

**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL
CHAMBERS, DARLINGTON POINT ON TUESDAY, 15 DECEMBER 2017,
COMMENCING AT 10.00AM**

PRESENT

Present were Councillors R McRae (Mayor), R Black (Deputy Mayor), G Smith, F Bryce, P Wells, G Gilbert and C Chirgwin.

Also present were Craig Moffitt, General Manager, Alison Coe, Assistant General Manager, Corporate and Community Services and Peter Chudek, Assistant General Manager, Infrastructure & Environment.

Guests: Andrew Crakanthorp, and Adam Wilson representing Atom Consulting.

APOLOGIES

- 272/12/17** **Resolved** on the motion of Councillors Chirgwin and Wells that the apologies from Councillor Robert Curphey, Councillor Austin Evans and Ms Susan Appleyard, Director of Environmental Services be received and leave of absence be granted.

CONFIRMATION OF MINUTES

- 273/12/17** **Resolved** on the motion of Councillors Bryce and Smith that the Minutes of the Ordinary Meeting of Council held on Tuesday 28 November 2017, as printed and circulated, be confirmed.

PECUNIARY INTEREST

A pecuniary interest declaration was received from Councillor Gaila Smith in relation to item 4 - Development Application No 19 – 17/18 (Amended Application).

MAYOR'S REPORT

- 274/12/17** **Resolved** on the motion of Councillors Black and Smith that the Mayoral Report be adopted.

At 10.10am Adam Wilson from Atom Consulting, addressed Council, providing a verbal assessment of the water supply schemes of Jerilderie, Darlington Point and Coleambally. Government funding for water supply schemes is available, including Safe and Secure Water Program; NSW Health Drinking Water Management System Program and NSW Health Water Quality Monitoring Programs.

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.....General ManagerMayor

Cr McRae thanked Adam for his attendance at the meeting, and for his comprehensive assessment of the Council water supply schemes. Cr McRae also thanked NSW Health for making Atom Consulting available to Council to undertake the evaluations.

GENERAL MANAGER'S REPORT

FINANCIAL STATEMENTS 2016/17

05.13

At 10.30am Ms Dannielle Mackenzie from Crowe Horwath attended the Council meeting. On conference call were Michael Kharzoo and Lawrissa Love from the Audit Office, to speak to the Financial Statements 2016/17.

275/12/17 **Resolved** on the motion of Councillors Chirgwin and Gilbert that the General Purpose Financial Statements of Murrumbidgee Council for the period 13 May 2016 to 30 June 2017 be accepted and approved.

At 10.50am Ms Mackenzie departed the meeting.

PRIORITY PROJECTS REGISTER UPDATE

03.13.08A

276/12/17 **Resolved** on the motion of Councillors Black and Chirgwin that the Priority Projects Register Update Report be received and endorsed.

MAJOR PROJECTS UPDATE DECEMBER 2017

03.13.08A

277/12/17 **Resolved** on the motion of Councillors Chirgwin and Gilbert that:

1. The Coleambally Netball Courts be approved for Major Projects funding;
2. Council consider recommendations for funding Major Projects on a project by project basis, based on the recommendations of the Major Project Assessment Panel.

At 11.15am Councillor Evans joined the meeting.

At 11.18am Councillor Curphey joined the meeting.

DEVELOPMENT APPLICATION NO 19 - 17/18 (AMENDED APPLICATION) DA 19 - 17/18

Cr Gaila Smith declared her pecuniary interest in this matter and departed the building.

278/12/17 **Resolved** on the motion of Councillors Black and Gilbert that Council grant Development Consent to Development Application No. 19-17/18 for an outdoor dining and seating area on Lot 5, DP650144, addressed as 26 Jerilderie Street, Jerilderie dated 27 September 2017 and described in details accompanying the application under *Section 80(1) of the*

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 General Manager Mayor

Environmental Planning and Assessment Act, 1979 and subject to the following conditions:

General

1. The development shall take place in accordance with the plans and documentation submitted with the application and further information received on 06/12/2017. A copy of these are held by Council as Plan No. DA19 – 17/18.
2. This approval shall not be for a period of more than seven (7) years and will lapse at the end of the seven (7) year term or if the footway the subject of the approval ceases to be used for the purposes of an outdoor dining area in accordance with Section 125 of the *Roads Act 1993*.
3. The registered owner of the business shall pay to Council any applicable annual licence fee/rent for the use/occupation of the footway. This fee shall be determined by Council in accordance with its adopted annual fees and charges.
4. The registered owner of the business and/or their successors shall indemnify and keep indemnified the Council and its officers, agents and employees against any action or claim that may arise directly or indirectly from the occupation/use for outdoor dining of that part of the footway detailed in this approval.
5. Prior to the use of the footway for outdoor dining, the registered owner of the business and/or their successors shall provide Council with a copy of their public liability insurance cover showing they have current cover for an amount of not less than twenty million dollars (\$20,000,000.00) with an insurer authorised by the Australian Prudential Regulatory Authority. The policy shall note the interests of the owner and Murrumbidgee Council. Such insurance is to be maintained and a certificate of currency evidence of a current insurance policy, to a value determined by Council each year, is to be supplied to Council with the payment of the annual licence fee.

Use of Site

6. The outdoor dining and seating area shall not be used for the service or consumption of alcohol.
7. All food provided for outdoor dining must be prepared in the associated premises.

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 General Manager  Mayor

8. The hours and days of operation of the outdoor dining area shall comply with the following:
 - i. Monday – Saturday: 11:30am – 8:00pm; and
 - ii. Sunday: 9:00am – 8:00pm.
9. All footpath furniture and associated articles shall only be placed on the footpath to coincide with the hours of operation nominated in condition No. 8 of this development and any such reasonable time to allow for the setup and removal of this furniture.
10. At all times a minimum 2m clear path shall be maintained on the footpath for pedestrian access and a minimum of 600mm from the back of kerb and gutter.
11. No smoking shall be permitted within 4m of the outdoor dining area. At all times that the footpath is being used as an outdoor dining area no smoking signs complying with the requirements of the Smoke-free Environment Act and Regulations shall be displayed to identify the outdoor dining area as smoke-free.
12. All furniture used in the outdoor dining area shall be located so as not to obstruct any services located in the footway and shall be appropriately secured/affixed to prevent safety concerns.
13. Structures must not be permanently fixed. All structures must be freestanding, of stable and sturdy construction and shall complement the existing streetscape in terms of colours, materials and the like.
14. All outdoor furniture shall be maintained in a clean and hygienic state to the satisfaction of Council and not cause injury.
15. Any outdoor umbrellas shall maintain a minimum clearance of 2.7m above ground level (existing);
16. All wastes generated from the outdoor dining area shall be appropriately collected and disposed of on-site. No wastes generated from this shall be directly disposed of into Council's on-street waste receptacles.
17. The existing street trees shall be maintained and protected ongoing.

Reasons for conditions

18. The above conditions have been imposed:

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 General Manager Mayor

- (a) To ensure compliance with the requirements of the *Environmental Planning and Assessment Act 1979, Roads Act 1993 and Local Government Act 1993*.
- (b) Having regard to Council's duties of consideration under Section 79C and 80A of the EP&A Act.
- (c) To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of the sites.
- (d) To improve the amenity, safety and environmental quality of the locality.
- (e) Having regard to environmental quality, the circumstances of the case and the public interest.
- (f) Having regard to the *Jerilderie Development Control Plan 2012*.
- (g) To help retain and enhance streetscape quality.
- (h) Ensure compatibility with adjoining and neighbouring land uses and built form.
- (i) To protect public interest, the environment and existing amenity of the locality.
- (j) To minimise health risk to neighbouring residents and workers.

Advisory and Ancillary Matters

- 19. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Murrumbidgee Council if there is any difficulty in understanding or complying with any of the above conditions.
- 20. Any alterations to the proposed development shall be submitted to Murrumbidgee Council for further assessment and approval prior to the issue of Development Consent. If such alterations are contemplated after the consent is issued, then details shall be subject to a Development Application for the modification of the Development Consent.
- 21. It is the applicant's responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992*. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (ph: 02-9284 9600) in respect of your application.
- 22. The approval to use Council's footway may be revoked by Council if the conditions of this approval are not complied with.

Councillor Gaila Smith returned to the meeting.

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 General Manager  Mayor

COLEAMBALLY SOLAR PTY LTD – LICENCE AGREEMENT

01.13 / 04.13 / LD

279/12/17 **Resolved** on the motion of Councillors Black and Gilbert that Council enter into the Licence and Tripartite Deed for transmission line under Ercildoune Road, and the relevant documents be executed under the Common Seal of Council.

COMMUNITY STRATEGIC PLAN

03.38

280/12/17 **Resolved** on the motion of Councillors Black and Chirgwin that:

1. The report be received and approval be given for the final draft of the Community Strategic Plan (CSP) to go out to community consultation;
2. The date for the Strategic Planning Workshop be 30 January 2018, commencing 1.00pm in Jerilderie, and an external facilitator be engaged;
3. A representative from the Office of Local Government be requested to attend the Strategic Planning Workshop to provide information on the Councillors' role as defined by the Local Government Act.

COMMITTEE MINUTES

MINUTES OF THE HERITAGE DARLINGTON POINT COMMITTEE MEETING HELD ON 8 OCTOBER 2017

281/12/17 **Resolved** on the motion of Councillors Curphey and Bryce that the Heritage Darlington Point Committee Minutes be noted.

MINUTES OF THE HERITAGE DARLINGTON POINT COMMITTEE MEETING HELD ON 3 DECEMBER 2017

282/12/17 **Resolved** on the motion of Councillors Curphey and Chirgwin that the Heritage Darlington Point Committee Minutes be noted.

ITEMS FOR INFORMATION

MONTHLY FINANCIAL REPORT – DECEMBER 2017

05.13

283/12/17 **Resolved** on the motion of Councillors Black and Evans that this report be received and the monthly financial report containing the bank balances and investment schedule to 30 November 2017 be noted.

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 General Manager Mayor

UPDATE ON PROJECT MANAGEMENT OFFICE (PMO) 03.13.08

284/12/17 Resolved on the motion of Councillors Curphey and Wells that the information on the activities of the Project Management Office be received and noted.

CHRISTMAS BREAK 2018 05.23

285/12/17 Resolved on the motion of Councillors Gilbert and Wells that the Christmas Break Report be adopted.

WORKS IN PROGRESS 12/11/17 to 08/12/2017 03.16.04

286/12/17 Resolved on the motion of Councillors Gilbert and Smith that the Works in Progress Report be adopted.

RESIGNATION FROM COUNCIL BY COUNCILLOR AUSTIN EVANS

Councillor Evans advised his intention to formally resign from his position as Councillor of Murrumbidgee Council as at today's date.

Mayor, Cr McRae, thanked Councillor Evans for his commitment to Murrumbidgee Council, both as Council's Administrator and more recently as an elected Councillor, and wished him all the best in his new role as Member for Murray.

These sentiments were endorsed by all Councillors and staff.

287/12/17 Resolved on the motion of Councillors Curphey and Black that the resignation of Councillor Evans be accepted as at 15 December 2017.

Mr Andrew Crakanthorp departed the meeting.

CONFIDENTIAL ITEMS

DARLINGTON POINT TOWNSHIP STRUCTURE PLAN 04.25.14

288/12/17 Resolved on the motion of Councillors Chirgwin and Smith that this item be referred to the **CONFIDENTIAL** section of the Ordinary Council Meeting which is closed to the public. This item is classified as confidential in accordance with Section 10A (2) (c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

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 General Manager  Mayor

Council closed its meeting to the public at 12.26pm.

DARLINGTON POINT TOWNSHIP STRUCTURE PLAN

04.25.14

Cr Robert Curphey declared his pecuniary interest in this matter and departed the building.

289/12/17 **Resolved** on the motion of Councillors Gilbert and Black that Council reject the Moore proposal, and that accurate plans and costings be developed for the Young Street subdivision, including consideration of all alternatives for urban land development in Darlington Point.

Open Council resumed at 12.29pm.

Councillor Robert Curphey returned to the meeting.

DELEGATE'S REPORT

290/12/17 Resolved on the motion of Councillors Bryce and Smith that the Delegate's Report from Councillor Bryce be adopted.

There being no further business, the meeting closed at 12.32pm.

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Cr R E McRae
MAYOR

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Charmion General Manager Mayor
