



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 24 September 2019
Time: 1.00pm
Location: Narrabri Shire Council Chambers
46-48 Maitland Street
Narrabri

AGENDA

**Ordinary Council Meeting
24 September 2019**

**Stewart Todd
GENERAL MANAGER**

PUBLIC FORUM (held outside formal Council Meeting)

The Council may hold a public forum prior to each Ordinary Meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting (listed on the Agenda).

Public forums may also be held prior to Extraordinary Council Meetings and meetings of committees of the Council.

Public forums are to be chaired by the mayor or their nominee.

Request to Speak in the Public Forum

To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 5pm on the working day before the date on which the public forum is to be held and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council, and to identify any equipment needs at 5pm on the working day before the Public Forum.

The General Manager or their delegate may refuse to allow such material to be presented.

A person may apply to speak on no more than 2 items of business on the agenda of the Council Meeting.

Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

The General Manager or their delegate may refuse an application to speak at a public forum.

No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council Meeting.

If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

Each speaker will be allowed three (3) minutes to address the Council. This time is to be strictly enforced by the Chairperson.

The Chairperson of the meeting can grant one extension of up to a maximum of two (2) minutes, should further information, be considered to be important to the Council. This is solely at the discretion of the Chair.

Speakers at public forums must not digress from their nominated item on the agenda. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a Public Forum. Questions put to a speaker must be direct, succinct and without argument. Debate will not be permitted by the speaker, Councillors or staff.

Speakers are under no obligation to answer a question. Answers by the speaker, to each question are to be limited to three (3) minutes.

Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.

The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

The “*Request to Speak in Public Forum*”, at an Ordinary Council Meeting, can be obtained, from Council’s Administration Office, or by downloading it from Council’s website at:

<http://www.narrabri.nsw.gov.au/speaking-at-public-forum-1232.html>



USE OF MOBILE PHONES AND UNAUTHORISED RECORDING OF MEETINGS

Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

(Clause 15.20 Code of Meeting Practice)

A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the Council.

(Clause 15.21 Code of Meeting Practice)



Mayor
Cr Cathy Redding



Deputy Mayor
Cr Robert Kneale



Cr Maxine Booby



Cr Ron Campbell



Cr Ron Campey



Cr Lloyd Finlay



Cr Ann Loder



Cr Annie McMahon



Cr Cameron Staines



General Manager
Mr Stewart Todd



Director
Infrastructure Delivery
Mr Darren Raeck



Director
Corporate Services
Mr Lindsay Mason



Director
Development &
Economic Growth
Mr Daniel Boyce



Our Values



INTEGRITY

Ensuring transparency and honesty in all our activities.



LEADERSHIP

Providing guidance and direction to our community and our people.



CUSTOMER FOCUS

Delivering prompt, courteous and helpful services and being responsive to the community's changing needs.



ACCOUNTABILITY

Accepting our responsibility for the provision of quality services and information.



RESPECT

Treating everyone with courtesy, dignity and fairness.



EXCELLENCE

Being recognised for providing services, programs and information which consistently meet and exceeds standards.



Our Strategic Direction

OUR VISION:

A strong and vibrant regional growth centre providing a quality living environment for the entire Shire community.



THEME 1: OUR SOCIETY

Strategic Direction 1: Safe, Inclusive and Connected Community

A safe, supportive community where everyone feels welcomed, valued and connected.



THEME 2: OUR ENVIRONMENT

Strategic Direction 2: Environmentally Sustainable and Productive Shire

Maintaining an healthy balance between our natural and built environments.



THEME 3: OUR ECONOMY

Strategic Direction 3: Progressive and Diverse Economy

A strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.



THEME 4: OUR CIVIC LEADERSHIP

Strategic Direction 4: Collaborative and Proactive Leadership

Working pro-actively together to achieve our shared vision with strong strategic direction.

AGENDA

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1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL

Members and officers are asked to be upstanding for the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

I'd like to begin by acknowledging the Traditional Owners of country throughout Australia, and in particular the Gomeroi People of the Kamilaroi Nation, and recognise their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES

4 DECLARATION OF PECUNIARY AND NON- PECUNIARY INTERESTS

Councillors are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest, you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

5 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

Extract from Council's Code of Meeting Practice:

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Narrabri Shire Council held on 27 August 2019 comprising Minute Nos 171/2019 to 193/2019 as circularised be confirmed and signed as a correct record by the Mayor.

RECOMMENDATION

That the minutes of the Extraordinary Council Meeting of the Narrabri Shire Council held on 12 September 2019 comprising Minute Nos 194/2019 to 200/2019 as circularised be confirmed and signed as a correct record by the Mayor.

**MINUTES OF NARRABRI SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI
ON TUESDAY, 27 AUGUST 2019 AT 1.00PM**

PRESENT: Cr Catherine Redding (Mayor), Cr Robert Kneale (Deputy Mayor), Cr Maxine Booby, Cr Ron Campbell, Cr Lloyd Finlay, Cr Ann Loder, Cr Annie McMahon, Cr Cameron Staines

IN ATTENDANCE: Stewart Todd (General Manager), Lindsay Mason (Director Corporate Services), Darren Raeck (Director Infrastructure Delivery), Daniel Boyce (Director Development & Economic Growth), Delece Hartnett (Administration)

Proceedings of the meeting commenced at 1.00pm.

1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL

Members and officers were upstanding for the opening prayer by Rev. Ralph Wood of Narrabri Anglican Church, in association with the Narrabri Ministers Fraternal.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Owners of the land on which the Council met, the Kamilaroi people, and paid her respects to Elders past and present.

3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES

As *vide* Minute No. 154/2019 from the July 2019 Ordinary Council Meeting, Cr Campey is on approved 'Leave of Absence' until 30 September 2019, which covers the August 2019 Ordinary Council Meeting.

4 DECLARATION OF PECUNIARY AND NON- PECUNIARY INTERESTS

Nil.

5 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

MINUTE 171/2019

Moved: Cr Robert Kneale Seconded: Cr Annie McMahon

The following matters will be considered in the Closed (Public Excluded) Meeting:

12.1 Corporate Air - Fees and Charges

12.2 Mayoral Minute - General Manager Annual Performance Review - period ending June 2019

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

6 PUBLIC FORUM AND PRESENTATIONS

Public Forum requests received to date:

- Nil.

Presentation requests received to date:

- Nil.

7 CONFIRMATION OF MINUTES

MINUTE 172/2019

Moved: Cr Maxine Booby Seconded: Cr Ann Loder

That the minutes of Ordinary Meeting of the Narrabri Shire Council held on 23 July 2019 comprising Minute Nos 140/2019 to 170/2019 as circularised be confirmed and signed as a correct record by the Mayor.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - NARRABRI GAS PROJECT**MINUTE 173/2019**

Moved: Cr Catherine Redding

That the General Manager provide an update report to Council on the Narrabri Gas Project, Council's Submission(s) to the Narrabri Gas Project and the Proponent's Response to Submissions.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

8.2 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR JULY/AUGUST 2019**MINUTE 174/2019**

Moved: Cr Catherine Redding

That Council note the Mayoral Appointments for the period July/August 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

9 OUR SOCIETY**9.1 REPORT OF THE NARRABRI SHIRE CRIME PREVENTION ADVISORY COMMITTEE AND THE DRAFT NARRABRI SHIRE CRIME PREVENTION PLAN 2019-2023****MINUTE 175/2019**

Moved: Cr Ann Loder

Seconded: Cr Annie McMahon

- 1. That Council adopt the minutes of the Narrabri Shire Crime Prevention Advisory Committee meeting held on Tuesday, 25 June 2019.**
- 2. That Council endorse the change of name from the Narrabri Shire Crime Prevention Plan 2019 – 2023 to the Narrabri Shire Community Safety and Crime Prevention Plan 2019 - 2023.**
- 3. That Council endorse the draft Narrabri Shire Community Safety and Crime Prevention Plan 2019 – 2023 for public exhibition for a minimum of 28 days.**
- 4. That Council place on exhibition the draft document for a period of at least 28 days, during the exhibition period call for and accept submissions from the public on the draft document.**

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

9.2 PUBLIC SAFETY CLOSED-CIRCUIT TELEVISION (CCTV) CAMERA POLICY**MINUTE 176/2019**

Moved: Cr Annie McMahon Seconded: Cr Maxine Booby

That Council endorse the draft Public Safety Closed-Circuit Television (CCTV) Camera Policy for public exhibition for a minimum of 28 days, during the exhibition period call for and accept submissions from the public on the draft Policy.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

9.3 DELEGATES REPORT - WEE WAA LOCAL HEALTH SERVICE ADVISORY COMMITTEE MEETING - 22 JULY 2019**MINUTE 177/2019**

Moved: Cr Maxine Booby Seconded: Cr Ann Loder

That Council note the Delegates Report from Cr Booby from the Wee Waa Local Area Health Service Advisory Committee Meeting held on Monday 22 July 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

10 OUR ENVIRONMENT**10.1 LEARDS FOREST PRECINCT ENVIRONMENTAL TRUST FUNDING APPLICATIONS - NOVEMBER 2018****MINUTE 178/2019**

Moved: Cr Lloyd Finlay Seconded: Cr Robert Kneale

That Council, pursuant to the provisions of section 356 of the Local Government Act 1993, grant financial assistance from the Environmental Grant Program to Fairfax Public School for the amount of \$22,500.63 and to Boggabri and District Historical Society/Men's Shed the amount of \$4,220.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

11 OUR ECONOMY

11.1 FEDERATION FARM SHARE FARMING AGREEMENT**MINUTE 179/2019**

Moved: Cr Lloyd Finlay Seconded: Cr Robert Kneale

That Council authorise the Mayor and General Manager to sign, under the common seal of Council, all necessary documentation pertaining to the Federation Farm Share Farming Agreement for the period from 1 January 2020 until 31 December 2024.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12 OUR CIVIC LEADERSHIP

12.1 REVIEW OF COMMUNITY GRANT POLICY**MINUTE 180/2019**

Moved: Cr Maxine Booby Seconded: Cr Lloyd Finlay

That Council endorse the draft/revised Community Grants Policy for public exhibition for a minimum of 28 days, during the exhibition period call for and accept submissions from the public on the draft Policy.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.2 RE-NAMING OF LAGOON BRIDGE, WEE WAA**MOTION**

Moved: Cr Maxine Booby Seconded: Cr Lloyd Finlay

That Council defer the decision for one month on item 11.2 – ‘Re-naming of Lagoon Bridge, Wee Waa’, to allow further research on the one (1) formal submission that was received during the public submission period.

In Favour: Crs Maxine Booby and Lloyd Finlay

Against: Crs Catherine Redding, Robert Kneale, Ron Campbell, Ann Loder, Annie McMahon and Cameron Staines

LOST 2/6

MINUTE 181/2019

Moved: Cr Ron Campbell Seconded: Cr Ann Loder

That Council having regard to public submission and comments, Council rescind its renaming proposal and leave the name of the Lagoon Bridge Wee Waa unchanged.

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder and Annie McMahon

Against: Crs Maxine Booby and Cameron Staines

CARRIED 6/2

12.3 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE**MINUTE 182/2019**

Moved: Cr Cameron Staines Seconded: Cr Robert Kneale

That Council note the Minutes of the Audit, Risk and Improvement Committee meeting held on 17 July 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.4 ANNUAL SERVICE PLAN REPORT - JUNE 2019**MINUTE 183/2019**

Moved: Cr Lloyd Finlay Seconded: Cr Robert Kneale

That Council adopt the annual service plan report, as attached, detailing Council's progress in meeting its actions, capital works program and key performance measures for the 2018/19 financial year.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.5 DELIVERY PROGRAM 6 MONTHLY PROGRESS REPORT - JUNE 2019**MINUTE 184/2019**

Moved: Cr Ron Campbell Seconded: Cr Ann Loder

That Council adopt the Delivery Program 6 Monthly Progress Report, as attached, detailing Council's progress in meeting its objectives, strategies and measures up to the June 2019 period.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.6 SWIMMING POOL BARRIER INSPECTION PROGRAM**MINUTE 185/2019**

Moved: Cr Robert Kneale Seconded: Cr Ron Campbell

That Council adopt the Swimming Pool Barrier Inspection Program.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.7 AUSTRALIA DAY CITIZEN AWARDS**MINUTE 186/2019**

Moved: Cr Maxine Booby Seconded: Cr Lloyd Finlay

That Council adopt the proposed amendments to the current application guidelines for the Young Citizen of the Year being 25 years or younger on 26 January of the relevant year and Citizen of the Year being 26 years or over on 26 January of the relevant year.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Annie McMahon and Cameron Staines

Against: Cr Ann Loder

CARRIED 7/1

12.8 INVESTMENT REPORT - JULY 2019**MINUTE 187/2019**

Moved: Cr Ann Loder Seconded: Cr Robert Kneale

That Council note the Investment Report for July 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.9 DELEGATES REPORT - COUNTRY MAYORS ASSOCIATION MEETING - 2 AUGUST 2019**MINUTE 188/2019**

Moved: Cr Catherine Redding Seconded: Cr Annie McMahon

That Council note Mayor Reddings' Delegate Report from the Country Mayors Association Ordinary Meeting held in Sydney on Friday 2 August 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

12.10 LG PROFESSIONALS NSW - COL MILLS MEMORIAL AWARD**MINUTE 189/2019**

Moved: Cr Maxine Booby Seconded: Cr Ron Campbell

That Council congratulate Miss Samantha Ratley in being:

- a. Awarded the LG Professionals NSW 2019 Col Mills Memorial Award; and**
- b. Awarded the LG Professionals Australia 2019 Raymond West Scholarship.**
- c. A Finalist in the LG Professionals Australia's National Emerging Leader of the Year Award.**

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

13 CONFIDENTIAL (CLOSED COUNCIL) MEETING**MINUTE 190/2019**

Moved: Cr Robert Kneale Seconded: Cr Maxine Booby

That at 2.40pm Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

13.1 Corporate Air - Fees and Charges

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13.2 Mayoral Minute - General Manager Annual Performance Review - period ending June 2019

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

13.1 CORPORATE AIR - FEES AND CHARGES**MINUTE 191/2019**

Moved: Cr Ron Campbell Seconded: Cr Annie McMahon

COUNCIL HAS TEMPORARILY WITHHELD POINTS (1) – (3) FOR THIS RESOLUTION under Section 10A(2) of the Local Government Act 1993, for the following reasons:

- (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council**
- (d) (iii) information that would, if disclosed, reveal a trade secret**

- 4. That Council formally advise both Federal & State Members regarding Council's upcoming motion being presented to the LGNSW Annual Conference being held in October 2019, and request their strong support for more appropriate airport slots for the Narrabri/Sydney RPT Service.**

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Annie McMahon and Cameron Staines

Against: Cr Ann Loder

CARRIED 7/1

13.2 MAYORAL MINUTE - GENERAL MANAGER ANNUAL PERFORMANCE REVIEW - PERIOD ENDING JUNE 2019**MINUTE 192/2019**

Moved: Cr Ron Campbell Seconded: Cr Cameron Staines

That Council adopt the following recommendations in accordance with the Review Panel:

- 1. That the record of performance assessment as recorded in the General Manager's 2018/19 Performance Agreement Annual Review be submitted to Council to receive and note.**
- 2. That it be noted in the opinion of the Performance Review Panel, the General Manager, Stewart Todd, is performing at a level that is a 'Better Than Satisfactory' standard in terms of the rating scale within the Agreement, and his performance was assessed as being 'Better than Satisfactory' (a term used in the General Manager's Standard Contract).**
- 3. Note the report of the General Manager Performance Review Panel.**
- 4. Note the finding of the Panel on the General Manager's Annual Performance Review for the period ending 30 June 2019, in particular, the Panel's summary assessment:**
 - a. The Panel has noted a 'Better than Satisfactory' standard. The Panel notes that the General Manager has ensured that continual improvements are being seen. The Panel further noted the hard work being done and the General Manager's dedication for ensuring Narrabri Shire is at the forefront of service delivery, and our communities are given the opportunity to achieve their full potential.**
- 5. Note that the Panel is developing a Performance Agreement for 2019/20. The Panel is recommending that the Performance Agreement for 2019/20 be based on the new format as presented at the Meeting.**

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

MINUTE 193/2019

Moved: Cr Cameron Staines Seconded: Cr Annie McMahon

That at 3.27pm Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out aloud.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

13 MEETING CLOSED

The Meeting closed at 3.28pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 September 2019.

.....

CHAIRPERSON

MINUTES

Extraordinary Council Meeting

12 September 2019

**MINUTES OF NARRABRI SHIRE COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI
ON THURSDAY, 12 SEPTEMBER 2019 AT 6.00 PM**

PRESENT: Cr Catherine Redding (Mayor), Cr Robert Kneale (Deputy Mayor),
Cr Ron Campbell, Cr Lloyd Finlay, Cr Ann Loder, Cr Annie McMahon,
Cr Cameron Staines.

IN ATTENDANCE: Stewart Todd (General Manager), Lindsay Mason (Director Corporate Services),
Darren Raeck (Director Infrastructure Delivery), Delece Hartnett
(Administration).

1 OPENING PRAYER BY A MEMBER OF THE NARRABRI MINISTER'S FRATERNAL

Members and officers are asked to be upstanding for the opening prayer read by Mayor,
Cr Cathy Redding.

2 ACKNOWLEDGEMENT OF COUNTRY

I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, the
Kamilaroi people, and pay my respects to Elders past and present.

3 APOLOGIES/GRANTING OF LEAVE OF ABSENCES

MINUTE 194/2019

Moved: Cr Ron Campbell Seconded: Cr Robert Kneale

That the apologies received from Cr Booby be accepted and the leave of absence granted to Cr
Campey be noted.

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder,
Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

4 DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS

Nil.

5 ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL (PUBLIC EXCLUDED) MEETING

MINUTE 195/2019

Moved: Cr Annie McMahon Seconded: Cr Lloyd Finlay

The following matters will be considered in the Closed (Public Excluded) Meeting:

7.1 Northern NSW Inland Port (N2IP)

7.2 Contract 2019-20/06 - Design and Construction of a Replacement Bridge at Tarriaro, Narrabri

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

6 PUBLIC FORUM AND PRESENTATIONS

Public Forum requests received to date:

- Nil

Presentation requests received to date:

- Nil

Director Infrastructure Delivery brought the Council's attention to the report titled "Contract 2019-20/06 - Design and Construction of a Replacement Bridge at Tarriaro, Narrabri" which was circulated with and included in the Extra-Ordinary Council Meeting Business Paper.

CHAIRPERSON RULING

The Chairperson ruled that the matter; Contract 2019-20/06 - Design and Construction of a Replacement Bridge at Tarriaro, Narrabri, was of great urgency.

MINUTE 196/2019

Moved: Cr Catherine Redding Seconded: Cr Cameron Staines

That Council consider the report titled "Contract 2019-20/06 - Design and Construction of a Replacement Bridge at Tarriaro, Narrabri, at the Extra-Ordinary Council Meeting 12 September 2019

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

7 CONFIDENTIAL (CLOSED COUNCIL) MEETING**MINUTE 197/2019**

Moved: Cr Ron Campbell Seconded: Cr Ann Loder

That at 6.06pm Council move into Closed (Public Excluded) Meeting of Council and that the press and members of the public be asked to leave the room whilst Council considers the following items:

7.1 Northern NSW Inland Port (N2IP)

This matter is considered to be confidential under Section 10A(2) - (c), (d)(i) and (d)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

7.2 Contract 2019-20/06 - Design and Construction of a Replacement Bridge at Tarriaro, Narrabri

This matter is considered to be confidential under Section 10A(2) - (d)(i) and (d)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

7.1 NORTHERN NSW INLAND PORT (N2IP)**MINUTE 198/2019**

Moved: Cr Ron Campbell Seconded: Cr Annie McMahon

COUNCIL HAS TEMPORARILY WITHHELD RESOLUTIONS 1 – 3 FOR THIS MATTER under Section 10A(2) of the Local Government Act 1993, for the following reasons:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it,
 - (ii) confer a commercial advantage on a competitor of the council

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

7.2 CONTRACT 2019-20/06 - DESIGN AND CONSTRUCTION OF A REPLACEMENT BRIDGE AT TARRIARO, NARRABRI

MINUTE 199/2019

Moved: Cr Robert Kneale Seconded: Cr Annie McMahon

1. That Council note that after assessing the tenders submitted (in accordance with the criteria specified in the tender documents) and having regard to all the circumstances, the Tender Panel recommends that Council accept the tender from Saunders Civilbuild Pty Ltd in the GST exclusive amount of \$1,899,404.58 for Contract No. 2019-20/06 – Design & Construction of a Replacement Bridge at Tarriaro, Narrabri.
2. That Council accept the tender from Saunders Civilbuild Pty Ltd in the GST exclusive amount of \$1,899,404.58 for Contract No. 2019-20/06 – Design & Construction of a Replacement Bridge at Tarriaro, Narrabri and authorise the General Manager to sign the contract documents.
3. That Council maintain the confidentiality of the documents and considerations in respect of Contract No. 2019-20/06 – Design & Construction of a Replacement Bridge at Tarriaro, Narrabri

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

MINUTE 200/2019

Moved: Cr Annie McMahon Seconded: Cr Ron Campbell

That at 6.58pm Council move out of Closed (Public Excluded) Meeting and that the resolutions from the Closed (Public Excluded) Meeting be read out aloud.

In Favour: Crs Catherine Redding, Robert Kneale, Ron Campbell, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 7/0

8 MEETING CLOSED

The Meeting closed at 6.59pm.

The minutes of this meeting are scheduled to be confirmed at the Ordinary Meeting of the Narrabri Shire Council held on 24 September 2019.

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CHAIRPERSON

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - MAYORAL APPOINTMENTS FOR AUGUST/SEPTEMBER 2019

Responsible Officer: Catherine Redding, Mayor

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: Nil

RECOMMENDATION

That Council note the Mayoral Appointments for the period August/September 2019.

MAYORAL MINUTE

For the information of Councillors, I provide details of my Mayoral appointments and attendances between the dates (onwards from last Council Meeting) as follows:

Monday 26 August 2019

- Attended the New England Joint Organisation (NEJO) Board Meeting, with General Manager also present, and member councils of NEJO.
- Attended Dangar Park - Wee Waa, for media scheduling/appointment for the opening of the recently upgraded Playground facilities within the Park.

Tuesday 27 August 2019

- Attended August 2019 Ordinary Council Meeting, with Councillors and Senior staff also in attendance.

Wednesday 28 August 2019

- Attended 'Financial Issues in Local Government' training/professional development for Councillors within the Council Chambers, with Councillors also in attendance.

Friday 30 August 2019

- Participated in ABC Rural Radio (morning) interview regarding the Crime Prevention Plan adoption at the August 2019 Council Meeting.

Sunday 1 September 2019

- Attended the NOSH 'Long Lunch' event as Council representative.

Monday 2 September 2019

- Attended 'initial meeting' with local business owner for confirmation on handover/sale of business to national firm, prior to a meeting with new firm during/after the same week.
- Meeting with Library Manager to discuss State Library Funding and the CNRL Contribution, going forward with the Zone Meeting to be attended in September 2019.

Tuesday 3 September 2019

- Attended September 2019 Councillor Briefing/Workshop day, with Councillors and Senior Staff also in attendance.

Wednesday 4 September 2019

- Meeting with local business owner and new owner (national firm), as an introductory meeting with myself and General Manager also in attendance.

Thursday 5 September 2019

- Invited to attend the Narrabri Rotary Club weekly dinner, as guest speaker, to inform Rotary Members of upcoming Council projects, completed projects and general information on Council's strategic direction and service provision.

Friday 6 September 2019

- Collected Deputy NSW Premier, the Hon John Barilaro MP, in Moree (early morning), and travelled with him to Narrabri to officially open the North West Country University Centre – Narrabri Campus at midday, and then hosted a working lunch and preliminary meeting with Mr Barilaro, and thereafter took him on a tour of Council projects outlined within the earlier meeting. General Manager accompanied the meeting and tour, and Councillors and Senior Staff were also in attendance during the day.
- Hosted evening event at The Crossing Theatre for the 'Prospectus Launch' of the Logistics & Industrial Hub, now named N2IP (Northern NSW Inland Port), with Deputy NSW Premier, the Hon John Barilaro MP, launching the Prospectus and the new name as well.

Saturday 7 September 2019

- Attended Narrabri Chamber of Commerce Business Awards evening as Council representative to present an award on behalf of Council, that was held at The Crossing Theatre. Councillors and Senior Staff were also in attendance.

Sunday 8 September 2019

- Travelled with Deputy NSW Premier, the Hon John Barilaro MP, to Wee Waa to assist in grant funding announcements, including the Dangar Park Playground facilities upgrade, with Councillors and Senior Staff also in attendance.

Tuesday 10 September 2019

- Met with David Kitto – Executive Director of NSW Department of Planning, regarding resource projects in the Shire. General Manager and Senior staff also in attendance for this meeting.

Thursday 12 September 2019

- Invited to and attended 'Sharing our Cultural Knowledge - Native Grasses' that was organised by the Wee Waa Aboriginal Lands Council, at Tulladunna Lane, Wee Waa.

Saturday 14 September 2019

- Attended the Narrabri Junior Rugby League 2019 season Grand Final Day – and to judge the ‘March Past’ by the Junior teams held at Collins Park at 9.00am.

Wednesday 18 September 2019

- Attended IA Watson/Sydney University Plant Breeding Institute 2019 Field Day, to listen to guest speakers and attend luncheon with staff from the Narrabri facility.

Thursday 19/Friday 20 September 2019

- Attended North East NSW Public Library Full Zone Meeting at South West Rocks, with Library Manager for two day conference, travelling home Friday evening.

7.2 MAYORAL MINUTE - REQUEST FOR DONATION - THE LONG RIDE**Responsible Officer:** Catherine Redding, Mayor**Author:** Catherine Redding, Mayor**Attachments:** 1. The Long Ride - Council Donation Request  **RECOMMENDATION**

That Council support the request for donation from the Prostate Cancer Foundation of Australia, 'The Long Ride' in the amount of \$500.00.

MAYORAL MINUTE

In March 2019 I was originally contacted by the organising Committee members of 'The Long Ride' through the Narrabri Visitor Information Centre, to gather 'itinerary ideas' for travelling through Narrabri and Gunnedah on Saturday 11 May 2019, where many riders from Sydney, Newcastle and the Central Coast will meet up and stay in Narrabri overnight. Accordingly, I raised a Mayoral Minute for the April 2019 Ordinary Council Meeting, *vide* Minute No: 067/2019:

[MINUTE 067/2019]

Moved: Cr Catherine Redding]

That Council defer the consideration of the request for donation from the Prostate Cancer Foundation of Australia, 'The Long Ride' until after 1 July 2019.

In Favour: Crs Catherine Redding, Robert Kneale, Maxine Booby, Ron Campey, Lloyd Finlay, Ann Loder, Annie McMahon and Cameron Staines

Against: Nil

CARRIED 8/0

I would like to re-submit this request to Council in the hope that after the original resolution was to defer the donation until after the 1 July 2019, when the new financial year had commenced, to contribute these funds from the Community Grants Fund.

Again, I re-iterate that it is a great opportunity for Council to support and donate to such a worthwhile organisation, and it is hoped that the funds raised will go in part, to have local access to an expert support Prostate Cancer Specialist Nurse into regional areas, which is the cost equivalent of \$140,000. After meeting with Gunnedah members of the organising Committee, I have agreed to the amount of a \$500 donation on behalf of Council. The original request, as can be noted on the original letter that can be reviewed on the attachment to this report, was in the amount of \$2,000. At this point in time, within the prolonged drought conditions, I thought that it was disproportionate to donate the original requested substantial amount of money. However, although it was a worthwhile cause that will eventually benefit the community members within the northern inland region of NSW, I agreed to the revised amount of \$500, which was more achievable, particularly with the amount of funds currently available within the Community Grants Fund.

FINANCIAL IMPLICATIONS

As Council's 2018/2019 allocation of the Community Grants Fund had been exhausted, I would now request that Council donate the proposed \$500.00 requested by the 'The Long Ride' on behalf of the Prostate Cancer Foundation of Australia, now that the new allocation for the Community Grants Fund has been replenished, for the new financial year.

STATUTORY AND POLICY IMPLICATIONS

Nil.

CONSULTATION**External Consultation**

- Mr Tim Brett & Mr Des O'Callaghan – 'The Long Ride' committee members.

Internal Consultation

Nil.



Narrabri Shire Council
C/O General Manager
Narrabri NSW



Des O'Callaghan
72 Beulah Street
Gunnedah 2380
Mob 0428 424 880
des.kerrie8@bigpond.com

"The Long Ride™" 2019 Working with Prostate Cancer Foundation Australia PCFA

The following is a brief summary of what "The Long Ride" is all about. The Long Ride is a nationally recognized charity motorcycling group which has been in existence since 2007, who ride to raise much needed funds for the Prostate Cancer Foundation Australia PCFA and since that time there has been 8 Long Ride events involving riders from all parts of Australia who individually have significantly raised awareness of Prostate Cancer in their communities. The Long Ride has managed to raise over \$1.9m in donations and is currently recognized by the PCFA as the biggest event of its type in the Southern Hemisphere. In recognition of communities that have been touched by our media campaign and by our riders, we can justly state that many families throughout Australia can thank the Long Ride riders and their awareness campaign for saving the lives of many of their menfolk. The Long Ride 2019 will be conducted nationally from early May to Darwin.

According to the Australian Institute of Health and Welfare, prostate cancer is the most common cancer diagnosed in Australia (except for non-melanoma skin cancers) and the second greatest cause of cancer deaths in men. Tragically, more than 3,000 Australian men each year die from prostate cancer and that is more deaths of this dreadful disease than women dying of breast cancer.

As prostate cancer is an age-dependent disease, the chance of developing it increases with age. Family history must be considered. If you have a first degree male relative with prostate cancer, you have a higher chance of developing it than men with no such history. The risk increases again if more than one male relative has prostate cancer. Risks are also higher for men whose male relatives were diagnosed when young. The risk of getting prostate cancer by the age 50 is 1 in ?? By age of 75 is 1 in 7 and by age of 85, this increases to 1 in 5.

The Prostate Cancer Foundation Australia PCFA is not as well known as other high profile charity organisations, such as The McGrath Foundation and of course Kids with Cancer Foundations etc., all of which are wonderful organisations that need our help. So too does the PCFA need support and counselling for those affected by prostate cancer; and to raise community awareness of the incidence of prostate cancer, thereby encouraging early detection and more effective treatment of the disease, and that is what these Charity rides are really all about.

PCFA is also working towards a goal that every Australian man affected by Prostate Cancer will have access to expert support from a Prostate Cancer Specialist Nurse and to place them into regional areas. The cost of training a specialist nurse is in the vicinity of \$140,000. A Sponsor / Donation of say ~~\$2800~~ ^{\$500} would go a long way towards the amount needed to train more specialist nurses for our regional areas.

We are hoping that high profile companies, such as The Narrabri Shire Council, will get behind the event, the more nationally the event will become, attracting attention and raising awareness of this insidious, yet too often ignored disease.

This year there will be two riders involved in The Long Ride to Darwin, being Tim Brett and myself from Gunnedah. It will again attract riders from all over Australia, together with some from overseas, to help raise awareness of this terrible disease. Riders from

Sydney, Newcastle and the Taree region' including the founder of The Long Ride Chris Dunne OAM and his wife Gail will be riding through Gunnedah on Saturday 11th May 2019 on their way through to Narrabri where we meet up with riders from Canberra , Victoria and Tasmania. All told there will be at least 160 riders spending the night in Narrabri. The Narrabri RSL has been booked to cater for the evening function. Tim and I would like to invite you along to the function and introduce you to the founder of The Long Ride. The local TV will be present, also the local newspaper to document the evening and help spread the word of what this ride is really all about.

Looking forward to your favourable response

Yours Faithfully

Des O'Callaghan

To learn more about the PCFA go to <http://www.prostate.org.au/>

8 OUR SOCIETY



THEME 1: OUR SOCIETY

STRATEGIC DIRECTION 1: SAFE, INCLUSIVE AND CONNECTED COMMUNITY

By 2027, we will provide a safe, supportive community where everyone feels welcomes, valued and connected.

COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several social priority areas to be actioned over the 2017 - 2018 financial year.

COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Community development
- Community health and safety
- Community arts, events and entertainment
- Community care services and transport
- Parks, open spaces and sporting facilities
- Children, youth and aged care services
- Disability access services
- Library services

COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following social strategic outcomes:

- Increased community arts, events and entertainment
- Reduction in anti-social behaviour and public offences
- Improved community accessibility and inclusiveness
- Improved sport and recreational services and facilities
- Improved educational services and learning pathways
- Improved community health and support services

8.1 NARRABRI WEST ROUNDABOUT - NSW GOVERNMENT RESPONSE

Responsible Officer: Darren Raeck, Director Infrastructure Delivery

Author: Luke McDermott, Roads Services Manager

Attachments: 1. **West Roundabout Response from NSW Government Parliamentary Secretary for Regional Roads and Infrastructure**  

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.1 We will proactively engage and partner with the community and government to achieve our strategic goals

Strategy 4.1.3 Develop and build strong, productive partnerships with State and Federal Governments

EXECUTIVE SUMMARY

On 1 December 2018, Mr Lex Gordon wrote to Council regarding concerns about the safety of the roundabout at the intersection of the Newell Highway and in particular the southbound lane of the roundabout near the Narrabri West Primary School.

The intersection is the responsibility of Transport for NSW (formally Roads and Maritime Services).

The concerns related to the geometry of the intersection, proximity to the Narrabri West Public School and the potential for a catastrophic event such as hazardous substance spill at the roundabout.

Mr Christopher Gulapitis MP, Parliamentary Secretary for Regional Roads and Infrastructure has responded advising that an investigation has been conducted by Transport NSW and that *“heavy vehicle operators can safely and legally pass through, however, may need to lane share or drive over the trafficable part of the roundabout”* as a result the risk is *“not considered to be substantively greater than other urban locations across the State network”* however they *“will continue to monitor the performance of the roundabout to ensure it is operating safely and as efficiently as possible”*.

RECOMMENDATION

1. **That Council note the response from the NSW Government, on the safety concerns of the roundabout at the intersection of the Newell Highway, adjacent to Narrabri West Primary School.**

BACKGROUND

On 1 December 2018, Mr Lex Gordon wrote to Council regarding concerns about the safety of the roundabout at the intersection of the Newell Highway, Mooloolbar Street and Old Turrawan Road and in particular the Southbound land of the roundabout (intersection of the Newell Highway a).

The roundabout comes under the jurisdiction of Transport NSW and subsequently Council raised the matter with the Director Western Region – Roads and Maritime Services, Alistair Lunn.

Following advice from Mr Lunn that the roundabout was within acceptable tolerances of risk, Council resolved (minute 060/2019) at its 26 March 2019 Ordinary Council Meeting to write to the Minister for Regional Transport and Roads, Hon Paul Toole MP seeking a formal review of the roundabout. A formal review and response has now been completed.

CURRENT SITUATION

Correspondence was received on 9 August 2019 from Mr Christopher Gulapitis MP, Parliamentary Secretary for Regional Roads and Infrastructure (Attached). Mr Gulapitis states, *“this intersection is suitable and approved for restricted access vehicles up to 36.5-metre type 1 road trains. Heavy vehicle operators can safely and legally pass through”*.

Regarding potential for incidents at the roundabout, Mr Gulapitis also notes “a heavy vehicle crash resulting in a chemical or hazardous spill is not considered to be substantively greater than other urban locations across the State network.”

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

Nil.

CONSULTATION**External Consultation**

- Transport for NSW.

Internal Consultation

- Infrastructure Delivery staff.



Mr Christopher Gulaptis MP
Parliamentary Secretary for Regional Roads and Infrastructure

Mr Stewart Todd
General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390



Our Ref: 00850061

Dear Mr Todd

Thank you for your correspondence to the Minister for Transport and Roads, which was referred to the Minister for Regional Transport and Roads, about the roundabout at the intersection of the Newell Highway and Old Turrawan Road, Narrabri. The Minister has asked me to respond on his behalf.

I appreciate the reasons which prompted you to write. I am advised Transport for NSW met with Narrabri Shire Council in May 2019 to discuss this matter.

I am further advised the roundabout at this intersection is suitable and approved for restricted access vehicles up to 36.5-metre type 1 road trains. Heavy vehicle operators can safely and legally pass through, however, may need to lane share or drive over the trafficable part of the roundabout. To mitigate risks, there is a warning sign ahead of the roundabout advising heavy vehicle operators to limit their speed to 15 km/h.

The potential for a heavy vehicle crash resulting in a chemical or hazardous spill is not considered to be substantively greater than other urban locations across the State network. Further, the low crash history for this site indicates heavy vehicle operators are aware of the conditions and adjust their behaviour accordingly.

Transport for NSW will continue to monitor the performance of this roundabout to ensure it is operating safely and as efficiently as possible.

If you have any further questions, Mr Dane Hendry, Network and Safety Manager at Transport for NSW, would be pleased to take your call on (02) 6861 1648. I trust this information is of assistance.

Yours sincerely



03/08/2019

Christopher Gulaptis MP
Parliamentary Secretary for Regional Roads and Infrastructure

GPO Box 5341, Sydney NSW 2001

8.2 WATERLOO CREEK STATE HERITAGE REGISTER NOMINATION

Responsible Officer: Daniel Boyce, Director Development and Economic Growth

Author: Jane Linehan, Community Development Officer

Attachments: 1. Letter from Wee Waa LALC requesting support of Council  

DELIVERY PROGRAM ALIGNMENT

1. Society

Objective 1.2 Our vibrant country lifestyle will be enhanced through embracing our recreational and cultural diversity

Strategy 1.2.4 Promote and support Reconciliation in partnership with the aboriginal community

EXECUTIVE SUMMARY

Waterloo Creek is part of a Travelling Stock Route R40660 (Figure 1) that is under the care, control and management of Local Land Services North West (“**LLS North West**”). It includes the water body ‘Jews Lagoon’ which forms the boundary between the Shires of Narrabri and Moree Plains.

Waterloo Creek holds particular significance to the Wirrayaraay group who belong to the Kamilaroi/Gamilaroi/Gamilaraay/Gomeroi peoples due to the tragic Aboriginal massacre that occurred at the site in January 1838.

The site sits within the Wee Waa Local Aboriginal Lands Council who are proposing, with the assistance of Council, to lodge an application to the NSW Heritage Council for listing of the Waterloo Creek Massacre Site on the State Heritage Register (Attachment 1).

RECOMMENDATION

That Council support the lodgement of the application to the NSW Heritage Council by Wee Waa Local Aboriginal Lands Council for listing of the Waterloo Creek Massacre Site on the State Heritage Register.

BACKGROUND

The Site

Waterloo Creek is part of a Travelling Stock Route R40660 (Figure 1) that is under the care, control and management of LLS North West. It includes the water body ‘Jews Lagoon’ which forms the boundary between the Shires of Narrabri and Moree Plains. To the east and west of the site is private agricultural land and the southern boundary is Millie Road. The site sits within the Wee Waa Local Aboriginal Lands Council, however, is of interest to both Narrabri and Moree Local Aboriginal Lands Councils.

Significance

Waterloo Creek holds historical and cultural significance to Australia, NSW, the local community and particularly to the Wirrayaraay group who belong to the Kamilaroi/ Gamilaroi/ Gamilaraay/ Gomeroi peoples due to the tragic Aboriginal massacre that occurred at the site in January 1838. The Waterloo Creek massacre became the first of several settler conflicts that lead to the Myall Creek Massacre.

On 2nd June 2008 Myall Creek was gazetted on the State Heritage Register qualifying under the following criterion:

(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Given Waterloo Creek was the first of the sites of Aboriginal massacres in January 1838 and Myall Creek the last, Waterloo Creek has merit for consideration under the same criterion for the State Heritage Register.

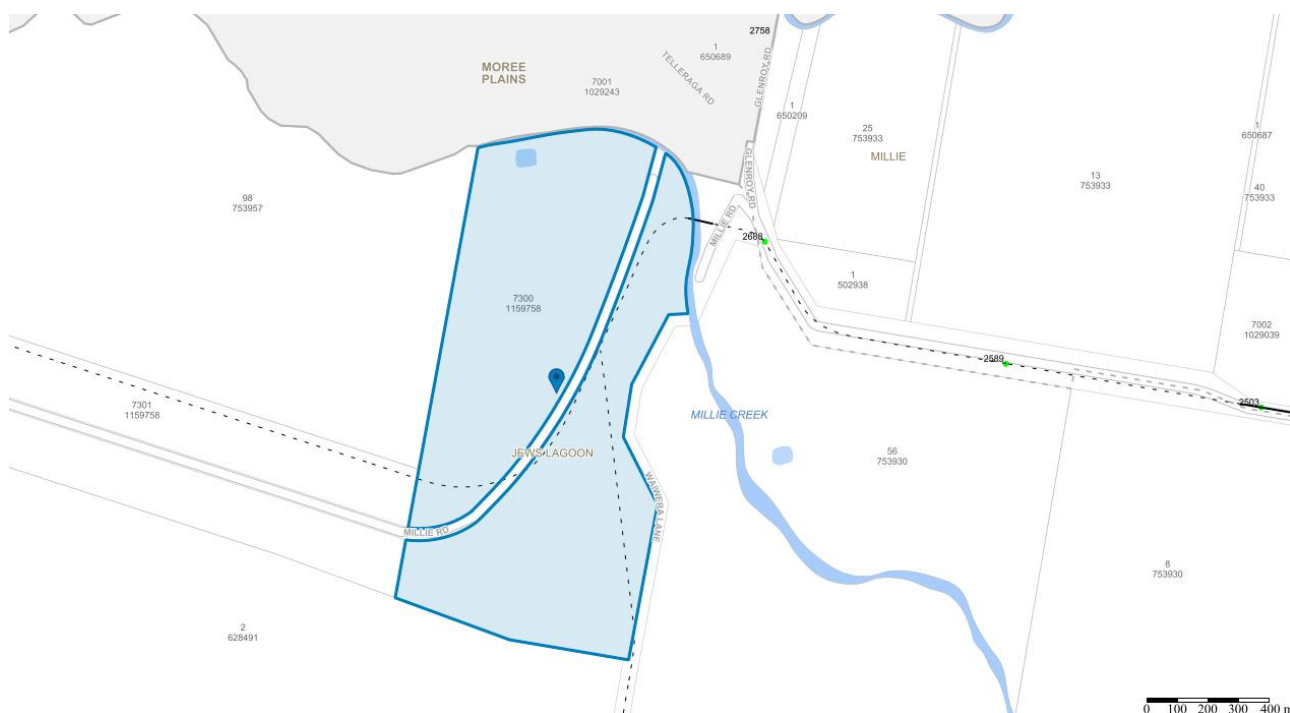


Figure 1 Waterloo Creek Site

The Process

The application to the NSW Heritage Council for listing of the Waterloo Creek Massacre Site on the State Heritage Register will be made by Wee Waa Local Aboriginal Lands Council. Council's role to date and in the future is one of facilitation and technical support (Attachment 1).

If the application is lodged, the Department of Premier and Cabinet will undertake an assessment of the nomination with further analysis of curtilage (boundary) and will make a recommendation.

If the recommendation is favourable the statutory process set out in the *Heritage Act 1977* is instigated after a Notice of Intention to List Report is presented to the Heritage Council by Department of Premier and Cabinet.

Following this, major stakeholders (such as local government and adjoining landowners) are formally notified of the proposal, the proposed listing is advertised and interested parties are invited to make written submissions regarding the proposed listing. After completion of the advertising period all submissions are included in a Recommendation to List Report. The Report is considered by the Heritage Council.

All stakeholders are notified of the Heritage Council recommendation. The recommendation (for or against) is then referred to the Minister for consideration and final decision. If the Minister decides to list the item on the State Heritage Register, it will be published in the NSW Government Gazette.

CURRENT SITUATION

The purpose of this report is to seek Council's support to support and assist with the lodgement of the application to the NSW Heritage Council by Wee Waa Local Aboriginal Lands Council for listing of the Waterloo Creek Massacre Site on the State Heritage Register.

FINANCIAL IMPLICATIONS

If successful, Council would be eligible for heritage conservation grant funding to rehabilitate and develop the site.

STATUTORY AND POLICY IMPLICATIONS

- Support for the proposed application aligns with Council's Reconciliation Action Plan.
- A statutory process as set out in the *Heritage Act 1977* is instigated after a Notice of Intention to List Report is presented to the Heritage Council by Department of Premier and Cabinet.

CONSULTATION

External Consultation

- Waterloo Creek Aboriginal advisory committee
- Moree Plains Shire Council
- Gwydir Shire Council
- Notification to adjoining landowners

Internal Consultation

- Sue Jackson Stepowski, Heritage Planner
- Economic Development Manager
- Narrabri Shire Council Planning Staff.



Wee Waa Local Aboriginal Land Council
63/65 Rose Street Wee Waa NSW 2388
Phone: 02 6795 3735
ABN 96 868 422 068

Email: weewaalc@outlook.com.au
Po Box 106 Wee Waa NSW 2388
Fax: 02 6795 3731

13/06/2019

General Manager
Narrabri Shire Council
PO Box 216
Narrabri NSW 2390

Dear Mr Todd

On behalf of Wee Waa Local Aboriginal Council, we would appreciate Narrabri Shire Council submitting the State Heritage Register Nomination form for the Waterloo Creek Site.

Yours Faithfully

Clifford Toomey
Chairperson WWLALC

8.3 BELLATA RECREATION PRECINCT PLAN**Responsible Officer:** Darren Raeck, Director Infrastructure Delivery**Author:** Evan Harris, Community Facilities Manager**Attachments:** 1. Draft Bellata Recreation Precinct Plan (under separate cover) **DELIVERY PROGRAM ALIGNMENT****1. Society**

| | |
|-----------|---|
| Objective | 1.3 Our communities will be provided with facilities and services to increase social connectivity and accessibility |
| Strategy | 1.3.3 All towns and villages have access to at least one quality meeting place to facilitate social gathering |

EXECUTIVE SUMMARY

Council has drafted a precinct plan for the Town ship of Bellata this precinct plan has three different options to be considered with one to be adopted by Council this will be achieve after consultation with the residents of Bellata. All three options include the development of a primitive camp ground located on Council managed land The Bellata Oval (Lot 29 DP753908) and the Bellata Golf club (Lot 45 DP753908 and Lot 48 DP753908) the proposed site is adjacent to the Bellata primary school. Details for each option are found in the attached report Narrabri Shire Council Bellata Recreation Precinct Plan 2019. (Attachment 1).

The three options are staged to allow detail planning and funding sources to be achieved over an extended time line as components of each option will require agreements including access to site, funding opportunities and ongoing maintenance. The three options are defined by their locations and differing proposed developments.

Option one has been designed to confine the precinct to the Bellata Golf club and Bellata Primary School area with minor works on the Bellata tennis courts.

Option two primary focus is the development of the Bellata tennis courts precinct with the installation of a multi-sport court on the existing tennis court site.

Option Three includes major works to the existing Council managed Bellata playground which includes exercise stations and a challenge course.

The Bellata precinct plan draft does include information on the potential of locating a splash pad within the township of Bellata. This splash pad has not been included in the proposed three options due to after initial investigation by Council on cost, environmental issues and maintenance this proposed development would need to be assessed further for feasibility which in turn may delay any of the proposed developments and must be considered independently.

RECOMMENDATION

1. That Council endorse the draft Bellata Recreation Precinct Plan 2019, comprising three (3) options, for public exhibition for a minimum of 28 days, during the exhibition period call for and accept submissions from the public on the draft Plan.

BACKGROUND

Council was tasked with investigating a potential precinct plan for the township of Bellata. The attached draft Bellata Recreation Precinct Plan 2019 ("**draft Plan**") was derived from the initial proposal of a primitive camp ground to be located between the Bellata Golf Club and the Bellata Primary School, after initial consultation, senior Council staff then proposed the development of a precinct plan for Bellata; this master plan was to address the following Bellata Caravan Park and Bellata Park rationalisation, and a proposed primitive camp ground. Council engaged the Ross Planning group draft a master plan.

Council reviewed the first version of the plan, which contained two (2) options, and requested the following amendments:

- The renewal and upgrade of the existing playground node at Bellata Park; instead of the rationalisation of playground equipment.
- The inclusion of a potential splash pad water park and estimated costings.

CURRENT SITUATION

The draft Bellata Recreation Precinct Plan 2019, having been amended after consultation with the Councillors, is now proposed for consultation with the community, incorporating the third option of the renewal and upgrade of the existing Bella Park playground, instead of rationalisation of play equipment.

FINANCIAL IMPLICATIONS

Indicative costs summary for each of the options are as follows (further details are available in the attached draft Plan).

Council and Community contributions can originate from one or multiple sources - capital works and reserves, and or community grants sourced by Council or community groups.

| Option | Council Contribution | Community Contribution | TOTAL |
|--------|----------------------|------------------------|------------------|
| One | \$324,000 | \$375,000 | \$699,000 |
| Two | \$260,000 | \$63,685 | \$323,685 |
| Three | \$211,500 | \$2,360 | \$213,860 |

Options One and Two have a number of upgrades included in their plans that are not on Council managed land. Council will need to consider if this infrastructure and ongoing maintenance can be funded into the future by the Asset owners.

STATUTORY AND POLICY IMPLICATIONS

Narrabri Local Environment Plan 2012

Primary production zone

Bellata oval and Bellata Golf Club is zoned Primary Production (RU1).

The objectives of the RU1 are to:

Encourage sustainable primary production by maintaining and enhancing the natural resource base encourage diversity in primary industry enterprises and systems appropriate for the area minimise the fragmentation and alienation of resource lands minimise conflict between land uses within this zone and land uses within adjoining zones allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.

Local Government Act Section 68

The precinct plan includes provision for establishment of a primitive camping ground on the Bellata oval and part of the Bellata Golf Club, subject to application and Council approval. Under the Local Government Act 1993 Section 68, approval is required to engage in trade or business on community land managed by Council. Council is responsible for managing land in accordance with the core objectives detailed in the legislation. The core objectives for a park are to: encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. Provide for passive recreation activities or pastimes and for the casual playing of games. Improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Primitive camping grounds (PCGs) are one type of camping ground that are modest and understated. Further to the NSW Local Government Act, the object of the regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by: continuing the standards for the design of manufactured home estates, caravan parks and camping grounds. Continuing the standards for the design and construction of manufactured homes and other moveable dwellings and for their sites. Continuing the standard to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings. Under the regulation an approval to operate a PCG can either: designate camp sites where tents, caravans and campervans may be located where the maximum number of camp sites is not to exceed an average of two per hectare (over the total area of the PCG)

Not designate camp sites where the above applies with the concession that two or more tents occupied by not more than 12 persons camping together as a group are to be counted as only one tent¹.

Narrabri Shire Council Open Space Sport and Recreation Plan 2017 Priority Actions

Town Wide Action BE1

Liaise with Department of Education regional officers and the local principal to 'activate' (outside school hours) the opportunities available at the school for local residents

Bellata Park Action BE2

Rationalise the northern section of the Park

Bellata Caravan Park Action BE3

Rationalise the former caravan park site

CONSULTATION

Should Council resolve to place the draft Plan on public exhibition it is proposed to hold a community meeting in Bellata to enable the Council gather feedback on the draft Plan. The meeting will occur during the first half of the exhibition period as to enable the community time to lodge submissions.

External Consultation

- Ross Planning.
- Bellata Golf Club.
- Bellata Primary School.

Internal Consultation

- Councillors.

8.4 NOTICE OF MOTION - WEE WAA DOCTOR HOUSING**Attachments: Nil**

I, Councillor Maxine Booby, give notice that at the next Ordinary Meeting of Council be held on 24 September 2019, I intend to move the following motion:

MOTION

- 1. That the General Manager investigate the funding and purchase/construction of suitable duplex accommodation for doctors in Wee Waa, utilising the available proceeds from the sale of the former doctors' residence as preliminary funding.**
- 2. That the 2019/2020 Operational Plan be amended accordingly.**

RATIONALE

Previously there were two houses in Wee Waa for doctors' residences. These have been sold and the proceeds were put aside for future housing for doctors in Wee Waa.

A duplex which could provide rental accommodation for doctors who practise in Wee Waa could be an incentive to attract doctors to Wee Waa.

I commend this Notice of Motion to Council.

9 OUR ENVIRONMENT



THEME 2: OUR ENVIRONMENT

STRATEGIC DIRECTION 2: ENVIRONMENTALLY SUSTAINABLE AND PRODUCTIVE SHIRE

By 2027, we will maintain a healthy balance between our natural and built environments.

COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several environmental priority areas to be actioned over the 2017 - 2018 financial year.

COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Waste management and recycling
- Environmental planning
- Planning and development
- Parks and open spaces
- Noxious weeds control
- Floodplain management
- Water and sewer management
- Stormwater management

COMMUNITY OUTCOMES








In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following environmental strategic outcomes:

- Improved air, water and soil quality
- Reduction in domestic and industry waste
- Management of potential impacts from extractive industries
- Improved emergency service provision and resources
- Maintenance of heritage sites for future generation

9.1 DRAFT WEE WAA LEVEE RISK MANAGEMENT STUDY AND PLAN

Responsible Officer: Daniel Boyce, Director Development and Economic Growth

Author: Cara Stoltenberg, Town Planner

- Attachments:**
1. Minutes Narrabri Floodplain Risk Management Committee - 15 March 2019 [!\[\]\(815df092dd722ee9268ef8e6d0193e3a_img.jpg\)](#) 
 2. Minutes Narrabri Floodplain Risk Management Committee - 30 July 2019 [!\[\]\(0c564128c6342bd2f601e97f4518828a_img.jpg\)](#) 
 3. Draft Wee Waa Levee Risk Management Study and Plan (under separate cover) 
 4. Draft Wee Waa Levee Risk Management Study and Plan - Figures (under separate cover) 
 5. GCA Engineering Solution Freeboard Analysis [!\[\]\(b5a96c12e7c148f5f0a1e79e6e3ae06f_img.jpg\)](#) 
 6. Lyall and Associates Response to GCA (under separate cover) 
 7. GCA Engineering Solutions Interim Residential Development Policy [!\[\]\(f93c8edfefbeead1d1dcd1f6754e6345_img.jpg\)](#) 

DELIVERY PROGRAM ALIGNMENT**2. Environment**

- Objective** 2.2 We will protect our environment through sustainable planning and well-resourced emergency services
- Strategy** 2.2.1 Community emergency service providers are well resourced to adequately prepare and respond to natural disasters and emergencies

EXECUTIVE SUMMARY

Council's appointed consultants Lyall and Associates have recently completed a draft Floodplain Risk Management Plan and Study for the Wee Waa Levee. The draft Wee Waa Levee Risk Management Study and Plan ("the draft Study and Plan") was discussed at two (2) separate meetings of the Narrabri Shire Floodplain Risk Management Committee ("the Flood Committee") held on 15 March 2019 and 30 July 2019, and is now recommended, by the Flood Committee, for public exhibition.

Following agreement by resolution of Council, the draft Study and Plan will be placed on public exhibition. After which time, Council will receive a further report and consider any submissions.

RECOMMENDATION

1. That Council adopt the Minutes of the Narrabri Shire Floodplain Risk Management Committee meeting held on 15 March 2019.
2. That Council adopt the Minutes of the Narrabri Shire Floodplain Risk Management Committee meeting held on 30 July 2019.
3. That Council endorse the draft Wee Waa Levee Risk Management Study and Plan for public exhibition for a minimum of 28 days, during the exhibition period call for and accept submissions from the public on the draft Plan.

BACKGROUND

The NSW Government's Flood Policy is directed at providing solutions to existing flooding problems in developed areas and ensuring that new developments are compatible with the flood hazard and

do not create additional flooding problems in other areas. Under the Policy, the management of flood prone land remains the responsibility of local government. To facilitate this, the NSW Government has published the “Floodplain Development Manual: The Management of Flood Liable Land” April 2005 (**“the Manual”**), which includes best practice guidance on (amongst other things) the floodplain management process (Figure 1).

In relation to Wee Waa, Council completed the Data Collection and Flood Study stages in March 2015 and engaged Lyall and Associates to complete the Floodplain Risk Management Study and Plan stages in August 2016. Lyall and Associates have recently provided Council with the draft Wee Waa Levee Risk Management Study and Plan (**“the draft Study and Plan”**)

| | |
|-------------------------------------|---|
| 1. Data Collection | Compiles and reviews all available information and data. |
| 2. Flood Study | Determines the nature and extent of the flood problem for the full range of flood events. |
| 3. Floodplain Risk Management Study | Evaluates management options for the floodplain with respect to both existing and future development. |
| 4. Floodplain Risk Management Plan | Involves formal adoption by Council of a plan of management for the floodplain. |
| 5. Implementation of the Plan | <ul style="list-style-type: none"> • Involves construction of flood mitigation works, where viable, to protect existing development. • Uses planning controls to ensure that future development is compatible with flood hazards. |
| 6. Review of Plan | Review of plan to ensure it remains current and appropriate. A review is normally carried out after 10 years. |

Figure 1. The Floodplain Management Process.

The draft Study and Plan was discussed at two (2) separate meetings of the Flood Committee held on 15 March 2019 and 30 July 2019, minutes of these meetings are attached to this report.

The draft Study and Plan found that the original height of the levee was based on the 1971 flood plus 1m and that the levee did not achieve a 1m freeboard in the 1% Annual Exceedance Probability (**“AEP”**) flood event.

The draft Study and Plan went on to recommend that any further residential development within the town of Wee Waa should not be supported until such time as the levee is upgraded to achieve a 1m freeboard in the 1% AEP flood event.

At both meetings the Flood Committee expressed caution at supporting the above recommendation in the draft Study and Plan as it could have the potential to stifle future residential development in Wee Waa whilst the levee is being upgraded.

At the March 2019 meeting, the Flood Committee did not endorse the draft Study and Plan due to concerns regarding the potential negative impacts of the recommended planning controls.

The Flood Committee requested Council seek an independent peer review of the draft Study and Plan to:

1. Determine the most appropriate freeboard for the levee; and

2. Investigate alternative interim policy positions in relation to future development within the Wee Waa Levee prior to it being upgraded.

On 4 April 2019 GCA Engineering Solution's provided an alternative approach to the required freeboard proposed for the levee, attached to this report. Lyall and Associates responded on 18 June 2019 (attached) explaining the methodology they had used. Consultation was undertaken with the Department of Planning, Industry and Environment who endorsed Lyall and Associates methodology as it adhered to approved guidelines and current standards of practice in floodplain risk management.

On 29 July 2019 GCA Engineering Solutions developed an interim policy position to guide the assessment of development applications received by Council while the levee upgrade is investigated (Attachment 7).

At the July meeting the Flood Committee recommended:

1. That Lyall and Associates' freeboard option was the most appropriate given that it is based on the methodology used by the NSW Public Works and the NSW Department of Planning, Industry and Environment, and that it would allow for Council to continue to apply for funding through the NSW Government's floodplain management grants.
2. To support the alternative policy for residential development proposed by GCA Engineering Solutions.
3. That the draft Study and Plan be adopted for the purposes of public exhibition, with the exception of some of the 'Measures' (planning controls) recommended in the Draft Plan.

It is now proposed to publicly exhibit the draft Study and Plan.

CURRENT SITUATION

Following a resolution of Council the draft Study and Plan can be placed on public exhibition. After which time, Council will receive a further report and consider any submissions received.

FINANCIAL IMPLICATIONS

The current total project cost is \$121,770 (ex GST). Council was successful in receiving a Floodplain Management Grant from the Department of Planning, Industry and Environment at a funding ratio of 6:1. The Department of Planning, Industry and Environment are contributing \$104,374.28 (ex GST) to the project. Council's financial contribution to this project is \$17,395.72 (ex GST).

STATUTORY AND POLICY IMPLICATIONS

The Manual stipulates the requirements for the management of flood liable land across NSW. In accordance with the Manual, Council is currently undertaking the Floodplain Risk Management Plan and Study stage of the NSW Flood Planning Framework for the Wee Waa Levee.

The draft Study and Plan must be placed on public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2000*.

CONSULTATION

Following a resolution of Council, the draft Study and Plan will be publicly exhibited for a period of twenty-eight (28) days.

External Consultation

- Lyall and Associates.

- Narrabri Shire Floodplain Risk Management Committee.
- NSW Department of Planning, Industry and Environment.

Internal Consultation

Nil.

NARRABRI SHIRE COUNCIL

NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES

SUMMARY OF THE NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON FRIDAY, 15 MARCH 2019.

The meeting was opened at 10:40 am by DB.

ATTENDANCE:

Michelle Henry – Assistant Town Planner
Daniel Boyce – Acting Director Development and Economic Growth
Stuart Holle – Specialist Flood Engineer
Cr. Robert Kneale - Narrabri Shire Councillor
Jim Purcell – Resident Representative
Tony Battam – SES Representative
Ivan Rivas - OEH Representative
Craig Ronan – SES Representative

APOLOGIES:

Jono Phelps – Resident Representative
Heath Stimson – SES Representative

CONFIRMATION OF MINUTES FROM 29 OCTOBER 2018

The minutes of the previous meeting held on 29 October 2018 were reviewed and adopted with no changes.

Moved: Jim Purcell **Seconded:** Cr Robert Kneale **Carried**

UPDATE ON NARRABRI RISK MANAGEMENT PLAN AND STUDY

An update was provided on the Narrabri Risk Management Plan and Study, the consultant working on the project advises that Gleeson's Surveying, who are currently completing the floor level survey, have forwarded them a partial survey dataset comprising approximately 1200 entries. Once this survey is completed and the consultant has received the full dataset they will be able to progress other components of the Flood Management Plan.

WEE WAA RISK MANAGEMENT PLAN AND STUDY

Daniel Boyce introduced Stuart Holle from Moree and his experience with a similar plan in Mungindi.

Committee discussed the *Insurance Industry Consultation* (Volume 1-Report, page 3, clause 1.5). Council followed up ICA for 2-3 months for information and while what they received is not as detailed as Council would have liked, it is the best information at this stage. ICA's initial analysis indicates a significant reduction of between \$150 and \$250 per annum on insurance premiums which shows the community there is a payback on the investment. Committee agreed \$250 reduction was a great outcome. Further discussion occurred regarding an example of high house insurance premiums to include flood cover suggesting that insurance companies are obligated to offer flood cover however make the premiums so high that customer's will not insure for it.

THIS IS PAGE 1 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT NARRABRI SHIRE COUNCIL CHAMBERS ON 15 MARCH 2019.

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The *Summary of Existing Flood Risk* (Volume1-Report, page S2, clause S3) outlines a 7% discount rate and 50 year economic life. MINUTE 11:20 Committee questioned that a 50 year economic life is really high. Daniel Boyce agreed to put the question back to the consultant. Stuart Holle explained that the Wee Waa levee was originally built to the 1971 flood level plus a 1 metre high freeboard and that a 1m high immunity seems to be a lot. Committee agreed that the investigation of the freeboard needs to be high priority.

Committee reviewed the *Longitudinal Section Along Crest of Existing Town Levee* (Volume 2-Figures, Figure 2.2) which demonstrates the original design height (1971 flood + 1m) compared to 1% AEP. The height difference between the 1 metre freeboard and 1% AEP is approximately 800mm. Based on this minor difference, Stuart Holle expressed some concerns with later sections of Volume 1-Report that say further residential developments should not be supported until such time that we can claim that 1% immunity. This is based on his experience in Mungindi that was much worse off. Committee agreed that they would like to see some engineering sites to support that freeboard as there is reasonable doubt regarding the accuracy to measure the level of the 1971 flood. Stuart Holle confirmed the normal 1% freeboard is 0.5m. Stuart Holle agreed with Daniel Boyce's query that it does come down to a community decision on what they're prepared to accept for the risk, for example the Wee Waa board have a bigger margin for error.

Committee discussed *Appendix E - Levee Freeboard Analysis* (Volume1-Report, commencing at page ES-1). *Freeboard Allowance at Wee Waa* (Volume1-Report, page ES-2, table ES1) was discussed and the main factor to consider is the "uncertainty in peak flood level estimates" which gives an uncomfortable feeling about the levels in the AEP flood limits. Stuart Holle commented that the peak flood level estimates modelling should be better than that and he will research the confidence limits in the hydrology and provide feedback to Daniel Boyce to query with the consultant. Stuart Holle explained that those confidence limits will give a range for the reference flood and if that's 1% then that is the normal range however what this table is saying is that whatever level is adopted as the 1% event is somewhat arbitrary.

Jim Purcell commended on the *Wave Action Freeboard Allowance* (Volume1-Report, page E-1, table E1.1) and that there are significant differences in the locations and questioned whether these differences are affected by wind direction and what happens when the wind changes direction. Committee agreed they would like further explanation on the table as it so sensitive and has implications on everything else.

Stuart Holle explained the *Joint Probability Analysis* (Volume1-Report, page E-4, clause E2.1) as the formula of: Probability of Occurrence X Maximum Allowance = Joint Probability Allowance. Joint probability is basically the probability of all those things occurring together all at the same time which is presumably significantly less than the probability of them occurring individually.

Discussion regarding *Breakdown of Capital Cost Estimate Town Levee Upgrade* (Volume1-Report, page 40, table 3.2) noted that this estimate is very rough figures and needs to be reviewed in further detail. Stuart Holle noted that the 30-40% contingency would be accurate and that these costs are for construction only and do not take in to account the lead in costs for design approval, consultation, project management etc which is estimated to be 10%. Daniel Boyce noted that all these figures hinge on the freeboard as it then potentially reduces your construction requirements. For example, the levee may not have to be raised so high. Committee agreed they need to interrogate that 1m freeboard again which will then have a flow on effect for everything else that needs to be considered.

Discussion occurred that you cannot build on the lagoon side of the levee and that it is more appropriate to build up the inside of the levee. A design reference would assist with construction location questions.

THIS IS PAGE 2 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT NARRABRI SHIRE COUNCIL CHAMBERS ON 15 MARCH 2019.

NARRABRI SHIRE COUNCIL

NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES

Committee reviewed the *Draft Levee Risk Management Plan* (Volume1-Report, page 53, chapter 5) beginning the conversation with *Measures Comprising the Wee Waa Floodplain Risk Management Plan* (Volume1-Report, page 57, Table E5.2).

It was noted that if the freeboard 1% protection can be claimed then there is a flow on effect for these measures however discussion occurred as if it cannot be claimed;

Measure 1: Planning and Development Controls for future development in flood plain areas

– residential “type of development could only proceed if the design standard of the Town Levee is upgraded to 1% AEP”.

Stuart Holle notes the normal adopted freeboard is 500mm and this report has a 0.5m freeboard therefore as it stands he is under the impression that Council can approve Development Applications within Wee Waa at ground level. The current population of 1,600+ within the levee and the likelihood that only a few applications for new dwellings will be received in the foreseeable future does not propose a high risk.

Daniel Boyce queried with Stuart Holle if in his experience there is a risk to leaving this measure in the draft report/does it need to be addressed now or when it comes to creating the Development Control Plan it can be addressed there? Stuart Holle emphasised that this is not a DCP which is guided by processes in the EPA Act and it does not influence decisions around individual Development Applications. A DCP is a policy decision that needs to be adopted by Council. Stuart Holle recommended providing the feedback to the consultant to change the wording to explain that this is not a DCP.

Measure 2: Update working in Narrabri LEP 2012 – the plan recommends the inclusion/alternations/additions of clauses as noted in Volume1-Report, page 43, clause 3.5.1.4.

Daniel Boyce and Stuart Holle discussed the *Floodplain Risk Management* on page 45 section 2 as an error. Tweed Heads Council LEP 2014 was consulted for reference and agreed that the phrase needs to be amended to: *This clause applies to land which lies between the flood planning level and the level of the probable maximum flood, but does not apply to land at or below the flood planning level.*

Floodplain Risk Management on page 45 section 3

This list is recommended to be built above the PMF as they are high risk for evacuation. Stuart Holle suggested checking this list against what is already available in town to determine if this will create any issues to alternation/additions to existing premises. Committee agreed to geographically identify where these existing uses are located and put the flood layer over them and see which ones are going to cause any potential issues. This clause will apply to the whole shire once the LEP is changed.

Seniors housing is not defined as a Seniors Home however applied to anyone over the age of 50. Committee agreed to look to remove this clause as it is impractical.

Tourist and visitors accommodation – check the definition to ensure this includes caravan parks.

Waste or Resource Management Facility – review current flood impacts.

Measure 3: Improvements to emergency response planning – Tony Battam and Craig Ronan

discussed measure 3 and in principle find it satisfactory. SES advised they do not necessarily need 1m freeboard however they need to know what they have so they can plan around that.

Committee reviewed *Longitudinal Section Along Crest of Existing Town Levee* (Volume 2-Figures, Figure 2.2) again and discussed the SES discussed that the freeboard really a design issue. One point

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NARRABRI SHIRE COUNCIL CHAMBERS ON 15 MARCH 2019.

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of view is looking at a real-life evacuation setting and the other is theoretically looking at what can we claim.

Daniel Boyce advised he is unsure if Council have a Levee Notice Manual however will check with Darren Raeck, Council's Director Infrastructure Delivery and local Emergency Services Coordinator, to confirm. This manual will assist SES with evacuation plans.

Measure 4: Increase public awareness of the risks of flooding on the community – SES have a specialist in this area and will campaign with Council to assist with community awareness.

**Measure 5: Investigation and concept design of Town Levee upgrade works and
Measure 6: Detailed design and construction of Town levee upgrade works**

The levee is a great idea in theory and is just a matter of how high it needs to be and what it is going to cost. Both measures are contingent on interrogating the freeboard.

Daniel Boyce summarised the main points of the meeting that;

- The Committee are not comfortable endorsing the draft plan at this stage.
- A priority is for Council with Stuart Holle's assistance to put together some words and questions for the consultant around the 1m freeboard and see if the modelling can be redefined to get some greater confidence in it in order to look at reducing the freeboard.
- Actions for Council to investigate the planning controls and LEP clauses.

The draft plan will be discussed at a future meeting once there is a detailed response from the consultant.

Next deadline for the project plan and funding is at the end of April which is to have the draft study adopted. Ivan Rivas advised that these dates are flexible but queried if it was likely that the plan be adopted this calendar year to which Daniel Boyce is confident that it will be. Ivan Rivas recommended applying for an Investigation Application (stage 3) and that applications close on Wednesday 27 March 2019. This Investigation Application is for additional funding.

The zoning issues from outside the Levee were discussed and Daniel Boyce advised he did not see a massive uptake in this area. Daniel Boyce advised he does not like to go against recommendation regarding back zoning and that history shows there has not been a big uptake in this area so there is not likely to be an uptake in the future.

There being no further business the meeting closed at 12:05pm.

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NARRABRI SHIRE COUNCIL CHAMBERS ON 15 MARCH 2019.

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NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES

SUMMARY OF THE NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD IN THE NARRABRI SHIRE COUNCIL CHAMBERS, 46-48 MAITLAND STREET, NARRABRI, ON TUESDAY, 30 JULY 2019.

The meeting was opened at 11:11 am by CS.

ATTENDANCE:

Cara Stoltenberg – Council Representative (Town Planner)
Daniel Boyce – Council Representative (Manager Planning and Regulatory Services)
Cr. Robert Kneale - Narrabri Shire Councillor
Jim Purcell – Resident Representative
Jono Phelps – Resident Representative
Frank Hadley – Resident Representative
Conrad Bolton – Resident Representative
Tony Battam – SES Representative
Craig Ronan – SES Representative (via telephone link)
Karl Sullivan – Head of Risk and Operations, insurance Council of Australia (via telephone link)

APOLOGIES:

Heath Stimson – SES Representative
Ivan Rivas - OEH Representative
Neal Albert - OEH Representative

CONFIRMATION OF MINUTES FROM 17 JULY 2019

The minutes of the previous meeting held on 17 July 2019 were reviewed and adopted with the following changes;

1. Jono Phelps name removed, and replaced with Jim Purcell's, as the person who moved the 15 March 2019 minutes.
2. Delineation between Jono Phelps (JNP) and Jim Purcell's (JP) comments.

Moved: Jim Purcell **Seconded:** Cr Robert Kneale **Carried**

WEE WAA RISK MANAGEMENT PLAN AND STUDY

*CR was telephoned in to meeting around 11:30am and left the conversation at 1:27pm.

*KS was telephoned in to the meeting at 12pm and left the conversation at 12:17pm.

CS handed out further correspondence received from GCA Engineering Solutions dated 29 July 2019 advising of an interim policy position to guide the assessment of development applications received by Council while the levee is being investigated and upgraded.

Previously, comments to the questions raised in the March meeting regarding the Draft Wee Waa Levee Risk Management Plan and Study were tabled by GCA Engineering Solutions in correspondence dated 4 April 2019 (Agenda Attachments B and C) and sent to Lyall and Associates. Lyall and Associates responded on 18 June 2019 (Agenda Attachment D) defending the methodology used.

CS also distributed emails received from IR on 29 July 2019 and 29 July 2019 confirming that "in relation to the freeboard analysis undertaken by Lyall and Associates, The Department of Planning,

THIS IS PAGE 1 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT NARRABRI SHIRE COUNCIL CHAMBERS ON 30 JULY 2019.

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Industry and Environment supports such estimation since it has been done by following approved guidelines and current standards of practice in floodplain risk management”.

Discussion was held regarding both free board analysis’ put forward by GCA and Lyall and Associates. It was concluded that Lyall and Associates’ option was the most appropriate given that it is based on the methodology used by the New South Wales Public Works and the NSW Department of Planning, Industry and Environment, and that it would allow for Council to continue to apply for funding through the NSW Government’s floodplain management grants. CS put this to a vote and there were no objections.

Moved: Jim Purcell **Seconded:** Frank Hadley **Carried**

DB advised that Council had already applied for funding for the next stage which is a feasibility study to be completed for the recommended raising of the levee to 1 metre.

Various questions were raised with KS regarding the impact that greater levee protection for residents of Wee Waa would have on insurance premiums. KS concluded that insurer have indicated a decrease in annual premiums of up to \$250 only. JP questioned the small amount as KS previously advised they had no data for Wee Waa. CS questioned the data sources the ICA use for insurance purposes for both Narrabri and Wee Waa as the website still referenced previous flood studies, however the most up to date data had been sent to KS in 2018. KS confirmed that everything had now been updated (information available via the following link);

<http://icadata.link/globe>

JNP raised the issue of evacuation from the Wee Waa hospital as there is a current dispute between health services. CR advised that he could assist with this issue. CS to follow up with JNP and CR.

TB to supply CR and CS (for distribution to Committee Members) the current “trigger points” and associated evacuation plan for Wee Waa. These are to be further considered and updated by the SES in consultation with the Committee.

Discussion was held regarding the Measures of Management recommended in the Draft Study and Plan and their implications for future development within Wee Waa. The following motion was agreed upon;

- Measure 1 – The Committee recommends that Measure 1 be adopted for the purposes of public exhibition,
 - Except for; paragraphs 1 and 2 on page 58 as it is not practical to set the floor levels of residential type development in Wee Waa above the peak 1% Annual Exceedance Probability (AEP) Namoi River flood level (i.e. because the floor level of most dwellings would need to be set more than 1.5 m above natural ground levels). As an alternative, GCA Engineering Solutions interim policy position dated 29 July 2019 for the assessment of development applications received by Council while the upgrade to the levee is being further investigated and constructed is recommended.
 - Further investigation be made into the implications of adopting the policy described in paragraph 3 on page 58, and paragraph 6 on page S3, being that the Flood Planning Level (FPL) would be based on depths of inundation resulting from runoff that is generated internal to the Town Levee, not Namoi River flooding.
 - Except for; paragraph 4 on page 58 that recommended back-zoning the R5 Large Lot Residential land south-east of Wee Waa. As an alternative, the Committee

THIS IS PAGE 2 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT NARRABRI SHIRE COUNCIL CHAMBERS ON 30 JULY 2019.

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NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES

recommends using flood hazard maps to determine the suitability of a site for development.

- Measure 2 – The Committee recommends that Measure 2 not be adopted for the purposes of public exhibition, rather the consideration of changes to the wording of Clause 6.2 of Narrabri LEP 2012 entitled “Flood planning” be investigated during the Narrabri Flood Risk Management Study and Plan as the proposed changes have implications across the whole Shire.
- Measure 3 – The Committee recommends that Measure 3 be adopted for the purposes of public exhibition.
- Measure 4 – The Committee recommends that Measure 4 be adopted for the purposes of public exhibition.
- Measure 5 – The Committee recommends that Measure 5 be adopted for the purposes of public exhibition.
- Measure 6 – The Committee recommends that Measure 6 be adopted for the purposes of public exhibition.

Moved: Frank Hadley

Seconded: Jim Purcell

Carried

There being no further business the meeting closed at 2:04pm.

***ADDENDUM:**

1. After the meeting had occurred, JNP and JP identified a discrepancy in Figure 3.2 of Lyall and Associate's Draft Wee Waa Levee Risk Management Plan and Study. JP contacted CS who passed on Scott Button of Lyall and Associates email details. JP asked Scott the following;

“.....The 1% AEP Water Surface Profile is shown above the 1% AEP (Raised Rural Levees)? My reading of Section 2.9 and Table 2.6 indicate the opposite? Have I missed something or is the Legend on Figure 3.2 wrong?....”

Scott concluded the following;

“We have had a look at Figure 3.2 and have identified that the water surface profile for the 1% AEP (Raised Rural Levee) case was incorrectly reading the peak flood levels for the 5% AEP event (hence why they are shown to be lower than 1% AEP present day flood levels). We have also identified that the “Crest of Upgraded Town Levee” was also incorrectly reading the design crest levels which were based on present day rural levee conditions, not with raised rural levee conditions case 9i.e. for the case which we are recommending that the crest level be set off). It appears that an extra column was added to the spreadsheet which had thrown out the figure references. Our mistake”.

Scott provided an updated Figure 3.2 showing the correct profiles and advised he would update the figure in the draft report when Council agreed to place the document on public exhibition.

2. After the meeting had occurred, CS liaised with Lyall and Associates and IR and requested that the draft Study and Plan be amended to incorporate the Committee's recommendations. Lyall and Associates wanted their recommendations to remain in the document, however they amended the wording to recommend that Council “consider” each of their recommended measures of management, rather than be bound by them if the study was adopted.

THIS IS PAGE 3 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT NARRABRI SHIRE COUNCIL CHAMBERS ON 30 JULY 2019.

NARRABRI SHIRE COUNCIL

NARRABRI SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE MINUTES

THIS IS PAGE 4 OF THE SUMMARY OF THE FLOOD PLAIN RISK MANAGEMENT COMMITTEE MEETING HELD AT
NARRABRI SHIRE COUNCIL CHAMBERS ON 30 JULY 2019.



Geoff Craig & Associates Pty Ltd
PO Box 3337 - 1 Hartley Drive
Thornton NSW 2322
T: 02 4964 1811 F: 02 4964 1822
E: admin@gca.net.au
ABN 92 086 017 745

4 Apr 2019

Our reference: 17315 004

Your reference:

Mr Daniel Boyce
Manager Planning and Regulatory Services
Narrabri Shire Council
PO Box 261
NARRABRI NSW

Dear Daniel

Wee Waa Floodplain Risk Management Plan

Thank you for your invitation to attend the Floodplain Risk Management Committee Meeting of 15 March.

It was discussed at the meeting that the existing levee, according to survey has a minimum level approximately 0.5m higher than the 1% AEP event level (at a number of locations). Generally, the levee is substantially higher.

Ostensibly, the level of protection afforded by a levee would be the theoretical flood level plus a freeboard in the same way that a flood planning level is determined. Where the freeboard is fixed by a range of factors (say 0.5m) then the level of protection afforded by the levee is the minimum height of the levee less that freeboard.

Appendix E of the Wee Waa Levee Flood Risk Management Study by Lyall and Associates 2019 concludes that an appropriate freeboard to be adopted is 1.0m and comprises a number of factors. A direct consequence of adoption of a 1.0m freeboard is that the levee offers protection for just less than a 5% AEP event (20 Years ARI) and accordingly, the assertion that a 1.0m freeboard based on joint probability analysis should be examined further:

The proposed 1.0m freeboard is discussed in Appendix E of the draft Floodplain Risk Management Plan and is based on the sum of the relevant components, each reduced by their individual probability of occurrence. The resultant freeboard is given, for example at location A as 970mm as determined by the following calculation:



CIVIL DESIGN | STRUCTURAL DESIGN | PROJECT MANAGEMENT | ARCHITECTURAL | 3D DRAFTING | DETAIL DRAFTING



2/3
17315

| Factor | Maximum Allowance (m) | Probability of occurrence | allowance (m) |
|---------------------------------------|-----------------------|---------------------------|---------------|
| Wave Action (run up) | 0.48 | 0.5 | 0.240 |
| Wave Action (set up) | 0.30 | 0.5 | 0.150 |
| Local Water Surge | 0.01 | 0.5 | 0.005 |
| Uncertainties in peak flood level est | 0.42 | 1 | 0.420 |
| Levee Settlement | 0.02 | 1 | 0.020 |
| Levee Defects | 0.10 | 0.5 | 0.050 |
| Future Climate Change | 0.17 | 0.5 | 0.085 |
| Max Freeboard | | | 0.970 |

However, we suggest that this is an oversimplification of the joint probability concept and a more correct way to view the issue is to consider the probability of combinations of factors occurring together and then multiplying that joint probability by the sum of the heights of the factors (as they would occur together under that scenario), for example:

| Factor | Maximum Allowance (m) | Probability of occurrence | allowance (m) |
|---------------------------------------|-----------------------|--|---------------|
| Wave Action (run up) | 0.48 | 0.5 | |
| Wave Action (set up) | 0.30 | 0.5 | |
| Local Water Surge | 0.01 | 0.5 | |
| Uncertainties in peak flood level est | 0.42 | 1 | |
| Levee Settlement | 0.02 | 1 | |
| Levee Defects | 0.10 | 0.5 | |
| Future Climate Change | 0.17 | 0.5 | |
| | | 0.03 | |
| | 1.50 (Max Total) | (probability of total occurring) | 0.047 |
| Max Freeboard | | | 0.047 |

Clearly, the probability of all factors occurring together is low, however, the maximum freeboard answer is likely to come out of a combination of just 1 or 2 significant factors with a high probability of individual occurrence.

We have developed a spreadsheet that investigates all relevant combinations at all sites to determine the maximum joint probability and therefore freeboard at each location based on Lyall and Associates summary of likelihood of each event occurring. The peak freeboard was returned for the following combination at Location B:



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| Factor | Maximum Allowance (m) | Probability of occurrence | allowance (m) |
|---------------------------------------|-----------------------|---------------------------|---------------|
| Wave Action (run up) | | | |
| Wave Action (set up) | | | |
| Local Water Surge | | | |
| Uncertainties in peak flood level est | 0.56 | 1 | |
| Levee Settlement | 0.02 | 1 | |
| Levee Defects | | | |
| Future Climate Change | | | |
| Joint Probability | 0.58 | 1.00 | 0.580 |
| Max Freeboard | | | 0.580 |

Similarly, peak freeboard requirement for each location can be shown to be as follows, which is in turn shown next to the actual freeboard available determined by analysis of Figure 2.2:

| Location | Freeboard required by Joint Probability Analysis (m) | Estimated available freeboard to the 1% AEP event (m) |
|----------|--|---|
| A | 0.46 | 0.86 |
| B | 0.58 | 0.57 |
| C | 0.55 | 0.53 |
| D | 0.45 | 1.14 |

This shows that the existing levee is no greater than 20mm short of the standard required to provide appropriate freeboard in a 1% AEP event. Accordingly, it is recommended to the committee that a value-based decision can be made to adopt the existing levee as sufficient to afford protection to Wee Waa in a 1% AEP event.

This flows on to relevant decisions in planning that require new floor levels to be in accordance with the 1% AEP event and development should be allowed to continue within the existing levee with only reference to the local drainage patterns.

Yours sincerely,



Stuart Holle
Principal Civil Engineer
GCA Engineering Solutions



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29 Jul 2019

Our reference: 17315 004

Your reference:

Mr Daniel Boyce
 Manager Planning and Regulatory Services
 Narrabri Shire Council
 PO Box 261
 NARRABRI NSW

Dear Daniel

Wee Waa Floodplain Risk Management Plan

I refer to my recent advice regarding the Wee Waa Levee and an alternative approach to considering the joint probability of various factors occurring simultaneously to arrive at a composite freeboard.

Following our discussions, it appears that there is a case for adopting a longer-term conservative view on the levee freeboard as proposed by Lyall and Associates. However, it may be some time before funds become available to facilitate levee augmentation works.

In the meantime, it is likely that Council will receive a small number of development applications for proposals inside the levee, including for alterations and additions and new dwellings. Council may, in that case need to develop an interim policy position that would guide the assessment of such applications.

Planning Circular PS 07-003 issued on 31 January 2007 provides direction to Councils in regard to new residential development and confirms:

Standards for Flood Controls for Residential Development

Councils are responsible for determining the appropriate flood planning levels for land within their local government area. Whilst the flood used to determine the residential FPL is a decision of the local council, the Manual highlights that FPLs for typical residential development would generally be based around the 100 year flood plus an appropriate freeboard (typically 0.5m).

It is noted that Fig 2.2 of the Wee Waa Floodplain Risk Management Study and Plan identifies that the levee currently has a freeboard of 500mm to the theoretical 100 year flood event.

While the Wee Waa Floodplain risk management plan adopts a conservative view and recommends that an additional half metre would be appropriate to achieve satisfactory levee performance for all circumstances. Council could, in the interim fall back on the planning circular in assessing residential development applications and adopt the view that the levee affords a suitable level of protection.

Accordingly, new (and existing) residential development can be assessed at ground level, having regard to the identified internal 1% AEP flood levels in accordance with Figure 2.5 (sheet 2) of Lyall and Associates Floodplain Risk management study and plan.



CIVIL DESIGN | STRUCTURAL DESIGN | PROJECT MANAGEMENT | ARCHITECTURAL | 3D DRAFTING | DETAIL DRAFTING



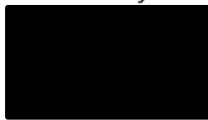
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In this case, considering the position of the Floodplain Risk Management Study and Plan, the residential assessment policy should be adopted as an interim measure having regard for:

- ☐ The (relatively short timeframe) that the Wee Waa Levee upgrade project is likely to occur within.
- ☐ The low level of additional risk likely to be posed by a small number of development applications likely to be received
- ☐ The social benefit to the Wee Waa community of continued development within the levee, especially considering the existing development.

There are clearly arguments for and against favourable consideration of such development applications, however on balance, it is considered that support for a limited number of residential applications in the short term appropriate.

Yours sincerely,



Stuart Holle
Principal Civil Engineer
GCA Engineering Solutions

9.2 AMENDMENT OF SECTION 7.11 CONTRIBUTIONS PLAN

Responsible Officer: Daniel Boyce, Director Development and Economic Growth

Author: Cara Stoltenberg, Town Planner

Attachments: 1. Section 7.11 Contributions Plan (under separate cover) 

DELIVERY PROGRAM ALIGNMENT**2. Environment**

| | |
|-----------|---|
| Objective | 2.1 We will maintain our open spaces, natural environment and heritage for future generations |
| Strategy | 2.1.3 Passive recreational open spaces are well maintained and accessible for public use |

EXECUTIVE SUMMARY

Council adopted the current Narrabri Shire Council Section 94 Development Contributions Plan (“the Plan”) in February 2017 (Minute 23/2017).

There has since been a need for Council to make some “housekeeping” changes to the Plan to align it with changes to clause numbers and terminology in the *Environmental Planning and Assessment Act 1979* (“EPA Act”) as well as changing the wording in the Schedules to the Plan to ensure that contributions can be levied for both new dwellings on current vacant lots and future subdivision of the existing lots.

Following resolution by Council (Minute 001/2019) the Amended Plan (Attachment 1), now known as the Contributions Plan, was publicly exhibited for a period of twenty-eight (28) days concluding 30 August 2019. During this time, no submissions were received.

Council may now adopt the Contributions Plan in the form in which it was publicly exhibited as its new Narrabri Shire Section 7.11 Contributions Plan 2016.

RECOMMENDATION

1. That Council adopt the amended Narrabri Shire Section 7.11 Contributions Plan 2016.

BACKGROUND

Council adopted the current Narrabri Shire Council Section 94 Development Contributions Plan (“the Plan”) in February 2017 (Minute 23/2017).

There has since been a need for Council to make some “housekeeping” changes to the Plan to align it with changes to clause numbers and terminology in the EPA Act as well as changing the wording in the Schedules to the Plan to ensure that contributions can be levied for both new dwellings on current vacant lots and future subdivision of the existing lots.

The intent of the Plan was to require contributions from the first development of lots fronting the specified unsealed road. The required contributions rates for such developments are contained within the Schedules to the Plan. The background section of each of the Schedules makes it clear that contributions were intended to be levied for both new dwellings on current vacant lots and future subdivision of the existing lots. The table within the Schedules, however, does not clearly articulate this intent. To avoid uncertainty, it is proposed to amend the table in each of the

Schedules to the Plan (Attachments 3 and 4) to make it clear that contributions are applicable to both new dwellings and subdivision applications (Table 1).

| | |
|--|--|
| Development on affected land that may be levied a contribution | <ul style="list-style-type: none"> • Subdivision to create additional allotments with a dwelling right; and • all new dwellings on existing allotments where a contribution has not previously been levied in accordance with this schedule of the plan. |
|--|--|

Table 1 New Table in the Schedules to the Plan

CURRENT SITUATION

Following resolution by Council (Minute 002/2019) the Amended Plan (Attachment 1), now known as the Contributions Plan, was publicly exhibited for a period of twenty-eight (28) days concluding 30 August 2019. During this time, no submissions were received.

Council may now adopt the Contributions Plan in the form in which it was publicly exhibited as its new Narrabri Shire Section 7.11 Contributions Plan 2016.

FINANCIAL IMPLICATIONS

Council can require the payment of a monetary contribution where it is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area.

STATUTORY AND POLICY IMPLICATIONS

The Amended Plan must be placed on public exhibition for a period of twenty-eight (28) days in accordance with the *Environmental Planning and Assessment Regulation 2000*.

CONSULTATION

The amended Plan was publicly exhibited for a period of twenty-eight (28) days concluding 30 August 2019.

External Consultation

No submissions were received.

Internal Consultation

Nil.

9.3 AMENDMENT OF SECTION 7.12 FIXED DEVELOPMENT CONSENT LEVIES CONTRIBUTIONS PLAN

Responsible Officer: Daniel Boyce, Director Development and Economic Growth

Author: Cara Stoltenberg, Town Planner

Attachments: 1. Narrabri Shire Section 7.12 Fixed Development Consent Levies Contributions Plan 2011 (under separate cover) 

DELIVERY PROGRAM ALIGNMENT

2. Environment

Objective 2.1 We will maintain our open spaces, natural environment and heritage for future generations

Strategy 2.1.3 Passive recreational open spaces are well maintained and accessible for public use

EXECUTIVE SUMMARY

Council adopted the current Narrabri Shire Council Section 94A Development Contributions Plan (“the Plan”) in 2011. The Plan included a Schedule of Works, which identified projects within the Shire that the development contributions could fund.

At its Ordinary Council meeting on 25th June 2019, Council resolved to adopt a new Schedule of Works to the Plan (Minute 118/2019).

Since that time external funding for some projects at Dangar Park, Wee Waa had been obtained from the Stronger Country Communities Fund (“SCCF”)

As such Council was then able to amend the Schedule of Works to reallocate the funds originally committed to those projects to the Narrabri Shared Cycle/Pedestrian Pathway Project.

The need to further amend the Schedule of Work presented an opportunity for Council to make the necessary “housekeeping” changes to the Plan to align it with changes to clause numbers and terminology in the *Environmental Planning and Assessment Act 1979* (“EPA Act”).

Following resolution by Council (Minute 149/2019) the Amended Plan, now known as the Fixed Development Levies Contributions Plan, and Schedule of Works (Attachment 1) was placed on public exhibition for a period of twenty-eight (28) days concluding 30 August 2019. No submission were received during this time.

RECOMMENDATION

1. That Council adopt the Narrabri Shire Fixed Development Consent Levies Contributions Plan.

BACKGROUND

Council adopted the Plan in 2011 including a Schedule of Works, which identified projects within the Shire that the development contributions could fund.

At its Ordinary Council meeting on 25th June 2019, Council resolved to adopt a new Schedule of Works to the Plan (MINUTE 118/2019).

Since that time external funding for the following projects had been obtained from SCCF:

| Project | Estimate (\$) |
|--|----------------|
| Wee Waa - Dangar Park - construct shelters | 45,000 |
| Wee Waa - Dangar Park - install basketball half court & rebound wall | 50,000 |
| Wee Waa - Dangar Park - install new outdoor gym equipment | 40,000 |
| Wee Waa - Dangar Park - install pathway to link entry to facilities | 15,000 |
| Wee Waa - Dangar Park - install shade sail to playground | 35,000 |
| Wee Waa - Dangar Park - playground equipment | 50,000 |
| Total | 235,000 |

As such Council is now able to amend the Schedule of Works to reallocate the funds originally committed to the above projects to the following projects:

| Project | Estimate (\$) |
|--|----------------|
| Narrabri Shared Cycle/Pedestrian Pathway Project | 235,000 |
| Total | 235,000 |

The need to further amend the Schedule of Work presented an opportunity for Council to make the necessary “housekeeping” changes to the Plan to align it with changes to clause numbers and terminology in the EPA Act.

CURRENT SITUATION

Following resolution by Council (Minute 149/2019) the Amended Plan, now known as the Fixed Development Levies Contributions Plan, and Schedule of Works (Attachment 1) was placed on public exhibition for a period of twenty-eight (28) days concluding 30 August 2019. No submissions were received during this time.

FINANCIAL IMPLICATIONS

Levies are collected on all developments within the Shire requiring development or Complying Development consent, prior to works commencing, with a value over \$100,000 at the rate of:

| Proposed cost of the development | Percentage of levy |
|----------------------------------|--------------------|
| \$100,001 - \$200,000 | 0.5% |
| Greater than \$200,000 | 1.0% |

STATUTORY AND POLICY IMPLICATIONS

The Amended Plan and Schedule of Works was placed on public exhibition for a period of twenty-eight (28) days in accordance with the *Environmental Planning and Assessment Regulation 2000*.

CONSULTATION

Following resolution by Council (Minute 149/2019) the Amended Plan, now known as the Fixed Development Levies Contributions Plan, and Schedule of Works (Attachment 1) was placed on public exhibition for a period of twenty-eight (28) days concluding 30 August 2019.

External Consultation

No submissions were received during this time.

Internal Consultation

- Director Infrastructure Delivery.

- Community Facilities Manager.

10 OUR ECONOMY



THEME 3: OUR ECONOMY

STRATEGIC DIRECTION 3: PROGRESSIVE AND DIVERSE ECONOMY

By 2027, we will have developed a strong, diverse economy that attracts, retains and inspires business, industry and tourism growth.

COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several economic priority areas to be actioned over the 2017 - 2018 financial year.

COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Economic development
- Planning and development
- Entertainment and conferences
- Local and regional tourism and events
- Saleyards
- Airport

COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following economic strategic outcomes:

- Increased community events, conferences and entertainment
- Increased employment through industry innovation, investment and value adding
- Established freight hub for the Norther Inland Region
- Increased housing availability and affordability
- Broadened economic base

10.1 DEVELOPMENT APPLICATION 77/2019 - PROPOSED TWO LOT SUBDIVISION OF 1 GUEST STREET, NARRABRI

Responsible Officer: Daniel Boyce, Director Development and Economic Growth

Author: Daniel Boyce, Director Development and Economic Growth

APPLICATION DETAILS






Applicant: Ross Gleeson of Gleeson Surveying

Owner: William James McInnes

Proposal: Two lot subdivision

Location: Lot 38 DP 1040539, 1 Guest Street, Narrabri

Attachments:

1. Development assessment report (under separate cover) 
2. Draft conditions of consent  
3. Proposed development plans  

RECOMMENDATION

1. That Council determine the Development Application 77/2019 for the subdivision of Lot 38 DP 1040539 1 Guest Street, Narrabri into two (2) lots by granting consent to the application subject to conditions in Attachment 2.

EXECUTIVE SUMMARY**Proposal**

The proposed development is to subdivide Lot 38 DP 1040539 1 Guest Street, Narrabri into two (2) lots being proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m².

Reason for consideration by Council

Two (2) submissions objecting to the proposed subdivision have been received in response to the notification of the development.

Permissibility

The subdivision is permissible pursuant to clause 2.6 and clause 4.1 of *Narrabri Local Environmental Plan 2012* ("the LEP"). The minimum lot size ("MLS") under the LEP is 550m², the proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m² meet the minimum lot size.

Consultation

The DA was notified in accordance with the requirements from 10 April 2019 to 29 April 2019. Two (2) submissions were received.

Main issues

The main issues arising from the assessment are:

- Flood Hazard and Impact
- Submissions

Conclusion

The development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the *Environmental Planning & Assessment Act 1979* (“EPA Act”) (Attachment 1).

The subdivision is permissible pursuant to clause 2.6 and clause 4.1 of the LEP. The minimum lot size under the LEP is 550m², the proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m² meet the minimum lot size.

The development is permissible with consent and will ultimately serve the objectives of the R1 zone. Weight must be given to the R1 zoning in the “resolution of a dispute as to the appropriate development” of the land.

The development is a suitable use of the land having regard to the flood conditions.

The development complies with the relevant planning instruments.

With the imposition of the recommended conditions the development will not have any unacceptable impacts on the surrounding area, environment and adjoining development.

It is recommended that Development Application 77/2019 be approved subject to the conditions provided in Attachment 2.

BACKGROUND

Existing Sites Features and Surrounding Development

Lot 38 DP 1040539 1 Guest Street, Narrabri (“the Land”) is zoned R1 General Residential pursuant to LEP. The Land is surrounded by residential development to the north, east and west and large lot residential development to the south and is flood affected.

DESCRIPTION OF PROPOSAL

The proposed development is to subdivide Lot 38 DP 1040539 1 Guest Street, Narrabri into two (2) lots being proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m².

Social Impacts

Council must take into consideration in so far as is relevant to the proposed development the likely impacts of that development, including (amongst other things) the social impacts in the locality (Farrier & Stein, 2016).

The NSW Planning & Environment’s *Social impact assessment guideline: for state Significant Mining, Petroleum Production and Extractive Industry Development* (NSW Government Planning & Environment, 2017) has been used as a guide to consider potential social impacts from the proposed development. It identifies that social impacts can involve changes to the matters outlined in the following table. Table 1 provides consideration of these matters in relation to the proposed development.

Table 1 Social Impact Consideration

| Matter | Consideration |
|-------------|---|
| Way of Life | <ul style="list-style-type: none"> The development is not expected to impact upon how people live (e.g. how they get around or access to adequate housing). The development is not expected to impact upon how people play. |

| | |
|--|---|
| | <ul style="list-style-type: none"> The development is not expected to impact how people interact with one another on a daily basis. |
| Community | The development is not likely to impact on the composition, cohesion, or character of the community, or how it functions or sense of place. |
| Access to and use of infrastructure, services and facilities | The development is not likely impact upon the access to and use of infrastructure, services and facilities provided by local, state, or federal governments, or by for-profit or not-for-profit organisations or volunteer groups. |
| Culture | The development is not expected to adversely impact upon culture including shared beliefs, customs, values and stories, and connections to land, places, and buildings (including Aboriginal culture and connection to country). |
| Health and Wellbeing | The development is not expected to adversely impact on health and wellbeing, including both physical and mental health. |
| Surroundings | The development is not expected to adversely impact on the surroundings including access to and use of ecosystem services, public safety and security, access to and use of the natural and built environment, and its aesthetic value and/or amenity. |
| Personal and property rights | The development is not expected to have an unreasonable impact on personal or property rights. |
| Decision making systems | The development is not expected to impact on decision making systems. |
| Fears and aspirations | A number of concerns have been raised regarding the compatibility of the subdivision with the adjoining R5 zone which are addressed in Table 6. The subdivision and resultant residential development is unlikely to significantly affect adjoining properties. In any case the subsequent residential development will require assessment under the EPA Act at which time further consideration of any impacts can be given. |

Economic impacts

Council must take into consideration the economic impacts of the development in the locality (Farrier & Stein, 2016).

No adverse economic impacts expected in the locality.

Public Interest

Council must take into consideration in so far as is relevant “the public interest”. When determining the public interest, a Council is not confined to statutory planning instruments. Community response to a proposed development can be regarded as an aspect of public interest.

Two (2) submissions objecting to the proposed subdivision have been received in response to the notification of the development. The submissions raise a number of planning matters that are addressed in this report.

The public interest is served through achieving the relevant objects of the EPA Act (Section 1.3). Table 2 assesses the proposed development against the objects of the EPA Act.

Table 2 Assessment against the Objects of the EPA Act

| Object | Comment |
|--|---|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, | N/A. |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The economic, environmental and social impacts have been assessed and are considered to be acceptable. |
| (c) to promote the orderly and economic use and development of land, | The land is vacant and zoned for the purpose for which the development is proposed and meets the minimum lots size prescribed by the LEP. |
| (d) to promote the delivery and maintenance of affordable housing, | The subdivision will provide an additional lot which can be developed for housing. |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | The development will not significantly affect threatened species or ecological communities, or their habitats. |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), | <p>The site is not mapped as containing any items of European Heritage.</p> <p>An AHIMS search carried out did not identify any items or Aboriginal sites have been recorded in or near the site. However a condition has been imposed requiring works to cease and OEH to be contacted should any items suspected of being Aboriginal in origin discovered during works.</p> |
| (g) to promote good design and amenity of the built environment, | No building work is proposed as part of this development, however, any future development on the lots will be required to comply with the applicable planning controls. |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, | No building work is proposed as part of this development, however, any future development on the lots will be required to comply with the applicable planning and building controls. |
| (i) to promote the sharing of the responsibility for environmental planning | This "local development" has undergone a merit based assessment by Council Staff and will be determined by the elected Council. |

| | |
|--|---|
| and assessment between the different levels of government in the State, | |
| (j) to provide increased opportunity for community participation in environmental planning and assessment. | This “local development” has been notified to adjoining properties. It will be determined by the elected Council at a public meeting where the public will have a further opportunity to make submissions to Council. |

STATUTORY ASSESSMENT

The subdivision is permissible pursuant to clause 2.6 and clause 4.1 of the LEP. The MLS under the LEP is 550m², the proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m² meet the minimum lot size.

The Land is zoned R1 General Residential pursuant to the LEP.

The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

The development is considered to be consistent with the zone objectives.

Section 4.15 Assessment

The development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the EPA Act (Attachment 1).

Main Issues

The main issues arising from the assessment are:-

- Flood Hazard and Impact
- Submissions

Flood Hazard and Impact

According to the Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (**AIDR Handbook 2017**):

Maintaining the flood function of the floodplain is a key objective of best practice in flood risk management in Australia, because it is essential to managing flood behaviour. The flood function of areas of the floodplain will vary with the magnitude in an event. In general flood function is examined in the defined flood event, so it can be maintained in this event (p. 30).

Figure 1 identifies the flood function of the Land in the 1% AEP flood (the defined flood event for planning purposes).

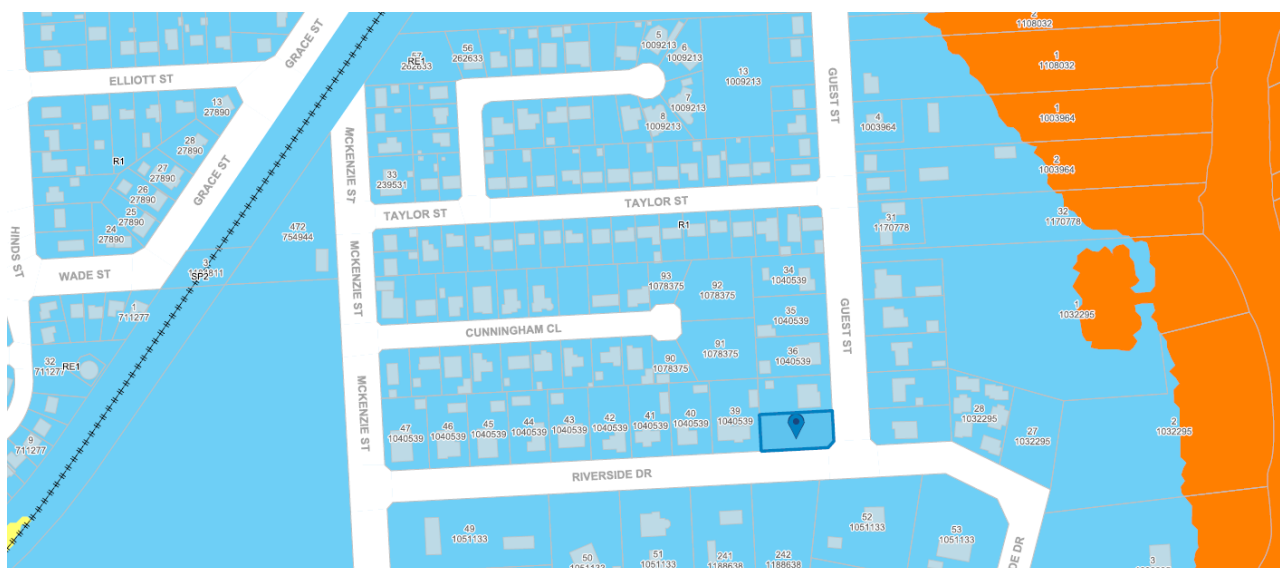


Figure 1 Flood function in the 1% AEP flood (Blue – Flood Storage, Orange – Floodway)

According to the AIDR Handbook 2017:

Flood storage areas are the parts of the floodplain that are important for temporary storage of floodwaters during a flood passage. The loss of flood storage can increase the severity of flood impacts by reducing natural flood attenuation (p. 86).

Australian Disaster Resilience Guideline 7-5 Flood Information to Support Land-use Planning (**AIDR Guideline 2017**):

Filling of flood storage areas reduces their ability to attenuate downstream flood flows and, as a result, flood flows and flood levels may increase.

No filling of the Land is proposed as part of this development. Filling associated with the erection of dwellings on the can be assessed as part of the subsequent development application.

In addition to assessing the impact of the development on flood function the proposed land use must be compatible with the flood hazard. According to the AIDR Guideline 2017:

Flood hazard classification provides a description of how hazardous the physical conditions produced by a flood can be, independent of the population at risk. It is typically based on benchmarking the depth and velocity of the floodwaters against thresholds to determine how hazardous this combination may be to people, cars, infrastructure and buildings, if they were exposed to the flooding.

It recommends grouping the floodplain into the following categories:

- H1—generally safe for people, vehicles and buildings
- H2—unsafe for small vehicles
- H3—unsafe for vehicles, children and older people
- H4—unsafe for all people and vehicles
- H5—unsafe for vehicles and people, and all buildings are vulnerable to structural damage
- H6—unsafe for vehicles and people, and all building types are vulnerable to structural failure.

The likely 1% AEP flood depths and velocities at the building site are 0.97 m and 0.40 m/sec respectively. The expected depth and velocity combination lies inside the H3 category, determined to be unsafe for vehicles, children and the elderly (Figure 2). The expected depth and velocity

combination present a moderate hazard for adults (Figure 3). The expected depth and velocity combination present a low hazard to structures (Figure 4).

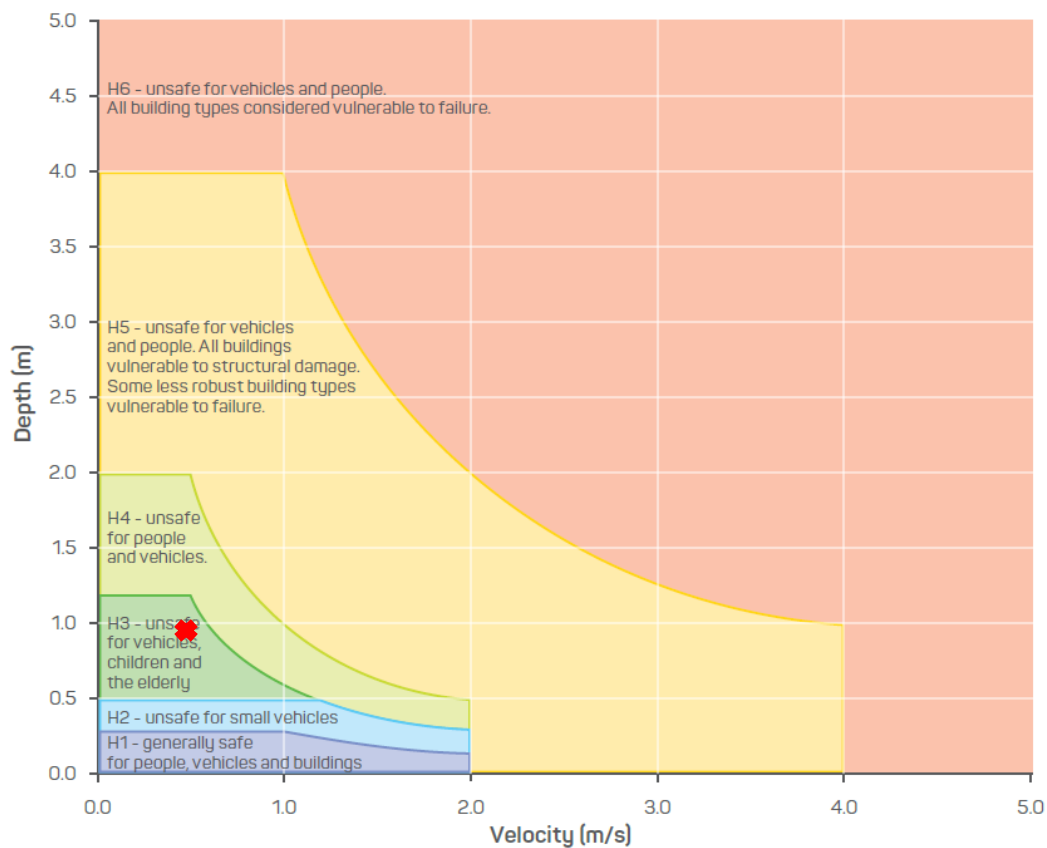


Figure 2 General Flood Hazards (Australian Disaster Resilience Guideline 7-3 Flood Hazard).

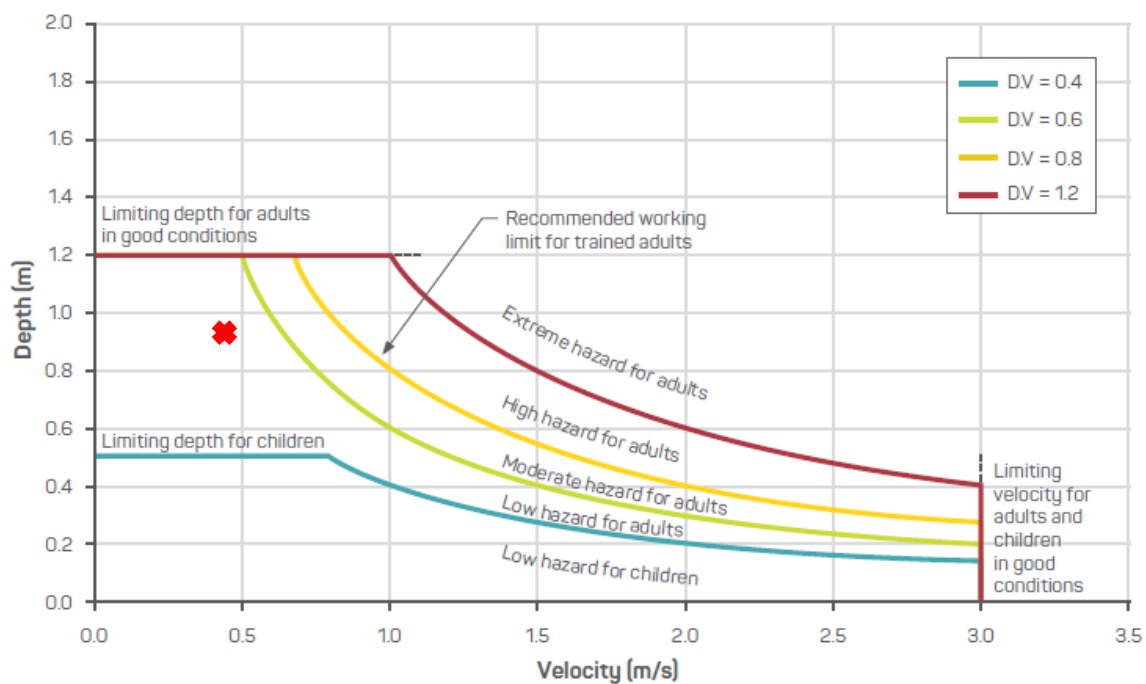


Figure 3 Thresholds for people stability in floods (Australian Disaster Resilience Guideline 7-3 Flood Hazard).

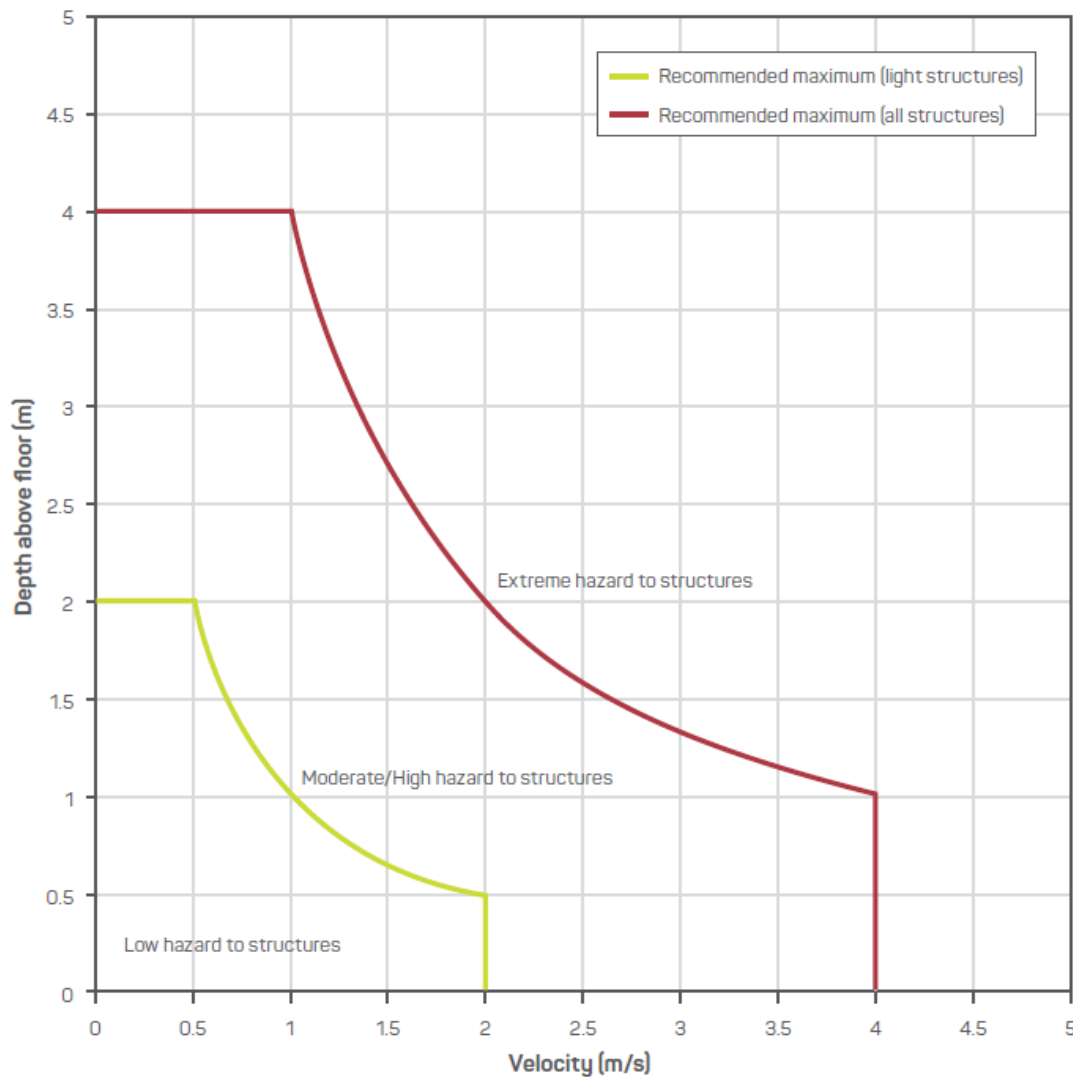


Figure 4 Thresholds for building stability in floods (Australian Disaster Resilience Guideline 7-3 Flood Hazard).

The proposed development is in accordance with Clause 6.2 of the LEP (Table 3).

Table 3 Assessment against Clause 6.2 of the Narrabri Local Environmental Plan 2012

| (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: | Staff Comment |
|---|---|
| (a) is compatible with the flood hazard of the land, and | The likely 1% AEP flood depths and velocities at the building site are 0.97 m and 0.40 m/sec respectively. The expected depth and velocity combination lies inside the H3 category, determined to be unsafe for vehicles, children and the elderly (Figure 2). The expected depth and velocity combination present a moderate |

| | |
|---|---|
| | hazard for adults (Figure 3) and a low hazard to structures (Figure 4). |
| (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and | The subdivision in and of itself will not impact flood behaviour. Physical works associated with the erection of a dwelling will be assessed as part of a future application, however, given the expected depth and velocities it is unlikely that there would be a significant impact on flood behaviour. |
| (c) incorporates appropriate measures to manage risk to life from flood, and | <p>The risk to life will be managed by applying a minimum floor level of 500 mm above the 1% AEP flood.</p> <p>The Namoi River is a large river system with a long response time and accordingly, there are ample opportunities to evacuate the site prior to the arrival of the flood peak.</p> |
| (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and | The proposed development is set back from the river bank, outside waterfront land with low associated environmental impact. |
| (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding | <p>The proposal represents an appropriate use that is compatible with the site's flood behaviour and is therefore consistent with the principle outlined in the floodplain development manual that encourages appropriate use (as opposed to sterilisation) of flood prone land.</p> <p>Subject to the recommended conditions of consent the flood hazard and impact on flood behaviour can be satisfactorily managed and the social and economic costs can be mitigated.</p> |

Submissions

The DA was notified in accordance with from 10 April 2019 to 29 April 2019 (Figure 5). Two (2) submissions were received.

The submissions have been summarised in Table 6, with responses provided by the applicant and reviewed by Council Staff for each key issue. The submissions have been taken into consideration in the assessment by Council Staff.

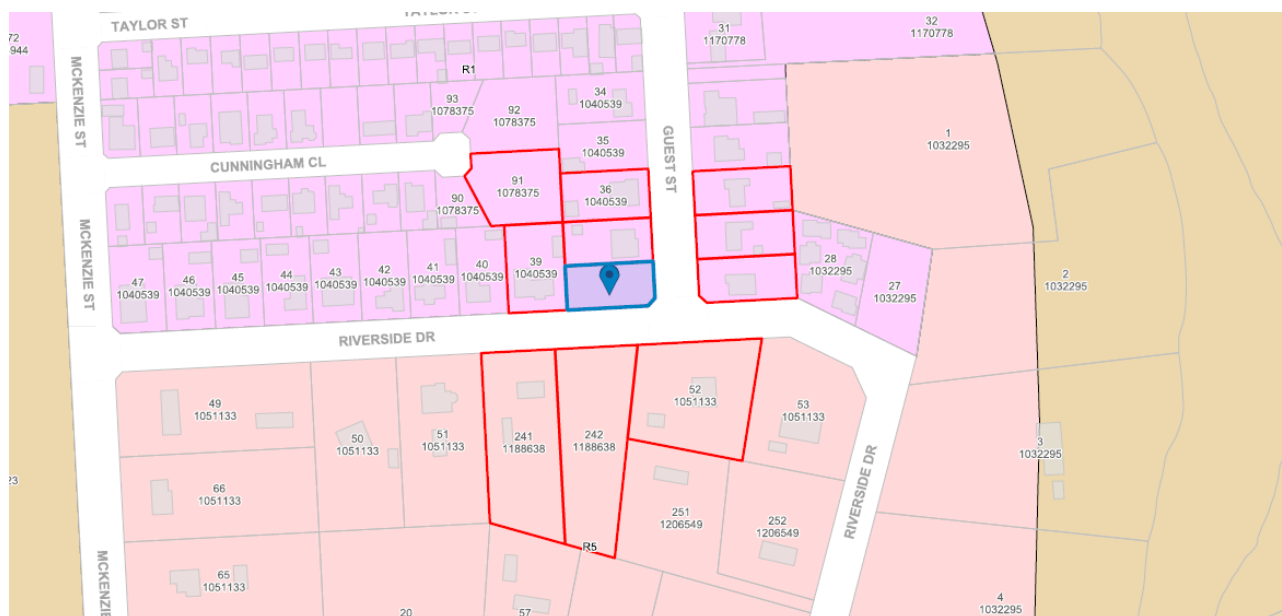


Figure 5 Notification plan

Land and Environment Court Planning Principles

Non-statutory regional planning policies

In *Direct Factory Outlets Homebush v Strathfield Municipal Council* [2006] NSWLEC 318, Senior Commissioner Roseth of the Land and Environment Court stated (at [25-26]):

The role of regional planning policies is to guide the development of a region, such as the Sydney metropolitan area. One of their functions is to inform and influence statutory plans for the local areas of a region. Regional planning policies provide a sense of purpose and direction to local plans; they are, as it were, the glue that binds local plans together. The fact that they are non-statutory is not an indication of their subservience to statutory plans. Planning policies usually do not lend themselves to statutory expression because they do not relate to specific parcels of land and do not contain numerical development standards. This fact, however, does not mean that they have no relevance to individual development applications, particularly those that have impacts extending beyond the local area (at [25]).

Where the provisions of an environmental planning instrument are clear, unequivocal and do not require value judgment (for example numerical development standards or zonings where the character of a use is not in dispute), they take precedence over non-statutory regional planning policies. However, where those provisions can be applied only on the basis of value judgments (for example, where the character of a use is in dispute, a development standard is to be varied, or where imprecise terms like “appropriate”, “significant”, “detrimentally affect” or “ecological sustainability” need to be given meaning in the context of a development application, **non-statutory regional planning policies provide the background against which those value judgments should be made** (at [26]).

Due to the fact that the two submissions object to the subdivision in part on the basis of its alleged conflict with the character of the area Council in some respects is being asked to make a value judgment. In this regard consideration of the issues against non-statutory regional planning policies provides the background against which those value judgments should be made.

New England North West Regional Plan 2036

The New England North West Regional Plan 2036 ("**Regional Plan**") will guide the NSW Government's land use planning priorities and decisions to 2036. Priorities for each council are set out in Local Government Narratives, which will guide further investigations and implementation (NSW Government Planning & Environment, 2019).

A priority for Narrabri identified in the Regional Plan is to:

Provide housing diversity targets to support a variety of dwelling types and a choice in location, form and affordability. Deliver a variety of housing options in Narrabri and promote development that contributes to the unique character of Wee Waa, Pilliga, Bellata, Gwabegar, Baan Baa and Boggabri.

Community Strategic Plan Narrabri Shire 2027

The Community Strategic Plan Narrabri Shire 2027 ("**Strategic Plan**") presents the community endorsed vision and strategic plan for Narrabri Shire and has been informed through extensive community engagement (Narrabri Shire Council, 2017).

A desired community outcomes in the Strategic Plan is:

Adequate housing options will be available to meet demands across the Shire.

Notwithstanding the subdivisions compliance with the numerical development standards and the extent to which this takes precedence over non-statutory regional planning policies. The Regional Plan and the Strategic Plan provide the background against which Council can form a value judgment on the veracity of the objections to the subdivision. It is clear that the subdivision is consistent with the Regional Plan and Strategic Plan in terms of delivering housing options for the community and on that basis Council can be satisfied that the development is in the public interest.

Zones (Development at zone interface)

In *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472 Commissioner Bly stated (at [25]):

As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and **take into account the form of existing development and/or development likely to occur in an adjoining different zone**. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like (at [25]).

The Land is located at the interface of two zones (R1 General Residential zone and R5 Large Lot Residential zone) (Figure 6) and two MLS areas (550m² and 5,000m² respectively) (Figure 7).

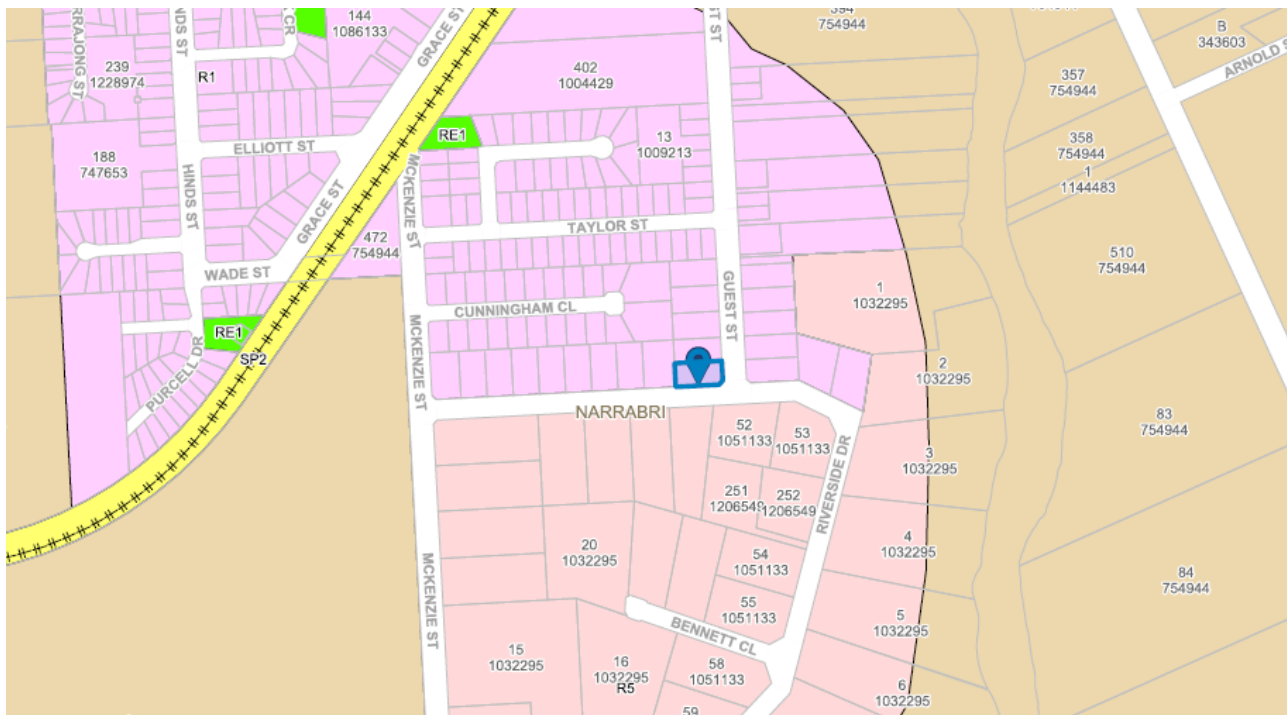


Figure 6 Zone map

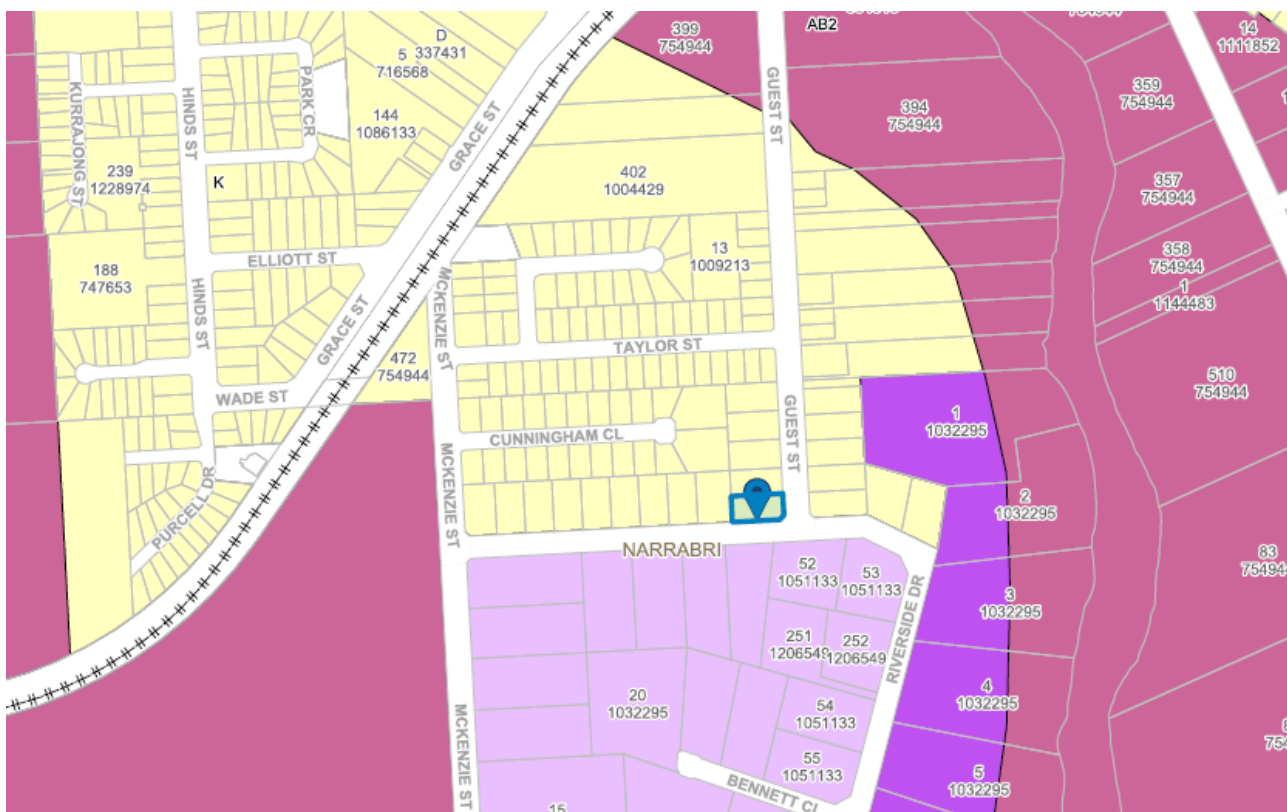


Figure 7 MLS map

The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The objectives of the R5 zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The primary difference between the R1 and R5 residential zones is the type and density of development which is permissible under the LEP.

The MLS represents the density of development desired in a particular area. For example areas with larger minimum lot sizes will result in lower density development.

The zoning represents the type of development desired in a particular area. For example Multi dwelling housing is permissible in the R1 zone but not in the R5 zone.

This interface between two zones and two MLS areas will result in some tension between the desired low density character of the R5 zone and the higher density character of the R1 zone. The subdivision itself is considered to be compatible with the form of existing development and development likely to occur in the adjoining R5 zone insofar as it significantly exceeds the MLS and provides adequate building envelopes. The subsequent residential development of these lots will require assessment under the EP&A Act at which time further consideration can be given to its compatibility with existing development in the adjoining R5 zone.

Zones (Weight to be given to the zoning)

When a planning instrument provides that development for a particular purpose is permissible provided that development consent is first obtained, there is a presumption that some version of that development will be approved (albeit subject, perhaps, to stringent conditions) (Farrier & Stein, 2016).

In *BGP Properties Pty Ltd v Lake Macquarie City Council* [2004] NSWLEC 399, the Chief Judge of the Land and Environment Court stated:

In the ordinary course, where by its zoning land has been identified as generally suitable for a particular purpose, **weight must be given to that zoning in the resolution of a dispute as to the appropriate development of any site.** Although the fact that a particular use may be permissible is a neutral factor (see *Mobil Oil Australia Ltd v Baulkham Hills Shire Council* (No 2) [1971] 28 LGRA 374 at 379), planning decisions must generally reflect an assumption that, in some form, development which is consistent with the zoning will be permitted (at [117]).

The subdivision is permissible pursuant to clause 2.6 and clause 4.1 of the LEP. The minimum lot size under the LEP is 550m², the proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m² meet the minimum lot size. Weight must be given to permissibility of the subdivision in the “resolution of a dispute as to the appropriate development” of the land.

General impact

In *Davies v Penrith City Council* [2013] NSWLEC 1141, Senior Commissioner Moore of the Land and Environment Court stated (at [121]):

I have, therefore, undertaken the internal consultation process for consideration of the establishment of a new planning principle or the revision of an existing planning principle. As a result of that consultation, it is appropriate to refine the published planning principle to delete the words "necessary and/or" so that the revised planning principle will, in future, read:

Revised planning principle: criteria for assessing impact on neighbouring properties

The following questions are relevant to the assessment of impacts on neighbouring properties:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?
- How reasonable is the proposal causing the impact?
- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?
- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal? (at [121]).

Table 4 Assessment against the "General impact" Planning Principle

| Planning principle | Staff Comment |
|---|--|
| How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained? | The subdivision and resultant residential development is unlikely to significantly affect adjoining properties. In any case the subsequent residential development will require assessment under the EP&A Act at which time further consideration of any impacts can be given. |
| How reasonable is the proposal causing the impact? | The subdivision is a permissible form of development with acceptable impacts from a flood perspective. It is therefore considered reasonable. |
| How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact? | The more sensitive region to the proposed development is the R5 zoned land to the south of the proposed subdivision. The subdivision itself will not have a significant impact on the R5 zoned land to the south insofar as it significantly exceeds the MLS and provides adequate building envelopes. The subsequent residential development will require assessment under the EP&A Act at which time further consideration of any impacts can be given. |
| Does the impact arise out of poor design? Could the same amount of floor space and amenity be | The subdivision itself will not have a significant impact on the R5 zoned land to the south insofar as it significantly exceeds the MLS and |

| | |
|---|--|
| achieved for the proponent while reducing the impact on neighbours? | provides adequate building envelopes. The subsequent residential development will require assessment under the EP&A Act at which time further consideration of any impacts can be given. |
| Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal? | The subdivision complies with the relevant planning controls and is in fact considerably above the minimum lot size of 550m ² . |

Surrounding development

In *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, Senior Commissioner Roseth of the Land and Environment Court stated (at [22 and 24]):

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve (at [22]).

Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street? (at [24]).

Table 5 Assessment against the "Surrounding development" Planning Principle

| Planning principle | Staff Comment |
|--|--|
| Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites. | The subdivision does not constrain the development potential of surrounding sites. |
| Is the proposal's appearance in harmony with the buildings around it and the character of the street? | The subdivision itself does not have an "appearance" as such. The subsequent residential development will require assessment under the EP&A Act at which time further consideration of any impacts, including the "appearance" can be given. |

Subdivision

In *Project Parrott v Kiama Council [2004] NSWLEC 77*, Senior Commissioner Roseth of the Land and Environment Court stated (at [17]):

When should a subdivision application include information on the buildings to be built on the resulting allotment(s)? It is normal practice in Australia to subdivide land without constraints on the buildings that can later be built. While this practice is appropriate in most cases, it is not always so. I have adopted the planning principle that a subdivision application should provide constraints on future buildings **when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them** (at [17]).

Table 6 Assessment against the “Subdivision” Planning Principle

| Planning principle | Staff Comment |
|--|---|
| The proposed allotments smaller than usual. | The minimum lot size under the LEP is for the R1 zone is 550m ² , the proposed Lot 381 with an area of 896m ² and proposed Lot 392 with an area of 897.2m ² meet the minimum lot size. Therefore it is not “smaller than usual”. |
| The proposed allotments environmentally sensitive. | The proposed allotments are flood constrained but no more so than much of Narrabri town and are not otherwise environmentally sensitive. |
| Where significant impacts on neighbours is likely and needs careful design to minimise them. | Significant impacts on neighbour are not likely. Adequate building envelope exists to meet local planning controls. |

Public Participation

The two (2) submissions objecting to the proposed development raised the following issues. The applicant has provided a response to the issue which Council has reviewed (Table 6).

Table 6 Review of submissions

| Issue | Response |
|---|--|
| Dividing of this block is not in keeping with the amenity of the estate which "Riverbend" was designed; being that land lots at Riverbend were larger to allow for distance and room between neighbours and keeping a country feel with ease of living. | <p>Council's planning framework consisting of the LEP and Development Control Plans (DCP) establishes the controls which development within an area must adhere to. These controls guide the development density of an area. There are lots to the south of the site that are larger (i.e. 5,000m²), however the site and the land to the north have a minimum lot size of 550m². The proposed development is consistent with the planning controls for the site.</p> <p>The subdivision is permissible pursuant to clause 2.6 and clause 4.1 of the LEP. The minimum lot size under the LEP is 550m², the proposed Lot 381 with an area of 896m² and proposed Lot 392 with an area of 897.2m² meet the minimum lot size. Weight must be given to permissibility of the subdivision in the “resolution of a dispute as to the appropriate development” of the land.</p> |

| Issue | Response |
|---|--|
| <p>Almost all lots in this area are already built on under the understanding that lots would not be reduced and houses not be built close to other neighbours.</p> | <p>The proposed development is consistent with the planning controls for the site which permits lots of 500m² or greater in size. The proposed lots are larger (approximately 346m² or 62%) than the minimum required.</p> |
| <p>Houses in the estate on both street frontages for this area (Riverside Drive & Guest Street), are already set back from the roadside to a standard and consistent setback. Dividing this lot will mean that there will not be the required allowable room for dwellings to build; without being right on the boundary; if the dwellings are set back to the same required distance as other dwellings in the street to keep the attractiveness of the street appeal. This then means that these blocks will have dwellings built closer to the road, detracting from the designed look and amenity of the estate. should council resolve to approve the application for the subdivision of the land into two lots, as a means of ensuring a consistent streetscape and maintaining the existing building line in Riverside Drive (north side) and Guest Street (western side); I request that council consider imposing a condition on the developer in the form of a Section S8B/covenant requiring that building envelopes be imposed on each allotment to ensure the consistency of the building line, and hence the streetscape and amenity is maintained.</p> | <p>Any future development on the lots will be required to comply with the applicable planning controls, including setbacks. It is considered that sufficient area will exist on each proposed lot to accommodate a future dwelling that will comply with the planning controls, including setback requirements. The smaller lots will actually assist in achieving the objectives of the zone, by providing for a variety of housing types and densities.</p> <p>In <i>Project Parrott v Kiama Council [2004] NSWLEC 77</i>, Senior Commissioner Roseth of the Land and Environment Court stated (at [17]):</p> <p style="padding-left: 40px;">When should a subdivision application include information on the buildings to be built on the resulting allotment(s)? It is normal practice in Australia to subdivide land without constraints on the buildings that can later be built. While this practice is appropriate in most cases, it is not always so. I have adopted the planning principle that a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them (at [17]).</p> <p>The proposed lots are not “smaller than usual, or environmentally sensitive”.</p> <p>Significant impacts on neighbour are not likely and design that complies with the planning controls as opposed to “careful design” will ensure impacts are within acceptable limits.</p> |
| <p>The sewage system design for this estate is not designed for the division of lots and was only has an allowable tolerance for oversupply. This oversupply may have already been used due to the division of other blocks, in the later stages of the south of the estate, outbound of this development application. Have been made aware by the developer, that</p> | <p>Council’s Engineers have advised that the sewerage system is not at capacity and can accommodate the additional volume. In fact it will actually provide a benefit by assisting with the pressure in the line and moving the waste before it turns septic.</p> |

| Issue | Response |
|---|--|
| there were limited lots that were allowable to have multiple dwellings on them and this is not one of those lots. | |
| This development will directly affect the safety of all other landowners in the estate, on the grounds that the extra footprint of the extra dwelling for the second lot, will change the effectiveness of the current flood study and place further potential risk of flooding on existing landowners. | The subdivision in and of itself will not impact flood behaviour. Physical works associated with the erection of a dwelling will be assessed as part of a future application, however, given the expected depth and velocities it is unlikely that there would be a significant impact on flood behaviour. |
| As there will be limited room for a dwelling to be built on lot 382, my driveway will be impacted by any potential driveway on the riverside drive frontage of this block. | Any future driveway will require approval from Council (as the roads authority) to ensure its location is appropriate. |

Referrals

Infrastructure Delivery (Internal)

The development was referred to Council's Infrastructure Delivery Department ("Infrastructure"). Infrastructure comments are summarised in section 1.9 Internal Referrals of the Development Assessment Report (Attachment 1).

DEVELOPMENT CONTRIBUTIONS APPLICABLE

Fixed development consent levy will apply to future dwellings and headworks charges will apply to subdivision.

CONCLUSION

Development Application 77/2019 has been assessed in accordance with Section 4.15 of the EPA Act and should be determined by way of approval subject to conditions (Attachment 2) for the following reasons:

Reasons for the decision

1. The development is permissible with consent.
2. The development is a suitable use of the land.
3. The development complies with the relevant planning instruments.
4. The development will provide additional housing options for the community.
5. With the imposition of the recommended conditions the development will not have any unacceptable impacts on the surrounding area, environment and adjoining development.
6. The development is in the public interest because:
 - a) It is consistent with the relevant objects of the EPA Act.

- b) It is consistent with the *New England North West Regional Plan 2036*.
- c) It is consistent with *Community Strategic Plan Narrabri Shire 2027*.

REFERENCES

Farrier, D., & Stein, P. (2016). *The environmental law handbook* (6th ed.). Rozelle, N.S.W.: Thomson Reuters (Professional) Australia Limited.

Narrabri Shire Council. (2017). *Community Strategic Plan Narrabri Shire 2027*.

NSW Government Planning & Environment. (2019). *New England North West Regional Plan 2036*.



Our Reference: DB: ED:MH;DA77/2019
Your Reference: DA77/2019
Contact Name: Daniel Boyce
Telephone: (02) 6799 6866

Date TBA

Gleeson Surveying
PO Box 1
NARRABRI NSW 2390

Dear Sir,

Re: Development Application No. 77/2019

HAVE YOU OBTAINED CONSTRUCTION CERTIFICATE APPROVAL?

Please find enclosed Council's Notice of Determination for development application DA 77/2019 pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act, 1979*.


You are advised to read the Notice of Determination carefully and observe/implement all conditions of consent.

YOU ARE REMINDED THAT THIS IS A DEVELOPMENT CONSENT ONLY AND DOES NOT AUTHORISE THE COMMENCEMENT OF BUILDING WORK. A CONSTRUCTION CERTIFICATE FROM EITHER COUNCIL OR PRIVATE CERTIFYING AUTHORITY IS REQUIRED PRIOR TO WORK BEING UNDERTAKEN ON THE SITE.

Failure to comply with the requirements of this determination is an offense under *Environmental Planning and Assessment Act, 1979* and Council will take action in accordance with its responsibility under the Act.

Yours faithfully,


Narrabri Shire Council
46-48 Maitland Street
PO Box 261, Narrabri NSW 2390


P. (02) 6799 6866
F. (02) 6799 6868


E. council@narrabri.nsw.gov.au
www.narrabri.nsw.gov.au

Daniel Boyce
ACTING DIRECTOR DEVELOPMENT AND ECONOMIC GROWTH

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**Issued Under Section 4.16 of the *Environmental Planning and Assessment Act 1979*

| | |
|---|---|
| DEVELOPMENT APPLICATION: | DA 77/2019 |
| APPLICANT NAME: | Ross Gleeson, Gleeson Surveying |
| APPLICANT ADDRESS: | PO Box 1 Narrabri |
| LAND TO BE DEVELOPED: | Lot 38 DP 1040539 1 Guest Street Narrabri |
| PROPOSED DEVELOPMENT: | Two lot subdivision |
| BUILDING CLASSIFICATION: | N/A |
| DATE OF DETERMINATION: | 2019 |
| DETERMINATION : | Consent granted subject to conditions as set out in the Schedule below. |
| CONSENT OPERATES FROM: | 2019 |
| CONSENT LAPSES ON: | 2024 |
| PUBLIC HEARING HELD BY THE PLANNING ASSESSMENT COMMISSION: | No |
| GENERAL TERMS OF APPROVAL OBTAINED FROM THE FOLLOWING EXTERNAL BODIES: | None |
| APPROVAL GRANTED UNDER S 68 OF THE LOCAL GOVERNMENT ACT 1993: | No |

SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS**Conditions that Identify Approved Plans**

1. The development being carried out in accordance with the development application, the drawings referenced below, and Statement of Environmental Effects prepared by Gleeson Surveying Ref 9012, except where amended by the following conditions.

| DRAWING NO'S | REVISION | DRAWN BY | DATE |
|--------------|----------|-------------------|-----------|
| 9012DA | A | Gleeson Surveying | 20/2/2019 |

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Conditions That Must Be Addressed Prior To Any Works Commencing

3. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Conditions That Must Be Complied With During Subdivision Work

4. The person acting with this consent shall provide dust suppression as appropriate by continually dampening the site to ensure neighbouring properties are not inconvenienced by the effects of dust during construction activities.

(Reason: To minimise construction impact on adjoining properties)

5. Unless otherwise approved by Council any person acting on this consent shall ensure that construction works involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours:

| | | |
|-----|--------------------------------|--------------------------|
| (a) | Monday to Saturday (inclusive) | 7.00am to 6.00pm, |
| (b) | Sunday | Nil |
| (c) | Public Holidays | Nil |

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

6. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during the carrying out of construction works unless specifically approved by this consent.

(Reason: Ensure protection of public assets)

7. Should Aboriginal relics be discovered work shall cease immediately and application be made for an Aboriginal Heritage Impact Permit under the provisions of the NSW National Parks and Wildlife Act 1974.

(Reason: To ensure compliance with the NSW National Parks and Wildlife Act 1974)

8. The applicant shall bear the cost of all restoration works to Council's property damaged by the applicant or his/her contractors during the course of this development and the cost of all works associated with the development that occur on Council property.

(Reason: To ensure protection of public infrastructure)

9. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to Council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred public authorities)

| |
|--|
| Conditions that must be complied with prior to the issue of any Subdivision Certificate |
|--|

10. Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:

- (a) electrical reticulation

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

(Reason: To ensure adequate servicing of the development)

11. Prior to the issue of a Subdivision Certificate all lots in the subdivision shall be provided with separate connections to Council's water and sewer infrastructure installed in accordance with

AS 3500 and Council's Engineering Requirement's. All work must be inspected by Council prior to backfilling.

(Reason: To ensure compliance with Local Authority requirements)

12. Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; And,
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act).

(Reason: to ensure the provision of a appropriate infrastructure in accordance with Planning Circular PS17-005).

13. Prior to the issue of any Occupation Certificate, the following Section 88B requirements shall be implemented:

- (a) Pressure System – This consists of a collection well and pressure pump within the property. Sewerage is collected and intermittently pumped into Council's Sewerage System. The well and pump are owned, maintained and operated by the property owner. Property owners are advised to ensure they understand their system, carry out regular maintenance and know what to do if the system breaks down. Council does not have plumbers that are qualified to repair or maintain these pressure sewer systems. This requirement is relevant to No 1 Guest Street, Narrabri.

Note: A works as executed plan is to be provided to Council prior to the final drainage inspection.

(Reason: To ensure water and sewerage connection constructed in accordance with the site specific requirements)

14. Prior to the issue of a Subdivision Certificate, a Works as Executed plan is to be provided to council for water supply, sewerage and the pump and well system.

(Reason: To ensure water and sewerage connection constructed in accordance with the site specific requirements)

15. Prior to the issue of a Subdivision Certificate all redundant water and sewerage pipework is to be adequately capped and the locations of such pipework appropriately marked and identified.

(Reason: To ensure protection of public services)

16. Prior to the issue of a Subdivision Certificate the person acting upon this consent shall apply to Narrabri Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project. These are the numbers that will be noted in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing prior to the issue of any Subdivision Certificate.

(Reason: To ensure that Council records are accurate and that house numbering complies with the requirements of Council's House Numbering Policy. Proper house numbering also assists emergency services in readily locating properties)

17. Prior to the issue of a Subdivision Certificate a contribution pursuant to the provisions of Section 64 of the *Local Government Act 1993*, as specified in the following table, is to be paid to Council. Documentary evidence shall be provided to the Certifying Authority that that the contributions set out in column (C) has been paid in full prior to the release of any Subdivision Certificate.

| Contribution type (A) | Amount per lot/dwelling (B) 2019/2020 | Total (C) |
|-----------------------|--|-------------------|
| Water | \$3,900 | \$3,900 |
| Sewer | \$5,885 | \$5,885 |
| Total: | | \$9,785.00 |

Note: Council's fees and charges (including Water & Sewer Headwork's Contribution Plans charges) are reviewed each June in accordance with CPI fluctuations and the fees quoted may be varied in accordance with that review. As this consent is valid for five (5) years from the date of this approval the charges required to be paid will be those applicable in the financial year that the Subdivision Certificate is sought.

(Reason: To comply with Council's subdivision fees and developer contributions)

18. Prior to the issue of a Subdivision Certificate the person acting with this consent shall provide documentary evidence (e.g. a letter from a registered surveyor or relevant supply authority) certifying that all services (e.g. Drainage stormwater, water, gas, electricity etc.) as constructed are contained within each lot or the relevant easement to accommodate such services.

(Reason: To ensure proper servicing of all lots)

19. Prior to the issue of a Subdivision Certificate written verification from a registered Surveyor will be submitted to Council confirming the height of the 1:100 year flood level over the allotments and confirming the minimum floor level (MFL) requirements of any future residential dwelling constructed on the allotments.

(Reason: To ensure safety of future occupants and compliance with Council's Floodplain Management Policy)

20. The applicant shall bear the cost of all works associated with the development that occur on Council property and all restoration works to Council's property damaged by the applicant or his/her contractors during the course of this development.

(Reason: To ensure protection of public infrastructure)

21. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to Council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred public authorities)

Advisory Notes

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.
- The submission of a final Linen Plan, two (2) helio copies and an electronic copy thereof, together with any instrument creating an easement and restriction as to user pursuant to Section 88B of the Conveyancing Act.
- Developer contributions pursuant to Council's 94A Contributions Plan and Section 7.12 of the *Environmental Planning and Assessment Act 1979* will be applicable to future development on the lots.

Right of Review

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request. Section 8.2 review does not apply to designated or integrated development.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully

Daniel Boyce

ACTING DIRECTOR DEVELOPMENT AND ECONOMIC GROWTH



11 OUR CIVIC LEADERSHIP



THEME 4: OUR CIVIC LEADERSHIP

STRATEGIC DIRECTION 4: COLLABORATIVE AND PROACTIVE LEADERSHIP

By 2027, we will proactively together to achieve our shared vision with strong strategic direction.

COMMUNITY ENGAGEMENT

Through extensive community engagement, the Narrabri Shire community identified several civic leadership priority areas to be actioned over the 2017 - 2018 financial year.

COMMUNITY SERVICES

Current services provided within the Narrabri Shire community include:

- Integrated strategic planning and reporting
- Community engagement and consultation
- Representation and governance
- Human resource management
- Customer services
- Information services
- Financial services
- Risk management
- Compliance and regulation

COMMUNITY OUTCOMES

In partnership with the community, government and non-government agencies, the Operational Plan will work towards achieving the following civic leadership strategic outcomes:

- Improved community engagement and decision-making processes
- Well established community, industry, government and non-government partnerships
- Well maintained core infrastructure and service provision that delivers public value
- Transparent and accountable planning and reporting
- Financial efficiency and sustainability

11.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR MCMAHON

Responsible Officer: Stewart Todd, General Manager

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: Nil

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Council has received a request for leave of absence from Councillor McMahon for the period 17 October 2019 to 31 October 2019 inclusive. During this period, one (1) Ordinary Meeting of Council is scheduled.

RECOMMENDATION

That Council grant leave of absence for Councillor McMahon for the period 17 October 2019 to 31 October 2019 inclusive, the period includes one (1) Ordinary Meeting of Council.

BACKGROUND

A Leave of Absence is formal permission granted by way of Council resolution to a councillor excusing that councillor's attendance at a particular meeting or official duties.

Leave of Absence is sought by way of application to the Council. A Leave of Absence is recognised in both the *Local Government Act 1993* ("**the Act**") and the Council's Code of Meeting Practice.

Whilst the practice of tendering an apology is recognised as a component of good meeting practice, it has no recognition in either the Act.

The acceptance of an apology is a positive acknowledgement of the courtesy of the person who tendered it. It does not amount to the granting of a Leave of Absence.

The tendering of an apology is an accepted convention by which those present at a meeting are notified that the person tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. The purpose of an Apology is to aid the efficient conduct of meetings by informing the chairperson as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons.

CURRENT SITUATION

Council has received a request for leave of absence from Councillor McMahon. The Councillor's request conforms with Council's Code of Meeting Practice.

Councillor McMahon has requested leave of absence for the period 17 October 2019 to 31 October 2019 inclusive. The reason for the Councillor's request is that she will be travelling within the state to a non-Council related event during the specified dates of leave and will unfortunately be unable to attend to official Council duties.

During the requested leave of absence period there is one (1) Ordinary Meeting of Council scheduled.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

The Councillor's request conforms with Council's Code of Meeting Practice.

CONSULTATION.**External Consultation**

Nil.

Internal Consultation

- Mayor Redding has been advised of the request for leave.

11.2 DELEGATES REPORT - NEW ENGLAND JOINT ORGANISATION MEETING - AUGUST 2019

Responsible Officer: Catherine Redding, Mayor

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: 1. New England Joint Organisation Meeting Minutes - 26 August 2019 [↓](#)

**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

RECOMMENDATION

That Council note Mayor Redding's Delegates Report on the New England Joint Organisation (NEJO) Meeting held on Monday 26 August 2019.

DELEGATES REPORT

The New England Joint Organisation (NEJO) held a Meeting in Uralla on Monday 26 August 2019.

The Minutes from the meeting are attached.

MINUTES OF THE NEW ENGLAND JOINT ORGANISATION OF COUNCILS (NEJO) MEETING HELD ON 26 AUGUST 2019 IN THE COUNCIL CHAMBERS, NARRABRI SHIRE COUNCIL, ADMINISTRATION BUILDING, 46-48 MAITLAND STREET, NARRABRI COMMENCING AT 10.00AM

Present:

Cr Michael Pearce (Chairperson), Cr Simon Murray (Armidale Regional Council), Cr Carol Sparks (Glen Innes Severn Council), Cr Paul Harmon (Inverell Shire Council), Cr Peter Petty and (Tenterfield Shire Council) and Cr Cathy Redding (Narrabri Shire Council).

In attendance:

Ms Susan Law (Armidale Regional Council), Mr David Aber (Uralla Shire Council), Mr Mark Riley (Glen Innes Severn Council), Mr Paul Henry (Inverell Shire Council), Mr Terry Dodds (Tenterfield Shire Council), Mr Stewart Todd (Narrabri Shire Council), Mr Angus Witherby (Moree Plains Shire Council), Ms Alison McGaffin (Director New England & North West, DPC Regional), Ms Jodie Healy (Office Local Government) and Mrs Brooke Southwell (Executive Officer).

Observers:

Cr Robert Kneale (Narrabri Shire Council) and Mr Russell Stewart (Regional Development Australia).

Meeting opened at 10.05am

The Chairperson provided an Acknowledgement of Country.

1 APOLOGIES

Apologies were received from Lester Rogers (Moree Plains Shire Council), Katrina Humphries (Moree Plains Shire Council) and Janelle Saffin MP (Member for Lismore).

Moved: Inverell Seconded: Tenterfield

That the apologies from Lester Rogers, Katrina Humphries and Janelle Saffin MP be received and noted.

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

No disclosures were made by members.

3 MINUTES OF THE PREVIOUS MEETING HELD 27 MAY, 2019

Moved: Narrabri Seconded: Armidale

That the minutes of the meeting held 27 May, 2019 be adopted as a true and accurate record.

4 REPORTS

4.1 DISCLOSURE OF PECUNIARY INTERESTS

14/19 RESOLUTION

A. *That the Disclosure of Pecuniary Interest Forms be noted; and*

Minutes of the NEJO Meeting – 27 May 2019

- B. That NEJO make the Disclosure of Pecuniary Interest Forms available for public inspection.*

Moved: Inverell Seconded: Glenn Innes

CARRIED

4.2 DRAFT ASSOCIATE MEMBERSHIP APPLICATION FORM

15/19 RESOLUTION

- A. That NEJO adopt the draft Associate Membership Application Form.*
- B. That NEJO defer any requests for Associate Membership for 12 months until the JO is established.*
- C. That NEJO engage with, and invite the NEWA to Board Meetings, as required.*
- D. That NEWA is notified of the outcome via a letter from the NEJO Chair to the NEWA Chair.*

Moved: Tenterfield Seconded: Narrabri

CARRIED

4.3 MINING AND ENERGY RESOURCE GROUP

16/19 RESOLUTION

- A. That NEJO send a delegate from Narrabri Shire Council to the Mining and Energy Resource Group to represent the JO.*
- B. That NEJO disseminate the Minutes and Agenda of the Mining and Energy Resource Group to GMAC for information.*

Moved: Narrabri Seconded: Armidale

CARRIED

MOTION:

The Chairperson provided a motion of thanks to Paul Henry for his work as Executive Officer on the NEJO.

Moved: Tenterfield Seconded: Uralla

CARRIED

Minutes of the NEJO Meeting – 27 May 2019

4.4 PROPOSED COLLABORATION WITH NAMOI JO

17/19 RESOLUTION

- A. *That NEJO organise a meeting in December with NEJO GMAC and NAMOI JOLT to commence a conversation around shared projects and collaboration.*

Moved: Tenterfield Seconded: Narrabri

CARRIED

Action That the New England JO Executive Officer liaise with Glenn Innes General Manager in relation to his learnings as the Far West JO Executive Officer.

4.5 ROAD NETWORK STRATEGY UPDATE

18/19 RESOLUTION

- A. *That item 4.5 is deferred until the end of the meeting.*

Moved: Inverell Seconded: Narrabri

CARRIED

4.6 GENERAL AND SPECIAL PURPOSE FINANCIAL REPORTS 2018/2019

19/19 RESOLUTION

That the NEJO:

- A. *adopt the General Purpose Financial Statements for the period ending 30 June 2019;*
- B. *sign the Statements as prescribed by Section 413(2) of the Local Government Act 1993 for the General Purpose Financial Statements;*
- C. *authorise the Chairperson to forward the Financial Statements to the Office of Local Government upon receipt of the Audit Reports from the NSW Audit Office;*
- D. *present the signed audited Financial Statements to the public at the ordinary NEJO meeting to be held on 25 November 2019 in accordance with Section 419 (1) of the Local Government Act 1993; and*
- E. *place the audited Financial Statements on public exhibition and provide notice in accordance with Section 418 (3) of the Local Government Act 1993, that the Joint Organisation will consider the Reports of its Auditors for the period ending 30 June 2019 at its Board Meeting to be held on Monday 25 November 2019.*

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Minutes of the NEJO Meeting – 27 May 2019

Moved: Inverell Seconded: Armidale

CARRIED

4.7 FINANCIAL REPORT

20/19 RESOLUTION

- A. That the Financial Report be received and noted.*

Moved: Narrabri Seconded: Inverell

CARRIED

4.8 DRAFT RELATED PARTIES TRANSACTION POLICY

21/19 RESOLUTION

- A. That the NEJO Board adopts the draft KMP - Related Party Transactions Policy and that in accordance with section 10 of the policy, KMPs complete the 'Related Party Transaction Questionnaire' and return to the Executive Officer.*

Moved: Inverell Seconded: Glenn Innes

CARRIED

4.9 PROPOSED WATER ALLIANCE GROUP

22/19 RESOLUTION

- A. That NEJO organise a Water Alliance Group which will include the seven Council Water Managers (or other delegated representatives) to meet bi-monthly via skype or telephone and report back to GMAC.*
- B. That the Water Alliance Group determine a priority list of Agenda items, with an initial focus on the existing drought and water crisis.*

Moved: Narrabri Seconded: Armidale

CARRIED

Minutes of the NEJO Meeting – 27 May 2019

4.10 PROPOSED SHARED SERVICES GROUP

23/19 RESOLUTION

- A. *That NEJO coordinate a 'Shared Services Group', with the aim of maintaining or enhancing individual Council capacity where possible, to meet bi-monthly and report back to GMAC with recommendations on potential shared services through the JO.*

Moved: Armidale Seconded: Tenterfield

CARRIED

4.11 NORTHERN INLAND REGIONAL WASTE GROUP UPDATE

24/19 RESOLUTION

- A. *That the previous resolution 1/19 still stands:*

RESOLUTION

- A. *That NEJO endorse the establishment of a strategic partnership with NIRW,*
B. *That NIRW be requested to:*
 i) *Prepare a Position Paper for the Board on the 20YWS Discussion Paper when this document is released by the NSW EPA, and*
 ii) *Consider which elements of the waste stream could be utilised for an alternate use and that a business case be prepared for the reuse of this material.*
C. *That an MOU be prepared to establish the parameters of this strategic partnership and that a General Manager of a member Council be requested to be the 'sponsor' of the relationship with NIRW.*

Note: The General Manager of Inverell Shire Council has consented to be the 'sponsor' of this issue.

Moved: Inverell Seconded: Tenterfield

CARRIED

26/19 RESOLUTION

4.12 UPDATED CODE OF CONDUCT AND CODE OF MEETING PRACTICE

- A. *That NEJO approve the Draft Code of Conduct.*
B. *That NEJO place the Draft Code of Meeting Practice on public exhibition for 28 days through member Council's and the NEJO website.*

Moved: Inverell Seconded: Narrabri

CARRIED

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Minutes of the NEJO Meeting – 27 May 2019

LATE REPORT:

SUPPLEMENT REPORT – AUDIT FINDINGS GENERAL PURPOSE FINANCIAL REPORTS 2018/2019

27/19 RESOLUTION

- A. *That NEJO endorse the 2018/2019 Engagement Closing Report;*
- B. *NEJO authorise the Executive Officer, Brooke Southwell and the Bookkeeper, Paul Pay to sign the Representation Letter*

Moved: Inverell Seconded: Tenterfield

CARRIED

CONFIDENTIAL REPORTS IN CLOSED MEETING

The Joint Organisation proceeded to consider the motion to close the meeting to the press and public.

28/19 RESOLUTION

That the Organisation proceed into Closed Committee to discuss the matters referred to it, for the reasons stated in the motion of referral.

Moved: Tenterfield Seconded: Armidale

CARRIED

CLOSED COMMITTEE REPORTS

29/19 RESOLUTION

4.5 ROAD NETWORK STRATEGY UPDATE

- A. *That NEJO engage Cardno to undertake the Road Network Strategy;*
- B. *That an appropriate key personnel clause is included in the contract; and*
- C. *That the Narrabri Shire Council General Manager is the nominated project sponsor for the project.*

Moved: Tenterfield Seconded: Glenn Innes

CARRIED

30/19 RESOLUTION

That the Organisation proceed back into open Committee.

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Moved: Tenterfield

Seconded: Armidale

CARRIED

Upon resuming Open Meeting, the Chair verbally reported that the Organisation had met in Closed Committee and had resolved resolution 29/19.

5.0 NEJO BOARD MEETING DATE

Action That the NEJO Board will meet in Armidale on 25 November 2019 to allow the auditors to present to the Board.

6.0 GENERAL BUSINESS

- Tenterfield raised concerns in relation to the JO Steering Committee. Jodie from OLG gave an overview of the purpose of the Steering Committee.

Action That the Executive Officer continue to distribute the minutes of the JO Chairs meeting to the Board.

- The Board briefly discussed the \$150k funding application.

The Board had a break for lunch at 1.20pm.

- Inverell mentioned the upcoming NSW LG Conference.
- Tourism collaboration within the JO was discussed.

Action That the Executive Officer ask the General Managers for the Tourism contact within their LGA. That the EO liaise with the Tourism Managers to develop a basic tourism overview report for GMAC to review and consider.

- Russell Stewart address the Board with an overview of Regional Development Australia. Mr Stewart explained there are seven staff and they work with the Federal Government. He discussed funding opportunities and discussed the need for the RDA to work with all 12 LGAs.
- The Chairperson thanked Cr Redding for hosting the meeting in Narrabri.

No further business the meeting closed at 1.48pm.

CR MICK PEARCE

CHAIRPERSON

11.3 DELEGATES REPORT - MAULES CREEK COAL COMMUNITY CONSULTATIVE COMMITTEE MEETING - 14 AUGUST 2019

Responsible Officer: Robert Kneale, Deputy Mayor

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: 1. Maules Creek Coal CCC Meeting - Wednesday 14 August 2019  

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

RECOMMENDATION

That Council note Cr Kneale's Delegate Report from the Maules Creek Coal Community Consultative Committee Meeting held on Wednesday 14 August 2019.

DELEGATES REPORT

The Maules Creek Coal Community Consultative Committee held a meeting on Wednesday 14 August 2019.

The Minutes from the meeting are attached.

Minutes: Minutes of the 26th Meeting of the Maules Creek Coal Community Consultative Committee
Held at the Boggabri Golf Club, Gunnedah Road, Boggabri NSW 2382

Wednesday 15 August 2019

Members Present: Alex Williams (AW) – WHC, Cr Robert Kneale (RK) – Narrabri Shire Council, Darren Swain (DS) – WHC, David Paull (DP) – Sustainable Living Armidale (SLA), Emma Bulkeley (EB) – WHC, Jack Warnock (JW) – Community Representative, Libby Laird (LL) – Maules Creek Community Representative, Lyndell Crowley (LC) – Boggabri Business & Community Progress Association, Robyn Grover (RG) – Community Representative (Alternate), Steve Eather (SE) – Community Representative.

Apologies: Nigel Wood (NW) – WHC, Ross Wilson (RW) – WHC, Simone Moodie (SMo) – Community Aboriginal Representative

Guest: Ros Druce (RD)

Observers: N / A

Independent Chair: David Ross (DR)

Independent Secretary: Debbie Corlet (DC)

| Agenda Items | Who to Present |
|--|----------------|
| 1. Apologies | DR |
| 2. Declaration of pecuniary or other interests | DR |
| 3. Confirmation and Discussion of the minutes of the previous meetings – 15 May 2019 | DR |
| 4. Business arising from the previous minutes – Action List Distributed | DR |
| 5. Correspondence | ALL |
| 6. Questions and Answers Session | ALL |
| 7. Company Reports and Overview of Activities: <ul style="list-style-type: none"> a. Progress at the mine b. Monitoring and environmental performance c. Community complaints and response to complaints d. Information provided to the community and any feedback | |
| 8. General Business <ul style="list-style-type: none"> a. Leards Forest Environmental Trust | ALL |
| 9. Next Meeting – 30 October 2019 | ALL |

| Agenda Item | Discussion | Action/By Whom |
|-------------|--|--|
| 1. | <p>Welcome and Apologies – Nigel Wood, Ross Wilson and Simmone Moodie.</p> <p>DR welcomed David Paull, Alex Williams (from WHC Environment) and Lyndell Crowley to the CCC and advised that Ros Druce will be joining the meeting towards the end as a guest to discuss the Leards Forest Environmental Trust and its discussions with Narrabri Shire Council.</p> <p>DR also advised that Cath Collyer – Community Representative has also resigned due to work commitments.</p> | |
| 2. | <p>Declaration of pecuniary or other interests – DR advised he is paid a fee to chair these meetings as is DC for typing the Minutes. RG has a daughter at Maules Creek and a grandson at Boggabri Coal. SE has a son at Boggabri Coal.</p> | |
| 3. | <p>Confirmation of the minutes of the previous meeting (May 2019) – The CCC endorsed the minutes as an acceptable record of what was discussed.</p> | |
| 4. | <p>Business arising from the previous minutes – DR observed all actions from previous meeting completed.</p> <p>There were 2 actions on WHC: one on sponsorships and one on the reporting of regional dust events to DPE – Darren has provided information regarding 12 and 31 March and 8 April 2019. Both completed.</p> <p>DR mentioned he attended the Namoi Regional Air Quality meeting which is organised by the EPA yesterday (Tuesday 13 August 2019) and confirmed that the EPA had identified a number of these events as being regional dust storms.</p> | ACTION 1 – DR to email Autumn 2019 report to all |
| 5. | <p>Correspondence – No correspondence received by DR.</p> | |
| 6. | <p>WHC Presentation by Darren Swain – DS – Advised that the next meeting could be held at the Maules Creek Coal Mine and could include a tour.</p> <p>Company Report & Overview of Activities</p> <ul style="list-style-type: none"> • June 2019 quarter production figure 1.67Mt. FY19 production 11.7Mtpa ROM (Run of Mine) coal. • Continued focus to improve safety, which is reflected in safety records. <p>Health, Safety, Drug and Alcohol Programs</p> <ul style="list-style-type: none"> • Employee health and safety programs continued to focus on: Injury Prevention, Fatigue Management, Annual Skin Checks, Ongoing Mental Health Awareness and Training on First Aid, Incident Investigation, Emergency Response Team, to name a few. • Ongoing Employee Drug and Alcohol testing carried out. <p>Employment</p> <ul style="list-style-type: none"> • Continued focus on local, indigenous and female employment with ongoing training programs undertaken. | |

| | |
|--|--|
| <ul style="list-style-type: none"> • There have been 21 new trainees employed from April to June 2019. 2 of these are new Indigenous trainees. <p>Air Quality Management</p> <ul style="list-style-type: none"> • Annual rolling average for TEOM 1 is 18.5 ug/m3 at 30 June 2019 (criteria 30ug/m3). • Ongoing dust suppressant application across the operation. Progressive overburden emplacement and bulk shaping on the northern dump. With some topsoil spreading starting to be carried out – 10ha. • MCC air emissions are lower (over 30%) than those modelled in the Environmental Assessment. <p>Biodiversity Management</p> <ul style="list-style-type: none"> • During the most recent routine Whitehaven Offset Area Feral Animal Control program (April to June 2019) the results included: <ul style="list-style-type: none"> ◦ 29 out of total 41 pigs trapped were from the Maules Creek / Boggabri area; and ◦ 59 out of total 134 foxes baited were from the Maules Creek / Boggabri area (14% bait take rate). • Broadleaf weed control of Revegetation areas: seasonal Box Thorn spraying and Tiger Pear manual removal (Southern Offsets) has been undertaken otherwise resources have been utilised for tree watering. • Peak Revegetation Period during Autumn through Spring for Maules Offsets targeting: <ul style="list-style-type: none"> ◦ 44ha to be seeded with Native Woodland Understorey species mix. 1054ha to be planted with Native Woodland Overstorey species. ◦ Maules Offsets burns were completed during May 2019 on Olivedene and Bimbooria. Whitehaven Maules Wirradale Offset Ecological Burn 2018 was a Finalist for the NSW Mining Environmental Excellence Awards. • Upcoming Works: <ul style="list-style-type: none"> ◦ Revegetation Program (Tree Planting) ongoing to finish by September 2019. ◦ Feral Animal Control in August / September 2019. Weed Spraying / Tree Watering ongoing. ◦ Commence annual Fire Break Track Maintenance Program. ◦ Demolition of remaining derelict/ obsolete above ground structures ongoing. ◦ Annual Flora and Fauna Monitoring from September to November 2019. <p>Groundwater Monitoring</p> <ul style="list-style-type: none"> • Slides presented on groundwater locations and standing water levels. <p>Water Management</p> <ul style="list-style-type: none"> • Current Project Approvals for each of the BTM sites envisage the potential need for mines to share water/ transfer water between sites. The BTM Water Management Strategy reflects this potential requirement. • These safeguards ensure that, during prolonged dry spells or periods of drought, security of supply is maintained and therefore hundreds of jobs continue. Appropriate water licences are held to accommodate volumes being shared and the process of water trading is overseen by WaterNSW. <p>High Security Water</p> <ul style="list-style-type: none"> • 3,000 Unit High Security (HS) Water Licence held by MCC. HS water licenses in total held by entities such as sporting clubs, mining companies, construction companies, landholders and Government entities. <p>Autonomous Haulage</p> | |
|--|--|

- Phased introduction of AHS pending evaluation over the next few years.
- Supporting employees in affected roles to transition into jobs operating the new technology or be redeployed to Whitehaven's other local mines. AHS will create new and highly skilled jobs at Maules Creek.
- Using three trucks we have now performed many cycles and moved over 10,000 tonnes of overburden.
- No work on autonomous drill rigs or excavators being undertaken.

Community

- Supporting the Future EDU program in Narrabri Shire in promotion of STEM. Whitehaven are advertising for 2020 Graduate Program.

Sponsorships and Donations Criteria

- WHC regularly considers requests for donations, sponsorship and gifts in kind, which provide benefit in the following areas: Health, Education, Whole of Community, Representative Level Indigenous Sport.
- Check – <http://www.whitehavencoal.com.au/donations-and-sponsorship/>

Voluntary Planning Agreement (VPA) Payments and Local Spend

- MCCM were required to negotiate a VPA with Narrabri Shire Council (NSC) as per Project Approval. Completed in 2014. Contributions have been paid to Narrabri Shire Council of:
 - **\$13,425,000** paid in lump sum contributions plus ongoing monthly payments of \$0.075 per saleable coal tonne + CPI – ongoing. (FY19 almost \$700,000 allocated).
 - Sponsorships and donations distributed to Narrabri Shire Council include - \$6M for upgrades of Therribri Road and Tarriaro Bridge. Some of these funds were used for the Baan Baa water supply. \$5M upgrades to Narrabri Airport. \$800,000 for various projects within Boggabri and surrounds. \$275,000 for Maules Creek community. \$1,250,000 for CBD upgrades in Narrabri Shire. \$100,000 for Environmental Projects.
- Whitehaven has spent \$1.5 billion in the North West NSW economy since 2013.

General Discussion re the WHC Presentation

It was noted that an external sales rep died on site (on the day of our last CCC). There is an investigation still ongoing.

A discussion then occurred regarding the bus that transports staff to the mine from Gunnedah with a query from LL as to whether the buses appear to be empty. In response, it was noted that staff must use the bus unless they are from Maules Creek or Manilla. The last quarterly audit shows 93% of required employees are using the bus.

JW asked about what the mine is doing with the topsoil? EB noted that the topsoil on the contour banks has been ripped to slow the water with coconut matting used to help with erosion. Topsoil is then placed back as part of the mine's MOP (Mine Operations Procedure) – currently 300mm in total (150mm subsoil and 150mm topsoil).

LL asked what self-reporting was undertaken 6 to 10 January 2019 regarding air quality?

| | | |
|----|---|---|
| | <p>EB – In January there were no exceedances? The monitor is near the Maules Creek School. We haven't been contacted by the EPA. There was another regional event on 8 August 2019 – our mine shut down from 11 am to 5 pm. The EPA were onsite, but it was our decision to shut the mine down and report that.</p> <p>DP asked about how much planting had been done, the watering regime and work on offsets. Was taken on notice. DP also asked about Wirradale observing that it was his understanding that it was going to go to OEH but has been retained by WHC?</p> <p>DS – Hasn't happened yet. We have an extension, I believe. Will take on notice whether the property will be associated with a conservation trust.</p> <p>JW requested that some slides made available to members also be included in the monitoring report.</p> <p>EB – Over 12 months – they look so much sharper.</p> <p>A discussion was held clarifying progress of the BTM Water Management Strategy. EB noted that the Strategy was signed off in May and is now finalised. It is on the Maules Creek webpages (whitehavencoal.com.au > Operations > Maules Creek Mine > Environmental Management > Strategy > BTM Complex Water Management Strategy).</p> <p>JW – Interested in strategy and whether WHC will be acquiring additional licences and acquisition period.</p> <p>DS – I don't know Jack right now. I think we'll still be looking for licences either temporarily or permanent.</p> <p>DS – Our Project Approval contemplates us sharing water between mines. This pipeline is approved via a Complying Development Certificate which is not regulated by DPE. It is approved by the Mining SEPP and the Water Management Act. Water is extracted under the Water Management Act with appropriate water allocation transferred to enable Boggabri Coal to extract that water. It goes to Boggabri and then comes to MCC. Boggabri Coal MOD5 also approves the Boggabri Coal portion.</p> <p>DS – Not a Project Approval – it is separate.</p> <p>LC – Regarding the Autonomous Haulage – will this impact where you'll fill these positions?</p> <p>DS – We will advertise, and these people will be trained up. The idea is to re-deploy and upskill these people. The trial is just with dump trucks, but we'll still need some truck drivers.</p> <p>A discussion was then held clarifying where the VPA money is being spent. DS clarified that he was not aware that MCCM was committed to buying the hospital an ultrasound unit, only that a request had been sent out recently by the Chairman of the Business Chamber. VPA money had also been used for the airport and CBD upgrades.</p> | <p>ACTION 2 – WHC to find out about how much planting has been done, the watering regime and what works are being undertaken currently at offsets.</p> <p>ACTION 3 – DS to chase up the plan associated with the slides.</p> <p>ACTION 4 – Include appropriate GW monitoring graph in the report.</p> |
| 7. | <p>General Business – Roz Druce was invited into the meeting room</p> <p>RD lead a lengthy discussion to update the CCC on the work that the Leards Forest Environmental Trust undertakes and the negotiations it is having at present with NSC with respect to who should make decisions on approving funding for</p> | |

| | | |
|----|--|---|
| | <p>grants. It was noted that the Trust members had taken great effort to put in place clear criteria for acceptable projects – such as environmental improvement projects must take place within a 25 km radius of the Leard State Forest Precinct. Indeed, some applications have been knocked back by the Trust through the years for not meeting the criteria. Historically, the Trust would request that NSC release funds for successful projects as NSC had administered the funds; that way, the monies were at “arm’s length” from the Trust to add to the other checks and balances that the Trust had put in place to maintain its integrity and good governance. Well over \$200,000 remains in the account.</p> <p>NSC had identified in 2017 that they would not fulfil their obligations under the Local Government Act if the approach previously agreed to between the Trust and NSC (with respect to the Trust making decisions) were to continue. Instead, the General Manager had determined that, as of the beginning of this year, any applications deemed to be successful by the Trust would still need to be run past the NSC Councillors for approval. Some Trust members believed that this was open to interpretation and should the historical approach change, MCCM would not comply with the VPA it had with NSC as part of its project approvals. These negotiations with NSC have been very frustrating for some members of the Trust who may end up resigning.</p> <p>The discussion ended with CCC members advising that they believed legal advice was required.</p> <p>DR thanked Roz sincerely for all her hard work.</p> <p>DP asked WHC about weather control systems – do you have one and spontaneous combustion? A discussion was held on this trying to clarify what the issue was. It was noted that spontaneous combustion is where some coals (SE – and hay) when exposed to oxygen, heat up and may combust. MCCM has an automated system that fires water onto the stockpiles and keeps dust down and also keeps them cool if required. DP was invited to provide further information at any time to clarify the issue.</p> <p>DR gave a brief update on the Namoi Region Air Quality Advisory Committee — March was the dustiest since 2005 within the region and groundcover was at its lowest since 2001. At the next meeting, it is expected that the dust storm that occurred on 8th August will be discussed.</p> <p>Members were then given a briefing note from WHC responding to pre-meeting questions and the 2018 Annual Review.</p> | <p>ACTION 5 – DR to write to NSC seeking advice on legalities and then seek legal advice on this and Maules Creek VPA</p> <p>ACTION 6 – Weather control systems</p> |
| 8. | <p>Next meeting date to be agreed - Next meeting Wednesday 30 October 2019 at 2:00pm.</p> <p>SE – Advised that he won’t be attending the next meeting – DR to find an alternative. EPA will attend the Joint CCC and present about regulation and air quality.</p> | |

Meeting Closed: 4:35 pm

Appendix 1: Actions

| Page No | Action No | Description | Date Raised |
|----------------|------------------|--|--------------------|
| 2 | 1 | DR to email Autumn 2019 report to all. | 14 Aug 19 |
| 5 | 2 | WHC to find out about how much planting has been done, the watering regime and what works are being undertaken currently at offsets. | 14 Aug 19 |
| 5 | 3 | DS to chase up the plan associated with the slides. | 14 Aug 19 |
| 5 | 4 | Include Groundwater SWL Comparison graph in the monitoring report. | 14 Aug 19 |
| 6 | 5 | DR to write to NSC seeking advice on legalities and then seek legal advice on this and Maules Creek VPA. | 14 Aug 19 |

11.4 DELEGATES REPORT - BOGGABRI COAL COMMUNITY CONSULTATIVE COMMITTEE MEETING - 15 AUGUST 2019

Responsible Officer: Lloyd Finlay, Councillor

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: 1. Boggabri Coal CCC Meeting Minutes - 15 August 2019  

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

RECOMMENDATION

That Council note Cr Finlay's Delegates Report from the Boggabri Coal Community Consultative Committee held on 15 August 2019.

DELEGATES REPORT

The Boggabri Coal Community Consultative Committee held a Meeting on 15 August 2019.

The Minutes from the meeting are attached.



| OVERVIEW | | | |
|--|---|------|--------|
| Meeting | Community Consultative Committee | | |
| Date | 15/08/2019 | Time | 9.00am |
| Venue | Boggabri Coal Training Room | | |
| Chairperson | David Ross | | |
| Presenter | Hamish Russell | | |
| Attendees | Lynne MacKellar (LM), Hamish Russell (HR), Anthony Margetts (AM), Cath Collyer (CC), Ros Druce (RD), Mitchum Neave (MN), Richard Gilham (RG), Geoff Eather (GE), Lloyd Finlay (LF), | | |
| Apologies | Daniel Martin (DM), Peter Forbes (PF), Tim McDermott (TM), Robert Kneale (RK) | | |
| Next Meeting | Thursday 31st October 2019, 9am Boggabri Golf Club | | |
| ITEM | AGENDA | | |
| 1 | Apologies | | |
| 2 | Declaration of Pecuniary or other Interests | | |
| 3 | Confirmation of previous minutes | | |
| 4 | Business arising from previous minutes | | |
| 5 | Correspondence | | |
| 6 | Company reports and overview | | |
| 7 | General business/questions | | |
| 8 | Next Meeting | | |
| | | | |
| Discussion Items | | | |
| 1. Apologies: See above. | | | |
| 2. Declarations of Pecuniary Interests: (DR) declared that he is paid a fee for his chairing services. (RG) declared his property is in the zone of affectation | | | |
| 3. Acceptance of previous minutes: All members moved and endorsed previous meeting minutes. | | | |
| 4. Business from previous minutes: DM – To organise field trip for the August meeting to attend rehab areas and look at noise attenuation equipment on trucks – this is now carried over as DM is not available and plan to invite Steve O’Donoghue (or colleague). Offered to look at noise attenuation equipment but all agreed that rehab visit was preferred so postponed to when DM was available. HR – Referred to hand outs detailing results of the analysis of water from the pit and dams on site. Explained that we have a closed system with no water leaving site so the sampling is not indicative for the surrounding areas. HR – Discussion re potential provision of bus by BCO for the Drovers Campfire site visit. This is carried over as PF is not available at this meeting. | | | |



| |
|---|
| HR – To provide copy of tree clearing report that was not available at time of meeting. (DR) requested detailed report be provided within the next couple of weeks |
| HR – Take on notice to provide a list/ photos of new species discovered since the EA survey as report not complete. |
| HR- Provided copies of Appendices B, C, D and E of the 2018 Rehabilitation Biodiversity Monitoring Report to RD and MN post meeting |
| DR – requested that all open actions from last meeting be resolved within 4 weeks |
| All remaining actions from the May CCC were closed out. |
| 5. Correspondence: |
| <p>NSW Department of Planning Industry & Environment.</p> <ul style="list-style-type: none"> – Re submission of Annual Review: Accepted by the DoPIE <p>Department of the Environment and Energy.</p> <ul style="list-style-type: none"> – Show cause notice received. HR explained the show cause was because the Annual Audit was not published on our website and the timing of BMP approval. HR explained that there are numerous different approval instruments that relate to the same condition but have varying requirements. HR: consultation with DoEE is ongoing. |
| 6. Company Reports & Reviews: |
| <u>Presentation</u> |
| <u>Noise Monitoring:</u> |
| HR – Showed locations of monitors and suggested that no exceedances occurred and explained the results table. |
| <u>Air quality monitoring:</u> |
| HR - refreshed members on the location of the monitors. MN asked if more dust monitors were located in the south/west area. HR replied there is a significant number of monitors all around the mine. MN asked about the excessive reading in Dec 18. HR showed when this occurred on the graph which was caused by a weather event across the state. |
| <u>Groundwater monitoring</u> |
| HR - Referring to the groundwater levels that are dropping in the graph are hard rock aquifers and the standing water level in the bores in the 'alluvium' have remained constant. MN asked when mining through does the water seep into the pit? HR replied yes but the quantity is minimal as they are hard rock aquifers that are subject of depressurisation. CC asked if monitors had shown any changes in alluvium. HR replied 'no' and that standing water levels remain relatively constant. MN asked about the water levels of local landholders in the area. HR explained the draw down and cone of influence and neighbouring landholders supply levels are not affected. RG stated that his bore is 2.7kms from the mine and the water level his bore has been constant even in these drought conditions. HR explained that the Zone 4 has been allocated at 100% which indicates that the departments concerns about water are not significant enough to reduce allocation. Discussed Zone 5 receiving reduced allocation i.e. 95%. MN asked if we pumped from the Namoi River in March this year. HR replied we have not pumped for at least 12 months. |
| <u>Rainfall</u> |
| No comments |



DR added that the 6-month forecast is for lower than average rainfall with higher than average temperatures

Exploration Activities

RD asked how deep the holes are drilled. HR: depth of holes are an average of 150m deep.

RD – submitted questions from “community member/s”.

*** Are the 200 exploration bores solely for coal exploration or is it also for water prospecting?**

HR – Holes are only for exploration. MOD 5 ensures we have a good water supply so we do not need to prospect for water.

*** Independent experts have expressed surprise at the intensity of the drilling program of 200 bores in a very small area – Why so many so close together? Isn't this unusual?** HR This gives us more accurate geological information which allows for better planning and more efficient mining/allocation of machinery.

*** What kind of drill casing have you used to date? Are you leaving the casing in situ, or are you removing and re-using it? If so what measures are taken to seal the wells?** HR - Only the top is cased and they are then mined through. On occasions, some casings are salvaged for reuse where possible. Holes drilled to the ‘MN’ are rehabilitated with stemming so that they can be mined though. Holes drilled below the ‘MN’ are rehabilitated in accordance with EDG01 i.e. sealed with concrete. *** How many of the 200 bores have been completed to date? How deep have they been drilled so far and what did they learn?** There are 124 holes remaining in the current scheduled programme. Of these, 16 will not be drilled as a result of pit progression. The deepest hole drilled this year was to 229 m. It was a quality hole drilled to pit floor (MN seam) It is added as a datapoint in our coal quality and structure grids which enable us to have better planning clarity on sensitivities around marketing products.

Where is the Koala Species Recovery Project up to ? There is no ‘project’, however we have a Koala recovery plan. The actions of this plan area aligned with the actions required under the BMP which has been approved by Regulators and is displayed on Boggabri Coals website.

Water Storage

HR – Discussed water storage trends on site. Approximately 920ML of water is stored in dams on site. Capacity is 2GL.

RD – Is this water stored to share with WHC?

HR – No.

Water sharing

HR – Discussed how 2012 project approval allows for the mines to share water and are currently have the approval and are in the process of sharing water with Maules Creek.

HR – Explained to members the process of sharing water with Maules Creek Coal (further details provided in attached slides).

HR – The Victoria Park bore is pumping 3megs per day – continuously.

MN –Discussed the approval mechanism for water sharing with WHC.

HR – Contemplated in approval 2012 ‘water sharing between operations’ – “wasn’t in management plan or ‘Strategy’ – covers all these mines – then planning & approved. ‘Amended Strategy’ recently approved”

DR – Yesterday MCCC confirmed the BTM Water Management Strategy was approved.

DR – Confirmed that the water strategy is available on Boggabri Coal and Maules Creek websites.



Community and complaints

HR - no complaints

Community Sponsorship

RG – Informed Boggabri Coal that at the Drovers Campfire, visitors to the mine have to pay \$12 for the bus tour of Boggabri Coal mine site and is asking if BCOP would consider covering this cost.

7. General Business

HR – Informed the members that we entered the NSW Mining HSEC Awards for Community Excellence with a video recording of The Kamilaroi – a consultation of cultural recordings of stories told by the Kamilaroi people. The documentary received first place.

MN asked if there will be a part 2 . HR replied that it is possible.

MN – asked how much water is used per day on site and would like a graph showing – how much is stored on site, how much we draw from bores and what is used daily.

HR- will take this on notice.

MN- would like to know the combined area of all our offsets. And does the amount cover our requirements.

HR- replied it is already available online in our Biodiversity Offset Management Plan and that the quantity of offset land that we own exceeds our requirements.

CC – asked if Eastview and Springfield have areas that are part of our offset calculations

HR – yes those areas that are not farmed.

RG – informed the group that the Lions Club have now purchased a small bus to assist in the BBQ operations at Boggabri Coal and asked if there was any spare cash to contribute to the upkeep.

CC – would like an update on the progress of the Early Learning Facility (ELF).

HR – suggested it is with Narrabri Shire Council waiting on Development Approval, but will find out.

CC – has been told the ball is now with Boggabri Coal.

HR – explained that we have already engaged others to do planning stuff ahead of approval, so we are ahead of the game

DR – Informed that there is a new acronym – Department of Planning Industry and Environment DPIE.

DR – Attended Namoi Regional Air Quality Advisory Committee this week which was focusing on dust storms in the region, stating that March was the dustiest month since 2005

DR – Advised that the Leard Forest Precinct Environmental Trust has challenges with Narrabri Shire Council wanting to control the awarding of monies as well as the holding of monies.

DR – is going to seek legal advice regarding this matter.

CC – stated her frustration with this situation regarding councils stand as the money was not given to council but to the trust.

MN – commented that the 25km radius is Red Chief land and recommends the Trust get their own bank account.

AM – Informed that our current Enterprise Agreement expired 26/6/19 and are currently in negotiations since April of this year to come to another agreement. We have had the Australian Electoral Commission on site holding voting as to whether strike action will be on the table. We are anticipating this will be the case and most likely strike action will be held Thursday/Friday of next week.

AM – Roy Butler (National Farmers and Fisheries Party) has requested a site visit and is interested in comparing BCOP with Whitehaven mining operations.



CC - requested the CCC meeting time to be delayed to 9.30 or 10.00am so she can attend without being too late.

RG - agreed so long as the meetings were finished by 11.30am

DR – Next meeting will try for 9.30am and will try to keep to the timeframe and possibly get any questions in before the meeting to help with time.

MN – requested that all meetings be held at the Golf Club because “there is food at the Golf Club”

8. Next Meeting

Thursday 31/10/2019 at 9am at Boggabri Golf Club

Meeting Closed at 11.35am.

| Actioned against | Action to be done |
|------------------|--|
| RD | To give questions to DM in advance of rehab visit |
| BCOP | Organise field trip to visit rehab area and look at noise attenuation equipment on trucks as well as Core Shed to see core samples before next meeting |
| DM | Provide a copy of tree clearing summary report |
| BCOP | Provide a list/photos of new species since EA surveys |
| BCOP | Give outcome for DoEE Show Cause at next meeting |
| BCOP | Organise visit to Core Shed with geologist to coincide with rehab visit |
| BCOP | Provide information about size of each offset area/property |
| BCOP | Find out status of ELF |
| DM | Check the progression/status of the Koala Recovery Plan |

11.5 DELEGATES REPORT - LEARDS FOREST ENVIRONMENTAL TRUST COMMITTEE MEETING - THURSDAY 16 MAY 2019

Responsible Officer: Lloyd Finlay, Councillor

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: 1. Leards Forest Trust Minutes 16 May 2019  

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

RECOMMENDATION

That Council note Cr Finlay's Delegates Report from the Leard's Forest Environmental Trust Inc Committee Meeting held on Thursday 16 May 2019.

DELEGATES REPORT

The Leard's Forest Environmental Trust Inc Committee Meeting held a Meeting on Thursday 16 May 2019.

The Minutes from the meeting are attached.

Minutes for the Leards Forest Environmental Trust Inc. Meeting

Meeting Held: 16 May 2019 at 12:30pm

Venue: Boggabri Golf Club

Present: Cath Collyer (CC), Cr Robert Kneale (RK), Daniel Martin (DM), Darren Swain (DS), John Hamson (JH), Julie Heiler (JH), Clr Lloyd Finlay (LF), Ros Druce (RD), Sebastian Moreno (SM),

Independent Chair: David Ross (DR) **Independent Secretary:** Debbie Corlet (DC)

Apologies: Ros Solamon (RS)

1. Welcome & apologies

DR welcomed everyone to the meeting, advising that RK would like to attend as an observer.

2. Declaration of pecuniary or non-pecuniary interests

DR asked the members if they were okay to bring up any pecuniary interests if there was an issue with respect to the funding applications. Members accepted this.

3. Business Arising and Previous Minutes

The minutes from November 2018 Trust meeting were endorsed by members.

All actions from the previous meeting have now been completed. There was agreement from the Trust on the draft constitution and that it can now be finalised.

DR – To finalise Constitution and send out to the Trust within 4 weeks.

4. Review and consideration of applications

Requirements for quotes - 1 quote = if under \$10,000, 2 quotes = if under \$50,000 and 3 quotes = if over \$50,000.

- **Fairfax Public School** – Request to install an irrigation system for \$22,500.63.
- **Men's Shed** – Request to power shed extension for \$1,100.
- **Keeping It Cool Project** – Revised request to apply solar paint for \$4,220.

Commented [D1]: Debs, can you please remove highlight couldn't do it for some reason)

Fairfax Public School

JH – It meets all the requirements.

LF – Amount requested was about \$500 more than the quote. What was the quote for? What happens with the GST?

DR – I have spoken to the Principal; the amount sought is \$22,500.63. With respect to GST, we will be guided by the successful quote attached to the application.

Unanimous approval.

Men's Shed

DR reminded the members that the Trust had approved funding of \$9,950 for the Shed to have solar panels installed. However, there has been confusion with the applicant seeking an additional \$1,100 for power and lighting for the Shed's extension. This hadn't been clearly noted in the November 2018 application. CC – They need to put another application in for the \$1,100.

DS – to Julie – it is for connection not for an electrician for lights etc?

DR – Given the funding for the panels – another \$1,100 for extra lights or panels. Community needs a new application.

It was agreed by the Trust that another application must be submitted, itemising what is required. The Trust could then approve it electronically, provided that the necessary information is submitted. As the quote is under \$10,000, just the one quote is required.

It was also noted that Fairfax Public School, in compliance with the Trust's requirements, will need to obtain and submit an additional quote, appreciative of the difficulty of getting tradesmen who are available.

RD – Further away means more expensive trades people.

DR – 1 more quote for the irrigation system. Once received, we can discuss electronically. In principle we support that application – but to be formerly approved we need one more invoice.

Keeping It Cool Project

Sorted further information from Sally Bates after our November meeting to clarify what is proposed. Quote is for \$4,220.00 - \$1,720 – solid coat primer / freight included - \$2,500 for roof tech/ roof painters to apply the material.

JH – Pitch of the roof (comes to a point) so quote includes a cherry picker. No local blokes can do it – so they are coming from Newcastle. They have good reviews. If it works – then they'll potentially get lots of other work in the Boggabri area.

DR – Decision – unanimously agreed to by Trust.

Narrabri Shire Council Discussion

For the past 18 months, there have been ongoing discussions with Stewart Todd of NSC around the governance of the Committee – members of the Trust met with Stewart this week (14 May 2019) to clarify his decision for Councillors to now make the final decision on which applications receive funding. Stewart has made these changes under Section 356 of the Local Government Act. DR noted that the Trust needs to discuss the "where to from here". He noted that three options have been identified; namely:

1. leave things as is with Councillors as are the final decision maker body.
2. Trust in its existing form gets disbanded. The community members on the Trust could be transferred over to a Council Advisory Committee. Counsellors would still be the final decision makers.
3. Seek legal advice that the monies be taken off Council and we (the Trust) manage the funds ourselves.

CC – Under Section 356 – the Council are legislatively required to ensure monies are distributed fairly. It is Council funds – these funds are not council funds; they are the Environmental Trust funds. They are not for rates or VPA.

DM – Councillors to vote – what happens if they don't agree on something we've already voted and recommended?

LF – They can do that of course.

DM – If it's not broken yet, why challenge the system?

CC – I don't believe we should have had it taken away – the system has worked well for the last few years.

The viewpoint of Section 356 of the Act by the General Manager (this GM). He has a different interpretation than previous the GM. I'm quite happy to contact the Local Government and get them to send clarification of where we stand on that Section of 356. Some Counsellors may decide they don't support an application.

LF – It's a numbers game. I must walk out because of my pecuniary interest and the Major gets to make the final decision. It depends on how they view something.

DM – That's what could happen. If it comes from the legal that our interpretation is right – the GM will still veto.

RK – If the Trust was to be shifted to a Council Committee, then members would have the protection of Narrabri Shire Council. Funds from the VPAs remain in a separate account – revenue is identifiable – and release the funds after the council meeting and a vote has been taken. This would meet the requirements of the Auditor – as it has been currently been handled. Assume the whole responsibility – applications go to you as the Trust – you have the money in your bank account – that is something that is entirely up to you. If you want to take the responsibility on – end responsibility is with council but under those circumstances the Trust has the full protection of NSC. You have received applications for funds for various organisations – speaking on my behalf – I would understand as a counsellor that this committee is making the right decision. I would never vote against a committee like this. I would find it very difficult that the council decision wouldn't marry in with this Committee Trust.

RD – For us to take on administration of the account, as a group – it would be a lot of work and leave us open to a lot of things.

LF – Tuesday talk about costings – GM – legal advice if we went out by ourselves - \$4,000 upwards.

DR – And I have concerns about whether we would have the capability as well to manage this.

DM – I understand the risk.

JH – Doesn't our Constitution protect us?

CC – John wrote it up and he's well informed and educated man.

JH – How does the Shire protect us when the Constitution protects us.

DS – The Council is audited. If any funds come out of an account – it needs council motion.

RK – We haven't discussed the 3rd option. The middle ground – the Trust becomes a committee of council.

DR – What is the benefit?

RK – It changes in a sense – you become a committee of council – umbrella of council – we get reports and we then decide and that then goes to the next council meeting, but you still have the local input.

LF – Current committee just slides sideways over to the council.

DR – Possible benefits – no more incorporation. Efficient as possible as a committee – wouldn't have to go through the financial statements that get charged back to the trust.

JH – The community reps – so that means they have no say in it – we are working together – why disband that. They should have a decision.

RK – They would still be on the committee.

DS – How are those committees – are they chaired by a counsellor?

RK – Sometimes the counsellor is the chairperson.

CC – It could be the answer and they run very well.

DR – Everyone here could still be involved.

CC – I'd like clarification. A rep from each of the three mines, a councillor and community reps. I'd like to make sure the format is the same.

DR – Deb and I wouldn't be involved. You'd come under a Terms of Reference.

DR – Advising the Trust to explore what is the least worst of the three options.

CC – To go to the Office of Local Government. Action

RK and LF – Get a copy of the Terms of Reference to find out what it entails. Action

DR – Not an electronic conversation as it is too important. November discussion. Process remains as is until next November meeting.

General Business

Keeping in mind the Constitution we now have in place – all members of the Trust are all involved in the decision making. Are you comfortable with the current number of community members we have in place or do we need to try and find a replacement for Caz?

JH – What about Lindy?

DR – We need to have at least 3 community members involved. Cath will have a chat to her first.

DR – on Tuesday, at the meeting with Stewart Todd, we got an answer to our question about whether NSC has made its contribution in line with its requirement under the Maules Creek VPA. While we have been unable to obtain an answer for a few years – it has been confirmed that NSC had made that payment – in October last year and is covered in the Trust's Financial Statement. Revenue Contributions to the tune of \$3000 and something last financial year and \$8,000 and something (off the top off my head), the year prior. DS – They played catch up which is why it was a bigger figure the year prior.

DR closed the meeting at 1:41pm.

Date for next Meeting

Next meeting – early November, 2019.

Action List

| Action Owner | Action to be completed |
|--------------|--|
| DR | Photos for the Fact Sheet to be provided to RS (ongoing). |
| RS | RS and DR to coordinate the Fact Sheet and then pass to the CCC to consider. |
| DR | Claire from \$26,000 hadn't been spent by them. Back to the trust within 2 weeks from today. |
| DR | Finalise constitution and forward to the CCC within four weeks. |
| CC | Cath to go to the Local Government re Section 3.56 of the Act. |
| RK & LF | Get a copy of the Terms of Reference to find out what it entails. |

11.6 ELECTORAL COMMISSION - 2020 COUNCIL ELECTIONS

Responsible Officer: Lindsay Mason, Director Corporate Services

Author: Zoe Saunders, Community Relations Manager

Attachments: Nil

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Council needs to determine whether they wish to have the NSW Electoral Commission conduct the 2020 Local Government Election. This normally takes place 18 months in advance of the election. Due to an inquiry by the Independent Pricing and Regulatory Tribunal (“IPART”) into the cost the NSW Electoral Commission running elections, the Office of Local Government delayed the deadline for making a decision until 1 October 2019. The review has now been completed.

RECOMMENDATION

1. That Council pursuant to section 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. That Council pursuant to section 296(2), (3) and (5A) of the Act, as applied and modified by section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. That Council pursuant to section 296(2), (3) and (5A) of the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

BACKGROUND

Council elections are held every four (4) years and are next due in September 2020. Since 2008, council elections have been undertaken on a full cost recovery basis. The NSW Electoral Commission (“NSWEC”) pays the direct costs of the election and then invoices councils once the elections are completed plus an Election Management Fee to cover the NSWEC’s corporate overheads.

The NSW Government has asked IPART to undertake a review of local government election costs for the 2020 elections. IPART has been asked to recommend a costing methodology that minimises the financial burden on councils and ensures local government elections are conducted efficiently and cost effectively.

If Council chooses to have the NSWEC undertake the election process, the report recommendation is required to be resolved by 1 October 2019.

CURRENT SITUATION

On 30 August 2019, IPART submitted its Final Report on local government election costs to the Minister for Local Government. On 18 September 2019, IPART released their review of local government election costs.

The Final Report recommends a costing methodology to be applied in determining the amount the NSWEC charges councils for local government election services.

Comparison of net bills under IPART's proposal – including proposed government subsidy (nominal) indicated Narrabri's 2016-2017 Electoral Commission bill was \$82,000, the 2020 cost-reflective bill was estimated to be \$115,000 and following the review, the revised estimated 2020 net bill, including the NSW government subsidy is \$89,000. The difference in the net bill versus the full cost recovery bill is a reduction of \$26,000, which represents a 23% decrease.

FINANCIAL IMPLICATIONS

This will be a cost will be included 2020/2021 budget, and funded from restricted asset for Elections. Final costs to be confirmed by the NSWEC.

STATUTORY AND POLICY IMPLICATIONS

Elections are conducted pursuant to section 296(2) and (3) of the *Local Government Act 1993*. It is mandatory to have an election in September 2020.

CONSULTATION**External Consultation**

- NSW Electoral Commission.
- IPART

Internal Consultation

- Financial Services Manager.

11.7 INVESTMENT REPORT - AUGUST 2019**Responsible Officer:** Lindsay Mason, Director Corporate Services**Author:** Samantha Ratley, Senior Finance Officer**Attachments:** Nil**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.3 Report in a clear, concise manner that is easily understood

EXECUTIVE SUMMARY

Council is required to consider a report on its investments in accordance with clause 212 of the *Local Government (General) Regulation 2005*.

During the month:

- Three (3) investments matured, totalling \$8 million.
- Three (3) new investments were placed, totalling \$8 million.

Council's Responsible Accounting Officer has certified that Council's investments are in accordance with requirements.

RECOMMENDATION

1. That Council note the Investment Report for August 2019.

BACKGROUND

Council is required to consider a report on its investments in accordance with [clause 212](#) of the *Local Government (General) Regulation 2005*.

CURRENT SITUATION

The following is a summary of investment movements for August 2019:

Investments maturing during the month:

- | | | | |
|--------------|---------|-------------|------------------|
| • 07/08/2019 | ME Bank | \$2,000,000 | 63 days @ 2.03% |
| • 21/08/2019 | AMP | \$3,000,000 | 182 days @ 2.80% |
| • 28/08/2019 | ME Bank | \$3,000,000 | 364 days @ 2.73% |

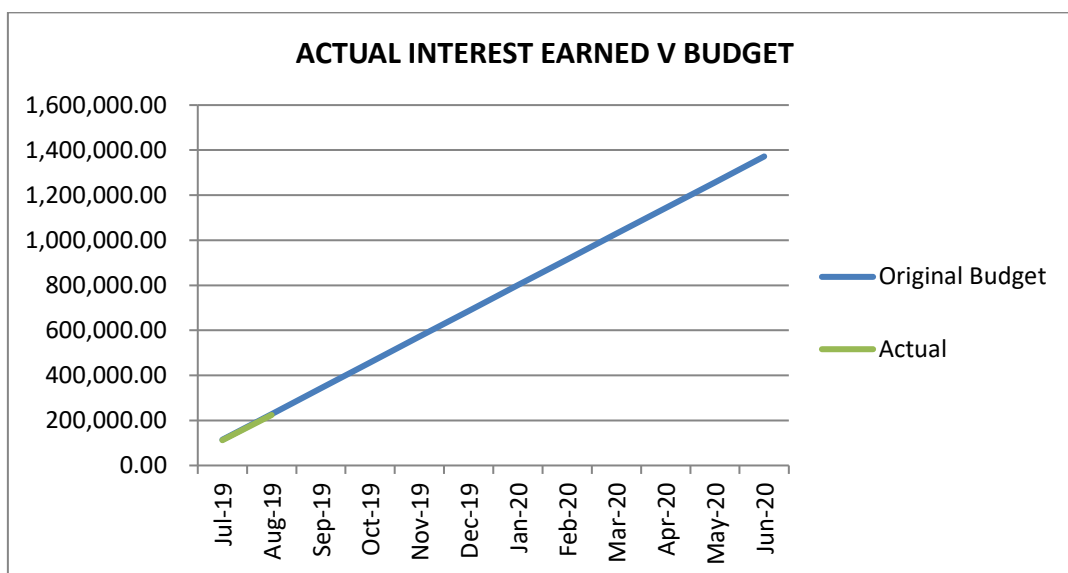
New investments secured during the month:

- | | | | |
|--------------|---------|-------------|------------------|
| • 07/08/2019 | ME Bank | \$2,000,000 | 154 days @ 1.83% |
| • 21/08/2019 | AMP | \$3,000,000 | 245 days @ 1.80% |
| • 28/08/2019 | ME Bank | \$3,000,000 | 364 days @ 1.63% |

| | Market Value (\$) | Term (days) | Rate | Maturity Date | % of Portfolio |
|---------------------------------------|----------------------|----------------|-------|------------------|-------------------|
| Short Term Deposits (<1 yr) | 50,000,000.00 | | | | 90.66% |
| ME Bank | 2,000,000.00 | 364 | 2.73% | 04/09/19 | 3.63% |
| Defence Bank | 2,000,000.00 | 279 | 2.80% | 11/09/19 | 3.63% |
| Auswide Bank | 1,000,000.00 | 91 | 2.18% | 18/09/19 | 1.81% |
| Judo Bank | 1,000,000.00 | 93 | 2.40% | 25/09/19 | 1.81% |
| AMP | 2,000,000.00 | 210 | 2.80% | 02/10/19 | 3.63% |
| NAB | 3,000,000.00 | 369 | 2.75% | 16/10/19 | 5.44% |
| BOQ | 1,000,000.00 | 209 | 2.68% | 16/10/19 | 1.81% |
| MyState Bank | 3,000,000.00 | 363 | 2.80% | 06/11/19 | 5.44% |
| Defence Bank | 3,000,000.00 | 364 | 2.85% | 13/11/19 | 5.44% |
| AMP | 2,000,000.00 | 273 | 2.80% | 20/11/19 | 3.63% |
| NAB | 4,000,000.00 | 369 | 2.80% | 04/12/19 | 7.25% |
| AMP | 3,000,000.00 | 273 | 2.80% | 18/12/19 | 5.44% |
| Auswide Bank | 2,000,000.00 | 273 | 2.58% | 08/01/20 | 3.63% |
| ME Bank | 2,000,000.00 | 154 | 1.83% | 08/01/20 | 3.63% |
| Auswide Bank | 3,000,000.00 | 210 | 2.23% | 15/01/20 | 5.44% |
| BOQ | 1,000,000.00 | 182 | 1.93% | 23/01/20 | 1.81% |
| Beyond Bank | 2,000,000.00 | 245 | 2.40% | 05/02/20 | 3.63% |
| ME Bank | 1,000,000.00 | 364 | 2.73% | 12/02/20 | 1.81% |
| Judo Bank | 1,000,000.00 | 273 | 2.67% | 19/02/20 | 1.81% |
| Auswide Bank | 1,000,000.00 | 273 | 2.33% | 26/02/20 | 1.81% |
| Defence Bank | 2,000,000.00 | 364 | 2.80% | 04/03/20 | 3.63% |
| NAB | 2,000,000.00 | 238 | 1.88% | 18/03/20 | 3.63% |
| AMP | 3,000,000.00 | 245 | 1.80% | 22/04/20 | 5.44% |
| ME Bank | 3,000,000.00 | 364 | 1.63% | 26/08/20 | 5.44% |
| Cash Deposits | 5,154,155.12 | | | | 9.34% |
| NAB At Call A/c | 1,000,000.00 | At Call | 1.40% | n/a | 1.81% |
| NAB Working A/c | 4,154,155.12 | At Call | 1.00% | n/a | 7.53% |
| Total Cash & Investments | 55,154,155.12 | | | | 100.00% |

Movements within Bank account for the reporting period (\$)

| | |
|---|---------------|
| Cash Book balance at 31 July 2019 | 3,510,906.90 |
| Plus Receipts | 8,835,609.99 |
| Less Payments | -7,964,867.64 |
| Cash Book balance at 31 August 2019 | 4,381,649.25 |
| Less Outstanding Deposits | -547,647.13 |
| Plus Unpresented Payments | 320,153.00 |
| Reconciliation Balance as at 31 August 2019 | 4,154,155.12 |



Investment Rate Summary for August 2019

Average Interest Rate on Investments: 2.43%

Weighted Average Interest Rate on Investments 2.46%

Council's Benchmarks

Bank Bill Swap Rate (BBSW) 90 day index (30/08/2019)¹ 0.97%

Average 11am Cash Rate 1.00%

FINANCIAL IMPLICATIONS

The interest income for the month:

| | |
|------------------------------|------------------|
| General Fund | \$55,324 |
| Externally Restricted Funds | \$25,000 |
| Water Fund | \$21,348 |
| Sewer Fund | \$10,294 |
| Total Interest Income | \$111,966 |

STATUTORY AND POLICY IMPLICATIONS

[Clause 212](#) of the *Local Government (General) Regulation 2005* requires Council's Responsible Accounting Officer to provide a monthly report setting out the details of all money that the Council has invested under [section 625](#) of the *Local Government Act 1993*.

It is certified that Council's investments have been made in accordance with:

- *Local Government Act 1993*.
- *Local Government (General) Regulation 2005*.
- Ministerial Investment Order dated 12 January 2011.
- Council's Investment Policy dated 15 August 2017.

¹ Source: www.asx.com.au

CONSULTATION

External Consultation

Nil.

Internal Consultation

- Responsible Accounting Officer.

11.8 ORDINARY COUNCIL MEETING DATES 2019/2020

Responsible Officer: Stewart Todd, General Manager

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: Nil

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Council's current Code of Meeting Practice, Part 3, Section 3.1, specifies the frequency of Ordinary meetings of Council, that will be held on the 4th Tuesday of each month, except for December, whereby the Ordinary meeting will be held on the 3rd Tuesday due to Christmas. No meeting will be held in January of each year.

Council is required to set the dates, commencement times and locations of its Ordinary Council Meetings for the ensuing period.

A yearly meeting schedule has been prepared for the consideration of Council.

RECOMMENDATION

That Council set the ensuing 12-month schedule for Ordinary Council Meetings, for the 2019/2020 year.

BACKGROUND

Council's current Code of Meeting Practice, Part 3, Section 3.1, specifies the frequency of Ordinary Council Meetings, which are currently held on the 4th Tuesday of the month respectively excluding January. The Code has taken into consideration section 365 of the *Local Government Act 1993* which specifies that a council must meet at least ten (10) times a year with each meeting being in a different month.

CURRENT SITUATION

Council is required to set the dates, commencement times and locations of its Ordinary Council Meetings for the ensuing period. The setting of such dates and times whilst complying with the necessary legislative requirements.

The following would be the recommended dates:

1. Tuesday 22 October 2019
2. Tuesday 26 November 2019
3. Tuesday 17 December 2019 (Avoids Christmas)
4. Tuesday 25 February 2020

5. Tuesday 24 March 2020
6. Tuesday 28 April 2020 (Avoids Easter - 12 April 2020)
7. Tuesday 26 May 2020
8. Tuesday 23 June 2020
9. Tuesday 28 July 2020
10. Tuesday 25 August 2020
11. Tuesday 22 September 2020

All meetings will be held in the Narrabri Shire Council Chambers.

Last year's schedule was a 1.00pm commencement time for Ordinary Meetings; this timing however would hinder the ability for greater community participation. Council is required to determine the start time for Ordinary Council Meetings.

It should be noted that an Extraordinary Meeting of Council can be called at any time in accordance with the relevant legislation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

A Councillor should move a motion on this report in the form of:

That Council set the following dates for its Ordinary Meetings for the ensuing 12-month period; taking place at the Narrabri Shire Council Chamber:

1. *Tuesday 22 October 2019 commencing at <insert time>.*
2. *Tuesday 26 November 2019 commencing at <insert time>.*
3. *Tuesday 17 December 2019 commencing at <insert time> (Avoids Christmas)*
4. *Tuesday 25 February 2020 commencing at <insert time>.*
5. *Tuesday 24 March 2020 commencing at <insert time>.*
6. *Tuesday 28 April 2020 commencing at <insert time>. (Avoids Easter - 12 April 2020)*
7. *Tuesday 26 May 2020 commencing at <insert time>.*
8. *Tuesday 23 June 2020 commencing at <insert time>.*
9. *Tuesday 28 July 2020 commencing at <insert time>.*
10. *Tuesday 25 August 2020 commencing at <insert time>.*
11. *Tuesday 22 September 2020 commencing at <insert time>.*

CONSULTATION

External Consultation

Nil.

Internal Consultation

- Executive Management.

11.9 CREATION OF THE OFFICE OF DEPUTY MAYOR

Responsible Officer: Lindsay Mason, Director Corporate Services

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: 1. **Nomination Form for the Office of Deputy Mayor**  

DELIVERY PROGRAM ALIGNMENT**4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Council is required to determine if it wishes to create the Office of Deputy Mayor in accordance with statutory requirements.

On the assumption that Council will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been provided as an attachment to this report. Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting.

In alignment with Council's previous voting method decision and Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

RECOMMENDATION

1. That Council create the Office of Deputy Mayor.
2. That Council set the term of the Office of Deputy Mayor to be twelve (12) months, concluding at the commencement of the September 2020 Ordinary Council Meeting or the declaration of vacancies in accordance with Ordinary Election 2020; whichever date is sooner.
3. That Council elect the Deputy Mayor by way of open voting, if more than one (1) nomination for Deputy Mayor is received.

BACKGROUND

Council is required to determine if it wishes to create the Office of Deputy Mayor in accordance with the provisions of the *Local Government Act 1993* ("the LG Act") and the *Local Government (General) Regulation 2005* ("LGGR").

Council can determine to create the Office of Deputy Mayor for a period coinciding with the Mayoral term or a shorter period. Council should openly consider the potential to extend the term of the Office of Deputy Mayor to align with that of the term of the Office of the Mayor.

[Section 231](#) of the LG Act outlines the requirements for the creation and election of a Deputy Mayor.

The election process is set out in [Schedule 7](#) of the LGGR.

CURRENT SITUATION

On the assumption that Council will wish to elect a Deputy Mayor, a nomination paper for Office of Deputy Mayor has been provided as an attachment to this report.

Nomination papers may be delivered or sent to the General Manager either prior to or at the Council Meeting. The nomination is to be in writing and signed by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Should there be more than one (1) Councillor nominated for the Office of Deputy Mayor, Council is to determine whether the election is to be by preferential ballot, by ordinary ballot or by open voting.

Election MethodsPreferential Ballot

This method utilises ballot-papers. Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the candidate names so as to indicate the order of their preference for all the candidates.

If a candidate has an absolute majority of first preference votes, that candidate is elected.

If an absolute majority is not achieved, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one (1) candidate has received an absolute majority of votes, whom is then elected.

If, on any count of votes, there are two (2) candidates in, or remaining in, the election and the numbers of votes cast for the two (2) candidates are equal, the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

If, on any count of votes, there are three (3) or more candidates in, or remaining in, the election and the numbers of votes cast for two (2) or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes, the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Ordinary Ballot

This method utilises ballot-papers. The Returning Officer decides the manner in which votes are to be marked on the ballot-papers.

If there are only two (2) candidates, the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If there are three (3) or more candidates, a vote is taken; the candidate with the lowest number of votes is excluded. If three (3) or more candidates still remain further votes are taken with the candidate receiving the lowest number of votes being excluded until two (2) candidates remain.

A further vote is taken of the two (2) remaining candidates; the candidate with the higher number of votes is elected. If there are only two (2) candidates and they are tied, the one (1) elected is to be chosen by lot.

If at any stage during a count two (2) or more candidates are tied on the lowest number of votes, the one (1) excluded is to be chosen by lot.

Open Voting

This method utilises a show of hands. The election procedure is the same as for the ordinary ballot method.

Definitions

Absolute majority: In relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

Ballot: In the context of this type of election has the meaning of a secret ballot.

Chosen by lot: If two (2) candidates are tied (having equal numbers of votes) their names are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the candidate names being seen, the slips are mixed and one (1) is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Before proceeding with the election Council is required to resolve which method of voting is to be used. While the option to have a preferential ballot is available it is not normally used in circumstances such as this. Both ordinary ballot and open voting are the more common methods.

In alignment with Council's previous voting method decision and Objective 4.4 of the Delivery Program 2017/2021; of being transparent and accountable, it is recommended to conduct the voting using the open voting method.

Timing of Election

The election for Office of Deputy Mayor is to take place at the Council Meeting at which the Council determines the method of voting.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY AND POLICY IMPLICATIONS

This report enables Council to create the Office of Deputy Mayor in line with the statutory requirements of the LG Act and LGGR.

If Council resolves this way; Council is additionally statutorily required to resolve:

1. The term of the Office of Deputy Mayor.
2. The method of voting for the Office of Deputy Mayor.

CONSULTATION

External Consultation

Nil.

Internal Consultation

Nil.

NOMINATION FORM

Clause 2 of Schedule 7 Local Government (General) Regulation 2005

To:
General Manager
Narrabri Shire Council

We, the undersigned, hereby nominate:

Cr _____

For the position of:

Mayor

☐

(Tick appropriate box(es))

and/or

Deputy Mayor

☐

Nominated by:

Name: _____ Signature: _____

Name: _____ Signature: _____

(At least two councillors, one of whom may be the nominee)

I hereby agree to my nomination for the above position/s:

Name: _____

Signature: _____

Date: _____

Received by:

Returning Officer:

Date:

Time:

11.10 ANNUAL APPOINTMENT TO COUNCIL COMMITTEES

Responsible Officer: Lindsay Mason, Director Corporate Services

Author: Delece Hartnett, Personal Assistant to GM & Mayor

Attachments: Nil

DELIVERY PROGRAM ALIGNMENT**Leadership**

| | |
|-----------|---|
| Objective | 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting |
| Strategy | 4.4.2 Ensure effective and sound local governance practice |

EXECUTIVE SUMMARY

Council has continually reviewed its Committee structures to ensure efficient and effective governance frameworks exist that support Council decision making as part of this continual review cycle Council has utilised the practice of nominating delegates to Committees on an annual basis.

Council has 11 committees established.

Councillors are requested to seek membership to committees of their interest and nominate to be a member.

RECOMMENDATION

- 1. That Council appoint Councillor representation to its various Advisory and Special Purpose Committees.**
- 2. That Council discontinue Councillor representation to Section 355 committees.**
- 3. That Council dissolve the China Engagement Advisory Committee.**

BACKGROUND

Council has continually reviewed its Committee structures to ensure efficient and effective governance frameworks exist that support Council decision making as part of this continual review cycle Council has utilised the practice of nominating delegates to Committees on an annual basis.

In order for Councillor representation to be appointed to Council's various committees for the ensuing twelve (12) months it is necessary for Council to review and formally appoint its Councillor representation.

CURRENT SITUATION

Council has established the following variety of Committees; included below are the previous 12-month Councillor members.

It is recommended to discontinue Councillor membership to section 355 committees.

It is recommended to dissolve the China Engagement Advisory Committee. The Committee has never been fully established and never met.

Advisory Committees

| Advisory Committee | 2018/2019 Member(s) |
|--|--|
| Access and Inclusion Advisory Committee | Member: Clr Loder Member: Clr Staines |
| China Engagement Advisory Committee | Member: Clr Redding (as Mayor) |
| Crime Prevention Advisory Committee | Member: Clr Loder Member: Clr Kneale |
| Floodplain Management Advisory Committee | Member: Clr Kneale Member: Clr Booby |
| Narrabri Airport Advisory Committee | Member: Clr Staines Member: Clr McMahon |
| Saleyards Advisory Committee | Member: Clr Staines Member: Clr Booby |
| The Crossing Theatre Advisory Committee | Member: Clr Kneale Member: Clr Loder |
| Youth Centre Advisory Committee | Member: Clr Finlay Member: Clr Redding |

Section 355 Committees

| Section 355 Committee | 2018/2019 Member(s) |
|-------------------------------------|----------------------------|
| Section 355 Gwabegar Hall Committee | Member: Cr Booby |

Special Purpose Committees

| Special Purpose Committee | 2018/2019 Member(s) |
|----------------------------------|---|
| Audit and Risk Committee | Member: Cr Staines |
| Local Traffic Committee | Member: Cr Kneale Alternate: Cr Campey |

FINANCIAL IMPLICATIONS

There is an established budget allocation for the travel and attendance to meetings for Council delegates.

STATUTORY AND POLICY IMPLICATIONS

A Councillor should move a motion on this report in the form of:

That Council appointment the following members and alternate members to the various Council Advisory and Special Purpose Committees:

| <i>Advisory Committee</i> | <i>Details</i> | <i>2019/2020 Delegates</i> |
|--|------------------------|--|
| Access and Inclusion Committee | As required | Member: Clr <insert surname> Member: Clr <insert surname> |
| Crime Prevention Advisory Committee | Quarterly | Member: Clr <insert surname> Member: Clr <insert surname> |
| Floodplain Management Advisory Committee | As required | Member: Clr <insert surname> Member: Clr <insert surname> Member: Clr <insert surname> |
| Narrabri Airport Advisory Committee | Minimum twice per year | Member: Clr <insert surname> Member: Clr <insert surname> |
| Saleyards Advisory Committee | Minimum twice per year | Member: Clr <insert surname> Member: Clr <insert surname> |
| The Crossing Theatre Advisory Committee | Minimum twice per year | Member: Clr <insert surname> Member: Clr <insert surname> |
| Youth Centre Advisory Committee | Minimum twice per year | Member: Clr <insert surname> Member: Clr <insert surname> |

| <i>Special Purpose Committee</i> | <i>Details</i> | <i>2019/2020 Member(s)</i> |
|--|----------------|---|
| <i>Audit, Risk & Improvement Committee</i> | Quarterly | Member: Clr <insert surname> |
| <i>Local Traffic Committee</i> | As required | Member: Clr <insert surname> Alternate: Clr <insert surname> |

CONSULTATION

External Consultation

Nil.

Internal Consultation

Nil.

11.11 ANNUAL APPOINTMENT OF COUNCIL DELEGATES**Responsible Officer:** Lindsay Mason, Director Corporate Services**Author:** Delece Hartnett, Personal Assistant to GM & Mayor**Attachments:** Nil**DELIVERY PROGRAM ALIGNMENT****4. Leadership**

Objective 4.4 Our strategic goals will be achieved through transparent and accountable planning and reporting

Strategy 4.4.2 Ensure effective and sound local governance practice

EXECUTIVE SUMMARY

Council has established a practice of nominating delegates to external bodies and organisations on an annual basis.

In order for delegates to be able to represent Council on external bodies for the ensuing twelve (12) months it is necessary for Council to review and formally appoint its delegates.

RECOMMENDATION

That Council appointment delegates to the various external bodies or organisations requesting or requiring Council representation.

BACKGROUND

Council has established a practice of nominating delegates to external bodies and organisations on an annual basis.

CURRENT SITUATION

Council has been requested to be involved on the following external bodies and organisations; included are the previous 12-month Council delegates:

| Name of Body/Organisation | 2018/2019 Delegates |
|--|--|
| Australian Rural Road Group Inc. | Delegate: Clr Redding Alternate: Clr Kneale |
| Central Northern Libraries Committee | Delegate: Clr Redding Alternate: Clr Booby |
| Joint Regional Planning Panel (JRPP) | Delegate: Clr Kneale Delegate: Clr Staines Alternate: Clr Campey |
| Leards Forest Precinct Environmental Trust | Delegate: Clr Finlay Alternate: Clr Kneale |
| Lillian Hulbert Memorial Prize Committee | Delegate: Mayor |

| Name of Body/Organisation | 2018/2019 Delegates |
|---|--|
| Myall Creek Memorial Committee | Delegate: Clr Redding Delegate: Clr Staines Alternate: Clr McMahon |
| Namoi Water | Delegate: Clr McMahon Alternate: Clr Loder |
| Narrabri Bush Fire Management Committee | Delegate: Clr Staines Alternate: Clr McMahon |
| Narrabri Hospital Advisory Committee | Delegate: Clr Loder Alternate: Clr Redding |
| Wee Waa Hospital Advisory Committee | Delegate: Clr Booby Alternate: Clr McMahon |

Community Consultative Committees (CCC)

| Name of Body/Organisation | 2018/2019 Delegates |
|---|--|
| Boggabri Coal Community Consultation Committee | Delegate: Clr Kneale Alternate: Clr Finlay |
| Maules Creek Coal Mine Community Consultative Committee | Delegate: Clr Kneale Alternate: Clr Finlay |
| Narrabri Coal Mine Community Consultative Committee | Delegate: Clr Staines Alternate: Clr Campey |
| Narrabri Gas Project Consultative Committee | Delegate: Clr Loder Delegate: Clr Campbell Alternate: Clr Kneale |
| Tarrawonga Coal Mine Community Consultative Committee | Delegate: Clr Staines Alternate: Clr McMahon |
| Vickery Coal Mine Community Consultative Committee | Delegate: Clr Staines Alternate: Clr Finlay |
| Western Slopes Pipeline Community Consultative Committee | Delegate: Clr Kneale Alternate: Clr Booby |

The Australian Rural Road Group Inc. has been dissolved; there is no need for Council to appoint delegates to this group.

FINANCIAL IMPLICATIONS

There is an established budget allocation for the travel and attendance to meetings for Council delegates.

STATUTORY AND POLICY IMPLICATIONS

A Councillor should move a motion on this report in the form of:

That Council appointment the following delegates to the various external bodies or organisations requesting or requiring Council representation:

| Name of Body/Organisation | Details | 2019/2020 Delegates |
|---|--|---|
| Central Northern Libraries Committee | General meetings held throughout the year, agendas are sent in | Delegate: Clr <insert surname> Alternate: Clr <insert surname> |

| <i>Name of Body/Organisation</i> | <i>Details</i> | <i>2019/2020 Delegates</i> |
|---|--|--|
| <i>Joint Regional Planning Panel (JRPP)</i> | <i>As required.</i> | <i>Delegate: Clr <insert surname> Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Lillian Hulbert Memorial Prize Committee</i> | <i>Held when the Prize is open.</i> | <i>Delegate: Mayor</i> |
| <i>Myall Creek Memorial Committee</i> | | <i>Delegate: Clr <insert surname> Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Namoi Water</i> | <i>Agenda and Minutes are sent in</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Namoi-Peel Customer Service Committee</i> | <i>Quarterly meetings, every second Wednesday of the month at 9am</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Narrabri Bush Fire Management Committee</i> | <i>Two a year, one before bush fire season and one after bush fire season</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Narrabri Hospital Advisory Committee</i> | <i>Held every month, second month at 2pm, Narrabri Hospital</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>North West Regional Weed Committee</i> | <i>Quarterly meetings</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Wee Waa Hospital Advisory Committee</i> | <i>Held every second month, first Thursday of the month at 1pm, Wee Waa Hospital</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |

Community Consultative Committees (CCC)

| <i>Name of Body/Organisation</i> | <i>Details</i> | <i>2019/2020 Delegates</i> |
|--|--|--|
| <i>Boggabri Coal Community Consultation Committee</i> | <i>Quarterly meetings, onsite, will send agenda and minutes in</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Maules Creek Coal Mine Community Consultative Committee</i> | <i>Quarterly meetings</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Narrabri Coal Mine Community Consultative Committee</i> | <i>Quarterly meetings, first Tuesday of the month, 4pm onsite.</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Narrabri Gas Project Consultative Committee</i> | <i>Monthly meetings; second Tuesday of the month</i> | <i>Delegate: Clr <insert surname> Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Tarrawonga Coal Mine Community Consultative Committee</i> | <i>Quarterly meetings</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |

| <i>Name of Body/Organisation</i> | <i>Details</i> | <i>2019/2020 Delegates</i> |
|---|---------------------------|---|
| <i>Vickery Coal Mine Community Consultative Committee</i> | <i>Quarterly meetings</i> | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |
| <i>Western Slopes Pipeline Community Consultative Committee</i> | | <i>Delegate: Clr <insert surname> Alternate: Clr <insert surname></i> |

CONSULTATION**External Consultation**

Nil.

Internal Consultation

Nil.

12 CONFIDENTIAL (CLOSED COUNCIL) MEETING

Nil reports.

13 MEETING CLOSED
