

**MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING OF THE NARRABRI SHIRE COUNCIL HELD IN THE COUNCIL COMMITTEE ROOM, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY, 2<sup>ND</sup> OCTOBER, 2007.**

**PRESENT:** Cr GA Sevil (Chair), Cr KI Bates, Cr CM Bolton, Cr PA Etheridge, Cr TD Fragar, Cr RE Gleeson, Cr GB O'Regan and Cr RHG Panton OAM.

The General Manager (Mr MJ Kershaw), Director Corporate Services (Mr GA Warren), Director Engineering Services (Mr PJ Keech) and Council's Administration Officer (Ms A Harrison) were also in attendance.

**PROCEEDINGS OF THE MEETING COMMENCED AT 1.00PM.**

**APOLOGIES**

**691/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Panton that the apologies from Cr RC Lowder, Cr DJ Laird and Cr AJ Meppem for non-attendance at the meeting due to business and personal commitments be accepted and that leave of absence be granted.

**DISCLOSURES OF INTEREST**

**C70/08001**

1. Cr Gleeson declared a pecuniary interest in Item 3, being of a business related relationship.
2. Cr Gleeson declared a pecuniary interest in Item 9, being of a business related relationship.
3. Cr Gleeson declared a pecuniary interest in Item 10, being of a business related relationship.
4. Cr O'Regan declared a pecuniary interest in Item 7, being of a business related relationship.

**ITEMS FOR COMMITTEE TO RESOLVE**

1. **AUSTRALIA INSTITUTE OF TOURISM OFFICERS 2007 PROFESSIONAL DEVELOPMENT COURSE (PP: PP) (GM)** **010/78003**

**692/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee receive and note the report in relation to the Australian Institute of Tourism Officers 2007 Professional Development Course held in Sydney 26<sup>th</sup> – 28<sup>th</sup> August 2007.

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THIS IS PAGE 1 OF THE MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING OF COUNCIL THAT WAS HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY 2<sup>ND</sup> OCTOBER, 2007.

**2. COMMUNITY STRATEGIC PLANS (AEF:AEF) [GM]****E40/01001**

**693/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Gleeson that the Planning & Development Committee receive and note the report on the Narrabri Shire Community Strategic Plans.

**CR GLEESON DECLARED A PECUNIARY INTEREST IN THIS ITEM DUE TO HIS BUSINESS RELATIONSHIP, AND LEFT THE CHAMBERS DURING DISCUSSION AND VOTING ON THIS MATTER.**

**3. DEVELOPMENT APPLICATIONS & LOCAL APPROVALS****(KAB:KAB) [CORP]****H10/32001 ; H10/08005**

**694/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee note the information relating to the Development Applications and Local Approval Applications.

**CR GLEESON RETURNED TO THE CHAMBERS AFTER THIS MATTER HAD BEEN DISCUSSED AND VOTED UPON.**

**4. GYPSY WILLOW MARKETS (AC: AC) [ENV]****P99/01148****MOTION**

Motion moved by Cr O'Regan and seconded by Cr Fragar that Council approve the relocation of Gypsy Willow Markets from Cameron Park to Collins Park as per Attachment 3 for a trial of (6) six months commencing from November 2007 onwards and than a thorough review of that trial being conducted.

**AMENDMENT**

Amendment moved by Cr Bolton and seconded by Cr Gleeson that if agreeable with the facilitator of the Gypsy Willow Markets, the new site for the markets is to be held within The Crossing Theatre grounds for a trial period of six months commencing from November, 2007 under the existing terms and conditions.

**THE AMENDMENT WAS PUT TO THE MEETING AND WAS DECLARED CARRIED THUS BECOMING THE MOTION AND WAS DECLARED CARRIED.**

**695/2007 RESOLVED** on the motion of Cr Bolton and seconded by Cr Gleeson that if agreeable with the facilitator of the Gypsy Willow Markets, the new site for the markets is to be held within The Crossing Theatre grounds for a trial period of six months commencing from November, 2007 under the existing terms and conditions.

**5. COUNTRY WEEK REVIEW (AEF:AEF) [GM]****E40/02004**

**696/2007 RESOLVED** on the motion of Cr Gleeson and seconded by Cr Etheridge that the Planning & Development Committee receive and note the report on Country Week 2007.

**697/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Bates that Council participate in the Country Week Exhibition in 2008.

**6. CAPITAL EXPENDITURE REPORT (KS:KS) [CORP]****C20/32006**

**698/2007 RESOLVED** on the motion of Cr Bolton and seconded by Cr Etheridge that the Planning & Development Committee receive and note the information in relation the Capital Expenditure Report.

**1. ITEMS TO BE CONSIDERED IN THE CLOSED (PUBLIC EXCLUDED) MEETING OF PLANNING & DEVELOPMENT COMMITTEE (KAB:KAB) [GM]C20/16001**

**699/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Bolton that the following matter be considered in the Closed (Public Excluded) Meeting:

- ♦ Riverbend Estate Subdivision.

**CR GLEESON AND CR O'REGAN LEFT THE CHAMBERS AT 1.26PM**

**CR GLEESON RETURNED 1.28PM.**

**ITEMS FOR COMMITTEE TO RECOMMEND TO COUNCIL**

**CR O'REGAN DECLARED A PECUNIARY INTEREST IN THIS ITEM DUE TO HIS BUSINESS RELATIONSHIP, AND LEFT THE CHAMBERS DURING DISCUSSION AND VOTING ON THIS MATTER.**

**7. ENQUIRY INTO COUNCIL PROPERTY LOT 28 DP 755475 (AEF:AEF) [GM]P99/04584****MOTION**

Motion moved by Cr Panton and seconded by Cr Etheridge that Council advise Davidson Cameron and Co that Council is interested in selling Lot 28 DP 755475 and that the zoning of this property in Council's LEP is 1(e) Rural E (Future Urban Zone) and further that they advise Council if their client is still interested in purchasing this property so a valuation can be prepared before nominating a selling price.

**AMENDMENT**

Amendment moved by Cr Bolton and seconded by Cr Etheridge that post the Shire wide land revaluation that Council seek a valuation on the property Lot 28 DP 755475 and then assess any expressions of interest lodged relative to this property.

**ON BEING OUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED AND THUS BECAME THE MOTION WHICH WAS DECLARED CARRIED.**

**RECOMMENDED** on the motion by Cr Bolton and seconded by Cr Etheridge that post the Shire wide land revaluation that Council seek a valuation on the property Lot 28 DP 755475 and then assess any expressions of interest lodged relative to this property.

**CR O'REGAN RETURNED TO THE CHAMBERS AFTER THIS MATTER HAD BEEN DISCUSSED AND VOTED UPON.**

**CR GLEESON AND THE DIRECTOR ENGINEERING SERVICES, MR PAUL KEECH LEFT THE CHAMBERS AT 1.29PM.**

**CR GLEESON AND THE DIRECTOR ENGINEERING SERVICES, MR PAUL KEECH RETURNED AT 1.30PM.**

**CR ETHERIDGE LEFT THE CHAMBERS AT 1.32PM AND RETURNED 1.33PM.**

**8. NSW WHEAT RESEARCH FOUNDATION REQUEST FOR ASSISTANCE  
(AEF:AEF) [GM] P30/06002**

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**RECOMMENDED** on the motion of Cr Gleeson and seconded by Cr Panton that Council levy the DA and CC fees for the development at the IA Watson Grains Research Centre but make an equivalent cash contribution as a means of this Council demonstrating its support for this project.

**RECOMMENDED** on the motion by Cr Panton and seconded by Cr Etheridge that the General Manager met with Mr Keith Perret to discuss further possible assistance.

**CR O'REGAN RETURNED 1.37PM.**

**DIRECTOR OF ENGINEERING SERVICES, MR PAUL KEECH, DIRECTOR OF CORPORATE SERVICES, MR GLEN WARREN AND CR GLEESON LEFT THE CHAMBERS AT 1.38PM**

**DIRECTOR ENGINEERING SERVICES, MR PAUL KEECH RETURNED AT 1.39PM. CR GLEESON DECLARED A PECUNIARY INTEREST IN THE ITEMS 9 AND 10 DUE TO HIS BUSINESS RELATIONSHIP, AND LEFT THE CHAMBERS DURING DISCUSSION AND VOTING ON THIS MATTER.**

**9. NARRABRI FLOOD BYPASS PROPOSAL (PJK:SMV) [ENG] H10/32050**

**RECOMMENDED** on the motion of Cr Panton and seconded by Cr Etheridge that Council accept the Federal and State Governments offer of \$51,333 each, as a contribution to the Narrabri Flood Bypass Feasibility Study under the Natural Disaster Mitigation Program, and thank the appropriate Ministers in writing

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Cr Bolton that Council formally engage Aquatech Consulting, on behalf of the Narrabri Flood Bypass Feasibility Study Team to conduct the Narrabri Flood Bypass Feasibility Study as described in the "Proposal for the Narrabri Flood Bypass Feasibility Study – 22 February 2007" and not call tenders in accordance with Section 55 (3) of the Local Government Act 1993 because;

"The specific and intimate local and technical knowledge of the combined experts of the Narrabri Flood Bypass Feasibility Study Team means that a competitive or reliable alternative tender for the study would not be received and the Narrabri Flood Bypass Feasibility Study Team is responsible for obtaining two thirds of the funding for the project under the Natural Disaster Mitigation Program."

The Mayor and General Manager be authorised to execute the Seal of Council on the contract documents.

**700/2007/RESOLVED** on the motion of Cr Fragar and seconded by Cr Bolton that at 1.41pm, Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room during the Closed (Public Excluded) Meeting of Council.

**CLOSED (PUBLIC EXCLUDED) MEETING**

**DIRECTOR CORPORATE SERVICES MR GLEN WARREN RETURNED 1.45PM.**

**CR O'REGAN LEFT THE CHAMBERS AT 1.48PM AND RETURNED AT 1.50PM.**

**701/2007 RESOLVED** that on the resumption of the Ordinary meeting of Council it was resolved on the motion of Cr Bolton and seconded by Cr O'Regan that the recommendations, as follows, be adopted in open Council:

**10. RIVERBEND ESTATE SUBDIVISION (PJK;SMV) [ENG]****P99/01257**

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Panton that Council require the installation of flow restrictors with a 5mm orifice, or as required by the Director Engineering Services, be fitted to all water supplies within Stage Three of Riverbend Estate, being Lots 116-162 inclusive, a total of 46 separate lots.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Panton that Council require the installation of flow restrictors with a 5mm orifice, or as required by the Director Engineering Services, be fitted to restricted flow for Lots 109, 110, 111, 112, 113, and 114 within Stage Two.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Panton that the lots that make up Stage One and Stage Two in Riverbend Estate (excluding Lots 109, 110, 111, 112, 113 and 114) be approved by Council as mains flow lots (i.e. no permanent flow restrictors fitted).

**RECOMMENDED** on the motion of Cr Panton and seconded by Cr Etheridge that Council require the termination of Riverside Drive adjacent to Lots 126 and 144 to facilitate the turning of vehicles with a standard cul-de-sac arrangement to the satisfaction of the Director Engineering Services.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Cr Panton that Council approve a reduction in the design Annual Recurrence Interval ARI for stormwater pipelines in Road 6 and Drainage Line 2 at Riverbend Estate Subdivision from five years to two years.

**RECOMMENDED** on the motion of Cr Bolton and seconded by Cr Etheridge that the headworks charges for Riverbend Estate be levied at \$2,200 for water and \$1800 for sewer; for each of the 46 lots, with those charges falling due as follows-

23 x \$2,200 + 23 x \$1,800= \$ 92,000 due on 30 April 2008 and

23 x \$2,200 + 23 x \$1,800= \$ 92,000 due on 31 October 2008.

All headworks charges are to be paid, or the Developer will lodge an equivalent bank guarantee, prior to the release of linen plans for Stage Three.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Cr Panton that Council waive the requirement to contribute to the upgrade of Sewer Pump Station 7, if the Developer can direct pressure sewer system flows from Riverbend Estate around the pump station to the satisfaction of the Director Engineering Services.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Cr Panton that Council require the Developer to include on a Section 88B Instrument for Lots 116-162 inclusive, attached to the linen plan the following:

1. Restriction on the use of land which states that no dwelling will be approved by Council unless it has a water supply which has a 5mm restrictor fitted, a storage tank of at least 10,000 litres with a pressure pump attached to the tank and that there will be no direct services to the dwelling or ancillary buildings from Council's water main.

2. Restriction on the use of land which states that no dwelling will be approved by Council unless it has a pressure sewer unit attached to the dwelling.

**RECOMMENDED** on the motion of Cr Etheridge and seconded by Cr O'Regan that Council require the linen plans for Stage Three only be release once Council staff are satisfied that requirements for all stages have been met as imposed and formally negotiated by Council staff and

**RECOMMENDED** on the motion of Cr Panton and seconded by Cr Bolton that all property owners in Riverbend Estate be formally advised of the water flow status (i.e. restricted or mains) and pressure sewer responsibilities associated with their block and this information is to be contained on all 149 Certificates where required to ensure new owners are aware of their responsibilities.

**CR GLEESON RETURNED TO THE CHAMBERS AFTER THIS MATTER HAD BEEN DISCUSSED AND VOTED UPON.**

**THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 2.10PM.**

## **COMMITTEE RESOLUTIONS**

### **APOLOGIES**

**691/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Panton that the apologies from Cr RC Lowder, Cr DJ Laird and Cr AJ Meppem for non-attendance at the meeting due to business and personal commitments be accepted and that leave of absence be granted

### **AUSTRALIA INSTITUTE OF TOURISM OFFICERS 2007 PROFESSIONAL DEVELOPMENT COURSE (PP: PP) (GM)**

**010/78003**

**692/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee receive and note the report in relation to the Australian Institute of Tourism Officers 2007 Professional Development Course held in Sydney 26<sup>th</sup> – 28<sup>th</sup> August 2007.

### **COMMUNITY STRATEGIC PLANS (AEF:AEF) [GM]**

**E40/01001**

**693/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Gleeson that the Planning & Development Committee receive and note the report on the Narrabri Shire Community Strategic Plans.

**DEVELOPMENT APPLICATIONS & LOCAL APPROVALS****(KAB:KAB) [CORP]****H10/32001 ; H10/08005**

**694/2007 RESOLVED** on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee note the information relating to the Development Applications and Local Approval Applications.

**GYPSY WILLOW MARKETS (AC: AC) [ENV]****P99/01148**

**695/2007 RESOLVED** on the motion of Cr Bolton and seconded by Cr Gleeson that if agreeable with the facilitator of the Gypsy Willow Markets, the new site for the markets is to be held within The Crossing Theatre grounds for a trial period of six months commencing from November, 2007 under the existing terms and conditions.

**COUNTRY WEEK REVIEW (AEF:AEF) [GM]****E40/02004**

**696/2007 RESOLVED** on the motion of Cr Gleeson and seconded by Cr Etheridge that the Planning & Development Committee receive and note the report on Country Week 2007.

**/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Bates that Council participate in the Country Week Exhibition in 2008.

**CAPITAL EXPENDITURE REPORT (KS:KS) [CORP]****C20/32006**

**697/2007 RESOLVED** on the motion of Cr Bolton and seconded by Cr Etheridge that the Planning & Development Committee receive and note the information in relation the Capital Expenditure Report.

**ITEMS TO BE CONSIDERED IN THE CLOSED (PUBLIC EXCLUDED) MEETING OF PLANNING & DEVELOPMENT COMMITTEE (KAB:KAB) [GM]****C20/16001**

**698/2007 RESOLVED** on the motion of Cr Etheridge and seconded by Cr Bolton that the following matters be considered in the Closed (Public Excluded) Meeting:

- ♦ **Riverbend Estate Subdivision.**

## COMMITTEE RECOMMENDATIONS

### CONFIRMATION OF THE MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 2<sup>nd</sup> OCTOBER, 2007 C20/32006

**RECOMMENDATION 1:** That the minutes of the Planning & Development Committee meeting held on Tuesday 2<sup>nd</sup> October, 2007 comprising of minute numbers /2007 to /2007 as circularised, be confirmed and signed as a correct record by the Mayor and General Manager.

### ENQUIRY INTO COUNCIL PROPERTY LOT 28 DP 755475 (AEF:AEF) [GM] P99/04584

**RECOMMENDATION 2** That post the Shire wide land revaluation that council seek evaluation on the property Lot 28 DP 755475 and accept expressions of interest.

### NSW WHEAT RESEARCH FOUNDATION REQUEST FOR ASSISTANCE (AEF:AEF) [GM] P30/06002

**RECOMMENDATION 3** That Council levy the DA and CC fees for the development at the IA Watson Grains Research Centre and make a contribution of cash as an in-kind contribution to this development.

**RECOMMENDATION 4** That the General Manager met with Mr Keith Perret to discuss further possible assistance.

### NARRABRI FLOOD BYPASS PROPOSAL (PJK:SMV) [ENG] H10/32050

**RECOMMENDATION 5** That Council accept the Federal and State Government offer of \$51,333 each, as a contribution to the Narrabri Flood Bypass Feasibility Study under the Natural Disaster Mitigation Program, and thank the appropriate Ministers in writing

**RECOMMENDATION 6** That Council formally engage Aquatech Consulting, on behalf of the Narrabri Flood Bypass Feasibility Study Team to conduct the Narrabri Flood Bypass Feasibility Study as described in the "Proposal for the Narrabri Flood Bypass Feasibility Study – 22 February 2007" and not call tenders in accordance with Section 55 (3) of the Local Government Act 1993 because;

"The specific and intimate local and technical knowledge of the combined experts of the Narrabri Flood Bypass Feasibility Study Team means that a competitive or reliable alternative tender for the study would not be received and the Narrabri Flood Bypass Feasibility Study Team is responsible for obtaining two thirds of the funding for the project under the Natural Disaster Mitigation Program."

The Mayor and General Manager be authorised to execute the Seal of Council on the contract documents.

**10. RIVERBEND ESTATE SUBDIVISION (PJK;SMV) [ENG]****P99/01257**

**RECOMMENDATION 7** That Council require the installation of flow restrictors with a 5mm orifice, or as required by the Director Engineering Services, be fitted to all water supplies within Stage Three of Riverbend Estate, being Lots 116-162 inclusive.

**RECOMMENDATION 8** That Council require the installation of flow restrictors with a 5mm orifice, or as required by the Director Engineering Services, be fitted to restricted flow for Lots 109, 110, 111, 112, 113, and 114 within Stage Two.

**RECOMMENDATION 9** That the Lots that make up Stage One and Stage Two in Riverbend Estate (excluding Lots 109, 110, 111, 112, 113 and 114) be approved by Council as mains flow lots (i.e. no permanent flow restrictors fitted).

**RECOMMENDATION 10** That Council require the termination of Riverside Drive adjacent to Lots 126 and 144 to facilitate the turning of vehicles with a standard cul-de-sac arrangement to the satisfaction of the Director Engineering Services.

**RECOMMENDATION 11** That Council approve a reduction in the design Annual Recurrence Interval ARI for stormwater pipelines in Road 6 and Drainage Line 2 at Riverbend Estate Subdivision from five years to two years.

**RECOMMENDATION 12** That the headworks charges for Riverbend Estate be levied at \$2,200 for water and \$1800 for sewer; for each of the 46 lots, with those charges falling due as follows-

23 x \$2,200 + 23 x \$1,800= \$ 92,000 due on 30 April 2008 and

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All headworks charges are to be paid, or the Developer will lodge an equivalent bank guarantee, prior to the release of linen plans for Stage Three.

**RECOMMENDATION 13** That Council waive the requirement to contribute to the upgrade of Sewer Pump Station 7, if the Developer can direct pressure sewer system flows from Riverbend Estate around the pump station to the satisfaction of the Director Engineering Services.

**RECOMMENDATION 14** That Council require the Developer to include on a Section 88B Instrument for Lots 116-162 inclusive, attached to the linen plan the following:

1. Restriction on the use of land which states that no dwelling will be approved by Council unless it has a water supply which has a 5mm restrictor fitted, a storage tank of at least 10,000 litres with a pressure pump attached to the tank and that there will be no direct services to the dwelling or ancillary buildings from Council's water main.
2. Restriction on the use of land which states that no dwelling will be approved by Council unless it has a pressure sewer unit attached to the dwelling.

**RECOMMENDATION 15** That Council require the linen plans for Stage Three only be release once Council staff are satisfied that requirements for all stages have been met as imposed and formally negotiated by Council staff and

**RECOMMENDATION 16** That all property owners in Riverbend Estate be formally advised of the water flow status (i.e. restricted or mains) and pressure sewer responsibilities associated with their block and this information is to be contained on all 149 Certificates where required to ensure new owners are aware of their responsibilities.

Cr AJ Meppem

**CHAIR**