

# EDWARD RIVER COUNCIL BUSINESS PAPER

## December 15, 2016

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## MAYORAL MINUTE

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**SUBJECT: STRONGER COMMUNITIES FUNDING**

**FROM: Administrator  
Ashley HALL**

**TO: COUNCIL MEETING DECEMBER 15, 2016**

### **RECOMMENDATION**

**That the 8.6 million received by Edward River Council under the Stronger Communities Funding be allocated as follows:-**

**5 million directed to Edward River Council Infrastructure and Works  
3.6 million invested into community grants.**

## MAYORAL MINUTE

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**SUBJECT: MURRAY VALLEY PRIVATE DIVERTERS**

**FROM: ADMINISTRATOR  
Ashley HALL**

**TO: COUNCIL MEETING DECEMBER 15, 2016**

### **RECOMMENDATION**

That Council provide a contribution of \$15,000 to the Murray Valley Private Diverters to assist in doing a study of the effect of the Murray Darling Basin Plan on the Murray Valley.

### **BACKGROUND**

Murray Valley Private Diverters have written to Council requesting a contribution of \$15,000 to assist in engaging RM Consulting Group to produce a report for the Murray Valley.

The report will have four stages, being:

- Production Impact Analysis
- Impact to Regional Economy
- Social and Community Impact
- Supply System Viability.

### **COMMENT**

The Murray Valley Private Diverters information has been forwarded to all Advisory Committee Members. The members who responded fully supported the contribution of \$15,000.

This report will provide specific information to our area and all us to provide relevant information to State and Federal Politicians.

**4. SUBJECT: INVESTMENT REPORT AS AT 30 NOVEMBER, 2016**

**FROM: FINANCIAL ACCOUNTANT  
Kris Kershaw**

**Recommendation:**

That Council:

1. Note and receive the Report on Investments totaling \$41,745,148 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of November 2016 was \$64,550;
3. Note that accrued interest earned to 30 November 2016 but not yet received was \$347,122.

**Background:**

The purpose of this report is to update Council on the investment of surplus funds and interest earned as required in Regulation No 264 (Part 19) of the Local Government Act 1993.

All investments have been made in accordance with Council's Policy, Section 625 of the Local Government Act 1993, and Regulation No 264.

As at 30 November 2016, Council has a total of \$41,745,148 in invested funds and cash at bank.

Interest received from investments during the month of November 2016 was \$63,837; consisting of \$6,580 for on-call/ bank accounts and \$57,257 for term deposits. Year to date interest received to 30 November 2016 for Edward River Council is \$347,017. Accrued interest of \$347,122 has been earned to 30 November 2016 but is not yet received as these investments mature in later months.

Council is investing surplus funds prudently to optimise returns in authorised financial institutions under current legislation, and to reduce exposure to risk in accordance with the Council's Investment Policy.

**Comment:**

At 30 November 2016 Council investments had a carrying value of \$41,745,148 as detailed below:

Cash and Investments held as at 30 November 2016

Schedule of Investments								
This Report is at date 30-November-2016								
Financial Institution	Date	Maturity	Days	Rate	Face Value	% of	Weighted	
<b>On-Call/ CMT Accounts</b>								
Westpac Business Cheque Plus Account	N/a	N/a	365	0.01%	2,945,209	7.06%	0.00%	
Westpac Business Cash Reserve	N/a	N/a	365	0.70%	750,000	1.80%	0.01%	
Westpac 31 Day Notice Account	N/a	N/a	365	2.50%	2,022,846	4.85%	0.12%	
Commonwealth Bank General Fund	N/a	N/a	365	0.00%	71,045	0.17%	0.00%	
Commonwealth Bank Business On Line Acc	N/a	N/a	365	0.70%	320,200	0.77%	0.01%	
NAB Business Cheque Account	N/a	N/a	365	0.00%	17,542	0.04%	0.00%	
Macquarie Bank - Rates	N/a	N/a	365	0.00%	110,926	0.27%	0.00%	
Macquarie Bank - Water	N/a	N/a	365	0.00%	7,381	0.02%	0.00%	
<i>Total Oncall/ CMT Accounts</i>					<b>6,245,148</b>	<b>14.96%</b>		
<b>Term Deposits</b>								
St George	10-Sep-16	10-Sep-17	365	3.00%	1,250,000	2.99%	0.09%	
St George	07-Oct-16	07-Oct-17	365	3.00%	1,500,000	3.59%	0.11%	
St George	02-Sep-16	02-Sep-17	365	3.00%	1,000,000	2.40%	0.07%	
St George	12-Sep-16	12-Sep-17	365	3.00%	1,000,000	2.40%	0.07%	
Westpac	17-Jun-16	17-Jun-17	365	3.00%	6,000,000	14.37%	0.43%	
Westpac	16-Oct-16	17-Dec-16	62	2.40%	500,000	1.20%	0.03%	
Westpac	12-Nov-16	18-May-17	187	2.55%	1,000,000	2.40%	0.06%	
Westpac	02-Oct-16	06-Dec-16	65	2.45%	500,000	1.20%	0.03%	
Westpac	25-Nov-16	25-Jan-17	61	2.30%	500,000	1.20%	0.03%	
Westpac	02-Oct-16	06-Dec-16	65	2.45%	500,000	1.20%	0.03%	
Westpac	02-Oct-16	06-Dec-16	65	2.45%	1,000,000	2.40%	0.06%	
Westpac	03-Oct-16	06-Dec-16	64	2.45%	500,000	1.20%	0.03%	
Westpac	18-Oct-16	18-Oct-17	365	3.00%	1,000,000	2.40%	0.07%	
Commonwealth Bank	02-Nov-16	04-Feb-17	94	2.52%	500,000	1.20%	0.03%	
Commonwealth Bank	19-Nov-16	21-Feb-17	94	2.53%	500,000	1.20%	0.03%	
National Australia Bank	29-Nov-16	28-Feb-17	91	2.65%	1,000,000	2.40%	0.06%	
National Australia Bank	30-Jun-16	10-Jan-17	194	2.90%	1,000,000	2.40%	0.07%	
National Australia Bank	20-Sep-16	09-Dec-16	80	2.51%	500,000	1.20%	0.03%	
National Australia Bank	05-Oct-16	08-Aug-17	307	2.70%	750,000	1.80%	0.05%	
<b>Total A1+ Deposits</b>					<b>20,500,000</b>	<b>49.11%</b>		
AMP Bank	17-May-16	16-May-17	364	3.00%	1,000,000	2.40%	0.07%	
AMP Bank	31-May-16	30-May-17	364	3.00%	750,000	1.80%	0.05%	
AMP Bank	22-Jun-16	20-Dec-16	181	3.00%	2,000,000	4.79%	0.14%	
AMP Bank	12-Sep-16	14-Mar-17	183	2.75%	500,000	1.20%	0.03%	
<b>Total A1 Deposits</b>					<b>4,250,000</b>	<b>10.18%</b>		
Bank of Queensland	05-Jul-16	24-Jan-17	203	2.95%	1,000,000	2.40%	0.07%	
Bank of Queensland	12-Jul-16	07-Feb-17	210	2.90%	750,000	1.80%	0.05%	
Bendigo and Adelaide Bank	22-Nov-16	28-Nov-17	371	2.75%	1,000,000	2.40%	0.07%	
Bendigo and Adelaide Bank	09-Dec-15	06-Dec-16	363	3.00%	1,000,000	2.40%	0.07%	
Bendigo and Adelaide Bank	17-Jun-16	17-Jun-18	730	3.15%	5,000,000	11.98%	0.38%	
Beyond Bank Australia	19-Oct-16	11-Apr-17	174	2.80%	500,000	1.20%	0.03%	
<b>Total A2 Deposits</b>					<b>9,250,000</b>	<b>22.16%</b>		
BananaCoast Credit Union	12-Jul-16	11-Jul-17	364	3.00%	500,000	1.20%	0.04%	
WAW Credit Union	28-Feb-16	28-Feb-17	366	3.05%	500,000	1.20%	0.04%	
Police Credit Union	06-Sep-16	06-Jun-17	273	2.80%	500,000	1.20%	0.03%	
<b>Total Non Rated Deposits</b>					<b>1,500,000</b>	<b>3.59%</b>		
				<i>Average Interest Rate</i>	<b>2.32%</b>	<b>41,745,148</b>	<b>100.00%</b>	2.60%

The cash and investments balance is restricted as follows:

**Internal Restrictions**

- Infrastructure Replacement	\$ 3,827,000
- Plant Replacement Reserve	\$ 2,238,119
- Recreation Reserves/ Villages	\$ 1,810,000
- Employee Entitlements	\$ 1,141,768
- Deposits, Retentions and Bonds	\$ 166,000
- Other Internal Reserves	\$ 370,000

**Total Internal Restrictions** **\$ 9,552,887**

**External Restrictions**

- Water Supplies Fund	\$ 8,253,102
- Sewerage Services Fund	\$ 3,154,691
- Tip Remediation	\$ 1,300,000
- Business Promotion Levy	\$ 79,441
- Unexpended Grants	\$15,291,534
- Library Fund	\$ 351,259
- Other External Reserves	\$ 72,626

**Total External Restrictions** **\$28,502,653**

**Unrestricted Funds** **\$ 3,689,608**

**Total Funds** **\$41,745,148**

Note that Internal and External Restrictions will need to be finalised for the 2015/16 financial year (2015/16 Financial Statements are at audit stage).

The Total Funds above is held between General, Water and Sewer as follows:

Fund Name	Bank and Investments	Percentage
General	\$29,519,347	72.67%
Water	\$8,253,102	19.77%
Sewer	\$3,154,691	7.56%
<b>Total Funds</b>	<b>\$41,745,148</b>	<b>100.00%</b>

The Bank Account (Westpac Business Cheque Plus Account) has been reconciled as at 30 November 2016:

Cash Book	Amounts	Bank/ On-Call Accounts	Amounts
Opening Bal @ 01/11/16	\$1,881,114.88	Closing Bal @ 30/11/16 of Bank Account (Westpac)	\$2,883,651.22
Receipts	\$5,720,263.56	Add O/s Deposits	\$64,035.13
Receipts - Investments	\$33,026.33	Less Unpresented Cheques	(\$2,477.62)
Payments	(\$4,689,196.04)	Less O/s Withdrawals	(\$0.00)
Payments - Investments	(\$0.00)		
<b>Closing Bal @ 30/11/16</b>	<b>\$2,945,208.73</b>	<b>Closing Bal @ 30/11/16</b>	<b>\$2,945,208.73</b>

## Investments Matured during November 2016

### Matured/ Redeemed Investments

Financial Institution	Date Invested	Maturity Date	Days	Interest Rate	Amount	Actual Interest Received	Action Taken
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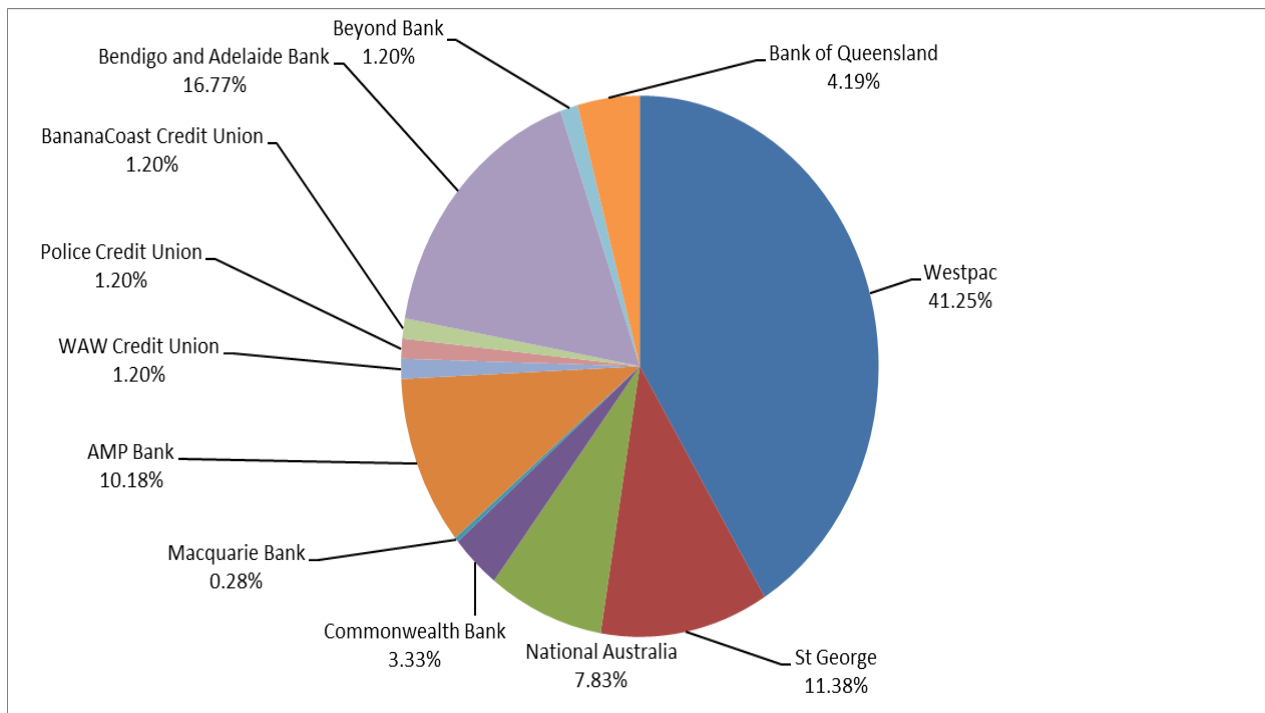
#### November 2016

#### **Term Deposits**

Commonwealth Bank	02-Sep-16	02-Nov-16	61	2.81%	500,000	2,348.08	Rolled for 94 days @ 2.52%
Westpac	08-Sep-16	12-Nov-16	65	2.60%	1,000,000	4,630.14	Rolled for 94 days @ 2.55%
Commonwealth Bank	19-Sep-16	19-Nov-16	61	2.55%	500,000	2,130.82	Rolled for 94 days @ 2.53%
Bendigo and Adelaide Ba	18-Nov-15	22-Nov-16	370	2.85%	1,000,000	28,890.41	Rolled for 371 days @ 2.75%
Westpac	31-Jul-16	25-Nov-16	117	2.90%	500,000	4,647.95	Rolled for 61 days @ 2.30%
National Australia Bank	31-May-16	29-Nov-16	182	2.93%	1,000,000	14,609.86	Rolled for 91 days @ 2.68%
<b>Total Term Deposits</b>					<b>4,500,000</b>	<b>57,257.26</b>	

Please note that due to Edward River Council commencing on the 13<sup>th</sup> May 2016, there are no graphs monthly investment revenue received, investment revenue received, total funds invested and average effective interest rate as there is no comparative data.

### Cash and Investments Total Breakup by Institution



#### **Strategic Implications:**

Nil

#### **Budgetary Implications:**

Current low interest rates will reduce expected investment revenue.

**Policy Implications:**

Investments have been made in accordance with Council's Investment Policy. Note that until the new Edward River Council adopts a new investment policy, the former Deniliquin Council investment policy is to be referred to for investment purposes.

**Legislative Implications:**

All investments have been made in accordance with Section 625 of the Local Government Act 1993 and Regulation No. 264.

**Risk Assessment:**

Under the former Deniliquin Council's investment policy (adopted 16 December 2015); investments are made with a range of banks, with council's funds invested with a single institution not going above a percentage of the total portfolio as follows:

50%	A1+ Rated Institutions
45%	A1 Rated Institutions
40%	A2 Rated Institutions
30%	A2 Rated Institutions
10%	Unrated Authorised Deposit Taking Institutions

**Conclusion:**

Council has taken the necessary steps to reduce the risk of losing significant investments in the future.

**Attachments:**

There are no attachments.



**5. SUBJECT: MERGER PROGRESS REPORT – NOVEMBER 2016**

**FROM: INTERIM GENERAL MANAGER  
Barry Barlow**

**RECOMMENDATION:**

That Council: Note the report.

**BACKGROUND:**

The Project Management Office has participated in several meetings with the Department of Premier and Cabinet (DPC) to both provide and receive feedback related to Councils progress and merger implementation process. In general terms DPC is satisfied with the progress being made at Edward River Council.

The Merger Implementation Plan (V3.0) is attached (attachment 1). Changes include Functional Areas Responsibilities changes (table 2), progress updates (table 3) and budget changes (table 4). The current project update and comments are contained in attachment 2 of this report.

The Functional Areas Responsibilities have been amended to reflect the current organisational structure and includes re-assigning of responsibilities.

The Organisation Development Officer, Communications Officer and Corporate Services Project Officer have resigned from the Project Management Office. These positions are to be replaced.

Voluntary redundancies have been added to the merger budget with a cost of \$500,000. This brings the overall estimated expenditure budget to approximately \$4,345,000.

**STRATEGIC IMPLICATIONS:**

N/A

**BUDGETARY IMPLICATIONS:**

There are no budgetary implications for Council as the merger is funded by the State Government (\$5,000,000).

**POLICY IMPLICATIONS:**

N/A

**LEGISLATIVE IMPLICATIONS:**

N/A

**CONCLUSION:**

In general, the work being undertaken to merge the former Councils together to form Edward River Council is progressing. As with all complex project there has been and will continue to be delays at various times during the process.

**ATTACHMENTS:**

1. Merger Implementation Plan v3.0
  2. Key Merger Project Milestones
-

**6. SUBJECT: 2017/18 RATE PEGGING**  
**FROM: INTERIM GENERAL MANAGER**  
**Barry Barlow**

**INFORMATION ONLY:**

**BACKGROUND:**

Rate pegging has been imposed on NSW councils for a considerable time and the Independent Pricing and Regulatory Tribunal has now set the 2017/18 rate increase at 1.5%.

**COMMENT:**

The 2016/17 cap was 1.8% and over the last five years it has averaged 2.9%.

The 2017/18 increase will not cover increase in wages or materials and could affect the level of service council provides.

It should be noted rate pegging does not apply to water, sewerage or domestic waste charges.

**STRATEGIC IMPLICATIONS:** Nil

**BUDGETARY IMPLICATION:**

The 2017/18 budget will incorporate a 1.5% increase in general purpose rates.

**POLICY IMPLICATIONS:** Nil

**LEGISLATIVE IMPLICATIONS:**

Requirement under Pricing and Regulatory Tribunal.

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**7. SUBJECT: LEASE OF CROSSING CAFE**

**FROM: SENIOR GOVERNANCE OFFICER  
Greg Roberts**

**RECOMMENDATION:**

1. That Council approve of the renewal of the lease of the Crossing Café for a term of four years with two further four-year options on the conditions detailed in the current lease subject to the variations as detailed in the Council report of 15 December 2016.
2. That authority be given to the Administrator and Interim General Manager to execute the documents necessary to give effect to this resolution.

**BACKGROUND:**

The first term of the lease of the Crossing Café in George Street to Leo and Karen Benbow expires on 28 February 2017. In accordance with the terms of the lease, the lessees have exercised the option to renew the lease and have requested that the lease be extended from two to three terms of four years.

**COMMENT**

The Lease of the Crossing café which is due to expire on 28 February 2017, provides for two further options for periods of four years. The lessees have requested that Council approve three further four year terms from 1 March 2017.

During negotiations with the lessees it was made very clear that little maintenance or capital work has been undertaken in the café for a considerable number of years. This is despite a considerable amount of rent being paid.

The facility has deteriorated to a point that considerable and urgent work is required to ensure that it does not deteriorate further, it is safe and is consistent with the standard of service provided by the lessees and staff. The negotiations resulted in the following agreement has been reached.

1. Rent to be the current rent plus Council rates. The previous lease
  - a. provided that Council was responsible for rates with the exception of the Emergency Services charge commencing in 2017. Details of the current rent and rates are included in a confidential memorandum to the Administrator.
  - b. The lease for a term of 4x4x4 years is approved by Council and Crown Lands
  - c. The following works are to be undertaken in the current financial year – a) Painting of the building inside and out including decking and window trims – est \$25,000, b) Replace lino in kitchen – est \$3000, c) Evaporative Cooling system installation in kitchen as soon as possible – est \$3,000
  - d. The following works are to be items for consideration of the elected Council as part of the future budgets: a) Renovation to male & female toilets including floor coverings, fixtures & fittings, b) front decking– details to be agreed upon in future years, c) decking and

paving as per plans previously provided, d) replace commercial exhaust fan in kitchen, e) install air conditioning to private dining room.

- e. Council to seek advice on the potential installation of solar panels to the roof – implications with heritage, grant availability etc.
- f. In February, each year, a meeting be convened by Council to inform the lessees of the CPI rent increases and the rent that is to apply
- g. At the same time input into capital works be received from the lessees and maintenance plan for the next year be developed by the parties.

All other lease conditions will remain the same.

The lessee undertakes a considerable amount of maintenance at their expense as a gesture of goodwill toward Council. They currently retain a staff of 15 which provides a considerable flow on effect in the community. The Crossing Café is recognised by many as the premier destination in Deniliquin to dine and this service is also an attraction to visitors.

The Crossing Café under the present lessees has been operating successfully for a long period, following some unsuccessful operators.

#### **FINANCIAL IMPLICATIONS**

As required under Section 106 of the Crown Lands Act, income needs to be spent on the reserve from which it was generated. There is a backlog of work to be done on the café and the rent will provide an income source for that work to be done.

#### **POLICY IMPLICATIONS:**

There are no existing policy implications.

#### **LEGISLATIVE IMPLICATIONS:**

The Crown Lands Act allows for the lease as proposed and will require endorsement of the Crown Lands Office.

#### **CONCLUSION:**

The lessee has complied or exceeded the terms of the lease and for the reasons detailed above the lease extension for three four year periods is supported. The conditions stipulated above provide the necessary assurances to the lessee that work required on the building will be carried out and provides for Council to consider works in future years as part of the budget process. This will ensure the building will not deteriorate further and the standard of the building and its appointments is consistent with the quality of food and service provided by the lessees.

In anticipation of approval by Council, preliminary instructions have been provided to the solicitor to prepare the lease and submit it for approval to the Crown Lands Office. This is to ensure that all necessary action is undertaken by the time the current lease expires.

#### **ATTACHMENTS: NIL**

- 8. SUBJECT: DENILIQUN SCOUT HALL**
- FROM: SENIOR GOVERNANCE OFFICER  
Greg Roberts**

**RECOMMENDATION:**

1. That Council authorise a lease of Reserve 92579 to the Australian Defence Force - 307 Army Cadet Unit of the former Scout Hall for an initial period of one year subject to the conditions detailed in the report to Council of 15 December 2016.
2. That the Interim General Manager be authorised to sign the documents necessary to give effect to this resolution.
3. That the Interim General Manager be authorised to negotiate a longer term lease with the Australian Defence Force once the formal approvals have been provided from that office.
4. That Council note that the grant has been received under the Public Reserves Management Fund for renovations to the former Scout Hall.

**BACKGROUND:**

Council was appointed as trustee of the former Scout Hall situated on the corner of Victoria and Hyde Street North Deniliquin - Crown Reserve 92759. This report considers two expressions received for the proposed lease of the facility. It also notifies Council of the grant that has been received under the Public Reserve Management Fund for renovation to the facility.

**COMMENT**

Council at its meeting on 28 October 2015 resolved as follows:

*“That Council advise Crown Lands that it intends to assume control of Crown Licence 192654 from the Scout Association of Australia being the former Scout Hall site situated on the corner of Victoria and Hyde Streets Deniliquin, subject to:-*

1. *a) it being satisfied that there is sufficient community use proposed for the facility and  
b) funds being made available under the Crown Lands Improvement fund to assist with work required to reinstate the building.*
2. *That Expressions of Interest be invited for the use of the former Scout hall site and that Council consider a further report following the closing of a two week period for Expressions of Interest to be lodged.*

*The Mayor and General Manager then to sign an agreement”*

Council is now the appointed trustee of the former Scout Hall site situated on the corner of Victoria and Hyde Street North Deniliquin - Crown Reserve 92759. It was also successful in obtaining an amount of \$27,904 from the Public Reserve Management Fund to meet the cost of renovating the building to a standard suitable for community use. Work has commenced to upgrade the site using these funds.

Regarding the lease, despite initial interest, the Deniliquin Vintage and Veteran Car Club declined to proceed with its lease of the facility.

Since that time, there have been two separate approaches to Council being from the Australian Defence Force - 307 Army Cadet Unit and from "Our Shed" - a local incorporated group involved in engaging youth at risk of disengagement with hands on activities and projects.

The proposal on behalf of the Local Army Cadet Unit is set out as follows:

- Initial term of one year, during which time the Defence Force can formalise the approvals with a view to a longer term demise;
- Rent being \$1.00 per annum with the lessee responsible for Water Access Charge – currently \$334, Sewer Access Charge - currently \$804, Waste Management Charge which is currently \$336 as well as reimbursing the Council the insurance costs which are presently \$920.00 per annum at a total cost of \$2,394 per annum.
- The lessee being responsible for maintenance of the premises, keeping the land free from vermin, noxious weeds and fire hazards.

The unit is under the control of Commanding Officer Bob Crampton who has advised that cadets have been operating in Denilquin for 25 years. The Unit comprises a current membership of between 25 and 30 cadets. He indicated that this number is likely to increase if Council approved this lease. Currently the Cadets base is within the RSL Annexe Building which is shared with other users, which makes the former scout hall a significantly more desirable option.

Our Shed is an organisation aimed at young people in the 11 – 15 year age group who are at risk of disengagement with the project. It has the potential to support up to 50 individuals per year. It is intended that the participants engage in various hands on activities during school hours, such as bicycle repairs, making of wooden toys and the propagation of native plants and vegetables. The participants then seek needy community members to whom they can donate items to.

The body will be under the control of a community committee and the day to day operations will be directed Kelvin Ennor, with supervision the responsibility of an onsite teacher. There has also been some financial support provided to date from businesses and individuals.

#### **FINANCIAL IMPLICATIONS**

Should Council adopt the recommendation, most of the outgoings will be met by the lessee.

#### **POLICY IMPLICATIONS:**

There are no existing policy implications.

#### **LEGISLATIVE IMPLICATIONS:**

Council is entitled to enter into an interim arrangement without the approval of the Crown Lands Office. Approval will be required from that office to a longer-term lease once negotiated.

**CONCLUSION:**

Both organisations are youth focussed and certainly worthy of Council support. It is a matter for Council to determine which it considers is likely to achieve the long term optimum use of the facility.

To assist Council in its deliberations, it is submitted that the expression submitted on behalf of the 307 Army Cadet Unit will meet the operational cost of the facility. In addition the resources behind the Australian Defence Force and volunteers would be likely to be the preferred option for the maintenance of the facility. Cadets have long been established in Deniliquin, and based on numbers at Anzac and other ceremonies the numbers continue to be strong.

The lease is subject to the approval of the Australian Defence Force. In order to formalise the approval process with the Department it is proposed to enter into a short term lease with a view to a longer lease once the formalities are completed.

**ATTACHMENTS:**

Nil



**9. SUBJECT: REQUIRED WORK - McLEANS BEACH CARAVAN PARK**

**FROM: SENIOR GOVERNANCE OFFICER - Greg Roberts**  
**DIRECTOR TECHNICAL SERVICES – Mark Dalzell**

**RECOMMENDATION:**

1. That Council authorise the removal of approximately twenty dead trees at McLeans Beach Holiday Park as detailed in the arborist report attached to the Council report of 15 December 2016 at a cost of approximately \$40,000 to be funded from unallocated funds.
2. That Council authorise the removal of the sandbags on the levee bank at McLeans Beach Holiday Park as detailed in the Council report of 15 December 2016 at a cost of approximately \$10,000 to be funded from unallocated funds.

**BACKGROUND:**

There are several trees at McLeans Beach Holiday Park that have recently been considered dangerous by an arborist. This report seeks the approval of Council to the removal of those trees.

An incidental issue is the sandbags that were installed to protect the park that require removal from the top of the levee bank.

**COMMENT**

The lessees of McLeans Beach Holiday Park have provided Council with an arborist report in respect to several trees that are of significant risk to campers. A copy of the arborist report is included in the attachments. It shows that there are 11 Red Gums in the camping area that are recommended for removal where it is considered that recovery is not viable.

There are an additional 9 trees within the park that are recommended for removal.

The definite cause of the decline in tree health is unknown. Water salinity was the initial suspected cause, but testing revealed that the salinity levels are well within the tolerance of Red Gums.

A more recent observation by the arborist revealed that the dead trees had a significant infestation of cicadas. In some cases, up to 50 cicada shells were observed on some trees, with the ground around the base riddled with small holes, most likely from where the cicadas emerged. The arborist indicated that normally only young or already compromised trees suffer from cicadas.

The lessees have undergone significant expense in attempting to resolve the tree deaths within the park, and the report indicates that it is most likely a natural phenomenon.

Responsibility for the maintenance of the park is with the lessees and traditionally the lessees have undertaken tree inspection and maintenance to fulfil its duty of care. However, it is considered that at the time the lease was prepared, what has

been considered a natural phenomenon by the arborist could not reasonably be contemplated by either Council or the lessee.

In the circumstances and to mitigate potential risks of injury, it is considered in the best interest of Council as trustee of the land to facilitate the removal of the trees. The cost of undertaking this work is approximately \$40,000.00, and subject to approval of Council, initial arrangements have been made for a contractor to commence removal on Monday 19 December so that the work is completed before the camping ground is fully occupied.

There remains the option of removing the higher risk trees now and undertaking the removal of the remaining later. However, while the trees remain standing and based on the evidence available, they pose a risk to the park patrons at a time the park is at full occupancy. The cost of undertaking the complete tree removal in one stage is less than a two-stage process. For these reasons, the recommendation provides that the trees be removed prior to the holiday period.

Consideration has been given to offset the cost by selling the trees to local firewood operators. However, indications have been given that the removal of the trees and reinstating the area would be the consideration paid by those operators.

The cost of this work was not foreseen and there is no provision in the budget and there is no identifiable alternative funding source. The rent income is understood to be directed to the General Fund.

Undertaking the work immediately to remove the trees is considered the only course of action from a Risk management perspective. This process takes into account the propensity of these trees at this stage to shed limbs, and the possible consequence should a limb fall. It also acknowledges the fact that in coming weeks the park will be heavily patronised, which further exacerbates the risk of personal injury and property damage. For this reason, the recommendation provides that the trees be removed immediately with the cost to be funded from unallocated funds.

An additional matter that requires attention is the removal of sandbags from the levee bank wall. Due to staff being utilised in town beautification presently, it is proposed to retain contractors to attend to the removal of the sandbags. The estimated cost for this work is \$10,000.

This work is considered essential to the visual amenity of the holiday park and its patrons at this time of year.

It is also proposed that a line item be included in future budgets to provide for rental generated from Crown Reserves to be shown which can then identify future funding sources for this and programmed work.

#### **FINANCIAL IMPLICATIONS**

There are significant financial implications as the cost of the tree removal is substantial and as the work now considered urgent was not foreseen, there has been no provision made in the budget. Similarly, the removal of the sandbags was an expense that was not envisaged at the time of the budget adoption.

#### **POLICY IMPLICATIONS:**

There are no existing policy implications.

**LEGISLATIVE IMPLICATIONS:**

There are no legislative obligations relating to this report.

**CONCLUSION:**

The recommendation if adopted will eradicate the risk exposure on Council as the trustee of the property arising from the trees and to some degree, the lessee. Not taking action opens up the potential of personal injury and or property damage as well as the reputational and other risks of both Council and the lessee.

**ATTACHMENTS:**

Arborist Report

**10. SUBJECT: CERTIFICATES OF AUTHORITY FOR STAFF – SWIMMING POOLS**

**FROM: SENIOR GOVERNANCE OFFICER  
Greg Roberts**

**RECOMMENDATION:**

That Council authorise the affixing of the Council Seal to the Certificates of Authority to be issued under the Swimming Pools Act 1992 to the following staff:

- a) Business and Economic Development Manager – John Harvie
- b) Manager Environmental Services – Julie Rogers
- c) Development Manager – Marie Sutton
- d) Building Services Coordinator Greg Johnston

**BACKGROUND:**

The Swimming Pools Act requires the Council seal to be affixed to Certificates of Authority for Council Officers to enter premises, seek search warrants if an offence is suspected and inspect pools. This report seeks the approval of Council to affixing of the Council seal to the Certificates of Authority for nominated staff.

**COMMENT**

As part of the delegation review, staff are developing Certificates of Authority which enable Council staff to enter premises to undertake inspections and other regulatory functions under a range of legislation, including the Swimming Pools Act 1992. Section 27 of that Act allows Council to appoint any of its employees to be authorised officers. Those authorised officers are empowered to enter premises, inspect swimming pools and seek search warrants in the event an offence is being committed.

The Swimming Pools Act 1992 stipulates that an authorised officer must, on demand by any person in or on the premises produce his/her certificate of identification for inspection by that person. The legal advice received is that the Certificates of Authority under the Swimming Pools Act 1992 are unique in that they require the photo of the authorised person, their signature and the Council seal to be affixed.

It is intended that the following staff be provided authority under the Swimming Pools Act 1992:

- 1. Business and Economic Development Manager – John Harvie
- 2. Manager Environmental Services – Julie Rogers
- 3. Development Manager – Marie Sutton
- 4. Building Services Coordinator Greg Johnston

**FINANCIAL IMPLICATIONS**

There are no financial implications

**POLICY IMPLICATIONS:**

There are no existing policy implications.

**LEGISLATIVE IMPLICATIONS:**

The affixing of the Council Seal to the Certificates of Authority is in accordance with legal advice provided.

**CONCLUSION:**

The recommendation if adopted will provide Council and the staff members involved in swimming pool inspections the power to undertake their functions. Without such authority, Council cannot enforce the provisions of the Swimming Pools Act 1992.

**ATTACHMENTS:**

Nil

**11. SUBJECT: POLICY – MEMORIALS IN PUBLIC PLACES**

**FROM: SENIOR GOVERNANCE OFFICER  
Greg Roberts**

**RECOMMENDATION:**

1. That the Draft Memorials in Public Places Policy be adopted with an amendment that Council will meet the cost of plaques memorialising the individual to the extent as detailed in the report to Council of 15 September 2016.
2. That an amount of \$1,500 be included in future budgets to meet the cost of plaques

**BACKGROUND:**

Council previously resolved to invite submissions to the Draft Memorials in Public Places Policy. Two submissions have been received and the matter raised in one of those submissions is presented for the further consideration of Council.

**COMMENT**

The former Deniliquin Council at its meeting on 24 February resolved that the Draft Memorials in Public Places Policy be placed on public exhibition and if no submissions are received, the policy be adopted without further referral to Council.

The submission period was extended as one of the proponents was away and unable to consider the draft policy.

A submission was received on behalf of the Deniliquin Golf Club who supported the policy. One further submission was received which also supported the policy, but suggested the policy should clarify the point that Council shall meet the cost of the bronze plaque.

The policy presently states as follows:

*“Council shall supply a plaque with a maximum dimension of 300mm x 200mm with up to ten lines of text recognising the achievement of the person memorialised. “*

It was considered when drafting the policy that if a person was worthy of recognition, it would be a relatively small price for the community to pay to memorialise them. The policy has been amended to clarify that the cost of plaque will be met by Council.

The costs of the plaques are set out below:

National or International Recognition – 300mm x 200mm - \$360.00

Local Recognition – 200 x 180mm \$240.00

It is considered reasonable that Council allocate in future budgets, an amount of \$1,500 yearly, to meet the costs of the plaques. This could be regarded as the recognition and appreciation of the community for the service provided by the individual concerned.

All other establishment costs would remain the responsibility of the family, with the policy stipulating that any feature would involve minimal ongoing maintenance.

**FINANCIAL IMPLICATIONS**

The financial implications of providing an allocation of \$1,500 each year is insignificant.

**POLICY IMPLICATIONS:**

This is a new policy and there are no existing policy implications.

**LEGISLATIVE IMPLICATIONS:**

Nil

**CONCLUSION:**

The proposed amendment to meet the costs of the plaques up to a yearly limit is supported and the policy is now presented for approval by Council.

**ATTACHMENTS:**

Nil

**12. SUBJECT: ENERGISE ENTERPRISE FUND**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION:**

That council resolve to;

- I. Accept the funding offer of \$25,000 + GST from the Energise Enterprise Fund
- II. Agree to a budget variation of \$5,680 to fully fund the project

**BACKGROUND:**

Council applied for funding, in July 2016, through the Energise Enterprise Fund to produce a new Edward River Council Economic Development Strategic Plan.

**COMMENT**

Council have recently been informed that the application was successful.

The total cost of the project is \$30,680 +GST and the amount of funding provided through the EEF is \$25,000 + GST.

The project will be undertaken by REMPLAN of Bendigo, will commence on 9<sup>th</sup> January 2017 and will take 18 weeks to complete.

A copy of the brief and project plan has been attached to this report.

**STRATEGIC IMPLICATIONS:**

The new Economic Development Strategic Plan will be a whole of region plan that will include agricultural industry which was a relatively minor component of the existing plan.

**BUDGETARY IMPLICATIONS:**

\$5,680 was not budgeted for in the 2016/2017 budget and therefore a budget variation will be required.

**CONCLUSION:**

Following the merger of Deniliquin Council and Conargo Shire Council in May 2016, there is a need to produce a whole of region Economic Development Plan.

**ATTACHMENTS: PROJECT BRIEF (25 PAGES)**



**13. SUBJECT: EVENT CAPACITY AND CAPABILITY ASSESSMENT**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION:**

That council resolve to;

- a. Receive the Sports Decentralisation Program 'Capacity and Capability' Report.
- b. Ask staff to review the report and prepare a strategic plan for development of sporting venues to be presented to council by June 30 2017.
- c. Provide copies of the report to all participating clubs and organisations.

**BACKGROUND:**

Councils Delivery Program 2013 – 2017 Strategy 2.3 identified the need to build upon the Deniliquin Ute Muster event by leveraging event management capacity and expertise.

In this regard, council set a goal to '*Create opportunities to attract additional events through existing event management and expertise*'.

Whilst we know that Deniliquin has excellent event managers, a large and experienced event volunteer base and excellent venues, our event hosting capacity and capability had never been independently assessed.

Having great venues and expertise to present and manage events are great assets, however, to attract events to Deniliquin we also need to partner with organisations that produce or promote events or who have relationships with national and state associations and the rights to present events in regional centres.

As a result, council agreed, in April 2016, to engage Sports Marketing Australia Pty Ltd to undertake a 'Capacity and Capability Assessment' in the Edward River Council area and to represent Edward River Council to all of its associates to attract events to the region.

**COMMENT**

The Final Report has now been completed and will be tabled at the December council meeting.

In compiling the report, Sport's Marketing Australia staff visited the region and inspected all sports and event venues and interviewed representatives of clubs and sporting associations.

**STRATEGIC IMPLICATIONS:**

Engaging Sports Marketing Australia to undertake an event capacity and capability assessment will provide council and sporting bodies with opportunities to host state and national events.

The assessment will provide council with sufficient information to produce a strategic Plan for development of local venues and to create a focussed, priority list of projects to submit to various funding programs.

SMA's will represent Deniliquin to major sporting bodies in seeking to have major sporting events played in the region.

**CONCLUSION:**

- a. The report identifies that the region has the capacity and capability to host region, state, and national events
- b. Presentation of high level sporting events in the region will provide a boost to the local economy
- c. The report provides councils with information and evidence to use in the development of a strategic plan by identifying and enabling prioritising of event infrastructure development within the region

**ATTACHMENTS: (NIL)**

**TABLED: SPORTS DECENTRALISATION PROGRAM 'CAPACITY AND CAPABILITY ASSESSMENT' REPORT (94 PAGES)**

**14. SUBJECT: PLANNING PROPOSAL 7 – KYALITE STABLES**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**Recommendation:**

1. That Council note this report on the progress of Planning Proposal 7 – Kyalite Stables.

**Background:**

In 2011 Council received a request to rezone Lots 2 and 3 DP562598 and Lot 1 DP 1121183 being 21701 – 21703 Riverina Highway, Deniliquin. The land is currently zoned part RU1 Primary Production, part SP2 Infrastructure (Classified Road) and part R5 Large Lot Residential and it was proposed to rezone the land zoned RU1 to R5 under the Deniliquin Local Environmental Plan 2013. The location and zoning of the site is shown in Figure 1.

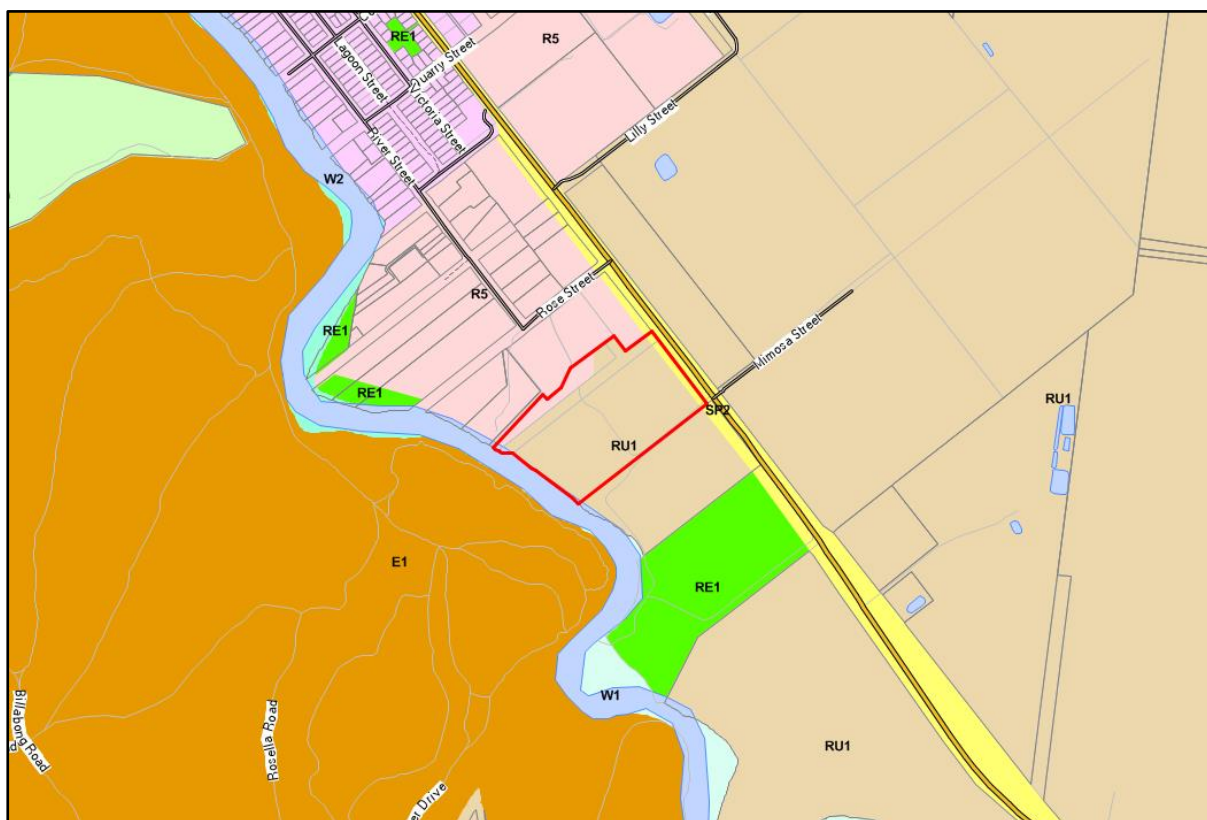


Figure 1 Location and zone of the subject site

This report provides a background to the planning proposal and its current status.

**Original Planning Proposal**

The original planning proposal was prepared on the basis of a 13 lot subdivision occurring on the site. Attachment 1 shows the proposed lot layout.

The original planning proposal was prepared by Habitat Planning on behalf of Council and at its meeting on 14 December 2011, Council resolved:

*'That Council forward the Kyalite Stable Planning Proposal to the Minister for Planning and Infrastructure for gateway determination in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979 to amend the Deniliquin Local Environmental Plan 1997 to rezone part Lot 3 DP562598, Lot 2 DP562598 and Lot 1 DP1121183 Riverina Highway from 1(a) General Rural to R5 Large Lot Residential'.*

Council received a request for additional information to support the planning proposal on 2 February 2012 from the Department of Planning and Infrastructure. Council responded to this request on 21 March 2012.

A gateway determination was issued on 25 October 2012 subject to a number of conditions. Attachment 2 is the gateway determination. Following receipt of the gateway determination the planning proposal was placed on hold at the request of the proponent.

### **Amended Planning Proposal**

In 2015 work recommenced on the planning proposal. The proponent revised the subdivision layout to a 7 lot subdivision and studies have been completed in relation to flooding, biodiversity and Aboriginal cultural heritage. Attachment 3 shows the 7 lot subdivision layout. An amended planning proposal was prepared and at its meeting on 15 September 2016 Council resolved:

- a Prepare an amended planning proposal for Lots 2 and 3 DP562598 and Lot 1 DP 1121183 being 21701 – 21703 Riverina Highway, Deniliquin to amend the Deniliquin Local Environmental Plan 2013 in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to rezone it from RU1 Primary Production to R5 Large Lot Residential and to insert additional planning controls to apply to the subject site.*
- b Forward the planning proposal to the Minister for Planning and Infrastructure in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.*
- c Request that the local planning making functions in relation to this planning proposal be delegated to Council.*

An amended gateway determination was issued on 18 November 2016 (attachment 4) and must be read in conjunction with the original gateway determination (attachment 2). Since receipt of the amended gateway determination, letters have been sent to the Department of Planning and Environment in relation to land contamination and the Office of Environment and Heritage in relation to flooding. The proponent has been notified of receipt of the amended gateway determination.

### **Strategic Implications:**

A rezoning is required to achieve the objectives of the planning proposal.

### **Budgetary Implications:**

The proponent is meeting the cost of the planning proposal.

### **Policy Implications:**

Nil.

**Legislative Implications:**

Planning proposal must be prepared in accordance with the Environmental Planning and Assessment Act.

**Risk Assessment:**

No risk assessment has been provided as this report is for information only.

**Conclusion:**

This report is provided to update Council on this project.

**Attachments:**

1. Attachment 1 – Original lot layout (13 lots)– 1 page
  2. Attachment 2 – Gateway determination – 4 pages
  3. Attachment 3 – Revised lot layout (7 lots) – 1 page
  4. Attachment 4 – Amended gateway determination – 6 pages
-

**15. SUBJECT: DEVELOPMENT APPLICATION 79/16-16 P&A SOCIETY**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT**  
**John Harvie**

**RECOMMENDATION:**

That Development Application 79/16 for the installation of a demountable office building on Lot 487 DP731813, Memorial Drive, Deniliquin dated 31 October 2016 as shown on plan numbered DA79/16#1 to 3 inclusive described in details accompanying the Development Application be **APPROVED** in accordance with section 80(1) of the Environmental Planning and Assessment Act 1979 and subject to the following conditions:

**CONDITIONS OF CONSENT:**

**1. General / Miscellaneous**

1.1 The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 79/16 and the conditions of consent.

Reason: To clarify the extent of the consent.

1.2 Council is in receipt of a Construction Certificate. No work is to be carried out until it is approved by Council. The construction certificate plans are to be consistent with the approved development consent and shall include detailed plans and specifications to demonstrate compliance with the provisions of the National Construction Code Volume 1, 2016 - Building Code of Australia (BCA).

Reason: Prescribed condition under the Environmental Planning and Assessment Act and Regulations.

1.2 The land is subject to flooding. Prior to any flood event that is predicted to inundate the building, the owner shall be responsible for removing the transportable building to flood free land.

Alternatively, the building will be required to have footings designed suitable for inundation and impact of debris from floodwater and all materials used in the construction of building below the 1% AEP flood level plus 100mm freeboard shall be of materials designed to withstand the effects of inundation without adverse deterioration.

If the land is flooded and this condition not complied with, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

Reason: To avoid the potential for damage of the building, due to the effect of flood water and to outline Council's position with respect to liability.

1.3 The essential fire safety measures as per the attached schedule, are to be installed in the proposed building to comply with the requirements of the National Construction Code Volume 1 - Building Code of Australia 2016.

Prior to the issue of an occupation certificate the owner must cause the Council to be given a fire safety certificate in relation to each essential fire safety measure. The fire safety certificate is to state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and

b) that at the date of assessment of the measure was found to be capable of functioning to at least the minimum standard required by the Schedule attached to the Construction Certificate.

Note: The owner is responsible for maintenance of the essential fire safety measure for the life of the structure. Annual Fire Safety Statements must be submitted to Council within each twelve-month (12) period, from the date of the initial fire safety statement certifying the maintenance standard of the essential fire safety measure installed on the property.

Reason: This is a requirement of Clause 153 of the Environmental Planning & Assessment Regulation.

1.4 Provide at least one (1) carparking space on site and accessible to the office building for people with disabilities. The carpark shall be designed in accordance with AS 2890.6 – 2009 Parking facilities Off street parking for people with disabilities.

Reason: To ensure compliance with the Building Code of Australia and the Disability Discrimination Act 1992.

1.5 Access for people with disability is to be provided from the accessible carpark required on site to and within the building in accordance with Part D3 of the Building Code of Australia and AS1428.1-2009 Design for access & mobility.

Reason: To ensure equitable access to the building as required by the Disability Discrimination Act in accordance with the requirements of the Building Code of Australia.

1.6 All stormwater from the roof of the proposed building, including the overflow from any rainwater tank, if any, shall be discharged by piping to a minimum 600 x 600 x 600mm rubble pit located a minimum of 6.0m clear of any building footings.

Reason: To ensure adequate disposal of stormwater in a manner that will not affect the footings of the new or existing buildings on-site.

1.7 The developer shall submit a Traffic Management Plan for the works on-site **PRIOR TO THE ISSUING OF THE CONSTRUCTION CERTIFICATE**. The Traffic Management Plan is required to be certified by a suitably accredited Traffic Controller.

Reason: To ensure public safety during construction.

## **2. Prior to commencement of works**

2.1 The erection of the building the subject of this development consent **MUST** not be commenced until the person having the benefit of the development consent has lodged a notice of commencement form with Council. This is to be lodged at least two days prior to commencing the building work.

Reason: These are requirements of the Environmental Planning and Assessment Act and associated Regulations.

- 2.2 Prior to the commencement of works, the principal contractor is to ensure that the site has been appropriately protected and secured by a fence or hoarding to prevent access from the street and to prevent the possibility of any unauthorised access in accordance with WorkCover requirements.

Reason: To protect the safety of the public by restricting unauthorised access to the land.

- 2.3 The developer shall ensure the building is located at least 10m away from any established gum trees. The proposed site shall be marked out on site and approved by Council **PRIOR TO THE COMMENCEMENT OF ANY WORKS.**

Reason: To ensure the safety of users of the building in relation to falling limbs.

- 2.4 The developer shall provide Council with evidence of a current public liability insurance policy with a minimum coverage of \$20,000,000 for any one instance **PRIOR TO THE COMMENCEMENT OF ANY WORKS.**

Reason: To ensure suitable insurance coverage for the public in relation to the works.

### 3. **During construction**

- 3.1 The following inspections are required for 48 hours' notice is to be given to Council or an accredited certifier to enable an inspection to be conducted.

- a. at the commencement of building work, after excavation for and prior to the placement of, any footings,
- b. prior to covering of the frame work for any floor, wall, or roof building element,
- c. prior to covering any stormwater drainage connections, and
- d. after building work has been completed and prior to any occupation certificate being issued in relation to the approval.

**Please note that failure to comply with this condition may result in the Occupation Certificate not being granted.**

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 & associated Regulation, and Council requirements.

- 3.2 The hours of operation for building works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

Reason: To ensure compliance with the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

- 3.3 Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.

Reason: To ensure erosion control measures have been implemented.



- 3.4 All excavations and backfilling associated with the erection of the building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.  
Reason: This is a prescribed condition of the Environmental Planning and Assessment Regulation 2000.
- 3.5 During construction, the developer shall maintain all traffic control measures on-site in accordance with the approved Traffic Management Plan.  
Reason: To ensure public safety during construction.
- 3.6 The structure(s) are to comply with the relevant requirements of the Building Code of Australia and the Environmental Planning and Assessment Act 1979.  
Reason: This is a prescribed condition of the Environmental Planning & Assessment Act 1979 to ensure compliance with the Building Code of Australia.
- 3.7 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) Showing the name, address, and telephone number of the principal certifying authority for the work, and
  - (ii) Showing the name for the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work had been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

#### **4. Prior to occupation**

- 4.1 The use of the building is not to commence until an "Occupation Certificate" is issued by Council as the Principal Certifying Authority responsible for the work.

Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.

- 4.2 Prior to the issue of a Final Occupation Certificate any damage to road surfaces or other Council infrastructure that is a result of the proposed work must be reinstated at total cost to the person having the benefit of the consent and to the satisfaction of Council.

Reason: To ensure that all Council assets located outside the property boundaries are maintained.

#### **5. Conditions of Department of Industry – Lands**

- 5.1 The development is conducted with minimal environmental disturbance to the Crown Land with particular care taken to avoid the removal or damage of any trees located within the subject Crown land.

Reason: To comply with the requirements of Department of Industry – Lands.

- 5.2 Public access on the Crown Land is retained and not restricted where it is safe to do so but restricted where necessary for construction to ensure public safety. With respect to necessary safety controls, public use and enjoyment of the Crown land must otherwise be sustained.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.3 There are to be no negative impacts on the use, function and environmental features on any identified Crown land.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.4 The proposed development must be conducted in a manner that implements appropriate soil and erosion sediment controls to prevent erosion.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.5 Measures must be taken by the applicant to ensure that the work does not contribute to the spread of noxious weeds.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.6 Appropriate rubbish and pollution control measures shall be implemented for the duration of the works.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.7 No materials are permitted to be dumped or stored on Crown land for extended periods.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.8 The applicant is responsible for all rehabilitation and future maintenance works associated with the development and the subject Crown lands.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.9 The applicant is responsible at all times for ensuring safe systems of work and that the proposed development poses no health and safety risk to workers, volunteers or the public. All persons engaged in any work relative to this approval must be qualified, trained or appropriately experienced in the work involved. Relevant advice should be obtained from NSW Work Cover.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.10 This consent does not imply the concurrence of the Minister for Primary Industries and Minister for Lands and Water for the proposed development, or the issue of any necessary lease, licence or other required approval under the *Crown Lands Act 1989*.  
Reason: To comply with the requirements of Department of Industry – Lands.
- 5.11 The Crown and the Minister for Primary Industries and the Minister for Lands and Water are indemnified and kept indemnified against all claims arising out of the use and occupation of the Crown land in respect of the proposed development.  
Reason: To comply with the requirements of Department of Industry – Lands.

### **Advisory Notes**

#### ***Dial Before You Dig***

*Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or*

telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form, or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**Aboriginal due diligence**

It is the responsibility of the applicant to ensure that all reasonable precautions are taken to prevent the occurrence of damage to Aboriginal objects. Applicants should be aware that if any Aboriginal objects are harmed during works they could be liable to prosecution under the strict liability offence of the National Parks and Wildlife Act 1974, unless they can demonstrate they have followed the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW”. Further information on the code is available at the Office of Environment and Heritage (OEH) website: [www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf](http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf)

**BACKGROUND:**

Development application 79/16 was received by Council on the 31 October 2016 for the installation of a demountable office building on Lot 487 DP731813, Memorial Drive, Deniliquin. The site forms part of the Memorial Park sporting grounds

The Application has been reported to Council as the land is managed by Council.

Development plans which include a site plan, elevation plan and floor plan are attached as attachment one (1).

**INTERNAL REFERRALS:**

Director Technical Services: No issues identified, approval is recommended subject to conditions of consent.

Health and Building Services Co-ordinator: No issues identified, approval is recommended.

**EXTERNAL REFERRALS:**

Crown Lands – Approval is recommended, subject to conditions of consent.

**STRATEGIC IMPLICATIONS:**

By considering this development Council will be meeting with Goal 5.6 – *Provide encouragement to development.*

**BUDGETARY IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**LEGISLATIVE IMPLICATIONS:**

The following assessment of the development application is in accordance with section 79C of the Environmental Planning and Assessment Act 1979.

## ***Provisions of Environmental Planning Instruments (s79C(1)(a)(i))***

### *Deniliquin Local Environmental Plan 2013 (LEP)*

The property is located in the RE1 Public Recreation zone under the LEP. The proposed installation of the demountable office is considered to be ancillary to the recreation area and is permissible in the zone with development consent. The proposed development is consistent with the objectives of the zone. The following clauses in the LEP are required to be considered.

#### *Clause 6.2 Flood planning*

*This clause applies to flood liable land.*

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) Is compatible with the flood hazard of the land, and*
- (b) Will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and*
- (c) Incorporates appropriate measures to manage risk to life from flood, and*
- (d) Will not 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*
- (e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The proposed building is a demountable office and can be removed from the site in times of flood, this requirement can be a condition of consent. Alternatively, the building will be required to have footings designed suitable for inundation and impact of debris for floodwater. All materials used in the construction of the building below the 1% AEP flood level plus 100mm freeboard shall be of materials designed to withstand the effects of inundation without adverse deterioration, this requirement can be a condition of consent.

The proposed building will not have a negative impact on the environment and will not result in unsustainable social or economic costs to the community as a consequence of flooding.

#### *Clause 6.7 Essential Services*

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required;*

- (a) The supply of water,*
- (b) The supply of electricity,*
- (c) The disposal and management of sewage,*
- (d) Stormwater drainage or on-site conservation,*
- (e) Suitable vehicular access.*

The proposed development being the installation of a demountable office is not required to be connected water or sewer. This use of the office is generally for events and won't be used on a regular basis and there are available amenities in close proximity to the proposed office building.

All stormwater from the roof of the proposed office building shall be discharged into a rubble pit located a minimum of 6.0m clear of any building footings.

Access to the site is existing and the proposed building shall utilise the existing road network within the Memorial Park area.

Electricity is available at the site.

*Murray Regional Environmental Plan No 2 - Riverine Land (MREP No 2 – Riverine Land)*

The MREP No 2 – Riverine Land applies to the land shown on the map that is riverine land of the River Murray within Deniliquin. General and specific planning principles are required to be considered when a consent authority determines a development application.

Clause 9 - General Planning Principles

Clause and Control	Compliance
(a) The aims, objectives, and planning principles of this plan.	The proposed development does not significantly impact on the River Murray as it is not located on riverine land. The proposed development is not considered to be development that would have a negative impact on the riverine environment.
(b) Any relevant River Management Plan.	Not applicable as there no River Management Plan applying to this land.
(c) Any likely effect of the proposed plan or development on adjacent and downstream local government areas.	The proposed development would not impose any impacts on downstream local government areas.
(d) The cumulative impact on the proposed development on the River Murray.	It is not considered that the proposed development will impose any cumulative impacts on the River Murray.

Clause 10 – Specific Planning Principles

Principle	Response
Access	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Bank Disturbance	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Flooding	The proposed site is located on flood prone land – refer to previous comments in the report.
Land Degradation	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.

Landscape	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
River Related Uses	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Settlement	The proposed site is located within the town levee system. The proposed site does not impact on prime crop or pasture land.
Water Quality	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Wetlands	The proposed site is not located on riverine land or on wetlands therefore this principle is not applicable to the proposed development.

***Provisions of any draft Environmental Planning Instrument (s79C(a)(ii))***

No draft environmental planning instruments apply to this development.

***Provisions of any Development Control Plan (s79C(a)(iii))***

***Deniliquin DCP 2016***

The subject site is located in the RE1 Public Recreation zone and therefore Chapter 1 – Notification and Chapter 6 – Recreation Zones apply to the proposed development.

**Chapter 1 – Notification**

In accordance with chapter one of the DCP the development application was notified in the local media and to neighbouring properties for a period of 14 days. The development application was required to be notified as Council manages the subject site. No submissions were received.

**Chapter 6 – Recreation Zones**

The following controls apply to this development application.

<b>Control</b>	<b>Standard</b>	<b>Compliance</b>
CI 6.1	Infrastructure and services	Refer to previous comments in relation to servicing in this report.
CI 6.2	Access and car parking	Additional on-site parking is not required in accordance with Chapter 12 – Car Parking however, one (1) car parking space on site for the disabled is required. This car parking space is required to be accessible to the proposed office building for people with disabilities. The car park shall be designed in accordance with AS2890.6-2009 <i>Parking facilities off street parking for people with disabilities</i> . This will be a condition of any consent.
CI 6.3	Landscaping	In this instance landscaping is not required. The proposed building will

		only be used intermittently during events.
CI 6.4	Building appearance and design	The proposed building is constructed from steel and is cream in colour. The building is consistent with other buildings on the site.
CI 6.5	Outdoor areas	Not applicable - the proposed building will only be used intermittently during events.
CI 6.6	Waste and trade waste	Not applicable - the proposed building will only be used intermittently during events.
CI 6.7	Impacts on surrounding land	The proposed office building will not impose a negative impact on surrounding properties.

***Provisions of any Planning Agreement or Draft Planning Agreement (s79C(a)(iia))***

Not applicable.

***Prescribed Matters in the Regulation (s79C(a)(iv))***

There are no prescribed matters that apply to this development.

***Likely Impacts of that Development (s79C(b))***

The proposed office building will not impact the surrounding area. Any likely impacts can be mitigated through conditions of consent.

***Suitability of Site for Development (s79C(c))***

The site is considered suitable for the proposed office building.

***Submissions (s79C(d))***

Nil

***The Public Interest (s79C(e))***

The proposed office building is considered compatible with the area and can be utilised for various events held at the Memorial Park.

**Political Donations and Gifts Disclosure**

The Applicant has advised that they have made no reportable political donation to a Councillor and/or any gift to a Councillor or Council employees within a two (2) year period before the date of the application being submitted.

**RISK ASSESSMENT:**

***What can happen?***

If Council refuses the development application, it may be subject to appeal to the Land and Environment Court by the Applicant. If Council approves the development application, it may be subject to appeal to the Land and Environment Court on procedural grounds by a third party.

***How can it happen?***

Any decision to approve or refuse this development application could result in proceedings being commenced in the Land and Environment Court.

***What are the consequences of the event happening?***

Potential proceedings in the Land and Environment Court.

***What is the likelihood of the event happening?***

Unknown.

***Adequacy of existing controls?***

Existing controls are considered to be adequate.

***Treatment options to mitigate the risk?***

Report requests of this nature to Council.

**CONCLUSION:**

There is some risk associated with this matter. However, Council must determine the development application.

**ATTACHMENTS:**

1 - Development plans which include a site plan, elevation plan and floor plan – 3 pages



**16. SUBJECT: DEVELOPMENT APPLICATION 78/16**

**FROM: MANAGER OF ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION:**

That Development Application 78/16 for the installation of a temporary office building and permanent toilet block on Lot 9 DP662508, Lot 6 DP668426, Lot 6 DP667946 and Lot 7 Section 21 DP758913 (Crown Reserve 1000166), 170-180 Cressy Street, Deniliquin dated 28 October 2016 as shown on plans numbered 16DD40 (sheets 1, 2, 6 and 10) and 16DD51 (sheets 1 and 2) and described in details accompanying the Development Application be **APPROVED** in accordance with section 80(1) of the Environmental Planning and Assessment Act 1979, subject to obtaining owners consent and the following conditions:

**Conditions of Consent:**

**1. General / Miscellaneous**

1.1 The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 78/16, and the conditions of consent.

Reason: To clarify the extent of the consent.

1.2 An application for a Construction Certificate is to be submitted to and approved by Council or an accredited Private Certifier prior to any building work commencing. The construction certificate plans are to be consistent with the approved development consent and shall include detailed plans and specifications to demonstrate compliance with the provisions of the National Construction Code Volume 1, 2016 - Building Code of Australia (BCA).

Reason: Prescribed condition under the Environmental Planning and Assessment Act and Regulations.

1.3 All vehicles must enter and exit the development in a forward direction to avoid possible conflict with through traffic on Civic Place.

Reason: To minimise possible accidents with traffic on the adjacent road.

1.4 A minimum provision of eleven (11) carparking spaces is required on the subject land.

Reason: To provide adequate on site carparking commensurate with traffic generation of the development.

1.5 Provide at least one (1) carparking space on site for people with disabilities. The carpark shall be designed in accordance with AS 2890.6 – 2009 Parking facilities Off street parking for people with disabilities.

Reason: To ensure compliance with the Building Code of Australia and the Disability Discrimination Act 1992.

1.6 Access for people with disability is to be provided from the accessible carpark required on site and from the main point of pedestrian entry at the allotment

boundary, to and within the building in accordance with Part D3 of the Building Code of Australia and AS1428.1-2009 Design for access and mobility.

Reason: To ensure equitable access to the building as required by the Disability Discrimination Act in accordance with the requirements of the Building Code of Australia.

- 1.7 No advertising sign and/or structure other than that which is permissible without consent is to be erected as part of the approved development unless a formal application has been submitted to Council and a Development Consent has been issued.

Reason: To advise that unless shown as part of the development proposal separate development consent is required for any advertising sign and/or structures.

- 1.8 All storm water from the roof of the proposed building, including the overflow from any rainwater tank, if any, is to be discharged via the existing storm water drainage system and piped to the street gutter.

Reason: To ensure adequate disposal of storm water in a manner that is not going to cause nuisance to adjoining properties and will not impact on existing buildings on site.

- 1.9 The external colour scheme of the proposed temporary office building and toilet facilities is to be in accordance with the recommendation of Council's Heritage Advisor.

Reason: To clarify the required colour scheme of the proposed buildings.

## **2. Prior to issue of construction certificate**

- 2.1 Prior to the issue of the construction certificate an application for approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, storm water and sewerage works is to be lodged with Council. The approval under Section 68 of the Local Government Act, 1993 is to be obtained prior to any works commencing on site.

Reason: To ensure compliance with the Local Government Act 1993.

- 2.2 Prior to issue of the Construction Certificate, plans are to be submitted to Council for approval for the control of storm water from the roof and hardstand areas.

Reason: To prevent any increase in the storm water flows from the subject development towards lower properties.

- 2.3 Prior to issuing of a Construction Certificate submission of plans for sealed carparking spaces, maneuvering area and access driveways all conforming to Council's specification outlined in Council's Development Manual. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements.

Reason: To ensure that the carparking is designed to a standard commensurate to proposed use.

## **3. Prior to commencement of works**

- 3.1 The erection of the building the subject of this development consent MUST not be commenced until:

- (a) detailed plans/specifications of the building have been endorsed with a construction certificate by:
  - (i) the Council, or
  - (ii) an accredited certifier, and
- (b) the person having the benefit of the development consent:
  - (i) has appointed a principal certifying authority, and
  - (ii) has notified the Council of the appointment, and
- (c) the person having the benefit of the development consent has lodged a notice of commencement form with Council. This is to be lodged at least two days prior to commencing the building work.

Reason: These are requirements of the Environmental Planning and Assessment Act and associated Regulations

- 3.2 Prior to any works being undertaken in the road reserve a road opening permit is to be obtained from Council.

Reason: To ensure compliance with the Roads Act, which requires the road authority to give permission for an activity within the road reserve.

- 3.3 Prior to the commencement of works, the principal contractor is to ensure that the site has been appropriately protected and secured by a fence or hoarding to prevent access from the street and to prevent the possibility of any unauthorised access in accordance with Work Cover requirements.

Reason: To protect the safety of the public by restricting unauthorised access to the land.

- 3.4 Timber planks having a minimum thickness of 50 mm shall be placed over all vehicular access points over kerbing and guttering and footpaths prior to the commencement of building work, such planks shall be strapped together with iron straps in the form of a mat. The ends of such planks shall be tapered at an angle not exceeding 30 degrees.

Reason: To ensure that Council's infrastructure is protected.

#### **4. During construction**

- 4.1 The structure(s) are to comply with the relevant requirements of the Building Code of Australia and the Environmental Planning and Assessment Act 1979.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979 to ensure compliance with the Building Code of Australia.

- 4.2 **Council has been appointed the Principal Certifying Authority for the work. 48 hours' notice prior shall be given to Council requesting that the following inspections being conducted:**

- a) at the commencement of building work, and
- b) after excavation of foundations prior to the placement of any footings, and
- c) prior to pouring any in-situ reinforced concrete building element, and
- d) prior to covering of the frame work for any floor, wall, roof or other building element
- e) Prior to covering all hot and cold water plumbing and sewer plumbing and drainage.

- f) prior to waterproofing in any wet areas, and
- g) prior to covering any storm water drainage connections, and
- h) after building work has been completed and prior to any occupation certificate being issued in relation to the approval.

**Please note that failure to comply with this condition may result in the Occupation Certificate not being granted.**

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and associated Regulations.

**4.3 The following inspections are required for 48 hours' notice is to be given to Council or an accredited certifier to enable an inspection to be conducted.**

- a) at the commencement of building work, and
- b) after excavation for and prior to the placement of, any footings, and
- c) prior to pouring any in-situ reinforced concrete building element, and
- d) prior to covering of the frame work for any floor, wall, roof, or other building element
- e) Prior to covering all hot and cold water plumbing and sanitary plumbing and drainage.
- f) prior to waterproofing in any wet areas, and
- g) prior to covering any storm water drainage connections, and
- h) after building work has been completed and prior to any occupation certificate being issued in relation to the approval.

**Please note that failure to comply with this condition may result in the Occupation Certificate not being granted.**

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 & associated Regulation, and Council requirements.

**4.4 The hours of operation for demolition or building works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.**

Reason: To ensure compliance with the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

**4.5 Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.**

Reason: To ensure erosion control measures have been implemented.

**4.6 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.**

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Regulation 2000.

- 4.7 If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made
- (i) must preserve and protect the building from damage; and
  - (ii) if necessary must underpin and support the building in an approved manner; and
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place. Any damage caused is to be repaired to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Amendment Regulation 2000.

- 4.8 Any waste or excavated material removed from the site is to be taken to an authorised site for disposal. No fill is to be deposited on other land without the prior consent of Council.

Reason: To ensure the responsible disposal of surplus landfill.

- 4.9 Earthworks are to be wholly contained within the property/site. It is the responsibility of the landowner and/or the principal contractor to ensure compliance with this condition

Reason: To ensure that the development does not encroach onto neighbouring lots.

- 4.10 If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

- 4.11 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (iv) Showing the name, address and telephone number of the principal certifying authority for the work, and
  - (v) Showing the name for the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (vi) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work had been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

- 4.12 Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before the commencement of construction works.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

## **5. Prior to occupation certificate**

- 5.1 Use of the site for the proposed development shall not take place until all conditions required prior to commencement of work for this approval have been satisfied.

Reason: To ensure compliance to all requirements.

- 5.2 The use of the building is not to commence until such time as an "Occupation Certificate" is issued by Council / the Principal Certifying Authority responsible for the work.

Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.

- 5.3 Work as executed drawings of the sewer alignment is to be submitted to the Council on completion of all work.

Reason: To ensure Council has a true and accurate record of the development.

- 5.4 Prior to the issue of a Final Occupation Certificate any damage to kerb and gutter, road surfaces, infrastructure or landscaping outside of the property boundary that is a result of the proposed work, must be reinstated at total cost to the person having the benefit of the consent and to the satisfaction of Council.

Reason: To ensure that all Council assets located outside the property boundaries are maintained.

- 5.6 Prior to issue of an Occupation Certificate, provide carpark construction conforming to the approved plans.

Reason: To ensure provision of a carpark commensurate with proposed use.

**Background:**

Development application 78/16 was received by Council on the 28 October 2016 for the installation of a temporary office and a permanent toilet block. The site consists of 4 lots being Lot 9 DP662508, Lot 6 DP668426, Lot 6 DP667946 and Lot 7 Section 21 DP758913 (Crown Reserve #1000166) 170-180 Cressy Street. The subject site is located between the existing Estates Building and the Town Hall with the existing Council offices at the rear of the site. Beyond the immediate boundaries of the site there are various commercial uses.

The proposed development consists of the following:

- Installation of a prefabricated temporary office block with frontage to Cressy Street to cater for the growth in staff numbers due to the recently amalgamated Council, and
- Installation of a walkway structure to link the proposed temporary office to the existing Council offices at the rear of the site, and
- Installation of a permanent toilet block to the west wall of the Town Hall which will provide toilet facilities for the Town Hall.

The application was notified to the adjoining owners and in the local media for a period of 14 days. No submissions were received during this period.

The following information is attached:

- Development application and supporting documentation including plans, statement of environmental effects, and heritage impact statement.
- Aerial plan/photo of the site.

The development application has been reported to Council as Council is the applicant and is also the landowner.

**Internal Referrals:**

Manager of Development – Approval is recommended subject to conditions of consent.

Services and Utilities Engineer – No issues have been identified, services are available at the site and approval is recommended.

Sewer is available via a 300mm earthenware gravity sewer line to the north west of the proposed development (pedestrian walkway) or via a 150mm earthenware gravity sewer to the south west of the development.

Water is available via a 150mm AC filtered water main along Civic Place or via a 150mm AC filtered water main along Cressy Street.

Stormwater is to be directed towards the McFaulk Park lagoon via the existing stormwater network. The site consists of impervious surface and it is not expected that the stormwater run-off will increase therefore there is no requirement for onsite retention storage.

An assessment of the onsite parking has been undertaken and it is considered that there is adequate room for manoeuvring on the site based on the onsite carparking layout.

*Heritage Advisor* – Previous advice provided to the applicant in September 2016 in relation to the design of the temporary office accommodation has been taken into account and the proposal reflects the advice provided.

Approval is recommended as the proposal demonstrates that the placement of the temporary demountable office and toilet accommodation between the Deniliquin Town Hall and Estates Building has minimal impact on the adjoining heritage items and the streetscape within the Heritage Conservation Area.

**Strategic Implications:**

By considering this development Council will be meeting with Goal 3.3 – *Facilitate the provisions of improved community facilities* and Goal 5.6 – *Provide encouragement to development*.

**Budgetary Implications:**

Nil.

**Policy Implications:**

The following Council policies are required to be considered:

- 6.1 *Damage to Footpathing, Kerbing and Guttering* – This can be addressed in conditions of consent.
- 7.3 *Disabled access and mobility* – The proposed building complies with the Building Code of Australia.

***Provisions of Environmental Planning Instruments (s79C(1)(a)(i))***

**Legislative Implications:**

The following assessment of the development application is in accordance with section 79C of the Environmental Planning and Assessment Act 1979.

*Deniliquin Local Environmental Plan 2013 (LEP 2013)*

The subject site is located in the B2 Local Centre zone under the LEP. The proposed use of the temporary office is defined as an office premises and is permissible in the zone with development consent. The proposed permanent toilets are considered to be ancillary to the existing Town Hall and are permissible in the zone with development consent. The following clauses in the LEP are required to be considered.

**Land Use Table - Zone B2 Local Centre**

*The objectives of the B2 zone are:*

- *To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage the development and expansion of business activity that will contribute to the economic growth of Deniliquin.*

The proposed development is considered to be compatible with the objectives of the B2 zone and its function. The proposed temporary office will be located in an



accessible location for all of the community. The proposed permanent toilet block for the Town Hall provides facilities for a building that can be used for entertainment and community uses that is accessible to the public.

Clause 5.9AA – Trees or vegetation not prescribed by a development control plan

- (1) *This clause applies to any tree or other vegetation that is not of a species kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.*
- (2) *The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.*

The proposed development includes the removal of one tree that is located in the existing Council carpark. Council does not have a development control plan that applies to trees or other vegetation therefore the removal of trees from this site is permitted without development consent.

5.10 – Heritage Conservation

*The objectives of this clause are as follows:*

- a. *To conserve the environmental heritage of Deniliquin,*
- b. *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c. *To conserve the archaeological sites,*
- d. *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

*Development consent is required for erecting a building on land on which a heritage item is located or that is within a heritage conservation area.*

Part of the subject site encompasses the Town Hall which is identified as a heritage item under the LEP 2013. The subject site is also located within the heritage conservation area and within the vicinity of heritage items (particularly the Estates Building) which are also identified in the LEP 2013.

Council have received a Heritage Impact Statement as part of the development application which assesses the extent to which the carrying out to the proposed development would affect the heritage significance of the heritage items and the heritage conservation area concerned.

The following aspects of the proposed development are considered to respect or enhance both the heritage items and heritage conservation area:

- The design to the temporary office building incorporates a skillion verandah and parapet to reflect similar buildings in the streetscape.
- The colour scheme selected has been done in consultation with Council's Heritage Advisor and is considered to be sympathetic to the surrounding streetscape and the heritage conservation area.
- The design of the temporary office building does not detract from the heritage significance or importance in the streetscape of the Estates Building and Town Hall. The proposed office building is of smaller scale and reflects other offices and shops in the heritage conservation area.
- The toilets for the Town Hall are basic in design but will not be visible from a public area.

The design of the proposed temporary office accommodation and Town Hall toilets is consistent with the streetscape and does not have a negative impact on the heritage items in the locality or the heritage conservation area.

### 6.7 – Essential Services

*Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- a. *The supply of water,*
- b. *The supply of electricity,*
- c. *The disposal and management of sewage,*
- d. *Stormwater drainage or on-site conservation,*
- e. *Suitable vehicular access.*

Essential services including water, sewer, stormwater, vehicular access and electricity are available to the subject site.

### *Murray Regional Environmental Plan No 2 - Riverine Land (MREP No 2 – Riverine Land)*

The MREP No 2 – Riverine Land applies to the land shown on the map that is riverine land of the River Murray within Deniliquin. General and specific planning principles are required to be considered when a consent authority determines a development application.

### Clause 9 - General Planning Principles

Clause and Control	Compliance
(e) The aims, objectives and planning principles of this plan.	The proposed development does not significantly impact on the River Murray as it is not located on riverine land. The proposed development is not considered to be development that would have a negative impact on the riverine environment.
(f) Any relevant River Management Plan.	Not applicable as there no River Management Plan applying to this land.
(g) Any likely effect of the proposed plan or development on adjacent and downstream local government areas.	It is not considered that the proposed development would impose any impacts on downstream local government areas due to the nature and size of the development.
(h) The cumulative impact on the proposed development on the River Murray.	It is not considered that the proposed development will result in any cumulative impacts on the River Murray.

### Clause 10 – Specific Planning Principles

Principle	Response
Access	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.

Bank Disturbance	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Flooding	The proposed site is located within the town levee system. Council's Town Planning Policy No 5.9 Floor Heights does not apply to this development.
Land Degradation	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Landscape	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
River Related Uses	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Settlement	The proposed site is located within the town levee system. Council's Town Planning Policy No 5.9 Floor Heights does not apply to this development. The proposed site does not impact on prime crop or pasture land.
Water Quality	The proposed site is not located on riverine land therefore this principle is not applicable to the proposed development.
Wetlands	The proposed site is not located on riverine land or on wetlands therefore this principle is not applicable to the proposed development.

*State Environmental Planning Policies*  
Not applicable.

***Provisions of any draft Environmental Planning Instrument (s79C(a)(ii))***  
No draft environmental planning instruments apply to this development.

***Provisions of any Development Control Plan (s79C(a)(iii))***  
The subject site is located in the B2 Local Centre and the following controls in chapter three of Deniliquin DCP 2016 - Commercial Controls apply to the proposed development:

Control	Standard	Compliance
3.1	Infrastructure and services	The proposed development will be connected to the town water supply, electricity, telephone, and sewerage services – the subject site has existing connections to infrastructure and services.  The proposed development will be connected to Council's existing stormwater system.
3.2	Access and parking	Currently the subject site is a car park for the existing Council offices. The original development application for the existing Council office could not be located to determine if parking had ever been conditioned, however the subject site has

		<p>been used for onsite parking for some time. Currently there are 23 onsite car parking spaces available at the subject site.</p> <p>The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 – Car Parking.</p> <p><i>Chapter 12 – Car parking</i>  <i>12.1 CBD Parking Requirements</i>  Generally, office premises are required to provide 1 space per 40m<sup>2</sup> of gross floor area (the approximate area of office building excluding the toilet block and walkway is 360m<sup>2</sup>). Based on the area of the proposed temporary office building it would require the applicant to provide 9 additional onsite parking spaces. Where minor alterations or additions occur (e.g. the proposed toilet block and walkway) in the CBD no additional parking spaces are required.</p> <p>In this instance 12 onsite existing car parking spaces will be removed and no additional onsite car parking spaces are proposed. The proposal seeks to redesign on street parking in the direct vicinity of the subject site to allow for more on street parking.</p> <p>The proposed development aims to retain 11 onsite car parking spaces. In Civic Place it is proposed to change the existing on street parking to allow for 14 angled parking spaces. The loss of parking spaces on site shall be mitigated by the fact that the Civic Place shall no longer be the entry to Council and therefore this area will not require on street parking for customers. In Cressy Street, there is a change to existing on street parking proposed to allow for 5 x 15 minute parallel parking bays and 1 parallel parking bay for disabled parking. It is assumed that visitors to Council will utilise the on street parking in Cressy Street.</p> <p>There is a lack of on site parking available on properties within the B2 Local Centre. In this area, Council aims to allow new development or the re-development of existing CBD properties to be undertaken without being restricted by their lack of ability to provide for off-street parking.</p>
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		Based on the location of the subject site and the lack of area available on site, the proposed parking arrangements are suitable. They allow for entering and exiting the site in a forward motion.
3.3	Building setbacks	A zero setback is allowed in the main CBD however in this instance the proposed temporary office building is setback 4.5m to allow for the verandah and associated access ramp.
3.4	Landscaping	There is no landscaping proposed with this development.
3.5	Building appearance and design	The proposed temporary office building presents to Cressy Street, provides for high quality non-reflective materials and finishes.  The proposed toilet block is ancillary to the Town Hall building and is not required to present to the street. The proposed toilet block provides for high quality non-reflective materials and finishes.
3.6	Outdoor areas	The only outdoor storage areas will be for garbage bin storage. This will be between the new and the old building and will not be within the view of the public.
3.7	Waste and trade waste	Waste storage will be between the new and the old building and will not be within view of the public.
3.8	Impacts of surrounding land	The proposed development will not have a negative impact on surrounding area. The existing use of the site will not alter and is compatible with the surrounding area.

The proposed site is located within the heritage conservation area in the vicinity of a local heritage item and the following controls of chapter 11 of Deniliquin DCP 2016 - Heritage Conservation (development controls for CBD) apply to the development:

Control	Standard	Compliance
11.3.2	Commercial development	The style of the proposed office building is contemporary in design but respectful of the traditional buildings in the area. The height of the building is in scale with other non - heritage significant buildings in the direct area.  The design of the temporary office block incorporates a skillion verandah and parapet to reflect similar buildings in the streetscape.  Colours selected (in consultation with Council's Heritage Advisor) are sympathetic to the surrounding streetscape and heritage conservation area.

		The toilets for the Town Hall are a basic design but they will not be visible from a public area.
11.3.4	Infill development	<p>The style of the proposed temporary infill office is contemporary in design but respectful of the traditional buildings in the area.</p> <p>Whilst the proposed new office is not two storeys and does not have a zero setback it is considered to be a temporary office building.</p> <p>The colour scheme of the temporary office building has been selected in consultation with Council's Heritage Advisor and is sympathetic to the surrounding streetscape and heritage conservation area.</p>
11.3.6	Colour schemes	The colour scheme selected (in consultation with Council's Heritage Advisor) are sympathetic to the surrounding streetscape and heritage conservation area.

***Provisions of any Planning Agreement or Draft Planning Agreement (s79C(a)(iia))***

Not applicable.

***Prescribed Matters in the Regulation (s79C(a)(iv))***

There are no prescribed matters that apply to this development.

***Likely Impacts of that Development (s79C(b))***

The proposed development will not impose any negative impacts on the area or to the heritage conservation area. Any likely impacts can be mitigated through conditions of consent.

***Suitability of Site for Development (s79C(c))***

The site is suitable for the proposed development. Services are available to the site and allowing the temporary office accommodation at this site allows an essential civic service to be in a central location accessible to all members of the community.

***Submissions (s79C(d))***

Nil

***The Public Interest (s79C(e))***

The proposed development is considered to be compatible with the locality. It allows an existing civic service to remain centralised and accessible to the whole of the community. Any impact arising from the proposed development can be adequately addressed via conditions of consent.

**Risk Assessment:  
*What can happen?***

If Council refuses the development application it may be subject to appeal to the Land and Environment Court by the Applicant. If Council approves the development application, it may be subject to appeal to the Land and Environment Court on procedural grounds by a third party.

***How can it happen?***

Any decision to approve or refuse this development application could result in proceedings being commenced in the Land and Environment Court.

***What are the consequences of the event happening?***

Potential proceedings in the Land and Environment Court.

***What is the likelihood of the event happening?***

Unknown.

***Adequacy of existing controls?***

Existing controls are considered to be adequate.

***Treatment options to mitigate the risk?***

Report requests of this nature to Council.

**Conclusion:**

There is some risk associated with this matter. However, Council must determine the development application.

**Attachments:**

- Attachment 1 – Development application plans – 6 pages
  - Attachment 2 – Car parking proposed layout including plans – 8 pages
  - Attachment 3 - Aerial plan/photo of the site – 1 page
  - Attachment 4 – Site photographs – 1 page
-

**17. SUBJECT: DEVELOPMENT APPLICATION 8/16 – WATER STORAGE**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION/S:**

That Council approve Development Application No. 8/16/DA for the 1900 Megalitre Water Storage Dam extension, "Hartwood Station" under Section 80(1) of the Environmental Planning and Assessment Act, 1979, and subject to the following conditions noted :

**Background:**

Applicant:	Matthew Truccolo
Property:	Lot 84,101-103 DP756309, LOT 17 DP11685, Lot 58 DP 756289, "Hartwood Station" 3202 Conargo Road
Zoning:	RU1 Primary Production
Proposed Development:	Water Storage Dam Expansion – 1900 Megalitres
Consent Authority:	Edward River Council
Reason for Report:	Designated Development

Development Application 8/16/DA was lodged with Council on 23 March 2016. The proposed development is for a 1900 megalitres enlargement of the existing storage dam on Hartwood Station giving an overall capacity of 2400 Megalitres water storage.

The application is deemed to be Designated Development as prescribed by the Environmental Planning & Assessment Act 1979, due to the size of the storage and the sodicity of the soil at the proposed site. Designated Development requires the preparation of an Environmental Impact Statement (EIS).

The development is proposed to be a staged development as follows;

- Stage 1 – 500 Megalitre water storage cell, decommission 360 hectares of flood irrigation , increase length of LM irrigation by another 3 km
- Stage 2 -1400 Megalitre water storage cell , decommission 720 hectares of flood irrigation, increase length of LM Irrigation by another 6km

Requests for further information were made on two occasions to the applicant due to insufficient information being provided for Aboriginal Cultural Heritage Assessment , Water Licensing and Soil Analysis. This information was satisfactorily supplied on 15 November 2016.

**Comment**

Located on the subject land is an existing 500 Megalitre Water Storage. Currently water is pumped from the Yanco Creek to the existing storage and then pumped to a lateral supply channel adjacent to the north of an existing LM travelling irrigator. It is proposed that the increased storage capacity will facilitate the decommissioning of around 1,080ha of flood irrigation and the replacement installation of an additional 9km of LM travelling irrigators to spray irrigate the land. This could potentially result in the harvesting of water from over 1440 ha of spray irrigated farm land , with water directed back into the storage system



## **Designated Development**

As part of the Designated Development assessment process the application was referred to the relevant statutory Authorities and exhibited by way of site notice, advertisement in the local print media and by written notification to adjoining and adjacent land owners, for a period of 30 days commencing on 30 March 2016. The Exhibition period concluded on the 2 May 2016.

During the exhibition period three (3) written objection to the proposal were received. The objections are detailed in the exhibition section of the report

## **Legislative and Policy Implications:**

### Environmental Planning and Assessment Act 1979

The proposed development is defined as Designated Development in accordance with the Act and as listed in Schedule 3. To ensure compliance with the Act the applicant has prepared an Environmental Impact Statement (EIS). The EIS has been referred to all relevant Departments for comment

In determining a Development application , the consent authority is required under s79C to take into consideration such of the following matters as are of relevance to the development , the subject of the development application

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

The application was assessed by applying the relevant considerations noted in s79C ;

Environmental Planning Instruments relation to the development

State Environmental Planning Policy No.52 – Farm Dams and other works in Land and Water Management Plan Areas

The land on which the water storage dam is proposed to be located is not in a Land and Water Management Plan area and therefore the provisions of SEPP 52 do not apply.

Conargo Local Environmental Plan 2013

The proposed Water storage dam complies with the aims and objectives of the RU1 Primary Produce zone and the Plan on the whole.

Council Policy

Reporting Requirements – Determination of Development Application - requires that any Designated Development shall be reported to Council for determination.

**Exhibition**

As stated in the background to this report the application was required to be exhibited for a period of 30 days.

The application commenced exhibition on 30 March 2016 and was advertised placed for two occasions during the exhibition period in the Pastoral Times Newspaper. Adjoining and adjacent property owners were notified and The application, Environmental Impact Statement and Plans, were placed on public exhibition at:

- Conargo Shire Offices, End St, Deniliquin
- Department of Planning Office, Western Division Office, Macquarie Street, Dubbo
- Department of Planning, Head Office, 23-33 Bridge Street, Sydney NSW

**Referrals**

Referrals were sent to the following statutory agencies and the following comments were received;

- Department of Planning and Environment – No issues
- Office of Environment and Heritage - further assessment of ACH requested . provided by applicant to satisfaction of OEH
- Local Lands Services – no issues
- Department of Industry, Resources and Energy – no issues
- Deniliquin Aboriginal Lands Council – no issues
- Department of Primary Industries – Water – no issues

## Submissions

At the end of the submission period three written objections were received;

Objection 1	Economic and loss of amenity grounds	Concerns if supplementary or other water supplied was pumped by Hartwood to fill 1900 meg dam that it will severely impact on their ability to be supplied with any water to their property
Objection 2	Economic and Environmental Grounds	Concerns that the large volume of water able to be held in the storage dams will be detrimental to downstream users ability to access any supplementary and off allocation water
Objection 3	Loss of amenity , economic grounds	Concerned if large volumes of water are used to fill storages it will result in no supplementary water for other downstream users. Serious effect on downstream flows. No information provided about additional pumps that may be required

## Consideration of Objections

The objections raised were all common in their concern that any supplementary or off allocation water would be captured by the enlarged dam at Hartwood Station and downstream users would lose access to this water.

The applicant advised that there is no plan to upgrade any of the pumps so as to increase pumping capacity during supplementary water events and no additional licence allocations are to be sought.

Based on advice received from NSW Water it was identified that the supplementary water allocations are legislated under the Water Management Act and are based on Water Sharing Plans. Supplementary allocations are based on the Fair and equitable principles under the legislative guidelines and any allocations, increased pumping or additional licencing would require approval from the Office of Water .

It is therefore considered that the matter of water allocations are sufficiently legislated under the Water Management Act and therefore outside the authority of Council.

The proposed development seeks to enlarge the existing water storage and improve on-farm water efficiency. It does not seek to increase the pumping capacity or create additional licences and therefore it is recommended that the proposed Development will not be of undue detriment to the environment or the amenity of the area.

**Budget Implications:**

Nil

**Risk:**

The application has been assessed against the relevant legislation and Council policies to minimize any risk to the Council, the environment and the community

**Recommendation:**

That Council approve Development Application No. 8/16/DA for the 1900 Megalitre Water Storage Dam extension," Hartwood Station" under Section 80(1) of the Environmental Planning and Assessment Act, 1979, and subject to the following conditions noted ;

**General Conditions**

To be provided as separate attachment

**18. SUBJECT: GRANT VARIATION - EDWARD RIVER AT DENILIQUN FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION/S:**

That Council:

- 1 Allocate an additional \$50 000 GST exc for the Edward River at Deniliquin Floodplain Risk Management Study and Plan.
- 2 Note that of this \$50 000 GST exc budget allocation, \$40 000 is grant funded and the remaining \$10 000 GST exc is Council's additional contribution to the Edward River at Deniliquin Floodplain Risk Management Study and Plan. .

**Background:**

Following the October 2016 flood event in Deniliquin, Council has obtained additional funding from the 2014-15 Floodplain Management Program for the Edward River at Deniliquin Floodplain Risk Management Study and Plan. This additional funding will allow Council to examine the October 2016 flood event and to update flood intelligence.

**Current Funding**

The grant under 2014-15 Floodplain Management Program administered by the Office of Environment and Heritage was for a maximum contribution of \$114 400 GST exc on a 4:1 basis. The cost of the Edward River at Deniliquin Floodplain Risk Management Study and Plan is \$123 040 GST exc with a contribution of \$98 432 GST exc from the grant and a contribution of \$24 608 GST exc from Council.

**Project Variation**

The project variation involves examining the October 2016 flood event against the flood modelling completed as part of the Edward River at Deniliquin Flood Study (2014) and to update flood intelligence. Updating the flood intelligence is one of the recommendations of the draft Edward River at Deniliquin Floodplain Risk Management Study and Plan.

The main elements of the variation are as follows:

<b>Newsletter and Survey Monkey</b>	Drafting of the newsletter and establish a survey monkey online submission form to collect responses	\$1 050 GST ex
<b>Public meetings/drop in sessions</b>	2 x public meetings 2 x drop in sessions	\$8 000 GST exc
<b>Data Collection Report</b>	Compile all data collected and report on outcomes.	\$6 500 GST exc

<b>Validation</b>	Validate collected flood intelligence against 10%AEP event or October 2016 event	\$3 500 GST exc
	Model October 2016 event with animations	\$5 500 GST exc
<b>Flood Intelligence</b>	Update and amalgamate flood data	\$12 000 GST exc
<b>TOTAL</b>		<b>\$36 550 GST exc</b>

An application to vary the grant has been approved by the Office of Environment and Heritage. The total value of the project (being the draft Edward River at Deniliquin Floodplain Risk Management Study and Plan and the examination of the October 2016 flood) is \$159 590 GST exc with a contribution of \$127 672 GST exc. The contribution by Council will be \$31 918 GST exc.

### **Strategic Implications:**

This project variation allows Council to validate modelling completed in the Edward River at Deniliquin Flood Study (2014) and also update and amalgamate flood intelligence.

### **Budgetary Implications:**

Council has allocated a budget of \$60 000 GST exc for this financial year and to date Council has expended \$58 258 GST exc. Council has budgeted to receive \$40 000 GST exc in grant funding. To date, Council has received income of \$13 386.40 GST exc.

Under the workplan approved by the Office of Environment and Heritage, Council will be required to expend an additional \$50 000 GST exc to complete this project in this financial year. Council will receive \$40 000 GST exc in additional grant funding and will be required to contribute an extra \$10 000 GST exc of own funding.

Therefore, Council needs to allocate an additional \$50 000 GST exc for expenditure on top of the current \$60 000 GST exc budget allocation (total expenditure budget becomes \$110 000 GST exc), as well as show an overall revenue increase of \$40 000 GST exc on top of the current budget of \$40 000 (\$80 000 in total). The next difference of \$10 000 GST exc is Council's share of the project costs.

### **Policy Implications:**

Nil.

### **Legislative Implications:**

Nil

### **Risk Assessment:**

#### ***What can happen?***

Validation of flood modelling and updating and amalgamation of flood intelligence.

#### ***How can it happen?***

Providing additional funds.

#### ***What are the consequences of the event happening?***

Improved flood information.

***What is the likelihood of the event happening?***

High.

***Adequacy of existing controls?***

Additional funds required.

***Treatment options to mitigate the risk?***

Provide additional funding.

**Conclusion:**

It is recommended to Council that additional funds be allocated to complete this work.

**Attachments:**

There are no attachments to this report

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**19. SUBJECT: REQUEST TO CONTINUE CURRENT AGREEMENT ON WATER CHARGES**

**FROM: MANAGER BUSINESS & ECONOMIC DEVELOPMENT - John Harvie**

**RECOMMENDATION:**

That the Council consider a report on this matter while the meeting is closed to the public as it contains information that is considered confidential pursuant to Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) Information that would if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.



**20. SUBJECT: ENVIRONMENTAL SERVICES REPORT  
(November 2016)**

**FROM: MANAGER ECONOMIC DEVELOPMENT AND BUSINESS  
John Harvie**

**RECOMMENDATION**

That Council note the information in the Environmental Services report for November 2016.

**SUMMARY**

The report details the activities of Environmental Services for November 2016.

### Current Applications at 30 November 2016

Application	Date Rec'd	Applicant	Location	Proposal	Status
<b>Development Applications/Construction Certificates</b>					
DA2050	27/09/13	F & R Lindsay Field	Lot 26 DP877116, 81 Boundary Street	Change of use to a tourist facility	Awaiting advice from the applicant
CC164	04/11/13	Murray Constructions	Lot 11 DP1157999, 3 Wenbern Court	Retaining wall	Awaiting advice from the applicant
CC55/14	10/11/14	Jamie Park/JNP Architecture & Associates Pty Ltd	Lot 272 DP756325, 234 Barham Road	Erection of a shed for use as 'rural industry' (maintenance & construction shed for the proposed ethanol plant)	Awaiting advice from the applicant
DA1/16 CC1/16	4/1/2016	Tikaro Pty Ltd	Lot 21 DP1063042, 356 Augustus Street	Shed	Awaiting advice from applicant
CC18/16	11/04/2016	M Wilson	Lot 6 Sec 17 DP758913, 124-126 End Street	Enclosing of existing loading area to form office	Awaiting advice from applicant
DA65/16 CC36/16	30/08/16	Hilet Constructions Pty Ltd	Lot 21 DP1005648 & Lot 1 DP613334 being 93-97 & 99-101 Davidson Street	Extension of existing fertilizer storage depot onto neighboring lot	Under assessment
DA 1393A	30/09/16	F White	Lot 100 DP1061446, Ochertyre Street	Modification – relocation of 43 additional site for lease purposes to the rear of the site	Under assessment
DA 74/16 CC 43/16	11/10/16	Precise Build	Lot 527 DP1127489, 43-45 Burton Street	Dwelling and shed	Under assessment
DA 78/16 S68 29/16	28/10/16	Edward River Council	Lot 9 DP662508, Lot 6 DP668426, Lot 6 DP667946, & Lot 7 Section 21 DP758913 (Crown Reserve #1000166) 170-180 Cressy Street	Installation of a temporary office & permanent toilet block	Awaiting owners consent
DA 79/16 CC 47/16	31/10/16	Pastoral & Agricultural Society of Deniliquin	Lot 487 DP731813, Memorial Drive	Demountable office building	Under assessment
DA 81/16 CC 49/16 S68 31/16	10/11/16	Troy Denbrok	Lot 111 DP1051662, 175-177 River Street	New Dwelling	Under assessment

DA 82/16	16/11/16	Frank White	Lot 100 DP1061446, Ochtertyre Street	Extension of caravan park by an additional 43 sites	Under assessment
DA 83/16 CC 51/16	18/11/16	Eugene Blurton	Lot 53 DP707606, 17 Norris Court	Shed	Under assessment
DA 84/16 CC 53/16	28/11/16	William Young	Lot 44 DP979186, 260 Wick Street	Shade Structure	Under assessment
DA 85/16 CC 54/16	28/11/16	Robert Suffield	Lot 4 DP758913, 426 Charlotte Street	Extension to existing dwelling and shed	Under assessment
CC 50/16	15/11/16	BI & WA Holloway	Unregistered Plan Lot 17 DP 825153, Poictiers Street	Extension of LPS sewerage and water associated with subdivision (DA 49/15)	Under assessment
CC 52/16	21/11/16	Decentralised Demountables	Lot 2 DP 758913, 170 – 198 Cressy Street	Edward River council/Town Hall Toilet Block	Under assessment

#### Complying Development Certificates

CDC 32/16	14/11/16	Ryan Chadderton	Lot 1 DP337504, 325 Sloane Street	Dwelling Demolition	Under assessment
CDC 34/16	17/11/16	Wade Hilton	Lot 1 DP758913, 597-607 Henry Street	Shed	Under assessment

#### S68 Applications

S68 29/14	4/12/14	Betta Home Living	Lot 1 DP112530, 340 George Street	Display of articles on footpath	Under assessment
S68 26/16	11/10/16	Precise Build	Lot 527 DP1127489 43-45 Burton Street	Water & sewer connection	Under assessment
S68 28/16	06/10/16	Geraldine Thommers & Kearea Norris	Lot 5 DP803352 158 Barham Road	Operate a temporary food van	Awaiting advice from applicant
S68 29/16	28/10/16	Edward River Council	Lot 9 DP662508, Lot 6 DP668426, Lot 6 DP667946, & Lot 7 Section 21 DP758913 (Crown Reserve #1000166) 170-180 Cressy Street	Sewer connection associated with the installation of a temporary office building & permanent toilet	Under assessment
S68 32/16	15/11/16	BI & WA Holloway	Lot 18 DP825153, Poictiers Street	Extension of LPS sewerage	Under assessment
S68 33/16	22/11/16	Owen Edwards	Lot 4 DP 219441, Morris Street	Low pressure sewer	Under assessment

### Applications Determined November 2016

Application	Property Description	Applicant	Development	Amount
DA 37/16	Lot 229 DP1123608 213 Hetherington Street	Snowgum Homes	Transportable Dwelling – 2 bedrooms	\$122,350.00
DA 73/16	Lot 8 Section 3 DP758913, 416 Charlotte Street	U G DeSilva	Change of use to residential	\$0.00
DA 75/16 CC 44/16	Lot 12 DP840477, 21545 Riverina highway	Michael Cochrane	Shed	\$19,000.00
DA 76/16 CC 45/16	Lot 8 DP35807, 109 Crispe Street	Gary McDonnell	Double Carport	\$8,250.00
DA 77/16 CC 46/16	Lot 31 DP552134, 126 Dick Street	Brian & Christine Lehman	Shed	\$11,340.00
DA 80/16 CC 48/16	Lot 403 DP756325, 142-144 Napier Street	Kurrajong Waratah	Install coolroom with cover	\$48,000.00
CC96/15B	Lot 21 DP1198519, 78 Junction Street	Peter Chadderton	Dwelling & shed – amend location of shed	\$0.00
CDC 28/16	Lot 6 Section 27 DP758913 476 Cressy Street	Mark & Michelle Siena	Dwelling additions & alterations	\$250,000.00
CDC 29/16	Lot 2 DP555281 130 Four Post Lane	Brett & Glenda Roe	Shed	\$24,000.00
CDC 30/16	Lot 63 DP 237012 12 Greaves Crescent	Bronwyn Smith	Modify existing carport	\$4,500.00
CDC 31/16	Lot B DP 342952, 368 Henry Street	Leigh & Charmain Marshall	Inground pool with child resistant barrier	\$32,790.00
CDC 33/16	Lot 4 DP27181, 241 Henry Street	Pool Ezy	Inground pool	\$40,142.00
S68 27/16	Lot 1 DP1132408 1 Butler Street	McLean Beach Holiday Park	Relocate units in park	\$1,000.00

### Processing Times for November 2016

Application Type	Mean Gross Days	Mean Net Days
DA	45 days	38 days
Mod (S96) of DA & DA/CC	19 days	19 days
CDC	17 days	17 days
CC	19 days	19 days

<b>S68 Applications</b>	23 days	23 days
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**Value and Number of Applications Determined 2015 and 2016**

Month	DAs 2015	DAs 2016	CDCs 2015	CDCs 2016	S68 2015	S68 2016	Value 2015	Value
January	9	7	1	2	0	0	\$344 434	\$273 900
February	6	8	3	3	2	3	\$1 263 340	\$1 012 520
March	10	12	2	3	2	4	\$1 054 263	\$1 115 107
April	6	7	2	2	0	1	\$681 960	\$177 000
May	10	9	6	5	2	3	\$566 686	\$454 134
June	14	8	3	1	2	4	\$13 778 986	\$113 400
July	9	7	2	3	6	3	\$866 600	\$86 541
August	6	6	1	3	5	3	\$1 154 361	\$1 030 615
September	7	4	3	2	0	3	\$145 870	\$586 326
October	4	5	1	1	1	1	\$174 230	\$205 645
November	11	5	2	5	3	1	\$757 090	\$438 022
December	6		0		1		\$561 300	
<b>TOTALS</b>	<b>104</b>	<b>78</b>	<b>26</b>	<b>30</b>	<b>25</b>	<b>26</b>	<b>\$21 349 120</b>	<b>\$5 493 210</b>

Notes: numbers of application determined does not include construction certificates, modifications and applications determined by private certifiers. Value of application determined does not include the value of work for s68 applications.

**Section 149 Certificates/Sewerage Drainage Diagrams**

There were 28 Section 149 Certificates completed and 15 Sewerage Drainage Diagrams issued in November 2016.

**Swimming Pool Inspection Program**

Month	1 <sup>st</sup> Inspection	2 <sup>nd</sup> Inspection	3 <sup>rd</sup> Inspection
November 2016	0	0	-

**Status of Environmental Services Projects – November 2016**

Project	Status
Planning Proposal 7 - Kyalite Stables	Amended gateway determination received 18 November 2016. Letters sent to the Department re contamination and Office of Environment and Heritage re flooding on 22 November 2016. Awaiting responses from these agencies.
Rural Residential Strategy	Comments received from consultant. Council to respond.
Local Heritage Fund	Funding offers have been made.

Land Register Review	Register has been transferred to excel. The cross checking of the register with Council records has been completed. Classifications currently being determined. Planning proposal being prepared.  New mapping layer in MapInfo has been created. Continuing to create documents to be uploaded to the intranet which will be linked to MapInfo.
Draft Planning Proposal – Dahwilly and North Deniliquin	A planning proposal is being drafted to amend the Deniliquin Local Environmental Plan 2013. This planning proposal will address unresolved submissions from the Office of Environment and Heritage and Crown Lands relating to North Deniliquin and Dahwilly.
Floodplain Risk Management Study and Plan	Grant variation has been approved and investigation of October 2016 is underway. Public meetings were held on 23/24 November 2016.
Review of Standard Conditions	Review and redrafting of standard conditions applied to development consents and complying development certificates.
Planning Proposal 6 – Listing of state heritage item	Amended gateway determination received.
Planning Proposal 8 – Barham Road	Further information requested from the Department. Council drafting a response.
Disability Inclusion Action Plan	Two quotes received and being reviewed.
Development Manual	Being drafted.
Open Space Strategy	Brief being drafted.

### Environmental Services Projects Completed – November 2016

Project	Status
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**21. SUBJECT: BUDGET VARIATION – BURTON STREET SEWER PUMP STATION**

**FROM: DIRECTOR TECHNICAL SERVICES  
Mark Dalzell**

**RECOMMENDATION:**

That Council approve the reallocation of \$200,000 from the Sewer Pump Station - Pakenham Street budget item and the Sewer Pump Station – Saleyards Road budget item to the Sewer Pump Station – Burton Street budget item.

**BACKGROUND:**

There were several sewer pump stations within the Deniliquin township that have been causing problems and Council have a program of replacing them with more modern pumps and upgrading their capacity to meet current and future requirements.

Council, as part of the 2016/17 budget, approved the replacement of the Pakenham Street pump station (\$200,000) and Saleyards Road pump station (\$100,000) as newly allocated funds. These projects were substantially completed in 2015/16, utilising funds from the 2015/16 budget. Council staff request that Council reallocate funds provided in the 2016/17 budget to the next highest priority pump station replacement, being the Burton Street pump station.

**COMMENT**

The Burton Street pump station services the area bounded by Sloane Street, Burton Street, Harfleur Street and to the river including the LPS systems in that area are serviced by the Burton St pump station. The area bounded by Ochertyre Street, Burton Street, Sloane Street and Blackett St has also been recognised as a possible area of growth in the future that would be serviced from this pump station. This area, adjacent to the existing pump station, may add 43 new properties to the network.

The pump station is to be approximately 1.25 times the size of the current pump stations and will be fitted with pumps that have greater capacity but lower power usage. The telemetry will enable the pumps to change “duty” when there is a fault (eg blockage) which will allow the pump station to continue normal operations while the fault is rectified. The existing pump station is to be converted to a storage manhole should it be required in an emergency (eg power failure).

Based on the replacement of the Pakenham St pump station and the extra telemetry that is required for this pump station the estimated cost for the project is \$200,000 plus GST.

Outcomes

There are positive outcomes from the replacement of the existing pump station in that future development there will be capacity in place without further costs that could deter development. Overtime resulting from blockages will be reduced and new telemetry in the pump station will ensure that as Council moves into the future the technology will be able to cope.

**BUDGETARY IMPLICATIONS:**

Funding would need to be reallocated from the Pakenham Street and Saleyards Road pump station projects to the Burton Street pump station project.

**POLICY IMPLICATIONS:**

Nil.

**LEGISLATIVE IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

There are no risks associated with this matter.

**ATTACHMENTS:**

There are no attachments to this report.



**22. SUBJECT: FLOOD RECOVERY WORKS AND ADDITIONAL FUNDING**

**FROM: DIRECTOR TECHNICAL SERVICES  
Mark Dalzell**

**RECOMMENDATION:**

That Council:

1. note the report regarding the Flood Recovery Works within the Edward River Council area; and
2. note the media release from the Hon. Duncan Gay, Minister for Roads, Maritime and Freight, regarding an additional \$500,000 in funding for road repairs after the flood event.

**BACKGROUND:**

Edward River Council has been included in the Natural Disaster declaration relating to the recent flooding event. This allows Council to apply for funding under the Natural Disaster Relief and Recovery Arrangements to assist this repairs to roads and other infrastructure. In NSW funding under this program is administered by the RMS.

**COMMENT**

Council staff have commenced inspections of roads impacted by the recent flood events. Damage that has been identified includes road surface and pavement damage, structural damage to culvert structures, damage to bridge and culvert approaches as well as damage to signs and other road infrastructure.

The list of roads that have been identified as being damaged as at the date of this report includes:

- Aratula Road – South;
- Boat ramps around Deniliquin;
- Boggy Creek Road;
- Chippenham Park Road;
- Conargo Jerilderie Road;
- Conargo Wanganella Road near Picanninie Creek;
- Conargo Wanganella Road, approximately 20 rock causeways along the road;
- Golf Club Drive;
- Henry Street at Carew Street;
- Jones Avenue;
- McLean Beach access road and car park, including the extension of Butler Street;
- Memorial Drive;

- North Boundary Road, culvert structures along the road;
- Old Morago Road;
- Phylands Road off Dahwilly Lane;
- Pretty Pine Road, 20km from Moulamein;
- Smart Street near the Pony Club;
- Wanganella Moulamein Road, 30km from Cobb Highway; and
- Willurah Road, culvert over Browns Creek near Conargo.

Mr John Trevorah, Council's Project Engineer for Infrastructure and Flood Recovery, shall be managing this project on behalf of Edward River Council. This shall include all the administrative work relating to securing the grant funding as well as management of the construction works.

Council has also received advice from the Hon. Duncan Gay, Minister for Roads, Maritime and Freight, that it shall receive an additional \$500,000 for road repairs. This funding is for flood damaged roads not eligible under the NDRRA criteria as well as roads that have been damaged due to being used as alternate routes during the flood event.

**BUDGETARY IMPLICATIONS:**

Funding for restoration of flood damaged to be funded from grant funding under NDRRA as well as \$500,000 funding boost.

**POLICY IMPLICATIONS:**

Nil.

**LEGISLATIVE IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

There are no risks associated with this matter.

**ATTACHMENTS:**

1. Press release from the Hon. Duncan Gay, Minister for Roads, Maritime and Freight (1 page).

**23. SUBJECT: WORKS IN PROGRESS – DECEMBER 2016**

**FROM: DIRECTOR TECHNICAL SERVICES  
Mark Dalzell**

**RECOMMENDATION:**

That the report on Works in Progress for December 2016 be received.

**BACKGROUND:**

This report is provided as an update on the capital works and works in progress currently being undertaken by Council.

**COMMENT**

The current status of the Capital Works program is as follows:

Plant and Fleet

Plant and fleet purchases in the current budget not previously reported to Council include:

- Fleet vehicles including three Toyota Prado's;
- Light vehicles including one XLT Ranger Ute; two 4x4 XL Ranger Utes and three 4x2 XL Ranger Utes; and
- Small plant including Walker mower for use in the CBD area and concrete saw for the Services crew.

Purchases still to be completed include:

- Jetpatcher;
- Small garbage compactor;
- Free roll attachments to be towed behind graders;
- Fuel trailer;
- Seven Utes including the Ranger's vehicle; and
- Air conditioning for workshop.

Council has convened an internal Plant committee to review the current plant and fleet register and determine a plant replacement program for future years. The Plant committee is also looking at any rationalisation of plant that may be warranted. This review shall include the information provided from the service reviews and discussions with staff.

Council has also completed the inspections and servicing of RFS trucks and fire trailers in the lead up to the fire season.

### Reseals – Rural Area

Resealing works, under the Roads to Recovery program, have been completed for the following roads:

- Hartwood Road;
- Millears Road;
- Wanganella – Moulamein Road;
- Part of Mabins Well Road

Works to be completed include:

- Mayrung Road, this section was reconstructed in 2015/16 and prime sealed in late June. Resealing of this section shall proceed in line with the urban reseals in 2017;
- Conargo Road, the sections of this road to be resealed have been affected by wet weather and are currently unsuitable for resealing. Council staff shall further investigate this section to determine whether it is still suitable for resealing or, due to wet weather damage, a full reconstruction is required; and
- Part of Mabins Well Road shall be completed during the next visit.

### Reseals – Urban Area

No resealing works in the urban area have been undertaken to date as staff have been involved with flood preparation works as well as works at the Ute Muster. Urban resealing works are now programmed for March 2017 to reduce the impact of the work on visitor traffic as well as issues relating to sealing in hot weather and bitumen from fresh seals being splashed onto vehicles.

### Reconstruction of Intersection of Wirraway Driver and Saleyards Road

Council has engaged Riverina Earthworks to undertake the reconstruction of this intersection as part of the Fixing Country Roads Program. Riverina Earthworks have completed the work except for the tie-ins to the existing road. These shall be undertaken in the next two weeks. Once all work is finished Council shall complete the linemarking of the intersection.

### Barham Road Widening Works

No work has been completed on this project in the last two months due to commitments with the Ute Muster and flood preparation. It is anticipated that this project shall recommence in the new year.

### Road Construction Work – Rural Area

The following projects have been completed or have commenced and are continuing in the rural area:

- Wanganella – Moulamein Road, return old seal to gravel – 13.5km of this project have been completed with 2km left to do. The completion of this final section has been impacted by floodwater in the area;

- Blighty Hall Road – completed;
- Tubbs Road – completed;
- Hartwood Pine Road – completed as part of carry over work from 2015/16;
- Moonbria Road gravel re-sheeting – completed; and
- Goolgumbra Road gravel re-sheeting – 50% complete.

Work to be undertaken as part of the 2016/17 program includes:

- Pretty Pine Road – Approximately 2.5km of reconstruction work to commence late November/early December;
- Woodbury Road – Council are finalising the documentation for this project with construction expected to start in February 2017;
- Mayrung Road – Preliminary works are currently being undertaken;
- Moonie Swamp Road;
- Wanganella – Moulamein Road;
- Gravel road re-sheeting including North Boundary Road, Flanagans Road, Malones Road, Woodyards Road, Chapmans Road, Warwillah Road, Moonee Swamp Road and Booabula Road.

#### Road Construction Works – Urban Area

Works to be undertaken in the urban area include:

- RMS heavy patching along the State Highway network – This is a requirement of the RMCC contract and shall be undertaken in December 2016;
- Hetherington Street reconstruction – this work shall be undertaken in February utilizing contractors. Preparation of the tender documentation is currently being undertaken;
- Napier Street reconstruction – survey of the project has been completed and design work is continuing. It is anticipated that this work shall proceed in February 2017, following consultation with businesses and the community; and
- Heavy patching of urban streets – This work is programmed for March 2017 as part of preparation for the urban resealing program.

#### Footpath Renewals

Council is currently in the process of engaging a local contractor for the completion of the footpath renewal program in the urban area. It is anticipated that this work shall be awarded in December with work commencing in the new year.

### Kerb and Gutter Renewals

Council are currently finalising the documentation regarding the completion of this project by contractors. Whilst this project is normally completed by Council staff it has been decided to utilise contractors due to the extent of the current works program.

### Resource Recovery Centre - Weighbridge

As part of the works at the Deniliquin landfill depot Council has budgeted for the purchase and installation of a weighbridge suitable for vehicles up to semi-trailer size. Council has been investigating the purchase of second hand weighbridge locally however this has not eventuated.

Council staff shall now undertake an open tender process for the supply and installation of the weighbridge and associated software. It is anticipated that the tenders shall be advertised prior to Christmas and be let at Council's February meeting. This shall allow for completion of this work in the 2016/7 budget.

### Reservoir in Industrial Area

Briag Engineering have completed the installation of the reservoir and are currently finalising the pipework and civil works, including access roads. This work is anticipated to be completed by the end of the year.

Briag Engineering shall be undertake testing of the reservoir as part of the contract prior to commissioning. A connection to the reservoir from Council's existing water supply network shall be provided to supply the water required for testing. It is anticipated that this testing and commissioning shall be completed by the end of the year with the reservoir being brought into service in the new year.

### Trunk Main to New Reservoir

This contract was let by Council at its November meeting and the contractor, ADM Structure Pty Ltd, have been engaged for this. They are currently completing the survey and design work required for the project and shall commence construction works in February 2016.

### Water Main Augmentation

Survey and documentation for water main augmentation works along Barham Road and in the Industrial area are currently being undertaken. This project shall be advertised for tender in the new year.

### Sewer Main Relining

Work is continuing on the sewer main relining project, undertaken in the south eastern side of the CBD area. IT is anticipated that this work shall be completed by mid-December 2017.

### Sewer Pump stations

Quotation documents have been sent out for the supply and installation of a sewer pump station in Burton Street. This pump station shall be similar to the recently completed pump station in Pakenham Street. This work shall be let prior to Christmas with due to commence in February 2017.

**BUDGETARY IMPLICATIONS:**

Works are funded through the 2016/17 Operational Plan or from grant funding.

**POLICY IMPLICATIONS:**

Nil.

**LEGISLATIVE IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

There are no risks associated with this matter.

**ATTACHMENTS:**

There are no attachments to this report.

**23. SUBJECT: CONFIDENTIAL REPORTS**

**FROM: ACTING GENERAL MANAGER**  
**Barry Barlow**

Section 10A(4) of the Local Government Act provides as follows:-

A council, or committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is close to the public, as to whether that part of the meeting should be closed.

**RECOMMENDATION:**

That the Council consider the following reports while the meeting is closed to the public as it contains information that is considered confidential pursuant to Section 10A (2) (c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

10A(2) (a) personnel matters concerning particular individuals (other than Councillors)

10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

10A(2) (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

On balance, the public interest in preserving confidentiality of these matters outweighs the public interest in openness and transparency of Council decision making as public disclosure of the information at this stage may adversely affect those proposed activities.



