



MEETING OF THE EDWARD RIVER COUNCIL HELD IN THE COUNCIL CHAMBERS JULY 20, 2017 AT 12.30PM

PRESENT

Administrator Mr Ashley Hall

COUNCIL STAFF PRESENT:

Mr Adam McSwain, General Manager, Mr Mark Dalzell, Acting Director Infrastructure, Mr John Harvie, Director Mrs Caroline Wallis, Director Corporate Services, Cian Middleton, Communications, Mrs Belinda Perrett Executive Assistant

GALLERY MEMBERS: 1

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:

The Administrator, Mr Ashley Hall, formally declared the meeting open at 12.30pm.

LEAVE OF ABSENCE: Nil

DECLARATIONS OF INTEREST: Nil

129/17 SUBJECT: CONFIDENTIAL REPORTS

**FROM: THE ADMINISTRATOR
Ashley Hall**

RESOLUTION:

That 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 as it relates to information that may, if disclosed, confer a commercial advantage on a person with who the council is conducting (or proposes to conduct) business and it is considered the public Interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Councils decision making as publishing confidential information may impact on the willingness of third parties to conduct business with Council in the future.

- ICT Strategy 2017 and TechOne System
- Proposed Retirement Village Development
- Major Projects Program
- Contract 2.19.232 – Supply, Delivery and Placement of Asphalt for Pavement Construction and Profiling.
- Contract 2.19.234: Replacement of Water Meters
- Purchase of Jetpatcher
- Purchase of Class 15 Motor Grader

On the motion of the Administrator

130/17 SUBJECT: CAMP QUALITY ESCARPADE – TEAM DENI

**FROM: GENERAL MANAGER
Adam McSwain**

RESOLUTION:

That Council advise team Deni – Car 08 Ladybirds of a \$500.00 contribution.

On the motion of the Administrator

131/17 SUBJECT: INVESTMENT REPORT AS AT 30 JUNE 2017

**FROM: FINANCIAL ACCOUNTANT
Kris Kershaw**

RESOLUTION

That Council:

1. Note and receive the Report on Investments totaling \$43,333,450 inclusive of cash at bank for day-to-day operations;

2. Note that actual interest received for the month of June 2017 was \$231,125
3. Note that accrued interest earned to 30 June 2017 but not yet received was \$459,034.

On the motion of the Administrator

132/17 SUBJECT: RELATED PARTY DISCLOSURES POLICY

**FROM: DIRECTOR CORPORATE SERVICES
Caroline Wallis**

RESOLUTION:

That Council Adopts the Related Party Disclosures Policy.

On the motion of the Administrator

**133/17 SUBJECT: PROPOSED CHANGES TO THE FOOD REGULATION
PARTNERSHIP**

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

**REPORT BY: Health and Building Surveyor
Nathan O'Connell**

RESOLUTION/s:

That Council:

- a Note the report on the proposed changes to the Food Regulation Partnership;
and
- b Make a submission on the Food Regulation Partnership about the cost shifting of
the cost of inspections on home based food businesses from State government
to Council.

On the motion of the Administrator

134/17 SUBJECT: LOCAL HERITAGE FUND ANNUAL REPORT

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

RESOLUTION:

That Council note the Local Heritage Fund Annual Report.

On the motion of the Administrator

135/17 SUBJECT: DISABILITY INCLUSION ACTION PLAN

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

RESOLUTION:

That Council adopt the Disability Inclusion Action Plan; and submit the Disability Inclusion Action Plan to the NSW Disability Council.

On the motion of the Administrator

**136/17 SUBJECT: ENVIRONMENTAL SERVICES REPORT
(June 2017)**

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

RESOLUTION

That Council note the information in the Environmental Services report for June 2017.

On the resolution of the Administrator

137/17 SUBJECT: CONFIDENTIAL REPORTS

**FROM: THE ADMINISTRATOR
Ashley Hall**

That the report on Contract 2.19.232 be moved back into open forum.

On the motion of the Administrator

**138/17 SUBJECT: CONTRACT 2.19.232 – SUPPLY, DELIVERY AND
PLACEMENT OF ASPHALT FOR PAVEMENT CONSTRUCTION
AND PROFILING**

**FROM: ACTING DIRECTOR INFRASTRUCTURE
Mark Dalzell**

RESOLUTION:

That Council endorses the actions of Council staff in approving a contract price variation of \$4,847.79 including GST for Contract 2.19.232 - Supply, Delivery and Placement of Asphalt for Pavement Construction and Profiling.

On the motion of the Administrator

**139/17 SUBJECT: REQUESTS FOR THE PROVISION OF A KERBSIDE RECYCLING
SERVICE**

**FROM: ACTING DIRECTOR INFRASTRUCTURE
Mark Dalzell**

RESOLUTION:

That Council undertake a detailed investigation of options, market factors and costs for providing a kerbside recycling service. A report be provided to Council outlining the findings, options, estimates of cost and other implications.

On the motion of the Administrator

140/17 SUBJECT: ELDERS SHEEP EXPO– SPECIAL EVENT

**FROM: ENGINEERING AND COMPLIANCE OFFICER
Mrs Simone Tonkin**

RESOLUTION

That Council endorse the approval of the Elders Sheep Expo Special Event Application. The Riverina Sheep Expo will be held Friday 18 August, 2017 in conjunction with the Peppin Heritage Centre.

On the motion of the Administrator

141/17 SUBJECT: WORKS IN PROGRESS – JULY 2017

FROM: ACTING DIRECTOR INFRASTRUCTURE

Mark Dalzell

RESOLUTION:

That the report on Works in Progress for July 2017 be received.

On the motion of the Administrator

Director Economic Development and Business declared an interest and left the Chambers at 12.47pm.

142/17 SUBJECT: DEVELOPMENT APPLICATION 39/17 – Additions to Navorina Nursing Home

FROM: MANAGER ENVIRONMENTAL SERVICES

Julie Rogers

REPORT BY: Town Planning Officer

Shavaun Tasker

Recommendation/s:

Division

In accordance with the requirements of the Local Government Act, it is necessary for Council to call a division when voting of any resolution relating to a relevant planning application.

- a The development 39/17 for additions to Navorina Nursing Home to include eight bedrooms and ensuites, lounge and dining area, and ancillary spaces on Lot 153 DP1133106, Macauley Street, Deniliquin dated 23 June 2017 as shown on plan numbered DA39/17#1 to DA39/17#7 inclusive and 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. 39/17, 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 The essential fire safety measures as per the attached schedule, or as otherwise determined by the Principal Certifying Authority upon assessment of the Construction Certificate, are to be installed in or on the site of 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 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 Regulations.

1.4 The constructed building and any associated utilities are to be contained wholly within the boundaries of the property. It is the responsibility of the owner/principal contractor to ensure compliance with the requirements of this condition. Where the building is proposed within 300mm of a boundary the property is to be surveyed by a registered land surveyor with boundary pegs placed on each of the relevant corners. Prior to inspection of the footing / slab a survey identification plan is to be submitted to the Private Certifier / Council who has issued the construction certificate.

Reason: To ensure works are contained on the site to which the consent has been issued.

- 1.5 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.

- 1.6 The Applicant must lodge a completed liquid trade waste application with Council and ensure that a valid Liquid Trade Waste Approval has been granted in association with the proposed kitchen prior to the release of the Construction Certificate. The Applicant must allow in the design for all required trade waste pre-treatment equipment to be installed.

Reason: To ensure that the proposed development can be appropriately serviced and to comply with Section 68 Part C (4) of the Local Government Act 1993.

Note: If the Applicant deems the installation of the required pre-treatment unnecessary, they can apply to Council in writing for an exception from installation of such pre-treatment equipment.

The following documents need to be received by Council as part of the exception request:

- *Completed trade waste application form covering all liquid trade waste from the aged care facility;*
- *Letter from the applicant requesting an exception and on what grounds;*
- *Letter from hydraulic consultant, plumber or the company that provides the pre-treatment equipment stating that the pre-treatment installation is not feasible and the reason/s why.*

Council cannot guarantee that an exception will be granted.

2. Prior to commencement of works

- 2.1 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.

Note

It is essential that your plumber and drainer is aware of the conditions of approval relating to this notice of determination. Please ensure a copy of this determination is forwarded to the plumber and drainer prior to commencing any work on site.

- 2.2 The plumber and drainer carrying out the work must lodge a “Notice of Work” with Council a minimum of two days prior to commencing work.
Reason: To comply with the Plumbing and Drainage Act 2011.
- 2.3 On completion of all plumbing and drainage work a “Certificate of Compliance” shall be lodged with Council by the licensed plumber and drainer responsible for the work.
Reason: To comply with the Plumbing and Drainage Act 2011.
- 2.4 All plumbing and drainage work shall be carried out in accordance with the requirements of AS3500 National Plumbing and Drainage Code, the Plumbing and Drainage Act 2011, the Plumbing and Drainage Regulation 2012 and the Local Government (General) Regulation 2005.
Reason: To ensure compliance with the requirements of the relevant legislation.
- 2.5 All plumbing and drainage work is to be carried out by a NSW licensed plumber and drainer.
Reason: To ensure compliance with the requirements of the relevant legislation.

3. During construction

- 3.1 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 & Assessment Act 1979 to ensure compliance with the Building Code of Australia.
- 3.2 **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.

- 3.3 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.

- 3.4 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.

- 3.5 The builder / developer is to provide on-site waste bins for waste materials generated during construction and a bin with a tight-fitting lid for food scraps or they are to remove waste from the site to an EPA approved waste depot on a daily basis.

Reason: To protect public health and protect the amenity of the area.

- 3.6 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.

- 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.

3.8 An inspection must be undertaken by Council prior to the covering of the works specified below:

- a. sanitary plumbing and drainage
- b. water supply plumbing
- c. completion of all plumbing and drainage works
- d. All storm water drainage works

Please note that Council requires a minimum of 24 hours notice to undertake the inspection. Please quote the s68 application number and property description to assist in booking your inspection.

Reason: To ensure compliance with the requirements of the relevant legislation.

4. Prior to occupation certificate

4.1 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.

4.2 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.

4.3 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.

4.4 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 Edward River Council.

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

4.5 Prior to the use of the proposed kitchen as a food preparation area, the Applicant must obtain a final certification of compliance from Council to ensure the liquid trade waste pre-treatment installation complies with the applicable standards and legislation.

Reason: To ensure compliance of the installation with the Work Health and Safety Act 2011, the Plumbing Code of Australia, Australian Standard 3500, the Local Water Utility's (LWU's) requirements and the manufacturer's instructions.

5. Headwork's charges

5.1 Payment to Council pursuant to Section 306 of the Water Management Act 2000 and the Council's '*Water and Sewer Demand Assessment Policy*', '*Development Servicing Plan for the Deniliquin Sewerage Scheme*' and '*Development Servicing Plan for the Deniliquin Water Supply Scheme*' of headworks charges. The current contribution rates for the current financial year for this development are as follows:

a	Water headworks	\$27,536.00
b	Sewer headworks	\$34,208.00

The headworks charges are those that apply at the date of issue of this consent. Rates are adjusted annually on 1 July. Contributions will only be accepted at the rate applying at the date of payment. Where Council's '*Sewer Pricing Policy*' applies, the amount payable will be determined at the date of payment. Council's Technical Services should be contacted prior to payment to confirm the contribution amount.

The Council's '*Water and Sewer Demand Assessment Policy*', '*Development Servicing Plan for the Deniliquin Sewerage Scheme*' and '*Development Servicing Plan for the Deniliquin Water Supply Scheme*' can be inspected at Council's Offices, Civic Place, Deniliquin.

The headworks charges are to be paid **PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE.**

Reason: This development results in the increased demand on existing infrastructure.

On the motion of the Administrator

143/17 CLOSED COUNCIL

On the motion of the Administrator (Mr A. Hall)

1. That council resolve into closed council to consider business identified.
2. 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: business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. That the 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.

Council closed its meeting at 12.50m and the public and staff left the Chambers.

150/17 OPENING OF MEETING TO THE PUBLIC

On the motion of the Administrator

That Council move out of closed Council and into Open Council at 1.06pm.

The following resolutions of council, while the meeting was closed to the public, were read to the meeting by the Administrator.

Adopt the ICT Strategy 2017 and Reimplement the Technology One; Delegate authority to the General Manager to sign the Murray Darling Basin Regional Economic Diversification Program Funding Deed of Agreement; allocate the remaining \$8.6 million in funding from the Stronger Communities Fund program to the nominated projects; Accept the tender from International Plumbing Solutions Pty Ltd, trading as New Plumbing Solutions for Contract No. 2.19.234 – Replacement of Water Meters; Accept the tender submitted by Ausroads Systems Pty Ltd for the purchase of an AUSROAD Jetmaster Body fitted to an Isuzu FVZ 260/300 Auto truck; Accept the tender submitted by Westrac Pty Ltd for the purchase of a Caterpillar 12M motor grader, being a Class 15 Motor Grader.

Meeting closed at 1.06pm
