



BUSINESS PAPER

**Civil and Environmental Services
Committee Meeting
Wednesday, 12 May 2021**

INVERELL SHIRE COUNCIL**NOTICE OF CIVIL AND ENVIRONMENTAL SERVICES COMMITTEE MEETING**

6 May, 2021

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 12 May, 2021, commencing at **9.00AM**.

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.

I would like to remind those present that an audio recording of the meeting will be uploaded on the Council's website at a later time and participants should be mindful not to make any defamatory or offensive statements.

P J HENRY PSM

GENERAL MANAGER

Agenda

1	Apologies	5
2	Confirmation of Minutes.....	5
3	Disclosure Of Conflict Of Interests/Pecuniary And Non-Pecuniary Interests	9
4	Public Forum.....	9
5	Destination Reports.....	10
5.1	Urban Drainage Reconstruction - Update.....	10
6	Information Reports.....	13
6.1	Update on the NSW Heritage Act Review and Discussion Paper	13
6.2	Works Update	14
6.3	Planning Proposal - Amendment to Inverell Local Environmental Plan 2012 - Corner Gwydir Highway and Jardine Road, Inverell	24
7	Governance Reports.....	28
7.1	Governance - Performance Reporting on Road Maintenance Council Contracts.....	28

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 – conflicts of interest.

Disclosure of pecuniary interests / non-pecuniary interests

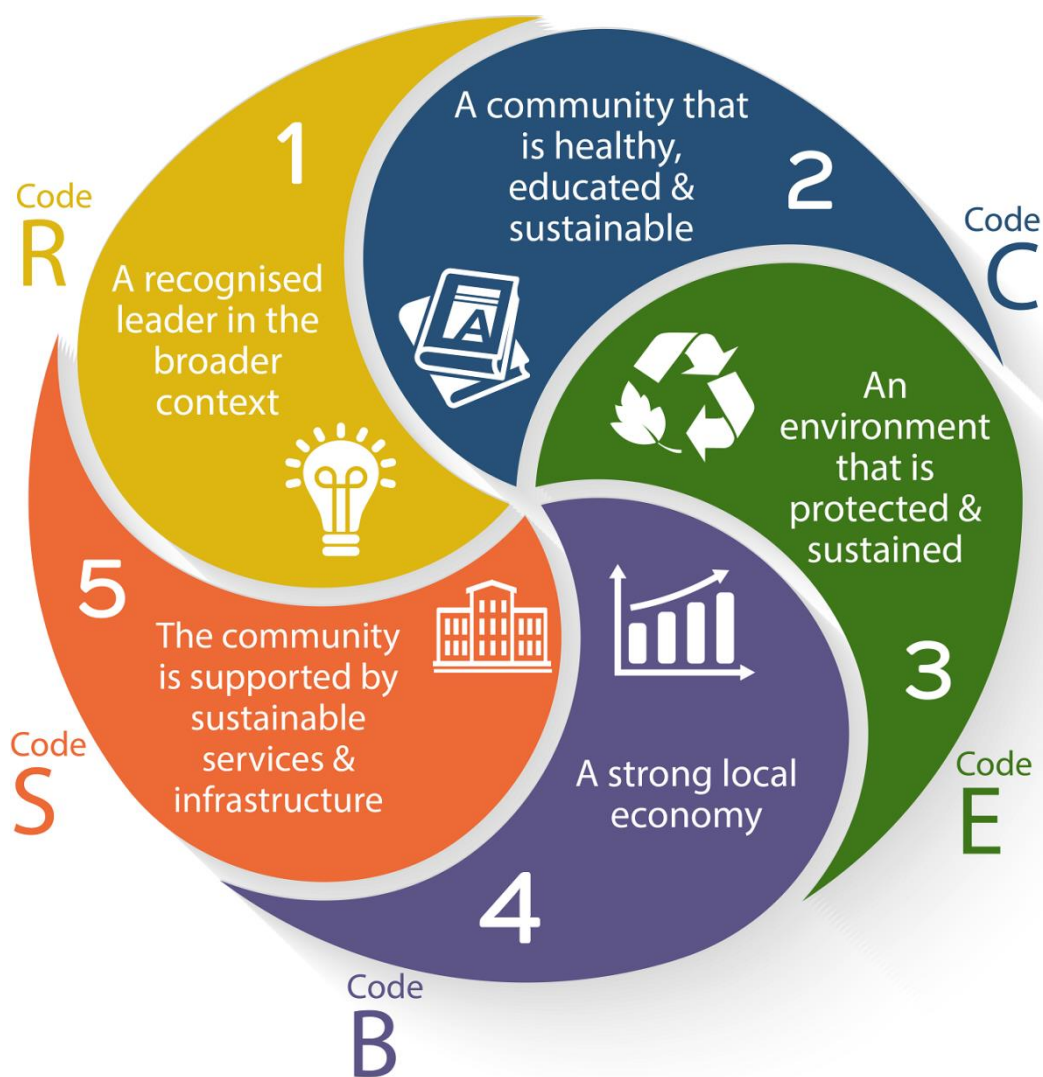
Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure 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 practicable 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 [Declaration Form](#)

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 14 April, 2021, 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, 14 APRIL 2021 AT 9.00AM**

PRESENT: Cr Paul Harmon (Chair), Cr Stewart Berryman, Cr Jacki Watts, Cr Anthony Michael, Cr Kate Dight and Cr Paul King OAM.

IN ATTENDANCE: Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Anthony Alliston (Manager Development Services), Justin Pay (Manager Civil Engineering) and Sharon Stafford (Executive Assistant).

1 APOLOGIES

COMMITTEE RESOLUTION

Moved: Cr Anthony Michael

Seconded: Cr Paul King OAM

That the apologies received from Crs McCosker, Baker and Peters 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 10 March, 2021, 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 DESTINATION REPORTS

5.1 ADOPTION OF FINAL PEDESTRIAN ACCESS MOBILITY PLAN 2020-2025 S30.11.1

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Anthony Michael

- I. *The Committee recommend to Council that the Final Pedestrian Access and Mobility Plan (PAMP) 2021-2026 be endorsed; and*
- II. *The Committee recommend to Council that consideration be given to developing a Pedestrian Access and Mobility Plan (PAMP) for Villages.*

CARRIED

5.2 UPDATE ON IMPACTS - MARCH 2021 FLOOD EVENT S5.20.1

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

That the Committee recommend to Council that:

- (a) *The information be received and noted;*
- (b) *A future report be presented once all damage is assessed and repair estimates are known;*
- (c) *The MR63 Warialda Road, Black Dam project be approved as the 2020/2021 REPAIR Program project;*
- (d) *The MR73 Bundarra Road Rehabilitation project – adjacent to the racecourse be approved as the 2021/2022 REPAIR Program project; and*
- (e) *The Director of Civil and Environmental Services be authorised to substitute completed projects within the Roads to Recovery program, in order to satisfy funding deadlines.*

CARRIED

5.3 INVERELL HIGH SCHOOL TRAFFIC MANAGEMENT - REQUEST FOR UPGRADED ACCESS TO SUPPORT UNIT S28.27.2

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Anthony Michael

That the Committee recommend to Council that Council not support the concept design and refer the matter back to the school with a view to an outcome that utilises adjacent school land to achieve the required safety outcomes. Under this scenario the uncompleted items from the previous Council resolution would be finalised.

CARRIED

6 INFORMATION REPORTS

COMMITTEE RESOLUTION

Moved: Cr Stewart Berryman

Seconded: Cr Kate Dight

That the information reports be received and noted.

CARRIED

6.1 WORKS UPDATE S28.21.1/14

6.2 COMMENCEMENT OF NSW PLANNING PORTAL FOR ELECTRONIC LODGEMENT OF APPLICATIONS S18.6.60

The Meeting closed at 9.22am.

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

5 DESTINATION REPORTS

5.1 URBAN DRAINAGE RECONSTRUCTION - UPDATE

File Number: S28.10.1 / 21/14952

Author: Justin Pay, Manager Civil Engineering

SUMMARY:

In November 2012 Council resolved to commence a staged drainage upgrade in the Village of Gilgai. This report is intended to update the Committee on the progress of works and to identify further Urban Drainage reconstruction works to be included in Council's design priority list.

RECOMMENDATION:

That the Committee recommend to Council that:

- i) The information regarding progress on the Gilgai urban drainage upgrade plan be received and noted;*
- ii) The project to upgrade drainage in Murray Street be included in Council's design priorities list;*
- iii) Design of appropriate drainage solutions for Byron Street from Lawrence Street to Mansfield Street be included in Council's design priorities list; and*
- iv) A further report be presented to Council outlining potential options and costing for a project to upgrade the drainage in Byron Street from Lawrence Street to Mansfield Street, that incorporates appropriate tree pits for replacement edge plantings.*

COMMENTARY:

In November 2012 Council resolved to commence a staged drainage upgrade in the Village of Gilgai. At the time it was noted that staging of the works would be subject to funding availability in future works programs. The Gilgai urban drainage upgrade plan adopted by Council is included in Attachment 1. The resolution was aimed at remediating ongoing drainage issues in Gilgai due to both surface run-off and sub-surface water trapped on top of the "billy rock" which underlies most of the village.

Works required to mitigate the drainage issues include:

- construction of kerb and gutter,
- bitumen seal kerb to kerb in the streets,
- provision of underground drainage lines, and
- the installation of sub-soil drainage conduits.

Since the resolution, Council has completed works on Segment 1 (Hall Street), Segment 2 (Church Street between Park and Stannifer Streets) and Segment 3 (Wood Street). Funding of these construction projects has been predominantly from Council's Urban Drainage Reconstruction vote.

Works remaining to complete the plan are Segment 4 (Park Street), Segment 5 (Wood Street) and Segment 6 (Church Street between Stannifer and Hall Streets). Council has completed survey, design and project development for Segment 4 and construction of this project is anticipated in the 2021/2022 financial year, again utilising Council's Urban Drainage Reconstruction vote (subject to Council approval).

It is anticipated that Segments 5 and 6 of the plan will be completed in the 2022/2023 and 2023/2024 financial years respectively, subject to Council funding approval. The most likely source

of funds would again be the Urban Drainage Reconstruction vote. If the opportunity arises to accelerate these works, Council will ensure that project development is completed to take advantage of funds.

Following completion of the Gilgai urban drainage upgrade plan, the next priority identified by Council for urban drainage reconstruction work is the project to improve the drainage in Murray Street. Murray Street is the unformed or "paper street" that runs perpendicular to Chester and Granville Streets on the north-eastern (hospital) end. Drainage at the location is facilitated by table drains feeding into an open earthen/vegetated trapezoidal drain. Drainage in this locality is a significant maintenance burden to Council and if constant maintenance is not completed the drainage system fails under low intensity rainfall events. When the system fails it leads to inundation of properties and damage to Council's road infrastructure. Reconstructing the drainage in this area will have wide ranging benefits to the lower Belgravia area. This project is identified in the current Delivery Plan and at this stage is unfunded.

Given that works in Gilgai will be completed in the foreseeable future, it will be important to progress project development for the Murray Street drainage upgrade project. Once project development and design is completed, a plan and estimate can be presented to Council for approval.

Further to the above urban drainage projects; Council has identified drainage in Byron Street from Lawrence Street to Mansfield Street as a priority. In September 2020 Council resolved (RES 2020/98) inter alia that:

\$20,000 be allocated for investigation and design of appropriate tree pits for replacement edge plantings in Byron Street, between Lawrence and Wood Street.

The existing edge plantings in this block have impacted kerb and gutter and underground drainage infrastructure to the point where surface water drainage is significantly impacted. This is allowing water ingress into the road pavement and under footpaths, leading to significant risk of damage to these assets due to instability in their sub-base/subgrade and foundation.

Similar issues previously existed at the corner of Mansfield Street and Byron Street (adjacent to KFC), which Council have subsequently completed works to resolve.

Investigation and design work will be required in order to develop a drainage solution that remediated the above risks and also incorporates the intended edge planting tree pits. A further report will be presented to Council outlining potential options and costing for a project to upgrade the drainage in Byron Street from Lawrence Street to Mansfield Street, that incorporates appropriate tree pits for replacement edge plantings. A number of options exist to fund these works which will be considered further at the time.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

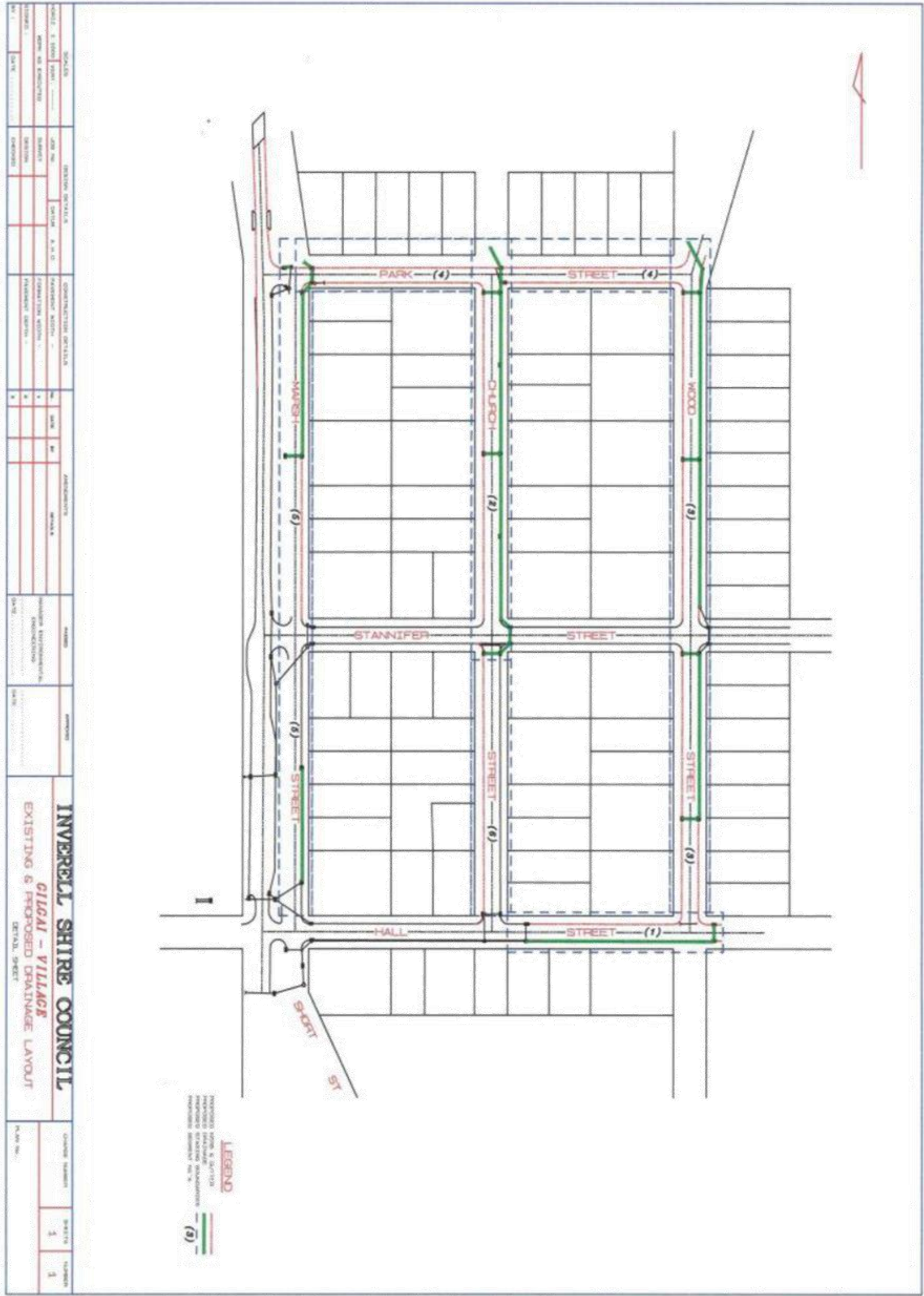
CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:**1. Gilgai Urban Drainage Upgrade Plan**



6 INFORMATION REPORTS

6.1 UPDATE ON THE NSW HERITAGE ACT REVIEW AND DISCUSSION PAPER

File Number: S18.6.12/14 / 21/13519

Author: Matthew Turner, Development Planner

SUMMARY:

The purpose of this report is to provide Committee Members with information relating to the recent announcement from the NSW Government of a review of the *Heritage Act 1977*.

COMMENTARY:

The *Heritage Act 1977* (Heritage Act) was introduced over forty years ago in response to community concerns at that time of the loss of heritage from over-development. Since its introduction, the Heritage Act has been amended to reflect changing circumstances and now protects natural, cultural and built heritage items of significance in NSW. A review of the Heritage Act was undertaken in 2007; however, the last major changes to the Heritage Act were undertaken in 1999.

On the 7 April 2021, the New South Wales Government announced that the NSW Legislative Council's Social Issues Standing Committee will conduct a review of the Heritage Act to make heritage properties "*easier, more affordable and more desirable to own*". As a starting point for this review, Heritage NSW released a Discussion Paper identifying 19 questions, relating to:

- Activating Our Heritage;
- Heritage Identification and Listing;
- Streamlining Heritage Processes;
- Heritage Promotion and Engagement; and
- Publicly Owned Heritage.

Heritage NSW has referred the Discussion Paper to the Social Issues Standing Committee, which will use the Discussion Paper as the basis for future public consultation. To date, the review process and public consultation timeframes have not been announced by the Social Issues Standing Committee.

The Inverell Shire has three state heritage items that would be influenced by the review of the Heritage Act. These are:

- Inverell Post Office at 97 Otho Street, Inverell;
- Inverell Shire Council Building (former) at 56 Byron Street, Inverell (i.e. the White House); and
- Wing Hing Long & Co. Store at 10 Ruby Street, Tingha.

Based on the discussion paper, it is considered that a review of the Heritage Act targeted at simplifying the heritage process and increasing incentives for state heritage owners is a good outcome and would likely benefit the above state heritage items within the Inverell Shire.

It should be noted that at this point in time, no changes are proposed to be made to the listing of local heritage items under Council Local Environmental Plans.

Council's Development Services staff will continue to monitor the Heritage Act review and will prepare a further report to the Civil and Environmental Services once more details are available.

ATTACHMENTS:

Nil

6.2 WORKS UPDATE

File Number: S28.21.1/14 / 21/14355

Author: Justin Pay, Manager Civil Engineering

SUMMARY:

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

COMMENTARY:

Byron Street – Town Centre Renewal Plan (TCRP) Project –Vivian Street to Lawrence Street

Council has allocated \$1.401M for stage three (3) of the Town Centre Renewal Plan (TCRP). This stage is located along Byron Street from Vivian Street to Lawrence Street and follows on from Stage two (2) in Byron Street, which was completed early 2020.

Replacement of the asphalt wearing surface is now completed. This was done as night works from 6pm to 6am to minimise the impact on traffic and businesses. The asphalt works completed included the roundabout at the intersection of Byron and Vivian Streets, the roundabout at the intersection of Byron and Lawrence Streets and both sides of Byron Street between these 2 roundabouts.

All of the street furniture has been installed and line marking will be completed once the asphalt has had time to cure.

All trees have been planted and irrigation installed. This project is now practically complete, with line marking to be finalised once the asphalt wearing surface has cured. It is anticipated that the line marking will be completed by the end of May.



New Trees planted in Byron St - TCRP

Oliver Street Extension

An extension of Oliver Street, from Arthur Street to Swanbrook Road has been programmed by Council. Works involve construction of a new sealed pavement, kerb and gutter, associated water main and drainage construction through the land formerly used as the Community Gardens. The project also involves constructing a cul-de-sac in Arthur Street adjacent to Ashford Road and extending the kerb and gutter along the southern side of Swanbrook Road from Ashford Road to Oliver Street.

The seal and linemarking has now been completed and the road has been opened to the public. Works have re-commenced with the water main installation being undertaken at the time of writing this report. The cul-de-sac works will commence once the water main is installed.



Oliver St Complete - Ready to Commence Water Main Extension in Arthur St

SR246 Elsmore Road Causeway Upgrade

Council has allocated \$115,500 for the replacement of the concrete causeway on Elsmore Road. The source of funding being:

ACRD Culverts and Causeways - \$72,500
ACRD Bitumen Renewal - \$43,000

The existing causeway slab has poor alignment and has deteriorated to the point that it is no longer economically viable to continue to undertake constant maintenance. The replacement slab improves the alignment due to the approaches being slightly realigned and the extra width and length improves the ride quality.

Temporary work has been completed on the slab approaches in order to reopen the road to the public. The regrading of the approaches will commence once Arthur Street works are completed.

HW12 Gwydir Highway Elsmore Road Safety Treatment Works – Shoulder Widening

Council have been successful in obtaining \$1.19M in funding under the RMCC Ordered Works arrangements with TfNSW to undertake safety treatment works on a 2.2km section of the Gwydir Highway, east of the Runnymede Intersection.

The approved safety treatment works utilises the existing pavement as a foundation to construct a nominal pavement overlay with an additional treatment of boxing out the existing road shoulders providing for a 2.5 metre sealed shoulder. Guardrail, curve alignment markers and audio tactile line marking will complete the safety upgrade works. The safety treatment works were identified by TfNSW as part of a Road Safety Audit and is funded under the NSW Blackspot Program. A number of accidents including serious injuries and a fatality have occurred on this section of road over the past five (5) years prompting the safety upgrade works.

Works recommenced on 12 March, 2021 on the remaining 1.2km section from Fishers Road to the speed camera east of Elsmore Road. The centre pavement will be retained on this section of highway with a 2.5 metre shoulder to be constructed either side of the existing travel lane. Council's construction crew have boxed out the shoulders and are preparing to construct the sub-base layers on both sides of the road between Fishers Road and Elsmore Road. Base material will be placed and compacted early May 2021 with a shoulder seal for this section of road programmed for 18 May, 2021. The crew will then continue on with the shoulder widening on the remaining 500 metre section from Elsmore Road to the speed camera.

Guardrail, signage and linemarking will be undertaken at the completion of the shoulder widening works. Project completion is planned for mid June 2021.



HW12 Gwydir Hwy Safety Treatment Project – Shoulder widening works Fishers Road to Elsmore Road

Fixing Local Roads Funding Grant

Council has been successful in obtaining \$2.62M from the Fixing Local Roads Funding Grant to complete works on various roads throughout the shire.

These roads include the following:

- SR050 Bukkulla Road
- SR035 Coolatai Road
- SR192 Copeton Dam Road
- SR246 Elsmore Road
- SR101 Gragin Road
- SR123 Mount Russell Road
- SR214 Old Bundarra Road
- SR048 Pindari Dam Road

Works commenced late October 2020, which included shoulder grading on each of the roads.

Shoulder grading has already been completed on Copeton Dam Road, Mount Russell Road and commenced on Coolatai Road. Works have now recommenced after the flood damage with vegetation removal continuing on Elsmore Road, Bukkulla Road and Pindari Dam Road. Heavy patching has been completed on Mount Russell Road and Copeton Dam Road.

These works are still on track to be completed by the end of the 2020/21 financial year.



Tree Trimming on Elsmore Road – Fixing Local Roads Funding

County Lane Upgrade

Works are underway to upgrade County Lane (lane between Otho Street and Campbell Street). The project involves constructing kerb and gutter, upgrading the pavement to a sealed standard and improving the underground drainage in the area. Works have re-commenced with the kerb and gutter now installed and continuing to construct the new pavement. The bitumen seal will be completed in conjunction with Arthur Street cul-de-sac.



Kerb and Gutter installed - County Lane Upgrade

Drainage Rehabilitation Works – 76-78 Froude Street, Inverell

At the July 2018 council meeting it was resolved that Council would commit \$48,930 from the Urban Drainage Reconstruction fund to the stabilisation and rehabilitation works required at 76-78 Froude Street. Prior to this meeting, funding through multiple Government agencies was applied for but was unsuccessful each time.

Further to this resolution, Council was required to obtain a formal release from the property owners, absolving Council from any further maintenance responsibilities. A formal release was received from the property owners on the 28 January, 2021.

Soil Conservation Services (SCS) were contracted by Council to undertake work to rehabilitate erosion on the north eastern side of the dam wall and the drainage channel leading to the Auburn Vale Road.

Works commenced on site on Tuesday 6 April, 2021 after being delayed for two (2) weeks due to heavy rain in late March. The process involved rock lining of the erosion from the dam wall to a stable point 45 metres downstream. Soil excavated to prepare for the rock lining was placed on the dam wall to increase its stability and freeboard. Geofabric was placed under the rock flume to increase the stability of the channel to Auburn Vale Road. These works were completed on Thursday 15 April, 2021.

Manager Civil Engineering met with a representative from SCS on site and signed off on the project on the Friday after completion.



Geofabric lining with rock flume being installed – Froude St Drainage Works



Rock Flume installed and dam wall raised – Froude St Drainage Works

Maintenance Grading

The following maintenance grading works were undertaken during April 2021.

Road Number	Road Name	Length Graded (km)
SR 348	Princes Lane	1.50
SR 248	Loves Lane	2.60
SR 254	Stannifer Road	8.70
SR 240	Elsmore Common Road	1.20
SR 345	Kellys Road	3.40
SR 346	Durkins Road	3.10
SR 261	Maybole Road	5.00
SR 236	Long Plain Lane	5.00
SR 239	Inverell Estate Road	2.00
SR 214	Old Bundarra Road	3.00
SR 91	Gunyan Road	8.00
	TOTAL	43.5 km

Reactive Spot Grading

The following reactive spot grading works were undertaken during April 2021.

Road Number	Road Name	Length Graded (km)
SR 220	Sayer's Lane	0.50
SR 364	Cicada Lane	0.50
SR 229	Gilgai Reservoir Road	0.50
	TOTAL	1.5 km

Gravel Patching

The following gravel patching works were undertaken during April 2021. The majority of these works were due to flood damage.

Road Number	Road Name	Area Re-sheeted (m2)
SR 246	Elsmore Road	3000 m2
SR 252	Mclachlans Lane	500 m2
SR 149	Palaroo lane	300 m2
SR 158	Wynella Road	3500 m2
SR 154	Arrawatta Road	2000 m2
SR 136	Dintonvale Road	2000 m2
SR 225	Goomerah Lane	2500 m2
SR 222	Halls Lane	500 m2
SR 232	Poolbrook Road	500 m2
SR 60	Nullamanna Road	500 m2
SR 44	Pindaroi Road	3000 m2
SR 216	Clinton Lane	500 m2
SR 415	Red Hill Road	500 m2
SR 418	Grove Road	1000 m2
SR 421	Aberdeen Road	1000 m2
SR 419	Bassendean Road	1000 m2
SR 416	Kempton Road	400 m2
SR 417	Long Gully Road	500 m2
SR 410	Stannifer Road	500 m2
SR 253	Old Armidale Road	600 m2
SR 350	Jindalee Road	200 m2
SR 410	Albion Flat Road	300 m2
SR 234	Kingsplains Road	500 m2
SR 178	Turrawurra Lane	500 m2
SR 180	Pollocks Lane	250 m2
SR 177	Blyths Lane	1000 m2
	TOTAL	27,050 m2

Gravel Re-sheeting

The following gravel re-sheeting works were undertaken during April 2021.

Road Number	Road Name	Area Re-sheeted (m2)
SR 10	Tarwoona Rd	31,680 m2

SR 243	Waterloo Rd	78,890 m2
SR 238	Woodstock Rd	51,760 m2
	TOTAL	162,330 m2

Heavy Patching

There were no heavy patching works undertaken during April 2021.

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.

Flood Damage – March 2021 Event

Emergency works are now completed to bring flood impacted infrastructure back to a useable condition. Considerable further works will be required to return these assets to provide the level of service expected by Council and residents.

Staff are finalising the collation of damage assessment information and putting together required information to make a claim under the Disaster Recovery Arrangement.

A meeting is scheduled for the week commencing 10 May 2021, between Council staff and members of the State Government's Disaster Recovery Team. At the completion of this meeting Council will be better informed of the process for claiming funds under the Disaster Recovery Arrangement and will have an indication of costs that will be borne by Council.

Once this information is on hand, a future report will be presented to the Committee.

ATTACHMENTS:

Nil

6.3 PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - CORNER GWYDIR HIGHWAY AND JARDINE ROAD, INVERELL

File Number: S18.6.34/09 / 21/14734

Author: Anthony Alliston, Manager Development Services

SUMMARY:

COMMENTARY:

On the 12 August, 2020 a report was presented to the Civil and Environmental Services Committee in regards to the Planning Proposal seeking to rezone approximately 1.8 hectares of RU1 Primary Production and R1 General Residential zoned land to B5 Business Development zone.

If successful, this boundary adjustment style rezoning will create a parcel of B5 zoned land that is approximately 3.24 hectares and adequate for the construction of a new Bunnings Warehouse.

At the Ordinary Meeting of Council on 26 August, 2020 it was resolved (Resolution 2020/85) that:

- I. The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to facilitate a large format retail development be forwarded to the NSW Department of Planning, Infrastructure and Environment requesting a Gateway determination in accordance with sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979;*
- II. The Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the Planning Proposal and obtaining the Gateway determination, including any minor amendments, information requests and public exhibition; and*
- III. A further report be submitted in relation to this matter following public exhibition.*

Subsequent to the August 2020 Resolution, Council staff uploaded the Planning Proposal Documents onto the NSW Planning Portal to seek a Gateway determination from NSW Department of Planning Infrastructure and Environment (DPIE).

On 1 October, 2020 Council received the Gateway determination from DPIE. A copy of the Gateway determination is included as **Attachment 1**. With reference to Condition 1 of the Gateway determination:

Prior to community and agency consultation, Council is to:

- (a) prepare an updated ecological assessment report;*
- (b) alter the planning proposal to amend:*
 - (i) Figure 2 and 4 to refer to the correct Deposited Plan number;*
 - (ii) Part 4 to address the Local Strategic Planning Statement;*
 - (iii) Table 3 to remove reference to State Environmental Planning Policy No. 55 – Remediation of Land; and*
 - (iv) Table 4 to include a discussion on section 9.1 Direction 2.6 Remediation of Land.*

On 16 October, 2020, Council requested the updated ecological assessment report as well as the minor amendments to the Planning Proposal from Insite Planning Services. Insite Planning Services act for Bunnings who is the proponent of the Planning Proposal.

At the time of writing this report, Council received the updated ecological assessment report on 30 April, 2021 and is yet to receive the required minor changes to the Planning Proposal.

Once the updated Planning Proposal is received, Council staff will proceed to place the Planning Proposal on public exhibition and consult with the required public agencies and authorities in accordance with Conditions 2 and 3 of the Gateway determination.

In accordance with Resolution 2020/85, a further report will be prepared for the Committee following public exhibition.

RISK ASSESSMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1. Gateway Determination - 1 October 2020



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2020_INVER_001_00): to rezone part of Lot 1 DP 825894, 60 Jardine Road, Inverell to B5 Business Development and remove the minimum lot size controls.

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Inverell Local Environmental Plan (LEP) 2012 to rezone part of Lot 1 DP 825894, 60 Jardine Road, Inverell to B5 Business Development and remove the minimum lot size controls should proceed subject to the following conditions:

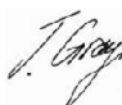
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 - (iii) Table 3 to remove reference to State Environmental Planning Policy No. 55 – Remediation of Land; and
 - (iv) Table 4 to include a discussion on section 9.1 Direction 2.6 Remediation of Land.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Anaiwan Local Aboriginal Lands Council

- Division of Biodiversity and Conservation
- Heritage NSW
- Natural Resource Access Regulator
- Transport for NSW
- Water NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 1 day of October 2020.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2020_INVER_001_00 (IRF20/4212)

7 GOVERNANCE REPORTS**7.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS**

File Number: S1.2.3/14 / 21/13096

Author: Nicole Riley, Administration Coordinator

SUMMARY:

Council is in receipt of an audit report from Transport for NSW (TfNSW), on Council's performance on road maintenance as a contractor.

RECOMMENDATION:

That the information be received and noted.

COMMENTARY:

TfNSW conducts regular Contract Performance Reporting on the Road and Maintenance Council Contracts. Reports are submitted to Council four (4) times a year with the most recent one being completed for quarter one (1), January 2021 to March 2021.

A copy of the report has been included in Attachment 1.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

1. Quarter One (1) 2021 Contractor Performance Report



**Transport
for NSW**

Transport for NSW

Form No 517 (amended)
Catalogue No. 45062482
(October 2018)

Contractor Performance Report Single Invitation Maintenance Contract

General Information

Contractor's Name

Inverell Shire Council

Trading as

ABN 72 695 204 530

Contract No. 20.0000303560.1432

Equip Contract No. CW2419142

Contract Description

RMCC - Inverell Shire Council

At Acceptance of Tender

Original Due date for

Contract Period (weeks) 104

Completion 2022-06-29

Date of Acceptance of Tender 01/07/2020

Original Contract Sum \$ 8,505,200.00

Reason for Report

Progress

Quarter 1



Quarter 2



Quarter 3



Quarter 4



Key Milestones

Defect Correction Period



After construction
or call back



Continuing unsatisfactory
Performance



Termination of Contract



Contract Sum as

Varied at Report Date \$ 0.00



**Transport
for NSW**

Contractor's Performance

	Unsatisfactory	Marginal	Acceptable	Good	Superior	Rating
Collaboration - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC staff continue to be very cooperative with TfNSW staff across all areas from senior management down to field staff.</p> <p>The field staff in particular have been quick to engage with the two relief surveillance officers and actively seek to meet their expectations.</p>						
Community and Stakeholder Engagement - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC have a good relationship with their community and stakeholders and engage effectively with them for all RMCC works.</p> <p>During current rehab projects at Swan Vale and Elsmore Rd, they have cooperated with TfNSW communications staff to engage the community.</p>						
Contract Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>ISC have continued development of documentation following their recent audit and in readiness for the pre-qualification application.</p> <p>They continue to work on CoR Management compliance.</p> <p>During the Swan Vale rehab project several non-compliances occurred with late and inadequate documentation.</p> <p>This has been addressed through increased resourcing on the Elsmore Rd project.</p>						
Environmental Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>In the past quarter there have been no environmental incidents and Council have continued to cooperate well to ensure compliance with environmental standards.</p> <p>Their management of the MWREF associated with the Elsmore Rd Safety Works project has shown a good understanding of the issues and the required control measures.</p>						



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People Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>There are no known instances of people management issues at Inverell Council and all teams seem to work cooperatively and harmoniously.</p> <p>A situation arose recently on the Elsmore Rd project where Council formally requested TfNSW to ensure that any staff attending the worksite contact the Council Project Engineer before speaking with on-site staff.</p> <p>This requirement has been advised to TfNSW staff involved in ISC projects and appears to be resolved.</p>						
Quality Management Systems - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>The contract manager has continued to deliver detailed quality documentation on routine works and rehab projects.</p> <p>Hold point release requests were problematic on the Swan Vale project but the issue has been addressed on the Elsmore Rd project and the most recent HP's have been submitted on time and with full documentation.</p> <p>Several problems with machine level control on Elsmore Rd resulted in some further non-conformances related to finished pavement levels but shape and ride were good allowing for overall acceptance.</p>						
Standard of Work - RMCC - Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC use a dedicated team delivering the routine maintenance on HW12 and this has proven to be a very effective arrangement with strong stewardship of the network and excellent outcomes.</p>						
Standard of Work 2 - RMCC - Minor Works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC staff are very responsive to requests for minor works and keep the network at a good standard.</p> <p>There is a good understanding of the requirements of the RMCC.</p>						
Standard of Work 3 - RMCC - Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC have engaged a private contractor to develop designs for their rehab projects and this process has been well managed, delivering high quality designs on several TfNSW projects in a timely manner.</p>						



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Subcontractor Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>All activities carried out by subcontractors were well managed this quarter with no apparent coordination or quality issues.</p> <p>ISC have adequately supervised and monitored subcontractor works.</p>						
Time Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>Work proposals and routine reports have been delivered in a timely manner.</p> <p>Overall time management has been good with little prompting required for requests.</p>						
Traffic Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC management take responsibility for ensuring a high standard of traffic management on their works and where issues arise they are very responsive to take corrective actions.</p> <p>They continue to deliver high standards of traffic management for their works.</p>						
Workplace Health and Safety Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>ISC have been delivering the HW12 Elsmore Rd Safety Works project in the last quarter where they have demonstrated excellent WH&S and Enviro practices.</p> <p>The RMCC team use best practice WH&S approach to their routine works and are very responsive to requests from the SO.</p> <p>Involvement in the Ensite process is improving with field staff offering suggestions and comments.</p>						
Workplace Relations Management - RMCC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
<p>There are no known workplace relations issues with staff appearing to enjoy their roles at Council.</p> <p>There have been no WR issues reported, however some key staff are considering retirement and a succession plan is required to facilitate a smooth transition.</p>						
Performance Score	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	77%



Transport
for NSW

Overall Comments *(Use separate report if necessary)*

Reporting Officer

In my opinion:

ISC continue to deliver quality works through an efficient and effective management team and staff.

Increased project work this FY has highlighted some system deficiencies but these have been addressed.

Transport can be confident that the ISC managed network is kept in a high standard with all safety issues addressed promptly.

Paul Radnidge

Name: Paul Radnidge

Report Date: 30/03/2021

Phone: 6640 1018

Reviewing Officer:

In my opinion:

Reviewed.

The report has been forwarded to the Contractor **Yes** *(All reports are to be forwarded)*

Review Officer Name:

Review Date: 2021-03-29

Review Officer Phone:

Response from Contractor Received and report finalised: **Yes**

Contractor Rep Name: Scott Hamilton

Discussion Date: 29/03/2020

Contractor Rep Phone: 0428 656 977

Approving Officer

In my opinion:

I concur with the above comments.

Scott Brady

Name: Scott Brady

Report Date: 31/03/2021

Phone: 6640 2877

Attachments:

Distribution:

1. Contractor's Representative
2. TfNSW's Representative