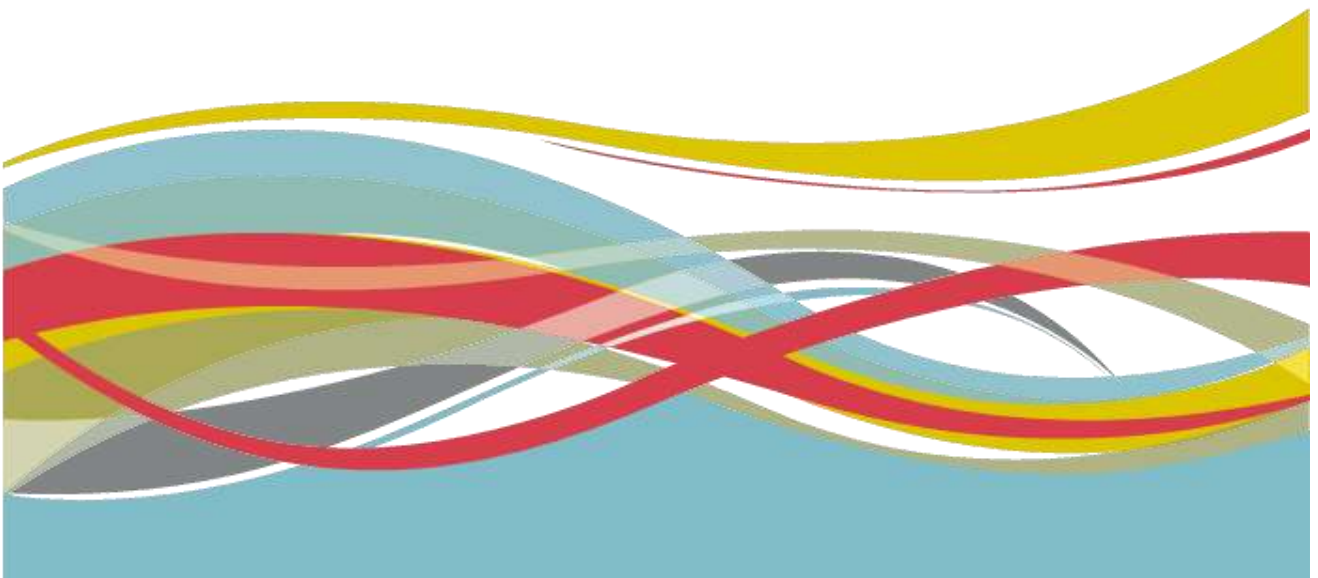




**muswellbrook
shire council**

Muswellbrook Shire Council
**EXTRA ORDINARY COUNCIL
MEETING**

BUSINESS PAPER
2 FEBRUARY 2021



EXTRA ORDINARY COUNCIL MEETING, 2 FEBRUARY 2021

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
29 January, 2021

Councillors,

You are hereby requested to attend the Extra Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **2 February, 2021** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

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9.2	TENDER 2018-2022-0179 - EDDERTON ROAD UPGRADE WORKS CH6.0-CH7.0 AND CH7.0-CH8.0 <i>Item 9.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9.3	TENDER 2018-2019-0347 - DESIGN AND CONSTRUCTION OF MUSCLE CREEK BRIDGE AND ASSOCIATED ROAD WORKS <i>Item 9.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9.4	TENDER 2020-2021-0446 - PROCUREMENT OF BIOSOLIDS <i>Item 9.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
9.5	TRANSFER OF INDUSTRIAL LAND <i>Item 9.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or</i>	

proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.6 2020-2021-0448 UPPER HUNTER INNOVATION CENTRE STAGE 2 -
CONSTRUCTION TENDER (NEGOTIATIONS)

Item 9.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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MUSWELLBROOK SHIRE COUNCIL

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

2 CIVIC PRAYER

3 APOLOGIES AND LEAVE OF ABSENCE

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

5 PUBLIC PARTICIPATION

6 COMMUNITY INFRASTRUCTURE

6.1 RECONSTRUCTION OF PART WYBONG ROAD FROM THE MOUNT PLEASANT MINE ENTRANCE TO OVERTON ROAD

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

The report is submitted for Council's consideration of granting approval for the temporary closure of part of Wybong Road East (from the Mount Pleasant Mine entry to Overton Road) to facilitate the carrying out of road reconstruction works.

OFFICER'S RECOMMENDATION

Council approves the temporary closure of Wybong Road East from the Mount Pleasant Mine Entrance to Overton Road to allow for road reconstruction works to be undertaken.

Moved: _____ Seconded: _____

BACKGROUND

Council approved the S138 Permit application from MACH Energy to undertake works associated with the construction of a rail loop at the 28 May 2020 Ordinary Council Meeting. Council's resolution in relation to the report was:

11.2 MT PLEASANT MOD 4 RAIL LOOP - S138 ROAD OPENING

1 RESOLVED on the motion of Crs Scholes and Eades that:

1. Council delegates to the General Manager authority to sign the S.138 Roads Act 1993 approval generally in accordance with the draft Special Conditions set out in the report
2. The Consent be provisional on a suitable form of security to be agreed with the General Manager prior to the commencement of construction of the mine owned asset infrastructure within Council road reserves and the use of Council road reserves to access construction sites.
3. As outlined in the draft Special Conditions, insurance, detailed design and Traffic Management Plans are to be submitted and certified by suitably qualified consultants and accepted by the General Manager.

A Special Condition of the Section 138 Roads Act 1993 approval 2021-0019-27/08/2020 (S138) specifies a requirement for MACH Energy to undertake road works to reconstruct a section of Wybong Road, from the Mount Pleasant Operation (MPO) entry to the Overton Road intersection (~4.9km).

To satisfy the permit condition, the Wybong Road rehabilitation work is required to be constructed prior to the peak construction traffic volumes associated with MACH Energy's works. The scheduled construction commencement for the Wybong Rd rehabilitation work, as per the Deed of Agreement, is mid-March 2021.

An extract of the S138 special condition, relating to these works is provided below:

13. The Consent Holder is to enter into a Deed of Agreement with Council for:

b. the applicant to, as soon as practicable after the execution of the Deed of Agreement and prior to peak traffic loadings associated with the rail infrastructure construction, design and reconstruct the Wybong Road pavement only from the MTP entrance to Overton Road to meet the Council's RC1M standard to the Council's satisfaction.

Muswellbrook Shire Council requested these works to facilitate improved safety for public road users. The works will improve the road by providing wider travel lanes, sealed shoulders throughout, strengthening of the pavement, and the provision of a uniform road surface for improved serviceability and a reduction in ongoing maintenance requirements.

CONSULTATION

General Manager

MACH Energy

Manager Roads, Drainage & Technical Services

Deputy General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the report has been forwarded to the Mayor, Councillor Rush, the Deputy Mayor, Councillor Scholes, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review.

REPORT

The Wybong Road Rehabilitation Project ("the project") involves pavement rehabilitation of approximately 4.9 km of Wybong Road. The project will tie into the existing upgraded pavement at the current Mount Pleasant Operation (MPO) entry (previously carried out by MACH Energy) and the designed upgraded pavement associated with the MPO Rail 2 Project, east of Overton Road, as per the S138 Permit condition requirements.

Construction of the project will require regular movements of earthmoving equipment, including pavement pulverisation and milling plant. The project is proposed to be constructed by temporarily closing Wybong Road to the public for the duration of the road construction works, which is expected to be approximately 4.5 months.

The temporary full closure of Wybong Rd would include the section between the MPO entry and Overton Road. This section of the road does not contain any residences or general public accesses. It is boarded wholly on the south by Bengalla Mine and wholly on the North by MPO.

Benefits of Wybong Rd Temporary Full Closure

Although a temporary full closure will create some inconvenience to road users, a full closure will be preferable to construction under traffic control. The benefits will include improved safety, time and quality. The impacts are described as follows:

Safety

A construction methodology adopting a temporary full closure eliminates risks in comparison to adopting a staged delivery approach with public traffic flow continuing under traffic control.

The temporary full closure of Wybong Road would provide a safety benefit to public road users by eliminating risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles, as opposed to construction under traffic.

Time / Scheduling

Figure 1. below provides a comparison of the construction durations for both construction methods. From the time estimations provided by MACH Energy, construction under traffic control, with Wybong Road remaining open to traffic, may increase the construction timeline by an additional three months.

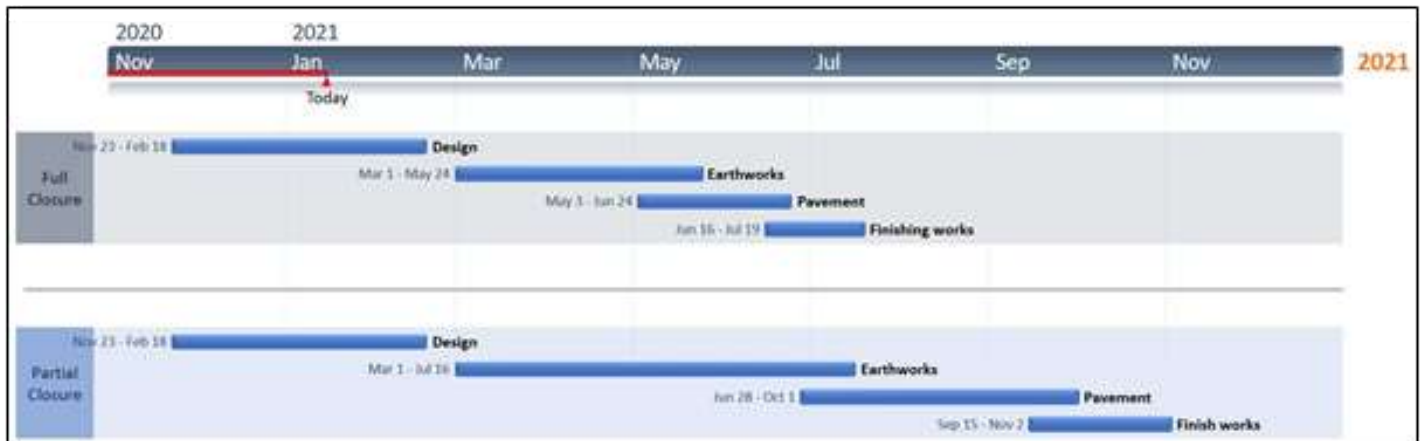


Figure 1: Comparison of construction durations under full closure and partial closure conditions

Quality

While the construction methodology would not reduce the technical requirements specified for the pavement, the avoidance of the staged construction approach would eliminate the large construction tie-in's between travel lanes as well as the required use of partially constructed pavements prior to completion which could result in rework of damaged works.

Proposed Suitable Detour

Dependent upon the destination of road users, a number of detour routes are available should Council permit a full closure of this section of Wybong Road to occur. Available traffic data shows that the majority of traffic utilising this section of Wybong Road, are either accessing Muswellbrook township or continuing further north toward Aberdeen via the New England Highway. This traffic behaviour is consistent for traffic moving in the opposite direction.

There is an existing suitable detour available for the duration of a temporary full closure of Wybong Road. The detour route from Bengalla Link/Wybong Road intersection is via Bengalla Link Road/ Denman Road/ Sydney Street/ New England Highway (see Figure 2 - Proposed detour via Bengalla Link Road).

This detour was recently utilised for a period of just over three (3) months during the full closure of this same section of Wybong road due to the impacts of road cracking caused by conditions associated with the adjacent Bengalla Mine high wall.

Estimated travel times for the available detour, estimating the potential delays associated with traffic control, have been provided in Table 1 below.

The estimates in Table 1 indicate that the use of Wybong Road, under traffic control, would result in longer travel times for the public than use of the proposed detour route.

Table 1 - Estimated travel durations

Route from the Wybong/Bengalla Road intersection, via:	Pre-construction recorded (mins)	Likely during project construction (mins)
Wybong Road to New England Highway	10	15-18 *
Bengalla Road to New England Highway	13	
Wybong Road to Kayuga Road	9	14-17 *
Bengalla Road, through Muswellbrook to Kayuga Road	14	

* Calculated with the difference from existing speed limit to the required 40km/h and 60km/hr construction zones through the work area shown in Figure 2 (5.9km), for the lower estimate. The higher estimate includes likely stoppage time by Traffic Control for 3 minutes, which could be higher still, if stopped at each construction work zones.

**Figure 2: Proposed detour via Bengalla Link Road**

Community Notification

Should Council permit the full closure of the identified section of Wybong Road East, MACH Energy will undertake community notification for the temporary full closure of Wybong Road using its current Rail 2 Project Stakeholder Engagement Plan as a guide to the methods of communication. This would include:

- Maintain consistent messaging to all stakeholders - provide with maps indicating alternate route, timelines, project information, the who, why, where and when of the proposed road full closure and what the outcome of the proposed full closure will mean for road users, e.g. better/safer road;
- Through MACH Energy's monthly Rail Loop Community Information Sheet;
- 1to 1 near neighbour visits;
- Letter drops to residents;
- 1to 1 visit and communication via email and SMS with ALL emergency services, Police, Ambulance, Fire, RFS, SES;
- Presentation to the Muswellbrook Chamber of Commerce & Industry at its March 2021 meeting, held on the first Tuesday of the month;
- Email, WhatsApp (established local mining communication group) and SMS - four weeks prior to the proposed full closure advising both Bengalla and Mangoola workforces to ensure all shifts are prepared. As a courtesy, advise BHP Mt Arthur and Muswellbrook Coal;
- Local newspaper, print and digital advertising;
- Local radio advertising;

- Update MACH Energy website and Muswellbrook Shire Council's MACH Energy Project pages;
- SMS to already established local neighbour notification database;
- Update Community Hotline and Enquiries Hotline;
- Communicate with all local schools via telephone call/email/letter;
- Communicate with local bus service via telephone call/email/letter and provide regular updates;
- Communicate with ARTC;
- Communicate with local transport companies including school bus companies, Muswellbrook, Aberdeen, Scone, Denman, Sandy Hollow, Merriwa; and
- Variable Message Boards would display advanced notice of the upcoming full closure as well as during the full closure; and
- Continue to provide communication with the public through its Community Consultative Committee (CCC) regarding the proposed full closure. During its last two meeting, the CCC has been advised of the possibility of the full closure of Wybong Road for the carrying out of the pavement rehabilitation works.

Permitted Access

MACH Energy will make provision for escorted access for approved external Oversize/Overmass vehicles through the closed work zone if required with suitable request and notice. MACH Energy has already advised ARTC of this proposed full closure and has also advised that MACH Energy would provide ARTC with escorted access through the works zone for their required deliveries to and from Logues Lane for the bridge upgrade works being carried out in Muswellbrook.

No general public access will be permitted through the work zone during the full closure period. The road will be closed and protected in accordance with the Transport for NSW 'Traffic control at worksites' standards to ensure no accidental access could occur by members of the public.

OPTIONS

Option 1: Approve the temporary closure of the part of Wybong Road for the duration of the road reconstruction project.

Option 2: Keep the section of Wybong Road open to the public during the construction project.

CONCLUSION

For the reasons outlined in the report and reiterated below, Council is respectfully requested to consider Option 1 as the preferred option. It is considered that full closure of the identified section of Wybong Road for the duration of the works will provide:

- improved safety to both road users and construction crews through less interactions through the construction site;
- reduced construction duration and therefore reduced disturbance period to public road users;
- a suitable detour option with reduced travel times to public road users compared to implementing a staged traffic controlled methodology for construction; and
- the use of more effective methods of construction (such as those adopted on a green field site) to achieve high quality works more efficiently.

SOCIAL IMPLICATIONS

The full closure may inconvenience some road users during this time, but with an appropriate level of public consultation proposed to be undertaken by MACH Energy and associated notifications, road users can factor this time into their schedule.

FINANCIAL IMPLICATIONS

All costs associated with the works will be the responsibility of MACH Energy.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

All works will be carried out under the provisions of the *Roads Act 1993*.

LEGAL IMPLICATIONS

Council is acting within its powers of the Roads Authority under the *Roads Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies in principle with item 19.3.4 of the Operational Plan: Investigate and recommend appropriate management treatments for road safety and traffic management.

RISK MANAGEMENT IMPLICATIONS

It is considered that the temporary full closure of Wybong Road will result in improved safety to public road users in comparison to adopting a staged delivery approach with public traffic flow continuing under traffic control. The temporary full closure eliminates risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles.

7 CORPORATE AND COMMUNITY SERVICES

7.1 MEMBERSHIP OF THE JOINT REGIONAL PLANNING PANEL

Attachments:	A. Planning Panels
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Apply Shire Town Centre Masterplans, Development Control Plans and Regional Economic Development Strategies to support development of Muswellbrook as a Regional Centre.</i>

PURPOSE

The purpose of this report to update Councils representation on the Joint Regional Planning Panel.

OFFICER'S RECOMMENDATION

Council replace the Deputy General Manager as Council's representative on the Joint Regional Planning Panel with the following appropriately qualified Councillors:

- (i) **Cr Rod Scholes**
- (ii) **Cr Stephen Ward (Alternate member)**

Moved: _____ **Seconded:** _____

BACKGROUND

Planning Panels determine regionally significant development applications (DAs). Of note, they determine development applications proposed by Council where the development has a capital investment value over \$5 million. It is the role of Regional Planning Panels to:

- determine regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications
- act as the Planning Proposal Authority (PPA) when directed
- undertake rezoning reviews
- provide advice on other planning and development matters when requested
- determine site compatibility certificates under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Council's representatives on the Regional Planning Panel is the Manager Roads, Drainage and Technical Services and the Deputy General Manager. Now that the Planning and Building team report to the Deputy General Manager it is recommended that Council amend the membership on Panel by replacing the Deputy General Manager with a Councillor. To ensure Council can be represented when a

panel member is on leave or is conflicted it is proposed to nominate two Councillors, with one being an alternate panel member.

CONSULTATION

Executive Manager Environment and Planning.

In July 2020 staff sought nominations from people in the community to potentially become a member of the panel. Council received no nominations.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Rush

REPORT

Council's current representatives on the Joint Regional Planning Panel are the Manager Roads, Drainage and Technical Services and the Director Community Infrastructure.

As part of a restructure, the position of Director Community Infrastructure was replaced with the position of Deputy General Manager. The Executive Manager of Environmental and Planning Services reports to the Deputy General Manager. To ensure there is no conflict of interest going forward it is recommended that Council amend the Council nominated members on the Joint Regional Planning Panel and replace the Deputy General Manager with a Councillor. Ideally those Councillors should have a background in engineering to meet the panel member criteria set by the State Government.

OPTIONS

Council nominate and appoint different people to replace the Deputy General Manager on the Regional Planning Panel.

CONCLUSION

It is recommended that Councillors with appropriate qualifications represent council on the RPP.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Replacing the Deputy General Manager as a Council nominated member of the RPP will reduce the risk of conflicts of interest arising in the future.

Planning panel reforms

Information sheet



Making independent planning panels work better

The NSW Government is making changes to the way independent planning panels work to make them more efficient and to improve the assessment and determination times of development applications.

These changes are being made as part of the Planning Acceleration Program to support the state's immediate and long-term economic recovery from the COVID-19 crisis.

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes incorporate a number of the NSW Productivity Commission's recommendations and provide greater consistency between the operations of local planning panels (LPPs) and Sydney district and regional planning panels (RPPs) to provide greater certainty to applicants and the community.

The changes, to commence 1 August 2020, will speed up panel determinations by:

- reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings
- reducing the amount of modifications going to panels
- obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes
- allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement
- introducing panel performance measures.

These changes have primarily been made through amendments to section 123BA of the Environmental Planning and Assessment Regulation 2000, clause 21 of the State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP), LPP directions and the Sydney District and Regional Planning Panels Operational Procedures. Consequential amendments have been made to the LPP and RPP codes of conduct.

Details of the changes

Local planning panels

The Minister for Planning and Public Spaces has amended the *Local Planning Panels Directions – Development Applications* so that only certain larger-scale applications to modify development consents need to be referred to the local planning panels. Council staff will be delegated to deal with minor modifications.

Panels will only deal with s. 4.55(2) modifications that meet the current LPP criteria for conflicts of interest, contentious development or departure from development standards.

The *Local Planning Panels Directions – Operational Procedures* has been amended to:

- require panels to make determinations within two weeks of being provided an assessment report
- require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection

Planning panel reforms

Information sheet



- allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material
- oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage
- require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination
- give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

Sydney district and regional planning panels

The same changes have been made in relation to the RPPs through amendments to the Environmental Planning and Assessment Regulation 2000 and the Sydney District and Regional Planning Panels Operational Procedures. An ['Instruction on Functions Exercisable by Councils on Behalf of Sydney District or Regional Planning Panels'](#) in relation to modifications of development consent for regionally significant development has been published on the Planning Panels website.

Additionally, the minister has:

- amended the State Regional Development SEPP to remove the requirement that DAs that are the subject of a regionally significant concept plan be considered regionally significant
- provided approval for all RPPs to delegate directly to council staff any panel functions.

Frequently asked questions about the changes

Why are most modifications now able to be determined by council staff rather than a planning panel?

The changes are intended to ensure that decisions are reached quickly and at the appropriate level, with due regard to their complexity and contentiousness. Applications for the modification of development consents generally have lower potential to cause significant impacts than development applications. By allowing council staff to determine the less significant modification applications, the panels can focus on more significant proposals. This will lead to shorter determination times both for modifications and for applications determined by panels.

Panels will remain the determining body for certain modifications applications, such as those that involve a conflict of interest, contentious developments or significant departures from set development standards. Applications that propose to modify a condition of consent amended or added by a panel will also be determined by the panels.

Why are less controversial matters now able to be determined by council staff or by the panel without a public meeting?

The changes to planning panels mean that only applications for contentious matters that are the subject of 10 or more unique submissions by way of objection will proceed to a public meeting. Other applications referred to the panel will be considered through the electronic circulation of papers. This will increase the efficiency of panels and reduce the time within which panel decisions are made.

Community views will still need to be taken into account by the panel before it makes a decision on a development application. The panels will continue to do this by considering written submissions made during the exhibition period of the development application.

Planning panel reforms

Information sheet



What is considered a 'unique' submission?

A submission which is substantively 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. Council assessment staff are best placed to determine whether a submission is 'unique'.

Why are applicants now able to brief local planning panels?

There are occasions where panels benefit from being briefed by council staff on a proposal. In certain circumstances applicants or their consultants may, at the discretion of the panel chair, attend these briefings to explain complex or confidential matters to LPPs. Written records of the briefings will be published to ensure transparency. This change will align procedures for LPPs with RPPs and lead to more efficient and informed decision-making.

Why is the minister issuing performance criteria for panels and panel chairs?

While planning panels have largely been operating well, the performance criteria are being implemented to improve their operation. The changes are in response to issues raised by key stakeholders and the NSW Productivity Commission's review of the IPC. By developing performance criteria, panels will know what targets they are expected to achieve, and development applicants and the community will know what consistent standards to expect from panels.

Will councils be required to report on more aspects of planning panel operations?

A consequence of the reforms is that councils need to report additional information to the department. The data collected will allow the department to analyse how panels are operating against the new performance criteria and help inform ongoing improvements to the panel processes.

We will update the planning portal to allow this information to be captured. We'll also update the user guide, which advises councils how to complete the reporting.

Will additional delegations need to be set up by panels and councils?

Some councils may need to review current delegations. However, the changes will lead to a more efficient system in the medium to long term, with the right scale of applications being determined at the right level of the planning system.

A ministerial approval has been established to allow RPPs to delegate functions to council staff to make it easier for decisions to be made at the appropriate level.

What does the change in relation to regionally significant concept plans mean?

Previously, any DA subject to a regionally significant concept plan was considered regionally significant. The reforms mean that councils must ensure the DA is consistent with the concept plan. Development that is subject to a regionally significant concept plan and is a regionally significant development in its own right (under Schedule 7 of the State and Regional Development SEPP) will remain regionally significant development.

Planning panel reforms

Information sheet



This change will allow regional planning panels to focus on genuine regionally significant development, reducing determination times.

Thank you.

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (June 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.

8 ADJOURNMENT INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

9.1 TENDER 2020-2021-0439 - WATER MAIN REPLACEMENT MUSWELLBROOK

Item 9.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.2 TENDER 2018-2022-0179 - EDDERTON ROAD UPGRADE WORKS CH6.0-CH7.0 AND CH7.0-CH8.0

Item 9.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.3 TENDER 2018-2019-0347 - DESIGN AND CONSTRUCTION OF MUSCLE CREEK BRIDGE AND ASSOCIATED ROAD WORKS

Item 9.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.4 TENDER 2020-2021-0446 - PROCUREMENT OF BIOSOLIDS

Item 9.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.5 TRANSFER OF INDUSTRIAL LAND

Item 9.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.6 2020-2021-0448 UPPER HUNTER INNOVATION CENTRE STAGE 2 - CONSTRUCTION TENDER (NEGOTIATIONS)

Item 9.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial

advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

9 CLOSED COUNCIL

10 RESUMPTION OF OPEN COUNCIL

11 CLOSURE