

MINUTES OF THE PLANNING/COMMUNITY COMMITTEE MEETING HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON WEDNESDAY, 13 SEPTEMBER, 2006, COMMENCING AT 8:30 AM.

PRESENT: Cr P H Lloyd (Chairman), Crs B C Johnston, D F Baker, D C Jones and D B Mudaliar.

Also in attendance: Crs J L Cameron (alternate) and H N Castledine.

Paul Henry (General Manager), Greg Moran (Director Technical Services) and Joerg Schmidt-Liermann (Management Executive Officer).

APOLOGIES:

RESOLVED (Baker/Mudaliar) that the apology from Cr Harmon be noted.

SECTION A

1. CONFIRMATION OF MINUTES

RESOLVED (Johnston/Baker) that the Minutes of the Planning/Community Committee Meeting held on 9 August, 2006, as circulated to members, be confirmed as a true and correct record of that meeting.

2. DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

The following interests were declared:

- Cr Johnston declared a non-pecuniary interest in Section C, General Manager's Reports, Item # 4, "Notes of Meeting with Representative of Enviroclean P/L" and Section F, Planning and Development Reports, Item #5 "For Approval to Subdivide Land by Geolink on behalf of Enviroclean Group Pty Ltd – Lot 7 DP 1090446, Roscrae Lane, Inverell". The nature of the interest relating to Cr Johnston being a land owner of property in the vicinity of land subject to consideration in these reports.
- Cr Jones declared a non-pecuniary interest in Section F, Planning and Development Reports, Item # 1, "Road Naming". The nature of the interest relating to Cr Jones being a consultant to the applicant, Ritchie Enterprises.
- Mr Paul Henry tabled a written pecuniary interest disclosure from Mr Ken Beddie declaring a pecuniary interest in Section C, General Manager's Reports, Item # 4, "Notes of Meeting with Representative of Enviroclean P/L" and Section F, Planning and Development Reports, Item #5 "For Approval to Subdivide Land by Geolink on behalf of Enviroclean Group Pty Ltd – Lot 7 DP 1090446, Roscrae Lane, Inverell". The nature of the interest relating to Mr Beddie's wife being owner of a property adjoining land subject of the development application.
- Mr Paul Henry tabled a written non-pecuniary interest disclosure from Mr Joerg Schmidt-Liermann declaring a non-pecuniary interest in Section C, General Manger's Reports, Item #3, "Employment of Community Development/Information Officer" and Section F, Planning and Development Reports, Item #9, "Development Application for a Training Room" and Section K, Confidential Reports, Item #2 "Employment Community Development/Information Officer". The nature of the interest relating to employment of Mr Schmidt-Lierman's wife as a supported playgroup leader with the South Inverell Residents Association.

3. PUBLIC FORUM 13.5.4

At this juncture, the time being 8:35 am, the Chair welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Mr John Hodgens DA-99/2006

Mr Hodgens spoke in opposition to the proposed development of a “village to the west of Inverell” expressing his concerns as to an outside-in approach to the development of residential areas of Inverell. Mr Hodgens also expressed concern over implications for the abbotiors arguing that the development was occurring thirty (30) years too early. He further expressed concerns over the lack of consideration given to necessary fire prevention measures as well as access arrangements to the “village” via Roscrae Lane.

Mr Stewart Berryman DA-99/2006

Mr Berryman posed a question as to the permissibility of subdivisions down to one (1) hectare under Clause 12 of the Inverell LEP and encouraged Council to seriously consider their approach to the determination of this matter.

Mrs Camilla McRae DA-99/2006

Mrs McRae noted a range of concerns in relation to Council’s consideration of the development, indicating that Council was in a strong position and indeed should adopt the recommendations of its Director Planning and Development. Mrs McRae further noted that any decision to approve the development would constitute a departure from Council’s previous policies and send a message to developers that indeed developers “could do anything and Council would approve it”.

Mr Murray Wilks Ice Making Business DA-148/2006

Mr Wilks spoke in favour of the development application expressing the view that the business would be of a very small scale with minimal impact on neighbouring properties.

At this juncture, the time being 8:52 am, the Public Forum Session closed and the Committee resumed the balance of the Agenda.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

‘Slade’ – Licence of Part Lot 3 DP 1080168, Brissett Street, Inverell S5.10.106

The General Manager advised that no response had been received following an invitation to Mr Slade to enter into a Lease Agreement with Council. It was also noted that Council’s Director Planning and Development commenced legal proceedings arising out of Council’s previous decisions in respect of the matter.

Gwymac – Catchment Management Plan 11.15.3

The General Manager noted that no further action had taken place.

Disused Toilet Block 5.11.43

The General Manager advised that Council had not received any formal feedback from the Inverell Lions Club and that BEST Employment's General Manager, Mr Graham Marriott, had expressed concern of the removal of the facility.

Waste Management – St Vincent De Paul Society S31.8.1

Cr Johnston enquired if other service organisations had been informed of Council's policy.

Ashford Caravan Park and Pool Management

The General Manager advised that Council had received two (2) Expressions of Interest for the operation of the Ashford Caravan Park and Pool and two (2) separate "Expressions of Interest" for the operation of the Ashford Pool only. It was noted that the Rural Transaction Centre in discussions with the General Manager had given an indication of its interest in the management of Ashford Caravan Park should Council accept an "Expression of Interest" for the management of the Ashford Pool only.

Roundabout Signage – Ashford Road S28.9.12

Cr Baker thanked Council's Director Technical Services for the action taken in lowering the signs.

Gas Pipeline 10.10.1

The General Manager reported that no further information had been received after an approach had been made by the proponent company.

SECTION C
GENERAL MANAGER'S REPORT

GM-A 1. YETMAN CARAVAN PARK MANAGEMENT AGREEMENT 5.10.80

RESOLVED (Johnston/Jones) that the Committee recommend to Council that:

- a) a formal Management Agreement for the operation of the Yetman Caravan Park be entered into between Inverell Shire Council and the Yetman SES for a period of three (3) years with a three (3) year option;
- b) the Agreement be completed under the Common Seal of Council; and
- c) the Agreement be subject to such other terms and conditions as negotiated by Council's General Manager.

2. INTERNATIONAL DAY OF PEACE 2.14.2

RESOLVED (Baker/Jones) that the report be received and noted.

3. EMPLOYMENT OF COMMUNITY – DEVELOPMENT/INFORMATION OFFICER
2.14.3

RESOLVED (Mudaliar/Jones) that the matter be referred to Committee-of-the-Whole for consideration as:

- a) the report includes 'personnel matters concerning particular individuals (other than councillors)'. (Section 10A(2)(a) of the Local Government Act, 1993); and
- b) on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.

4. NOTES OF MEETING WITH REPRESENTATIVE OF ENVIROCLEAN P/L DA-99/2006

Conflict of Interests – Code of Conduct (Section 6)

At this juncture, the time being 9.15 am, Cr Johnston declared a non-pecuniary interest in respect of Item # 4, "Notes of Meeting with Representative of Enviroclean P/L." The nature of the interest relating to Cr Johnston being a land owner of property in the vicinity of land subject to consideration in the report.

RESOLVED (Jones/Mudaliar) that the information be noted.

SECTION D
CORPORATE SERVICES REPORTS

DCS-A 1. INVERELL SHIRE PUBLIC LIBRARY ANNUAL REPORT 3.6.8

RESOLVED (Baker/Jones) that the information be noted and that staff and management be congratulated on the operations of the Library.

SECTION F
PLANNING AND DEVELOPMENT REPORTS

SP-A 1. ROAD NAMING DA-162/05 & 28.13.2

Conflict of Interests – Code of Conduct (Section 6)

At this juncture, the time being 9.20 am, Cr Jones declared a non-pecuniary interest in respect of Item # 1, "Road Naming.". The nature of the interest relating to Cr Jones being a consultant to the applicant, Ritchie Enterprises.

RESOLVED (Cameron/Baker) that the Committee recommend to Council that Council take the appropriate steps to formally name the road Riverview Close, and that if no objections are received, Council authorise the Director Planning and Development Mr David Pryor to adopt this name and submit it for publication to the Government Gazette.

SP-N 2. LOCAL HERITAGE FUND & ANNUAL HERITAGE ADVISORY REPORT S15.8.15 & S18.8.3

RESOLVED (Cameron/Mudaliar) that the Committee note the Annual Heritage Advisory Report and the twelve (12) projects funded under the Local Heritage Grant Fund.

3. REQUEST FOR AN EXTENSION TO PROPOSED WORKS AT WANDERA DA-195/2005

RESOLVED (Cameron/Jones) that the matter be referred to Committee-of-the-Whole for consideration as:

- a) *the report includes 'the personal hardship of a ratepayer'. (Section 10A(2)(b) of the Local Government Act, 1993); and*
- b) *on balance the public interest in preserving the confidentiality of the personal information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting.*

TTP-A 4. SUBDIVISION – RESTRICTION TO USER DA-202/2005

RESOLVED (Johnston/Jones) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 202/2005.

5. FOR APPROVAL TO SUBDIVIDE LAND BY GEOLINK ON BEHALF OF ENVIROCLEAN GROUP PTY LTD – LOT 7, DP 1090446, ROSCRAE LAND, INVERELL DA-99/2006

Conflict of Interests – Code of Conduct (Section 6)

At this juncture, the time being 9:24 am, Cr Johnston declared a non-pecuniary interest in respect of Item # 5, "For Approval to Subdivide Land by Geolink on behalf of Enviroclean Group Pty Ltd". The nature of the interest relating to Cr Johnston being a land owner of property in the vicinity of land subject to consideration in the report. Cr Johnston left the meeting.

RESOLVED (Jones/Baker) that the information be noted.

At this juncture, the time being 9:45 am, Cr Johnston returned to the meeting.

- DPD-A 6. INVERELL LAND SUPPLY AND DEMAND REPORT S18.6.34

RESOLVED (Johnston/Baker) that the Committee recommend to Council that the Committee convene separately to discuss the contents of the Inverell Land Supply and Demand Report inviting all Councillor's participation in the process.

7. DEVELOPMENT APPLICATION – SUBDIVISION DA-143/06

RESOLVED (Johnston/Cameron) that the Committee consider the Supplementary Report.

Adjournment

At this juncture, the time being 10 am, the meeting was adjourned.

Resumption

At this juncture, the time being 10:20 am, the meeting reconvened.

- SP-A 13. DEVELOPMENT APPLICATION – SUBDIVISION DA-143/06

RESOLVED (Johnston/Baker) that the Committee recommend to Council that:

- i) *DA 143/06 be approved subject to the following conditions:*
 - a) *Council will require full engineering and survey design plans, certification and specifications for roadworks, pavements, kerb and gutter, bitumen seal, formation, erosion and control, drainage and interallotment drainage, water supply, sewerage reticulation. These are to be approved by Council prior to construction.*
 - b) *Council will require full engineering and survey design plans, certification and specifications for the realignment of the drainage channel. This is to include all stabilisation details. These are to be approved by Council prior to any construction work taking place.*
 - c) *A splay of 3.0m x 3.0m is required on the corner of Lot 1.*
 - d) *The road is to be 10.0m between the upright kerb and gutter.*
 - e) *Due to the possibility of a future extension of the road, a temporary cul-de-sac or widening is required at the end of the road to allow for the turning of vehicles/garbage truck.*
 - f) *All street furniture including street signs, street lighting, and traffic advisory signs are to be supplied and erected by the Applicant. This is to be to a standard approved by Council at the Applicant's expense. (This is to ensure adequate street furniture is installed).*
 - g) *The walkway is to be extended into the new subdivision. This walkway is to be concreted from Crestview Place through to the new road.*

- h) *The name of the proposed street is to be submitted to and approved by Council.*
- i) *Due to the nature of the intersection onto Vernon Street, the applicant is to pay all extra road signage costs as considered necessary by Council to ensure the intersection is safe.*
- j) *A Defects Liability Agreement is to be taken out for a twelve (12) month period prior to the release of the linen plan of subdivision if the construction work is not carried out by Council.*
- k) *Any damage to road pavements or utility services during construction shall be repaired at the full cost of the Applicant.*
- l) *Inspection fees will be levied if the construction work is not carried out by Council. This will be invoiced after the final inspection has been approved.*
- m) *Easements for all inter allotment drainage, sewer and water mains are required. These are to be submitted to and approved by Council. (This is to ensure the protection and access to services).*
- n) *The fencing type is to be of the same kind for the lots backing onto the reserve. The nature and type are to be approved by Council and is to be limited via a Section 88b covenant restriction placed on these lots.*
- o) *A contribution under the Water Supply Authorities Act of \$6,783.00 is required for each allotment created. This is to go towards water recoupment of past costs. The total contribution is \$149,226.00. This figure will increase in the 2007/2008 financial year will be to \$9,330.00 making a total contribution of \$205,260.00. This is as per Development Service Plan No 1.*
- p) *A contribution under the Water Supply Authorities Act of \$2,146.00 is required for each allotment created. This is to go towards sewer recoupment of past costs. The total contribution is \$47,212.00. This figure will increase in the 2007/2008 financial year will be to \$3,010.00 making a total contribution of \$66,220.00. This is as per Development Service Plan No 1.*
- q) *Easements are to be created for all internal services required within the subdivision.*
- r) *A section 94 Contribution of \$115.00 is to be submitted for each allotment created. This is to go towards community services. The total contribution will be \$2,530.00. Extensive plantings are to be carried out in the north eastern section of the reserve. A detailed landscaping plan is to be provided with the construction plans for approval. This is to include a planting of ten (10) trees of the same type for every mature tree removed. Habitat boxes are to be created and hung in the mature trees within the reserve to aid in the preservation of existing native wildlife. These are to be constructed out of any hollows found in any of the mature trees removed. The nature and number of habitat boxes and the location of are to be approved by Council, prior to the removal of any mature trees. The habitat boxes are to be in place within seven (7) days of any tree removal.*
- ii) *Any other condition considered necessary by the Director Planning & Development.*
- iii) *Council authorise the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 143/06.*

8. DEVELOPMENT APPLICATION – ASPHALT MANUFACTURING PLANT DA-141/06

RESOLVED (Baker/Jones) that the Committee consider the Supplementary Report.

DPD-A 14. DEVELOPMENT APPLICATION – ASPHALT MANUFACTURING PLANT DA-141/06

RESOLVED (Johnston/Jones) that the Committee note that the application will be approved by the Director Planning and Development under delegated authority, subject to appropriate conditions.

SP-A 9. DEVELOPMENT APPLICATION FOR A TRAINING ROOM DA-152/06

Conflict of Interest – Code of Conduct (Section 6)

At this juncture, the time being 10.31 am, the General Manager noted that Mr Joerg Schmidt-Liermann declared a non-pecuniary interest in respect of Item # 9, "Development Application for a Training Room". The nature of the interest relating to the employment of Mr Schmidt-Liermann's wife as a supported playgroup leader with the South Inverell Residents Association.

RESOLVED (Johnston/Jones) that the Committee recommend to Council that the application be approved, subject to any conditions as deemed necessary by the Director Planning and Development.

SP-A 10. DEVELOPMENT APPLICATION – J S J C PARTNERSHIP DA-153/06

RESOLVED (Jones/Cameron) that the Committee Recommend to Council that:

- i) DA 153/06 be approved subject to the following conditions:*
- a) The frontage of the subdivision to Brewery Street is to be kerb and guttered with a bitumen shoulder seal from edge of existing seal. This is to be to a standard approved by Council, at the applicant's expense.*
 - b) The drainage of the kerb and gutter and through the blocks needs to be addressed to Council's requirements. All details are to be submitted to and approved by Council, prior to the release of the linen plan of subdivision. This may require the creation of internal drainage easements.*
 - c) The right of carriageway to be bitumen sealed/concreted. This is to be to a standard approved by Council, at the applicant's expense.*
 - d) All details for the future maintenance of the right of carriageway are to be set out in a Section 88b Instrument. The wording of this is to be approved by Council.*
 - e) The applicant is to meet the cost of the erection of a sign stating that the right of carriageway is a private road and is not Council maintained.*
 - f) Laybacks access crossings are required in the kerb and gutter for each lot facing Brewery Street. These are to be constructed to a standard approved by Council at the applicant's expense.*
 - g) An approved access crossing is to be constructed for Lot 4 off the right of carriageway. This is to be at a standard approved by Council, at the applicant's expense.*
 - h) Water is to be connected to each allotment. This is to be connected to a standard approved by Council at the applicant's expense. This will not be a standard cost due to the nature of the development and a quotation will be provided upon request.*
 - i) A contribution under the Water Supply Authorities Act of \$6,783.00 is required for each allotment created. This is to go towards water recoupment of past costs. The total contribution is \$27,132.00. This figure will increase in the 2007/2008 financial year to \$9,330.00 making a total contribution of \$37,320.00. This is as per Development Service Plan No 1.*
 - j) Sewer is to be connected to each allotment. This is to be connected to a standard approved by Council at the applicant's expense. This will not be a standard cost due to the nature of the development and a quotation will be provided upon request.*
 - k) A contribution under the Water Supply Authorities Act of \$8,000.00 is required for Lots 3, 4 and 5. This is to go towards water recoupment of past costs. The total contribution is \$24,000.00. This is as per Development Service Plan No 1.*
 - l) Easements are to be created for all internal services required within the subdivision.*
 - m) A section 94 Contribution of \$100.00 is to be submitted for each allotment created. This is to go towards community services. The total contribution will be \$400.00. A General Rural Road Section 94 Contribution of \$1,950.00 will be levied per new*

allotment created. This is to go towards maintenance of rural roads due to increased traffic generation. This contribution will be linked to the CPI rate and will be increased up to the nearest \$5.00. Therefore the final cost of the contribution will be \$6,780.00 plus CPI calculated at date of payment.

ii) *Any other condition considered necessary by the Director Planning & Development.*

iii) *Council authorise that the Council Seal be used on the Section 88B Instrument relating to the subdivision as per Development Application 153/06.*

TTP-A 11. SUBDIVISION – RESTRICTION TO USER DA-236/2005

RESOLVED (Jones/Baker) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 236/05.

TTP-A 12. SUBDIVISION – RESTRICTION TO USER DA-93/2005

RESOLVED (Jones/Baker) that the Committee recommend to Council that approval be given to the fixing of Council's Seal on the Section 88B Instrument relating to the subdivision as per Development Application 93/05.

SUPPLEMENTARY
SECTION F
PLANNING AND DEVELOPMENT REPORTS

13. DEVELOPMENT APPLICATION – SUBDIVISION DA-143/06

Item considered earlier in the meeting.

14. DEVELOPMENT APPLICATION – ASPHALT MANUFACTURING PLANT
DA-141/06

Item considered earlier in the meeting.

SECTION J
GENERAL BUSINESS

General Manager Development Application – Redevelopment of Commonwealth Bank

The General Manager confirmed that a Development Application had been lodged by Castlereagh Radiology to be dealt with under delegated authority. The development involves a shop fit out of the facility to allow the relocation of Castlereagh Radiology.

Cr Castledine Recycling Bins

Cr Castledine enquired whether or not recycling bins would be provided to outlying areas of Inverell at a later date. The General Manager advised that this matter would be subject to separate negotiation with the contract, however, there were no current plans to extend the services.

DTS-A Cr Lloyd Delungra Rest Area 28.9.18

Cr Lloyd enquired if a sign promoting the area could be erected. Council's Director Technical Services to follow the matter up.

Cr Lloyd Campbell Park Toilets

Cr Lloyd expressed concerns over the state of the toilets following a

spate of recent vandalism. The Director Technical Services advised the toilets have been thoroughly cleaned, however, that parties involved in vandalism appear to wait until after the toilets have been cleaned before making a mess of the facilities.

Cr Lloyd Railway Meeting - Parks

Cr Lloyd noted that Council supported the proposal for the Inland Railway, noting that Council had not received an invitation to attend the meeting.

SECTION K
CONFIDENTIAL REPORTS IN CLOSED COUNCIL
(SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT 1993)

At **10:43 am**, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Committee Meeting should not be considered in Closed Council. There was no response from the public.

COMMITTEE "IN CAMERA"
CLOSED COUNCIL REPORTS

RESOLVED (Cameron/Baker) that the Committee proceed into Committee "In Camera", to discuss the matters referred to it, for the reasons stated in the motions of referral.

Upon resuming Open Committee, at 11:09 am, Mr Paul Henry verbally reported that the Committee, with the Press and Public excluded, having considered the matters referred to it, recommends as follows:

- DPD-A 1. REQUEST FOR AN EXTENSION TO PROPOSED WORKS AT WANDERA DA-195/2005

That the Committee recommend to Council that an extension of time, until 6 October, 2006, be given to Mr & Mrs Miller-Hardy to enable the builder to carry out the required works on their building in Wandera.

- GM-A 2. EMPLOYMENT OF COMMUNITY DEVELOPMENT/INFORMATION OFFICER 2.14.3

Conflict of Interest – Code of Conduct (Section 6)

The General Manager noted that Mr Joerg Schmidt-Liermann declared a non-pecuniary interest in respect of Item # 2, "Employment of Community Development/Information Officer". The nature of the interest relating to the employment of Mr Schmidt-Liermann's wife as a supported playgroup leader with the South Inverell Residents Association.

That the Committee recommend to Council that Council:

- (a) express its appreciation to the Member for the Northern Tablelands, Mr Richard Torbay for his efforts in successfully advocating for Council and the Inverell Community in respect of the ongoing funding for the Community Information Officer's position;*
- (b) thank the Minister for Housing, Ms Cherie Burton, for her ongoing support of the South Inverell Community Renewal Strategy; and*
- (c) representatives hold further discussion with the Department of Housing and SIRA in developing an appropriate strategy to support the public housing tenants and residents of the South Inverell area.*

ADOPTION OF RECOMMENDATION

RESOLVED (Cameron/Johnston) that the recommendation from the Committee "In Camera" be adopted.

SUPPLEMENTARY
SECTION F
PLANNING AND DEVELOPMENT REPORT

RESOLVED (Baker/Mudaliar) that the Committee consider the following Supplementary Report 'Development Application for an Ice Making Business'.

TTP-A 15. DEVELOPMENT APPLICATION FOR AN ICE MAKING BUSINESS DA-148/2006

RESOLVED (Jones/Baker) that the Committee recommend to Council that the report be noted and that it further be noted that the Director Planning and Development will approve of DA-148/2006 subject to the following conditions:

- 1) This approval is only for a period of twelve (12) months. The application will be reviewed after the twelve (12) months have expired.*
- 2) The factory is only to be used to produce wholesale goods. Any sales have to be done off the premises.*
- 3) No signs may be erected for the purpose of advertising or identifying the factory.*
- 4) A landscaping plan is to be submitted to and approved by Council. Landscaping is to be completed within three (3) months from the date of this approval.*
- 5) A suitably constructed housing box is to be placed over the external compressor unit.*
- 6) Noise levels are not to exceed 5dba above any background noise, measured from the boundary of the property. Council reserves the right to enforce further sound measures if they are warranted.*
- 7) The Agreement to use the Drainage Reserve for access is to be completed. Until such time, the reserve is not to be used for access into the property.*
- 8) The factory must not operate outside the hours of 8am to 6pm, Monday to Friday.*
- 9) There will be no employment of persons other than those that reside in the dwelling on a permanent basis.*
- 10) Any other conditions deemed appropriate by the Director Planning and Development.*

There being no further business, the meeting closed at 11:20 am.

CR P H LLOYD

CHAIRMAN