

**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS, DARLINGTON POINT ON TUESDAY 27 NOVEMBER 2018
COMMENCING AT 10.00AM**

PRESENT

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

Also present were John Scarce, General Manager, Susan Appleyard, Manager Planning & Environment, Vicki Sutton, Finance Manager, Johann Pereira, Operations Manager, William Wade, Operations Manager and Stephen Goodsall, Assets Manager.

CONFIRMATION OF MINUTES

- 257/11/18** **Resolved** on the motion of Councillors Brown and Bryce that the Minutes of the Ordinary Meeting of Council held on 30 October 2018, as printed and circulated, be confirmed.

PECUNIARY INTEREST

Nil

NOTICE OF MOTION

LIFTING OF ALCOHOL BAN

- 258/11/18** **Resolved** on the motion of Councillors Black and Gilbert that Council:
- i) Allow the prohibition on the consumption of alcohol in CWA Park, Darlington Point to be lifted from midday to midnight on Saturday 1 December 2018;
 - ii) Allow the prohibition signs to be covered during the period of the celebrations;
 - iii) Notify the local Police; and
 - iv) Advertise Council's action.

POOL BLANKET, COLEAMBALLY POOL

- 259/11/18** **Resolved** on the motion of Councillors Gilbert and Chirgwin that investigations into the cost of a replacement pool blanket for the Coleambally Swimming Pool be undertaken, with funding from the Town Improvement Fund to be considered, up to an amount of \$5,000, to assist with the purchase.

This is page 1 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018



.....General ManagerMayor

Councillor Curphey requested his opposition to the motion be recorded, on the grounds that the replacement pool blanket should be funded from the repairs and maintenance funds.

NOTICE OF RESCISSION

Nil

MAYOR'S REPORT

260/11/18 **Resolved** on the motion of Councillors Brown and Smith that the information contained in the Mayoral Report be noted.

DELEGATES' REPORTS

SOUTH WEST ZONE LIBRARY MEETING 03.16.06 / 07.01.01

261/11/18 **Resolved** on the motion of Councillors Brown and Gilbert that the information contained in the South West Zone Library Meeting Report be noted.

BERRIGAN JERILDERIE COMMUNITY NETWORK (BJCN)

03.16.06 / 02.18

262/11/18 **Resolved** on the motion of Councillors Smith and Brown that the information contained in the Berrigan Jerilderie Community Network Report be noted.

WESTERN RIVERINA ARTS

07.06

263/11/18 **Resolved** on the motion of Councillors Curphey and Smith that the information contained in the Western Riverina Arts Report be noted.

CENTRAL COREE COMMUNITY CENTRE

04.34

264/11/18 **Resolved** on the motion of Councillors Black and Smith that the information contained in the Central Coree Community Centre Report be noted.

GENERAL MANAGER'S REPORT

SALE OF LAND, COLEAMBALLY

04.14

265/11/18 **Resolved** on the motion of Councillors Black and Chirgwin that the Common Seal of Council be affixed to documents relating to the sale of 10 Curlew Avenue, Coleambally to CJ and PJ Noack.

This is page 2 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018

.....General ManagerMayor

GRAHAM ROAD AND FIELD ROAD TABLE DRAINS

06.08

266/11/18 Resolved on the motion of Councillors Gilbert and Brown that:

- Letters be sent to all relevant property owners within Murrumbidgee Council area informing them that permission from Council is necessary prior to constructing access tracks across Council's table drains;
- Relevant property owners be informed that contractors are required to register with Council prior to constructing access tracks and installing culverts;
- Provide a 6-month notification period for property owners with existing access tracks across table drains without culverts to contact Council in order to rectify the issue.
- Following the notification period, an inspection of table drains be conducted, and a further report presented to Council.

DRAFT DARLINGTON POINT AND ENVIRONS FLOOD STUDY

04.25.15

267/11/18 Resolved on the motion of Councillors Chirgwin and Curphey that the Darlington Point and Environs Flood Study be adopted in accordance with Section 161 of the Local Government Act 1993.

**INDEPENDENT DEVELOPMENT APPLICATION ASSESSMENT –
INDEPENDENT LIVING UNITS**

04.15.03

268/11/18 Resolved on the motion of Councillors Curphey and Smith that:

- The proposed construction of four (4) independent living units at 16-18 Bunyola Boulevard, Jerilderie be approved, subject to the conditions contained within attachment # 4;
- In accordance with the Delegation of Authority granted on 12 May 2016, pursuant to Section 378 of the Local Government Act 1993, consent is hereby granted subject to the conditions set out in the above report.

In favour: Councillors Wells, Smith, Chirgwin, Curphey, Brown, Black, Gilbert, Bryce and McRae

Opposed: Nil

This is page 3 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018

..........General ManagerMayor

DEVELOPMENT APPLICATION NO. 07-18/19 SAND QUARRY

DA 07-18/19

269/11/18 Resolved on the motion of Councillors Black and Curphey that Development Consent be granted to Development Application No. 07-18/19 for Quarry on Lot 175, DP750908, addressed as Kidman Way, Darlington Point dated 24 August 2018, and described in details accompanying the application under *Section 4.16 of the Environmental Planning and Assessment Act, 1979* and subject to the following conditions:

Murrumbidgee Council Conditions

1. The development is to be carried out in accordance with the plans and documentation submitted with the application, except as modified by the conditions of this Development Consent or as noted in red by Council on the approved plans held by Council - Plan No. DA 07-18/19. Note red amendment relates to access being via Jim Cattnach Road.

Reason: To clarify the terms of the approval.

2. Use of the site for the proposed development shall not take place until all conditions of this approval have been satisfied.

Reason: To ensure compliance to all requirements.

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

Reason: To ensure Council's assets are maintained in accordance with relevant Australian Standards.

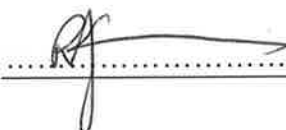
4. Under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, Council requires the payment of a monetary contribution towards the provision of public services and amenities as provided for in the Murrumbidgee Council Section 7.12 Developer Contributions Plan 2017. The contribution has been assessed, as of the date of this consent as follows:

Section 7.12 \$500 (being 0.5% of the estimated cost of development).

Contributions are due prior to any works commencing on-site, and will be calculated or recalculated at the rate applicable under the plan current at the time of payment. A copy of the Murrumbidgee Council S7.12 Development Contributions Plan 2017 is available for inspection at Council offices or by visiting Council's website: www.murrumbidgee.nsw.gov.au.

Reason: To ensure that the development contributes towards the provision of public services and amenities.

This is page 4 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018

.....General ManagerMayor

5. The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

6. Advice to Applicant

It is an offence under the National Parks and Wildlife Act to knowingly destroy, deface or damage an Aboriginal relic. If, during works on site, any Aboriginal relic is discovered then work is to cease immediately and contact made with representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.

7. Site Operations

Any waste material generated during the removal of the buildings is to be taken to an approved site for disposal. After the removal of the structures, the site is to be made safe.

Reason: To ensure compliance with work cover requirements.

8. Submission to and approval by Council prior to release of the Construction Certificate of a detailed landscape plan.

Reason: To ensure that an appropriate detailed landscape design is prepared in conjunction with the overall design of the proposed development.

9. The landscaping and overall operation of the site is to ensure that the flow of flood waters are not impeded in the event of overland flooding. A clearway, a minimum of 180 metre for the length of the southern boundary of the property, is to be maintained.

Completion of landscaping in accordance with the approved landscaping plan prior to commencement of the use of the site, and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the landowner's responsibility.

Reason: To ensure satisfactory completion and maintenance of landscaping.

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

Reason: To ensure erosion control measures have been implemented.



..... General Manager

..... Mayor

11. All vehicles must enter and exit the site in a forward direction to avoid possible conflict with through traffic on Jim Cattanach Road.

Reason: To minimise possible accidents with traffic on the adjacent road.

12. Prior to works commencing on site detailed plans of the proposed vehicle access to and from the site via Jim Cattanach Road is to be provided to Council for approval. The access is to be constructed in accordance with the approved plans.

Reason: To ensure adequate vehicle access is provided to the development and to ensure flood waters are not impeded.

13. Loading

All loading and unloading associated with the development shall be carried out within the site, from the loading bay shown on the approved plans.

Reason: To ensure that such operations do not interfere with use of the adjoining roadway and/or footpath.

14. No advertising sign and/or structure other than that which is permissible without consent is to be erected as part of the approved development until a formal application has been submitted to Council and a Development Consent has been issued.

Reason: Unless shown as part of the development, proposal separate Development Consent is required for advertising signs and/or structures.

Please check with Council staff regarding the erection of any sign.

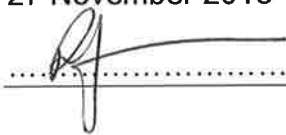
15. Advice to Applicant

Your development may be affected by the Disabilities Discrimination Act. It is your responsibility to ensure that the development complies with the Act.

Special Conditions

16. Prior to works commencing on site, a plan for dust control and mitigation is to be provided to Council for approval. The site is to operate in accordance with the approved dust control plan.

Reason: To ensure adequate dust control



17. The consent is limited to the extraction of under 30,000 tonnes of material from the site and is not to exceed 2 hectares in surface area. If the operation is to be larger in scale, a further designated Development Application will be required to be lodged for the additional volume and area.

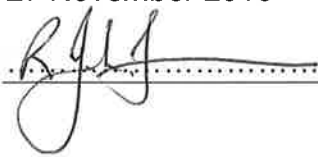
Reason: To define the limitations of the consent.

18. Prior to ceasing operations at the site, a remediation plan is to be provided to, and approved by, Council.

Reason: To ensure the site can be used for agricultural purposes at the cessation of use of the site as a quarry.

ROADS AND MARITIME SERVICES CONDITIONS

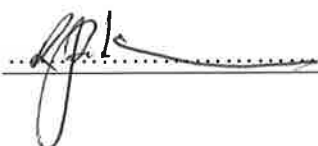
1. Extraction from the proposed quarry operations on the subject site shall be restricted to a maximum of 30,000 tonnes per annum.
2. The quarry operator is to record and maintain a log of the extraction quantities and traffic movement in and out of the subject site. This log is to be kept on site and be available for inspection at the request of the consent authority.
3. Vehicular access to the site shall be to/from Jim Cattanach Road only. Access directly to the Kidman Way is denied.
4. The access driveway to Jim Cattanach Road shall be located at least 100 metres along that road from the carriageway of the Kidman Way.
5. All existing driveways to the development site from the Kidman Way shall be removed and any damage or disturbance to the road reserve of the Kidman Way shall be restored to match surrounding landform in accordance with Council requirements.
6. As a minimum the intersection of the Kidman Way and Jim Cattanach Road is to be constructed and the roadside maintained to the satisfaction of Roads and Maritime Services to comply with the following:
 - i) Provide for the required intersection sight distance criteria for a reaction time of 2.5 in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.



..... General Manager

..... Mayor

- ii) Constructed with a Basic Right Turn (BAR) and Basic Left Turn (BAL) intersection treatment in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit on the Kidman Way. The intersection is to be constructed to the standards required for an approved road train route.
 - iii) The construction of Jim Cattanach Road to 2 lanes and be sealed for at least 50 metres from its intersection with the Kidman Way. The intersection shall be designed and constructed so that vehicles turning between the Kidman Way and the access road are not required to cross to the opposing travel lane in order to perform a turn manoeuvre. The intersection shall be line marked in accordance with Australian standards.
7. The Kidman Way is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The Works Authorisation Deed documentation is to be submitted for each specific change to the State Road network for assessment and approval by Roads and Maritime Services prior to commencement of any works within the road reserve. The applicant is to email development.south.west@rms.nsw.gov.au for further detail.
 8. Any works within the road reserve of the Kidman Way requires approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Roads and Maritime Services prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the development and as required by the various public utility authorities and/or their agents.
 9. A management plan to provide measures to suppress dust generation from the development site and the transportation route shall be prepared and implemented to the satisfaction of Council and Roads and Maritime Services.
 10. A landscaped buffer (at least 5 metres in width, planted with a variety of species endemic to the area, and growing to a mature height ranging from 2 metres to at least 5 metres) shall be established and maintained within the subject property along the frontages of the site to the Kidman Way to a standard to minimise distraction of the travelling public.


 General Manager Mayor

11. All works associated with the project shall be at no cost to the Roads and Maritime Services.

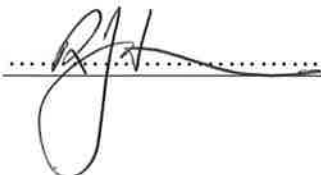
Notwithstanding the above, the provision of safe access between the subject site and the public road network should be considered. As the subject site is located with the required access being to Jim Cattanach Road, within a 100km/h speed zone, the following suggested conditions are provided for the consideration of Council in its determination of the proposal:

1. Any driveway to the public road network is to be located and maintained so as to comply with the required Intersection Sight Distance criteria in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
2. As a minimum, any driveway to the public road network is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
3. Where the driveway is to a sealed road, any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the Austroads Guide to Road Design. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.
4. Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
5. Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
6. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of the public road. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone, it is to be constructed with a traversable type headwall.

In favour: Councillors Wells, Smith, Chirgwin, Curphey, Brown, Black, Gilbert, Bryce and McRae

Opposed: Nil

This is page 9 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018



.....General ManagerMayor

COMMITTEE MINUTES

FIFTH DARLINGTON POINT FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING, MONDAY 19 NOVEMBER 2018 04.25.15

270/11/18 **Resolved** on the motion of Councillors Curphey and Chirgwin that the information contained in the Fifth Darlington Point Floodplain Risk Management Committee Minutes be noted.

MURRUMBIDGEE COUNCIL TRAFFIC COMMITTEE MEETING, 25 OCTOBER 2018 06.16

271/11/18 **Resolved** on the motion of Councillors Bryce and Black that the information contained in the Murrumbidgee Council Traffic Committee Minutes be noted.

JERILDERIE TIDY TOWNS COMMITTEE MEETING-THURSDAY 1 NOVEMBER 2018 02.09

272/11/18 **Resolved** on the motion of Councillors Gilbert and Curphey that the information contained in the Jerilderie Tidy Towns Committee Minutes be noted.

CENTRAL COREE COMMUNITY CENTRE COMMITTEE ANNUAL MEETING, TUESDAY 13 NOVEMBER 2018 04.34

273/11/18 **Resolved** on the motion of Councillors Chirgwin and Smith that the information contained in the Central Coree Community Centre Committee Minutes be noted.

COLEAMBALLY AUSTRALIA DAY COMMITTEE MEETING, WEDNESDAY 31 OCTOBER 2018 02.02.01

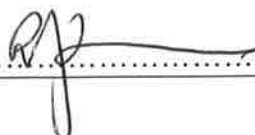
274/11/18 **Resolved** on the motion of Councillors Curphey and Bryce that the information contained in the Coleambally Australia Day Committee Minutes be noted.

ITEMS FOR INFORMATION

MONTHLY CASH & INVESTMENT REPORT- OCTOBER 2018 05.13

275/11/18 **Resolved** on the motion of Councillors Smith and Wells that Council receive this report and note the Monthly Cash & Investment Report containing the bank balances and investment schedule to 31 October 2018.

This is page 10 of 12 of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 November 2018

.....General ManagerMayor

AUSTRALIAN CITIZENSHIP CEREMONY

02.03

276/11/18 **Resolved** on the motion of Councillors Smith and Bryce that the information contained in the Australian Citizenship Ceremony Report be noted.

**PROGRESS REPORT ON DARLINGTON POINT STRUCTURE PLAN
JULY TO SEPTEMBER 2018**

04.25.16

277/11/18 **Resolved** on the motion of Councillors Gilbert and Brown that the information contained in the Progress Report on Darlington Point Structure Plan, July to September 2018, be noted.

**DEVELOPMENT APPLICATION APPROVED UNDER DELEGATION,
OCTOBER 2018**

04.25

278/11/18 **Resolved** on the motion of Councillors Wells and Chigwin that the information contained in the Development Application Approved Under Delegation, October 2018 Report be noted.

WORKS IN PROGRESS 15/10/2018 to 11/11/2018

03.16.04

279/11/18 **Resolved** on the motion of Councillors Curphey and Bryce that the information contained in the Works in Progress Report be noted.

CONFIDENTIAL ITEMS

ILLEGAL OCCUPATION OF PROPERTY – UPDATE

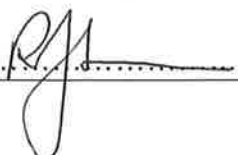
04.25

280/11/18 **Resolved** on the motion of Councillors Curphey 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) (a) and (b) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than Councillors);*
- (b) the personal hardship of any resident or ratepayer.*

Council closed its meeting to the public at 11.44am and members of the public vacated the Chambers.

Asset Manager, Stephen Goodsall departed the meeting.

.......... General Manager Mayor

ILLEGAL OCCUPATION OF PROPERTY - UPDATE

04.25

281/11/18 **Resolved** on the motion of Councillors Gilbert and Curphey that the information contained in the Illegal Occupation of Property Report-Update be noted, and BESTODAY continue to monitor progress of works to the building.

ITEM WITHOUT NOTICE

ORGANISATIONAL ALIGNMENT

05.23 / 03.13.08 / 05.24

282/11/18 **Resolved** on the motion of Councillors Smith and Bryce that this Item Without Notice be accepted as it requires resolution before the next scheduled meeting.

ORGANISATIONAL ALIGNMENT

05.23 / 03.13.08 / 05.24

283/11/18 **Resolved** on the motion of Councillors Chirgwin and Curphey 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) (a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) personnel matters concerning particular individuals (other than Councillors).

ORGANISATIONAL ALIGNMENT

05.23 / 03.13.08 / 05.24

284/11/18 **Resolved** on the motion of Councillors Black and Wells that the information contained in the Organisational Report be noted.

There being no further business, the meeting closed at 12.24pm.

.....
Cr R E McRae
MAYOR

.....
..... General Manager Mayor