



# **BUSINESS PAPER**

**Civil and Environmental Services  
Committee Meeting  
Wednesday, 8 February 2023**

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

3 February, 2023

A Civil and Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 8 February, 2023, 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 recorded. The 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**

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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 – 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 Forms can be downloaded at [Disclosure of pecuniary interests form](#) or [non-pecuniary interests 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 9 November, 2022, 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, 9 NOVEMBER 2022 AT 9:00AM**

**PRESENT:** Cr Stewart Berryman (Chair), Cr Paul Harmon (Mayor), Cr Di Baker, Cr Jacko Ross and Cr Wendy Wilks.

**IN ATTENDANCE:** Cr Paul King OAM, Cr Nicky Lavender and Cr Jo Williams.

Paul Henry (General Manager), Brett McInnes (Director Civil & Environmental Services), Paul Pay (Director Corporate and Economic Services), Justin Pay (Manager Civil Engineering) and Anthony Alliston (Manager Development Services).

**1 APOLOGIES**

Nil

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Di Baker

*That the Minutes of the Civil and Environmental Services Committee Meeting held on 12 October, 2022, 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**

Debbie McCowen – Chief Executive Officer – Armajun

Ms McCowen provided an overview of the Armajun Health Service, including funding streams, reporting requirements and services.

**5 DESTINATION REPORTS**

**5.1 ROAD CLOSURE - VENETIAN CARNIVAL S28.23.1/15**

**COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*The Committee recommends to Council that the Sapphire City Festival Committee meet the costs of the road closures as this event is to be used as a substitute for the Festival Finale.*

**CARRIED**

**5.2 AGRITOURISM CHANGES TO THE NSW PLANNING SYSTEM S18.6.34****COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*The Committee recommend to Council that:*

1. *The land use "Agritourism" not be permitted in any additional zones of the Inverell Local Environmental Plan 2012 or Guyra Local Environmental Plan 2012;*
2. *The optional Clause 5.24 "Farm Stay Accommodation" and optional Clause 5.25 "Farm Gate" Premises of Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 not be adopted for the Inverell Local Environmental Plan 2012 or Guyra Local Environmental Plan 2012; and*
3. *The mandated agritourism changes to the NSW Planning System be noted.*

**CARRIED****5.3 CONFLICT OF INTEREST POLICY - COUNCIL-RELATED DEVELOPMENT APPLICATIONS S4.14.5/01****COMMITTEE RESOLUTION**

Moved: Cr Jacko Ross

Seconded: Cr Paul Harmon

*The Committee recommend to Council that:*

1. *the Draft Conflict of Interest Policy be endorsed for public exhibition in conjunction with the necessary administrative changes to the Inverell Shire Community Participation Plan and placed on public exhibition for a minimum of 28 days; and*
2. *A further report be prepared for consideration at the conclusion of the public exhibition.*

**CARRIED****5.4 NORTH STAR ROAD S28.10.SR9****COMMITTEE RESOLUTION**

Moved: Cr Paul Harmon

Seconded: Cr Wendy Wilks

*The Committee recommend to Council that:*

1. *The information be received and noted,*
2. *The current classification of North Star Road as Rural Arterial road be retained,*
3. *Council continues to maintain the road in accordance with the Roads Asset Management plan, and*
4. *Council monitor the situation and any forth coming data pertaining to upgrading the road be considered in accordance with Council's Restricted Access Vehicle Policy.*

**CARRIED**

## **6 INFORMATION REPORTS**

### **COMMITTEE RESOLUTION**

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

*That the following information reports be received and noted.*

**CARRIED**

### **6.1 WORKS UPDATE S28.21.1/15**

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### **6.2 UPDATE ORCHARD PLACE COMMUNITY CONSULTATION S28.10.SR235**

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**The Meeting closed at 10.00am.**



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

**4 PUBLIC FORUM**

## 5 DESTINATION REPORTS

### 5.1 DA-125/2021 - TWO (2) LOT SUBDIVISION AND MANUFACTURED HOME ESTATE - 31 BROWNLEIGH VALE DRIVE, INVERELL

**File Number:** DA-125/2021 / 23/2786

**Author:** Chris Faley, Development Services Coordinator

#### **SUMMARY:**

An application (DA-125/2021) has been received for at two (2) lot subdivision and manufactured home estate at 31 Brownleigh Vale Drive, Inverell.

DA-125/2021 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, including *State Environmental Policy No. 36 – Manufactured Home Estates*;
- Have no significant adverse impact on the natural and built environment;
- Have no significant social and economic impacts;
- Be a suitable development for the site; and
- Not be prejudicial to the public interest.

Four (4) submissions have been received in response to the exhibition of DA-125/2021. The matters raised by the submission makers have been discussed in this report and on balance it is considered that the matters raised are not sufficient to preclude issuing of development consent.

The proposed development involves works within forty (40) metres of Spring Creek requiring a Controlled Activity Approval under the *Water Management Act 2000*. DA-125/2021 was referred to Department of Planning and Environment – Water as Nominated Integrated Development. It is recommended that DA-125/2021 be approved subject to General Terms of Approval being issued by the Department of Planning and Environment – Water.

**RECOMMENDATION:**

*That the Committee recommend to Council that Development Application 125/2021 be approved subject to:*

1. *General Terms of Approval being issued by the Department of Planning and Environment – Water for this development;*
2. *The following conditions of consent:*

**GENERAL CONDITIONS**

1. *Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.*

*Consent is granted for:*

- *A two (2) lot subdivision; and*
- *Construction of a manufactured home estate on proposed Lot 2.*

*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 development is to be undertaken in accordance with the General Terms of Approval (**Appendix 1** of this consent) and any subsequent Controlled Activity Approval (as amended), issued by the Department of Planning and Environment - Water.*
3. *All fees, Section 7.11 (formerly Section 94) contribution and other contributions will be adjusted in accordance with Council's fees and charges at the date of payment.*
4. *The development must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the Environmental Planning & Assessment Regulation 2021*

**CONDITIONS RELATING TO THE 2 LOT SUBDIVISION****Prior to Commencement of any Subdivision Works**

5. *Prior to the commencement of any subdivision works, including earthworks, a Subdivision Works Certificate must be obtained.*

**Prior to issue of a Subdivision Works Certificate**

6. *Prior to the issue of a Subdivision Works Certificate, a detailed engineering survey and design must be submitted to and approved by Council for the following works:*
  - *The extension of Brownleigh Vale Drive and cul-de-sac, (which is to be bitumen sealed with rollover kerb and gutter or similar);*
  - *The extension of the street lighting into the proposed cul-de-sac;*
  - *The two existing 100mm diameter water mains running along Brownleigh Vale Drive will need to be cross connected at the end of the cul-de-sac servicing the proposed development. Stop valves will need to be provided to allow flow from alternate sources during water main outages;*
  - *Stormwater drainage for the cul-de-sac; and*
  - *Erosion and sediment control during construction.*

*The detailed design must be in accordance with the following:*

- **NATSPEC Specifications**
  - *Group 0 - Planning and Design;*
  - *Group 01- General;*

- Group 11- Construction- Roadways; and
  - Group 13- Construction- Public Utilities.
  - **Water Supply Code of Australia**
    - WSA 02 - Sewerage Code of Australia; and
    - WSA 03- Water Supply Code of Australia.
7. Prior to issue of a Subdivision Works Certificate, a geotechnical/hydrological report is to be submitted to and approved by Council. At minimum, this report must:
- Investigate geotechnical conditions below the depth of excavation and/or likely foundation depth to determine the presence of groundwater on both proposed Lot 1 and proposed Lot 2;
  - Where groundwater is present, the report must include recommendations in relation to:
    - Design parameters for the Manufactured Home Estate (e.g. foundations, permanent and temporary supports, road pavement); and
    - Design parameters for any future residential construction on proposed lot 1; and
    - Measures to be implemented during construction of the Manufactured Home Estate and installation of homes to mitigate potential groundwater impacts.
8. Prior to issue of a Subdivision Works Certificate, a Traffic Management Plan (TMP) relating to the construction traffic shall be submitted to Council for approval. The TMP should at a minimum:
- Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic for the subdivision; and
  - Provide a transport code of conduct that ensures any impacts are reduced as far as reasonably practical.
9. Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.

#### **During Subdivision Works**

10. The applicant will:
- repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
11. 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.
12. Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.
13. During construction the applicant must ensure that arrangements are made for Council to carry out inspections. Request for Council inspections may be made either by telephone or in person. Forty eight (48) hours notice must be given for inspections.

*Inspections are required to be carried out in order to ensure that a Subdivision Certificate can be issued for the relevant stage. In the event that any inspection is not carried out, a Subdivision Certificate cannot be issued. Inspections will generally be required at the following stages:*

- After stripping of topsoil from roads and fill areas (all erosion and sediment control devices and traffic control signs shall be installed at this stage);*
- After completion and compaction of the road sub grade;*
- After placement and compaction of each layer of gravel pavement material prior to sealing;*
- After laying and jointing of all stormwater drainage pipelines, water pipelines and sewer pipelines, prior to backfilling;*
- During application of bitumen seal or asphaltic concrete wearing surface;*
- After restoration and completion of all works; and*
- As otherwise required to confirm that the works are satisfactorily executed and in conformity with engineering specifications, environmental controls and conditions of development consent.*

*It should be noted that Council charges fees for inspections. These inspection fees must be paid prior to release of the Subdivision Certificate associated with the development consent. Inspection fees will be adjusted in accordance with Council's fees and charges operating at the time of inspection. In the event additional inspections are required, those inspections will attract inspection fees at the rate applicable at the time the inspections are carried out.*

- 14. During subdivision works, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*
- 15. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*
- 16. 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 must not interfere with the amenity of the surrounding lands.*
- 17. During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

**Prior to Issue of a Subdivision Certificate**

- 18. An application for a Subdivision Certificate must be submitted to and approved by Council. A Subdivision Certificate will not be issued nor the final plan signed by Council until all relevant conditions have been complied with.*
- 19. Prior to issue of a Subdivision Certificate, the extension of Brownleigh Vale Drive and cul-de-sac are to be dedicated as public road, at no cost to Council.*
- 20. Prior to the issue of a Subdivision Certificate, all necessary easements, restrictions as-to user pursuant to Section 88B of the Conveyancing Act 1919 must be clearly marked on the plan of subdivision. Council is to be nominated as a party empowered to release, vary or modify only those easements and/or restrictions required by the conditions of this development consent.*
- 21. Prior to the issue of a Subdivision Certificate, any pavement damage or structural deterioration caused to Council's roads by the use of roads as haulage routes for materials used in construction of the subdivision must either be repaired to the satisfaction of*

*Council, or a payment made of the costs incurred by Council to undertake the repairs.*

22. *Prior to the issue of a Subdivision Certificate, electricity and National Broadband 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; and*
  - An approved National Broadband Network service provider indicating that satisfactory arrangements have been made for the provision of telecommunications to each lot in the subdivision.*
23. *Prior to the issue of a Subdivision Certificate, all civil works are to be completed in accordance with the approved Subdivision Works Certificate, engineering plans and specifications. The works are to have had all necessary inspections.*
24. *Prior to the issue of a Subdivision Certificate, the proponent is to enter a Defects Liability Period contract with Council, guaranteeing performance of work of any contractors for a period of twelve (12) months from the date of the issue of a Subdivision Certificate.*
25. *Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted to and accepted by Council. The plans are to be endorsed by a suitably qualified and practicing civil engineer certifying that the plans accurately reflect the Works as Executed.*
26. *Prior to the issue of a Subdivision Certificate, a Community Services Contribution for Lot 2 must be paid to Council pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979.*
27. *Prior to the issue of a Subdivision Certificate, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for Lot 2 and complied with by the applicant.*

*Note:*

- This will require payment to Council of a Contribution (for water) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement; and*
- This will require payment to Council of a Contribution (for sewer) for Lot 2 under Council's Development Servicing Plan No. 1 for one (1) equivalent tenement.*

#### **CONDITIONS RELATING TO THE MANUFACTURED HOME ESTATE**

##### **Prior to Commencement of Works**

28. *Prior to commencement of any works for the manufactured home estate, a staging plan must be submitted to and approved by Council for the construction of civil infrastructure, landscaping and installation of manufactured homes.*

*This staging plan must nominate the following works to be completed as part of Stage 1:*

- Access crossings off Brownleigh Vale Drive;*
- Construction of the main community building at the estate entrance;*
- Construction of the community swimming pool;*
- Construction of the lawn bowling green;*
- Construction of the community shed;*
- The car parking adjacent to the main community building; and*
- Boundary landscaping.*

29. *Prior to commencement of any works for the manufactured home estate, a Construction Certificate must be obtained for the construction of civil and infrastructure and community*



facilities.

Separate Construction Certificates may be obtained for each stage, or a combined Construction Certificate inclusive of multiple stages may be obtained, consistent with the approved staging plan.

**Prior to Issue of a Construction Certificate**

30. Prior to the issue of a Construction Certificate, detailed engineering survey and design must be submitted to and approved by Council for the following works (as relevant to the stage)

- Bulk earthworks and retaining walls, which are to be wholly contained within the development site (including footing and sub-surface drainage);
- Sealed access roads;
- Sealed car parking, including line marking and visitor parking signage;
- Provision of water services to each lot;
- Fire hydrants in accordance with Clause 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- Adjustments to Council's sewer main and provision of sewer services, which must comply with the following:
  - New Council sewer mains to be constructed in the footpaths (not centre of road);
  - No horizontal bending of sewer mains at deflection points. Sewer manholes will be required; and
  - Council does not use "Wang" sewer junctions. "Cut-in" sewer junctions will be required.
- Stormwater drainage, including the provision of inter-allotment drainage along the boundary with Auburn Road properties. This inter-allotment drainage must be wholly located within the development site;
- Provision of lighting along the internal access roads; and
- Erosion and sediment control during construction.

The detailed design must be in accordance with the following:

- **NATSPEC Specifications**
  - Group 0 - Planning and Design;
  - Group 01- General;
  - Group 11- Construction- Roadways; and
  - Group 13- Construction- Public Utilities.
- **Water Supply Code of Australia**
  - WSA 02 - Sewerage Code of Australia; and
  - WSA 03- Water Supply Code of Australia.
- **NSW Water Directorate, building in the Vicinity of Sewer Mains Guidelines 2019 (or any subsequent revisions); and**
- **The geotechnical/hydrological report provided prior to issue of a Subdivision Works Certificate.**

31. *Prior to issue of a Construction Certificate, a Traffic Management Plan (TMP) relating to the construction traffic for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with construction traffic; and*
- *Provide a transport code of conduct that ensures any impacts are reduced as far as reasonably practical.*

32. *Prior to the issue of a Construction Certificate(s) separate approval(s) from Council under Section 138 of the Roads Act 1993 is required for any works within Council's road reserve. For any such works, design plans must be submitted to Council for approval prior to issue of the Subdivision Works Certificate.*

**During Construction**

33. *The applicant will:*

- *repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and*
- *re-locate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.*

34. *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.*

35. *Should any aboriginal artefacts or places be discovered during excavation/construction, all works are to cease immediately. Heritage NSW is to be contacted immediately and any direction or requirements complied with.*

36. *During construction, any relocation or alteration of public utilities required as a result of the development is to be carried out at no cost to Council.*

37. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

38. *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 must not interfere with the amenity of the surrounding lands.*

39. *During construction, stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and measures must be in place to prevent the movement of such material off site.*

**Prior to Operation of the Manufactured Home Estate**

40. *Prior to operation of the manufactured home estate, an approval to operate must be obtained for the relevant stage/s in accordance with Section 68 of the Local Government Act 1993.*

**Prior to issue of an Approval to Operate under Section 68 of the Local Government Act 1993**

41. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, all civil works, services, car parking, lighting and landscaping is to be completed in accordance with the approved staging plan, landscaping plans and relevant Construction Certificate.*

42. *Prior to issue of a Subdivision Certificate, a three (3) metre easement for sewer is to be*



*created over all sewer mains through the site and dedicated in favour of Council.*

43. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, in reliance upon Section 64 of the Local Government Act and Division 5 of Part 2 of Chapter 6 of the Water Management Act, a Certificate of Compliance must be issued by Council for the relevant stage/s of the manufactured home estate.*

*Note: This will require payment to Council of contributions for water and sewer under Council's Development Servicing Plan No. 1 for each dwelling site consistent with the following table.*

	<i>Water Contribution</i>	<i>Sewer Contribution</i>
<i>Manufactured Home Type</i>	<i>Equivalent Tenement (ET)</i>	<i>Equivalent Tenement (ET)</i>
<i>3 bedrooms</i>	<i>0.8</i>	<i>1 ET</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>2 bedrooms</i>	<i>0.6</i>	<i>0.75</i>
<i>1 bedroom</i>	<i>0.4</i>	<i>0.5</i>

44. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a Traffic Management Plan (TMP) relating to the transport of manufactured homes for the relevant stage/s shall be submitted to Council for approval. The TMP should at a minimum:*

- Identify the transport route;*
- Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with the process of transporting moveable dwellings; and*
- Provide a transport code of conduct that ensures and impacts are reduced as far as reasonably practical.*

45. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a flood emergency plan for the manufactured home estate is to be submitted to and approved by Council.*

46. *Prior to issue of an approval to operate under Section 68 of the Local Government Act 1993, a suitable agreement must be in place with a private contractor or Council for collection of waste. A copy of this agreement is to be provided to Council.*

#### **Ongoing Use**

47. *Manufactured homes are not permitted to be constructed on-site.*

48. *Each manufactured home must be connected to:*

- Reticulated water;*
- Reticulated sewer;*
- Electricity; and*
- Telephone.*

49. *No manufactured home is permitted to exceed one (1) storey in height.*

50. *A manufactured home must have a floor level equal to (or above), 1 metre above the 1 in 100 flood level.*

51. *The community facilities are only permitted to be used by residents of the manufactured home estate and their guests.*

52. *The community facilities must comply with the following hours of operation:*

- *Main communal facilities building – 7:00am – 9:00pm Mon-Sun;*
  - *Main communal outdoor facilities – 7:00am – 8:00pm Mon-Sun; and*
  - *Communal shed – 7:00am – 6:00pm Mon-Sun.*
53. *The swimming pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- (a) before 8.00 am or after 8.00 pm on any Sunday or public holiday; and*
  - (b) before 7.00 am or after 8.00 pm on any other day.*
54. *Musical instruments and electrically amplified sound equipment must not be used in the community facilities in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):*
- *Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday; and*
  - *Before 8 am and after 10 pm on any other day.*
55. *Service vehicles (e.g. waste) for the manufactured home estate and delivery vehicles to the community facilities are restricted to:*
- *7 am to 6 pm Monday to Saturday; and*
  - *8 am to 6 pm on Sundays and public holidays.*
56. *All access roads must be adequately lit between sunset and sunrise.*
57. *All external lighting must:*
- *Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and*
  - *Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.*
58. *The use of the main community building as a food premises must comply with all applicable legislation/regulation and standards including:*
- *The Food Act 2003;*
  - *Food Regulation 2004;*
  - *Food Standards Australia and New Zealand – Food Standards Code 2001;*
  - *Relevant Australian Standards for Design, Construction and Fit out of Food Premises; and*
  - *Mechanical ventilation – Australian Standard 1668.2-2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control.*
59. *To comply with the Swimming Pools Act 1992 the owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier:*
- *that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and*
  - *that is designed, constructed, installed and maintained in accordance with the regulations and Australian Standard 1926-2007 Swimming pool safety.*
60. *A resuscitation techniques flow sequence sign/poster is to be displayed in a prominent*

position adjacent to the pool. The sequence must be in accordance with the Cardiopulmonary Resuscitation Guideline, illustrated by drawings with key words only in bold print, and contain a statement to the effect that formal instruction in resuscitation is also essential. The sign shall comply with the other relevant guidelines of the Australian Resuscitation Council and include the name of the teaching organisation or other body that published the sign and the date of its publication.

**Advice Only**

- (a) It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, which may also require easements to be created. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
- (b) The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
- (c) Any proposed landscaping in the vicinity of electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- (d) As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. This will also include satisfactory arrangements with Essential Energy in relation to the existing overhead powerlines and poles located at the proposed extension of Brownleigh Vale Drive. Refer to Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).
- (e) Essential Energy's records indicate there is overhead electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (f) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (g) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines / Underground Assets.

3. Any other condition, or amendment to the conditions, deemed appropriate by the Director Civil and Environmental Services.

**COMMENTARY:**

**EXECUTIVE SUMMARY**

An application (DA-125/2021) has been received for a staged development on Lot 1 DP 1152567, 31 Brownleigh Vale Drive, Inverell, being:

- A two (2) lot subdivision; and
- Construction of a manufactured home estate on proposed Lot 2.

The development site (Lot 1 DP 1152567, 31 Brownleigh Vale Drive) is located on the eastern end of Brownleigh Vale Drive. It is proposed to subdivide Lot 1 DP 1152567 into:

- Lot 1 – An approximate 3,060m<sup>2</sup> vacant residential lot. Any residential development of this lot would be subject to a future Development Application; and
- Lot 2 – An approximate 3.9683 hectare lot that will be developed into a manufactured home estate.

As part of the subdivision, a cul-de-sac will be constructed and dedicated as a public road at the termination of Brownleigh Vale Drive. The subdivision is permissible under Clause 4.1 of the *Inverell Local Environmental Plan 2012*.

The manufactured home estate on proposed Lot 2 will be comprised of:

- Seventy-six (76) dwelling sites;
- A main communal building at the estate entry;
- Swimming pool;
- Lawn bowling green;
- Community shed;
- Community gardens;
- Private access roads; and
- Car parking.

Pursuant to *State Environmental Planning Policy No. 36 – Manufactured Home Estates* (SEPP 36):

***manufactured home estate*** means land on which manufactured homes are, or are to be, erected

***manufactured home*** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the [Traffic Act 1909](#).

In accordance with SEPP 36, a manufactured home estate is permitted with consent on certain land on which development for the purpose of a Caravan Park may be carried out. Lot 1 DP 1152567 is zoned R1 General Residential under the *Inverell Local Environmental Plan 2012*. A “Caravan Park” is permitted with consent in the R1 General Residential zone; therefore, the manufactured home estate is permissible under *State Environmental Planning Policy No. 36 – Manufactured Home Estates*.

The manufactured home estate proposes works within forty (40) metres of Spring Creek and requires a Controlled Activity Approval from the Department of Planning and Environment – Water (DPIE-Water). DA-125/2021 was referred to DPIE-Water on 15 July, 2022 as Integrated Development. On 8 December, 2022, DPIE-Water requested that:

- The manufactured home estate be setback a minimum of twenty (20) metres from the top bank of Spring Creek; and
- A revised site plan showing the twenty (20) metre setback be submitted prior to issuing of General Terms of Approval.

To accommodate the twenty (20) metre setback from the top bank of Spring Creek, the applicant made minor changes to the design of the manufactured home estate. A revised site plan was provided to DPIE-Water on 25 January, 2023. At the date of preparing this report for Committee, General Terms of Approval has not been issued by DPIE-Water. However, as the setback requirements of DPIE-Water have been addressed, it is considered that General Terms of Approval will be issued in the near future.

DA-125/2021 was also referred to Essential Energy in accordance with Clause 45 of *State Environmental Planning Policy (Infrastructure 2007)*. Essential Energy provided comments with no specific issues or concerns identified that preclude issuing of development consent.

DA-125/2021 was publicly exhibited for a period of twenty-eight (28) days from 23 June, 2022 to 21 July, 2022. As a result of the exhibition period, four (4) submissions were received, which have been circulated separately to Committee members with the Business Paper. The primary issues raised in the submissions relate to traffic, noise, water impacts, views, boundary fencing, flora and fauna. The matters raised by the submission makers have been discussed in this report and it is considered that the matters raised are not sufficient to preclude issuing of development consent.

DA-125/2021 has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements. It is recommended that the Development Application (DA-125/2021) for the two (2) lot subdivision and manufactured home estate be approved by Council subject to:

- General Terms of Approval being issued by the Department of Planning and Environment – Water; and
- The conditions contained in the recommendation.

#### APPLICATION DETAILS

<b>Applicant:</b>	Zone Planning Group
<b>Owner:</b>	Datadate International Pty Ltd Rangestar Pty Ltd Cossack Holdings Pty Ltd
<b>Application No:</b>	DA-125/2021
<b>Address:</b>	31 Brownleigh Vale Drive, INVERELL 2360
<b>Title Particulars:</b>	Lot 1 DP 1152567
<b>Proposed Development:</b>	Staged Development – Two (2) lot subdivision and manufactured home estate
<b>Existing Site Area:</b>	4.32 Hectares
<b>Zoning:</b>	R1 General Residential

#### DA-125/2021 - APPLICATION HISTORY

<u>Date</u>	<u>Comment</u>
17 August 2021	DA-125/2021 lodged.
25 August 2021	Preliminary assessment completed by Council. Additional information requested from Applicant prior to public exhibition of DA.
20 June 2022	Additional information submitted.
23 June 2022	Public exhibition commences.
15 July 2022	DA-125/2021 referred to Department of Planning and Environment – Water and Essential Energy.
21 July 2022	Public exhibition ends. Four (4) submissions received.

5 August 2022	Essential Energy comments received.
2 September 2022	Council request for additional information.
8 December 2022	Response from DPIE-Water requesting twenty (20) metre setback from top bank of Spring Creek.
13 January 2023	Updated Traffic Impact Assessment received.
25 January 2023	Revised site plan received and forwarded to DPIE-Water with twenty (20) metre setback from Spring Creek.

## PLANS & DOCUMENTATION

<u>Document submitted with DA-125/2021</u>	<u>Attachment No. to this Report</u>
Statement of Environmental Effects	<b>Attachment 1</b>
Architectural Plans (revised January 2023)	<b>Attachment 2</b>
Dwelling Elevations	<b>Attachment 3</b>
Civil Drawings	<b>Attachment 4</b>
Landscape Intent	<b>Attachment 5</b>
Survey Plan	<b>Attachment 6</b>
Flood Report (September 2021) and Addendum (May 2022)	<b>Attachment 7</b>
Services Plan	<b>Attachment 8</b>
Waste Management Plan	<b>Attachment 9</b>
Title Search	<b>Attachment 10</b>
AHIMS Search	<b>Attachment 11</b>
Cost of Works	<b>Attachment 12</b>
Traffic Impact Assessment (Revised 1 November 2022)	<b>Attachment 13</b>

*Note: Due to the size of the attachments, they have been forwarded to the Committee Members under separate cover. They can also be accessed via Council's website.*

## SUBJECT SITE AND LOCALITY

The subject site is known as Lot 1 DP 1152567, 31 Brownleigh Vale Drive, Inverell. It is vacant land with a total area of 4.32 hectares. It is bordered by residential lots to the north, east and west and vacant land (owned by Inverell Shire Council to the south). The site is best described as a greenfield site and is in approximately 1.2km (by road) to the Inverell Central Business District. A Locality Plan is provided as **Figure 1** and a Site Aerial Image is provided as **Figure 2**.

The site has an average slope of 4% (or 1 in 25), generally falling from the north-western (front) corner to the south-east (rear) corner. With the exception of several scattered trees, the site is clear of any significant vegetation (**Photo 1**). Spring Creek is located through the Council land to the south of the site.

Lot 1 DP 1152567 has primary frontage and access to Brownleigh Vale Drive in the north-west corner (**Photo 2**). Brownleigh Vale Drive is a bitumen sealed urban street with kerb and gutter (**Photo 3**). The site also has frontage, but no access, to an unformed section of Borthwick Street in the south-east (**Photo 4**).



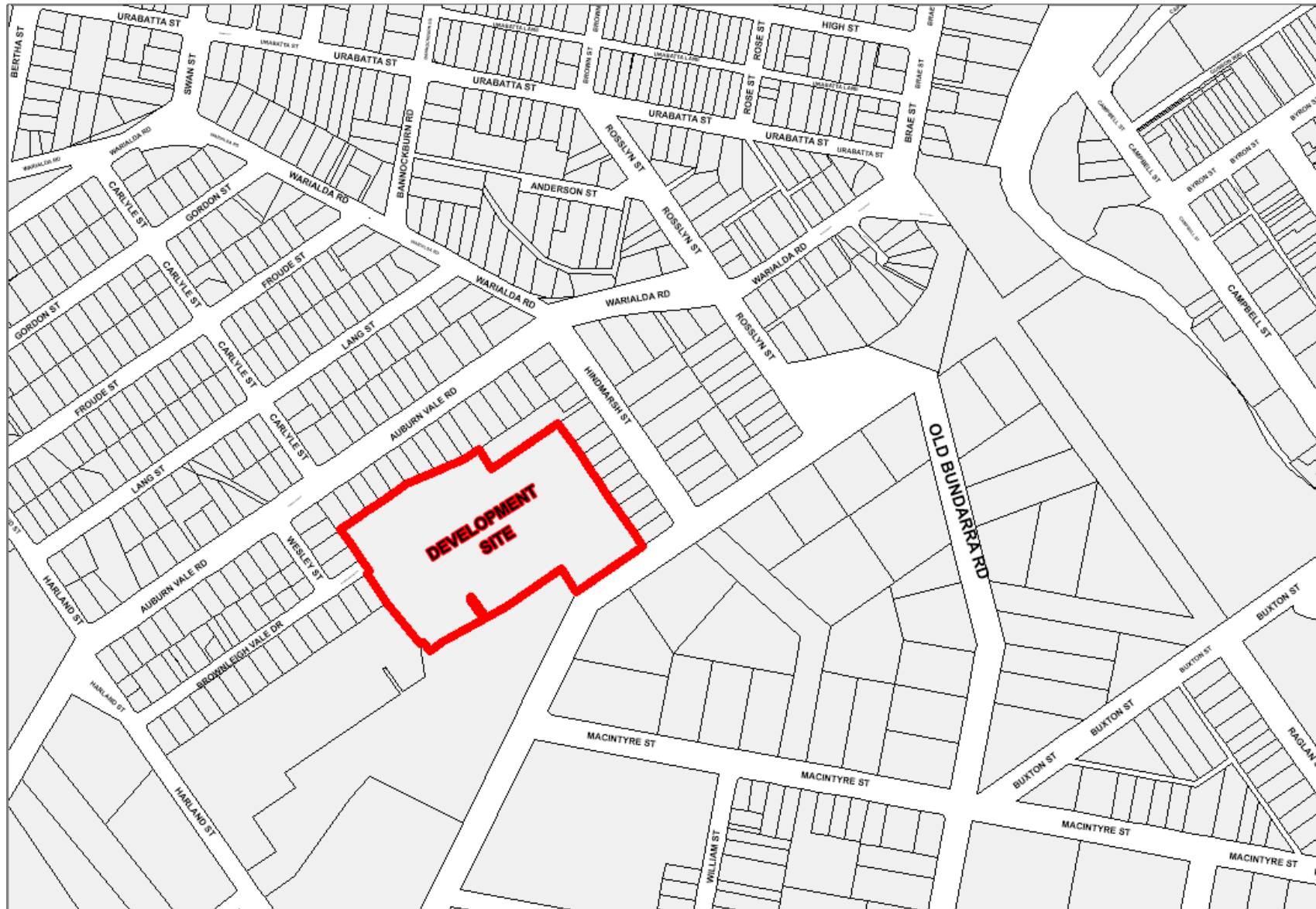


Figure 1 – Locality Plan





Figure 2 – Site Aerial Image





**Photo 1 – Development Site viewed from Brownleigh Vale Drive**



**Photo 2 – Brownleigh Vale Drive fronting the Development Site**





**Photo 3 – Brownleigh Vale Drive viewed from the Development Site**



**Photo 4 – Unformed Borthwick Street**

## Historic Site Background

This site has a history dating back to the 1980s when a two stage subdivision was approved in 1980 and subsequently amended in 1983. The first stage of the subdivision, the current Brownleigh Vale/Wesley Street area was registered in 1994.

As part of the Brownleigh Vale Drive and Wesley Street construction, sewer and drainage infrastructure (refer **Figure 2**) was constructed through the development site.

In 2011, a new Development Application (DA-67/2011) was submitted to proceed with the subdivision of Lot 1 DP 1152567 into forty-one (41) residential lots and extension of Brownleigh Vale Drive. DA-67/2011 was approved 8 November 2011 and lapsed 8 November 2016.

## PROPOSED DEVELOPMENT

DA-125/2021 has been received for a staged development on Lot 1 DP 1152567, 31 Brownleigh Vale Drive, Inverell, being:

- A two (2) lot subdivision; and
- Construction of a manufactured home estate on proposed Lot 2.

### Two (2) Lot Subdivision

It is proposed to subdivide Lot 1 DP 1152567 into the following lots:

- Lot 1 – An approximate 3,060m<sup>2</sup> vacant residential lot. Any residential development of this lot would be subject to a future Development Application; and
- Lot 2 – An approximate 3.9683 hectare lot that will be developed into a manufactured home estate.

As part of the subdivision, a cul-de-sac will be constructed and dedicated as a public road at the termination of Brownleigh Vale Drive. The subdivision sketch submitted with DA-125/2021 is included as **Figure 3**.

### Manufactured Home Estate on proposed Lot 2

The manufactured home estate on proposed Lot 2 will be comprised of:

- 76 dwelling sites;
- A main communal building at the estate entry;
- Swimming pool;
- Lawn bowling green;
- Community shed;
- Community gardens;
- Private access roads; and
- Car parking.

The site layout of the manufactured home estate, extracted from the Architectural Drawings (**Attachment 2**), has been provided as **Figure 4**.

Whilst the development is intended to cater primarily to an over fifty-five (55) market, the development has not been submitted as a “Seniors Housing” proposal and DA-125/2021 must be considered on the basis that the manufactured home estate may be occupied by persons of any demographic.





Figure 3 – Subdivision Sketch

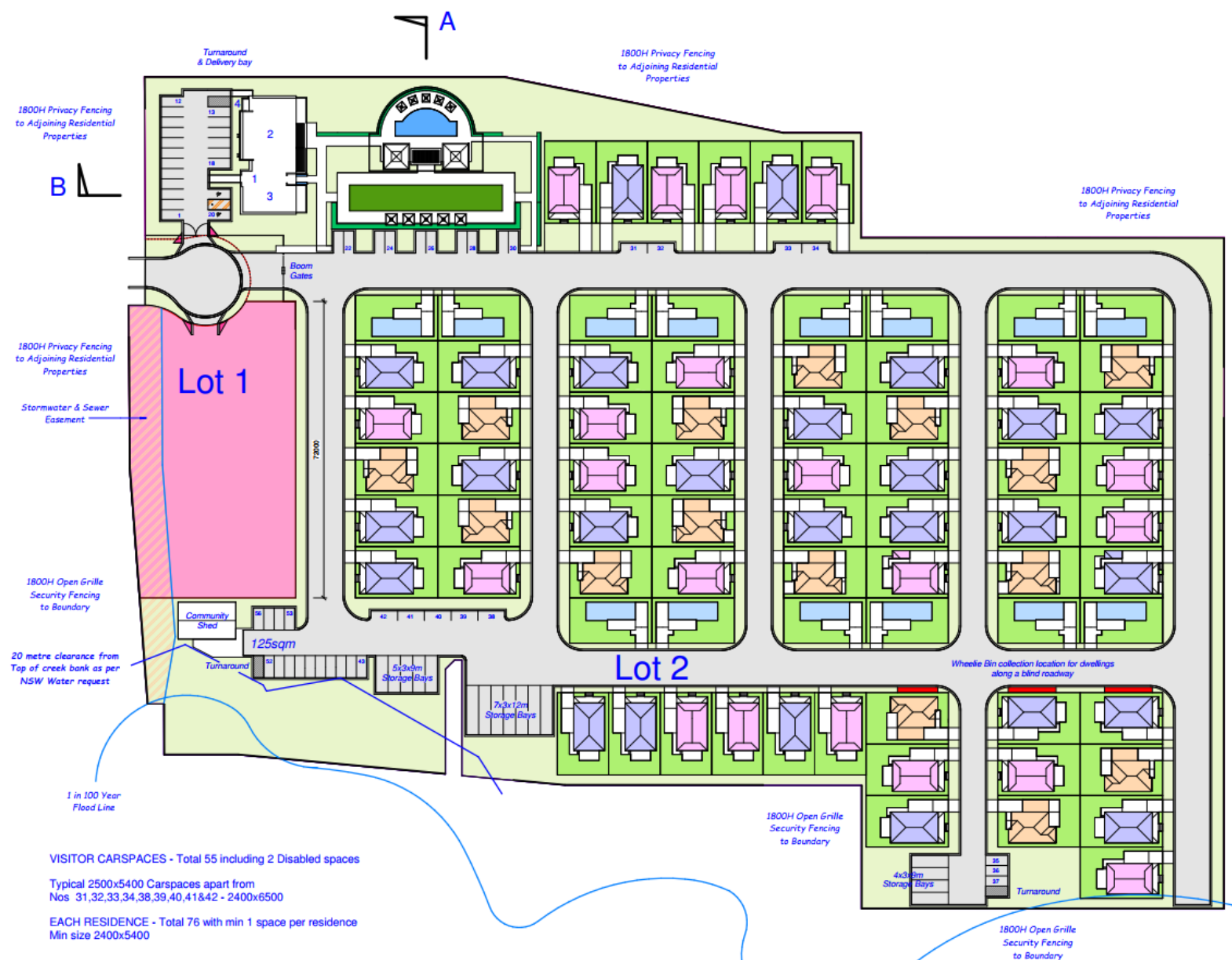


Figure 4 – Manufactured Home Estate Site Layout Plan

### Dwelling Sites

Each of the seventy-six (76) proposed dwelling sites will be connected to mains water supply, reticulated sewerage, stormwater drainage and electricity.

Sixty-two (62) of the seventy-six (76) dwelling sites (82%) would have an area of 250m<sup>2</sup> and would be occupied by two-bedroom or three-bedroom homes. The remaining fourteen (14) dwelling sites (18%) would be 220m<sup>2</sup> in area and would be occupied by one-bedroom dwellings.

As per the Statement of Environmental Effects (**Attachment 1**), residents of the proposed estate would rent a dwelling site and pay for a manufactured home to be installed upon it. In having a manufactured home installed on a dwelling site, residents of the estate would be able to choose from four (4) different single-storey home types. The home types are as follows:

- 'Tamworth' – A three-bedroom home with attached open carport and 51m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites;
- 'Stanthorpe' – A two-bedroom home with single-car garage and 66m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites;
- 'Armidale' – A two-bedroom home with attached open carport and 57m<sup>2</sup> of private open space to the rear, which could be installed on the larger 250m<sup>2</sup> dwelling sites; and
- 'Tenterfield' – A one-bedroom home with attached open carport and 46m<sup>2</sup> of private open space, which could be installed on the smaller 220m<sup>2</sup> dwelling sites.

The dwelling elevations are included as **Attachment 3** of this report.

### Communal Facilities

The proposed estate would include 4,710m<sup>2</sup> of communal area, with the main community facilities located adjacent to the estate entry. The communal area would comprise a main communal building and a range of outdoor facilities adjacent to it. The main, single-storey communal building would have an area of 354m<sup>2</sup>, and would include:

- Foyer with a reception area and adjacent administration room;
- Lounge and social space;
- Library with separate reading lounge;
- Indoor event/recreation area, with stage, function space/dance floor and pool table;
- Multi-purpose room, providing space for medical, hair and beauty, and similar services;
- Full kitchen (including cool room and store room), with adjacent dining area (with outdoor dining terrace);
- Male and female toilets; and
- Store room.

Proposed outdoor facilities would include:

- Community garden;
- Swimming pool;
- Lawn bowling green;
- Children's play area;
- 24m<sup>2</sup> barbecue pavilion; and,
- 24m<sup>2</sup> amenities block, with male and female toilets, male and female change facilities, and lockers.

Additional communal facilities would be provided at the lower (southern) corner of site, including a community shed and sixteen (16) storage bays. Various passive recreation areas are also located adjacent to the south-eastern boundary.

The proposed community facilities areas would be for the use of residents and their guests only and are proposed to operate between the following hours:

- Main communal facilities building (7:00am – 9:00pm Mon-Sun);
- Main communal outdoor facilities (7:00am – 8:00pm Mon-Sun); and
- Communal shed (7:00am – 6:00pm Mon-Sun).

#### Car Parking

A total of 132 car parking spaces will be provided within the proposed estate, comprising:

- One (1) resident parking space for each of seventy-six (76) dwelling sites; and
- Fifty-six (56) visitor parking spaces provided across the estate as follows:
  - Twenty (20) spaces (including two (2) disabled parking spaces) within a gated parking area adjacent to the main communal building;
  - Ten (10) spaces adjacent to the communal outdoor facilities
  - Fourteen (14) spaces within a parking area adjacent to the community shed at the southern (lower) end of the site; and
  - Twelve (12) spaces along the internal access roads at different locations around the estate.

#### Landscaping and Boundary Fencing

Extensive landscaping is proposed across the manufactured home estate, including landscape buffers along site boundaries, 'streetscape planting' along internal roadways and landscaping within the front setbacks of the internal dwelling lots.

Where possible, existing fencing along the boundaries of the subject site will be retained. That existing fencing is generally along the northern-western, north-eastern, and south-western boundaries which are shared with adjacent residential development. Along the southern-eastern boundary abutting the adjacent open space, open-style security fencing would be installed up to 2 metres in height. Along the northern (north-east and north west) and western boundaries, where new fencing is required, conventional closed timber paling fencing is proposed.

The Landscaping Intent for the development is included as **Attachment 5** to this report.

#### Transport of Manufactured Homes

In accordance with the definitions of "manufactured home" and "manufactured home estate", the homes cannot be constructed on site.

The major sections of each home would be constructed and assembled off the subject site and then transported to the subject site for installation. Minor works would be carried out as part of the installation process, including the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves, the grouting of tiles, and the like.

Manufactured homes are expected to be transported to the site from the east, entering the Inverell Shire via the Gwydir Highway and thereafter, following the existing public road network, including Tingha Road, Macintyre Street, Old Bundarra Road, Wynne Street and Brownleigh Vale Drive. Full scoping of the route would be undertaken prior to first delivery and all necessary permits and approvals would need to be obtained from the relevant roads and safety authorities, including Council. Specific details of the transportation proposal include:

- Maximum dimensions for truck and load would be 24.9m long and 4.49m wide;
- Maximum height for truck and load would be 4.9m;
- Any load more than 3.5m wide would be escorted by a pilot;
- Trucks would only travel during daylight hours and any curfews considered necessary by the authorities would be obeyed and enforced; and

- Trucks would not travel in convoy with at least 15 mins between trucks to ensure any traffic delays are minimised.

Dwellings will be transported upon purchase. With sales expected to take place over a period of eighteen (18) to twenty-four (24) months, transportation of manufactured homes would average just three (3) to four (4) per month, with an expected peak of six (6) per month.

## REFERRALS UNDERTAKEN AND OTHER APPROVALS REQUIRED

### External Referrals - Integrated Development

#### NSW Department of Planning and Environment - Water

As the development involves works within forty (40) metres of Spring Creek, a Controlled Activity Approval under the *Water Management Act 2000* is required. Accordingly, DA-125/2021 was referred to the NSW Department of Planning and Environment – Water (DPIE-Water) as Integrated Development on 15 July 2022.

On 8 December, 2022, the following response was received from DPIE-Water:

*The Department of Planning and Environment—Water has reviewed documents for the above development application. An initial review of the material provided indicates that additional information relevant to issuing General Terms of Approval is needed in order for the Department of Planning and Environment—Water to complete the assessment.*

*Department of Planning and Environment—Water requests that Council stop the clock as of the date of this letter.*

*The following additional information is required:*

- *Top of bank map for Spring Creek (western portion near proposed car park) and riparian buffers recommended in the Department's guidelines for riparian corridors on waterfront land. The Department requests that the proposed hardstand (car park/roads) and other non-riparian uses do not encroach past the 50% Vegetated Riparian Zone as defined in the Department's riparian guidelines. Spring Creek is a 4th order stream, therefore, a minimum 20 m setback is required from top of bank.*
- *Updated Site Plan to accommodate the required setback.*

*Guidelines for riparian corridors on waterfront land are available on the Department's website: <https://water.dpie.nsw.gov.au/licensing-and-trade/approvals/controlled-activityapprovals/what/guidelines>*

*Clause 67 of the Regulation allows the department to specify a reasonable period within which the information requested must be provided. In this case, the department considers 90 days from the date of this letter as a reasonable period of time within which the requested information must be provided.*

*The applicant should notify the department, in writing, of their intent to provide the requested information or to arrange for a suitable period to supply this information.*

Development Services Coordinator Comment: On 25 January, 2023, a revised site plan was received and forwarded to DPIE-Water for consideration. At the date of preparing this report, General Terms of Approval have not been issued for the development.

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, Council cannot grant development consent until General Terms of Approval have been received from DPIE-Water. Given the setbacks requirements of DPIE-Water have been addressed, it is considered that General Terms of Approval will be issued by DPIE-Water in the near future.

Subject to this assessment report, it is recommended that DA-125/2021 be approved subject to General Terms of Approval being issued by the Department of Planning and Environment – Water.



**External Referrals - Other**Essential Energy

DA-125/2021 was referred to Essential Energy in accordance with Section 45 of *State Environmental Planning Policy (Infrastructure) 2007*. The following comments were received:

*Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:*

- 1. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, which may also require easements to be created. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).*
- 2. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to all dwelling(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*
- 3. Any proposed landscaping in the vicinity of electrical infrastructure must comply with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

*Essential Energy also makes the following general comments:*

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
- 3. As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. This will also include satisfactory arrangements with Essential Energy in relation to the existing overhead powerlines and poles located at the proposed extension of Brownleigh Vale Drive. Refer to Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).*
- 4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.*
- 5. In addition, Essential Energy's records indicate there is overhead electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- 6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*

7. *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines / Underground Assets.*

Development Services Coordinator Comment: No specific safety issues or concerns have been identified by Essential Energy for this development. It is considered that the comments provided by Essential Energy, including provision of electricity and works near infrastructure, can be addressed as conditions of development.

### Internal Referrals

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

#### Water Supply

- *Council's water mains are located in Brownleigh Vale Drive, Wesley Street and Hindmarsh Street. All mains are 100mm diameter. The two mains in Brownleigh Vale Drive, plus Wesley Street, will supply the proposed development.*
- *The two existing 100mm diameter water mains running along Brownleigh Vale Drive will need to be cross connected at the end of the cul-de-sac servicing the proposed development. Stop valves will need to be provided to allow flow from alternate sources during water main outages.*
- *The preliminary civil drawing "water and sewer servicing plan" nominate (top left corner) 100mm potable water and 100mm fire services to be provided to the development, which will be confirmed by hydraulics consultant.*

*Clause 34 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 requires double headed pillar type hydrants to be provided, no further than 90m from a dwelling or community building.*

*Once the fire-fighting requirements are determined, it may have some influence on the water main layout and connection points to the existing Council water mains.*

- *Under Council's Development Servicing Plan No. 1, water contributions will need to be levied for this development.*
- *The water connection fees for the development will be subject to quote from Council's Civil and Environmental Services.*

Development Services Coordinator Comment: It is considered that Council's water mains are available to and sufficient to supply the proposed development. Subject to development consent:

- Detailed hydraulic design, including firefighting services (discussed further in the report) can be undertaken prior to issue of a Construction Certificate for the civil works associated with manufactured home estate; and
- Conditions of consent can be imposed in relation to payment of water contributions and connection fees. A summary of the water contributions payable for this development is provided further in this report.

#### Sewer

- *A three (3) metre wide easement is required over all Council sewer mains through the site.*
- *The Manufactured Home Estate must be designed and constructed in accordance with NSW Water Directorate, building in the Vicinity of Sewer Mains Guidelines 2019.*
- *In principle, the preliminary sewer design is acceptable subject to:*
  - *New Council sewer mains to be constructed in the footpaths (not centre of road);*

- *No horizontal bending of sewer mains at deflection points. Sewer manholes will be required; and*
- *Council does not use “Wang” sewer junctions. “Cut-in” sewer junctions will be required.*
- *Detailed sewer design drawings, consistent with the above are to be approved by Council.*
- *Under Council’s Development Servicing Plan No. 1, sewer contributions will need to be levied for this development.*
- *The sewer connection fees for the development will be subject to quote from Council’s Civil and Environmental Services.*

Development Services Coordinator Comment: It is considered that Council’s sewer supply is readily available to the development. Subject to development consent:

- Detailed sewer design can be undertaken prior to issue of a Construction Certificate for the manufactured home estate;
- Conditions of consent can be imposed in relation to payment of sewer contributions. A summary of the sewer contributions payable for this development is provided further in this report.

#### Drainage / Storm Water

- *The site comprises an area of approximately 43,230 sqm. The contours indicate the site falls towards Spring Creek.*
- *All storm water to be discharged towards Spring Creek, in accordance with erosion and sediment control plan and statement of environmental effects. All drainage infrastructure, including underground pipe culvert and open channel drains are required to be designed in accordance with Australian standards.*
- *An inter-allotment drainage solution is required to manage overland flow to and from neighbouring residents, particularly Auburn Vale Road properties above the development site. This inter-allotment drainage solution is to be designed and approved by Council prior to construction.*
- *If the inter-allotment drainage or any other stormwater is to be discharged into existing council infrastructure, design and calculations will need to be provided that justify that the infrastructure has sufficient capacity to handle post-development flows.*
- *The easement as per plan is suitable. There is potential for further easements to be provided subject to the inter-allotment drainage solution to manage overland flow from neighbouring residents.*

Development Services Coordinator Comment: As the site falls towards Spring Creek, it is considered that stormwater can be directed to this watercourse without having a significant adverse impact on surrounding properties. A condition of consent can require detailed stormwater engineering design to be completed prior to issue of a Construction Certificate for the civil works associated with the manufactured home estate.

#### Kerb and Gutter / Road Width / Pavement

- *The kerb-to-kerb width in the extension of Brownleigh Vale Drive is to be consistent with existing street. Council’s “roll over” kerb profile or similar is to be used in cul-de-sac.*
- *The pavement depth and bitumen seal design for the extension of Brownleigh Vale Drive and cul-de-sac is to be designed in accordance with Austroads and relevant Australian standards. This design is to be approved by Council prior to construction.*

#### Property Access

- *The access crossing to the manufactured home estate is to be constructed in accordance with Council’s Commercial Concrete Access Specification.*

- *Approval under Section 138 of the Roads Act 1993 is to be obtained for the access crossing prior to construction. The application for this approval will need to be accompanied by a longitudinal section of the proposed access.*

### Traffic

- *I have reviewed the updated Traffic Impact Assessment and am comfortable that the detailed analysis contained in the TIA supports the finding, importantly:*

*“SIDRA analysis demonstrates that the Warialda Road / Auburn Vale Road / Hindmarsh Street priority-controlled intersection operates within acceptable key performance indicators in the year of opening (2024) and 10-year design horizon (2034) scenario and does not result in any significant net impact on performance of the intersection”.*

*“SIDRA analysis demonstrates that the Auburn Vale Road / Wesley Street priority-controlled intersection operates within acceptable key performance indicators in the year of opening (2024) and 10-year design horizon (2034) scenario and does not result in any significant net impact on performance of the intersection”.*

*As such I am comfortable that road/intersection upgrades will not be required by the developer.*

### Construction Traffic Management

- *A Traffic Management Plan (TMP) relating to transport of moveable dwellings and any other significant construction traffic shall be submitted to Council for approval prior to commencement of works. The TMP should at a minimum:*
  - *Identify the transport route;*
  - *Discuss measures to mitigate impacts to traffic flow and adjoining residents associated with the process of transporting moveable dwellings; and*
  - *Provide a transport code of conduct that ensures impacts are reduced as far as reasonably practical.*

Development Services Coordinator Comment: Conditions of consent will be imposed in relation to road design, property access and construction traffic.

## **DEVELOPMENT SERVICING PLAN NO. 1 – 2005 (WATER AND SEWER CONTRIBUTIONS)**

### Subdivision

The existing water and sewer credit for Lot 1 DP 1152567 will be credited to proposed Lot 1 of the subdivision.

As part of the subdivision, the following contributions will be payable proposed Lot 2:

- Water Contribution based on 1 Equivalent Tenement (ET) – currently \$12,055.00; and
- Sewer Contribution based on 1 Equivalent Tenement (ET) – currently \$3,910.00.

### Manufactured Home Estate

The water and sewer contributions paid at the time of subdivision for Lot 2 would be credited towards the community facilities within the manufactured home estate.

Therefore, water and sewer contributions will be payable for each manufactured home installed within the estate. The contributions payable will be based on the number of bedrooms within the home as shown in the table below.

Manufactured Home Type	Water Contribution			Sewer Contribution	
	Equivalent Tenement (ET)	2022/2023 Amount	Per Home	Equivalent Tenement (ET)	2022/2023 Amount Per Home
“Tamworth” – 3	0.8	\$9,644.00		1 ET	\$3,910.00

bedrooms				
“Stanthorpe” – 2 bedrooms	0.6	\$7,233.00	0.75	\$2,932.50
“Armidale” – 2 bedrooms	0.6	\$7,233.00	0.75	\$2,932.50
“Tenterfield” – 1 bedroom	0.4	\$4,822.00	0.5	\$1,955.00

The contributions will be payable prior to issue of an approval to operate the manufactured home estate and this can be conditioned accordingly on any subsequent consent.

#### **LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005**

Subject to obtaining development consent, prior to commencement of the use a manufactured home estate requires an approval to operate under Section 68 of the *Local Government Act 1993*. The approval to operate would be issued after the relevant civil infrastructure and community facilities are constructed in accordance with an applicable Construction Certificate/s.

As part of Council’s consideration of both a Development Application and a future Section 68 application, the Manufactured Home Estate must comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

CLAUSE	TITLE	COMMENT AND ASSESSMENT
<b>Part 2 Manufactured home estates and manufactured homes</b>		
<b>Division 1 Application of Part</b>		
5	Application of Part	<p><i>This Part applies to the operation of manufactured home estates, and to the installation of manufactured homes in manufactured home estates, but does not apply to the installation of manufactured homes elsewhere than in manufactured home estates.</i></p> <p><i>Note— The installation of manufactured homes elsewhere than in manufactured home estates is governed by Part 3. That Part deals with relocatable homes, which includes a manufactured home.</i></p>
<b>Division 2 Approvals and exemptions</b>		
<b>Subdivision 1 Operation of manufactured home estates</b>		
6	Factors for consideration before approval is granted	<p>(1) <i>The council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.</i></p> <p>The requirements of Division have been assessed below.</p> <p>(2) <i>In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.</i></p> <p>Whilst the site is not mapped as flood prone land under Chapter 6 of the Inverell DCP 2013, having regards to the principles of the Floodplain Development Manual the site is considered flood prone land due to the proximity of Spring</p>

		<p>Creek.</p> <p>The applicant has submitted a Flood Report and Addendum (<b>Attachment 7</b>) with the development, which has demonstrated that all manufactured homes will be located outside the 1 in 100 flood level associated with Spring Creek. The Flood Report and Addendum (<b>Attachment 7</b>) recommends that all dwellings be constructed with a finished floor level 1 metre above the 1 in 100-year flood. It is recommended that this requirement be enforced as a condition of any subsequent consent.</p> <p>In the event of a flood, access from manufactured home estate will be via Brownleigh Vale Drive, which will not be impeded by flood waters.</p>
7	Matters to be specified in approval	<p><i>In addition to any other matters it must contain, an approval to operate a manufactured home estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>
8	Conditions of approval	<p><i>An approval to operate a manufactured home estate is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with the requirements of Division 3.</i></p> <p><i>Note—The council may also impose conditions on the grant of an approval under section 94 of the Act.</i></p> <p>The requirements of Division 3 have been assessed below and compliance with this division would be enforced as a condition of any subsequent approval to operate.</p>
<b>Subdivision 2 Installation of manufactured homes and associated structures in manufactured home estates</b>		
9	Conditional exemption	<p>(1) <i>The prior approval of the council is not required for—</i></p> <p class="margin-left: 40px;">(a) <i>the installation of a manufactured home on land within a manufactured home estate, so long as—</i></p> <p class="margin-left: 80px;">(i) <i>it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</i></p> <p class="margin-left: 80px;">(ii) <i>it is not occupied by any person until a certificate of completion has been issued for it, or</i></p> <p class="margin-left: 40px;">(b) <i>the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</i></p> <p>(2) <i>An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</i></p> <p>(3) <i>An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the</i></p>

		<p><i>holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</i></p> <p><i>(4) An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</i></p> <p><i>Note—</i></p> <p><i>By virtue of clause 2, clause 9(4) commences on 1 March 2006.</i></p>
10	Installation on flood-labile land	<p><i>(1) In deciding whether to approve the installation of a manufactured home or associated structure in a manufactured home estate on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.</i></p> <p><i>(2) It is a condition of an approval to install a manufactured home or an associated structure on flood liable land that the manufactured home is designed, constructed and installed in a manufactured home estate in accordance with Division 4.</i></p> <p>Refer discussion in relation to Clause 6 of this Regulation above. A condition of any subsequent approval to operate can enforce compliance with Division 4 (discussed below).</p>
11	Installation of manufactured home or associated structure of more than one storey	<p><i>In deciding whether to approve the installation in a manufactured home estate of a manufactured home or associated structure having more than one storey, the council must have regard to the likely impact on the amenity of any occupiers of any adjoining manufactured home and the amenity of any occupiers of land adjoining that manufactured home estate.</i></p> <p>No manufactured homes more than one storey are proposed. This can be reinforced as a condition of consent of development consent and the subsequent approval to operate.</p>
<b>Division 3 Manufactured home estates</b>		
<b>Subdivision 1 Land and dwelling site requirements</b>		
12	Minimum size of estate	<p><i>A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.</i></p> <p>The manufactured home estate has an area of 3.9683 hectares.</p>
13	Community amenities	<p><i>(1) Of the total land area of a manufactured home estate—</i></p> <p><i>(a) at least 10 per cent, or</i></p> <p><i>(b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow,</i></p> <p><i>must be reserved for recreation or other communal activities.</i></p> <p><i>(2) In deciding whether to allow a lesser proportion, the</i></p>

		<p><i>council must have regard to the type and range of amenities to be provided and to such other matters as it considers relevant.</i></p> <p>The manufactured home estate has an area of 3.9683 hectares. Approximately 4,548m<sup>2</sup> of this area has been dedicated to communal activities, which is equivalent to approximately 11%.</p>
14	Size of dwelling sites	<p><i>A dwelling site must have an area of at least 130 square metres.</i></p> <p>The dwelling sites within the manufactured home estate will be 250m<sup>2</sup> (62 homes) and 220m<sup>2</sup> (14 homes).</p>
15	Site identification	<p><i>(1) A dwelling site must be numbered or identified and its site boundaries clearly delineated.</i></p> <p><i>(2) The site identification must be conspicuous.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>
<b>Subdivision 2 Setbacks</b>		
16	Dwelling sites to have road frontage	<p><i>A dwelling site must have vehicular access to an access road.</i></p> <p>All dwelling sites within the manufactured home estate have access and frontage to an internal access road.</p>
17	Setbacks of community buildings	<p><i>(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows.</i></p> <p><i>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</i></p> <p><i>(3) A community building must not in any case be located closer than 2 metres to the boundary of a manufactured home estate or to the boundary of a dwelling site.</i></p> <p>The proposed community building at the front of the site is located:</p> <ul style="list-style-type: none"> <li>• 8 metres from the proposed boundary resulting from the dedication of the cul-de-sac; and</li> <li>• 5.15 metres from the northern side boundary (rear of Auburn Vale properties).</li> </ul> <p>The setbacks are considered appropriate given the proposed landscaping, fencing and screening treatment of the development site.</p>
18	Setbacks of dwelling sites from road frontages	<p><i>(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows.</i></p> <p><i>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be</i></p>



		<p><i>properly screened, fenced, enclosed or otherwise treated.</i></p> <p>None of the proposed dwelling sites are within ten (10) metres of a public road.</p>
19	Use of buffer zones	<p><i>Nothing in this Part prevents land within a buffer zone arising from the setbacks required by this Subdivision from being used—</i></p> <p><i>(a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or</i></p> <p><i>(b) for any similar purpose allowed by the approval for the manufactured home estate.</i></p> <p>Landscaping is proposed along all boundaries within the setback areas, which is acceptable (<b>Attachment 5</b>).</p>
<b>Subdivision 3 Roads</b>		
20	Entrance and exit roads	<p><i>(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</i></p> <p><i>(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</i></p> <p><i>(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.</i></p> <p>The extension of Brownleigh Vale Drive, proposed cul-de-sac and entry into the manufactured home estate comply with these standards.</p>
21	Width of roads	<p><i>(1) The width of the road reserve must be—</i></p> <p><i>(a) at least 8.5 metres for a major access road, and</i></p> <p><i>(b) at least 6 metres for a minor access road.</i></p> <p><i>(2) The width of the sealed portion of an access road must be—</i></p> <p><i>(a) at least 6 metres for a major access road, and</i></p> <p><i>(b) at least 4 metres for a minor access road.</i></p> <p><i>(3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.</i></p> <p><i>(4) Passing bays must be provided at intervals of not more than 100 metres.</i></p> <p><i>(5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be—</i></p> <p><i>(a) at least 8.5 metres for a major access road, and</i></p> <p><i>(b) at least 6 metres for a minor access road.</i></p> <p>The proposed roads within the manufactured home estate comply with these standards.</p>

22	Speed restrictions as part of road design	<p><i>Access roads must be so designed as to limit the speed at which vehicles may travel on them to—</i></p> <p><i>(a) 30 kilometres per hour for major access roads, and</i></p> <p><i>(b) 15 kilometres per hour for minor access roads.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>
23	Visitor parking	<p><i>(1) A manufactured home estate must contain no fewer visitor parking spaces than the following—</i></p> <p><i>(a) 8 spaces for a manufactured home estate containing not more than 35 sites,</i></p> <p><i>(b) 12 spaces for a manufactured home estate containing more than 35 sites but not more than 70 sites,</i></p> <p><i>(c) 16 spaces for a manufactured home estate containing more than 70 sites but not more than 105 sites,</i></p> <p><i>(d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.</i></p> <p>The manufactured home estate proposes fifty-six (56) visitor parking spaces, which exceeds the minimum sixteen (16) required under this Regulation.</p> <p><i>(2) Each parking space is to have, at minimum, dimensions of—</i></p> <p><i>(a) 5.4 metres by 2.5 metres, in the case of angle parking, and</i></p> <p><i>(b) 6.1 metres by 2.5 metres, in any other case.</i></p> <p>The parking spaces comply with these dimensions.</p> <p><i>(3) Visitor parking spaces must be clearly identified as such.</i></p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
24	Visitor parking for people with disabilities	<p><i>(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities.</i></p> <p><i>(2) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.</i></p> <p><i>(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, Parking facilities—Off street parking.</i></p> <p><i>(4) Visitor parking spaces for people with disabilities must be clearly identified as such.</i></p> <p><i>(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 23.</i></p> <p>Two (2) disabled parking spaces have been provided and will be identified in accordance with this clause.</p>
25	Road surfaces	<p><i>All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate</i></p>

		<p><i>drainage and to eliminate excessive grades.</i></p> <p>All roads are proposed to be sealed.</p>
26	Lighting	<p><i>All access roads must be adequately lit between sunset and sunrise.</i></p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
<b>Subdivision 4 Utility services</b>		
27	Water supply	<p>(1) <i>A manufactured home estate—</i></p> <p class="margin-left: 40px;">(a) <i>must be connected to a mains water supply, or</i></p> <p class="margin-left: 40px;">(b) <i>must be provided with an alternative water supply service as specified in the approval for the manufactured home estate.</i></p> <p>(2) <i>A dwelling site—</i></p> <p class="margin-left: 40px;">(a) <i>must be connected to the water supply service for the manufactured home estate, and</i></p> <p class="margin-left: 40px;">(b) <i>must be provided with a separate water meter and a separate water service isolating valve.</i></p> <p>(3) <i>The water supply service must comply with—</i></p> <p class="margin-left: 40px;">(a) <i>the <a href="#">Plumbing and Drainage Act 2011</a> and any regulations under that Act, and</i></p> <p class="margin-left: 40px;">(b) <i>the requirements of any relevant statutory body.</i></p> <p>(4) <i>The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council.</i></p> <p>The manufactured home estate will be connected to Council's town water supply.</p>
28	Sewerage	<p>(1) <i>A manufactured home estate—</i></p> <p class="margin-left: 40px;">(a) <i>must be connected to a main sewer, or</i></p> <p class="margin-left: 40px;">(b) <i>must be provided with an alternative sewage disposal system as specified in the approval for the manufactured home estate.</i></p> <p>(2) <i>A dwelling site must be connected to the sewage disposal system for the manufactured home estate.</i></p> <p>(3) <i>The sewage disposal system must comply with—</i></p> <p class="margin-left: 40px;">(a) <i>the <a href="#">Plumbing and Drainage Act 2011</a> and any regulations under that Act, and</i></p> <p class="margin-left: 40px;">(b) <i>the requirements of any relevant statutory body.</i></p> <p>The manufactured home estate will be connected to Council's town sewerage system.</p>
29	Drainage	<p>(1) <i>A manufactured home estate must be provided with a stormwater drainage system as specified in the approval for the manufactured home estate.</i></p> <p>(2) <i>A dwelling site—</i></p>

		<p>(a) must be connected with the stormwater drainage system for the manufactured home estate, or</p> <p>(b) must be provided with an on-site stormwater drainage system.</p> <p>(3) A stormwater drainage system must comply with—</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of any relevant statutory body.</p> <p>The design of the manufactured home estate incorporates stormwater drainage to Spring Creek, which subject to the provision of inter-allotment drainage along the rear of Auburn Vale Road is considered acceptable.</p>
30	Electricity supply	<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter.</p> <p>(2) Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, <i>Electrical Installations</i> (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005, except that the maximum capacity of the electrical circuit supplying a dwelling site need not be greater than 32 amperes if the site is provided with gas, whether by means of a reticulated gas service or by means of on-site gas containers.</p> <p>(3) If a dwelling site is provided with electricity otherwise than by way of direct connection to the local electricity supply authority's electricity main, the maximum amount that may be charged for the supply of electricity during a particular period is the amount that the standard retail electricity supplier for the relevant district would have charged under a standard form customer supply contract for that supply during that period.</p> <p>Mains electricity is available to the site and Essential Energy has not identified any particular issues or concerns with the development. It will be the developers responsibility to investigate the supply of the electricity to each dwelling in accordance with Essential Energy's advice.</p>
31	Telephone lines	<p>Telephone services, if available, must be provided in such a manner that a telephone connection is available to each dwelling site within the manufactured home estate.</p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
32	Common trenches	<p>A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.</p>
<b>Subdivision 5 General</b>		
33	Garbage removal	<p>Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.</p> <p>The manufactured home estate has been designed for an internal kerb-side pick-up (<b>Attachment 9</b>). This would either</p>

		be undertaken through a private contractor or via a commercial agreement (including indemnity) with Council.
34	Fire hydrants	<p>(1) <i>No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.</i></p> <p>(2) <i>Any fire hydrant located within a manufactured home estate must—</i></p> <p style="padding-left: 40px;">(a) <i>be a double-headed pillar-type fire hydrant, and</i></p> <p style="padding-left: 40px;">(b) <i>be maintained to the standard specified in the approval for the manufactured home estate.</i></p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
35	Buildings	<p>(1) <i>A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.</i></p> <p>(2) <i>The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home estate—</i></p> <p style="padding-left: 40px;">(a) <i>community buildings,</i></p> <p style="padding-left: 40px;">(b) <i>brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes.</i></p> <p>(3) <i>The approval for a manufactured home estate is to allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home only—</i></p> <p style="padding-left: 40px;">(a) <i>if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the <a href="#">Community Land Development Act 1989</a>, and</i></p> <p style="padding-left: 40px;">(b) <i>the owner of the manufactured home is also the proprietor of the neighbourhood lot.</i></p> <p>Note—</p> <p><i>The erection of a building (including a community building or brick or masonry wall) may require development consent under the <a href="#">Environmental Planning and Assessment Act 1979</a>.</i></p> <p>All manufactured homes will be constructed off-site and transported to site. This can be enforced as a condition of any subsequent development consent and approval to operate.</p> <p>The only buildings constructed on-site will be the community buildings and facilities, which is permitted under this clause.</p>
36	Use of manufactured home estates	<p>(1) <i>A manufactured home estate must not be used—</i></p> <p style="padding-left: 40px;">(a) <i>for any commercial purpose other than a manufactured home estate or an associated purpose, or</i></p> <p style="padding-left: 40px;">(b) <i>for the manufacture, construction or reconstruction of moveable dwellings.</i></p> <p>(2) <i>Nothing in this clause prevents a manufactured home from</i></p>



		<p><i>being used for exhibition purposes.</i></p> <p><i>(3) This clause does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).</i></p> <p>Consistent with this clause, conditions of the development consent and approval to operate can be imposed that:</p> <ul style="list-style-type: none"> <li>• The community buildings and facilities may only be used by occupants of the MHE and the guests. The community buildings and facilities must not be used open to the general public for commercial purposes; and</li> <li>• The MHE must not be used for the manufacture, construction or reconstruction of moveable dwellings.</li> </ul>
37	Community map	<p><i>The person who holds the approval to operate a manufactured home estate must provide the council with a copy of the current community map—</i></p> <p><i>(a) as soon as practicable after any amendment is made to the map, and</i></p> <p><i>(b) at such other times as the council may reasonably require.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>
38	Access to approval and community map	<p><i>The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate—</i></p> <p><i>(a) the approval for the manufactured home estate,</i></p> <p><i>(b) the current community map,</i></p> <p><i>(c) this Regulation.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>
<b>Division 4 Manufactured homes and associated structures</b>		
<b>Subdivision 1 General</b>		
39	Specifications for design, construction, installation, modification and extension of manufactured homes and associated structures	<p><i>(1) The Minister may, by order published in the Gazette, establish specifications (not inconsistent with this Division) for the design, construction, installation, modification and extension of manufactured homes and associated structures.</i></p> <p><i>(2) The specifications may adopt, with or without modification, the provisions of any rule, standard or code of practice.</i></p> <p><i>(3) Subject to this Division, a manufactured home or associated structure must be designed, constructed, installed, modified and extended in accordance with any specifications in force under this clause.</i></p> <p>This matter can be enforced as a condition of any subsequent</p>

		approval to operate.
40	Installation allowed only on dwelling sites	<p>(1) <i>A manufactured home must not be installed in a manufactured home estate otherwise than on a dwelling site.</i></p> <p>(2) <i>This clause does not apply to a manufactured home that is used solely for the purposes of a community amenity or as a manager's or caretaker's office or residence.</i></p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
41	Manufactured homes to be constructed and assembled off-site	<p>(1) <i>A manufactured home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the manufactured home estate from, a place of manufacture outside the manufactured home estate.</i></p> <p>(2) <i>However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.</i></p> <p>This matter can be enforced as a condition of any subsequent development consent and approval to operate.</p>
42	Installation allowed only if dwelling site is properly serviced	<p><i>A manufactured home must not be installed on a dwelling site unless the requirements of Division 3 have been complied with in relation to the site.</i></p> <p>Division 3 has been assessed above. All dwelling sites are considered to be able to be properly serviced.</p>
43	Density	<p><i>No more than one manufactured home may be installed on a single dwelling site.</i></p> <p>The manufactured home estate complies with this clause.</p>
44	Setbacks for manufactured homes	<p><i>A manufactured home must not be located—</i></p> <p style="padding-left: 40px;">(a) <i>closer than one metre to a road reserve, or</i></p> <p style="padding-left: 40px;">(b) <i>closer than 2 metres to the boundary of the manufactured home estate.</i></p> <p>The proposed manufactured homes comply with these setback requirements.</p>
45	Site coverage	<p>(1) <i>A manufactured home and associated structure must not be installed on a single dwelling site if the floor plan area of the manufactured home (together with that of any associated structure or other building or structure on the site) is more than two-thirds of the area of the site.</i></p> <p>The site coverage of the dwelling sites are as follows:</p> <ul style="list-style-type: none"> <li>• 2 Bedroom "Armidale" – 142.6m<sup>2</sup> coverage / 250m<sup>2</sup> lot = 57% coverage;</li> <li>• 2 Bedroom "Stanthorpe" – 143m<sup>2</sup> coverage / 250m<sup>2</sup> lot = 57% coverage;</li> <li>• 3 Bedroom "Tamworth" – 146m<sup>2</sup> coverage / 250m<sup>2</sup> lot = 58% coverage; and</li> <li>• 1 Bedroom "Tenterfield" – 106m<sup>2</sup> coverage / 220m<sup>2</sup> lot = 48% coverage.</li> </ul>

		<p>(2) <i>For the purposes of this clause—</i></p> <p>(a) <i>the floor plan area of a manufactured home is the area occupied by the home, excluding the area of any associated structure forming part of the home that is not roofed, and</i></p> <p>(b) <i>the floor plan area of any associated structure not forming part of the manufactured home is the area occupied by the structure, excluding any area that is not roofed, and</i></p> <p>(c) <i>if there is no carport or garage on the dwelling site, an area of 18 square metres must be added to the floor plan area of the manufactured home to account for the car parking space that is required by subclause (3) to be provided on the site.</i></p> <p>(3) <i>If there is no carport or garage on the dwelling site, an area with minimum dimensions of 6 metres by 3 metres, accessible from an access road and useable for car parking, must be provided on the site.</i></p> <p>A carport is provided for each manufactured home.</p>
46	Minimum open space requirements for dwelling sites	<p>(1) <i>There must be at least 30 square metres of open space (that is, space on which there is no building, structure or car parking space) within each dwelling site.</i></p> <p>(2) <i>The open space of each dwelling site must include at least one area having a minimum width and minimum depth of 3 metres.</i></p> <p>(3) <i>For the purpose of calculating the area of open space within a dwelling site, any space having a width or length of less than 2 metres must be disregarded.</i></p> <p>The open space proposed for each dwelling site is as follows:</p> <ul style="list-style-type: none"> <li>• 2 Bedroom “Armidale” – 57m<sup>2</sup> open space;</li> <li>• 2 Bedroom “Stanthorpe” – 66m<sup>2</sup> open space;</li> <li>• 3 Bedroom “Tamworth” – 51m<sup>2</sup> open space; and</li> <li>• 1 Bedroom “Tenterfield” – 46m<sup>2</sup> open space.</li> </ul> <p>All dwelling sites exceed the minimum open space dimension requirements.</p>
47	Site boundary arrangements	<p>(1) <i>A manufactured home must not be installed closer than one metre to the boundary of any adjoining dwelling site.</i></p> <p>(2) <i>Subclause (1) does not prohibit the installation of a manufactured home closer than one metre to the boundary of an adjoining dwelling site if—</i></p> <p>(a) <i>the installation of a manufactured home on the adjoining site is not practicable on such part of that site as is within 2 metres of the location of the proposed manufactured home, and</i></p> <p>(b) <i>access at least one metre wide is available to the occupier of the manufactured home along each external wall of the home.</i></p> <p>(3) <i>This clause does not prohibit the installation of semi-</i></p>

		<p><i>detached manufactured homes on adjoining dwelling sites so long as they are separated by construction conforming with the fire safety and sound insulation provisions relating to class 1 buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the Building Code of Australia.</i></p> <p>All manufactured homes comply with the boundary requirements.</p>
48	Garages	<p>(1) <i>A garage may abut a site boundary, a shared double carport or shared double garage may extend over a site boundary and adjacent garages may abut each other along a shared site boundary.</i></p> <p>(2) <i>If a manufactured home and garage are situated on the same dwelling site such that the garage is situated closer than 900 millimetres to the manufactured home and closer than 900 millimetres to the site boundary of an adjoining dwelling site—</i></p> <p style="padding-left: 40px;">(a) <i>the external walls of the manufactured home that face the garage must comply with the provisions relating to class 1 buildings contained in Section 3 of Volume Two of the Building Code of Australia, or</i></p> <p style="padding-left: 40px;">(b) <i>the external walls of the garage that face the manufactured home must comply with the provisions relating to class 10 buildings contained in Section 3 of Volume Two of the Building Code of Australia.</i></p> <p>No garages are proposed.</p>
49	Carports	<p>(1) <i>The roof covering and any ceiling lining, wall cladding or gable of a carport must be non-combustible.</i></p> <p>(2) <i>A carport must have at least 2 sides open and at least one-third of its perimeter open. For the purposes of this subclause, a side is considered to be open if the roof covering of the carport is at least 500 millimetres from a manufactured home, associated structure or site boundary.</i></p> <p>(3) <i>A carport must not provide direct vertical support to any part of a manufactured home.</i></p> <p>(4) <i>If a carport has a common roof structure with a manufactured home and the carport does not have a ceiling, the opening between the top of the wall of the manufactured home and the underside of the roof covering of the carport must be infilled with—</i></p> <p style="padding-left: 40px;">(a) <i>a non-combustible material, or</i></p> <p style="padding-left: 40px;">(b) <i>construction clad with non-combustible material on the carport side.</i></p> <p>These matters can be enforced as a condition of any subsequent approval to operate.</p>
50	Associated structures not to contain habitable rooms	<p><i>An associated structure must not be designed or modified so as to be useable as a habitable room.</i></p> <p>This matter can be enforced as a condition of any subsequent approval to operate.</p>

<b>Subdivision 2 Design</b>		
51	Structural soundness	<p>(1) <i>A manufactured home or associated structure must be of a design certified by a practising structural engineer to be structurally sound.</i></p> <p>(2) <i>A certificate issued under this clause—</i></p> <ul style="list-style-type: none"> <li><i>(a) must indicate that the manufactured home or associated structure complies with any standards, codes and specifications with which it is, by this Part or by Ministerial specifications, required to comply, and</i></li> <li><i>(b) must include specifications as to the manner in which the manufactured home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.</i></li> </ul> <p>(3) <i>Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed.</i></p> <p>(4) <i>This clause does not apply to fences or privacy screens.</i></p> <p>These matters can be enforced as a condition of any subsequent approval to operate.</p>
52	Design gust wind speed	<p><i>A manufactured home or associated structure must be designed to resist loads as determined in accordance with the following design codes, as appropriate—</i></p> <ul style="list-style-type: none"> <li><i>(a) AS/NZS 1170.1:2002, Structural design actions Part 1: Permanent, imposed and other actions, as in force on 1 September 2005,</i></li> <li><i>(b) AS/NZS 1170.2:2002, Structural design actions Part 2: Wind actions, as in force on 1 September 2005, or AS 4055—1992 Wind loads for housing, as in force on 1 September 2005 (except that the design gust wind speed for the area where the manufactured home or associated structure is located is not to be taken to be less than 41 metres per second),</i></li> <li><i>(c) AS 1170.3—1990, Minimum design loads on structures Part 3: Snow loads, as in force on 1 September 2005,</i></li> <li><i>(d) AS 1170.4—1993, Minimum design loads on structures Part 4: Earthquake loads, as in force on 1 September 2005.</i></li> </ul> <p>These matters can be enforced as a condition of any subsequent approval to operate.</p>
53	Floor area of manufactured home	<p><i>The enclosed floor area of a manufactured home must be at least 35 square metres.</i></p> <ul style="list-style-type: none"> <li>• 2 Bedroom “Armidale” – 83.6m<sup>2</sup> enclosed floor area;</li> <li>• 2 Bedroom “Stanthorpe” – 76m<sup>2</sup> enclosed floor area;</li> </ul>



		<ul style="list-style-type: none"> <li>• 3 Bedroom “Tamworth” – 87m<sup>2</sup> enclosed floor area; and</li> <li>• 1 Bedroom “Tenterfield” – 52m<sup>2</sup> enclosed floor area.</li> </ul>
54	Floor areas of certain rooms	<p>(1) <i>The floor area of a bathroom in a manufactured home must be at least 2.2 square metres, plus an additional—</i></p> <p>(a) <i>0.6 square metre if the bathroom has a separate shower and bath, and</i></p> <p>(b) <i>0.7 square metre if the bathroom has a toilet, and</i></p> <p>(c) <i>1.6 square metres if the manufactured home does not include a separate laundry.</i></p> <p>(2) <i>The floor area of a shower room must be at least 1.1 square metres.</i></p> <p>(3) <i>If a toilet is installed in a separate room, the room in which it is installed must have an area of at least 1.1 square metres and a width of at least 0.8 metre.</i></p> <p>(4) <i>The floor area of a laundry must be at least 1.6 square metres.</i></p> <p>The manufactured homes are considered to comply with this requirement.</p>
55	Ceiling height	<p>(1) <i>The ceiling height of each habitable room (other than a kitchen) in a manufactured home must be at least 2.4 metres.</i></p> <p>(2) <i>The ceiling height of a kitchen, laundry, hallway or other similar part of a manufactured home must be at least 2.1 metres.</i></p> <p>These matters can be enforced as a condition of any subsequent approval to operate.</p>
56	Separation of kitchen areas	<p><i>A toilet must not be located in any room in a manufactured home that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.</i></p> <p>The manufactured homes are considered to comply with this requirement.</p>
57	Lighting and ventilation	<p>(1) <i>A manufactured home must have adequate provision for light and ventilation.</i></p> <p>(2) <i>A habitable room must have natural lighting and natural ventilation provided by one or more windows to the outside air, or by one or more openings into an adjoining room, being windows or openings having—</i></p> <p>(a) <i>a total area of at least 10 per cent of the floor area of the room, and</i></p> <p>(b) <i>an area (being at least 5 per cent of the floor area of the room) that is capable of being opened.</i></p> <p>(3) <i>If any part of the natural lighting or natural ventilation for a habitable room is provided by one or more openings into an adjoining room, the adjoining room must have natural lighting and ventilation provided by one or more windows that comply with subclause (2) in relation to the combined</i></p>

		<p>area of both rooms.</p> <p>The manufactured homes are considered to comply with this requirement.</p>
<b>Subdivision 3 Construction</b>		
<b><u>Compliance with the construction matters contained in Clauses 58 to 64 below can be enforced in the conditions of any subsequent approval to operate.</u></b>		
58	Termite shields	<i>Shields, barriers or the like must be provided in accordance with AS 3660.1–2000 Termite management—new building work and structures, as in force on 1 September 2005, to protect any structural members that are susceptible to attack by termites.</i>
59	Glazing	<i>Glazing materials must be selected and installed in accordance with the relevant provisions of AS 1288—1994, Glass in buildings—Selection and installation and, to the extent to which those provisions require the use of safety glass, in accordance with the relevant provisions of AS/NZS 2208:1996, Safety glazing materials in buildings (each as in force on 1 September 2005).</i>
60	External waterproofing	<i>The roof, external walls, door frames and window frames of a manufactured home must be constructed so as to prevent rain or dampness penetrating to the inner parts of the home.</i>
61	Internal waterproofing	<p>(1) <i>The floor of a bathroom, shower room or room containing a toilet or washing machine in a manufactured home must consist of, or be covered by, material that is impervious to water.</i></p> <p>(2) <i>The wall surface of a shower enclosure (or, in the case of a shower that is not enclosed, any wall surface within 1.5 metres of the shower fitting) must be impervious to water to a height of at least 1.8 metres above the floor.</i></p> <p>(3) <i>Any wall surface within 75 millimetres of a bath, basin or other similar bathroom appliance must be impervious to water to a height of at least 150 millimetres above the appliance.</i></p>
62	Plumbing and drainage	<p>(1) <i>All pipes and fittings in a manufactured home that relate to water supply or sewerage must be installed in accordance with—</i></p> <p style="padding-left: 40px;">(a) <i>the <a href="#">Plumbing and Drainage Act 2011</a> and any regulations under that Act, and</i></p> <p style="padding-left: 40px;">(b) <i>the requirements of any relevant statutory body.</i></p> <p>(2) <i>All pipes and fittings in a manufactured home that relate to stormwater drainage must be installed in accordance with—</i></p> <p style="padding-left: 40px;">(a) <i>the Plumbing Code of Australia, and</i></p> <p style="padding-left: 40px;">(b) <i>the requirements of any relevant statutory body.</i></p>
63	Electrical wiring	<i>The electrical wiring in a manufactured home must comply with the requirements of AS/NZS 3000:2000, Electrical installations (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005.</i>

64	Fire and smoke alarms	<p>(1) <i>A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the requirements of Part 3.7.2 of Volume Two of the Building Code of Australia in relation to class 1 (a) buildings within the meaning of that Code.</i></p> <p>(2) <i>This clause does not apply to a manufactured home that was constructed before 1 January 1996, whether installed before, on or after that date.</i></p> <p>(3) <i>(Repealed)</i></p>
<b>Subdivision 4 Installation</b>		
<b><u>Compliance with the installation matters contained in Clauses 65 to 68 below can be enforced in the conditions of any subsequent approval to operate.</u></b>		
65	Footings	<p>(1) <i>A manufactured home or associated structure must be installed on footings if the engineer's certificate for the home or structure so requires.</i></p> <p>(2) <i>The footings and tie-down system for the manufactured home or associated structure must be constructed in accordance with the engineer's certificate for the home or structure.</i></p> <p>(3) <i>In the case of a manufactured home or associated structure that is placed on footings, the clearance beneath the home or structure must be—</i></p> <p style="padding-left: 40px;">(a) <i>at least 400 millimetres, where termite shields are required to be installed, or</i></p> <p style="padding-left: 40px;">(b) <i>at least 200 millimetres, where termite shields are not required to be installed, or</i></p> <p style="padding-left: 40px;">(c) <i>such lesser clearance as the approval for the manufactured home estate may allow,</i></p> <p><i>with adequate provision for underfloor cross-flow ventilation.</i></p>
66	Installation to comply with specifications	<p><i>A manufactured home must not be installed on a dwelling site otherwise than in accordance with—</i></p> <p style="padding-left: 40px;">(a) <i>the specifications contained in the engineer's certificate issued in respect of the manufactured home, or</i></p> <p style="padding-left: 40px;">(b) <i>such other specifications as are specified in the approval for the manufactured home estate.</i></p>
67	Compliance plate	<p>(1) <i>A compliance plate must be attached to an accessible part of each of the following structures—</i></p> <p style="padding-left: 40px;">(a) <i>a manufactured home,</i></p> <p style="padding-left: 40px;">(b) <i>an associated structure that forms part of a manufactured home,</i></p> <p style="padding-left: 40px;">(c) <i>an associated structure comprising a free-standing garage.</i></p> <p>(2) <i>A compliance plate must specify the following—</i></p> <p style="padding-left: 40px;">(a) <i>the name of the manufacturer of the manufactured home or associated structure,</i></p>

		<p>(b) the unique identification number for each major section of the manufactured home,</p> <p>(c) the month and year during which the manufactured home or associated structure was constructed,</p> <p>(d) the design gust wind speed for the manufactured home or associated structure,</p> <p>(e) a statement that the manufactured home or associated structure complies with the requirements of this Division,</p> <p>(f) the name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home.</p> <p>(3) A unique identification number must be permanently marked on each major section of the manufactured home.</p> <p>(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates for the purposes of this clause.</p> <p>(5) A compliance plate must be designed, constructed, issued and registered in accordance with any specifications in force under this clause.</p>
68	Notice of completion of installation	<p>(1) The holder of an approval to operate a manufactured home estate must give the council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.</p> <p>(2) The notice—</p> <p>(a) must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and</p> <p>(b) must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.</p> <p>(3) The notice must be accompanied by—</p> <p>(a) a copy of the engineer's certificate for the manufactured home or associated structure, and</p> <p>(b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with.</p>

#### **ASSESSMENT - STATUTORY REQUIREMENTS – S.4.15 EP&A Act 1979**

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

#### **S.4.15 (1) (a) (i) EP&A Act 1979 - Relevant State Environmental Planning Policies**

*Note: On 1 March, 2022, the Department of Planning, Industry and Environment repealed the majority of the historic state environmental planning policies, with these being replaced by newer,*

*consolidated policies. As DA-125/2021 was lodged on 17 August, 2021, the assessment below has been undertaken against the policies applicable at the date of lodgement.*

State Environmental Planning Policy No. 36 – Manufactured Home Estates

CLAUSE	TITLE	COMMENT AND ASSESSMENT
6	Where development for the purposes of a manufactured home estate may be carried out	<p><i>Development for the purposes of a manufactured home estate may be carried out pursuant to this Policy on any land on which development for the purposes of a caravan park may be carried out, except—</i></p> <ul style="list-style-type: none"> <li><i>(a) land within one or more of the categories described in Schedule 2, or</i></li> <li><i>(b) land dedicated or reserved under the <a href="#">National Parks and Wildlife Act 1974</a>, or</i></li> <li><i>(c) land within a Crown reserve.</i></li> </ul> <p>The site is zoned R1 General Residential under the <i>Inverell Local Environmental Plan 2012</i>. Development for the purposes of a “caravan park” is permitted with consent in the R1 zone.</p> <p>In relation to Schedule 2 of this policy, it is noted that the following land is excluded:</p> <p><i>Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.</i></p> <p>A Flood Report and Addendum (<b>Attachment 7</b>) has been submitted by the applicant, which demonstrates that only a small proportion of the land adjacent to Spring Creek is subject to a 1 in 100 year flood. In consideration of the principles of the Floodplain Development Manual, the site is not unsuitable for the residential development, as a suitable design response to the small area of flood affected land can be achieved.</p> <p>The proposed MHE is permissible under this state policy.</p>
7	Development consent required for manufactured home estates	<ul style="list-style-type: none"> <li><i>(1) Development for the purposes of a manufactured home estate permitted to be carried out by this Policy may be carried out only with the development consent of the council.</i></li> <li><i>(2) A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the <a href="#">Local Government Act 1993</a>.</i></li> <li><i>(3) Nothing in this Policy requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.</i></li> </ul> <p>A condition of any subsequent decision consent would require an approval to operate to be obtained.</p>



8	Subdivision of manufactured home estates	No subdivision of the manufactured home estate is proposed under DA-125/2021.
9	Matters to be considered by councils	<p>(1) <i>A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied—</i></p> <p><i>(a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and</i></p> <p>Town water, town sewer and electricity are available to the development (refer 'Referrals' section of the report). Stormwater can be discharged to Spring Creek, which is considered satisfactory.</p> <p><i>(b) that the manufactured home estate is or will be provided with adequate transport services, and</i></p> <p>The manufactured home estate is considered to have adequate transport facilities available with:</p> <ul style="list-style-type: none"> <li>• The "hail and ride" town bus service available in Harland Street less than 400 metres from the estate entrance; and</li> <li>• Taxi services provided in Inverell.</li> </ul> <p><i>(c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and</i></p> <p>In addition to the community facilities provided within the manufactured home estate, the Inverell CBD is located approximately 1.2 kilometres (by road) from the development, which is considered to provide reasonable accessible services.</p> <p><u>Additional Commentary on Footpaths</u></p> <p>In this instance, it is not considered necessary to construct any footpaths in the surrounding street network for the proposed development on the basis that:</p> <ul style="list-style-type: none"> <li>• The manufactured home estate is designed for traditional private car use, which each home being provided with a carport;</li> <li>• Brownleigh Vale Drive and Wesley Street are not conducive to constructing concrete footpaths due to the slope, established tree plantings and infrastructure (e.g. power poles); and</li> <li>• The construction of a footpath in the unformed Borthwick Street is not reasonable as: <ul style="list-style-type: none"> <li>– There is no passive surveillance of this area; and</li> <li>– By road, it is still approximately 1 kilometre from the CBD (only 200m less than by</li> </ul> </li> </ul>

		<p>Wesley Street).</p> <p><i>(d) that the development will not have an adverse effect on any—</i></p> <ul style="list-style-type: none"> <li><i>• conservation area</i></li> <li><i>• heritage item</i></li> <li><i>• waterway or land having special landscape, scenic or ecological qualities,</i></li> </ul> <p><i>which is identified in an environmental planning instrument applicable to the land concerned.</i></p> <p>The development is not considered to impact any conservation areas or heritage items. The development is not considered to have a significant adverse impact on Spring Creek, which has been assessed throughout this report.</p> <p><i>(2) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following—</i></p> <p><i>(a) the cumulative impact of the proposed development and other manufactured home estates in the locality,</i></p> <p>There are no other manufactured home estates within the locality.</p> <p><i>(b) any relevant guidelines issued by the Director,</i></p> <p>No guidelines have been issued for a manufactured home estate.</p> <p><i>(c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.</i></p> <p>The provisions of the Local Government Regulation applicable at the date of lodgement of DA-125/2021 has been undertaken above.</p>
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#### State Environmental Planning Policy No. 55 – Remediation of Land

CLAUSE	TITLE	COMMENT AND ASSESSMENT
7	Contamination and remediation to be considered in determining development application	There is no evidence to suggest that the site is unsuitable for the proposed development.

#### State Environmental Planning Policy (Infrastructure) 2007

CLAUSE	TITLE	COMMENT AND ASSESSMENT
<b><i>Subdivision 2 Development likely to affect an electricity transmission or distribution network</i></b>		
45	Determination of development applications—other development	The development was referred to Essential Energy in accordance with this clause. Comments were received from Essential Energy. No specific concerns or issues have been identified, which would preclude issuing of development

		consent.
<b>Subdivision 2 Development in or adjacent to road corridors and road reservations</b>		
104	Traffic-generating development	The development is not traffic generating development.

State Environmental Planning Policy (Koala Habitat Protection) 2021

CLAUSE	TITLE	COMMENT AND ASSESSMENT
11	Development assessment process—no approved koala plan of management for land	The site does not contain any significant vegetation and the development is not considered to impact (directly or indirectly) koala habitat.

**S.4.15 (1) (a) (i) EP&A Act 1979 - Local Environmental Plans**

Inverell Local Environmental Plan 2012

CLAUSE	TITLE	COMMENT AND ASSESSMENT
1.2	Aims of Plan	<p><i>The particular aims of this Plan are as follows:</i></p> <ul style="list-style-type: none"> <li><i>a) To encourage sustainable economic growth and development,</i></li> <li><i>b) To protect and retain productive agricultural land,</i></li> <li><i>c) To protect, conserve and enhance natural assets,</i></li> <li><i>d) To protect built and cultural heritage assets,</i></li> <li><i>e) To provide opportunities for growth.</i></li> </ul> <p>The development will contribute to the growth of Inverell and is not considered to adversely impact natural assets (assessed throughout this report). Overall, it is considered that the development is consistent with the objectives of this plan.</p>
2.1	Land use zones	<p>The site is zoned R1 General Residential.</p> <p>Pursuant to <i>State Environmental Planning Policy No. 36 – Manufactured Home Estates</i>, a manufactured home estate is permissible with consent on certain land on which development for the purpose of a Caravan Park may be carried out.</p> <p>A “caravan park” is permitted with consent within the R1 General Residential zone; therefore, the manufactured home estate is permitted with consent under <i>State Environmental Planning Policy No. 36 – Manufactured Home Estates</i>.</p> <p>In relation to the community facilities within the manufactured home estate, as these are for the use of residents only (refer Clause 38 of <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>), these are considered “ancillary” facilities and not separate/independent uses.</p> <p>The objectives of the R1 General Residential zone:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community.</i></li> <li>• <i>To provide for a variety of housing types and</i></li> </ul>

		<p><i>densities.</i></p> <ul style="list-style-type: none"> <li><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p>The development will provide for the housing needs of the community. It will also provide an additional form of housing type and density for Inverell. On balance, the development is considered to be consistent with the objectives of the R1 General Residential zone.</p>
2.6	Subdivision – consent requirements	Pursuant to this clause, the proposed subdivision is permitted with consent.
4.1	Minimum subdivision lot size	<p>The minimum lot size for subdivision as per the LEP Lot Size Map is 450m<sup>2</sup>.</p> <p>Both proposed Lot 1 (2,778m<sup>2</sup>) and proposed Lot 2 (3.9965 ha) exceed the minimum lot size requirement.</p>
5.10	Heritage Conservation	<p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li><i>(a) to conserve the environmental heritage of Inverell,</i></li> <li><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></li> <li><i>(c) to conserve archaeological sites,</i></li> <li><i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></li> </ul> <p>The development is not inconsistent with these objectives as:</p> <ul style="list-style-type: none"> <li>An AHIMS Search report has been undertaken (<b>Attachment 11</b>), which has not identified any Aboriginal items or places on the development site;</li> <li>Due to the historic disturbance of the site (i.e. infrastructure construction, grazing), the site is highly disturbed and is highly unlikely to contain any artefacts of aboriginal cultural heritage; and</li> <li>The site is not identified as a heritage item under the <i>Inverell Local Environmental Plan 2012</i>. It is highly unlikely for non-aboriginal heritage significance (e.g. artefacts) to be present on the site.</li> </ul>
5.21	Flood Planning	<p><i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i></p> <ul style="list-style-type: none"> <li><i>(a) is compatible with the flood function and behaviour on the land, and</i></li> </ul> <p>A Flood Report and Addendum (<b>Attachment 7</b>) has been provided with DA-125/2021 and the development designed so that all manufactured homes and buildings are located above the 1 in 100 flood level. The development is not considered to be incompatible with the flood function and behaviour on the land.</p> <ul style="list-style-type: none"> <li><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood</i></li> </ul>

		<p><i>affection of other development or properties, and</i></p> <p>No buildings or structures are located on land subject to the 1 in 100 year flood, which would adversely affect flood behaviour. The Flood Report and Addendum (<b>Attachment 7</b>) also provides the following statement “<i>the development is unlikely to divert flood flows elsewhere</i>”.</p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p>The development has flood free access (via Brownleigh Vale Drive) to enable safe occupation and efficient evacuation in the event of a flood.</p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p>As per the Flood Report and Addendum (<b>Attachment 7</b>) submitted with DA-125/2021, it is recommended that Council impose a condition of consent requiring all manufactured homes to have a finished floor level 1 metre above the 1 in 100 year flood level.</p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p> <p>In response to the request from the Department of Planning and Environment – Water, the development has been designed to mitigate impacts on Spring Creek and associated riparian vegetation.</p> <p><i>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p><i>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p>Whilst projections to flood behaviour as a result of climate change have not been undertaken for the Inverell Shire, the development is considered unlikely to be significantly impacted by this matter given the limited extent of the 1 in 100 year flood.</p> <p><i>(b) the intended design and scale of buildings resulting from the development,</i></p> <p>The proposed manufactured homes are of suitable design and scale for the site.</p> <p><i>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p>As per the Flood Report and Addendum (<b>Attachment 7</b>) submitted with DA-125/2021, it is recommended that Council impose a condition of consent requiring all manufactured homes to have a finished floor level 1 metre above the 1 in 100 year flood level.</p>
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		<p>In relation to the evacuation of people in the event of a flood, it is recommended that Council impose a condition of consent requiring the preparation of a Flood Emergency Plan for the manufactured home estate.</p> <p><i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p> <p>Being manufactured homes, there is considered reasonable potential to relocate the homes (if required) for flood purposes.</p>
6.1	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p><i>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>Preliminary civil engineering drawings (<b>Attachment 4</b>) have been provided, inclusive of bulk earthworks and drainage. The development is not considered to significantly disrupt, or have a significant detrimental effect on, drainage patterns of soil stability in the locality.</p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>The suitability of the site is discussed throughout this report and the development is not considered to significantly impact the future use or redevelopment of the site or surrounding area.</p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p>There is no evidence to suggest that the quality of the fill or soil to be excavated is unsuitable for the development. It is considered that minimal fill would be required to achieve a floor level 1 metre above the 1 in 100 flood level as the majority of dwelling sites are already above this level. Those homes that do require raising would do so through higher footings.</p> <p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>The proposed earthworks will be retained along the boundaries of the site and are not considered to have a significant adverse impact on the amenity of adjoining properties.</p> <p><i>Note: Other potential amenity impacts (e.g. noise, views) are discussed further in this report.</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p>No issues have been identified with the source of fill and/or destination of excavated material.</p> <p><i>(f) the likelihood of disturbing relics,</i></p>

		<p>The likelihood of disturbing relics has been discussed in Clause 5.10 of the <i>Inverell Local Environmental Plan 2012</i> above.</p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>To mitigate potential impacts on Spring Creek, DPIE-Water requested a twenty (20) metre setback from riparian area of the creek. The manufactured home estate has been designed to accommodate this requirement.</p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The development has been designed with appropriate measures to mitigate potential impacts, including suitable retaining walls and erosion control measures.</p>
6.6	Essential Services	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i></p> <p><i>(a) the supply of water,</i></p> <p>As per the comments and recommendations received from Council's Manager Civil Engineering (refer 'Internal Referrals' section of this report), Council's water supply is available to the development.</p> <p><i>(b) the supply of electricity,</i></p> <p>As per the comments and recommendations received from Essential Energy (refer 'External Referrals' section of this report), electricity is available to the development.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>As per the comments and recommendations received from Council's Manager Civil Engineering (refer 'Internal Referrals' section of this report), the development will be serviced by Council's sewerage system.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>Subject to detailed engineering design prior to issue of a Construction Certificate, the site falls towards and stormwater can be discharged to Spring Creek.</p> <p><i>(e) suitable vehicular access.</i></p> <p>The proposed extension and cul-de-sac to Brownleigh Vale Drive is considered suitable vehicular access for this development.</p>

#### **S.4.15 (1) (a) (iii) EP&A Act 1979 - Development Control Plans**

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

*Note: This chapter relates to the proposed two (2) lot subdivision only. No subdivision of the manufactured home estate is proposed.*

CLAUSE	TITLE	COMMENT AND ASSESSMENT
2.3	Site Analysis	The development has been designed in response the characteristics of the site and a specific site analysis plan is not considered necessary.
2.4	Lot Dimensions	The dimensions of the proposed lots comply with minimum lot size requirements the <i>Inverell Local Environmental Plan 2012</i> and are considered to have suitable dimensions for residential development.
2.5	Lot Orientation	Both lots have suitable orientation for solar access.
2.6	Frontage and Access	The proposed extension and cul-de-sac to Brownleigh Vale Drive is considered to provide suitable frontage and access to both lots.
2.7	Roads	The proposed extension and cul-de-sac to Brownleigh Vale Drive is to be bitumen sealed with roll-over kerb and gutter, which complies with clause.
2.8	Landscape	No important landscape features (e.g. trees, rock formations) are present on the site.
2.9	Public Open Space	As proposed Lot 2 is intended to be developed as a manufactured home estate inclusive of communal areas, it is considered no specific public open space requirements are necessary for this development.
2.10	Stormwater Drainage	The site falls towards and stormwater can be directed to Spring Creek without significantly impacting adjoining properties. Detailed engineering design will be required prior to issue of the relevant Subdivision Works and Construction Certificates.
2.11	Utility Services	Water, sewer, electricity and telecommunications are available to the development.  This clause requires street lighting to be provided in all new residential estates. In this regard, conditions of consent can be imposed requiring the street lighting in Brownleigh Vale Drive to be extended into the proposed cul-de-sac.
2.12	Land Use Conflict	The development is intended for residential purposes and the surrounding area comprises residential uses. The development is not considered to result in any land use conflict.
2.13	New Residential Areas	The development site is not within an identified "New Residential Area".

Inverell Development Control Plan 2013 – Chapter 5 Parking & Traffic

CLAUSE	TITLE	COMMENT AND ASSESSMENT
5.3 & 5.4	Parking Space Requirements & Provision of Car Parking	<p>This chapter does not specify a car parking rate for manufactured home estates. Rather, the car parking requirements for manufactured home estates are contained within the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>. In accordance with this Regulation, this development requires:</p> <ul style="list-style-type: none"> <li>• One (1) resident parking space per manufactured</li> </ul>

		<p>home; and</p> <ul style="list-style-type: none"> <li>• Sixteen (16) visitor parking spaces.</li> </ul> <p>The manufactured home estate proposes:</p> <ul style="list-style-type: none"> <li>• One (1) parking space per home (i.e. carport); and</li> <li>• A total of fifty-six (56) visitor parking spaces.</li> </ul> <p>The proposed parking significantly exceeds the requirements of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.</p> <p>Overall, it is considered that the proposed development has sufficient car parking.</p>
5.5	Design	<p><u>Car Parking</u></p> <p>The carparking spaces comply with <i>Australian Standard 2890.1 Off-street car parking</i>. Two (2) disabled parking spaces will be provided and will be compliant with <i>Australian Standard 2890.6 Off-street parking for people with disabilities</i>.</p> <p>All car parking and access roads have been designed for residents and visitors to enter and exit the manufactured home estate in a forward direction.</p> <p><u>Service Vehicles</u></p> <p>In relation to service vehicles (e.g. waste, deliveries), the manufactured home estate:</p> <ul style="list-style-type: none"> <li>• Includes a dedicated delivery bay within the car park adjacent to the main communal building; and</li> <li>• Waste collection is proposed internally within the estate, with the internal access roads suitable for the manoeuvring of waste collection vehicles in a forward direction.</li> </ul>
5.6	Stormwater	Subject to detailed engineering design prior to construction, all stormwater can be directed to Spring Creek.
5.7	Landscaping	The proposed Landscape Intent ( <b>Attachment 5</b> ) submitted with DA-125/2021 is considered satisfactory.

Inverell Development Control Plan 2013 – Chapter 6 Flood Prone Land

CLAUSE	TITLE	COMMENT AND ASSESSMENT
6.6	Ashford, Yetman and Other Flood Prone Land	<p>Flooding has been assessed against the requirements of Clause 5.21 of the <i>Inverell Local Environmental Plan 2012</i>. The development is considered to comply with the requirements of this clause in consideration of</p> <ul style="list-style-type: none"> <li>• A Flood Report and Addendum (<b>Attachment 7</b>) has been provided by a competent engineer;</li> <li>• No buildings or structures are located within the 1 in 100 year flood level;</li> <li>• A condition of consent will enforce that the finished floor levels of the dwelling are above the 1 in 100 year flood level; and</li> </ul>

		<ul style="list-style-type: none"> <li>A condition of consent will enforce the preparation of a flood emergency plan for the manufactured home estate.</li> </ul>
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#### S.4.15 (1) (b) EP&A Act 1979 - The likely impacts of that development

Matters	Consideration
Context & Setting	The surrounding area is predominantly residential and the proposed development is consistent with this land use.
Access, Transport & Traffic	<p>The proposed extension to Brownleigh Vale Drive, including cul-de-sac, is considered to provide suitable access to the development.</p> <p>A Traffic Impact Assessment (<b>Attachment 13</b>) has been submitted, which demonstrates that the development will not have an adverse impact on the road network. Council's Manager Civil Engineering has also assessed the development and confirmed that no upgrades to the road network is required.</p> <p>The manufactured home estate has sufficient car parking and has been designed to enable suitable service provision, i.e. garbage, deliveries.</p> <p>Overall, the development is not considered to have a significant adverse impact on access, transport or traffic.</p>
Utilities	As assessed previously in this report, all utilities are available to the site and are not considered to be adversely impacted by the development.
Heritage	<p>The site is not identified as an item of environmental heritage under the <i>Inverell Local Environmental Plan 2012</i> and given the historic disturbance of the land there is unlikely to be artefacts present on the site.</p> <p>The development is not considered to have a significant adverse heritage impact.</p>
Other Land Resources	Given the limited land and surrounding residential area, the site is not considered suitable for other land resources such primary production.
Water	<p><u>Stormwater</u></p> <p>The development can direct all stormwater to Spring Creek without adversely impacting the surrounding properties.</p> <p>In addition to the stormwater generated by the development, the subject site accepts natural overland runoff from the properties above in Auburn Vale Road. The development must continue to accept the upstream runoff and it is recommended that following conditions be imposed to minimise stormwater impacts on upstream properties:</p> <ul style="list-style-type: none"> <li>Inter-allotment drainage must be provided along the rear boundary of the Auburn Vale Road properties to accept overland runoff from these properties;</li> <li>The retaining wall (including footing and sub-surface drainage) and inter-allotment drainage along the rear of the Auburn Vale Road properties must be wholly located within the development site.</li> </ul> <p><u>Ground Water</u></p> <p>Anecdotal evidence indicates that shallow groundwater is present in the area. To address this potential impact, it is recommended that Council impose a condition of consent requiring an upfront geotechnical/hydrological report to be undertaken as part of the subdivision. At minimum, this report would:</p> <ul style="list-style-type: none"> <li>Investigate geotechnical conditions below the depth of excavation and/or likely foundation depth to determine the presence of groundwater on both</li> </ul>



	<p>proposed Lot 1 and proposed Lot 2;</p> <ul style="list-style-type: none"> <li>Where groundwater is present, the report must include recommendations in relation to: <ul style="list-style-type: none"> <li>Design parameters for the manufactured home estate (e.g. foundations, permanent and temporary supports, road pavement); and</li> <li>Design parameters for any future residential construction on proposed lot 1; and</li> <li>Measures to be implemented during construction of the manufactured home estate and installation of homes to mitigate potential groundwater impacts.</li> </ul> </li> </ul> <p>The design parameters and mitigation measures identified in the geotechnical/hydrological report would then be reinforced as a Restriction on the Use of Land under Section 88b of the <i>Conveyancing Act 1919</i>.</p>
Soils	<p>The site has an average slope of 4% (or 1 in 25) and the proposed earthworks are considered reasonable to facilitate the residential development of this land. All cut and fill will be retained on-site and there is no evidence to suggest that the soil conditions are unsuitable for the development.</p> <p>Erosion and sediment control measures are proposed during construction, with detailed plans to be provided as part of the subdivision works and construction certificates.</p> <p>Overall, the development is not considered to have a significant adverse impact on soils.</p>
Air Quality	<p>The primary impact on air quality associated with this development is considered to be dust during construction. It is considered that this potential impact is minimal and can be mitigated with conditions of consent.</p>
Flora & Fauna	<p>The development site is not identified on the Biodiversity Values Map requiring a Biodiversity Development Assessment Report under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The development does not contain any significant vegetation and is not considered to contain any habitat suitable for protected fauna species.</p> <p>As per the requirement from the Department of Planning and Environment – Water, the development has been redesigned to achieve a 20 metre setback from the riparian area of Spring Creek.</p> <p>Overall, the development is not considered to have a significant adverse impact on flora or fauna.</p>
Waste	<p>The Waste Management Plan (<b>Attachment 9</b>) submitted with DA-125/2021 is considered satisfactory, with the manufactured home estate to have an internal waste and recycling bin collection service.</p> <p>Overall, the development is not considered to have a significant adverse waste impact.</p>
Noise	<p><u>Construction Noise</u></p> <p>Construction noise will be temporary and can be mitigated with conditions of consent.</p> <p><u>Manufactured Homes</u></p> <p>The manufactured homes will be used for residential purposes commensurate with the surrounding area and are not considered to result in any significant adverse noise impacts.</p>

	<p><u>Community Shed</u></p> <p>The community shed is located on the southern side of the property, approximately ninety (90) metres from the nearest non-associated dwelling. Its hours of operation will be (7:00am – 6:00pm Mon-Sun). The community shed is not considered to have a significant adverse noise impact on the surrounding area.</p> <p><u>Communities Facilities (Main Building, Swimming Pool and Lawn Bowling Green) and Traffic Noise</u></p> <p>These matters are addressed in the “Submissions” section of this report below.</p>
Natural Hazards	<p>Flooding has been assessed earlier in this report. The development is not considered to be adversely impacted by, or significantly influence, flood matters.</p> <p>Council’s records do not indicate the presence of any other natural hazards, e.g. such as bush fire or land slip.</p>
Safety, Security & Crime Prevention	<p>In consideration of the Crime Prevention through Environmental Design guidelines, it is considered that the development will not have a significant adverse impact in relation to safety, security or crime prevention in consideration of:</p> <ul style="list-style-type: none"> <li>• The “community” nature of the manufactured home estate provides territorial reinforcement whereby residents are more likely to provide effective supervision and intervene in crime;</li> <li>• A condition of development consent and any subsequent approval to operate will enforce that all access roads are to be adequately lit between sunset and sunrise;</li> <li>• The site will be fully fenced with access controlled through Brownleigh Vale Drive; and</li> <li>• The estate has been designed to provide surveillance of the internal roads and community areas.</li> </ul>
Light Impacts	<p>As assessed in this report, lighting will be required to be installed within the manufactured home estate. To mitigate potential impacts of this lighting on the surrounding land, the following condition of development consent is recommended:</p> <p><i>All external lighting must:</i></p> <ul style="list-style-type: none"> <li>• <i>Comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting, and</i></li> <li>• <i>Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.</i></li> </ul>
Social Impacts in the Locality	<p>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 <u>New Century Development Pty limited v Baulkham Hills Shire Council [2003] NSWLEC 154</u> has held that:</p> <p><i>“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</i></p>

	<p><i>upon the amenity of the area (Dixon at [53]).</i></p> <p><i>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.</i></p> <p><i>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&amp;A Act”.</i></p> <p>In the case of this Development Application, submission makers have raised a number of concerns. 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.</p> <p>Accordingly, whilst submissions have been received, consistent with the Land and Environment Court findings, these submissions do not constitute evidence of a negative social impact as a result of the proposed development.</p>
Economic Impact in the Locality	The development is considered to have a positive economic benefit to Inverell through the upfront construction phase (i.e. labour and supplies) and the broader provision of additional housing, which will support the growth of Inverell.
Site Design & Internal Design	The design of the development complies with the relevant planning controls and responds to the characteristics of the site. As assessed throughout this report, the design of the development is not considered to have a significant adverse impact on the amenity of the surrounding area.
Construction	<p>The primary construction associated with this development relates to the Brownleigh Vale Drive extension, construction of internal civil works (roads, services, etc.) and construction of community facilities. It is considered that the potential impacts (e.g. noise, dust, erosion) associated with these construction activities can be mitigated with conditions of consent.</p> <p>In relation to the manufactured homes, these are constructed off-site and transported to the site. This will significantly reduce the amount of construction and associated impacts on the site.</p> <p>The transportation of manufactured homes is expected to average three (3) to four (4) per month, with an expected peak of six (6) per month. This transportation is not considered to have a significant adverse impact.</p>
Cumulative Impacts	The development is not considered to have a significant adverse cumulative impact.
Climate Change	The development is not considered to have a significant influence on climate change factors.

#### **S.4.15 (1) (c) EP&A Act 1979 – Suitability of the Site**

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

*Does the proposal fit in the locality?*

The surrounding locality is best described as an urban residential area, which contains a mixture of single dwellings and unit developments. As discussed in the “Subject Site and Locality” section of this report, Lot 1 DP 1152567 has historically been identified for residential development since 1980.

The proposed manufactured home estate provides 76 single storey homes, which is considered to ‘fit’ within the surrounding locality.

*Are the site attributes conducive to development?*

The site has legal and practical access from Brownleigh Vale Drive. All services (water, sewer, electricity and telecommunications) are available to the site and stormwater can be directed to Spring Creek. The Inverell CBD is located approximately 1.2 kilometres (by road) from the site.

The site is generally clear of any significant vegetation and has an average slope of 4% (or 1 in 25), which is not excessive.

A flood assessment has been undertaken (**Attachment 7**), which has determined that the 1 in 100 flood does not significantly constrain the site. Overall, it is considered that the site attributes are conducive to the proposed development.

**S.4.15 (1) (d) EP&A Act 1979 – Submissions**

DA-125/2021 was exhibited for a period of 28 days from 23 June, 2022 to 21 July, 2022. This exhibition involved:

- Notice in the Inverell Times;
- Notice of Council's website;
- Installation of a notice sign at the Brownleigh Vale Drive frontage of the property; and
- Letters sent to surrounding property owners.

As a result of the exhibition period, four (4) submissions were received. The submissions have been circulated separately to Committee members with the Business Paper and the issues raised by submission makers are discussed below.

Traffic volumes

Submission makers have raised concerns in relation to volume of traffic using Brownleigh Vale Drive, Wesley Street and Auburn Vale Road, with concerns also raised with delays at the intersection of Auburn Vale Road and Warialda Road.

A Traffic Impact Assessment has been submitted with DA-125/2021 (**Attachment 13**), which concludes that:

- *SIDRA analysis demonstrates that the Warialda Road / Auburn Vale Road / Hindmarsh Street priority-controlled intersection operates within acceptable key performance indicators in the year of opening (2024) and 10-year design horizon (2034) scenario and does not result in any significant net impact on performance of the intersection; and*
- *SIDRA analysis demonstrates that the Auburn Vale Road / Wesley Street priority-controlled intersection operates within acceptable key performance indicators in the year of opening (2024) and 10-year design horizon (2034) scenario and does not result in any significant net impact on performance of the intersection*

Council's Manager Civil Engineering has reviewed the Traffic Impact Assessment and is satisfied that no intersection upgrades are necessary.

In relation to construction traffic volumes and transport of manufactured homes, it is considered that these impacts are temporary and can be suitably mitigated with conditions of consent, including Traffic Management Plans.

Request for a Second Access to be provided from Hindmarsh Street

In response to the traffic volume concerns (refer above), an additional access off Hindmarsh Street has been recommended by one submission maker.

*Note: The development site has no frontage to Hindmarsh Street and any second access would need to be achieved via the construction of the unformed section of Borthwick Street.*

In response to this matter, Brownleigh Vale Drive, Wesley Street and Auburn Vale Road are considered suitable for the additional traffic generated by the development as discussed above.

Therefore, a second access point off Borthwick Street / Hindmarsh Street is not necessary for this development.

#### Single Point of Access for Fire Fighting Vehicles

An objection has been in relation to the sole access from Brownleigh Vale Drive being unsafe for firefighting vehicles.

In consideration of the guidelines *Fire hydrants for minor residential development* published by Fire and Rescue NSW, it is not necessary to provide multiple access points to a development. Rather:

- Minor residential development should ensure no part of any dwelling is more than 90m from a carriageway that can be readily accessed and traversed by a fire appliance; and
- Any private carriageway longer than 120m from the public road is to include suitable turnaround provisions for a fire appliance, which can include a cul-de-sac turning area, three-point turning bay, or continuous ring-road

It is considered that the proposed manufactured home estate complies with the Fire and Rescue NSW guidelines as:

- The manufactured home estate includes a continuous ring road, which provides turnaround provision;
- The internal access roads have been designed for the waste collection vehicles, which is also sufficient dimensions to service a fire appliance (fire truck); and
- No manufactured home is more than 90 metres from a carriageway that can be accessed by a fire appliance (i.e. fire truck).

*Note: Minor residential development — means any development that involves the subdivision of new or existing land into separately titled lots for private dwelling ownership and where not all dwellings have direct frontage onto a public road. This can include battle-axe block style housing involving a single dwelling, or multi-dwelling estates under strata or community titles.*

#### Noise from the Community Facilities on Auburn Vale Residents

An objection has been received in relation to the potential noise impacts on Auburn Vale Road residents from the communal facilities.

The communal facilities located behind the Auburn Vale Road properties are the main building, swimming pool and lawn bowling green.

These facilities are not considered to have a significant adverse noise impact on adjoining residences on the basis that:

- The manufactured home estate is “cut” lower than the Auburn Vale Road properties (between 0.5m to 1m), which in conjunction with boundary fencing (between 1.5m-1.8m) provides an acoustic barrier along the rear of the Auburn Vale Road properties;
- The separation distance between the swimming pool and nearest residence is approximately 27 metres; and
- The facilities are to be used by residents and bona-fide guests only and will not be open to the general public;
- The hours of use of these facilities will be limited to:
  - Main communal facilities building (7:00am – 9:00pm Mon-Sun);
  - Main communal outdoor facilities (7:00am – 8:00pm Mon-Sun); and
- The manufactured home estate will be bound by the *Protection of the Environment Operations Act 1997* in relation to neighbourhood noise impacts. Consistent with other residential area of Inverell, Council (or the NSW Police) would be able to take action (if necessary) in the event of a noise complaint.

In addition to the above consideration, it is also recommended that Council impose the following precautionary conditions of consent to further mitigate potential noise impacts associated with the communal facilities:

- The swimming pool pump and filtration equipment must not be used in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - (a) before 8.00 am or after 8.00 pm on any Sunday or public holiday; and
  - (b) before 7.00 am or after 8.00 pm on any other day.
- Musical instruments and electrically amplified sound equipment must not be used in the community facilities in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
  - (a) Before 8 am and after midnight on any Friday, or Saturday or the day immediately before a public holiday; and
  - (b) Before 8 am and after 10 pm on any other day.

#### Traffic Noise from increased traffic volume

The development site is located within a residential area and noise associated private residential vehicles entering and exiting the manufactured home estate is not considered to have an unreasonable impact on the surrounding properties.

In relation to noise impacts associated with increase service / delivery vehicles, it is recommended that Council restrict these hours to 7 am to 6 pm Monday to Saturday or 8 am to 6 pm on Sundays and public holidays, consistent with the “Day Period” specified in the *NSW Noise Policy for Industry*.

#### Groundwater Impacts

This objection has raised concerns that the development will result in potential groundwater impacts, with consequential impacts on the structural adequacy of adjoining structures.

As discussed in the ‘Impacts’ section of this report, the development is downstream of adjoining properties. To mitigate potential surface water and ground water impacts associated with this development, the following conditions of consent are proposed:

- Prior to issue of a Subdivision Works Certificate, a groundwater/geotechnical assessment must be submitted to Council; and
- Prior to issue of a Subdivision Certificate, a Restriction on the Use of Land under Section 88b of the *Conveyancing Act 1919* must be created on Lot 2 in relation to recommendations of the groundwater/geotechnical assessment;
- Inter-allotment drainage must be provided along the rear boundary of the Auburn Vale Road properties to accept overland runoff from these properties; and
- The retaining wall (including footing and sub-surface drainage) and inter-allotment drainage along the rear of the Auburn Vale Road properties must be wholly located within the development site.

Subject to the above conditions, the development is not considered to have a significant adverse impact on surface water or ground water, which would adversely impact adjoining structures.

#### View impacts

One submission maker has raised concerns with the loss of view caused by a 1.8 metre fence.

In this regard, a 1.8 metre fence is standard structure in a residential area and is not considered to have an adverse impact on views.

#### Flora and fauna impacts



A submission maker has raised objection in relation to potential impacts on flora and fauna, in particular the riparian areas of Spring Creek.

Due to historic disturbance of the site, the site is generally clear and it is not considered to contain any significant flora or contain any habitat for protected fauna.

The development has been redesigned to mitigate impacts on the Spring Creek riparian area consistent with the requirements of the Department of Planning and Environment – Water.

#### Boundary fencing

An objection has been raised in relation to the replacement of boundary fencing with one submission maker seeking reimbursement for a recently installed boundary fence.

In this regard, the development proposes that where possible, existing fencing along the boundaries of the subject site will be retained. That existing fencing is generally along those northern-western, north-eastern, and south-western boundaries which are shared with adjacent residential development.

Should the submission makers boundary fence ultimately need to be replaced as part of this development, the cost of the fence (or any reimbursement) is a private matter for the landowners to resolve under the *Dividing Fences Act 1991*.

### **S.4.15 (1) (e) EP&A Act 1979 – Public Interest**

#### North West Regional Plan 2041

The proposed development is considered to be consistent with Objective 13 of the *North West Regional Plan 2041* to “provide well located housing options to meet demand”.

#### Inverell Shire Local Strategic Planning Statement 2036

The vision of the *Inverell Shire Local Strategic Planning Statement 2036* is “A Community for Everyone”. The proposed development is considered to be consistent with the Theme of “Thriving, Liveable and Authentic Places”, in which “Council will support the delivery of diverse housing to meet the changing needs of the community”.

### **CONCLUSION**

DA-125/2021 has been lodged for a 2 lot subdivision and manufactured home estate at 31 Brownleigh Vale Drive, Inverell.

The site is zoned ‘R1 General Residential’ pursuant to the *Inverell Local Environmental Plan 2012* (ILEP 2012). The proposed subdivision complies with the minimum lot size and servicing requirements of the ILEP 2012. The manufactured home estate is “permitted with consent” in the R1 General Residential zone in accordance with the provisions of *State Environmental Planning Policy No. 36 – Manufactured Home Estates*.

The development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to be consistent with the relevant State Environmental Planning Policies, *Inverell Local Environmental Plan 2012* and *Inverell Development Control Plan 2013*.

As a result of public exhibition of DA-125/2021, four (4) submissions were received. The matters raised by the submission makers have been considered in this report and are not considered to preclude issuing of development consent.

The development is consistent with the *North West Regional Plan 2041* and *Inverell Shire Local Strategic Planning Statement 2036*; and is not prejudicial to the public interest.

DA-125/2021 was referred the Department of Planning and Environment – Water as the proposed development involves works within forty (40) metres of Spring Creek requiring a Controlled Activity Approval under the *Water Management Act 2000*. On 8 December 2022, DPIE-Water requested a 20 metre setback to be shown from the riparian areas of Spring Creek. A revised site plan was provided to DPIE-Water on 25 January 2023. At the date of preparing this report for Committee, General Terms of Approval has not been issued by DPIE-Water. However, as the setback

requirements of DPIE-Water have been addressed, it is considered that General Terms of Approval will be issued in the near future.

Following an assessment in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is recommended that DA-125/2021 be approved subject to:

- General Terms of Approval being issued by the Department of Planning and Environment – Water; and
- The conditions contained in the recommendation.

**ATTACHMENTS:**

1. **Provided under Separate Cover to Councillors and Available on Council's Website** [↓](#)

**DA-125/2021 - Two (2) Lot Subdivision and  
Manufactured Home Estate - 31 Brownleigh Vale  
Drive, Inverell**

**PLANS & DOCUMENTATION**

<b><u>Document submitted with DA-125/2021</u></b>	<b><u>Attachment No. to this Report</u></b>
Statement of Environmental Effects	<b>Attachment 1</b>
Architectural Plans (revised January 2023)	<b>Attachment 2</b>
Dwelling Elevations	<b>Attachment 3</b>
Civil Drawings	<b>Attachment 4</b>
Landscape Intent	<b>Attachment 5</b>
Survey Plan	<b>Attachment 6</b>
Flood Report (September 2021) and Addendum (May 2022)	<b>Attachment 7</b>
Services Plan	<b>Attachment 8</b>
Waste Management Plan	<b>Attachment 9</b>
Title Search	<b>Attachment 10</b>
AHIMS Search	<b>Attachment 11</b>
Cost of Works	<b>Attachment 12</b>
Traffic Impact Assessment (Revised 1 November 2022)	<b>Attachment 13</b>

**Provided under Separate Cover to Councillors and  
Available on Council's Website**

**5.2 REVIEW OF COUNCIL POLICY - B DOUBLE, RESTRICTED ACCESS VEHICLE, HIGH MASS LIMIT VEHICLE ASSESSMENT FOR ROUTE APPROVAL ON SHIRE ROADS WITHIN INVERELL SHIRE COUNCIL LOCAL GOVERNMENT AREA.****File Number: S30.9.11 / 23/3024****Author: Matthew Mephram, Works Engineer****SUMMARY:**

Council's *B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within the Inverell Shire Council Local Government Area* policy is due for review. This report provides a summary of the review and the amendments proposed. The Committee is requested to recommend that Council amend the policy to be consistent with current procedures for requesting access and the updated network access.

**RECOMMENDATION:**

*The Committee recommends to Council that the amended policy – 'B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area', be adopted.*

**COMMENTARY:**

Council undertakes periodic policy reviews to determine if they remain consistent with the current standards, rules and regulations. A review of Council's Restricted Access Vehicle and High Mass Limit Route Assessment Policy was conducted and this report provides a summary of the review and the amendments required to be consistent with Council's updated road network access.

The review found that the policy is not consistent with the current standards, rules and regulations and requires some amendments and additions.

Applications for the use of Restricted Access Vehicles (RAV) and High Mass Limit (HML) vehicles within Inverell Shire are now administered through a new authority. The new process for operators to access a network using RAV and HML Vehicles is to apply through the National Heavy Vehicle Regulator (NHVR).

The NHVR, which was introduced in 2013, is the new authority to administer access to Shire networks. In the early stage of NHVR commencing, Council still had the authority to give direct access to applicants however, over the past 10 years Council's authority has been significantly reduced and all access requests now go through the NHVR. NHVR regulates this under one set of laws – the Heavy Vehicle National Law (HVNL) in order to reduce the compliance burden on Council's receiving multiple requests to access their network. NHVR ensures that these requests comply with the HVNL prior to forwarding to the respective Council for consideration and assessment. Following referral, Council has 28 days to give a response.

A risk assessment in line with the RMS Guidelines is still conducted as per Council's policy to ensure the safety of other road users and Council's infrastructure not being damaged. If Council is satisfied with the assessment of the particular vehicle requesting access, a permit can be approved and returned to NHVR for notification to the applicant. The permits are approved by the General Manager or his delegate under delegated authority only if the risks involved with allowing access are minimal or another similar type vehicle utilises the road and can safely do so.

Permits are only given for a certain timeframe of up to 3 years which allows Council to monitor these roads for any impacts the RAV's may have on our infrastructure. If the requirement is for a particular vehicle combination to access a road on a permanent basis, a route assessment and risk assessment will be completed as per the RAV Policy and a report submitted to Council for

consideration. This would allow that particular vehicle combination to access a road without the need for a permit.

Council can also provide a route assessment prior to an applicant applying for a permit through the NHVR to determine if the vehicle combination is permitted/not permitted if desired.

Recent years have seen an increase in the different types of restricted vehicle combinations applying for access to the Shire network. Performance Based Standard (PBS) Vehicles are one of the major vehicle combinations that have seen a significant increase in applications. PBS Vehicle combinations are becoming more common as they are assessed under a set of standards to ensure a high level of performance to suit the road network, increasing the safety, freight productivity and reduce impacts to the road infrastructure. Due to these high levels of performance, Council could potentially open up the Shire network to these vehicles on a more permanent basis without the need for permits however, Council is waiting for further direction from Transport for NSW to make a detailed assessment on this.

Over recent years there has been also been a change to Council's road network access for High Mass Limit Vehicles. This was a result of Council conducting an assessment on all shire bridges and related structures to determine if they were suitable for High Mass Limit Vehicles to operate on. This led to Council at its meeting on 18 August, 2021 approving the entire length of local roads including the Tingha roads within the Inverell Shire for Higher Mass Limit Vehicle access. Therefore, an amendment to the policy to be consistent with current network access is required.

It is recommended that the current policy be amended to reflect the HVNL and NHVR requirements. The revised policy is contained in **Attachment 1**.

#### **RISK ASSESSMENT:**

Reduced risk profile due to NHVR administering the applications prior to Council receiving them.

#### **POLICY IMPLICATIONS:**

Council's Restricted Access Vehicle and Higher Mass Limit Route Assessment Policy be amended as per report.

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

Nil

#### **LEGAL IMPLICATIONS:**

Nil

#### **ATTACHMENTS:**

1. **Amended Council Policy - B-Double, Restricted Access Vehicle, High Mass Limit Vehicle Assessment for Route Approval on Shire Roads within Inverell Shire Council Local Government Area - 2023** [↓](#)



COUNCIL POLICY:	B DOUBLE, RESTRICTED ACCESS VEHICLE, HIGH MASS LIMIT VEHICLE ASSESSMENT FOR ROUTE APPROVAL ON SHIRE ROADS WITHIN INVERELL SHIRE COUNCIL LOCAL GOVERNMENT AREA
Ref:	S30.9.11

Contact Officer	General Manager
Approval Date	18 June 2013 (Res 67/13)
Amended	20 August, 2013 (Res 109/13), 22 June 2016 (Res 51/16), 31 January 2023
Approval Authority	Council
Date of Next Review	January 2027

### Policy Statement

1. Council approves the use of 19 Metre B-Doubles on all Shire roads where semi-trailer access exists;
2. Council approves the use of HML vehicles equivalent to the vehicle combination currently approved on all rural roads (Regional & Local) within the Shire. (ie: a road approved for a standard B-Double can be utilized by an HML B-Double)
3. Restricted Access Vehicles and High Mass Limit vehicles seeking access to the Inverell Shire road network are required to apply through the NHVR for Council's consideration and assessment. These vehicles include B-Double, B-Triples, B-Triple Modular, road trains and HML vehicles. A risk assessment in line with RMS Guidelines and conducting trials where required will determine the outcome.
4. Assessment of these vehicle routes for gazettal be undertaken subject to the following:
  - a. The Applicant makes arrangements for a vehicle (similar to the application) trial to be undertaken in company with Council Officers when required;
  - b. The Applicant arrange and pay for the Trial Permit;
  - c. The proposal be advertised in the local newspaper calling for objections to the reclassification of the route to a RAV &/or HML route after the route had been assessed and a recommendation has been made to Council, but prior to Council considering the recommendation.
5. Council consider the route for RAV &/or HML gazettal where the following conditions have been met:
  - a. Community concerns can be adequately considered;
  - b. Access to the route is prohibited during School Bus times if the risk assessment deems it necessary;
  - c. A trial is undertaken and the route is assessed as being adequate by Council as required;



- d. Entry and exit to terminal meet the criteria:
    - i. Vehicles must enter and exit in a forward direction;
    - ii. Swept path of the vehicle must allow a legal movement when entering or exiting;
  - e. An Engineering Assessment in accordance with the RTA guidelines for HML Route Assessment has been undertaken; with the cost of any structural assessment being borne by the applicant.
  - f. A risk assessment be carried out based on the NSW Route Assessment Guide for Restricted Access Vehicles.
  - g. A full trial has been undertaken using a similar vehicle to the application where required.
  - h. A report is submitted back to the Council meeting on completion of stages e, f & g above.
5. Council apply for grant funding from the State and Federal Government for any applications that have a significant benefit to the wider community.

**5.3 FIXING LOCAL ROADS POTHOLE REPAIR FUNDING****File Number:** S15.8.100/04 / 23/3064**Author:** Justin Pay, Manager Civil Engineering**SUMMARY:**

The NSW State Government has provided additional funding to the Fixing Local Roads program, specifically aimed at addressing priority potholes on local and regional roads across regional and rural NSW. Council is requested to endorse the strategy that has been developed to allocate these funds.

**RECOMMENDATION:**

*The Committee recommends to Council that:*

- 1. The information be received and noted; and*
- 2. The proposed funding allocation model be endorsed for Round 1 and Round 2 of the Fixing Local Roads Pothole Repair funding.*

**COMMENTARY:**

In October 2022 the Minister for Regional Transport and Roads the Hon. Sam Faraway MLC announced that applications were open for the newly created \$50M Fixing Local Roads – Pothole Repair Round (PRR).

These funds were made available for regional and rural Councils to address priority potholes on local and regional roads. The Minister noted that persistent rainfall and unprecedented wet weather conditions have significantly impacted the road network in NSW. The PRR funding is designed to supplement existing funding to enable Councils to increase ongoing maintenance and repairs of roads under their control.

Council applied for and have received \$794,261.52 under round one of the PRR. The available \$50M in funding was allocated to eligible Councils based on the length of local and regional road network under their control. Council has executed the funding deed for the above funds, which are required to be spent by 1 January, 2024.

The funding deed provides the scope of work that is eligible to be carried out with these funds and a funding strategy has been developed to allocate the funds accordingly.

The Scope of Works from the funding deed states the following:

*Routine work and corrective maintenance of potholes in rigid and flexible pavements, sealed and unsealed.*

*“Work” means all acts of construction, maintenance, improvements and related planning, design, environmental surveys to maintain and repair potholes on, local and regional roads.*

*“Corrective Maintenance” includes unplanned maintenance activities that are necessary to ensure continued access and the safe operation of the road network.*

Upgrade works are not eligible works under the PRR, i.e. upgrading an unsealed road to sealed standard, bitumen resealing and gravel resheeting are not eligible.

In order to allocate the funds to the areas of highest priority Council’s engineering staff reviewed data in the asset management system, including a review of data in the customer request system. Further meetings were held between Engineering, Assets and Operational staff to determine a funding model that would achieve the highest benefit to the community and that could be physically delivered by the deadline.

It is important to note that Council has a significant volume of funded projects in the works program for the 2023 calendar year. It will be critical to engage contractors to ensure that all works are completed efficiently, effectively and in accordance with various grant funding deed deadline requirements. The below funding strategy has been developed with contractor availability in mind.

It is proposed to allocate the round one PRR funding on the following basis:

Heavy Patching	30%
Maintenance Grading	20%
Gravel Patching	15%
Drainage Maintenance	15%
Crack Sealing/Bitumen Patching	15%
Shoulder Maintenance	5%

Further to round one of the PRR, the State Government have announced an additional \$280M will be available under Round 2 of the program. Round 2 funding will be allocated in the same way as the first round and Council has lodged its application.

Council is yet to be informed of the outcome of the application under Round 2 and details are not yet available regarding eligible works or funding deadlines for works under Round 2. If the full \$280M is allocated in accordance with the method for Round 1, it is estimated that Council may receive in excess of \$4.4M under Round 2 of the PRR. It is anticipated that the Scope of Works requirement under Round 2 will be consistent with Round 1 and as such the above funding allocation strategy is recommend for funds received under Round 2.

A further report will be presented to Council once the outcome of the Round 2 funding application is known and the funding deed finalised. At this stage the funding allocation strategy can be amended if necessary.

While staff are yet to complete a full works program identifying work types on individual roads, it can be noted that the below roads are proposed to receive maintenance works under the PRR, with other roads to be included once the funding deed for Round 2 is finalised:

MR462 – Bruxner Way

MR187 – Yetman Road

SR59 – Graman Road

SR 60 – Nullamanna Road

SR118 – Oakwood Road

SR128 – Delungra Road

SR234 – Kings Plains Road

SR244 – Western Feeder Road

SR245 – Eastern Feeder Road

SR246 – Elsmore Road

SR412 – New Valley Road

#### **RISK ASSESSMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

**LEGAL IMPLICATIONS:**

NIL

**ATTACHMENTS:**

Nil

**5.4 MODULAR B TRIPLE ACCESS REQUEST INVERELL TO TEXAS****File Number:** S28.15.3 / 23/3118**Author:** Matthew Mephram, Works Engineer**SUMMARY:**

Council is in receipt of a Restricted Access Vehicle (RAV) application for Modular B-Triple access from Inverell to the Shire boundary at Texas, QLD under pilot arrangement. Council is requested to give approval for this permit.

**RECOMMENDATION:**

*The Committee recommends to Council that Council approve the application for Modular B-Triple access under pilot arrangement from Inverell Freighters Depot to the Shire Boundary at Texas, QLD through the NHVR permit system.*

**COMMENTARY:**

Council is in receipt of a Restricted Access Vehicle (RAV) application for Modular B-Triple access from Inverell to the Shire boundary at Texas, QLD under pilot arrangement. The route under application is from the Inverell Freighters Depot in Brissett Street, Inverell to the Shire boundary at Texas, QLD via Ashford and Bonshaw. The proposed route map is contained in **Attachment 1** of this report.

An assessment of the route was conducted by Council's Works Engineer in December 2022. The assessment was completed in accordance with Council's Restricted Access Vehicle policy and is included in **Attachment 2** of this report for reference.

The assessment was completed as though there would be no pilot in place to determine the suitability of the route prior to completing a risk assessment. A summary of the assessment is provided below:

- There are multiple locations along the route that do not have the required carriageway width for B-Triple access.
- There are multiple structures along the route that do not have the required width for B-Triples.
- The road is in good condition throughout the route.
- Modular B-Triples would reduce freight vehicle numbers.

As the applicant is proposing to have a pilot arrangement in place, a risk assessment was completed utilising this mitigation measure. The risk assessment concluded that this mitigation measure would be a suitable option to allow this vehicle combination to access the route as it would be a similar arrangement to that of an agricultural machinery move or house move. These types of combinations can operate at widths over 5m and can access the route under a pilot arrangement through the NHVR permit system. Modular B-Triple is only 2.5m in width, therefore the risk under a pilot arrangement is much lower. A Modular B-Triple is also shorter than a standard B-Triple being no longer than 35m long instead of 36.5m long. See attached diagram contained in **Attachment 3**. This reduces the risk of excessive tail swing and acts more closely to that of a B-Double which is 26m long. Having a pilot arrangement in place also helps to mitigate the risk as it provides an advanced warning to other road users of an oncoming oversize vehicle. This practice is currently used on Yetman Road which has seen a positive outcome for the grain carters. The pilot arrangement does not have a significant effect on other road users as there are

multiple sections of road on the route to pass if required. Therefore, the Modular B-Triple under pilot arrangement proposal would be suitable for this route initially under the NHVR permit system. This would allow Council to monitor the impacts that may arise and allow further consideration in the future if it was to become a gazetted route.

After conducting the route assessment and risk assessment of the applicant's proposal of a pilot arrangement, the Committee is requested to recommend that Council approve the application for Modular B-Triple access under a pilot arrangement from Inverell Freighters Depot to the Shire Boundary at Texas, QLD through the NHVR permit system.

**RISK ASSESSMENT:**

A pilot arrangement for Modular B-Triple access along this route is an acceptable risk mitigation measure.

**POLICY IMPLICATIONS:**

Nil

**CHIEF FINANCIAL OFFICERS COMMENT:**

Nil

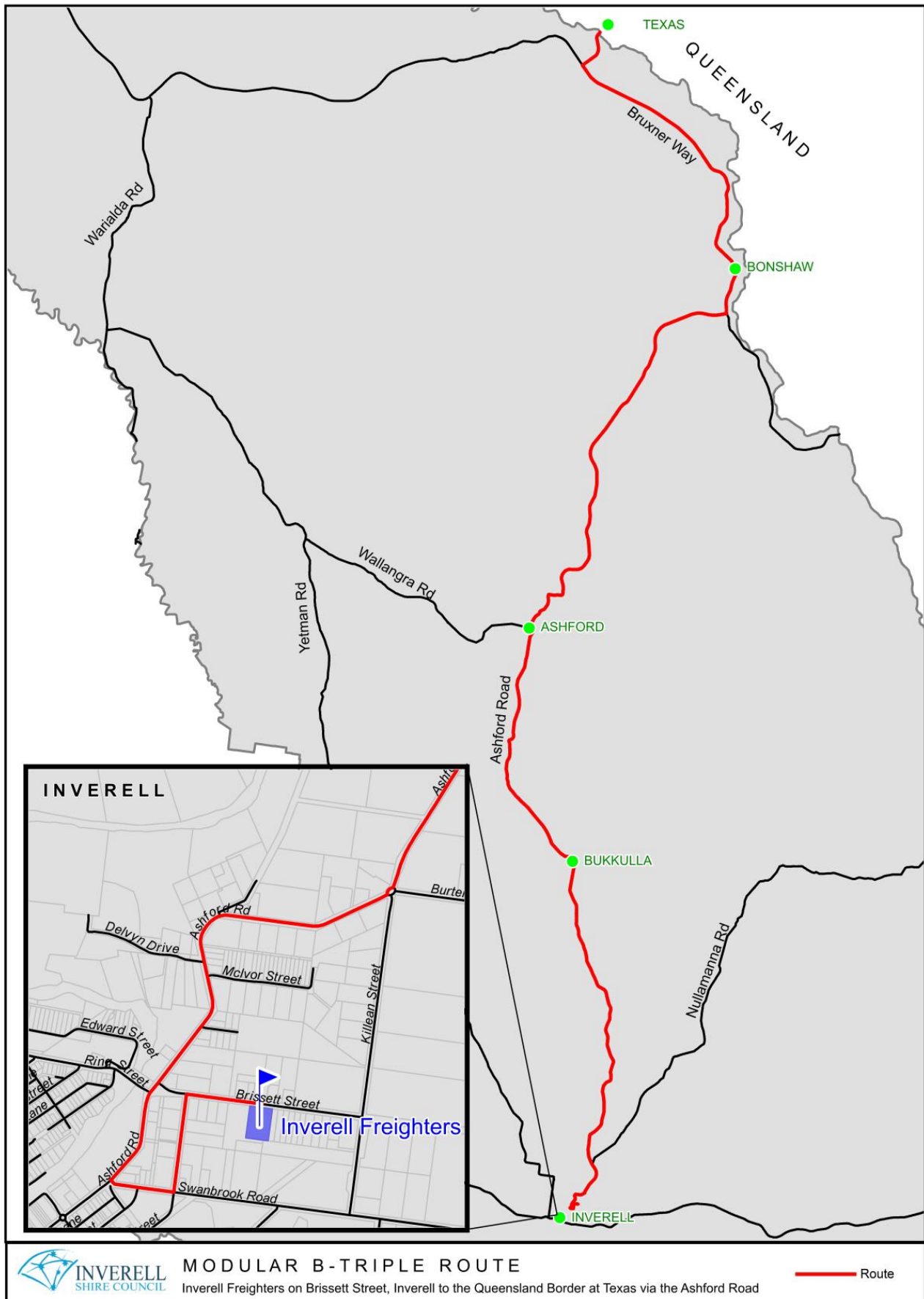
**LEGAL IMPLICATIONS:**

Nil

**ATTACHMENTS:**

1. Route Map for Modular B-Triple Access Request [↓](#)
2. Route Assessment and Risk Assessment - Inverell Freighters to Shire Boundary at Texas, QLD [↓](#)
3. Modular B-Triple Diagram [↓](#)





## Section 3: Route assessment summary report

### 3.1 Cover Sheet

<b>Vehicle configuration:</b>	Modular B-Triple
<b>Route:</b>	Inverell to Shire Boundary, Texas, QLD
<b>Origin Address:</b>	Inverell Freighters Depot – Brissett Street
	_____
	_____
	_____
<b>Destination Address:</b>	Shire Boundary – Texas QLD
	_____
	_____
	_____

A completed application form showing route details is attached.

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

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

**Not suitable**

<b>Person responsible for the route assessment:</b>	
<b>Signature:</b>	<i>MB Mepham</i>
<b>Name:</b>	Matthew Mepham
<b>Qualification</b>	BENG
<b>Position:</b>	Works Engineer
<b>Organisation</b>	ISC
<b>Date:</b>	December 2022

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3-1

### 3.2 Route Assessment summary check list

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

Road Name and Section:		Inverell Freighters to Shire Boundary, Texas QLD		
Ref	Assessment characteristic	Data		Comment / information
<b>2.1.1</b>	<b>General</b>			
	Length of route (km)	128km		Measured by vehicle trip meter
	Road Class Hierarchy (State Roads)	Regional and Urban		Council Hierarchy
	Traffic Volumes (AADT)	>500 average		Council Data records
	% Volume of commercial vehicles	30% average		Council Data records
	Volume by types of freight vehicles:			
	• Semi-trailers			
	• B-doubles			
	• Road Trains			
	• AB and B-triple combinations			
	• Other			
Ref	Assessment characteristic	Pass	Investigate	Comment / information
<b>2.2</b>	<b>Legal/regulatory</b>			
<b>2.2.1</b>	<b>Vehicle</b>			
	Check the proposed vehicle against the regulations:	√		
	Actual legal class and configuration	N/A		
	Comparable vehicle			N/A
<b>2.2.2</b>	<b>Zoning of land</b>			
	Evidence provided that access complies with planning approvals	N/A		
<b>2.3</b>	<b>Road safety issues</b>			
<b>2.3.1</b>	<b>At terminals</b>			
2.3.1(a)	Road access within terminals	√		

Ref	Assessment characteristic	Pass	Investigate	Comment / information
	Evidence provided to confirm suitability within terminals.	N/A		
2.3.1(b)	Road access into or from terminals	√		Sight Distance is adequate
	Entry and exit complies	√		Adequate turning areas at intersections
<b>2.3.2</b>	<b>Road safety assessment</b>			
	Road Crash Investigation Report Review of desk-top analysis of the road crash history over the previous 5 years.			
	Where required, road safety audit report			
	• Speed zones	N/A		
	• School speed zones	N/A		
	• Truck and bus zone	N/A		
<b>2.3.3</b>	<b>Road alignment</b>			
	Is there a comparable vehicle using this route?	-		No
	Low speed turns at intersections, roundabouts, traffic management devices	√		Adequate area at intersections
	Curve geometry at road speed		√	Some tight bends along the route
<b>2.3.4</b>	<b>Road width (cross-section)</b>			
2.3.4(a)	Rural roads			
	For unsealed sections: • Carriageway width (W)	N/A		
	For sealed sections: • Sealed surface width (SSW) • Sealed lane width (SLW) • Carriageway width (W)		√	Pavement width is below the required 7m in multiple locations along the route
2.3.4(b)	Urban roads			
	For sealed sections: • Sealed lane width (SLW) • Adjacent lane (SLW)	√		Adequate width in Urban Streets
<b>2.3.5</b>	<b>Structure width (including bridge width)</b>			

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Ref	Assessment characteristic	Pass	Investigate	Comment / information
	Structure width		√	Select few structures do not meet the width requirement
	Width ratio ≤ 1.25		√	Some structures have a width ratio greater than 1.25
<b>2.3.6</b>	<b>Intersections</b>			
2.3.6(a)	Low speed turns			
	Roadside structures	√		
2.3.6(b)	Intersections and turn bays			
	Safe intersections sight distance (SISD)	√		
	Adequate road length for storage	√		
2.3.6(c)	Approach visibility (stopping sight distance)			
	Stopping Sight Distance (SSD)	√		
<b>2.3.7</b>	<b>Overtaking opportunities</b>			
	Overtaking opportunities meet the requirements for the route.	√		
<b>2.3.8</b>	<b>Traffic facilities</b>			
2.3.8(a)	Signs, lines and markings	√		
	Signposting	√		
2.3.8(b)	Crash barriers and clear zones		√	Some barriers may need replacing
2.3.8(c)	Traffic signals			
	Minimum green time (Note locations where adjustment is required)	N/A		
<b>2.3.9</b>	<b>Traffic interaction with other users</b>			
	School bus route has bus stop areas off the road where the bus can safely stop.		√	Limited designated bus stops along the route
	Tourist route	√		No significant impact to tourists
	Pedestrians and cyclists	√		
	Other drivers familiar with RAV	√		RAV operate on a large portion of the Shire
<b>2.3.10</b>	<b>Local conditions</b>			

3-4

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Ref	Assessment characteristic	Pass	Investigate	Comment / information
	Other local conditions (describe)	N/A		
<b>2.4</b>	<b>Rail-road safety</b>			
2.4.1	Grade Separated Crossings	N/A		
2.4.2	Railway crossings			
2.4.2(a)	Sight distance	N/A		
2.4.2(b)	Alignment and width	N/A		
2.4.2(c)	Queuing on railway crossings at or near intersections	N/A		
2.4.2(d)	Short stacking	N/A		
	Concurrence from rail infrastructure manager	N/A		
<b>2.5</b>	<b>Work, health and safety</b>			
<b>2.5.1</b>	<b>Decoupling operation</b>	N/A		
<b>2.5.2</b>	<b>Driver breaks</b>	√		Rest stop areas available along the route
<b>2.6</b>	<b>Amenity and environment issues</b>			
<b>2.6.1</b>	<b>Existing approved land-use</b>			
2.6.1(a)	Community amenity	√		Modular B-Triple will reduce freight vehicle numbers
2.6.1(b)	Noise and vibration			
	Road noise: Road surface irregularity	√		
	Engine and brake noise: Grade > 5% (potential for engine brake noise)	√		
2.6.1(c)	Air quality	√		
2.6.1(d)	Vulnerable or endangered flora or fauna	√		
<b>2.6.2</b>	<b>Traffic-generating development</b>			
	Associated with DA	N/A		

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3-5



Ref	Assessment characteristic	Pass	Investigate	Comment / information
<b>2.7</b>	<b>Infrastructure loading</b>			
<b>2.7.2</b>	<b>Bridge structure</b>			
	All bridges & culverts structurally capable	√		Bridge Assessment was completed when Council assessed them for HML Status
<b>2.7.3</b>	<b>Pavement structure</b>			
2.7.3(a)	General and concessional mass			
	Wear relative to 6 axle semi-trailer Pavement condition	√		—
2.7.3(b)	Higher mass limits (HML) on axles groups			
	Pavement condition	√		Pavement is in good condition throughout the route
<b>2.7.4</b>	<b>Floodways and causeways</b>	√		Good Condition
<b>2.8</b>	<b>Property damage (public infrastructure or property)</b>			
<b>2.8.1</b>	<b>Low clearance structures and plant</b>			
2.8.1(a)	Structure clearance	√		
2.8.1(b)	Overhead cable clearance	√		
2.8.2	Tree clearance	√		
<b>2.9</b>	<b>Other significant issues</b>			
	Other issues not covered in the assessment (describe)	N/A		

**Risk Management Approach:**

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

**Access Conditions:**

--

**Other issues:**

	Yes	No
Is a review of the route scheduled?		√

3-6

Error! Reference source not found. (Error! Reference source not found.)

### 3.3 Engineering determination report

<b>Vehicle type</b>	Modular B-Triple	<b>HML Vehicle</b>	No
<b>Asset Manager</b>			
<b>Route</b>	From: Inverell Freighters Depot		
	To: Shire Boundary, Texas QLD		
		<b>Yes</b>	<b>No</b>
List of all structures, their assessments and sign-off by structural engineer is attached			√
•			
•			
•			
•			
•			
•			
All structures can support the proposed vehicle		√	

#### Person responsible for the engineering determination:

**Signature:** 

**Name:** Matthew Mepham

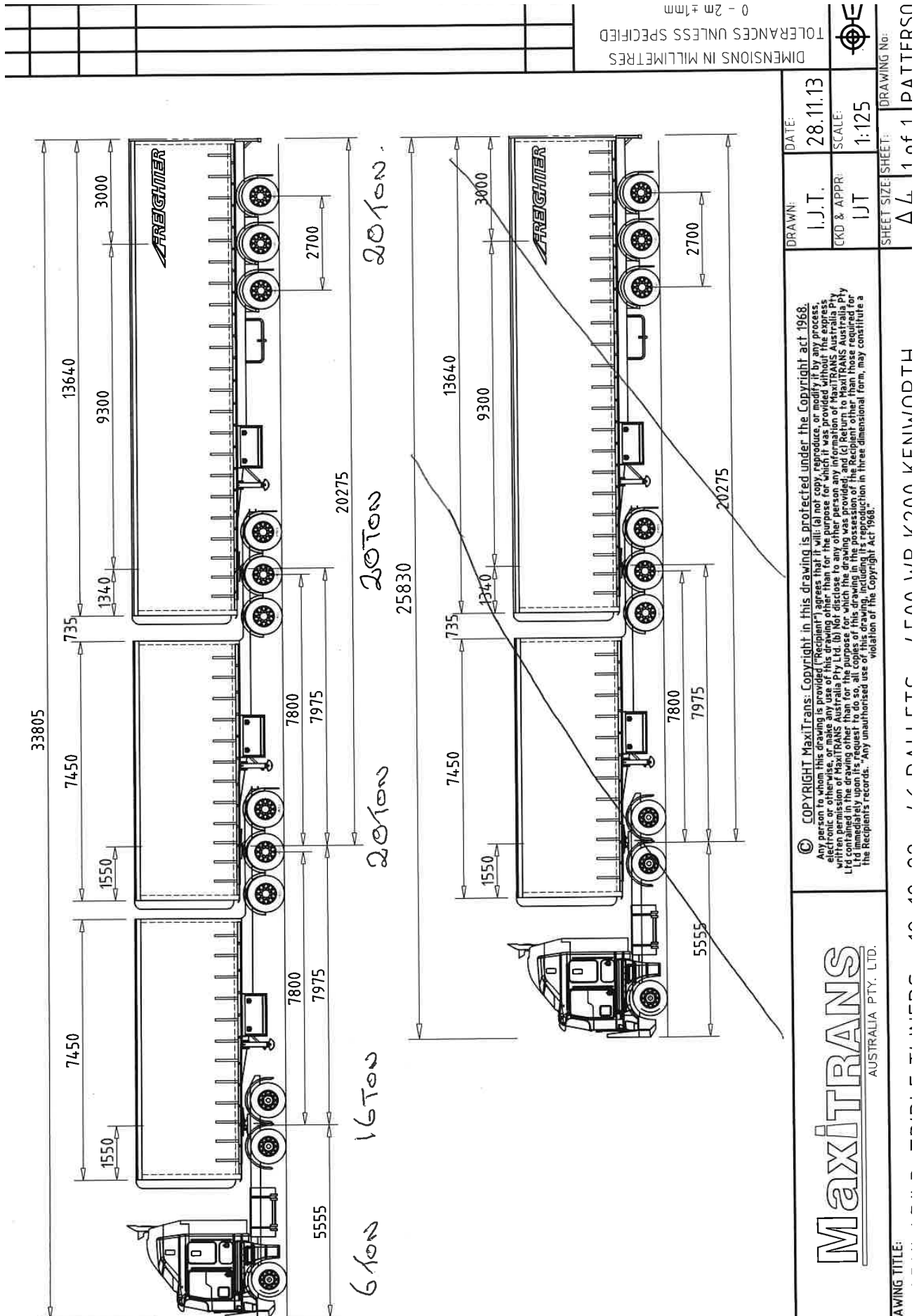
**Position:** Works Engineer

**Organisation:** ISC

**Date:** December 2022

**Table 7–8 Risk Assessment Summary–Current and Future Evaluation**

Project risks		Current Level of risk (current traffic)			Future Level of risk (current traffic + RAV – replaced heavy vehicles)				Evaluation	
		Likelihood	Con- sequence	Risk level	Likelihood	Con- sequence	Risk level	Change (↓–↑)	Acceptable	Further consideration of treatments
	Road safety <sup>(1)</sup>									
S1	Poor Road Geometry – Crash Risk	Possible	Very High	Extreme	Possible	Very High	Extreme	-	Y	Improvement of road geometry or use of pilot vehicle would help to mitigate risk further
S2	Insufficient carriageway width – Crash Risk	Rare	Very High	Moderate	Possible	Very High	Extreme	↑	N	Road width is not far off the required width therefore a pilot arrangement would help mitigate any further risk.
S3	Insufficient carriageway width – Pavement/Shoulder Damage Risk	Possible	Medium	Moderate	Likely	Medium	Moderate	-	Y	
	Structures									
S4	Insufficient structure width – Crash Risk	Possible	Very High	Extreme	Possible	Very High	Extreme	-	Y	Structures with insufficient width could be upgraded to comply with the standards. A pilot arrangement would help to reduce the risk to other road users in the meantime.
S5	Structure Width Ratio – Crash Risk	Possible	Medium	Moderate	Possible	High	Moderate	-	Y	
S6	School Bus Route – Crash Risk	Rare	Very High	Moderate	Possible	Very High	Extreme	↑	N	Implementation of time restrictions on route for RAV or Pilot arrangement would reduce risks of crash



**5.5 SPECIAL FLOOD CONSIDERATION CLAUSE****File Number:** S18.6.34 / 23/3379**Author:** Anthony Alliston, Manager Development Services**SUMMARY:**

NSW Department of Planning and Environment are seeking submissions from Councils in regard to a potential “*Special Flood Considerations Clause*” to be included within clause 5.22 of the Standard Instrument—Principal Local Environmental Plan and ultimately mandated in clause 5.22 of the *Inverell Local Environmental Plan 2012*.

The purpose of this report is to provide the Civil and Environmental Services Committee with information and discussion on the Special Flood Considerations Clause.

The Committee is being asked to note the information and the intention for Council staff to make an on-line submission advising that Inverell Shire Council does not support the one-size-fits-all inclusion of the Special Flood Considerations Clause across the state and into the *Inverell Local Environmental Plan 2012*.

**RECOMMENDATION:**

*The Committee recommends to Council that Council endorse the intent of the submission as outlined in the report regarding the potential mandating of a Special Flood Considerations Clause.*

**COMMENTARY:**Background

In July 2021, the NSW Department of Planning and Environment released a flood-prone land package which was intended to provide advice and guidance to Councils in the consideration of flooding in land-use planning.

The updated guidance was anticipated to support:

- better management of flood risk beyond the 1% annual exceedance probability;
- best management practices in managing and mitigating severe to extreme flood events; and
- greater resilience built into communities in floodplains and reduces potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW.

As part of the flood-prone land package only 32 Councils “self-nominated” to amend their Local Environmental Plans by inserting an “optional” Special Flood Considerations Clause.

Inverell did not self-nominate to include the “optional” Special Flood Considerations Clause into the *Inverell Local Environmental Plan 2012*.

It should be noted that the 32 Councils that opted to include the “optional” Special Flood Considerations Clause into their Local Environmental Plan represent only 25% of Councils within NSW (there are 128 Councils in NSW). It should also be noted that the Councils who opted in are primarily metropolitan and coastal Councils.

The Proposed Special Flood Considerations Clause

NSW Department of Planning and Environment are proposing the “*Special Flood Considerations Clause*” to be included a clause 5.22 of the Standard Instrument—Principal Local Environmental

Plan and ultimately mandated in clause 5.22 of the *Inverell Local Environmental Plan 2012* (if adopted).

The special flood considerations clause would apply to:

- sensitive and hazardous development, such as caravan parks, hospitals and seniors housing, between the flood planning area and the probable maximum flood level; and
- development that is not sensitive or hazardous on land that the consent authority considers that, in a flood, may pose a particular risk to life and where people may need to evacuate or there are other safety concerns.

The NSW Department of Planning and Environment believes the Special Flood Considerations Clause will build resilience in future development, as well as reducing the extent of property damage and potential loss of life from severe to extreme flooding – “*Keeping our communities safe and building resilience*”.

The intention of the clause is to manage the flood risk between the “flood planning area” and the “probable maximum flood”.

**Attachment 1** includes a copy of the proposed clause 5.22.

On face value it appears that the proposed Special Flood Considerations Clause would only be applied to the 32 councils that self-nominated to include the clause into their Local Environmental Plan.

However, in response to the recommendations of the independent 2022 NSW Flood Inquiry conducted by Mary O’Kane and Mick Fuller, the department is now seeking feedback from Councils on applying the clause to all NSW Councils, by inserting the clause in either:

- all NSW Council LEPs, or
- the State Environment Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).

#### Flood Planning Area and Probable Maximum Flood

The definitions of “flood planning area” and the “probable maximum flood” are provided below:

***flood planning area*** - the area of land below the flood planning level and thus subject to flood related development controls. The concept of flood planning area generally supersedes the “flood liable land” concept in the 1986 Manual.

***probable maximum flood*** - the PMF is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land, that is, the floodplain. The extent, nature and potential consequences of flooding associated with a range of events rarer than the flood used for designing mitigation works and controlling development, up to and including the PMF event should be addressed in a floodplain risk management study.

For Inverell the “flood planning area” is defined by the 1991 flood which equates to the 1:100-year flood event. The “probable maximum flood” on the other hand has been estimated to be 8-10 metres above the 1991 flood level which equates to a 1:100,000-year event.

**Attachment 2** includes a plan showing the extent of the 1991 flood and the “estimated” probable maximum flood for the Inverell township. There is no mapping of the PMF outside Inverell.

*Note – The probable maximum flood (PMF) as shown on **Attachment 2** is estimated based on calculations made by NSW Water Resources and David Jones in 1994. To accurately map the probable maximum flood substantial flood studies and calculations would need to be undertaken by specialist consultants at significant expense and resources to Council.*

The intention of the Special Flood Considerations Clause is to manage the flood risk between the “flood planning area” and the “probable maximum flood”. As can be seen from **Attachment 2**, for

Inverell, this equates to a significant amount of the town including fully serviced employment and residential lands.

### Submissions Period

NSW Department of Planning and Environment are now seeking submissions from NSW Councils in regard to applying a Special Flood Considerations Clause to all of NSW.

Council was notified of the submission period via e-mail on 17 January, 2023 and submissions must be received by 14 February, 2023. This time-frame does not give Council time to endorse a formal submission. It is therefore intended that Council staff make an on-line submission to the proposal.

### Discussion

Council staff have only had a short time to review and analyse the exhibition material. Based on this review and consideration of the potential impacts of the proposed Special Flood Considerations Clause, the following broad comments are as follows:

- Inverell does not have accurate PMF information. The information available for the Inverell township being an estimate only. For Council to accurately and reliably apply the Special Flood Considerations Clause, an updated flood study would be required. An updated flood study would need to be undertaken shire-wide and should not be limited to the Inverell township.
- Prior to adoption of the Special Flood Considerations Clause, attention needs to be given to any unintended or unforeseen consequences, on the community, associated with PMF flood controls, such as sterilisation of serviced residential and employment land, location of existing sensitive land uses, property values and insurances.
- A Shire-wide flood study to determine the PMF (and flood behaviour) could not be completed in-house. Council would have to engage specialised consultants to complete this work. Costs would likely be in excess of \$500,000.
- The Special Flood Consideration Clause proposed by the NSW Department of Planning and Environment represents a “one size fits all approach”. It is considered that each Council should be responsible for developing its own flood controls relevant to the risk and specific circumstances of the local government area.
- The community consultation undertaken by NSW Department of Planning and Environment is at best described as “high-level”. The Department have not identified the land that would be impacted by the controls and has undertaken little to no direct engagement with Council or landowners that may be impacted by the new regulation.
- *“To determine the cause of the extreme rainfall events and subsequent flooding, formal scientific process with hypotheses, experimentation, analysis and interpretation is required”* (extract from 2022 Flood Inquiry, 29 July, 2022). It is considered that prior to mandating a one-size-fits-all approach across the state the NSW Government should at minimum, from a risk-based approach, determine the high-risk catchments across NSW and focus on those. Would the Inverell Shire be included as a high-risk catchment?

Council staff recognise the importance of considering the PMF for the “safety” and “resilience” of communities and the protection of life. However, the “one size fits all approach” by the NSW Department of Planning and Environment with minimal consideration of the real-world application of the Special Flood Considerations Clause should not be supported without question and further investigations.

Each individual council should be responsible for developing its own PMF controls which are risk-based and relevant to the local community. To support Council’s consideration of the PMF, the NSW Government should first be providing “adequate” funding to enable Councils to undertake their required catchment flood studies.

To change the goal posts from an “optional” clause to potentially mandating the controls across the entire state with minimal consultation with Councils or communities is considered to be State



Government overreach. The fact that the majority of NSW Councils will not have accurate and up-to-date data on flooding and PMFs flies in the face of the NSW Department of Planning's sustained assertion to Councils for "evidence based" strategic planning and decision making.

Council staff intend to make an on-line submission to NSW Department of Planning and Environment that Council:

- Does not support the blanket state-wide inclusion of the Special Flood Considerations Clause into the *Inverell Local Environmental Plan 2012* or *State Environmental Planning Policy (Resilience and Hazards) 2021*; and
- Recommends that prior to the implementation of the 5.22 Special Flood Considerations Clause, the NSW Government provide 100% funding to Councils to undertake the necessary flood studies.

The Committee is requested to note this information. Council's Manager Development Services is available should any Committee Member, or Councillor wish to discuss the submission prior to 14 February, 2023.

#### **RISK ASSESSMENT:**

There are inherent risks to Council in regards to flooding and the development assessment process irrespective of whether NSW Department of Planning and Environment mandate the Special Flood Consideration Clause to all NSW Councils, or not.

#### **POLICY IMPLICATIONS:**

Should the NSW Department of Planning and Environment determine to apply the Special Flood Consideration Clause to all NSW Councils, whether through a local environmental plan or State Environmental Planning Policies, Council would be required to consider this clause for development proposals, noting that the data at hand is not accurate or reliable.

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

The preparation of updated flood studies and associated mapping cannot be undertaken in-house, with Council having to engage specialised consultants (likely at considerable cost) to complete this work.

#### **LEGAL IMPLICATIONS:**

Given the lack of reliable and accurate data and information for the probable maximum flood in the Inverell Shire, the legal implications of any decisions made under the Special Flood Considerations Clause are unknown.

#### **ATTACHMENTS:**

1. **5.22 Special flood considerations clause (optional)** [↓](#)
2. **Estimated Probable Maximum Flood (PMF) 1994** [↓](#)



## Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)

Current version for 1 December 2022 to date (accessed 1 February 2023 at 14:10)

[Part 5](#) > Section 5.22

### 5.22 Special flood considerations [optional]

- (1) The objectives of this clause are as follows—
  - (a) to enable the safe occupation and evacuation of people subject to flooding,
  - (b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
  - (c) to avoid adverse or cumulative impacts on flood behaviour,
  - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
  - (e) to avoid adverse effects of hazardous development on the environment during flood events.
- (2) This clause applies to—
  - (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
  - (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
    - (i) cause a particular risk to life, and
    - (ii) require the evacuation of people or other safety considerations.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) will not affect the safe occupation and efficient evacuation of people in the event of a flood, and
  - (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (c) will not adversely affect the environment in the event of a flood.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

*Considering Flooding in Land Use Planning Guideline*—see clause 5.21(5).

*flood planning area*—see clause 5.21(5).

*Floodplain Development Manual*—see clause 5.21(5).

***probable maximum flood*** has the same meaning as it has in the Floodplain Development Manual.

***sensitive and hazardous development*** means development for the following purposes—

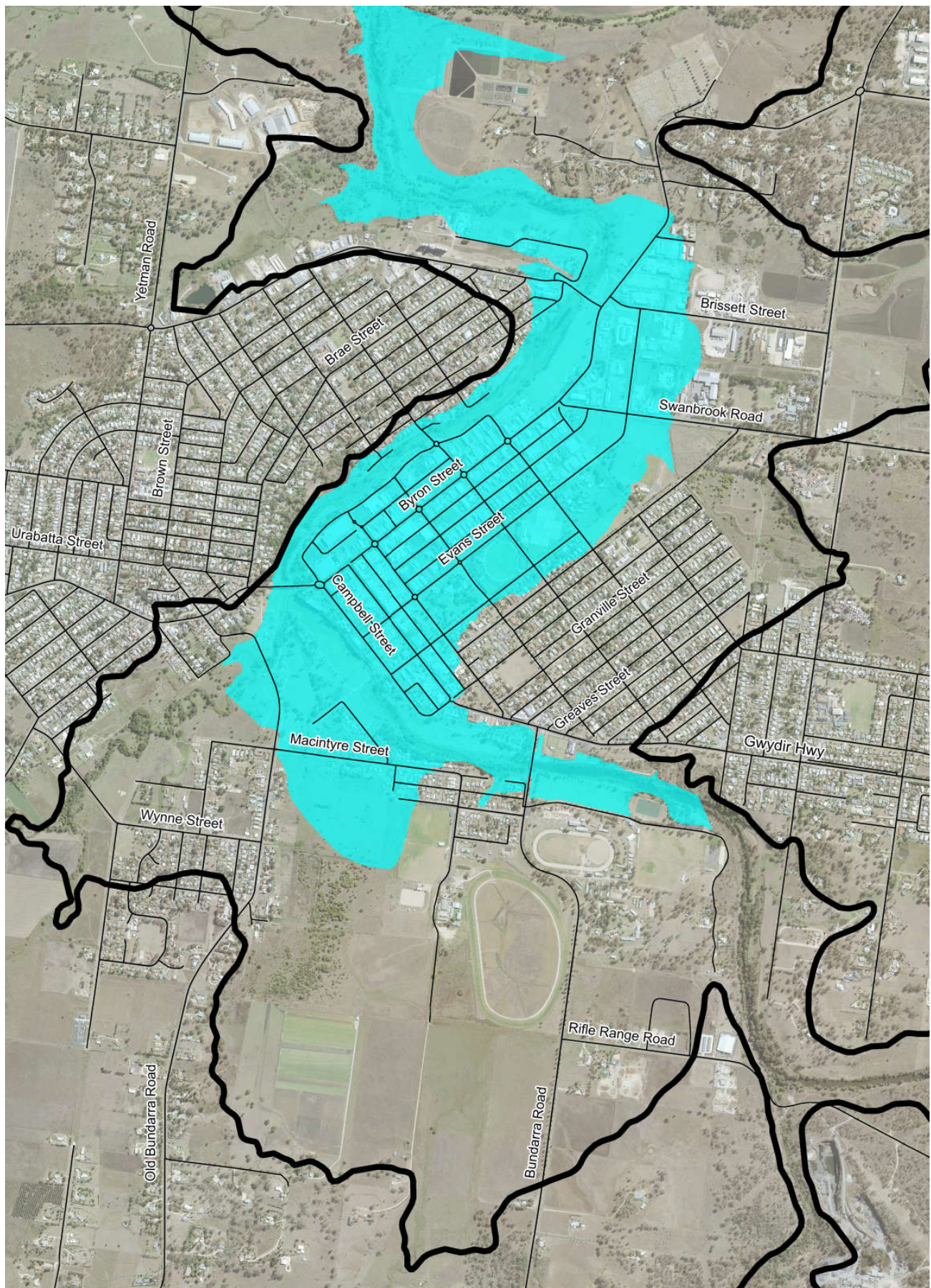
(a) [*list land uses*]

**Direction—**

Only the following land uses are permitted to be included in the list—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.





ESTIMATED PMF (1994)

— ESTIMATED PMF (1994)  
1991 FLOOD EXTENT

## 6 INFORMATION REPORTS

### 6.1 WORKS UPDATE

**File Number:** S28.21.1/15 / 23/2695

**Author:** Justin Pay, Manager Civil Engineering

#### **SUMMARY:**

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

#### **COMMENTARY:**

##### **Fixing Country Roads Funding Grant**

Council has been successful in obtaining \$3.685M from the Fixing Country Roads Funding Grant to complete works on Yetman Road between Palaroo Lane and Oakwood.

An additional private contribution of \$20K from an industry beneficiary brings the total funding to \$3.705M. This grant will allow Council to upgrade this section of road to allow road train access. This will result in improved freight access and efficiency. Currently, road train access on Yetman Road terminates at the Inverell Regional Livestock Exchange however, once this project is complete, a further 12km along Yetman Road will have road train access.

This project includes the following works:

- Construction of a new two-lane bridge on a new and improved alignment crossing at Rob Roy Creek to replace the old narrow bridge at Moseley Dene.
- Construction of 400m of approaches for the new bridge alignment.
- Full reconstruction and widening of 2km of road from Hunts Gully to approx. 300m past Stewarts Grain Trading.
- Widening and drainage works to 3.6km of road to bring the existing road up to standard for road train access.
- Drainage works for 1.2km to clean out and restore table drains.
- Replacement of 9 pipe sets between Palaroo Lane and Stewart's Grain Trading.

Works commenced in January 2022 and the following have been completed to date:

- Full construction and widening from Hunts Gully to Stewarts Grain Trading
- 1.2km of drainage works
- Pipe replacements along the route
- Design of the new bridge at Moseley Dene
- Review of Environmental Factors completed for the works
- Fisheries permit obtained for construction of the bridge
- Construction of the bridge piers

The abutments and wingwalls have now been constructed ready for the bridge planks to be installed and some preliminary earthworks on the bridge approaches have been completed to start construction of the new road alignment once the bridge construction is completed.

The remaining works include:

- Installing the bridge planks, guardrail, batter protection and AC wearing surface.
- Construction of the new bridge approaches on the new alignment.



Council was notified of the successful application for an extension to the completion milestone until the end of the 2022/2023 financial year for the whole project. This will allow Council to complete the grant funded works in line with the new funding deadline.



Yetman Road – Moseley Dene Bridge Replacement Project – Abutments and Wingwalls formed up for concrete



Yetman Road – Moseley Dene Bridge Replacement Project – Abutments and Wingwalls completed

### **Inverell Netball Court Upgrade – Twin Show Courts**

Council was successful in receiving \$485,150 from the Stronger Country Communities Funding Grant to replace the two show courts at the Inverell Netball Precinct. The existing asphalt courts had severe cracking and were reaching the end of their asset life.

The project consists of demolishing the two show courts closest to the canteen and replacing the foundation material with a more suitable and durable road base type material. The new courts will consist of reinforced concrete with a plexipave surface.

Works commenced late January 2023 with the demolition of the courts and the concrete pouring of the new courts. The new concrete courts have had their first sealant applied at the time of writing this report.

Weather permitting the second coat of sealant, two coats of plexipave and the linemarking will occur at the beginning of February, 2023 which will finalise this project.





Inverell Netball Court Upgrade – Pouring concrete for the first court



Inverell Netball Court Upgrade – First coat of sealant applied

**Yetman Road – Taylor Avenue Intersection Upgrade**

Council secured funding from the Local Roads and Community Infrastructure Program for the upgrade of Yetman Road-Taylor Avenue Intersection.

The works included pavement widening to accommodate a turning lane into Taylor Avenue and a drainage upgrade at the location. Kerb and gutter have been constructed as well as a significant extension to underground drainage at the site.

The road has now been bitumen sealed and is open to the public. Turf has also been laid along Yetman Road verge.

The secondary pipe across Fernhill Road is now installed which is intended to relieve the drainage system currently crossing the road at the intersection with Yetman Road. This drainage system was being overloaded in heavy downpours, causing a backup of water in the table drains and resulting in water crossing Fernhill Road. Therefore, the new pipe across Fernhill Road gives a more direct route to the new drainage system and in turn, relieves the original drainage system.

Linemarking is occurring the week of writing this report which will finalise this project.

**Roundabout Construction – Intersection of Gwydir Highway, Bundarra Road and Chester Street**

Project work is nearing completion on the construction of a roundabout at the intersection of Gwydir Highway, Bundarra Road and Chester Street. A construction budget of \$5,882,000 has been provided which includes contributions from the State Government of \$2.2M and the Federal Government of \$1.5M. The key budget components include:

- Design & Legal - \$660,000
- Works Authority Deed (TfNSW) - \$172,446
- Demolition/Rehabilitation - \$203,062
- Roundabout Construction - \$4,156,302
- Contingency - \$690,190

The project includes the following:

- Earthworks
- Vegetation clearing and grubbing
- Significant storm water drainage works
- Realignment of underground services including power, Telstra, NBN, water and sewer
- Realignment of the intersection
- Construction of a concrete pavement and roundabout
- Flexible pavement construction on roundabout approaches
- Kerb and gutter construction
- Footpath works
- Traffic management at multiple intersections in Inverell township

Kerb and gutter construction for the roundabout is now complete. Pavement works on the south-eastern quadrant (adjacent to Sporties) is now complete, with concrete pavement being constructed during January and asphalt approaches laid the first week in February.

Traffic management will change during the first week of February and works will commence on pavement construction for the final quadrant. Concreting contractors are booked in to commence their final establishment during the week commencing 13 February. Asphalt approaches for the final quadrant are scheduled for construction during the last week in February.

Contractors relocating telecommunication services and street lighting have been delayed and are now scheduled to complete these works by the end of February 2023.



The project will reach practical completion and be open to traffic by the end of February 2023, with minor works such as line marking, signage installation and landscaping to be completed in March.



Excavation/preparation for roundabout centre annuls concrete construction



Preparation for concrete pavement construction

### **Moore Street Upgrade – Hospital Entrance**

Council has secured funding to complete upgrade works on Moore Street at the Inverell Hospital entrance. The project cost is \$1,349,000 funded by the State Government's Fixing Local Roads Program (\$911,654), contribution from NSW Health Infrastructure (\$337,250) and Council contribution (\$100,096).

The recent redevelopment of the Inverell Hospital resulted in the 'main entrance' for this facility being moved to Moore Street. Council has received grant funding from the State Government to undertake upgrade works to Moore Street to meet subsequent demand.

The project includes works along a 1000 metre section of Moore Street and includes pavement rehabilitation, widening, a turning lane into the hospital and drainage upgrades including construction of kerb and gutter. The key aim of the project is to improve sight distance impacting safe access to the new hospital.

In order to meet the milestones of the funding deed for the project, Council commenced construction during April 2022 to meet the project commencement milestone. Recently, Council received notification of an extension to the grant funding start of construction and completion milestones due to Transport for NSW recognising the challenges of delivering the project on time as a result from the COVID-19 pandemic and natural disaster events. The new start of construction and completion milestone has been extended by Transport for NSW as follows:

Start of Construction – 12 month extension from May 2022 to May 2023.

Project Completion – 6 month extension from June 2023 to December 2023.

Council is currently liaising with the hospital, Ambulance Service and Bus Service to determine a satisfactory solution for traffic control during the project to make sure there is continual access for these services. Council has indicated to these services that works will re-commence in March 2023, dependant on current ongoing project timeframes.

### **Maintenance Grading**

The following maintenance grading works were undertaken during December 2022 & January 2023.

<b>Road Number</b>	<b>Road Name</b>	<b>Length Graded (km)</b>
SR413	Jones Road	2.15 km
SR418	Grove Road	10.00 km
SR230	Rickeys Lane	9.00 km
SR253	Old Armidale Road	12.45 km
SR124	Lamonts Lane	1.60 km
SR117	Morelma Road	9.10 km (Flood Damage)
SR181	Havilah Park Road	7.35 km
SR160	Cutlers Lane	1.65 km
SR162	Middletons Lane	2.30 km
SR154	Arrawatta Road	11.55 km
SR043	Pukawidgi Road	13.30 km
SR033	Limestone Road	2.00 km (Flood Damage)

SR215	Schwenkes Lane	1.85 km
SR218	Old Stannifer Road	1.50 km
SR273	Wetzlers Drive	0.15 km
SR214	Old Bundarra Road	2.90 km
SR282	Bonvale Road	1.20 km
SR219	Ponds Road	2.65 km
SR136	Dintonvale Road	14.95 km
SR135	Prestons Lane	2.40 km
SR109	Cherry Tree Hill Road	14.85 km
SR194	Glenwood Road	1.25 km
SR237	Billabong Road	0.45 km
SR049	Upper Severn River Road	4.90
	<b>TOTAL</b>	<b>116.20 km</b>

### **Reactive Spot Grading**

The following reactive spot grading works were undertaken during December 2022 & January 2023.

<b>Road Number</b>	<b>Road Name</b>	<b>Length Graded (km)</b>
SR066	Ashford Cemetery Road	0.50 km
SR052	Glengowrie Road	3.15 km
SR063	Beaumont Road	2.85 km
SR046	Pocket Road	18.10 km
	<b>TOTAL</b>	<b>24.60 km</b>

### **Gravel Patching**

The following gravel patching works were undertaken during December 2022 & January 2023.

<b>Road Number</b>	<b>Road Name</b>	<b>Area Patched (m2)</b>
SR345	Kellys Road	1000 m2
SR346	Durkins Road	1000 m2
SR261	Maybole Road	1500 m2
SR243	Waterloo Road	600 m2 (Flood Damage)
SR234	Kings Plains Road	600 m2 (Flood Damage)
SR350	Jindalee Road	800 m2 (Flood Damage)
SR130	Waddells Lane	500 m2
SR368	Gillespies Lane	800 m2

SR72	Coopers Lane	400 m2
SR201	Penola Lane	300 m2
SR213	Pine Ridge Road	400 m2
	<b>TOTAL</b>	<b>7,900 m<sup>2</sup></b>

**Gravel Re-sheeting**

Gravel re-sheeting will recommence in February 2023.

**Heavy Patching**

The following heavy patching works were undertaken during December 2022 & January 2023.

<b>Road Number</b>	<b>Road Name</b>	<b>Area Patched (m2)</b>
MR462	Bruxner Way	8000 m2
	<b>TOTAL</b>	<b>8,000 m<sup>2</sup></b>

**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

## 7 GOVERNANCE REPORTS

### 7.1 GOVERNANCE - PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS

**File Number:** S1.2.3/16 / 23/1077

**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 three (3), July 2022 to September 2022.

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 Three (3) 2022 Contractor Performance Report [↓](#)





## 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** 29/09/2022

**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

**Contractor's Performance**

	Unsatisfactory	Marginal	Acceptable	Good	Superior	Rating
<b>Collaboration - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10
<p>ISC staff continue to collaborate with TfNSW staff across all areas from management to field staff. The Contract Manager and field staff actively engage with TfNSW staff to resolve network and design issues.</p> <p>Proactive approach was demonstrated when collaborating with TfNSW delivery team and its subcontractor to reach an acceptable spray seal design, identifying drainage issues on the network, and seeking to resolve traffic aftercare signage issues that arose during the previous years reseal program.</p> <p>Further positive feedback was received regarding Councils collaboration with the TfNSW development team while planning pavement investigations and rehabilitation projects.</p>						
<b>Community and Stakeholder Engagement - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
None undertaken during Q3						
<b>Contract Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC contract manager has continued to deliver detailed documentation to prepare for the upcoming reseal program.						
<b>Environmental Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
No environmental incidents.						
<b>People Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>All nominated key personnel have been present throughout Q3 with demonstrated knowledge of work to be carried out.</p> <p>Councils contract manager regularly and proactively updates TfNSW of potential staffing changes and training needs.</p> <p>Site rules and procedures are regularly in place for maintenance work carried out.</p>						
<b>Quality Management Systems - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC has generally produced good quality documentation and good timeframes for submitting quality documents.						

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<b>Standard of Work - RMCC - Maintenance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
ISC use a dedicated team delivering the routine maintenance on HW12 and this continues to be a very effective arrangement with strong stewardship of the network and excellent outcomes.						
<b>Standard of Work 2 - RMCC - Minor Works</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
No minor works were undertaken during Q3.						
<b>Standard of Work 3 - RMCC - Pavement</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
No pavement work undertaken during Q3						
<b>Subcontractor Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
Council has proactively managed its spray sealing subcontractor in reviewing documentation and developing the spray seal program.						
<b>Time Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>Routine reports have been delivered in a timely manner with regular updates on for scheduled work and inspections.</p> <p>All delivery and maintenance issues are raised and discussed ahead of time.</p> <p>Councils spray seal program is scheduled for completion ahead of time and potential delay risks have been effectively communicated and managed.</p> <p>Submission and updating an program schedule remains an area for improvement.</p>						
<b>Traffic Management - RMCC</b>	<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>						
<b>Workplace Health and Safety Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>The RMCC team use best practice WH&amp;S approach to their routine works and are very responsive to requests from the SO.</p> <p>For RMCC works Council has now provided site staff with tablets to access all documentation including competency information.</p>						

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<b>Workplace Relations Management - RMCC</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8
<p>There are no known workplace relations issues with staff appearing to enjoy their roles at Council.</p> <p>The Contractor demonstrated an understanding and took practical steps towards building a productive workplace culture with cooperative relations, effective communication and consultation.</p>						
<b>Performance Score</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	76%

**Transport  
for NSW****Overall Comments** *(Use separate report if necessary)*

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**Reporting Officer***In my opinion:*

ISC continue to deliver quality works through an efficient and effective management team for all works and issues raised during Quarter 3.

RMCC works on the Inverell Shire Council network are proactively managed with issues and improvements identified for future works.

Name: Rhys Banfield

Phone: 6640 1043

Report Date: 27/10/2022

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**Reviewing Officer:***In my opinion:*

Reviewed

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

Review Officer Name:

Review Date: 25/10/2022

Review Officer Phone:

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

Contractor Rep Name: Scott Hamilton

Discussion Date: 25/10/2022

Contractor Rep Phone: 02 6728 8200

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**Approving Officer***In my opinion:**I concur with the above comments.*

Name: Darren Patch

Phone: 0418 775 528

Report Date: 27/10/2022

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Attachments:

Distribution:

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

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