managed relocation, mitigation infrastructure, strategic planning controls and warning systems. Tools to reduce vulnerability including building codes and standards, community awareness and preparedness, home modification, infrastructure resilience, nature-based measures and social infrastructure and cohesion. (NSW State Disaster Mitigation Plan 2024-2026)
Risk reduction toolkit	The set of risk reduction tools identified in the NSW State Disaster Mitigation Plan for reducing hazard exposure and vulnerability. (NSW State Disaster Mitigation Plan 2024-2026)
Sustainable Development Goals	The set of 17 goals adopted by all United Nations members in 2015 which highlight the connections between the environmental, social and economic aspects of sustainable development. (United Nations 2030 Agenda for Sustainable Development)
Vulnerability	The conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards. (United Nations Office for Disaster Risk Reduction 2016)



Bombo Beach, Kiama. Source: Kiama Council

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Draft NSW Disaster Adaptation Plan Guidelines Consultation June – August 2024

NSW Disaster Adaptation Plan (DAP) Guidelines

What is the purpose of the DAP Guidelines?

The NSW Reconstruction Authority (RA) has developed draft guidelines to support the development of Disaster Adaptation Plans (DAPs). The guidelines outline the approach and process to develop DAPs in collaboration with other appropriate organisations and the community.

How have the draft guidelines been developed?

The RA has worked closely with local councils, joint organisations, state government agencies and other relevant stakeholders including emergency management organisations in the development of the draft DAP Guidelines.

The RA surveyed 129 NSW councils to understand existing plans and resources, key drivers in natural hazard risk research and planning, risk exposure and current challenges. The survey results were used to inform the design and development of the draft DAP Guidelines.

How will the consultation period work?

The RA is seeking feedback on the draft guidelines. During the consultation interested parties will be able to comment on the guidelines through the [Have Your Say](#) platform. The RA will also run a series of workshops to obtain feedback from key stakeholders.

Disaster Adaptation Planning

Why is disaster adaptation important?

Since 2019, NSW residents have endured more than 73 declared disasters, costing the NSW Government more than \$9 billion, with more than 20,000 homes damaged in 2022 alone.

Historically, around 97% of disaster funding has been spent on response and recovery with only 3% spent on reducing risk.

There is a need to work collaboratively across all levels of government and community to better prepare for and reduce the risk of disasters before they happen. The State Disaster Mitigation Plan (SDMP) and place-based Disaster Adaptation Plans (DAPs) will chart this course to a better prepared NSW.

Overview of Disaster Adaptation Plans

What are DAPs?

A disaster adaptation plan or DAP brings together hazard information and analysis on risk reducing options for a defined geographic area, that will help protect communities from disasters caused by natural hazards.

What is an adaptation pathway?

An adaptation pathway outlines the various options that can be taken to reduce risk both now and in the future. Options might be proactively implemented, like building a levee in anticipation of a flooding event, or activated when a certain condition is met, for example, when a disaster of a certain magnitude occurs.

Why do we need DAPs?

DAPs help improve strategic planning processes and decision-making by bringing together the required natural hazard risk information in one place. They will help ensure NSW is best placed to face future disasters caused by natural hazards before they happen and recover more effectively after they have occurred. Over time, DAPs are expected to reduce the costs associated with disasters and build greater future resilience for communities and infrastructure.

What is the difference between the State Disaster Mitigation Plan and a DAP?

The State Disaster Mitigation Plan (SDMP) provides a range of solutions (the risk reduction toolkit) to be considered in place-based plans, as well as actions to address state policy and program gaps. DAPs look at multiple natural hazard risks for a specific area and identify risk reduction actions for that place, with community collaboration and participation.

Working with existing plans and local knowledge

How will DAPs relate to other plans? How will existing work be considered?

DAPs focus on natural hazards and have detailed, relevant strategies and actions for risk reduction and adaptation. Emergency and recovery plans are considered when developing a DAP, however emergency and recovery arrangements are not part of DAPs. Actions to reduce risk identified in DAPs aim to reduce emergency response and recovery impacts.

Hazard and other information from coastal management plans, floodplain risk management plans, bush fire management plans are inputs into the DAP process. Where actions are being or have been implemented through these plans, these will be supported. The DAP development provides an opportunity to reconsider the risk reduction options already identified in these other processes where there have been barriers to implementation.

Will communities be consulted during development of DAPs?

Community engagement will be undertaken at each stage of the DAP development process. A community engagement plan will be developed when starting work on the DAP, including the channels to be used and the culturally appropriate approaches to engaging with Aboriginal and Torres Strait Islander people and Aboriginal landowners.

How will Aboriginal knowledge be incorporated into disaster adaptation planning?

Relevant subject matter specialists, including Traditional Owners, Aboriginal knowledge holders and Aboriginal scientists will be engaged to inform the DAP process. We are also planning targeted consultation with Aboriginal landowners, including Discrete Aboriginal Communities.

Regional approach

Why do the guidelines set out a regional approach?

Successful disaster adaptation planning requires collaboration between all levels of government, the community and industry. Through consultation with relevant stakeholders, we've learnt that DAPs at a regional scale will provide the best risk reduction outcomes for our communities.

Regional DAPs will significantly improve the ability to address natural hazard risks in a coordinated way. They will allow for the identification and implementation of regional-scale solutions, cost sharing, data and research across multiple hazards and improve access to subject-matter specialists and funding pathways.

Implementation plans prepared by local governments and other organisations to support DAP implementation will be aligned to the regional DAP.

How will regional boundaries be established?

Regional boundaries and supporting governance structures will be established collaboratively at the earliest stage of the DAP process. Boundaries might be established based on geophysical characteristics, such as a floodplain catchment, or existing regional administrative boundaries.

Developing and delivering DAPs

Who will prepare DAPs?

The RA may prepare a DAP or require a relevant entity to do so as outlined in section 37 of the NSW Reconstruction Authority Act 2022. Relevant entities include government agencies, local councils or state-owned corporations.

The RA is currently developing the first DAPs for two high-risk regions - the Hawkesbury-Nepean Valley and the Northern Rivers.

Who uses a DAP?

DAPs must be considered by:

- any planning authority when undertaking strategic planning and decision-making
- councils when undertaking their local government functions
- all relevant entities when preparing applications for and carrying out development.

Are DAPS mandatory?

Under the legislation, DAPs are not mandatory, however the RA does have power to direct entities to deliver a DAP. Over time, the ability to access the proposed NSW Mitigation Fund may rely on information within a DAP. The National Emergency Management Agency (NEMA) requires states and territories to take a risk based approach to access Australian government funding, which is provided through the development of a DAP.

How will regional DAPs be coordinated and implemented?

The NSW Government, through the RA, will coordinate the co-design, development, and implementation of regional DAPs.

It is intended that a regional steering committee will be established including representatives from all levels of government. The role of the steering committee will include:

- providing strategic oversight and collective decision making
- ensuring compliance with the DAP process set out in the guidelines
- helping to guide councils and other entities in preparing implementation plans.

Technical working groups will provide technical advice to inform the DAP process and community and stakeholder engagement forums will also be established to enable effective engagement for affected communities. Coordination of actions by other organisations such as critical infrastructure providers, NGOs (including community organisations), and industry (banking and insurance) will be facilitated through State coordination groups.

How will the RA support the delivery of DAPs?

The RA is responsible for leading disaster risk reduction in NSW and will work across government to lead the development and implementation of plans, including DAPs, to support this effort. The RA has professional expertise in related technical areas, working relationships with government agencies (NSW State Emergency Service, Transport for NSW, NSW Department of Planning, Housing and Infrastructure etc) supported by technical information and analytical capability that will play a strong role in the delivery of DAPs.

How will DAPs be funded?

The RA understands that councils and other organisations will need funding support to deliver actions included in DAPs. One of 37 key actions within the SDMP is to develop a business case for a NSW Mitigation Fund. Once this is established, it will help to fund risk reduction actions set out and prioritised in DAPs.

Disaster Adaptation Planning process

What does disaster adaptation planning look like?

The guidelines outline a 5 stage disaster adaption planning process for preparing, making and implementing a DAP:

- **Stage 1: Readiness** involves agreeing to regional governance arrangements and regional boundaries to enable collaboration between state government, local government and other relevant organisations, such as infrastructure providers, banking, insurance and NGOs, as well as community engagement.
- **Stage 2: Understanding place** involves understanding all the available information and plans in place related to current disaster risk, as well as future risk in context of not taking further action. It will also involve understanding community values and desired outcomes.

- **Stage 3: Options and adaptation pathways assessment** involves assessing packages of risk reduction options known as 'adaptation pathways', and identifying a preferred adaptation pathway.
- **Stage 4: Plan finalisation** involves the preparation of the final DAP as well as supporting implementation plans.
- **Stage 5: Implementation and monitoring** is the stage at which actions identified in the DAP and implementation plans are actioned and progress is monitored to ensure action is taken to review or refresh the plan as needed.

What are implementation plans?

Implementation plans may be prepared by local councils or other appropriate organisations to set out how actions identified in the DAP will be implemented as part of their prescribed functions. For local councils, this includes how the DAP actions will be implemented as part of the exercise of their functions under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993*. For other organisations this might include how DAP implementation will be achieved through their asset management plans or business continuity plans.

What is a monitoring framework?

A monitoring framework establishes by who and how the actions set out in a DAP will be monitored and evaluated. The framework aims to ensure transparent reporting on DAP progress and to reflect community feedback. It also aims to identify if new actions need to be taken when certain conditions arise or a 'trigger point' is reached, for example if a natural disaster occurs.

Next steps

What happens after the consultation phase?

The draft Disaster Adaptation Plan Guidelines are now on consultation. Learn more and submit your feedback via the [Have Your Say](#) portal.

Based on feedback received during consultation we will finalise the DAP Guidelines for release later in 2024.

The RA will initiate the rollout phase of DAPs, which will take place over the coming years.

Consultation on the draft Disaster Adaptation Plan Guidelines

Mona Vale Beach, Sydney

The NSW Reconstruction Authority (RA) is seeking feedback on guidelines to improve how we plan for and reduce the impacts of disasters in NSW. The guidelines outline a coordinated, place based and community centered approach to disaster adaptation planning. Based on feedback received during consultation, the guidelines will be finalised for release later in 2024.

Our vision

NSW is well-prepared to successfully manage natural hazard risks to reduce the costs and impacts of disasters on communities.

Reducing risk

NSW is facing increasing challenges from disasters. Since July 2019, NSW residents have endured 73 declared disasters, at a cost of more than \$9 billion. More than 20,000 homes were damaged in 2022 alone. These impacts will continue to grow if action is not taken, due to the effects of climate change and population growth.

Historically, around 97% of disaster funding has been spent on response and recovery with only 3% spent on reducing risk. That needs to change.

We must work collaboratively across all levels of government and the community to better prepare for and reduce the risk of disasters. The State Disaster Mitigation Plan (SDMP) and place-based Disaster Adaptation Plans (DAPs) provide an opportunity for us to work together to reduce risk in NSW.

Disaster adaptation plans

DAPs bring together all the available hazard information for a defined area to understand the risk of multiple hazards, both now and in the future without action. Through collaboration, an understanding of the natural hazard risk, and community insights, DAPs will consider and analyse a range of risk reduction options.

Options might include:

- mitigation infrastructure such as flood levees or sea walls
- an increase to planning controls on development in certain areas
- investing in evacuation capacity upgrades to local and state roads.

DAPs will set out a plan of short, medium and longer term actions to implement preferred options, with clearly defined roles and responsibilities. Some actions may need to be implemented at a local scale, and others at a regional, state or federal scale.



Benefit of DAPs

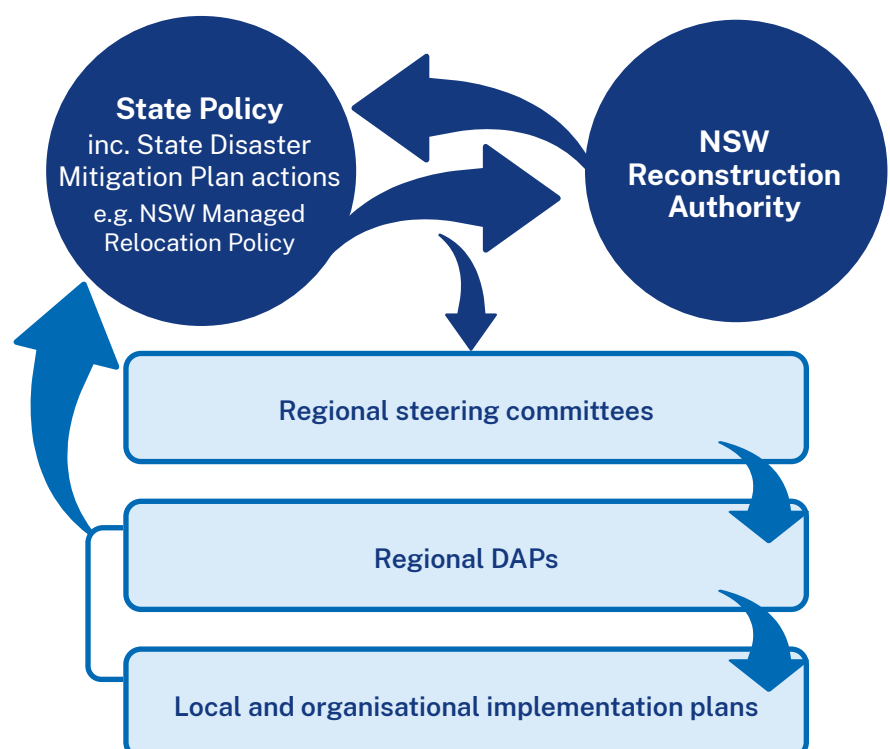
Over time DAPs will reduce the cost and impacts of all natural hazards in a particular place, by:

- bringing all the relevant people to the table, including the community
- increasing our understanding of all natural hazard risks in a place
- increasing investment in risk reduction addressing issues that were too hard to solve by one stakeholder alone
- allowing for more effective reconstruction decisions after a disaster.

A regional approach to DAPs

The guidelines outline a process where DAPs are developed regionally and collaboratively.

Once a region has developed their DAP, local councils and other organisations like critical infrastructure providers will develop implementation plans. These will link what's outlined for the region in the DAP to existing local programs and plans such as asset management plans or the Integrated Planning and Reporting Framework.



The disaster adaptation planning process includes 5 stages:

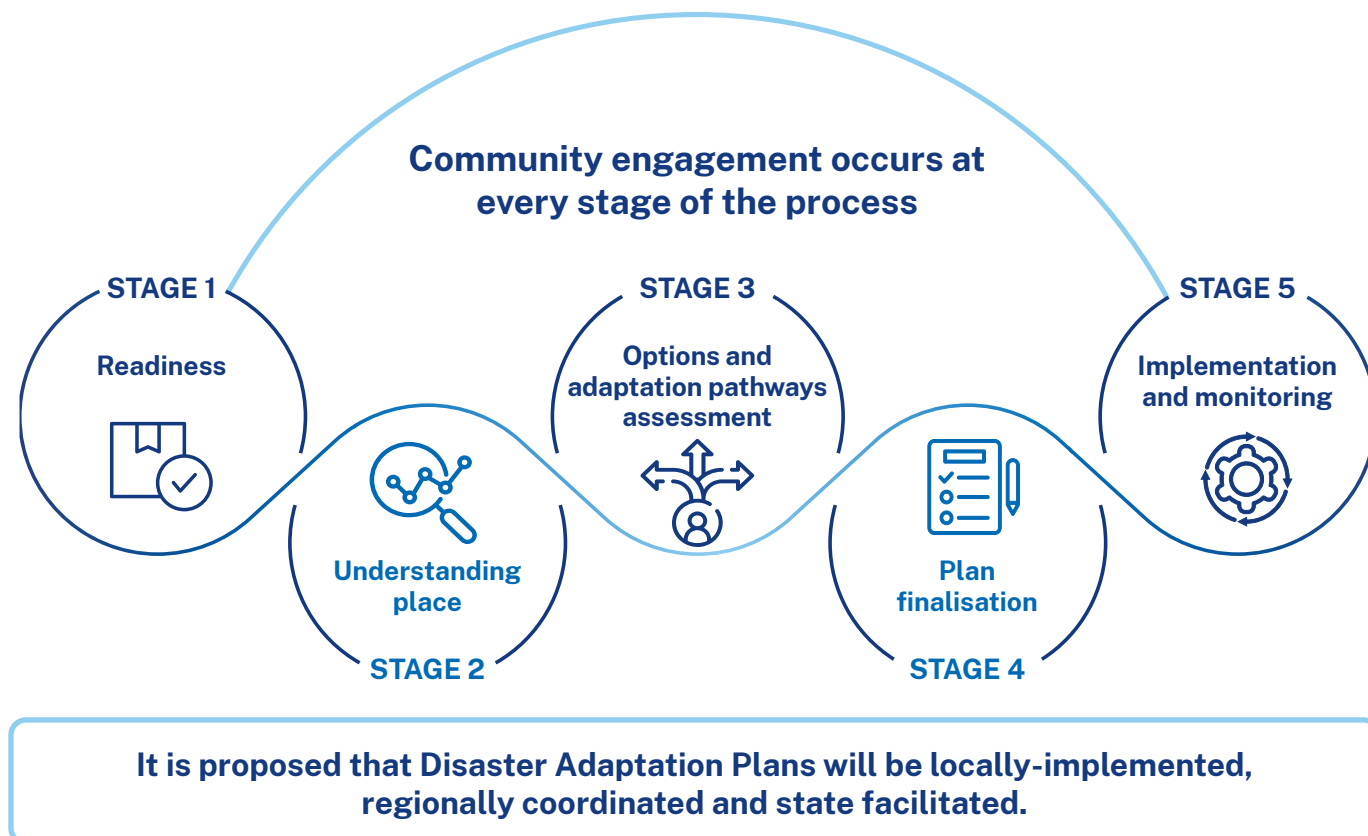
Stage 1: Readiness involves agreeing to regional boundaries and governance arrangements to enable collaboration between state government, local government and other relevant organisations such as critical infrastructure providers, banking, insurance and NGOs.

Stage 2: Understanding place involves understanding current disaster risk, as well as the future risk if no action is taken.

Stage 3: Options and adaptation pathways assessment involves assessing packages of risk reduction options, and identifying a preferred package of these or an 'adaptation pathway'.

Stage 4: Plan finalisation involves the preparation of the final DAP as well as supporting implementation plans.

Stage 5: Implementation and monitoring involves implementing actions in the DAP, monitoring progress, and reviewing plans as needed.



Landslide at Oxley Beach, Port Macquarie





Data and risk assessment help drive DAPs

Data and information management are critical to effective disaster adaptation planning. Harnessing appropriate data enables land use planners, asset owners and communities to consider how multiple natural hazards interact or overlap with one another. Data gives a solid base for decision-making on options and actions needed to mitigate risk.

The RA will coordinate the provision of risk information to regions to develop their DAPs.

Effect of DAPs

Once in effect DAPs in NSW will have significant effect. They are embedded in legislation under the *NSW Reconstruction Authority Act 2022* and any planning authority is required to give them due consideration when undertaking strategic planning and decision making.

Relationship to council-led hazard management plans

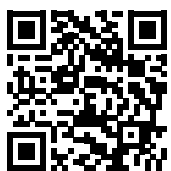
DAPs will draw on hazard and risk reduction options identified through existing council-based hazard management arrangements under the NSW Floodplain Management and Coastal Management Programs. DAPs provide an opportunity to reconsider the risk reduction options already identified in these processes, factoring in options of all scales and in response to multiple hazards.

Funding DAPs

The RA understands that councils and other organisations will need funding support to deliver actions included in DAPs. One of 37 key actions within the SDMP is to develop a business case for a NSW Mitigation Fund. Once this fund is established, it will help to resource risk reduction actions set out and prioritised in DAPs.

Working together

The RA has been working closely with local government and other relevant stakeholders in the development of these draft DAP guidelines. The RA will continue to engage in a collaborative way to ensure communities are better prepared for and recover faster from disasters.



Learn more and submit your feedback on the draft Disaster Adaptation Plan Guidelines via the [Have Your Say](#) portal.



Management of asbestos in recovered fines and recovered materials for beneficial reuse in NSW

Discussion Paper – Submission Form

Submitter Details

Name: Michael Davis

Organisation: Narrabri Shire Council

Email/phone: michael.d@narrabri.nsw.gov.au

If this is a confidential submission, please tick here: ☐

Responses to questions

You can respond to any questions that are relevant to you. If you only want to submit data or any other relevant information, please email them to asbestosreview@chiefscientist.nsw.gov.au.

Thresholds and screening levels

Question 1: What factors should be considered when deriving a threshold or screening level for asbestos in recovered fines and material for beneficial reuse?

Factors to consider are:

- The potential for asbestos fibers to become airborne and inhaled.
- There is no minimum dose of asbestos. Any exposure is harmful.
- Asbestos fibers are not visible to the human eye.
- Will this require air monitoring?
- Asbestos detection in situ for recovered fines cannot be done, samples must be sent to a NATA lab to confirm presence/absence of asbestos.
- Is there an accurate correlation between amount of asbestos required to be in recovered fines to produce respirable asbestos fibers and under what circumstances.
- Lack of asbestos awareness for those involved in recovered fines.
- Competency of person taking sample to determine if threshold has been exceeded.

Beneficial re-use is not defined

Asbestos waste management at recycling facilities

Question 2: Can you provide any data on annual volumes of C&D waste being recycled or alternatively sent to landfill? Data on rejected loads due to asbestos presence and any other data related to all TOR items is welcomed.

2023/24 C&D figures

Clean concrete & Masonry - 2414.15 ton (processed on site)

Construction Demolition Waste - 1375.21 ton (land applied)

Cover Material - 1617.74 ton (reused on site).

All councils report rejected loads to the EPA. Many of the rejected loads are due to the presence of asbestos.

Please email data together with this form to asbestosreview@chiefscientist.nsw.gov.au

Question 3: Can you provide any other information on the potential presence of asbestos in recycled C&D material?

- i. Information on the methods of separating and removing asbestos from waste that can inform alternative approaches?

NSC utilise the stockpile approach to separate materials Including:

- Contract and Masonry
- Scrap Metals
- Timbers

NSC charges a contaminated fee for these materials to encourage separation and clean stockpile.

Mixed loads and received and separated.

- ii. What reuse scenarios are there for recycled waste, including end-products and their use?

For many councils the risk of asbestos contamination in potential streams of C&D waste has resulted in those councils discontinuing recycling of C&D waste due to no practicable way to screen for asbestos waste.

This includes recycled aggregate and organic material that may be sold to the public.

This is the same for NSC any progress in the area was halted by the asbestos issues that have arisen this year and identified by the media.

Click or tap here to enter text.

Question 4: While this section focuses on C&D waste, are there other waste types which are suitable for beneficial reuse which have the potential to be contaminated with asbestos?

- Green bin contents.

- Bulky kerbside waste (council clean-ups).
- Disaster waste.
- Asbestos in soils.

Management of asbestos in soil

Question 5: Is it appropriate for the health screening levels for asbestos in soils to apply to asbestos in waste? Note that the threshold level in this instance refers to a level where further action is required.

- Why or why not?

The NEPC is the main reference guide for management of asbestos in soils in Australia. The NEPC states that the [NEPC guide](#) “applies to asbestos materials in soil and does not address asbestos issues related to occupational health and safety, waste management or mining sites which are covered by specific regulations in each jurisdiction” and “does not apply to asbestos materials as wastes such as demolition materials stacked on the surface of land or asbestos materials in buildings”.

In the NEPC there are no health screening levels for asbestos. The NEPC only has health screening levels listed for hydrocarbons. The concept of the application of health screening levels to asbestos would therefore require in depth research and validation.

Question 6: Health screening levels are not the only tool used for managing asbestos in soils. If threshold levels in soils were to be applied to asbestos in **waste for beneficial reuse**,

- what other tools can support managing asbestos in waste for beneficial reuse?
- what would be the limitations, costs or feasibility of safely removing asbestos in waste?
- are there certain scenarios where recycled C&D material should not be reused?
- are there certain scenarios where reuse of recycled C&D material could result in land legacy issues?

Correct identification and removal of asbestos and ACM prior to demolition or deconstruction of buildings and structures significantly reduces the likelihood that asbestos will end up in recovered fines. In addition to this source separation of C&D material intended for re-use and recycling with an additional check for asbestos contamination before being transported to C&D waste facilities ensures that contamination is identified and removed early. Solutions to asbestos contamination of recovered fines should not encourage unsafe or illegal asbestos removal practices.

Standards and guidelines for asbestos in waste

Question 7: Are there other standards or guidelines that would be applicable for managing asbestos in waste for beneficial reuse that can be provided?

The codes of practice on how to manage and control asbestos in the workplace and the code of practice how to safely remove asbestos provided detailed information on removing asbestos and ensuring it is disposed of legally and safely. The mandatory training for licensed asbestos removal

and asbestos licensing requirements are additional safeguards for ensuring asbestos does not contaminate C&D waste intended for re-use or recycling. Strengthening of the planning requirements to ensure asbestos is identified and removed will reduce the need for establishing thresholds for asbestos contamination in waste.

Question 8: Should the approach in the WA guideline (*Managing asbestos at construction and demolition waste recycling facilities*), be implemented in NSW and if so, why or why not?

- i. Are there other factors that should be considered if the WA Guideline is to be implemented?
- ii. Is there an alternative approach that could be considered?

In NSW detailed guidance on the early identification and removal of asbestos at all stages of the C&D process have been developed. Where possible all asbestos should be removed before making its way into recovered fines thereby reducing the need to establish asbestos contamination thresholds.

See following guides.

[Management Of Asbestos in Recycled Construction and Demolition Waste – Guide \(SafeWork NSW December 2010\).](#)

[Draft Protocol for managing asbestos during resource recovery of construction and demolition waste \(EPA 2014\).](#)

[Standards for managing construction waste in NSW \(EPA 2019\).](#)

Sampling and analysis

Question 9: Apart from AS4964 and ASC NEPM, are there other sampling and analysis methods for detecting and quantifying asbestos in waste materials or recycled products that are being received and processed at recycling facilities?

- i. Are you aware of any other methods/processes for sampling and analysis of asbestos that the Review should consider? If so, please provide details and basis for their relevance to this Review.
- ii. How reliable and accurate are these methods in ensuring that recycled waste is not contaminated?

[Management Of Asbestos in Recycled Construction and Demolition Waste – Guide \(SafeWork NSW December 2010\).](#)

[Draft Protocol for managing asbestos during resource recovery of construction and demolition waste \(EPA 2014\).](#)

[Standards for managing construction waste in NSW \(EPA 2019\).](#)

Risk-based approaches for managing asbestos in waste

Question 10: Would a through-chain approach to managing asbestos in waste, where each business looks to minimise or eliminate the risk from asbestos in waste for beneficial reuse, work?

- i. What elements would be part of the system/approach?
- ii. What would be the advantages/disadvantages of such a system?

Any approach that prioritises early detection and removal of asbestos before it enters waste streams is in alignment with current WHS and POEO and CLM requirements. Addition of stop/go check points in waste streams will reduce the possibility of contaminated waste being added to otherwise uncontaminated stocks of C&D waste destined for re-use or recycling.

Question 11: Are there other risk-based approaches to managing asbestos in waste for beneficial reuse?

Consideration could be given to the following experimental approaches:

1. Thermal treatment of asbestos
2. Chemical treatment of asbestos
3. Immobilisation of asbestos
4. Biological treatment of asbestos
5. Any combination of 1-4 above.

General

Question 12: Is there any further information you would like to provide the Review to assist us with in responding to the Terms of Reference?

In Japan a study has been undertaken and published on the accuracy and effectiveness of visual observation of asbestos in C&D Waste, See following title.

Asakura, H., Kawasaki, M., Suzuki, K., Nakagawa, K. and Watanabe, Y., 2014. Determination and sorting of asbestos-containing material by visual observation. *American Journal of Environmental Protection*, 3(5), pp.275-282.

<https://www.sciencepublishinggroup.com/article/10.11648/j.ajep.20140305.21>

Email the completed form and attach any relevant data and information to asbestosreview@chiefscientist.nsw.gov.au by 31 July 2024.

The Hon Ryan Park MP

Minister for Health
Minister for Regional Health
Minister for the Illawarra and the South Coast



Ref: M24/3646

Councillor Darrell Tiemens
Mayor
Narrabri Shire Council
mayor@narrabri.nsw.gov.au

NSW Health Pathology service for Narrabri and Moree hospitals

Dear Mayor 

Thank you for writing about Moree and Narrabri pathology services. I acknowledge your concerns and thank you for taking the time to provide valuable feedback about pathology services for your community.

Hunter New England Local Health District will transition local pathology services to NSW Health Pathology (NSWHP), the state's largest and leading public pathology provider.

Following recent community consultation and feedback from staff, Hunter New England Local Health District and NSWHP will implement pathology services that include both Moree and Narrabri Hospitals operating on-site laboratories, pathology staff continuing to work in their local communities, and investment in additional enabling point of care testing that supports contemporary pathology practice with faster urgent testing capabilities.

I can assure you we are working closely together to ensure a smooth transition with minimal disruption for staff and patients.

To ensure staff are supported and the proposed service model is fit for local needs, further consultation with clinical and pathology staff is occurring. All three organisations have agreed to extend SydPath's contract by three months, from July 1 to September 30, 2024.

Vanessa Janissen, Chief Executive, NSWHP, advises that transitioning to NSWHP will allow Moree and Narrabri to benefit from its statewide network of services and technologies, including point of care testing, enhancing capacity to deliver high-quality and sustainable care.

Ms Janissen also advises that NSWHP's integrated statewide clinical network makes it uniquely positioned to ensure regional and rural communities have access to safe, reliable pathology services, while broadening access to highly specialised tests, such as anatomical pathology and genomics, provided at its larger referral laboratories. NSWHP also operates the largest point of care testing network in Australia, providing urgent onsite testing at clinicians' fingertips and helping to ensure the right test, at the right time for every patient regardless of where they live.

Thank you again for writing. For more information, please contact Darren Croese, Chief Operating Officer, NSWHP, at darren.croese@health.nsw.gov.au or on 0419 608 184.

Yours sincerely



Ryan Park MP
Minister for Health
Minister for Regional Health
Minister for the Illawarra and the South Coast

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

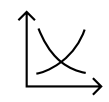
02 7225 6050
nsw.gov.au/ministerpark


Vision: Multi-Purpose Services provide sustainable health and aged care services that deliver outcomes and experiences that matter most to residents, patients and communities in regional NSW.


Purpose: To guide and inform decisions about investment and best practice for design, quality, safety, workforce and experience in MPS.


Outcome 1: Inform decisions about the future directions for healthcare and aged care delivered from the MPS that meet the community's needs


Considerations:


- 


Community demographics, population and service projections, occupancy levels, waiting lists for healthcare and residential aged care services and community expectations to assess **community need and demand** for services.
- 


The proximity and availability of current and planned health services and residential aged care services to **support the viability of private providers and avoid duplication of services.**
- 


The **ability to attract and retain an appropriately skilled and diverse workforce.**
- 

The **availability of non-clinical and other support services** such as linen, food services and pathology.
- 

The cost of providing healthcare and aged care services against revenue or potential revenue to understand if the **MPS funding model is an appropriate fit and is sustainable.**
- 

The need for new or upgraded **infrastructure and/or capital assets** including internet connectivity, source of funding, and maintenance and sustainability of capital assets into the future including virtual care technology.
- 

The **timing and process to make the MPS fully operational** including when the funding will be available, completion of infrastructure or capital assets, when health and aged beds will be operationalised, when the workforce will be available, and any activities related to compliance and accreditation.
- 

Appropriate clinical and professional governance at the LHD level and reporting requirements.
- 

Positive patient/resident and staff experience strategies in place to elevate experience.

Outcome 2: Implement best practice in MPS

Considerations:

- 

Design and lifestyle - an environment that:

 - **Is homelike and prioritises residents' privacy, choices and preferences**
 - **Supports meaningful connection** with family, friends and community, and participation in meaningful activities and daily experiences
 - Enables residents to see, access and **spend time outdoors in contact with nature.**
 - **Is accessible, supports independence,** and caters to diverse and complex care needs
 - **Is culturally safe** and appropriate for diverse communities
 - **Caters to local need,** developed with input from diverse stakeholders from across the community
 - **Has inviting spaces for all**
 - **Is environmentally sustainable,** and can be adapted to meet future community needs
- 

Resident, patient, family, carer and caregiver experience, and community engagement

 - **Care is delivered in genuine partnership** with residents, patients, family, and caregivers.
 - **Strategies are in place to capture feedback and experiences** and use insights to improve access, safety and quality of care.
 - **Communities are actively engaged** through local health committees and other forums, with opportunities to participate in co-design.
 - Strategies are in place **to build a shared understanding of health services** with communities. **Health literacy and awareness of services** is supported.
- 

Workforce - an appropriately skilled, trained and supported multidisciplinary workforce, including:

 - **Education, training and upskilling opportunities** across disciplines and for an expanded scope of practice where appropriate
 - **A positive and supportive culture** that encourages feedback and continuous improvement, with peer networks to support staff
 - **Volunteers are engaged and supported** to enable resident connection to the community
- 

Mutually beneficial partnerships and co-located and integrated services that support health and aged care such as Primary care, Pharmacy, NSW Government agencies, Aboriginal Community Controlled Health Organisations, non-government and private providers and other suppliers.
- 

Systems and technology

 - **Technology is maximised** through use of virtual and technologically enabled care, reducing connectivity blackspots and impacts of adverse weather events.
 - **Systems and supporting technology are utilised** to streamline data and information sharing and integration.
- 

Quality and safety

Supports a culture of quality and safety that underpins all considerations including accreditation and compliance standards (including the National Safety and Quality Health Service Standards, the MPS Aged Care Module, and NDIS Practice Standards) and incident reporting requirements.

Regional Arts Development Organisations have been integral to the development, delivery and responsiveness throughout regional NSW and its communities as a robust and trusted network of peak arts organisations for decades. There are 15 RADOs across the state, engaging hundreds of artists and delivering cultural activities across remote and rural communities. Our Boards include representatives from local government, tourism, education, arts councils and other community arts organisations and community members. Each RADO employs an Executive Director and other staff who coordinate a cultural development program across the contributing local government areas in their region. We work across the state offering region-wide perspectives of the needs and opportunities for arts and cultural development and its benefits.

OUR SHARED VALUES

In regional NSW we stand by:

- Recognition and support of First Nations arts and cultural practice.
- The professionalism of arts and cultural practice.
- The right of people living in regional NSW to participate in and contribute to arts and culture.
- Genuine connection to place as expressed through the works of artists and creative communities.
- The role of the regions in providing pathways and mechanisms for sustained creative practice and experiences.
- The strength of collaborative partnerships within and across sectors to deliver arts and cultural development.

WHAT WE DO

SERVICES

We provide valuable services for:

- Artists - helping them to become viable by achieving artistic and business goals.
- Communities - building capacity for communities to develop their own projects to create social connectedness and wellbeing.
- Local Councils - working across a variety of council responsibilities to support and augment their work in areas including:
 - ✓ Tourism
 - ✓ Economic Development
 - ✓ Community, Cultural and Strategic Planning
 - ✓ Cultural Infrastructure.

CONNECTION

We connect and support our creative communities using our knowledge and expertise developed over more than twenty years.

REACH

We reach and connect with regional and remote NSW – where no one else goes.

FLEXIBILITY

We are flexible, nimble and savvy and able to respond effectively to change, new ideas and opportunities.

AMPLIFICATION

We amplify regional voices through a variety of communication platforms and projects.

EMPLOYMENT

We provide employment opportunities for the creative sector.

PARTNERSHIPS

We develop strategic partnerships within the regional arts network, across industry and community sectors and across government portfolios

In addition to individual proposals tailored to the specific requirements of their respective regions, as well as a submission on Regional Touring, this submission focuses on the collective needs of the Regional Arts Network. It underscores the significance of cohesive strategies, shared resources, and cross-region collaboration to bolster the network's capacity to foster artistic excellence and community engagement.

The RADO network has historically been on a four-year negotiated funding agreement, where each organisation received a guaranteed amount within that pool. The RADO network will no longer be part of the negotiated service organisations funding in the new Create NSW funding reforms. Foreseeable repercussions for the removal of guaranteed funding for the Regional Arts Development Organisations (RADO's) network are as follows:

- Create NSW will not have a partnership with the RADO network, losing their ability to have direct correspondence with regional advocates across creative disciplines in regional NSW.
- Create NSW will have an increased need to support people with grant applications and grassroots creative development, which they will not be equipped for – rendering lack of services to creatives
- The pitfall here is that all organisations – small, medium, independent and the majors – apply under the same categories. RADOs may be pitted against the majors – organisations such as the Art Gallery of NSW, the Museum of Contemporary Art Australia, Sydney Theatre Company or Sydney Opera House, for example – when applying for funding.
- National Partnership agreements will not be subject to change under the reforms. These include funding agreements with NSW National Performing Arts Partnership Framework (NPAPF) organisations, the Arts Law Centre of Australia and NSW Visual, Arts, Craft and Design Framework (VACDF) organisations but not the longstanding RADO network. Which speaks to the lack of the Government's appetite for supporting Regional NSW.
- As all arts organisations and institutions are now seen as competitors, RADO's will be limited in their ability to collaborate and support regional institutions and cultural centres.
- Now, each RADO will have to compete against the others, creating competition within this collegiate group that works closely together and no guarantee of arts and cultural support for Regional NSW.
- Conduit to regional artists and creative centres will dissolve, eroding pathways for regional creatives to access institutions and institutions to access regional creatives
- Regional artists will have no support when working with institutions, making regional artists vulnerable to the power of institutions, dismantling artists' agency and support
- The cost benefits of the RADO are second to none.
- RADO's are a conduit to a large portion of the state, which will create a larger divide between metro and regional service provision.
- RADO's who are not funded will result in cultural blackspots throughout the state.
- It is possible in the new model that the funding provided to 2 x artists in the reformed model, could fund one RADO, that services 1000's of creatives each year and reaches 10,000's of audiences each year.

- Competitive funding with tight deliverables, will hinder RADO's to be responsive to community needs. Especially in a "post-covid" world, where regional areas are subsequent plagues, fires, floods etc
- Breakdown of numerous partnership organisations that focus on servicing regional NSW through the RADO network including Aboriginal Regional Arts Alliance, Music NSW Regional Touring program, NAVA and Regional Arts NSW.
- RADO's will have to move from a service model to a business model, due to insecure funding guarantees. A business model will only enable arts to be accessed by those with fiscal ability – making art only for the financially elite
- A peer assessment panel could favour creatives over service organisations and leaves scope for nepotism. Will the regional assessors have to be removed from the assessment process when speaking about RADO's due to possibly been a service recipient? And who will be left in the assessment panel who actually understands the importance of the work that RADOs undertake?
- Reducing certainty for local governments to continue contributions due to lack of guaranteed ongoing funding.
- If a RADO does not get funded this directly results in lack of employment and fiscal opportunities for regional creatives.
- If a RADO is not funded and reduced to skeleton staff, this would result in limited and reduced service provision and will create a disability to be competitive when reapplying while also ceasing the ability for RADO's to adequately service local government areas at the current level, risking local government funding.
- RADO's are too important to our regional cultural ecosystem to put into the lottery of funding
- Longevity from service organisations to ensure creative development for our youth and emerging artists through their journey
- Remove state, local and federal government conduits through the RADO networks
- Insulting that this has been delivered prior to the delivery of the Create NSW Regional Strategic plan.
- Strategic funding project, for collaborative projects will this continue?
- All or regional NSW creative industries data will be restricted to the information on the funding respond to Create NSW
- The key priority areas of the state government does not necessarily resonate with the key strategic needs of our regions and our local governments.

19.1 CONFIDENTIAL REPORT - CONTRACT 2023-24/55 - DESIGN AND CONSTRUCTION OF TULLAMULLEN CREEK BRIDGE REPLACEMENT**Responsible Officer:** Eloise Chaplain, Director Infrastructure Delivery**Author:** Allie Gleeson, Contracts Officer**Attachments:** 1. Confidential - 2023-24 -55 Tullamullen Creek Bridge Replacement - Tender assessment**STRATEGIC LINK****4 Civic Leadership - Council as a strong leader for the community**

Objective 4.1 A transparent and accountable Council

Strategy 4.1.4 Ensures transparent and accountable decision making for our community

REASON FOR CONFIDENTIALITY

The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993* (NSW), the information to be received, discussed or considered in relation to this agenda item is:

- (d) commercial information of a confidential nature that would, if disclosed -
 - (i) prejudice the commercial position of the person who supplied it
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The reason being that commercial information is contained within the report.

PUBLIC INFORMATION SUMMARY

The purpose of this report is to present an assessment of tenders received for Contract 2023-24/55 - Design and Construction of Tullamullen Creek Bridge Replacement, and have Council accept the recommended tender, per the report presented.

20.1 CONFIDENTIAL REPORT - NORTHERN REGIONAL PLANNING PANEL MEMBERSHIP

Responsible Officer: Donna Ausling, Director Planning and Sustainability
Author: Michelle Castles, Manager Planning and Development
Attachments:

1. DPHI Correspondence - 8 November 2023
2. Sydney District and Regional Planning+ Panels Operational Procedures - November 2022
3. CV - Applicant 1
4. Proposal and resume - Applicant 2
5. Overview and Responses - Applicant 3
6. Fee Proposal - Applicant 1
7. Revised Fee Proposal - Applicant 2
8. Fee Proposal - Applicant 3

STRATEGIC LINK

2 Environment - A sustainable and compatible natural and built environment

Objective 2.2 An integrated and strategic built environment

Strategy 2.2.3 Reduce the impact the built environment has on the natural environment

REASON FOR CONFIDENTIALITY

This report is **confidential** in accordance with section 10A(2) of the *Local Government Act 1993* (NSW), which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors); and
- (d) commercial information of a confidential nature that would, if discloseddash;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

PUBLIC INFORMATION SUMMARY

The Planning Panel system was first established by the NSW Government in 2009 as the Joint Regional Planning Panel, now called the Sydney District and Regional Planning

Panels. The planning panel for matters concerning Narrabri Shire is the Northern Regional Planning Panel (NRPP).

Panels consist of five (5) members:

- Three (3) of the members, including the Chair, are appointed by the Minister (State members),
- Two (2) members are nominated by the relevant Council (Council members).

At least one (1) Council member must have expertise in a suitable field as set out in the Sydney District and Regional Planning Panels Operational Procedures (September 2022).

Donna Ausling

From: Taylah Fenning on behalf of Planning Panels Mailbox
<enquiry@planningpanels.nsw.gov.au>
Sent: Wednesday, 8 November 2023 2:27 PM
To: Alice Gemmell-Smith
Cc: Donna Ausling; Council
Subject: Planning Panels - Council Nominated Members
Attachments: Sydney+District+and+Regional+Planning+Panels+Code+of+Conduct+August+2020.PDF;
Sydney+District+and+Regional+Planning+Panels+Operational+Procedures+-+November+2022+(1).pdf; Council nominated members form.DOCX; Council Member personal details form.PDF

Good afternoon,

Our records indicate that the Narrabri Shire Council nominated members for the Northern Regional Planning Panel have expired as of 26 September 2023:

Rohan Boeham – permanent
Catherine Redding – permanent
Robert Browning – alternate member

Could you please advise us of your current Council nominated members by completing the attached 'Council nominated members form'.

The Planning Panels Operational Procedures set out that the Panels have two council members appointed by each council. At least one council member is required to 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.

So that the Planning Panels Team has the most accurate information, it would be appreciated if you could please advise who is Council's expert member/s.

If you have any questions, please feel free to call me on the details below.

Further information is available at www.planningportal/planningpanels.nsw.gov.au.

Many thanks,
Taylah Fenning

Project Officer

Planning Panels Secretariat

E: enquiry@planningpanels.nsw.gov.au

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124

www.planningpanels.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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

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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.

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.

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.

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:

- 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.

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).

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.

5. Code of Conduct considerations

5.1 Planning Panels Code of Conduct

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

5.2 Declaration of interests

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

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

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

5.3 Representations to Planning Panel members

If a Panel member is approached by any person about a matter to come before the Panel, 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.

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

The contact details for the Secretariat are:

phone: (02) 8217 2060

email: enquiry@planningpanels.nsw.gov.au

7. Government information, privacy and complaints

7.1 Right to information and privacy management

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

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.

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.

9. Liability and indemnification

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

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

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

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

10. Roles of councils and other panels

10.1 Role of councillors and council staff

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

10.2 Assessment role

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

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

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

10.3 Determination role

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

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

10.4 Post-determination role

Council staff are responsible for post-determination functions including:

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

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

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.

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,

- 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:

- 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,

- 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),

- 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.

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.

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

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.

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.

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.

Appeals against determinations where council is the applicant

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

14. Planning proposals - 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.

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.

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.

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.

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,

- 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.

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

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 for the matter (see clause 3.8 of the Code).
 5. The chair is to provide the member an opportunity to respond.
 6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

Presentations at a Panel meeting

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

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

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

a) Presentation by the assessment officer

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. 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.

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

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

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

b) Presentation by the applicant or proponent

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

c) Presentation by people or groups who made submissions

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

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

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

As a guide:

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

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

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

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

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

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

e) Presentation by an expert engaged by the Panel

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

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

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

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

Adjourning during a Planning Panel meeting

A Panel may adjourn a meeting where:

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

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

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

Panel discussions during adjournments are not recorded.

4 Decisions and determinations

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

Quorum for a Planning Panel decisions

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

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

The Planning Panel's consideration

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

Deferring the decision

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

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

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

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

The Panel's reasons

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

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

- provide a summary of the main issues raised in submissions,
- demonstrate how the Panel considered the community's concerns, 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.

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.

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.

20.2 CONFIDENTIAL REPORT - CONTRACT 2023-24/52 - CONSTRUCTION AND BITUMEN SEALING OF LAKE CIRCUIT**Responsible Officer:** Eloise Chaplain, Director Infrastructure Delivery**Author:** Allie Gleeson, Contracts Officer**Attachments:** 1. **Confidential - 2023-24-52 - Lake Circuit Road Construction and Bitumen Sealing - Tender Assessment Spreadsheet****STRATEGIC LINK****4 Civic Leadership - Council as a strong leader for the community**

Objective 4.1 A transparent and accountable Council

Strategy 4.1.4 Ensures transparent and accountable decision making for our community

REASON FOR CONFIDENTIALITY

The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993* (NSW), the information to be received, discussed or considered in relation to this agenda item is:

- (d) commercial information of a confidential nature that would, if disclosed -
 - (i) prejudice the commercial position of the person who supplied it
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The reason being that commercial information is contained within the report.

PUBLIC INFORMATION SUMMARY

The purpose of this report is to present an assessment of tenders received for Contract 2023-24/52 - Construction and Bitumen Sealing of Lake Circuit Road, and have Council accept the recommended tender, per the report presented.

20.3 CONFIDENTIAL REPORT - CONTRACT 2023-24/54 - CONCRETE CAUSEWAY REPLACEMENT X 4**Responsible Officer:** Eloise Chaplain, Director Infrastructure Delivery**Author:** Allie Gleeson, Contracts Officer**Attachments:** 1. **Confidential - 2023-24 -54 Concrete Causeway Replacements X4 - Tender Assessment****STRATEGIC LINK****4 Civic Leadership - Council as a strong leader for the community**

Objective 4.1 A transparent and accountable Council

Strategy 4.1.4 Ensures transparent and accountable decision making for our community

REASON FOR CONFIDENTIALITY

The Council is satisfied that, pursuant to Section 10A(2) of the *Local Government Act 1993* (NSW), the information to be received, discussed or considered in relation to this agenda item is:

- (d) commercial information of a confidential nature that would, if disclosed -
 - (i) prejudice the commercial position of the person who supplied it
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The reason being that commercial information is contained within the report.

PUBLIC INFORMATION SUMMARY

The purpose of this report is to present an assessment of tenders received for Contract 2023-24/54 - Concrete Causeway Replacement x 4, and have Council accept the recommended tender per the report presented.