

MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING OF THE NARRABRI SHIRE COUNCIL HELD IN THE COUNCIL COMMITTEE ROOM, 46-48 MAITLAND STREET, NARRABRI, ON WEDNESDAY 7TH NOVEMBER, 2007.

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

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

PROCEEDINGS OF THE MEETING COMMENCED AT 2.37PM.

APOLOGIES

779/2007 RESOLVED on the motion of Cr Gleeson and seconded by Cr Bolton that the apologies from Cr DJ Laird and Cr SJ Rae for non-attendance at the meeting not accepted and that leave of absence not be granted.

DISCLOSURES OF INTEREST

C70/08001

1. Cr Gleeson declared a pecuniary interest in Item 2, being Development Applications and Local Approvals.
2. Cr Gleeson declared a pecuniary interest in Item 3, being Development Application 37/2008.
3. Cr Gleeson declared a pecuniary interest in Item 4, being Riverbend Estate entry signs.

ITEMS FOR COMMITTEE TO RESOLVE

1. CAPITAL EXPENDITURE REPORT (KS:KS) [CORP]

C20/32006

780/2007 RESOLVED on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee receive and note the information in relation to the Capital Expenditure Report for the period ending 26th October, 2007.

CR GLEESON DECLARED A PECUNIARY INTEREST IN ITEMS 2 AND 3 DUE TO HIS BUSINESS RELATIONSHIP, AND LEFT THE CHAMBERS DURING DISCUSSION AND VOTING ON THESE MATTERS.

2. DEVELOPMENT APPLICATIONS & LOCAL APPROVALS

(KAB:KAB) [CORP]

H10/32001 ; H10/08005

781/2007 RESOLVED on the motion of Cr Bolton and seconded by Cr Sevil that the Planning & Development Committee note the information relating to the Development Applications and Local Approval Applications.

3. DEVELOPMENT APPLICATION 37/2008 (NAW:NAW) [CORP]

P99/03542

782/2007 RESOLVED on the motion of Cr Meppem seconded by Cr Bolton that Council approve the development application 37/2008 with the following conditions to be imposed:

Prescribed Conditions of Consent for Development Application 37/2008:

1. Prior to the commencement of the proposed activity, a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed activity.

REASON: To confirm that any proposed 'work (s)' complies with the relevant standards.

2. The developer shall notify Council, not less than forty eight (48) hours prior to the commencement of the 'work (s)' of:
 - date of commencement of the 'work (s)';
 - name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates;
 - form attached.

REASON: Statutory Requirement.

3. The finished floor level of all habitable areas of the building/structure, be constructed 500mm higher than the 1:100 year flood event, for the subject land.

Council records indicate that the finished floor height be 215.4 metres AHD.

Written verification of the constructed finished floor level for all habitable areas must be provided to Council prior to the footing/frame inspection. Such verification shall be in the form of a registered Surveyor's written correspondence.

REASON: Ensure compliance with Council Floodplain Management Policy.

4. Prior to establishment of the flooring system written verification of the landfill height is to be provided to Council. Such verification shall be in the form of a Registered Surveyor's written correspondence and is to be given in Australian Height Datum (AHD) levels.

REASON: Landfill Height Compliance.

5. Following the establishment of the flooring system, written verification of the finished floor height of the dwelling is to be provided to Council. Such verification shall be in the form of a Registered Surveyor's written correspondence and is to be given in Australian Height Datum (AHD) levels.

REASON: Ensure compliance with Council's Floodplain Management Policy.

6. Prior to the commencement of construction of the structure, the developer lodge with, and receive approval for the following listed S68 Local Approval (s):

IN TOWN

- B1 – carry out water supply work
- B4 – carry out sewerage work
- B5 – carry out stormwater drainage work

REASON: Statutory Requirement.

7. Prior to the occupation of the building/structure, the developer apply for, using the prescribed form and payment of the prescribed fee, an occupation (final or interim) certificate.

Notes:

- if certificate issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: Statutory Requirement.

8. Suitable landscaping is to be implemented around the development or landscaping plans are to be submitted to, and approved by Council, prior to the occupation/use of the development.

REASON: To reduce the visual impact of the development on the surrounding environment.

9. An application be made to Council Engineering Services for a vehicle driveway surface, crossing the road reserve or part there-off (ie. footpath). Any construction of, or reinstatement of, a kerb layback crossing will also require an application. A drawing of the intended driveway to be submitted.

All work is to be to Council Engineering standards.

REASON: Council Engineering Standards and Public Safety.

10. Prior to landfill be deposited on the site the applicant supply the following information and receive written approval from Council for the placement of the landfill on the subject land.

1. Name of the landfill supplier.
2. Description of land where landfill is originating including Lot and Deposited Plan numbers.
3. A landfill site plan showing exact dimensions of placement of landfill on the development site.

NOTE: All legal landfill pits are registered with Council. The landfill operator should provide this information to the applicant.

REASON: Statutory Requirement.

11. Minimum building setback from the property boundary fronting the principle street is to comply with plan number 1 drawn by Harris Building Design Services 27/09/2007 as approved by Council

REASON: Intersection visibility, Public Safety and Streetscape Amenity.

12. The developer is required after a suitable design has been approved by Council's Director of Engineering Services and at the developers cost, to establish a kerb layback vehicle crossing to Council's Engineering standards at the proposed vehicle access point in Bowen Street, Narrabri.

REASON: Traffic management.

13. A town water and sewer boundary point connection be established on the allotment (s), at the developers expenses, to Council's Engineering standards including the provision of a water meter.

REASON: Utility service provision.

14. The development proposal will increase the demand on the town water and sewer system, as identified below. As per Council's water/sewer headword policy the following charges apply:

(a) 10 bedrooms = 3.333333 tenements subtract 1 existing tenement
= 2.333333 tenements

= \$2,300.00 water head works per tenement
= \$1,900.00 sewer head works per tenement

= \$10,033.33 payable.

REASON: Statutory Requirement.

15. The proposed dwelling be connected to a 240 volts AC mains electrical supply as per the regional electricity supplier's requirements.

REASON: Provision of essential utility services.

16. At occupation of the dwelling, the owner shall apply for (including fees and payments at the proponents expense) and obtain a town garbage and recycling service.

REASON: Provision of an essential service

17. Building demolition work is to be carried out in accordance with the requirements/provisions of AS 2601 – 2001 – Demolition of Structures.

REASON: To ensure that demolition is carried out according to Australian Standards.

18. All existing services are to be disconnected, sealed and made safe prior to the demolition and/or removal of existing structures on site. The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are to be inspected by Council. The requirements of other utility authorities shall be ascertained and adhered to by the applicant.

REASON: Council Requirement

19. The disposal of any asbestos materials in accordance with the requirements of WorkCover NSW and AS 2601 – 2001 – Demolition of Structures.

REASON: To ensure that the demolition complies with safe disposal method

20. The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public.

REASON: To ensure Public Safety.

21. Adjoining neighbours shall be given a minimum of 24 hours notice of the intention to commence demolition works.

REASON: To ensure neighbour notification of commencement.

22. The developer shall install appropriate piping adjacent to the Southern boundary of the property (between 66 and 64 Barwon Street) from the laneway to Barwon Street to ensure drainage of floodwater flows. The piping shall be concrete and have a minimum diameter of 500mm. The ends of the piping shall have appropriate steel grate fitted to assist public safety and to ensure amenity.

REASON: To reduce flood water flow impedance on site and reduce impact upon neighbouring properties

23. The developer to contact Council Engineering Services in particular Council's Parks and Gardens Manager to arrange removal of one street tree - being the inner tree on the footpath. The trees closest to the Lane and Barwon Street are to remain and are to be appropriately protected from damage during demolition and construction.

REASON: To reduce impact upon local streetscape amenity.

24. The developer to install an impervious wall along the boundary of 66 and 64 Barwon Street to prevent seepage of water into neighbouring property during prolonged rainfall events.

REASON: To contain water within the subject development's boundaries and prevent intrusion into neighbouring allotments.

25. During demolition/construction the developer or its agent are not to impede traffic flow upon the rear lane and shall allow for localised traffic access at all times. Any use of road infrastructure shall be subject to a traffic management plan to be supplied by the developer to Council's Engineering Services for approval.

REASON: To ensure traffic management.

General Prescribed Conditions of Consent:

26. That the development, as identified in the application received by Council (DA 37/2008), be carried out in accordance with this consent, except where amended by the conditions of consent.

Notes:

- Any alteration to the drawings and/or documentation, as approved by Council, will require further Council consent, as per S96 of the Environmental Planning and Assessment Act.
- No other works, other than those approved by this consent notice, shall be carried out without the prior consent from Council.
- Where there is an inconsistency between the documents lodged with this application and subsequent approval, and the following conditions, the conditions shall prevail to the extent of the inconsistency.

REASON: To confirm the application to which this consent relates.

27. Any use of the subject land shall not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

REASON: To ensure compliance with conditions of consent.

28. Any use of a building shall not commence until the appropriate certificate (compliance, occupation) has been lodged with Council.

REASON: To ensure compliance with conditions of consent.

29. A copy of this notice be kept on-site at all times. Further if the applicant is not the builder or occupier of the land to which this notice relates, a copy of this notice must be furnished to the above said persons.

REASON: To ensure that all land users/occupiers are aware of the conditions of consent.

30. All work associated with the implementation/construction (not operation) of the approved development activity, involving the use of electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Saturday	7am to 8pm
Sunday	8am to 8pm
Public Holidays	8am to 8pm

Notes:

- All noise generating activities are subject to the requirements of the Protection of the Environment Act 1977.
- This condition of consent does not relieve the developer (or employees, contractors, etc) from the requirements of the relevant Noise Control legislation.

REASON: Statutory Requirement.

31. All proposed sanitary waste management devices be connected to a town sewerage service with all work being carried out by a licensed plumber.

REASON: Public Health Standards.

32. All proposed sanitary waste management devices are to be connected to a suitable and adequate water supply at all times.

Note:

A suitable and adequate water supply is defined as:

- reticulated town water system.
- minimum 45,000 litre on-site water tank or dam, fitted with pressure pump or gravity feed.

REASON: Public Health Standards

33. The applicant/landowner should note that there could be covenants in favour of persons other than Council, restricting what may be built or done upon the land. The applicant/landowner is advised to check the position before commencing work.

REASON: Disclaimer – s88B restrictions to use of the land.

34. No existing sewer drainage is to be covered by any proposed buildings.

REASON: To ensure adequate access for maintenance and repair of pipe work.

35. Change of building use

A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note. The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

1. This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4).
2. In this clause, Category 1 fire safety provision has the same meaning as it has in Part 7B.

REASON: Ensure adequate fire safety measures are implemented.

36. Residential building work

1. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note. The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

REASON: Ensure adequate insurance has been established.

37. Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

REASON: Ensure soil stability.

38. Protection of public places

1. If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place
 - (c) a hoarding or fence must be erected between the work site and the public place.
2. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

39. Toilet facilities

1. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
2. Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
3. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
4. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

REASON: To ensure worksite amenity and facilities.

40. The developer shall ensure that Council infrastructure such as kerb and gutter, stormwater management and road infrastructure is not damaged during the demolition and construction phase of the development. Any damage caused will be remedied at the cost of the developer to Council Engineering standard.

REASON: To ensure a standard of Council infrastructure.

Other Prescribed General Conditions of Consent41. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

1. For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
2. This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
3. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

42. Erection of signs

1. For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
5. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
6. This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

43. Notification of Home Building Act 1989 requirements

1. For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
2. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
3. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
4. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

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

**3.1 ITEMS TO BE CONSIDERED IN THE CLOSED (PUBLIC EXCLUDED)
MEETING OF COUNCIL (KAB:KAB) [GM] C20/16001**

783/2007 RESOLVED on the motion of Cr Lowder and seconded by Cr Sevil that the following matter be considered in the Closed (Public Excluded) Meeting, the reason being that it contains commercial information of a confidential nature thus in compliance with Section 10A(2) of the Local Government Act, 1993 Council is required to deal with this matter in Closed Committee because in accordance with Section 10A(2)(d)(i) the matter to be considered, if disclosed, prejudice the commercial position of the person who supplied it.:

- ♦ Old Flour Mill Site – Bowen Street Narrabri.

**ITEMS FOR COMMITTEE TO RECOMMEND TO
COUNCIL**

4. RIVERBEND ESTATE ENTRY SIGNS (PJK:PJK)[ENG] P99/01257

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.

RECOMMENDED on the motion of Cr Meppem and seconded by Cr Etheridge to investigate options for the possible leasing of the current Riverbend and Brailock signage sites to the respective proponents.

RECOMMENDED on the motion of Cr Sevil and seconded by Cr Etheridge that Council accept that the entrance signage for the Riverbend Estate, Narrabri has been approved by Council staff and is binding on Council.

RECOMMENDED on the motion of Cr Bolton and seconded by Cr Bates that the Director of Corporate Services review Council's current procedures and policies to ensure that applications to erect development "advertising/entry signs" on public land are formally considered by Council as part of the development application process.

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

5. NARRABRI HERITAGE COMMITTEE (NHC) (MJK:AH) [GM] C20/26001

RECOMMENDED on the motion of Cr Sevil and seconded by Cr Lowder that Council acknowledge receipt of the request from the Narrabri Heritage Committee and approve the formation of a small working party to examine the future use of the gaol residence.

RECOMMENDED on the motion of Cr Etheridge and seconded by Cr Bates that the Council representatives to the Narrabri Heritage Committee working party be:

- Councils Tourist Officer – Ms Penny Phelps.
- Councils Director Corporate Services – Mr Glen Warren.
- One (1) Councillor.

ELECTION OF COUNCILLOR TO BE REPRESENTATIVE

CR MEPPEM NOMINATED CR GLEESON FOR THE POSITION OF COUNCIL REPRESENTATIVE FOR THE NARRABRI HERITAGE COMMITTEE WORKING PARTY. CR GLEESON INDICATED HIS ACCEPTANCE OF THE NOMINATION.

AS THERE WERE NO FURTHER NOMINATIONS, THE GENERAL MANAGER, ACTING AS RETURNING OFFICER, DECLARED CR GLEESON ELECTED AS REPRESENTATIVE OF THIS WORKING PARTY FOR THE NARRABRI HERITAGE COMMITTEE (NHC).

784/2007 RESOLVED on the motion of Cr Bolton and seconded by Sevil that at 3.20pm, 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

On the resumption of the Ordinary meeting of Council it was resolved on the motion of Cr O'Regan and seconded by Cr Panton that the recommendations, as follows, be adopted in open Council:

**6. OLD FLOUR MILL SITE - BOWEN STREET NARRABRI
(NAW:NAW) [CORP]**

P99/04430

RECOMMENDED on the motion of Cr Sevil and seconded by Cr Bates that Council authorise the General Manager to accept the cost in the vicinity of \$50,000.00 and forward the matter to the Land and Environment Court, to test its legal position and seek declarations in order to make the operator comply with their legislative obligations.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 3.44PM.

COMMITTEE RESOLUTIONS

APOLOGIES

779/2007 RESOLVED on the motion of Cr Gleeson and seconded by Cr Bolton that the apologies from Cr DJ Laird and Cr SJ Rae for non-attendance at the meeting not accepted and that leave of absence not be granted.

CAPITAL EXPENDITURE REPORT (KS:KS) [CORP]

C20/32006

780/2007 RESOLVED on the motion of Cr Panton and seconded by Cr Bates that the Planning & Development Committee receive and note the information in relation the Capital Expenditure Report for the period ending 26th October, 2007.

DEVELOPMENT APPLICATIONS & LOCAL APPROVALS

(KAB:KAB) [CORP]**H10/32001 ; H10/08005**

781/2007 RESOLVED on the motion of Cr Bolton and seconded by Cr Sevil that the Planning & Development Committee note the information relating to the Development Applications and Local Approval Applications.

DEVELOPMENT APPLICATION 37/2008 (NAW:NAW) [CORP]

P99/03542

782/2007 RESOLVED on the motion of Cr Meppem seconded by Cr Bolton that Council approve the development application 37/2008 with the following conditions to be imposed:

Prescribed Conditions of Consent for Development Application 37/2008:

1. Prior to the commencement of the proposed activity, a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed activity.

REASON: To confirm that any proposed 'work (s)' complies with the relevant standards.

2. The developer shall notify Council, not less than forty eight (48) hours prior to the commencement of the 'work (s)' of:

- date of commencement of the 'work (s)';
- name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates;
- form attached.

REASON: Statutory Requirement.

3. The finished floor level of all habitable areas of the building/structure, be constructed 500mm higher than the 1:100 year flood event, for the subject land.

Council records indicate that the finished floor height be 215.4 metres AHD.

Written verification of the constructed finished floor level for all habitable areas must be provided to Council prior to the footing/frame inspection. Such verification shall be in the form of a registered Surveyor's written correspondence.

REASON: Ensure compliance with Council Floodplain Management Policy.

4. Prior to establishment of the flooring system written verification of the landfill height is to be provided to Council. Such verification shall be in the form of a Registered Surveyor's written correspondence and is to be given in Australian Height Datum (AHD) levels.

REASON: Landfill Height Compliance.

5. Following the establishment of the flooring system, written verification of the finished floor height of the dwelling is to provided to Council. Such verification shall be in the form of a Registered Surveyor's written correspondence and is to be given in Australian Height Datum (AHD) levels.

REASON: Ensure compliance with Council's Floodplain Management Policy.

6. Prior to the commencement of construction of the structure, the developer lodge with, and receive approval for the following listed S68 Local Approval (s):

IN TOWN

- B1 – carry out water supply work
- B4 – carry out sewerage work
- B5 – carry out stormwater drainage work

REASON: Statutory Requirement.

7. Prior to the occupation of the building/structure, the developer apply for, using the prescribed form and payment of the prescribed fee, an occupation (final or interim) certificate.

Notes:

- if certificate issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: Statutory Requirement.

8. Suitable landscaping is to be implemented around the development or landscaping plans are to be submitted to, and approved by Council, prior to the occupation/use of the development.

REASON: To reduce the visual impact of the development on the surrounding environment.

9. An application be made to Council Engineering Services for a vehicle driveway surface, crossing the road reserve or part there-off (ie. footpath). Any construction of, or re-instatement of, a kerb layback crossing will also require an application. A drawing of the intended driveway to be submitted.

All work is to be to Council Engineering standards.

REASON: Council Engineering Standards and Public Safety.

10. Prior to landfill be deposited on the site the applicant supply the following information and receive written approval from Council for the placement of the landfill on the subject land.

1. Name of the landfill supplier.
2. Description of land where landfill is originating including Lot and Deposited Plan numbers.
3. A landfill site plan showing exact dimensions of placement of landfill on the development site.

NOTE: All legal landfill pits are registered with Council. The landfill operator should provide this information to the applicant.

REASON: Statutory Requirement.

11. Minimum building setback from the property boundary fronting the principle street is to comply with plan number 1 drawn by Harris Building Design Services 27/09/2007 as approved by Council

REASON: Intersection visibility, Public Safety and Streetscape Amenity.

12. The developer is required after a suitable design has been approved by Council's Director of Engineering Services and at the developers cost, to establish a kerb layback vehicle crossing to Council's Engineering standards at the proposed vehicle access point in Bowen Street, Narrabri.

REASON: Traffic management.

13. A town water and sewer boundary point connection be established on the allotment (s), at the developers expenses, to Council's Engineering standards including the provision of a water meter.

REASON: Utility service provision.

14. The development proposal will increase the demand on the town water and sewer system, as identified below. As per Council's water/sewer headword policy the following charges apply:

(a) 10 bedrooms = 3.333333 tenements subtract 1existing tenement
= 2.333333 tenements

= \$2,300.00 water head works per tenement
= \$1,900.00 sewer head works per tenement

= \$10,033.33 payable.

REASON: Statutory Requirement.

15. The proposed dwelling be connected to a 240 volts AC mains electrical supply as per the regional electricity supplier's requirements.

REASON: Provision of essential utility services.

16. At occupation of the dwelling, the owner shall apply for (including fees and payments at the proponents expense) and obtain a town garbage and recycling service.

REASON: Provision of an essential service

17. Building demolition work is to be carried out in accordance with the requirements/provisions of AS 2601 – 2001 – Demolition of Structures.

REASON: To ensure that demolition is carried out according to Australian Standards.

18. All existing services are to be disconnected, sealed and made safe prior to the demolition and/or removal of existing structures on site. The sewer and water service is to be disconnected by a licensed plumber and drainer and all works are to be inspected by Council. The requirements of other utility authorities shall be ascertained and adhered to by the applicant.

REASON: Council Requirement

19. The disposal of any asbestos materials in accordance with the requirements of WorkCover NSW and AS 2601 – 2001 – Demolition of Structures.

REASON: To ensure that the demolition complies with safe disposal method

20. The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public.

REASON: To ensure Public Safety.

21. Adjoining neighbours shall be given a minimum of 24 hours notice of the intention to commence demolition works.

REASON: To ensure neighbour notification of commencement.

22. The developer shall install appropriate piping adjacent to the Southern boundary of the property (between 66 and 64 Barwon Street) from the laneway to Barwan Street to ensure drainage of floodwater flows. The piping shall be concrete and have a minimum diameter of 500mm. The ends of the piping shall have appropriate steel grate fitted to assist public safety and to ensure amenity.

REASON: To reduce flood water flow impedence on site and reduce impact upon neighbouring properties

23. The developer to contact Council Engineering Services in particular Council's Parks and Gardens Manager to arrange removal of one street tree - being the inner tree on the footpath. The trees closest to the Lane and Barwon Street are to remain and are to be appropriately protected from damage during demolition and construction.

REASON: To reduce impact upon local streetscape amenity.

24. The developer to install an impervious wall along the boundary of 66 and 64 Barwon Street to prevent seepage of water into neighbouring property during prolonged rainfall events.

REASON: To contain water within the subject development's boundaries and prevent intrusion into neighbouring allotments.

25. During demolition/construction the developer or its agent are not to impede traffic flow upon the rear lane and shall allow for localised traffic access at all times. Any use of road infrastructure shall be subject to a traffic management plan to be supplied by the developer to Council's Engineering Services for approval.

REASON: To ensure traffic management.

General Prescribed Conditions of Consent:

26. That the development, as identified in the application received by Council (DA 37/2008), be carried out in accordance with this consent, except where amended by the conditions of consent.

Notes:

- Any alteration to the drawings and/or documentation, as approved by Council, will require further Council consent, as per S96 of the Environmental Planning and Assessment Act.
- No other works, other than those approved by this consent notice, shall be carried out without the prior consent from Council.
- Where there is an inconsistency between the documents lodged with this application and subsequent approval, and the following conditions, the conditions shall prevail to the extent of the inconsistency.

REASON: To confirm the application to which this consent relates.

27. Any use of the subject land shall not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

REASON: To ensure compliance with conditions of consent.

28. Any use of a building shall not commence until the appropriate certificate (compliance, occupation) has been lodged with Council.

REASON: To ensure compliance with conditions of consent.

29. A copy of this notice be kept on-site at all times. Further if the applicant is not the builder or occupier of the land to which this notice relates, a copy of this notice must be furnished to the above said persons.

REASON: To ensure that all land users/occupiers are aware of the conditions of consent.

30. All work associated with the implementation/construction (not operation) of the approved development activity, involving the use of electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Saturday	7am to 8pm
Sunday	8am to 8pm
Public Holidays	8am to 8pm

Notes:

- All noise generating activities are subject to the requirements of the Protection of the Environment Act 1977.
- This condition of consent does not relieve the developer (or employees, contractors, etc) from the requirements of the relevant Noise Control legislation.

REASON: Statutory Requirement.

31. All proposed sanitary waste management devices be connected to a town sewerage service with all work being carried out by a licensed plumber.

REASON: Public Health Standards.

32. All proposed sanitary waste management devices are to be connected to a suitable and adequate water supply at all times.

Note:

A suitable and adequate water supply is defined as:

- reticulated town water system.
- minimum 45,000 litre on-site water tank or dam, fitted with pressure pump or gravity feed.

REASON: Public Health Standards

33. The applicant/landowner should note that there could be covenants in favour of persons other than Council, restricting what may be built or done upon the land. The applicant/landowner is advised to check the position before commencing work.

REASON: Disclaimer – s88B restrictions to use of the land.

34. No existing sewer drainage is to be covered by any proposed buildings.

REASON: To ensure adequate access for maintenance and repair of pipe work.

35. Change of building use

A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

Note. The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

1. This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H (6) or 80I (4).
2. In this clause, Category 1 fire safety provision has the same meaning as it has in Part 7B.

REASON: Ensure adequate fire safety measures are implemented.

36. Residential building work

1. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
 - (c) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
 - (d) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note. The amount referred to in paragraph (b) (ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

REASON: Ensure adequate insurance has been established.

37. Retaining walls and drainage

If the soil conditions require it:

- (c) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (d) adequate provision must be made for drainage.

REASON: Ensure soil stability.

38. Protection of public places

5. If the work involved in the erection or demolition of a building:

- (d) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (e) involves the enclosure of a public place
- (f) a hoarding or fence must be erected between the work site and the public place.

6. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

7. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

8. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

39. Toilet facilities

5. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
7. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
8. In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

REASON: To ensure worksite amenity and facilities.

40. The developer shall ensure that Council infrastructure such as kerb and gutter, stormwater management and road infrastructure is not damaged during the demolition and construction phase of the development. Any damage caused will be remedied at the cost of the developer to Council Engineering standard.

REASON: To ensure a standard of Council infrastructure.

Other Prescribed General Conditions of Consent41. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

1. For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
2. This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
3. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

42. Erection of signs

1. For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (d) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (e) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (f) stating that unauthorised entry to the work site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
5. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
6. This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

43. Notification of Home Building Act 1989 requirements

5. For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
6. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
8. This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

ITEMS TO BE CONSIDERED IN THE CLOSED (PUBLIC EXCLUDED) MEETING OF COUNCIL (KAB:KAB) [GM] C20/16001

783/2007 RESOLVED on the motion of Cr Lowder and seconded by Cr Sevil that the following matter be considered in the Closed (Public Excluded) Meeting, the reason being that it contains commercial information of a confidential nature thus in compliance with Section 10A(2) of the Local Government Act, 1993 Council is required to deal with this matter in Closed Committee because in accordance with Section 10A(2)(d)(i) the matter to be considered, if disclosed, prejudice the commercial position of the person who supplied it.:

- ♦ Old Flour Mill Site – Bowen Street Narrabri.

784/2007 RESOLVED on the motion of Cr Bolton and seconded by Sevil that at 3.20pm, 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.

COMMITTEE RECOMMENDATIONS

CONFIRMATION OF THE MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING HELD ON WEDNESDAY 7TH NOVEMBER, 2007 C20/32006

RECOMMENDATION 1: That the minutes of the Planning & Development Committee meeting held on Wednesday 7th November, 2007 comprising of minute numbers 779/2007 to 784/2007 as circularised, be confirmed and signed as a correct record by the Mayor and General Manager.

RIVERBEND ESTATE ENTRY SIGNS (PJK:PJK)[ENG] P99/01257

RECOMMENDATION 2: That Council investigate options for the possible leasing of the current Riverbend and Brailock signage sites to the respective proponents.

RECOMMENDATION 3: That Council accept that the entrance signage for the Riverbend Estate, Narrabri has been approved by Council staff and is binding on Council.

RECOMMENDATION 4: That the Director of Corporate Services review Council's current procedures and policies to ensure that applications to erect development "advertising/entry signs" on public land are formally considered by Council as part of the development application process.

NARRABRI HERITAGE COMMITTEE (NHC) (MJK:AH) [GM] C20/26001

RECOMMENDATION 5: That Council acknowledge receipt of the request from the Narrabri Heritage Committee and approve the formation of a small working party to examine the future use of the gaol residence.

RECOMMENDATION 6: That the Council representatives to the Narrabri Heritage Committee working party be:

- Councils Tourist Officer – Ms Penny Phelps.
- Councils Director Corporate Services – Mr Glen Warren.
- One (1) Councillor.

**OLD FLOUR MILL SITE - BOWEN STREET NARRABRI
(NAW:NAW) [CORP]**

P99/04430

RECOMMENDATION 7: That Council authorise the General Manager to accept the cost in the vicinity of \$50,000.00 and forward the matter to the Land and Environment Court, to test its legal position and seek declarations in order to make the operator comply with their legislative obligations.

Cr AJ Meppem

CHAIR