

INVERELL SHIRE COUNCIL
NOTICE OF MEETING
CIVIL & ENVIRONMENTAL SERVICES COMMITTEE

3 June, 2016

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 8 June, 2016, commencing at 8.30 am.

Your attendance at this Civil & Environmental Services Committee Meeting would be appreciated.

P J HENRY PSM

GENERAL MANAGER






A G E N D A

SECTION A	APOLOGIES CONFIRMATION OF MINUTES DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS PUBLIC FORUM BUSINESS ARISING FROM PREVIOUS MINUTES
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Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan
- Inverell Shire Council Delivery Plan
- Inverell Shire Council Management Plan.

Destinations	Icon	Code
<p>1. A recognised leader in a broader context.</p> <p>Giving priority to the recognition of the Shire as a vital component of the New England North West Region through Regional Leadership.</p>		R
<p>2. A community that is healthy, educated and sustained.</p> <p>Giving priority to the Shire as a sustainable and equitable place that promotes health, well being, life long learning and lifestyle diversity.</p>		C
<p>3. An environment that is protected and sustained.</p> <p>Giving priority to sustainable agriculture, the protection and conservation of rivers, waterways bio diversity and the built environment.</p>		E
<p>4. A strong local economy.</p> <p>Giving priority to economic and employment growth and the attraction of visitors.</p>		B
<p>5. The Communities are served by sustainable services and infrastructure.</p> <p>Giving priority to the provision of community focused services and the maintenance, enhancement and upgrade of infrastructure.</p>		S

CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING

Wednesday, 8 June, 2016

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MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON
WEDNESDAY, 11 MAY, 2016, COMMENCING AT 8.34 AM.

PRESENT: Cr H N Castledine (Chairperson), Crs A A Michael, B C Johnston,
P J Harmon and D C Jones.

Also in attendance: Crs J A Watts, D F Baker and P J Girle.

Ken Beddie (Acting General Manager), Brett McInnes (Director Civil
and Environmental Services) and Stephen Golding (Executive
Manager Corporate and Community Services).

SECTION A

APOLOGIES:

There were no apologies received.

1. CONFIRMATION OF MINUTES

*RESOLVED (Jones/Michael) that the Minutes of the Civil and Environmental Services
Committee Meeting held on 13 April, 2016, as circulated to members, be confirmed as
a true and correct record of that meeting.*

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

There were no interests declared.

3. PUBLIC FORUM S13.5.6/09

There were no members of the public present to speak.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

SECTION B
ADVOCACY REPORTS

GM-A Cr Harmon Grafton to Inverell S26.3.7/08

Cr Harmon attended the finish proceedings of the 56th
Grafton to Inverell. Cr Harmon noted that numbers were
down on previous years.

Cr Harmon advised that the future of the event is uncertain.
This year, the race ran at a \$20K loss. The loss of a major
sponsor impacted the event. The cost of the event needs to
be addressed and other funding sources identified. There
appears to be a lack of support and information being
dispersed from Cycle Australia and Cycle NSW.

*RESOLVED (Johnston/Michael) that the Committee
recommend to Council that a letter be sent to Cycling
Australia and Cycling NSW seeking support of the event.*

Cr Harmon

Opening of the Refurbished Argyll Centre

Cr Harmon attended the opening of the \$1.2M Hector Wing (State-of-the-Art Dementia) Argyll Centre Refurbishment at McLean Care. The refurbishment displays McLean Care's investment in Inverell and the community.

Council extends their congratulations to McLean Care and the Board in this matter.

SECTION D
DESTINATION REPORTS

1. SWIMMING POOL INSPECTION PROGRAM S7.9.2/09

BS-A *RESOLVED (Jones/Michael) that the Committee recommend to Council that Council endorse the amended Swimming Pool Inspection Program to reflect current legislative requirements.*

2. ILLEGAL BUILDING WORKS - CORRESPONDENCE FROM WARRINGAH COUNCIL S19.10.3

DP-A *RESOLVED (Harmon/Michael) that the Committee recommend to Council that Council write to the Minister for Planning, Hon. Rob Stokes, and cc the Minister for Local Government, Hon. Paul Toole, in support of Warringah Council's resolution.*

SECTION E
INFORMATION REPORTS

1. ROTARY PARK S6.8.9
2. WORKS UPDATE S28.21.1/09
3. COMMENCEMENT OF CONSTRUCTION OF WHITE ROCK WIND FARM S18.6.52/02
4. 2015/2016 GRAVEL RESHEETING PROGRAM S28.21.1/09
5. 2015/2016 BITUMEN RESURFACING PROGRAM S28.21.1/09

RESOLVED (Harmon/Jones) that the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 11 May, 2016, be received and noted.

SECTION F
GENERAL BUSINESS

Acting General Manager Delungra Meeting

Acting General Manager, Mr Ken Beddie informed the Committee of the topics discussed at the meeting. Cr Johnston and five (5) community members also attended the meeting.

MCE-A Cr Watts Victoria Park – Pavers S21.8.31

Cr Watts asked if staff could investigate the pavers in Victoria Park adjacent to Harvey Norman's.

Cr Johnston & Cr Girle Visitors to Inverell

Cr Johnston and Cr Girle provided feedback from recent visitors to Inverell. The feedback noted the prosperous nature of the town.

Cr Baker CBD Lighting

Cr Baker noted a complaint from a citizen regarding a perceived inadequacy of lighting from the Empire Hotel to St George Bank.

DCES-A Director Civil & Environmental Services Rehabilitation of Bundarra Road S28.10.IN44

Director Civil & Environmental Services, Mr Brett McInnes sought approval to carry out rehabilitation work on a section of Bundarra Road between Macintyre Street and Lions Park under 'closed road' conditions. This will substantially improve worksite safety and ensure the project is delivered at the lowest possible cost.

RESOLVED (Jones/Michael) that the Committee recommend to Council that the rehabilitation of Bundarra Road, between Macintyre Street and Lions Park be performed under closed road conditions.

There being no further business, the meeting closed at 9.07am.

CR H N CASTLEDINE

CHAIRPERSON

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 08/06/2016

ITEM NO:	1.	FILE NO: S11.12.7
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	EXHIBITION - DRAFT BIODIVERSITY CONSERVATION ACT AND AMENDED LOCAL LANDS SERVICES ACT	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

The NSW Government has released a consultation package of reforms to land management and biodiversity conservation in NSW. Drafts of the new *Biodiversity Conservation Act*, the amended *Local Land Services Act* and supporting tools are on public exhibition.

The Committee is requested to recommend to Council that a submission be made to the NSW Government in relation to the reforms.

COMMENTARY:**Introduction**

On 3 May, 2016, the NSW Government released a consultation package of reforms to land management and biodiversity conservation in NSW. The consultation package is on exhibition until 28 June, 2016 and includes:

- A new *Biodiversity Conservation Act*;
- An amended *Local Land Services Act*; and
- Supporting documents.

The consultation package can be accessed at www.landmanagement.nsw.gov.au.

It is intended that the *Local Lands Services Act* (LLS Act) and *Biodiversity Conservation Act* will primarily govern land management and conservation in NSW, leading to the repeal of the:

- *Native Vegetation Act 2003*;
- *Threatened Species Conservation Act 1995*;
- *Nature Conservation Trust Act 2001*;
- Biodiversity parts of the *National Parks and Wildlife Act 1974*; and
- Seven part test under the *Environmental Planning and Assessment Act 1979*.

The key areas of the reforms are summarised below.

Summary of Key Issues**Land Management**

A new land management framework proposes ways NSW landholders can manage land with native vegetation. For native vegetation clearing, land is mapped as Exempt (Category 1), Regulated (Category 2) or Excluded (Category 3).

- *Land Mapped as 'Category 1 Exempt'* - Clearing of native vegetation is exempt from the new land management framework.
- *Land Mapped as 'Category 2 Regulated'* - Clearing of native vegetation can occur in accordance with an allowable activity or code of practice.
 - *Allowable Activities* - Defined low-risk native vegetation clearing activities that are part of routine land management will not require a formal approval or notification to Local Land Services.
 - *Land Management Codes of Practice* - Four types of codes of practice have been developed. Each code of practice has varying requirements for notification to Local Land Services, certification or, in some cases, requiring the establishment of permanent set-aside areas on the land to improve biodiversity.

Proposed clearing that cannot occur in accordance with an allowable activity or code requires approval under the LLS Act.

- *Land Mapped as 'Category 3 Excluded'* - The land management framework will not apply. This land will generally be the Sydney metropolitan area, land in urban zones (e.g. residential, business, industrial), Environment Protection Zones E2, E3 and E4 and the Large Lot Residential R5 zones.

The Department of Planning and Environment will develop a State Environmental Planning Policy (SEPP) for this land. The proposed SEPP will be subject to separate consultation.

It is interesting to note that currently R5 Large Lot Residential is subject to Native Vegetation Act provisions; however, in the proposed reforms R5 zoned land will be 'Category 3 Excluded'.

The above categories will be mapped on a Native Vegetation Regulatory Map, which will allow owners, Council, etc. to determine which category applies to their land. Unfortunately, the map has not been completed and does not form part of the consultation package.

Biodiversity Offset Scheme

A new biodiversity assessment method will be introduced aimed at simplifying biodiversity assessment for all development.

Landowners will be able to apply for biodiversity certification which allows areas of high conservation value to be protected while identifying areas suitable for clearing and development. For example, if an area of native vegetation needs to be cleared for a development to proceed, another area of native vegetation can be permanently protected and managed.

Landowners and developers will also be allowed to offset clearing of regulated land by dedicating conservation land, or by making a contribution to a new Biodiversity Conservation Fund.

Protecting Threatened Species

At present, threatened plants and animals are listed under the *Threatened Species Conservation Act 1995*. Threatened species will continue to be listed; however, key issues will be:

- Threat categories (e.g. endangered, vulnerable, etc.) will be changed to align with international best practice; and
- There will be a reduction in bias towards mammals, birds and other iconic species. For example, invertebrates and fungi appear to be under-represented on current threatened species lists.

Protecting Areas of Outstanding Biodiversity Value

Existing Critical Habitats under the *Threatened Species Conservation Act 1995* will be 'Areas of Outstanding Biodiversity Value' (AOBV) under the proposed reforms. An AOBV may include sites critical for reducing the risk of species extinction, conserving species diversity, conserving ecological integrity, maintaining landscape connectivity and/or supporting migratory species.

There are currently no Critical Habitats listed within the Inverell Local Government Area.

Any new AOBV proposed by the Office of Environment and Heritage will be subject to consultation, including both the relevant landowner and general public. Landowners can apply to enter a funded private land conservation agreement.

If a landowner has an area of outstanding biodiversity value declared on their land, the Biodiversity Conservation Trust will prioritise access to private land conservation funds to help the landowner manage and protect biodiversity values.

Native Plants and Animals

Reforms are proposed to the regulation of human interactions with native animals and plants. Wildlife activities will be assessed on its level of risk. High-risk activities continue to be regulated, but low-risk wildlife activities will no longer require a licence.

Activities can be classified in three ways:

- *Activities that are exempt* – These are low-risk wildlife activities with no ongoing obligation, reporting or record keeping requirements. A licence is not required to carry out these activities. For example, harming of locally abundant animals to limit crop damage would be considered exempt in some agricultural regions.
- *Activities authorised by a code of practice* – No licence is required for activities with a moderate risk. These are considered unlikely to harm wildlife populations, impact on animal welfare or threaten human health and safety when a code of practice is followed. For example, a code of practice will apply rules to the commercial harvesting of kangaroos.
- *Activities that require a Biodiversity Conservation Licence* – High-risk wildlife interactions will require a licence issued by the Office of Environment and Heritage. For example, pet shops selling native wildlife, trading in native plants or keeping higher risk reptiles will require a licence.

Private Land Conservation

Three tiers of voluntary private land conservation agreements are proposed.

- *Biodiversity Stewardship Agreements* – These will permanently protect and improve valuable biodiversity on private land. Landowners will be required to undertake management actions, but will receive an upfront payment when they sell credits created under the agreement and receive ongoing payments to support management of the site.
- *Conservation Agreements* – Permanent or temporary agreements which will typically be used for higher conservation value land. Small payments will be made to the landowner reflecting the level of management action undertaken.
- *Wildlife Refuge Agreements* – These are agreements that support simple and effective land management. Agreements will be able to be terminated at any time or converted into higher forms of agreements. Owners may be eligible for grants.

It is intended that private land conservation agreements will be administered by a new not-for-profit statutory body called the Biodiversity Conservation Trust.

Council Impact

There will be a transition period whilst Council Officers become accustomed with the new laws; however, it does not appear that the proposed biodiversity and land management reforms will significantly impact Council.

Laws relating to native vegetation and native animals have historically been administered by the NSW Government and this practice will continue.

Consideration of the new biodiversity and land management laws by Council will generally be required for Development Application or Council activities, e.g. roadworks. As part of Council's current environmental assessment process (DA or Council activity), native vegetation, threatened species and biodiversity offsets are already matters for consideration. The reforms will not substantially alter Council's approach to environmental due diligence.

A possible impact on Council resources and/or policies will be the introduction of a State Environmental Planning Policy for tree preservation on excluded land. Details of the proposed policy are unknown being subject to a separate consultation process. Council does not currently have a tree preservation order in urban areas. It considered that should a tree preservation order be adopted for Inverell, this should be a local decision by Council, rather than imposed through a one-size-fits-all approach of a State Environmental Planning Policy.

Conclusion

Native vegetation is administered by the Office of Environment and Heritage, through the Local Lands Services (formerly Catchment Management Authorities). Council's interaction with native vegetation regulation has been generally limited to development applications; however, Council Officers regularly receive enquiries from rural landowners regarding vegetation clearing. It is acknowledged that there is frustration within the community regarding native vegetation laws.

Any attempt by the NSW Government to simplify laws relating to native vegetation, animals and threatened species should be encouraged.

At the time of writing this report, Council Officers are still in the process of reviewing the information contained within the consultation package. Based on a preliminary review of the information, it is recommended that Council make a submission to the Biodiversity Reforms in relation to the following points:

- Supporting the simplification of laws relating to native vegetation, native animals and threatened species;
- Supporting land zoned R5 Large Lot Residential under local environmental plans being classified as 'Category 3 Excluded Land';
- The mapping of land categories should have been undertaken prior to exhibition and the draft maps form part of the consultation package;
- Once mapping of land categories has been finalised, the maps should be subject to a further consultation process, prior to formal adoption; and
- Council does not support the one-size-fits-all approach of a State Environmental Planning Policy applying to vegetation on 'Category 3 Excluded Land' (e.g. urban land). Tree preservation on excluded land should be managed at a local level via existing Local Environmental Plan provisions.

A draft submission is included as Appendix 1 (D25). The Committee is being asked to consider the contents of the draft submission and any other matters they wish to raise in relation to the consultation package.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.01 Promote sustainable agricultural activities.

Term Achievement: E.01.01 Council is facilitating a coordinated approach to achieving an ecologically, economically and socially sustainable agricultural sector in Inverell and the region.

Operational Objective: E.01.01.01 To facilitate the management and protection of the Shire's agricultural land for sustainable agriculture use with agricultural activity contributing to its protection and enhancement and to achieve positive economic, environmental and social outcomes.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

The Committee Recommend to Council that the draft submission in response to the land management and biodiversity reforms be endorsed.

ITEM NO:	2.	FILE NO: DA-59/2015/A
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	DA-59/2015/A – 'CHILD CARE CENTRE' – MODIFICATION TO HOURS OF OPERATION - 6C BREWERY STREET, INVERELL	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY

An application for modification to DA-59/2015 has been received pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*.

DA-59/2015 was approved at the Ordinary Meeting of Council on 27 May, 2015 (RES 35/15), for:

- Extension of Hours of Operation for:
 - After School Care;
 - Vacation Care; and
 - Long day Care.
- Construction of Bus Turning Bay.

The proposed modification is to:

- Cease 'Playgroup' on Wednesday and Thursday between the hours of 9.30am to 11.30am; and

- Operate 'Long Day Care' on Wednesday and Thursday between the hours of 8.00am to 3.00pm.

The modification was notified from 14 April, 2016 to 28 April, 2016. As a result of the exhibition period, one (1) submission was received.

The application has been examined having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

APPLICATION DETAILS

Applicant:	Mrs Lynda Grace Partridge
Owner:	Ms Kristy Lyn Partridge Mrs Cassandra Maree Leue Mrs Lynda Grace Partridge
Application No:	DA-59/2015
Address:	6C Brewery Street, Inverell NSW 2360
Title Particulars:	Lot 3 DP 1124721
Proposed Modification:	Modification of Hours of Operation to: <ul style="list-style-type: none">▪ Cease 'Playgroup' on Wednesday and Thursday; and▪ Operate 'Long Day Care' on Wednesday and Thursday.
BCA Classification	9b
Site Area:	5023 square metres
LEP 2012 Zoning:	R1 General Residential
Existing Use:	Child Care Centre

SUBJECT SITE AND LOCALITY

The site is known as Lot 3 DP 1124721 being located at 6C Brewery Street, Inverell (refer Figure 1).

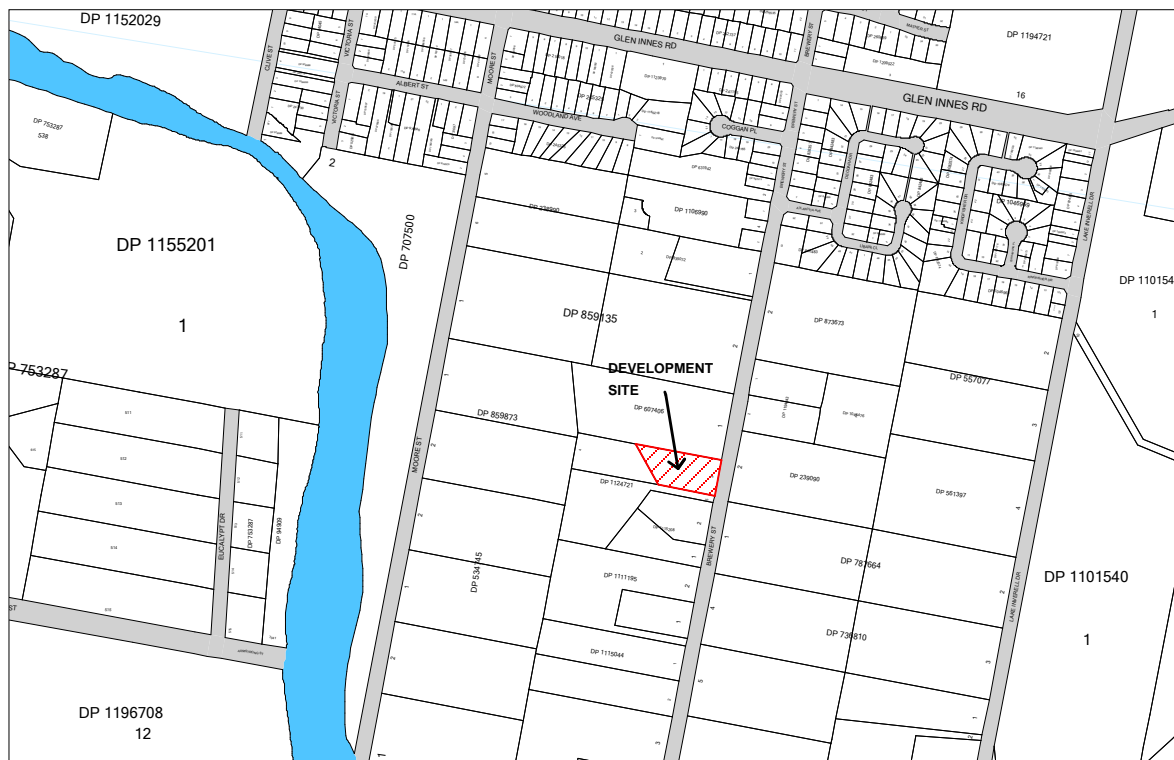


Figure 1 – Locality Plan

Lot 3 DP 1124721 contains the KCL Child Care Centre, which is a single storey building with ancillary parking, landscaping and signage. A bus turning bay has been constructed at the front of the site.

Access is taken from Brewery Street which is a bitumen sealed road. Kerb and gutter is provided along the frontage on the site. The surrounding area is characterised by single dwellings on large allotments, with the exception of the former squash courts to the south.

Council has identified the southern sections of Brewery Street, Moore Street and Lake Inverell Drive as a 'new residential area'. The desired future use of the area is therefore standard density residential.

A natural watercourse is located at the rear of the site, but the land is not considered to be unduly restricted by any natural hazards.

PROPOSED DEVELOPMENT

The proposed modification is to:

- Cease 'Playgroup' on Wednesday and Thursday between the hours of 9.30am to 11.30am; and
- Operate 'Long Day Care' on Wednesday and Thursday between the hours of 8.00am to 3.00pm.

Table1 and Table 2 below are a graphic representation of these hours.

Table 1 – Approved Hours of Operation under DA-59/2015

	Monday	Tuesday	Wednesday	Thursday	Friday	
8am	Long Day Care Max 28 Children	Long Day Care Max 28 Children			Long Day Care Max 28 Children	
9am			Playgroup Max 32 Children	Playgroup Max 32 Children		
10am						
11am						
12pm						
1pm						
2pm						
3pm	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children	
4pm						
5pm						
6pm						

Table 2 – Proposed Modified Hours of Operation

	Monday	Tuesday	Wednesday	Thursday	Friday
8am	Long Day Care Max 28 Children	Long Day Care Max 28 Children	Long Day Care Max 28 Children	Long Day Care Max 28 Children	Long Day Care Max 28 Children
9am					
10am					
11am					
12pm					
1pm					
2pm					
3pm	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children	After School Care Max 28 Children
4pm					
5pm					
6pm					

Note: As a result of the modification, the maximum amount of children on-site for all uses will be 28.

REFERRALS UNDERTAKEN & OTHER APPROVALS REQUIRED

Internal Referrals

No external referrals were required for this modification.

External Referrals

No external referrals were required for this modification.

Other Approvals

Subject to development consent, no other approvals are required for the modification.

Council Policies

It is considered that no Council policies apply to this modification.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 96 – Modification of consents-generally

This modification has been lodged pursuant to Section 96 (1A) of the *EP&A Act 1979*.

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

It is considered that the main impacts associated with this development are noise, parking and traffic. In both of these cases, the modification is considered to have minimal environmental impact as:

- Noise – The primary noise source associated with the child care centre are outdoor activities. Currently, outdoor activities for Long Day Care on Monday Tuesday and Friday are limited to no more than two (2) hours of outdoor activity, between the hours of 8.30am and 12.00pm. It is recommended that this same standard be applied to Long Day Care on Wednesday and Thursday.
- Parking – The proposed modification does not generate any additional demand for car parking. This is discussed in further detail under the Inverell Development Control Plan 2013.
- Traffic – There are already traffic movements associated with the play group, i.e. arrivals and departures. As the playgroup will be discontinued and the long day care to operate in its place, it is considered there will be no significant change in the number of traffic movements (pick ups/drop offs) on Wednesday and Thursday.

Overall, the proposed modification is considered to have minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

To determine whether the modification is substantially the same development as currently approved, a comparison should be undertaken of quantitative and qualitative aspects of the modification.

Quantitative aspects are those that can be measured, in the case of this modification, the hours of operation and number of children. The proposed modification will result in an:

- An additional 5 hours on Wednesday and 5 hours on Thursday of childcare provided on the site. The hours will match those already approved for Monday, Tuesday and Friday.

Currently, the total amount of approved hours of child care per week is 40. The additional 10 hours per week represents an increase of 25%. Whilst 25% appears significant, it is considered that 50 hours per week (modification) is still substantially the same development as 40 hours per week (current).

- The amount of children on-site on Wednesday and Thursday being reduced from 32 to 28.

In relation to qualitative aspects, consideration needs to be given to the nature and characteristics of the development. Under DA-59/2015, Council assessed and approved a child care centre, the defining characteristic of which is the provision of care to children. It is considered that Long Day Care, Play Group, After School Care are all forms of care to children. On that basis, replacing Play Group with Long Day Care, does not alter the fundamental characteristic of the development of providing care to children.

When assessed both quantitatively and qualitatively, it is evident that the proposed modification will result in substantially the same development as originally approved under DA-59/2015.

- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

The modification was notified in accordance with Chapter 1 of the Inverell Development Control Plan 2013. Notification was from 14 April, 2016 to 28 April, 2016 and one (1) submission was received. This submission is discussed further in the report.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

One (1) submission was received in relation to the notification of the modification. This submission has been considered further in the report in accordance with this clause.

ASSESSMENT - STATUTORY REQUIREMENTS – S.79C EP&A Act 1979

In determining a Development Application, a consent authority is to take into consideration the following matters that are of **relevance** to the development, the subject of the Development Application.

State Environmental Planning Policies

Compliance with State Environmental Planning Policies has previously been assessed under DA-59/2015. It is considered further assessment of state policies is not required for this modification.

Local Environmental Plans

Inverell Local Environmental Plan 2012 (LEP)

The development was characterised and approved as a child care centre under DA-59/2015. The proposed modification will not alter the characterisation or permissibility of the development.

The development (as modified) is consistent with the objectives of the LEP and the objectives of the R1 General Residential zoning of the land.

Development Control Plans

Inverell Development Control Plan 2013 – Chapter 4 Commercial & Industrial Development

No specific clauses of this chapter apply to the proposed modification. DA-59/2015 established compliance with the relevant development controls. Amenity impacts (noise, traffic, etc.) associated with the modification have been assessed elsewhere in the report. The modification is considered to be consistent with the intent of this chapter.

Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic

On-site parking for a child care centre is calculated based on the number of children. The maximum amount of children permitted for Play Group is 32 and the proposed maximum for Long Day Care is 28. Given the reduction in children, there will be no increased demand for parking. It should also be noted that the recently constructed bus turning bay also functions as an informal 'kiss and go' style parking arrangement.

The likely impacts of that development

The premises will continue to be used as a child care centre, which is generally an accepted use in a residential area. The impacts of the child care centre were assessed under DA-59/2015 and considered to be minimal. The proposed modification is not considered to significantly alter the type, frequency or intensity of impacts.

The main impacts associated with this modification are noise, parking and traffic. These have been considered under Section 96 of the *Environmental Planning and Assessment Act 1979* (refer above).

Overall, the proposed modification is considered to have minimal environmental impact on the natural/built environment and the surrounding locality.

Suitability of the Site

The site has been assessed as suitable for use as a child care centre under DA-59/2015. The proposed modification will result in substantially the same development as approved under DA-59/2015.

Submissions

The modification was notified from 14 April, 2016 to 28 April, 2016. As a result of the exhibition period, one (1) submission was received.

A copy of the submission has been circulated separately to Committee Members.

The submission maker does not object in principle to the proposal, but rather has concerns regarding the cumulative development of the site over recent years. The submission maker has requested Council take into consideration whether the proposed modification is substantially the same development and may be determined under Section 96 of the *Environmental Planning and Assessment Act 1979* or if a new development application is required.

It is acknowledged that a number of development applications have been lodged over the years being:

- DA-205/2007 – Family Day Care Co-Ordination Centre - Approved 26 February, 2008;
- DA-205/2007/AM1 – Minor Modification to DA-205/2007 - Approved 9 April, 2009;
- DA-94/2012 – Use of Adjoining Property (Former Squash Courts) for Child Care Centre – Withdrawn; and
- DA-59/2015 – After School Care, Vacation Care & Long day Care – Approved 27 May, 2015 (Council RES 35/15).

Each of the above applications have been assessed and determined on their individual merits. As part of DA-59/2015, Council undertook a merit based assessment, including an assessment of the intensification of impacts of the changes from DA-207/2005 to DA-59/2015.

For the assessment of this modification, Council is not required to determine whether the development is substantially the same as DA-207/2005. Pursuant to Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*, Council must determine whether the modification is substantially the same development as approved under DA-59/2015.

In *Moto Projects (No 2) Pty Limited v North Sydney Council* [1999] NSWLEC 280, Bignold J said that the comparison between the original development and the development as modified “*involves an appreciation, qualitative, as well as quantitative, of the development being compared in their proper contexts (including the circumstances in which the development consent was granted)*”.

Both a qualitative and quantitative comparison of the modification to the original DA-59/2015 has been undertaken. 6C Brewery Street will continue to provide child care services and whilst the proposed hours of operation on two (2) days will increase, they are consistent with the remaining days of the week.

Core elements such as number of staff, hours of outdoor use, parking requirements, number of children etc. will not change. The modification will not result in any significant change or intensification of impacts, which were previously assessed under DA-59/2015.

Council's assessment of DA-59/2015/A is consistent with the assessment of modifications by the Land and Environment Court. Both qualitatively and quantitatively, the proposed modification under DA-59/2015/A is substantially the same as the development approved under DA-59/2015. On that basis, Council may determine the proposed as a modification under Section 96 of the *EP&A Act* and a new development application is not required.

Public Interest

The modification is not considered prejudicial to the public interest.

Conclusion

Under DA-59/2015, a merit based assessment determined a child care centre on 6C Brewery Street was permissible and would have minimal environmental impact. This consent was granted subject to conditions.

The proposed modification to change the hours of operation will result in substantially the same development as approved under DA-59/2015. The main environmental factors associated with the modification are noise, parking and traffic. These have been assessed and determined to have minimal environmental impact.

The modification to DA-59/2015 was subject to neighbour notification and one (1) submission was received. This submission did not object to the development, but rather queried whether the proposal was a valid modification or if a new development application is required. Both a quantitative and qualitative comparison of the original development to the modification demonstrates that the proposed change to the hours of operation is a valid modification under section 96 (1A) of the *Environmental Planning and Assessment Act 1979*.

It is recommended that DA-59/2015/A be approved subject to modified conditions.

RECOMMENDATION:

That the Committee recommend to Council that Development Application Modification to 59/2015 be approved subject to the following conditions of consent:

Preliminary

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for:

- The use of the existing KCL facility as child care centre, incorporating:
 - Long Day Care;
 - After School Care; and
 - ~~Playgroup; and~~
 - Vacation Care.
- The construction of a bus turning bay.

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

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the Environmental Planning & Assessment Regulation 2000 (as detailed at the end of this consent).
3. The long day care, after school care and vacation care uses must not commence operation until an Occupation Certificate has been issued.

Prior to Construction of the Bus Turning Bay

4. Prior to the construction of the bus turning bay a Construction Certificate must be issued in accordance with Section 109C (1)(b) and 81A (2) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate, made to Council or an Accredited Certifier, must include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.
5. The following is to be incorporated into the design bus turning bay:
 - The kerb of the bus turning bay is to be connected with the kerb of the disabled parking space;
 - The southern access crossing from Brewery Street is to be designated as a 'In Only'; and
 - The northern access crossing from Brewery Street is to be designated as an 'Out Only'.

Prior to issue of a Construction Certificate, revised engineering plans showing the above details are to be submitted to and approved by Council.

6. Prior to issue of a Construction Certificate, approval under Section 138 of the Roads Act 1993 is to be obtained from Council for the construction of the northern access crossing from Brewery Street.

During Construction

7. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;

- Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
- Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act* 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

Prior to Operation of Long Day Care, After School Care and Vacation Care

8. Prior to the operation of Long Day Care, After School Care and Vacation Care, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
 - any preconditions to the issue of the certificate required by a development consent have been met.
9. Prior to issue of an Occupation Certificate, the bus turning bay is to be constructed in accordance with the approved engineering plans.
10. Prior to issue of an Occupation Certificate, all landscaping as per the approved plans is to be completed.

Ongoing Use

11. The operation of the Long Day Care is limited to:
- The hours of 8.00am to 3.00pm, Monday, Tuesday, Wednesday, Thursday and Friday, during School Term Periods;
 - No more than two (2) hours of outdoor activity, between the hours of 8.30am and 12.00pm; and
 - A maximum of twenty-eight (28) children.
12. The operation of the After School Care is limited to:
- 3.00pm to 6.00pm, Monday to Friday, during School Term Periods;
 - No more than two (2) hours of outdoor activity, between the hours of 3.00pm and 5.30pm; and
 - A maximum of twenty-eight (28) children.
13. ~~The operation of the Playgroup is limited to:~~
- ~~▪ A maximum of two (2) hours (generally between 9.30am and 11.30am), Wednesday and Thursday, during School Term Periods; and~~
 - ~~▪ A maximum of thirty-two (32) children.~~

14. The operation of the Vacation Care is limited to:
<ul style="list-style-type: none"> ▪ 8.00am to 6.00pm, Monday to Friday, during School Holiday periods; and ▪ No more than two (2) hours of outdoor activity, between the hours of 8.30am and 12.00pm; ▪ No more than two (2) hours of outdoor activity, between the hours of 3.00pm and 5.30pm; and ▪ A maximum of twenty-eight (28) children.
15. Any food preparation and handling must comply with all applicable legislation/regulation and standards including:
<ul style="list-style-type: none"> • The <i>Food Act 2003</i>; • Food Regulation 2004; • Food Standards Australia and New Zealand – Food Standards Code 2001; • Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and • Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control.
16. All parking areas, the bus turning bay and landscaping must be maintained in a reasonable manner, in perpetuity.
17. All waste bins and storage areas are to be located and/or screened to not be visible from adjacent public or private land.
18. Any other condition deemed appropriate by the Director Civil and Environmental Services.

ITEM NO:	3.	FILE NO: S28.15.3/06
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	HIGH PRODUCTIVITY VEHICLE ACCESS - YETMAN AREA	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

At the November, 2015 Civil and Environmental Services meeting the Committee resolved that a report be prepared in respect of opening up of roads in the Northern area of the Shire to higher productivity vehicles. This matter has been investigated and the following report outlines the key issues. The Committee is requested to determine a policy position on the matter.

COMMENTARY:

At the November, 2015 meeting of the Civil and Environmental Services Committee, a discussion was held to determine funding priorities for a number of state and federally funded grant programs, notably the State Government's Fixing Country Roads Program.

The focus of this program is freight productivity and as such the discussion included questions relating to heavy vehicle movements in the Yetman area. It was resolved:

That:

- i) the projects to be submitted to the Fixing Country Roads Program be the replacement of Mathers Bridge and the upgrade of MR187; and*
- ii) a further report be prepared in respect of the opening up of the roads in the northern area of the Shire to higher productivity heavy vehicles.*

Funding applications were subsequently submitted as per the resolution, they were unfortunately unsuccessful. An investigation into the northern road network was undertaken, in accordance with the 2nd part of the resolution.

Significant livestock, grain and cotton production occurs in the north western area of the shire with extensive heavy haulage required to support these industries. Historically, Council has received lobbying from farmers with a view to opening up further area of the road network to higher productivity vehicles. The Committee would recall at the August, 2015 Committee meeting that was held in Yetman, a number of attendees raised questions regarding this issue.

Prior to 2012 the assessment guidelines for B-Doubles, B-Triples and Road Trains (also known as Restricted Access Vehicles, RAV or Higher Productivity Vehicles, HPV) were completely based on physical attributes. That is, if a road met all the technical guidelines for width, pavement strength, bridge capacity and so on, then the route would be deemed acceptable. However if any of these technical criteria were not met, the route would be deemed not suitable.

Use of this assessment method has led to a road network in the northern part of the shire that has some B-Double access and no access to B-Triples or Road Trains.

Council's current policy for assessing proposed RAV routes utilises the NSW Route Assessment Guide for Restricted Access Vehicles, as developed by Roads and Maritime Services. This system allows for a risk assessment approach to be taken if the technical criteria are not met and provided that the risks can be managed, approval can be granted for RAVs access.

The change in assessment guidelines coupled with access to HPV in neighbouring Councils as well as interstate (Queensland) have led to many northern agricultural producers requesting access for larger vehicles so that their operations may be more efficient and profitable. Whilst a limited number of formal requests have been received, several informal requests have been received and it is expected that the number of formal requests will grow significantly in the years to come.

A number of factors need to be considered when assessing such requests, such as:

Safety

This is the foremost consideration and the current guidelines ensure that if a road is unsafe for a given vehicle combination, then a request is not approved. The risk assessment section of the assessment is rigorous and all risks are assessed, only if they can be appropriately managed will a route be deemed acceptable for RAVs. One significant area to be considered regarding safety is the principal the HPVs reduce the number of truck movements per unit of freight movement eg two (2) B-Double movements do the same amount of work as three (3) semi trailer movements and two (2) road trains do the work of three (3) B-Doubles. The heavy haulage industry promotes this as improving safety when HPVs are used.

Impact on Council's Asset

Larger vehicle combinations do have an impact on Council's road network. Larger trucks require more power to drive them and this has an impact, especially on unsealed roads. Longer combinations have a "whipping" effect, which impacts road shoulders. This is a significant issue on narrow sealed roads when trucks driving on the shoulder leads to breaking of the bitumen edge.

This causes the need for significant maintenance and if unattended, causes the width of the bitumen seal to reduce. In order for Road Trains and B-Triples to access the network they are required to have road friendly suspension, therefore the impact of the weight of each axle is no more severe than a B-Double or semi trailer.

In the northern area of the Shire, Council currently has a significant maintenance burden regarding transportation of agricultural goods. Anecdotal evidence as well as admissions from property owners suggests that RAVs are currently being used off route, illegally. The burden of this as well as overloading of legally permissible vehicles contributes to annual, unplanned maintenance costs on the road network of between \$40,000 to \$60,000 per year. This expenditure is predominantly on unsealed roads and has historically been undertaken in two (2) distinct periods, following harvest of summer and winter crops. Recent changes to farming practices, with farmers utilising on farm storage, have meant that moving crops to market no longer occurs at the time of harvest. This has led to the maintenance burden being stretched over the entire year, making it more difficult to manage.

Efficiency and Profitability to Industry

There can be no doubt that the ability to use HPVs significantly improves efficiency and improves profitability. A recent application for a permit to operate Modern Road Trains on a section of the Bruxner Way indicated that a benefit of \$25,000 per annum would be achieved by one farmer alone if Road Trains were used instead of B-Doubles. The application was refused as a number of drainage structures had inadequate widths and the associated risks could not be mitigated without widening these structures. The cost to undertake such improvements would be significant. Council's current policy requires all costs associated with approving access to RAVs to be born by the applicant. The cost burden in this instance was considered too high by the applicant, especially when considering that other operators have the ability to benefit from the improved access at one individual's expense. In such instances, Council identifies these constraints which are targeted in future grant funding opportunities.

Many of the roads in the northern road network do not meet the technical requirements for approving RAVs. This leads to the risk assessment process, whereby in many instances approval could be granted, after risk mitigation works have been completed. These works can range from thousands of dollars for simple signage, to tens of thousands for pavement widening to hundreds of thousands for significant pavement or bridge upgrades. Benefits stemming from access to HPVs would be significant and could improve efficiency to a large number of operators. Most applicants consider it an unfair impost that they are required to fund risk mitigation measures whilst their neighbours and other road users benefit.

Committee Determination

The Committee is requested to develop a policy position regarding two (2) broad issues:

- Level of access for HPV on the road network; and
- Costs associated with RAV route assessment and upgrade works.

This policy position would need to consider that higher maintenance costs will be incurred by Council by improving HPV access to the road network. This higher maintenance cost needs to be balanced against benefits to the agricultural and heavy haulage industry.

Options that the Committee may wish to consider include:

1. Retain existing policy that requires a route by route assessment subject to an application being lodged and all costs associated with approval of Restricted Access Vehicles routes be born by the applicant;
2. Retain existing policy with an addition of clause being added that where a significant benefit to the wider community is identified, that Council consider funding risk mitigation measures from Council's budget;
3. Retain existing policy with an addition of a clause being added that Council apply for grant funding from the State and Federal Government for any applications that have a significant benefit to the wider community.

Should Council wish to pursue option 2, it should note the limited nature of any discretionary funding in Council's forward works program. Any upgrade funding to facilitate RAV movements would need to be balanced against other asset management priorities.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: S.08 Civil infrastructure is secured, maintained and used to optimum benefit.

Term Achievement: S.08.01 An asset management strategy is in operation for civil infrastructure that optimises its use and maintains it to agreed standards fit for its contemporary purpose.

Operational Objective: S.08.01.01 An Asset Management Strategy for Civil assets is developed, maintained and implemented.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

A matter for the Committee.

ITEM NO:	4.	FILE NO: S18.6.19
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	SERVICE LEVEL REQUIREMENTS - FLOOD MONITORING	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

NSW Office of Water (NOW) operates and maintains the system of Flood Warning Monitoring Sites within the Shire under agreement with Council. Each year a service level agreement is entered into between NOW and Council. Over recent years, the cost associated with this agreement has significantly increased. An investigation into service level requirements for flood monitoring has been undertaken and the results of this investigation are included in the below report.

COMMENTARY:

At the July, 2015 Civil and Environmental Services Committee meeting it was resolved that;

- i) *an investigation into the service level requirements for flood warning monitoring be undertaken; and*

- ii) *a further report be presented to the Committee outlining possible options for provision of services for the 2015/16 year.*

This was in response to a report that highlighted changes to the agreement between NOW and Council, with the fee for the provision of service increasing from \$56,000 to \$100,000. A copy of the report is attached as Appendix 2 (D26-D27) for the information of the Committee.

An investigation into the service level requirements for flood warning monitoring has been undertaken with significant input from State Emergency Services as well as Council's Flood Controller, Councillor David Jones and the results are as follows.

A significant area of land in the Inverell Shire is prone to flooding. The impacts of the 1976 and 1991 floods were substantial with severe impacts on property, equipment and livestock. A monitoring system that provides adequate warning time is absolutely essential in order to minimise damage to property and to provide for the safety of Shire residents.

Council currently has a budget allocation of \$56,500 for the operation and maintenance of flood warning monitoring sites. This budget allocation carried the expectation that there may have been an opportunity to reduce the fee following negotiations. Unfortunately there was no provision for this to occur again. The change in fee from NOW for provision of services of \$99,078 equates to a budget shortfall of \$42,578. A number of aspects were investigated in order to determine the possibility of reducing the financial burden on Council whilst continuing to provide a robust flood warning monitoring network.

Potential for Alternative Service Provider

Other service providers are available in this industry. Reference checks were carried out with a number of other Councils who have utilised services of alternate service providers. In each case, the Councils have now reverted back to utilising NOW. The comments from the Councils contacted suggested that the service being provided by alternative providers is unacceptable as it did not meet the required standard, particularly relating to the ability to provide on site availability, particularly when it came to servicing and monitoring of equipment.

Potential for Alternative Technology

Under the current agreement NOW provides Council with the most up to date technology available. Other technology could potentially be used, this would however reduce the reliability of the system and also come at an unacceptable capital cost to install different hardware. It was determined that a change in monitoring technology was not a viable option.

Potential for Alternative Funding Source

Discussions were held with other agencies, notably NOW and SES to determine if they could provide funding to aid Council. Both agencies have indicated that they are unable to assist Council in this matter.

Reduction in Number of Monitoring Sites

The final option available in order to reduce the cost associated with the provision of this service is to continue to utilise NOW with the current technology, but with a reduced number of sites. This option would reduce the amount of information available and therefore impact the amount of warning time available to floods stemming from certain areas of the catchment. Whilst it is not possible to quantify the exact reduction in warning time that may result from reducing sites, it is notable that any reduction in flood intelligence comes with significant reputational risk to Council.

Both the SES and Council's Flood Controller have indicated that this option would have a significant impact on their flood monitoring and prediction efforts. The current number of sites (14) and their location has been determined in order to provide an adequate level of flood warning monitoring service.

If any of the above options were to be pursued by Council, the accuracy and integrity of the flood warning monitoring network would be reduced. Significant risk to property and persons exist within the shire and any decision by Council to reduce the level of flood intelligence would come with a significant amount of reputational risk. It is for these reasons that it is not recommended to pursue any of the above options. Given that Council operates under a balanced budget, if the Committee were to accept the service provision from NOW a funding source for the additional \$42,578 will be required to be determined.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: S.13 Provide communities with quality potable water supply, effective drainage and sewerage systems.

Term Achievement: S.13.01 Council has developed and implemented a sustainable Integrated Water Management Strategy compliant with Government Best-Practices and legislation.

Operational Objective: S.13.01.03 To provide a stormwater drainage system, which minimizes the impact of storm events, is cost effective, customer focused and caters for the sustainable growth of the community while assisting the health of the Shire's river system.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

A budget allocation has not been provided in the 2016/2017 Draft Budget for the additional \$43K.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

A matter for the Committee.

ITEM NO:	5.	FILE NO: S28.11.1
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	ADMINISTRATION OF WEIGHT OF LOADS GROUPS	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

The North West Weight of Loads (WOL) Committee has requested that each of its member Councils discuss and provide feed back regarding the desirability of WOL being a mandated function of Joint Organisations.

COMMENTARY:

The North West Weight of Loads (NWWOL) group is a cooperative comprising member Councils of Gwydir Shire, Glen Innes Severn, Narrabri Shire, Gunnedah Shire, Warrumbungle Shire, Dubbo Shire, Inverell Shire and Moree Plains. Administration of the group is currently undertaken by Moree Plains Shire Council.

The function of the group is to police roads for heavy vehicle offences such as overloading and breaches of relevant heavy vehicle law, with the purpose of protecting the road assets of each member Council.

Council is now requested to consider its position regarding the future administration of WOL and to determine if it believes WOL should be a mandated function of Joint Organisation of Councils.

Three (3) specific issues need to be discussed:

Capacity of Joint Organisations (JO) to Administer WOL

Currently the member Councils of the NWWOL are covered by three (3) different proposed JO. This raises the question of which JO would administer WOL and how this would impact individual Councils. The current level of administrative support for JOs would be inadequate to properly administer WOL operations which would possibly lead to increased cost that would have to be passed onto member Councils. This increase in cost would potentially act to deter any current non member Council from becoming a member of the WOL group.

Discretionary or Compulsory Membership of WOL Groups

Currently membership of a WOL group is at the discretion of each individual Council. Each Council has the ability to assess the cost and benefits associated with being a member and join or terminate membership as they see fit. If WOL was to become a mandated function of JOs a determination would need to be made as to whether all members of the JO were required to take the service and also contribute to the costs of its administration. Would it continue to remain discretionary or would it become compulsory for members of the JO to take the service? If the service is compulsory for all members then the issue of more inspectors to service the expanded service area would need to be considered if the existing service levels were to be maintained. This may cause some issues in terms of the JOs maintaining support with its members.

Would Proposed Change Apply State Wide or Locally

It is the view of the NWWOL that any changes to the administration of WOL should be applied consistently across the state. If Council were to consider supporting any proposal to have the administration of WOL changed, it would need to be determined if this should apply locally or if the changes be recommended state wide.

Historically, New England Councils have been reluctant to support the NWWOL. It should be noted that as recently as 2015, Glen Innes Severn Council noted their intention to review the current levels of service with a view of potentially reducing their contribution.

Currently the WOL activity is a discretionary function that is administered in a structure that is independent of any JO.

The Committee is requested to determine a position as to whether:

1. The function and administration of the Weight of Loads should remain as per the current arrangements; or
2. Weight of Loads should be a mandated function of Joint Organisation of Councils.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: S.10 Maintain and enhance a safe, efficient and effective local road network.

Term Achievement: S.10.01 Road network capacity, safety and efficiency are improved and traffic congestion is reduced.

Operational Objective: S.10.01.01 A program is being implemented to address deficiencies and areas of congestion in the local road network.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

A matter for the Committee.

ITEM NO:	6.	FILE NO: S30.8.1
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	CONSIDERATION OF THE LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS	
PREPARED BY:	Graham Bendeich, Manager Environmental Engineering	

SUMMARY:

The following report contains recommendations from the meeting of the Local Traffic Committee (LTC) held on 30 May, 2016. Council is requested to consider the advice from the LTC prior to exercising any delegation from the Roads and Maritime Services (RMS) in respect of traffic control facilities and prescribed traffic control devices.

The LTC assessment is related only to the technical matters consistent with RMS policies, guidelines and standards. Other relevant matters for consideration have also been detailed in this report. Council is requested to consider the advice of the LTC and other relevant matters in making a final determination.

COMMENTARY:

- LINE MARKING ON OLD BUNDARRA ROAD S28.9.16

SUMMARY:

Linemarking of the centre line of Old Bundarra Road is proposed from Devon Street to Leviathan Road.

LOCAL TRAFFIC COMMITTEE RECOMMENDATION (voting: unanimous support)

That the Traffic Committee recommend to Council that linemarking be applied to Old Bundarra Road from Devon Street to Leviathan Road.

OFFICERS COMMENTARY:

There have been many requests for linemarking of this road over a number of years to improve safety and there are now funds available for this work.

2. LINEMARKING OF MACINTYRE, CAMERON AND MEDORA STREETS, INVERELL S28.9.16

SUMMARY:

It is proposed to linemark the centerline and edge of parking lanes in Macintyre, Cameron and Medora Streets from Old Bundarra Road to Bundarra Road to improve delineation.

LOCAL TRAFFIC COMMITTEE RECOMMENDATION (voting: unanimous support)

That the Traffic Committee recommend to Council that linemarking be applied to Macintyre, Cameron and Medora Streets from Old Bundarra Road to Bundarra Road to improve delineation.

OFFICERS COMMENTARY:

The linemarking will define the travel lanes on these relatively wide streets and provide improved guidance for motorists.

3. STOP SIGN – INTERSECTION OF SHORT STREET AND RUNNYMEDE DRIVE S28.9.18

SUMMARY:

It is proposed to install a stop sign on the Short Street approach to the intersection as there is restricted sight distance due to adjacent trees.

LOCAL TRAFFIC COMMITTEE RECOMMENDATION (voting: unanimous support)

That the Traffic Committee recommend to Council that a stop sign be installed on the Short Street approach to the intersection.

OFFICERS COMMENTARY:

There have been accidents at the location and the restricted sight distance from the Short Street approach looking north means the warrant for a stop sign under RMS guidelines is met.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: S.10 Maintain and enhance a safe, efficient and effective local road network.

Term Achievement: S.10.01 Road network capacity, safety and efficiency are improved and traffic congestion is reduced.

Operational Objective: S.10.01.01 A program is being implemented to address deficiencies and areas of congestion in the local road network.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

1. LINE MARKING ON OLD BUNDARRA ROAD S28.9.16

Council is using its delegated authority to install a prescribed traffic control device.

2. LINE MARKING OF MACINTYRE, CAMERON AND MEDORA STREET, INVERELL
S28.9.16

Council is using its delegated authority to install a prescribed traffic control device.

3. STOP SIGN – INTERSECTION OF SHORT STREET AND RUNNYMEDE DRIVE
S28.9.18

Council is using its delegated authority to install a prescribed traffic control device.

RECOMMENDATION:

That the Civil and Environmental Services Committee recommend to Council that:

1. LINE MARKING ON OLD BUNDARRA ROAD S28.9.16

Linemarking be applied to Old Bundarra Road from Devon Street to Leviathan Road.

2. LINEMARKING OF MACINTYRE, CAMERON AND MEDORA
STREETS, INVERELL S28.9.16

Linemarking be applied to MacIntyre, Cameron and Medora Streets from Old Bundarra Road to Bundarra Road.

3. STOP SIGN – INTERSECTION OF SHORT STREET AND RUNNYMEDE DRIVE
S28.9.18

A stop sign be installed on the Short Street approach to the intersection.

APPENDIX 1

Our Ref: S11.12.7
Contact: Anthony Alliston

30 May 2016

Biodiversity Reforms - Have Your Say
PO Box A290
Sydney South
NSW 1232

Dear Sir/Madam

**INVERELL SHIRE COUNCIL SUBMISSION
LAND MANAGEMENT AND BIODIVERSITY CONSERVATION REFORMS**

Reference is made to the consultation package of reforms to land management and biodiversity conservation, released by the NSW Government on 3 May 2016.

Council commends the Government's intention to simplify regulation of native vegetation, animals and threatened species. The following matters are raised for consideration:

- Council supports land zoned R5 Large Lot Residential under local environmental plans being classified as 'Category 3 Excluded Land'.
- A draft Native Vegetation Regulatory Map should have been included as part of the consultation package. The detailed method statement is not considered adequate for landowners to determine how they will be impacted by the reforms.

It is recommended that once a draft Native Vegetation Regulatory Map has been finalised, it is subject to a separate consultation process, prior to formal adoption.

- A proposed State Environmental Planning Policy is proposed for vegetation clearing on Category 3 Excluded Land. This policy will replace tree preservation provisions within local environmental plans.

Council does not support the one-size-fits-all approach of a State Environmental Planning Policy. Tree preservation controls should be determined at a local level through relevant local environment plans.

If you wish to discuss this further Council's Development Services can be contacted on 67288200.

Yours faithfully,

ANTHONY ALLISTON

MANAGER DEVELOPMENT SERVICES

APPENDIX 2

ITEM NO:	1.	FILE NO: S18.6.19
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	CHANGE TO AGREEMENT - PROVISION OF FLOOD WARNING MONITORING SERVICES	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

This report outlines proposed changes to the service agreement between Council and the NSW Office of Water, relating to operation and maintenance of Flood Warning Monitoring Sites within the Shire. The Committee is requested to determine if a review of the service levels is required, given the exponentially increased fee structure for the service.

COMMENTARY:

NSW Office of Water (NOW) operate and maintain the system of Flood Warning Monitoring Sites within the Shire under agreement with Council. Each year a service level agreement is entered into between NOW and Council. Typically the fee for NOW's services is paid for in advance, with an annual increase of the fee based on CPI. The fees levied over the past four (4) years are shown below:

Annual NOW fee for services	(GST ex)
2010/11	\$30,000
2011/12	\$42,000
2012/13	\$55,200
2013/14	\$56,000

Locations of the Flood Warning Monitoring Sites are shown below:

Number	Site Name
1	Frazers Creek @ Westholm (Ashford)
2	Macintyre River @ Ridgeland
3	Middle Creek @ Ferndale
4	Macintyre River @ Little Valley
5	Macintyre River @ Elsmore Bridge
6	Macintyre River @ Yetman
7	Kings Creek @ Gred
8	Paradise Creek @ Paradise Station
9	Kings Creek @ Newstead North
10	Macintyre River @ Wyoming
11	Middle Creek @ Stannifer
12	Macintyre River @ Riverstone
13	Macintyre River @ Tintot
14	Frazers Creek @ Glenorchy

The agreement for the 2014/15 financial year was not received by Council until very late in the financial year (May). The clause in the agreement relating to Fees and Expenses had changed significantly compared to previous years and stated;

NOWs fee for the Services will be \$101,237 (ex GST) for the 2014-15 financial year. Cost will be recovered by way of one annual invoice to be paid in advance. The fee is based on the current NSW Office of Water Corporate rate for Level and Rainfall in Table 1 below. At the visit frequency nominated at sites in Table 5 below. Plus CPI (3.2%) for the year. (this pricing now brings this account in line with NOW's corporate pricing rate. In the past this account has been heavily subsidised by NOW).

Given the significant change to the agreement and the fact that the agreement was not provided to Council in a timely manner, the matter was further pursued. Negotiations between Council staff and NOW have resulted in the fee for the 2014-15 financial year being reduced to \$58,600 (ex GST). The agreement has been amended and executed under delegated authority and is now considered to be finalised.

During negotiations, NOW indicated that Council can expect the service agreement for 2015/16 financial year to include a fee based on their corporate pricing rate, with the fee expected to be in excess of \$100,000. NOW staff explained that Inverell Shire Council is one of a number in the state that were previously heavily subsidised by the State Government. While a number of other Councils were not subsidised, operating on a user pays system, in accordance with the corporate fee structure, NOW have determined that subsidies will no longer be provided to any Council and all agreements will be carried out on the basis of user pays.

As a result, it is intended that an investigation into the service level requirements be undertaken. This investigation will incorporate consultation with key stakeholders such as the State Emergency Service. A further report will be presented to the Committee, outlining the critical issues relating to Flood Warning Monitoring Sites and the possible options for provision of services for the 2015/16 year.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: C.03 Promote an ordered and safe Community.

Term Achievement: C.03.02 Appropriate management plans and facilities are developed and implemented in partnership with emergency services.

Operational Objective: C.03.02.01 To ensure the availability of an adequate emergency response service within the Shire to deal with the natural disasters and man made incidences.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That the Committee recommend to Council that:

- i) an investigation into the service level requirements for flood warning monitoring be undertaken; and*
- ii) a further report be presented to the Committee outlining possible options for provision of services for the 2015/16 year.*

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 08/06/2016

ITEM NO:	1.	FILE NO: S28.21.1/09
DESTINATION 5:	The communities are served by sustainable services and infrastructure.	S
SUBJECT:	WORKS UPDATE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

This report is intended to keep Council updated on the capital works and maintenance programs.

COMMENTARY:**Ashford Road Realignment and Widening – North of Byron Station Lane**

Construction works are continuing along this section of Ashford Road. Earthworks on the realignment section have been completed along with installation of all new drainage culverts. Pavement material has been put down to the sub base layer. Works have begun on boxing out the shoulders of the existing road for the remaining section and will progressively be brought up to the sub base layer over the coming month at which point works will commence on the base layer for the entire length. The project is due to be completed in August, 2016.

Ashford Road Rehabilitation and Widening – South of Byron Station Lane

This project includes road rehabilitation and widening of a 1km section of Ashford Road located 7.5km north of Inverell. Construction on this project began in mid April and finished the end of May, 2016. The project has now reached the stage of practical completion. Given the current cold weather a primer seal was applied, the final coat of bitumen seal will be applied during the 2016/2017 bitumen reseal program later this year. The use of a primer seal is common practice when the weather or other conditions are unsuitable for the application of a two coat seal. The prime seal is adequate to accommodate traffic and no negative impacts are expected.

Old Bundarra Road Rehabilitation – Macintyre Street to Lions Park

The road works have commenced on a 640m section of Old Bundarra Road between the intersections of Rosslyn Street and Macintyre Street. This project includes road rehabilitation and guardrail renewal to a culvert bridge near the sewerage pump station. Earthworks commenced in early June, 2016. During the construction period, the road is closed and a traffic detour is in place via Auburn Vale Road and Macintyre Street. Road users were notified of the closure through radio and Inverell Times advertisements, a letter drop and door knock of adjacent residents as well as the placement of a variable message board prior to and during construction. Only four (4) phone calls were received by Council prior to project commencement regarding the closure and in each instance once the process was explained the issues of the ratepayer were addressed. To date, no complaints have been received regarding the road closure. The project is due to be completed by the end of June, 2016.

Active Transport Program – Cycleway Construction and Kerb Ramps

Works are now completed on the cycleway adjacent Victoria Park from Vivian Street to Lawrence Street. This work was completed early May, 2016. New kerb ramps are also completed for Wood Street between Oliver and Evans Streets and Evans Street between Wood and Vivian Streets. This concludes the Active Transport Program for the 2015/2016 financial year.

Additional Active Transport Funding has been allocated for this financial year. Cycleway works will commence early June, 2016 along Rivers Street from Lawrence Street to Mansfield Street. This work will be completed by the end of June, 2016.

Maintenance Grading

Maintenance grading works were undertaken on the following roads during May, 2016:

SR 59 Graman Road	23.1km
SR 240 Elsmore Road	24.6km
SR 260 Paradise Road	10.6km
Total	58.3km

Reactive /Spot Grading

Reactive/spot grading works were undertaken on the following roads during May, 2016.

SR 24 Mount Hallam Road	4.5km
SR 33 Limestone Road	17.0km
SR 34 Sandy Creek Road	2.0km
SR 54 Emmaville Road	15.5km
SR 58 Rocky Creek Road	3.5km
SR 74 Gobberts Road	3.0km
SR 110 Rob Roy Road	5.2km
SR 128 Delungra Road	10.29km
Total	61.0km

Heavy Patching

No heavy patching works were undertaken during May, 2016.

Project development for significant heavy patching on Guyra Road is underway; these works will commence in early June and will be completed over an approximate three (3) week period.

Gravel Resheeting

No gravel resheeting was undertaken in May, 2016.

Gravel Patching

Gravel patching works were undertaken on the following roads during May, 2016.

SR 252 McLachlans Lane	1.3km
Total	1.3km

Other Maintenance Activities

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities, such as bitumen patching, drainage and shoulder repairs as well as vegetation control, are continuing as required. Town maintenance will continue as programmed.

RECOMMENDATION:

That the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 8 June, 2016, be received and noted.