

# **BUSINESS PAPER**

# Civil and Environmental Services Committee Meeting Wednesday, 14 August 2019

#### **INVERELL SHIRE COUNCIL**

#### NOTICE OF CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING

#### 9 August, 2019

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 14 August, 2019, commencing at **9.00 AM**.

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

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

#### P J HENRY PSM

#### **GENERAL MANAGER**

#### **Agenda**

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#### **Ethical Decision Making and Conflicts of Interest**

A guiding checklist for Councillors, officers and community committees

#### **Ethical decision making**

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### **Conflict of interest**

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** regulated by the Local Government Act 1993 and Office of Local Government
- Non-pecuniary regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

#### The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### **Identifying problems**

**1st** Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

**3rd** Do my private interests conflict with my official role?

#### **Local Government Act 1993 and Model Code of Conduct**

For more detailed definitions refer to Sections 442, 448 and 459 or the *Local Government Act 1993* and Model Code of Conduct, Part 4 – conflictions of interest.

#### Disclosure of pecuniary interests / non-pecuniary interests

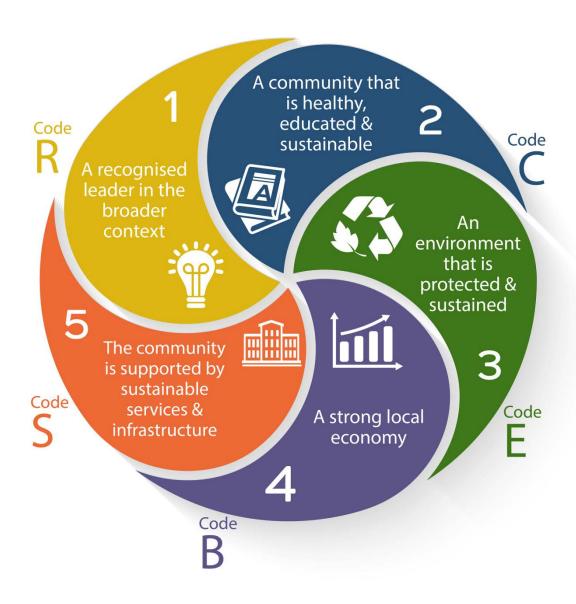
Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

**A Declaration form should be completed and handed to the General Manager** as soon as practible once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at <u>Declaration Form</u>

#### **Quick Reference Guide**

#### Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.



#### 1 APOLOGIES

#### 2 CONFIRMATION OF MINUTES

#### **RECOMMENDATION:**

That the Minutes of the Civil and Environmental Services Committee Meeting held on 10 July, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

# MINUTES OF INVERELL SHIRE COUNCIL CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD AT THE COMMITTEE ROOM, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL

ON WEDNESDAY, 10 JULY 2019 AT 9.00 AM

PRESENT: Cr Di Baker (Chair), Cr Anthony Michael (Acting Mayor), Cr Mal Peters, Cr

Stewart Berryman, and Cr Neil McCosker.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental

Services), Scott Norman (Director Corporate & Economic Services), Justin Pay (Manager Civil Engineering), Michael Bryant (Manager Environmental

Engineering) and Anthony Alliston (Manager Development Services).

#### 1 APOLOGIES

#### **COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael Seconded: Cr Stewart Berryman

That the apology received from Cr Harmon, who could not attend for personal reasons, be accepted and leave of absence granted.

**CARRIED** 

#### 2 CONFIRMATION OF MINUTES

#### **COMMITTEE RESOLUTION**

Moved: Cr Stewart Berryman Seconded: Cr Anthony Michael

That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 June, 2019, as circulated to members, be confirmed as a true and correct record of that meeting.

CARRIED

### 3 DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

Nil

#### 4 PUBLIC FORUM

Nil

#### 5 ADVOCACY REPORTS

5.1

#### **QUESTION WITH NOTICE - CR NEIL MCCOSKER**

#### **COMMITTEE RESOLUTION**

Moved: Cr Neil McCosker Seconded: Cr Stewart Berryman

That the response to the question regarding Cr Harmon's recent visit to Tulare raised by Councillor

McCosker be received and noted.

**CARRIED** 

#### 6 DESTINATION REPORTS

#### 6.1 ANNUAL HERITAGE ADVISORY SERVICE UPDATE

#### **COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael Seconded: Cr Mal Peters

- i) That the Committee suspend standing orders at 9.10am to allow Heritage Advisor, Mr Mitch McKay the opportunity to address the Committee on his report;
- ii) The Committee recommend to Council that the 2018/2019 annual reporting and funding acquittals to the NSW Office and Environment and Heritage be noted; and
- iii) Council makes representations to The Honourable Robert Gordon Stokes MP, Minister for Planning and Public Spaces and The Honourable Adam Marshall MP, Member for the Northern Tablelands for the "Heritage Near Me" program to be maintained and funded in future State Budget.

**CARRIED** 

#### RESUMPTION OF STANDING ORDERS

#### **COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael Seconded: Cr Mal Peters

A motion was moved that Council resume standing orders at 9.28am.

**CARRIED** 

### 6.2 LOCAL STRATEGIC PLANNING STATEMENTS AND COMMUNITY PARTICIPATION PLANS

#### **COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael Seconded: Cr Mal Peters

That:

- i) Council note the information provided in regard to Local Strategic Planning Statements and Community Participation Plans be received and noted;
- ii) A supplementary report be received on Local Strategic Planning Statements and Community Participation Plans subsequent to Councillor and Council Staff attendance at a Local Strategic Planning Short Course in Tamworth on the 2, 3 and 4 July 2019; and
- iii) The Supplementary report on Local Strategic Planning Statements and Community Participation Plans be considered with this item.

Relating to the Supplementary report,

- i) Council staff commence the preparation of a stand alone Local Strategic Planning Statement in accordance with the recommended course of action as outlined; and
- ii) Council staff commence the preparation of a stand alone Community Participation Plan in accordance with the recommended course of action as outlined.

**CARRIED** 

#### 6.3 REQUEST TO RELOCATE THE GRAFTON TO INVERELL WINNERS WALK

#### **COMMITTEE RESOLUTION**

Moved: Cr Anthony Michael Seconded: Cr Mal Peters

That:

- i) The Grafton to Inverell Winners Walk be relocated from its current position to a new position in Vivian Street; and
- ii) The Manager Civil Engineering be delegated authority to negotiate with Inverell Cycle Club regarding installation of appropriate signage at the new location.

**CARRIED** 

#### 6.4 CONSIDERATION OF THE LOCAL TRAFFIC COMMITTEE RECOMMENDATIONS

#### **COMMITTEE RESOLUTION**

Moved: Cr Neil McCosker Seconded: Cr Stewart Berryman

That the following Local Traffic Committee recommendations be adopted:

#### RESTRICTED PARKING SIGN REQUEST - MACINTYRE HIGH SCHOOL

- No Parking Signage be installed on Killean Street between Swanbrook Road and the School Bus Bay; and
- ii) No Stopping signage be installed on the southern side of Swanbrook Road opposite the school teacher parking area.

#### 2. ROAD CONDITIONS - GRAMAN ROAD AT SAWPIT GULLY

That additional advisory signage be installed at Sawpit Gully on Graman Road in accordance with AS1743 in order to improve road user safety at the site.

#### 3. <u>LINEMARKING SAFETY REVIEW - BUNDARRA ROAD</u>

That the line marking along Bundarra Road, between the Inverell Golf Course entrance and Staggs Lane be changed from separation line to barrier line.

**CARRIED** 

#### 6.5 NATIONAL CLASS 1 SPECIAL PURPOSE VEHICLE NOTICE

#### **COMMITTEE RESOLUTION**

Moved: Cr Neil McCosker Seconded: Cr Anthony Michael

The Committee recommend to Council that:

- i) All roads on Council's asset register as at 30 June, 2019 be included in the National Class 1 Special Purpose Vehicle Notice; and
- ii) All bridge structures on the road network recently transferred in the Tingha Boundary adjustment be assessed and these roads be included in the notice if suitable.

**CARRIED** 

#### 7 INFORMATION REPORTS

#### 7.1 STATUS OF TOWN WATER SUPPLIES

#### 7.2 WORKS UPDATE

Mr Pay advised the Committee that a sum of \$300k will be provided by Transport NSW to enable remedial work to be undertaken on Jardine Road. This is the maximum grant available under the Drought stimulus program.

#### 7.3 2018/2019 ANNUAL FOOD PREMISES INSPECTION PROGRAM

# COMMITTEE RESOLUTION Moved: Cr Neil McCosker Seconded: Cr Anthony Michael That the information reports be received and noted.

#### The Meeting closed at 10.05am

The minutes of this meet Committee held on 14 Augu	•	ned at	the	Civil	and	Environmental	Services
							PERSON

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

#### 5 DESTINATION REPORTS

## 5.1 DA-65/2019 - TWO (2) INTO FOUR (4) LOT SUBDIVISION - 24 CHURCH STREET, GILGAI

File Number: \$4.11.16/11 / 19/26126

Author: Chris Faley, Development Planner

#### **SUMMARY:**

An application (DA-65/2019) has been received for a two (2) into four (4) lot subdivision at 24 Church Street, Gilgai. The proposed subdivision comprises:

- 1. Lot 101 Battle-axe lot with an area of approximately 558m<sup>2</sup> and containing the existing dwelling;
- 2. Lot 102 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>;
- 3. Lot 103 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>; and
- 4. Lot 104 Vacant battle-axe lot with an area of approximately 558m<sup>2</sup>.

DA-65/2019 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to:

- Comply with the Inverell Local Environmental Plan 2012;
- Comply with the Inverell Development Control Plan 2013;
- Comply with the applicable state environmental planning policies;
- Have minimal impact on the natural and built environments;
- Have minimal social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Two (2) submissions have been received in response to the neighbour notification of DA-65/2019. The matters raised in the submissions have been assessed and on balance, it is considered that the matters raised do not preclude issuing of development consent.

It is recommended that DA-65/2019 be approved subject to conditions of consent.

#### **RECOMMENDATION:**

That Development Application 65/2019 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 two (2) into four (4) lot 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).

#### **DURING SUBDIVISION WORKS**

- 3. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the carrying out of subdivision works:
  - Works on site are to be carried out in accordance with the Protection of the Environment Operations Act 1997 in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
  - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
  - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site:
  - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
  - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
  - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
  - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the Surveying and Spatial Information Act 2002. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

4. A Subdivision Certificate must be obtained from Council in accordance with Section 109C (1)(d) of the Environmental Planning and Assessment Act 1979. 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.

- 5. Prior to issue of a Subdivision Certificate, the existing carport is to be removed and the proposed cantilevered carport constructed on proposed Lot 101. The new cantilevered carport is to be same dimensions and in the same location as the removed carport.
- 6. Prior to the issue of a Subdivision Certificate, electricity and telecommunications services are to be provided to all lots. The proponent is required to submit to Council, certificates from:
  - An approved electricity service provider indicating that satisfactory arrangements have been made for the provision of electricity to each lot in the subdivision.
  - An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.

Note: Subject to the requirements of the electricity service provider, the power supply for proposed Lot 101 will need to be relocated.

- 7. Prior to issue of a Subdivision Certificate, inter-allotment drainage is to be provided along the common boundaries of the four (4) proposed lots.
  - Prior to construction of this inter-allotment drainage, plans of the inter-allotment drainage, prepared by a suitably qualified engineer, are to be submitted to and approved by Council. These plans are to show piped and surface drainage paths, including kerbs as necessary beneath fences, to direct drainage to Church Street.
- 8. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for sewer supply to proposed Lots 102, 103 and 104. This will require payment to Council of:
  - A Contribution under Council's Development Servicing Plan No. 1 for 1 equivalent tenement, for proposed Lots 102, 103 and 104; and
  - A sewer junction fee in accordance with Council's fees and charges for proposed Lot 103.

Note: Existing sewer junctions will serve proposed Lots 101, 102 and 104.

- 9. Prior to the issue of a Subdivision Certificate, contributions/fees must be paid to Council for water supply to proposed Lots 101,103 and 104. This will require payment to Council of:
  - A Contribution per lot under Council's Development Servicing Plan No. 1 for 1 equivalent tenement, for proposed Lots 101, 103 and 104; and
  - A water connection fee in accordance with Council's fees and charges for Lots 101, 103 and 104.

Note: The existing water service is to be retained for proposed Lot 102.

- 10. Prior to the issue of a Subdivision Certificate, a Community Services Contribution per lot must be paid to Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 for Lots 102 and 103.
- 11. Prior to issue of a Subdivision Certificate, a concrete access crossing is to be constructed from the kerb in Church Street to the boundary of Lots 101 and 104. The location of the access is to be in accordance with the approved plan. Prior to the commencement of this work the applicant is required to:
  - Apply to Council for approval under Section 138 of the Roads Act 1993 to install a paved vehicular access across the footpath (a copy of the application form is enclosed); and

 Contact Council for footpath levels so that the driveway can be constructed to provide vehicle access onto the site.

The installation of the vehicular access crossing must be carried out under the supervision of Council and the applicant must give Council two (2) working days' notice to inspect the formwork prior to pouring any concrete.

All work is to be completed to the standard approved by Council, at the applicant's expense.

- 12. Prior to issue of a Subdivision Certificate, the access handles for Lots 101 and 104 are to be:
  - Concreted 3 metres wide; and
  - Incorporate a landscaping strip 500mm wide, being located:
    - On the northern side of the concrete access for proposed Lot 101; and
    - On the southern side of the concrete access for proposed Lot 104.

A minimum 50% of the landscaping is to comprise plant species with a full growth height of at least 1.5 metres.

Prior to construction of the access handles, plans nominating the concrete and landscaping details are to be submitted and approved by Council.

All landscaping is to be maintained in a reasonable manner, in perpetuity.

13. Any other condition deemed appropriate by the Director Civil and Environmental Services.

#### **COMMENTARY:**

An application (DA-65/2019) has been received for a two (2) into four (4) lot subdivision at 24 Church Street, Gilgai. The proposed subdivision comprises:

- 1. Lot 101 Battle-axe lot with an area of approximately 558m<sup>2</sup> and containing the existing dwelling;
- 2. Lot 102 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>;
- 3. Lot 103 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>; and
- 4. Lot 104 Vacant battle-axe lot with an area of approximately 558m<sup>2</sup>.

#### Attachment 1 to this report includes:

- The subdivision sketch;
- Statement of Environmental Effects; and
- Additional information submitted 2 August, 2019.

The site is zoned 'RU5 Village' pursuant to the *Inverell Local Environmental Plan 2012*. The development comprises 'subdivision of land', which is permissible with consent in the RU5 Village zone. The *Inverell Local Environmental Plan 2012* does not specify a minimum lot size for subdivision of RU5 Village zoned land within Gilgai.

Whilst the *Inverell Local Environmental Plan 2012* does not specify a minimum lot size for subdivision of RU5 Village zoned land within Gilgai; as a guide, the *Inverell Development Control Plan 2013* recommends:

- A minimum lot size of 450m<sup>2</sup> for vacant rectangular lots in the RU5 zone;
- A minimum lot size of 450m<sup>2</sup> for battle-axe lots containing existing dwellings; and
- A minimum lot size of 600m<sup>2</sup> (excluding the access handle) for vacant battle-axe lots.

Proposed Lots 101, 102 and 103 comply with the *Inverell Development Control Plan 2013*. Proposed Lot 104 is less than the recommended 600m<sup>2</sup> (proposed size of 558m<sup>2</sup>); however, the applicant has made a written request to vary the recommended minimum lot size.

When considering the written request by the applicant, Section 4.15 (3A) (b) of the Environmental Planning and Assessment Act 1979 states that if the Inverell Development Control Plan 2013 sets a standard and the development application does not comply with those standards, the consent authority "is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development". In consideration of the written request, it is considered that proposed Lot 104 has sufficient dimensions for the construction of a dwelling and it is recommended that the written request be supported.

The application was notified to adjoining and adjacent neighbours from 27 June, 2019 to 11 July, 2019. As a result of notification two (2) submissions have been received by way of objection. These submissions are discussed further in the 'Submissions' section of this report.

DA-57/2019 has been examined having regard to the matters for consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions.

#### **APPLICATION DETAILS**

**Applicant:** New England Surveying & Engineering

Owner: Alifous Pty Limited

**Application No:** DA-65/2019

Address: 24 Church Street, INVERELL 2360

Title Particulars: Lot 1 DP 523984 and Lot 2 DP 523984

**Proposed Development:** Two (2) into four (4) lot subdivision

Existing Site Area: Lot 1 DP 523984 - 1012m<sup>2</sup>

Lot 2 DP 523984 – 1012m<sup>2</sup> Combined Total = 2024m<sup>2</sup>

**Zoning:** RU5 Village

**Existing Use:** Lot 1 DP 523984 – Dwelling and carport

Lot 2 DP 523984 - Vacant lot

#### **DA-65/2019 - APPLICATION HISTORY**

Date Comment

27 June 2019 DA-65/2019 lodged.

27 June 2019 Neighbour notification begins.

11 July 2019 Notification period ends. Two (2) submissions received as a

result of notification.

22 July 2019 Request for further information in relation to:

- Compliance with Clause 2.4 of the Inverell Development Control Plan 2013 in relation to the size of proposed Lot

104; and

- The location of the carport on proposed Lot 101 not allowing vehicles to enter and exit in a forward direction.

2 August 2019 Additional information submitted, being:

- A written request to vary Clause 2.4 of the Inverell Development Control Plan 2013; and
- Confirmation that the existing carport is to be removed and a new cantilevered carport constructed in its place. The cantilevered carport allows vehicles to enter and exit in a forward direction. The applicant provided a diagram demonstrating compliant turning movements.

#### SUBJECT SITE AND LOCALITY

The site is known as Lot 1 DP 523984 and Lot 2 DP 523984, 24 Church Street, Gilgai and has a total area of 2024m². Lot 1 DP 523984 has an area of 1012m² and contains a single dwelling and carport, which are located at the rear of the lot. Lot 2 DP 523984 is vacant land.

Lot 1 DP 523984 and Lot 2 DP 523984 are shown in Figure 1.



Figure 1 - Aerial Image of Lot 1 DP 523984 and Lot 2 DP 523984

The predominant development pattern in the Gilgai Village is single dwellings on rectangular allotments, with commercial style developments historically centred around Marsh Street (Bundarra Road) and Stannifer Street (Figure 2). It should be noted that there is a vacant battle-axe allotment in Church Street, immediately opposite the development site. 24 Church Street is located centrally within the village of Gilgai (Figure 3), being in close proximity to:

- Shop / Post Office Approximately 250 metres;
- Gilgai Public School Approximately 350 metres; and
- Sports oval Approximately 200 metres.



Figure 2 – Aerial Image of Gilgai Village



Figure 3 – Aerial Image of Gilgai Village (Central)

The development site has frontage to and takes access from the southern section of Church Street. This section of Church Street has a 20 metre road reserve, with upright kerb and gutter along the eastern side, but no kerb and gutter along the western side. The distance between the face of kerb and the edge of bitumen is 7.3m (Figure 4).



Figure 4 - Church Street Formation

Water, sewer, electricity and telecommunications are connected to the existing dwelling and can be provided to the proposed vacant lots. Council's sewer main is located in Church Street and the proposed lots can gravity feed to the main.

The site slopes towards Church Street in a west / south westerly direction, with all stormwater discharged to the kerb and gutter in Church Street. This kerb directs stormwater to an inlet pit connected to the underground drainage system in Hall Street. As part of the subdivision, interallotment drainage would need to be constructed along the common boundaries of the lots.

The site is not listed as a heritage item and Council records indicate that the site is not identified as bush fire or flood prone land.



Photo 1 – The site from Church Street (view north-easterly)



Photo 2 – The site from Church Street (view easterly)



Photo 3 – Church Street (towards Stannifer Street)



Photo 4 - Church Street (towards Hall Street)

#### PROPOSED DEVELOPMENT

The proposed development comprises the subdivision of Lot 1 DP 523984 and Lot 2 DP 523984 into four (4) lots being:

- 1. Lot 101 Battle-axe lot with an area of approximately 558m<sup>2</sup> and containing the existing dwelling;
- 2. Lot 102 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>;
- 3. Lot 103 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>; and
- 4. Lot 104 Vacant battle-axe lot with an area of approximately 558m<sup>2</sup>.

The subdivision sketch is included in **attachment 1** to this report.

To facilitate vehicles entering and exiting proposed Lot 101 in a forward direction, the applicant proposes to replace the existing four (4) post carport with a new two (2) post cantilevered carport. Subject to being the same size and in the same location, it is considered that this carport replacement can be undertaken as 'Exempt Development' (e.g. no development or building application required).

Ancillary works for the subdivision includes:

- Utility provision (water, sewer, electricity and telephone);
- Construction of inter-allotment drainage;
- Driveway construction; and
- Landscaping.

#### **PLANS & DOCUMENTATION**

The following information was submitted with the Development Application:

- Subdivision sketch;
- Statement of Environmental Effects; and
- Additional information on 2 August 2019.

Attachment 1 includes a copy of this information.

#### REFERRALS UNDERTAKEN & OTHER APPROVALS REQUIRED

#### **Internal Referrals**

#### **Engineering Referral**

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

#### Access & Parking

The land subject to subdivision has a 40m frontage along the eastern side of Church Street, approximately mid block between Hall Street and Old Stannifer Road. The site comprises two (2) existing lots, one with a dwelling on it. The proposed subdivision will create two (2) new lots, which at nine (9) traffic movements per day will generate an additional eighteen (18) traffic movements per day. There is no traffic data available for Church Street.

Church Street has a 20m road reserve with upright kerb and gutter along the eastern side; however, there is no kerb and gutter along the western side. The distance between the face of kerb and the edge of bitumen is 7.3m. There is adequate shoulder width along the western edge of the bitumen seal for vehicles to park off the carriageway, allowing vehicles to pass.

The section of Church Street has low traffic volumes and capacity to handle additional traffic generated by the proposed development. Traffic accessing the proposed development can enter Church Street via Old Stannifer Road to the north or Hall Street from the South, diluting traffic movements along the street.

Driveways and access handles to Lots 101 and 104 are to be constructed of reinforced concrete from the kerb in Church Street into each lot.

Proposed driveways to Lots 102 and 103 are to be constructed of reinforced concrete; however, the locations can be determined at time of a building application for a dwelling at a later date.

With respect to parking, only one roofed car parking space is required for a dwelling constructed on each lot. The two (2) lots fronting Church Street will require a building set back of 6m, which may provide an additional on site car parking space.

#### Drainage

The site slopes towards Church Street in a west / south westerly direction. The kerb and gutter in Church Street adjacent the subdivision falls south to a kerb inlet pit connected to the underground drainage system in Hall Street.

It is noted that recent reconstruction of Wood Street between Hall Street and Old Stannifer Road, including kerb and gutter and drainage, will reduce the volume of overland flow from the east that may have previously flowed through the subdivision site to Church Street. The waterway area between the kerb and the crown of the road in Church Street has sufficient capacity to direct runoff associated with the proposed subdivision down to Hall Street, avoiding water running across to the western side of Church Street.

A site inter-allotment drainage plan is to be prepared by a certified civil engineer incorporating collection pits, plus kerbs along property boundaries as necessary to direct piped water to the kerb and gutter in Church Street. The design is to intercept runoff down both access handles and piped underground to the kerb and gutter in Church Street.

The upgrading of kerb and gutter along the western side of Church Street has been listed in Council's future street and drainage program for Gilgai, however the proposed subdivision located on the eastern side of Church Street is not dependent upon this work taking place.

#### Water

A 100mm diameter water main runs along the western footpath of Church Street, capable of servicing the proposed development including fire fighting.

The existing water service can be retained to service Lot 102. Three new water services will be required for Lots 101, 103 and 104 involving street crossings.

The proposed development requires payment of water contributions for three (3) equivalent tenements (a contribution each for the 3 vacant lots) under Council's Development Servicing Plan No 1.

#### Sewer

The sewer main runs along the eastern footpath of Church Street. There are currently 3 sewer junctions on the subject property. The sewer service to the existing dwelling on Lot 101 will remain. Lots 102 and 104 sewer services are to connect into existing unused sewer junctions. A new sewer junction will be required for Lot 103.

The proposed development requires payment of sewer contributions for three (3) equivalent tenements (a contribution each for the 3 vacant lots) under Council's Development Servicing Plan No 1.

Note for water and sewer ETs: Whilst 24 Church Street comprises two lots; historically, these lots have been combined for rating purposes and only being paying water and sewer rates for the dwelling on Lot 1 DP 523984. No water and sewer has been paid for Lot 2 DP 523984. Therefore, the subdivision will create four (4) lots, past water and sewer will be credited to a single lot and the remaining three (3) lots will be required to pay contributions.

#### Electricity supply

The overhead electrical service to the existing dwelling on Lot 101 is through Lot 102, and will require relocating along the access handle to Lot 101.

<u>Development Planner Comment</u>: It is considered that there are no engineering matters, which preclude issuing of development consent. The provision of access, water, sewer and interallotment drainage can be included as conditions of consent to be finalised prior to issue of a Subdivision Certificate.

#### **External Referrals**

No external referrals were required for this application.

#### Other Approvals

Subject to the approval of DA-65/2019, the following additional approvals are required for this development:

- Subdivision Certificate Required prior to Council endorsing the plan of subdivision. All
  conditions of consent for the subdivision would need to be completed prior to issuing of the
  Subdivision Certificate; and
- Approval under Section 138 of the Roads Act 1993 for construction of the access crossings in Church Street.

#### **Council Policies**

It is considered that no Council policies apply to the assessment of this Development Application.

#### **ASSESSMENT - STATUTORY REQUIREMENTS - S.4.15**

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.

#### **Relevant State Environmental Planning Policies**

Policy	Comment
9	24 Church Street has been historically residential land and there is no evidence that the site is unsuitable for the development.

#### **Local Environmental Plans**

#### Inverell Local Environmental Plan 2012

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.2	Aims of Plan	The particular aims of this Plan are as follows:
		a) To encourage sustainable economic growth and development;
		b) To protect and retain productive agricultural land;
		c) To protect, conserve and enhance natural assets;
		d) To protect built and cultural heritage assets; and
		e) To provide opportunities for growth.
		The proposed subdivision will facilitate additional dwellings and is considered to contribute to the growth of Gilgai, without adversely impacting natural or heritage assets.
		The development is not inconsistent with the aims of the LEP.
2.1	Land use zones	The site is zoned RU5 Village. The development is characterised as subdivision, which is permissible with consent.

		The objective of the RU5 zone is:
		To provide for a range of land uses, services and facilities that are associated with a rural village.
		The subdivision is intended for residential purposes, which is compatible with the rural village. The development is not inconsistent with the RU5 Village zone.
4.1	Minimum Lot Size	There is no Minimum Lot Size specified on the LEP Lot Size Map for the Gilgai Village (Figure 5).
6.1	Earthworks	Minimal earthworks are required for the provision of services, drainage and access to the subdivision. A condition of consent can require appropriate sediment and erosion control measures to be implemented during construction.
6.6	Essential Services	Water Supply
		A 100mm diameter water main runs along the western footpath of Church Street and is capable of servicing the proposed development.
		<u>Sewer</u>
		Council's sewer main is located in Church Street and the proposed lots can gravity feed to the main.
		<u>Stormwater</u>
		The site slopes towards Church Street in a west / south westerly direction. All stormwater from the subdivision can be discharged to the kerb in Church Street and as per the assessment by Council's Manager Environmental Engineering; the kerb has sufficient capacity to cater for the development. Inter-allotment drainage will need to be provided as part of subdivision. The inter-allotment drainage will need to be designed by an engineer and constructed prior to issue of a Subdivision Certificate.
		Electricity & Telephone
		Electricity and telephone infrastructure is available to the site, subject to the connection requirements of the utility agencies, which is acceptable.
		Access
		The proposed development will take access from Church Street. As per the comments from Council's Manager Environmental Engineering, Church Street has sufficient capacity to handle additional traffic and the road reserve width allows the parking of vehicles.

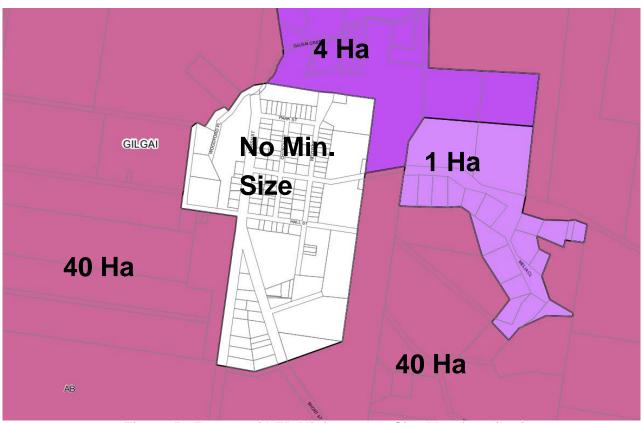


Figure 5 - Extract of LEP Minimum Lot Size Map for Gilgai

#### **Development Control Plans**

<u>Inverell Development Control Plan 2013 – Chapter 1 Introduction</u>

SECTION	TITLE	COMMENT AND ASSESSMENT
1.10	Variation to Acceptable Solutions	The applicant has made a written request, in accordance with this Chapter, to vary the Acceptable Solution of Clause 2.4 of the <i>Inverell Development Control Plan 2013</i> . This variation is considered as part of the Clause 2.4 assessment below.
1.11	Notification of Applications	The application was notified to adjoining and adjacent neighbours from 27 June 2019 to 11 July 2019. As a result of notification two (2) submissions have been received by way of objection. These submissions are discussed further in the 'Submissions' section of this report.
1.12	Advertising of Applications	The development did not meet the criteria to be advertised.

#### Inverell Development Control Plan 2013 - Chapter 2 Subdivision

SECTION	TITLE	COMMENT AND ASSESSMENT
2.3	Site Analysis	The proposed subdivision design is considered to respond to the characteristics of the site, including slope, street frontage, services and solar access. The design is considered satisfactory and is discussed further below.
2.4	Lot Dimensions	The outcome of this Clause is "to provide sufficient area and configuration to enable the construction of dwellings and accessible on-site parking facilities".

To facilitate the above outcome, the following Acceptable Solutions apply to subdivision within the RU5 Village Zone.

 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.

Proposed Lots 102, 103 and 104 are capable of containing building envelopes larger than the minimum required, with compliant boundary setbacks and area for open space. This assessment is shown in **Figure 6**.

 450m² lots may be permitted as infill development in existing residential areas.

The proposed lots exceed the recommended 450m<sup>2</sup> lot size. Proposed Lot 104 is also subject to additional battle-axe controls, discussed below.

 For new Residential Areas, an average lot size of 600m<sup>2</sup> is preferred, but larger lots and a mixture of sizes are encouraged.

Gilgai is not within a defined New Residential Area.

 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 600m<sup>2</sup>.

The depth/width ratio of the proposed lots does not exceed 2:1.

 Vacant battle-axe lots are to be a minimum of 600m<sup>2</sup> (excluding the access handle area) with a minimum access handle width of 3.5m (single dwelling) or 6m (dual occupancy).

Proposed Lot 104 has a total of area of 558m<sup>2</sup>, consisting of:

- 73.5m² (3.5m wide x 24.5 metre long) access handle; and
- 484.5m<sup>2</sup> rectangular residual area.

Based on these dimensions, proposed Lot 104 is inconsistent with this development standard. The applicant has made a written request for Council to vary this requirement as per Clause 1.10 of the *Inverell Development Control Plan 2013*. The request is as per follows:

"We request that Council consider a variation to the development standard of Clause 2.4 of the Inverell DCP to allow battle-axe lots with an area of 600m2. It is our opinion that the proposed lots are of sufficient area and dimensions to permit the construction of a typical 'family' sized dwelling."

When considering the written request by the applicant, Section 4.15 (3A) (b) of the Environmental Planning and Assessment Act 1979 states that if the Inverell Development Control Plan 2013 sets a standard and the development application does not comply with those

		standards, the consent authority "is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development".
		The intent of the 600m <sup>2</sup> development standard is to ensure that a battle-axe allotment has sufficient area for a dwelling envelope and open space, particularly, if a site is constrained, e.g. steep slope, easements, etc.
		Proposed Lot 102 has a gentle slope and is not constrained; therefore, it is recommended that Council support the variation as:
		<ul> <li>Proposed Lot 104 has sufficient area for a building envelope for a single dwelling and open space (refer Figure 6);</li> </ul>
		<ul> <li>The access handle dimensions comply with Council standards for a single dwelling;</li> </ul>
		<ul> <li>Proposed Lot 104 is consistent with the compliant Proposed Lot 102; and</li> </ul>
		Based on the above points, proposed Lot 104 is consistent with the Outcome of Clause 2.14.
		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.
		The subdivision does not propose the sharing of an access handle.
		The maximum length of a battle-axe handle is 40m.
		The battle-axe handles of Lots 101 and 104 do not exceed 40 metres.
		Overall, the proposed lots are considered to comply with this Clause as they provide sufficient area and configuration to enable the construction of dwellings and accessible on- site parking facilities.
2.5	Lot Orientation	The proposed lot layout has provided opportunities for each lot to achieve good solar orientation while preserving private open space for the existing dwelling.
2.6	Frontage and Access	The proposed lots will have adequate frontage to a public street, which allows for suitable pedestrian and vehicular access.
		The provision of battle-axe frontage (proposed Lots 101 and 104) is not inconsistent with Church Street, as there is a vacant battle-axe lot in Church Street immediately opposite the development site (seen in previous Figure 1).
2.8	Landscape	To enhance the streetscape and reduce the visual impact of hardstand driveways, it is recommended that Council require the access handles of Lots 101 and 104 to be landscaped. With handle widths of 3.5 metres, it is considered that a 500mm wide garden bed along the side boundaries would be appropriate. This can be enforced as a condition of any subsequent consent.

	Stormwater Drainage	As per the previous comments by Council's Manager Environmental Engineering, all stormwater from the site can be discharged to Church Street, which has sufficient capacity to accept the stormwater without detrimentally impacting neighbouring properties.
2.11	Utility Services	The development can be provided with water, sewer, electricity and telecommunications services.

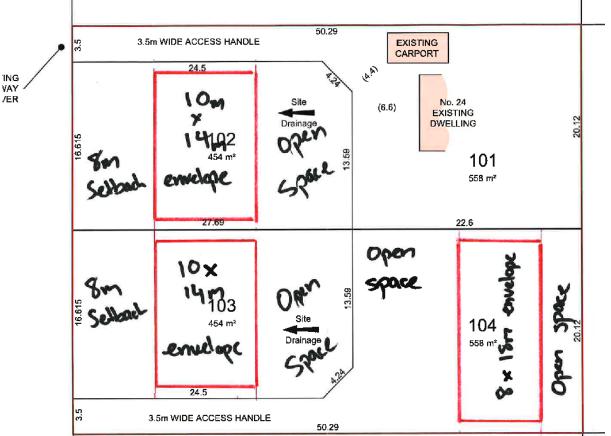


Figure 6 – Assessment of Building Envelopes as per Clause 2.4 of the Inverell DCP 2013

#### Section 7.11 Plan

In accordance with Section 7.11 (previously Section 94) of the *Environmental Planning and Assessment Act 1979*, Council's Section 94 Plan applies to the site which requires payment of contributions per new lot created. This subdivision will create two (2) new lots and will be required to pay two (2) contributions for Community Services and this can be included as a condition of consent.

#### The likely impacts of that development

Matters	Consideration
Context & Setting	The proposed lot sizes, whilst smaller than the established subdivision pattern of Gilgai, are considered capable of co-existing in harmony with the village. The village of Gilgai has limited opportunity for expansion and the established strategic planning and development control framework, supports smaller lot size development for Gilgai. Neighbourhood character has been discussed further in the 'Submissions' section of the report.
Access, Traffic & Transport	The subdivision will create two (2) additional lots, which will result in approximately eighteen (18) additional traffic movements per day in Gilgai. Eighteen (18) additional movements is not considered significant and as per the engineering assessment by Council's Manager Environmental

	Engineering, Church Street has sufficient capacity to cater for this
	development.
	In regards to parking, Chapter 5 of the <i>Inverell Development Control Plan 2013</i> requires 1 roofed parking space per dwelling. This is provided for proposed Lot 101 (carport) and can be accommodated for any future dwellings on Lots 102, 103 and 104. It is not reasonable to require parking, which exceeds Council's adopted standards. There is considered to be sufficient on-street car parking for the area.
	Overall, the development is not considered to have an adverse access, traffic or transport impact.
Utilities	All utilities are available to the site and utility infrastructure is not considered to be adversely impacted.
Heritage	The site is not listed as a heritage item and is not within a conservation area. Due to historic disturbance of the site, the presence of artefacts is considered highly unlikely.
Other Land Resources	The site is not suitable for production of resources.
Water	There are no watercourses in the vicinity of the development site. The proposed subdivision can drain stormwater to the gutter in Church Street. As assessed by Council's Manager Environmental Engineering, Council's stormwater system has sufficient capacity for the development without adversely impacting the surrounding properties.
Soils	Minimal earthworks will be required for construction of accesses and services.  A condition of any subsequent consent would require erosion control measures to minimise soil impacts.
Air Quality	The development is not considered to result in significant odour or dust affecting air quality in the locality.
Flora & Fauna	The site contains no significant flora or fauna.
Waste	The development will utilise Council's garbage and recycling collection services. All utility and access construction waste will need to be disposed at the Inverell landfill and this can be enforced as a condition of consent.
Energy	Electricity infrastructure is located in Church Street. The electricity service for proposed Lot 101 will need to be relocated; however, overall the development is not considered to adversely impact energy supply or infrastructure.
Noise & Vibration	Noise and vibration will occur during the utility construction activities. Suitable conditions can be placed on any subsequent consent to restrict hours of construction.
Natural Hazards	The site is not identified as being subject to flooding, bush fire or other natural hazard.
Safety, Security & Crime Prevention	The development is not considered to have an adverse impact on safety, security and crime prevention. Ultimately, additional dwellings will afford greater passive surveillance of the area.
Social Impacts in the Locality	In the development assessment process, social impacts can be defined as a significant change or consequence experienced by people or communities as a result of a development. Such changes may include, but are not limited to a person's way of life, access to services, health and wellbeing, aesthetics and/or amenity (sunlight, views, traffic, noise impacts). Social impacts can be both positive and negative.
	When considering social impacts as part of a Development Application, the

	Land and Environment Court in New Contrast Development Dr. P. S. J.
	Land and Environment Court in New Century Development Pty limited v Baulkham Hills Shire Council [2003] NSWLEC 154 has held that:
	"the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area (Dixon at [53]).
	In Broad, de Jersey J explained (at 304) that whilst the court is clearly entitled to have regard to the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.
	A fear or concern without rational or justified foundation is not a matter which, by itself, can be considered as an amenity or social impact pursuant to s 79C(1) of the EP&A Act".
	In the case of this Development Application, submission makers have raised a number of objections including traffic, subdivision patterns and stormwater drainage. These matters have been assessed by Council technical staff and it has been determined that these possible impacts will not be significant in the context of the immediate or surrounding residential properties or neighbourhood.
	Accordingly, whilst submissions have been received, consistent with the Land and Environment Court findings, these submissions do no constitute evidence of a negative social impact as a result of the proposed development.
Economic Impact in the Locality	The development contributes to the residential growth of Gilgai and is not considered to have an adverse economic impact.
Site Design & Internal Design	Subject to supporting the applicant's request for variation to Clause 2.4 of the <i>Inverell Development Control Plan 2103</i> , the design of the subdivision is consistent with Council controls.
Construction	Minimal construction is required for the provision of services and access as part of the subdivision. Conditions of consent can be imposed to minimise construction impacts (e.g. hours of construction).
Cumulative Impacts	The subdivision will create two (2) additional lots, which as assessed throughout this report; it not considered to have an adverse impact on traffic, utilities or the amenity of the neighbourhood. The cumulative impact is considered to be minimal.
Climate Change	The development is not considered to significantly influence climate change factors.

#### **Suitability of the Site**

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

Does the proposal fit in the locality?

Gilgai is located 10 kilometres from Inverell via a bitumen sealed main road. The village has reticulated water and sewer systems. Gilgai has a school, shop/post office, parks and sporting fields. Overall, Gilgai is considered suitable for infill style small lot housing. Accordingly, the proposal is considered to 'fit' in the locality.

Are the site attributes conducive to development?

The site is fully serviced (water, sewer, electricity, and telephone) and is not constrained by any natural hazards (bush fire, flooding, etc.), it is relatively flat and all stormwater can be drained to the kerb and gutter. It is considered that the site attributes are suitable for this development.

#### **Submissions**

The application was notified to adjoining and adjacent neighbours from 27 June, 2019 to 11 July, 2019. As a result of notification two (2) submissions have been received by way of objection. The submissions have been circulated separately to Councillors with the Business Paper and the matters raised by submission makers are discussed below.

SUBMISSION ONE	
Submission	Development Planner Comment
Gilgai is a unique village with a diverse range of residents who are happy with its personality. This is a letter of objection towards the proposed 4-lot subdivision at 24 Church Street in its current form.	
A 2-lot subdivision with lot sizes of 1012m <sup>2</sup> would be significantly more sympathetic to the surrounding streetscape and neighbourhood character. It is requested that the scale of the development be reduced to this level due to the following reasons:	
The vacant battle-axe lot (Lot 104) does not have a minimum of 600 $m^2$ (excluding the access handle area) with a minimum access handle with of 3.5 m.	The applicant has made a written request to Council to vary this development standard, which has been discussed previously in this report.
The size of the proposed blocks is significantly less than <u>all</u> other blocks within the Gilgai Village. Gilgai is currently a 'rural' residential style area and its character would be greatly damaged by highly concentrated housing. The current housing lots in Gilgai can be described as containing a single dwelling on a circa 1000 m² block with significant open space and landscaping, and limited hardstand areas. The proposed 454m² blocks and 558m² blocks, with access handles, do not fit in with this description.	Character is what makes one neighbourhood distinctive from another. It is the way a place 'looks and feels'. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation.  It is important to note that consideration of character is separate from the consideration of amenity (sunlight, privacy, traffic, etc.). Regardless of the character of an area there are standards of residential amenity that apply to all residential development. Sometimes, these amenity standards can have an effect on neighbourhood character, but as a general principle, neighbourhood character and amenity should be treated separately.
	The term "neighbourhood character" should not be used to replicate existing development or stop change. Compatibility and respect is different to sameness. Different features and developments are capable of co-existing in harmony.
	Consideration of character should also to take into account future

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character of a neighbourhood. Where change is supported by strategic planning documents and local development controls, a development can be considered to respect the desired future character, even if at that time, it may differ from established character.

Specific to DA-65/2019, the submissions makers have raised objections that the proposed development is inconsistent with the established subdivision pattern of Gilgai and as such the submission makers perceive that the development is inconsistent with the neighbourhood character.

The layout of Gilgai can be described as:

- Commercial and community facilities located on the western side of Marsh Street / Bundarra Road and along Stannifer Road;
- A core residential area between Marsh Street / Bundarra Road, Park Street, Wood Street and Hall Street;
- Public parks on the edges of the residential neighbourhood; and
- An outer residential area, south of Hall Street.

Gilgai Village is shown in the previous Figures 2 and 3.

The proposed development is within the core residential area between Marsh Street / Bundarra Road, Park Street, Wood Street and Hall Street. The predominant subdivision pattern in this core residential area is:

- Rectangular lots (there is one notable exception with an existing battle-axe lot in Church Street); and
- Lots sizes ranging from approximately 800m<sup>2</sup> to approximately 2000m<sup>2</sup>.

The proposed subdivision results in:

- 1. Lot 101 Battle-axe lot with an area of approximately 558m<sup>2</sup> and containing the existing dwelling;
- 2. Lot 102 Vacant rectangular lot with an area of approximately 454m<sup>2</sup>;
- 3. Lot 103 Vacant rectangular lot with an area of approximately

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454m<sup>2</sup>; and

4. Lot 104 – Vacant battle-axe lot with an area of approximately 558m<sup>2</sup>.

It is acknowledged that the proposed lots sizes are less than the established subdivision pattern however; it is considered that these small lots are capable of co-existing in harmony with the Gilgai Village as:

- They are suitable for primarily for single dwellings (e.g. not units);
- The lot dimensions still allow future dwellings to match setbacks requirements of the Village, e.g. the lot sizes do not require Council to compromise building standards;
- The proposed battle-axe lots are immediately opposite the existing battle-axe lot in Church Street;
- The provision of smaller lots within Gilgai is consistent with the strategic planning and local development controls for Gilgai, as reflected in:
  - The Inverell Local Environmental Plan 2012, which does not specify a minimum lot size for Gilgai; and
  - The Inverell Development Control 2013 recommending a minimum lot size of 450m<sup>2</sup> in the RU5 zone.
- Gilgai has very limited opportunities for outwards expansion, being constrained by bush fire, heavy vegetation, crown reserves and watercourses. Accordingly, any growth for the village of Gilgai needs to be accommodated as 'infill' development of existing zoned land.

24 Church Street was currently vegetated with mature trees and shrubs. The loss of these Already to enable further dwellings to be constructed on this block, which will reduce the current amenity of Church Street and also impact the already failing drainage for which Gilgai is notoriously famous for.

Council does not have a tree preservation order and the previous removal of the mature trees and shrubs did not require Council consent. There is no planning or environmental obligation on the owner to reinstate this landscaping.

It is noted that the visual amenity of Church Street and Gilgai generally is highly varied. It is considered that additional dwellings and driveways

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will not be inconsistent with the visual amenity of Gilgai.

To further enhance the streetscape and reduce the visual impact of the concrete access handles, it is recommended that Council require the access handles of Lots 101 and 104 to be landscaped. With handle widths of 3.5 metres, it is considered that a 500mm wide garden bed can be incorporated on the northern side of the proposed Lot 101 handle and southern side of the proposed Lot 104 handle. This can be enforced as a condition of any subsequent consent.

There is no evidence to suggest that the development will impact Gilgai drainage, with Council's stormwater infrastructure capable of servicing the proposed development. Furthermore, in recent years Council has been completing kerb and gutter works in Gilgai to improve the drainage.

Once a development such as this has been constructed in the area there will be a precedence set which may result in significant numbers of small size blocks with limited open space.

The creation of 450m<sup>2</sup> lots has historically been possible within Gilgai. Given the limited development activity that occurs within Gilgai, it is highly unlikely that supporting this development would result in a precedence of significant small lot development occurring in Gilgai.

Council's Manager Environmental Engineering has reviewed this matter

All proposed stormwater caught off the proposed roofs and hardstand areas will be discharged to Church Street. In severe storms the stormwater travels from the East side of Church Street to the West, where there is currently no kerb or stormwater drainage. The rate of discharge and overall stormwater runoff will be greatly increased under this development proposal. This is likely to result in flooding of downstream properties, unless the development is modified to adequately deal with the increased stormwater from the increased sealed/covered area (i.e. kerb on the Eastern side of Church Street and stormwater detention systems on the property). Also, the submitted plans do not indicate how the stormwater runoff quality will be maintained at the current flow rates.

and provided the following comments:

"The site slopes towards Church Street in a west / south westerly

The site slopes towards Church Street in a west / south westerly direction. The kerb and gutter in Church Street adjacent the subdivision falls south to a kerb inlet pit connected to the underground drainage system in Hall Street.

Previous and current residents in this entire street can elaborate further on the poor drainage of Gilgai, hence why the council is already attempting to mitigate it. In some instances the damage to low lying houses and those with timber stumps have suffered significantly already which has been documented thoroughly to the council.

It is noted that recent reconstruction of Wood Street between Hall Street and Old Stannifer Road, including kerb and gutter and drainage, will reduce the volume of overland flow from the east that may have previously flowed through the subdivision site to Church Street. The waterway area between the kerb and the crown of the road in Church Street has sufficient capacity to direct runoff associated with the proposed subdivision down to Hall street, avoiding water running across to the western side of Church Street.

A site inter-allotment drainage plan is to be prepared by a certified civil engineer incorporating collection pits, plus kerbs along property boundaries as necessary to direct piped water to the kerb and gutter in Church Street. The design is to intercept runoff down both access

handles and piped underground to the kerb and gutter in Church Street.

The upgrading of kerb and gutter along the western side of Church Street has been listed in Council's future street and drainage program for Gilgai, however the proposed subdivision located on the eastern side of Church Street is not dependent upon this work taking place.

The proposed development will result in increased noise levels due to approximately 20 more car movements per day (3-4 per new household), additional dwellings, and less vegetation to break up noise. There will also be a loss of privacy to surrounding properties and houses on the Eastern side of Church Street as the current house on 24 Church Street is in the far North-Eastern edge of the property and not readily visible from the road.

The subdivision will create two (2) additional lots, resulting in approximately 18 additional residential traffic movements per day. 18 additional traffic movements per day is not considered significant.

The subdivision will result in residential development, which would generate noise commensurate with a residential development. Furthermore, established neighbourhood noise laws will continue to apply. There is no evidence to suggest that this development will result in unacceptable noise.

In relation to the concerns regarding loss of privacy, this should not be confused with visibility. The protection of privacy specifically relates to internal living areas (lounge room, kitchen etc.) and back yards (private open space). Whilst additional dwellings will result in additional visibility within Church Street, the subdivision layout does facilitate any additional views into the living areas or rear yards of surrounding properties.

The proposed 4-lot subdivision will lower the visual quality of the streetscape as there will be 2 x 3.5 m wide access handles leading to garages and 2 x 3.5m wide driveways leading to garages along a 40.24m wide frontage. This means that at least 35 percent of the property frontage will be allocated to driveways & mail boxes. This problem will be exacerbated on bin collection days as most of the property frontage will be affected by waste collection bins.

Driveways, mailboxes, etc. are accepted visual elements within an urban setting. As discussed throughout this report, the access handles will be required to include a 500mm landscaping strip which would improve the appearance of the driveways.

In regards to the 35% of the property being allocated to driveways, mailboxes, etc. Council's development controls for residential development for Gilgai allows a maximum of 50% of the frontage to be used for garages. Therefore, the development is compliant.

The proposed access handles run adjacent to the houses to the North and South of the property, which will result in a loss of amenity and privacy to these property owners (e.g. headlight glare, vehicle noise, increased pedestrian usage).

It should be noted that the current driveway for the existing dwelling is already adjacent to the northern boundary. Proposed Lot 101 retains this driveway arrangement; therefore, there is no change to the amenity of the adjoining property to the north. Given landscaping will be required along the access handle; the development may actually improve the amenity.

In relation to the driveway for proposed Lot 104, it will also be required to

be landscaped. Additionally, the dwelling to the south is approximately 3 metres off the boundary, which further reduces amenity impacts from the access handle. Lastly, it is considered that the location of the access handles is appropriate as they are not directly opposite the dwelling at 17 Church Street. If the access handles were centralised, there would likely be headlights aimed directly at 17 Church Street. The site slopes towards Church Street in a west / south westerly There is significant fall across the property in an East/West orientation. direction and is not considered to be significant. It is considered that Further reduction of the usable area on the proposed blocks is likely that any future dwellings would require minimal earthworks, which could once retaining structures have been constructed on the boundaries of the blocks. The reduction of the proposed lots to 2 would help to be easily retained, battered, etc. without significantly impacting the minimise this issue. useable area of the lots. Church Street is not sufficiently wide enough to allow kerb side parking Council's Manager Environmental Engineering has reviewed this matter for visitors on both sides of the street along with 2-way traffic. The and provided the following comments: number of vehicles parking on the street is likely to greatly increase with The land subject to subdivision has a 40m frontage along the eastern this development and this will cause potential safety hazards to side of Church Street, approximately mid block between Hall Street and pedestrians, cyclists, and other road users using Church Street. Church Old Stannifer Road. The site comprises two (2) existing lots, one with a street is frequented by various children and animals of various ages who dwelling on it. The proposed subdivision will create two (2) new lots. enjoy its guiet and friendly relations that do not wished to be disturbed which at nine (9) traffic movements per day will generate an additional due to a desire to create revenue. This is a rural village- it is not a busy eighteen (18) traffic movements per day. There is no traffic data suburbia in which the likes of such subdivisions are necessary or available for Church Street. warranted. Church Street has a 20m road reserve with upright kerb and gutter along the eastern side; however, there is no kerb and gutter along the western side. The distance between the face of kerb and the edge of bitumen is 7.3m. There is adequate shoulder width along the western edge of the bitumen seal for vehicles to park off the carriageway, allowing vehicles to pass. The section of Church Street has low traffic volumes and capacity to handle additional traffic generated by the proposed development. Traffic accessing the proposed development can enter Church Street via Old Stannifer Road to the north or Hall Street from the South, diluting traffic movements along the street. Council's Manager Environmental Engineering has reviewed this matter No improvements to the current water main system are proposed as part of this development. It is a concern that the water pressure available for and provided the following comments:

fire fighting and general use may be affected by the increase in dwelling numbers.	A 100mm diameter water main runs along the western footpath of Church Street, capable of servicing the proposed development including fire fighting.
There is little variety in the dwelling sizes under this proposed subdivision. It is a concern that the future owners of these blocks will be forced to construct 'cookie cutter' style house due to the limited available land area and the very specific requirements of the development control plan.	The proposed lots have building envelopes (refer Figure 6) with sufficient area to accommodate different styles and design for future dwellings. This subdivision is not considered to result in future owners having to adopt a single dwelling design.
The utilisation of a large proportion of the available land area for access handles is not an efficient use of the lot. This is another reason for reducing the scope of development to a 2-lot subdivision only.	Battle-axe lots are permitted under Council's controls and the access handle dimensions comply with Council's design requirements.
Development proposals are to be designed to avoid or minimise land	The submission maker has misconstrued the term 'land use conflict'.
use conflict with neighbouring lands. This has not currently been achieved by the current development proposal.	Land use conflict refers to one type of land use (e.g. residential) conflicting with another type of land use (e.g. industrial, mining, etc.).
	The proposed subdivision is intended for residential purposes, which is consistent with the surrounding residential properties. Accordingly, there is no land use conflict caused by this development.
In established residential areas (infill development) the front setback should generally be consistent with the established setback/building line of adjoining buildings. It is unlikely that this can be achieved on the 454m² blocks as adoption of the current setback would not allow suitable building pads for dwellings.	As previously demonstrated in Figure 6, proposed Lots 102, 103 and 104 have sufficient area for required building envelopes, compliant with the established building line/setbacks of the area.
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. This	The submission maker has referenced the development standard contained in Section 3.15 Landscaping of the <i>Inverell Development Control Plan 2013</i> .
requirement of the development control document cannot be achieved due to the high percentage of the lots allocated to driveways and potentially retaining structures.	Section 3.15 specifically applies to development applications seeking consent for the construction of residential accommodation (e.g. new dwellings, unit developments, etc.).
	As DA-65/2019 is for subdivision only, Section 3.15 does not apply to this development. However, any future dwelling will be required to comply with this clause, which appears to be achievable.
	Note: Landscaping and visual amenity have already been raised by the

	submission maker and addressed previously.
The proposed driveway, lot arrangement, and anticipated on-street parking requirements will make waste collection difficult along Church Street. This issue has not been addressed in the development application.	There is sufficient area in Church Street, fronting the proposed lots, for the placement of bins with minimum difficulties for Council's waste collection service.
The current boundary fencing has not been adjusted. One can not expect that the elderly residents to the back and right of 24 Church Street or to the left (long term tenants) to be expected to help pay for a fence that would be needed to allow for so many properties to have sufficient privacy.	The submission maker does not share a boundary with the development site.  Whilst the submission makers is attempting to assist other owners, provisions relating to fence costs, etc. are provided within the <i>Dividing Fences Act 1991</i> , which is not administered by Council. It is not considered appropriate for Council to impose fencing requirements, which should be negotiated between neighbours.
For these reasons it would be highly inappropriate to allow this 4-lot subdivision to proceed. A reduction to 2-lots only is high sympathetic to the Gilgai Village streetscapes, character, and way of life.	
I would also like to make specific mention to the fact that various long term tenants some of which have been in the street for several years where not notified of said development. I would also wish to mention that the particular tenants living on the block in question where also not notified. Nor have the landowners living directly behind the boundary in question. If you direct yourself to the prose in second paragraph on page one it reads and I quote.  "you have been notified on the basis that you are an adjoining landholder or a person who may be affected by the proposed development"  I do believe that those in the street immediately surrounding the	The quote provided by the submission maker has been taken from Council's pro-forma neighbour notification letter and has no bearing on notification requirements for a Development Application.  Development Applications are notified in accordance with Section 1.11 of the Inverell Development Control Plan 2013, which states:  "Notice of a Development Application will be sent to the persons who own adjoining land and/or neighbouring land"  As per the above, Council is only required to notify land owners. There is no requirement to notify tenants.  Whilst Council does not notify tenants, any landlords (as the owner)
proposed development who are renting as paying tenants have therefore been significantly disrespected in this development application because the council does not "historically" notify tenants. They have been discriminated against for not being landowners. These people will be significantly affected and their opinions on the matter should have been sought after by the council in the same way that landholders have been notified. Some of these tenants have been living in these properties for	would have been notified by the development. It would be at the landlord's discretion to forward any pertinent information to their tenant.

several years and have extended lease agreements that cannot be broken in the event of such outrageous development.	
SUBMISSION TWO	
Submission	Development Planner Comment
I wish to make a submission to object to the proposed development at 24 Church Street Gilgai 2360.	
It is my opinion that this block of land or any other block of this size is not suitable to be divided into 4 separate blocks, 2 blocks YES, 4 blocks NO. Four driveways in this distance is unreal & dangerousness. Several children live in this street who are legally entitled to ride their bikes on the street when going to a visit a friend etc., if each dwelling has 2 vehicles, which would be likely if they were living in a small village with virtually no public transport. There are not many places to work in Gilgai. We don't need the extra traffic that these houses would bring.	This matter has been addressed previously in this report, with Council's Manager Environmental Engineering providing comments in relation to traffic volumes.
This block has always been a very wet block. Around the 1970's curb & guttering was installed on the eastern side of the southern end of Church Street, this was done with funds from a government scheme (I think it was called the Red Scheme) but the other side of the street never got curb & guttering to this day, therefore we have an excess water problem. The council built up the footpath a little on the western side but the water still lays in the street, even when it's only a few mls of rain.	This matter has been addressed previously, with Council's Manager Environmental Engineering providing comments in relation to stormwater drainage.
Another reason that I object is because these people come in and clear every tree, they show no regard for the environment, it is our responsibility to care for the land, not cram buildings in every spare. They subdivide the blocks so small that all those beautiful trees & the birds that lived in them are gone for ever.	No tree preservation order applies to Gilgai. The vegetation that has removed from the development did not require any prior approvals.  As discussed throughout this report, it is recommended that landscaping be incorporated into the access handles of proposed Lots 101 and 104.
The blocks are so small that if family live there the children have no space to play outside. This type of living is necessary in some areas, I can't see that it is necessary or needed in Gilgai, if this goes ahead, what is next? The church block?	The proposed lots have sufficient area for a building envelope and private open space in accordance with Council requirements. It is also noted that a sportsground and public park are within walking distance of the development site.
The original dwelling is currently occupied & I have noticed that visitors would have trouble if this block was the proposed size, parking will be restricted in the street with 4 driveways, nobody needs this congestion.	This matter has been addressed previously in this report, with Council's Manager Environmental Engineering providing comments in relation to on-street parking.

I'm not against change I would be happy to see the block divided in two, but definitely not four.

#### **Public Interest**

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

#### CONCLUSION

DA-65/2019 was lodged for a two (2) into four (4) lot subdivision at 24 Church Street, Gilgai.

The site is zoned RU5 Village and no minimum lot size for subdivision is specified within the *Inverell Local Environmental Plan 2012* for RU5 Village zoned land in Gilgai. All essential services are available (water, sewer, electricity, access and stormwater drainage). Accordingly, the proposed subdivision is fully compliant with the *Inverell Local Environmental Plan 2012*.

The development has been assessed against the *Inverell Development Control Plan 2013* and is considered to be generally compliant with the acceptable solutions. Whilst proposed Lot 104 (vacant battle-axe lot) is less than the recommended size, the applicant has made a written request to vary this standard as proposed Lot 104 has sufficient area for a typical dwelling. It is recommended that Council support the requested variation, as the assessment confirms that the availability of a building envelope on Lot 104. Furthermore, Section 4.15 (3A) (b) of *the Environmental Planning and Assessment Act 1979* requires Council to be flexible when applying development control plan provisions.

As a result of notification of DA-65/2019, two (2) submissions by way objection have been received. These submissions have been assessed and it is considered that the objections raised do not preclude issuing consent. Whilst the submission makers raise a number of points, including traffic, parking, drainage, the underlying theme of the submissions is the objection to small lots within the Gilgai village. It is acknowledged that the proposed subdivision will create lots less than typical 1000-2000m<sup>2</sup> lots in Gilgai; however, it is considered:

- Council's strategic planning and development controls for Gilgai facilitate the creation of small lots;
- Gilgai has suitable services and proximity to Inverell to support further development;
- There is little opportunity for Gilgai to expand outwards due to a number of constraints (vegetation, Crown reserves bush fire, etc.). Any development in Gilgai generally needs to be undertaken as 'infill' on existing land;
- The proposed subdivision caters for building envelopes, setbacks and open space compliant with Council controls. The lots are capable of co-existing in harmony with the broader village.

Following an assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA-65/2019 be approved subject to conditions.

#### ATTACHMENTS:

1. DA-65/2019 - Statement of Environmental Effects, Subdivision Sketch and Additional Information



Surveying the New England since 1955

# STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED SUBDIVISION OF LOTS 1 AND 2 IN DP 523984 24 CHURCH STREET GILGAI

Client:

ALIFOUS PTY LTD 39 Braund Street Armidale NSW 2350

Prepared for Submission to:

Inverell Shire Council 144 Otho Street Inverell NSW 2360

Prepared by:

NEW ENGLAND SURVEYING & ENGINEERING

1/161 Rusden Street PO Box 656 Armidale NSW 2350

Job Reference: 20190212
Date: April, 2019
Written by: Sean Doodson
Approved by: Sean Doodson

New England Surveying & Engineering
1/161 Rusden Street, PO Box 656, Armidale NSW 2350
P: (02) 6772 3141 E: info@nese com au : w: www.nese.com.au

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# **Appendices**

Proposed Subdivision
24 Church Street, Gilgai
Statement of Environmental Effects

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# 1. Introduction

#### 1.1 Overview

This Statement of Environmental Effects ('SEE') has been prepared on behalf of Alifous Pty.

Ltd ('The Client') to form part of a Development Application ('DA') for a proposed four (4) Lot subdivision of Lots 1 and 2 in DP 523984 also known as 24 Church Street, Gilgai ('The Site').

The site currently contains a single residential dwelling and carport in the north-east corner.

The proposal will result in four lots, two with full street frontage and two rear lots with access handles from Chruch Street. It is proposed that the existing dwelling be retaining on one of the rear lots. Each lot will be connected to reticulated water and Council sewerage.

# 1.2 Consent Authority

Inverell Shire Council ('Council') is the consent authority for the proposed development.

# 1.3 Classification of Development Pursuant to the Environmental Planning and Assessment Act 1979

The proposed development is not Integrated Development pursuant to the provisions of Section 4.47 of the Environmental Planning and Assessment Act 1979 ('EP&A' Act').

#### 1.4 Scope of Statement of Environmental Effects

This Statement of Environmental Effects accompanies a development application for the proposed development. It has been prepared on behalf of the client and includes the matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 ('the Act') and the matters required to be considered by Council.

The purpose of this SEE is to:

- > Describe the land to which the DA relates to and the character of the surrounding
- Describe the proposed development.
- Define the statutory planning framework within which the DA is to be assessed and determined.
- Assess the proposal against the relevant heads of consideration as defined by Section
   4.15 of the Environmental Planning & Assessment Act 1979.

Proposed Subdivision 24 Church Street, Gilgai Statement of Environmental Effects

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# 2. The Site

#### 2.1 Location

The site is located approximately 200m west of Marsh Street, Gilgai (as indicated on locality



Figure 1: Locality Plan (sourced from Google Maps)

# 2.2 Zoning

The proposed development site is zoned RU5 Village pursuant to inverell Local Environmental Plan 2012. Council has advised the minimum lot size for the site is 450m (MLS is not published in ILEP).

# 2.3Area and Frontages

The site has a total area of approximately 2023m² with frontage to Church Street of approximately 40m

Proposed Subdivision 24 Church Street, Gilgai Statement of Environmental Effects

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# 2.4 Vegetation

The site contains one large gum tree in the south-east corner.

# 2.5 Flooding & Bushfire

The site is not identified as either flood or bushfire prone.

# 2.6 Heritage

An investigation of Councils heritage register and subsequent site inspection did not identify any heritage items on the site.

# 2.7 Existing Services

The existing dwelling is currently connected to overhead electricity, land line telecommunications, reticulated water and Council Sewerage:

# 2.8 Existing Development

There is a single residential dwelling and carport located in the north-east corner of the site.

# 2.9 Surrounding Area

The site is surrounded by low density residential dwellings. Lot sizes surrounding the site range from 1000m<sup>2</sup> = 2000m<sup>2</sup>.

Proposed Subdivision 24 Church Street; Gilgai Statement of Environmental Effects

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#### 3. The Proposal

#### 3.1 Lot Layout

The proposed lots (as indicated on the proposal plan in appendix A) have been designed to fit with the existing residential dwelling and carport (which will be retained on proposed Lot 101). The vacant lots have been designed to provide sufficient area and dimensions for future residential dwellings. All lots have been designed with areas of at least 450m<sup>2</sup> (access handles to Lots 101 and 104 being approximately 100m<sup>2</sup>).

#### 3.2 Access & Traffic

## 3.2.1 Access

The proposed rear access lots (101 and 104) will access Church Street via a 3.5m wide access handle. Proposed Lots 102 and 103 will have direct frontage to Church Street.

#### 3.2.2 Traffic

This proposal will generate additional traffic however the impact is considered minor given the existing surplus capacity in the local road network.

#### 3.3 Services

Council water and sewerage infrastructure is located along the Church Street frontage of the site. Additional connections to these services will be installed to each lot as part of the proposed development.

Overhead electricity and NBN will be made available to each lot as part of the proposed developed.

Where service connections to the existing dwelling will either be contained within Lot 101 or suitable easements covering the services will be registered on the plan of subdivision.

#### 3.4 Drainage

Future dwellings on each of the proposed lots will be able to drain roof water to the existing gutter in Church Street. Post development stormwater runoff from the site will therefore be reduced from pre development levels.

Proposed Subdivision 24 Church Street, Gilgal Statement of Environmental Effects

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# 4. Inverell Local Environmental Plan 2012

# 4.1 Zone RU5 Village

The zone objectives are:

To provide for a range of land uses, services and facilities that are associated with a rural williage.

#### Comment

This proposal complies with the objectives of the RU5 Village zone as it will result in additional fully serviced residential land within the village of Gilgal. Furthermore the proposed development is located within walking distance to local shops, recreation facilities and a primary school.

Proposed Subdivision
24 Church Street, Gilgai
Statement of Environmental Effects

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# 5. The Environmental Planning and Assessment Act

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. Each of the relevant matters is addressed below.

# 5.1 Section 4.15 (1)(a) - Statutory Planning Considerations

(a) the provisions of:

- i: any environmental planning instrument; and
- it: any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and any development control plan, and
- the regulations (to the extent that they prescribe matters for the purposes of this

#### Comment:

These matters have been considered within this DA and are consistent with the relevant provisions and objectives of the Inverell Shire LEP 2012.

# 5.2 Section 4.15 (1)(b) = Environmental, Social and Economic

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

#### Comment

This proposal will not have any significant environmental, social or economic impacts upon the immediate site of upon the surrounding properties.

# 5.3 Section 4.15 (1)(d) - Submissions

'(d) any submissions made in accordance with this Act or the regulations'

#### Comment

Public submissions will be considered by Council during the assessment period for this application.

# 5.4 Section 4.15 (1)(e) - Public Interest

· '(e) the public interest'

Proposed Subdivision 24 Church Street, Gilgal Statement of Environmental Effects

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The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. This development is a permissible form of development, is in-keeping with existing amenity, will not have any significant environmental impacts and will be undertaken in an orderly and economic manner. This proposal is therefore considered to be in the public's interest.

Proposed Subdivision
24 Church Street, Gilgal
Statement of Environmental Effects

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# 6. Conclusion

This Statement of Environmental Effects ('SEE') has been prepared on behalf of the client to form part of a Development Application for a proposed four lot subdivision at 24 Church Street, Gilgai. The proposed subdivision will result in two additional lots, with the existing dwelling retained on a proposed rear access lot.

This proposal complies with the relevant provisions of the Inverell LEP 2012. The proposal is considered to have no significant adverse environmental, social or economic impacts and is in keeping with the existing amenity of the locality.

This proposal is deemed to be appropriate when considered under Section 4.15 of the Environmental Planning and Assessment Act 1979 and should therefore be worthy of favourable consideration by Council.

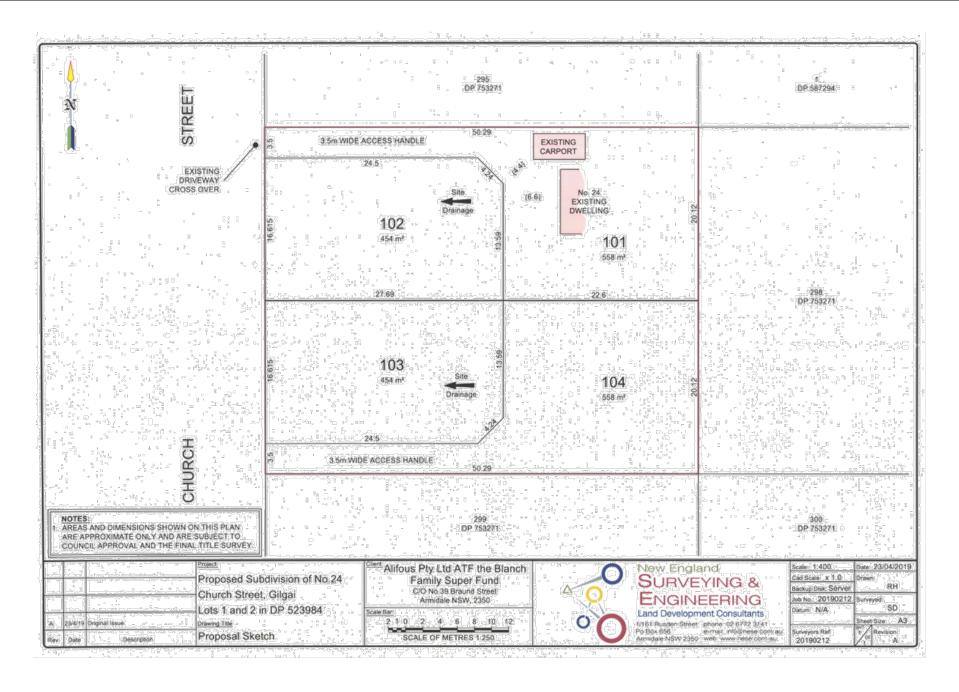
Proposed Subdivision 24 Church Street, Gilgai Statement of Environmental Effects

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# New England Surveying & Engineering Appendix A Plan of Proposed Subdivision Prepared by New England Surveying & Engineering

Proposed Subdivision
24 Church Street, Gilgal
Statement of Environmental Effects

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# **Christopher J. Faley**

From: sean@nese.com.au

Sent: Friday, 2 August 2019 4:13 PM

To: Christopher J. Faley
Cc: 'Jason Blanch'

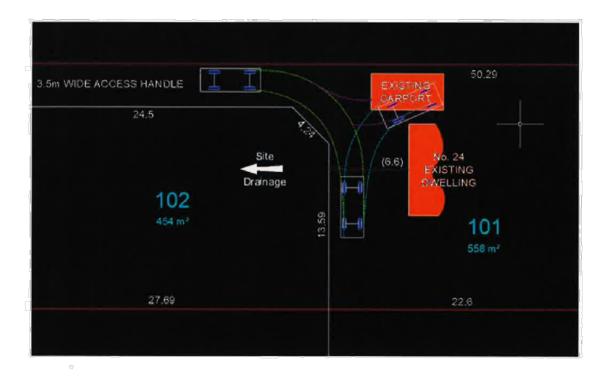
Subject: RE: DA-65/2019 - 24 Chruch Street, Gilgai

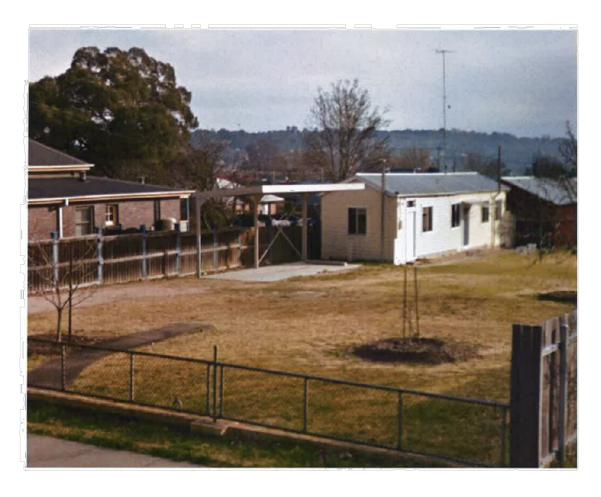
Hi Chris,

In response to Councils information request we provide the following response.

#### Vehicle Maneuvering

As demonstrated in the below diagram it will be possible for a passenger vehicle to perform a three-point turn at the end of the battle-axe handle (based on the Austroads swept path template). We propose constructing a new carport with a cantilever design (as per image below) which will to remove structural supports on the house side of the carport. This will allow a vehicle to reverse through the side of the carport, drive forward down the battle-axe, and reverse straight into the carport. The proposed carport will be of the same dimensions and same boundary offset as the existing carport.





#### Inverell DCP – Clause 2.4

We request that Council consider a variation to the development standard of Clause 2.4 of the Inverell DCP to allow battle-axe lots with an area of 600m<sup>2</sup>. It is our opinion that the proposed lots are of sufficient area and dimensions to permit the construction of a typical 'family' sized dwelling.

Please do not hesitate to contact me should you have any queries,

Regards,

#### Sean Doodson

Director

Registered Surveyor

New England

Surveying & Engineering

P: 02 6772 3141 M: 0422578159

From: Christopher J. Faley < Christopher. Faley@inverell.nsw.gov.au>

Sent: Monday, 22 July 2019 2:03 PM

To: Sean Doodson (sean@nese.com.au) < sean@nese.com.au>

2

Cc: 'Jason Blanch' < jason.blanch1@bigpond.com> Subject: DA-65/2019 - 24 Chruch Street, Gilgai

Hi Sean

As discussed earlier today, please see attached letter re. 24 Church Street, Gilgaia

Give me a call if you need anything further.

Regards

#### Chris Faley

Development Planner | Civil and Environmental Services



Inverell PO Box 138 Invereil NSW 2360 Shire Council Tel 02 6728 8251 | Fax 02 6728 8277 | chris.faley@inverell.nsw.gov.au



Proudly working with White Ribbon to create a safer workplace Australia's campaign to stop violence against women

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#### 5.2 GRAVEL RESHEET PROGRAM 2019/20

File Number: \$4.11.16/11 / 19/26964

Author: Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

Funding allocations have been determined for the 2019/20 Gravel Resheeting Program. This report details the breakdown of this funding and identifies which roads gravel resheeting is proposed.

#### **RECOMMENDATION:**

The Committee recommend to Council that:

- i. The 2019/20 Gravel Resheeting Program as presented be adopted; and
- ii. The adopted program be placed on Council's website for the information of the community.

#### **COMMENTARY:**

The 2019/20 Gravel Resheeting Program is scheduled to commence in October 2019. However with the current period of dry weather it is likely that the program will be delayed. Gravel winning for the program will be undertaken so that the program can commence as soon as climatic conditions allow.

Council's recurrent funding allocation for gravel resheeting is approximately \$1M (approximate average from 2010 to 2014). The previous four (4) years programs have been significantly higher than this level due to additional funding from Council's Fit for the Future Program, with the average budget allocation over this period being \$1,500,000. The budgeted allocation for the 2019/20 program is \$1,281,605.

The funding source for the program is as follows:

i) Financial Assistance Grand (ACRD) \$1,096,125ii) Revenue \$185,480Total \$1,281,605

The \$1,281,605 budget allocation for the 2019/20 program is consistent with Council's recurrent funding levels, with additional funds related to the expanded road network from the Tingha boundary adjustment.

The funding has been allocated on a priority basis, as determined by Council's Asset Management System. A detailed investigation into unsealed road gravel depths was undertaken in 2014. This investigation was part of a condition assessment by an independent contractor, in accordance with recognised asset management standards. Council's asset management staff continues scheduled unsealed road inspections to ensure the asset register has up to date condition data. Along with this information other factors also considered when developing the program include customer requests and areas known to be prone to issues during inclement weather. Proposed segments were then inspected to verify their current condition and priority and adjustments to the program were made where required.

The above robust assessment process was not applicable to the expanded road network in the Tingha boundary adjustment area. The roads in this area underwent an abbreviated assessment process, based on inspection by Council staff and evidence provided by the Tingha area staff that transferred from Armidale Regional Council. Council is currently undertaking asset condition

assessments for the upcoming Road Revaluation, this information will be used in development of future year's works programs.

There is potential for sections of the unsealed road network to experience increased deformation due to extreme weather events or changes in usage patterns throughout the year. As such, a portion of the budgeted funds will remain unallocated and will be used for reactionary resheeting. These unallocated funds also provide Council flexibility and enable resheeting works to be undertaken on any road segment that may become a priority through the course of the year. The unallocated funds are also able to be utilised to supplement any self help proposal consistent with Council's policy.

The average cost per kilometre for gravel resheeting over the previous five (5) years has been approximately \$17,500. The estimated rate for the 2019/20 program is over \$20,000 per kilometre. This increase is due to the increased cost to procure gravel and the significant impacts on Council's activities due to the current drought.

Upward of 45,000 cubic metres of gravel will be utilised during the completion of the program, this gravel will be sourced from Council's various gravel pits. The winning and stockpiling of the gravel by bulldozer will be undertaken predominately by contractors. A request for quotation process will be undertaken and contracts awarded for winning and stockpiling of material. All contractors that have the appropriate machinery listed with Council will be given the opportunity to provide a quotation to undertake the works. The contracts will be awarded based on the quantities required to complete the program as listed in attachment 1.

Composite works crews will complete the resheeting program, comprising both Council staff and contractors. The program will be scheduled around other priority programs such as the Bitumen Resurfacing and Sealed Road Rehabilitation Programs. Every effort will be made to complete the program by June 2020, this will be dependant on climatic conditions over the period.

A detailed list of each road identified for gravel resheeting during 2019/20 is contained in attachment 1 for the Committee's information.

# **RISK ASSESSMENT:**

Nil

#### **POLICY IMPLICATIONS:**

Nil

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

Nil

#### **LEGAL IMPLICATIONS:**

Nil

# **ATTACHMENTS:**

1. Gravel Resheeting Program 2019/20 - List of Roads

2019-2020 Gravel Resheeting					
Road No.	Road Name	L (m)	Area (m2)	Classification	Estimated Resheet
SR171	STRATTONS LANE	2,812	11,248		\$59,474
SR175	LEADERS LANE	1,895	7,580		\$40,079
SR119	BURTS LANE	3,733	18,665		\$78,953
SR113	WADES LANE	3,295	13,180		\$69,689
SR114	COLES LANE	1,271	5,084		\$26,882
SR060	NULLAMANNA RD	7,198	43,188		\$152,238
SR128	DELUNGRA RD	4,683	28,098		\$99,045
SR018	MILKOMI ROAD	11,900	59,500		\$251,685
SR009	NORTH STAR ROAD	15,070	90,420		\$318,080
	*GROVE ROAD				\$108,000
	Unallocated				\$77,480
	Totals	51,857	276,963		\$1,281,605

<sup>\*</sup>Note the Grove Road is in the Tingha boundary adjustment area - the full length of the road requires resheeting and extensive drainage improvements. This work is yet to be fully scoped, the extent of resheeting achieveable will be determined once water and gravel sources are finalised.

#### 5.3 BITUMEN RESURFACING PROGRAM 2019/20

File Number: \$4.11.16/11 / 19/26965

Author: Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

Funding allocations have been determined for the 2019/20 Bitumen Resurfacing Program. This report details the breakdown of this funding and which road resurfacing works will be undertaken.

#### **RECOMMENDATION:**

The Committee recommend to Council that:

- i. The 2019/20 Bitumen Resurfacing Program as presented be adopted; and
- ii. The adopted program be placed on Council's website for the information of the community.

#### **COMMENTARY:**

The 2019/20 Bitumen Resurfacing Program is scheduled to commence in November 2019. Council's recurrent funding allocation for bitumen resurfacing is approximately \$1.1M (approximate average from 2010 to 2014). The previous four (4) years programs have been significantly higher than this level due to additional funding from Council's Fit for the Future Road Map and significant works on the Gwydir Highway, With an average expenditure of approximately \$2M per year over this period.

The funding allocation for the 2019/20 program is \$1,528,775. The funding source for the program is as follows:

i)	Financial Assistance Grant (ACRD)	\$	297,000
ii)	Roads to Recovery	\$	693,580
iii)	Regional Roads Block Grant	\$	538,495
		Total \$	1,528,775

The \$1,528,775, budget allocation for the 2019/20 program is consistent with Council's recurrent funding levels, with additional funds related to the expanded road network from the Tingha boundary adjustment.

The funding has been allocated on a priority basis, as determined by Council's Asset Management System. A detailed investigation into the sealed road network was undertaken in 2014, which included a condition assessment by an independent contractor, in accordance with recognised asset management standards. The information collected includes data on cracking, roughness, rutting, edge break and local surface defects, among other issues. Council's asset staff and maintenance overseers continually inspect and assess the sealed road network to ensure that service levels are being met. The results of these inspections are recorded in Council's Asset Management System and are considered when formulating capital expenditure and maintenance works programs.

This information was then assessed, along with consideration of the age of existing seal, to determine the condition of the bitumen surface. This information was then tested in the field by Council's experienced Bitumen Resurfacing staff and the final program determined.

The above robust assessment process was not applicable to the expanded road network in the Tingha boundary adjustment area. The roads in this area underwent an abbreviated assessment process, based on inspection by Council staff and evidence provided by the Tingha area staff that transferred from Armidale Regional Council. Council is currently undertaking asset condition

assessments for the upcoming Road Revaluation, this information will be used in development of future year's works programs.

Heavy patching will be undertaken on any included segments with excessive defects, such as potholes, roughness and rutting. This ensures longevity of the new sealed surface, whilst improving the ride quality of the road.

The program includes extensive works on the following roads and given locations:

- 7.4km on Yetman Road
- 9.2km on Ashford-Bonshaw Road
- 1.7km on Ring Street

A detailed list of each road identified for bitumen resurfacing during 2019/20 is contained in attachment 1 for the Committee's information. A portion of the available funding has remained unallocated in expectation of further bitumen refinery price increase.

#### **RISK ASSESSMENT:**

Nil

#### **POLICY IMPLICATIONS:**

Nil

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

Nil

#### **LEGAL IMPLICATIONS:**

Nil

#### **ATTACHMENTS:**

1. Bitumen Resurfacing Program 2019/20 - List of Roads

2019-2020 Bitumen Resurfacing Program				
Road No.	Road Name	L (m)	Area (m2)	Estimated Reseal Cost
MR187	Yetman Road	7468	47749	\$214,871
MR137	Inverell Bonshaw Road	9245	60872	\$273,924
SR192	Copeton Dam Road	1177	7180	\$32,309
SR200	McIlveen Park Road	1003	6118	\$27,531
SR60	Nullamanna Road	2470	16602	\$74,709
SR54	Emmaville Road	3761	21637	\$97,367
SR101	Gragin Road	4806	28599	\$128,696
SR168	Michell Lane	2500	10083	\$45,374
SR279	Roscrae Lane	755	4530	\$20,385
SR185	Doncaster Drive	939	4695	\$21,128
SR214	Old Bundarra Road	248	3001	\$13,505
SR202	McBride's Lane	393	1572	\$7,074
SR203	Mînnamurra Lane	1161	6734	\$30,302
SR150	Fullers Lane	1281	8070	\$36,316
SR218	Old Stannifer Road	1237	8041	\$36,182
IU073	May Street	137	1260	\$5,670
IU092	Herbert Street	1208	11140	\$50,130
IU105	King Street	485	3532	\$15,894
IU160	Railway Close	75	1125	\$5,063
IU 161	Ring Street	1775	21671	\$97,520
GU262	Park Street	735	3675	\$16,538
GU263	Short Street	1262	7067	\$31,802
	Opal Street	391	2734	\$12,303
	Sapphire Street	589	5403	\$24,314
	Amethist Street	253	1645	\$7,400
in t	Hospital Flat Road	1790	8592	\$38,664
Tingha Segment	Cox Road	316	1201	\$5,404
S, Se	Amethist Road	240	1104	\$4,968
jha	New Valley Road	393	4716	\$21,222
	New Valley Road	3300	16500	\$74,250
'	Jones Road	241	1446	\$6,507
	Unallocated			\$51,458
	TOTALS	51634	328292.6	\$1,528,775

#### 5.4 TINGHA WATER STANDPIPE OPERATION

File Number: \$32.12.5 / 19/27000

Author: Michael Bryant, Manager Environmental Engineering

#### **SUMMARY:**

The purpose of this report is for Council to consider access arrangements to the Tingha water standpipe.

#### **RECOMMENDATION:**

The Committee recommend to Council that the Tingha standpipe operation be changed from the current Avdata Australia revenue collection system to a coin operated collection system, and the standpipe usage charge be applied at Council's Standpipe Sales charge, currently \$2.00/KL.

#### **COMMENTARY:**

At the February 2019 Ordinary Council Meeting, Council decided to consider the access arrangement to the Tingha standpipe once Tingha came under the control of Council as part of the boundary adjustment with Armidale Regional Council (ARC) effective 1 July, 2019.

### **Previous Arrangement**

The standpipe is located inside the Tingha Council Depot with the console assessable through an opening in the fence. The overhead filling pipe slews out for filling of water carts and there is a hose available for filling smaller vessels.

Prior to the boundary adjustment ARC utilised the services of Avdata Australia to remotely monitor and record usage and collect usage fees from registered users. Before accessing the facility, users had to attend the ARC Armidale or Guyra offices to register including collections of a swipe key tag at a charge of \$33.00. Avdata would collect the usage charges by prepaid account or via credit card on a monthly billing arrangement.

In 2018/2019 ARC was charging \$6.60/KL which is well above the Inverell Shire Council (ISC) current charge of \$2.00/KL at other metered standpipe sites throughout the shire. During the Tingha Plateau bushfire earlier this year there were many complaints received from the public about the high cost and accessibility of the Tingha standpipe. Since taking over the operation of the standpipe ISC has also received complaints about gaining access and pricing.

#### **Current Arrangement**

As part of the Tingha transition to ISC information was provided by ARC on the service agreement with Avdata including the commercial arrangements. In summary the cost of the remote services provided by Avdata amounts to about \$2.00/KL. The service agreement can be terminated by Council with a minimum of one (1) months notice. At present there are 27 registered standpipe users.

The services of Avdata have been carried over to ISC on the same commercial basis as ARC; however the customer charges have been reduced to \$22.00 for the access key tag (which is what Avdata charge Council) and \$4.00/KL usage. The usage charge recovers the \$2.00 Avdata charges and \$2.00 charged for water through the standpipe. This has allowed a reduction in charges at the Tingha standpipe while Council reviews the arrangement with the current Avdata system.

#### **Options Going Forward**

In order to introduce equity across the shire if would be preferable to have a uniform charge of \$2.00/KL for all standpipes including Tingha. This could be achieved by the following options:

#### Option 1 – Retain Avdata System

Council continue with the Avdata system however only charge \$2.00/KL instead of the full cost of \$4.00/KL, running at a loss of \$2.00/KL.

With approximately 2,000KL per year passing through the standpipe the loss would amount to \$4,000 annually.

Introduction of the Avdata system to other standpipes throughout the shire area would be expensive and problematic involving establishing a source of electricity plus telecommunications.

#### Option 2 – Change to Coin Operated System

The cost to change the standpipe over to coin operation would be approximately \$6,000. Security may be an issue however a vandal proof coin box would be incorporated, similar to other sites such as Gilgai and Delungra.

The coin box at Tingha would be emptied at the same time as the Gilgai standpipe.

#### Conclusion

Changing the Tingha standpipe to coin operation would be more cost effective going forward, providing an affordable and equitable standpipe for the Tingha area.

#### **RISK ASSESSMENT:**

The main risk associated with reverting to a coin operated standpipe at Tingha is the potential for vandalism and money theft. The situation would be monitored and if issues arise a security camera could be installed in the Council depot to deter vandalism and theft.

#### **POLICY IMPLICATIONS:**

Nil

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

The cost of the Avdata system is shared between the card holders and Council. The card holders pay a charge of \$0.10 per transaction; Council pays an access charge, a key usage charge and a commission of 6% of all revenue.

The \$2.00/KL Avdata cost is an estimate of average cost based on 2,000KL consumption, it consists of fixed costs and volume based costs so the actual cost is dependant on volume of water delivered.

Council costs will be funded by the water fund.

There is a cost associated with collecting, counting, receipting and banking the cash from the stand pipes. This has not been factored into the above comparisons.

For comparison Armidale Regional Council's top reticulated water consumption charge is \$3.90 KL plus a \$225 pa access charge. Inverell Shire Council's top reticulated water consumption charge is \$1.83 KL plus a \$364 pa access charge. These are both residential charges.

# **LEGAL IMPLICATIONS:**

Nil

#### ATTACHMENTS:

Nil

#### 5.5 INVERELL SEWAGE TREATMENT PLANT EFFLUENT OPTIONS

File Number: S29.12.1 / 19/27198

Author: Michael Bryant, Manager Environmental Engineering

#### **SUMMARY:**

The purpose of this report is for Council to consider options for disposal or reuse of treated effluent from Inverell Sewage Treatment Plant.

#### **RECOMMENDATION:**

The Committee make a recommendation to Council as to whether further investigations be undertaken into the feasibility of redirecting treated effluent from Inverell Sewage Treatment Plant to Lake Inverell Dam to supplement river flow.

#### **COMMENTARY:**

As part of the 2017-2021 Service Delivery Plan Council requested that a report be prepared on the feasibility of utilising treated effluent from the Inverell Sewage Treatment Plant (STP) to supplement flow in the Macintyre River from Lake Inverell Dam down through Inverell. During extended dry periods the river runs low and ceases to flow.

With the current extended drought and no meaningful runoff in the Macintyre catchment Lake Inverell Dam water level has dropped to approximately 1.1m below the spillway crest level and the river has long ceased flowing through Inverell.

This report provides a broad overview of the Inverell Sewerage System and environmental regulations relating to treatment, reuse and disposal of treated effluent.

#### **Background & History Effluent Disposal**

The Inverell Sewerage Scheme was introduced in the early 1950's with the STP located downstream of the town on Delvyn Drive adjacent the Macintyre River. Secondary treated effluent passes through a series of maturation ponds before discharge to the Macintyre River.

Following a run of very dry years associated with low river flows, widespread blue green algae outbreaks and eutrophication of rivers, including fish kills in the Murray Darling Basin in the 1990's the NSW Government encouraged local water authorities to reduce point source discharges to the river system. NSW government grants were made available for some Council's to assist in introducing effluent reuse schemes to reduce river discharge.

Effluent reuse was easy to achieve on the western plains in areas such as Moree, Narrabri and Gunnedah where broad acre farmland was readily available for establishing cost effective effluent reuse farms, or simply selling treated effluent to an existing nearby large scale irrigation enterprise with Environment Protection Authority (EPA) approval. However in the tablelands it has proved difficult to achieve 100% effluent reuse due to higher rainfall, cooler climate, limited flat areas of land for large irrigation storages and broad acre agriculture, along with the high cost of pumping treated effluent in undulating landscapes. Armidale has only been able to achieve approximately 50% effluent reuse, while Inverell has continued with 100% river discharge.

# **Inverell Sewerage System Operating Licence**

Council has an Environment Protection Licence under the Protection of the *Environment Operations Act 1997* to operate the Inverell sewerage system including discharge of up to 1,000 ML per annum from the STP into the Macintyre River. The licence contains discharge limits on the quality of treated effluent and also includes Load Based Licence (LBL) fees associated with the quality and quantity of certain characteristics of the treated effluent.

During dry years with reduced infiltration into the sewerage system, limited rainfall on the STP maturation ponds and high evaporation from the ponds the daily treated effluent discharge to the river is around 2ML/day.

LBL was introduced by the EPA in the early 2000's to discourage the high level of nutrients associated with point source discharges to waterways. Treated effluent contains high levels of the nutrients Phosphorous and Nitrogen (phosphates) which can lead to eutrophication of rivers, particularly during low flow when there is little or no flow in the receiving waters to dilute the nutrient levels. Phosphorous has the largest impact on the receiving water and therefore targeted under LBL charging.

Samples of treated effluent are taken on a monthly basis and fees determined on a weighted average of the samples, and volume discharged over the 12 month period.

Annual LBL fees paid on discharges from the Inverell STP amount to around \$97,000, mainly comprising phosphorous \$89,000, nitrogen \$3,000 and suspended solids \$5,000.

## Feasibility of Redirecting Treated Effluent to Lake Inverell Dam

There are many factors to be taken into consideration when proposing redirecting treated effluent from the Inverell STP to Lake Inverell, some of which are touched on below. It should be noted that the information below is very much a broad overview and detailed investigations would be required in making any informed decisions.

#### **Environmental Considerations**

Should Council wish to change the point of discharge of treated effluent, application would need to be made to the EPA, which would trigger an environmental review of what is proposed including the impact on the receiving water, plus public health issues associated with discharging treated effluent in areas frequented by the public including the dam and along the river through Inverell.

The table below provides a comparison of the phosphorous and nitrogen levels in treated effluent from Inverell STP plus WaterNSW monitoring sites on the Macintyre River at Inverell (Middle Creek) and at Wallangra.

Site	Total Nitrogen	Total Phosphorous
	(mg/L)	(mg/L)
Inverell STP	4.1	5.4
Station N1030 Macintyre River - Inverell	0.7	0.2
Station N1030 Macintyre River Inverell - Wallangra	0.6	0.1

The phosphorous concentration levels in treated effluent are 27 times higher and nitrogen levels 6 times higher than the background levels in the Macintyre River at Inverell, which means during low flow periods the nutrient levels in Lake Inverell Dam and the Macintyre River would become

elevated leading to earlier onset of high blue green algae levels and eutrophication of the river, along with fish kills.

The nutrient levels in the treated effluent could be lowered at the Inverell STP by adding a chemical dosing system to remove phosphates. Typically the chemical used is Ferrous Sulfate (pickle liquor from the steel making process) which binds up the nutrients for settlement within the maturation ponds at the STP. Detailed investigations would be required to establish the level of phosphorous removal achievable with chemical dosing, and whether it is sufficient to meet receiving water objectives.

Disinfection of treated effluent would most likely be required before pumping from the Inverell STP to Lake Inverell Dam, as the dam is subject to active recreation such as canoeing and swimming involving contact with the water.

Disinfection options would require detailed investigation and could involve additional shallow disinfection ponds being constructed at the STP, or by installing an ultraviolet (UV) disinfection system at the STP. Additional surface area associated with an increased pond footprint would reduce the volume of treated effluent available during drought periods.

# Lake Top-up Water Requirements

Lake Inverell Dam has a surface water area of approximately 50ha. Every one (1) mm of rainfall or evaporation equates to 0.5ML.

The mean daily average evaporation for Inverell during December and January is around 7mm, equating to around 3.5ML/day of evaporation, which would increase significantly during hot dry drought periods. With around 2ML/day treated effluent available and no flow in the river there may be extended periods where water would not flow over the spillway and the dam level drop, not achieving the desired outcome of keeping the dam spilling and the river flowing down through Inverell.

# **Approximate Capital Costs**

Detailed capital cost estimates have not been prepared, however an indication is provided in the table below. More detailed investigations and design would be required to firm up estimates.

Approximate Capital Cost - Redirecting Treated Effluent to Lake Inverell Dam		
Item	(\$)	
Investigation, design & environmental approval	200,000	
STP – Nutrient stripping facility including chemical storage	200,000	
STP – Disinfection by UV plant	400,000	
STP - Pump Station, duty & standby pumps – 3ML / day	300,000	
Rising Main STP to Lake Inverell Dam – 200mm diameter, 7.4km long @ \$280,000/km	2,070,000	
Total Capital Cost	3,170,000	

Pipeline construction costs are high when constructing through built up areas through town.

#### **Annual Operation & Maintenance Cost**

The following table provides an indicative cost of ongoing annual operational and maintenance costs. More accurate costing would be subject to detailed investigation and design.

Approximate Annual O & M Cost - Redirecting Treated Effluent to Lake Inverell Dam		
Item	(\$)	
STP – Nutrient stripping – including chemicals	25,000	
STP – Disinfection by UV plant	20,000	
STP - Pump Station	15,000	
STP - Electricity	40,000	
Rising Main STP to Lake Inverell Dam	15,000	
Total Operation & Maintenance Cost	115,000	

It should be noted that should very high levels of nutrient stripping be required to meet receiving water requirements then a more expensive treatment process may be required. This would become apparent with more in depth investigations.

# Feasibility of Redirecting Treated Effluent to Bundarra Road Bridge

This option would allow treated effluent to be discharged into the Macintyre River in the vicinity of the Bundarra Road bridge providing a higher chance of retaining a small flow of water through the Inverell township. It should be noted that there may be elevated evaporation and transmission losses during severe drought sequences and flow over the weir at Captain Cook Drive may cease.

The effluent would most likely require the same level of nutrient stripping and disinfection as outlined above for the discharge to Lake Inverell Dam. Capital, operation and maintenance costs would be slightly less due to the shorter length of rising main and associated pumping costs to a lower destination.

#### **Approximate Capital Costs**

Capital cost estimates have not been prepared, however an indication is provided in the table below. More detailed investigations would be required, followed by detailed design.

Approximate Capital Cost Redirecting Treated Effluent to Bundarra Road Bridge		
Item	(\$)	
Investigation, design & environmental approval	180,000	
STP – Nutrient stripping facility including chemical storage	200,000	
STP – Disinfection by UV plant	400,000	
STP - Pump Station, duty & standby pumps – 3ML / day	300,000	
Rising Main STP to Bundarra Road – 200mm diameter, 4.5km long @ \$280,000/km	1,260,000	
Total Capital Cost	2,340,000	

# **Annual Operation & Maintenance Cost**

The table below below provides an indicative cost of ongoing annual operational and maintenance costs. Subject to detailed investigation and design.

Approximate Annual O&M Cost Redirecting Treated Effluent to Bundarra Road Bridge		
Item	(\$)	
STP – Nutrient stripping – including chemicals	25,000	
STP – Disinfection by UV plant	20,000	
STP - Pump Station	15,000	
STP - Electricity	30,000	
Rising Main STP to Bundarra Road	10,000	
Approximate Total Operation & Maintenance Cost	100,000	

If very high levels of nutrient stripping are required to meet receiving water requirements then a more expensive treatment process may be required. This would become apparent with more in depth investigations.

# **Land Based Effluent Reuse Environmental Requirements**

Should Council wish to consider land based effluent reuse for irrigating passive and active recreation facilities, agriculture and horticulture, there are many issues to be assessed and taken into consideration as part of the planning and environmental approval process. Some of the issues are briefly discussed below.

Human contact by way of aerosols, ingestion, plus infections associated with body contact sports require consideration and inclusion in management plans. Body contact sport would require filtering and disinfection of treated effluent prior to irrigation. A golf course involving non body contact sport would have buffer areas around the perimeter of areas irrigated adjacent public roads and exclusions of people during spray irrigation activities (mainly irrigate of a night).

Types of agricultural and horticultural crops that can be irrigated with the quality of treated effluent proposed would need to be assessed. Vegetables may not be irrigated with treated effluent whereas drip irrigated fruit and nut trees may be. Grazing of animals require withholding periods from cessation of irrigation of pastures with treated effluent.

Soil water and nutrient balances are required to establish if the irrigation activity proposed using treated effluent is sustainable over the longer term. Agricultural / horticultural land may require crop rotations to manage soil nutrient levels. Harvesting of crops and dry matter helps to export nutrients off site.

Suitability of the soil landscape for irrigation and potential for rising water table and salinity issues needs to be assessed along with ongoing monitoring.

Impact of treated effluent on surface and ground water needs to be assessed, including ongoing monitoring.

First flush runoff from irrigated site following irrigation with treated effluent needs to be addressed and managed.

Water balances including the volume of off stream storage of treated effluent required during winter and wet months for irrigation during the warmer growing periods need to be investigated. To achieve a 100% effluent reuse scheme for Inverell an irrigation storage in the order of 300ML

capacity may be required. A storage of this volume, 4m deep to minimise evaporation losses would have a footprint of approximately 8ha.

Impacts on adjoining lands and receptors to be assessed and monitored.

Ongoing monitoring and reporting can be quite onerous and expensive, particularly with large agricultural and horticultural reuse sites.

At times the demands of treated effluent disposal can be in conflict with normal irrigated commercial farming practices, such as crop and pasture rotations and irrigation schedules.

With the ever increasing scarcity and escalating price of high security water, recycled effluent may evolve to be a sought after source of water, particularly for high value permanent plantings.

## Offsetting Use of Town Water on Sport & Recreation Facilities

Offsetting town water supply usage with recycled treated effluent for irrigation of sporting facilities is an expensive exercise, particularly where the underground irrigation system is already interconnected with the town water supply system. The system has to be augmented and both sources of water physically disconnected from each other to avoid cross contamination, along with labelling in lilac colours and ongoing operational monitoring and management plans.

The cost of providing suitable high level treated effluent for irrigation of sporting facilities would be around three times the cost of supplying town water. There would also be the cost of converting over the irrigation systems.

At this point in time offsetting the use of town water on sporting and recreational facilities is not considered feasible.

## **Nutrient Stripping of Treated Effluent and Discharge to River at STP Site**

This would entail installing and operating a chemical dosing facility at the STP. Treated effluent would return to the river maturation ponds under gravity, with no need for any pumping.

Subject to more detailed investigations, over the longer term nutrient stripping may pay for itself in significantly reduced EPA LBL fees, as well as reducing the impact of the Inverell STP on the Macintyre River.

It should be noted that one of the benefits of effluent reuse for agricultural pursuits is the high level of nutrients in the water, reducing the crop fertiliser inputs. If a decision was made to pursue effluent reuse on land sometime in the future the investment in nutrient stripping would become redundant, although it could potentially be used during excessively wet periods when river discharge was required to reduce LBL fees.

#### Conclusion

Preliminary investigations to date would indicate pumping treated effluent from the Inverell STP upstream to Lake Inverell Dam to supplement inflows to the dam during extended dry periods may not be viable due to the impact of nutrients on the receiving waters, and the significant evaporation losses from the dam during the warmer months not allowing the dam to be maintained at spill level to retain a flow in the Macintyre River downstream through Inverell. If the treated effluent nutrient levels are above the dam water nutrient levels, the nutrient levels will rise within the dam leading to an earlier onset and prolonged period of eutrophication.

Discharging nutrient stripped effluent into the river further downstream at the Bundarra Road Bridge may have a higher chance of maintaining a small flow in the river through to the weir at Captain Cook Drive adjacent the CBD. More detailed analysis would be required to determine an

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acceptable level of nutrient stripping to determine if this option is environmentally and economically feasible.

In summary the nutrient level in the treated effluent needs to be below the background nutrient level in the Macintyre River if it is to be used to supplement river flows at Lake Inverell Dam and along the river through Inverell during very low or no flow periods. The capital cost of implementing such a scheme would be high along with ongoing operation and maintenance (O&M) costs. The O&M costs could be partly offset by the nutrient stripping resulting in a reduction in LBL licencing fees. The overriding issue is that with a limited supply of treated effluent available and high evaporation and transmission losses during drought periods, the objective of keeping the river flowing may not be achieved.

With the current ongoing severe drought within the Murray Darling Basin and issues arising from water quality through to water sharing and environmental flows, there may be merit in Council holding off on making major decisions with respect to treated effluent from the Inverell STP.

#### **RISK ASSESSMENT:**

Risks would be assessed as part of any future more detailed investigations.

#### **POLICY IMPLICATIONS:**

Nil.

#### CHIEF FINANCIAL OFFICERS COMMENT:

Current reserves in the sewerage funds are \$2.6M. In relation to impact of the lowest cost option for discharging water into Lake Inverell; debt funding \$2.3M capital expenditure plus \$100,000 pa operating costs would add an additional \$38 cost per sewerage connection in Inverell.

#### **LEGAL IMPLICATIONS:**

Any proposed changes to discharge of treated effluent would have to be assessed and comply with the *Protection of the Environment Operations Act 1997*, and EPA licencing requirements.

#### **ATTACHMENTS:**

Nil

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## 6 INFORMATION REPORTS

# 6.1 PROJECT CONTROL GROUP MEETING MINUTES 22 JULY 2019 - YETMAN ROAD ULUPNA RECONSTRUCTION PROJECT STAGE 2

File Number: \$28.7.18/44 / 19/25688

Author: Emma Case, Administration Officer

## **SUMMARY:**

A Project Post Construction meeting was held on Monday, 22 July, 2019 for the Yetman Road Ulupna Reconstruction Project Stage 2.

For the information of the Committee:

## **COMMENTARY:**

MINUTES OF THE YETMAN ROAD - ULUPNA RECONSTRUCTION PROJECT STAGE 2 POST CONSTRUCTION MEETING HELD ON MONDAY 22 JULY 2019 COMMENCING AT 3:00 PM

PRESENT: Justin Pay (Manager Civil Engineering), Scott Hamilton (Project Engineer), Darrell

Hughes (Operations Coordinator), Joe Arca (Operations Supervisor), Helen

O'Brien (Senior designer).

# APOLOGIES: Nil.

## 1. Name of Project

MR 187 Yetman Road Ulupna Pavement Widening and Rehabilitation Stage 2.

# 2. <u>Description of Project</u>

Pavement widening and rehabilitation CH 48.32km to CH 49.24km north of Inverell.

This is a continuation on from stage 1, a 860 metre section from CH 49.24km to 50.10km completed in September 2017.

## 3. Works Completed

**Earthworks** 

210mm sub-base layer (existing pavement)

200mm stabilised base layer

8.6 metre formation width

8.6 metre seal width

7mm primer seal C170 binder

10mm final seal S35E binder

## 4. Work As Executed (WAE) Plans

Operations Supervisor has provided WAE plans to the Senior Designer.

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## 5. Estimate vs Actual Cost

Survey & design Site establishment Vegetation Drainage Earthworks Pavement Layers Bitumen Seal	Estimate \$3k \$10K \$11K \$4K \$50K \$262K \$80K	Actuals \$0 \$0 \$10,259 \$0 \$32,449 \$210,955 \$47,883
Wet weather  Totals	\$420K	\$5,733 \$307.279

Cost savings were made in the earthworks and pavement construction due to suitable existing pavement material being located onsite after project commencement. \$45,000 has been set aside for the final seal to be completed in conjunction with Council's Resealing Program with the remaining savings (\$67K) utilised on heavy patching along Yetman Road.

## 6. Project Quality

## Material Quality:

Pavement material was sourced from Blaney's gravel pit. The pavement layers were stabilised with Tri-blend 352 at a rate of 7.64kg/m2.

## Density Results:

Density results averaged 101.5%

(The benchmark for density conformance is 100.0%)

## **CBR** Results:

No CBR tests were carried out

## Benkelman Beam Results:

No Benkelman beam tests were carried out

## Roughness Results:

No roughness tests were carried out.

## 7. Political/Public Sensitivities-Complaints

Council relocated the 'Ulupna' mailbox at the request of the owner.

## 8. Project Audit

A Traffic Control at Worksites audit was completed at project start up.

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# 9. Other Issues

Nil

## 10. Wet Weather

Wet weather had minimal impact on this project.

# 11. Construction Times

Estimated Project Duration: 30 working days

Actual Project Duration: 32 working days

# 12. Project Outcomes

Positive comments were received on outcome of the project.

There being no further business, the meeting closed at 3:30 pm.

## **RISK ASSESSMENT:**

Nil

# **POLICY IMPLICATIONS:**

Nil

## **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

## **LEGAL IMPLICATIONS:**

Nil

# **ATTACHMENTS:**

Nil

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# 6.2 PROJECT CONTROL GROUP MEETING MINUTES 22 JULY 2019 - MR 187 YETMAN ROAD CUCUMBER CREEK TO WALLANGRA RECONSTRUCTION

File Number: \$28.7.18/49 / 19/25944

Author: Emma Case, Administration Officer

#### SUMMARY:

A Project Post Construction meeting was held on Monday, 22 July, 2019 for the Yetman Road Cucumber Creek to Wallangra Reconstruction.

For the information of the Committee:

#### **COMMENTARY:**

MINUTES OF THE YETMAN ROAD – CUCUMBER CREEK TO WALLANGRA RECONSTRUCTION PROJECT POST CONSTRUCTION MEETING HELD ON MONDAY 22 JULY 2019 COMMENCING AT 2:30 PM

PRESENT: Justin Pay (Manager Civil Engineering), Scott Hamilton (Project Engineer), Darrell

Hughes (Operations Coordinator), Joe Arca (Operations Supervisor) and Helen

O'Brien (Senior designer).

## APOLOGIES: Nil.

## 1. Name of Project

MR 187 Yetman Road Cucumber Creek to Wallangra Pavement Widening and Rehabilitation.

## 2. Description of Project

Pavement widening and rehabilitation Stage 1 CH 62.66km to CH 64.08km north of Inverell Stage 2 CH 64.08km to 66.36km north of Inverell A total distance of 3.7km

## Works Completed

Earthworks

210mm sub-base layer (existing pavement)

200mm stabilised base layer

8.6 metre formation width

8.6 metre seal width

10mm primer seal C170 binder

10mm final seal S35E binder

## 4. Work As Executed (WAE) Plans

Operations Supervisor has provided WAE plans to the Senior Designer

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## 5. Estimate vs Actual Cost

	Estimate	Stage 1	Stage 2	
Survey & design	\$60k	\$56,251		
Site establishment	\$20K	\$7,652		
Vegetation			\$1,426	
Drainage	\$211K	\$57,447	\$166,723	
Earthworks	\$280K	\$84,222	\$175,465	
Sub Base Layer	\$465K	\$189,671	\$277,638	
Base layer	\$604K	\$195,603	\$411,323	
Primer seal	\$230K	\$62,235	\$153,703	
Final Seal	\$230K	\$25,021	\$151,289	
Wet weather		\$8,595	\$10,623	
Heavy patching			\$63,314	
Totals	\$2.1M	(\$686,697)	(\$1,411,504)	\$2,098,201

# 6. Project Quality

## Material Quality:

Pavement material was sourced from Coombe's gravel pit for Stage 1 and Blaney's gravel pit for stage 2. The pavement layers were stabilised with Tri-blend 352 at a rate of 7.64kg/m2.

## Density Results:

Density results averaged 102.0%

(The benchmark for density conformance is 100.0%)

#### CBR Results:

No CBR tests were carried out

#### Benkelman Beam Results:

No Benkelman beam tests were carried out

#### Roughness Results:

No roughness tests were carried out.

# 7. <u>Political/Public Sensitivities-Complaints</u>

The Wallangra Hall committee requested Council to improve their access whilst works were being undertaken. Council carried out improvements to their access.

## 8. <u>Project Audit</u>

A Traffic Control at Worksites audit was completed at project start up and several times throughout the project.

## 9. Other Issues

Due to a lack of Council resources at the time, a box culvert upgrade, including the traffic control, was contracted out. The lack of signage and knowledge on the contractor's behalf prompted Council to take over the traffic management part way through the project. Traffic management is increasingly becoming an issue for all contracted works.

Delays in commencement of drainage works impacted on the construction crew's ability to undertake the staged works as programmed. The construction crew were forced to complete sections without drainage upgrades first which impacted on efficiencies for

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earthworks and pavement construction.

Machine control for the grader operation posed significant issues for the project. Time delays were evident due to the inefficiencies and technical problems experienced with this system. This item of plant is at the end of its useful life and requires replacement.

## 10. Wet Weather

Wet weather had minimal impact on this project.

## 11. Construction Times

Estimated Project Duration: Stage 1 46 working days

Stage 2 88 working days

Actual Project Duration: Stage 1 48 working days

Stage 2 95 working days

# 12. <u>Project Outcomes</u>

Positive comments were received on outcome of the project.

There being no further business, the meeting closed at 3:00 pm.

RISK ASSESSMEN	T:	
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Nil

## **POLICY IMPLICATIONS:**

Nil

## **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

# **LEGAL IMPLICATIONS:**

Nil

#### **ATTACHMENTS:**

Nil

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6.3 DA-74/2019 - DEMOLITION OF THE EXISTING NSW POLICE BUILDING & STRUCTURES, SITE PREPARATION WORKS, CONSTRUCTION AND USE OF NEW POLICE BUILDING; AND ANCILLARY WORKS INCLUDING SIGNAGE - 109 OTHO STREET, INVERELL

File Number: DA-74/2019 / 19/26541

Author: Anthony Alliston, Manager Development Services

## **SUMMARY:**

This report has been prepared to inform Councillors of the lodgement of a Development Application (DA-74/2019) for the redevelopment of the Inverell Police Station at 109 Otho Street, Inverell. This report also provides information in relation to the assessment and determination requirements of this application.

#### **COMMENTARY:**

A Development Application (DA-74/2019) was lodged with Inverell Shire Council on 29 July, 2019 for the redevelopment of the Inverell Police Station at 109 Otho Street, Inverell. The proposed development involves:

- Demolition of the existing NSW Police building and structures;
- Site preparation works;
- Construction and use of new Police building; and
- Ancillary works including signage.

The applicant for DA-74/2019 is the NSW Police and the proposed development has a Capital Investment Value of \$14,202,251.

DA-74/2019 has been publicly exhibited from 2 August, 2019 until 16 August, 2019. During this period, the Development Application is available to be viewed at Council's Administration Centre or on the Advertised Development Applications section of Council's website.

As per Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979* and Clause 20 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* the development is being undertaken by the 'Crown' and has a Capital Investment Value greater than \$5 million. As such, DA-74/2019 is classed as 'Regionally Significant Development' and Inverell Shire Council is not the consent authority for this application. 'Regionally Significant Development' must be determined by a Regional Planning Panel (RPP). In this case, the RPP is the Northern Regional Planning Panel.

## Council's Assessment Role (Staff)

Council's Development Services officers are responsible for the assessment of DA-74/2019. This includes undertaking the various statutory functions such as lodgement, public exhibition, agency referrals and assessing the Development Application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Once staff have completed their assessment of DA-74/2019, the completed assessment report will be immediately forwarded to the Secretariat of the RPP. The assessment report is not to be endorsed or presented to the elected Council before being forwarded to the Secretariat.

## **Planning Panel Meeting and Determination**

A planning panel meeting is where the RPP meets in public to consider the Development Application. The purpose of the meeting is for the RPP to hear those who wish to express their view on the DA before the panel makes a decision. A planning panel meeting will generally be arranged within fourteen (14) days of receiving Council's assessment report.

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Following public submissions being heard and after considering the recommendation in Council's assessment report and hearing the views of the public, the panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

## **Elected Council Representation to the RPP**

The elected Council may make a submission in relation to DA-74/2019 up to seven (7) days before the RPP meeting.

After the staff assessment report has been forwarded to the Secretariat, it may then be provided to the elected Council to assist in its decision as to whether it will be making a submission to the planning panel.

The elected Council's submission should not be prepared by persons involved in the assessment of the application, and should be prepared by another Council officer, or a consultant. A Council submission should not be specifically addressed in the assessment report or recommendations prepared by the Council staff.

If Council makes a submission, a staff representative or individual Councillors may register to address the planning panel at the meeting to express the views of council.

Nil
POLICY IMPLICATIONS: Nil
CHIEF FINANCIAL OFFICERS COMMENT:
LEGAL IMPLICATIONS: Nil
ATTACHMENTS: Nil

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#### 6.4 WORKS UPDATE

File Number: \$28.21.1/12 / 19/26734

Author: Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

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

#### **COMMENTARY:**

# Wood Street, Gilgai - Park Street to Stannifer Street Drainage

This project is stage four (4) of the Gilgai Drainage Upgrade Program and involves the reconstruction of the second block of Wood Street between Park Street and Stannifer Street, Gilgai. The project includes the construction of underground drainage, sub-soil drainage and kerb and gutter along a 220 metre section of Wood Street in the village of Gilgai. The project is funded from the Urban Drainage Reconstruction Program with \$420K allocated to this stage.

All kerb and gutter and footpath reinstatement have been completed. The base course pavement layer will be completed in early August; a primer seal is programmed for mid August 2019.



Completion of kerb and gutter and ready for completion of pavement – Wood Street Gilgai

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## Rifle Range Road Subdivision

This project is the final stage of an industrial subdivision being undertaken by Council on Rifle Range Road, Inverell. This stage involves the construction of sewer, water, drainage and road infrastructure for up to twenty three (23) various sized industrial lots located between Rifle Range Road and Pioneer Village. The \$1.475M project is being funded from the Industrial Development Internal revote and the Industrial Promotion and Assistance vote.

The project commenced early July 2019 with the sewer infrastructure works being undertaken at present. Works on the stormwater drainage and earthworks for road construction are due to commence early August 2019. The project is expected to take sixteen (16) weeks to complete.

# **Jardine Road Pavement Rehabilitation and Overlay**

Council have been successful in securing funding from the State Government Drought Relief Heavy Vehicle Program to undertake pavement rehabilitation works along Jardine Road. The works include pavement overlay, heavy patching and bitumen resealing works along the entire length of Jardine Road from Ring Street to the Gwydir Highway. The total allocation for this project is \$700K, jointly funded from the Drought Relief Heavy Vehicle Program (\$300K) and Council's Internal Asset Reserve (\$400K). Works commenced early August 2019.

## **Maintenance Grading**

In an attempt to overcome issues related to long haul distances for water, Council has hired larger water carts and are completing grading works on a number of high priority roads. While these items of plant will reduce haul costs and minimise impact on the adjacent road network, the unit rate to complete this grading work will be substantially higher than Council's average. Unfortunately the condition of the unsealed road network has reached the point that intervention is necessary to provide safety for road users. The following maintenance grading works were undertaken during July 2019.

Road Number	Road Name	Length Graded (km)
SR 33	Limestone Road	7.7
SR 34	Sandy Creek Road	6.8
SR 43	Pukawidgi Road	13.3
SR 51	Wells Crossing Road	11.0
SR 54	Emmaville Road	27.3
SR 58	Rocky Creek Road	32.9
SR 72	Coopers Road	0.6
SR 74	Goberts Road	15.6
SR 174	Abbotts Lane	4.8
SR 188	Eddy Park Lane	5.1
SR 193	Wiltshire Road	9.0
SR 194	Glenwood Road	1.2
SR 196	Onus Road	5.5
SR 218	Old Stannifer Road	1.5
SR 236	Long Plain Lane	4.9
SR 254	Stannifer Road	8.1
	Aberdeen Road	9.8
	TOTAL	165.1

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The maintenance grading program remains under significant pressure due to the current climatic conditions and severe lack of available water in most locations.

## **Reactive Spot Grading**

The following reactive spot grading works were undertaken during July 2019.

Road Number	Road Name	Length Graded (km)
SR 55	South Valley Road	4.0
SR 212	Leviathan Road	6.0
	TOTAL	10.0

# **Gravel Patching**

No gravel patching works were undertaken during July 2019.

# **Gravel Re-sheeting**

The following gavel re-sheeting works were undertaken during July 2019.

Road Number	Road Name	Length Graded (km)
SR 60	Nullamanna Road	18.0
	TOTAL	18.0

Given the current climatic conditions there is significant stress on the gravel re-sheeting program with the lack of available water. Until significant rain falls, the program has been reduced until sufficient water source can be obtained. Council staff will continue to monitor water availability and complete sections of the program as water becomes available.

## **Heavy Patching**

The following heavy patching works were undertaken in July 2019.

Road Number	Road Name	Area (m2)
MR 135	Guyra Road	2900
MR 73	Bundarra Road	900
	TOTAL	3800

# **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.

## **ATTACHMENTS:**

Nil

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