



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 23 AUGUST 2023
COMMENCING AT 7:00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

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

Staff:

Jackie Kruger (General Manager), Mandy Rogers (Director Corporate), Tom Steele (Director Operations), Michelle Evans (Executive Manager Economic and Community Development), Sarah Graham (Governance and Customer Service Coordinator), Terry Schmidt (Communications Coordinator) and Lawrence Amato (Manager Finance).

Press: Nil

LEETON SHIRE COUNCIL

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1. **CIVIC PRAYER** Cr. Morris
2. **ACKNOWLEDGEMENT OF COUNTRY** Mayor Cr. Reneker
3. **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE**

Nil

4. **CONFIRMATION OF MINUTES AND MATTERS ARISING**

23/087

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 26 July 2023, as circulated, be taken as read and CONFIRMED.

(Moved Cr. Kidd, seconded Cr. Smith)

4.1 **ADDITIONAL/LATE ITEMS**

23/088

Resolved

THAT the Audit, Risk and Improvement Committee – Chairman's Report to Council – August 2023 is accepted as late attachment to Item 7.4 (Annual Financial Statements for the year ended 30 June 2023) and Item 7.6 (Audit, Risk and Improvement Committee Meeting Minutes – June 2023).

(Moved Cr. Morris, seconded Cr. Weston)

Procedural Motion

23/089

Resolved

THAT Item 7.11 be moved forward as the first Staff Report to Council to accommodate public representations on this item.

(Moved Cr. Smith, seconded Cr. Holt)

5. **DISCLOSURES OF INTERESTS**

Nil

6. **MAYORAL MINUTES**

Nil

7. REPORTS TO COUNCIL

ECONOMIC AND COMMUNITY DEVELOPMENT MATTERS

Item 7.11 DEVELOPMENT APPLICATION FOR A CHILDCARE CENTRE - 39 - 45 BROBENAH ROAD LEETON

Procedural Motion – Move into Committee of the Whole

23/090

Resolved

THAT Council moved to go into Committee of the Whole.

(Moved Cr. Maytom, seconded Cr. Weston)

PUBLIC REPRESENTATIONS

Public representations commenced at 7:03pm and the following persons addressed Council on Item 7.11:

- Judith McLean
- Frank Lucchese
- Tony Catanzariti

Public representations on Item 7.11 concluded at 7:41pm.

Procedural Motion - Move out of Committee of the Whole and into full Council.

23/091

Resolved

THAT Council move to go out of Committee of the Whole and into full Council.

(Moved Cr. Weston, seconded Cr. Morris)

23/092

Resolved

THAT Council grants consent to Development Application 69/2023 for the erection of a centre-based childcare facility for 79 children, carpark and landscaping works at 39-45 Brobenah Road Leeton 2705.

Lot: 1 DP: 871761 in accordance with the following conditions of consent:

General Conditions

Approved Plans

1. Approval is granted for construction of a centre-based childcare facility

for 79 children to be undertaken generally in accordance with the stamped approved plans, detailed as follows, 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: | Revisions: | Drawn by: | Dated: |
|---|-----------------|-----------|------------|----------------------------------|-----------|
| Statement of Environmental Effects | Lot 1 DP 871761 | 1-7 | 1 | Steven Murray Architect | 6/6/2023 |
| Site Plan, Elevations, Floor Plan, Indicative Views | DA-01 | 1 | 1 | Steven Murray Architect | 6/23 |
| Noise Impact Assessment | R220397R 1 | 1-33 | 3 | Rodney Stevens Acoustics | 5/6/2023 |
| Geotechnical Investigation & Pavement Design | E22-022 | 1-32 | 1 | Aitken Rowe Testing Laboratories | 22/6/2023 |

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

Essential Energy

2. A distance of 1.8m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required.

{Reason: To ensure that there is no safety risk. FROM LOW VOLTAGE OVERHEAD SERVICE CABLE TO NEIGHBOUR'S PROPERTY.}

3. All works are to comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

{Reason: To ensure that there is no safety risk.}

4. If there are any proposed changes to the development that may result in potential safety risks, Essential Energy is to be consulted for further comment.

{Reason: To ensure that there is no safety risk.}

5. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

{Reason: Essential Energy requirements.}

6. Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

{Reason: To ensure that there is no safety risk.}

7. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines is also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

{Reason: To ensure that there is no safety risk.}

Commercial

8. The approved hours of operation for children attendance are:
Monday to Friday 7:00am to 6:30pm

{Reason: To protect and preserve the amenity of the surrounding locality and in accordance with hours specified in the submitted Statement of Environmental Effects}

9. The finished floor level of all habitable rooms shall be constructed to a height of not less than the Australian Height Datum to allow for a minimum of 300mm freeboard above a 1:100 Average Recurrence Interval flood event.

The applicant is to engage a registered surveyor to establish the finished floor level height prior to the construction of the floor. The registered surveyor is to submit a report to the Principal Certifier, confirming that the FFL is a minimum of 300mm above the 1:100 Average Recurrence Interval flood event, at time of either the concrete floor slab inspection or the floor frame inspection.

{Reason: To ensure that the floor level is above the required floor level for the 1% AEP flood event}

Access for People with Disability

10. Access for people with disabilities shall be provided to and within the building in accordance with the provisions of the Disability (Access to Premises – Buildings) Standards 2010.

This approval does not ensure total compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under the Act.

{Reason: Compliance with 'Section D: Access and Egress & Section F; Health & Amenity of the Building Code of Australia and to ensure the applicant is made aware that total compliance with the *Disability Discrimination Act 1992* may require further works outside of the scope of this development.}

Prior to the issue of a Construction Certificate

11. 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.}

Council as Principal Certifying Authority

12. Should Council be appointed as the Principal Certifying Authority, an application for Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

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

Structural Engineers Design

13. 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.}

14. 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.}

Fire Safety Measures

15. Prior to the issue of a Construction Certificate, the applicant shall submit a Fire Safety Services Plan to the Certifying Authority, issued by an appropriately qualified person identifying the required fire safety measures for the proposed building in accordance with its NCC classification.

{Reason: Compliance with the NCC Vol 1, section E - Services & Equipment.}

Prior to the commencement of works

Public Access on Site

16. 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 SafeWork NSW 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 SafeWork NSW.}

Site Signage

17. 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

18. 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

Critical Stage Inspections

19. 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 before placement of, the first footing,
- b. before covering stormwater drainage connections,
- c. after the building work is completed and before an occupation certificate is issued for the building (the final critical stage inspection).

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

{Reason: Section 6.5 (1) (b) of the Environmental Planning & Assessment Act 1979, requires that critical stage inspections are carried out prior to the issue of an Occupation Certificate (OC).}

Building Code of Australia

20. All building works shall be carried out in accordance with the National Construction Code.

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

Approved Plans

21. 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.}

Access for Disability

22. A minimum of one car parking space shall be provided in the car park for use by people with disabilities. Access for people with disabilities shall be provided from the car parking space to the building. The car parking space shall comply with the provisions of AS2890.6.

{Reason: Compliance with 'Section D: Access and Egress of the Building Code of Australia.}

23. The following sanitary facilities shall be provided within the building in accordance with the provisions of AS1428.1 and be suitable for the needs of people with disabilities:

- a. one unisex accessible sanitary facility.
- b. one unisex ambulant sanitary facility.

{Reason: Compliance with 'Section F; Health & Amenity of the Building Code of Australia.}

24. Access for people with disabilities shall be provided to and within the building by means of a continuous path of travel in accordance with the provisions of AS1428.1 from:

- a. The main points of a pedestrian entry at the allotment boundary; and
- b. From another accessible building connected by a pedestrian link; and
- c. From any required accessible car parking space on the allotment
- d. Through the principal pedestrian entrance, and through not less than 50% of all pedestrian entrances including the principal pedestrian entrance.

{Reason: Compliance with 'Section D: Access and Egress of the Building Code of Australia.}

Egress from Building

25. The required egress door shall be readily openable without a key from the side that faces a person seeking egress from the building, by a single hand downward action or pushing action on a single device which is located between 900 mm and 1,100 mm from the floor.

{Reason: Compliance with 'Section D: Access and Egress of the Building Code

of Australia.}

26. The required egress door shall swing in the direction of egress from the building unless it is fitted with a device for holding it in the fully open position.

{Reason: Compliance with 'Section D: Access and Egress of the Building Code of Australia.}

Emergency Services

Emergency Lighting

27. Emergency lighting and exit signs shall be provided to the building in accordance with the provisions of Part E4 of the Building Code of Australia.

{Reason: Compliance with 'Section E: Services and Equipment of the Building Code of Australia.}

28. Fire safety within the premises must achieve an adequate level of fire safety in accordance with the Environmental Planning and Assessment Regulation 2021 and a report prepared by a suitably qualified person.

The fire safety report shall detail the measures considered appropriate to satisfy the relevant performance requirements of the Building Code of Australia, to protect persons using the building, and to facilitate their egress from the building in the event of fire and to restrict the spread of fire.

The fire safety works are to be included in the Construction Certificate and to be implemented prior to occupation of the new building or part.

{Reason: To provide a higher level of fire safety throughout the existing portion of the building.}

Portable Fire Extinguishers

29. The building requires portable fire extinguishers that shall be selected, located and distributed in accordance with AS2444. Additional extinguishers may be required to cover fire risks in relation to special hazard provisions of Clause E1.10 of the Building Code of Australia.

{Reason: To ensure fire extinguishers are provided in accordance with Clause E1.6 of the Building Code of Australia and AS 2444.}

Final Fire Safety Certificate

30. Prior to occupation of the building, a Fire Safety Certificate issued by an appropriately qualified person shall be obtained for all the Essential Fire Safety Measures forming part of this consent. A copy of the Fire Safety Certificate shall be submitted to the Commissioner of NSW Fire Brigade and council and prominently displayed in the building.

Each year thereafter, within 12 months, the owner of the building shall ensure these Essential Fire Safety Measures are inspected and Annual Fire Safety Statement issued. A copy shall again be submitted to the Commissioner of NSW Fire Brigade and council and prominently displayed

in the building.

{Reason: To ensure compliance with clause 83 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.}

Stormwater from Roofing

31. 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.}

Sewer Service & Stormwater drainage diagrams

32. The contracted plumber as the "responsible person" must submit a Sewer Service Diagram (SSD) and stormwater drainage diagram to Leeton Shire Council as the delegated Water Authority, and the owner of the land or owner's agent for all plumbing and drainage work on a sanitary drainage system. The SSD is required to be submitted Prior to the issue of the Occupation Certificate. The plans must comply with the following requirements:

- a. A4 and A3 SSD Templates are available via the Fair-Trading website.
- b. For all drawings larger than A3 only PDF & AutoCAD versions are accepted using the correct Fair Trading SSD legend and sign off template.
- c. All drawn and required text information on the diagram must be complete and legible in a fine point black pen.
- d. SSD must be drawn to a scale. Preferred scales are: 1:100; 1:200; 1:250; 1:500.
- e. North point must be shown on the diagram.
- f. Include only symbols and abbreviations as shown on the template legend.
- g. All lettering and figures are to be drawn clear and legible.
- h. Diagrams are only to show sanitary drainage up to the point of connection within the property boundary, property boundaries and building outlines.
- i. Clearly show the sanitary drainage layout up to the point of connection within the property boundary indicating all internal points, external drainage, trade waste and any greywater treatment / diversion system up to the point of connection with the Network Utility Operator's sewer including any existing sanitary drainage remaining in use on the property
- j. Street name and number (for street frontage) and/or Lot number and DP (deposited plan) number.
- k. Suburb and municipality
- l. if there is no connection to a Network Utility Operator's sewer please label as private sewer, community title, onsite septic tank or AWTs etc.

{Reason: To comply with the requirement of NSW Fair Trading and Leeton Shire Council as the delegated Water Authority.}

Prior to the issue of an Occupation Certificate

33. 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. Pest Management Certification
- c. Wall and roof truss bracing details from manufacturer.
- d. Glazing certification
- e. Plumbing, drainage and gas fitting certificate of compliance

{Reason: Compliance with clause 38 (1) Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021 and to ensure adequate information supplied to allow assessment of application for a final occupation certificate.}

34. Prior to the issue of an Occupation Certificate a Compliance report from an Acoustic Engineer is to be submitted to Council to certify compliance with the acoustic report and recommendations.

{Reason: to ensure the proposed childcare complies with the recommendations in the acoustic report.}

35. Application for any Occupation Certificate shall be submitted through the NSW Planning Portal 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.}

36. The development proposal meets the requirements of the Leeton Shire Council Section 7.12 Developer Contributions Plan and the following contributions are owing:

Total Development Cost: \$1.6M
\$1,600,000 x 1% = \$16K

The Developer contribution of \$16K is payable prior to the issue of an Occupation Certificate. The developer contribution will be adjusted on an annual basis, based on the Sydney All Groups Consumer Price Index.

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

Engineering Conditions

GENERAL CONDITIONS

37. A Concrete access driveway is to be constructed from the road carriageway to the property boundary for vehicle access to the lot in accordance with the requirements of Council. The existing access will become redundant, and a new access required to be constructed. The new access driveway onto Brobenah Road is to meet Council's standards:

- i. Have a width of six meters 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.

- ii. The alignment of the access driveway across the verge shall be at right angles to the road.
- iii. 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.
- iv. The access driveway shall be of adequate thickness to accommodate Light truck loading.
- v. The access driveway shall be provided with a non-slip finish.
- vi. The access driveway shall meet Australian Standard 2890.1 for vertical clearance.
- vii. The new reinforced concrete access driveway shall be constructed at the location shown on the drawings provided with the Development Application; and
- viii. 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.
- ix. Prior to sealing or concreting the driveways, notice must be made to the council for inspection of completed gravel surface and formwork.

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.}

38. All vehicular movement when entering and leaving the site shall be in a forward direction to ensure that the development does not give rise to vehicle reversing movements on or off the Public Road with consequent traffic accident potential and reduction in road efficiency.

{Reason: to provide a level of safety in relation to vehicle movements onto and off the site.}

39. Off streetcar parking associated with the development is to be in accordance with AS2890.1-2004, AS 2890.2-2002 and AS 2890.5. Delineation and signage shall be provided to distinguish designated parking spaces.

Details of proposed access, design and construction are to be submitted to Council and approved prior to any commencement of works. The design should allow for future expansion to be possible.

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

40. All internal driveway and parking areas are to be paved, with segmental pavers, reinforced concrete, hot mix, bitumen seal, or other suitable material.

{Reason: to provide a surface that will withstand the proposed traffic movements and to suppress dust levels so as not to cause a nuisance to adjoining properties.}

41. The developer is to provide sufficient area on site for loading and unloading of delivery vehicles which will also allow for turning paths of service vehicles.

{Reason: to provide a level of safety to operators by having these practices undertaken on site and not from the public road.}

42. The Developer is responsible for all costs to extend or modify all services for the development.

{Reason: the developer is responsible for all the extensions and connections of Council's services required for the development.}

43. Stormwater runoff from the development is to drain so that it does not exceed the un-developed stormwater runoff onto adjoining or nearby properties.

The drainage design shall limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event.

Stormwater is to be directed to the underground piped drainage system in Karri Road. 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:

- I. 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.
- II. 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.
- III. 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.
- IV. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.
- V. 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.}

44. All earthworks, filling, building, driveways, or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

{Reason: To prevent the proposed development having a detrimental effect on the development itself, or the developments existing on the adjoining lands.}

45. Kerb and gutter are to be provided for the full frontage of the allotment to Brobenah Road. This is to be designed in accordance with relevant Standards and guidelines that allows accommodation of parallel parking along the frontage of the property. The profile of the kerb and gutter is to be in accordance with 'barrier type' kerb profile.

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

46. 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 provide for a minimum standard in relation to road widening works in requirement for the development.}

47. Road widening (BAR Treatment) is required on the Eastern Side of Brobenah Road from Catalpa Road to the Site entrance to accommodate vehicles on the Sub-Arterial Road (Brobenah Road) to continue flow whilst vehicles are stopped awaiting entry or exit of vehicles from the developed site. This should be incorporated into a traffic management plan to ensure all vehicles are safely catered for and the peak volume of turning vehicles movements are catered for adequately.

The development shall be constructed wholly within the confines of the property boundary. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties or upon the road reserve area.

{Reason: To ensure that the development does not encroach on any other adjacent land or reserve.}

48. The developer is to contact Council's Liquid Trade Waste representatives to determine the requirements for the activities proposed to be conducted on the site.

Prior to the Commencement of Works, Council's written consent shall be provided to the Principal Certifying Authority regarding Liquid Trade Waste requirements. There is to be no discharge of wastewater to Council's stormwater system.

{Reason: to ensure that the proposed development can be appropriately serviced and to comply with Section 68 Part C (4) of the Local Government Act 1993 and in accordance with Council's Liquid Trade Waste Policy.}

PRIOR TO COMMENCEMENT OF WORKS

49. 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 for this development. An application must be submitted to Council and approved prior to issue of Construction Certificate for the building works.

The Section 138 application is to include:

- I. Detailed construction plans, including a long section where appropriate.
- II. ii. 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 \$20M. 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.
- III. iii. 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

50. Vehicles used in the construction of the development are to be managed 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.}

51. The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting the Operations Division of Council.

{Reason: To allow pedestrian traffic during construction.}

52. Prior to the commencement of any works within the road reserve, approved Traffic Control Plans are to be implemented. Approved TCPs 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.}

53. 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

54. Prior to the issue of an Occupation Certificate, a Certificate of Compliance under the *Water Management Act 2000* is to be obtained from Council.

Advisory Note

Certificate of Compliance – Water Management Act 2000

The developer is to contact Council's Water and Wastewater Department to apply for the compliance certificate.

Prior to the issue of the Certificate of Compliance, developer charges for water and sewer must be paid to Council in accordance with Council's Revenue Policy 2023/2024. These charges are calculated based on the additional water and sewerage load that the proposed development generates. The headworks charges required to be paid for the subject development are as follows:

Water: \$ 14,206.68

Sewer: \$ 25,872.00

TOTAL: \$ 40,078.68

{Reason: to adequately service the development and the developer is responsible for contributing a proportion of the cost of existing and future infrastructure that will benefit the development.}

ONGOING USE

55. The sealing of vehicle access driveways is to be always maintained.

{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.

(Moved Cr. Weston, seconded Cr. Nardi)

For the Motion

Cr. Weston
Cr. Kidd
Cr. Morris
Cr. Ciccia
Cr. Nardi
Cr. Reneker
Cr. Smith
Cr. Maytom

Against the Motion

Cr. Holt

Carried 8 to 1

GENERAL MANAGER'S MATTERS

**Item 7.1 POTENTIAL MOTIONS FOR SUBMISSION TO THE LOCAL GOVERNMENT
NSW ANNUAL CONFERENCE 2023**

23/093

Resolved

THAT Council:

1. Notes the registration of the Mayor, Deputy Mayor and General Manager for the 2023 LGNSW Annual Conference.
2. Confirms the two voting delegates at the LGNSW Conference to be the Mayor and Deputy Mayor and the substitute voting delegate, should one be required, to be the General Manger.
3. Approves the following Motions for submission to the 2022 LGNSW Business Paper:

MOTION 1: Improving Cyber Security in Regional and Rural NSW

THAT LGNSW calls on the NSW Government to address the increasing cost burden of cyber security and establish a Centralized Security Operations Centre (SOC) for NSW Local Governments.

MOTION 2: Addressing the Housing Shortage

THAT LGNSW calls on the NSW Government to undertake and publish the results of an audit of all available public housing assets within NSW LGAs including:

- a. Current occupied housing stock
- b. Vacant public housing stock
- c. Vacant blocks of land-owned by the "public housing authority".

MOTION 3: Increased Funding for Weed Management

THAT LGNSW calls on the NSW and Federal Governments to provide greater levels of funding to local councils to enable better protection of agricultural land and the environment from problem weed incursions.

Affords the Mayor delegated authority to submit any further proposed Motions after consulting with Councillors prior to the deadline for submitting Motions.

(Moved Cr. Maytom, seconded Cr. Ciccìa)

Amendment

23/094

Resolved

Cr. Ciccìa moved an amendment suggesting only 2 people attend the

LGNSW Conference. Amendment was lost.

(Moved Cr Ciccia, seconded Cr Morris)

Item 7.2 MINUTES OF RAMJO MEETING - 12 MAY 2023

23/095

Resolved

THAT Council receives for information the minutes of the RAMJO meeting held on Friday 12 May 2023.

(Moved Cr. Kidd, seconded Cr. Morris)

Item 7.3 MINUTES OF COUNTRY MAYORS MEETING - 4 AUGUST 2023

23/096

Resolved

THAT Council receives for information the minutes of the Country Mayors Association Meeting and Annual General Meeting held on 4 August 2023.

(Moved Cr. Weston, seconded Cr. Kidd)

CORPORATE MATTERS

**Item 7.4 ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023
- REFERRAL TO AUDIT**

23/097

Resolved

THAT Council:

1. Notes that the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2023 (together the Statements) have been compiled in accordance with:
 - a. The *Local Government Act 1993* (as amended) and the regulations made thereunder,
 - b. The Australian Accounting Standards (AAS) and professional pronouncements,
 - c. The Local Government Code of Accounting Practice and Financial Reporting.
2. Endorses the Statements as fairly presenting the Council's operating result and financial position for the year ended 30 June 2023 and that the Statements accord with Council's accounting and other records.
3. States that it is not aware of any matter that would render the Statements false and misleading in any way.
4. Endorses the referral of the Statements for audit in accordance with Section 413 (1) of the *Local Government Act 1993*.
5. In accordance with Section 413 (2) (c) of the *Local Government Act*

1993 authorises the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer to sign the required statements by Councillors and Management relating to the Statements.

6. Delegates to the General Manager the authority to lodge the signed Statements and Audit Reports (as noted below) and Special Schedules with the NSW Office of Local Government (OLG) and to put the Statements and Audit Reports and Special Schedule on public display upon receipt of the Audit Reports.
7. In anticipation of receiving the Audit Reports on Friday 27 October 2023, sets the Ordinary Council Meeting to be held on 22 November 2023 as the meeting date that the Statements and Audit Reports and Special Schedules will be presented to the public for review and comment.

(Moved Cr. Morris, seconded Cr. Kidd)

Cr. Nardi left the meeting, the time being 8:32 PM

Cr. Nardi returned to the meeting, the time being 8:35 PM

Item 7.5 INVESTMENTS REPORT FOR JULY 2023

23/098

Resolved

THAT Council notes the information contained in the Investments Report for July 2023.

(Moved Cr. Morris, seconded Cr. Kidd)

Manager Finance left the meeting, the time being 9:07 PM

Governance and Customer Service Coordinator left the meeting, the time being 9:09 PM

Governance and Customer Service Coordinator returned to the meeting, the time being 9:11 PM

Item 7.6 MINUTES AND CHAIRMAN'S REPORT - AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING - 26 JUNE 2023

23/099

Resolved

THAT Council:

1. Notes the Minutes of the Audit, Risk and Improvement Committee meeting held on Monday 26 June 2023.
2. Notes the Chairman's Report to the Mayor and Councillors from the

Audit, Risk and Improvement Committee meeting held on Monday 26 June 2023.

(Moved Cr. Morris, seconded Cr. Weston)

Item 7.7 DATE CHANGE FOR THE 2023 SEPTEMBER ORDINARY COUNCIL MEETING

23/100

Resolved

THAT Council agrees to change the date of the September 2023 Ordinary Council meeting date from Wednesday 27 September 2023 to Wednesday 20 September 2023.

(Moved Cr. Morris, seconded Cr. Nardi)

OPERATIONAL MATTERS

Item 7.8 LEETON GOLF COURSE UPDATE 1 JULY 2022 TO 30 JUNE 2023

23/101

Resolved

THAT Council notes for information the update on the operation of the Leeton Golf Course, including the Income and Expenses Report, for the period 1 July 2022 to 30 June 2023.

(Moved Cr. Smith, seconded Cr. Kidd)

Item 7.9 ADOPTION OF THE LEETON ACTIVE TRANSPORT PLAN

23/102

Resolved

THAT Council adopts the Leeton Active Transport Plan.

(Moved Cr. Kidd, seconded Cr. Maytom)

Item 7.10 MINUTES OF THE LEETON LOCAL AREA TRAFFIC COMMITTEE MEETING - AUGUST 2023

23/103

Resolved

THAT Council notes the minutes and endorses the recommendations of the Local Area Traffic Committee meeting held electronically on Wednesday 9 August 2023.

(Moved Cr. Nardi, seconded Cr. Ciccia)

Item 7.12 QUICK RESPONSE GRANT APPLICATION - LEETON SHOW SOCIETY

23/104

Resolved

THAT Council awards the Leeton Show Society Inc \$1,499 from the Quick Response Grant program to purchase a new laptop computer.

(Moved Cr. Kidd, seconded Cr. Nardi)

Item 7.13 POST EVENT REPORT - 2023 FIESTA LA LEETON EVENT

23/105

Resolved

THAT Council receives for information the 2023 Fiesta La Leeton post-event report and endorses support for the 2024 event.

(Moved Cr. Smith, seconded Cr. Maytom)

Item 7.14 MINUTES OF THE SUNRICE FESTIVAL COMMITTEE - NOVEMBER 2022 TO JUNE 2023

23/106

Resolved

THAT Council receives for information the Minutes of the Leeton SunRice Festival Committee meetings held on 3 November 2022, 16 March 2023, 16 April 2023, 18 May 2023 and 15 June 2023.

(Moved Cr. Weston, seconded Cr. Maytom)

Item 7.15 MINUTES OF THE LIGHT UP LEETON COMMITTEE - ANNUAL GENERAL MEETING - 27 JULY 2023

23/107

Resolved

THAT Council receives for information the Minutes of the Annual General Meeting of the Light Up Leeton Committee held on 27 July 2023.

(Moved Cr. Weston, seconded Cr. Kidd)

8. NOTICES OF MOTION

Nil

9. 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 public.

Item 9.1 CONTRACT LSC2023-003 - SUPPLY & LAY ASPHALT - CANAL STREET PROJECT

This report is considered confidential in accordance with the *Local Government Act 1993*, as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Section 10A(2)d).

Note: Pursuant to section 10A(4), the gallery 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.

The Mayor asked the gallery if there were any objections to Council going into closed session to consider the matters listed.

No objections were received from the gallery.

Council closed its meeting at 9:51pm and the public left the Chambers.

23/108

Resolved

THAT Council:

1. Moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. 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. 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. Maytom, seconded Cr. Weston)

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Item 9.1 CONTRACT LSC2023-003 - SUPPLY & LAY ASPHALT - CANAL STREET PROJECT

23/109

Resolved

THAT Council accepts the Tender submission of Complete Road Seal - Asphalt Company for Contract LSC2023 – 003 – Vendor Panel VP365832. For the supply and lay of AC14A15E Hotmix Asphalt for Canal Street – Heavy Vehicle Bypass Road Rehabilitation Project.

(Moved Cr. Kidd, seconded Cr. Morris)

REVERSION TO OPEN COUNCIL

23/110

Resolved

THAT this meeting of the Closed Council revert to an open meeting of the Council, the time being 10:00 pm.

(Moved Cr. Smith, seconded Cr. Weston)

The Mayor advised that during the Closed Council resolutions were passed.

The General Manager read out the resolutions made in Closed Council for Item 9.1.

10. COUNCILLOR ACTIVITY REPORTS

Item 10.1 COUNCILLOR ACTIVITY REPORT

23/111

Resolved

THAT Council notes the Councillor activity reports submitted for the period between 27 July 2023 to 23 August 2023.

(Moved Cr. Kidd, seconded Cr. Morris)

11. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 10:01 pm.

..... signed by
the Chairman of the meeting held on
27 Sep 2023 at which meeting the
signature hereon was subscribed.