



BUSINESS PAPER

**Civil and Environmental Services
Committee Meeting
Wednesday, 11 October 2023**

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

6 October, 2023

A Civil and Environmental Services Committee Meeting will be held at the Tingha Town Hall on Wednesday, 11 October, 2023, commencing at **1.45pm**.

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.

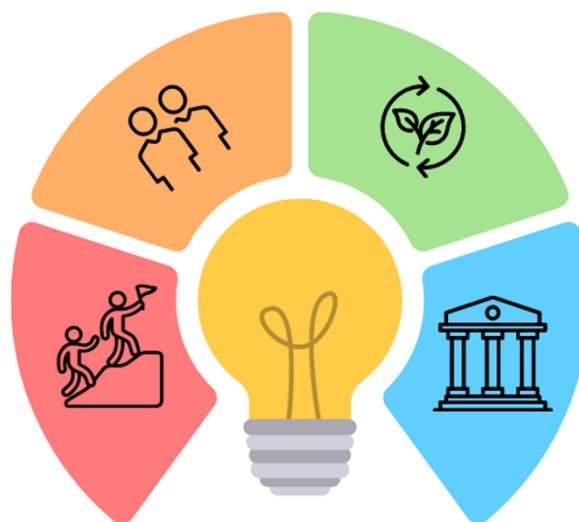
A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration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

OUR DESTINATIONS



01 LEADERSHIP



We will be an accountable and responsible Council that will be involved with the community and responsibly manage public resources.

02 PROSPERITY



The Shire has a diverse, strong local economy that provides opportunities that contribute to the quality of life for the community.

03 LIVEABILITY



Our community is healthy, safe, educated and offers opportunities for people of all ages and abilities. We value our natural and built environment.

04 SERVICES & INFRASTRUCTURE



Our community is enhanced by the provision of civic services and infrastructure. These services are planned and financially sustainable.

1 APOLOGIES

2 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Civil and Environmental Services Committee Meeting held on 13 September, 2023, 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, 13 SEPTEMBER 2023 AT 9.00AM**

PRESENT: Cr Paul Harmon (Mayor) - Chairperson, Cr Di Baker, Cr Kate Dight, Cr Paul King OAM, Cr Wendy Wilks and Cr Jo Williams.

IN ATTENDANCE: 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

COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Kate Dight

- i. That the apology received from Cr Stewart Berryman for personal reasons be accepted and leave of absence granted.*
- ii. That the apology received from Cr Jacko Ross for personal reasons be accepted and leave of absence granted.*

CARRIED

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That the Minutes of the Civil and Environmental Services Committee Meeting held on 9 August, 2023, 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

5 DESTINATION REPORTS

5.1 EXTENSION TO THE EXISTING HML ROAD TRAIN ACCESS ON YETMAN ROAD - INVERELL REGIONAL LIVESTOCK EXCHANGE TO STEWART'S GRAIN TRADING, OAKWOOD S28.15.3/13

COMMITTEE RESOLUTION

Moved: Cr Di Baker

Seconded: Cr Wendy Wilks

The Committee recommend to Council that:

1. *The existing HML Road Train route on Yetman Road be extended by 12km to Stewart's Grain Trading, Oakwood, commencing at the Inverell Regional Livestock Exchange;*
2. *The route be conditional to match the conditions on the existing route; and*
3. *The application to NHVR to gazette the route for Type 1 A-Double Road Trains and notification to Transport for NSW to update the Restricted Access Vehicle Maps be actioned accordingly.*

CARRIED

6 INFORMATION REPORTS

6.1 WORKS UPDATE S28.21.1/16

COMMITTEE RESOLUTION

Moved: Cr Kate Dight

Seconded: Cr Di Baker

That the information report be received and noted.

CARRIED

6.2 COMPANION ANIMAL IMPOUNDING FACILITY UPDATE S5.9.33

COMMITTEE RESOLUTION

Moved: Cr Paul King OAM

Seconded: Cr Di Baker

That the information report be received and noted.

CARRIED

6.3 PCG MEETING - INVERELL AQUATIC CENTRE REPLACEMENT S5.9.27

COMMITTEE RESOLUTION

Moved: Cr Wendy Wilks

Seconded: Cr Kate Dight

That the information report be received and noted.

CARRIED

6.4 DEVELOPMENT APPLICATION PROCESSING TIMES UPDATE S18.6.60

COMMITTEE RESOLUTION

Moved: Cr Jo Williams

Seconded: Cr Wendy Wilks

That the information report be received and noted.

CARRIED

The Meeting closed at 9.30 am.

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

5 DESTINATION REPORTS

5.1 REGIONAL EMERGENCY ROAD REPAIR FUND

File Number: S15.8.140 / 23/32974

Author: Justin Pay, Manager Civil Engineering

SUMMARY:

The NSW State Government has created the Regional Emergency Road Repair Fund (RERRF) to support regional councils to continue vital repair and maintenance work needed following the devastating effects of severe weather and natural disasters.

RECOMMENDATION:

That the Committee recommend to Council that:

- 1. The information be received and noted;*
- 2. \$544,993 be allocated to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project from Regional Emergency Road Repair Fund (RERRF) to replace the now unavailable REPAIR funding allocation; and*
- 3. A further report be presented to Council to allocate the remaining Regional Emergency Road Repair Fund (RERRF) funding once the funding deeds are completed.*

COMMENTARY:

In the 2023 NSW Budget the State Government allocated \$390M to the new Regional Emergency Road Repair Fund (RERRF). This is in addition to the \$280M funding allocated in early 2023 under the Regional and Local Roads Repair Program (RLRRP). The funding will be made available for priority maintenance works and immediate repair of potholes on Local and Regional Roads managed by councils.

Information sessions were held via virtual meetings during the week ending 29 September 2023, the following details were presented to add context to the information provided online at <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/local-government-21>.

The attached Frequently Asked Questions sheet for the Regional Emergency Road Repair Fund (RERRF) is also provided in Attachment 1 for the information of the Committee.

It is intended by the State Government to combine the RERRF and the RLRRP, and administer them under one (1) amended funding deed. This deed is intended to be forwarded to councils for completion in the months of October and November. The method to determine the funding envelope provided to each council for the RERRF is consistent with the RLRRP and is based on kilometres of road network (including sealed and unsealed) managed in their Local Government Area (\$/km). The funding is determined by considering:

- The total number of kilometres of Local roads in each council area
- The total number of kilometres of Regional roads in each council area
- Funding availability

Payments for RERRF will be made 100% upfront, once the funding deed is completed by both parties with Council's total funding allocation under the RERRF being \$5,911,811.

The completion timeframe for repair work to be delivered and reporting finalised for the RERRF is 31 October 2027.

Delivery timeframes for RLRRP funded works have also been extended from February 2024 to 31 October 2027. Council has already allocated and completed a majority of works under the RLRRP. At the completion of the bitumen reseal program in December 2024, Council's allocation under the RLRRP will be fully expended.

During the information sessions it was advised that the REPAIR Program will be temporarily paused commencing 2023-24 until 2026-27 and no new REPAIR projects will be approved at this time. This pause in REPAIR Program will reduce Council's available annual funding for Regional Road repair works by \$544,993 per annum. Council has already allocated the 2023-24 REPAIR Program allocation to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project, which is currently under construction. Due to the pause in funding, this project will need to be funded from a different source. While the exact RERRF program guidelines are not currently available, it was explained at the information sessions that works eligible for REPAIR program funding will be eligible for RERRF funding. As such it is recommended that \$544,993 be allocated to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project from RERRF to replace the now unavailable REPAIR funding allocation. If this approach is not taken the scope of the project will need to be reduced or delayed as there are no other funding sources available in Council's budget in the 2023-24 financial year.

To clarify, the net impact on Council's annual budget from the addition of RERRF and pause of REPAIR Funding is:

- An additional \$5,911,811 RERRF funding over 4 year period; and
- A reduction of \$2,179,972 REPAIR funding over 4 year period.

This equates to net outcome of \$3,731,839 in additional funding over 4 year period (an additional \$932,959 per annum over 4 year period).

Once Council receives the amended funding deed for the RERRF and the program guidelines are fully understood, a further report will be presented to Council outlining the recommended funding allocation strategy for the remaining RERRF funding.

RISK ASSESSMENT:

NIL

POLICY IMPLICATIONS:

NIL

CHIEF FINANCIAL OFFICERS COMMENT:

Given the temporary pause of the REPAIR program funding, it is recommended that the first \$544,993 from the new Regional Emergency Road Repair Fund be allocated to the MR73 Bundarra Road Pavement Rehabilitation Racecourse project. This allocation will ensure the entire project can be completed.

While it is disappointing that the long standing REPAIR Program has been temporarily suspended, it is worth noting that grant funding over the next four years from this program would be approximately \$2,179,972 (based on current funding) while the new RERRF program will provide funding of \$5,911,811, an additional \$3,731,839 over four years.

LEGAL IMPLICATIONS:

NIL

ATTACHMENTS:

1. **Regional Emergency Road Repair Fund - Frequently Asked Questions - September 2023** [↓](#)

Regional Emergency Road Repair Fund

transport.nsw.gov.au

Frequently Asked Questions

September 2023

Why is the Fund being implemented?

Ongoing severe weather and flooding across NSW in 2022 has devastated regional communities and caused significant damage to Regional and Local road networks. Some parts of the 185,000-kilometre NSW road network have not fully recovered and regional councils require support to address the additional maintenance and repair works needed after these severe weather events.

The Regional Emergency Road Repair Fund (RERRF) supports councils across regional NSW to fix damaged roads, providing an additional \$390 million to regional councils to start vital repair and maintenance work. This builds on the \$280 million allocated to regional NSW councils through the [Regional and Local Roads Repair Program \(RLRRP\)](#).

Together these initiatives are providing \$670 million in much needed funding to support regional areas of NSW to recover from natural disasters and maintain an efficient, safe and reliable road network.

The funding will be made available for priority maintenance works and immediate repair of potholes on Local and Regional Roads managed by councils.

Which councils are eligible to receive funding?

The RERRF is available to 95 regional Local Government Bodies, including the Unincorporated Far West and Lord Howe Island Board.

A full list of eligible Local Government Bodies is available on the RERRF webpage.

How much funding will be allocated to regional councils?

The RERRF provides an additional \$390 million for regional councils on top of the already allocated \$280 million for regional councils under RLRRP. This funding boost will help regional Local Government Areas (LGAs) continue to repair damaged roads across the state.

Eligible Local Government Bodies will receive a funding deed variation to top up their funding allocation provided through RLRRP based on kilometres of road network (including sealed and unsealed) managed in their LGA. Transport for NSW will publish funding allocation details via the RERRF webpage.

Why aren't Blue Mountains, Wollongong and Newcastle LGAs and metropolitan councils in Greater Sydney eligible for the RERRF funding?

The RERRF builds on the \$280 million allocated to regional LGAs through the RLRRP in January 2023.

The RLRRP was available for all councils in NSW, including LGAs in regional, metropolitan and Greater Sydney areas. Under RLRRP, metropolitan councils in Greater Sydney, and including Blue Mountains, Wollongong and Newcastle LGAs, received significantly higher allocations per kilometre compared to regional LGAs. This was due to the calculation applied for metropolitan and Greater Sydney LGAs being adjusted to account for the larger population, traffic and expected wear and tear on the Local and Regional road network for these metropolitan and Greater Sydney LGAs.

Considering the higher allocation received by Greater Sydney and Metropolitan LGAs under the RLRRP, the NSW Government developed the RERRF as a dedicated fund specific to regional LGAs to address the ongoing need in regional NSW for urgent road repairs following significant periods of severe weather and flooding experienced in 2022.

How is funding determined?

Funding allocations for the RERRF will not require an application and are determined based on the existing applications received under the RLRRP, total Local and Regional Road network within each Local Government Area (LGA) and the funding availability.

The method to determine the funding envelope provided to each council for the RERRF is consistent with the RLRRP and is based on kilometres of road network (including sealed and unsealed) managed in their Local Government Area (\$/km). The funding is determined by considering:

- The total number of kilometres of Local roads in each council area
- The total number of kilometres of Regional roads in each council area
- Funding availability

What are the delivery timeframes under the RERRF?

Eligible Local Government Bodies will have until 31 October 2027 for repair work to be delivered and reporting finalised.

Will the RERRF extend the delivery timeframes for work funded through the RLRRP?

Yes, for regional Local Government Bodies who are eligible to receive funding under the RERRF, the delivery timeframes for RLRRP funded works have also been extended to 31 October 2027.

When will councils receive funding deeds?

Transport for NSW will execute funding deed variations throughout October 2023.

When will councils receive payment?

Councils will receive a 100% upfront payment of the calculated grant funding when the funding deed variation is signed and returned by council, and fully executed by Transport for NSW.

What are the reporting requirements?

Reporting for the RERRF will be aligned with the similar processes already in place for the RLRRP.

From time-to-time we may request specific or detailed information on a project or need to be notified when works are completed and open to traffic. It is a requirement for councils to provide this in a timely and efficient manner when requested to do so.

To reduce the administrative burden on councils, reporting will be aligned with existing programs, noting most councils provide monthly reports.

Can allocated funds be used for administrative or labour costs associated with the delivery of planned works?

Yes, a reasonable proportion (under 2%) of the allocated funds may be used for associated administration and/or management costs of delivering works under the RERRF.

What will be required for completed works documentation required as part of reporting?

Reporting for the RERRF will be aligned with the similar processes already in place for RLRRP.

From time-to-time we may request specific or detailed information on a project, it is a requirement council provide this in a timely and efficient manner when requested to do so.

What will the external audit process involve?

Transport for NSW will advise councils of audit requirements as part of the funding deed.

More questions?

Questions about the RERRF, including eligibility and the application process, can be emailed to rerrf@transport.nsw.gov.au

5.2 MR187 YETMAN ROAD - RING STREET TO MCFERTRIDGE LANE - SPEED ZONE REVIEW**File Number:** S28.10.MR187 / 23/32986**Author:** Justin Pay, Manager Civil Engineering**SUMMARY:**

Following the completion of the Yetman Road-Taylor Avenue Intersection upgrade project, a review of the speed statistics and speed zone environment has been completed on Yetman Road, from Ring Street to McFertridge Lane. The results of the review are presented in the report and Council is requested to support an application to Transport for NSW for a formal Speed Zone Review in the area.

RECOMMENDATION:

That the Committee recommend to Council that:

- 1. The information be received and noted; and;*
- 2. A formal request be forwarded to Transport for NSW to undertake a review of the speed zone environment on Yetman Road between Ring Street to McFertridge Lane in accordance with the NSW Speed Zoning Standard.*

COMMENTARY:

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 drainage upgrade at the location. Kerb and gutter was constructed, as well as a significant extension to underground drainage.

At the completion of the works, Council staff undertook a traffic count at various locations between Ring Street and McFertridge Lane in order to assess traffic speed statistics and usage patterns. This was in response to concerns raised by some local residents during the construction project. The concerns centred around road safety, particularly increased traffic volume and perceived increased traffic speed in the area over recent years.

The map presented in **Attachment 1** shows the current speed zoning for the length of road as well as the location of traffic counters over the study period. The results from the recent traffic count are presented below in Table 1:

Segment	ADT	HV%	85th Percentile Speed	Mean Speed
MR187-018	3564	13%	62	55
MR187-020	1924	50%	92	80
MR187-040	1058	20%	95	82
MR187-045	867	15%	97	85

Table 1: Traffic Count data from May 2023

For comparison historic traffic count data for segment 20 is presented below in Table 2:

Date	Segment	ADT	HV%	85th Percentile Speed	Mean Speed
17/11/2006	MR187-045	571	11%	97	84
5/04/2018	MR187-020	1732	8%	85	74
27/05/2019	MR187-020	1672	21%	90	77

Table 2: Historic Traffic Count data MR187 – various locations and various dates

Comparison of the data from May 2023 to previous traffic counts indicates a significant increase in traffic volume and heavy vehicle usage, with minor increase in average and 85th percentile speed.

The speed statistics from the May 2023 count are generally reflective of what is expected from main roads in rural/rural residential areas. The mean speeds are in accordance with the posted speed limits with the 85th speed being higher. This generally reflects traffic increasing their speed on the approach to changes in speed zone, i.e. increase from 80km/h zone to the 100km/h zone.

As well as collecting the above traffic data, Council staff undertook a broader assessment of factors contributing to road user safety, including:

- Road Function
- Roadside Development
- Road Characteristics, including:
 - Alignment
 - Road Access
 - Road Hazards
 - Lane Width
 - Adjacent speed limits
- Intersections
- Traffic Characteristics, including:
 - Traffic Patterns
 - Pedestrians and cyclists

Whilst Council's review did not identify any significant road safety issues, there are several factors indicating that further review may be prudent. Such as, the increase in traffic volume and heavy vehicle usage combined with the 85th percentile speed in Segment 20 being 15% higher than the posted speed limit.

While Council are responsible for maintenance of Yetman Road, Transport for NSW (TfNSW) are the agency responsible for setting speed zones in NSW. The NSW Speed Zoning Standard is used to keep speed zones consistent across the state and TfNSW use these standards when determining the most appropriate speed zoning. It is probable that an assessment of the area in accordance with the standards may yield no change. However, in light of the above-mentioned issues, it is recommended that Council request that TfNSW undertake a formal speed zone review. This will provide a determinative outcome on the matter.

RISK ASSESSMENT:

Transport for NSW will further consider risk and safety as part of their speed zone review.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Transport for NSW is the agency responsible for setting speed zones in NSW.

ATTACHMENTS:

1. Yetman Road - Speed Statistics [↓](#)



6 INFORMATION REPORTS

6.1 WORKS UPDATE

File Number: S28.21.1/16 / 23/31297

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 Bridges Funding Grant

Council has been successful in obtaining \$4.109M from the Fixing Country Bridges Funding Grant to replace Mathers Bridge on Nullamanna Road. Council has committed to a co-contribution of \$250K to bring the total funding to \$4.359M for the project. This funding is required to be expended by April 2024 as per the funding requirements.

Mathers Bridge is located along Nullamanna Road and crosses Frazers Creek just north of the Nullamanna village. The existing bridge consisting of a timber superstructure and concrete deck was constructed in the late 1950s and is now nearing the end of its useful life. A structural report completed on the bridge in 2019 found the bridge to be in very poor condition. A recommendation to reduce the bridge to single lane use was put forward in the report to allow continued heavy vehicle use until the bridge is replaced. This is an imposition on the efficient movement of freight along this road, hence the need to replace the bridge at the earliest possible time.

The contract for the bridge replacement project has recently been awarded to DavBridge Constructions.

Council is responsible for the side track, and the Contractor will be responsible for the demolition of the existing bridge plus the construction of the replacement concrete bridge, including the re-construction of the road approaches.

Works that have been completed to date include:

- Bridge Options Report
- Bridge Design Plans
- Geotechnical Investigation
- Environmental Report
- Aboriginal Heritage Report
- Construction of the side track including the installation of a temporary bridge
- Demolition of the existing timber bridge

The existing timber bridge was demolished mid-September and all components have been removed from the site. Environmental protection works have begun to allow for the piling machinery to access the site. The piling works are due to commence early October.



Mathers Bridge Replacement – Demolition of the existing bridge



Mathers Bridge Replacement – Demolition of the existing bridge

Bundarra Road Pavement Rehabilitation and Overlay Racecourse

Council have allocated \$1.090M in funding under the 2023/2024 Repair Program and \$696K from the 2023-2024 Fit for Future Program to undertake this project on the Bundarra Road, adjacent to the Racecourse, a total length of 1.17km from the Pioneer Village to Cunningham's Hill.

Works have continued on this project with the removal of all the Claret Ash trees. Pavement works have commenced on the section from Rifle Range Road to Cunningham's Hill with drainage works, earthworks and subbase works completed to date.

Crews are currently hauling pavement material from Regional Group Quarry with base layer works commencing early October 2023. A tentative primer seal date is proposed for 11 October 2023. Crews will then commence works around the Rifle Range Road Intersection and the remaining 400 metres back towards the Pioneer Village. Crews have been working extended hours and will continue to do so to expedite project completion.

Project duration was estimated at 12 weeks, however we are currently ahead of this schedule with a revised expected completion date of early to mid-November 2023.



Haulage and spreading of DGB20 Pavement Material for the Base layer

Rifle Range Road to Cunningham's Hill

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 \$1.349M, which has been 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.

The northbound lane is closed to traffic during working hours and a detour for the hospital access is in place. Emergency Vehicles have priority through the site at all times. The road is made safe each afternoon and both lanes open to traffic.

The construction crew have continued to box out the shoulders on the southern side of the hospital hill and are currently preparing for kerb and gutter to be constructed. While kerb and gutter works are being completed on the southern side of the hill, the construction crew will continue works on the northern side, preparing for kerb and gutter works.

The Hospital, Ambulance Service and Bus Services have been continually updated on the projects progress each week to ensure there is an open line of communication throughout.

As previously reported, this project is to be completed prior to December 2023 as per the funding grant requirements.



Moore St – Hospital Hill Upgrade – Preparation works for kerb and gutter



Moore St – Hospital Hill Upgrade – Preparation works for kerb and gutter

Playground and Amenities Upgrades and Repairs – Inverell and Delungra

Council has been successful in receiving \$300K under the Local Roads and Community Infrastructure Program Phase 3 to complete upgrade and repair works to Victoria Park, Lions Park, Campbell Park and Lake Inverell Reserve. Council was also successful in receiving \$50K under the 2021/2022 Black Summer Bushfire Grants Program for the replacement of playground equipment at Delungra Park.

The following works are included as part of the grant funding.

Victoria Park

- Drainage works inside the playground
- Repair soft floor
- New ropes on climbing web and cradle swing

Lions Park

- Replace netting inside playground

Campbell Park

- Remove existing climbing frame playground at the end of the amphitheatre
- Install new larger climbing frame with attached covered slide at a new site north of the existing children's fenced playground
- Install new soft fall and fencing
- Install additional play equipment if funds allow

Lake Inverell Reserve

- Install blocks around playground to prevent the soft fall bark chips washing out
- Levelling of the playground area

Delungra Park

- Remove old playground equipment
- Install new playground equipment including dual swing, slide including landing, fire engine rocker and Geo-climber
- Replace soft fall bark chips

Works have been completed at Victoria Park, Delungra Park and Lions Park. Campbell Park equipment is still being made by the manufacturer. A recent update from the manufacturer indicated that the equipment will be delivered in December 2023 as some of the parts are sourced from overseas.

Road Maintenance**Maintenance Grading**

The following maintenance grading works were undertaken during September 2023.

Road Number	Road Name	Length Graded (km)
SR246 Segments 290-490	Elsmore Road	8.65Km
SR300	Beckmore Road	2.30Km
SR346	Durkins Road	3.10Km
SR261	Maybole Road	4.90Km

SR345	Kellys Road	3.40Km
SR299	Querra Creek Road	5.25Km
SR173	Delungra ByPass Road	8.00Km
SR177	Blyths Lane	6.05Km
SR179	Kiora Lane	1.80Km
SR180	Pollocks Lane	3.65Km
SR178	Turrawarra Road	2.30Km
SR055	South Valley Road	9.90Km
SR013	Apple Tree Flat Road	15.75Km
SR054	Emmaville Road	21.10Km
	TOTAL	96.15Km

Reactive Spot Grading

There were no reactive spot grading works undertaken during September 2023.

Gravel Patching

The following gravel patching works were undertaken during September 2023.

Road Number	Road Name	Area Patched (m2)
SR72	Coopers Road	800m2
SR235	Orchard Place	700m2
	TOTAL	1,500m2

Gravel Re-sheeting

The following gravel re-sheeting works were completed in September 2023.

Road Number	Road Name	Area Re-sheeted (m2)
SR223	Byron Station Lane	11,325m2
SR224	Airlie Brake Lane	34,725m2
SR136	Dintonvale Road	9,755m2
	TOTAL	55,805m2

Heavy Patching

There were no heavy patching works undertaken during September 2023.

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.

6.2 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022 - INCREASE TO BASIX STANDARDS AND NEW NON-RESIDENTIAL SUSTAINABILITY REQUIREMENTS

File Number: S18.3.1 / 23/31387

Author: Liam Spalding, Development Officer

SUMMARY:

The purpose of this report is to update Committee Members of the new *State Environmental Planning Policy (Sustainable Buildings) 2022*, which commenced on the 1 October 2023. This new state policy will:

- Increase the BASIX standards for new residential development;
- Introduce sustainability considerations for certain non-residential development; and
- Introduce the recording of “embodied emissions” for building materials.

The Committee is requested to note this information.

COMMENTARY:**Introduction**

In 2004, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* was implemented and introduced the BASIX scheme, which required the following developments to obtain a BASIX Certificate:

- New residential buildings, e.g. dwellings, duplexes, units, etc.;
- Alterations and additions to a residential development with a value of \$50,000 or more; and
- Swimming pools with a capacity greater than 40,000 litres or more.

The BASIX Certificate prescribes minimum requirements in relation to water efficiency, energy efficiency and thermal comfort.

From 1 October 2023, the NSW Government have repealed the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and introduced the new *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP).

The new Sustainable Buildings SEPP will:

- Increase the BASIX standards for new residential development across NSW with the exception of Climate Zones 9, 10 and 11 (identified with the Sustainable Buildings SEPP). The majority of the Inverell Shire is affected by these changes with the exception of the Camp Creek and Texas suburbs with the postcode 4385, which are within Climate Zone 9;
- Introduce sustainability considerations for certain non-residential development; and
- Introduce the recording of “embodied emissions” for building materials.

Further discussion on these changes has been provided below.

Increased BASIX Standards for Residential Development**Higher Thermal Performance Standards:**

BASIX thermal performance standards are designed to limit the heating and cooling needed for a dwelling. The standards use the Nationwide House Energy Rating Scheme (NatHERS) to estimate heating and cooling loads.

On average, dwellings constructed under the previous BASIX standards had a NaTHERS star rating of 5.5 to 6.

Under the new Sustainable Buildings SEPP, the new thermal performance standards for detached or attached dwelling houses will increase to a NaTHERS star rating of 7. This will likely require a higher standard of glazing and insulation for new dwellings.

Use of Dark Roof

For coastal areas north of Wollongong and inland areas west of the Great Dividing Range (including Inverell), dark roofs (i.e. with a solar absorptance greater than 0.7) cannot be selected through a standard BASIX process.

To use a dark roof in these areas, it will be necessary to engage a third-party thermal consultant to use the “NaTHERS Simulation Method”. In addition to the cost associated with engaging a consultant, a further increase to building requirements may be triggered (e.g. better windows) to compensate for the higher cooling loads.

Higher Energy Standards

The previous BASIX energy standards did not vary in relation to the floor area of the dwelling.

Under the new Sustainable Buildings SEPP, energy standards will now vary with the total floor area to account for energy consumption and the number of people that live at a property. For example, a small house with a floor area of 100m² will have different energy standards to a larger house with a floor area of 300m².

Sustainability Considerations for Certain Non-Residential Development

The new Sustainable Buildings SEPP has introduced sustainability considerations for the following non-residential development:

- The erection of a new building, if the development has a capital investment value of \$5 million or more; and
- Alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.

In deciding whether to grant development consent to a non-residential development above, Council must consider whether the development is designed to enable the following:

- The minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials;
- A reduction in peak demand for electricity, including through the use of energy efficient technology;
- A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design;
- The generation and storage of renewable energy;
- The metering and monitoring of energy consumption; and
- The minimisation of the consumption of potable water.

Development consent must not be granted for a non-residential development above, unless Council is satisfied the embodied emissions attributable to the development have been quantified.

“Embodied Emissions” for Building Materials

For buildings subject to the Sustainable Buildings SEPP, a record of the “embodied emissions” of the building materials must be prepared by the draftsman. For residential development, this will be completed through the BASIX Certificate process.

Embodied emissions are all greenhouse gas emissions such as carbon dioxide, methane, nitrous oxide, ozone, and fluorinated gases that are released as part of making a building material from extracting of the raw material to its fabrication.

At this point, the NSW Government does not propose to place a limit on the “embodied emissions” of building materials. However, they have acknowledged that these limits may be established in the future.

Transitional Arrangements

Whilst the new Sustainable Building SEPP commenced 1 October 2023, two transitional arrangements are currently in place:

1. A BASIX Certificate is valid for 3 months from date of issue of the certificate to the lodgement of a Development Application. For example, a BASIX Certificate created 30 September 2023 under the previous rules can be still lodged up until 30 December 2023; and
2. Homeowners who signed a building contract for a new house or duplex before 1 October 2023 can apply to use the current BASIX standards. This transition period will end on 30 June 2024.

Conclusion

The NSW Government believes that the new standards will result in:

- **Cheaper energy bills.** *You'll use less electricity so your bills will be cheaper – you could be saving as much as \$980 a year on energy bills;*
- **More comfortable homes.** *Your home will be naturally cooler in summer, warmer in winter, which means you won't be turning the heater or air conditioner on as often; and*
- **Fewer carbon emissions.** This contributes towards our goal of net zero homes by 2050.

Council's Development Services staff have reviewed the new BASIX standards and had several discussions with local builders and draftsmen. It is the prevailing opinion that the *State Environmental Planning Policy (Sustainable Buildings) 2022* will increase the cost of constructing a dwelling in Inverell by approximately \$10,000 to \$15,000, including costs associated with:

- Higher standard of building materials cost (e.g. insulation, glazing);
- Additional time for draftsman to prepare BASIX Certificates through the NSW Planning Portal, with this cost passed onto developers;
- Increased frequency of developers being required to engage a third-party thermal consultant to assess a dwelling.

At this point in time, the impacts of the new sustainability considerations for the identified non-residential development are unknown.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil

6.3 CATTLE GRID REPAIRS - TINGHA COMMON TRUST

File Number: S28.9.23 / 23/32547

Author: Scott Hamilton, Project Engineer

SUMMARY:

The Tingha Common Trust have in operation a number of cattle grids on Council's road network around the Tingha Common, to prevent cattle from wandering off the common. Two (2) particular cattle grids on the Guyra Road have become a safety issue and require replacement.

COMMENTARY:

The Tingha Common Trust have in place a number of cattle grids on Council's road network within the Common area. The grids have been in place for many years with Council undertaking repairs on these grids at regular intervals.

A recent inspection of two (2) particular grids east and west of Tingha on MR135 Guyra Road, has identified a safety issue for the travelling public. A temporary 60km/h temporary speed zone has been immediately installed on one of the grids west of Tingha village, in order to slow the traffic and keep the main road safe and trafficable whilst Council were able to undertake a detailed assessment of the both grids and determine a suitable course of action.

The assessment determined that some of the grid's hold down bolts have separated from their concrete footing. If the remaining hold down bolts separate, the grids will become completely detached from their footing and have the potential to instigate a major accident. The hold down footing arrangement can no longer be repaired and a complete replacement is the only available option.

Council has a management policy for *Stocks, Grids, Ramps and Gates*. This policy states "*that all maintenance of ramps is the responsibility of the landowner*", in this case the Tingha Common Trust, furthermore the policy states "*that double ramps be installed on all arterial and collector roads*".

In consultation with Mr Greg Schuman, Secretary for the Tingha Common Trust, it was agreed that the grids require replacement. Furthermore, the Tingha Common Trust has offered a \$50,000 contribution to go towards the cost of replacing the grids. Council received the contribution on 25 September 2023.

In order to accelerate the replacement process and to minimise the major impacts on the travelling public, it was agreed that the replacement grids be a precast unit of suitable size and load carrying capacity in order to carry increased traffic volumes and increased heavy vehicle mass.

Many companies manufacture precast cattle grids, however very few manufacture a 20-tonne certified axle load, suitable for a main road standard. Three (3) quotations were obtained to this certified axle load, with Aprilla Grids being the most readily available and cost effective. To manufacture and deliver two (2) 10 metre by 2.1 metre open ended grids complete with a precast base slab, would cost \$46,303. Installation is on top of this cost, however being a fully precast unit, installation can be achieved in a short period of time under traffic control and is immediately trafficable after installation. It is envisaged the existing grids can be removed and the new precast grids installed in four (4) days. The Aprilla grids have been ordered with an expected delivery date of early October 2023.

RISK ASSESSMENT:

There is significant risk for Council with the current condition of the existing cattle grids. The grids are no longer repairable. To mitigate and reduce Council's risk, the grids require replacement. A temporary speed zone has been implemented in order to minimise this risk in the short term. Ongoing inspection of the grids is being carried out in order to maintain safety and manage the risk.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

6.4 ADMINISTRATIVE AMENDMENT NO. 5 TO THE GUYRA LOCAL ENVIRONMENTAL PLAN 2012 - INVERELL LOCAL GOVERNMENT AREA**File Number:** S18.6.34 / 23/32790**Author:** Chris Faley, Development Services Coordinator**SUMMARY:**

The purpose of this report is to update Committee Members on a recent administrative amendment by the NSW Department of Planning and Environment to the *Guyra Local Environmental Plan 2012*.

This amendment confirms that the *Guyra Local Environmental Plan 2012* only applies to the part of the former Guyra Shire that is within the Inverell Shire.

The Committee is requested to note this information.

COMMENTARY:

In 2016, the Guyra Shire Council was amalgamated with the Armidale Dumaresq Council to form the current Armidale Regional Council. At the time of amalgamation, all land within the former Guyra Shire Council remained subject to the provisions of the *Guyra Local Environmental Plan 2012*.

On 1 July 2019, a boundary adjustment was completed between the Inverell Shire Council and Armidale Regional Council, in which the village of Tingha and surrounding localities of Bassendean, Howell, Stanborough, Georges Creek, New Valley and the Basin were transferred into the Inverell Shire Council. At the time of this boundary adjustment, the *Guyra Local Environmental Plan 2012* remained in force, with Inverell Shire Council and Armidale Regional Council responsible for enforcement of this LEP for their respective parts of the former Guyra Shire.

In 2022, Armidale Regional Council completed a Planning Proposal to include their part of the former Guyra Shire under the *Armidale Regional Local Environmental Plan 2012*. As a consequence, the *Guyra Local Environmental Plan 2012* now applies solely to the part of the former Guyra Shire (Tingha and the surrounding localities) within the Inverell Shire.

To clarify that the *Guyra Local Environmental Plan 2012* solely applies within the Inverell Shire (Tingha and surrounding suburbs), the NSW Department of Planning and Environment completed an administrative amendment (No. 5) to the *Guyra Local Environmental Plan 2012* to remove references (i.e. maps, heritage items) to land within the Armidale Regional Council. This amendment was gazetted on 28 September 2023.

No action is required by Inverell Shire in response to the administrative amendment; however, the Department of Planning and Environment has encouraged Council to combine the *Guyra Local Environmental Plan 2012* and *Inverell Local Environmental Plan 2012* into one instrument for consistency.

To combine the *Guyra Local Environmental Plan 2012* and *Inverell Local Environmental Plan 2012* into a single instrument, a Planning Proposal will need to be prepared by Council and submitted to the NSW Department of Planning and Environment for approval. This task has already been identified by Council within the *Inverell Shire Local Strategic Planning Statement 2036* and is anticipated to be undertaken next year. In the interim, Council will continue to apply both *Guyra Local Environmental Plan 2012* and *Inverell Local Environmental Plan 2012*. To date, the application of Local Environmental Plans has had negligible impact on development within the Shire.

RISK ASSESSMENT:

Nil

POLICY IMPLICATIONS:

The *Guyra Local Environmental Plan 2012* applies solely within the Inverell Shire to Tingha and the surrounding localities of Bassendean, Howell, Stanborough, Georges Creek, New Valley and the Basin.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

ATTACHMENTS:

Nil