

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

PRESENT: Crs B C Johnston (Acting Chairman), D F Baker, P J Harmon, D C Jones and Cr J L Cameron (alternate).

Also in attendance: Cr H Castledine, Mr David Dutallis and Ms Pam O'Neil (National Parks & Wildlife Service)

Media: Mr Greg Kachel

Paul Henry (General Manager), David Pryor (Director Planning and Development), Ken Beddie (Director Corporate Services), Greg Moran (Director Technical Services) and Joerg Schmidt-Liermann (Management Executive Officer).

APOLOGIES:

RESOLVED (Harmon/Jones) that the apologies from Cr Lloyd and Cr Mudaliar be received and noted.

SECTION A
MINUTES

1. DECLARATION OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

The following interests were declared:

- Cr L Cameron declared a Non-Pecuniary Interest in Item 9, Planning and Development Reports, "Temporary Occupation of Sheds".
- Cr Jones declared a Pecuniary interest in Item 12, Planning and Development Reports, "Harry Fay, to construct a building to be occupied by the Mitre 10 Store"; the nature of the interest relating to the engagement of his professional services by the Developer.

2. CONFIRMATION OF MINUTES

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

Suspension of Standing Orders

At this juncture, the time being 8:34 am, Standing Orders were suspended to welcome David Dutallis, Regional Manager of National Parks & Wildlife Service.

ADDRESS BY DAVID DUTALLIS

Mr Dutallis addressed Councillors on a range of issues relating to the activities of the Service, focusing in particular on the recent activities and planned works for Kwiambal National Park. Mr Dutallis noted that some of the proposed upgrade works targeted included:

- Lemon Tree Flat area;
- Caves area;
- Walking tracks; and
- Cottages.

It was noted that the Service faced a number of challenges in Kwiambal, including the servicing of newly acquired lands (weed control) and the management and conservation of the second biggest maternity colony of the Eastern Cave Bats.

In addition to the aforementioned challenges facing the Service, Mr Dutallis identified that a further outstanding issue involved the access track to 'The Junction' of the Severn and McIntyre Rivers. The primary impediments relating to the existence of several significant aboriginal archeological sites and existence of threatened species of fauna. Mr Dutallis indicated that it was highly unlikely that the Service would be able to obtain consents to destroy, which would be necessary in order to maintain the access track.

Mr Dutallis indicated that in addition to environmental considerations it was necessary for the Service to be cognisant of the costs involved in ensuring access to 'The Junction', which would jeopardise funding for other improvement works planned for the park.

Cr Johnston expressed his concern about locking out the public from 'The Junction' by denying the public vehicular access arguing that such a move was discriminatory.

Cr Johnston praised the track record of the Service in respect of its management of the Park, indicating that Council would be grateful for an opportunity to be more involved in exploring the issues surrounding access to 'The Junction', involving the possible establishment of a working party comprising Councillors and representatives from the Service and Council's Senior Staff.

At this juncture, the time being 9:40 am, Cr Johnston thanked Mr Dutallis and Ms O'Neil for their presentation, the meeting was then adjourned.

Resumption of Standing Orders

At this juncture, the time being 9:54 am, Standing Orders resumed and the Committee considered the balance of the Agenda.

3. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

SECTION C GENERAL MANAGER'S REPORT

GM-A 1. AUSTRAL BAND HALL – EXPRESSIONS OF INTEREST 5.10.91

Motion (Cameron/Harmon) that the Committee recommend to Council that the General Manager seek more information from the Macintyre Lions Club and the Christian Life Centre.

Amendment (Baker/Jones) that the Committee recommend to Council that the General Manager seek more information from the Macintyre Lions Club, the Christian Life Centre and the Inverell and District Lapidary Club.

The Amendment on being put to the meeting was LOST.

The Motion on being put to the meeting was CARRIED.

SECTION F
PLANNING AND DEVELOPMENT REPORT

- DPD-A 1. CONSERVATION OF AUSTRALIA'S HISTORIC PLACES – PRODUCTIVITY COMMISSION REPORT 18.6.36

RESOLVED (Jones/Cameron) that the Committee recommend to Council that Council make a submission to the Productivity Commission suggesting that the final report make a recommendation that both state and national governments increase their funding to local governments to enable them to meet the additional costs which may be imposed by them as a result of the adoption of the recommendations contained in the report.

2. BRUDERHOF COMMUNITIES IN AUSTRALIA – ANNUAL ACTIVITY REPORT 8.5.11

RESOLVED (Baker/Jones) that the Committee recommend to Council that Council accept the annual report as submitted by the Bruderhof Communities in Australia for the period to December 2005.

3. INVERELL LANDFILL MAINTENANCE 31.2.2

RESOLVED (Jones/Harmon) that the report be referred to Committee-of-the-Whole for discussion as the matter relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and includes confidential information that would if disclosed prejudice the commercial position of the person who supplied it. (Section 10A (2)(c) and 10A(2)(d)(i) of the Local Government Act, 1993).

4. REQUEST TO OCCUPY A CARAVAN – WANDERA 24.12.1 & 7.2.6

RESOLVED (Jones/Harmon) that the report be referred to Committee-of-the-Whole for discussion as the matters and information are personnel matters concerning particular individuals (other than Councillors). (Section 10A (2)(a) of the Local Government Act, 1993).

- SP-A 5. SUBDIVISION – RESTRICTION TO USER DA-17/2005

RESOLVED (Jones/Harmon) that the Committee recommend to Council that the Seal of the Council be affixed to the Section 88B Instrument relating to the subdivision as per Development Application 17/2005.

- SP-A 6. SUBDIVISION – RESTRICTION TO USER DA-54/2005

RESOLVED (Jones/Harmon) that the Committee recommend to Council that Council authorise that the Seal of the Council be affixed to the Section 88B Instrument relating to the subdivision as per Development Application 54/2005.

- DPD-A 7. COPETON NORTHERN FORESHORES RESERVE – GRANT APPLICATIONS 21.8.12

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

- MED-A 8. GUYRA SHIRE COUNCIL – DISPOSAL OF WASTE TINGHA 31.8.1

RESOLVED (Harmon/Jones) that the Committee recommend to Council that Guyra Shire Council be advised that Council is unable to accept any additional domestic waste from outside the Council's area at the Inverell Landfill, due to the limited availability of land at this time.

MED-A 9. TEMPORARY OCCUPATION OF SHEDS 7.2.6

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

- (i) Council adopt the Policy for the Occupation of Temporary Accommodation other than an Approved Residential Dwelling.*
- (ii) Council staff notify those residents occupying sheds and the like without Council approval that they are required to comply with Council's Policy for the Occupation of Temporary Accommodation other than an Approved Residential Dwelling.*

MED-A 10. RESTRICTED OPENING HOURS – DELUNGRA LANDFILL 31.8.7

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

- (i) Council proceed and restrict the opening hours of the landfill and provide supervision during the opening hours and further discussions be held with the Delungra District Development Council to determine suitable days and times for opening and supervision of the landfill.*
- (ii) Provision be made in the 2006/2007 Management Plan for the fencing of Delungra Landfill.*

DPD-A 11. HIRE OF TOWN HALL – DONATIONS 5.24.5

RESOLVED (Jones/Harmon) that the Committee recommend to Council that the charge for the Eisteddfod Society's hire of the Town Hall be subsidised at the level applicable under Council's Town Hall Donations policy.

Declaration of Conflict of Interests/Pecuniary and Non-Pecuniary Interests

At this juncture, the time being 11:55 am, Cr Jones indicated the existence of a pecuniary interest in Item 12. Cr Jones confirmed that the nature of the interest related to the preparation of engineering plans/details for the Developer. Cr Jones then left the meeting and took no part in the discussion or voting on Item 12.

DPD-A 12. HARRY FAY, TO CONSTRUCT A BUILDING TO BE OCCUPIED BY THE MITRE 10 STORE TOGETHER WITH UNDERCOVER CAR PARKING AT LOT 2 DP 163239, LOT 1 & 2 DP 226452, LOT 1 DP 529731 AND LOT 71 DP 997940 DA-253/2005

RESOLVED (Harmon/Cameron) that the Committee recommend to Council that the application be dealt with under delegated authority after comment has been received from the Local Traffic Committee.

Following consideration and determination of Item 12, Cr Jones was invited to rejoin the meeting at 11:16 am.

MED-A 13. INVERELL LANDFILL CHARGES 31.8.1

RESOLVED (Cameron/Jones) that the Committee recommend to Council that the request to waive entry fees to the Inverell Landfill for the St Vincent de Paul Society be refused.

SP-A 14. DEVELOPMENT APPLICATION FOR A BREEDING CENTRE/FEEDLOT – VIVERS DA-228/2005

RESOLVED (Baker/Cameron) that the Committee recommend to Council that the Director Planning and Development place the appropriate approval conditions on the DA 228/2005 pending upon advice from the Department of Natural Resources.

- GM-A 15. ICAC DISCUSSION PAPER – CORRUPTION RISKS IN NSW DEVELOPMENT APPROVAL PROCESSES 7.11.1

RESOLVED (Harmon/Jones) that the Committee consider the Discussion Paper and that the General Manager hold discussions with the Local Government & Shires Association.

- DPD-A 16. RITCHIE ENTERPRISES PTY LTD, PROPOSED SUBDIVISION OF LOTS 4, 5 & 6 SECTION 7 DP 5248, KING STREET, INVERELL DA-162/2005

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

- (i) the application be approved as a deferred commencement approval, such approval not to operate until such time as the road closure application in respect of the proposal to close and purchase part of King Street, is approved by the Department of Lands. Such approval to be issued subject to appropriate conditions as determined by the Director Planning and Development*
- (ii) all necessary documents related to the transfer of Council land to the developer be authorised to be completed under the Seal of Council as required on the understanding that the public reserve area will be transferred to Council in exchange for both the Council land and the section of King Street to be closed.*

- MED-A 17. ERECT STORAGE FACILITY AND FENCE – LOT 1 DP 748404, 6104 GWYDIR HIGHWAY, INVERELL DA-3/2006

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

- (i) Council refuse Development Application 3/2006 on the grounds that the proposed use is prohibited in a Rural 1(a) zone under the provisions of the Inverell Local Environmental Plan 1988.*
- (ii) A C English be served an Order under the Environmental Planning & Assessment Act 1979 to remove all materials from the site within 60 days.*

18. DEVELOPMENT APPLICATION FOR A 900 HEAD CATTLE FEEDLOT DA-1239/05

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

- DPD-A 19. PROPOSED NEW INVERELL LEP – RESIDENTIAL LAND REQUIREMENTS FOR THE FUTURE 18.15.2 & 18.6.34

RESOLVED (Baker/Jones) that the Committee recommend to Council that discussions be held with Council's consultants with a view to having a residential needs analysis completed. Such analysis to provide an appropriate strategic platform for the preparation of the draft Inverell Local Environmental Plan.

SUPPLEMENTARY
SECTION F
PLANNING & DEVELOPMENT REPORT

RESOLVED (Baker/Jones) that the Committee consider the following Supplementary Section F, Planning and Development reports, Item #20, 'Acquisition of Land at the Inverell Water Treatment Plant', Item #21 'Development Application for a Breeding Centre/Feedlot – Bloomfield' and Item #22, 'Subdivision - Restriction to User'.

- SP-A 20. ACQUISITION OF LAND AT THE INVERELL WATER TREATMENT PLANT 5.2.29

RESOLVED (Jones/Cameron) that the Committee recommend to Council that Council authorise that the Council Seal be affixed to any necessary documentation relating to the acquisition of land required for the Inverell Water Treatment Plant.

- SP-A 21. DEVELOPMENT APPLICATION FOR A BREEDING CENTRE/FEEDLOT – BLOOMFIELD DA-239/2005

RESOLVED (Baker/Jones) that the Committee recommend to Council that the Director Planning and Development place the appropriate approval conditions on the DA-239/2005 pending upon advice from the Department of Natural Resources and upon receiving the requested further information from the proponent.

- TTP-A 22. SUBDIVISION - RESTRICTION TO USER DA-256/2004

RESOLVED (Jones/Baker) that the Committee recommend to Council that the Seal of the Council be affixed to the Section 88B Instrument relating to the subdivision of lot 9 DP 792839 as per Development Application 256/2004.

SECTION I
INFORMATION REPORT

1. NATIONAL HERITAGE INVESTMENT INITIATIVE 15.8.15 & 18.6.36
2. STANDARD LEP TEMPLATE 18.6.22
3. REQUIREMENTS FOR DEVELOPMENT CONTROL PLANS 18.6.22
4. SEVERN RIVER NATURE RESERVE 18.6.33
5. RESPONSIBLE GAMBLING CODE OF PRACTICE 3.16.18
6. NORTHERN INLAND REGIONAL WASTE S31.9.1

RESOLVED (Baker/Harmon) that the items contained in the Information Report to the Planning/Community Committee Meeting held on Wednesday, 8 February 2006 be received and noted.

SECTION J
GENERAL BUSINESS

- MED-N Cr Baker Recycling Bins 31.16.13

Cr Baker noted that she had received an approach from a constituent asking Council to consider making available smaller recycling bins.

- DTS-A Cr Cameron Wandera 28.9.12

Cr Cameron inquired what Council's intentions were in respect of the additional complaints received.

Cr Johnston confirmed that Council staff were continuing to deal with the matter and responding as required under the law.

RESOLVED (Baker/Harmon) that the Director Technical Services prepare a report on the costing of works at Wandera.

- Director Corporate Services Library Redevelopment Works 5.9.2

The Director Corporate Services provided an update to the Committee on redevelopment progress.

- Director Planning & Development Rural Study
The Director Planning & Development advised that the Study was proceeding, discussions held with Consultants.
- Director Planning & Development Newstead – Availability of funds for restoration works
The Director Planning & Development advised that no further progress has been made since the sale of the property. Alternatives were being investigated to ensure restoration plans proceeded.
- DPD-A Director Planning & Development Arthur McIlveen Hall – Stannifer 24.12.1 & 6.8.5
The Director Planning & Development advised that the Trustees of the Hall have all deceased. The Hall is currently being occupied by a squatter.
- Council will need to consider how to proceed from here. Initially, Council will intend to issue a Notice to Serve an Order on the occupier.

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

At 12:25 pm, 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 (Baker/Jones) 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 12:30 pm, Mr David Pryor verbally reported that the Committee, with the Press and Public excluded, having considered the matters referred to it, recommends as follows:

- DPD-A 1. INVERELL LANDFILL MAINTENANCE 31.2.2
That the Committee recommend to Council that Council advise Blue Gem Contractors Pty Ltd, that Council is not prepared to pay an additional amount above the current payments being made on the contract to maintain landfills in the Council area.
- MED-A 2. REQUEST TO OCCUPY A CARAVAN – WANDERA 24.12.1 & 7.2.6
That the Committee recommend to Council that the applicant be advised that Council is unable to accede to the request to occupy a caravan on the property located in Broad Street, Wandera other than in accordance with the exemptions under Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and provided adequate bathing and washing facilities are provided on the site.

ADOPTION OF RECOMMENDATION

RESOLVED (Baker/Jones) that the recommendation from the Committee "In Camera" be adopted.

There being no further business, the meeting closed at 12:30 pm.

B C JOHNSTON

ACTING CHAIRMAN