



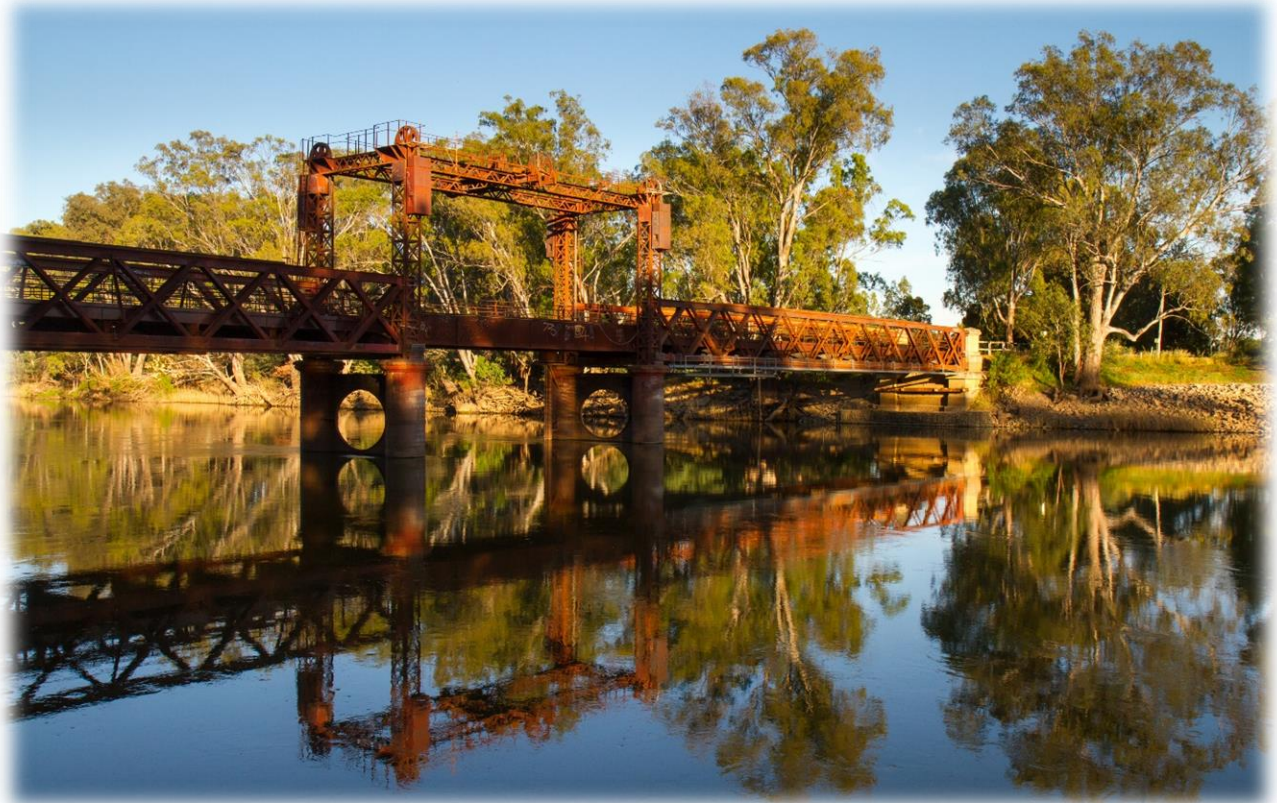
ORDINARY MEETING OF COUNCIL

Held on Wednesday 16 June, 2021

at 11:00am

Council Chambers

56 Chanter Street, Berrigan



Minutes



Minutes of the Ordinary Council Meeting held
on Wednesday 16 June, 2021 commencing at 11:00am

Min. No.

PRESENT:

Crs: Matthew Hannan (Mayor), Colin Jones, Denis Glanville, Ross Bodey, John Taylor and Roger Reynoldson

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Director Corporate Services), Matthew Clarke (Director Technical Services) and Matthew Miller (Acting Development Manager)

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

126 **Resolved** Crs Jones and Taylor that an apology for non-attendance be received from Crs Daryll Morris and John Bruce.

Cr Roger Reynoldson also advised he will be absent for the next Strategic & Policy Workshop (7/7) and the next ordinary Council Meeting (21/7).

2. DECLARATION OF ITEMS OF PECUNIARY OR OTHER INTERESTS

Nil

3. VISITORS

Murray River Police District, Inspector Paul Huggett attended the briefing session.

4. CONFIRMATION OF MINUTES

127 **Resolved** Crs Taylor and Glanville that the Minutes of the meeting held in the Council Chambers on Wednesday 19 May, 2021 be confirmed.

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

Nil

7. ITEMS FOR RESOLUTION

7.1 Finance - Accounts

128 **Resolved** Crs Taylor and Reynoldson that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 May 2021,
- b) Confirm the accounts paid as per Warrant No. 05/21 totaling \$3,483,897.99, and
- c) Note the report on investments attached as **"Appendix 7.1-A"**.

7.2 Tocumwal Speed Zone Changes

129 **Resolved** Crs Glanville and Jones that the Council support the recommendation to reduce the speed limits on:

- Bruce Birrell Drive, Hunter Drive and Keogh Drive to 50km/Hr; and
- Part of Burma Road, part of Hutsons Road and Babbingtons Road, to 80km/Hr as indicated in **"Appendix 7.2-A"** & **"Appendix 7.2-B"**.

7.3 Event Funding Application – Tocumwal Air Show

130 **Resolved** Crs Glanville and Jones that the Council allocate \$10,000 from the Event Funding Program to the 2021 Tocumwal Air Show.

7.4 Open Parachute Program

131 **Resolved** Crs Reynoldson and Taylor that the Council support the Open Parachute Program up to the value of \$10,000 on the condition that a report following delivery as to the success of engagement (social outcomes) is provided to Council.

7.5 Development Application 184/21/DA/D1 – New Dwelling and Attached Garage

132 Resolved Crs Taylor and Bodey that Development Application 184/21/DA/D5 for a Brick Veneer Dwelling and attached garage be approved subject to the following:

1. Approved Plans

The development shall be implemented substantially in accordance with the details set out on the approved plans Lewes Homes Job No: Oxley 25A Sheet AO1-A11 and on the application form and on any supporting information received with the application except as amended by the conditions specified hereunder.

2. Appointment of Principal Certifying Authority and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) obtained a Construction Certificate for each structure,
- b) appointed a Principal Certifying Authority,
- c) notified the Council of the appointment ,
- d) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) given the Council at least 2 days notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

3. Occupation

The structure must not be occupied or used until the Principal Certifying Authority has received and determined the application for an "Occupation Certificate".

A Final Occupation Certificate must not be issued unless all required certificates have been received and the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia.

(Section 6.3 and 6.18 EP&A Act 1979)

4. Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

5. Critical Stage Inspections

The Principal Certifying Authority for building or subdivision work carried out on a site is required to be satisfied that the work has been inspected on such occasions as are prescribed by the regulations or other occasions required by the principal certifying

authority, before the issue of a Certificate of Occupancy or Subdivision Certificate for the building or work. (Section 6.5 EP&A Act 1979)

6. Permitted hours for building work

All building work shall be carried out only between the hours of 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.

7. Stormwater

Roofwater from the dwelling must be piped underground to the Moore Street Kerb in accordance with AS3500.3 (National Plumbing & Drainage Code).

8. Water and Sewer Connections

All water supply and sewer work must be carried out by a NSW Licenced Plumber and Drainer. All plumbing and drainage works must be carried out in accordance with AS3500 (National Plumbing and Drainage Code) and any conditions applied to the approval to do water and sewer work issued under Section 68 of the Local Government Act 1993.

Such conditions may include the necessity for the Council to undertake inspections of all drains and pipework before they are covered or provision of Compliance Certificates or works as executed drawings prior to issue of an Occupation or Subdivision Certificate.

9. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia

10. Excavations and backfilling

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

(b) 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.

11. Signs to be erected on building & demolition site

a. 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) stating that unauthorised entry to the work site is prohibited, and

(ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

b. Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).

12. Erosion & Sediment Control

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 stabilisation has been completed.

13. Garbage Bin Storage

All waste bins are to be located and stored in a position behind the front building line. If the proposed bin area is viewable from the street it is to be appropriately screened from view.

14. Clothes Drying Facilities

Clothes drying facilities (clothes line or the like) must be provided and installed in accordance with the manufactures instruction prior to the issuance of and Occupation Certificate.

15. Smoke Alarms

The Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006 requires that all buildings used for sleeping must be fitted with smoke alarms that comply with Australian Standard (AS) 3786-1993 and the National Construction Code 2019. Prior to the issuing of a Final Occupation Certificate for the works specified in this consent, the Principle Certifying Authority must be satisfied that the smoke alarm/s are installed and operate correctly.

a) Smoke alarms must be connected to the consumer's main power where the consumer power is supplied to the building

b) and be interconnected where there is more than one alarm

16. Waste Material

All material and rubble arising from the Building works shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with EPA guidelines and Berrigan Shire Council requirements.

17. Driveway

A sealed, paved or concrete access driveway must be installed from the back of the kerb to the property boundary at each proposed vehicular crossing prior to the issue of a Final Occupation Certificate. This is to ensure safe vehicular movement on the site, prevent nuisance or uneven surface hazards in the public place and to enhance the development.

18. Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, building or supply service without the

prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

19. BASIX

Prior to the issue of a Final Occupation Certificate, documentary evidence must be provided to the Principle Certifying Authority to demonstrate fulfilment of the commitments listed in each relevant BASIX Certificate for this development, as required by the Environmental Planning & Assessment Act 1979.

20. Protection of public places

- a. 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) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed

Division:

In Favour: All

Against: Nil

7.6 Murray Regional Tourism Board

- 133 **Resolved** Crs Taylor and Bodey that the Council agree to the Murray Regional Tourism 2021-2024 Partner Councils Funding Agreement.

7.7 Tender T01-21-22 Annual Plant Hire Rates for 2021/22 Financial Year

- 134 **Resolved** Crs Taylor and Reynoldson that the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T01-21-22 Annual Plant Hire Rates; and
2. Sign and seal the contract documents

7.8 Tender T02-21-22 Supply of Quarry Products for 2021/22 Financial Year

135 Resolved Crs Bodey and Taylor that the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T02-21-22 supply of Quarry Products; and
2. Sign and seal the contract documents

7.9 Tender T03-21-22 Supply of Electrical Services for 2021/22 Financial Year

136 Resolved Crs Bodey and Taylor that the Council:

1. Accept all compliant tenders for the 2021-22 financial year for T03-21-22 Supply of Electrical Services, to be on panel of approved contractors; and
2. Sign and seal the contract documents

7.10 Development Application 189/21/DA/DM - Proposed Demolition of Tocumwal Motel - 11 Murray Street Tocumwal

137 Resolved Crs Bodey and Glanville that Development Application 189/21/DA/DM for the Proposed Demolition of Tocumwal Motel be approved subject to the following:

1. Approval

The subject development is to be carried out in accordance with the conditions of consent. The subject approval allows the demolition of all existing structures on Lot 1-2 DP511822 and Lot 1 DP101725.

2. Uncovering Relics

If any archaeological relics are uncovered during the course of the work then works in that area are to immediately cease and the NSW Heritage Office contacted immediately. The applicant is advised that, depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage

Act, 1977 may be required before any further work can be considered in that area of the site.

3. Heritage Archival Recording

The proponent must prepare a Heritage Archival Recording including photographic recording of the structures identified for demolition under the subject development consent. The Archival recording must be prepared in accordance with NSW Heritage Office's How to Prepare Archival Records of Heritage Items (1998) and Photographic Recording of Heritage Items Using Film or Digital Capture (2006).

Within 6 months of completing the archival recording, the proponent must submit the Heritage Archival Recording to Berrigan Shire Council for archiving against the relevant property file.

4. Permitted hours for building work

All building work shall be carried out only between the hours of 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.

5. Demolition

The demolition shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, Workcover guidelines and the Work Health and Safety Regulation 2011.

6. Waste Material

All material and rubble arising from the demolition works shall be recycled and separated wherever possible. Any waste material must be disposed of in an approved landfill in accordance with EPA guidelines and Berrigan Shire Council requirements.

7. Hours of Operation

The hours of operation for demolition 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.

8. Comply with Noise Control Act

Operations on the site must comply with relevant environmental legislation (including Noise Control Act).

9. Disconnection of Services

All water, sewer and stormwater services shall be adequately disconnected from the town reticulation system and sealed so as not to create future damage to the Council's

services. A written statement shall be provided by a NSW Licensed Plumber and Drainer to certify the proper disconnection.

10. Road Reserve

Demolition waste, recycled materials or the like is not permitted to be stored on the road reserve. The road reserve is to be kept clean, tidy and in a safe condition while the demolition is being carried out.

11. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia

12. Excavations and backfilling

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

(b) 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.

13. Retaining walls and drainage

If the soil conditions require it:

(a) retaining walls associated with the erection of a building or other approved methods of preventing movement of the soil must be provided, and

(b) adequate provision must be made for drainage.

14. Support for neighbouring buildings

a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

i. must preserve and protect the building from damage, and

ii. (ii) if necessary, must underpin and support the building in an approved manner, and

iii. (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land

15. Protection of public places

a) 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. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) Any such hoarding, fence or awning is to be removed when the work has been completed.
16. Signs to be erected on building & demolition site
 - a) 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. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - b) Any such sign is to be removed when the work has been completed. (Clause 78H of Regulation).
17. Toilet facilities
 - a) 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.
 - b) Each toilet provided:
 - i. must be a standard flushing toilet, and
 - ii. must be connected:
 - to a public sewer, or
 - if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
18. Asbestos Material

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011. Prior to commencement of any work, the Principal Certifying Authority must be provided with:

Written notice is to include the following details:

- a) a copy of a signed contract with a person licensed to remove asbestos,
- b) the contract must specify the landfill site to which the asbestos containing material is to be delivered.

Division:

In Favour: All
Against: Nil

- 138** **Resolved** Crs Reynoldson and Bodey that the Council suspend standing orders for five minutes due to background noise.

The Council here suspended standing orders at 11.39am.

- 139** **Resolved** Crs Jones and Glanville that the Council resume with standing orders.

7.11 Lifting of Alcohol-Free Zone restrictions - Good Times Festival

- 140** **Resolved** Crs Bodey and Reynoldson that the Council note this report.

7.12 Tree Removal – Jerilderie Street North, Tocumwal

- 141** **Resolved** Crs Glanville and Taylor that the Council perform the works as recommended in the Arborist Report included as **“Appendix 7.11-A”**.

7.13 Request for Assistance - Hoofs2000 Inc.

- 142** **Resolved** Crs Reynoldson and Taylor that the Council inform Hoofs2000 Inc. that it is unable to meet its request to grade the internal lane as work-in-kind.

7.14 Request for financial assistance - Victorian Aerobic Championships

- 143** **Resolved** Crs Glanville and Taylor that the Council inform the Australian Aerobic Club - Victoria Chapter (AACVC) that the Council will not waive the Tocumwal Aerodrome usage fees for the 2021 Victorian Aerobic Championships.

7.15 NSW Rural Fire Service Assets

144 **Resolved** Crs Reynoldson and Glanville that the Council:

1. Maintain its position of not bringing the assets controlled by the New South Wales Rural Fire Service to account in its financial statements
2. Write to the Minister for Local Government, the Minister for Police and Emergency Services and the Member for Murray to inform them of the Council's position and seeking advice on how the Department of Planning Industry and Environment came to hold the position that "the NSW Rural Fire Service does not control rural fire fighting equipment"

8. ITEMS FOR NOTING

145 **Resolved** Crs Taylor and Bodey that Items for Noting numbered 8.1 to 8.2 inclusive be received and noted.

- 8.1 Public Service Medal
- 8.2 Development Determinations for Month of May 2021

9. COMMITTEES

Nil

10. MAYOR'S REPORT

Cr Hannan reported that he had attended the following during the period:

- Cross-Border Commissioner meetings
- Phone meeting with CEO
- Councillor video's
- Meeting and Tour with CEO

146 **Resolved** Crs Glanville and Jones that the Mayor's Report be received.

11. DELEGATES REPORT

Cr Colin Jones

- Murray Darling Association Conference

Cr Denis Glanville

- Zone Library Meeting in Wagga Wagga

Cr Roger Reynoldson

- Murray Darling Basin Association pilot meeting
- Berrigan and District Development Association Meeting

Cr John Taylor

- Nil

Cr Ross Bodey

- Tocumwal Chamber of Commerce meeting
- Murray Darling Association Conference

12. BUSINESS ARISING

Cr Ross Bodey

- Local Roads and Community Infrastructure Funding Round 3 is now open
- Update tenants for Tocumwal Foreshore Building
 - Andrew Jenkins commissioned to manage tenants
 - 3D renders have been ordered
 - price for lease has been received
 - marketing plan
 - lease being drawn up
- Social media advertising
 - sponsored ads
- Tocumwal Foreshore Building extension 11 August 2021
- Tocumwal Carpark and Revitalisation
 - feedback on Agenda for next Strategy and Policy Meeting

Cr John Taylor

147 **Resolved** Crs Taylor and Bodey that the Council staff be directed to commence a review of its LEP for the purposes of identifying future suitable land for the following purposes:

1. The Commercial and Retail precincts of each of the four towns;
2. The industrial precincts of each of the four towns
3. The areas for residential growth including rural residential zones around each of our towns to a distance of 5km from our town centres
4. A new Rural Zone 4 with a minimum lot size of 8 ha and a maximum lot size of 100 ha within 10 km of the residential boundary of one of the 4 towns where each of the following can be established: a) access to sealed road b) adequate water supply c) viable agricultural business purpose. The aim of this new zone be to enable greater opportunity for economic development of intensive irrigation farming and value adding to our rural sector with the opportunity for landowners to build residences on such lots

Reasoning:

The reasoning behind such a directive is as follows:

1. *Begin now the basis for amending the LEP so we are ready for growth when it comes. At the moment the current LEP is a bar to some economic and residential development. When development comes calling and we say this may take 3 years - that is too long - and most will find another opportunity in a local government area where there are not the same time constraints.*

2. *This is a positive action Council can take to encourage economic development without Council having to be the Developer. If Council has an LEP which encourages private investment and development then Council can focus on being the Planning authority who maintains the integrity of the LEP while playing an important role in encouraging economic growth*

Cr Roger Reynoldson

- Nil

Cr Denis Glanville

- Nil
-

Cr Colin Jones

- Funding for Tocumwal Long-Term Day Care Centre
 - same site
- Tocumwal Men's shed funding needed
 - can Council support \$20k through Clubs Grants
 - not received anything formally
 - they will write to Council

Matthew Miller (Acting Development Manager)

- Nil

Matthew Hansen (Director Corporate Services)

- Code of Conduct Review Panel expires 30 June 2021
 - need to appoint new panel
- - RAMJO have selected panel
- - would like Council to adopt at extraordinary meeting 23/6

148 Resolved Crs Taylor and Glanville that the Council include the Code of Conduct Review Panel as an item on Extraordinary Meeting Agenda to be held on 23 June, 2021.

- Official opening WAAAF Creek Walk and Aviation Museum in August 2021
 - caretaker period
 - need date

Matthew Clarke (Director Technical Services)

- Nil

Karina Ewer (Chief Executive Officer)

- Nil

Cr Matthew Hannan

- Thank you to Matthew Hansen for role in Acting General Manager

13. CLOSE OF MEETING

There being no further business the meeting closed at 12:34pm.