

MEETING OF THE EDWARD RIVER COUNCIL HELD IN THE COUNCIL CHAMBERS OCTOBER 19, 2017 AT 9.00AM

PRESENT:

Mayor Cr Norm Brennan, Deputy Mayor Cr Pat Fogarty, Cr Peta Betts, Cr Marg Bull, Cr Nick Metcalfe, Cr Ashley Hall, Cr Peter McCrabb, Cr Norm McAlister, Cr Mac Wallace.

COUNCIL STAFF PRESENT:

Caroline Wallis, Director Corporate Services, John Harvie, Director Economic Development & Business, Oliver McNulty, Director Infrastructure, Cian Middleton, Communications & Engagement Officer, Kevin Campbell, Technical Officer Assets, Michael Todd, Assets & Procurement Administrator, Belinda Perrett, Executive Assistant.

GALLERY MEMBERS:

The Gallery was occupied by one member of the public. 9.30am a second member joined the gallery.

GUESTS:

Dr John Conallin and Mrs Shelley Scoullar made a presentation to Councillors at 8.50am regarding NAPREC.

They left the Chambers at 9.00am.

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 9.02am and welcomed everyone to the meeting.

APOLOGIES: Nil

DECLARATION OF INTERESTS:

Cr Pat Fogarty declared an interest in item no. 20 regarding the Navorina Nursing Home and will excuse herself during the meeting when the matter is discussed.

Cr Ashley Hall declared an interest in item no. 28 regarding the purchase of additional Depot Land and will excuse himself from the meeting when the matter is discussed.

Mayor Cr Norm Brennan declared an interest in item one of the Supplementary Agenda regarding donations and contributions and will excuse himself from the meeting when the matter is discussed.

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."

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.

201/17 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 21 SEPTEMBER 2017

Moved Councillor Hall

That the Minutes of the Extraordinary Council meeting held 5 September 2017 be confirmed as a true and accurate record.

Seconded Councillor Fogarty

CARRIED

202/17 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

203/17 SUBJECT: INVESTMENT REPORT AS AT 30 September 2017

**FROM: FINANCE MANAGER
Colleen O'Connor**

Moved Councillor McCrabb

That Council:

1. Note and receive the Report on Investments totaling \$43,763,826 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of September 2017 was \$112,805.
3. Note that accrued interest earned to 30 September 2017 but not yet received was \$229,459.

Seconded Councillor Wallace

CARRIED

204/17 SUBJECT: DELEGATIONS TO GENERAL MANAGER

**FROM: CAROLINE WALLIS
Director Corporate Services**

Moved Councillor McAllister

That council resolves to delegate to the general manager the functions of the council under section 377 of the *Local Government Act 1993* (Act) in accordance with the *Delegations of Authority Part 1 Delegations from Council* attached to this report.

Seconded Councillor McCrabb

CARRIED

205/17 SUBJECT: COUNCIL MEETING DATES 2017-2018

**FROM: GENERAL MANAGER
Adam McSwain**

Moved Councillor McCrabb

That Council adopts the Council meeting dates and locations for 2017-2018 meetings of Council as detailed below.

Proposed Ordinary Meetings Dates and Locations 2017-2018		
Date	Time	Location
Thursday 16 November	9am	Wanganella Hall
Thursday 14 December	9am	Deniliquin Council Chambers
Thursday 15 February	9am	Deniliquin Council Chambers
Thursday 15 March	9am	Conargo Hall
Thursday 19 April	9am	Deniliquin Council Chambers
Thursday 17 May	9am	Deniliquin Council Chambers
Thursday 21 June	9am	Pretty Pine Rec Reserve
Thursday 19 July	9am	Deniliquin Council Chambers
Thursday 16 August	9am	Deniliquin Council Chambers
Thursday 20 September	9am	Blighty Rec Reserve
Proposed Other Meetings 2017-2018		
Date	Time	Location
Thursday 28 June - Extraordinary meeting to adopt Budget and Operational Plan	9am	Deniliquin Council Chambers

Place a public notice in the local newspaper to advertise the dates and locations for meetings of Council for the 2017-2018 years in accordance with Clause 232 of the Local Government (General) Regulation 2005 and make the Council meeting dates and locations available on Council's website

Seconded Councillor Metcalfe

CARRIED

206/17 SUBJECT: COMMITTEES OF COUNCIL

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McAllister

That Council appoints Councillors to Committees for an annual term, October 2017 to October 2018, as per the list below:

Type	Name of Committee	Councillor membership
Emergency services	Community Safety and Crime Prevention Advisory Committee	Mayor, Cr Peta Betts
	Deniliquin/Conargo Area Local Emergency Management Committee	Currently Acting Director Infrastructure
	NSW Rural Fire Service Liaison Committee (Mid Murray Zone)	Cr Mac Wallace, Cr Norm McAlister
	Zone Bushfire Management Committee	Cr Mac Wallace
Natural Resources Management	ERC Floodplain Risk Management Advisory Committee	-
	Central Murray County Council - noxious weeds	Cr Ashley Hall, Cr Nick Metcalfe
	Billabong Yanco Creek System Project	Cr Mac Wallace
Operations	Local traffic committee	Cr Nick Metcalfe
	ERC Airport Advisory Committee	Mayor, Cr Ashley Hall
Social/Cultural/Heritage	ERC Promotional Advisory Committee	Mayor Council's Manager Economic and Business Development (Ex Officio)
	South West Music	Cr Marg Bull
	Central Murray Regional Library	Cr Marg Bull
	Werkitya Kalpal Deniliquin and District Indigenous working party	Cr Pat Fogarty
	The long paddock committee	Cr Peter McCrabb (Chair)
Community Engagement	ERC Open Space and Public Space Strategic Working Group	Mayor, Cr Marg Bull

	Edward River ERC Community Garden Committee	Cr Pat Fogarty
	ERC Municipal Band Committee	-
	ERC Tidy Towns Committee	-
	Memorial Park Users Advancement Committee	Mayor, Cr Ashley Hall
Grant/s	Edward River Country Education Fund	Cr Marg Bull
Hall Committees	Blighty Hall Committee- with advancement committee running parallel	Conargo – Cr Marg Bull Blighty – Cr Nick Metcalfe
	Booororban Hall Committee- with advancement committee running parallel	Booororban – Cr Peter McCrabb Mayrung – Cr Nick Metcalfe
	Conargo Hall and recreation ground Committee-	Wanganella – Cr Mac Wallace
	Mayrung Hall Committee- with advancement committee running parallel	Pretty Pine – Cr Norm McAllister
	Pretty Pine Hall Committee- with advancement committee running parallel	
	Wanganella Hall Committee- with advancement committee running parallel	
	Multi Arts centre	Cr Pat Fogarty
	General Manager's Performance Management Committee	TBD – preferred approach is one that includes and involves all councillors
Regional development	Country Mayors Association	Mayor and GM as delegate
	Murray Darling Association	Mayor, Cr Ashley Hall
	Riverina and Murray Regional Organisation of councils (RAMROC)	Mayor, Deputy Mayor, and GM
	Deniliquin Business Advisory Committee (DBEC)	Cr Mac Wallace
	Deniliquin Business Chamber	Cr Peter McCrabb

Seconded Councillor Fogarty

CARRIED

207/17 SUBJECT: COUNCILLOR EXPENSES AND FACILITIES POLICY

FROM: CAROLINE WALLIS
Director Corporate Services

Moved Councillor McAllister

That Council resolves to

1. place the *Councillor Expenses and Facilities Policy* on public exhibition for a period of at least 28 days; and
2. invites public submissions following placement of the policy on public exhibition; and
3. following expiry of the public exhibition period, considers all submissions received and makes any appropriate changes to the draft policy; and
4. adopts the policy at an ordinary meeting of the council no later than December 2017.

Seconded Councillor McCrabb

CARRIED

208/17 SUBJECT: COUNCILLOR AND STAFF INTERACTION POLICY

FROM: CAROLINE WALLIS
Director Corporate Services

Moved Councillor Fogarty

That Council resolves to adopt the Councillor and Staff Interaction Policy

Seconded Councillor Bull

CARRIED

209/17 SUBJECT: CODE OF CONDUCT & PROCEDURE

FROM: CAROLINE WALLIS
Director Corporate Services

Moved Councillor McAllister

That Council resolves to: -

1. adopt the Office of Local Government (OLG) *Model Code of Conduct* (Code)
2. adopt the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures)
3. approve, upon adoption, the distribution of the Code and Procedures to councillors, council employees and council appointed committees
4. endorse the appointment by the general manager of the director corporate services to the role of complaints coordinator
5. enter into an arrangement with the Riverina and Murray Regional Organisation of Councils (RAMROC) to share a panel of conduct reviewers as approved by the RAMROC board.

Seconded Councillor Bull

CARRIED

210/17 SUBJECT: CODE OF MEETING PRACTICE

FROM: CAROLINE WALLIS
Director Corporate Services

Moved Councillor Hall

That Council:

1. 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.
2. Pursuant to section 361(4) of the Local Government Act 1993, accept submissions on the Code of Meeting Practice, for a minimum 42 days.
3. 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.

Seconded Councillor Fogarty

CARRIED

211/17 SUBJECT: LG NSW ANNUAL CONFERENCE 2017

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor McCrabb

That Council resolves to approve the Mayor, Deputy Mayor, General Manager plus one Councillor to attend the Local Government NSW Annual Conference 2017 from 4 – 6 December 2017.

Seconded Councillor Betts

CARRIED

212/17 SUBJECT: AUSTRALIA DAY COMMITTEE

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Fogarty

That Council resolves to:

1. Establish an Australia Day Committee and adopt the attached Australia Day Committee Charter;
2. Nominate Crs Bull and Fogarty to the Committee as the Council's two (2) Councillor Representatives pursuant to clause 3.1 of the Australia Day Committee Charter; and
3. Invite nominations for two (2) Community Representatives to serve on the Committee pursuant to clause 3.5 of the Australia day Committee Charter.

Seconded Councillor Bull

CARRIED

**213/17 SUBJECT: TRAFFIC COMMITTEE ST MICHAELS SCHOOL FETE –
SPECIAL EVENT WHITELOCK STREET PARKING**

**FROM: SIMONE TONKIN
Engineering and Compliance officer**

Moved Councillor Fogarty

That Council resolves to adopt the resolutions of the Local Traffic Committee to approve the modification of parking on Whitelock Street, Deniliquin and grant approval for the St Michaels School Twilight Fete.

Seconded Councillor Hall

CARRIED

214/17 SUBJECT: PURCHASE OF LAND – DEPOT EXPANSION

FROM: ADAM MCSWAIN
General Manager

Moved Councillor Fogarty

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:

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

Seconded Councillor Hall

CARRIED

215/17 SUBJECT: DEVELOPMENT APPLICATION 49/17 – Staged development – Deniliquin Children’s Centre

FROM: Director Economic Development and Business
John Harvie

Moved Councillor Hall

The development 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 dated 27 July 2017 as shown on plan numbered DA49/17#1 – 8 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:

Stage One – Demolish existing buildings, erect new childcare building and modify on street parking

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.49/17, and the conditions of consent.

Reason: To clarify the extent of the consent.

1.2 An application for a Construction Certificate is to be submitted to and approved by Council or an accredited Private Certifier prior to any building work commencing. The construction certificate plans are to be consistent with the approved development consent and shall include

detailed plans and specifications to demonstrate compliance with the provisions of the National Construction Code Volume 1 - 2016 - Building Code of Australia (BCA).

An application for a Construction Certificate is required to include plans for on-street parking areas including changes to kerb and gutter to facilitate this and plans for the on-site car parking area (Stage 2).

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

- 1.3 The essential fire safety measures as per the attached schedule, or as otherwise determined by the Principal Certifying Authority upon assessment of the Construction Certificate, are to be installed in or on the site of the proposed building to comply with the requirements of the National Construction Code Volume 1 - Building Code of Australia 2016.

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

- a) that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and
- b) that at the date of assessment of the measure was found to be capable of functioning to at least the minimum standard required by the Schedule attached to the Construction Certificate.

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

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

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

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

- 1.5 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.

- 1.6 The hours of operation for the Childcare Centre are limited to Monday to Friday inclusive, 8am till 6pm.

Reason: To comply with the requirements of Council.

- 1.7 Amendments to on street car parking in accordance with the precinct car parking plan number A010, submitted with the development application is to be carried out **prior to the commencement of construction work**. One of the on street parallel car parking spaces adjacent to the proposed new childcare building is required to be a carparking space for people with disabilities. The carpark shall be designed in accordance with AS1428.1 – 2009 Design for access and mobility.

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

- 1.8 Access for people with disability is to be provided from the accessible carpark required **on street** and from the main point of pedestrian entry at the allotment boundary, to and within the building in accordance with Part D3.2 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.

- 1.9 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.

- 1.10 Development may be undertaken in stages with the final stage (stage 2) completed within two (2) years of enactment of this consent.

Reason: To allow flexibility with regard to the carrying out of development while ensuring an adequate standard of development at each stage.

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

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

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

Reason: To ensure compliance of the installation with the Work Health and Safety Act 2011, the Plumbing Code of Australia, Australian

Standard 3500, the Local Water Utility's (LWU's) requirements and the manufacturer's instructions.

- 1.13 All internal fit out of the food preparation area and associated equipment must be constructed to comply with Australian / New Zealand Food Standards Code Standard 3.2.3 – Food Premises and Equipment and AS 4674-2004 Construction & fit out of food premises. The ongoing operation and maintenance of the food premises must be carried out in accordance with the requirements of the Food Act 2008 & Regulations there under and the Food Standards Code.

Reason: To provide for compliance with the requirements of the Food Act 2008 & Regulations thereunder.

- 1.14 All plumbing and drainage work shall be carried out in accordance with the requirements of AS3500 National Plumbing and Drainage Code, the Plumbing and Drainage Act 2011, the Plumbing and Drainage Regulation, 2012 and the Local Government (General) Regulation 2005.

All plumbing and drainage work is to be carried out by a NSW licensed Plumber and Drainer.

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

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

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

- 1.16 The existing plans for the proposed Childcare Centre building show the building is within 3m of the allotment boundary and therefore the applicant must either;

- a) Fire rate the affected wall in accordance with the Building Code of Australia, or alternatively,
- b) Create a minimum of a 3m easement burdening Lot 7307 DP1147655 to restrict any buildings being erected in the easement area.

Reason: To comply with the Building Code of Australia.

- 1.17 During Stage 1 of the works, all access to and egress from the site shall be via left hand turns into and out of Whitelock Street. Right hand turns to and from Whitelock Street shall be prohibited. The requirement shall be included in the Traffic Control Plan.

Reason: To ensure the safety of existing road users along Whitelock Street.

- 1.18 Vehicles entering or exiting the site in a reverse direction during the works shall do so only under the care and control of an authorized Traffic Controller. The requirement shall be included in the Traffic Control Plan.

Reason: To ensure the safety of existing road users along Whitelock Street.

- 1.19 All loading and unloading associated with Stage 1 of the development shall be carried out within the site. For the purposes of this condition the site is defined as the area within the fenced off areas as noted in Condition 3.3 (Stage 1 conditions).

Reason: To ensure that such operations do not interfere with the use of the adjoining roadway and/or footpath.

2. Prior to issue of construction certificate

- 2.1 Prior to issuing of a Construction Certificate submission of plans for on-street parking and changes to kerb and gutter to facilitate this conforming to Councils specification outlined in Councils Development Manual.

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

3. Prior to commencement of works

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

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

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

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

- 3.2 The plumber and drainer carrying out the work must lodge a "Notice of Work" with Council a minimum of two days prior to commencing work.

Reason: To comply with the Plumbing and Drainage Act 2011.

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

Site protection is to be extended to the edge of the lagoon in accordance with the submitted temporary fencing plan to prohibit access to the site

from the lagoon. The placement of the temporary fence in this area should be in consultation with Council's Public Works Supervisor.

The placement of the temporary storage container shall be positioned in accordance with the submitted temporary fencing plan, and suitably screened from view of the public. The storage container shall be removed from the site prior to occupation of the site.

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

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

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

- 3.6 Any damage caused to the structure which is located over the sewer main in the event of any malfunction of the main or due to any repairs to the main will be the responsibility of the landowner. Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

Reason: To outline Council's position.

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

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

4. During construction

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

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

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

- a) at the commencement of building work, and
- b) after excavation for and prior to the placement of, any footings, and

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

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

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

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

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

Please note that Council requires a minimum of 24 hours notice to undertake the inspection.

Reason: To comply with the requirements of Council.

4.4 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.

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

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

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

- 4.7 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.
- 4.8 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 If the building / demolition work involves the removal of material suspected of containing asbestos all waste shall be removed strictly in accordance with the requirements of Chapter 8 of the NSW Work Health & Safety Regulations 2011. If this involves more than 10m² of waste this shall be by a NSW licensed asbestos removal contractor. All waste containing asbestos shall be disposed of at Council's EPA approved landfill depot or other facility at which asbestos waste can be lawfully disposed. A minimum of 24 hours notice is to be given to the landfill operator (PH: 0418 572 167).
A copy of the tip disposal dockets for asbestos waste generated during the course of the demolition work is to be provided to Council's Environmental Services Department prior to the issue of an occupation certificate for the work.
- Note: WasteLocate**
The EPA has introduced WasteLocate, an online reporting tool that is required for the movement of any load over 100kg of asbestos waste, or 10m² or more of asbestos sheeting within NSW. It's similar in many ways to tracking parcels in the post. Transporters are required to register with WasteLocate and report movements of asbestos from the point of generation to the place of disposal, including disposal at Council's waste facilities. Transporters must scan the QR2id plate at Council's Waste Disposal Depot with their mobile device to complete the process at the point of disposal. The EPA recently wrote to all companies and individuals licensed to carry out asbestos demolition or removal, reminding them of their obligations to report movements of asbestos. WasteLocate can be found as follows: <https://wastelocate.epa.nsw.gov.au> (See attached copy of information from the NSW EPA).
- Reason: To comply with the requirements of NSW WorkCover and EPA with respect to safe handling & disposal of asbestos waste in order to protect the health of the public.
- 4.10 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.
- 4.11 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.

- 4.12 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.

- 4.13 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.

- 4.14 All work to demolish the existing toy library/administration building shall be carried out in accordance with the AS 2601-1991 Demolition of structures and the requirements of NSW Workcover.

Reason: To provide for the safe demolition of the structure.

5. Prior to occupation certificate

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

Reason: To ensure compliance to all requirements.

- 5.2 The use of the building is not to commence until such time as an “Occupation Certificate” is issued by Council / the Principal Certifying Authority responsible for the work.
Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.
- 5.3 On completion of all plumbing and drainage work a “Certificate of Compliance” shall be lodged with Council by the licensed plumber and drainer responsible for the work.
Reason: To comply with the Plumbing and Drainage Act 2011.
- 5.4 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.
Reason: To provide for co-ordinated alterations of services located in footpath.
- 5.9 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.
- 5.10 Prior to the occupation of the premises the street number allocated to the premises is to be clearly displayed.

Reason: To ensure adequate numbering of the property for emergency services and other government agencies.

6. Headworks Charges

- 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	\$12,873.08
b	Sewer headworks	\$15,992.24

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.

Stage Two – Construction of onsite car parking

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. DA49/17 and the conditions of consent.

Reason: To clarify the extent of the consent.

- 1.2 A layback gutter crossing is to be provided to provide access to the site from the street. The design shall conform with the specification outlined in Council's Development Manual.

Reason: To ensure access is constructed to a satisfactory engineering standard.

- 1.3 A new layback gutter crossing is to be provided and the existing layback gutter crossing removed with the kerb reinstated over the redundant layback to Council's specification as outlined in Council's Development Manual.

Reason: To ensure that access is constructed to a satisfactory engineering standard.

- 1.4 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, storm water drainage system and on roadways.
- 1.5 Provide at least one (1) carparking space on site for people with disabilities. The carpark shall be designed in accordance with AS 2890.6 – 2009 Parking facilities Off street parking for people with disabilities.
Reason: To ensure compliance with the Building Code of Australia and the Disability Discrimination Act 1992.
- 1.6 Access for people with a disability is to be provided from the accessible carpark required on site and from the main point of pedestrian entry at the allotment boundary, to and within the building in accordance with Part D3 of the Building Code of Australia and AS1428.1-2009 Design for access and mobility.
Reason: To ensure equitable access to the building as required by the Disability Discrimination Act in accordance with the requirements of the Building Code of Australia.
- 2. Prior to the issue of construction certificate**
- 2.1 Prior to issuing of a Construction Certificate submission of plans for sealed carparking spaces, manoeuvring area and access driveways all conforming to Council's specification outlined in Council's Development Manual. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements.
Reason: To ensure that the carparking is designed to a standard commensurate to proposed use.
- 3. Prior to commencement of work**
- 3.1 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.
- 3.2 Prior to the commencement of works, the principal contractor is to ensure that the site has been appropriately protected and secured by a fence or hoarding to prevent access from the street and to prevent the possibility of any unauthorised access in accordance with WorkCover requirements.
Reason: To protect the safety of the public by restricting unauthorised access to the land.
- 3.3 Timber planks having a minimum thickness of 50 mm shall be placed over all vehicular access points over kerbing and guttering and footpaths prior to the commencement of building work, such planks shall be strapped together with iron straps in the form of a mat. The ends of such planks shall be tapered at an angle not exceeding 30 degrees.

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

- 3.4 Any damage caused to the structure which is located over the sewer main in the event of any malfunction of the main or due to any repairs to the main will be the responsibility of the landowner. Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

Reason: To outline Council's position.

Seconded Councillor Fogarty

CARRIED

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			

**216/17 SUBJECT: PROPOSED ACQUISITION OF LAND (LOT 1
DP 732067) FOR RESIDENTIAL ACCOMMODATION
VICTRACK**

**FROM: JOHN HARVIE
Director of Economic Development and Business**

Moved Councillor Wallace

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 Metcalfe

CARRIED

9.35am Councillor Pat Fogarty and Director Economic Development & Business, John Harvie left the Chambers.

**217/17 SUBJECT: DEVELOPMENT APPLICATION 39/17 – REQUEST TO
WAIVE HEADWORKS CHARGES**

**FROM: General Manager
Adam McSwain**

Moved Councillor McAllister

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.

Seconded Councillor Wallace

CARRIED

218/17 SUBJECT: DEVELOPMENT APPLICATION 49/17 – REQUEST TO WAIVE HEADWORKS CHARGES

**FROM: General Manager
Adam McSwain**

Moved Councillor McAllister

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.

Seconded Councillor Wallace

CARRIED

Councillor Pat Fogarty and Director Economic Development and Business, John Harvie re-entered the Chambers at 9.50am.

219/17 SUBJECT: AIRPORT RUNWAY UPGRADE PROJECT – BUSINESS CASE.

**FROM: JOHN HARVIE
Director of Economic Development and Business**

Moved Councillor McAllister

That Council resolves to:

1. Allocate \$140,000 from the Airport Development Reserve to undertake a detailed Business Case for the project
2. Note that KPMG will be appointed as the consultants to undertake the project Business Case.

Seconded Councillor Bull

CARRIED

220/17 SUBJECT: MURRAY VALLEY INDUSTRY PARK – LEASE TO AUSWAY EDUCATION GROUP PTY LTD

FROM: JOHN HARVIE
Director of Economic Development and Business

Moved Councillor Hall

That Council resolves to;

1. Offer a 20 year lease with a further 20 year option of Murray Valley Industry Park to Ausway Education Group Pty Ltd.
2. Delegate authority to the General Manager to negotiate the lease conditions and to sign and affix the council seal to the lease document.
3. Agree to host the Chinese delegation during its visit to Deniliquin on 9 November 2017.

Seconded Councillor McCrabb

CARRIED

221/17 SUBJECT: ENVIRONMENTAL SERVICES REPORT (September 2017)

FROM: DIRECTOR ECONOMIC DEVELOPMENT AND BUSINESS
John Harvie

Moved Councillor McCrabb

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

Seconded Councillor Wallace

CARRIED

222/17 SUBJECT: DENILIQUN SWIM CENTRE – 2017/18 SEASON ENTRANCE FEES

FROM: MARK DALZELL
Manager Engineering and Assets

Moved Councillor Fogarty

That Council approves the proposed entrance fees to the Deniliquin Swim Centre for the 2017/18 season.

Seconded Councillor Metcalfe

CARRIED

223/17 SUBJECT: SUPPLEMENTARY AGENDA

Moved Councillor Bull

That Council consider the funding request items contained in the supplementary agenda.

Seconded Councillor Hall

CARRIED

Mayor Councillor Norm Brennan left the Chambers at 10.15am whilst the items were considered. Deputy Mayor Councillor Pat Fogarty took the Chair.

224/17 SUBJECT FUNDING REQUESTS

Moved Councillor McAllister

That Council resolves to;

1. 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.
2. 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.
3. Allocate an amount of \$5,000.00 towards the newly established NAPREC Committee to assist with their efforts for the region.

Seconded Councillor Bull

CARRIED

Mayor Councillor Nom Brennan re-entered the Chambers at 10.17am and resumed the Chair

225/17 SUBJECT: CONTRACT NO. 2.19.235 – SUPPLY OF WATER METERS AND ASSOCIATED ELECTRONIC READING, TRANSMISSION AND RECEIVING EQUIPMENT.

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

Moved Councillor Fogarty

That Council resolves to authorise the Mayor and General Manager to execute the contract documentation for Contract No. 2.19.235 – Supply of Water Meters and Associated Electronic Reading, Transmission, and Receiving Equipment.

Seconded Councillor Hall

CARRIED

226/17 SUBJECT: CONFIDENTIAL REPORTS
FROM: GENERAL MANAGER
Adam McSwain

Moved Councillor Hall

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

Council closed its meeting at 10.25am and the public and staff left the Chambers.

Seconded Councillor McAllister

CARRIED

229/17 OPENING OF MEETING TO THE PUBLIC

Moved Councillor Wallace

That Council move out of closed Council and into Open Council at 10.38am.

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.

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.

Proposed acquisition of land (Lot 1 DP 732067) for residential accommodation - VicTrack

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.

Meeting closed 10.40am

Councillor Hall declared an interest and left the Chambers at 10.26am

227/17 SUBJECT: PURCHASE OF LAND – DEPOT EXPANSION

**FROM: ADAM MCSWAIN
General Manager**

Moved Councillor Betts

1. That Council resolves to purchase 221 Wanderer Street, Deniliquin for a price up to a maximum amount outlined in the confidential report
2. That on settlement of the purchase of 221 Wanderer Street, Deniliquin, the Land be declared 'operational land'
3. That Council resolves to purchase 219 Wanderer Street, Deniliquin, for a price up to a maximum amount outlined in the confidential report
4. That on settlement of the purchase of 219 Wanderer Street, Deniliquin, the land be declared 'operational land'
5. That the seal of Council be applied as necessary to give effect to these resolutions
6. That Council fund these purchases through the Depot Refurbishment line item included in the 2017/18 operational plan and budget.

Seconded Councillor Metcalfe

CARRIED

Councillor Hall re-entered the Chambers at 10.30am

**228/17 SUBJECT: PROPOSED ACQUISITION OF LAND (LOT 1 DP 732067)
FOR RESIDENTIAL ACCOMMODATION - VICTRACK**

**FROM: JOHN HARVIE
Director of Economic Development and Business**

Moved Councillor Bull

That

1. 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.
2. Approve the General manager to purchase the land up to a maximum amount outlined in the confidential report.
3. 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.
4. The land detailed above be classified as Operational Land upon its acquisition.
5. The resolution remains confidential pursuant to Section 10A (2) (c) of the Local Government Act 1993 until the acquisition is concluded.

Seconded Councillor Fogarty