

MEETING OF THE EDWARD RIVER COUNCIL HELD IN THE WANGANELLA HALL NOVEMBER 16, 2017 AT 9.00AM

PRESENT:

Mayor Cr Norm Brennan, Deputy Mayor Cr Pat Fogarty, Cr Marg Bull, Cr Norm McAllister, Cr Nick Metcalfe, Cr Peta Betts, Cr Mac Wallace

COUNCIL STAFF PRESENT:

Caroline Wallis, Director Corporate Services, John Harvie, Director Economic Development & Business, Oliver McNulty, Director Infrastructure, Belinda Perrett, Executive Assistant.

GALLERY MEMBERS:

The Gallery was unoccupied.

GUESTS: Nil

CHAIRMANSHIP OF MEETING:

The Mayor, Cr Norm Brennan, chaired the meeting.

INTERPRETATION:

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

DECLARATION OF MEETING OPEN:

The Mayor, Cr Norm Brennan, formally declared the meeting open at 9.00am and welcomed everyone to the meeting.

230/17 LEAVE OF ABSENCE:

An apology was tendered for the non-attendance of Councillor Ashley Hall and Councillor Peter McCrabb.

Moved Cr Wallace

That the apologies from Crs Hall and McCrabb be accepted.

Seconded Cr Betts

CARRIED

DECLARATION OF INTERESTS: Nil

ACKNOWLEDGEMENT OF COUNTRY

“I would like to acknowledge that we are here today on the land of the 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.”

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.

231/17 LATE CONFIDENTIAL REPORT

Moved Mayor Brennan

That Council accept a late report on the Deniliquin Airport Subdivision of Land and that Council consider 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:

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

Seconded Cr Bull

CARRIED

232/17 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING HELD 19 OCTOBER 2017

Moved Councillor Betts

That the Minutes of the Ordinary Council meeting held 19 October 2017 be confirmed as a true and accurate record.

Seconded Councillor Fogarty

CARRIED

233/17 CONFIRMATION OF MINUTES – OPEN AND PUBLIC SPACE STRATEGY COMMITTEE MEETING 16 AUGUST 2017.

Moved Councillor Betts

That the Resolutions of the Open and Public Space Strategy Committee meeting held 16 August 2017 be accepted.

Seconded Councillor Wallace

CARRIED

234/17 CONFIRMATION OF MINUTES – EDWARD RIVER CONCERT BAND COMMITTEE MEETING 17 OCTOBER 2017.

Moved Councillor Betts

That the Resolutions of the Edward River Concert Band Committee meeting held 17 October 2017 be accepted.

Seconded Councillor Fogarty

CARRIED

235/17 CONFIRMATION OF MINUTES – EDWARD RIVER COUNCIL TIDY TOWNS COMMITTEE MEETING 12 SEPTEMBER 2017.

Moved Councillor Betts

That the Resolutions of the Edward River Council Tidy Towns Committee meeting held 12 September 2017 be accepted.

Seconded Councillor Fogarty

CARRIED

236/17 SUBJECT: RESOLUTIONS OF COUNCIL

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McAllister

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

Seconded Councillor Bull

CARRIED

237/17 SUBJECT: MAYOR AND GENERAL MANAGER MEETINGS

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McAllister

That Council note the information in the report detailing meetings undertaken by the Mayor and General Manager on behalf of Council during September 2017 and October 2017.

Seconded Councillor Wallace

CARRIED

238/17 SUBJECT: AUSTRALIA DAY COMMITTEE – COMMUNITY REPRESENTATIVES

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McAllister

That Council resolves to 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 and that a formal presentation, for his ongoing contribution to the Australia Day Celebrations be made to Geoff Riley OAM as part of the 2018 Australia Day Program.

Seconded Councillor Fogarty

CARRIED

239/17 SUBJECT: MEDIA POLICY

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Fogarty

That Council resolves to revoke the Media Communications Policy adopted 16 March 2017; and adopt the Media Policy.

Seconded Councillor McAllister

CARRIED

240/17 SUBJECT: DOCTOR INCENTIVES

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McAllister

That Council resolves to:

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

Seconded Councillor Metcalfe

CARRIED

241/17 SUBJECT: STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM – PROGRESS REPORT

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Fogarty

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

Seconded Councillor Fogarty

CARRIED

242/17 SUBJECT: INVESTMENT REPORT AS AT 31 October 2017

**FROM: COLLEEN O’CONNOR
Finance Manager**

Moved Councillor McAllister

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.

Seconded Councillor Fogarty

CARRIED

243/17 SUBJECT: QUARTERLY BUDGET REVIEW FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2017

**FROM: CAROLINE WALLIS
Director Corporate Services**

Moved Councillor Betts

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

Seconded Councillor Metcalfe

CARRIED

244/17 SUBJECT: 2016/17 OPERATIONAL PLAN STATUS REPORT

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Bull

That Council resolves to receive the 2016/17 Operational Plan Status Report.

Seconded Councillor Fogarty

CARRIED

**245/17 SUBJECT: HEADWORKS CHARGES – DEVELOPMENT APPLICATION 39/17
AND 49/17**

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Metcalfe

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.

Seconded Councillor Betts

CARRIED

246/17 SUBJECT: 2016/17 ANNUAL REPORT

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Betts

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.

Seconded Councillor Wallace

CARRIED

247/17 SUBJECT: WASTE MANAGEMENT EDWARD RIVER COUNCIL

FROM: OLIVER MCNULTY
Director of Infrastructure

Moved Councillor Metcalfe

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

Seconded Councillor Fogarty

CARRIED

248/17 SUBJECT: STRONGER COMMUNITIES FUNDING PROGRAM – RECREATION MASTERPLAN PROJECT

FROM: ADAM MCSWAIN
General Manager

Moved Councillor McAllister

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

Seconded Councillor Fogarty

CARRIED

249/17 SUBJECT: WARING GARDENS – CAPITAL WORKS 2017-18

FROM: ADAM MCSWAIN
General Manager

Moved Councillor McAllister

That Council 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)
1. Note that if any urgent or safety works are required on any of the postponed projects that these works will be undertaken as necessary
 2. Request officers to progress as a priority the project to refurbish the fountain (\$20,000)
 3. 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

Seconded Councillor Fogarty

CARRIED

250/17 SUBJECT: PEACOCKS WARING GARDENS

FROM: OLIVER MCNULTY
Director Infrastructure

Moved Councillor McAllister

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 Councils 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.

Seconded Councillor Wallace

CARRIED

251/17 SUBJECT: DEVELOPMENT APPLICATION 67/17 – Construction of emergency services facility and depot

FROM: JOHN HARVIE
Director of Economic Development and Business

REPORT BY: SHAVAUN TASKER
Town Planning Officer

Moved Councillor McAllister

That 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 ISSUEING 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

- d) prior to pouring any in-situ reinforced concrete building element , and
- e) prior to covering of the frame work for any floor, wall, roof, or other building element
- f) Prior to covering all hot and cold-water plumbing and sanitary plumbing and drainage.
- g) prior to waterproofing in any wet areas, and
- h) prior to covering any stormwater drainage connections, and
- i) 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 are 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*

Division				
Name	For	Against	Abstain	Absent
Cr Peta Betts	X			
Cr Marg Bull	X			
Cr Pat Fogarty	X			
Cr Ashley Hall				X
Cr Norm McAllister	X			
Cr Peter McCrabb				X
Cr Nick Metcalfe	X			
Cr Mac Wallace	X			
Mayor Cr Norm Brennan	X			

Seconded Councillor Fogarty

CARRIED

252/17 SUBJECT: CONTRACT NO.2.19.240-PURCHASE OF SMOOTH DRUM ROLLER

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

Moved Councillor Fogarty

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.

Seconded Councillor Bull

CARRIED

253/17 SUBJECT: CONFIDENTIAL REPORTS

**FROM: GENERAL MANAGER
Adam McSwain**

Moved Councillor Metcalfe

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

Council closed its meeting at 10.01am and the public and staff left the Chambers.

Seconded Councillor Wallace

CARRIED

256/17 OPENING OF MEETING TO THE PUBLIC

Moved Councillor Wallace

That Council move out of closed Council and into Open Council at 10.20am.

Seconded Councillor Fogarty

CARRIED

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor Councillor Brennan.

That Council accept the tender submitted by GCM Agencies Pty Ltd for the purchase of one (1) Multipac 115H Smooth Drum Roller for the contract price of \$133,100 including GST; Execute the contract documents for the purchase of one (1) Smooth Drum Roller under Contract 2.19.240 – Purchase of Smooth Drum and Multi-Combination Rollers; Approve the sale of Plant Item FM 128 through auction; Decline to accept tenders for the purchase of a second Smooth Drum Roller and a Multi-Tyre Roller; That the Council seal be applied as necessary to give effect to these resolutions; and receive a further report regarding the Plant Replacement Program.

That Council not proceed with sub-division of Lot 52 DP1189132 at the Deniliquin Airport; not proceed with the sale of part Lot 52 DP1189132; defer the following works;

Construction of Wright Bros. Drive from Saleyards Road to the intersection with the entry to the above land. Construction of an entryway to the above land.

Extension of water services to the site boundary. The relocation of the airport wash down evaporation pond.

Agree to re-allocate the funds allocated to the above works to other priority projects within the scope of Council's Roads to Recovery Program. Agree that any savings made through the Smart Water Meter project be shown as an underspend on that project and retained within the water fund. Not progress any further development opportunities at the Deniliquin Airport until the Airport Runway Business Case is complete.

Meeting closed 10.21am

