



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**19 July 2018**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIQUIN  
ON THURSDAY, 19 JULY 2018 AT 9.00AM**

**PRESENT:** Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

**IN ATTENDANCE:** Adam McSwain (General Manager), Caroline Wallis (Director Corporate Services), Oliver McNulty (Director Infrastructure), Julie Rogers (Manager Environmental Development) 9.20am, Michelle Cobb (Manager tourism & Economic Development) 9.21am.

**GALLERY:** One

**ACKNOWLEDGEMENT OF COUNTRY**

**STATEMENT OF PURPOSE**

**2018/143 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr McCrabb

That the apologies for the non-attendance from Councillor Hall and Councillor Norm McAllister be accepted.

**CARRIED**

**2018/144 DISCLOSURE OF INTEREST**

Councillor Peta Betts declared an interest in item 16.1.

Moved: Cr McCrabb

Seconded: Cr Fogarty

That a late report be accepted into Confidential Business – General Manager Performance Agreement – 2018/19.

**CARRIED**

**2018/145 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

**RESOLUTION**

Moved: Cr Betts

Seconded: Cr Bull

That the minutes of the Ordinary Council Meeting held on 21 June 2018, the Extraordinary Council Meeting held on 28 June 2018 and the Extraordinary Council Meeting held on 4 July 2018 be confirmed.

**CARRIED**

**REPORTS FROM OFFICERS**

**2018/146 MAYOR AND GENERAL MANAGER MEETINGS**

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council note the Mayor and General Manager meetings for June 2018.

**CARRIED**

**2018/147 RESOLUTIONS OF COUNCIL**

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Council note the information in the Resolutions of Council July 2018 update.

**CARRIED**

**2018/148 FRIENDS OF THE PEACOCKS**

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council:

1. accept the offer of Steph Cattanach to rehome the one Guinea Fowl and one Gold Chinese Pheasant;
2. thank the members of the committee and note that the committee will now cease.

**CARRIED**

**2018/149 INVESTMENT REPORT 30 JUNE 2018****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Metcalfe

That Council:

1. Note and receive the Report on Investments totaling \$44,366,898 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of June 2018 was \$359,030.
3. Note that accrued interest earned to 30 June 2018 but not yet received was \$337,559.

**CARRIED**

**2018/150 FEES AND CHARGES 2018-2019****RESOLUTION**

Moved: Cr Betts

Seconded: Cr Wallace

That Council resolves to put on public exhibition for a minimum of 28 days, the Fees and Charges for 2018-2019 with the following amendments:

- (a) The addition of a Property Card fee of \$25.95
- (b) The addition of "units of measure" to the waste fees and charges to clarify the charges (note, no changes to the charges are required)
- (c) Set the Memorial Rose Garden perpetual lease fee at \$1,096.
- (d) Replace section 149 planning certificates with section 10.7 planning certificates

**CARRIED**

**2018/151 UPDATE TECHNOLOGY ONE PROJECT IMPLEMENTATION****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That the report outlining progress of the Technology One System reimplementation is received and noted for information.

Councillors asked that all team members be congratulated on the effort thus far.

**CARRIED**

**2018/152 REVIEW AND UPDATE OF DELEGATIONS OF AUTHORITY****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Bull

That Council endorse the reviewed and updated Delegations of Authority from the General Manager to Staff.

**CARRIED**

**2018/153 MEMORANDUM OF UNDERSTANDING WITH THE DENI UTE MUSTER****RESOLUTION**

Moved: Cr Meltcalfe

Seconded: Cr Fogarty

That Council

1. Enter into a three-year Memorandum of Understanding with the Deni Ute Muster

**CARRIED**

**2018/154 EDWARD RIVER COUNCIL ADVOCACY STRATEGY****RESOLUTION**

Moved: Cr Betts

Seconded: Cr Bull

That following a 28 day exhibition process and no submissions being received, Council

1. Adopts the Edward River Council Advocacy Strategy
2. The General Manager and Mayor undertake a program of advocacy in the lead up to the 2019 NSW State Election to highlight key priorities for the Edward River region

**CARRIED**

**2018/155 CONARGO HALL COMMITTEE INCORPORATION**

Councillor Bull declared an interest and left the Chambers at 9.36am

**RECOMMENDATION**

That Council:

1. Agrees to the request of the Conargo Memorial Hall and Recreation Ground Committee to change its status from a Section 355 Committee of Council to an incorporated body,
2. Develops a formal agreement with the newly incorporated group to ensure that each part to the agreement understands and adheres to their roles and responsibilities,
3. Reviews the agreement with 12 months to ensure it remains relevant and the facility is being managed appropriately.

**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Metcalfe

That Council work with the Conargo Memorial Hall and Recreation Ground Committee and explore the opportunity to change its status from a Section 355 Committee of Council to an Incorporated Body.

**CARRIED**

Councillor Bull returned to the Chambers at 9.48am

**2018/156 OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP MINUTES****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Fogarty

That Council note the minutes from the meeting of the Open and Public Spaces Strategic Working Group held on 21 June 2018.

**CARRIED**

**2018/157 DRAFT MANAGEMENT OF FERAL AND/OR INFANT COMPANION ANIMALS  
POLICY**

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council:

1. Place the draft Management of Feral and/or Infant Companion Animals Policy on exhibition for a minimum period of 28 days; and
2. Receive a report on the outcome of the exhibition of the draft Management of Feral and/or Infant Companion Animals Policy.

**CARRIED**

**2018/158 DEVELOPMENT APPLICATION 26/18 - DEMOLITION OF EXISTING NETBALL/TENNIS CLUBROOMS AND THE INSTALLATION OF A NEW NETBALL/TENNIS FUNCTION CENTRE AND CHANGEROOMS.**

**RESOLUTION/S**

Moved: Cr Wallace

Seconded: Cr Bull

That Council: -

1. Approve development application 26/18 for the demolition of the existing netball/tennis clubrooms and the installation of a new netball/tennis function centre and changerooms, on Lot 72 DP756319 (Crown Reserve 88854), Riverina Highway, Blighty dated 30 May 2018 as shown on plan numbered DA26/18 #1 to 4 inclusive and described in details accompanying the development application in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979.
2. Approves development application 26/18 as the development is appropriate on the site given the existing character of the area, and the development will have no significant adverse impacts on the natural or built environments. Community views on this development application were not required to be considered as public exhibition of the application was undertaken and no submissions were received.
3. Impose the following conditions on development application 26/18:

**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. 26/18, 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 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.

1.4 No 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.

1.5 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.

1.6 All internal fit out of the food premises 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.

1.7 All stormwater from the roof of the proposed buildings, including the overflow from any rainwater tank, if any, shall be discharged by piping a minimum of 6.0m clear of any dwelling footings, 6.0m clear of the septic tank / AWTS tank and wastewater disposal area, and 3.0m clear of any outbuildings and the property boundaries.

Reason: To ensure adequate disposal of stormwater in a manner that will not affect the footings of the building and will not cause a nuisance to neighbouring properties or affect the on-site wastewater disposal system.

1.8 The plumber and drainer carrying out the work must lodge a “Notice of Work” with Council a minimum of two days prior to commencing work.

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

## 2. Prior to commencement of works

2.1 The erection of the building the subject of this development consent MUST not be commenced until:

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

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

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

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

- 2.3 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.

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

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

- 2.5 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.

- 2.6 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.

### 3. During construction

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

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

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

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

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

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979

& associated Regulation and Council requirements.

- 3.3 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.

- 3.4 The hours of operation for demolition or building works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

Reason: To ensure compliance with the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

- 3.5 Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.

Reason: To ensure erosion control measures have been implemented.

- 3.6 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.

- 3.7 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.

- 3.8 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 10m<sup>2</sup> 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.

**1. Note: WasteLocate**

**2.** *The EPA has introduced WasteLocate, an online reporting tool that is required for the movement of any load over 100kg of asbestos waste, or 10m<sup>2</sup> 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.

- 3.9 If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning / fence is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

- 3.10 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (i) Showing the name, address and telephone number of the principal certifying authority for the work, and
  - (ii) Showing the name for the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work had been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

- 3.11 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.

- 3.12 All work to demolish the existing netball/tennis clubrooms shall be carried out in accordance with the AS 2601-2001 Demolition of structures and the requirements of NSW Workcover.

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

- 3.13 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 stormwater drainage works

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

Please quote the s68 application number and property description to assist in booking your inspection.

#### 4. Prior to occupation certificate

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

Reason: To ensure compliance to all requirements.

- 4.2 The use of the building is not to commence until such time as an "Occupation Certificate" is issued by Council / the Principal Certifying Authority responsible for the work.

Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.

- 4.3 Prior to the issue of a Final Occupation Certificate any damage to kerb and gutter, road surfaces, infrastructure or landscaping outside of the property boundary that is a result of the proposed work, must be reinstated at total cost to the person having the benefit of the consent and to the satisfaction of Edward River Council.

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

- 4.4 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.

**CARRIED**

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

**CARRIED 7/0**

### 2018/159 ENVIRONMENTAL SERVICES REPORT (JUNE 2018)

#### RESOLUTION

Moved: Cr Betts

Seconded: Cr McCrabb

That Council notes the Environmental Services report for June 2018.

**CARRIED**

**2018/160 ELDERS SHEEP EXPO 2018 - SPECIAL EVENT**

**RESOLUTION**

Moved: Cr Metcalfe

Seconded: Cr McCrabb

That Council note the Elders Sheep Expo 2018 Special Event Application with the following conditions:

1. Exhibitors and staff to park at the Edward River oval to avoid parking issues for non-event traffic.
2. All trucks that to be unloaded must marshal at the Edward River Oval and one truck at a time is to enter the closed portion of Napier Street. Once the truck has been unloaded and exits Napier Street, the next truck can enter.
3. Sheep to be unloaded and all trucks to be in parking area by event commencement time
4. Fencing to be erected on the boundary of the Crossing Café to prevent stock from escaping the grassed area.
5. No exhibitors are to be set up within the closed road area. This is for stock only.

**CARRIED**

**2018/161 DEVELOPMENT APPLICATION 27/18 - REMOVAL OF AVIARY AND CONSTRUCTION OF SHED (WARING GARDENS)****RESOLUTION/S**

Moved: Cr Metcalfe

Seconded: Cr Fogarty

That Council: -

1. Approve development application 27/18 for the removal of the aviary and construction of a shed, on Lot 1 DP34649, 266-312 Cressy Street (Waring Gardens – Crown Reserve 550028), Deniliquin dated 6 June 2018 as shown on plan numbered DA27/18 # 1-3 inclusive and described in the details accompanying the development application in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979.
2. Approves development application 27/18 as the development will have no significant adverse impacts on the natural or built environments. Community views on this development application were not required to be considered as public exhibition of the application was undertaken and no submissions were received.
3. Impose the following conditions on development application 27/18:

**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. 27/18, and the conditions of consent.
  - (i) 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 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.

1.4 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.

1.5 All stormwater from the roof of the proposed building, including the overflow from the required rainwater tank, shall be discharged by piping to the on-site lagoon.

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

1.6 The proposed new skillion shed is to be colourbond "Gully" in colour on all of the external surfaces on the shed.

Reason: To comply with the requirements of Council's Heritage Advisor.

## 2. Prior to commencement of works

2.1 The erection of the building the subject of this development consent MUST not be commenced until:

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

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

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

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

2.3 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. During construction

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

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

- 3.2 **Council has been appointed the Principal Certifying Authority for the work. 48 hours notice prior shall be given to Council requesting that the following inspections being conducted:**

- a) at the commencement of building work, and
- b) prior to pouring any in-situ reinforced concrete building element, and
- c) after building work has been completed and prior to any occupation certificate being issued in relation to the approval.

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

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and associated Regulations.

- 3.3 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.

- 3.4 The hours of operation for demolition or building works on the site shall be limited to the daylight hours, between 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 5.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays without the prior written consent of the Council.

Reason: To ensure compliance with the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

- 3.5 Any spoil deposited on public roads during the cartage of materials from or to the site shall be removed on the same day. The cartage of spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place.

Reason: To ensure erosion control measures have been implemented.

- 3.6 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.

- 3.7 If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning / fence is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to

persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

3.8 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (i) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (ii) Showing the name for the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work had been completed.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Act 1979.

3.9 All work to demolish the existing sheds and aviary shall be carried out in accordance with the AS 2601-2001 Demolition of structures and the requirements of NSW Workcover.

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

#### **4. Prior to occupation**

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

Reason: To ensure compliance to all requirements.

4.2 The use of the building is not to commence until such time as an "Occupation Certificate" is issued by Council / the Principal Certifying Authority responsible for the work.

Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.

**CARRIED**

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

**CARRIED 7/0**

**2018/162 ALCOHOL FREE ZONES****RESOLUTION**

Moved: Cr Wallace

Seconded: Cr McCrabb

That Council:

1. Prepare a proposal for the re-establishment of an alcohol free zone within the area outlined in blue in Attachment 1 of this report titled 'Proposed AFZ 2018-2022' in accordance with section 644 of the Local Government Act;
2. Undertake public consultation of the proposal to establish the alcohol free zone within the area outlined in blue in attachment 1 of this report titled 'Proposed AFZ 2018-2022' in accordance with section 644A of the Local Government Act and the "Ministerial Guidelines on Alcohol Free Zones" (February 2009); and
3. Upon completion of this public consultation, consider a further report on the proposal to establish the alcohol free zone.

**CARRIED**

**2018/163 SALE AND DEVELOPMENT FORMER COUNCIL DEPOT 143-147 HARDINGE STREET DENILIQUN****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Wallace

That Council

1. Determine that the former Council Depot (South Depot) at 143-147 Hardinge Street, Deniliquin, Lot 261 DP634603 is surplus to Council requirements and approve the sale of this land
2. Allocate a budget of approximately \$50,000 from the Infrastructure Reserve to undertake soil and contamination investigations at 143-147 Hardinge Street, Deniliquin on both Lot 261 DP634603 and Lot 27 DP756325
3. Once site rectification works are complete, approve an Expression of Interest process for the sale of Lot 261 DP634603 that places a focus on supporting business expansion, job creation and economic development as the preferred outcome
4. Approve that upon completion of sale of the property, all costs associated with the above investigations will be reallocated to the Infrastructure Reserve
5. Note that the sale won't be finalised until all Council required equipment and shedding is removed from the site
6. Note that Lot 27 DP756325 is Crown Land leased by Council and as such won't be included as part of the land sale
7. Note that the relocation of sheds at the back of the site used by local service groups will need to be relocated to a suitable site and that the costs to do this will be funded through the proceeds from the sale of the land

**CARRIED**

**2018/164 FREE WASTE WEEKENDS - EDWARD RIVER LANDFILL****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Metcalfe

That Council:

1. Approve the Free Waste Disposal weekends at the Deniliquin Landfill to take place on the following dates during the 2018/19 financial year: 27 & 28 October 2018, 5 & 6 January 2019, 6 & 7 April 2019 and 15 & 16 June 2019
2. On the Free Waste Disposal weekends that waste does not include tyres, commercial waste, construction and/or demolition waste.

**CARRIED**

**2018/165 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COUNTRY COMMUNITIES PROGRAM - JULY PROGRESS REPORT****RESOLUTION**

Moved: Cr Betts

Seconded: Cr Bull

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for July 2018

**CARRIED**

**2018/166 PROCUREMENT POLICY****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Fogarty

That Council resolves to adopt the Procurement Policy

**CARRIED**

Standing Orders were suspended at 10.45am. Councillors, staff and gallery left the Chambers for 15 minutes.

## **2018/167 CONFIDENTIAL MATTERS**

### **RESOLUTION**

Moved: Cr Metcalfe

Seconded: Cr Fogarty

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

#### **16.1 Request to waive interest on overdue rates**

This matter is considered to be confidential under Section 10A(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

#### **16.2 CONTRACT 2.19.249 - DESIGN AND CONSTRUCTION OF LAGOON TO RIVER WALK**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **16.3 Contract 2.19.252 - Edward River Council Flood Recovery Works**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **16.4 Contract 2.19.254 - Road Reconstruction/Rehabilitation Program Works**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **16.1 General Manager Performance Agreement - 2018/19**

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

Council moved into Confidential at 11am and members of the gallery left the Chambers.

**CARRIED**

**2018/168 REQUEST TO WAIVE INTEREST ON OVERDUE RATES**

Councillor Betts declared an interest and left the Chambers at 11am.

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Metcalfe

The request to write off interest accrued on unpaid rates is approved..

**CARRIED**

Councillor Betts re-entered the Chambers at 11.06am.

**2018/169 CONTRACT 2.19.249 - DESIGN AND CONSTRUCTION OF LAGOON TO RIVER WALK****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Metcalfe

That Council:

1. Accept the revised tender submission from Deni Sand & Soil Supplies for Contract 2.19.249 – Design and Construction of Lagoon to River Walk for the contract price of \$247,855 inclusive of GST;
2. Execute the contract documents for Contract 2.19.249 – Design and Construction of Lagoon to River Walk;
3. Negotiate with Deni Sand + Soil Supplies for the completion of the access ramps and the proposed location of the walking track access at Napier Street and at Gorman Park following completion of the design documentation for these works;
4. Negotiate with Deni Sand & Soil Supplies to complete the McLeans Beach access pathway upon completion of designs

**CARRIED**

**2018/170 CONTRACT 2.19.252 - EDWARD RIVER COUNCIL FLOOD RECOVERY WORKS****RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Fogarty

That Council:

1. Not accept any tender submissions for Contract 2.19.252 – Edward River Council Flood Recovery Works, in accordance with Clause 178(1) of the *Local Government (General) Regulations*, since all submitted tender prices were greater than the grant funding for the project;
2. Authorise the General Manager to negotiate with Deni Sand and Soil Pty Ltd, with a view to entering into a contract to deliver Items 1, 3, 4, 8, 10 and 11 from the of the tender requirements at a contract price of \$626,500 + GST, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*;

**CARRIED**

**2018/171 CONTRACT 2.19.254 - ROAD RECONSTRUCTION/REHABILITATION PROGRAM WORKS****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Bull

That Council

1. Not Accept the tender submissions for Contract 2.19.254 – Road Reconstruction/ Rehabilitation Program, in accordance with Clause 178(1) of the *Local Government (General) Regulations*, since submitted tender price was very much greater than the grant funding for the project;
2. In accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*, enter negotiations with contractors in relation to the subject matter of the tender.
3. Approve that General Manager can enter a sign contract with a single contractor or multiple contractors to ensure that the works related to in this tender are delivered.
4. In accordance with clause 178 (4)(b) of the *Local Government (General) Regulations*, Council note the reasons for following this process are;
  - (a) Due to the lack of interest from contractors in the initial tender process
  - (b) The timeframes imposed by the funding authority for the delivery of this work restrict the ability to progress through a full tender process and complete all the works

**CARRIED**

**2018/172 GENERAL MANAGER PERFORMANCE AGREEMENT - 2018/19**

**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Wallace

That Council adopt the General Manager Performance Agreement

**CARRIED**

**2018/173 RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Council moves out of Closed Council into Open Council at 11.34am

**CARRIED**

**CLOSE OF MEETING**

**The Meeting closed at 11.35am**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 August 2018.**

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**CHAIRPERSON**