

Edward River Council Business Paper

Wanganella Hall 16 November 2017

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1. ACKNOWLEDGEMENT OF COUNTRY

“I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.”

2. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

3. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

4. DISCLOSURE OF INTEREST

8.1 SUBJECT: RESOLUTIONS OF COUNCIL

**FROM: Adam McSwain
General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION

That Council note the information in the Resolutions of Council November 2017 update

SUMMARY

The attached report details the status of open Resolutions of Council.

This report will be brought to Council on a monthly basis so Councillors and the community can see the progress of Council Resolutions.

Council Meeting Recommendations - November, 2017

20 July 2017

	Recommendation	Responsibility	Status	Expected Date of Completion
	<p>Requests for the provision of a Kerbside Recycling Service That Council undertake a detailed investigation of options, market factors and costs for providing a kerbside recycling service. A report to be provided to Council outlining the findings, options, estimates of cost and other implications</p>	Infrastructure	Investigations commenced. Report to November Council meeting to allocate funding from Waste Reserve to further progress project.	November 30, 2017
	<p>Proposed Retirement Village Development That Council delegate authority to the General Manager to sign the Murray Darling Basin Regional Economic Diversification Program Funding Deed of agreement; prepare and commence a EOI, contract the assistance of a suitably qualified and experienced consultant to advise.</p>	Economic Development & Business	The MDBREDP Funding deed of Agreement has been signed and returned to Regional Development NSW. Brand Partners have been engaged to assist with the project. Expression of Interest document currently being developed and will be advertised soon.	February 28, 2018

26 July 2017

	Recommendation	Responsibility	Status	Expected Date of Completion
	<p>Consolidation of Operational Depots That Council submit a DA for the expansion of the existing depot site and receive a further report regarding detailed layout and costings following further consultation with staff.</p>	Infrastructure	Currently working through DA. Consultation with staff has been undertaken.	October 30, 2017
	<p>Proposed Sale of Land to Ennor Engineering Pty Ltd That Council enter into contract negotiations.</p>	Economic Development & Business	Update to be provided to December Council meeting.	December 14, 2017

5 September 2017

	Recommendation	Responsibility	Status	Expected Date of Completion
	<p>Recovery of Loan Provided to Dongmun Greentech Pty Ltd That Council note and approve the following action taken by the General Manager to recover the loan provided by the former Deniliquin council to Dongmun Greentech. A. Notification to Councils lawyers on 1 September 2017 to prepare and send the Default Notice and Demand pursuant to Section 76 of the Transfer of Land Act, requiring payment by 30 September 2017 otherwise Court proceedings and/or forced sale of the subject property. B. Notification provided to Council's lawyers on 1 September 2017 to arrange for an auction of the property if the 30 September 2017 date is not met. And note that if the loan is re-paid to Council prior to 30 September 2017, that the process to sell the land will cease.</p>	General Manager	Meeting to be held with representatives from Dongmun Greentech in week 13 November 2017. Councils lawyers are currently progressing documentation to recover the loan amount	TBC following meeting in week 13 November 2017
19 October 2017				
	Recommendation	Responsibility	Status	Expected Date of Completion
	<p>Councillors Expenses and Facilities Policy That Council resolves to place the Councillor Expenses and Facilities Policy on public exhibition for a period of at least 28 days; and invites public submissions following placement of the policy on public exhibition; and following expiry of the public exhibition period, considers all submissions received and makes any appropriate changes to the draft policy; and adopts the policy at an ordinary meeting of the council no later than December 2017.</p>	Corporate Services	Councillor Expenses and Facilities Policy currently on public exhibition from 23 October 2017 to 20 November 2017. A report will be brought to the December Council meeting following the public exhibition period closing.	December 14, 2017

	<p>Code of Conduct & Procedure That council resolves to adopt the Office of local Government Model Code of Conduct; adopt the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW; approve, upon adoption, the distribution of the Code and Procedures to councillors, council employees and council appointed committees; endorse the appointment by the general manager of the director corporate services to the role of complaints coordinator; enter into an arrangement with the River and Murray Regional Organisation of Council to share a panel of conduct reviews as approved by the RAMROC board.</p>	Corporate Services	Code of Conduct and Procedures provided to Councillors and Council staff. Will be distributed to all Committees in November	November 30, 2017
	<p>Code of Meeting Practice That Council: Pursuant to section 361(3) of the Local Government Act 1993, place on public exhibition the draft Code of Meeting Practice, for a minimum of 28 days; accept submissions on the Code of Meeting Practice, for a minimum 42 days and note that a further report will be tabled at the December 2017 Ordinary Meeting of Council, detailing the submissions received from the public during the exhibition period.</p>	Corporate Services	Code of Meeting Practice currently on public exhibition from 23 October 2017 to 20 November 2017. A report will be brought to the December Council meeting following the public exhibition period closing.	December 14, 2017
	<p>LG NSW Annual Conference 2017 That Council resolves to approve the Mayor, General Manager plus one Councillor attend the Local Government NSW Annual Conferences 2017 from 4-6 December 2017.</p>	General Manager	Mayor and General Manager have been registered. Still confirming other attendees.	November 30, 2017
	<p>Australia Day Committee That Council resolves to establish an Australia Day Committee and adopt the Australia Day Committee Charter; nominate Crs Bull and Fogarty to the Committee and invited nominations for two Community Representatives to serve on the Committee.</p>	General Manager	Nominations have been publicly advertised and have now closed. Report will be brought to the November Council meeting to appoint the two community representatives.	November 16, 2017

	<p>Development Application 39/17 - Request to waive headworks charges</p> <p>That a decision on the Water Headworks Charge of \$27,536.00 and the Sewer Headworks Charge of \$34,208.00 in relation to Development Application 39/17 for the Navorina Nursing Home eight bed extension at Lot 153 DP1133106 Macauley Street, Deniliquin be deferred until the 16 November 2017 Council meeting allowing for further information to be presented at a workshop.</p>	General Manager	<p>Discussion held at 2 November 2017 Council workshop. Further work will be undertaken by Council officers and a report brought to the 14 December 2017 Council meeting for a decision</p>	December 14, 2017
	<p>Development Application 49/17 - Request to waive headworks charges</p> <p>That a decision on the Water Headworks Charge of \$12,873.08 and the Sewer Headworks Charge of \$15,992.24 in relation to Development Application 49/17 for a staged development, stage 1 – demolish existing buildings, erect new childcare building and modify on-street parking, stage 2 – build off street car parking on Lot 6 and 7, Section 22, DP758913, 362-370 Whitelock Street, Deniliquin be deferred until the 16 November 2017 Council meeting allowing for further information to be presented at a workshop.</p>	General Manager	<p>Discussion held at 2 November 2017 Council workshop. Further work will be undertaken by Council officers and a report brought to the 14 December 2017 Council meeting for a decision</p>	December 14, 2017
	<p>Airport Runway Upgrade Project - Business Case</p> <p>That Council resolves to: Allocate \$140,000 from the Airport Development Reserve to undertake a detailed Business Case for the project. Note that KPMG will be appointed as the consultants to undertake the project Business Case.</p>	Economic	<p>KPMG appointed to undertake project. Project inception meeting being held on 17 November 2017.</p>	Complete

	<p>Murray Valley Industry Park - Lease to Ausway Education Group Pty Ltd That Council resolves to; Offer a 20-year lease with a further 20-year option of Murray Valley Industry Park to Ausway Education Group Pty Ltd. Delegate authority to the General Manager to negotiate the lease conditions and to sign and affix the council seal to the lease document. Agree to host the Chinese delegation during its visit to Deniliquin on 9 November 2017.</p>	Economic	Lease prepared and signed at Chinese delegation visit on 9 November 2017. Report updating on Lease conditions will be provided at the December Council meeting.	December 14, 2017
	<p>Funding Requests That Council resolves to; Allocate an amount of \$1,500.00 towards the costs of presenting the 'Long Paddock Dramatic Minds Festival' to be held in Deniliquin on Wednesday 1 November 2017. Allocate an amount of \$1,500.00 towards basic equipment required with the supervision of Community Service Corrections Program participants at the Deniliquin General Cemetery. Allocate an amount of \$5,000.00 towards the newly established NAPREC Committee to assist with their efforts for the region.</p>	General Manager	Funding allocated, and letters provided to the three groups.	Complete

	<p>Purchase of Land Depot Expansion That Council resolves to purchase 221 Wanderer Street, Deniliquin for a price up to a maximum amount outlined in the confidential report. That on settlement of the purchase of 221 Wanderer Street, Deniliquin, the Land be declared 'operational land'. That Council resolves to purchase 219 Wanderer Street, Deniliquin, for a price up to a maximum amount outlined in the confidential report. That on settlement of the purchase of 219 Wanderer Street, Deniliquin, the land be declared 'operational land'. That the seal of Council be applied as necessary to give effect to these resolutions. That Council fund these purchases through the Depot Refurbishment line item included in the 2017/18 operational plan and budget.</p>	<p>Infrastructure</p>	<p>Offers accepted for both properties within Council approved delegation. Councils lawyers and relevant real estate agents are currently finalising paperwork required to complete the sale of both properties.</p>	<p>November 30, 2017</p>
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	<p>Proposed acquisition of land (Lot 1 DP732067) for residential accommodation - VicTrack</p> <p>That Council apply to the Governor of New South Wales and the Minister for Local Government for the consent of both the Governor and Minister to the compulsory acquisition by Council under the Land Acquisition (Just Terms Compensation) Act 1991 of Lot 1 Deposited Plan 732067 for a retirement village. Approve the General manager to purchase the land up to a maximum amount outlined in the confidential report. Authority be granted to the Mayor and General Manager to execute any documents and affix Council seal as necessary to give effect to this resolution. The land detailed above be classified as Operational Land upon its acquisition. The resolution remains confidential pursuant to Section 10A (2) (c) of the Local Government Act 1993 until the acquisition is concluded.</p>	<p>Economic Development & Business</p>	<p>Updated land valuation for site received, valuation was \$50,000 cheaper than Council approved delegation. Site investigations have found some areas where additional earthworks will be required to prepare the site. It is proposed that these additional costs be factored in to the package of works funded through the Murray Darling Diversification funding.</p>	<p>February 28, 2018</p>
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9.1 SUBJECT: MAYOR AND GENERAL MANAGER MEETINGS

**FROM: Adam McSwain
General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION

That Council note the information.

SUMMARY

The report details meetings undertaken by the Mayor and General Manager on behalf of Council during September 2017 and October 2017.

Mayor and General Manager meetings September 2017

Date	Participants	Topic	Council Reps
September 1, 2017	Pam Ellerman, Faye Falahey, Chis Hayes, Ann McAtahmney	Ochre Health	Administrator and General Manager
September 4, 2017	Robbie Sefton, Kim Morison, Ross Barry	Airport Meeting	Administrator, General Manager, John Harvie
September 11, 2017	Ernst & Young, MIL	Murray-Daring Basin Plan	Administrator, General Manager
September 13, 2017	David Speck	Retirement Village	General Manager and John Harvie
September 19, 2017	MDBA Engagement Team including Philip Glyde	Murray Darling Basin	Administrator, General Manager, Cian Middleton, Michelle Cobb

Mayoral and General Manager meetings October 2017

October 3, 2017	Gladys Berejiklian Round Table meeting	Water and Health	Mayor
October 5, 2017	Murray Irrigation - Steering Group	Putting the southern Riverina on the Map	Mayor and General Manager
October 5, 2017	NSW Tourism Minister Adam Marshall	Tourism in Edward River Council	Mayor and General Manager
October 11, 2017	Trudi McDonald and Kim Stone, Dept Premier and Cabinet	Regional Events, concerns, contentious issues across agencies in particular health.	Mayor and General Manager

October 12, 2017	Craig Ennor, Justine Keech	Ennor's Development	Mayor, General Manager, John Harvie, Michelle Cobb
October 18, 2017	Suzy Keys	Waring Gardens Fountain	Mayor and General Manager
October 20, 2017	RAMROC	General Managers Meeting	General Manager
October 26, 2017	Shirlee Burge, Elsa Bolton, Joy Allen	Hospital and medical services	Mayor and General Manager
October 27, 2017	LGNSW	Capable Councils Workshop	Mayor, Cr Bull and General Manager
October 30, 2017	Richie Robinson, CEO, Genevieve Fleming, Chair, Destination Riverina Murray Tourism	Riverina Murray Tourism	Mayor, General Manager, John Harvie, Michelle Cobb
October 31, 2017	Office of Local Government	Hit the Ground Running Workshop	Mayor, Cr Bull and General Manager

9.2 SUBJECT: AUSTRALIA DAY COMMITTEE – COMMUNITY REPRESENTATIVES

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Cian Middleton, have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to:

1. Appoint John Macknight OAM and Martin Wilmshurst to Edward River Council's Australia Day Committee as the Committee's two Community Representatives pursuant to clause 3.1 of the Committee Charter.

BACKGROUND:

At its ordinary meeting held on 19 October 2017, Edward River Council resolved to establish an Australia Day Committee to act an advisory and programs implementation body to Council in the conduct of Australia Day activities throughout the Edward River local government area.

ISSUE/DISCUSSION:

Following Council's ordinary meeting held on 19 October 2017, Council advertised the two vacant Community Representative positions in the 24 October 2017 edition of the *Pastoral Times* and 25 October 2017 editions of both the *Riverine Grazier* and *Southern Riverina News*. Nominations were invited from 19 October 2017 to Friday, 3 November 2017.

Correspondence was also sent to Council's Hall management committees, as well as local service clubs, inviting those organisations to nominate a member for one of the two Community Representative positions.

Council received three nominations for the two Community Representative positions on the Australia Day Committee: Two of the nominations were individual nominations, with the third nomination made by the Deniliquin Rotary Club. While all three nominations were of a high calibre, it is recommended that John Macknight OAM and Martin Wilmshurst be appointed as the two Community Representatives on the Australia Day Committee.

Both Mr Macknight and Mr Wilmshurst are active members of the Edward River community and each has demonstrated considerable experience through their respective participation in various community organisations, business and industry groups, service clubs, and boards of management. In submitting their nominations, both Mr Macknight and Mr Wilmshurst have indicated that they can commit to attending committee meetings and actively participating in the preparation of Australia Day activities and selection of Australia Day Award recipients.

POLICY AND STRATEGY IMPLICATIONS:

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no direct financial implications arising from this report.

RISK IMPLICATIONS:

Nil.

CONSULTATION:

As the three delegated Councillor representatives on the Australia Day Committee, Councillors Brennan, Bull and Fogarty were consulted in the preparation of this report.

ATTACHMENTS:

1. Nil.

9.3 SUBJECT: MEDIA POLICY

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Cian Middleton, have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to:

1. Revoke the Media Communications Policy adopted 16 March 2017; and
2. Adopt the Media Policy as a.

BACKGROUND:

Edward River Council aims to provide consistent and factual information to the community in a timely manner and recognises the importance of maintaining a strong working relationship with the media and facilitating an open exchange of information between Council and the media. The Office of the General Manager is responsible for preparing and distributing media releases and responding to media enquiries and requests.

ISSUE/DISCUSSION:

Council's Media Communications Policy was adopted on 16 March 2017 and scheduled for review in October 2017. Under the policy, the Administrator, whose tenure ended on 21 September prior to the election of the Mayor, was delegated as the primary spokesperson to the media on decisions of Council, as well as decisions made by the now defunct Implementation Advisory Group and Local Advisory Committee.

The revised Media Policy clearly outlines Council's authorised spokespersons and defines roles and responsibilities within Council for working with the media. Under the revised Media Policy, the following are delegated as spokespersons:

1. The Mayor is the authorised spokesperson to the media on decisions made by Council and committees of Council;
2. In the absence of the Mayor, the Deputy Mayor is the authorised spokesperson to the media on decisions made by Council and committees of Council;
3. The General Manager is the authorised spokesperson to the media on all administrative and operational matters; and
4. The Communications Officer is an authorised spokesperson on matters of fact or clarification.

The revised Media Policy does not attempt to curb the role of Councillors as elected representatives of the community, and confirms that Councillors are free to provide comments, so long as they do not breach their obligation under section 232(1)(f) of the Local Government Act to uphold and represent accurately the policies and

decisions of Council. Further, when providing public comments, Councillors must make clear that their comments:

1. Are being made as an individual;
2. Are not necessarily the view of the Council; and
3. May relate to matters that have not yet been determined by Council.

POLICY AND STRATEGY IMPLICATIONS:

This policy repeals the Media Communications Policy adopted on 16 March 2017.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no direct financial implications arising from this report.

RISK IMPLICATIONS:

The advantages of adopting a Media Policy includes reducing the risk of reputational harm to the organisation, Councillors and Council officials by ensuring that all communications are performed through the appropriate channels.

CONSULTATION:

Nil

ATTACHMENTS:

Draft Media Policy

9.4 SUBJECT: DOCTOR INCENTIVES

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to:

1. Allocate a one-off Doctor Incentive package of \$7,800 to assist with housing for two new doctors relocating to Deniliquin
2. In accordance with section 356 of the Local Government Act 1993, advertise this proposal for at least a 28-day public submission process
3. Delegate authority to the General Manager to implement this recommendation following the public submission period
4. Request officers develop a Doctor Incentives Policy for Edward River Council and bring to Council for discussion by April 2018

BACKGROUND:

There is currently a shortage of doctors in Deniliquin. This doctor shortage is leading to patients being unable to access health care services locally. This creates a situation where local residents are forced to go to the emergency department at the Deniliquin hospital for non-urgent health issues or travel to Echuca, Albury or other areas to access services.

To help attract and retain doctors both the former Conargo Shire Council and Deniliquin Council offered incentive packages. As the new Edward River Council, Council does not currently have a policy to cover this area.

ISSUE/DISCUSSION:

Council has been approached recently by Doctor Marion Magee about a husband and wife who are both doctors and are now confirmed as relocating to Deniliquin to provide health services. The husband will relocate to Deniliquin in February, while the wife will relocate six months later in August.

A request has been made to Council to assist with costs for housing for the doctors. As Council does not currently have a policy position on doctor incentives, it is recommended that Council make a one-off contribution of \$7,800 to cover \$300 weekly rent for a six-month period. This will cover the period when the doctors are located in different areas.

In addition to providing this one-off assistance, officers are also proposing to develop a Doctor Incentives Policy for Edward River Council. It is proposed that this policy be developed over the next few months and a draft be brought to Council for discussion in April 2018 at the latest.

As this proposed financial contribution is being made to private individuals, Section 356 of the Local Government Act 1993 requires that Council provide 28 days public notice of its decision to provide this support.

POLICY AND STRATEGY IMPLICATIONS:

Council does not currently have a Doctor Incentives Policy, as a result it is proposed to make a one-off payment and for officers to develop a Policy that will be brought to Council for discussion.

FINANCIAL AND RESOURCE IMPLICATIONS:

The proposed contribution of \$7,800 will be funded through the \$30,000 line item in the 2017/18 budget for Donations and Contributions General.

RISK IMPLICATIONS:

Both doctors are now confirmed as relocating to Deniliquin in 2018. The main area of risk is Council providing this support and the doctors leaving within a short period of time. Mitigating this risk will prove difficult as any conditions that require repayment of the financial contribution will be difficult to enforce. Through providing this support and creating a welcoming atmosphere for the new doctors it is hoped that they will establish themselves in Deniliquin in the long term.

CONSULTATION:

Consultation has been completed with Council through the monthly workshop.

ATTACHMENTS:

- Nil
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9.5 SUBJECT: STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM – PROGRESS REPORT

FROM: Adam McSwain

General Manager

In providing this advice to Council, I, Adam McSwain, have no interests to disclose in this report.

RECOMMENDATION:

That Council receive the Stronger Communities Fund – Major Projects Program - Progress Report for November 2017

BACKGROUND:

The Stronger Communities Fund was established by the NSW Government to provide newly merged Councils with funding to spend on priority community initiatives.

Edward River Council received \$10 million in funding. An amount of \$1.4 million was allocated to various community groups for projects under the Community Grants Program. The remaining \$8.6 million has been allocated for the Major Project Program.

The projects adopted by the Stronger Communities Fund Assessment Panel are as follows:

Project	Grant Amount
Deniliquin Swim Centre Revitalisation	\$880,000
Community Masterplans & Initial Works	\$2,105,000
Deniliquin Regional Sports & Entertainment Stadium Extension	\$540,000
Blighty Community Netball & Tennis Facility	\$550,000
Deniliquin Children's Centre Extension	\$500,000
Deniliquin Netball Facility Improvement Works	\$320,000
Rural Villages Beautification Project	\$300,000
Beach to Beach Walk Connectivity Improvements	\$300,000
Deniliquin Community Facility Refurbishments	\$165,000
Urban Road Infrastructure Program	\$2,390,000
Deniliquin Airport Heritage Centre Development	\$50,000
Unallocated Funding for New Council	\$500,000

ISSUES/DISCUSSION:

A progress report to November 2017 is attached to this report.

Given the importance of these projects to the community and the value of the funding being spent, officers will bring a monthly project update report to each

Council meeting. This report will ensure a high level of accountability for progressing these projects and ensure transparency to the community on project progress.

POLICY AND STRATEGY IMPLICATIONS

The Major Projects Program funds a number of projects that progress strategically important projects for Edward River Council and the region.

FINANCIAL AND RESOURCE IMPLICATIONS:

Projects are to be funded from the \$8.6 million in the Stronger Communities fund program. Council staff have included design, documentation and supervision costs into the requested allocation of funds for each project. The total expenditure to date on the Major Projects Program is \$66,495. This represents mainly project investigations, staffing costs to set up the Working Groups and enable scoping of the projects.

RISK IMPLICATIONS:

Individual risk management plans are being developed for each of the funded projects. As an overall program the key risk to date is scope creep. As is often the case with combined community and council projects, getting agreement and sign-off on project scope can be a timely process. Council officers are taking the view that the project submissions received and thus funded are the primary scope for each project. It has been made clear to all project groups that any projects that are completed or expected to be completed under budget are required to get approval from Council prior to adding or modifying the project scope. As part of this discussion, it has also been made clear that Council reserve the right to reallocate any project savings to new or other existing projects.

CONSULTATION:

Working groups that are made up of Council officers and community members have been established for relevant projects. These groups are functioning well and provide a close connection between the community, impacted community/user groups and Council.

ATTACHMENTS:

Stronger Communities Program – Project Update

9.6 SUBJECT: INVESTMENT REPORT AS AT 31 October 2017

**FROM: Colleen O'Connor
Finance Manager**

In providing this advice to Council, I, Colleen O'Connor, have no interests to disclose in this report.

RECOMMENDATION:

That Council:

1. Note and receive the Report on Investments totaling \$41,886,767 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of October 2017 was \$136,830.
3. Note that accrued interest earned to 31 October 2017 but not yet received was \$417,923.

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 31 October 2017, Council has a total of \$41,886,767 in invested funds and cash at bank.

Interest received from investments during the month of October 2017 was \$136,830 consisting of \$13,192 for on-call/ bank accounts and \$123,638 for term deposits. Year to date interest received to 31 October 2017 for Edward River Council is \$366,289. Accrued interest of \$417,926 has been earned to 31 October 2017 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.

ISSUE/DISCUSSION:

At 31 October 2017 Council investments had a carrying value of \$41,886,767 as detailed below:

Cash and Investments held as at 31 October 2017

Schedule of Investments										
This Report is at date 31-October-2017										
Financial Institution	Account No.	Rating at End of Month (S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest	
On-Call/ CMT Accounts										
Westpac Business Cheque Plus Account	Deniliquin	032-870 16-6545	A1+	N/a	N/a	365	0.01%	196,481.91	0.47%	Monthly
Westpac Business Cash Reserve	Deniliquin	032-870 17-9231	A1+	N/a	N/a	365	0.70%	3,000,000.00	7.16%	Monthly
Westpac 31 Day Notice Account	Deniliquin	032-870 23-2696	A1+	N/a	N/a	365	2.50%	2,065,221.50	4.93%	Monthly
Commonwealth Bank General Fund	Conargo	062-533 000 000 10	A1+	N/a	N/a	365	0.00%	166,776.06	0.40%	Monthly
Commonwealth Bank Business On Line Acc	Conargo	062-533 101 511 17	A1+	N/a	N/a	365	0.60%	1,995,242.31	4.76%	Monthly
NAB Business Cheque Account	Deniliquin	89-575-7273	A1+	N/a	N/a	365	0.00%	162,778.43	0.39%	Monthly
Macquarie Bank - Rates	Deniliquin	3005-79778	A1+	N/a	N/a	365	0.00%	6,226.88	0.01%	Monthly
Macquarie Bank - Water	Deniliquin	2643-18940	A1+	N/a	N/a	365	0.00%	4,390.96	0.01%	Monthly
AMP Business Saver Account	Edward River	939-200 164957532	A1+	N/a	N/a	365	2.05%	2,039,649.10	4.87%	Monthly
Total Oncall/ CMT Accounts								9,636,767.15	23.01%	
Term Deposits										
St George	Deniliquin	354032747	A1+	10-Sep-17	04-Sep-18	359	2.60%	1,250,000.00	2.98%	31,965.75
St George	Deniliquin	354775348	A1+	07-Oct-17	02-Oct-18	360	2.55%	1,500,000.00	3.58%	37,726.03
St George	Deniliquin	355276209	A1+	02-Sep-17	02-Sep-18	364	2.60%	1,000,000.00	2.39%	25,928.77
St George	Deniliquin	355296525	A1+	12-Sep-17	11-Sep-18	364	2.59%	1,000,000.00	2.39%	25,829.04
Westpac	Deniliquin	033-621 357900	A1+	18-Oct-17	21-Nov-17	34	1.95%	3,000,000.00	7.16%	5,449.32
Westpac	Conargo	032-870 22-6835	A1+	23-May-17	27-Feb-18	279	2.55%	500,000.00	1.19%	9,745.89
Westpac	Conargo	032-870 22-6448	A1+	18-May-17	19-Dec-17	215	2.55%	1,000,000.00	2.39%	15,020.55
Westpac	Conargo	032-870 22-2287	A1+	10-Oct-17	16-Oct-18	371	2.59%	1,500,000.00	3.58%	39,488.63
Westpac	Conargo	032-870 22-8830	A1+	10-Oct-17	10-Apr-18	182	2.50%	1,000,000.00	2.39%	12,465.75
Westpac	Edward River	032-870 23-4616	A1+	18-Oct-17	21-Nov-17	34	1.95%	1,000,000.00	2.39%	1,816.44
Commonwealth Bank	Conargo	062-533 37543602	A1+	17-Oct-17	17-Apr-18	182	2.42%	500,000.00	1.19%	6,033.42
National Australia Bank	Edward River	3001 24-722-1876	A1+	29-Aug-17	27-Feb-18	182	2.50%	1,000,000.00	2.39%	12,465.75
National Australia Bank	Conargo	24-710-0644	A1+	08-Aug-17	09-Jan-18	154	2.42%	500,000.00	1.19%	5,105.21
National Australia Bank	Edward River	31-162-5542	A1+	08-Aug-17	08-Aug-18	365	2.45%	750,000.00	1.79%	18,375.00
Total A1+ Deposits								15,500,000.00	37.00%	
AMP Bank	Deniliquin	085241479-427214	A1	16-May-17	16-Jan-18	245	2.60%	1,000,000.00	2.39%	17,452.05
AMP Bank	Deniliquin	620718403-429092	A1	30-May-17	29-May-18	364	2.60%	1,000,000.00	2.39%	25,928.77
AMP Bank	Edward River	140536616-417908	A1	14-Mar-17	14-Nov-17	245	2.75%	500,000.00	1.19%	9,229.45
AMP Bank	Edward Rier	286870456-429501	A1	30-May-17	27-Feb-18	273	2.60%	500,000.00	1.19%	9,723.29
Total A1 Deposits								3,000,000.00	7.16%	
Bendigo and Adelaide Bank	Deniliquin	2112060	A2	22-Nov-16	28-Nov-17	371	2.75%	1,000,000.00	2.39%	27,952.05
Bendigo and Adelaide Bank	Deniliquin	1793598	A2	06-Dec-16	05-Dec-17	364	2.75%	1,000,000.00	2.39%	27,424.66
Bendigo and Adelaide Bank	Edward River	10 Term Deposits	A2	17-Jun-16		730	3.15%	5,000,000.00	11.94%	315,000.00
ING Bank (Curve)	Edward River	274746	A2	25-Jul-17	26-Jun-18	336	2.60%	1,000,000.00	2.39%	23,934.25
Bank Australia	Edward River	313-140 138363486	A2	20-Jul-17	16-Jan-18	180	2.85%	1,000,000.00	2.39%	14,054.79
Bank Australia	Edward River	313-140 138364459	A2	16-Aug-17	10-Apr-18	244	2.80%	750,000.00	1.79%	14,038.36
ME Bank (RIM)	Edward River	11379100	A2	09-Jun-17	06-Mar-18	270	2.62%	1,000,000.00	2.39%	19,380.82
Defence Bank Limited	Edward River	171548852	A2	30-May-17	27-Mar-18	301	2.70%	500,000.00	1.19%	11,132.88
Total A2 Deposits								11,250,000.00	26.86%	
BananaCoast Credit Union	Deniliquin	112214	NR	11-Jul-17	10-Jul-18	364	2.80%	500,000.00	1.19%	13,961.64
WAW Credit Union	Deniliquin	23438	NR	28-Feb-17	27-Feb-18	364	2.70%	500,000.00	1.19%	13,463.01
Police Credit Union	Deniliquin	69759	NR	06-Jun-17	12-Jun-18	371	2.90%	500,000.00	1.19%	14,738.36
Police Credit Union	Deniliquin	25386	NR	13-Jun-17	15-May-18	336	2.85%	1,000,000.00	2.39%	26,235.62
Total Non Rated Deposits								2,500,000.00	5.97%	
Average Interest Rate							2.16%	41,886,767.15	100.00%	831,065.55

The cash and investments balance is restricted as follows:

Internal Restrictions

- Infrastructure Replacement	\$ 3,112,631
- Plant Replacement Reserve	\$ 1,798,670
- Recreation Reserves/ Villages	\$ 1,113,000
- Employee Entitlements	\$ 1,141,768
- Deposits, Retentions and Bonds	\$ 234,875
- Land Development Fund	\$ 400,000
- Airport Development	\$ 291,447
- Other Internal Reserves	\$ 782,914

Total Internal Restrictions **\$ 8,875,305**

External Restrictions

- Water Supplies Fund	\$ 8,549,755
- Sewerage Services Fund	\$ 3,523,638
- Waste Fund	\$ 1,300,000
- Business Promotion Levy	\$ 29,852
- Unexpended Merger Funds	\$11,018,977
- Library Fund	\$ 431,222
- Other External Reserves	\$ 117,668

Total External Restrictions **\$24,971,112**

Unrestricted Funds **\$ 8,040,350**

Total Funds **\$41,886,767**

Note that Reserve balances above are not yet finalised for 2016/17 and are subject to change. Will be confirmed once financial audit is completed.

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

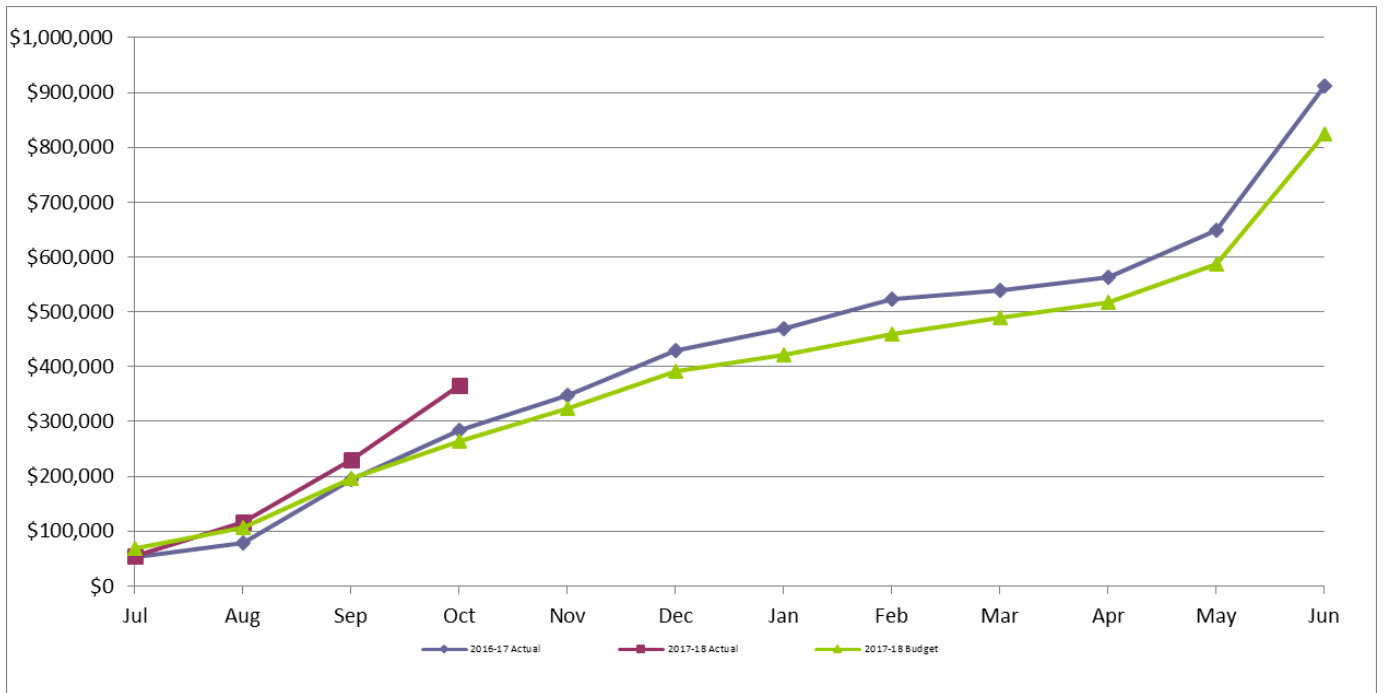
Fund Name	Bank and Investments	Percentage
General	\$29,813,374	71.18%
Water	\$8,549,755	20.41%
Sewer	\$3,523,638	8.41%
Total Funds	\$41,886,767	100.00%

Investments Matured during October 2017

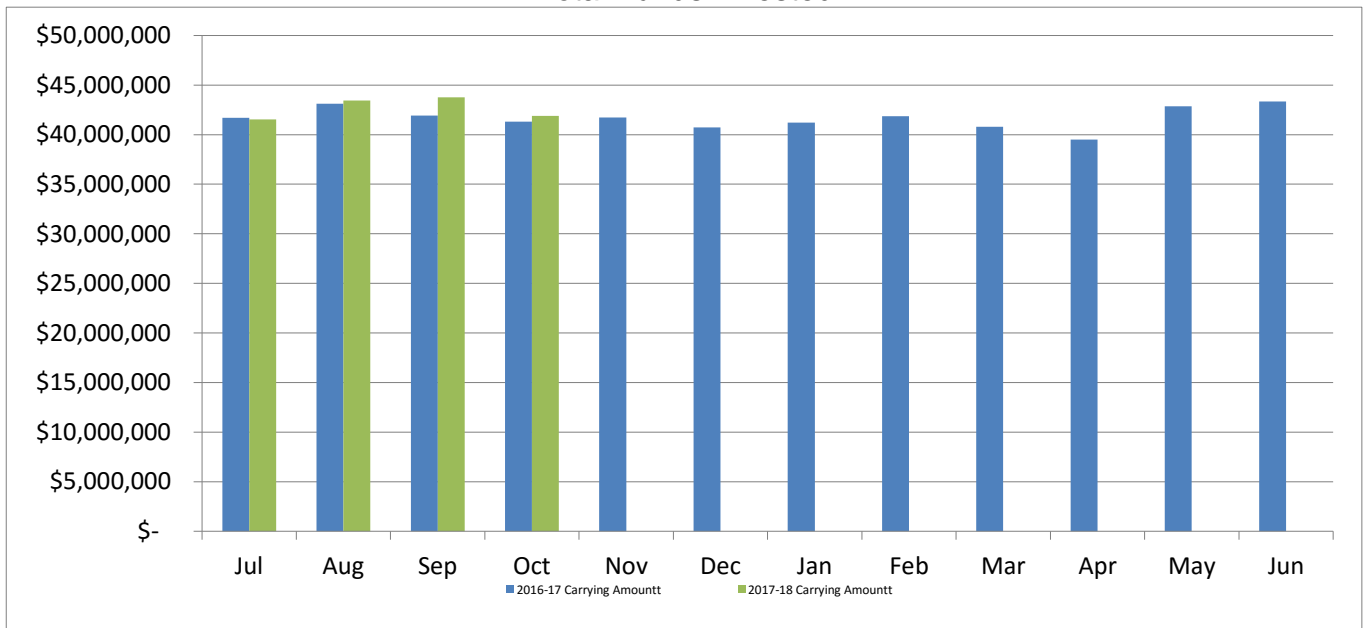
Matured/ Redeemed Investments

Financial Institution	Date Invested	Maturity Date	Days	Interest Rate	Amount	Actual Interest Received	Action Taken
Beyond Bank	11-Apr-17	10-Oct-17	182	2.70%	500,000	6,731.51	Redeemed
St George	07-Oct-16	07-Oct-17	365	3.00%	1,500,000	45,000.00	Rolled over for 360 days @ 2.55%
Westpac	11-Apr-17	10-Oct-17	182	2.65%	1,500,000	19,820.55	Rolled over for 371 days @ 2.59%
Westpac	11-Apr-17	10-Oct-17	182	2.65%	1,000,000	13,213.70	Rolled over 180 days @ 2.5%
CBA	20-Jun-16	17-Oct-17	119	2.45%	500,000	3,993.84	Rolled over for 182 days @2.42%
Westpac	18-Oct-16	18-Oct-17	365	3.00%	1,000,000	30,000.00	Rolled over for 34 days @1.95%
Westpac	17-Sep-17	17-Oct-17	30	1.95%	3,000,000	4,878.08	Rolled over for 34 days @1.95%
					9,000,000	123,638	

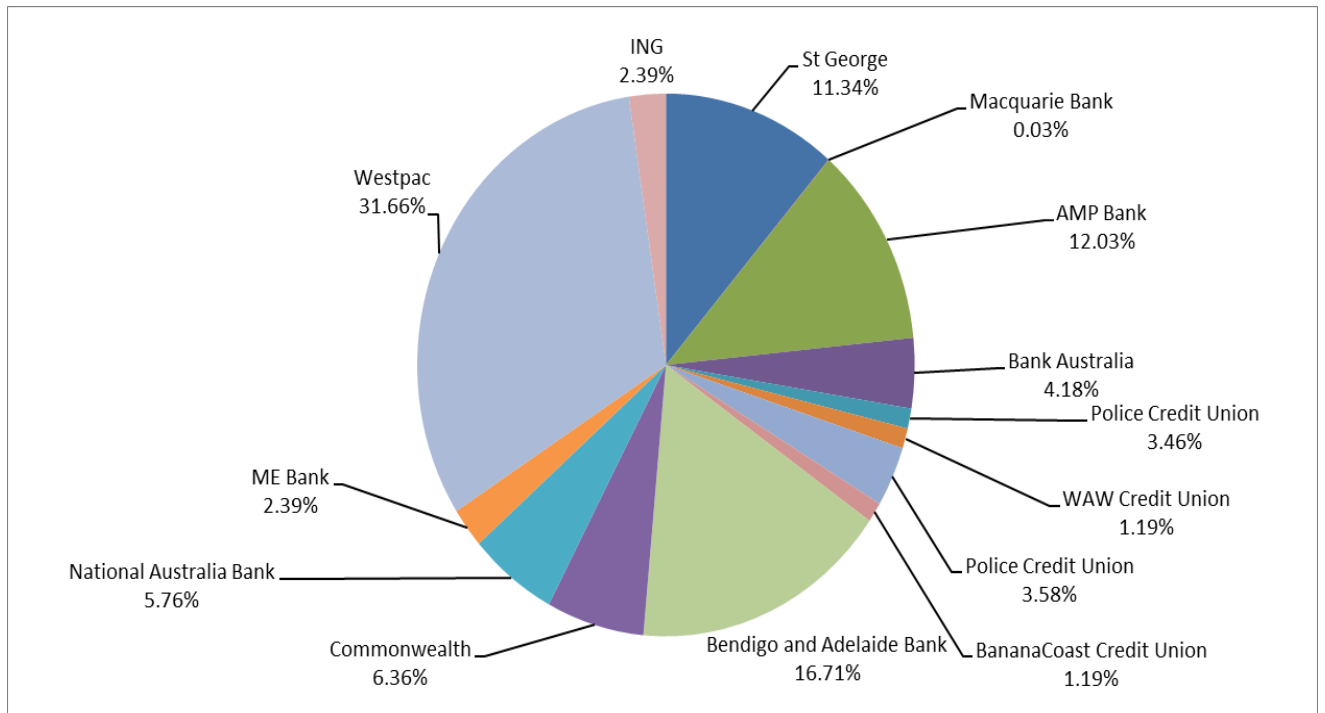
Actual Year to Date Investment Revenue Earned



Total Funds Invested



Cash and Investments Total Breakup by Institution



POLICY AND STRATEGY IMPLICATIONS:

Investments have been made in accordance with Council's Investment Policy, which was adopted on the 17 May 2017.

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

FINANCIAL AND RESOURCE IMPLICATIONS:

Current low interest rates will reduce expected investment revenue.

RISK IMPLICATIONS:

Under Council's investment policy, 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
20%	A3 Rated Institutions
10%	Unrated Authorised Deposit Taking Institutions

CONSULTATION:

Nil

ATTACHMENTS:

There are no attachments.

**9.7 SUBJECT: QUARTERLY BUDGET REVIEW FOR THE PERIOD 1
JULY TO 30 SEPTEMBER 2017**

**FROM: CAROLINE WALLIS
Director Corporate Services**

In providing this advice to Council, I, Caroline Wallis, have no interests to disclose in this report.

RECOMMENDATION:

That Council receives the September 2017 financial review of the Operational Plan as adopted at the Council Meeting on 29 June 2017.

BACKGROUND:

Clause 203(1) of the Local Government (General) Regulation 2005 (the Regulations) requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year.

It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

Legislative requirements together with the implementation of a formal reporting mechanism will ensure that councils have a robust and transparent budget reporting framework.

ISSUE/DISCUSSION:

A review of Council's income, operating expenditure and capital expenditure has been undertaken. From the review, it has been identified that minor variations for the September 2017 quarter are required to be made against the original budget due to receipt of additional grant funds and associated expenditure. There is a nil net effect on the budget bottom line.

It should be noted that rates and annual charges have been recognised in full in July 2017 although due to instalment options for payment, these won't be received in full until 2018. This recognition of full year rates and fees, under accrual accounting principles, impacts on the reliability of Key Performance Indicators calculated using unadjusted accrued results. Excluding those rates and fees that have not yet been received from the key performance indicators results in the following amended ratios:

Ratio	Adjusted YTD Ratio	Unadjusted YTD Ratio
Operating Performance Ratio:	0.33%	36.04%
Own Source Operating Revenue	51%	90.56%
Debt Service Cover Ratio	20.52	52.46

Notable receipts to the end of the September 2017 quarter include:

Financial Assistance Grants	\$651,159
Insurance claim settlement	\$69,500
Roadside Reserves Grant	\$38,400
Roads to Recovery	\$215,821
Roads and Bridges grant funding	\$329,000
Crown Reserves Grant Funding	\$74,944

15% of the projected year end expenditure budget has been spent to the end of September 2017, with variances across the functional areas against the original budget. This is lower than anticipated for this time of year due to:

- the delayed recognition of depreciation while asset values of the new Edward River Council are finalised,
- the timing of planned expenditure on new plant and equipment and
- the Stronger Communities Projects still being in commencement phase.

Budget variations required for the September 2016 quarter are as follows

Revenue

Innovation Grant Funding	\$ 80K Increase
Roadside Reserves Grant Funding	\$ 38K Increase
Insurance claim settlement	\$ 70K Increase

Expenditure

Staff Training	\$ 80K Increase
Materials and job costs	\$ 38K Increase
Plant and equipment purchase	\$ 70K Increase

The Quarterly Budget Review is attached for information identifying the Adopted Budget, Recommended Changes for Council Resolution, Projected Year End Budget and Year to Date Actual Revenue and Actual Expenditure to 30 September 2017.

POLICY AND STRATEGY IMPLICATIONS:

Nil

FINANCIAL AND RESOURCE IMPLICATIONS:

All budget variations impact on the expected year-end result for Council.

RISK IMPLICATIONS:

Nil

CONSULTATION:

Nil community consultation required.

ATTACHMENTS:

- Quarterly Budget Review Statement for Edward River Council
-

9.8 SUBJECT: 2016/17 OPERATIONAL PLAN STATUS REPORT

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Cian Middleton, have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to:

1. Receive the 2016/17 Operational Plan Status Report.

BACKGROUND:

Under the Integrated Planning and Reporting Framework which applies to all councils in New South Wales; Council must adopt an Operational Plan each financial year detailing the individual projects and activities that will be undertaken in that year to achieve the commitments made in its Delivery Program. Council must then report on its progress in implementing its Operational Plan each year in its Annual Report.

Following the merger of the former Conargo Shire Council and Deniliquin Council, the new Edward River Council did not consolidate the former councils' Delivery Programs and adopt a single Operational Plan for the 2016/17 year. Instead, Council developed an Operational Plan comprising two sub-plans for each of the former Conargo Shire Council and Deniliquin Council local government areas. Each of these sub-plans aligned with the Delivery Programs adopted by the two former councils.

ISSUE/DISCUSSION:

As detailed in Council's 2016/17 Annual Report; of the 160 tasks included in Council's 2016/17 Operational Plan, 132 were completed during the 2016/17 year. While Council delivered on 82.5 per cent of its Operational Plan tasks during the reporting period, seven tasks were deferred from that year to the current 2017/18 year. The remaining 21 tasks contained in the 2016/17 Operational Plan are not on target to be completed during the 2017/18 year.

The attached 2016/17 Operational Plan Status Report details the status of those targets classified as 'Not on target' and 'Deferred', and includes a short commentary against each target explaining the reason/s for that status.

POLICY AND STRATEGY IMPLICATIONS:

There are no direct policy or strategy implications arising from this report.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no direct financial implications arising from this report.

RISK IMPLICATIONS:

There are no risk implications arising from this report.

CONSULTATION:

No consultation was undertaken in the preparation of this report.

ATTACHMENTS:

2016/17 Operational Plan Status Report.

9.9 SUBJECT: HEADWORKS CHARGES – DEVELOPMENT APPLICATION 39/17 AND 49/17

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION:

That Council note that the request to waive headworks charges for Development Application 39/17 and Development Application 49/17 will be brought to the 14 December 2017 Council meeting.

BACKGROUND:

At the October Council meeting, Council considered two requests to waive headworks charges. These related to Development Application 39/17 (Navorina Nursing Home) and Development Application 49/17 (Deniliquin Childrens Centre).

The two motions passed for these items were:

Development Application 39/17

That a decision on the Water Headworks Charge of \$27,536.00 and the Sewer Headworks Charge of \$34,208.00 in relation to Development Application 39/17 for the Navorina Nursing Home eight bed extension at Lot 153 DP1133106 Macauley Street, Deniliquin be deferred until the 16 November 2017 Council meeting allowing for further information to be presented at a workshop.

Development Application 49/17

That a decision on the Water Headworks Charge of \$12,873.08 and the Sewer Headworks Charge of \$15,992.24 in relation to Development Application 49/17 for a staged development, stage 1 – demolish existing buildings, erect new childcare building and modify on-street parking, stage 2 – build off street car parking on Lot 6 and 7, Section 22, DP758913, 362-370 Whitelock Street, Deniliquin be deferred until the 16 November 2017 Council meeting allowing for further information to be presented at a workshop.

ISSUE/DISCUSSION:

As presented above, both Council motions identified that further information regarding these two applications would be provided at the 16 November 2017 Council meeting.

Following discussion at a Council Workshop and further work required to develop a policy position on waiving or reducing headworks charges for not for profit groups. The updated report that considers the two current requests will be considered at the 14 December Council meeting.

This report is for Council to note that these two items will now be considered at the December 2017 Council meeting and not the November 2017 Council meeting.

POLICY AND STRATEGY IMPLICATIONS:

A policy on waiving or reducing headworks charges for not for profit groups is currently being developed and will be brought to the December Council meeting.

FINANCIAL AND RESOURCE IMPLICATIONS:

The report brought to the December council meeting will consider the financial implications of any policy adopted by Council.

RISK IMPLICATIONS:

Discussion with relevant planning staff has confirmed that delaying this item by a month will not impact on the development timeframes.

CONSULTATION:

Consultation has been completed with Council through the monthly workshop.

ATTACHMENTS:

- Nil

9.10 SUBJECT: 2016/17 ANNUAL REPORT

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Cian Middleton, have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to:

1. Adopt Edward River Council's 2016/17 Annual Report in respect of the period of the year ended 30 June 2017;
2. Note that the Annual Report will be submitted to the NSW Minister for Local Government by 30 November 2017; and
3. Note that the Office of Local Government has approved Council's request for an extension until 31 December 2017 to provide its audited financial statements for the reporting period.

BACKGROUND:

Council is required under section 428 of the *Local Government Act 1993* (the Act) and clause 217 of the Local Government (General) Regulation 2005 (the Regulation) to prepare an Annual Report. Once received by Council, the Annual Report must be sent to the NSW Minister for Local Government and published on Council's website by 30 November 2017.

Section 27(2) of the Local Government (Council Amalgamations) Proclamation 2016 [NSW] provides that the first Annual Report of all new councils must relate to the period commencing on the amalgamation day and ending on 30 June 2017. As such, the reporting period for the purposes of the Annual Report is 12 May 2016 to 30 June 2017.

As a new council, Edward River Council is exempt from the requirements under sections 428 and 428A of the Act to include the following in its first Annual Report:

- A State of the Environment report; and
- An outline of achievements in implementing the Community Engagement Plan.

In addition to the various reporting requirements imposed on Council by the Act and Regulation; Council must also report on certain requirements outlined in other legislation, including:

- Companion Animals Act 1998 and Companion Animals Regulation 2008;
- Government Information (Public Access) Act 2009 and Regulation;

- Environmental Planning and Assessment Act 1979; and
- Public Interest Disclosure Act 1994 and Regulation.

Section 28(4)(a) of the Act requires Council's Annual Report to contain a copy of the audited financial statements for the reporting period.

On 11 October 2017, Council wrote to the Acting Chief Executive Officer (CEO) of the Office of Local Government (OLG) requesting an extension until 31 December 2017 to provide its audited financial statements for the reporting period to the OLG. Requests for extension are permitted, so long as they are submitted in writing and lodged not later than 17 October following the financial year end. Council's request for an extension has been approved by the OLG and Council's audited financial statements will be brought to the ordinary meeting scheduled for Thursday, 14 December 2017.

ISSUE/DISCUSSION:

Council's Annual Report comprises seven sections:

- **Part 1 Introduction:** Provides an overview of Council and contains a message from the General Manager on Council's achievements and priorities over the reporting period.
- **Part 2 Operational Plan:** Reports on Council's progress on implementing its 2016/17 Operational Plan and the organisation's key achievements over the reporting period.
- **Part 3 Capital Works Program:** Reports on Council's Capital Works Program for the reporting period, as required under the Capital Expenditure Guidelines issued by the Department of Premier and Cabinet pursuant to section 23A of the Local Government Act.
- **Part 4 Special Rate Variation:** Reports on Special Rate Variation expenditure during the reporting period, as per sections 508(2) and 508A of the Local Government Act.
- **Part 5 Statutory Reporting:** Reports on Council's general reporting requirements set out in section 428 of the Local Government Act as well as other reporting requirements imposed on Council by other legislation, including the *Companion Animals Act 1998* and *Companion Animals Regulation 2008* and the *Environmental Planning and Assessment Act 1979*.
- **Part 6 Government Information (Public Access) Act:** Contains Council's *Government Information (Public Access) Act 2009* Annual Report for the 2016/17 reporting period.
- **Part 7 Public Interest Disclosure Act:** Contains Council's report on its obligations under section 31 of the *Public Interest Disclosures Act 1994* and clause 4 of the *Public Interest Disclosures Regulation 2011*.

POLICY AND STRATEGY IMPLICATIONS:

The preparation of this Annual Report meets Council's statutory obligations to produce an Annual Report within five months of the end of the financial year.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no direct financial implications arising from this report.

RISK IMPLICATIONS:

Failure to submit Council's 2016/17 Annual Report by the specified deadline would constitute a legislative breach under the Act.

CONSULTATION:

Councillors were briefed on the draft Annual Report at the November Councillor Workshop.

ATTACHMENTS:

Edward River Council Annual Report 2016/17

9.11 SUBJECT: WASTE MANAGEMENT EDWARD RIVER COUNCIL

**FROM: Oliver McNulty
Director of Infrastructure**

In providing this advice to Council, I, Oliver McNulty, have no interests to disclose in this report.

RECOMMENDATION:

That Council resolves to approve the transfer of \$75,000 from the Waste Reserve and combine it with the current \$50,000 allocated within the 2017/18 budget to complete works to;

1. Complete a Waste Management Strategy for Edward River Council
2. Complete a study and commence the process to expand the landfill at Deniliquin
3. Complete a study in relation to the options to develop a kerbside recycling and green waste collection service in Deniliquin

BACKGROUND:

At the 20 July Council meeting, Council passed a motion that:

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

Initial work on this report has commenced, however due to changes in staffing and the current workload in the engineering and assets team, the project isn't progressing as quickly as Council officers would like.

In addition, whilst discussing kerbside recycling it has become apparent that a Waste Management Strategy for the entire Edward River Council area is required. Both Conargo and Deniliquin Councils had Waste Management Plans which are a requirement of our EPA licence. These plans require updating and a single waste management plan needs to be developed for Edward River Council.

This strategy will also consider the current short-medium term issue of the disposal area at the Deniliquin landfill depot being close to the end of its useful life and a new cell needing to be opened to continue to deliver this service as economically as possible.

ISSUE/DISCUSSION:

Kerbside recycling service

Preliminary works have been completed in relation to the options for the delivery of a kerbside recycling service. The work to date is at a strategic level and has not involved detailed costings of the different options. These options need to be costed out in more detail. The options will then be discussed in more detail with Council prior to requesting community feedback.

As identified in the background section to this report, additional consultant/contractor resourcing is required to progress this project in a timely manner.

Waste Management Plan

While engaging a consultant to consider kerbside recycling, Officers believe there is an opportunity to also review and combine the Waste Strategies from the two former Councils. This updated strategy will outline how Council will manage and improve its waste service into the future.

Landfill capacity

The current landfill at Deniliquin is nearing the end of its life and is close to capacity. There is currently approximately 2 years left in the landfill. Council need to develop and commence a process to expand the landfill. Council committed \$50,000 in the 2017/18 budget to allow for the work to commence.

This budget is suitable for the preliminary work to be undertaken.

In line with the information above, rather than progress individual projects, it is proposed to allocate additional budget from the Waste Reserve to allow for the full and comprehensive development of a Waste Strategy, Kerbside Recycling Business Case and Landfill Capacity Study for Deniliquin. A single consulting firm would be engaged to undertake these three pieces of work concurrently.

POLICY AND STRATEGY IMPLICATIONS:

Council currently have Waste Management plans from Conargo and Deniliquin. These documents need to be reviewed and made into a single Waste Management Strategy for Edward River Council.

The works proposed through this report will develop a new Waste Management plan and any Policies required to assist with this process. It will also identify options for the expansion and modernisation for Councils current waste services.

FINANCIAL AND RESOURCE IMPLICATIONS:

Council have currently allocated \$50,000 in the 2017/18 budget for a study for the Deniliquin landfill and its expansion.

There is currently approximately \$1,300,000 in the Waste Reserve which is used for the upgrade and management of the landfill as well as future remediation of landfill sites. This is the fund that would be utilised for the works

to expand the landfill and waste services. The daily costs for waste services within Edward River are fully recovered through the fees generated for the service.

This report proposes utilising an additional \$75,000 from the Waste Reserve to complete the works to;

1. Complete a new Waste Management Strategy for Edward River
2. Identify options and commence the process for the expansion of the landfill in Deniliquin
3. Complete a study in relation to the options to develop a kerbside recycling and green waste collection service in Deniliquin

This will bring the funding to \$125,000 to complete this work.

RISK IMPLICATIONS:

Council are required to have a Waste Management Strategy in line with the conditions set out within the EPA licence.

Councils existing landfill is nearing the end of its life. Council need to commence the process to expand the landfill otherwise there is a risk that council would have to transport their waste to an alternate locate which will have an impact on the cost of this service.

The need for kerbside recycling has been identified as a priority through a variety of community consultation. Allocating additional resources to ensure the investigation is completed in a timely manner is important.

CONSULTATION:

Consultation has taken place internally with Councils Manager Engineering and Assets and Manager Operations. This has also been discussed with Councils Executive Management Team. This report references work that has been completed in the past year by an external consultant.

ATTACHMENTS:

- There are no attachments to this report.

9.12 SUBJECT: STRONGER COMMUNITIES FUNDING PROGRAM – RECREATION MASTERPLAN PROJECT

**FROM: ADAM MCSWAIN
General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION:

That Council confirm that the \$130,000 assigned through the Stronger Communities funding program for developing a long-term strategic plan for 'a multi-use Deniliquin Sports Precinct to include Netball, Cricket and Rugby facilities' be specifically allocated to the following projects:

- Memorial Park, Deniliquin Masterplan - \$50,000
- Edward River Council Recreation Strategy - \$50,000
- Waring Gardens Masterplan and Management plan - \$30,000

BACKGROUND:

The NSW Government provided Edward River Council with \$10 million in funding for the Stronger Communities Funding program. At the 20 July Council meeting, and following assessment of submissions by a panel, Council allocated \$8.6 million in funding through the Major Projects Program.

Included within the allocated funding was an amount of \$130,000 to develop a long-term strategic plan for 'a multi-use Deniliquin Sports Precinct to include Netball, Cricket and Rugby facilities'.

This funding of \$130,000 was intended to include the development of a Masterplan for Memorial Park, Deniliquin at a cost of \$50,000 and the development of a masterplan for the Swim Centre and Scott Park to look at a combined multi-use sports precinct on that site. This was budgeted to cost \$80,000.

ISSUE/DISCUSSION:

Following discussion with both staff and Councillors, the following comments are made on the two projects originally proposed to be funded from the \$130,000:

- Memorial Park, Deniliquin Masterplan: This project is still supported, and it is recommended that \$50,000 funding still be provided to its development. It is proposed that this funding be allocated to a consultant to complete both a Masterplan for the Memorial Park reserve and a concept design and costing for a combined multi-use sporting facility to be located at Memorial Park. Through completing

both the Masterplan and facility concept design, at the end of the project, Council and the community will be well positioned to submit funding applications for this project

- Swim Centre and Scott Park multi-use sporting precinct: This project is no longer supported. While the idea of a single combined sporting facility is a great one, through the Stronger Communities funding it is proposed to upgrade the basketball stadium in its existing location, upgrade the swimming pool and construct a water park in its existing location and upgrade several other sporting facilities across Deniliquin in their existing locations. Additionally, through a more recent funding program, Stronger Country Communities, a funding application has been submitted to undertake a significant upgrade of Scott's park. Each of these projects will be taking place in their existing locations and will upgrade the existing assets. As a result, it is proposed to hold-off on completing a multi-use sporting precinct for this location.

Instead of spending \$80,000 on the Swim Centre and Scott Park multi-use sporting precinct masterplan it is proposed that the following recreation strategic planning projects be undertaken:

- Waring Gardens Masterplan, \$30,000: Waring Gardens is an iconic garden and receives a high level of usage for both passive and active recreation. In line with the priorities raised by the community through the development of the Public Space Strategy, it is proposed that a Masterplan and Management plan be developed specifically for Waring Gardens. This plan will include a significant community consultation component and set the framework and management practices to ensure Waring Gardens continues to prosper as an iconic garden well into the future.
- Edward River Council Recreation Strategy, \$50,000: It is proposed to develop a recreation strategy that covers the entire Edward River Council local government area. This strategy will provide a prioritised and costed listing of priority recreation projects, provide recommendations on co-location of sporting facilities, develop service levels for Council sporting facilities and recommend a proposed approach for achieving equity in Council service provision at sporting facilities.

Officers believe that the proposed strategic planning projects for both Waring Gardens and the Recreation Strategy will provide greater value in the short to medium term. It is proposed that the idea of a single combined and centrally located sporting precinct be revisited in 5-10 years' time.

POLICY AND STRATEGY IMPLICATIONS:

The development of the Waring Gardens Masterplan aligns with the draft Public Space Strategy. The development of the recreation strategy and memorial park masterplan align with the current and former operational plans of both Councils.

FINANCIAL AND RESOURCE IMPLICATIONS:

The cost for these projects will be fully funded through the Stronger Communities funding program.

RISK IMPLICATIONS:

Nil

CONSULTATION:

Consultation on the proposed changes to the make-up of the projects funded through the \$130,000 has been done through Council's monthly workshop and via internal staff meetings.

Each of the proposed projects will include community consultation components as part of the consultant's project briefs.

ATTACHMENTS:

- Nil
-

9.13 SUBJECT: WARING GARDENS – CAPITAL WORKS 2017-18

**FROM: ADAM MCSWAIN
 General Manager**

In providing this advice to Council, I, Adam McSwain have no interests to disclose in this report.

RECOMMENDATION:

That Council:

1. Approve the postponement of the following capital works at Waring Gardens:
 - Replacement of the fence around the children’s playground (\$9,000)
 - Replacement of the pedestrian fence along Napier Street (\$15,000)
 - Replacement of the concrete area around the BBQ (\$8,000)
 - Refurbishment of the rotunda (\$30,000)
2. Note that if any urgent or safety works are required on any of the postponed projects that these works will be undertaken as necessary
3. Request officers to progress as a priority the project to refurbish the fountain (\$20,000)
4. Note that following the development of a Masterplan and Management Plan for Waring Gardens an updated list of capital projects will be brought to Council for consideration

BACKGROUND:

Within the 2017/18 budget there is a budget of \$82,000 for works in Waring Gardens. This budget includes work for:

- Replacement of the fence around the children’s playground (\$9,000);
- Replacement of the pedestrian fence along Napier Street (\$15,000);
- Replacement of the concrete area around the BBQ (\$8,000);
- Refurbishment of the fountain (\$20,000); and
- Refurbishment of the rotunda (\$30,000).

ISSUE/DISCUSSION:

As per the previous Council report, ‘Stronger Communities Funding Program – Recreation Masterplan Project’, the proposed approach to progress the development of Waring Gardens is the development of a Management Plan and Masterplan for the site.

This strategic approach will ensure a vision is developed for Waring Gardens that all future works can fit within.

As a result of this proposed approach, it is recommended that a number of the capital works programmed for the 2017/18 financial year are postponed until the Masterplan is complete. The following projects are proposed to be postponed:

- Replacement of the fence around the children's playground (\$9,000)
- Replacement of the pedestrian fence along Napier Street (\$15,000)
- Replacement of the concrete area around the BBQ (\$8,000)
- Refurbishment of the rotunda (\$30,000)

In postponing these projects, it is noted that if any urgent or safety works are required these will be carried out by staff as appropriate.

One project that is not proposed to be postponed is the refurbishment of the fountain (\$20,000). The fountain is an iconic element of Waring Gardens and has not been functioning for some time. It is proposed that this project be continued as a priority.

POLICY AND STRATEGY IMPLICATIONS:

The postponement of these works and the development of the Waring Gardens Masterplan will ensure that all future capital works undertaken at Waring Gardens will fit within an agreed framework.

FINANCIAL AND RESOURCE IMPLICATIONS:

The \$82,000 worth of capital projects for Waring Gardens are fully funded in the 2017/18 budget. It is proposed to spend the \$20,000 required to fix the fountain and postpone the other \$62,000 worth of work

RISK IMPLICATIONS:

Nil

CONSULTATION:

Discussion with Councillors was undertaken at the November Council meeting

ATTACHMENTS:

- Nil

9.14 SUBJECT: PEACOCKS WARING GARDENS

**FROM: OLIVER MCNULTY
DIRECTOR INFRASTRUCTURE**

In providing this advice to Council, I, Oliver McNulty have no interests to disclose in this report.

RECOMMENDATION:

That Council:

1. Acknowledge the petition in relation to the exhibition of caged animals in Waring Gardens
2. Write to the first named petitioner and inform them of Council's resolution in relation to this matter
3. Resolve that due to the costs and regulation involved, Council's preferred position is to re-home the peacocks and remove the peacock enclosure from Waring Gardens
4. Advertise this preferred position, the reasoning for this decision and the costs and regulation associated with maintaining the peacock enclosure
5. Provide a period of at least 28 days for public submission and comment on this proposal
6. Note that following the public submission period, a further report will be brought to the February 2018 Council meeting

BACKGROUND:

According to the Deniliquin and District Historical Society there have been Peacocks on exhibit in Waring Gardens since 1968.

In October 1997 Council engaged Mr Ron Pope from the Kyabram Fauna Park, to do an assessment and a report on the current enclosure. Mr Pope, who specialises in exhibited animal shelters, provided a report in relation to the animal's wellbeing and improvements that were required for the enclosure to be compliant at that time. This report was provided to Council in June 1998 advising that typically peacocks can roam free and nest in trees at night, however as the peacocks in Waring Gardens had been housed for a long time this would not be advisable. Mr Pope also advised that he did not consider the Peacocks to be under any stress in the current enclosure although they could have improved facilities.

Peacocks are not native to Australia, although there are many in Australia. Mr Pope did not suggest relocating them and agreed they provide a great attraction to Waring Gardens. Council at the time resolved to adopt Mr Popes recommendations and an engineer was engaged to provide concept plans to upgrade the enclosure. These works were not fully completed.

In December 2016 a complaint was made to the Department of Primary Industry. Council was contacted by Mr Matthew Crane, from the Department of Primary Industry Animal Welfare Section. The complaint related to some key points:

1. The welfare of the animals including the suitability of the enclosure as a public display for the peacocks. This included concerns in relation to the ability of peacocks to withdraw to a quiet location as well as their protection from heat.
2. The qualifications and the expertise of the staff involved in the management and care of the peacocks
3. The location of the enclosure in a public space which is subject to a lot of noise and disturbance.

Officers were advised after speaking with the department that Council must immediately take the animals off exhibit by means of screening the enclosure and make application to DPI for a Licence to Exhibit. This action was undertaken as directed.

In December 2016 Council contacted the RSPCA requesting that they come to Deniliquin to assess the bird's welfare. An RSPCA officer attended the enclosure and advised that the birds were in good health and in his opinion, were housed in an adequate environment.

Council considered this matter at the time and officers were advised to proceed with the process to apply for a licence and investigate the requirements to facilitate this.

In March 2017 Council applied for a licence for the public exhibition of peacocks. Additional information was requested by the department in March and April which was provided at the time. In June 2017 a much more detailed request for further information was received. A copy of this is attached.

On October 31 a petition was received and signed by 150 people requesting that Council end the practice of keeping caged animals in Waring Gardens, to rehome the current occupants and to permanently dismantle the cage.

ISSUE/DISCUSSION:

The latest request for information raises some issues that are important for discussion in relation to the long-term sustainability of the peacock enclosure.

Issue 1: Petition

The issues raised within the petition are consistent with some of the concerns raised and previously addressed through the complaint to the Department of Primary Industry. Each of these issues and concerns are discussed in more detail below.

Issue 2: Staff training

As outlined within the request for information it is a requirement that staff working in a public display for animals must have a Certificate III in Captive Animals. There would be a requirement for 2 staff members to have this qualification to ensure that there is always someone available to fill this role.

Open College provide this training online and this course can take from 3 months to 24 months to complete.

The cost per student is \$4290 to enrol in the course. This does not include costs for books or other items. There is also a requirement that all course attendees complete 100 hrs of practical work placement in a zoo.

Issue 2: Enclosure

Currently the enclosure does not meet the standards or requirements for the public display of wildlife. To meet the standards identified, additional funding is required to upgrade the existing enclosure to enable Council to apply for the licence to display the peacocks.

These requirements have been conservatively estimated at costing \$30,000.

Issue 3: Planning

Warring Gardens and the peacock enclosure are listed within Councils Heritage overlay as low importance.

However, if Council chose to upgrade/expand the peacock enclosure they would need to confirm with the heritage advisor if it is a requirement to get a DA.

This would also need to be considered should Council choose to remove the Peacock enclosure.

Issue 4: Costs

Council budgets for the upkeep of the peacocks and the peacock enclosure through the Parks and Gardens area.

Currently one officer spends approximately 15 minutes feeding and checking the peacocks every day. The peacocks require on average 8 bags of feed per month. The peacock enclosure gets a full clean once a year which takes two staff approximately 1 full day to complete.

This costs Council approximately \$6000 per annum.

The additional requirements as part of the licence to display the peacocks would increase the annual costs for this service to approximately \$10,000 per annum. A large portion of this cost would be due to an increase in staff costs due to the additional training required.

Options:

Council has three options available to it regarding the peacocks in Waring Gardens. These options are:

Option 1: Upgrade the Peacock enclosure and get staff trained in the Certificate III Captive Animals

Council would need to complete the works to upgrade the Peacock enclosure and ensure that it has staff members with the requisite training prior to being granted a licence to display.

This process could take up to 2 years (factoring in the requirements for staff training). During this time Council would work with the Department of Primary Industries to ensure that the enclosure is compliant with all relevant regulations and that council can continue to exhibit the animals.

Option 1 is expected to cost \$30,000 to upgrade the existing enclosure and an additional \$10,000 per year in staff time and resources.

Option 2: Remove the Peacock enclosure

This option would require the rehoming of the peacocks to an alternative location. There are a number of organisations within the regional area that Council officers could talk to regarding the rehoming of the peacocks.

If the peacocks are re-homed, then the peacock enclosure could also be removed. As this is in a heritage area there is a requirement to get a DA to remove the enclosure. The removal of the enclosure would cost approximately \$15,000 This estimate includes for the removal of the enclosure and any waste material. It would also allow for the refurbishment of this area to a consistent standard with the remainder of Waring Gardens.

FINANCIAL AND RESOURCE IMPLICATIONS:

The financial and resource implications from the two options cover across a number of areas. These are:

Staff Time and Training

Currently Council allocate approximately \$6,000 towards the management and upkeep of the peacocks as well as their enclosure. It is expected that this annual budget will need to increase to approximately \$8,000-\$10,000 to cover additional staff time.

There will also be a cost of approximately \$9,000 for 2 staff members to get the Cert III qualification. This \$9,000 does include any costs associated with staff members attending training and costs associated with taking part in the course.

Capital Works

In the 2017/18 budget there is no specific budget to cover the expected cost of \$30,000 for works to the peacock enclosure. There is approx. \$80,000 for works to Waring Gardens. This covers; fencing at the children's playground, fencing along Napier street, replacement of concrete around the BBQ area, refurbishment of the fountain and refurbishment of the rotunda.

Option 1 - If Council would like to upgrade the peacock enclosure then it is recommended that \$30,000 of this funding be reallocated to cover the costs of the upgrade.

Option 2 – If Council would like to rehome the peacocks and demolish the enclosure then it is recommended that \$15,000 of this funding be reallocated to cover these costs.

CONSULTATION:

There has been ongoing communication with the Department of Primary Industries, Animal Welfare Unit in relation to this issue.

There has been discussion with Councils Work Teams, Human Resources and planning team in relation to this item.

Council have been briefed on this topic at a monthly Council Workshop.

As part of this resolution it is recommended that community members will have 28 days to provide feedback on Councils decision prior to work progressing.

ATTACHMENTS:

- Attachment 1: June 27 2017, Department of Primary Industries - Request for additional information
- Attachment 2: Copy of Petition received

Attachment 1: June 27 2017, Department of Primary Industries - Request for additional information

Question 4 - Details of the Property

Question 4.B - You have answered yes that you want only part of the property to be licensed. Please provide a copy of a surveyor's plan indicating the boundary of the proposed establishment as per Question 4.C.

Question 10 - First Aid

There must be provided on authorised premises: a first aid kit for the use of visitors as per Clause 8 c) of the General Standards of Exhibiting Animals in New South Wales. Please advise how you intend to meet this requirement.

Question 13 - Species List

Thank you for providing the Species List to the Department. It appears however on your application that you have not included the scientific names for the species that you intend to keep. Please provide these details to the Department.

Question 14 - Animal Diets

Whilst you have advised that the animals are fed "Turkey Grower", more information is required regarding the amounts of food and the frequency of feeding. Please advise these details to the Department.

Are the animals only fed Turkey grower or do they also receive fresh fruit and vegetables or any other food to make life more interesting? (refer to Clause 57 of the General Standards for Exhibiting Animals in New South Wales - Behavioural enrichment)

Question 15 - Animal Identification

In your application you have written N/A for your response to Question 15. Can you please advise the Department how you intend to identify the animals if they were to escape the enclosure, are stolen or for treatment purposes? (Refer to Clause 33 of the General Standards for Exhibiting Animals in New South Wales).

Question 17 - Plan of the Establishment

Please provide an in-scale plan view of the proposed establishment that includes all the requested details from a) through to r). Please note that as per Clause 21 of the General Standards for Exhibiting Animals in New South Wales an animal display establishment must have an outer fence sufficient to discourage unauthorised entry to the establishment. Details of the fence will be required once you confirm the area that you intend to licence.

Off-exhibit holding enclosure - *It has been noted that your application does not include details of an off-exhibit holding enclosure. Clause 20 of*

the General Standards for Exhibiting Animals in New South Wales requires an animal display establishment to provide an off-exhibit enclosure to ensure the ability to separate the animals for a number of reasons including health and quarantine reasons, social constraints to name a couple. Please advise how you intend to address this issue?

Question 19 –Support Facilities

It appears from your application that you have not provided details that comply with Clause 51 (2) of the General Standards for Exhibiting Animals in New South Wales.

Unless there is an arrangement approved by the Secretary for a dead animal to be quickly removed to veterinary enclosures outside the authorised premises:

- a) facilities must be provided on the premises for conducting a post-mortem examination in a safe and hygienic manner; and*
- b) provision must be made for material to be stored under refrigeration if an immediate post-mortem examination is not possible.*

Please advise how you intend to address this issue.

Question 20 - Education

Thank you for providing a photo of the sign that you have attached to the enclosure. It appears from the photograph that the sign includes pictures of species that you are not proposing to hold and it also seem to be lacking information required in Clause 6 of the General Standards for Exhibiting Animals in New South Wales. This clause states that the signage is to include aspects of a) population status, range and habitat: b) food habits; and physiological anatomical and behavioural adaptations to their environment. Please advise how you intend to address this issue.

Question 21 - Staff

Thank you for providing the job description for Mr Paul Hussey who you have advised looks after the animals. Question 21 requires a copy of a resume that includes details of qualifications and experience directly relevant to the care and management of the species listed in your application. Please provide this to the Department.

*Clause 4 (c) of the General Standards for Exhibiting Animals in New South Wales states that an exhibitor must engage a sufficient number of appropriately qualified** staff to maintain the prescribed level of husbandry at all times to ensure compliance with the standards. It is noted in your application that you only have one member of staff to maintain the animals. Please advise how you will rectify this (to ensure appropriate management of animals when Mr Hussey is on leave).*

*** (holds a certificate III in Captive Animal Management)*

Form G Assessment - Peacock enclosure

Question 3. Species to be housed in enclosure

Thank you for providing the Species List to the Department. It appears however on your application that you have not included the scientific names for the species that you intend to keep. Please provide these details to the Department.

5. Plans for the Proposed Construction or Alteration

Question 5 of the application form requests some specific information regarding the enclosure and whilst you have provided a lot of that information there are a few outstanding items that still need to be provided.

a) a plan view of the enclosure from the top that has the feed and water points indicated.

In the photographs you have provided it has been noted that there appears to be a shelter. Please advise what size this shelter is, construction materials used to construct it and does it have sides on it to protect the animals from prevailing winds, rain and other elements as per Clause 13 of the General Standards for Exhibiting Animals in New South Wales.

Please also provide on your plan details of the keeper access: where is it, details of materials used to construct it, does it have a double entry to minimise the risk of the animals escaping, does the gate/door open inwards, how is it secured to prevent theft or unauthorised entry?

It can also be seen in the information you have provided that there is a pond near the proposed Peacock enclosure. Please advise if there is a risk of flooding from the pond and if so how is this managed?

An animal enclosure must be provided with a drainage system that quickly carries excess water away from it (refer to Clause 14 (3) of the General Standards for Exhibiting Animals in New South Wales). Please provide the details of the drainage system provided in the peacock enclosure.

6. Signs (Graphics) or Exhibits at Animal Display Establishment

Thank you for providing a photo of the sign that you have attached to the enclosure. It appears from the photograph that the sign includes pictures of species that you are not proposing to hold and it also seem to be lacking information required in Clause 6 of the General Standards for Exhibiting Animals in New South Wales. This clause states that the signage is to include aspects of a) population status, range and habitat: b) food habits; and physiological anatomical and behavioural adaptations to their environment. Please advise how you intend to address this issue.

Form G Assessment - Food Preparation/Storage Area

5. a. Scaled plans (top, side, front views and overview plan showing the enclosure in relation to other enclosures and the boundary fence).

- Please provide the dimensions of the food storage area.

- *Please provide the details of the materials used to construct the food storage area.*

5. k. Any Features that deviate from the prescribed standards

Clause 38 of the General Standards for Exhibiting Animals in New South Wales states that the area in which food for the animals is prepared:

1. a) Must be indoors or completely screened; and

b) Must be constructed of materials that will withstand steam-cleaning and chemical disinfection. Walls must be non-porous and without cracks or crevices.

4. A toxic chemical or other harmful material must not be used or stored in the area used for preparing the food.

Please advise how you intend to address these issues?

Cleanliness relating to food and drink - *Clause 39 of the General Standards for Exhibiting Animals in New South Wales states that;*

1. High standards of cleanliness must be observed:

*a) by staff engaged in the preparation of food and drink for the animals; and
b) in relation to the utensils and equipment used, and adequate equipment must be provided to enable this to be done.*

Can you please advise the Department if the food storage area has a sink with mains running water.

Can you please provide details to the Department of the type of lighting that is used in the food storage area. As the information requested above is required to continue the assessment process.

9.15 SUBJECT: DEVELOPMENT APPLICATION 67/17 – Construction of emergency services facility and depot

**FROM: Director Economic Development and Business
John Harvie**

**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 67/17 for the construction of an emergency services facility and depot on Lots 49 and 52 DP1189132, Cemetery Road, Deniliquin dated 11 September 2017 as shown on plan numbered DA67/17#1 to 13 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.67/17, 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, 2017 - Building Code of Australia (BCA).
Reason: Prescribed condition under the Environmental Planning and Assessment Act and Regulations.

- 1.3 A Construction Certificate is to be obtained from Council to verify that all infrastructure work will be designed and carried out in accordance with Council's Development Manual.

The Construction Certificate is to address the following matters:

- a All hydraulic calculations and designs for the supply of water

Reason: A Construction Certificate is required for subdivision work in accordance with section 81A(4) of the Environmental Planning and Assessment act.

- 1.4 Below and forming part of this consent is a Hold/Witness Point Schedule. All witness and hold point are to be met otherwise works may be required to be removed and redone.

Reason: To ensure compliance with Deniliquin Council’s Development Manual and to ensure compliance with any relevant Australian Standards.

SCHEDULE OF HOLD AND WITNESS POINTS FOR CONSTRUCTION OF WATER

APPLICATION NO: 67/17

APPLICANT: Resource Architecture

PRINCIPAL CERTIFYING AUTHORITY: Edward River Council

PROCESS	HOLD/WITNESS POINT
Construction Certification and required insurances (design and drawing approval)	Hold
Site preparation and clearing	Hold
Traffic Management Plan	Hold
Pipeline installation, pressure testing (w&s) and passed prior to backfilling	Hold
In case of sewer, junction details to be provided to Council	Hold
Tracer wire installed, trench backfilled, compacted and any resurfacing completed	Witness
Works as executed plans provided to Council	Hold

- 1.5 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 2017.

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.

1.6 No plants or trees are to be removed unless:

- (i) The individual trees or area to be cleared have been delineated on the approved plans; or
- (ii) Removal is required to comply with any other condition of consent in relation to matters such as servicing or firebreaks.

Reason: To clarify the extent of vegetation removal permissible with this consent.

1.7 No filling of the land over the existing watercourse or drainage easement without consent from the Council's Technical Services Division.

Reason: To maintain existing drainage capacity.

1.8 All plumbing and drainage work to be carried out in accordance with AS3500 National Plumbing and Drainage Code.

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

1.9 All vehicles must enter and exit the development in a forward direction to avoid possible conflict with through traffic on Macknight Drive.

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

1.10 A sealed / concrete / paved driveway is to be constructed from the Council kerb to the property boundary. The driveway shall have a profile conforming to Council's Standard Drawing DC-SD1 outlined in Council's Development Manual and AS 2890.

Reason: To ensure that access is constructed to a satisfactory engineering standard and to prevent soil & gravel being deposited into Council gutters, stormwater drainage system and on roadways.

- 1.11 For the purposes of safety and preventing obstruction, all vehicles being loaded and/or unloaded are to stand wholly within the site.
Reason: To ensure obstruction of roads does not occur.
- 1.12 A minimum provision of 29 carparking spaces is required on the subject land.
Reason: To provide adequate on site carparking commensurate with traffic generation of the development.
- 1.13 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.
- 1.14 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.
- 1.15 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 & 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.
- 1.16 Outdoor storage or waste storage is to be suitably screened from view from Macknight Drive.
Reason: To ensure the visual impact of storage is minimized.
- 1.17 The Applicant must lodge a completed liquid trade waste application with Council, accompanied by a letter requesting an exception from installation of a grease arrestor and on what grounds. The Applicant is to 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.
- 1.18 Prior to the use of the building as a Fire Control Centre, the Applicant must obtain a final certificate of compliance 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.

- 1.19 All stormwater from the roof of the proposed building, including the overflow from the require rainwater tank, shall be discharged by piping to the on-site dam.

Reason: To ensure adequate disposal of stormwater on site in a manner that is not going to cause damage to the building footings.

- 1.20 The proposed buildings shall be constructed from non-reflective materials.

Reason: To comply with Council's Development Control Plan 2016.

2 Prior to the issue of Construction Certificate

- 2.1 Prior to issue of a Construction Certificate, plans prepared by a suitably qualified and experienced Structural/Civil Engineer are to be submitted to and approved by Council for special footings in accordance with Council's policy for building over or near Council's sewer system. Construction is to conform to the Engineer's design.

Reason: To prevent potential damage to development and to protect and allow future maintenance of Council's assets.

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

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

- 2.3 Plans shall be submitted by a suitably qualified and experienced Civil Engineer (CPEng or equivalent) or Registered Surveyor **PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE**. The plans shall confirm that the post development stormwater runoff from the site shall not be greater than the pre-development stormwater runoff for storms up to and including 1% AEP storm events in accordance with Council's Development Manual. Information in the plans shall include, but not limited to:

- Determination of pre-development stormwater runoff from the site;
- Detention basin layout and calculations including stage discharge curves;
- Outlet capacities, including calculations, for all orifice plates, pipe outlets or weir/overflow structures; and
- Location and capacity of overflow path.

Reason: To ensure adequate disposal of stormwater in a manner that shall not cause nuisance to neighbouring properties and buildings.

- 2.4 The access road from the site to the existing gravel road along the eastern boundary of the site shall be one-way for exit from the site only. The access shall be a minimum of 5m wide and include the provision for right turns only onto the existing gravel road. Left turns onto the existing gravel road shall not be permitted.

Details of the access road, including relevant signage, shall be provided to Council **PRIOR TO THE ISSUING OF THE CONSTRUCTION CERTIFICATE.**

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

3 Prior to commencement of work

- 3.1 **Prior to the commencement of works** the applicant is to obtain a Trade Waste Approval from Council.

Reason: To comply with Councils Trade Waste Policy.

- 3.2 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

- 3.3 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.

- 3.4 Prior to the commencement of any site works appropriate erosion and sediment control measures are to be implemented to prevent any sediment from leaving the site, these measures are to be maintained during the construction phase and can only be removed once appropriate stabilization has been completed.

Reason: To prevent water pollution and protect the amenity of the adjoining area, and to comply with the Protection of the Environment Operations Act 1997.

- 3.5 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.

- 3.6 Any alteration to the ground surface adjacent to the sewerage manhole in the vicinity/ or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level.

Reason: To provide for future maintenance of the sewerage service.

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 & Assessment Act 1979 to ensure compliance with the Building Code of Australia.

- 4.2 **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 stormwater 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.

- 4.3 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.

- 4.4 Suitable waste containers shall be provided within or external to the building whilst it is being used for the proposed development. Container bays shall be effectively screened or housed from view. Details are to be submitted.

Reason: To avoid a public health nuisance.

- 4.5 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.

- 4.6 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.

- 4.7 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.

- 4.8 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:
- (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.

- 4.12 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

- 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 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.
- 5.4 Prior to Occupation of the Development a Trade Waste Agreement is to be signed by the owner(s) of the premises and Council.
Reason: To ensure compliance with Council Trade Waste Policy.
- 5.5 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.
- 5.6 Completion of landscaping in accordance with the approved landscaping plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the landowner's responsibility.
Reason: To ensure satisfactory completion and maintenance of landscaping.
- 5.7 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.

6. Headworks Contributions

- 6.1 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	\$13,768.00
b	Sewer headworks	\$17,104.00

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 CONSTRUCTION CERTIFICATE.**

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

7. Contaminated Land Consultant – Conditions

7.1 A site specific asbestos management plan be developed and resourced prior to the excavation taking place on the site.

Reason: The soils on the site has asbestos contamination and this will need to be managed during any construction work.

7.2 The site specific asbestos management plan be developed in accordance with the NSW WorkCover Guideline - *Managing asbestos in or on soil* March 2014.

Reason: Ensure compliance with the NSW Work Health and Safety Act 2011 and regulations.

7.3 Soil disturbance within 2m of the surface water drainage line in the middle of the proposed site shall be minimized. Where soil is removed from within 2m of the drainage line it shall be stockpiled and tested for contamination prior to disposal offsite at an approved waste facility.

Reason: Soil in this area is contaminated and any offsite disposal requires compliance with the NSW Waste classification guidelines is required.

7.4 Earthworks across the proposed site should employ dusts suppression to reduce the opportunity for exposure to contaminated soils.

Reason: Dusts derived from contaminated soils provide a vector (pathway) for human exposure to contaminants.

7.5 Ground water extraction from the site is prohibited until such time that the quality of the ground water is determined safe for use and human exposure.

Reason: A groundwater contamination assessment of the site has not been completed and the risk associated with the use of groundwater from below the site has not been assessed.

Advising: *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*

Background:

The development was received by Council on the 11 September 2017. The development application was advertised and notified to adjoining owners. No submissions were received. The Application has been reported to Council as Council is the owner of the land.

The proposed emergency services facility and depot is purpose designed for the NSW Rural Fire Service Mid Murray Zone. It is proposed to consolidate existing staff, storage and equipment together on one site. The site will accommodate a new Fire Control Centre (FCC) building, two new storage sheds for vehicles and equipment, a new 20m radio tower, car parking and heavy vehicle areas, tree removal and site landscaping, installation of rain water tanks and on-site water retention area, fencing and gates and associated signage.

Currently the subject site is known as Lots 49 and 52 DP1189132, the subject site is proposed to be subdivided in the future to separate the subject site from the existing Lot 52 DP1189132, and consolidate Lot 49 DP1189132 into the new Lot 54 DP1189132 which will have a total site area of 1.958ha. A subdivision is not required to enable the development but is proposed to improve the ability of the ERC to manage land and leases in the future. A development application will be required to carry out the subdivision of the land and would be obtained separately to this application.

Development plans are attached as attachment 'A' and an aerial site plan is attached as attachment 'B'.

Internal referrals:

Trade Waste Officer: The applicant is required to submit a trade waste application and approval is required prior to the release of the construction certificate. Pre-treatment equipment will be required to be installed. Conditions of consent will apply.

Health and Building Surveyor: The proposed FCC building is a Class 5 and is approximately 935m² and will require essential fire safety measures. A fire safety schedule will be issued with the construction certificate. The depot storage sheds will both be a Class 7b, both sheds are approximately 420m². Approval is recommended subject to conditions of consent.

Engineering: Approval is recommended subject to conditions of consent in relation to servicing and access.

Headworks charges will apply for both water and sewer.

Water and sewer supply headworks charges are applicable due to the additional development of the FCC. The Deniliquin Council Water and Sewer Demand Assessment Policy does not provide information specifically for the Equivalent Tenement (ET) calculations for general offices and therefore a specific loading calculation is required. To assist with this, reference is made to Wyong Shire Council's Sewerage System Planning document regarding wastewater loading rate assumptions. The document notes that wastewater loading rate of 10ET/gross hectare for mixed use and business development. This rate of 10ET per hectare, or 1ET per 1,000 sq.m is similar to the loading rate of low density residential development.

It is noted that the FCC has a gross area of approximately 4,000 sq.m, including the building and carparks but excluding the depot sheds, stormwater areas and landscaping areas. Based on the above information the loading for this development would therefore be 4 ET. As 1 ET is equivalent to 2.3 EP (equivalent persons), 4 ET would be approximately 9.2 EP. The developer has noted that there shall be up to eight staff permanently located in the building and that up to 20 people shall attend training events at the centre. The proposed loading calculation is therefore considered suitable in this instance.

The headworks charges are based on the following information;

- System loading: 4ET
- Existing credit: 0ET
- Applicable headworks loading: 4ET

Based on the current charges, as noted in the Edward River Council 2017/18 Fees and Charges, the applicable headworks charge for water supply is \$13,768.00 and the applicable headworks charge for sewer is \$17,104.00.

Contaminated Land Consultant: Council's consultant has advised that whilst there is some contamination identified in the soils on site, it is well below the adopted screening levels and the site is considered to be suitable for the proposed use. Approval is recommended subject to conditions of consent.

Strategic Implications:

No strategic implications identified.

Budgetary Implications:

Not applicable.

Policy Implications:

The following Council policies are required to be considered:

- 4.21 *Liquid Trade Waste* – The applicant must lodge a liquid trade waste application with Council and ensure that the approval is granted prior to the release of the construction certificate. This has been addressed in the conditions of consent.
- 5.4 *Water Drainage* – This has been addressed in the conditions of consent.
- 5.5 *Parking area and driveway construction* – This has been addressed in the conditions of consent.
- 6.3 *Location of buildings over sewer mains* – The proposed storage shed will be located over existing Council sewer mains. Detail of the construction in accordance with this policy will be required with the application for a construction certificate.
- 7.3 *Disable access and mobility* – the proposed building complies with the Building Code of Australia.
- *Edward River Council Contaminated Land Management Policy* – Council has referred the proposed development to a Contaminated Land Consultant. Any concerns can be mitigated through conditions of any consent.

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 (DLEP)***

The property is located in the IN1 – General Industrial zone and the proposed development being a ‘emergency services facility’ is permissible with development consent in accordance with clause 47(1) of the *State Environmental Planning Policy (Infrastructure) 2007*. The proposal is consistent with the aims of the *Deniliquin Local Environmental Plan 2013* and compatible with the objectives of the IN1 zone.

Council is required to consider clauses 6.6 and 6.7 of the DLEP.

Clause 6.6: Airspace operations

If the development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation of Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

The proposed development includes the installation of a 20m high mast for communications as part of the development. During construction this may be up to 30m with allowances for cranes and lifting of the pole.

A review of the Obstacle Limitation Surface (OLS) plans for the Deniliquin Airport shows the following regarding height restrictions:

- Ground level: RL95m (approximately)
- Minimum OLS height over building: RL145m
- Maximum obstacle height: 50m

Based on this information the proposed mast shall not enter the Obstacle Limitation Surface.

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 vehicle access.*

Existing services are available to the site, these include telephone, electricity, reticulated water and gravity sewer.

The FCC building shall be connected to Council's water supply system via the existing 100mm potable water main located along the northern side of the development. The connection shall include allowance for potable water supply for the FCC and fire-fighting requirements. Connection to water will require an extension. The developer has not proposed to connect the depot sheds to the water supply.

The FCC building shall be connected to Council's sewerage system via the existing 150mm gravity main located on the site. This connection, depending on the level of the existing sewer and the finished floor level of the building, may be gravity connection or by a low-pressure sewer connection. The developer has not proposed to connect the depot sheds to the sewerage system.

Discussions with the developer has noted the requirement for on-site stormwater detention to ensure the run-off from the site does not exceed the pre-development conditions. This is due to the existing stormwater run-off issues in the general airport area. The developer has included on-site detention into the development plans.

The proposed FCC building shall access the public road network via Macknight Drive. As part of the development the access off Macknight Drive shall be constructed in accordance with Council's development standards.

Access to the depot area, to the east of the proposed FCC shall be via the existing access to the adjoining Deniliquin RFS Brigade building. The access shall then connect to the single lane gravel road to the east of the site. The

access point onto Macknight Drive complies with Council's requirements regarding two-way access points.

The access onto the road to the east does not comply with Council's requirements and given the width of the existing road, the following conditions would be required;

- The access should be 'Exit Only' and have a minimum width of 4m,
- Vehicles shall only be allowed to turn right onto the existing road, thereby heading back towards Macknight Drive. Signage denoting 'No Left Turn' shall be installed, and
- A culvert shall be installed at the access point in accordance with Council's Development Manual.

State Environmental Planning Policies

State Environmental Planning Policy 55 – (Remediation of Land)- (SEPP 55)

The SEPP 55 states that the consent/planning authority must consider a report specifying the findings of a preliminary investigation before giving consent for a change in land use. The consent authority may also require a preliminary investigation report if it believes that a potentially contaminating activity may have occurred on the land and/or is does not have sufficient information to determine if the land is suitable for the proposed development.

Based on past use and previous known contamination within the vicinity of the site, the applicant was required to submit a preliminary site investigation (PSI) with the development application.

Council staff do not have the technical expertise to conduct the appropriate evaluation internally of the subject PSI. Council engaged an independent consultant to review the submitted PSI.

After review of the PSI the independent consultant advised that past activities on the proposed site appear to have contaminated soils. The contamination does not appear to be extensive and is less than the adopted health screen levels for commercial/industrial land use. The soil sampling on site was extensive across the site, however ground water sampling was not conducted as part of the investigation.

Based on the results of the investigation the site appears suitable for the proposed use. Minor conditions are recommended to maintain site hygiene during construction.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Clause 47(1) of the ISEPP states that development for the purposes of an emergency services facility may be carried out with consent in a prescribed zone by or on behalf of the NSW Rural Fire Service or an emergency services organisation that is not a public authority.

Clause 46 of the ISEPP lists the IN1- General Industrial zone to be a prescribed zone. The proposed development is being carried out by the Edward River

Council on behalf of the NSW Rural Fire Service Mid Murray Zone and is permissible with development consent.

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 – Chapter 1 Notification

The development application was notified in accordance with this DCP.

Deniliquin DCP 2016 – Chapter 4 Industrial Zones

The subject site is located in the IN1 – General Industrial zone and the following controls in Chapter 4 – ‘Industrial Zones’ of the Deniliquin DCP 2016 apply to the development:

Control	Standard	Compliance
4.1	Infrastructure and Services	The subject site has existing access to services. The proposed development will provide for on-site stormwater detention.
4.2	Access and Parking	The proposed development complies with the requirements of Chapter 12 – Car Parking. The gross floor area (GFA) of the FCC building can be considered to be an office/commercial premises which is required to provide 1 space per 40m ² of GFA. The GFA of the FCC building is 935m ² (935/40= 23.375) therefore the FCC building is required to provide a total of 20 carparking spaces. For general industrial developments 1 space is required for 90m ² of GFA or 1 per 2 employees (whichever is the greater). The combined GFA of the depot buildings is 840m ² (840/90=9.33) therefore the depot buildings are required to provide a total of 9 carparking spaces. In this case the total onsite car parking requirement would be for 29 onsite car parking spaces, however the applicant has provided 40 onsite spaces (refer to development plan). Two of the spaces are disabled access spaces – this complies with the

		<p>requirements of Chapter 4 – Industrial Zones.</p> <p>The site is designed as two separate operational areas – the Fire Control Centre (FCC) on the west and the depot to the east, separated by an open swale drain. The FCC area will include new bitumen surface crossover and carpark for visitors and staff and will be used predominantly for small vehicles.</p> <p>The depot area is designed to be used by larger commercial vehicles. Larger vehicles will access the depot via the existing crossover at the existing Brigade shed and exit via a new crossover to the east. Vehicle manoeuvring areas will be crushed rock.</p> <p>All vehicles accessing the subject site will be able to enter and exit in a forward motion. All loading and unloading will be able to be achieved on site.</p>
4.3	Building Setbacks	The proposed development is consistent with setback controls.
4.4	Landscaping	The applicant demonstrates proposed landscaping on the submitted site plan. This can be mitigated through conditions of consent.
4.5	Building Appearance & Design	The appearance and design of the proposed buildings complies with the development controls. The FCC building has incorporated visual interest into the building design with the use of various colours and presents to the street. The proposed depot buildings will be constructed from non-reflective materials, the use of these buildings is predominantly for storage and therefore presentation to the street in this instance is not pertinent.
4.6	Outdoor Areas	Storage on the site is proposed to be in storage sheds, other than some vehicle storage. This can be

		mitigated through conditions of consent.
4.7	Waste and Trade Waste	The onsite waste storage area is proposed to be at the rear of the proposed storage shed, which is screened from view of the road. The applicant will be required to lodge a completed trade waste application form with Council, accompanied by a letter requesting an exception from installation of a grease arrestor. The applicant has to ensure that a valid trade waste approval has been granted in association with the proposed kitchen prior to the release of the construction certificate. This can be mitigated through conditions of consent.
4.8	Impacts on Surrounding Land	The proposed development will not produce undue levels of noise and vibrations, air emissions, dust, water pollution or odour. The development includes rain water tanks and re-use of stormwater collected on site in a greywater system for irrigation purposes. As such it will decrease the amount of stormwater runoff from the site. The civil design includes site bunding and kerbing where appropriate to stop stormwater runoff onto adjacent land.

Deniliquin DCP 2016 – Chapter 14 Airport

The subject site is within the airport operations area. The proposed development will not restrict the current and future operations of the airport.

The following controls apply to the development:

Control	Standard	Compliance
14.1	Height Limit	The proposal does not include any structures that exceed the maximum height limits specified on Council's Future Obstacle Limitation Surfaces (OLS) Plan. The development is approximately 270m away from the NDB. Note the NDB is no longer operational.
14.2	Noise	The site is within the Airport operations area and includes

		<p>construction of a building which must, to the satisfaction of Council, incorporate measures detailed in AS2021-2015 – <i>Acoustics-Aircraft noise intrusion – Building siting and construction</i>.</p> <p>In this instance a desk-top assessment of the building location was made in accordance with AS2021-2015, Appendix E – Method for determining building site acceptability for light general aviation aerodromes without ANEF Charts. The building site is classified as ‘Acceptable’. Where building sites are classified as Acceptable, construction to provide protection specifically against aircraft noise is not usually needed.</p>
14.3	Masterplan	<p>The proposal is consistent with the Deniliquin Regional Airport Masterplan 2011 as the land is identified for use as the NSW RFS Headquarters on the Deniliquin Aerodrome Masterplan Overall Schematic Plan March 2011.</p>

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))

General comment

The proposed development will not impose any negative impacts on the immediate area. The proposed development will not interrupt the current or future operation of the airport.

Flora and Fauna

The subject area was identified as being a possible area that may be home to the ‘plains wanderer’ which is a threatened species. The applicant submitted a “seven-part test” of significance which concluded that the proposed future use of the subject site is unlikely to have an adverse effect on the life cycle of the species. The subject area whilst in close proximity to the habitat of the species, it is not actually an area where the species are located due to the density of vegetation on the site.

Suitability of Site for Development (s79C(c))

The subject site is considered suitable for this type of development. The proposed development is compatible with the objectives of the zone and is consistent with all relevant legislation.

Submissions (s79C(d))

Nil

The Public Interest (s79C(e))

The provision of a purpose designed Fire Control Centre which supports the NSW Rural Fire Service, local Council, and emergency groups in the event of an emergency is in the interest of all residents and visitors to the area.

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. Attachment 1 – Development plan (less floorplan) – 13 pages.
 2. Attachment 2 – Aerial site plan – 1 page.
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**9.16. SUBJECT: CONTRACT NO.2.19.240-PURCHASE OF SMOOTH
DRUM ROLLER**

**FROM: MARK DALZELL
Manager Engineering and Assets**

RECOMMENDATION:

1. 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)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:
2. Information that would if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

10. SUBJECT: CONFIDENTIAL REPORTS

**FROM: GENERAL MANAGER
Adam McSwain**

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.