



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 24 JUNE 2020
COMMENCING AT 7.00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

Cr. Paul Maytom (Mayor), Cr. George Weston (Deputy Mayor), Cr. Paul Smith,
Cr. Peter Davidson, Cr. Tony Ciccia, Cr. Tony Reneker, Cr. Sandra Nardi,
Cr. Tracey Morris and Cr. Michael Kidd

Staff:

Jackie Kruger (General Manager), Brendan Leary (Director Business and Investment), Peter Keane (Director Environment and Engineering), Karen Legge (Interim Governance and Corporate Planning Coordinator), Monica Armanini (Communications Coordinator) and Francios Van Der Berg (Manager Planning Building and Health)

Press: Talia Carn (The Irrigator)

LEETON SHIRE COUNCIL

T. (02) 6953 0911 F. (02) 6953 0977
council@leeton.nsw.gov.au
23-25 Chelmsford Place Leeton NSW 2705
www.leeton.nsw.gov.au 

The Mayor opened the meeting and advised the meeting was being recorded. He also signalled that due to Covid-19 limitations, numbers were limited in the Chambers and asked for patience as different people were called in for relevant parts of the meeting.

1. CIVIC PRAYER Cr Sandra Nardi

2. ACKNOWLEDGEMENT OF COUNTRY Cr Paul Maytom

The Mayor called for a minute's silence to remember Des Driscoll. He remarked on the positive contribution made by Des Driscoll as a former Councillor and chair of Tidy Towns. He noted Des Driscoll was also awarded Citizen of the Year in 2008.

3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE

Nil

4. CONFIRMATION OF MINUTES AND MATTERS ARISING

20/069

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Tuesday 12 May 2020, as circulated, be taken as read and CONFIRMED.

(Moved Cr Reneker, seconded Cr Morris)

5. DISCLOSURES OF INTERESTS

Less than Significant Non-Pecuniary Conflict of Interest

Item 8.18 – Councillor Tony Ciccia declared a less than significant non-pecuniary conflict of interest in Item 8.18 – Proposal to Name a Park at Golf Course Estate.

The reason for the declaration is that he is related to the person who is proposed to name the park after.

6. PUBLIC REPRESENTATIONS

The Mayor advised there were three speakers for Item 8.6 and one speaker for Item 8.12.

Motion

20/070

Resolved

THAT Council hears the presentations separately for each item by bringing forward in the agenda:

1. Items 8.12 Shahn DA30/2020 Multi-Dwelling Housing Application and
2. Item 8.6 Adoption of Roxy Redevelopment Project Plans forward to be presented before Item 8.1.

(Moved Cr Weston, seconded Cr Davidson)

7. REPORTS TO COUNCIL

OPERATIONAL MATTERS

Item 8.12 S HAHN DA 30/2020 MULTI-DWELLING HOUSING APPLICATION

At the request of the Mayor, the Manager Planning, Building and Health provided an overview of the application and the objections received.

Suspension of Standing Orders

20/071

Resolved

THAT Standing Orders be suspended to allow Council to hear from a speaker against the development.

(Moved Cr Weston, seconded Cr Nardi)

Having so resolved, Standing Orders were suspended at 7.19pm.

A neighbour to the property, Ms Susan Watson addressed the Council.

Resumption of Standing Orders

20/072

Resolved

THAT Standing Orders be resumed.

(Moved Cr Weston, seconded Cr Davidson)

Having so resolved, Standing Orders were resumed at 7.32pm.

Item 8.12 S HAHN DA 30/2020: MULTI-DWELLING HOUSING APPLICATION

20/073

Resolved

THAT Council grants consent to Development Application 30/2020 (attached) for the erection of a dual occupancy creating multi-dwelling housing at Lot 13, Sec 9, DP 758606, 11 Jarrah Street, Leeton in accordance with the following conditions of consent:

Approved Plans

1. Approval is granted for the erection of a Dual Occupancy created Multi-Dwelling Housing and demolition of existing shed at Lot: 13, Sec: 9, DP: 758606, 11 Jarrah Street, Leeton to be undertaken generally in accordance with the stamped approved plans, Statement of Environmental Effects and other approved documentation except where modified in red or by any of the following conditions:

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	Lot 13 Sec 9 DP 758606	1-6	Adam Perry	9.1.2020
BASIX Certificate	1065750M_03	1-12	Outsource Idea P/I	Thursday, 30 January 2020
Site Plan	2404	1A	Adam Perry Architectural Design & Drafting	13.02.20
Floor Plan	2404	2A	Adam Perry Architectural Design & Drafting	13.02.20
Roof Plan	2404	3A	Adam Perry Architectural Design & Drafting	13.02.20
Elevations	2404	4A	Adam Perry Architectural Design & Drafting	13.02.20
Section	2404	5A	Adam Perry Architectural Design & Drafting	13.02.20
Sediment Control/Drainage Concept Plan	2404	6A	Adam Perry Architectural Design & Drafting	13.02.20
Landscape Concept	2404	7A	Adam Perry Architectural Design & Drafting	13.02.20
Facade Concept	2404	8A	Adam Perry Architectural Design & Drafting	13.02.20
Contour Plan	190525D1	-	NGEO Surveys	23.05.2019

{Reason: To ensure that the development is undertaken in accordance with that assessed}

Contributions and Fees

2. In accordance with the Leeton Shire Council Section 94A levy Plan, the applicant shall pay the following section 94A monetary contribution:
 - a. Amount of Contribution \$6,411.63 (1% of development cost)
 - b. Timing and Method of Payment
 The contribution shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifying Authority prior to the release of the construction certificate.
 - c. Indexing
 The contributions will be adjusted in accordance with the requirements of the Leeton Section 94A Levy Plan

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire}

Prior to the Commencement of Works

Demolition

3. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during demolition works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the OEH to receive that type of waste.

{Reason: Council requirement to prevent the contamination of the environment}

4. Hazardous waste transport shall be undertaken in accordance with the requirements of the NSW Office of Environment and Heritage and any other relevant authority.

{Reason: Statutory regulation of Environmental Protection Authority and to ensure Council is aware of movement of hazardous wastes}

5. A site rubbish enclosure shall be provided on the site for the period of the proposed demolition works prior to commencement of any such work.

{Reason: Council requirement to prevent environmental damage by wind-blown litter}

6. Demolition work shall only be carried out within the following time:

Monday to Friday: 7.00 am to 6.00 pm

Saturday: 7.00 am to 1.00 pm if inaudible on residential premises otherwise 8.00 am to 1.00 pm

Sunday and public holidays: No demolition work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

7. All loading and unloading of plant, machinery, plus all material(s) involved in the proposed demolition activities shall be undertaken within the confines of the allotment's boundary, unless specified otherwise in a Council approved Traffic Control Plan which is being implemented under the direction of an authorised Traffic Controller.

{Reason: Requirement of Council so as not to create adverse traffic conditions}

8. All waste generated as a result of the proposed demolition shall be disposed of lawfully. A person is taken to have disposed of waste lawfully if he transports the waste to a place that can be lawfully used as a waste facility for that waste. In order to ensure that the place can be so used, the contractor will have to obtain an approved Notice pursuant to Section 63(7) Waste Minimisation and Management Act 1995 (as amended by Waste Minimisation and Management Amendment Act 1998 – Schedule 1) from the owner or occupier of the place to which the waste is to be transported if it is to a place other than the Council's Waste Disposal Facility.

{Reason: Statutory requirement of the Waste Minimisation and Management

Act 1995 as amended and to provide for the environmentally sound collection and disposal of solid waste}

9. Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site.

{Reason: Implementation of Council policy}

Asbestos

10. Prior to any demolition works commencing the following matters/works shall be undertaken and completed:
- a. The electricity supply is to be disconnected to the satisfaction of the electricity service provider;
 - b. The applicant shall give forty-eight (48) hours prior written notice of the commencement date for the proposed demolition, to the owner/occupants of adjacent premises. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, and the appropriate NSW WorkCover Authority licence.
 - c. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - i. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - ii. That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

{Reasons: statutory requirement and health and safety; to ensure affected occupants are aware of demolition commencement; provide protection to public places and to prevent unauthorised access to the site and to protect public utilities and the public.}

11. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures and the following:
- a. The property being secured to prevent unauthorised entry.
 - b. The removal of more than ten (10) square metres of non-friable asbestos or asbestos containing material shall be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist. Friable asbestos (of any quantity) shall only be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

- c. The person having the benefit of the consent shall provide Council with a clearance certificate to be prepared by a competent person such as a qualified hygienist at completion of asbestos removal/work from the site.
- d. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere. All asbestos removal shall be carried out in accordance with Safe Work Australia's: "How to safely remove asbestos Code of Practice."
- e. Five (5) days notification to commence demolition work shall be given to WorkCover NSW in accordance with the Work Health and Safety Regulation, 2011. Should you require information in relation to the safe disposal of asbestos waste, please contact the Environmental Protection Agency NSW (www.epa.nsw.gov.au).

{Reason: to ensure that all demolition work is undertaken in a professional and responsible manner that complies with the requirements of the NSW WorkCover Authority.}

12. All materials containing asbestos that are damaged or defective are to be handled and removed from the site in accordance with Safe Work Australia's: "How to safely remove asbestos Code of Practice."

{Reason: To minimise the risk to personnel and escape of asbestos particles to the atmosphere.}

Prior to the issue of any Construction Certificate

Fees

13. Prior to the issue of a Construction Certificate all outstanding Development Application fees must be paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

Home Warranty Insurance

14. The applicant shall obtain insurance under the Home Building Compensation Fund in accordance with the provisions of Part 6 of the Home Building Act 1989 and a copy provided to Council prior to the commencement of works.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

Fire Separating Wall

15. The details of the construction method and materials used in the erection of the intertenancy/fire separation wall are to be supplied to Council prior to the issue of a Construction Certificate for compliance assessment.

{Reason: To comply with BCA Part 3.7.3 that states fire separating walls in a Class 1 dwelling must have a continuous fire-resistant level of 60/60/60}

Advice

- a. The fire wall separating the two attached dwellings is required to be carried through to the underside of the roof covering with no timber or

other combustible material crossing such walls (other than roof purlins not greater than 75 mm x 50 mm or roof sarking).

- b. The gap between the top of the fire wall and the underside of the roof covering shall be packed with mineral fibre or other suitable fire-resisting material.
- c. Where the fire wall joins a masonry veneer external wall, any gap between the fire wall and the external masonry veneer shall be:
 - i. Not more than 50 mm; and
 - ii. Packed with a mineral fibre or other suitable fire-resistant material with the packing arranged to maintain any weatherproofing requirements of Part 3.3.4. of the BCA.

Geotechnical Engineer

16. A Geotechnical Engineer's report shall be submitted to Council and approved prior to the issue of a Construction Certificate. The report shall indicate the suitability of the land for the proposed development and detail any special building practices required for construction on land subject to fill.

{Reason: To ensure all building and drainage work is designed in accordance with the site specifics.}

Structural Engineers Design

17. A statement from a practising Structural Engineer shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

{Reason: To ensure the structure is certified by an appropriately qualified structural engineer and adequate for the site's soil conditions and imposed loadings.}

18. Two copies of a practising Structural Engineer's plan of the reinforced concrete footings and slab and the structural steel framework shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

{Reason: To ensure the structure is certified by an appropriately qualified structural engineer and adequate for the site's soil conditions and imposed loadings.}

On Commencement of Works

Approved Plans

19. A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

Building Code of Australia

20. All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

{Reason: Prescribed statutory condition under EP&A Act}

21. No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and/or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

Public Access on Site

22. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with the NSW WorkCover publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by WorkCover.}

23. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the Roads Act 1993 will need to be lodged with Council together with the associated fee.

{Reason: To ensure the protection of the surrounding public from all building related materials.}

Site Signage

24. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a. The name, address and telephone number of the Principal Certifying Authority for the work; and
- b. The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c. 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 shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

Temporary Closet Facility

25. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

During Works

Erosion and Sediment Control

26. Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

{Reason: To ensure no detrimental effects are caused to Council infrastructure.}

27. Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To protect and council infrastructure and to ensure all system functions remain in good working order.}

Excavation and Earthworks

28. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays: 7:00am to 6:00pm

Saturdays: 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b) does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
- ii. Owner occupied renovations or refurbishments to single dwelling construction.

- iii. Owner builder construction of single dwelling construction; and/or
- iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

{Reason: Compliance with the Protection of the Environmental Operations: Noise Control Regulation 2017 and council policy.}

Critical Stage Inspections

29. The following Critical Stage Inspections are required to be carried out by the Principal Certifying Authority to enable the issue of an Occupation Certificate:

- a. After excavation for, and prior to the placement of, any footings.
- b. Prior to pouring any in-situ reinforced concrete building element.
- c. Prior to covering of the framework for any floor, wall, roof or other building element.
- d. Prior to covering waterproofing in any wet areas.
- e. Prior to covering any stormwater drainage connections.
- f. After the building work has been completed and prior to any occupation certificate being issued in relation to the building work.

48 hours prior notice for all of the above inspections (where applicable) shall be given.

{Reason: Section 109E(3)(d) of the Environmental Planning & Assessment Act 1979, requires that critical stage inspections are carried out prior to the issue of an Occupation Certificate (OC).}

Timber Framing

30. A copy of the manufacturer's roof truss plan and timber framework bracing and tie down plan shall be submitted to the Principal Certifying Authority prior to the inspection of the framework.

{Reason: Compliance with AS 1684-2010: Residential timber-framed construction.}

House Drainage Lines

31. The yard surcharge gully shall be located in the drainage line so that it is outside the perimeter of the building.

{Reason: Compliance with AS 3500 and the Building Code of Australia.}

Stormwater from Roofing

32. All stormwater from the roofing shall be carried away from the dwelling in accordance with the BASIX certificate issued for the development. Additionally, all overflow and excess stormwater shall be carried to the street drainage system by means of pipes where practical or a minimum 3 m clear of the building and maintained wholly within the boundaries of the allotment.

{Reason: Compliance with the BASIX commitments provided for the development and in accordance with council policy.}

33. All stormwater from roofing shall be conveyed to the street drainage system by means of pipes where practical, otherwise the stormwater shall be discharged at least 3 m clear of the building and maintained wholly within the boundaries of the allotment.

{Reason: To provide proper disposal of the roof water to the street drainage system or alternatively to not permit the buildings footings to be undermined or to cause a nuisance to adjoining properties.}

Prior to the issue of an Occupation Certificate

34. The requirements of the BASIX certificate issue for this development and shown on the approved plans shall be complied with prior to the issue of an occupation certificate.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2000.}

35. Prior to the issue of an occupation certificate the proposed landscaping as shown on the approved development plan shall be established and maintained to at least the standard specified on the approved development plans.

{Reason: To maintain and improve the aesthetic quality of the development}

36. The person benefiting from this consent shall ensure following documentation has been submitted to the principle certifying authority prior to, or with any application for a final occupation certificate:

- a. Installation certification of smoke alarms
- b. Glazing certification
- c. Plumbing, drainage and gas fitting certificate of compliance
- d. Frame and Truss Certification
- e. Pest Management Certificate

{Reason: Compliance with clause 149A Environmental Planning & Assessment Regulation and to ensure adequate information supplied to allow assessment of application for a final occupation certificate.}

Street Numbering

37. Prior to occupation of the units, the street number allocated to the premises shall be displayed so that it is clearly visible from the road adjacent to the front of the allotment. The street number allocated to the premises is No 1/9 and 2/9 Watsonia Lane starting from the west.

{Reason: To permit identification of the property and to comply with the requirements of the Local Government Act 1993.}

38. Application for any Occupation Certificate shall be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

39. The premises not being occupied until the Occupation Certificate has been issued.

{Reason: Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979.}

Engineering Conditions

General Conditions

40. Access driveways are required for this development, it shall be constructed from the road carriageway to the property boundary in accordance with the requirements of Council. The existing dwelling fronting Jarrah Street shall also have an access driveway to allow access to onsite parking. The new access driveway to Jarrah Street and Watsonia for the site is to:

- a. Have a width of six metres maximum with a cut-out of the kerb and gutter and be constructed in accordance with Council's Engineering Guidelines and Standard Drawing numbers RS-049 and RS-050 with Council's Notes;
- b. The alignment of the access driveway across the verge shall be at right angles to the road;
- c. The access driveway shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense;
- d. The access driveway shall be of adequate thickness to accommodate Light truck loading;
- e. The access driveway shall be provided with a non-slip finish;
- f. The access driveway shall meet Australian Standard 2890.1 for vertical clearance;
- g. The new reinforced concrete access driveway shall be constructed at the location shown on the drawings provided with the Development Application; and
- h. The verge adjacent to either side of the access driveway shall be reinstated to surrounding conditions and finished flush with the new vehicle access driveways.

Advisory Note:

The installation of the vehicle access driveway is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle access driveway is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

{Reason: to provide for a suitable vehicular access to the development in accordance with Council's minimum standards and minimize impact on pedestrian access facilities.}

41. Off street car parking associated with the development is to be in accordance with AS2890.1-2004. Off street car parking is to be provided for two spaces per dwelling totally six spaces. The parking spaces should enable vehicles from each dwelling to enter and leave without being obstructed by parking for the other dwelling. The use of the road reserve for tenant parking is prohibited.

{Reason: to provide car parking spaces commensurate with the level of development.}

42. An integral kerb and gutter is to be provided for the full frontage of the allotment to Watsonia Lane. Kerb alignment should be designed to allow for a minimum of a 5.5 metre road to be constructed if possible and allowance to ensure constructability due to the existing infrastructure within the laneway. The profile of the kerb and gutter is to be in accordance with IPWEA Standard Drawing No RS-080 profile M3 for 'mountable type' kerb. The design shall be to the satisfaction of Council following appropriate design guides.

{Reason: to provide for a minimum standard in relation to kerb and gutter and drainage installation.}

43. The area between the edge of bitumen and the kerb is to be gravelled with a minimum of 250mm compacted thickness of approved gravel and provided with a sealed bitumen surface consisting of a double application of binder and aggregate using 14mm and 7mm crushed stone respectively.

{Reason: to prevent any further deterioration of the road as a result of the development.}

44. The legal point of stormwater discharge for the development site is defined as the required kerb and gutter in Watsonia Lane. The overland flow from the uphill areas of the site shall not be obstructed or diverted into neighbouring lots. A method of routing this stormwater must be determined. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:

- a. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
- b. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
- c. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- d. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge;
- e. Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

Prior To The Issue Of Any Construction Certificate

45. A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the construction of access driveways and kerb for this development. An application must be submitted to Council and approved prior to issue of Construction Certificate.

The Section 138 application is to include:

- a. Detailed construction plans, including a long section where appropriate;
- b. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- c. A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

During Works

46. Vehicles used in the construction of the development are to be managed as such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

47. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCP's are to be maintained for the full duration of works.

{Reason: to protect the public where interruptions to normal traffic flow for vehicles and pedestrians are expected.}

48. Any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

Prior To The Issue Of Any Occupation Certificate

49. A Compliance Certificate under Section 306 of the Water Management Act 2000 must be obtained from the Council (as the Local Water Supply Authority) prior to the issue of an Occupation Certificate. Council requires the following works to be completed and/or payments received prior to the issue of a Compliance Certificate:

Water:

- a. Council's water reticulation network is to be extended along Watsonia Lane to service this development to Council's requirements.
- b. Separate metered water connections shall be provided for each dwelling. This can be provided by separate water service lines or a single water service riser with manifold. Each connection point shall be provided with a lockable meter cock. Please consult Council's Water & Wastewater Department to discuss options.
- c. Payment required for two water meter units as per fees and charges.
- d. Work shall be undertaken in accordance with Council's Engineering Guidelines.
- e. Work on live water mains shall be undertaken by Council at full cost to the developer.

Sewer:

- a. The existing sewer connection for the lot is suitable for this multi-dwelling development.
- b. Work shall be undertaken in accordance with Council's Engineering Guidelines.
- c. Work on live sewer mains shall be undertaken by Council at full cost to the developer.

Headworks:

<i>Water:</i>	\$5,190.40
<i>Sewer:</i>	\$6,166.60
<i>Total:</i>	\$11,356.40

Access Driveway construction and surrounding works shall be complete prior to the issue of an Occupation Certificate.

{Reason: to ensure suitable vehicular access to the development is available to the development.}

Ongoing Use

50. The sealing of vehicle access driveways is to be maintained at all times.
{Reason: to ensure the access remains suitable and the Road Reserve is maintained safe with no obstructions.}

Note: In accordance with section 375A of the Local Government Act 1993, a division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Cr P Davidson
Cr G Weston
Cr M Kidd
Cr P Maytom
Cr TA Morris
Cr TC Ciccica
Cr SN Nardi
Cr TR Reneker
Cr PS Smith

Unanimous (9 votes to Nil)

(Moved Cr Weston, seconded Cr Morris)

The Mayor noted tonight was the new Manager Planning, Building and Health's first official attendance at a Council meeting and formally welcomed him to Leeton Shire.

GENERAL MANAGER'S MATTERS

Item 8.6 ADOPTION OF ROXY REDEVELOPMENT PROJECT PLANS

At the request of the Mayor, the General Manager provided an overview of the report and clarified its purpose.

Suspension of Standing Orders

20/074

Resolved

THAT Standing Orders be suspended to allow submitters on the Roxy Redevelopment to address the Council.

(Moved Cr Weston, seconded Cr Ciccica)

Having so resolved, Standing Orders were suspended at 7.45pm.

Ms Aanya Whitehead addressed the meeting.
Mr Glen Saddler addressed the meeting.
Mr Roy Currie addressed the meeting.

Resumption of Standing Orders

20/075

Resolved

THAT Standing Orders be resumed at 8.40pm.

(Moved Cr Weston, seconded Cr Kidd)

Item 8.6 ADOPTION OF ROXY REDEVELOPMENT PROJECT PLANS

20/076

Resolved

THAT Council:

1. Receives and notes the final public submissions received in relation to the Roxy Redevelopment Project.
2. Adopts the full recommendation of the Roxy Redevelopment Committee and proceeds to development application, noting the full build will only commence if additional grant funding or philanthropic funding of \$2.7 million is secured imminently for the development.
3. Proceeds with only Stage 1 of the Roxy Redevelopment build in the event no or insufficient funding is secured, with Council funding up to \$631,000 of the Stage 1 funding shortfall (\$5,076,100 less \$4,445,000) from loan funding over 20 years, sourced either internally or externally, noting that Stage 1 inclusions will only be finalised once detailed design and full costings are confirmed.

(Moved Cr Weston, seconded Cr Nardi)

8. MAYORAL MINUTES

Item 7.1 DONATION TO HILLTOP REGIONAL ACCOMMODATION FOR CANCER PATIENTS

The Mayor asked Council to consider making a donation to the Fight Cancer Foundation for the Hilltop regional community accommodation centre attached to the Albury Regional Cancer Centre.

Motion

THAT Council makes a donation of \$10,000 and that the donation be used for a practical purpose to benefit Shire residents.

(Moved Cr Ciccio, seconded Cr Maytom)

The motion was put and lost.

20/077

Resolved

THAT Council makes a donation of \$5,000 and that the donation be used for a practical purpose to benefit Shire residents.

(Moved Cr Kidd, seconded Cr Ciccio)

Item 8.1 ADOPTION OF THE OPERATIONAL PLAN (INCLUDING BUDGET) AND THE REVENUE POLICY (INCLUDING THE SCHEDULE OF FEES AND CHARGES) FOR THE 2020/2021 FINANCIAL YEAR

20/078

Resolved

THAT Council adopts:

1. The Operational Plan (including Budget) for the 2020-2021 Financial Year and
2. The Revenue Policy (including Schedule of Fees and Charges) for the 2020-2021 Financial Year.

(Moved Cr Kidd, seconded Cr Smith)

Item 8.2 CHILD SAFE POLICY

20/079

Resolved

THAT Council adopts the Leeton Shire Council Child Safe Policy.

(Moved Cr Reneker, seconded Cr Ciccia)

Item 8.3 ENDORSEMENT OF THE DRAFT PROCUREMENT POLICY

20/080

Resolved

THAT Council adopts the draft Procurement Policy.

(Moved Cr Weston, seconded Cr Morris)

Item 8.4 REVIEW OF NSW ELECTORAL DISTRICTS

20/081

Resolved

That Council endorses a submission to be made in response to the electoral districts redistribution review focusing on practicality of servicing a large geographic footprint and ensuring genuine communities of interest.

(Moved Cr Reneker, seconded Cr Weston)

**Item 8.5 MURRAY DARLING ASSOCIATION - COUNCIL ENDORSEMENT OF
MAYOR AS REGION 9 CHAIR**

20/082

Resolved

THAT Council:

1. Formally endorses the appointment of the Mayor Cr Paul Maytom as Chairman of Region 9 Murray Darling Association for the remainder of this Council term ending September 2021.
2. Notes that costs to attend MDA Board Meetings are covered by Council and secretarial services to MDA Region 9 meetings are provided by Council.

(Moved Cr Weston, seconded Cr Davidson)

Item 8.7 NEW RESIDENTS' KIT

20/083

Resolved

THAT Council endorses the draft New Residents' Kit for publication.

(Moved Cr Smith, seconded Cr Weston)

The Mayor thanked the Communications Coordinator and other staff who have contributed for producing a professional looking document that new residents will find very useful.

BUSINESS AND INVESTMENT MATTERS

**Item 8.8 THE MAKING OF RATES AND CHARGES FOR THE 2020/2021
FINANCIAL YEAR**

20/084

Resolved

THAT Council authorises the General Manager to prepare and serve the following 2020/2021 Rate Notices or, in her absence, they may be served by the Director Business and Investment.

1. Ordinary Rates

a) Ordinary Rate - Residential

In accordance with section 494 of the Local Government Act 1993, Council make the Base Amount \$476 for Ordinary Rates for the 2020/2021 financial year, which represents 48% of the total revenue for the Residential Rating category and make the Ad Valorem component of the rate at 0.0072435 cents in the dollar on all land value of all rateable land within the Residential Rating category.

b) Ordinary Rate - Farmland

In accordance with section 494 of the Local Government Act 1993, Council make the Base Amount \$738 for Ordinary Rates for the 2020/2021 financial year, which represents 20% of the total revenue for the Farmland Rating category and make the Ad Valorem component of the rate at 0.00739592 cents in the dollar on all land value of all rateable land within the Farmland Rating category.

c) Ordinary Rate – Business

In accordance with section 494 of the Local Government Act 1993, Council make the Base Amount \$320 for Ordinary Rates for the 2020/2021 financial year, which represents 25% of the total revenue for the Business Rating category and make the Ad Valorem component of the rate at 0.0865922 cents in the dollar on all land value of all rateable land within the Business Rating category.

2. Charges – Sewerage Local Fund

a) Sewerage Annual Charge - Residential

That Council make the Sewerage Annual Charge – Residential for the 2020/2021 financial year \$618 for each parcel of land categorised as Residential land within the Leeton, Yanco and Whitton Sewerage Local Rate Areas in accordance with section 501 of the Local Government Act 1993.

b) Sewerage Annual Charge – Non-Residential

That Council make a usage charge of \$1.15 per kilolitre with a minimum charge equivalent to the Residential Sewerage Annual Charge of \$618 calculated in accordance with Guidelines for Best Practice Pricing as set down by the NSW Office of Water.

The charge is to apply to each water meter attached to the assessment categorised as Non-Residential land within the Leeton, Yanco and Whitton Sewerage Local Rate Areas in accordance with section 501 of the Local Government Act 1993.

The Non-Residential Sewer Access charge be as follows:

Meter Size	Access Charge \$
20mm	131.24
25mm	206.06
32mm	337.61
40mm	527.52
50mm	824.25
80mm	2110.08
100mm	3297.00
150mm	7418.25
200mm	13188.00

3. Interest Rate on Overdue Rates and Charges

That the interest rate to be charged on all overdue Rates and Charges and arrears during the 2020/2021 financial year to be set at 0% for the period 1 July 2020 to 31 December 2020 and then 7% from 1 January 2021 to 30 June 2021.

4. Domestic Waste Management Charge

That Council make a Domestic Waste Management Charge under section 496 of the Local Government Act 1993 of \$270 on all rateable parcels of land for which there is a full service.

5. Waste Management Charge

That Council make a Waste Management Charge under section 501 of the Local Government Act 1993 of \$280 to the non-residential and non-rateable parcels of land in the Leeton Shire Council area being rendered a full service.

6. Landfill Access Charge

That Council make a Landfill Access Charge under section 501 of the Local Government Act 1993 of \$56.50 (GST Inclusive) to all parcels of land not having access to the Domestic Waste Collection Service under section 496 and Waste Collection Services under section 501 of the Local Government Act 1993.

That Council make a Landfill Access Charge under section 501 of the Local Government Act 1993 of \$56.50 (GST Inclusive) for each parcel of rateable land for which the service is available and is unoccupied.

7. Recycling Service Charge

That Council make a Recycling Service Charge under section 501 of the Local Government Act 1993 of \$140 on all parcels of land for which there is a full Domestic Waste Collection Service.

Recycling Services for non-residential and non-rateable properties will be optional and those properties wishing to use the service will be charged at the rate of \$140 per annum.

8. Water Charges

That Council make the following water charges:

a) Access Charges

Meter Size	Access Charge \$
20mm	285.00
25mm	285.00
32mm	727.00
40mm	1135.00
50mm	1773.00
65mm	2997.00
80mm	4541.00
100mm	6989.00
150mm	11917.00

b) Consumption Charges – Residential

- for the first 300 kilolitres (kl) = \$1.15 per kl
- from 301 kilolitres to 600 kilolitres = \$1.65 per kl
- thereafter = \$2.90 per kl

Strata Properties with single meter \$1.80 per kl for all consumption.

c) Consumption Charges – Non Residential

- for the first 300 kilolitres (kl) = \$1.15 per kl
- thereafter = \$1.65 per kl

9. Stormwater Management Charge

That Council make a Stormwater Management Charge under section 496A of the Local Government Act 1993 of \$25 for developed residential properties, \$12.50 for each residential strata unit and \$25 for eligible properties within the Ordinary Business Rating category area and \$12.50 for each business strata title unit.

10. On-site Sewerage Management Service Fee

That Council make an annual Administration Service Fee under Section 608 (2) of the Local Government Act 1993 of \$8 per annum for an approval to operate a system of sewerage management.

11. Fees and Charges

That Council make the Fees and Charges for the 2020/2021 financial year as per the adopted 2020/2021 Operational Plan (which includes the Revenue Policy (Fees and Charges) for 2020/2021).

(Moved Cr Kidd, seconded Cr Weston)

Item 8.9 2019/2020 BUDGET REVIEW FOR THE QUARTER ENDING 31 MARCH 2020

20/085

Resolved

THAT the review of Council's Budget as at 31 March 2020 be noted and the variations contained in the Quarterly Budget Review Statements (Budgeted Income Statement – Consolidated and Capital Expenditure Funding Source and Asset Classification included as part of **Attachment 1**) be adopted.

(Moved Cr Morris, seconded Cr Kidd)

Item 8.10 INVESTMENTS REPORT FOR APRIL 2020

20/086

Resolved

THAT the information contained in the Investments Report for April 2020 be noted.

(Moved Cr Kidd, seconded Cr Ciccia)

Item 8.11 INVESTMENTS REPORT FOR MAY 2020

20/087

Resolved

THAT the information contained in the Investments Report for May 2020 be noted.

(Moved Cr Kidd, seconded Cr Ciccia)

OPERATIONAL MATTERS

Item 8.13 ADOPTION OF LEETON LOCAL STRATEGIC PLANNING STATEMENT

20/088

Resolved

THAT Council resolves to endorse the Leeton Local Strategic Planning Statement for lodgement with Department of Planning, Industry and Environment.

(Moved Cr Weston, seconded Cr Reneker)

The Mayor thanked the Planning team for a comprehensive process and document that will give Council much clearer direction with land-use planning priorities for the Shire. He also thanked all submitters for their active interest in the future of the Shire.

**Item 8.14 LEETON SHIRE COUNCIL LOCAL AREA TRAFFIC COMMITTEE
ELECTRONIC MEETING THURSDAY 28 MAY 2020**

20/089

Resolved

THAT Council resolves to note the Minutes and endorse the recommendations of the Local Area Traffic Committee meeting held on 28 May 2020.

(Moved Cr Ciccia, seconded Cr Kidd)

Item 8.15 QUARTERLY CAPITAL WORKS UPDATE REPORT

20/090

Resolved

THAT Council receives for information the Quarterly Capital Works Update Report and notes the information contained therein.

(Moved Cr Weston, seconded Cr Morris)

**Item 8.16 MINUTES OF THE LEETON TREE MANAGEMENT GROUP DATED 26 MAY
2020**

20/091

Resolved

THAT Council receives the Minutes of the Leeton Tree Management Group's May 2020 meeting and notes the information contained therein.

(Moved Cr Davidson, seconded Cr Reneker)

Extension of Time

20/092

Resolved

THAT Council extend the meeting beyond 10.00pm.

(Moved Cr Smith, seconded Cr Ciccia)

Item 8.17 CRICKET NSW REQUEST FOR FUNDING

20/093

Resolved

That Council resolves to donate \$7,291 to the cricket training facility replacement project at the Leeton High School Ovals and that the funds to be made available from surplus funds from the 2019/20 operational year.

(Moved Cr Smith, seconded Cr Kidd)

Cr Tony Ciccia declared a less than significant non-pecuniary interest in Item 8.18 and left the meeting at 10.05pm and did not participated in the debate or vote.

Item 8.18 PROPOSAL TO NAME A PARK AT GOLF COURSE ESTATE

20/094

Resolved

THAT Council:

1. Endorses in principle and advertises on Council's website and in The Irrigator the proposal to name Lot 48, DP 1114977 "Helson Park", in accordance with Section 706 of the *Local Government Act 1993*.
2. If no submissions are received that oppose the proposal, applies to the Geographical Names Board for approval and Gazettal of the name.

(Moved Cr Davidson, seconded Cr Kidd)

Cr Tony Ciccia returned to the meeting at 10.09pm.

9. NOTICES OF MOTION

Nil

10. COUNCILLOR ACTIVITY REPORTS

Item 10.1 COUNCILLOR ACTIVITY REPORT

20/095

Resolved

THAT Council notes the Councillor Activity Reports for 13 May – 23 June 2020.

(Moved Cr Nardi, seconded Cr Weston)

Cr Michael Kidd left the meeting at 10.1pm and returned at 10.12pm.

11. CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Note: Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed. There were no objections.

Item 11.1 ROADS TENDER - VARIOUS QUARRIED PRODUCTS

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c).

20/096

Resolved

1. That Council moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and Press be excluded from the meeting to enable Council to determine items listed in Confidential Matters for the reasons indicated.
3. That the report relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

(Moved Cr Weston, seconded Cr Ciccio)

Council closed its meeting at 10.24pm and the public and press left the Chambers.

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Item 11.1 ROADS TENDER - VARIOUS QUARRIED PRODUCTS

20/097

Resolved

THAT Council accepts the Tender of Milbrae Quarries Pty Ltd for the Supply of Various Quarried Products at the submitted exclusive supply rates for all products.

(Moved Cr Davidson, seconded Cr Morris)

20/098

Resolved

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 10.32pm.

(Moved Cr Smith, seconded Cr Weston)

OPEN COUNCIL

The Mayor advised that during the Closed Council one resolution was passed. The General Manager read out the resolutions made in Closed Council for Item 11.1.

12. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 10.34pm.

..... signed by
the Chairman of the meeting held on
22 Jul 2020 at which meeting the
signature hereon was subscribed.