

MEETING OF THE EDWARD RIVER COUNCIL HELD IN THE UPSTAIRS MEETING ROOM, CIVIC PLACE, DENILIQUN, DECEMBER 15, 2016 AT 12.30PM

PRESENT:

Administrator Mr Ashley Hall

COUNCIL STAFF PRESENT:

Mr Barry Barlow, Interim General Manager, Mr Mark Dalzell, Director Technical Services, Mr John Harvie, Manager Economic and Business Development, Mr Greg Roberts, Senior Governance Officer, Mrs Belinda Perrett Executive Assistant.

GALLERY MEMBERS:

The Gallery was occupied by one member of the public

GUESTS: Nil

CHAIRMANSHIP OF MEETING:

The Administrator, Mr Ashley Hall, chaired the meeting.

INTERPRETATION:

In these Minutes "the Council" means the Edward River Council

DECLARATION OF MEETING OPEN AND WELCOME TO GUEST AND VISITORS:

The Administrator, Mr Ashley Hall, formally declared the meeting open at 12.30pm and welcomed guests and visitors to the meeting.

LEAVE OF ABSENCE:

DECLARATIONS OF INTEREST:

PUBLIC QUESTION/STATEMENT TIME:

141/16 CONFIRMATION OF MINUTES – EDWARD RIVER COUNCIL MEETING HELD 17TH NOVEMBER, 2016

Resolved on the motion of the Administrator that the draft minutes of the Edward River Council meeting held on 17 November, 2016 be accepted.

142/16 MAYORAL MINUTE

SUBJECT: STRONGER COMMUNITIES FUNDING

**FROM: Administrator
Ashley HALL**

TO: COUNCIL MEETING DECEMBER 15, 2016

RESOLUTION

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.

On the motion of the Administrator

143/16 MAYORAL MINUTE

SUBJECT: MURRAY VALLEY PRIVATE DIVERTERS

**FROM: ADMINISTRATOR
Ashley HALL**

RESOLUTION

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.

On the motion of the Administrator

144/16SUBJECT: INVESTMENT REPORT AS AT 30 NOVEMBER, 2016

**FROM: FINANCIAL ACCOUNTANT
Kris Kershaw**

RESOLUTION

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.

On the motion of the Administrator

145/16 SUBJECT: MERGER PROGRESS REPORT – NOVEMBER 2016

**FROM: INTERIM GENERAL MANAGER
Barry Barlow**

RESOLUTION

That Council: Note the report.

On the motion of the Administrator.

146/16 SUBJECT: 2017/18 RATE PEGGING

**FROM: INTERIM GENERAL MANAGER
Barry Barlow**

RESOLUTION

That Council: Note the report.

On the motion of the Administrator.

147/16 SUBJECT: LEASE OF CROSSING CAFE

**FROM: SENIOR GOVERNANCE OFFICER
Greg Roberts**

RESOLUTION:

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.

On the motion of the Administrator

148/16 SUBJECT: DENILIQUN SCOUT HALL

**FROM: SENIOR GOVERNANCE OFFICER
Greg Roberts**

RESOLUTION:

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.

On the motion of the Administrator

149/16 SUBJECT: REQUIRED WORK - MCLEANS BEACH CARAVAN PARK

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

RESOLUTION:

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.

On the motion of the Administrator

150/16 SUBJECT: CERTIFICATES OF AUTHORITY FOR STAFF – SWIMMING POOLS

**FROM: SENIOR GOVERNANCE OFFICER
Greg Roberts**

RESOLUTION:

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

On the motion of the Administrator

151/16 SUBJECT: POLICY – MEMORIALS IN PUBLIC PLACES

**FROM: SENIOR GOVERNANCE OFFICER
Greg Roberts**

RESOLUTION

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 December, 2016.
2. That an amount of \$1,500 be included in future budgets to meet the cost of plaques

On the motion of the Administrator

152/16 SUBJECT: ENERGISE ENTERPRISE FUND

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

RESOLUTION:

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

On the motion of the Administrator

153/16 SUBJECT: EVENT CAPACITY AND CAPABILITY ASSESSMENT

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

RESOLUTION:

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.

On the motion of the Administrator

In addition capitalise with media promotion

154/16 SUBJECT: PLANNING PROPOSAL 7 – KYALITE STABLES

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

RESOLUTION:

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

On the motion of the Administrator

155/16 SUBJECT: DEVELOPMENT APPLICATION 79/16-16 P&A SOCIETY

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

RESOLUTION:

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 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

On the motion of the Administrator

156/16 SUBJECT: DEVELOPMENT APPLICATION 78/16

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

RESOLUTION:

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.

On the motion of the Administrator

157/16 SUBJECT: DEVELOPMENT APPLICATION 8/16 – WATER STORAGE

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

RESOLUTION

That the report on 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 be determined at the next Council meeting.

On the motion of the Administrator

158/16 SUBJECT: GRANT VARIATION - EDWARD RIVER AT DENILIQVIN FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

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

RESOLUTION:

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.

On the motion of the Administrator

159/16 SUBJECT: REQUEST TO CONTINUE CURRENT AGREEMENT ON WATER CHARGES

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

RESOLUTION:

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.

On the motion of the Administrator

**160/16SUBJECT: ENVIRONMENTAL SERVICES REPORT
(November 2016)**

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

RESOLUTION:

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

On the motion of the Administrator

161/16 SUBJECT: BUDGET VARIATION – BURTON STREET SEWER PUMP STATION

FROM: DIRECTOR TECHNICAL SERVICES
Mark Dalzell

RESOLUTION

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.

On the motion of the Administrator

162/16 SUBJECT: FLOOD RECOVERY WORKS AND ADDITIONAL FUNDING

FROM: DIRECTOR TECHNICAL SERVICES
Mark Dalzell

RESOLUTION:

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.

On the motion of the Administrator

163/16 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.

On the motion of the Administrator

164/16 CLOSED COUNCIL

Council closed its meeting at 1.17pm and the public and media left the room.

Pursuant to section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

On the motion of the Administrator

1. That pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the:
2. business to be considered is classified confidential under the provisions of section 10A(2)(g) as outlined above.
3. correspondence and reports relevant to the subject business be withheld from access to the media and public as required under section 11(2) of the Local Government Act 1993.
4. public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may prejudice Council's position in its negotiations.

166/16 OPENING OF MEETING TO THE PUBLIC

On the motion of the Administrator

That Council move out of closed Council and into Open Council at 1.21pm and that resolutions be read out.

The meeting closed at 1.22pm