



MOREE PLAINS SHIRE COUNCIL

28 MARCH 2019

**COMMUNITY DEVELOPMENT
AND SERVICES
COMMITTEE MEETING**

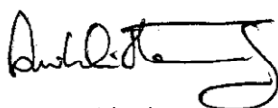
**ADOPTED PUBLIC BUSINESS PAPER AND
MINUTES**

- TO:
- Councillors
 - General Manager
 - Director – Corporate Services
 - Director – Planning and Community Development
 - Director – Engineering Services
 - Manager – Water and Waste
 - Manager – Executive Projects

Notice is hereby given that the **Community Development and Services Committee Meeting** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 28 March 2019** commencing at **2pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Angus Witherby

DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT

Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Declarations of Interest
5. Reports
 - 1 Workshop Community Participation Plans
 - 2 Workshop Biodiversity Legislation
6. Standing agenda item: New Questions on Notice
7. Standing agenda item: Strategic Planning Proposals and Current Project Updates
8. Standing agenda item: Inland Rail Update
9. Standing agenda item: Overseas Trade and Investment
10. Close meeting

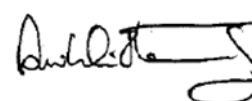
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CHAIR

28 March 2019

PUBLIC PAPER



DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

Community Development and Services Committee Meeting Adopted Public Minutes & Business Paper

28 March 2019

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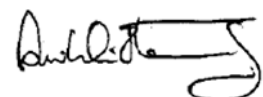
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DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT

PRESENT:

Councillors K Humphries (Mayor), G Smith (Deputy Mayor), S Ritchie, K Cassells, J Crawford, G Chui, S Price OAM, M Montgomery AM and J Tramby OAM

IN ATTENDANCE:

Mr A Witherby (Director Planning & Community Development), Mr R Heatley (Waste Services Manager), Mr J Carleton (Executive Projects Manager), Ms L Colley (Grants/Economic Development Officer), Alice Colbran, Governance Project Officer), Mrs L Carter, (Integrated Planning and Reporting Manager), Mrs S Pearse (Senior Communications Officer), and Mrs J Mitchell (Executive Assistant – Planning and Community Development)

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

MINUTES:

Minutes from the Community Development and Services Committee Meeting held 28 February 2019.

19/03/01 RESOLVED (SMITH/CHUI)

That the minutes from the Community Development and Services Committee Meeting held on 28 February 2019 be adopted.

19/03/09 RESOLVED (RITCHIE/TRAMBY)

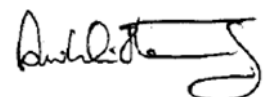
That the Adopted 14 February 2019 Strategic Asset and Works Committee Meeting Minutes be amended to reflect Question on Notice CRM 835/2019 was raised by Councillor Tramby, the minutes as they are note Councillor Ritchie raised the question.



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DECLARATIONS OF INTEREST:

Nil

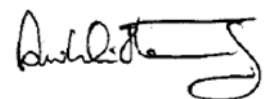
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**DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**

Report Title	1. Workshop – Community Participation Plans
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	No attachment
File	FILE15/182

RECOMMENDATION

That Council resolve into Workshop Mode to receive and discuss a presentation on the new requirements for a Community Participation Plan

19/03/02 RESOLVED (RITCHIE/SMITH)

That the Committee move into workshop mode.

The Committee moved into Workshop Mode at the time being 2:05pm.

19/03/03 RESOLVED (MONTGOMERY/RITCHIE)

That the Committee move out of workshop mode.

The Committee moved out of Workshop Mode at the time being 2.57pm.

19/03/04 COMMITTEE RECOMMENDATION (SMITH/TRAMBY)

That a draft community participation plan be brought to Council for review prior to being put out public exhibition for 28 days, and then brought back to Council for consideration prior to adoption.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

An Inclusive, Caring Community

C2.2 Recognise, support and engage with our Aboriginal community and community members of other cultures to ensure appropriate outcomes and involvement in relation to services, programs and planning

Sustainable Spaces and Places

Not applicable

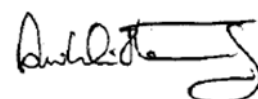
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A Vibrant Regional Economy

Not applicable

A Leading Organisation

L3.2 Residents are informed about and involved in Council's decision-making

BACKGROUND AND KEY ISSUES

As part of a continuing series of workshops on key themes and issues, this workshop reviews the recently enacted requirements for Moree Plains Shire Council (**Council**) to develop a Community Participation Plan. The new plan must come into place by the end of 2019.

The intent of the new process is that it will be clearer and easier for members of the community to understand how they can participate in planning decisions, with new Community Participation Plans (**CPPs**) that all planning authorities – every council and NSW agency with key planning approval functions – will need to prepare.

The CPPs will set out how planning authorities will engage with their communities across their statutory planning functions. While the plans must meet the minimum requirements for community participation that are set out in Schedule 1 to the *Environmental Planning and Assessment Act (the Act)*, planning authorities can go beyond the minimum requirements if they decide it is appropriate.

The Act requires planning decision-makers to give and publicly notify reasons for their decisions, including how community views were considered, on key planning matters.

In particular, the workshop:

- Reviews the key principles behind the new Community Participation Plans
- Outlines the requirements for consultation in developing the plans and how they relate to existing communications methods used by Council
- Indicates a suggested timetable for implementing the plan
- Seeks feedback from Councillors on key elements of community engagement around the planning system which are of concern and interest.

FINANCIAL IMPACT TO COUNCIL

No financial implications have been identified.

STATUTORY AND POLICY IMPLICATIONS

The key legislation is the *NSW Environmental Planning and Assessment Act 1979*

RISK IMPLICATIONS

No specific risk implications have been identified.

ASSET MANAGEMENT IMPLICATIONS

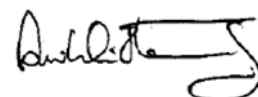
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No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

This is the first time this matter has come before Council.

ATTACHMENTS

There are no attachments.

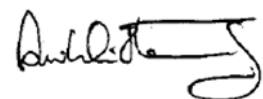
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**DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**

Report Title	2. Workshop – Biodiversity Legislation
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	No attachment
File	FILE15/182

RECOMMENDATION

That Council resolve into Workshop Mode to receive and discuss a presentation on the state's Biodiversity Legislation

19/03/05 RESOLVED (MONTGOMERY/PRICE)

That the Committee move into workshop mode.

The Committee moved into Workshop Mode at the time being 2:59 pm.

19/03/06 RESOLVED (TRAMBY/PRICE)

That the Committee move out of workshop mode.

The Committee moved out of Workshop Mode at the time being 3.41pm.

19/03/07 COMMITTEE RECOMMENDATION (PRICE/RITCHIE)

That the presentation on the Biodiversity Legislation be received and noted.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
S1.1 Identify and manage threats to our native flora and fauna
- A Vibrant Regional Economy**
Not applicable

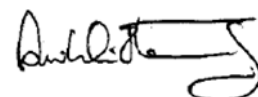
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DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT

☒ **A Leading Organisation**

L2.3 Advocate on behalf of the community for today and our future to ensure the sustainability of the Shire

BACKGROUND AND KEY ISSUES

As part of a continuing series of workshops on key themes and issues, this workshop reviews the recently enacted Biodiversity Legislation. Although gazetted in 2016, the operative provisions of the legislation have taken some time to come into effect. Training was recently provided to Moree Plains Shire Council (**Council**) staff on the current status of the legislation and the key principles. Accordingly, staff can now update Council on the legislation in a more informed manner.

In particular, the workshop:

- Reviews the key principles behind the Acts
- Outlines the basic administration framework and the role of Council
- Raises ways in which landholders may gain a positive benefit from the legislation.

FINANCIAL IMPACT TO COUNCIL

No financial implications have been identified.

STATUTORY AND POLICY IMPLICATIONS

The key legislation is the *NSW Biodiversity Conservation Act 2016*. There are also implications under the *NSW Environmental Planning and Assessment Act 1979*

RISK IMPLICATIONS

No specific risk implications have been identified.

ASSET MANAGEMENT IMPLICATIONS

The legislation has implications for Council as asset manager of lands with native vegetation. This includes roadside vegetation.

PREVIOUS COUNCIL DECISIONS

This is the first time this matter has come before Council.

ATTACHMENTS

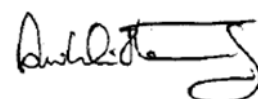
There are no attachments.



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DIRECTOR OF PLANNING AND COMMUNITY
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Report Title	3. Questions on Notice Responses
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	One (1) attachment; refer to Attachments section
File	FILE 15/183

RECOMMENDATION

That the Community Development and Services Committee receive the Questions on Notice responses for information.

19/03/08 COMMITTEE RECOMMENDATION (RITCHIE/TRAMBY)

That the Planning and Community Development Committee receive the Questions on Notice responses for information.

19/03/09 RESOLVED (RITCHIE/TRAMBY)

That the Adopted 14 February 2019 Strategic Asset and Works Committee Meeting Minutes be amended to reflect Question on Notice CRM 835/2019 was raised by Councillor Tramby, the minutes as they are note Councillor Ritchie raised the question.

Questions on Notice:

Councillor Tramby:

- 1. I attended the shareholders MAAC meeting, only shareholder there, the rest were directors, Council and MAAC staff. Asked a few questions and surprised that the financial report had not been presented to Council.**

Mrs Colbran, Governance Project Officer: Under the funding agreement, MAAC has up to March 31 to provide their business plan and budget for the next financial year. Understand the budget is to be provided by March 31 under their requirements. That will be presented to Council at one at the next budget workshops. MAAC have asked to come along themselves to give a presentation on where they are heading to the Council. They will be presenting their business plan and budget for the next financial year. You can also request monthly figures if you wish. Council doesn't approve the budget, but does approve the Community Service Obligation.

Councillor Tramby: I'll express my concerns. Last year there was a loss 118k which takes to a cumulative loss of \$458k including borrowing from council accumulative \$395K liability from employee benefits \$201K and operating allowances to \$550 which is \$1500 a day goes into the operation. Assets we gifted to the board was \$360K. Asking the question, why has the MAAC board haven't been to us sooner than the 31st of March, if they want money in next years' budget.

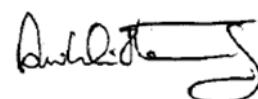
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Mrs Colbran, Governance Project Officer: Under the funding agreement that have until 31st March to provide those documents. At the moment they are not in breach of their agreement. Will be presented to Council in an upcoming budget workshop. Alice will make sure current financial position is provided as at 31 March.

No further response is required.

Councillor Price:

- 2. With re-election of Government and the announcement of new funding for roads, if we have started working on the next lot of submissions?**

Take it on notice,

A further response is required.

Councillor Tramby:

- 3. Tiger Pear is a noxious weed in Bellata not sure if it is a noxious weed here. It has established itself around Tycannah Creek and Tycannah Station turnoff. Hard to identify. What are we as Council doing about it? It is very hard to control as it's not vulnerable to the cochineal insect.**

Angus Witherby, Director Planning and Community Development: Take it on notice, our weed officers are aware it, will come back to you.

A further response is required.

Mayor Humphries

- 4. River Street Yarraman. With this be River Street Moree and what is happening to River Street Moree?**

Ms Fisher, Project and Development Manager: There is no River St Moree anymore. It has been McElhone Street for about 12 months or more. Will get clarification on this for Council. More to do with postal address.

A further response is required.

Councillor Tramby:

- 5. Is it possible for Cr Ritchie and myself who are on the Town Hall Committee to have a discussion with Mr Carleton regarding what the concept is? My concern is that the lift and the ability to service the mezzanine as well as the library. Can't put two lifts in one building, clarifying what the overall decision is before it goes too far.**

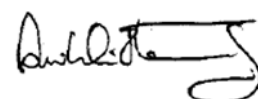
General Manager, Lester Rodgers; We will facilitate that.



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DEVELOPMENT

Strategic Planning Proposals and Current Project Updates

Cr Cassells:

1. had a conversation with Sargent Rob Woodland from Moree Police Station who has invited any councillors who would like to come for a ride with them on Saturday night to see what goes on after dark. If you would like to advise the Mayor.
2. Same with the PCYC you can go there and they need more volunteers.

Moree Inland Rail:

Mr Witherby:

Well attended meeting of the Moree Inland by the Port of Newcastle – opportunity for discussions for strategic relationship.

Discussion with Direction of Operations of ARTC regarding the bridge Jones Street overpass. Looking at issuing a formal approval subject to:

1. Consult with their emergency service people in Moree in terms of process operate
2. Funding for a road to connect to it

Advised going to tender on the bridge shortly. Timing, 5 months from now to make a decision regarding the bridge, showing we can use it for something. Mr Connolly been working on land near airport. Propose to write to ARTC indicate to them that we see value in moving the bridge.

Cr Price – issue is they can't build the container port because of NSW agreement. They asked if we had any conversations with politicians to ask that something can be done about it. They have investors ready to do the container port.

Mr Witherby indicated that Council staff would brief the local state member post – election.

Mr Carleton mentioned that the Community Consultation Committee is meeting next week.

Overseas Trade and Investment:

Nil.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**

Not applicable

- Sustainable Spaces and Places**

Not applicable

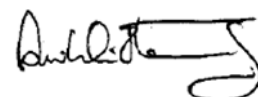
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DEVELOPMENT

A Vibrant Regional Economy

Not applicable

A Leading Organisation

L1.7 Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organisational improvement

BACKGROUND AND KEY ISSUES

Questions on Notice (**QON**) provide an opportunity for Councillors to ask questions of the General Manager which are then recorded within the meeting minutes and the Moree Plains Shire Council (**Council**)'s Customer Request Management (**CRM**) system. A response to this question is either provided verbally at the meeting or taken on notice if the response requires further research.

In response to requests from Councillors, a QON response system has been implemented where all responses are made available to the public through a Standing Committee Meeting business paper (as per this report). This will ensure that the answers not provided at the meeting are publically available for review by members of the public and Council's transparency is enhanced.

FINANCIAL IMPACT TO COUNCIL

Review of the QON's has no significant financial implications.

STATUTORY AND POLICY IMPLICATIONS

Council's Code of Meeting Practice (2016) includes the provision for QON's as part of the Committee Meeting Standing Order of Business. The Code of Meeting Practice is consistent with the *Local Government Act 1993 (NSW)*, the Local Government (General) Regulation 2005 and the Model Code.

RISK IMPLICATIONS

There are no identified risk implications associated with QON responses.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

QON responses are provided as part of a Standing Committee Meeting business paper on a regular basis to ensure all responses are made available to the public.

ATTACHMENTS

Attachment 1 Question on Notice responses

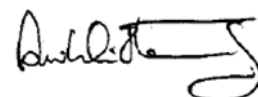
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CRM 461/2019

Question on Notice – Executive – Councillor Smith

4. We have sold several housing development blocks at Gurley, deposit paid and they have limited time which to build. Only structures there so far there are only 3 parts of a demountable on one block, together with a lean-to (humpy). Given this proviso, are the contracts I don't think they are being met?

Cr Tramby noted some activity, but not leading to construction.

Mayor Humphries noted that Council does not support demountable.

General Manager, Lester Rodgers; I will take that on notice and a report will be brought back to Council.

A further response is required.

(Community Development and Services Committee 24 January 2019)

Response:

Planning & Building have undertaken an audit of the lots in Gurley formerly owned by Council and one of these appears to have unauthorised structures (Lot 5 Bellatta St). A letter has been sent to the owner of this property for their advice on this matter and to ensure that relevant statutory processes are followed.

CRM 832/2019

Question on Notice – Planning and Community Development – Councillor Tramby

5. Drought payment first came to Council back in August, six months ago and we still haven't got it. Don't they realise we are in a drought and the idea was to get that money to spend it in our shire. Someone has to be hauled over the coals. Economic and Community Development Manager, Mark Connolly: We are expecting further information in the coming weeks. More information will be brought back when available.

General Manager, Lester Rodgers: I agree entirely with Councillor Tramby. When we first prepared the correspondence to the bureaucrats, we tried to emphasise the need for immediacy and here we are six months down the track and latterly nothing has happened. Whilst I'm loathed to be critical of people giving us money I think we need to subtly remind them that we expect them to follow through.

A further response is required.

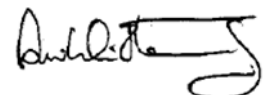
(Strategic Assets & Works Committee Meeting - 14 February 2019)



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Response:

Council has been successful with the program and a funding deed was executed mid-February. A project manager has been appointed and has made contact with relevant community stakeholders.

CRM 1020/2019

Question on Notice – Finance and Governance – Councillor Ritchie

4 – Re monthly DA approvals. There is a house in Boston Street, extensions were valued at \$21,000. Ceiling is suspended ceiling. This would be \$18,000. Who does the assessment on cost?

Director of Planning and Community Development Mr Witherby advised that the DA costs are assessed by the proponents. If Council staff have a concern over accuracy they estimate costs using Cordell's cost pricing or similar. If the proponent disagrees they can provide a builder's quote or quantity surveyor's estimate. We will review the specific DA and the appropriateness of the fees.

A further response is required.

(Finance and Governance Meeting 21 February 2019)

Response:

Council's applications fees for development applications (DA), construction certificates (CC) and complying development certificates (CDC) are based on the overall estimated cost of works.

As per Clause 255 of the Environmental Planning and Assessment Regulation 2000, Council is required to ensure that the estimated cost of works is a genuine reflection on the overall costs associated with the construction and preparation of the proposed development. To do this, a Construction Cost Guide, produced by Rawlinsons (W.A.) Quantity Surveyors and Construction Cost Consultants, is purchased each year.

The Construction Cost Guide produces building cost indicators with which the unit cost is multiplied by the floor area of the proposed development.

A list of common development types and the associated rates are included with every development application pack and is attached to this memorandum for your information. This list is updated every year.

Should an applicant not agree with the estimated cost of works per the Rawlinsons Construction Cost Guide, they alternatively could provide Council with a copy of their Builder's Contract, preferably using the contract templates from NSW Fair Trading.

CRM 836/2019

Question on Notice – Strategic Assets & Works Meeting - Councillor Ritchie

Would like the MAAC Board to present a Business Plan irrespective of the problems with the structural thing; I think we need a business plan as to how we are going to continue to fund the MAAC subject to the repairs being made because the figures I have got here from their financial

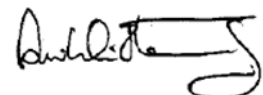
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reports are accumulating \$450,000 in loss. Council needs to look specifically at how they plan to fund the centre when they are running at a loss. They have other unfunded liabilities which have come out in the financial report. I think we need to look at it. They may need more funding; I am not sure what they need but they are not financially viable at this stage. Councillor Smith, regarding the MAAC it will be good to get a report back from them but financially this year the situation is a lot better than it has been with an increase in admittance charges and maintaining the numbers though the drought and this information will be coming back to Council.

A further response is required.

(Strategic Assets & Works Committee Meeting - 14 February 2019)

Response:

Under Clause 4.2 of the Funding Agreement between Moree Plains Shire Council and Moree Artesian Aquatic Centre Limited (MAAC Ltd), MAAC Ltd needs to provide Council with a budget and business plan for the 2019/20 Financial Year by 31 March 2019. Whilst MAAC Ltd sets its own budgets, Council will use these documents to consider the Community Service Obligation (CSO) payable for the year up to \$550,000. An update was provided at the Annual General Meeting held in December during which the results for the 2018/19 Financial Year were tabled as well as positive predictions made for the financial situation in the current Financial Year.

It has long been acknowledged by Council that town pools do not generate high levels of income and running these at a profit is almost impossible. Notwithstanding this, MAAC Ltd have spent considerable time reviewing operational income and expenditure and identifying areas of savings as well as opportunities to increase income.

CRM 835/2019

Question on Notice – Corporate Services - Councillor Ritchie

We need to do something about the pool at the MAAC now. We have to make some tough decisions now because if that pool stuffs up we have no plan set aside. We will have no big pool. I know there is a couple of reports coming to Council in the next few week but the pool is getting worse; if it stuffs up we have no planning, no DA's for an alternate pool. We need another 25m lap pool somewhere because if that pool is stuffed we've got nothing and it's going to take 12 months for planning and DA's to get to where it is and then another 12 months to build. We could be three or four years without a pool. We have got to make a decision. General Manager, Lester Rodgers: There are some reports that are intended to be presented to the council and/or committee in the next few weeks starting to raise concerns around the issue that you have identified. It was only last week we had inspections carried out by our own consultants and the structural engineering firm GHD that have been engaged for the litigation matter. I am in receipt of the first report. The second report is due this week and we will be bringing them to Council as a matter of urgency.

A further response is required.

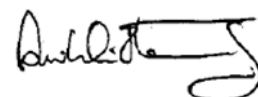
This is Page No. 17 of 18 of the ADOPTED minutes of the COMMUNITY DEVELOPMENT AND SERVICES COMMITTEE MEETING of the Moree Plains Shire Council held on



CHAIR

28 March 2019

PUBLIC PAPER



DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT

(Strategic Assets & Works Committee Meeting - 14 February 2019)

Response:

It is acknowledged that works will need to be undertaken in relation to the Moree Artesian Aquatic Centre facility. Preparation for these works will happen in due course and with regard to financial implications, the areas of most need, operational needs of the facility as well as the ongoing legal case. A confidential update was provided to the Council at the Ordinary Council Meeting on 7 March 2019 and updates will continue as appropriate in the coming months in relation to this matter.

There being no further business, the meeting closed at the time being 3:58 pm

SIGNED BY THE CHAIR OF THE
PLANNING AND COMMUNITY
DEVELOPMENT COMMITTEE, WHOSE
SIGNATURE APPEARS BELOW.

ADOPTED AT THE PLANNING AND
COMMUNITY DEVELOPMENT
COMMITTEE MEETING OF THE
MOREE PLAINS SHIRE COUNCIL HELD
ON.

.....
CHAIRPERSON

.....
DATE

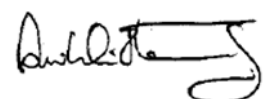
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**DIRECTOR OF PLANNING AND COMMUNITY
DEVELOPMENT**