

INVERELL SHIRE COUNCIL

NOTICE OF MEETING

CIVIL & ENVIRONMENTAL SERVICES COMMITTEE

4 November, 2016

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 9 November, 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
SECTION B	ADVOCACY REPORTS
SECTION C	COMMITTEE REPORTS
SECTION D	DESTINATION REPORTS
SECTION E	INFORMATION REPORTS
SECTION F	GENERAL BUSINESS
SECTION G	CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

8.30AM	INSPECTION OF 30 KING STREET, INVERELL(DA-122/2016) (DEPART ADMINISTRATIVE CENTRE 8.30AM SHARP)
9.00AM	PUBLIC FORUM
9.05AM	PRESENTATION BY REPRESENTATIVES OF INVERELL COMMUNITY GARDENS
9.25AM	PRESENTATION BY REPRESENTATIVES OF INVERELL MOUNTAIN BIKE CLUB
9.35AM	ASSET MANAGEMENT INDUCTION

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, 9 November, 2016

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MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON
WEDNESDAY, 12 OCTOBER, 2016, COMMENCING AT 8.30 AM.

PRESENT: Cr P J Harmon (Chairperson), Crs D F Baker, S J Berryman and J N McCosker.

Also in attendance: Crs C M Dight, J A Watts and A A Michael.

Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services), Ken Beddie (Director Corporate and Economic Services), Stephen Golding (Executive Manager Corporate and Community Services), Justin Pay (Manager Civil Engineering), Anthony Alliston (Manager Development Services), David Strugnell (Asset Management Coordinator), Michael Bryant (Manager Environmental Engineering (Designate)) and Phil Sutton (Environmental Compliance Coordinator).

SECTION A

APOLOGIES:

An apology was received from Cr M J Peters.

RESOLVED (McCosker/Berryman) that the apology from Cr Peters for business reasons be noted and leave of absence be granted.

1. CONFIRMATION OF MINUTES

RESOLVED (Baker/Berryman) that the Minutes of the Civil and Environmental Services Committee Meeting held on 10 August, 2016, as circulated to members, be confirmed as a true and correct record of that meeting.

2. PUBLIC FORUM S13.5.6/09

At this juncture, the time being 8.35am, the Chair welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Mrs Peta Blyth Opera in the Paddock

Mrs Blyth addressed the Committee on the 2017 "Opera in the Paddock" event. Key areas were highlighted, such as the significant contribution to the Economic Cultural Tourism, the State and National wide exposure of the Inverell Shire and the enhancement of cultural development.

The presentation was to inform the Councillors of the event and the request for financial support for the 2017 event.

At this juncture, the time being 8.45am, the Public Forum Session closed and the Committee resumed the balance of the Agenda.

3. ELECTION OF CHAIRPERSON

CSOP-A The General Manager advised Councillors of the requirements of Council's Meeting Code and the need to elect a Chairperson for the next one (1) year term.

The General Manager advised Councillors of the entitlement under the Code for the Mayor to Chair Committee Meetings. Cr Harmon declined to exercise the right to Chair the Meeting, inviting the General Manager to call for nominations for the position of Chairperson.

The General Manager called for nominations for the position of Chairperson:

Two (2) nominations for the position of Chairperson were received being Cr Baker and Cr Berryman. Following the conduct of a ballot, both candidates returned an equal number of votes. The General Manager proceeded to choose a candidate by lot.

The General Manager wrote names of both candidates on a similar slip of paper then folded so as to prevent the names from being seen and placed into identical containers. The containers were then mixed and one drawn at random.

The candidate whose name was on the slip within the drawn container was Cr Baker.

Cr Baker was declared duly elected as Chairperson for the ensuing one (1) year period.

At this juncture the time being 8.50am Cr Baker assumed the Chair.

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

There were no interests declared.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

6. INDUCTION – CIVIL & ENVIRONMENTAL SERVICES

The Director Civil & Environmental Services, Mr Brett McInnes gave a presentation to Councillors which included a brief overview of the Civil & Environmental Services division.

SECTION B
ADVOCACY REPORTS

Cr Michael Ross Hill Reserve

Cr Michael noted the recent announcement by Member for Northern Tablelands, Mr Adam Marshall that will see the Ross Hill Reserve receive \$43,800 from the Social Housing Community Improvement Fund.

Cr Harmon Telstra Inverell Sapphire City Festival

Cr Harmon noted the cancellation of the Mayoral Ball that was to be held on 8 October, 2016 due to the lack of ticket sales.

Cr Harmon also noted the Inverell Breakfast Toastmasters "Communicator of the Year" evening being held this Friday, 14 October, 2016 at the Inverell RSM Club. The evening will now include the introduction of the 2016 Festival Queens.

SECTION D
DESTINATION REPORTS

1. BITUMEN RESURFACING PROGRAM 2016/17 \$28.21.1/09

MCE-A *RESOLVED (Harmon/Berryman) that the Committee recommend to Council that:*

i) *the 2016/17 Bitumen Resurfacing Program as presented be adopted; and*

- ii) *the adopted program be placed on Council's webpage and facebook for the information of the community.*

2. GRAVEL RESHEET PROGRAM 2016/17 S28.21.1/09

MCE-A *RESOLVED (Harmon/McCosker) that the Committee recommend to Council that:*

- i) *the 2016/17 Gravel Resheeting Program as presented be adopted; and*
- ii) *the adopted program be placed on Council's webpage and facebook for the information of the community.*

3. TENDER - T1/2017 CONSTRUCTION AERATION TANK INVERELL SEWAGE TREATMENT PLANT (LISTING) S4.19.15

RESOLVED (Harmon/Berryman) that the matter be referred to Closed Committee for consideration as:

- i) *the matters and information are 'commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.' (Section 10A(2)(d)(i) of the Local Government Act, 1993);*
- ii) *on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and*
- iii) *all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.*

SECTION E
INFORMATION REPORTS

1. MAINTENANCE GRADING 2015/2016 S28.21.1/09

2. UPDATE - PARKING IN OSWALD STREET AND INVERELL HIGH SCHOOL TRAFFIC MANAGEMENT S28.10.IN163

3. PHOTOGRAPHIC ARCHIVAL RECORDING – NEWSTEAD STATION GROUP S15.8.8

4. AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS) S24.20.5

5. WORKS UPDATE S28.21.1/09

RESOLVED (Harmon/Berryman) that the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 12 October, 2016, be received and noted.

SECTION F
GENERAL BUSINESS

Manager Civil Texas – Silver Mining
Engineering

Manager Civil Engineering, Mr Justin Pay advised that the Queensland and New South Wales Environment Protection Authority are collaborating on the closure of an old silver mining area and the decommissioning of the water run-off catchment/holding areas of the facility as these holding areas have possible heavy metal contamination.

Manager Civil Road Sealing Works
Engineering

Manager Civil Engineering, Mr Justin Pay advised that interim sealing works are being undertaken on Mansfield Street and the Glen Innes Highway.

SECTION G
CONFIDENTIAL REPORTS IN CLOSED COMMITTEE
(SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT 1993)

At 10.40am, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Committee Meeting should not be considered in Closed Committee. No members of the public were present to make representations.

CLOSED COMMITTEE REPORTS

RESOLVED (Berryman/Harmon) that the Committee proceed into Closed Committee to discuss the matters referred to it, for the reasons stated in the motions of referral.

Upon resuming Open Committee, at 10.46am, the Chair verbally reported that the Committee, with the Press and Public excluded, having considered the matters referred to it, recommends as follows:

1. TENDER - T1/2017 CONSTRUCTION AERATION TANK INVERELL
SEWAGE TREATMENT PLANT S4.19.15

MEED-
A
EXA-A

That the Committee recommend to Council that:

- i) *Council accept the tender from Eire Constructions Pty Ltd including the variations for the supply of submersible pumps and revised rates for bored piles, in the sum of \$1,919,997; and*
- ii) *the Common Seal of Council be affixed to the Contract documents.*

ADOPTION OF RECOMMENDATION

RESOLVED (Harmon/Berryman) that the recommendation from Closed Committee be adopted.

There being no further business, the meeting closed at 10.47am.

CR D F BAKER

CHAIRPERSON

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 09/11/2016

ITEM NO:	1.	FILE NO: S4.19.14
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	TENDER T2/2017 DESIGN & RECONSTRUCTION OF TINTOT BRIDGE, GRAMAN ROAD (LISTING)	
PREPARED BY:	Michael Bryant, Manager Environmental Engineering (Designate)	

SUMMARY:

The purpose of this report is for Council to consider tenders received for the design & reconstruction Tintot Bridge Graham Road.

The Committee is requested to consider a confidential report on this matter.

COMMENTARY:

Local Government Act 1993 (the Act), and the *Local Government (General) Regulation 2005* makes provision for the closure of meetings to the public and media in specified circumstances. In particular s.10A of the Act provides that Council may close to the public and media so much of a meeting as relates to the discussion and consideration of information identified in s.10A(2). The matters which may be closed to the public and media, as stated in the Act, must involve:

- (a) *Personnel matters concerning particular individuals (other than councillors.)*
- (b) *The personal hardship of any resident or ratepayer.*
- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*
- (d) *Commercial information of a confidential nature that would, if disclosed:*
 - (i) *prejudice the commercial position of the person who supplied it, or*
 - (ii) *confer a commercial advantage on a competitor of the council, or*
 - (iii) *reveal a trade secret.*
- (e) *Information that would, if disclosed, prejudice the maintenance of law.*
- (f) *Matters affecting the security of the council, councillors, council staff or council property.*
- (g) *Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*
- (h) *Information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

In considering whether to close a part of a meeting to the public and media, Councillors are also reminded of further provisions of s.10D of the Act which states:

Grounds for closing part of meeting to be specified

- (1) *The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.*
- (2) *The grounds must specify the following:*
 - (a) *the relevant provision of section 10A (2),*
 - (b) *the matter that is to be discussed during the closed part of the meeting,*

- (c) *the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

Having regard for the requirements stated in s.10D of the Act Councillors should note that the matter listed for discussion in Closed Committee includes information which is considered to be commercially sensitive.

The recommendation that this item of business be considered in Closed Committee is specifically relied on section 10A(2)(d)(i) of the Act as consideration of the matter involves:

- a) Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and
- b) On balance, the public interest in preserving the confidentiality of the matter outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

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:

That the matter be referred to Closed Committee for consideration as:

- i) *the matters and information are 'commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.' (Section 10A(2)(d)(i) of the Local Government Act, 1993);*
- ii) *on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and*
- iii) *all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.*

ITEM NO:	2.	FILE NO: S30.9.11
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	APPLICATION FOR RESTRICTED ACCESS VEHICLE ROUTE – BURTENSHAW ROAD, INVERELL	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Council is in receipt of an application for a Restricted Access Vehicle (RAV) route on Burtenshaw Road, Inverell. B-Double access is requested along Burtenshaw Road, from the Ashford Road to Inverell Landfill and Council gravel storage yard. The findings of the assessment are submitted to the Committee for consideration.

COMMENTARY:

An internal application from Council staff has been received, requesting Burtenshaw Road be formally gazetted as a B-Double Route. Council has an operational need for B-Double access on this route for Landfill activities, as well as other general deliveries and functions for the Works Depot. This section of road between Ashford Road, the Inverell Landfill and Council Gravel storage yard has been utilised by B-Doubles for many years. It would appear to be an oversight that the route is not already approved for B-Double usage.

An assessment of the application was undertaken according to Council's Restricted Access Vehicle and Higher Mass Limits policy and the RMS guidelines. Attached as Appendix 1 (D65 – D72) is a copy of the assessment, including a map of the route.

The assessment indicates that the route on Burtenshaws Road is suitable for Restricted Access Vehicles.

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:

Assessment was carried out in accordance with Council policy and RMS guidelines.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

RECOMMENDATION:

That the Committee recommend to Council that 750m of Burtenshaw Road, from MR137 Ashford Road to the Inverell Landfill be approved and gazetted as B-Double Route.

ITEM NO:	3.	FILE NO: S28.23.1/09
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	ROAD CLOSURE - VENETIAN CARNIVAL	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Council is in receipt of a request from Inverell Apex Club for the closure of Captain Cook Drive for activities associated with the 2016 Venetian Carnival. Apex has requested that Council waive the fee associated with the road closure. The Committee is requested to make a determination regarding the road closure and associated fee.

COMMENTARY:

Council is in receipt of a request from Inverell Apex Club for the closure of Captain Cook Drive for activities associated with the 2016 Venetian Carnival. A copy of the correspondence is attached as Appendix 2 (D73) for the information of the Committee.

The Apex Venetian Carnival is a major fundraiser for many service clubs in town and attracts many families to Campbell Park to enjoy the festivities. The 2016 Carnival will be held on Saturday, 3 December. Historically Captain Cook Drive has been closed in the vicinity of Campbell Park for the duration of the carnival to ensure safety of pedestrians accessing the carnival.

In recent years, the Apex have been advised that the cost associated with the road closure were the responsibility of the event organisers, as per Council policy. During the period between 2011 and 2014, the Club deemed this expense too great and the event has been held without the road closure. The Apex Club have indicated that they consider that the risk of leaving the road open during the event is no longer acceptable. This view is shared by the Manager of Civil Engineering as well as the local Police. It is proposed to close the road for the duration of the carnival, between the hours of 5pm and 10pm, at the location between Byron Street Roundabout and the entrance of Pasterfield car park. Council has legislated authority under the *Roads Act* to grant a permit for an event with an associated road closure. Should Council agree to the requested road closure, the appropriate approvals will also be obtained from the NSW Police.

The estimated cost associated with implementing the road closure whilst utilising labour donated by suitably qualified persons is \$320 plus GST, this is inclusive of the cost to advertise the road closure in the Inverell Times and on local radio. The Apex club request that the Committee consider the incurred cost as a donation.

Council considered a similar request from Apex with respect to the 2015 event at the Ordinary Council meeting in November, 2015 and resolved, inter alia; (RES-115/15)

- i) *Council grant a permit for the Venetian Carnival and permission for the closure of Captain Cook Drive between the Byron Street Roundabout and the entrance of Pasterfield car park between the hours of 5pm and 10pm on Saturday, 5 December, 2015;*
- ii) *Council provide a donation of \$200.00 towards the cost of the road closure for the carnival.*

Conclusion

The Committee is requested to make a determination regarding:

- Granting a permit for the Venetian Carnival and permission for the closure of Captain Cook Drive between the Byron Street Roundabout and the entrance of Pasterfield car park, between the hours of 5pm and 10pm on Saturday 3rd December, 2016; and
- The request for the incurred costs associated with the road closure being considered as a donation.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

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

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

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

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Council has legislated authority under the *Roads Act* to grant a permit for an event with an associated road closure. Should Council agree to the requested road closure, the appropriate approvals will also be obtained from the NSW Police.

RECOMMENDATION:

A matter for the Committee.

ITEM NO:	4.	FILE NO: S18.6.11
DESTINATION 1:	A recognised leader in a broader context	R
SUBJECT:	RE-APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE NORTHERN NSW JOINT REGIONAL PLANNING PANEL	
PREPARED BY:	Anthony Alliston, Manager Development Services	

SUMMARY:

This report has been initiated by correspondence from the Department of Planning and Environment to confirm Council's representatives to the Northern NSW Joint Regional Planning Panel.

COMMENTARY:

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

Each of the six (6) regional panels is comprised of five (5) members; three (3) appointed by the Minister and two (2) appointed by the relevant local council.

At the Ordinary Meeting of Council held 16 October, 2012, it was resolved to nominate Council's Director Civil and Environmental Services, Mr Brett McInnes and Mr Peter Lloyd as Council's representatives on the Northern NSW Joint Regional Planning Panel.

The Department of Planning and Environment has requested that following the recent Council election that Council nominate new members to the Northern Joint Regional Planning Panel. The Department has also indicated that Council should have regard to the expertise requirements set out in Schedule 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) when selecting its members. A copy of the correspondence from the Department is included as Appendix 3 (D74 – D75) to this report.

When considering nominees it is important to understand that they will not be representing Council or the Inverell community. Individuals are nominated by Council to represent the Crown and to make independent planning decisions in accordance with the *Environmental Planning and Assessment Act 1979*. Panel members will need to abide by a strict code of conduct and will have personal responsibilities as well as potential liabilities.

The Chair of Council's Civil and Environmental Services Committee, Councillor Dianna Baker has expressed an interest in being a Council nominee for the JRPP. Cr Baker has completed a Bachelor of Urban and Regional Planning and would meet the expertise requirements contained in Schedule 4 of the *EP&A Act*. A copy of Schedule 4 of the *EP&A Act* has been included as Appendix 4 (D76 – D81) to this report. There is nothing to prevent Council nominating a Councillor member to the JRPP and this is common practice across the state. As outlined above it would however restrict the advocacy role the Councillor could take on behalf of the local community when exercising their role as part of the JRPP. Councillor Baker is aware of the restrictions associated with being a JRPP member.

Council's organisational structure enables Council's Director Civil and Environmental Services, Mr Brett McInnes to participate in the JRPP without any conflict of interest. This is on the basis of Council's Manager Development Services having responsibility for the preparation of the development assessment report for the Panel. Mr McInnes also meets a range of the expertise requirements contained in Schedule 4 of the *EP&A Act*. Mr McInnes is available and able to be reappointed to the JRPP.

On the basis of the information provided, it is recommended that Council nominate both Cr Dianna Baker and Mr Brett McInnes as Council members to the Northern Joint Regional Planning Panel.

It is worth noting that since commencement of the Joint Regional Planning Panels over seven (7) years ago the Northern JRPP has yet to deal with a single development application within the Inverell Shire.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: R.04 Inverell Shire positively influences policy on rural and regional growth.

Term Achievement: R.04.01 Joint responses and initiatives are regularly developed with neighbouring Councils and regional organisations on rural and regional issues.

Operational Objective: R.04.01.01 Establish a program of regular meetings with neighbouring councils to identify and develop approaches to contemporary regional issues.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

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

RECOMMENDATION:

That the Committee recommend to Council that Council nominate Councillor Dianna Baker and Mr Brett McInnes, Director Civil and Environmental Services as Council representatives to the Northern NSW Joint Regional Planning Panel.

ITEM NO:	5.	FILE NO: DA-122/2016
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	DA-122/2016 – NEW DWELLING (DUAL OCCUPANCY – DETACHED) AND SUBDIVISION – 30 KING STREET, INVERELL 2360	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY

A development application has been received for the construction of a second dwelling (dual occupancy – detached) and subsequent subdivision at 30 King Street, Inverell.

Lot 14 Section 6 DP 17137 is known as 30 King Street and has an area of 1012 square metres. Lot 14 Section 6 DP 17137 has primary frontage to King Street and secondary access from King Lane. There is an existing dwelling located on the property.

The development involves the construction of a new dwelling at the rear of 30 King Street and a subsequent one (1) into two (2) lot subdivision.

Lot 14 Section 6 DP 17137 is zoned R1 General Residential under the *Inverell Local Environmental Plan 2012* and the development is characterised as a 'dual occupancy (detached)'. A *dual occupancy (detached)* is permissible within the R1 zone and the subdivision complies with Clause 4.1D of the *Inverell Local Environmental Plan 2012*.

The application was notified from 6 September, 2016 to 20 September, 2016, with an extension granted to an adjoining property owner until 23 September, 2016. Two (2) submissions were received:

- One (1) submission was received by way of objection; and
- One (1) submission was received requesting a 1.8 metre fence along the boundary with 32 King Street. A 1.8 metre fence has been proposed by the applicant.

Following the end of the notification period and after Council's preliminary assessment of the application, Council requested and was provided additional information from the applicant. The submission maker was provided a further opportunity to review the additional information. A further submission by way of objection was received on 26 September, 2016.

The main issues raised by the submission maker relate to:

- Land Use Conflict;
- Privacy;
- Overshadowing; and
- Compatibility with the streetscape, including height, bulk and scale.

On balance, and having regard to the matters for consideration detailed in Section 79C of the *Environmental Planning and Assessment Act 1979* and relevant Land and Environment Court planning principles it is recommended that DA-122/2016 be approved subject to conditions.

APPLICATION DETAILS

Applicant:	Danbuilt Pty Ltd
Owner:	Danbuilt Pty Ltd
Application No:	DA-122/2016
Address:	30 King Street, Inverell
Title Particulars:	Lot 14 Section 6 DP 17137
Proposed Development:	New Dwelling (Dual Occupancy – Detached) and Subdivision 1a – New Dwelling
BCA Classification	10a – Carport adjacent to the Existing Dwelling
Site Area:	1012 square metres
LEP 2012 Zoning:	R1 General Residential
Existing Use:	Residential – Single Dwelling

DA-122/2016 - APPLICATION HISTORY

<u>Date</u>	<u>Comment</u>
1 September 2016	DA-122/2016 lodged.
6 September 2016	Notification period begins.
16 September 2016	Request for extension to submission period received from submission maker. Extension granted.
20 September 2016	Notification period ends. One (1) submission received, not by way of objection.
23 September 2016	Submission received by way of objection.
6 October 2016	Request for further information, with further information sought in relation to: <ul style="list-style-type: none"> – Sequence of development; – Site coverage ratios; – Site analysis plan; – Shadow diagrams; – Use of King Lane; – Boundary fencing with 32 King Street, Inverell; – Privacy screen; and – Carport plans.

17 October 2016	Additional information submitted.
18 October 2016	Additional information provided to submission maker for review and comment by 26 October, 2016.
26 October 2016	Further submission received by way of objection.

SUBJECT SITE AND LOCALITY

The site is known as Lot 14 Section 6 DP 17137, 30 King Street, Inverell.

Lot 14 Section 6 DP 17137 is a rectangular shaped allotment with an area of 1012 square metres and contains a single storey weatherboard dwelling. The land slopes generally from King Lane (rear) to King Street (front).

Primary access is taken from King Street, which is bitumen sealed with kerb and gutter. Secondary access is available from King Lane, which is part bitumen sealed and part unsealed.

The site is not identified as flood prone land, bush fire prone, containing any heritage items or within a heritage conservation area. A 600mm diameter underground Council stormwater pipe runs through the property (refer Figure 3).

The surrounding area is residential and like most residential areas in Inverell, contains a mixture of lot shapes/sizes, densities (single dwelling and unit development) and building heights (one and two storey). The Macintyre River is located approximately 130 metres to the south, with pedestrian access to the CBD available over the suspension bridge. Inverell High School is located approximately 250 metres to the north (refer Figure 1).

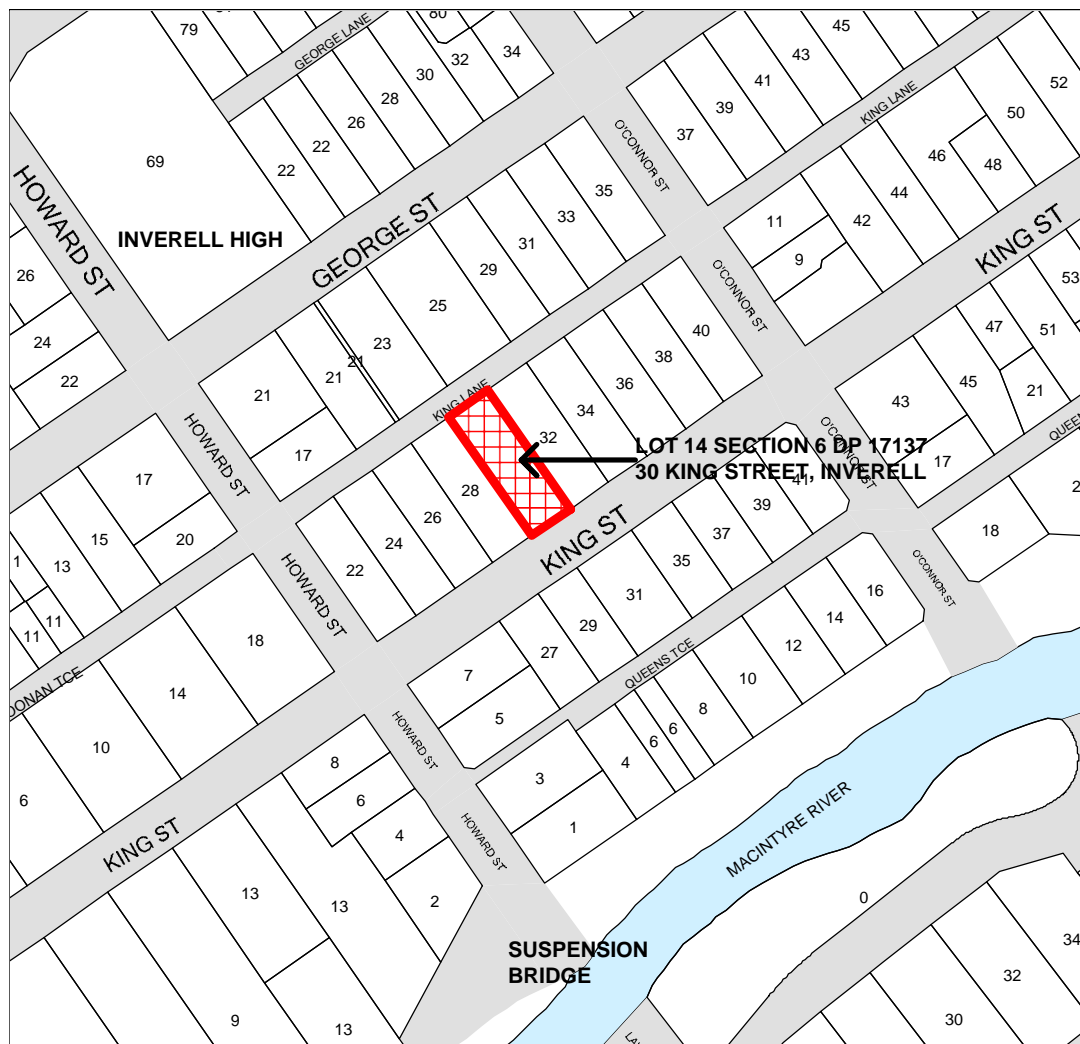


Figure 1 – Locality Plan



Figure 2 – Locality Plan (2009 Aerial)



Figure 3 – Site Plan (2009 Aerial)



Figure 4 - View of development site from King Street



Figure 5 - View of development site rear yard (from adjacent to rear of existing dwelling)



Figure 6 - View of development site from King Lane

PROPOSED DEVELOPMENT

The proposal is for:

- The construction of a new dwelling at the rear of 30 King Street, Inverell, resulting in 'dual occupancy (detached)'; and
- A subsequent one (1) into two (2) lot subdivision pursuant to Clause 4.1D of the *Inverell Local Environmental Plan 2012*.

Construction of a New Dwelling – Dual Occupancy (Detached)

The proposed dwelling is two (2) storeys, with a total floor area of 205.18 square metres, comprised of:

- Ground Floor – 28.27 square metres containing:
 - Garage accessed via King Street.
- First floor – 176.91 square metres containing:
 - 3 bedrooms, main with en-suite;
 - Kitchen;
 - Dining area;
 - Family area;
 - Bathroom;
 - Water closet (toilet);
 - Laundry;
 - Front porch;
 - Rear alfresco area; and
 - Garage accessed via King Lane.

The external materials will be:

- Walls (Ground Floor) - Brickwork;
- Walls (First Floor) – Hardies “Sycon” “Stria” wall cladding; and
- Roof – Zinalume custom orb.

A three (3) metre concrete driveway is proposed to be constructed adjacent to the western boundary of the site to provide access from King Street to the ground floor garage of the dwelling.

The ground floor garage and driveway area will require excavation and the rear yard is to be filled to provide a level open space area. The earthworks will be retained by engineer designed retaining walls.

Other ancillary works include:

- Reconstruction of the King Street access crossings to suit the new driveway arrangements;
- Construction of a new 3.1 metre wide x 6 metre long carport for the existing dwelling;
- Landscaping; and
- Provision of separate services to each dwelling.

Subdivision

Once the dwelling is constructed, 30 King Street will contain a *dual occupancy (detached)*. It is proposed to subdivide the dual occupancy in accordance with Clause 4.1D of the *Inverell Local Environmental Plan 2012*.

The subdivision will result in the following allotments:

<u>Lot</u>	<u>Dwelling</u>	<u>Lot Size</u>	<u>Description</u>
A	Existing Dwelling	393m ²	Rectangular Allotment
B	New Dwelling	619m ²	Battle-axe allotment – Access handle 5 metres wide x 30 metres long

PLANS & DOCUMENTATION

Plans and documentation relevant to the development application have been included as Appendix 5 (D82 – D99) for the information of Committee Members.

- Design plans including:
 - Elevations;
 - Roof plan;
 - Site plan;
 - Site analysis plan;
 - Solar access plan;
 - Landscape plan;
 - Site coverage plan; and
 - Carport details (existing dwelling).
- Statement of Environmental Effects; and
- Addendum to the Statement of Environmental Effects.

For privacy, a copy of the Floor Plans has been circulated separately to the Committee Members.

REFERRALS UNDERTAKEN & OTHER APPROVALS REQUIRED**Internal Referral - Engineering**

The application was referred to Council's Manager Environmental Engineering. The following comments were made:

Access:

- *The existing kerb inlet pit and layback in rollover kerb in King Street require adjusting to suit the new driveway layouts.*
- *The new access crossings are to be bitumen sealed or concreted from the kerb to the boundary.*
- *The access handle for the new dwelling is to be bitumen sealed or concreted.*
- *Access is proposed from King Lane to the garage on the first floor of the dwelling. King Lane will require upgrading to bring it up to bitumen sealed standard from the end of the existing seal to the new access, including necessary drainage.*

Development Planner Comment: The use of King Lane has been assessed in further detail against Chapter 5 of the Inverell Development Control Plan 2013. The applicant has been advised of the need to upgrade King Lane, if the use of the lane is supported.

Water:

- *There is an existing water meter on 30 King Street, which is to be retained for the existing dwelling.*
- *A separate water service is required to the new dwelling.*
- *The provision of a separate water service for the new dwelling will require payment of a:*
 - *Contribution under Council's Development Servicing Plan No. 1 for 0.6 equivalent tenement;*
 - *Water connection fee in accordance with Council's Fees and Charges.*

Development Planner Comment: A condition of consent can enforce the provision of a separate water service for the new dwelling.

Sewer:

- *The existing sewer junction appears to be within proposed Lot A, and serves existing dwelling.*
- *A separate sewer junction is required to be provided for the new dwelling.*
- *The provision of a separate sewer junction for the new dwelling will require payment of a:*
 - *Contribution under Council's Development Servicing Plan No. 1;*
 - *Sewer junction fee in accordance with Council's Fees and Charges.*
- *Council's sewer main is located in the adjoining 28 King Street and along the frontage of King Street. It is recommended that the sewer junction be provided in King Street.*

Development Planner Comment: A condition of consent can enforce the provision of a separate sewer junction for the new dwelling in King Street.

Drainage:

- *There is an existing 600 diameter underground pipe generally through the access handle of the new dwelling / Lot B. This will need to be taken into account in the design of the driveway.*
- *The proposed dwelling can discharge stormwater to King Street or directly into the 600 diameter drainage line.*
- *The existing dwelling / Lot A can discharge stormwater directly to King Street.*
- *The proposed hard stand areas can be designed to discharge stormwater down the access handle. Alternatively, the applicant may provide inter-allotment drainage between Lot A and Lot B.*

Development Planner Comment: Detailed engineering design of the access and stormwater drainage, in consideration of the 600 diameter underground pipe, will be required prior to issue of a Construction Certificate.

Internal Referral - Building

The application was referred to Council's Building Surveyor. The following comments were made:

A Construction Certificate (CC-99/2016) has been lodged concurrently with the Development Application (DA-122/2016). A Building Code of Australia (BCA) 2016 assessment of the proposed New Dwelling (Dual Occupancy – Detached) to be located at Lot 14 Section 6 DP 17137, 30 King Street, Inverell has been undertaken.

The building classification is:

- *New Dwelling – Class 1a;*
- *Carport to be constructed adjacent to existing dwelling – Class 10a.*

New Dwelling

The dwelling and associated retaining walls will comply with the Building Code of Australia. It is recommended that detailed engineering for stormwater drainage is provided prior to issue of a Construction Certificate.

Carport

The carport which is proposed to be attached to the existing dwelling is structurally adequate and complies with open structure setback requirements of the BCA.

Conclusion

It is considered that the proposed dwelling and carport can readily achieve compliance with the relevant provisions of the BCA, by virtue of compliance with BCA Deemed-to-Satisfy provisions.

Development Planner Comment: It is considered by Council's Manager Environmental Engineering and Building Surveyor that the development on 30 King Street has sufficient capacity to discharge to stormwater, either to the gutter in King Street or directly into the 600 diameter stormwater pipe under the driveway. Specific details regarding the proposed method of drainage can be submitted to and approved prior to issue of a Construction Certificate.

External Referrals

No external referrals were required for this application.

Other Approvals

Subject to development consent, the following additional approvals are required for this development:

- Construction Certificate;
- Section 138 Approval under the *Roads Act 1993* to undertake works in the road reserve, i.e. access construction; and
- Section 68 Approval under the *Local Government Act 1993* for sewerage work, water supply work and stormwater drainage work.

Council Policies

Council's *Management Policy – Access and Frontage to Laneways* was adopted in 2008. In 2013, the provisions of this policy were included in Chapter 5 of the *Inverell Development Control Plan 2013*. Access and frontage to King Lane has been assessed against the Development Control Plan further in the report.

ASSESSMENT - STATUTORY REQUIREMENTS – S.79C

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

CLAUSE	TITLE	COMMENT AND ASSESSMENT
6	Buildings to which this policy applies	A BASIX certificate has been submitted and is considered satisfactory.

Local Environmental Plans

Inverell Local Environmental Plan 2012 (LEP)

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.2	Aims of Plan	<p><i>The particular aims of this Plan are as follows:</i></p> <ul style="list-style-type: none"> <i>(a) to encourage sustainable economic growth and development,</i> <i>(b) to protect and retain productive agricultural land,</i> <i>(c) to protect, conserve and enhance natural assets,</i> <i>(d) to protect built and cultural heritage assets,</i> <i>(e) to provide opportunities for growth.</i> <p>The proposed development supports the residential growth of Inverell. The site does not contain any heritage assets, agricultural land or significant natural assets. The development is considered to be consistent with the aims of the LEP.</p>
2.1	Land use zones	<p>The proposed development is characterised as a <i>'dual occupancy (detached)'</i>.</p> <p><i>'dual occupancy (detached)' means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.</i></p> <p>A <i>'dual occupancy (detached)'</i> is permitted with consent in the R1 General Residential zone.</p> <p>The objectives of the R1 General Residential zone are:</p> <ul style="list-style-type: none"> <i>• To provide for the housing needs of the community.</i> <i>• To provide for a variety of housing types and densities.</i> <i>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The <i>dual occupancy (detached)</i> provides an additional dwelling for the needs of the community and is consistent with the aim to provide variety in housing types and density. The proposed <i>dual occupancy (detached)</i> is consistent with the aims of the R1 General Residential zone.</p>

4.1	Minimum subdivision lot size	<p><i>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>The minimum lot size as per the LEP Lot Size Map is 450m². As proposed Lot A is less than the minimum size, the subdivision is subject to Clause 4.1D discussed below.</p>
4.1D	Exceptions to minimum lot sizes for certain residential development in Zone R1	<p><i>Despite clause 4.1 (3), the size of any lot resulting from a subdivision of land in Zone R1 General Residential may be less than the minimum lot size shown on the Lot Size Map in relation to that land, but not less than 300 square metres, if development consent has been granted in respect of the subdivision for the purposes of any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) dual occupancies,</i> <i>(b) multi dwelling housing,</i> <i>(c) residential flat buildings,</i> <i>(d) semi-detached dwellings.</i> <p>The development is a dual occupancy and both lot sizes exceed 300m². Pursuant to this clause, it is permissible to undertake the subdivision once the construction of the new dwelling has been completed.</p>
6.1	Earthworks	<p><i>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</i></p> <ul style="list-style-type: none"> <i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> <p>The proposed earthworks will be suitably retained and all stormwater can be discharged to the King Street kerb or underground pipe. The earthworks are not considered to adversely impact soil stability or drainage patterns.</p> <ul style="list-style-type: none"> <i>(b) the effect of the development on the likely future use or redevelopment of the land,</i> <p>The future use or redevelopment of 30 King Street is not considered to be impacted. It is considered that the proposed <i>dual occupancy (detached)</i> is an appropriate use of the site.</p> <ul style="list-style-type: none"> <i>(c) the quality of the fill or the soil to be excavated, or both,</i> <p>There is no evidence to suggest that quality of the soil is unsuitable for this development.</p> <ul style="list-style-type: none"> <i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i> <p>The proposed development has been designed in consideration of the topography of the land. Amenity impacts associated with the development (i.e. privacy, overshadowing, etc.) are discussed in detail further in the report.</p> <ul style="list-style-type: none"> <i>(e) the source of any fill material and the destination of any excavated material,</i> <p>A condition of consent can enforce that any fill material imported to the site meets the criteria for 'Virgin Excavated Natural Material' (VENM).</p>

		<p><i>(f) the likelihood of disturbing relics,</i></p> <p>Due to the historic residential use, it is highly unlikely that relics will be present on the site.</p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>The site is approximately 130 metres from the Macintyre River. The earthworks are unlikely to impact the river, drinking water catchments or an environmentally sensitive area.</p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>In addition to VENM requirements above, a condition of consent can require erosion and sediment controls measures to be installed and maintained during construction.</p>
6.6	Essential Services	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i></p> <p><i>(a) the supply of water,</i> <i>(b) the supply of electricity,</i> <i>(c) the disposal and management of sewage,</i> <i>(d) stormwater drainage or on-site conservation,</i> <i>(e) suitable vehicular access.</i></p> <p>The following services are available:</p> <ul style="list-style-type: none"> • Electricity; • Telephone; • Council's water supply – main in King Street; and • Council's sewer system – main located in 28 King Street and in King Street road reserve. <p>The development is not considered to burden the above service infrastructure.</p> <p>Stormwater can be discharged to the gutter in King Street or the underground stormwater pipe. Council's Manager Environmental Engineering has advised that the capacity of the drainage system is adequate for the development.</p> <p>Both dwellings have access to King Street. In addition to King Street, the new dwelling has a garage accessed via King Lane. The use of King Lane is discussed in further detail under Chapter 5 of the <i>Inverell Development Control Plan 2013</i>.</p>

Development Control Plans

Inverell Development Control Plan 2013 – Chapter 1 Introduction

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.10	Variation to Acceptable Solutions	<p>No variations have been sought to the acceptable solutions of Chapter 2 Subdivision and Chapter 3 Residential Development of the IDCP 2013.</p> <p>The applicant has made a written request, as per Section 5.8 Chapter 5 of the IDCP 2013, for the use of King Lane as the primary access to the proposed dwelling. This is discussed under the relevant chapter below.</p>
1.11	Notification of Applications	The application was notified in accordance with the requirements of this clause. This is discussed further in the 'Submissions' section of the report.
1.12	Advertising of Applications	A dual occupancy development is not a development type, which requires advertising under this clause.

Inverell Development Control Plan 2013 – Chapter 2 Subdivision

CLAUSE	TITLE	ACCEPTABLE SOLUTIONS AND ASSESSMENT
2.3	<p>Site Analysis</p> <p><u>Outcome</u> To ensure applicants undertake appropriate site analysis prior to considering the subdivision design.</p>	<p><i>Subdivision designs must have regard to the following:</i></p> <ul style="list-style-type: none"> • Slope and orientation of land; • Hazards such as flooding, bushfire, unstable ground conditions and soil erosion; • Known or likely contamination from past land uses; • Opportunities for solar and daylight access to future development; • Design of roads, access ways and individual site access; • Retention of special qualities or features such as trees and views; • Availability of utilities; • Provision of adequate stormwater drainage; • Provision of public open space; • The existing and future desired subdivision character; • Heritage Items and Heritage Conservation Areas; • Aboriginal Heritage; • Relevant development standards contained in other chapters such as setbacks, car parking, landscaping etc; and • The relationship of the subdivision layout to adjacent community facilities and land suitable for subdivision. <p>A site analysis has been submitted with the Development Application. The proposed subdivision is intended after construction of the new dwelling. The subdivision layout is directly in response to the layout of the new and existing dwelling. The 'Site Analysis' of the new dwelling has been considered under Section 3.3 of the IDCP 2013.</p>
2.4	<p>Lot Dimensions</p> <p><u>Outcome</u> To provide sufficient area and configuration to</p>	<ul style="list-style-type: none"> • The minimum lot size (MLS) permissible for subdivision varies across the Shire. These sizes are expressed on the Lot Size Maps in the ILEP. Where no MLS is expressed, Council will consider proposals on their merits based on compliance with the requirements of this chapter.

	<p><i>enable the construction of dwellings and accessible on-site parking facilities.</i></p> <p><i>To provide sufficient area and configuration to enable the siting and construction of commercial and industrial buildings, the parking of vehicles and the provision of appropriate loading and servicing facilities.</i></p>	<p>The development complies with the minimum lot size provisions of Clause 4.1D of the Inverell Local Environmental Plan 2012.</p> <p><u><i>Residential Subdivision – R1 General Residential and RU5 Village zones</i></u></p> <ul style="list-style-type: none"> <i>Lots must be capable of containing a rectangular building envelope measuring either 10m x 12m or 8m x 15m behind the building line and provide the opportunity for adequate private open space.</i> <p>Both allotments will contain a dwelling; therefore, the requirement to provide a building envelope does not apply in this instance.</p> <ul style="list-style-type: none"> <i>450m² lots may be permitted as infill development in existing residential areas.</i> <p>The intent of this clause is to allow vacant allotments of 450m² as infill development. Clause 4.1D of the Inverell Local Environmental Plan was gazetted 2 April 2015 to permit lots less than 450m² for certain residential development. The proposed subdivision complies with Clause 4.1D of the LEP.</p> <ul style="list-style-type: none"> <i>For New Residential Areas, an average lot size of 600m² is preferred, but larger lots and a mixture of sizes are encouraged.</i> <p>The development is not within a New Residential Area.</p> <ul style="list-style-type: none"> <i>Generally, the ratio of lot depth to lot width should not exceed 2:1 for infill or planned dual occupancy lots of area less than 600m².</i> <p>The ratios for the proposed lots are:</p> <ul style="list-style-type: none"> Lot A = 30m:13m = 2.3:1 Lot B = 25m:18m (excl. handle) = 1.3:1 <p>Whilst Lot A exceeds the ratio, the dimensions of Lot A are suitable to meet the requirements of the existing dwelling, including access and private open space. An exceedance "0.3" is considered insignificant and within the parameters of the acceptable solution.</p> <ul style="list-style-type: none"> <i>Vacant battle-axe lots are to be a minimum of 600m² (excluding the access handle area) with a minimum access handle width of 3.5m (single dwelling) or 6m (dual occupancy).</i> <p>Not applicable.</p> <ul style="list-style-type: none"> <i>No more than two Torrens Title lots should share a battle-axe access handle (minimum 6m) unless proposals are for strata or community title subdivision.</i> <p>The access handle of Lot B will be for the sole use of Lot B.</p>
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		<ul style="list-style-type: none"> <i>The maximum length of a battle-axe handle is 40m.</i> <p>The length of the access handle of Lot B is 30 metres.</p>
2.5	<p>Lot Orientation</p> <p><u>Outcome</u> <i>To maximise the number of lots which have good solar access.</i></p> <p><i>To take advantage of any views or vistas available.</i></p>	<p><u>Residential Subdivision – R1 General Residential and RU5 Village zones</u></p> <ul style="list-style-type: none"> <i>Living and private open space areas of future dwellings should face north and subdivision design should facilitate this where possible (see diagram opposite).</i> <i>The adverse impacts of overshadowing of existing and future buildings should be minimised by appropriate subdivision layout.</i> <i>Lots fronting north-south streets should be wider than those fronting east-west streets, to allow for solar access.</i> <p>The open space of both dwellings and the living areas of the new dwelling have suitable northern orientation. Solar access impacts on adjoining properties are discussed in further detail against the provisions of Chapter 3 of the Inverell Development Control Plan 2013.</p>
2.6	<p>Frontage and Access</p> <p><u>Outcome</u> <i>To ensure provision is made for appropriate and safe pedestrian and vehicular access to all lots.</i></p> <p><i>To optimise the efficiency and safety of the road network.</i></p>	<ul style="list-style-type: none"> <i>All lots must have frontage to a public road.</i> <p>Both lots have frontage to King Street.</p> <ul style="list-style-type: none"> <i>Site frontage should be generally consistent with the surrounding subdivision pattern.</i> <p>Battle-axe allotments as infill development are generally accepted, given sole frontage to a laneway is not supported. There a number of battle-axe allotments in the surrounding area. It is considered that the proposed subdivision is not inconsistent with the surrounding subdivision pattern.</p> <ul style="list-style-type: none"> <i>Numerous, small frontages around the head of a cul-de-sac are not supported.</i> <p>Not applicable.</p> <ul style="list-style-type: none"> <i>Access to all new lots must be in accordance with Council's engineering requirements.</i> <p>The access crossings to both allotments will be constructed in accordance with Council engineering requirements. Prior to issue of a Construction Certificate, detailed engineering plans and approval under the <i>Roads Act 1993</i> will be required for the access crossings.</p>
2.7	<p>Roads</p> <p><u>Outcome</u> <i>To ensure roads are appropriately designed for all users of the road including motorists, pedestrians, emergency services, service vehicles and cyclists.</i></p>	<p>No new roads are proposed as part this subdivision. Access and frontage to laneways has been considered against Chapter 5 of the Inverell Development Control Plan 2013.</p>

2.8	<p>Landscape</p> <p><u>Outcome</u> To maintain and enhance existing streetscape and landscape character and to preserve significant trees and landscape elements.</p>	<ul style="list-style-type: none"> Existing landscape elements such as mature trees, rock formations, vegetation or water courses should, where possible, be preserved. <p>There is a large eucalypt tree in 30 King Street, which will require removal. Large eucalypt trees and residential land are generally not compatible and the removal of this tree is considered acceptable. Existing trees in King Lane are to be retained and this can be enforced as a condition of consent.</p> <ul style="list-style-type: none"> Rear fences of a subdivision fronting public roads are discouraged. Where there is no alternative, landscaping between the rear fence and the public road is required. <p>No fence is proposed along King Street. A fence along King Lane is acceptable and consistent with the laneway.</p>
2.9	<p>Public Open Space</p> <p><u>Outcome</u> To ensure adequate provision, distribution and development of public open space in convenient locations and which meet the recreation needs of the community.</p>	<p>The provision of public open space is not considered necessary for this development.</p>
2.10	<p>Stormwater Drainage</p> <p><u>Outcome</u> To responsibly manage the collection and disposal of stormwater from development.</p> <p>To protect the quality of receiving waters.</p> <p>To ensure stormwater from development does not adversely impact on adjoining lands.</p>	<ul style="list-style-type: none"> Piped (minor) systems are to be provided to control stormwater flows under normal operating conditions with an Average Recurrence Interval (ARI) of up to two years for residential subdivision and an ARI of up to 20 years for commercial and industrial subdivision. <p>All stormwater will be discharged to the kerb in King Street or the underground stormwater pipe through the site. The detailed engineering plans, required prior to issue of a Construction Certificate.</p> <ul style="list-style-type: none"> Overland (major) systems are to be provided to control stormwater flows under normal operating conditions with an ARI of up to 100 years in all subdivisions. <p>An overland (major) stormwater system is not required to be provided for this development.</p> <ul style="list-style-type: none"> Lot drainage must discharge to the roadway gutter wherever possible. <p>All stormwater will be discharged to the kerb in King Street or the underground stormwater pipe through the site, which is acceptable.</p>

		<ul style="list-style-type: none"> <i>Inter-allotment drainage is to be provided where considered necessary by Council.</i> <p>As per the recommendations of Council's Manager Environmental Engineering, the proposed hard stand areas can be designed to discharge stormwater down the access handle. Alternatively, the applicant may provide inter-allotment drainage between Lot A and Lot B. Specific methods of stormwater drainage will be provided as per the detailed engineering of stormwater prior to issue of a Construction Certificate.</p> <ul style="list-style-type: none"> <i>Stormwater for residential development must be designed to operate under a gravity system.</i> <p>Both Lots A and B will discharge stormwater, via gravity, to the kerb in King Street or the underground stormwater pipe through the site.</p> <ul style="list-style-type: none"> <i>Stormwater should be discharged to a street gutter, table drain or formal easement. Where this is not possible on-site stormwater detention may be required.</i> <p>All stormwater will be discharged to the kerb in King Street or the underground stormwater pipe through the site, which is acceptable.</p> <ul style="list-style-type: none"> <i>A stormwater concept plan should be submitted with an application to Council.</i> <p>Concept stormwater details were submitted with the Development Application, which is acceptable, as all stormwater can be discharged to King Street or the underground pipe. Detailed engineering plans of the stormwater will be required prior to issue of a Construction Certificate.</p>
2.11	<p>Utility Services</p> <p><u>Outcome</u> To ensure residential, industrial and commercial areas are adequately serviced in a timely, cost-effective, coordinated and efficient manner.</p>	<ul style="list-style-type: none"> <i>The design and construction of utility services must conform to the specific standards of the relevant servicing authority.</i> <p>Council is the appropriate authority for water, sewer and stormwater. Council's Manager Environmental Engineering has confirmed that the development will comply with Council's standards, particularly with the provision of separate water and sewer services. Electricity and telephone are considered to be readily available, subject to the applicant's compliance with the relevant standards.</p> <ul style="list-style-type: none"> <i>For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless otherwise approved by Council.</i> <p>A condition of consent will enforce that the electricity connection to the proposed dwelling / Lot B is to be underground.</p> <ul style="list-style-type: none"> <i>Where reticulated sewerage is proposed, the whole of each new lot in residential, commercial and industrial subdivisions should be serviced by gravity drainage.</i>

		<p>Both lots can drain sewer, via gravity, to Council's sewer main located in King Street.</p> <p><u>Residential Subdivision – R1 General Residential Zone</u></p> <ul style="list-style-type: none"> <i>The following services are to be provided to each lot:</i> <ul style="list-style-type: none"> <i>Reticulated water;</i> <i>Reticulated sewer;</i> <i>Electricity; and</i> <i>Telecommunications.</i> <p>Each lot/dwelling will be connected to the above services.</p> <ul style="list-style-type: none"> <i>Street lighting is to be provided in new residential estates.</i> <p>No additional street lighting in King Street is considered necessary.</p> <ul style="list-style-type: none"> <i>An adequate reticulated water supply system is to be provided from Council's mains for fire fighting purposes in all urban subdivisions.</i> <p>Council's water main in King Street provides adequate water supply for fire fighting purposes.</p>
2.12	<p>Land Use Conflict</p> <p><u>Outcome</u> <i>To ensure that a subdivisions capability for land use and development minimises any potential conflict with existing land use and development within the vicinity.</i></p>	<p>Each proposed lot will contain a single residential dwelling, which are compatible with the surrounding residential area. Land use conflict and compatibility are discussed further in the assessment report.</p>
2.13	<p>New Residential Areas</p>	<p>The development site is not within a 'New Residential Area'.</p>

Inverell Development Control Plan 2013 – Chapter 3 Residential Accommodation

CLAUSE	TITLE	ACCEPTABLE SOLUTIONS AND ASSESSMENT
3.3	<p>Site Analysis</p> <p><u>Outcome</u> <i>To ensure applicants undertake appropriate site analysis prior to considering the design of residential</i></p>	<ul style="list-style-type: none"> <i>Residential designs must have regard to the following:</i> <ul style="list-style-type: none"> <i>Slope and orientation of land;</i> <i>Hazards such as flooding, bushfire, unstable ground conditions and soil erosion;</i> <i>Known or likely contamination from past land uses;</i> <i>Opportunities for solar and daylight access to future development;</i> <i>Design access ways and individual site access;</i> <i>Retention of special qualities or features such as trees and views;</i> <i>Availability of utilities;</i>

	development.	<ul style="list-style-type: none"> - Provision of adequate stormwater drainage; - Heritage Items and Heritage Conservation Areas; - Aboriginal Heritage; and - Relevant development standards such as setbacks, car parking, landscaping etc. <p>A site analysis has been submitted with the Development Application. The design of the dual occupancy (detached) is in response to site topography, existing dwelling, solar access and privacy. Solar access and privacy are discussed in further detail further in the report.</p>
3.4	<p>Neighbourhood Character</p> <p><u>Outcome</u> To ensure that new development is consistent and compatible with the established neighbourhood and nearby land uses.</p>	<ul style="list-style-type: none"> • <i>Proposals are to be designed to avoid or minimise land use conflict with neighbouring lands.</i> <p>The character of the neighbourhood is predominately residential. The proposed dual occupancy (detached) development will result in the construction of an additional residential dwelling, which is compatible with the neighbourhood.</p> <ul style="list-style-type: none"> • <i>The density of proposals in the R1 General Residential and/or RU5 Village zones at the interface with the R5 Large Lot Residential and/or RU1 Primary Production zones must be varied to provide a transition from higher to lower residential density.</i> <p>The development site is not at a zone interface.</p> <ul style="list-style-type: none"> • <i>Proposals in rural or rural residential settings are to be consistent with, and not dominate, the rural landscape.</i> <p>Not applicable.</p>
3.5	<p>Streetscape</p> <p><u>Outcome</u> To ensure residential design makes a positive contribution to the streetscape.</p>	<ul style="list-style-type: none"> • <i>Proposals are to be compatible with the existing bulk, form and scale of the surrounding streetscape.</i> <p>The bulk, scale and form within the neighbourhood is varied; however, notable examples relevant to this proposal are:</p> <ul style="list-style-type: none"> • The large dwelling at 28 King Street, in particular the floor and overall height; • The two storey dwelling at 26 King Street, Inverell; and • The multi unit development located at 23 George Street, behind the development site. <p>The bulk, form and scale of the proposed dwelling are compatible with the area. In addition, when viewed from King Street, the existing dwellings in conjunction with the proposed landscaping will reduce the visual bulk of the proposed dwelling.</p> <p>The compatibility of the development is discussed further in the 'Submission's section of this report.</p> <ul style="list-style-type: none"> • <i>Garages should not exceed 50% of the primary frontage at the building line.</i> <p>The proposed garage does not exceed 50% of the King Street frontage.</p>

		<ul style="list-style-type: none"> <i>Development with laneway frontage must comply with 5.8 of the IDCP.</i> <p>An assessment against Clause 5.8, Chapter 5 of IDCP 2013 has been undertaken below.</p> <p><u>Single Dwelling – R1 General Residential and RU5 Village Zones</u></p> <ul style="list-style-type: none"> <i>Dwellings should 'face' the primary frontage.</i> <p>Whilst access to the new dwelling is also proposed from King Lane, the primary frontage is considered King Street. Both the new and existing dwelling face King Street.</p> <ul style="list-style-type: none"> <i>Façades facing the primary or secondary frontage should be provided with articulation by including openings such as windows and doors.</i> <p>Articulation has been incorporated into the King Street elevation of the proposed dwelling. Articulation is also provided into the King Lane façade through the provision of windows, a sliding door and a courtyard area.</p> <p><u>Dual Occupancy – R1 General Residential and RU5 Village Zones</u></p> <ul style="list-style-type: none"> <i>Dual occupancy proposals on the corner of two public roads (not including lanes) should be designed to present to and provide vehicle access from alternate street frontages, unless one street is a major road where both dwellings must be accessed from the lesser street frontage.</i> <p>The development site is not located on a corner.</p>
3.6	<p>Density</p> <p><u>Outcome</u> To achieve orderly and well-designed development that is consistent with the desired density of the neighbourhood.</p>	<p><u>General</u></p> <ul style="list-style-type: none"> <i>The minimum lot size (MLS) permissible for the construction of a dwelling varies across the Shire. These different lot sizes are expressed on the Lot Size Maps in the ILEP. Where no MLS is expressed, Council will consider proposals on merit which is based on compliance with the other requirements expressed in this chapter.</i> <p>In the R1 General Residential zone, lot size provisions apply to subdivision. The proposed subdivision complies with Clause 4.1D of the Inverell Local Environmental Plan 2012.</p> <p><u>Single Dwelling – R1 General Residential and RU5 Village Zones</u></p> <ul style="list-style-type: none"> <i>The maximum site coverage for dwellings in the R1 General Residential and RU5 Village zones should not exceed 60% of the lot.</i> <p>The site coverage of new dwelling and existing dwelling do not exceed 60%.</p> <p><u>Dual Occupancy Development</u></p> <ul style="list-style-type: none"> <i>An attached dual occupancy in the R1 General Residential and RU5 Village zones should be located on a lot with a minimum area of 450m².</i>

		<p>The dual occupancy is not “attached”.</p> <ul style="list-style-type: none"> <i>A detached dual occupancy in the R1 General Residential and RU5 Village zones should be located on a lot with a minimum area of 600m².</i> <p>This clause requires the development site to have a minimum size of 600m². The development site (Lot 14 Section 6 DP 17137) has an area of 1012m².</p> <p>The subsequent subdivision lot sizes comply with Clause 4.1D of the Inverell Local Environmental Plan 2012.</p> <ul style="list-style-type: none"> <i>A dual occupancy located on a battle-axe lot must have a minimum access handle width of 6 metres.</i> <p>A 6 metre access handle is required where two dwellings are located on a battle-axe. Whilst the development is a dual occupancy (detached), only the new dwelling will be located on a battle-axe allotment. Therefore, a 6 metre access handle is not required.</p> <p>The proposed access handle is 5 metres wide, which exceeds the minimum 3.5 metre handle width required by Clause 2.4, Chapter 2 of the IDCP 2013.</p> <ul style="list-style-type: none"> <i>The maximum site coverage for a dual occupancy in the R1 General Residential and RU5 Village zones should not exceed 60% of the lot.</i> <p>The maximum site coverage of the development does not exceed 60%.</p>
3.7	<p>Building Height</p> <p><i>Outcome</i> <i>To ensure that buildings minimise impacts on adjoining properties from overshadowing, overlooking and excessive bulk and scale.</i></p> <p><i>Generally buildings should not exceed two storeys.</i></p>	<ul style="list-style-type: none"> <i>Demonstration, to Council’s satisfaction, that the erection of a building would not:</i> <ul style="list-style-type: none"> <i>Detrimentially increase the overshadowing of adjoining properties;</i> <p>The applicant has submitted shadow diagrams for 9am, 12pm and 3pm on the winter solstice. These diagrams demonstrate that:</p> <ul style="list-style-type: none"> The principal indoor and outdoor living areas of adjoining properties will not be overshadowed by the development; and Whilst the rear of 28 King Street Inverell is overshadowed, this shadow is over a shed and garden; From 12pm onwards, there is only minimal overshadowing of adjoining land. <p>It is considered that the development will not significantly overshadow adjoining land. Overshadowing is discussed further in the ‘Submissions’ section of the report.</p> <ul style="list-style-type: none"> <i>Significantly obstruct views from adjacent buildings and public places; or</i> <p>The dwellings along King Street have views towards the river and CBD. The proposed dwelling, located at the rear of 30 King Street, does not obstruct these views.</p>

		<p>Properties along George Street, behind the proposed dwelling, are significantly higher and will not have obstructed views.</p> <ul style="list-style-type: none"> - <i>Have an adverse impact on the scenic or landscape quality of the locality.</i> <p>The proposed dwelling is compatible in height and bulk to surrounding residential neighbourhood. It is not considered to have an impact on the scenic or landscape quality of the locality.</p>																								
3.8	<p>Setbacks</p> <p><u>Outcome</u> To maintain the existing character in residential areas and attractive streetscapes through consistency in setbacks.</p>	<table border="1"> <thead> <tr> <th></th><th colspan="2">Dwelling / Dual Occupancy</th></tr> <tr> <th></th><th><i>Front</i></th><th><i>Side/Rear</i></th></tr> </thead> <tbody> <tr> <td><u>RU1</u></td><td>20m</td><td>10m</td></tr> <tr> <td><u>RU5</u></td><td>6m</td><td>BCA</td></tr> <tr> <td><u>R1</u></td><td>4.5m 5.5m to garage</td><td>BCA</td></tr> <tr> <td><u>R5</u></td><td>15m</td><td>4m</td></tr> <tr> <td><u>E3</u></td><td>20m</td><td>10m</td></tr> <tr> <td><u>E4</u></td><td>Merit</td><td>Merit</td></tr> </tbody> </table> <p>The proposed dwelling is located behind the existing dwelling; therefore, front setback requirements do not apply.</p> <p>The side and rear setbacks of the proposed dwelling comply with the Building Code of Australia, being:</p> <ul style="list-style-type: none"> • 1.76 metres from boundary with 32 King Street; • 1.19 metres from boundary with 28 King Street; and • 2.6 metres from rear (lane) boundary. <ul style="list-style-type: none"> • <i>In established residential areas (infill development) the front setback should generally be consistent with the established setback/building line of adjoining buildings.</i> <p>The proposed dwelling is located behind the existing building and there will be no change to the front setback of the existing dwelling.</p> <ul style="list-style-type: none"> • <i>The setback to a secondary frontage or a laneway frontage may be reduced in certain cases where the dwelling/building does not face that frontage.</i> <p>The proposed laneway setback of 2.6 metres is considered acceptable for this development.</p>		Dwelling / Dual Occupancy			<i>Front</i>	<i>Side/Rear</i>	<u>RU1</u>	20m	10m	<u>RU5</u>	6m	BCA	<u>R1</u>	4.5m 5.5m to garage	BCA	<u>R5</u>	15m	4m	<u>E3</u>	20m	10m	<u>E4</u>	Merit	Merit
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3.9	<p>Private Open Space</p> <p><u>Outcome</u> To provide private outdoor open space for residents that is practical, usable and enhances amenity.</p>	<ul style="list-style-type: none"> • <i>Private open space (ie space that is not visible at ground level from a public place or adjoining property) with a minimum dimension of 4m x 5m exclusive of clothes lines, water tanks, etc. is to be provided for a dwelling.</i> <p>20m² of private open space has been nominated on the plans at the rear of the dwelling.</p> <ul style="list-style-type: none"> • <i>Private open space should be practical and usable with a gradient no steeper than 1 in 10.</i> <p>It is proposed to fill the rear yard of the property, retained by the dwelling, to provide level open space.</p> <ul style="list-style-type: none"> • <i>The private open space is to be appropriately located and accessible from an internal living area (lounge room, kitchen etc) of the dwelling.</i> 																								

		<p>The private open space is connected to an alfresco area, which is directly accessed via the dining room.</p> <ul style="list-style-type: none"> Where the internal living area of the dwelling is on a storey above ground level, in addition to private open space (at ground level), a balcony directly accessible from the internal living area, with a minimum area of 10m² and a minimum width of 2m, is to be provided. <p>The internal living areas of the dwelling and the private open space at the rear of the dwelling are located at the same level.</p>
3.10	<p>Privacy and Amenity</p> <p><u>Outcome</u> To protect privacy and amenity of neighbouring properties and to ensure privacy and amenity within a development.</p>	<ul style="list-style-type: none"> Internal living areas and private open space should be appropriately located to prevent overlooking from internal living areas and private open space of adjoining dwellings. <p>Due to the finished floor level of the proposed dwelling, there is potential for loss of privacy on the adjoining properties, 28 and 32 King Street as well as the existing dwelling on 30 King Street.</p> <p>It is considered that there will be no significant loss of privacy from:</p> <ul style="list-style-type: none"> The private open space of the proposed dwelling, being located at the rear; The south-west elevation of the dwelling, only containing two water closet windows; and The window on the front elevation above the garage. This window is into a bedroom, which is not a primary living area. <p>The impacts are primarily from:</p> <ul style="list-style-type: none"> The internal living areas on the north-east side of the dwelling; and The balcony at the front of the dwelling. <p>It is considered that the proposed dwelling will not significantly overlook adjoining properties as:</p> <ul style="list-style-type: none"> A 1.8 metre fence, measured from the floor level, is proposed along the boundary with 32 King Street, adjacent to the living areas and balcony; A privacy screen is proposed on south-east side of balcony to prevent a direct view at the private open space of 28 King Street; The design of the living area, balcony, fence and privacy screen are such that the views of the proposed dwelling are directed over the existing dwelling at 30 King Street; A four (4) metre landscape screen will be planted to create privacy for the private open space area of the existing dwelling. There is sufficient separation distance and reduced angle of viewing to minimise loss of privacy on 28 King Street. <p>The proposed development is not considered to significantly or unreasonably overlook or impact privacy on adjoining lands. Privacy is assessed further in the 'Submissions' section of the report.</p>

		<ul style="list-style-type: none"> <i>Balconies should be located, designed and screened to prevent overlooking of adjoining properties living areas and private open space.</i> <p>The balcony has been suitably located and screened (as outlined above) to prevent overlooking of adjoining properties.</p> <ul style="list-style-type: none"> <i>External lighting shall be baffled so there is no light spillage onto adjoining properties.</i> <p>A condition of consent can enforce that any external lighting is mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.</p> <ul style="list-style-type: none"> <i>Privacy screens (if required) should have:</i> <ul style="list-style-type: none"> <i>- A minimum height 1.5m above floor level;</i> <i>- No individual opening more than 30mm wide; and</i> <i>- A total area of all openings no greater than 30% of the screen area.</i> <p>A condition of consent can enforce that the privacy screen on the balcony satisfies this criteria.</p>
3.11	<p>Solar Access</p> <p><u>Outcome</u> To ensure buildings and private open space areas are designed to meet user requirements for daylight access and promote energy efficiency.</p>	<ul style="list-style-type: none"> <i>Internal living areas and private open space should be located on the northern side of a development where practicable. 'Northern orientation' means a point between northwest and east without obstruction (within the property) apart from privacy or boundary fencing.</i> <p>The internal living areas and private open space are located on the north-east side of the dwelling and are considered to have suitable solar access.</p> <ul style="list-style-type: none"> <i>Buildings must be designed to ensure internal living areas and private open space of adjoining residences and the proposed buildings maintain at least three hours direct sunlight between 9am and 3pm at the Winter Solstice (21st June). Shadow diagrams may be required to demonstrate this requirement can be achieved.</i> <p>As discussed in Section 3.7 above, shadow diagrams have been submitted demonstrating that adjoining properties maintain at last 3 hours of on the winter solstice. Overshadowing is discussed further in the 'Submissions' section of the report.</p>
3.12	<p>Access and Parking</p> <p><u>Outcome</u> To ensure that sufficient access and on-site parking is provided for residents and their visitors.</p>	<ul style="list-style-type: none"> <i>Refer to Chapter 5 for Council requirements for car parking.</i> <p>An assessment against the provisions of Chapter 5 of the IDCP 2013 has been undertaken below.</p> <ul style="list-style-type: none"> <i>Residential development with laneway frontage must comply with section 5.8 of the IDCP.</i> <p>An assessment against the provisions of Section 5.8, Chapter 5 of the IDCP 2013 has been undertaken below.</p>
3.13	Utilities	<ul style="list-style-type: none"> <i>Buildings and structures are to be located clear of utility infrastructure.</i>

	<p><u>Outcome</u> To ensure residential development considers the location of, and the availability of, utility services.</p>	<p>The proposed dwelling and carport are not located over Council infrastructure. Council's underground stormwater pipe is located beneath the access driveway of the proposed dwelling. This is acceptable subject to detailed engineering plans being submitted for the driveway demonstrating that the design of the driveway in relation to pavement depth, access for maintenance, etc.</p> <ul style="list-style-type: none"> Buildings and structures are to be located a minimum of 1m or the equivalent invert depth from the centre-line of a sewer main. <p>The proposed dwelling and carport do not encroach on Council's sewer main.</p> <ul style="list-style-type: none"> Details of the proposed effluent disposal, water supply, provision of electricity and telecommunications are to be provided. <p>Water and sewer are available in King Street. Electricity and telecommunications are readily available.</p> <ul style="list-style-type: none"> Where reticulated water supply is not available in a rural situation, minimum tank storage of 45,000 litres should be provided. <p>Reticulated water supply is available to this development.</p>
3.14	<p>Stormwater Drainage</p> <p><u>Outcome</u> To responsibly manage the collection and disposal of stormwater from development.</p> <p>To protect the quality of receiving waters.</p> <p>To ensure stormwater from development does not adversely impact on adjoining lands.</p>	<ul style="list-style-type: none"> Stormwater for residential development must be designed to operate under a gravity system. <p>All stormwater can gravitate to the kerb in King Street or underground stormwater pipe.</p> <ul style="list-style-type: none"> Stormwater should be discharged (via a rainwater tank if applicable) to a street gutter, table drain or formal easement. Where this is not possible on-site stormwater detention may be required. <p>All stormwater can gravitate to the kerb in King Street or underground stormwater pipe.</p> <ul style="list-style-type: none"> Inter-allotment drainage is to be provided where considered necessary by Council. <p>The applicant may provide inter-allotment drainage between Lot A and Lot B as an alternative to capturing stormwater on the hard stand areas. Specific methods of stormwater drainage will be provided as per the detailed engineering of stormwater prior to issue of a Construction Certificate.</p> <ul style="list-style-type: none"> A stormwater concept plan should be submitted with a development application to Council. <p>A stormwater concept plan has been submitted. All stormwater can be discharged, under gravity, to a formal drain. This is satisfactory subject to detailed stormwater engineering plans being approved prior to issue of a Construction Certificate.</p>

3.15	<p>Landscaping</p> <p><u>Outcome</u> <i>To reduce the visual impact of hard stand areas and to maintain and enhance existing streetscape and landscape character.</i></p> <p><i>To preserve significant trees and landscape elements.</i></p>	<ul style="list-style-type: none"> <i>Hard stand area, driveways and pedestrian paths forward of the building line should be kept to a minimum with the areas not used for this purpose having a surface comprised of lawn and/or gardens.</i> <p>The proposed development has limited hard stand surface to those areas required or driveways and turning of vehicles.</p> <ul style="list-style-type: none"> <i>Existing mature trees should be retained and incorporated in the development wherever possible.</i> <p>There is a large eucalypt tree which requires removal to facilitate the development. This is considered acceptable as large eucalypt trees are generally incompatible with an urban setting.</p> <p>In King Lane there are several small trees, which are to be retained. This can be reinforced as a condition of consent.</p> <ul style="list-style-type: none"> <i>Wherever possible native plant species, indigenous to the area, are to be utilised in landscaping with preference given to drought tolerant species.</i> <p>Given the urban residential setting and ornamental gardens in the areas, the use of native species should not be mandated on this development.</p> <p><u>Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings</u></p> <ul style="list-style-type: none"> <i>Where a vehicular access is located adjacent to a side boundary, the access is to be separated from the fence by a minimum 1m wide landscaping strip. This strip should be densely planted with shrubs (mature height of around 1.5m) and groundcovers.</i> <p>The applicant proposes 'Photinia' hedge along the access handle, adjacent to 28 King Street, which is acceptable. A hedge is also proposed along the driveway for the existing dwelling.</p> <ul style="list-style-type: none"> <i>In addition to lawns, other soft landscaping (ie gardens, plantings etc) are to be incorporated in the development, particularly in common areas or areas visible to the public.</i> <p>In addition to the hedges above, landscaping has been proposed between the proposed and existing dwelling, and around the hard stand driveway of the proposed dwelling.</p> <ul style="list-style-type: none"> <i>A Landscape Plan should be submitted with any development application for consideration by Council. This should include the site features, hardstand areas, fencing treatment, number and type of plant species, and planting locations.</i> <p>A landscaping concept plans has been submitted with the Development Application.</p>
3.16	<p>Site Facilities</p> <p><u>Outcome</u> <i>To ensure site facilities do not</i></p>	<ul style="list-style-type: none"> <i>Clothes drying facilities are to be provided at the rear of a site or adequately screened from public view.</i> <p>The clothes line for the existing dwelling and proposed dwelling can be suitably located to be screened from view.</p>

	<p><i>detract from the aesthetics of the building or residential amenity.</i></p>	<ul style="list-style-type: none"> <i>The mail box design and location should be complementary to the front setback, landscaping and the dwelling design.</i> <p>Mail boxes are proposed between the driveways for the new and existing dwelling. This is acceptable.</p> <ul style="list-style-type: none"> <i>If a common bin storage area is proposed, it must be located in a screened enclosure accessible to all dwellings.</i> <p>No common bin storage area is proposed.</p> <ul style="list-style-type: none"> <i>A clearly visible street number or rural address number is to be provided at the front of the dwelling or each unit.</i> <p>A condition of consent can enforce street numbering.</p>
3.17	<p>Earthworks</p> <p><u>Outcome</u> To ensure disturbance to the soil is minimised.</p>	<ul style="list-style-type: none"> <i>Proposals should be designed taking into consideration the natural topography and to minimise the development footprint and amount of earthworks required.</i> <p>The new dwelling has been designed in consideration of the natural topography of the land. The proposed cut and fill is acceptable and suitably retained.</p> <p>The impacts of earthworks have been assessed against Clause 6.1 of the <i>Inverell Local Environmental Plan 2012</i>.</p>
3.18	<p>Security</p> <p><u>Outcome</u> To ensure residential development is designed to enhance personal safety and minimise the potential for fear, crime and vandalism.</p>	<ul style="list-style-type: none"> <i>The design of dwellings should enable residents to survey streets and public areas. Dwelling entries should enable surveillance of the neighbourhood to take place.</i> <p>Both dwellings face towards King Street and are considered to provide suitable surveillance of the neighbourhood.</p>
3.19	<p>Ancillary Development</p> <p><u>Outcome</u> To ensure ancillary development does not detract from the amenity of neighbouring properties or the streetscape.</p>	<ul style="list-style-type: none"> <i>Water storage tanks are to be located below the ground or behind the front setback of the building and suitably screened where visible from the street or other public place.</i> <p>The rainwater tanks are behind the existing dwelling and will not be visible from public places.</p> <ul style="list-style-type: none"> <i>Ancillary structures should not be located between the dwelling and the primary street frontage.</i> <p>No ancillary structures are proposed forward of the existing dwelling. The proposed carport is located adjacent to the existing dwelling, but does not project forward of the building line.</p> <ul style="list-style-type: none"> <i>Swimming pools including fencing must be located behind the building line.</i> <p>No swimming pools are proposed.</p>

Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic

CLAUSE	TITLE	ACCEPTABLE SOLUTIONS AND ASSESSMENT
5.3	<p>Parking Space Requirements</p> <p><u>Outcome</u> To provide a rate of car parking spaces commensurate with the type of development proposed.</p>	<ul style="list-style-type: none"> The provision of on-site vehicle parking is specified below for specific development types. Where a development type is not included in the acceptable solution, the required parking provision will be determined by Council in consideration of the individual circumstances of a proposal, supporting evidence (eg traffic impact study, parking survey etc) and other best practice guidelines. <p><u>Residential Accommodation</u></p> <ul style="list-style-type: none"> Dwelling Houses and Dual Occupancies - 1 roofed space per dwelling. <p>2 garages are proposed for the new dwelling and a carport is proposed for the existing dwelling. This is acceptable.</p>
5.4	<p>Provision of Car Parking</p> <p><u>Outcome</u> To ensure the supply of on-site car parking is consistent with the demand likely to be generated.</p>	<p><u>New Development</u></p> <ul style="list-style-type: none"> The total number of on-site parking spaces provided must be in accordance with Clause 5.3. <p>The proposed development has provided on-site parking in accordance with Clause 5.3, as discussed above.</p> <p><u>Existing Development</u></p> <ul style="list-style-type: none"> All existing on-site car parking is to be retained. Relocation of parking bays is acceptable. Alterations and additions to existing premises which result in an increase in floor space, and/or intensified use, should provide additional on-site parking in accordance with Clause 5.3 for the alterations and additions. <p>One (1) car parking space (proposed new carport) has been retained/relocated for the existing dwelling, which is acceptable and complies with Clause 5.3 above.</p>
5.5	<p>Design</p> <p><u>Outcome</u> To ensure parking is safe and user friendly.</p> <p>To ensure parking areas are designed for vehicles to enter and exit in a forward direction.</p> <p>To ensure parking areas are designed for the vehicles intended to be using it.</p>	<ul style="list-style-type: none"> Parking areas must conform to the relevant Australian Standards and Council requirements. <p>The design of the proposed driveways is considered to comply with Australian Standard 2890.1: 2004 Parking Facilities – Off Street Car Parking.</p> <p>Detailed engineering plans will be required for the driveways and stormwater, prior to issue of a Construction Certificate, to ensure compliance with Council standards.</p> <ul style="list-style-type: none"> Parking areas must be maintained in a reasonable manner, in perpetuity. <p>It is proposed to concrete the proposed driveways, which will ensure a suitable maintenance standard.</p> <ul style="list-style-type: none"> Parking areas must be designed to allow traffic to enter and exit in a forward direction without interfering with parked vehicles, buildings, landscaping, outdoor storage or work areas.

		<p>The access handle and garage for the new dwelling has been designed with a turning area to allow vehicles to enter/exit King Street in a forward direction.</p> <ul style="list-style-type: none"> <i>Parking and manoeuvring must be designed to accommodate the largest vehicle expected to access the site.</i> <p>The driveways have been designed for typical residential vehicles. All services vehicles (e.g. garbage truck) will remain on King Street.</p> <ul style="list-style-type: none"> <i>For large residential, commercial or industrial developments it may be necessary to provide a Traffic Study with a Development Application.</i> <p>The scale of this development does not warrant a Traffic Impact Study.</p> <p><u>Residential</u></p> <ul style="list-style-type: none"> <i>A legal and practical access crossing from a public road, with consideration given to gradient, sight distance, standard of construction and road safety, must be provided to each dwelling/lot.</i> <p>Each dwelling/lot has an access to King Street. The proposed gradients and sight distance are satisfactory. The access for the new dwelling off King Street has been designed to allow vehicles to enter and exit in a forward direction. Detailed engineering of this access handle, including stormwater, is required prior to issue of a Construction Certificate.</p> <ul style="list-style-type: none"> <i>Access and parking space dimensions must comply with the relevant Australian Standards.</i> <p>The design of the proposed driveways is considered to comply with <i>Australian Standard 2890.1: 2004 Parking Facilities – Off Street Car Parking</i>.</p> <ul style="list-style-type: none"> <i>Parking and manoeuvring areas for dual occupancy and residential flat buildings must be hardstand (eg pavers or concrete).</i> <p>It is proposed to concrete the driveways.</p> <ul style="list-style-type: none"> <i>Development requiring 4 or more carparking spaces must provide adequate turning to allow all vehicles to enter and exit the site in a forward direction.</i> <p>The development does not require 4 or more parking spaces. Refer Clause 5.3 above.</p> <ul style="list-style-type: none"> <i>Access suitable for use by two wheel drive vehicles in all weather conditions must be provided to rural and rural residential development.</i> <p>Not applicable.</p>
5.6	Stormwater	<ul style="list-style-type: none"> <i>A stormwater concept plan, including pollution control devices and on-site stormwater detention may be required to be submitted with any Development Application.</i>

	<p><u>Outcome</u> <i>To ensure that hardstand areas are suitably drained and that polluted stormwater is not discharged into Council's stormwater system.</i></p>	<p>A stormwater concept plan has been provided. All stormwater drainage, including the driveways, can be discharged to the kerb in King Street or the underground stormwater pipe.</p> <p>Detailed engineering plans will be required prior to issue of a Construction Certificate.</p>
5.7	<p>Landscaping</p> <p><u>Outcome</u> <i>To maintain and enhance the streetscape through strategic landscaping.</i></p>	<ul style="list-style-type: none"> <i>Parking areas are to be suitably landscaped to reduce the visual impact of expansive hard stand areas.</i> <i>Where landscaping is required, a concept landscape plan should be provided with a Development Application.</i> <p>A landscaping concept plan has been submitted with the Development Application, which nominates landscaping ('Photinia' hedge) along both driveways to reduce the visual impact of the hard stand areas.</p>
5.8	<p>Access and Frontage to Laneways</p> <p><u>Outcome</u> <i>To promote urban consolidation by way of infill development providing it occurs in an orderly and functional manner.</i></p> <p><i>To prevent undesirable amenity and access issues associated with frontage and primary access from a laneway.</i></p> <p><i>To ensure that an unreasonable ongoing demand is not placed upon Council's limited resources.</i></p>	<ul style="list-style-type: none"> <i>No new development shall have frontage to and/or primary access from a laneway;</i> <p>Whilst the development has primary frontage to King Street, it is considered that primary/practical access to the proposed dwelling be the residents will be via King Lane as:</p> <ul style="list-style-type: none"> The garage accessed via King Street is on the ground floor, with access via an external stair case; and The garage access from King Lane is on the same floor as the living areas and is connected via an internal door. <p>It is considered that the King Lane garage is more likely to be used as the primary parking space for residents.</p> <p>In this instance, it is considered that extenuating circumstances apply and the applicant has sought a written variation, included in the Addendum to the Statement of Environmental Effects.</p> <p>The variation is discussed below.</p> <ul style="list-style-type: none"> <i>The use of rear lanes in the Town Centre Outer Area may be supported where it can be demonstrated that it is necessary for the development and that the lane is of a suitable standard for traffic, or can be upgraded to a suitable standard;</i> <p>King Lane is not located within the Town Centre Outer Area.</p> <ul style="list-style-type: none"> <i>In situations of extenuating circumstances application may be made to Council seeking a variation to this requirement. Any such application should, at a minimum, address the following matters:</i> <ul style="list-style-type: none"> <i>Impacts on privacy, amenity and streetscape;</i> <p>Whilst primary access for residents is from King Lane, the dwelling has been designed to have frontage and access from</p>

	<p><i>To ensure that all developments are capable of being adequately serviced both now and into the future.</i></p>	<p>King Street.</p> <p>The proposed dwelling is not considered to significantly impact privacy, amenity or streetscape (as assessed throughout this report).</p> <ul style="list-style-type: none"> – <i>Suitability of access (including service vehicles);</i> <p>It is considered that the use of King Lane by the dwelling would be solely for residents accessing the garage. King Lane does not lend itself for use of visitors, service vehicles (e.g. garbage trucks, etc.), which would continue to utilise King Street.</p> <ul style="list-style-type: none"> – <i>Availability and standard of service infrastructure;</i> <p>King Lane is currently part bitumen sealed and part gravel, with the proposed dwelling taking access from the gravel part of King Lane. Therefore, it would be necessary to extend the bitumen seal on King Lane. This can be enforced as a condition of consent.</p> <p>Service infrastructure, including sewer, water and stormwater are all available in King Street.</p> <ul style="list-style-type: none"> – <i>Traffic movements and potential conflict; and</i> <p>King Lane is already utilised as a primary access for a number of dwellings. The proposed single garage off King Lane is not considered to increase traffic volumes beyond the capacity of the lane. Vehicles using King Lane enter and exit O'Connor Street via a controlled intersection. It is considered that the proposed development will not result in any significant traffic conflict.</p> <ul style="list-style-type: none"> – <i>Precedent impacts if such a development was allowed to occur in the area.</i> <p>The development is not considered to result in precedent impacts in the area. Whilst primary access is considered to from King Lane by virtue of garage design, the proposed dwelling has been designed with frontage and an access handle to King Street.</p> <p>It is highly unlikely that other development sites would have the same attributes (e.g. lot width, topography, small existing dwelling, etc.) to facilitate a similar style of development.</p> <ul style="list-style-type: none"> • <i>Council recognises that laneways serve a purpose in providing secondary access to properties particularly where vehicle storage areas are located at the rear of a property. Providing suitable access is available, Council will permit secondary access from laneways.</i> <p>The use of King Lane has been assessed above.</p>
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The likely impacts of that development

Matters	Consideration
Context & Setting	<p>The surrounding area is predominantly residential. The neighbourhood contains examples of different styles of housing including:</p> <ul style="list-style-type: none"> • Single storey dwellings; • Two storey dwellings; • Unit developments; and • Different lot shapes and sizes. <p>The proposed new dwelling is considered to be compatible with the context of the residential neighbourhood. Compatibility with the neighbourhood and streetscape is discussed further in the 'Submissions' section of the report.</p> <p>From a visual perspective the proposed dwelling will not dominate the streetscape nor will it be visually intrusive when viewed at a distance as the roof of the dwelling will not protrude into the skyline.</p>
Access, Transport & Traffic	<p>Legal and practical access is available from both King Street and King Lane. The use of King Lane has been assessed in detail against Section 5.8 of the Inverell Development Control Plan 2013. Access to a single garage is acceptable as the dwelling also has frontage and access to King Street. Service vehicles will continue to utilise King Street. The bitumen seal on King Lane will need to be extended, at the applicant's expense.</p> <p>The proposed development is not considered to significantly increase traffic movements on the road network.</p>
Utilities	<p>Water, sewer, electricity, telephone and stormwater drainage are all available to the site. The development is not considered to significantly burden existing infrastructure.</p>
Heritage	<p>The site is not identified as an item of environmental heritage and is not located within a heritage conservation area. Due to historic disturbance, the site is highly unlikely to contain items of aboriginal cultural heritage.</p>
Other Land Resources	<p>The development site is not suitable for agriculture or production of other resources.</p>
Water	<p>The development is not considered to adversely impact the Macintyre River, which is located approximately 130 metres to the south. Subject to detailed engineering, all stormwater can be discharged to the kerb in King Street or the underground pipe, without causing a nuisance to adjoining land.</p>
Soils	<p>The proposed earthworks are considered acceptable and have been assessed against the provisions of Clause 6.1 of the Inverell Local Environmental Plan 2012. Conditions of consent can impose measures relating to erosion control and quality of fill material.</p>
Air Quality	<p>The proposed dwelling is not considered to generate any adverse impacts on air quality (dust, odour, etc.).</p>
Flora & Fauna	<p>The site is not considered to contain any threatened species of flora or fauna.</p>
Waste	<p>Both the existing dwelling and proposed dwelling will have access to Council's garbage and recycling collection service in King Street,</p> <p>All construction waste can be suitably disposed at the Inverell landfill at Burtenshaw Road. This can be enforced as a condition of consent.</p>

Energy	The proposed new dwelling has achieved an energy efficiency target under BASIX provisions. Electricity is considered to be readily available to the development. It is recommended that Council require the electricity supply to be underground to the proposed dwelling.
Noise & Vibration	<p>The use of the proposed dwelling is consistent with the residential neighbourhood and is unlikely to result in significant noise impacts.</p> <p>There will be construction noise, whilst the new dwelling is under construction. Conditions of consent can be imposed to minimise the impact of construction noise on the surrounding area.</p>
Natural Hazards	The site is not identified as subject to flooding, bush fire or other natural hazard.
Safety, Security & Crime Prevention	Both the existing dwelling and proposed dwelling have frontage to King Street, which caters for passive surveillance of the area. The design of the new dwelling, including private open space and King Lane garage, also caters for passive surveillance of King Lane. It is considered that the development will not have an adverse impact on safety, security or crime prevention.
Social Impacts in the Locality	The proposed development is not considered to disadvantage any aspect of the community and is not considered to have an adverse social impact.
Economic Impact in the Locality	The proposed development is not considered to have a significant economic impact.
Site Design & Internal Design	The proposed design of the development responds the characteristics of the site and complies with the Inverell Development Control Plan 2013. Amenity impacts associated with the design, i.e. privacy, solar access, etc. are discussed throughout this report.
Construction	<p>To minimise impacts associated with construction, conditions of consent can be imposed in relation to:</p> <ul style="list-style-type: none"> • Hours of construction; • Waste disposal; • Sediment and erosion; • Storage of materials; • Repair/restoration of any damage to public land; and • Construction vehicles using King Lane.
Cumulative Impacts	The development is not considered to significantly increase traffic volumes. Impacts such as privacy and overshadowing have been assessed in detail (see 'Submissions' section of the report) and are not considered to be adversely impacted for adjoining properties. Utility infrastructure is available and is not considered to be significantly burdened. The cumulative impact of the proposed development is considered minimal.
Climate Change	The development is not considered to significantly impact factors influencing climate change.

Suitability of the Site

In assessing the suitability of the site, two (2) matters are considered:

Does the proposal fit in the locality?

The locality is predominantly residential, containing a variety of housing types. Infill residential development, including battle-axe allotments, is an accepted form of development in the area. In particular, the area is suitable for infill development being in close proximity to Inverell High School and the suspension bridge providing pedestrian access to the CBD.

Compatibility is not 'sameness' and the proposed development is capable of existing in harmony with surrounding development. This concept of compatibility with surrounding development is discussed further in the 'Submissions' section of the report. The proposed *dual occupancy (detached)* is consistent with the residential character of the locality.

Are the site attributes conducive to development?

30 King Street has an area of 1012 square metres and contains a small dwelling located at the front and to one side of the allotment, factors which support a battle-axe style of infill development.

The site is not subject to natural hazards, such as bush fire and flooding. Essential services such as water, sewer, electricity, telephone and stormwater drainage are all available. Legal and practical access is available from King Street and King Lane (refer previous assessment of King Lane use).

The topography of the site and nature of adjoining development requires consideration in the design and assessment of the development, particularly in regard to overshadowing and privacy (refer 'Submissions' section of report); however, this does not preclude development of 30 King Street.

On balance, it is considered that the site attributes are conducive to the proposed development.

Submissions

The application was notified from 6 September, 2016 to 20 September, 2016, with an extension granted until 23 September, 2016. As a result of the exhibition period:

- One submission was received by way of objection; and
- One submission was received requesting a 1.8 metre fence along the boundary with 32 King Street. The 1.8 metre fence has been proposed by the applicant.

Following Council's request for further information, the submission maker was provided an opportunity to review the additional information. A further submission by way of objection was received on 26 September, 2016.

The objections have been circulated separately to Committee Members with the Business Paper.

It should be noted that a number of matters raised in the first objection were adequately addressed by the applicant's further information and not raised in the second objection. However, all matters raised in the submissions have been discussed below.

Subdivision Provisions of the Inverell Local Environmental Plan 2012

The first objection raised concerns regarding compliance with minimum lot size subdivision provisions of the *Inverell Local Environmental Plan 2012*.

The applicant provided an Addendum to Statement of Environmental Effects clarifying the sequence of development and the proposal to undertake the subdivision under Clause 4.1D of the *Inverell Local Environmental Plan 2012*.

The addendum was provided to the submission maker and no further concerns were raised in the second objection.

Site Coverage

In the first objection, the submission maker was concerned that the proposed development exceeded the maximum site coverage of 60% required by Section 3.6 of the *Inverell Development Control Plan 2013*.

Following Council's request for further information, the applicant has re-designed the development to satisfactorily demonstrate that the site coverage of the development does not exceed 60%. A site coverage plan, for the re-designed development, is also included as Appendix 5 (D82 – D99).

The site coverage plan was provided to the submission maker and no further concerns were raised in the second objection.

Variations to the Inverell Development Control Plan 2013

The submission maker contends that the proposed development does not comply with the Inverell Development Control Plan 2013 in relation to land use conflict, privacy, overshadowing and compatibility with the streetscape. Subsequently, the submission maker considers that the applicant is required to seek variations as per Clause 1.10 of the IDCP 2013.

An assessment against the provisions of the IDCP 2013 has been undertaken earlier in the report, and it is concluded that the proposed development meets, and is consistent with the acceptable solutions, intent and outcomes contained in the IDCP 2013. It is considered that only a variation in relation Section 5.8 for the use of King Lane is required.

Further consideration of the specific impacts raised by the submission maker has been undertaken below.

Land Use Conflict

The submission maker has raised concerns with perceived land use conflict between the proposed development and the adjoining residential land and has referenced Clause 2.12 of the *Inverell Development Control Plan 2013*.

Land use conflict refers to situations where incompatible land uses are situated in close proximity to each other, where there is inherent conflict between two “different” uses of land. For example, where there is mining in agricultural areas or residential development is located adjacent to industrial development giving rise to impacts such as noise and odour. In this situation the proposed development is for a residential use and the use of the adjoining properties are residential. Therefore, there is no inherent land use conflict.

In this instance, the submission maker has used the term ‘land use conflict’ to include matters such as overshadowing and loss of privacy. It is considered that these matters are not “*land use conflict*” per se, but rather impacts that arise between adjoining residential developments. These impacts are assessed in further detail below.

Privacy

The submission maker has raised objections in relation to the loss of privacy on 28 King Street, particularly from the following area of the proposed new dwelling:

- The internal living areas;
- Front balcony; and
- Bedroom window above garage on the front elevation.

In Meriton v Sydney City Council [2004] NSWLEC 313, a planning principle was established in relation to privacy.

When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space. Most planning instruments and development control plans acknowledge the need for privacy, but leave it to be assessed qualitatively. Numerical guidelines for the separation of dwellings exist in the Australia-wide guideline, AMCORD; as well is in the NSW-specific Residential Flat Design Code attached to SEPP 65. AMCORD recommends a separation of 9m between habitable rooms. The Residential Flat Design Code recommends increasing separation between buildings as they get taller.

For buildings up to three storeys, it suggests 12m between habitable rooms and balconies, 9m between a habitable and non-habitable room, and 6m between non-habitable rooms. For tall buildings (such as the proposal) it suggests 24m between habitable rooms, 18m between habitable rooms and non-habitable rooms, and 12m between non-habitable rooms

*Generalised numerical guidelines such as above need to be applied with a great deal of judgment, taking into consideration **density**, **separation**, **use** and **design**. The following principles may assist.*

- *The ease with which privacy can be protected is inversely proportional to the **density** of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.*

The King Street area would predominantly be considered low density; therefore, there is a reasonable expectation that some of the adjoining dwellings and private open space will remain private.

- *Privacy can be achieved by **separation**. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)*

The *Inverell Development Control Plan 2013* does not specify numerical standards for separation. In this instance, it is recommended that the Committee consider the standards applied by the widely accepted NSW Residential Flat Design Code (the Code) and AMCORD. The standards to be considered for this development would typically apply to a building up to four storeys. The Code states that recommended separation distance between adjoining sites is 12 metres between habitable rooms/balconies. AMCORD recommends a separation of 9m between habitable rooms.

The separation distance between the balcony of the proposed dwelling and the principal outdoor private space of 28 King Street, is 20 metres. Therefore the separation distance significantly exceeds the minimum separation of 12 metres required between habitable rooms/balconies under the Code and the minimum separation distance of 9m between habitable rooms under AMCORD.

In addition to the separation distance, consideration must also be given to direction of view. The internal living areas and balcony of the new dwelling have been designed to 'face' towards King Street to enjoy the views. The internal living areas and balcony of the new dwelling do not directly face adjoining properties. Furthermore, the addition of fencing and a privacy screen encourage views toward King Street and significantly reduce the angle of view available to adjoining properties.

Figure 7 below demonstrates the separation distance and the angle of view available between 28 and 30 King Street.

- *The **use** of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.*

The nearest windows to 28 King Street are not associated with living areas. The nearest windows are:

- En-suite and Water Closet windows in the south-west elevation; and
- Bedroom window above the garage on the south-east elevation.

Whilst it is acknowledged that 28 King Street could be overlooked from the bedroom window above the garage, the window does not directly face 28 King Street (see point above) and the level of use would be significantly less than the primary living and balcony areas. The size of the bedroom (3 metres x 3.5 metres) does not lend itself for provision of a "parents retreat" with seating, etc. Only minimal furniture (bed, side tables, etc.) could fit in the room, which is not conducive for regular use as living area. The bedroom window is not considered to significantly impact the privacy of 28 King Street.

It is considered that greater importance should be given to the potential loss of privacy for 28 King Street from overlooking by the primary living areas of the new dwelling. The primary living areas (living room, balcony, etc.) are located on north-east side of the new dwelling, as shown on Figure 7. As assessed above, the design of the primary living areas ensures that they do not face 28 King Street and the separation distance from 28 King Street exceeds accepted standards to maintain privacy.

In addition to Figure 7, photos of the private open space within 28 King Street have been provided (Figures 8 and 9). These photos clearly show that the private open space and principal living areas of 28 King Street are located on the south-western side of the site, with the driveway and outbuilding of 28 King Street immediately adjoining the development site.

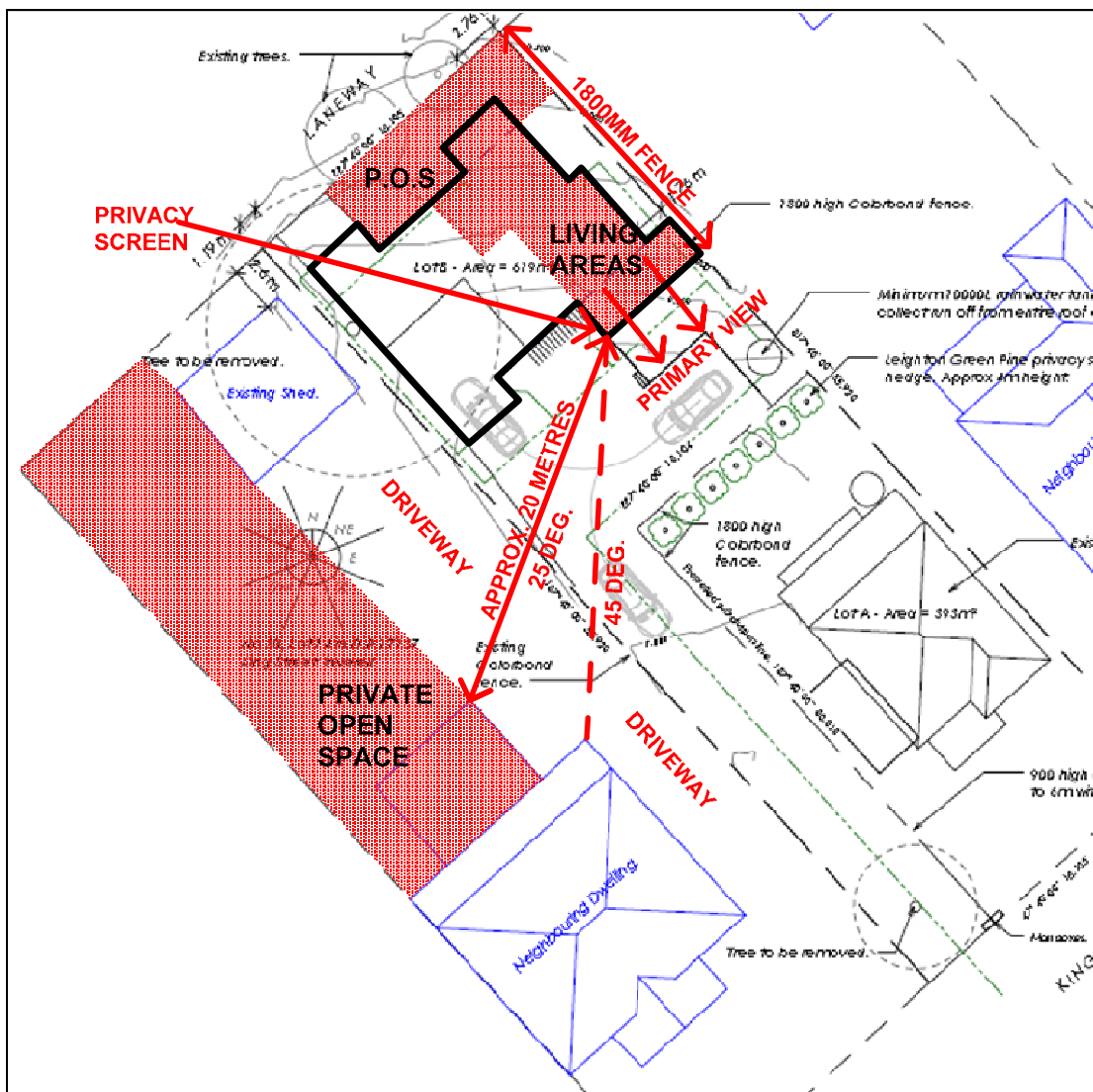


Figure 7 - Diagram of Privacy Assessment



Figure 8 – Private Open Space located on south-western side of 28 King Street – note the established trees which would obscure views from the development site.



Figure 9 – Driveway and Outbuilding of 28 King Street located adjacent to development site

- *Overlooking of neighbours that arises out of poor **design** is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.*

The development is not considered to be "poor" design. The design of the development has been influenced by the topography of the site; however, the applicant has appropriately located and orientated the primary living areas of the new dwelling to ensure there is no significant loss of privacy on the adjoining properties.

- *Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.*

As assessed above, the location of the primary living areas, orientation and separation distance and considered sufficient to protect the privacy of 28 King Street.

- *Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.*

A privacy screen is proposed on a small section of the proposed balcony. Whilst the balcony does not face 28 King Street, the screen does assist in reducing the angle of view available towards 28 King Street, which is considered acceptable in this instance. Skewed windows, louvres, etc. are not considered necessary.

- *Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.*

In addition to existing established landscaping within 28 King Street, the applicant has proposed landscaping along the boundary with 28 King Street. This landscaping will provide further protection of privacy; however, it is not an essential component. The privacy of 28 King Street has been protected through the location of the primary living areas, orientation and separation distance, as assessed above.



Figure 10 – This photo of the existing landscaping at 28 King Street shows that direct views from the proposed development to 28 King Street's private open space and living areas will be obscured.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

This development is unlikely to result in a precedent or significant demand for development of adjoining lands. In this instance, it is reasonable to consider privacy in the context of the existing development only.

Conclusion

In consideration of the planning principle established in *Meriton v Sydney City Council* [2004] NSWLEC 313, the design of the proposed dwelling is not considered to significantly impact the privacy of 28 King Street as:

- No primary living areas are constructed immediately adjacent to 28 King Street. The nearest windows to 28 King Street are a bedroom, en-suite and water closet;
- The bedroom above the garage is not designed to be a primary living area;
- The primary living areas, including the balcony are located on the north-east side of the dwelling and are orientated to 'face' towards King Street. The living areas of the development and 28 King Street do not directly face each other;
- There is 20 metres of separation between the proposed balcony and 28 King Street, which exceeds the widely accepted separation distances required by the NSW Residential Flat Code for buildings up to four storeys; and
- The 1.8 metre fence along the boundary of 32 King Street and the privacy screen on the balcony reinforce the orientation of views away from adjoining properties and towards King Street.

Solar Access

Objections have been made in relation to overshadowing of 28 King Street, Inverell. Revised shadow diagrams have been provided by the applicant to include the shadowing at 9am, 12 noon and 3pm on the winter solstice (worst case scenario). It is considered that the shadow diagrams provided are an accurate reflection of the proposed development.

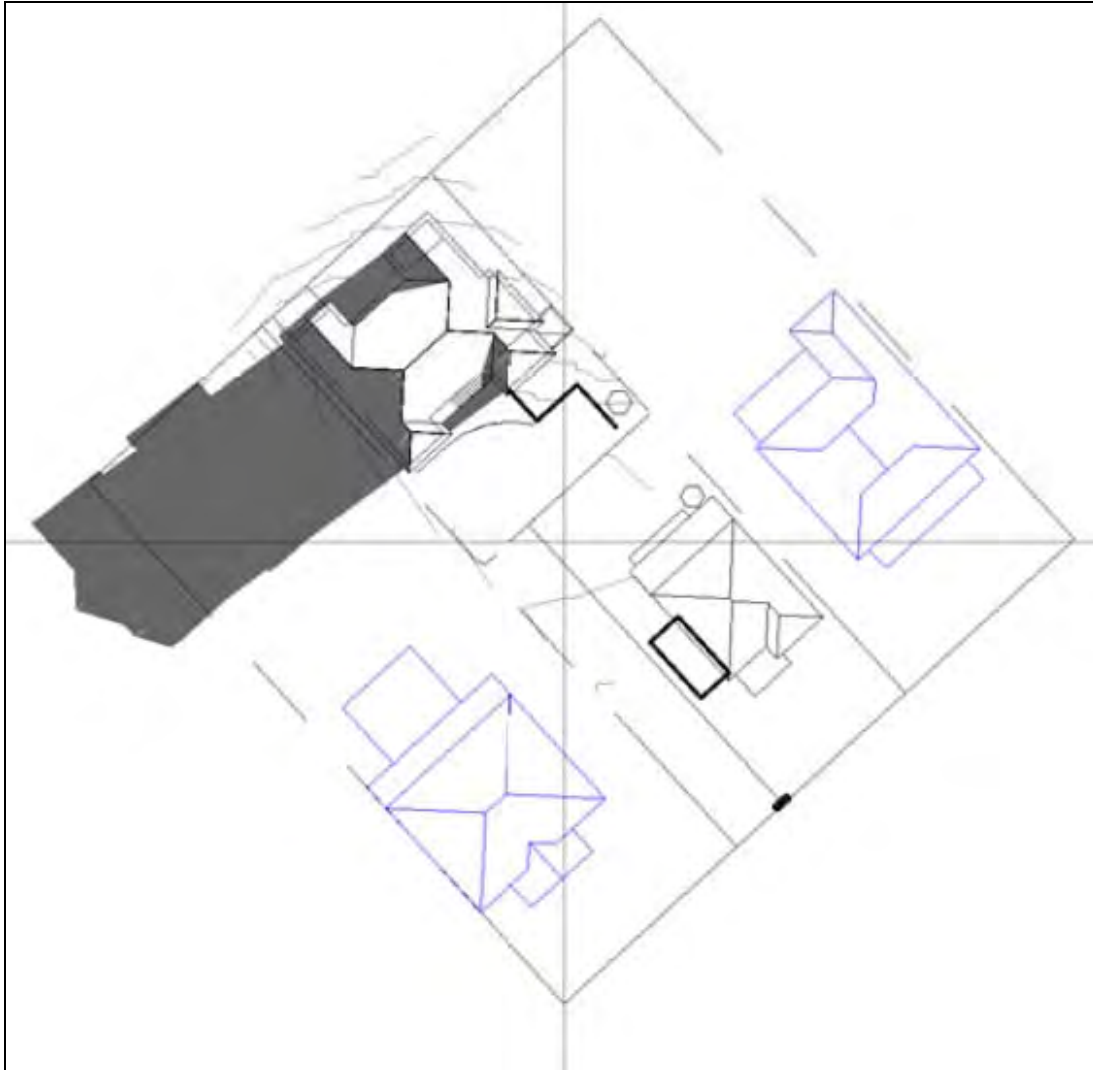


Figure 11 - Shadow Diagram at 9am on the Winter Solstice

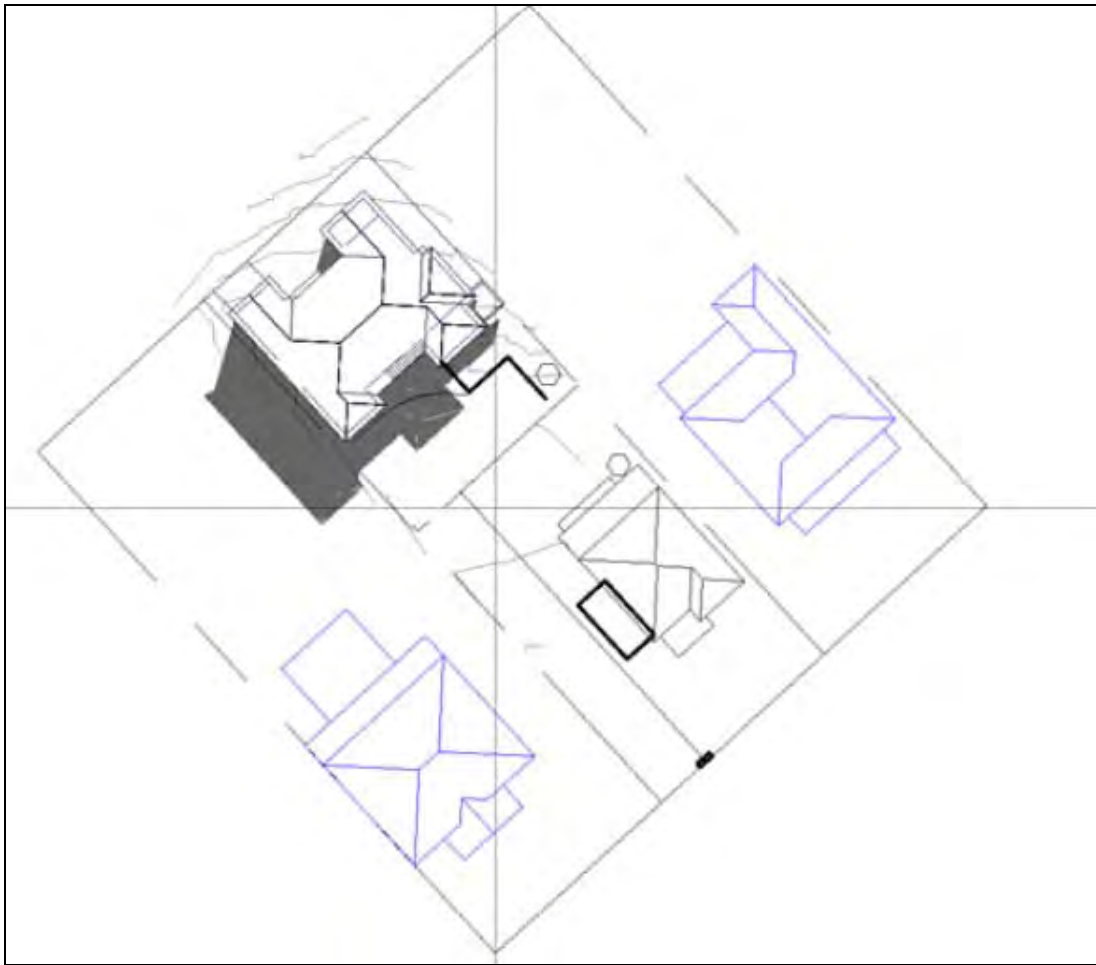


Figure 12 - Shadow Diagram at 12pm on the Winter Solstice

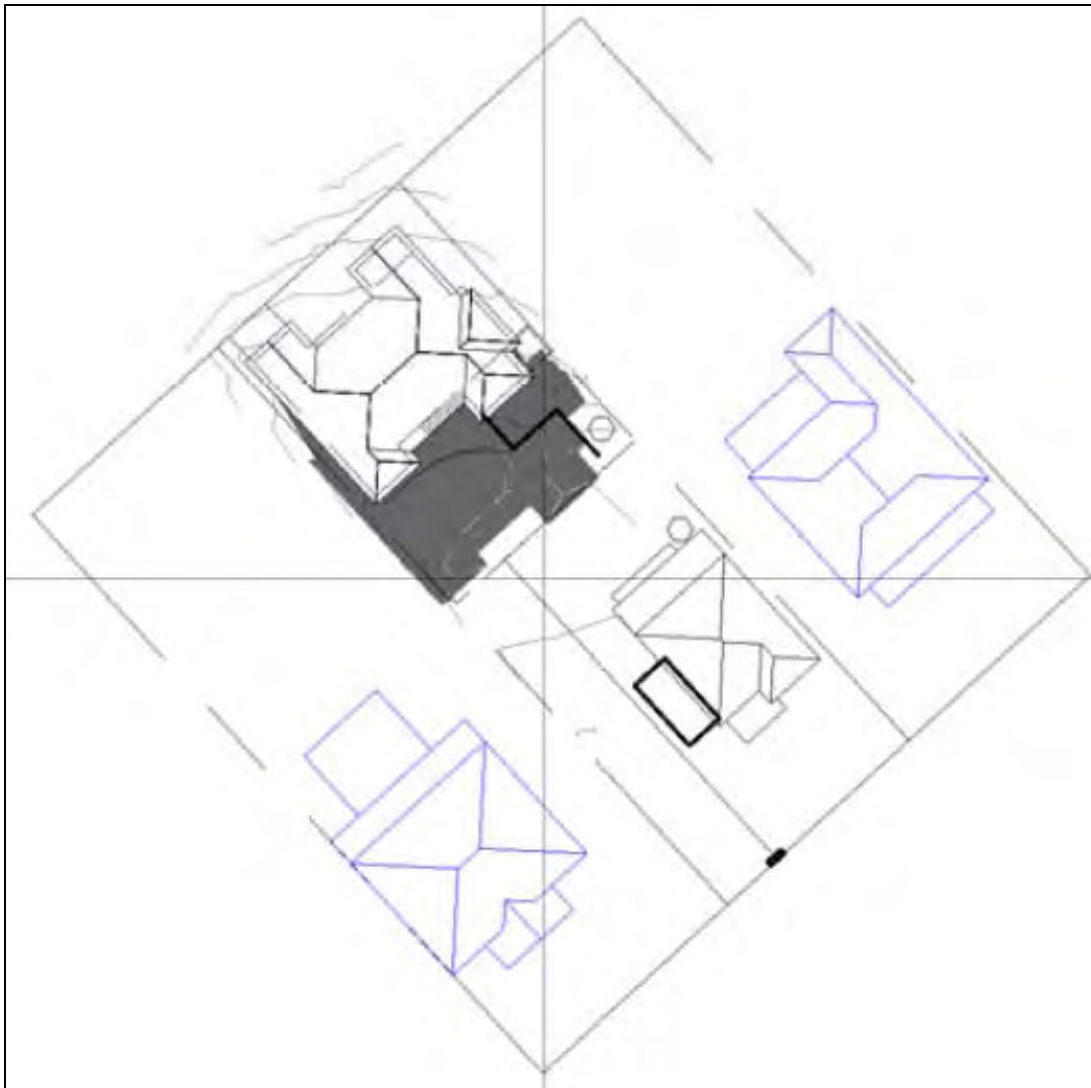


Figure 13 - Shadow Diagram at 3pm on the Winter Solstice

Section 3.11 of the Inverell Development Control Plan 2013 requires buildings to be designed to ensure internal living areas and private open space of adjoining residences maintain at least three (3) hours direct sunlight between 9am and 3pm at the Winter Solstice (21st June)."

As can be seen in the shadow diagrams, at 9am the proposed new dwelling overshadows the rear of 28 King Street. By 12pm, the shadow on 28 King Street has reduced to a small portion in the rear corner of 28 King Street. There is negligible overshadowing at 3pm. The majority of the private open space immediately adjoining the residence at 28 King Street will continue to maintain well in excess of 3 hours of sunlight, between 9am and 3pm, on the winter solstice.

In relation to the 9am, upon closer inspection it is clear that this shadow is cast onto the roof of an outbuilding and adjoining garden (which is already shadowed by the outbuilding). At no stage between 9am and 3pm, is the dwelling or principal outdoor living areas overshadowed by the proposed dwelling.

To further assess the impacts of overshadowing on 28 King Street, the planning principle established in The Benevolent Society v Waverley Council [2010] NSWLEC 1082 has been considered below.

Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, and whether the sunlight should be measured at floor, table or a standing person's eye level, assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

The King Street area would predominantly be considered low density; therefore, there is a reasonable expectation that the dwelling and principal private open space would retain existing sunlight.

As demonstrated in the shadow diagrams, at no stage between 9am and 3pm are the dwelling or principal outdoor living areas of 28 King Street overshadowed by the proposed dwelling.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

There is no significant loss of solar access for 28 King Street. At the time of greatest shadow (9am), the shadow is cast onto the roof of an outbuilding and garden. It should be noted that the outbuilding would also be shadowing the garden at 9am.

Compared to the minimal loss of sunlight, 28 King Street will retain a large portion of sunlight. At no time is the dwelling or principal outdoor area overshadowed. Furthermore, 12pm onwards, the proposed dwelling will cause minimal to no overshadowing of 28 King Street.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

The proposed development is not considered to be "poor" design. As discussed above, 28 King Street will continue to retain a significant amount of sunlight.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

As there will be no overshadowing of the dwelling at 28 King Street, a detailed assessment of windows, etc. is not required.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

The principal private open space of the dwelling will not be overshadowed by the development. At 9am the shadow is cast onto the roof of an outbuilding. At 12pm onwards, there is minimal to no overshadowing of private space of 28 King Street. A significant proportion of 28 King Street will continue to retain solar access.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

In the Addendum to Statement of Environmental Effect, the applicant comments on the current shadow cast by the existing large eucalypt tree. The submission maker has rightly identified that this is not a valid consideration. For the purpose of this assessment, the large eucalypt tree has not been considered. As per the assessment above, it is considered that the overshadowing caused by the proposed new dwelling is not considered to significantly impact the dwelling or private open space of 28 King Street.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

It is unlikely that any further residential development will be undertaken on the adjoining 28 King Street. In this instance, it is reasonable to consider overshadowing in the context of the proposed development only.

Conclusion

The shadow diagrams clearly demonstrate that the overshadowing of 28 King Street is not significant or unreasonable, in particular:

- The shadow at 9am is cast onto the roof of an outbuilding and garden (which is already shadowed by outbuilding);
- At 12pm onwards, there is minimal to no overshadowing of 28 King Street; and
- At no time will there will be overshadowing of the dwelling or principal private open space of 28 King Street.

Compatibility with Streetscape, Building Height, Bulk and Scale

Both the first and second objections raise objections based on compatibility with streetscape, building height, bulk and scale.

As height, bulk and scale directly influence compatibility with the streetscape, it is considered that these issues should be considered together.

To determine whether the proposal fits in the locality, the Planning Principle in relation to compatibility with surrounding development in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191* has been considered.

There are many dictionary definitions of compatible. The most appropriate meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve...Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

The impacts of the proposed development have been assessed throughout this report. In particular, privacy and overshadowing have been assessed against the planning principles established in the Land and Environment Court. It is considered that the development will not have an unreasonable impact, on surrounding development.

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The visual appearance of the new dwelling has the following characteristics:

- Two (2) storey height; and
- Use of both cladding and brick materials.

These characteristics are evident along King Street, in particular:

- The brick dwelling at 28 King Street, with the finished floor level significantly higher than ground level (Figure 14);
- The two (2) storey dwelling at 26 King Street (Figure 15);
- The bulk and scale of the unit development located immediately at the rear (Figures 16 and 17); and
- Numerous weatherboard dwellings, including the existing dwelling on the development site.



Figure 14 - 28 King Street



Figure 15 - 26 King Street



Figure 16 - Unit Development from King Lane



Figure 17 – Unit Development from George Street

In addition to sharing characteristics with other dwellings in King Street, consideration must be given to the visual dominance of the proposed new dwelling when viewed from King Street. The proposed new dwelling is located at the rear of 30 King Street and will be mostly obscured by the existing dwelling when viewed from the street.

Figure 18 and 19 below shows the development site, when viewed from King Street, with the gutter height and roof height marked. It is considered that the proposed dwelling will not be visually dominant from the street. Furthermore, the addition of the proposed landscaping and the carport for the existing dwelling will provide further visual screening of the proposed new dwelling.



Figure 18 - Proposed Dwelling - Heights marked and can be viewed on-site



Figure 19 - Proposed Dwelling - Heights marked and can be viewed on-site.

Conclusion

The proposed new dwelling is not considered to have an unreasonable physical impact on adjoining properties and will not be visually intrusive when viewed from King Street. The bulk, height and scale of the new dwelling are not dissimilar to other dwellings in the area.

The submission maker has raised the lack of battle-axe/rear dwellings in the area. Whilst there are no battle-axe/rear dwellings in the immediate block, there are a number of examples in the broader area.

Overall, the proposed new dwelling to be located on a battle-axe allotment, whilst not exactly similar to the surrounding area, is capable of existing harmony with surrounding development. Therefore, the proposed development is considered to be compatible with the streetscape.

Reduced Levels Nominated on the Plans

In the second objection, the submission maker has raised new concerns regarding the use of reduced levels (RLs) to design and construct the development.

A RL is a calculated level in relation to a particular datum point. The use of RLs is common practice for draftsman, builders, planners and building surveyors. A RL is established either to a fixed datum point (in this case) on the site or to the Australian Height Datum (AHD). To establish an RL to AHD, it is necessary to engage a registered surveyor, which is an added expense to developer.

The use of registered surveyor generally is only required where Council has concerns regarding the accuracy of the RLs and/or specific heights (e.g. flooding) need to be established. Council Officers have undertaken a site inspection and are satisfied that the RLs provided on the plan are accurate. It is not considered necessary for the applicant to engage a registered surveyor to establish the RLs to AHD.

Planning Principle – Impact on Neighbouring Properties

In addition to the consideration of the matters raised by submission makers, *Davies v Penrith City Council [2013] NSWLEC 1141*, contains a Planning Principle specifying criteria for assessing general impact on neighbouring properties, which is considered relevant to this development. The following questions are relevant to the assessment of impacts on neighbouring properties:

- *How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*

The primary impacts of the development on 28 King Street, as raised by the submission maker, are overshadowing and potential loss of privacy. Both of these matters have been assessed against the Inverell Development Control Plan 2013 and the relevant planning principles of the Land and Environment Court.

The assessment has determined that there will not be an unreasonable loss of privacy and sunlight for 28 King Street. Therefore, any loss of amenity for 28 King Street is considered to be minimal.

- *How reasonable is the proposal causing the impact?*

Infill residential development, including battle-axe allotments, is an acceptable form of development in the area and broader Inverell Township. The site attributes are conducive to the development (refer 'Suitability of the Site' assessment earlier in the report) and the development complies with the principal planning controls contained within the *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.

The impacts associated with the development are minimal and the proposed *dual occupancy (detached)* is considered to be a reasonable outcome for the development of 30 King Street.

- *How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*

28 King Street is located on the south-west side of the development and has a floor level significantly higher than ground level. These factors contribute to 28 King Street being vulnerable to potential overshadowing and loss of privacy.

The proposed *dual occupancy (detached)* is considered to have minimal impact on 28 King Street. It is considered, that to have no impact, it would require the unreasonable loss of development potential for 30 King Street.

- *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

The impact of the development does not arise out of poor design. To achieve the same development with a lower single storey dwelling would require significant earthworks and would reduce the practicality and amenity of the proposed development.

- *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The proposed development complies with the principal planning controls contained within the *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*. A variation to the IDCP 2013 has been sought in relation to the use of King Lane; however, this is not considered a factor which would significantly influence the amenity impacts on 28 King Street.

Conclusion

The assessment of the impacts of this development, particularly those raised by the submission maker in relation to overshadowing and privacy, has determined that the development will not have an unreasonable impact on the amenity of 28 King Street.

The proposed *dual occupancy (detached)* complies with the relevant planning controls and it would result in an unreasonable loss of development potential to achieve no impact. The impact of the development is not considered significant, and in consideration of the planning principle established in *Davies v Penrith City Council [2013] NSWLEC 1141*, the proposed impact of the development is not unreasonable.

Construction Impacts

The submission maker has concerns in respect to construction traffic using King Lane. In this respect it is reasonable for Council to condition that all construction traffic must use King Street. In extenuating circumstances if construction traffic needs to use King Lane the prior written approval from Council would be required and an agreement that any damage caused would need to be repaired immediately.

Public Interest

The application is not considered to be prejudicial to the public interest.

Conclusion

Lot 14 Section 6 DP 17137 is zoned R1 General Residential and the proposed *dual occupancy (detached)* is permissible with consent. The subsequent subdivision of the dual occupancy complies with the minimum lot size provisions of Clause 4.1D of the *Inverell Local Environmental Plan 2012*.

The site is considered suitable for infill residential development, given the proximity to Inverell High, Macintyre River (passive and active recreation) and the CBD (pedestrian access over suspension bridge). Furthermore, the land is close to the CBD without being restricted by hazards such as flooding.

An assessment of the development against the provisions of the Inverell Development Control Plan 2013 has determined that the development is consistent with the outcomes and acceptable solutions contained in Chapter 2 Subdivision and Chapter 3 Residential Development. The applicant made a written request to vary the provisions of Chapter 5 in relation to primary access from King Lane. It is recommended that Council support the variation, subject to upgrade of the lane, as King Street will still be used for access and services vehicles.

As a result of the notification of DA-122/2016, two (2) submissions were received:

- One (1) submission was received by way of objection; and
- One (1) submission was received requesting a 1.8 metre fence along the boundary with 32 King Street. This has been proposed by the applicant.

Following the end of the notification period and Council's preliminary assessment, Council requested and was provided additional information from the applicant. The submission maker was provided an opportunity to review the additional information and provided a further submission.

The primary issues raised by the submission maker relate to:

- Land Use Conflict;
- Privacy;
- Overshadowing; and
- Compatibility with the streetscape, including height, bulk and scale.

The above issues are established matters for consideration under the Inverell Development Control Plan 2013; however, consideration was also given to the following planning principles established by the Land and Environment Court:

- Privacy;
- Sunlight;
- Compatibility; and
- General Impact.

In consideration of the planning principles, the development;

- Is not considered to have an unreasonable impact on privacy, as:
 - The windows closest to 28 King Street are associated with a bedroom, en-suite and water closet, not primary living areas;
 - The separation distance, between the living areas of the proposed dwelling and 28 King Street, exceeds widely accepted standards for a building up to four storeys; and
 - The living areas of the new dwelling and those on 28 King Street do not directly face each other.
- Is not considered to have an unreasonable impact on solar access, as:
 - At 9am, the shadow cast by the new dwelling is over the roof of an outbuilding and garden (already overshadowed by outbuilding);
 - At 12pm onwards, there is minimal to no overshadowing of adjoining land; and
 - At no time of the day is the dwelling or primary outdoor living area on 28 King Street overshadowed.
- Whilst not the "same" as adjoining properties, the new dwelling shares similar characteristics as other properties in the area and is capable of existing harmony with the surrounding development and the streetscape.
- Will have minimal impact on adjoining land, which is not unreasonable in the context of the development site and adjoining land.

In summary, the proposed development is permissible, complies with the relevant planning instrument and is consistent with the planning principles established in the Land and Environment Court and will have minimal environmental impact.

It is recommended that DA-122/2016 be approved subject to conditions of consent.

RECOMMENDATION:

The Committee recommend to Council that Development Application 122/2016 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 a dual occupancy (detached), comprising:

- Construction of a new dwelling at the rear of 30 King Street; and
- Subdivision.

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 dwellings shall be numbered as follows:
 - 30A King Street – new dwelling; and
 - 30B King Street – existing dwelling.
4. Electricity and telecommunication services to the new dwelling must be underground.
5. King Lane is to be upgraded with the extension of the bitumen seal from the end of the current seal to the common boundary between 28 and 30 King Street, Inverell, and drainage improvements where necessary.
6. The existing trees in King Lane are to be maintained and measures installed during construction to protect the trees from damage.

Prior to Construction

7. Prior to the commencement of any building works on the site 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.
8. Prior to the issue of a Construction Certificate, detailed engineering plans and specifications are to be submitted to and approved by Council for:
 - Access crossings;

	<ul style="list-style-type: none"> • The access handle driveway for the new dwelling in consideration of the underground stormwater pipe; • Stormwater drainage for the entire site, including dwelling, hard stand and retaining walls; and • Inter-allotment drainage between the new dwelling and existing dwelling.
9.	<p>Prior to issue of a Construction Certificate, approval under Section 68 of the Local Government Act 1993 is to be obtained for:</p> <ul style="list-style-type: none"> • Water Supply; • Sewerage Work; and • Stormwater Drainage Work
10.	<p>Prior to issue of a Construction Certificate, approval under Section 138 of the <i>Roads Act 1993</i> is to be obtained for the construction of access crossings. And upgrade of King Lane.</p>
11.	<p>Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for the new dwelling for water supply and water connection. This will require payment to Council of:</p> <ul style="list-style-type: none"> • A Contribution under Council's Development Servicing Plan; and • A water connection fee in accordance with Council's fees and charges.
12.	<p>Prior to the issue of a Construction Certificate, contributions/fees must be paid to Council for the new dwelling for sewer supply and sewer connections. This will require payment to Council of:</p> <ul style="list-style-type: none"> • A Contribution under Council's Development Servicing Plan No. 1; and • A sewer junction fee in accordance with Council's fees and charges.
13.	<p>Prior to the issue of a Construction Certificate, a contribution towards Community Services must be paid to Council pursuant to Section 94 of the <i>Environmental Planning and Assessment Act 1979</i>, for the new dwelling.</p>
	<p><i>During Construction</i></p>
14.	<p>A survey report is required to ensure that the proposed development is located on the correct allotment and at the approved distance from the boundary. The survey report is to be prepared by a registered land surveyor and be provided to the Principal Certifying Authority prior to works proceeding past floor level. This report is to be verified:</p> <ul style="list-style-type: none"> • by the pegging of the site prior to the commencement of work; and • on completion of footings.
15.	<p>To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:</p> <ul style="list-style-type: none"> • Works on site are to be carried out in accordance with the <i>Protection of the Environment Operations Act 1997</i> 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.

16. Vehicles associated with construction of the new dwelling, including delivery vehicles and worker vehicles, must use King Street. In extenuating circumstances if construction traffic needs to use King Lane the prior written approval from Council must be obtained and an agreement in place that any damage caused to King Lane must be repaired immediately, at the applicant's expense.

17. Any required fill material must be Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

Prior to Occupation

18. Prior to occupation of the new dwelling, 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.

19. Prior to issue of an Occupation Certificate, where applicable, the following works are to be completed:

- All adjacent public and private land must be cleared of obstructions such as stockpiles of topsoil, building material, waste and other material associated with construction.
- The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
- Any unused layback in the kerb and gutter is to be capped to Council's satisfaction.
- Sediment and erosion control measures, which are no longer required, are to be removed including any silt/sediment in gutters and/or drains.

20. Prior to issue of an Occupation Certificate, all access crossings and the access handle driveway for the new dwelling, are to be constructed in accordance with the approved engineering design.

21. Prior to issue of an Occupation Certificate, the upgrade of King Lane being the extension of the bitumen seal from the end of the current seal to the common boundary between 28 and 30 King Street and drainage improvements (where necessary), is to be completed at the applicant's expense.

22. Prior to issue of an Occupation Certificate, all stormwater drainage is to be completed in accordance with the approved engineering design.

23.	<p>Prior to issue of an Occupation Certificate all landscaping, fencing and privacy screen are to be completed as per the approved plan(s).</p> <p>The privacy screen must have:</p> <ul style="list-style-type: none"> • A minimum height 1.5m above floor level; • No individual opening more than 30mm wide; and • A total area of all openings no greater than 30% of the screen area
24.	<p>Prior to issue of an Occupation Certificate, the carport for the existing dwelling is to be constructed in accordance with the approved plan(s).</p>
25.	<p>Prior to issue of an Occupation Certificate, each dwelling is to be individually numbered and the number displayed in 100mm numerals on each dwelling and associated mailbox. The street number is to be displayed in 150mm numerals adjacent to the mailboxes.</p>
26.	<p>Prior to issue of an Occupation Certificate, all new external lighting must be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.</p>
<i>Prior to Issue of a Subdivision Certificate</i>	
27.	<p>A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the <i>Environmental Planning and Assessment Act 1979</i>. The applicant must submit a completed Subdivision Certificate application form (with applicable fee), four (4) copies of the survey plan, two (2) copies of any 88b instrument and documentary evidence demonstrating compliance with the conditions of this development consent.</p>
28.	<p>Prior to the issue of a Subdivision Certificate, the new dwelling is to be constructed and issued with an Occupation Certificate.</p>
29.	<p>A 3m easement over the stormwater pipe is to be shown on the plan of subdivision and dedicated in favour of Council.</p>
30.	<p>Where applicable, the plan of subdivision is to clearly show any private easements for services (e.g. electricity, telephone, etc.).</p>
31.	<p>Any other condition deemed appropriate by the Director Civil and Environmental Services.</p>

APPENDIX 1

Section 3: Route assessment summary report**3.1 Cover Sheet**

Vehicle configuration:	Class 2 B-Double
Route:	Burtenshaw Road - Inverell
Origin Address:	Roundabout at MR 137
Destination Address:	Inverell Landfill

This is to certify that the investigation levels have been duly considered, checklist has been completed and comments provided as appropriate.

My assessment of the inspected route against the guide is that the route is:

Suitable

Burtenshaw Road - Inverell

Person responsible for the route assessment:**Signature:****Name:**

Justin Pay

Qualification

Engineering Officer

Position:

Manager Civil Engineering

Organisation

Inverell Shire Council

Date:

31/10/16

Burtenshaw Road - Inverell

3.2 Route Assessment summary check list

Separate working papers are to contain the detailed assessment that supports this summary check list.

Road Name and Section:		Burtenshaw Road, Inverell – between MR137 Ashford Road Roundabout and Inverell Landfill		
Ref	Assessment characteristic	Data	Comment / information	
2.1.1	General			
	Length of route (km)	750m		
	Road Class Hierarchy (State Roads)	Local		
	Traffic Volumes (AADT)	300	Estimate	
	% Volume of commercial vehicles	25%	Estimate	
	Volume by types of freight vehicles:			
	• Semi-trailers	10%	Estimate	
	• B-doubles	5%	Estimate	
	• Road Trains	NA		
	• AB and B-triple combinations	NA		
	• Other			
Ref	Assessment characteristic	Pass	Inves- tigate	Comment / information
2.2	Legal/regulatory			
2.2.1	Vehicle			
	Check the proposed vehicle against the regulations:	✓		
	Actual legal class and configuration	✓		
	Comparable vehicle			>NA
2.2.2	Zoning of land			
	Evidence provided that access complies with planning approvals	NA		
2.3	Road safety issues			
2.3.1	At terminals			
2.3.1(a)	Road access within terminals			
	Evidence provided to confirm suitability within terminals.	✓		

Burtenshaw Road - Inverell

Ref	Assessment characteristic	Pass	Investigate	Comment / information
2.3.1(b)	Road access into or from terminals	✓		
	Entry and exit complies	✓		
2.3.2	Road safety assessment			
	Road Crash Investigation Report Review of desk-top analysis of the road crash history over the previous 5 years.	✓		
	Where required, road safety audit report	NA		
	• Speed zones	NA		
	• School speed zones	NA		
	• Truck and bus zone	NA		
2.3.3	Road alignment			
	Is there a comparable vehicle using this route?	✓		Historic Usage
	Low speed turns at intersections, roundabouts, traffic management devices	✓		
	Curve geometry at road speed	✓		
2.3.4	Road width (cross-section)			
2.3.4(a)	Rural roads			
	For unsealed sections: • Carriageway width (W)	NA		
	For sealed sections: • Sealed surface width (SSW) • Sealed lane width (SLW) • Carriageway width (W)	NA		
2.3.4(b)	Urban roads			
	For sealed sections: • Sealed lane width (SLW) • Adjacent lane (SLW)	✓		
2.3.5	Structure width (including bridge width)			
	Structure width			NA
	Width ratio ≤ 1.25			NA

Burtenshaw Road - Inverell

Ref	Assessment characteristic	Pass	Investigate	Comment / information
2.3.6	Intersections			
2.3.6(a)	Low speed turns			
	Roadside structures	✓		
2.3.6(b)	Intersections and turn bays			
	Safe intersections sight distance (SISD)	✓		
	Adequate road length for storage	✓		
2.3.6(c)	Approach visibility (stopping sight distance)			
	Stopping Sight Distance (SSD)	✓		
2.3.7	Overtaking opportunities			
	Overtaking opportunities meet the requirements for the route.	✓		
2.3.8	Traffic facilities			
2.3.8(a)	Signs, lines and markings	✓		
	Signposting	✓		
2.3.8(b)	Crash barriers and clear zones	✓		
2.3.8(c)	Traffic signals			
	Minimum green time (Note locations where adjustment is required)	NA		
2.3.9	Traffic interaction with other users			
	School bus route has bus stop areas off the road where the bus can safely stop.	NA		Not school bus route
	Tourist route	✓		No additional impact on tourist traffic
	Pedestrians and cyclists	✓		No additional impact on cyclists
	Other drivers familiar with RAV	✓		RAV operate on large portion of Shire road network
2.3.10	Local conditions			
	Other local conditions (describe)	NA		

Ref	Assessment characteristic	Pass	Investigate	Comment / information
2.4	Rail-road safety			
2.4.1	Grade Separated Crossings	NA		
2.4.2	Railway crossings			
2.4.2(a)	Sight distance	NA		
2.4.2(b)	Alignment and width	NA		
2.4.2(c)	Queuing on railway crossings at or near intersections	NA		
2.4.2(d)	Short stacking	NA		
	Concurrence from rail infrastructure manager	NA		
2.5	Work, health and safety			
2.5.1	Decoupling operation	✓		No additional decoupling
2.5.2	Driver breaks	✓		Short route
2.6	Amenity and environment issues			
2.6.1	Existing approved land-use			
2.6.1(a)	Community amenity	✓		Proposed vehicle will reduce number of freight vehicles
2.6.1(b)	Noise and vibration			
	Road noise: Road surface irregularity	✓		
	Engine and brake noise: Grade > 5% (potential for engine brake noise)	✓		
2.6.1(c)	Air quality	✓		
2.6.1(d)	Vulnerable or endangered flora or fauna	✓		
2.6.2	Traffic-generating development			
	Associated with DA	NA		

Ref	Assessment characteristic	Pass	Investigate	Comment / information
2.7	Infrastructure loading			
2.7.2	Bridge structure			
	All bridges & culverts structurally capable	NA		No structures on route
2.7.3	Pavement structure			
2.7.3(a)	General and concessional mass			
	Wear relative to 6 axle semi-trailer	✓		
	Pavement condition			
2.7.3(b)	Higher mass limits (HML) on axles groups			
	Pavement condition	✓		
2.7.4	Floodways and causeways	NA		
2.8	Property damage (public infrastructure or property)			
2.8.1	Low clearance structures and plant			
2.8.1(a)	Structure clearance	✓		
2.8.1(b)	Overhead cable clearance	✓		
2.8.2	Tree clearance	✓		
2.9	Other significant issues			
	Other issues not covered in the assessment (describe)	NA		

Risk Management Approach:

	Yes	No
Risk management analysis required to resolve issues		✓
Attach the risk management analysis at the end of this summary		

Access Conditions:

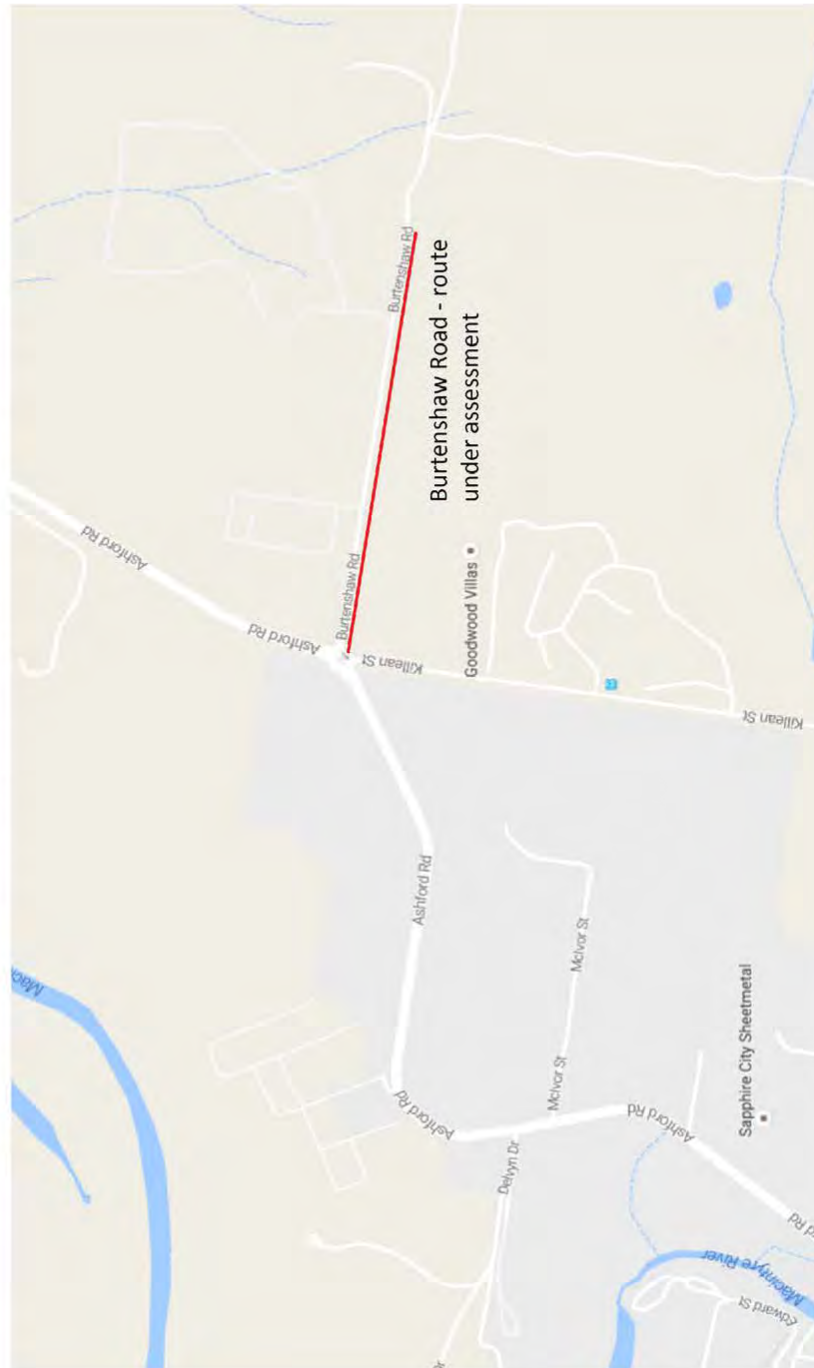
NIL

Other issues:

	Yes	No
Is a review of the route scheduled?		✓

Burtenshaw Road - Inverell

B-Double Route Assessment - Burtenshaw Road, Inverell



APPENDIX 2

21st October 2016

The General Manager
Inverell Shire Council
Otho Street
Inverell NSW 2360

Dear Sir,

RE: 2016 Venetian Carnival and Christmas Carols.

We are writing to seek permission to close a section of road on Captain Cook Drive from the Byron Street roundabout adjacent to Campbell Park around to the Coles carpark entrance. This road closure is requested between 5pm – 10pm on Saturday 3rd December 2016.

The Apex Venetian Carnival has been running for over 50 years and is ingrained in Inverell history. It is considered a major fundraiser for many service clubs in town. The Carnival has attracted many families to the park over the years and one of our biggest concerns has been public safety, with so many young children gathering beside a busy roadway. We believe in the interest of public safety a road closure is essential.

We have in the past applied for road closures and been informed that this is possible with a fee payable to recover Council's costs. The amount previously sought by Council for this road closure has been prohibitive and as such, recent carnivals have been held without the closure of Captain Cook Drive, despite our safety concerns.

As we no longer consider the risk of leaving the road open acceptable, we ask that consideration be given to waiving Council's fees associated with road closure.

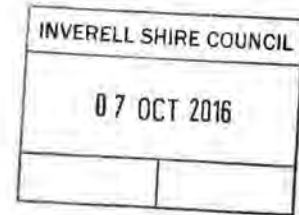
The Apex club of Inverell requests your favourable consideration to our request.

Should you require any further information, please do not hesitate to contact me on 0429403214.

Yours Faithfully,

Matthew Verri
President
Inverell Apex Club

APPENDIX 3

**Planning &
Environment**

**Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360**

16/12436

4 October 2016

Dear Mr Henry

Nomination of members to the Northern Joint Regional Planning Panel

I am writing to remind Council that it is an appropriate time, following the recent Council election, for Council to nominate new members to the Northern Joint Regional Planning Panel. Council should have regard for the expertise requirements set out in Schedule 4 of the *Environmental Planning and Assessment Act 1979* when selecting its members.

The nomination of Council members to the Panel and the remuneration of those members remains a matter for Council to determine. However, you are reminded that, consistent with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration*, payments should not be made to council staff or Public Sector employees.

The *NSW Government Boards and Committees Guidelines* require that all members complete an annual Pecuniary Interests Declaration and Undertaking.

The Planning Panels Secretariat manages this process for State appointed panel members. Councillors and council staff members who are required to complete these same annual declarations under the *Local Government Act 1993* need not complete additional declarations for their role on the Panel. However, Council should ensure that the required declarations are obtained for all Council nominated panel members who are not subject to these requirements, such as community members.

In recognition of the importance of maintaining the reputation and integrity of the Panel it would be appreciated if Council could provide written acknowledgement from its members that they will comply with the requirements of the recently revised *Planning Panels Code of Conduct*, as is currently required of the State appointed members.

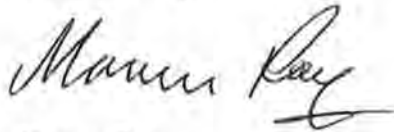
The Northern Joint Regional Planning Panel determined 28 regionally significant development applications with a capital investment value of \$319 million in the last

2

financial year. The important role Council's planning staff play in providing quality, well-considered assessment reports to support the Panel's determination role is recognised and appreciated.

Should you have any enquiries about this matter, please contact Mr Stuart Withington, Manager, Planning Panels Secretariat at the Department of Planning and Environment, on (02) 8217 2061.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

APPENDIX 4

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 19...

http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/...

New South Wales Consolidated Acts

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Act\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#) [\[Help\]](#)ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 -
SCHEDULE 4SCHEDULE 4 – Joint Regional Planning Panels

(Section 23G (6))

Part 1 - General**1 Definitions**

In this Part:

"**applicable council**" means the council of an area that is situated (wholly or partly) in a part of the State for which a regional panel is appointed.

"**chairperson**" means the person appointed by the Minister as the chairperson of a joint regional planning panel.

"**council nominee**" means a person nominated as a member of a regional panel by an applicable council.

"**member**" means the chairperson or other member of a regional panel.

"**State member**" means a member appointed by the Minister.

Part 2 - Members**2 Members**

(1) A regional panel is to consist of the following 5 members:

(a) 3 persons appointed by the Minister, each having expertise in at least 1 of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration,

(b) 2 council nominees of an applicable council, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

(2) One of the State members is to be appointed by the Minister as chairperson of the regional panel. The Minister is required to obtain the concurrence of the Local

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Government and Shires Association of New South Wales to the appointment unless:

- (a) the Association fails to notify its concurrence or refusal to concur within 21 days of being requested to do so by the Minister, or
 - (b) the Association has refused to concur in 2 different persons proposed by the Minister for appointment.
- (3) In appointing a State member, the Minister is to have regard to the need to have a range of expertise represented among the panel's members.
- (4) Each applicable council is to nominate 2 persons as council nominees for the purposes of the regional panel, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.
- (5) If an applicable council fails to nominate 1 or more council nominees, a regional panel is not required to include 2 council nominees for the purposes of exercising its functions in relation to the area of the council concerned.

3 Rotation of council nominees

- (1) For the purposes of exercising the functions of a regional panel in relation to a matter, the council nominees appointed to the regional panel are to be those nominated by the applicable council for the land to which the matter relates.
- (2) Subject to this Part, a council nominee remains eligible to participate as a member of the regional panel for such period (not exceeding 3 years) as is specified in the nominee's instrument of nomination, but is eligible (if otherwise qualified) for re-nomination.

4 Terms of office of State members

- (1) Subject to this Part, a State member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) The period under subclause (1) may be determined by reference to the occurrence of a specified event.

5 Basis of office

The office of a member is a part-time office.

6 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

7 Deputy chairperson

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 19... http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/...

(1) The members of a regional panel may elect a State member to be the deputy chairperson of the regional panel.

(2) The person may be elected for the duration of the person's term of office as a member or for a shorter term.

8 Alternates

(1) The Minister may, from time to time, appoint a person to be the alternate of a State member, and may revoke any such appointment.

(2) An applicable council may, from time to time, appoint a person to be the alternate of a member nominated by the council, and may revoke any such appointment.

(3) In the absence of a member, the member's alternate may, if available, act in the place of the member.

(4) While acting in the place of a member, a person has all the functions of the member and is taken to be a member.

(5) A person while acting in the place of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(6) A person may be appointed as the alternate of 2 or more members, but has only one vote at any meeting of the regional panel.

9 Vacancy in office of member

(1) The office of a member becomes vacant if the member:

(a) dies, or

(b) completes a term of office and is not re-appointed, or

(c) resigns the office by instrument in writing addressed to the Minister or applicable council, as the case requires, or

(d) in the case of a council nominee, is removed from office by an applicable council under this clause or by the Minister under subclause (2), or

(e) in the case of a State member, is removed from office by the Minister or by the Governor under Part 6 of the *Government Sector Employment Act 2013*, or

(f) is absent from 3 consecutive meetings of the regional panel of which reasonable notice has been given to the member personally or by post, except on leave granted by the panel or unless the member is excused by the panel for having been absent from those meetings, or

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(g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

(h) becomes a mentally incapacitated person, or

(i) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove a member from office if the Independent Commission Against Corruption, in a report referred to in section 74C of the *Independent Commission Against Corruption Act 1988*, recommends that consideration be given to the removal of the member from office because of corrupt conduct by the member.

(3) The Minister may remove a State member from office for any or no reason and without notice.

(4) An applicable council may remove any of its council nominees from office for any or no reason and without notice.

10 Filling of vacancy in office of member

If the office of a member becomes vacant, a person may, subject to this Act and the regulations, be appointed to fill the vacancy.

11 Chairperson

(1) The chairperson vacates office as chairperson if he or she:

(a) is removed from that office by the Minister, or

(b) resigns that office by instrument in writing addressed to the Minister,
or

(c) ceases to be a member of the regional panel.

(2) The Minister may at any time remove the chairperson from office as chairperson for any or no reason and without notice.

12 Disclosure of pecuniary interests

(1) If:

(a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the regional panel, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

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the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the regional panel.

(2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- (a) the member, or
- (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
- (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.

(3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):

- (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.

(4) A disclosure by a member at a meeting of the regional panel that the member, or a spouse, de facto partner, relative, partner or employer of the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(5) Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the regional panel.

(6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the regional panel otherwise determines:

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- (a) be present during any deliberation of the panel with respect to the matter, or
 - (b) take part in any decision of the panel with respect to the matter.
- (7) For the purposes of the making of a determination by the regional panel under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the panel for the purpose of making the determination, or
 - (b) take part in the making by the panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the regional panel.

13 Effect of certain other Acts

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
 - (b) prohibiting the person from engaging in employment outside the duties of that office,
- the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

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APPENDIX 5



DANBUILT PTY LTD ATF
Dan & Kylie Wilks Family Trust

acn: 098 887 239
abn: 34 420 122 370

po box 616
inverell nsw 2360
m: 0417 650 210
p: 02 6721 2215
f: 02 6721 2216

lic no. 157972C
e: danwilks@davidreidhomes.com.au
www.davidreidhomes.com.au
www.danbuilt.com.au

ADDITIONAL INFORMATION TO STATEMENT OF ENVIROMENTAL EFFECTS

Privacy of Neighbouring Properties

- 32 King St - To address any privacy issues to this property we will be extending a new 1800 high colourbond fence to front patio corner of the proposed dwelling. From this point the 1800 high fence would only step down an estimated 200mm per panel till it reach the proposed subdivision line. If ground level wasn't suitable for this it could still be achieved with a block wall under the fence to give it the height required.
- Existing property 30 King St - As displayed on the landscaping plan any overlooking issue here would be resolved with the planting of a dense hedged pine tree planted on the existing side of the proposed subdivision line. This would insure future owners would be guaranteed privacy.
- 28 King St - This property being on the southern side of the proposed dwelling has no living or outdoor areas facing towards it. Therefore I don't see privacy

Kind Regards,

Daniel Wilks
Director
Danbuilt Pty Ltd

HIA HOUSING AWARD WINNERS & FINALISTS FOR 03, 04, 06, 08, 09, 10, 11, 12 & 13



Context and Site Setting

Will the development:

be visually prominent in the surrounding area? Why/Why not?

NO - THE NEW DWELLING DEVELOPMENT HAS BEEN DESIGNED WITH NEIGHBOURING PROPERTIES IN MIND AND WILL HAVE NO SIGNIFICANT PROMINENCE IN THE AREA

be inconsistent with the existing streetscape or Council's setback policies? Why/Why not?

NO - THE NEW DWELLING DEVELOPMENT WILL BE POSITIONED AT THE REAR OF THE LOT TO BE SUBDIVIDED

be out of character with the surrounding area? Why/Why not?

NO - THE MATERIALS USED IN THE NEW DWELLING DEVELOPMENT WILL BE CONSISTENT WITH OTHER DWELLINGS IN THE IMMEDIATE AREA

impact on the existing and likely future amenity of the area (eg noise, dust, traffic)? Why/Why not?

THERE WILL BE MINIMAL IMPACT ON ANY AMENITY AS THE NEW DEVELOPMENT WILL BE A SINGLE ~~HOUSE~~ DWELLING ONLY

Will the proposal affect the amenity of surrounding residences by overshadowing/loss of privacy/increased noise or vibrations? Why/Why not?

THE NEW DWELLING DEVELOPMENT IS DESIGNED TO BE POSITIONED AT THE BACK OF THE NEW PROPOSED SUBDIVISION TO LIMIT ANY OVERSHADOWING. THE PROPOSED DWELLING'S MAIN LIVING AND PRIVATE GARDEN SPACE IS DESIGNED ON THE NORTH SIDE AND WILL NOT AFFECT SIMILAR AREAS OF ADJOINING DWELLINGS.

Access / Traffic & Utilities

(Note 1 dwelling = approx. 10 vehicle movements per day)

Is legal and practical access available to the development? Describe where access is available and show on plan.

YES - ACCESS WILL BE AVAILABLE FROM KING STREET VIA NEW ACCESS HANDLE

Will development increase local traffic movements/volumes? If Yes, by how much? Why/Why not?

YES IT IS ESTIMATED THAT ~~10~~ 10 VEHICLE MOVEMENTS PER DAY MAY OCCUR ON OCCASION

Are additional access points to the road network required? Describe where additional access points are required from and show on plan.

YES. A NEW ACCESS POINT IS REQUIRED FOR EXISTING DWELLING.

SEE ATTACHED PLAN.

Has vehicle manoeuvring and onsite parking been addressed in the design (Commercial/Industrial/Multi Res/Public Buildings)? Describe route of vehicle movements & number/type/location of parking and show on plan.

YES. CONSIDERATION HAS BEEN AFFORDED IN REGARDS TO VEHICLE MANOEUVRING SO VEHICLES CAN ENTER AND EXIT IN A FORWARD DIRECTION.

Is power, water, electricity, sewer and telecommunications services existing and/or available to the site?

YES. ALL SERVICES ARE AVAILABLE TO NEW DWELLING

What type of vehicle/equipment will be used onsite eg trucks, loader, forklift? List number, use & type of vehicle/equipment.

- 1) SKIP STEER LOADER - SITE CLEAN, GENERAL EXCAVATION
 1 5 TONNE EXCAVATOR - FOUNDATION/ROOTING EXCAVATION
 1 TIPPER TRUCK - REMOVAL OF SOIL, PROVISION OF FILL/GRAVEL MATERIALS

Can/is disabled access provided? Are disabled facilities to be installed/provided? Number & location?

DISABLED ACCESS HAS NOT BEEN LAYED OUT FOR IN THE DEVELOPMENT

Method/timing/frequency/type of deliveries (loading and unloading)?

DELIVERIES GENERALLY WILL BE ARRANGED MID MORNING.
DEPENDING ON MATERIAL BEEN DELIVERED UNLOADING MAY BE
BY HAND UNLOADING, HYAB LIFT, OR TIPPING IF GRAVEL MATERIALS.

Waste Disposal

Sewer/Septic:

How will effluent be disposed of?

To Sewer ☒ Onsite ☐

Indicate location/size/disposal method for onsite system:

Will liquid trade waste be discharged to Council's sewer?

No ☒ Yes ☐

If 'Yes', please specify type and quantity?

How will stormwater (from roof and hard standing) be disposed:

Street Drainage System ☒

Describe:

Other (provide details) ☐

Garbage & other Waste:

Will the development produce waste?

No ☐ Yes ☒

If "Yes", please specify type/s and quantity of waste will be generated.

GENERAL BUILDING WASTE:-
A RECYCLE SKIP WILL BE PROVIDED FOR ANY
MATERIAL THAT CAN BE RECYCLED AND HANDLED BY LOCAL
RECYCLING FIRM.

Detail how waste will be disposed of and the frequency of disposal?

WASTE SKIP BIN WILL BE PROVIDED ON SITE AND
DISPOSED OF AS REQUIRED TO LOCAL LAND FILL.

Detail how and where waste will be stored onsite and show on plan.

WASTE SKIP BIN SHALL BE LOCATED ON SITE IN AN AREA
WITH EASE OF ACCESSIBILITY AND TO ENSURE SAFETY OF
WORKERS AND NEIGHBOURING PROPERTIES.

SEE ATTACHED PLAN

Natural & Technological Hazards

Is the development site subject to any of the following natural hazards:

☐ Bushfire Prone?

☐ Flooding?

(Note if the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines and in the case of subdivision the development will be integrated. For further information please ask Council staff.

Describe location/type/severity:

N/A

Identify any proposed hazardous materials &/or processes &/or any potential emissions from the proposal (e.g. chemicals, contaminated runoff, fumes). Describe:

N/A

Flora & Fauna Impacts

Will the development result in the removal of any native Vegetation from the site? Describe location/quantity/type of vegetation and show on plan.

NO

Is the development likely to have any impact on threatened Species or endangered ecological communities? Describe location/quantity/type.

NO

Environmental Impacts

Is the development likely to result in any form of air pollution (smoke, dust, odour etc)? Why/Why not?

DURING CONSTRUCTION THERE MAY BE SOME DUST DURING EXCAVATIONS AND GENERAL CONSTRUCTION ACTIVITIES. TYPICAL DUST CONTROL MEASURES WILL BE IN PLACE TO CONTROL.
 Does the development have the potential to result in any form of water pollution (eg. Sediment runoff)? Why/Why not?

SEDIMENT CONTROL BARRIERS WILL BE INSTALLED DURING CONSTRUCTION

Will the development have any noise impacts above background noise levels (eg. Swimming pool pumps, air conditioners, machinery)? Why/Why not?

NO. THERE IS NO PROVISION FOR ANY ITEM THAT PRODUCES ANY NOISE THAT WILL IMPACT ABOVE BACKGROUND NOISE LEVELS.

Does the development involve any significant excavation or filling? Describe Location & Quantity.

THERE WILL BE APPROXIMATELY 25 M³ OF CLEAN FILL PLACED ON NORTHERN SIDE OF DEVELOPMENT TO CREATE NEW PRIVATE OPEN SPACE, RETAINED BY ENGINEER DESIGNED RETAINING WALLS.

Could the development cause erosion or sediment run-off (including during the construction period)? Why/Why not?

WITHOUT THE INSTALLATION OF SUITABLE SEDIMENT CONTROL BARRIERS RUN OFF WOULD BE AN ISSUE. THIS WILL BE ADDRESSED BY INSTALLING APPROPRIATE RUN OFF CONTROL BARRIERS.

Is there any likelihood in the development resulting in soil contamination? Why/Why not?

NO. THERE WILL BE NOTHING USED IN THE DEVELOPMENT THAT COULD IN ANY WAY RESULT IN SOIL CONTAMINATION.

Is the development likely to disturb any aboriginal artefacts or relics? Why/Why not?

NO - THE DEVELOPMENT IS IN AN ESTABLISHED RESIDENTIAL AREA WITH NO KNOWN ARTEFACTS NOTED.

Are there any threatened species, populations &/or ecological communities &/or their habitats on the land or nearby? If "Yes", How will the development impact? If "No", why not?

NO - THE DEVELOPMENT IS ON AN EXISTING LOT WITH DWELLINGS. THE PROPOSED DEVELOPMENT WILL HAVE NO FURTHER IMPACT ON HABITATS.

Will there be external lighting? Describe location/type/wattage/light spillage:

NO - THE ONLY LIGHTING WILL BE ASSOCIATED WITH THE NEW PROPOSED DWELLINGS AND ANY EXTERNAL LIGHT FITTING WILL BE UNDER ETIC MOUNTED TO RESTRICT LIGHT SPILLAGE TO
Social & Economic Impacts PROPOSED DWELLING ONLY

Will the proposal have any economic consequences in the area? Why/Why not?

NO - THE DEVELOPMENT IS FOR SUB DIVISION AND CONSTRUCTION OF DWELLINGS IN AN ESTABLISHED RESIDENTIAL AREA.

Operational and Management Details

Note: This section is only relevant to commercial/industrial/public buildings and other non-residential uses

- Description of operation.....
- Description of production process.....
- Numbers of staff.....
- Hours and days of operation.....
- Maximum expected number of customers per day and at one time.....

- Type and quantity of goods handled including any hazardous substances
- List and describe the type/ quantity of raw materials and finished products
- Advertising/business signage onsite.....

Applicant Signature.....

Date

8/8/16

Applicant Signature.....

Date

Privacy Policy – This information is required under the Environmental Planning and Assessment Act and Regulation to process your application. Your information would comprise part of a public register related to this purpose. This information will be kept by Council and disposed of in accordance with the Local Government Disposal Authority. You are entitled to review your personal information at any time by contacting Inverell Shire Council.



DANBUILT PTY LTD ATF
 Dan & Kylie Wilks Family Trust

po box 616
 inverell nsw 2360
 m: 0417 680 210
 p: 02 6721 2215
 f: 02 6721 2216

acn: 098 887 239
 abn: 34 420 122 370

lic no. 157972C

e: danwilks@davidreidhomes.com.au
 www.davidreidhomes.com.au
 www.danbuilt.com.au

Addendum to Statement of Environmental Effects DA-122/2016

Sequence of the Development

- Firstly, the construction of a New dwelling resulting in a Dual Occupancy (detached) on 30 King Street, Inverell
- Secondly, the subsequent subdivision of the Dual Occupancy (detached) under Clause 4.1D of the Inverell Local Environmental Plan 2012.

King Lane Access

- **Impacts on privacy, amenity and streetscape,**
 Firstly the development was never designed with the intention to use King Lane as the primary access. It was with the view of 'accessibility' as to appeal to a larger part of the community eg. Elderly and Disabled. Due to where the King Lane access/garage is situated I see very little impact on privacy and amenity to neighbouring properties. As for the streetscape, it is designed to be the rear of the dwelling and not designed to have any formal entry.
- **Suitability of access (including service vehicles),**
 Access would be for single vehicle only. All service vehicles would access from King St in designated area.
- **Availability and standard of service infrastructure,**
 The extension of bitumen seal and some drainage may be required and we would be happy to liaise/work with council to achieve what may be required.
- **Traffic movements and potential conflict,**
 The King Lane access is for a single vehicle and no parking space has been catered for so as not to encourage this to be primary access.
- **Precedent impacts if such a development was allowed to occur in the area,**
 Almost all properties in King Lane already have access's to the Lane, and some of them used on a daily basis as their sole access.

Site Coverage

- Proposed subdivision boundary and hard surface has been adjusted to bring the site coverage of Lot B to within the maximum of 60%, as shown on amended site plan.



Additional Comments

- In relation to the submission received by council the 4 points made by neighbouring property owner and re-echoed by consultant,
 1. Detrimental Impact upon streetscape
 2. Building Height
 3. Detrimental impact on privacy and amenity
 4. Solar AccessTo try and address all of the above there will be additional excavation to site and the lowering of the first floor height to reduce the overall height of the development by 600mm. This will make a considerable difference to all of the above issues as shown on plans and illustrations.
- Also the addition of screening to the south western side of the front porch for added privacy.
- As for Shading of the back yard of 28 King St. The large eucalypt tree that has been in the back yard of 30 King St for many years would be giving more shading than the development will.

Daniel Wilks



Director
Danbuilt Pty Ltd

*Proposed New Dwelling & Dual Occupancy
for
Dan & Kylie Wilks*



No.30, Lot 14 in D.P.17137 King Street. Inverell.

2.	B	Reduce floor levels by 600mm	AB
1.	A	Original Application Drawing.	AB
No.	Rev	Description	Chk

Precise Designs

1. *Phylogeny*
 2. *Phylogeny*
 3. *Phylogeny*
 4. *Phylogeny*
 5. *Phylogeny*
 6. *Phylogeny*
 7. *Phylogeny*
 8. *Phylogeny*
 9. *Phylogeny*
 10. *Phylogeny*

CONSENT OF THE LOCAL RESIDENTS
AND PROPERTY OF SERVICE PERSONS
IS OBTAINED BEFORE THE
INSTALLATION OF EQUIPMENT. THE
EQUIPMENT IS REMOVED BY
AGREEMENT WITH THE OWNER AND
REMOVED TO THE PLACE OF
ORIGIN. THE EQUIPMENT IS
REMOVED TO THE PLACE OF
ORIGIN AND CONSERVED.

Client Approval Sign off.

We acknowledge that these working drawings will be the blueprint for construction & all work detailed in these working drawings has been accounted for in the contract price. Please initial each page in the plan set.

Client/s Name _____ Client/s Signature _____

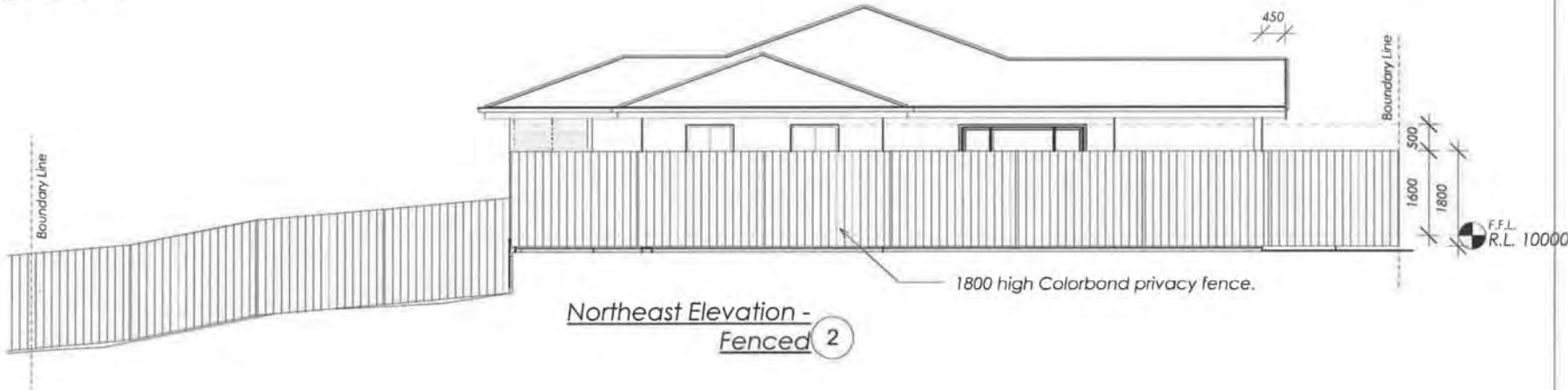
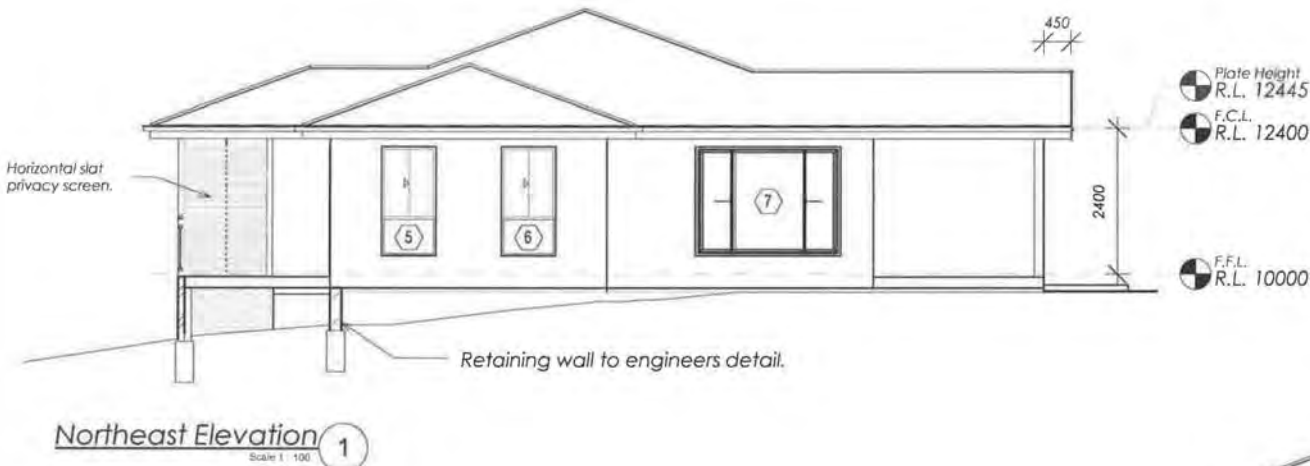
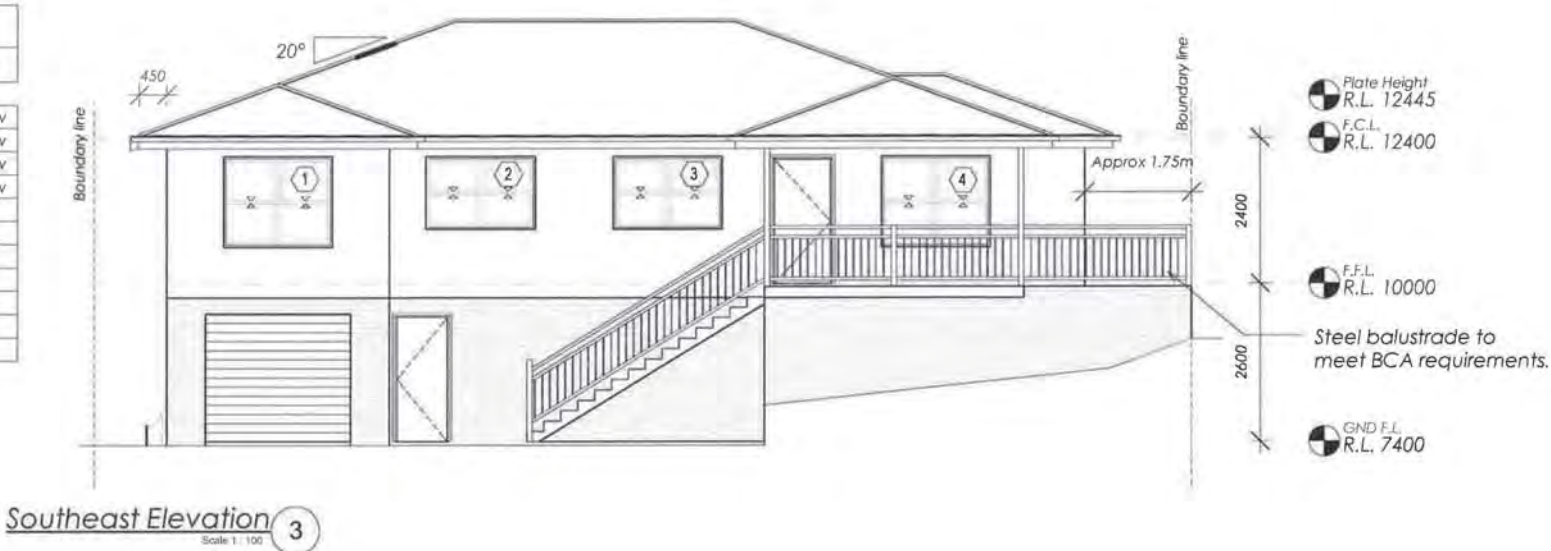
Builders Name _____ Builders Signature _____



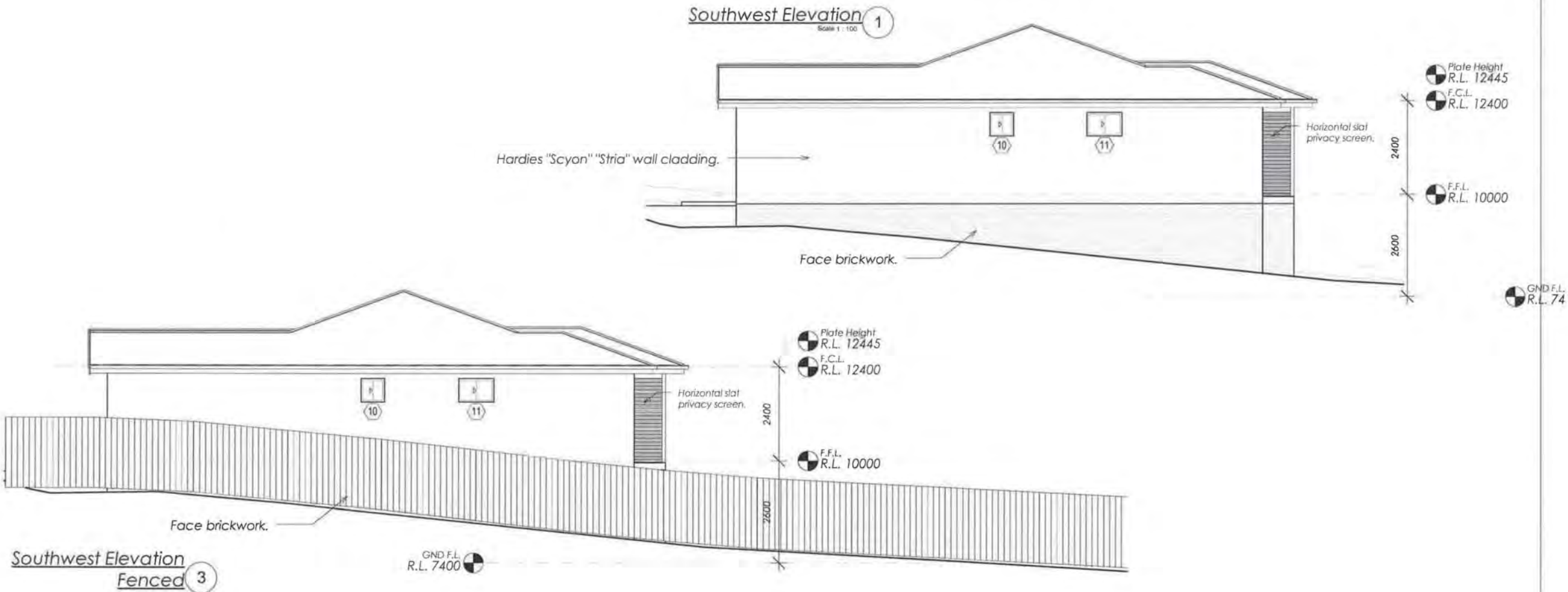
BUILDING
DESIGNERS
AUSTRALIA **NSW**

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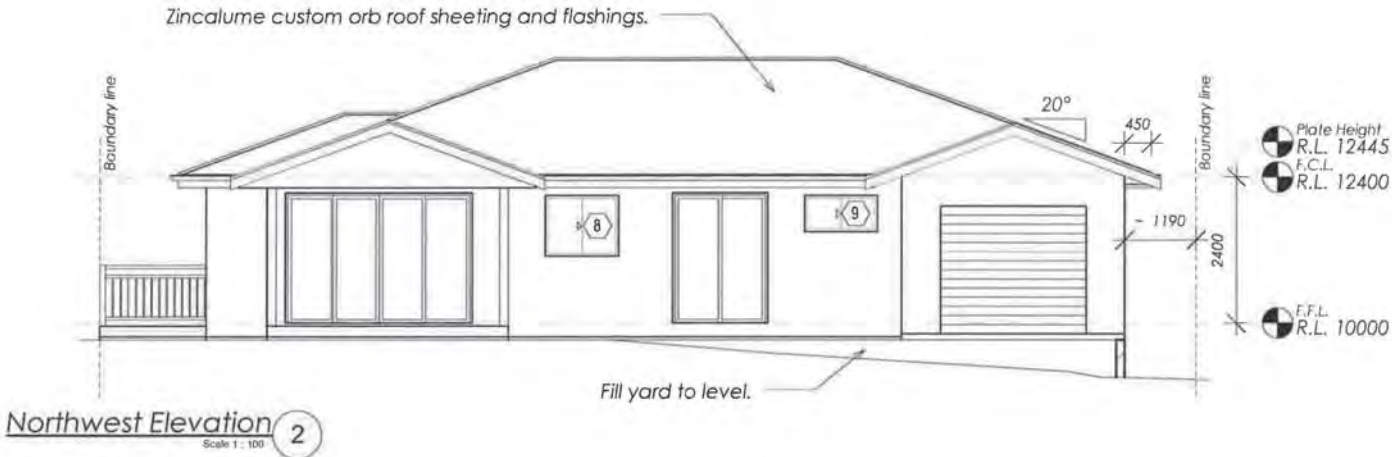
Window Schedule						
Room	Mark	Height	Width	Area	Perimeter	Description
BED 1	1	1500	1800	2.7 m ²	6.75 m	Double Hung Window
BED 2	2	1200	1800	2.16 m ²	6.15 m	Double Hung Window
BED 3	3	1200	1800	2.16 m ²	6.15 m	Double Hung Window
FAMILY	4	1500	1800	2.7 m ²	6.75 m	Double Hung Window
FAMILY	5	1800	900	1.62 m ²	5.55 m	Sliding Window
FAMILY	6	1800	900	1.62 m ²	5.55 m	Sliding Window
DINING	7	1800	2400	4.32 m ²	8.55 m	Sliding Window
KITCHEN	8	1000	1200	1.2 m ²	4.55 m	Sliding Window
BATH	9	600	1200	0.72 m ²	3.75 m	Sliding Window
WC	10	600	600	0.36 m ²	2.55 m	Sliding Window
Ens.	11	600	900	0.54 m ²	3.15 m	Sliding Window
Grand total				20.1 m ²	59.45 m	



Precise Designs Phone: 02 622 2151 Mobile: 0422 732 473 Email: design@precisedesigns.com.au	Project: Proposed New Dwelling & Subdivision at No.30, Lot 14 in D.P.17137 King Street, Inverell.	Client: Dan & Kylie Wilks	Drawing: Elevations		Drawn By: A.G.B.	Checked: 17/10/2016 16:03:05	Comments: COPYRIGHT © THE DESIGNER. WITHOUT THE CONSENT OF THE DESIGNER, NO PART OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.
			Sheet #: 02	Scale: 1 : 100 @A3	Design Status: Working Drawing		



Window Schedule						
Room	Mark	Height	Width	Area	Perimeter	Description
BED 1	1	1500	1800	2.7 m ²	6.75 m	Double Hung Window
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Grand total				20.1 m ²	59.45 m	



Precise Designs

Project: Proposed New Dwelling & Subdivision at No.50, Lot 14 in D.P.17137 King Street, Inverell.

Client: Dan & Kylie Wilks

Drawn: Elevations

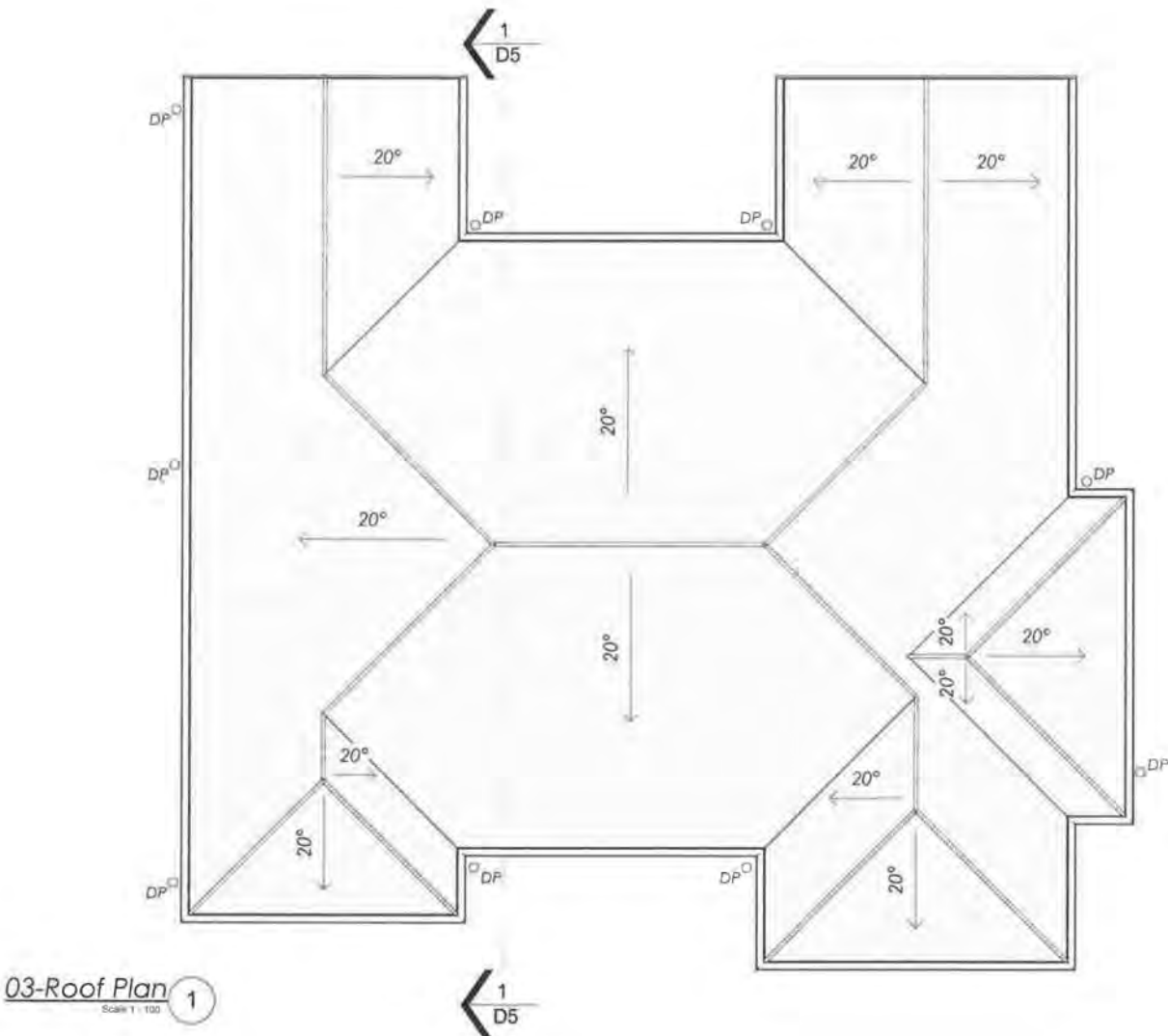
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Drawn By: A.G.B.

Working Drawing

Dated: 17/10/2016 16:03:06

Check: 17/10/2016 16:03:06



Roof Notes:

- * Colorbond custom Orb roof sheeting at nominated pitch 1½ corrugation side lap (Typical).
- * Roof sheeting to be fixed according to manufacturers specifications to suit geographic conditions.
- * Colorbond Quad gutter (Typical).
- * Folder colorbond ridge capping.
- * TopSpan 40 "Top hat" metal roof battens.
- * Roof overhangs as per section details.

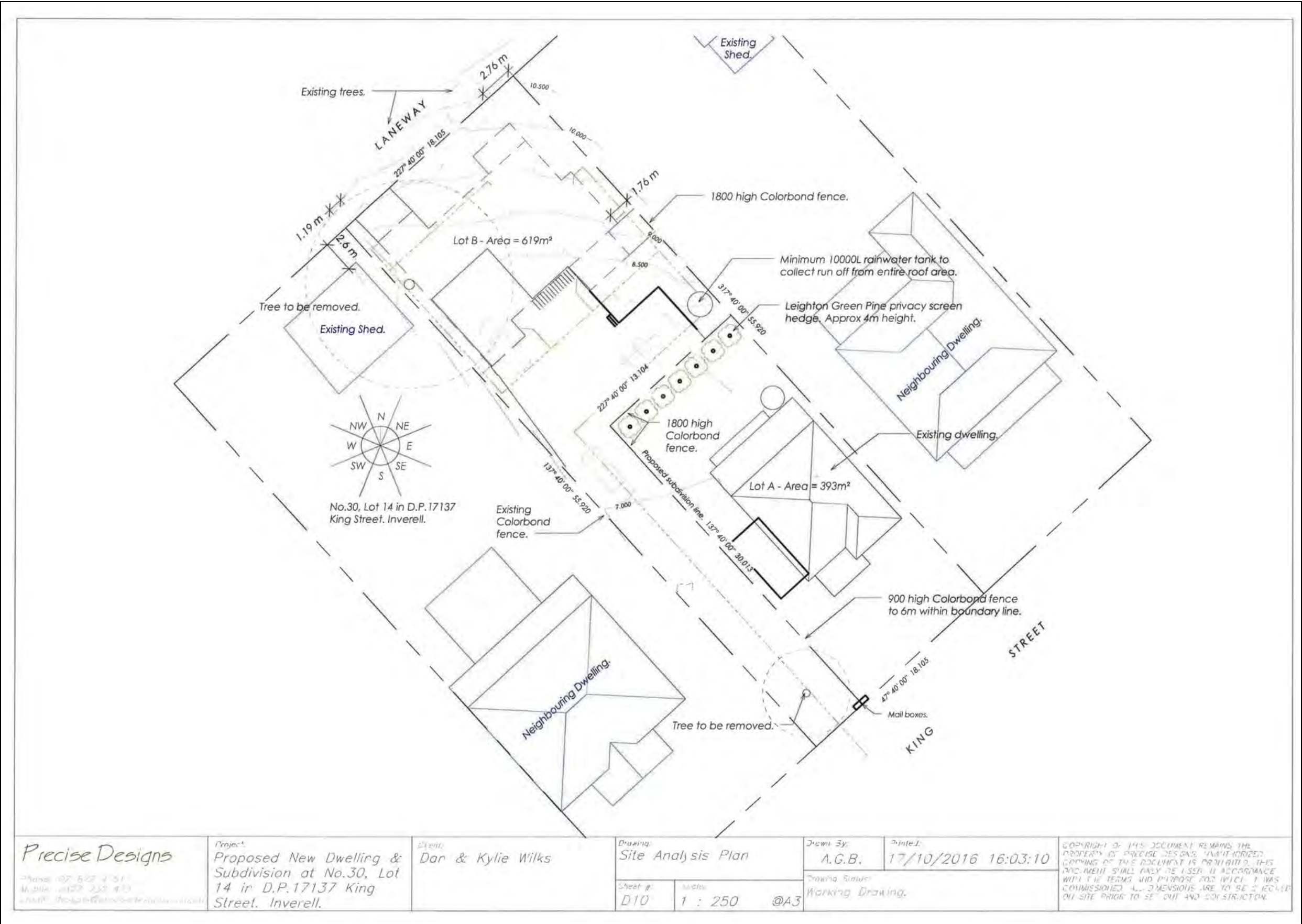
Drainage Legend:
dp. 90 DIA. UPVC DOWNPIPE AT 12.0m MAX CTS.
Stormwater: 90mm Dia. Class 6 UPVC stormwater laid to a minimum grade of 1:100 and connected to a legal point of stormwater discharge.
The cover to underground stormwater drains shall be not less than-
100mm - Under soil
50mm - Under paved or concrete areas
100mm - Under reinforced concrete or paved driveways
75mm - Under reinforced concrete driveways

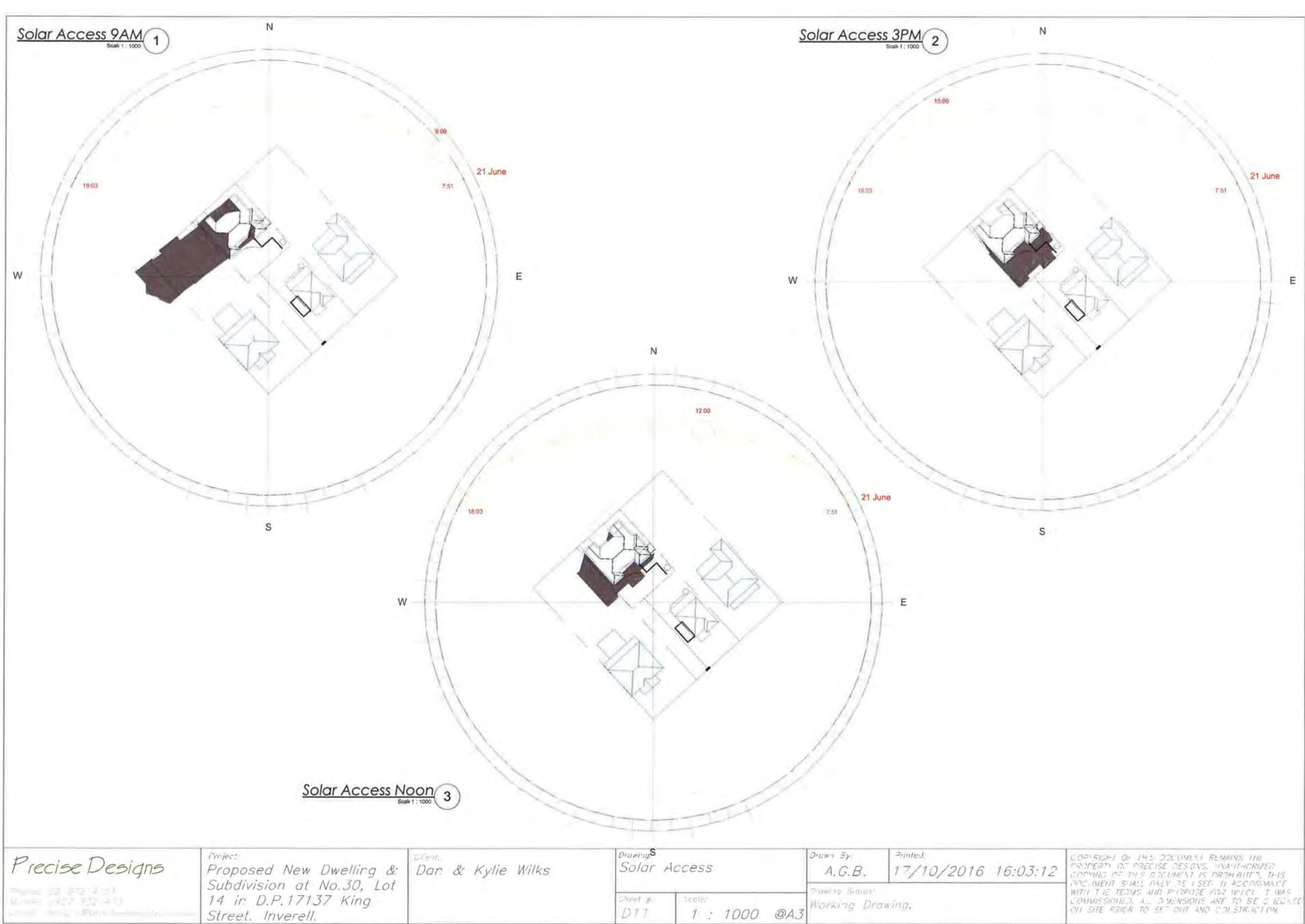
Plumbing Notes:

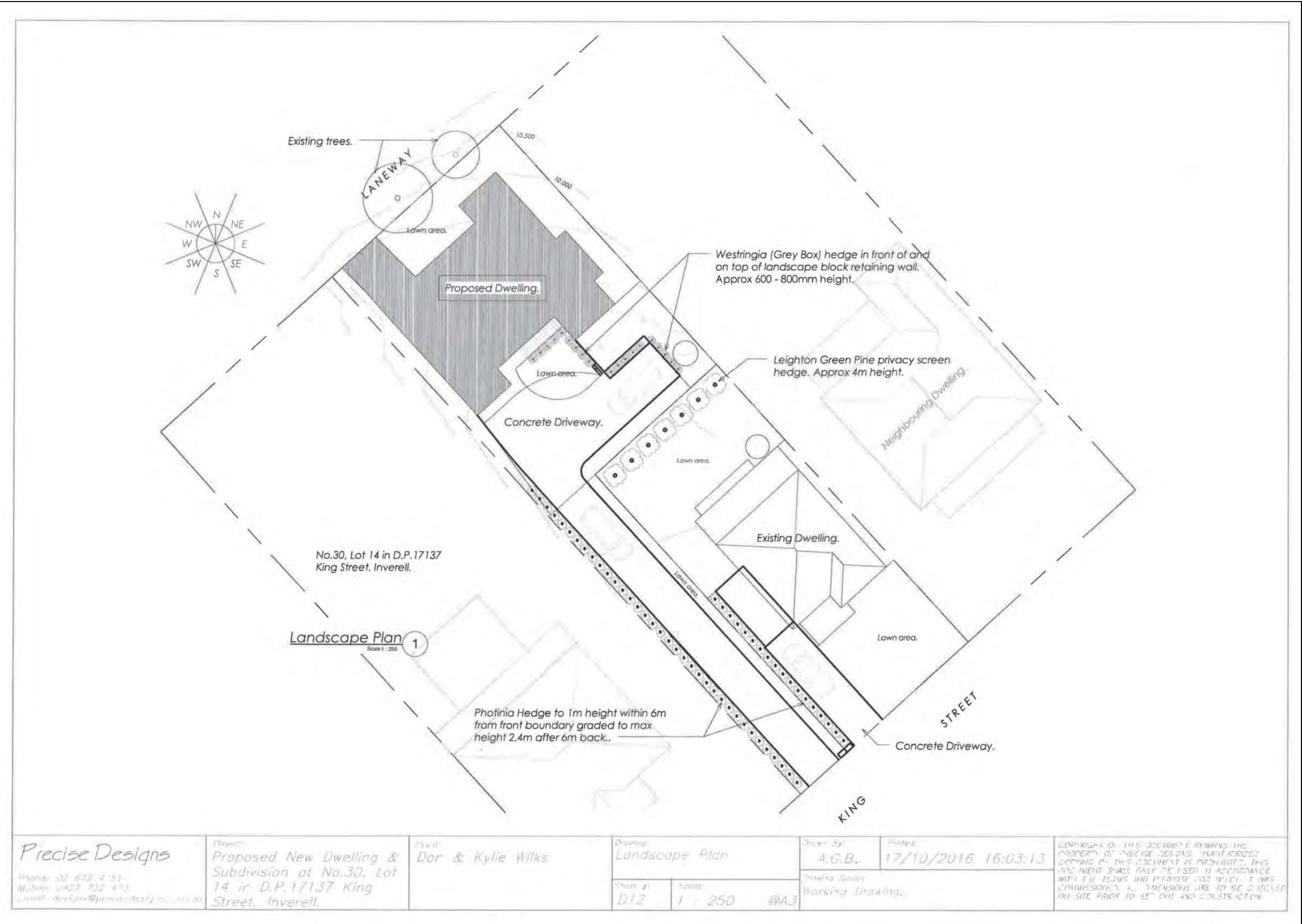
- A Acceptable Construction Manual**
3.5.2.0 Performance Requirement
P2.2.1 is satisfied for gutter and downpipes if they are designed and constructed in accordance with
AS3500.3 - Stormwater drainage installations
- B Acceptable Construction Practice**
3.5.1.2 Materials
Gutters, downpipes and flashings must be manufactured in accordance with-
(a) AS2179.1 for metal; and
(b) AS1273 for UPVC components; and
(c) Be compatible with all upstream roofing materials in accordance with 3.5.1.3(c)
- 3.5.2.4 Installation of Gutters**
(a) gutters must be installed with a fall not less than-
(i) 1:500 for eaves gutters, unless fixed to metal fascias; and
(ii) 1:100 for box gutters
(b) Eaves gutters must be supported by brackets securely fixed at stop ends and at not more than 1.2m cts.
(c) Valley gutters on a roof pitch-
(i) more than 12.5 degrees must have a width of not less than 400mm and to be wide enough to allow the roof covering to overhang not less than 150mm each side of the gutter; or
(ii) not more than 12.5 degrees must be designed as a box gutter.
- 3.5.2.5 downpipes - size and installation**
(a) downpipes must be securely fixed to walls
(b) the spacing between downpipes must not be more than 12m.
(c) downpipes must be fixed as close as possible to valley gutters and, if the downpipe is more than 12m from the valley, provision for overflow must be made.
(d) downpipes must-
(i) be compatible with other roofing materials used in the roofing system in accordance with 3.5.1.3. (c)
(ii) be selected in accordance with appropriate eaves gutter section as shown in table 3.5.2.2.

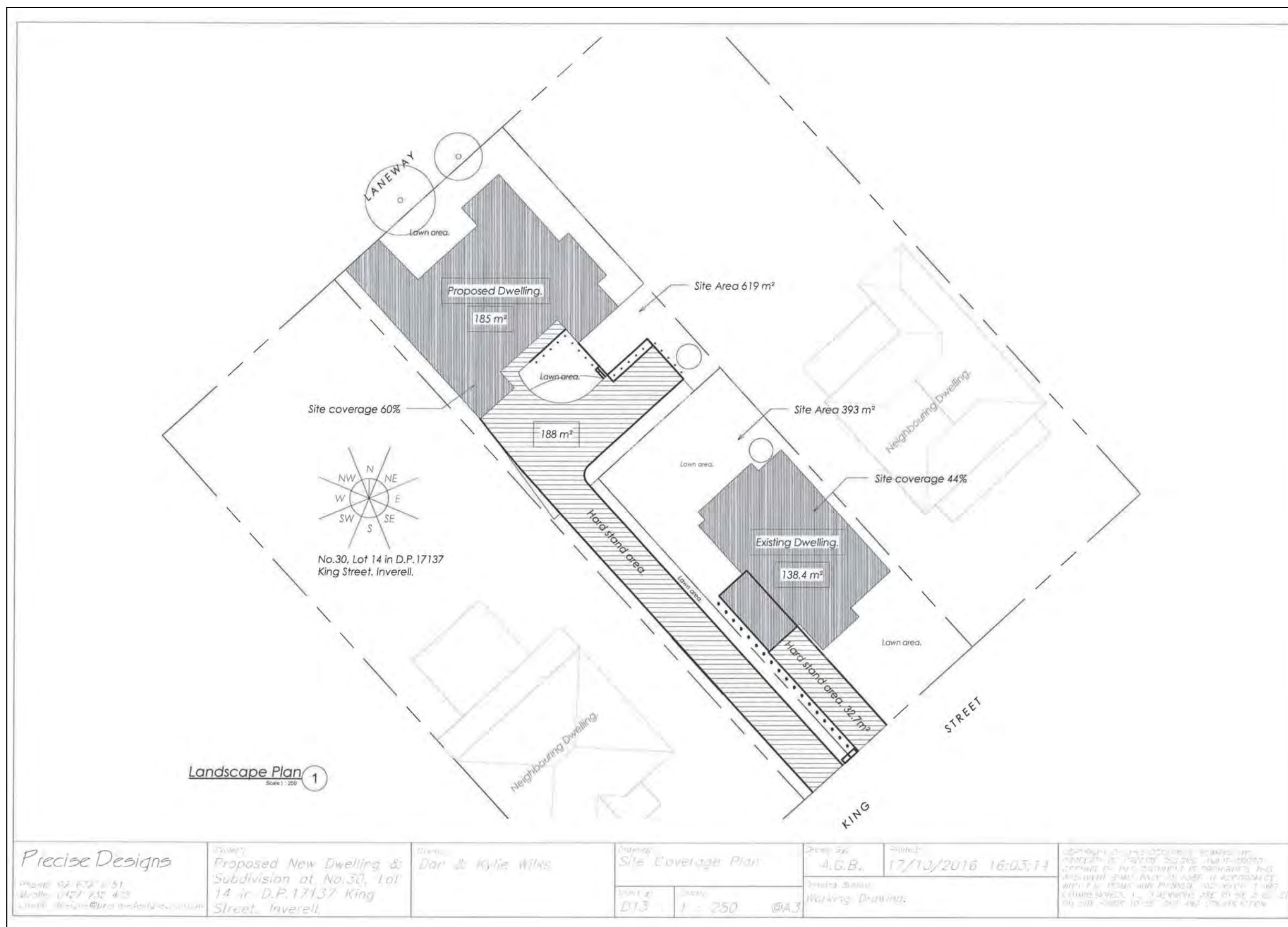
Roof Cladding, gutters & downpipes and wall cladding shall comply with BCA Part 3.5. The builder shall install roof cladding, gutters & downpipes and wall cladding to the appropriate requirements and standards for the selected material. The builder shall take all steps necessary to ensure water tightness of the building.
Down pipes and gutters shall be of a size and location indicated on the drawings and if not specifically noted comply with part 3.5.2. Downpipes shall be located at a maximum spacing of 12m and within 1.2m of a valley (unless an overflow is provided.)

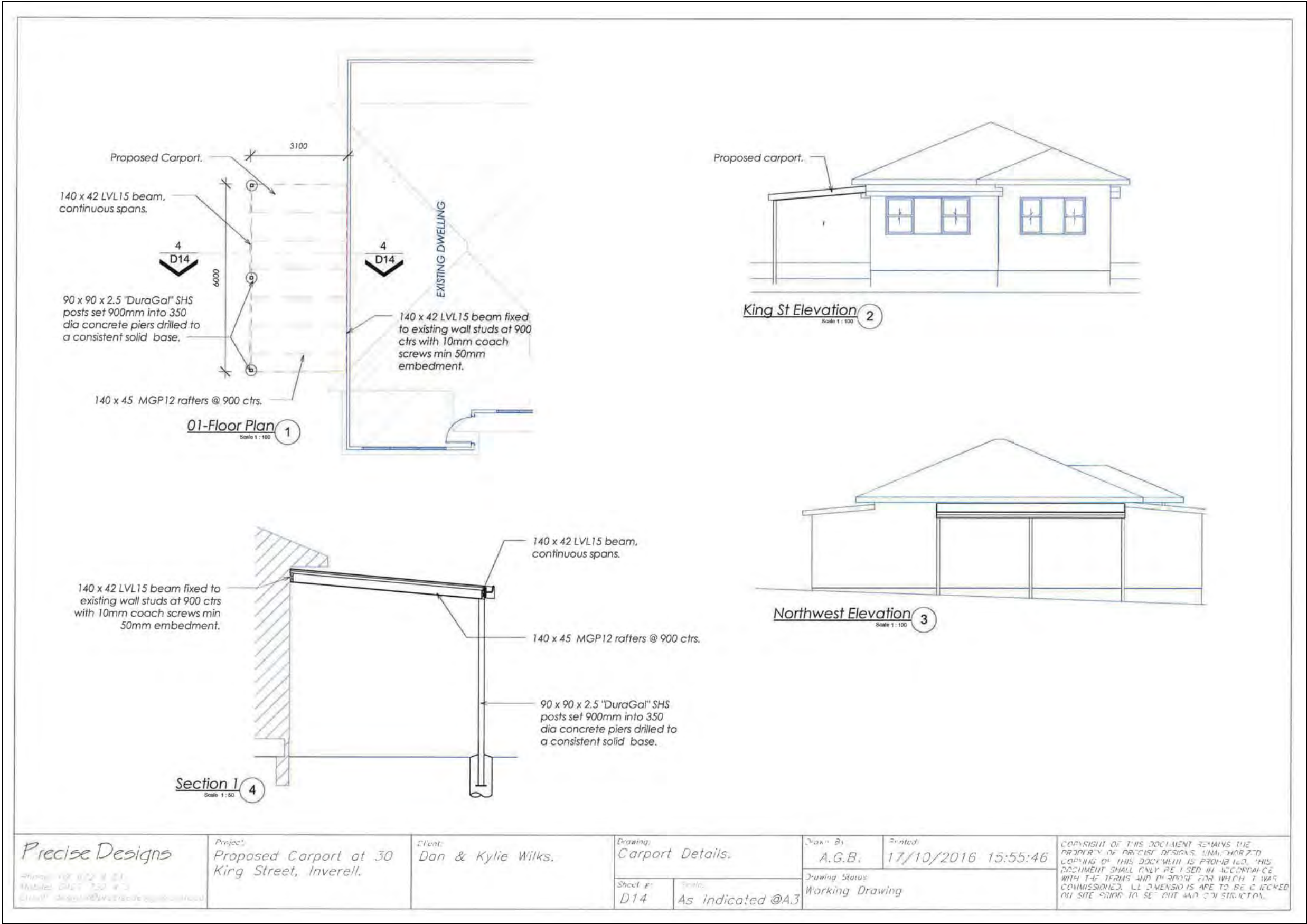
Precise Designs Phone: 02 938 4151 02 938 4152 4153 4154 Email: info@precisedesigns.com.au	Project: Proposed New Dwelling & Subdivision at No 32, Lot 14 in D.P. 12137 King Street, Inverell.	Client: Van & Wylie Wines	Drawing: Roof Plan Sheet No: DB 1 - 100 DWG	Drawn By: A.G.B. 17/10/2016 16:00:10 Checked By: Marking Drawing	Scale: 1:100 Date: 17/10/2016 By: A.G.B.
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TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 09/11/2016

ITEM NO:	1.	FILE NO: S18.6.52/01
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	SAPPHIRE WIND FARM - UPDATE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

The proponents of the Sapphire Wind Farm intend to begin site establishment and construction works in November 2016. This report is intended to update the Committee on aspects of the project that will have an impact on Council, particularly the rural road network.

COMMENTARY:

The Sapphire Wind Farm is to be located in the Kings Plains area, 18 kilometres west of Glen Innes and 28 kilometres east of Inverell. The project will comprise 75 x 3.6 MW wind turbine generators. The proposed 75 wind turbines will be 200m from blade to tip and occupy freehold land within and adjacent to agricultural areas. The proposed site is located in the Local Government Areas (LGA) of Glen Innes Severn and Inverell.

The proponent intends to commence site establishment and construction works as early as November 2016. Whilst the project has planning approval from the Department of Planning and Environment (DPE) several conditions of the approval require the proponent to negotiate and complete actions to satisfy Council regarding road access.

The designated construction route proposed by the proponent, in consultation with Council, traverses the Gwydir highway, then onto Strathbogie Road and Tuttles Lane in the Glen Innes Severn Shire, then onto Waterloo Road and Western Feeder Road in the Inverell Shire. All traffic associated with the project are expected to use this route, with the exception of some locally sourced gravel from the Kings Plains area and very minor number of light vehicles that will transport workers from potential accommodation in Inverell.

Prior to commencement, a road dilapidation report needs to be provided by the proponent and signed off by Council. Essentially this report will identify the condition of all road related assets prior to construction and will be the minimum standard that the roads will be returned to at the completion of the project. As well as the dilapidation report, a formal agreement will be entered into between Council and the proponent regarding maintenance of the road network during construction. The dilapidation report and maintenance agreement will ensure that Council's assets are not adversely impacted due to the construction of the wind farm. Negotiations are on-going and it is expected that the report and agreement will be finalised in the near future.

Significant civil construction works are required prior to the haulage of large wind turbine components, which is programmed for winter 2017. Several Council roads need to be upgraded, at the cost of the proponent, to accommodate transportation of the large oversize components. These works will include upgrading many drainage structures and resheeting a significant portion of the construction transport route. All upgrade works will be designed by the proponent and provided to Council for final sign off and approval to construct.

Significant natural resources are required to complete the project and the proponents are currently undertaking geotechnical investigations in order to determine appropriate gravel sources. Negotiations are underway between Council and the proponent regarding use of the Council controlled Kings Plains gravel pit. This pit has essentially reached the end of its useful life for Council operations given its course nature, however when crushed the material can be produced to a high quality. It is intended that the proponent will extract and crush material for use on the project and crush a certain volume for Council in lieu of royalties. This will be a significant benefit to Council as a reliable good quality gravel source is yet to be determined in the area. This will enable significant gravel resheeting works to be undertaken on Council's local road network.

The required road upgrades and use of the Kings Plains gravel pit will provide benefits to local road users during the project and beyond, however, the potential exists for significant negative impacts to arise in relation to the construction of the project. The planning approval for the project requires the proponents to adhere to extensive conditions to protect the environment and the community from such negative impacts. The dilapidation report and maintenance agreement are two (2) tools that Council will use to ensure that the road network is not adversely affected during construction. Also, the construction contractors are required to adhere to a project specific Transport Code of Conduct, which outlines strict guidelines that must be adhered to regarding traffic regulation and road safety.

Negotiations will continue with the proponent in order to ensure that Council's interests and the interest of the community are protected. It is possible to expect on ground works to commence as soon as late November 2016. A further report will be provided to the Committee as the matter progresses.

ITEM NO:	2.	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

This project has reached the stage of practical completion. A primer coat bitumen seal was applied to the remaining gravel section during the week ending 28 October. The majority of drainage and re-vegetation works are now completed. The final coat of bitumen seal will be applied during the current resealing program which is expected to be completed in December.

Inverell-Bonshaw Road Rehabilitation – (McPhees) 16km North of Ashford

This project includes road shoulder widening and stabilisation, constructing a stabilised pavement overlay and applying two (2) coats of bitumen seal. The project is approximately 80 per cent completed, the remaining work activities are the pavement overlay stabilisation and two (2) coats of bitumen seal.

The wet weather period experienced in the last few months has caused delays to the planned works program. The project is currently on hold until equipment/plant become available and condition of the work site is satisfactory for stabilisation.

Swanbrook Road Rehabilitation – Moore Street to Runnymede Drive

This project includes upgrading the existing bitumen sealed pavement on Swanbrook Road between Moore Street and Runnymede Drive and upgrading associated drainage structures. The area is prone to localised flooding impacts during significant rain events and the design allows for construction of a trapezoidal drain that runs parallel to the road, this drain will be lined with a proprietary polymer product called “Megaditch”. The design also allows for some of the existing underground pipe culvert drainage to be upgraded, this will accommodate the larger flows experienced in the area.

A number of dead trees in the road reserve are being removed and will be later reinstated with a suitable native species. Furthermore, the removal of two (2) large trees at the corner of Runnymede Drive is necessary being in close proximity to the proposed drain, which is likely to have a significant impact to the trees. The two (2) large trees are now being cut down and the remaining trunks will be removed by excavator prior to the construction of the drain.

Minor concrete work that joins the new pipe culvert drainage and the “Megaditch” trapezoidal drain is currently being formed. This work will be completed at the beginning of November.

The planned construction of the “Megaditch” trapezoidal drain, which was due to be installed in October is on hold due to re-allocation of resources to other work with higher priority.

Chisholm Street, Inverell Road Rehabilitation – Brae Street to Brown Street

This project includes full width road pavement upgrade, tree removal/replacement, install new water-main and kerb and gutter drainage improvement. The project is divided into two (2) stages: Stage 1, between Brae Street and Rose Street is due to commence in early November, with completion prior to Christmas. Stage 2, between Rose Street and Brown Street is due to commence in early January, 2017.

The section of Chisholm Street will be closed during construction and there will be detour routes established to divert traffic. Most of the properties have access via rear lane ways, local residents have been consulted and where possible will use rear lanes as alternative access to their properties until completion of the road works.

Maintenance Grading

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

SR 254	Stannifer Road	6.71 km
SR 181	Havilah Park Road	7.33 km
SR 109	Cherry Tree Hill Road	14.86 km
SR 212	Levithan Road	5.94 km
SR 253	Old Armidale Road	12.44 km
SR 259	Mephams Road	1.28 km
SR 256	Grants Road	4.72 km
SR 117	Morelma Road	9.01 km
SR 255	Silvermines Road	3.96 km
SR 103	Gragin Boundary Road	1.78 km
SR 106	Gunnee Road	7.82 km
SR 104	Lecoin Road	0.27 km
SR 113	Wades Lane	3.31 km
SR 16	Keetah Road	7.87km
SR 19	Yetman West Road	15.21km
SR 23	Bedwell Downs Road	10.00km
SR 21	Hottes Road	3.55km
Total		126.06km

Reactive /Spot Grading

Reactive /spot grading works were undertaken on the following roads during October, 2016:

SR 253 Old Armidale Rd	0.5 km
SR 65 Tucka Tucka Road	2.0 km
SR 12 Blue Nobby Road	3.0km
Total	5.5km

Heavy Patching

Heavy patching works were undertaken on the following road during October, 2016:

MR 137 Ashford Road

2016/2017 Gravel Resheeting Program

The 2016/17 Gravel Resheeting program has commenced in the southern section of the Shire with works currently being undertaken on the Nullamanna Road approximately 10.00km between Silverdale Lane and Pindaroi Road.

The provision of gravel winning and stockpiling services for this year's gravel resheeting program has commenced on the southern part of the Shire. A total of 11 gravel pits are planned for supplying gravel material. It is proposed that the gravel resheeting program in the Southern section of the shire will be completed early in the new year, with works in the north programmed to commence following completion of the southern program.

2016/2017 Bitumen Resealing Program

The 2016/17 Bitumen Resealing program has commenced, delays due to wet weather and colder than optimum weather have already been experienced. Several aggregate stockpile sites are currently inaccessible due to rain and will require a period of drying weather to enable their use. Continued adverse weather conditions could lead to delays in completing the program. It is planned to finalise the program in the weeks leading up to Christmas, weather permitting.

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.

ITEM NO:	3.	FILE NO: S31.3.6
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	NSW CONTAINER DEPOSIT SCHEME	
PREPARED BY:	Graham Bendeich – Manager Environmental Engineering	

SUMMARY:

The NSW Government is introducing a Container Deposit Scheme to operate across NSW from July, 2017. This report provides a general overview of the operation of the scheme and how Council may be affected.

COMMENTARY:**Scheme Overview**

To help meet the Premier's goal of reducing the volume of litter in NSW by 40% by 2020, the NSW Government is introducing a refund container deposit scheme (CDS).

Under the scheme, anyone who returns an empty eligible beverage container to an approved NSW collection depot or a reverse vending machine will be eligible for a 10 cent refund. A network of depots and reverse vending machines will open across NSW to receive the empty containers.

A copy of the Press Release from Member for Northern Tablelands, Adam Marshall MP regarding the scheme is attached as Appendix 1 (E7).

Features of the Scheme

- Prescribed NSW beverage containers between 150ml and 3 litres in volume will be eligible for a refund. Containers that are not included in the scheme and, therefore, do not qualify for a refund are those generally consumed at home and not typically found in the litter stream;
 - Plain milk (or milk substitute) containers
 - Flavoured milk containers, 1 litre or more
 - Pure fruit or vegetable juice containers, 1 litre or more
 - Glass containers for wine and spirits
 - Casks (plastic bladders in boxes) for wine and water, 1 litre or more
 - Sachets for wine 250ml or more
 - Containers for cordials, concentrated fruit/vegetable juices
 - Registered health tonics
- Beverage suppliers (manufacturer, importer wholesaler or retailer) that bring eligible containers into NSW will be responsible for funding the refund as well as associated costs.
- From the commencement of the scheme in NSW all beverage suppliers and retailers must sell eligible beverage containers that display the required EPA approved CDS labelling.
- It is proposed that the scheme will be delivered through a two-part structure;
 - A single scheme co-ordinator will be responsible for the financial management of the scheme, and for ensuring that the scheme meets its state-wide access and recovery targets.
 - Network operators will set up and run a state-wide network of collection points themselves, or they can contract for other organisations to do this.
- The Minister for the Environment will appoint the Scheme Co-ordinator and Network Operators through a competitive selection process.

Effects on Council's Operations

It would appear that the main area of Council's operations affected by the introduction of a CDS would be in the kerbside recycling collection service. Eligible containers in kerbside recycling will be able to be redeemed.

The proposed scheme will allow approved material recovery facilities (MRF) to use an EPA approved method for accurately estimating the number of containers recovered in the facility and to claim the refund from the Scheme Co-ordinator. Under this proposed approach, the MRF would only receive the refund amount. They would not be able to claim any additional costs incurred in meeting their processing obligations, but they would also not need to separate containers or substantially change their existing recovery processes.

At this stage, there is no guarantee that Northaven will be an “approved” MRF eligible to claim the refund. It depends on the finalisation of the details of the scheme operations and the decisions of the Scheme Co-ordinator and Network Operators. While Northaven only has limited knowledge of the scheme as published on the website and from attending an EPA presentation, they are concerned that the smaller operators may be “squeezed out” of the scheme if a major force in the waste management business was to be appointed as the Scheme Co-ordinator. The National Disability Service, which is the peak body for Australian Disability Enterprises like Northaven, has made submissions to the EPA on behalf of its members regarding the possible operation of the scheme.

Under the current arrangement between Council and Northaven, Council delivers co-mingled recycle product to Northaven, at no cost to them as well as paying them to sort and process it, and Northaven gets the proceeds from the sale of the separated product.

There is a thought that the CDS will result in considerable financial windfall gains to MRF operators as they will be getting 10 cents for something that was previously only worth a fraction of a cent as scrap metal or broken glass. Whether this is the case will not be known until administration and handling costs are determined. Councils may need to re-negotiate their arrangements with MRF operators if they wish to share in any “windfall”.

A possible downside of the CDS for MRF operators is a reduction in the quantity of product being delivered if people get the CDS refund themselves rather than throwing the containers away for collection. This may result in some MRFs becoming unviable in the longer term.

Implementation

There will be approved collection depots set up where the public will be able to return empty eligible containers and receive the 10 cents refund. Also, a limited number of “reverse vending machines” are proposed across the state to receive the empty containers and pay out the refund.

Legislation

The EPA had issued a Discussion Paper on the Regulatory Framework and Draft Bill for the CDS. Northern Inland Regional Waste (NIRW), which is a voluntary regional waste group of Councils including Inverell, has made a submission on behalf of its members on a number of the aspects of the proposed scheme. A copy of the NIRW submission, which was supported by Inverell Council, is attached as Appendix 2 (E8 – E12). The submissions, which closed on the 21 September, 2016, were reviewed by the NSW Government and the Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Bill 2016 has just been passed by Parliament and will be published later in November, 2016. The associated Regulations are currently being prepared and are expected to be finalised at the same time. Council will be updated when further details are available.

RECOMMENDATION:

That the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 9 November, 2016, be received and noted.

APPENDIX 1



(<http://www.adammarshall.com.au>)



(<https://www.facebook.com/AdamMarshallMP/>)
Menu



CONTAINER DEPOSIT SCHEME A TRIPLE WHAMMY WIN FOR COUNTRY NSW

Wednesday, 12 October 2016

NORTHERN Tablelands MP Adam Marshall has welcomed the introduction of legislation into State Parliament today that will see a container deposit scheme operate across NSW from July next year.

Mr Marshall said the new Bill would allow for a 10 cent refund on eligible containers and is a huge win for country NSW communities from both an environmental and financial perspective.

"This legislation is in the can, so to speak, and will make a massive difference for people in not only my electorate but right across the state," Mr Marshall said.

"This is the largest litter-reduction initiative ever undertaken in NSW and introduces financial incentives for people to recycle waste.

"It is terrific news for regional residents because in the bush we take exceptional pride in the cleanliness of our towns and public spaces.

"Drink containers make up one in every three pieces of litter. This scheme will cut down on the number of containers littering our parks, waterways and roadsides."

Mr Marshall said he'd championed the initiative since it was a key government election commitment and he believed it would help meet a priority goal of reducing litter in NSW by 40 per cent by 2020.

"At the same time, the container deposit scheme could offer a useful source of revenue to volunteer groups and small charities in our local communities, and to me that's a triple-win for us all," he said.

<http://www.adammarshall.com.au/container-deposit-scheme-a-triple-whammy-win-fo...> 31/10/2016

APPENDIX 2

(02) 6766 5680
 c/- Armidale Regional Council
 PO Box 75A, Armidale NSW 2350
www.nirw.org.au

19 September 2016

Container Deposit Implementation Team
 Waste and Resource Recovery Branch
 NSW Environment Protection Authority
 PO Box A290
 Sydney South NSW 1232

By Email: container.deposit@epa.nsw.gov.au

Dear Container Deposit Implementation Team,

Subject: Northern Inland Regional Waste (NIRW) submission – NSW Container Deposit Scheme: Regulatory Framework Discussion Paper and Draft Bill

Northern Inland Regional Waste (NIRW) appreciates the opportunity to provide a submission on the NSW Container Deposit Scheme (CDS) regulatory framework discussion paper and draft bill.

NIRW is a voluntary regional waste group in the New England and North West region of NSW, coordinating and delivering regional waste management and resource recovery programs. The region covers the council areas of Armidale Regional, Glen Innes Severn, Gunnedah Shire, Gwydir Shire, Inverell Shire, Liverpool Plains Shire, Moree Plains Shire, Narrabri Shire, Tamworth Regional, Tenterfield Shire, Uralla Shire and Walcha.

The NIRW submission is design to generally support and compliment responses prepared by individual councils throughout the NIRW region. Each individual member council submission will provide a more comprehensive response reflecting their own views based on their local opportunities and constraints.

Network Operators

There are concerns how the collection model with multiple network operators operating in a competitive market would successfully function in regional areas where scale of economies are not always evident. The operational costs for even one operator may not break even, yet it is proposed to have several network operators in regional areas where high volumes of materials may not be readily available.

Collection point operators

In regional areas network operators may enter into agreements with collection point operators to meet network coverage requirements. These operators may be small entities such as a community groups, social enterprise, disability networks, Aboriginal Corporations, small businesses or Councils with limited experience and resources in contract management and negotiations (standard contract conditions, handling fees and agreements, for example). To ensure sustainable and equitable access to the scheme, suitable protection mechanisms for smaller collection point operators need to be provided.



(02) 6766 5680
 c/- Armidale Regional Council
 PO Box 75A, Armidale NSW 2350
www.nirw.org.au

Interaction with Kerbside Collection Services and Material Recovery Facilities (MRFs)

In the NIRW region, the majority of MRFs are not operated by Councils. Once materials are delivered to the MRF, material ownership moves to the MRF operator.

It is expected there will be agreement between Councils and MRF operators regarding sharing of the refunds. The MRF operator can claim the refund from day 1 of the scheme. The MRF operator will receive the refund until agreement is reached, so there is potential to prolong negotiations. Could the apportioning of the refund be applied retrospective from the start of the scheme so it is fair and equitable for both the MRF operator and the Council? This may act as an incentive for the MRF operator and Council to come to an earlier agreement.

There are also regional MRFs collecting eligible containers, involving multiple Councils. There will need to be multiple agreements on how the refund will be apportioned, according to volumes received.

Volumes in the kerbside recycling are expected to reduce over time, with impact not known immediately. This is likely to affect the market price for the MRF operator, and there may be an impact on labour costs and critical mass. Councils may have minimum thresholds in the contract to consider if these could be impacted. If a MRFs scale of economies reduces, the cost per tonne to process other materials could increase for Councils. Additionally, the reduction in volumes and loss of income from sale of materials could negatively impact on not for profit organisations who operating MRFs throughout our region, such as social enterprises, disability networks and Aboriginal Corporations. This would be a perverse outcome for Councils and local communities.

Councils may require assistance with the management of affected contracts through the provision of model contracts, clauses and agreements, support to negotiate contractual arrangements with MRFs, dispute management and resolution. This information and support should be available prior to CDS implementation. Councils would appreciate funding for legal and technical advice to assist with the transition to the scheme. As an industry (supply) funded scheme, these costs should not be borne by Councils.

Page 9 of the discussion paper states that MRFs without an Environment Protection Licence can not claim the refund. MRFs operating in the NIRW region operate according to current regulations but do not necessarily meet the threshold to require an EPL. If a MRF is under contract to accept and process kerbside recycling, then the MRF should qualify for the refund, irrespective of them holding an EPL.

Measuring for reporting with CDS line separated out-containers will no longer reported by Councils to NSW EPA. Will this information be provided back to Councils by the scheme coordinator or the EPA in order to ascertain resource recovery levels?

Container Ownership

Ownership of containers should remain with the network operators instead of moving to the scheme coordinator, to avoid duplication of logistics and handling. With appropriate, rigorous collecting, counting and verification processes, a high level of certainty as to the number of containers collected can be achieved.

Ownership by network operators and MRFs would also provide them with an incentive to maximise the resource value of containers through best practice source separation and reduced contamination.



(02) 6766 5680
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 PO Box 75A, Armidale NSW 2350
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Additionally, there would be clearly delineated functions of the scheme coordinator, network operators, collection point operators and MRFs.

Planning and development applications

For network operators and collection point operators, complying or exempt development applications may assist the implementation of the scheme. Any proposed changes to complying or exempt development by the NSW EPA must involve consultation with local government planning divisions.

Has the EPA considered the maximum volumes of containers that will be allowed to be stockpiled by MRF operators, network operators and collection point operators?

Refunds

A 10c per container refund, whether cash or direct credit, is considered by NIRW to be the best option. NIRW believes that cash redemption is required to incentivise more remote communities in the region to participate in the scheme. However, there are risks involved with cash handling. If there was to be a cashless/electronic transfer system/coupon, this would require reliable internet access which is not available in some areas.

The use of reverse vending machines (RVM) may not be the most suitable option for our region due to the diverse mix of remote, rural, regional and urban communities. This is due to the service, maintenance, operational and security issues associated with them.

If individuals wish to donate their refund to a charity they can do so by donating the container to the appropriate organisation for them to claim the refund.

The requirement to complete a refund declaration for every refund will be onerous. Some people may not wish to have this information collected. Minors and others may not be able to provide proof of identity. If RVMs are not used in regional areas, this will be a further burden on collection points, with staffing costs needing to be factored into the handling fee. Perhaps proof of identity could be a requirement once a certain threshold (number of containers) is reached.

Handling Fees

Handling fees would need to be determined in order to offset the expected higher costs associated with provision of full coverage and access to the CDS in regional, rural and remote areas.

Handling fees will need to be sufficient for regional areas to cover costs associated with transportation, logistics, cash handling, technology requirements for cashless refunds and secure storage of containers given increased value of the product. Additionally, staffing of collection points for sorting and counting of containers, provision of refunds, recording of proof of identity and refund declarations where RVMs are not viable, training of site staff to handle material and process deposits and community education on how to present containers to reduce staff time to process containers will also need to be adequately covered.

Consideration should be given to distances/travel time between collection points and network operators, inefficiencies to travel distances to pick up smaller volumes, compaction requirements to improve cost efficiencies of transport, and possible damage to containers between collection points and network operator's facilities (for verification and auditing requirements).



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All costs associated with the implementation and ongoing management of the scheme are expected to be borne by the scheme and not Councils.

State-wide Coverage/Access Targets

The scheme should be designed to be fair and equitable for all communities in our region. Adequate infrastructure/collection points should be provided so regional and remote communities are not disadvantaged due to their geographical location.

Criteria based on population and distance alone does not account for how outlying communities access service towns. Targets set for state wide coverage for the e-waste (National Television and Computer Recycling Scheme) has shown to be inadequate for regional areas of NSW.

Criteria for coverage should be considered based on population, function, local government areas and gazetted suburbs, particularly for regional areas. Consideration should also be allowed to a process where an application for a collection point that falls outside the criteria, but with reasonable justification, the collection point is required for equitable access.

Minimum standards of general public access, clear and consistent signage and publicly available information on locations and opening days and hours for collection points need to be outlined to avoid having collection points serving only to meet regulatory requirements.

There will be an expectation that regional areas will have full coverage and access to a collection point from the start of the scheme.

Recovery Targets

Any recovery target should not favour high volume, high population areas and providing limited services in regional areas, as they could meet the target by servicing metropolitan areas only.

Regional recovery targets need to ensure there is incentive for network operators to reach regional, rural and remote areas with consistent service and accessibility. Measuring of the number of containers can be made through verification and auditing of numbers of containers at collection points.

Given the unknown volumes of containers, it would be expected the recovery target could be set after the first year, with periodic review.

Targets could also be correlated to the National Litter Index-sufficient to generate the reduction of containers littered as expected under the Premier's Priority goal to reduce the volume of litter by 40% by 2020.

Cross-border Movement of Empty Containers

The most northern Councils in our region are located along the QLD/NSW border. These Councils will require the design of the scheme to consider the impact of containers leaking in to NSW collection points, and their ability to differentiate which state the container has arisen from. These councils may require additional support concerning implementation and operation of the scheme until such time as the CDS is implemented in Queensland.

Consideration should be given to delay of the implementation of the Container Deposit Scheme not only to better provide opportunity for Queensland to participate in a CDS



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c/- Armidale Regional Council
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www.nirw.org.au

program that ensures issues and concerns are adequately addressed prior to the implementation of the CDS in NSW.

NIRW appreciates the opportunity to provide feedback on the regulatory framework for the implementation of the Container Deposit Scheme for NSW and the efforts of the EPA to be inclusive on the consultation process to date.

Please do not hesitate to contact me on 0428 219 410 or by email a.leckie@nirw.org.au if you require any further information or clarification.

Yours sincerely,

A. Leckie

Alison Leckie
Program Coordinator

