



**FEDERATION  
COUNCIL**

# Minutes

Tuesday, 19 December 2017

Council Chambers, Corowa

Commenced 9.30 am

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## 1. MEETING OPENING

### Live Streaming of Council Meetings

Federation Council wishes to advise members of the public that Council meetings will be recorded and will be available after each meeting on Council's website [www.federationcouncil.nsw.gov.au](http://www.federationcouncil.nsw.gov.au)

All care will be taken to maintain the privacy of those in attendance, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given in the event your image is broadcast.

### Acknowledgement of Country

I would like to acknowledge the Traditional Custodians of the land on which we are meeting today, the Bpangerang people, and acknowledge the Aboriginal and Torres Strait Islander people who now reside in this area. I extend that respect to Elders – past and present of the Bpangerang nations.

### **PRESENT:**

The Mayor, Councillor PMJ Bourke (Chairperson), Councillors AC Kennedy, GJ Law, DS Longley, FT Longmire, PI Miegel, BJ Thomas, NW Wales APM and SM Whitechurch.

### **ALSO PRESENT:**

Mr A Butler (Interim General Manager), Mr KC Parker (Director Finance and Organisation Development), Mr P Gall (Director Infrastructure and Environment) and Mrs RM Henson (Executive Assistant – Minute Taker).

### **APOLOGIES:**

Nil

## 2. NOTIFICATION OF PECUNIARY/CONFLICTS OF INTEREST IN MEETING BUSINESS ITEMS

Councillor Thomas declared a non-pecuniary conflict of interest under Clause 66 of Council's Code of Meeting Practice in Item 8.3 and Item 8.5.

## 3. CONFIRMATION OF MINUTES

**223/17FC RESOLVED** on the motion of Councillors Whitechurch and Miegel that the Minutes of the Ordinary Meeting held on 21 November 2017 be confirmed.

## 4. MAYORAL MINUTES

Council are required to appoint a female delegate to the General Manager recruitment committee. Cr Law has nominated to be on this committee, and Cr Thomas, the only other female member of Council, has supported this appointment.

**224/17**      **RESOLVED** on the motion of Councillors Whitechurch and Kennedy that Cr Gail Law be appointed to the existing General Manager recruitment committee.

Public Forum

Nick Hogan addressed Council in support of report 8.8 - Development Application 2017/63

## 5. GENERAL MANAGER REPORT

### 5.1 MURRAY DARLING ASSOCIATION

#### Summary

This report allows for Council to consider becoming a member of the Murray Darling Association (MDA). Prior to the recent elections, Federation Council resolved not to continue membership of the MDA.

#### Background

Council has received a letter from the MDA National President, Cr David Thurley (Albury City Council) urging Council to re-join the group, now that there is a newly elected Council. See attached letter. The group is considered the peak advisory group along the Murray Darling.

#### Attachments

5.1.1 Letter from MDA received 19 September 2017.

#### Financial Implications

Annual Membership is approximately \$3,800 and other costs would include attendance at meetings (this zone usually meets in Albury) and the annual conference. These costs could be met from Council's existing budgets.

**RECOMMENDED** that Council become a member of the Murray Darling Association.

**225/17**      **RESOLVED** on the motion of Councillors Thomas and Wales that Council become a member of the Murray Darling Association.

### 5.2 COUNCIL DELEGATES TO REFERENCE/ADVISORY GROUPS/ORGANISATIONS

#### Summary

This report allows for Councillors to be delegated to reference/advisory groups/organisations across the region. Council representation on such groups provides an important conduit between the Council and the group. Delegates can report back to Council on matters including such as where the group seeks Council's support in lobbying or other ways.

This report does not cover Council's section 355 (Local Government Act 1993) committees, who are delegated special functions to perform on behalf of Council. A separate report will be presented to Council in coming

months to delegate Council representatives to those. Further the report does not cover other, non-section 355 committees that Council may wish to adopt, such as standing/advisory committees operated by the former Councils, including Policy and Resource, Tourism and Development, Heritage and the like. These will be reviewed and presented at the meeting where the report on section 355 committees is presented, and considering the points raised in the discussion at the Councillor and staff workshop on 11 December 2017.

The table is attached of currently known organisations for Councillors to consider on meeting day and nominate delegates.

#### Background

There are many groups across the Federation Council Local Government area and beyond that have requested to be advised of the new Council representatives so that meeting attendance begins to occur. They cover a wide range of areas from natural resource management, Health, Tourism and many other matters. The list attached may not be exhaustive, but Council should resolve to appoint delegates to those listed, whilst further research is done to ensure all groups across both former Council's are captured.

Councillor costs for attendance such as travelling and any meals or accommodation where required, should be claimed by Councillors, and are allowed for under the Mayor and Councillors Expense Policy.

Staff attendance is generally at the discretion of staff or direction of Management, depending on the meeting topic and Council input required.

If Councillors want any further details on the group prior to meeting day, please contact the General Manager.

#### Attachments

5.2.1 List Council Reference /Advisory Groups/Organisations

#### Financial Implications

Council's budgets for such activities will be reviewed and if variations are required they would be presented as part of a quarterly review process for Council endorsement.

#### RECOMMENDED:

1. THAT Council enter into Committee of a whole to discuss and nominate Councillor delegates to the organisations as presented in the table to report 5.2 of the December 2017 ordinary Council meeting; and
2. THAT Council pass a further resolution endorsing the outcomes of the Committee of whole to formally appoint delegates to the organisations as presented.

**226/17** **RESOLVED** on the motion of Councillors Longmire and Thomas:

1. THAT Council enter into Committee of a whole to discuss and nominate Councillor delegates to the organisations as presented in the table to report 5.2 of the December 2017 ordinary Council meeting; and
2. THAT Council pass a further resolution endorsing the outcomes of the Committee of whole to formally appoint delegates to the organisations as presented.

**227/17 RESOLVED** on the motion of Councillors Law and Miegel:

1. THAT Council move out of Committee of a whole 10:17am.

**228/17 RESOLVED** on the motion of Councillors Law and Miegel:

1. THAT Council adopt the table as populated to report 5.2; and
2. THAT Council endorse the table as populated in Committee of a whole and Councillor delegates be noted.
3. THAT the table be added to the Minutes.

### ATTACHMENT 5.2.1

Riverina Water County Council	<i>Cr Bourke already appointed Alternative Deputy Mayor</i>
Riverina Regional Library	<i>Cr Law Cr Thomas Alternative Cr Miegel</i>
Rural Fire Service Liaison Committee	<i>Mayor Alternative Deputy Mayor</i>
Rural Fire Service Advisory Committee	<i>Mayor Alternative Deputy Mayor</i>
Internal Audit Committee	<i>Cr Miegel Alternative Cr Wales</i>
Sanger Back Berrigan Creek Advisory Group	<i>Cr Longmire Alternative Cr Kennedy</i>
Yanco Creek & Tributaries Association (YACTAC)	<i>Cr Bourke Alternative Cr Kennedy</i>
Billabong Yanco Colombo Steering Committee	<i>Cr Bourke Alternative Cr Longmire</i>
Murray Darling Association (also need to endorse if Cr nomination sought for position of Chair and executive committee/region one committee – nominations close 5.00pm January 22, 2018 – AGM to be held 30 January 2018.	<i>Mayor Alternative Deputy Mayor</i>
Lake Mulwala Land and On-Water Management Plan Community Reference Group	<i>Cr Kennedy Alternative Cr Thomas</i>
West Corurgan Private Irrigation District	<i>Cr Thomas Alternative Cr Longmire</i>
Corowa Saleyards Consultative Committee	<i>Cr Longmire Alternative Cr Miegel</i>
Murray Regional Tourism	<i>Cr Law Alternative Cr Thomas</i>

SubPACT Committee (Police)	<i>Mayor</i> <i>Alternative Cr Wales</i>
Liquor Accord Committee (Corowa)	<i>Cr Wales</i> <i>Alternative Cr Law</i>
Liquor Accord Committee (Mulwala)	<i>Cr Kennedy</i> <i>Alternative Cr Thomas</i>
Friends of the Library - Corowa	<i>Cr Law</i> <i>Alternative Cr Miegel</i>
Friends of the Library - Howlong	<i>Cr Longley</i> <i>Alternative Cr Miegel</i>
Friends of the Library - Mulwala	<i>Cr Thomas</i> <i>Alternative Cr Kennedy</i>
Festival of Dance	<i>Cr Whitechurch</i> <i>Alternative Cr Law</i>
Community Safety Committee and Corowa Drug Action Team	<i>Cr Miegel</i> <i>Alternative Cr Law</i>
ACSUM - Alliance of the Councils and Shires of the Upper Murray	<i>Mayor</i> <i>Alternative Deputy Mayor</i>
Yarrowonga-Mulwala Tourism Inc	<i>Cr Kennedy, Thomas</i> <i>Alternative Cr Wales</i>
Riverina and Murray Region Organisation of Councils (RAMROC)	<i>Mayor</i> <i>Alternative Deputy Mayor</i>
Murray Arts	<i>Cr Law</i> <i>Alternative Cr Longley</i>
Corowa Arts and Culture Advisory Committee	<i>Cr Law</i> <i>Alternative Cr Miegel</i>
Urana Local Health Advisory Committee	<i>Cr Bourke (existing member)</i> <i>Adrian Butler Interim General Manager (existing member)</i>
Corowa Local Health Support Committee	<i>Cr Miegel</i> <i>Alternative Cr Longmire</i>
RMS Local Traffic Committee & Traffic Committee	<i>Cr Wales</i> <i>Alternative Cr Longmire</i>



### 5.3 JOINT ORGANISATIONS UPDATE

#### Summary

As part of the reforms to the NSW Local Government system over the past five years, a Joint Organisation (JO) model has been developed, to allow councils to formalise into groups. This report allows Council to consider the JO model that the NSW Government has now legislated. JO's are planned to be effective from July 2018, and councils have until 28 February 2018 to submit details of what JO it intends to join. Being in a JO is not compulsory, but is strongly recommended to assist in Local and State Government collaboration including for strategic planning across the region.

\$300,000 is available to each JO formed, and they must be within the current NSW Department of Planning regional boundaries. Federation Council is within the Riverina Murray boundary. A minimum of three councils is required to form a JO, and they need not be adjoining.

#### Background

A special meeting is being held between the RAMROC member Councils on 18 December, to seek a position with respect to the member Councils, and an update will be provided to Council on meeting day.

#### Attachments

5.3.1 JO information and FAQ's.

#### Financial Implications

Costs associated with the JO will include staffing, with each JO requiring an Executive Officer and other administrative support. This is not currently budgeted.

**RECOMMENDED** that Council note the report on Joint Organisations and received a verbal update report at the meeting and a further update at the January or February 2018 meetings.

**229/17** **RESOLVED** on the motion of Councillors Miegel and Longmire that Council note the report on Joint Organisations and received a verbal update report at the meeting and a further update at the January or February 2018 meetings.

### 5.4 JANUARY 2018 COUNCIL MEETING

#### Summary

This report allows Council to formally endorse the 11 December workshop decision to hold the January 2018 Council meeting on 23 January 2018, commencing at 10.00 am at the Corowa Civic Centre.

#### Background

Council considered the matter at the workshop held 11 December 2017, and agreed to hold the January 2018 meeting.

#### Attachments

Nil.

#### Financial Implications

Nil.

**RECOMMENDED** that Council move the ordinary meeting to 23 January 2018 and suitable notification occurs of the meeting as per standard practice.

**230/17**     **RESOLVED** on the motion of Councillors Longmire and Wales that Council move the ordinary meeting to 23 January 2018 and suitable notification occurs of the meeting as per standard practice.

**A BUTLER**  
**INTERIM GENERAL MANAGER**

## 6. DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

### 6.1 LIGHT UP FEDERATION

#### Summary

Residents are being encouraged to enter this year's Light Up Federation Christmas Light competition, which opened for registrations on Friday 10 November.

#### Background

The competition has become a popular initiative during the festive season, providing participants with the opportunity to go into the running to win \$1000 cash for the 'Best House' category. The title of 'Best Street' will also be awarded, with the winning street to have a sign placed below their existing street sign to recognise their success.

A 'Best Business' category has also been introduced this year.

Categories will be judged by residents and visitors via an anonymous voting process. Voting forms are available at any Council office or can be completed online. Residents will also be able to nominate their favourite display via Council's Facebook page.

Participating homes have been included on a 'Light Up' flyer, which is available for residents and visitors to collect from any Council office or to download from the Visit Corowa Region or Federation Council website.

The flyer will guide people as they visit the Christmas light displays around the region and is available from Monday 18 December.

Registration is free and closed at 5pm, Thursday 14 December 2017.

#### Attachments

Nil.

#### Financial Implications

The total cost of the Light Up Federation Christmas Light competition is \$1,500 and is funded from the general fund.

**FOR Council's information.**

**231/17 RESOLVED** on the motion of Longley and Law that the report was noted

#### Summary

Council has submitted its Public Interest Disclosures annual report to the Minister and also to the NSW Ombudsman in accordance with the section 31 of the Public Interest Disclosures Act 1994. Council has received no Public Interest Disclosures for this period to 30 June 2017. This has also been included in the Annual Report published on Council's website for the period 2016-2017.

#### Background

NSW Local Councils are required to report annually to Parliament on their obligations under section 31 of the [Public Interest Disclosures Act 1994](#). This is separate to the requirement under section 6CA of that Act to provide a report to the NSW Ombudsman every six months. One of the key reasons for having this separate reporting requirement is to ensure information about PIDs is publicly available to enable transparency and accountability.

The [Public Interest Disclosures Regulation 2011](#) outlines the information that must be included in the authority's annual report. For reporting periods following 1 January 2014, public authorities are required to draw a distinction between PIDs made by public officials:

1. performing their day-to-day functions
2. under a statutory or other legal obligation
3. all other PIDs.

The annual report must be prepared within four months after the end of each reporting year and submitted to the Minister responsible for the public authority. It must be tabled in each House of Parliament by the Minister as soon as practical after it is prepared, unless it is included in an annual report prepared for the purposes of the [Annual Reports \(Departments\) Act 1985](#) or the [Annual Reports \(Statutory Bodies\) Act 1984](#). Authorities must also provide a copy of the report to NSW Ombudsman

#### Attachments

6.2.1 Public Interest Disclosures (PID) Annual Report (17/29311)

#### Financial Implications

Nil.

**RECOMMENDED** that Council note that the Public Interest Disclosures Annual report has been submitted to the Minister and to the NSW Ombudsman. This has been included in the statutory reports section of the Annual Report for the period 2016-2017 available form Council's website.

**232/17** **RESOLVED** on the motion of Councillors Law and Miegel that Council note that the Public Interest Disclosures Annual report has been submitted to the Minister and to the NSW Ombudsman. This has been included in the statutory reports section of the Annual Report for the period 2016-2017 available form Council's website.

## 6.2 CODE OF CONDUCT COMPLAINTS REPORT

### Summary

Council has submitted its Code of Conduct complaints report in accordance Procedures for the Administration of the Model Code of Conduct (Section 12.1). Council advises that there were no complaints lodged against Councillors or the General Manager in the year to 31 August 2017 and a zero report was lodged.

### Background

Council has an obligation to report to the Office of Local Government and to Council on the number and status of any code of conduct complaints made within 3 months of the end of September of each year: The information required to be reported relates to:

- (a) The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
- (b) the number of code of conduct complaints referred to a conduct reviewer,
- (c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
- (d) the number of code of conduct complaints investigated by a conduct reviewer,
- (e) the number of code of conduct complaints investigated by a conduct review committee,
- (f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- (g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- (h) the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

The Office of Local Government has requested that this report be submitted by 30 November rather than 31 December to support them in compiling the final report.

#### Attachments

6.3.1 Code of Conduct Complaints Report (17/33255).

#### Financial Implications

Nil.

**RECOMMENDED** that Council note the Code of Conduct Complaint Report has been submitted.

**233/17FC RESOLVED** on the motion of Councillors Miegel and Law that Council note the Code of Conduct Complaint Report has been submitted.

### 6.3 GIPA AGENCY INFORMATION GUIDE

#### Summary

Council has updated its Agency Information Guide in accordance with the requirements of the Government Information Public Access Act 2009. The Guide has been updated to reflect the new branding template and organisational chart as well as updated links to Council's new website.

Included in the business papers is the revised Government Agency Information Guide Version 3.0 (16/24240) for Council's review and approval.

#### Background

Council has an obligation to adopt a GIPA Agency Information guide every 12 months under S.21 of the Government Information (Public Access) Act 2009, (GIPA). In accordance with the provisions of Section 20 of the *Government Information (Public Access) Act 2009*, the Agency Information Guide is available on Council's website and outlines the kinds of government information that will be available to the public and the manner in which it may be accessed.

#### Attachments

6.4.1 Government Agency Information Guide Version 3.0 (16/24240)

Financial Implications

Nil.

**RECOMMENDED** that Council's Agency Information Guide be adopted and placed on Council's website, in accordance with the requirements of the Government Information (Public Access) Act 2009.

**234/17FC RESOLVED** on the motion of Councillors Law and Longley that Council's Agency Information Guide be adopted and placed on Council's website, in accordance with the requirements of the Government Information (Public Access) Act 2009.

**6.4 GIPA ANNUAL REPORT**

Summary

Council has submitted its annual report to the Minister and also to the NSW Privacy Commissioner in accordance with the Government Information (Public Access) Act 2009.

This information has also been included in the statutory reports section of Council Annual Report published on Council's website for the period 2016-2017.

The GIPA Annual Report (17/29236) is lodged electronically using the GIPA Online Tool. A copy is included in the business paper for information.

Background

NSW Local Councils are required to report annually to the Minister on their obligations under section 125 of the Government Information (Public Access) Act 2009.

The annual report must include the following:

- (a) details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review,
- (b) the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications),
- (c) the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (Information for which there is conclusive presumption of overriding public interest against disclosure),

Authorities must also provide a copy of the report to NSW Privacy Commissioner

Attachments

6.5.1 The GIPA Annual Report (17/29236)

Financial Implications

Nil.

**RECOMMENDED** that Council note that the GIPA Annual report has been submitted.

**235/17FC RESOLVED** on the motion of Councillors Miegel and Law that Council note that the GIPA Annual report has been submitted.

## 6.5 BALL PARK CARAVAN PARK

### Summary

Federation Council is the Committee of Management for a large parcel of Crown Land known as Ball Park Caravan Park. Council has offered this as a lease opportunity to Caravan Park operators for decades and the term of the current lease will end on 30 June 2018.

The Ball Park Caravan Park lease includes the operation of the Corowa Swimming Pool, which is a facility now at the end of its Operational Life. Council has been continuing to plan and raise funds for the construction of a new Swimming Pool in Corowa.

Council engaged consultants Otium Planning Group to complete a study on Ball Park Caravan Park and the Corowa Swimming Pool, which would help to provide the Council with a clear direction in respect to the future development and operational models for both facilities.

### Background

A presentation was made by Otium Planning at the Council workshop on 27 November 2017 in relation to this project. This provided an overview of further swimming pool development options linked to Ball Park Caravan Park and a business opportunity review of the Caravan Park to help inform Council's decision in respect to the future leasing and preparation of a tender for Ball Park Caravan Park.

A draft report has been prepared but not attached to the Council agenda as it contains potentially commercially sensitive information in respect to the lease of Ball Park Caravan Park and completion of a future tender.

The report identifies a number of matters that could compromise the best outcome being achieved by Council if it was to now progress towards offering another long-term lease of Ball Park Caravan Park at the completion of the current tender.

While the report also recommends that Council would be best placed to offer a long-term lease in order to enable the attraction of significant private investment in the Caravan Park by an operator there are currently a number of unknowns, which may compromise the response to any tender for a long-term lease.

These matters include:

- Limited data including visitation to Ball Park Caravan Park.
- The determination by Council of what new swimming pool facility is to be constructed.
- Business disruption resulting from the construction of a new swimming pool.
- 

A new swimming pool will be a great asset to Ball Park Caravan Park and the report recommends that the lease of Ball Park Caravan Park should continue to include the Corowa Swimming Pool. The Report also identifies significant operational saving's and business opportunity that could be achieved through the better integration of the Swimming Pool complex with Ball Park Caravan Park.

To allow Council time to work through these matters and collect the necessary information in order to prepare a successful tender document, it is suggested that Council progress to put in a short-term (two years) caretaker contract to manage Ball Park Caravan Park and swimming pool on Council's behalf. This will enable Council to collect detailed revenue and occupancy data over the next two seasons whilst it also looks at and confirms its final facility development and funding strategies.

If this option is adopted, Council will need to meet with the current lessee as soon as possible to discuss arrangements that will need to be put in place to ensure a smooth transition to the new contract model and proceed to advertise the contract manager's role. Council will also need to budget for these costs and develop a notional budget allocation to take back management of the facilities.

It is also critical that Council reviews options for purchase and installation of an electronic reservation management system so it can introduce greater business control and monitor occupancy and business trends when caretaker management takes over.

This option provides time for Council to consider future development decisions without the pressure of tendering out the management of the facility. It also will allow Council to direct usage and financial data to help determine the financial viability of these two facilities.

In the case of the replacement of the Corowa Swimming Pool, it is estimated this will take 18 months to 2 years once a final option is chosen by Council before a new facility is likely to be operational. This could see a new pool open around November 2019 based on:

- A total of \$2.5M in grant funding is confirmed for this project with funding conditions set that the project should be completed prior to the end of 2019.
- This will likely be the last year of operation for the Corowa Swimming Pool as it has reached the end of its operational life.
- The likely project construction timeline will require the Pool to be closed for a season.
- If a decision is made by Council in respect to what Swimming Pool option is to be constructed – this may make it possible to limit the time Corowa is without a Swimming Pool to one season.

A further report will be provided to Council which summarises the development options and funding implications of the Corowa Swimming Pool.

#### Attachments

Nil.

#### Financial Implications

Due to a lack of data, this is difficult to determine. It is expected that expenses incurred in the short term through this new management model will be able to be recouped through Caravan Park revenue.

**RECOMMENDED** that at the end of the current Ball Park Caravan Park lease term, Council puts in place a short term two year caretaker contract model to manage Ball Park Caravan Park.

**236/17FC RESOLVED** on the motion of Councillors Miegel and Law that at the end of the current Ball Park Caravan Park lease term, Council puts in place a short term two year caretaker contract model to manage Ball Park Caravan Park.



**237/17FC RESOLVED** on the motion of Councillors Longmire and Whitechurch that Council investigate the opportunity to utilise the current contractors for a further 2 year period and invite the current contractors to present to Council.

## **6.7 BANGERANG PARK COROWA REDEVELOPMENT CONCEPT PLAN**

### **Summary**

Following community consultation, Council has been working to finalise the Playground redevelopment plan for Bangerang Park in Corowa. Please find attached to agenda the proposed concept plan for Bangerang Park. A number of changes have been made to the draft proposal following community feedback.

### **Background**

Bangerang Park will undergo significant improvements to create a vibrant, welcoming space for the whole community. In addition to a unique playground, the project will include a new toilet block with disabled access and baby change facilities, landscaping and connecting paths.

The playground design will feature custom pieces of equipment and natural play elements, using timber and stone to ensure the space compliments the natural environment.

The project seeks to beautify the Apex train station and incorporate this into the space as a key attraction. The repositioning of the playground will enable the mound to be used more effectively as a stage for outdoor events and celebrations.

More than 200 children from local schools and the Corowa Preschool provided feedback on the draft concept plans, which were placed on public exhibition in March/April this year. Council has also been working closely with stakeholders and further design work has been required to ensure that community feedback has been carefully considered.

Key changes to the draft plan which was placed on public display and well promoted for community feedback include;

- Repositioning of the Playground to improve the use of the park for special events such as the monthly markets.
- Repositioning of the Toilet Block (to be rebuilt close to its existing position).
- Scaling back of the proposal to allow the project to be delivered within the allocated budget.

Once the final concept plan is adopted by Council, some further detailed design work will be required to allow the project to be tendered for construction.

Subject to the timing and success of further grant funding applications submitted for this project, it is hoped construction can commence early next year.

### **Attachments**

6.7.1 Bangerang Park Concept Plan

### **Financial Implications**

\$500,963 has been allocated from the Major Projects Fund to support the Bangerang Park project, which has been a long standing priority for the community.

Council has also been working to secure additional funding for the toilet block and is hopeful that further funding will be confirmed before the end of the year.

Federation Council is pleased to be working in partnership with Rivalea Australia, who are contributing \$50,000 towards the playground.

**RECOMMENDED** that Council adopt the revised Bangerang Park Concept Plan and proceed to prepare further specifications and detailed design work in readiness for Construction.

**238/17FC RESOLVED** on the motion of Councillors Longmire and Longley that Council adopt the revised Bangerang Park Concept Plan and proceed to prepare further specifications and detailed design work in readiness for Construction.

**239/17FC RESOLVED** on the motion of Councillors Longmire and Law that Standing Orders be suspended at 10:50am for a morning tea break.

**240/17FC RESOLVED** on the motion of Councillors Law and Longmire that Standing Orders be resumed at 11:07am after the morning tea break.

## 7. FEDERATION COUNCIL MOBILE PRESCHOOL

### Summary

Council is currently working to finalise enrolments in the mobile preschool for next year. This year has seen record enrolment numbers in the service. The preschool team have been working very hard to ensure we remain flexible and responsive to the needs of families and the Department of Education.

### Background

Federation Council provides a mobile Early Education Preschool service for children aged 3-5 years.

The service currently runs between 9.00am - 3.00pm from Monday to Thursday during school terms.

The mobile preschool timetable this year has been as follows:

#### Monday

Rand – Rand Public School

#### Tuesday

Boree Creek – Boree Creek Public School

#### Wednesday

Urana – Urana Uniting Church Hall

#### Thursday

Oaklands – Oaklands CWA Hall

Families are encouraged to enrol children for more than one day by attending more than one location.

The service values childhood as a unique and important stage of life and is committed to the individual care and overall development of each child in partnership with the family.

#### **End of Year**

Our pre-school year will finish on Thursday 14 December 2017.

Each venue will have a small concert and Christmas Party with the children and families.

#### **2018 Fees**

It is proposed that fees should increase slightly for 2018 because of an increase in our rental agreements.

2018 fees are proposed to be:

\$25 per day– standard full fee (currently \$24).

\$12.50 per day for concession fees. (Health Care Card Holders, ATSI) (currently \$10.50).

The 2018 registration fee of \$20 per child and the termly Educational Equipment Levy of \$20 per child should remain unchanged.

#### **Regulation Changes 2018**

The service has recently been informed that mobile preschools must transition to the National Quality Standards. 2018 will be a transition year, with implementation to the assessment and rating process to begin in 2019. This will present some challenges for our service. Information is currently being gathered so that this can be assessed.

#### **New Venue for Boree Creek**

The mobile Preschool will be moving to a new venue in Boree Creek in 2018. Preschool will now be held from the Boree Creek Hall and Council is currently in the process of gaining venue approval from the Department of Education.

Council is committed to providing the highest quality care and education for children in rural areas, at an affordable cost for families. Please find attached to the agenda a copy of the latest preschool newsletter for your information. Council also uses Kindy Hub as a daily form of communication with preschool families.

#### **Attachments**

6.8.1 Preschool Newsletter

#### **Financial Implications**

N/A.

**RECOMMENDED** that Council adopt the proposed changes in preschool fees to commence from the start of first term 2018 to be \$25 per day (full fee) and \$12.50 per day (concession).

**241/17FC** **RESOLVED** on the motion of Councillors Miegel and Law that Council exhibit the proposed changes in preschool fees to commence from the start of first term 2018 to be \$25 per day (full fee) and \$12.50 per day (concession) for 28 days and receive a further report at the end of the exhibition period.

KJ KAY

DIRECTOR CORPORATE AND COMMUNITY SERVICES

**8. DIRECTOR FINANCE AND ORGANISATION DEVELOPMENT REPORT**

**7.1 STATEMENT OF BANK BALANCES AND RECONCILIATION AS AT 30 NOVEMBER 2017**

Balance as per Bank Statement:

General Account	0000 0022	358,718.19
Business Online Saver Account	1014 2522	1,720,608.56
Investments		43,866,332.47

Sub Total 45,945,659.22

Plus Deposits not yet lodged:

Mulwala	29 November 17	5,367.31
Corowa	30 November 17	13,305.27
Tourism	30 November 17	45.00
Urana	30 November 17	1,965.00
Mulwala	30 November 17	4,423.79

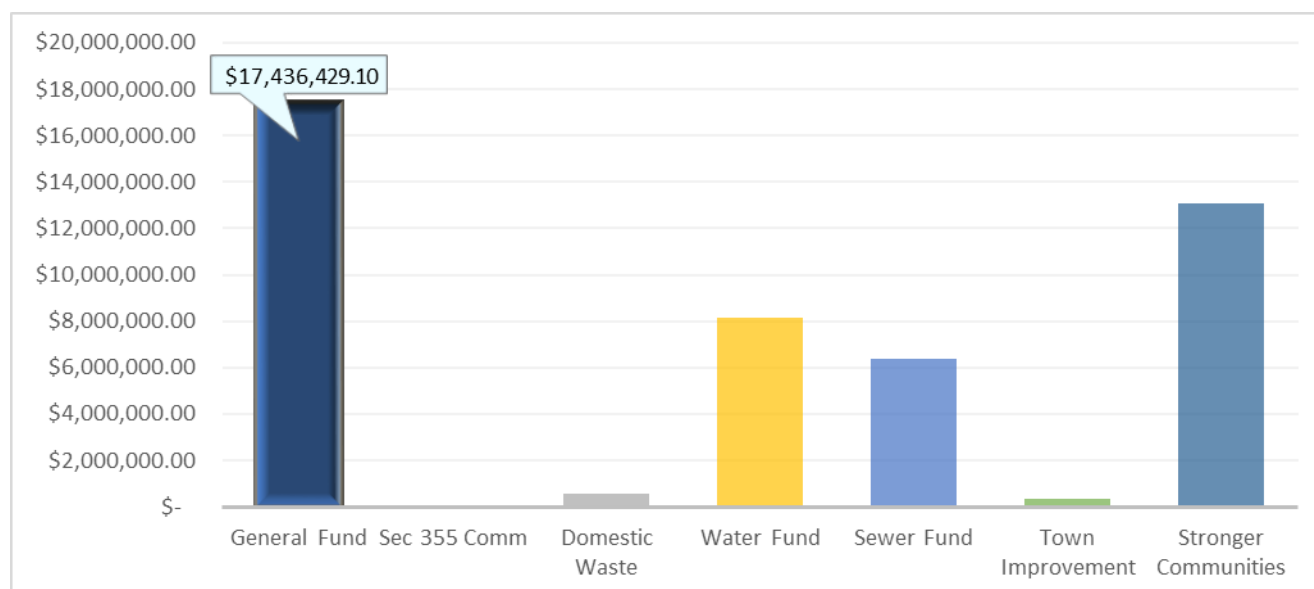
Sub Total 45,980,765.59

Less Unpresented Cheques: 565.25

Balance as per Ledger 45,980,200.34

Less External Restricted Funds 28,543,771.24

**Balance of General Fund Ledger 17,436,429.10**



**CERTIFICATE OF RECONCILIATION**

*I CERTIFY THAT THE COUNCIL'S GENERAL LEDGER BANK ACCOUNTS HAVE BEEN RECONCILED WITH THE APPROPRIATE BANK STATEMENTS AS AT 30 NOVEMBER 2017.*

**S NORMAN**  
**MANAGER FINANCE**

**RECOMMENDED** that the report on Statement of Bank Balances and Reconciliation as at 30 November 2017 be noted.

**242/17FC RESOLVED** on the motion of Councillors Miegel and Kennedy that the report on Statement of Bank Balances and Reconciliation as at 30 November 2017 be noted.

## 7.2 SCHEDULE OF INVESTMENTS AS AT 30 NOVEMBER 2017

The following list of investment securities is held as at 30 November 2017. Investment of funds on behalf of Council has been undertaken in accordance with the Local Government Act and Regulations.

### INVESTMENTS

Investment Type	Institution	Amount Lodged	Date Lodged	Rate	Days	Maturity Date
Term Deposit	Westpac	\$612,592.87	23/05/2017	2.35	196	05/12/2017
Term Deposit	CBA	\$504,647.12	11/04/2017	2.54	245	12/12/2017
Term Deposit	CBA	\$405,225.64	13/06/2017	2.48	371	19/12/2017
Term Deposit	Bendigo	\$230,000.00	08/08/2017	2.25	153	08/01/2018
Term Deposit	NAB	\$710,000.00	14/06/2017	2.47	209	09/01/2018
Term Deposit	NAB	\$790,000.00	14/06/2017	2.47	216	16/01/2018
Term Deposit	NAB	\$3,087,900.60	27/06/2017	2.47	210	23/01/2018
Term Deposit	NAB	\$2,118,519.73	04/07/2017	2.47	210	30/01/2018
Term Deposit	NAB	\$2,595,012.66	11/07/2017	2.47	210	06/02/2018
Term Deposit	Westpac	\$511,713.23	25/07/2017	2.61	203	13/02/2018
Term Deposit	Westpac	\$513,334.30	15/08/2017	2.61	1.84	15/02/2018
Term Deposit	NAB	\$500,000.00	22/09/2017	2.54	151	20/02/2018
Term Deposit	Westpac	\$514,980.00	01/08/2017	2.61	203	20/02/2018
Term Deposit	Bankwest	\$150,000.00	22/08/2017	2.45	182	20/02/2018
Term Deposit	NAB	\$1,381,097.12	21/08/2017	2.45	184	21/02/2018
Term Deposit	NAB	\$1,000,000.00	22/09/2017	2.54	158	27/02/2018
Term Deposit	NAB	\$1,345,727.57	28/10/2017	2.47	91	27/02/2018
Term Deposit	ANZ	\$1,014,520.55	05/09/2017	2.35	181	05/03/2018
Term Deposit	NAB	\$202,529.04	05/09/2017	2.52	181	05/03/2018
Term Deposit	NAB	\$303,793.56	05/09/2017	2.52	181	05/03/2018
Term Deposit	NAB	\$1,000,000.00	22/09/2017	2.54	165	06/03/2018
Term Deposit	ANZ	\$1,015,028.77	12/09/2017	2.36	181	12/03/2018
Term Deposit	ANZ	\$1,000,000.00	19/09/2017	2.37	182	20/03/2018

Term Deposit	CBA	\$729,432.39	22/08/2017	2.45	210	20/03/2018
Term Deposit	CBA	\$1,075,952.00	24/10/2017	2.35	154	27/03/2018
Term Deposit	CBA	\$1,000,000.00	22/09/2017	2.53	193	03/04/2018
Term Deposit	CBA	\$280,000.00	11/07/2017	2.56	273	10/04/2018
Term Deposit	NAB	\$720,000.00	11/07/2017	2.56	273	10/04/2018
Term Deposit	CBA	\$1,000,000.00	22/09/2017	2.54	207	17/04/2018
Term Deposit	CBA	\$1,014,372.88	26/09/2017	2.54	210	24/04/2018
Term Deposit	CBA	\$515,050.29	03/10/2017	2.46	203	24/04/2018
Term Deposit	Bendigo	\$2,042,548.39	17/10/2017	2.20	196	01/05/2018
Term Deposit	ANZ	\$2,173,518.34	24/10/2017	2.30	196	08/05/2018
Term Deposit	CBA	\$512,078.88	31/10/2017	2.43	196	15/05/2018
Term Deposit	CBA	\$1,053,457.01	08/11/2017	2.43	195	22/05/2018
Term Deposit	CBA	\$512,017.54	08/11/2017	2.44	202	29/05/2018
Term Deposit	CBA	\$1,000,000.00	27/11/2007	2.50	183	29/05/2017
Term Deposit	ANZ	\$1,062,322.92	29/11/2017	2.30	181	29/05/2018
Term Deposit	ANZ	\$1,059,902.35	08/08/2017	2.35	301	05/06/2018
Term Deposit	Westpac	\$516,530.71	10/11/2017	2.45	214	12/06/2018
Term Deposit	CBA	\$1,000,000.00	27/11/2017	2.50	197	12/06/2018
Term Deposit	CBA	\$512,184.78	14/11/2017	2.45	217	19/06/2018
Term Deposit	Bendigo	\$2,000,000.00	20/06/2017	2.40	365	20/06/2018
Term Deposit	NAB	\$2,580,341.23	28/11/2017	2.47	210	26/06/2018

**\$43,866,332.47**

#### CERTIFICATE OF RECONCILIATION

*I CERTIFY THAT THE INVESTMENTS HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, THE REGULATIONS AND COUNCIL'S POLICIES.*

**S NORMAN**  
**MANAGER FINANCE**

**RECOMMENDED** that Council note the report on the schedule of investments as at 30 November 2017.

**243/17FC RESOLVED** on the motion of Councillors Miegel and Law that Council note the report on the schedule of investments as at 30 November 2017.

### 7.3 RISK MANAGEMENT STRATEGY, POLICY AND FRAMEWORK

#### Summary

This report requests Federation Council make resolutions to review and consolidate the systems previously utilised by the former Shire Councils of Urana and Corowa to provide effective risk management in line with the AS/NZS ISO 31000:2009 Risk Management Standard.

Additional to the report are the following attachments, being a Risk Management Strategy, a Risk Management Policy and a Risk Management Framework for Council's consideration.

#### Background

Federation Council has adopted a Community Strategic Plan that consolidates the current and future aspirations of the community into five Strategic Directions, each of which contains supporting Strategic Objectives.

- Community and Culture
- Infrastructure and Services
- Rural, Urban Development and Local Economy
- Natural Environment
- Local Governance and Finance

Council is committed to the achievement of these Strategic Objectives. All threats to the achievement of the associated objectives will be identified, analysed, controlled, in order to eliminate or minimise these risks. The process is documented.

The Integrated Planning and Reporting (IP&R) 4 year Delivery Program identifies that "Council is proactive in identifying and implementing strategies to mitigate risk".

Council undertakes proactive risk management because:

- It is good practice to understand the strategic and operational risks and opportunities facing Council in order to make informed decisions and meet organisational and strategic goals;
- Council provides critical services and infrastructure to the residents and visitors of Federation Council; and
- Council has service agreements and contractual obligations with government and nongovernment agencies and organisations.

#### Report

##### Risk Appetite

Council has little or no appetite for known and avoidable operational risks that might impact on the safety and wellbeing of staff and the community, security of Council and public assets, Council's reputation and service delivery. Council acknowledges that it will have to take some calculated risks in order to achieve its strategic objectives. However, in taking such risks Council must consider current financial and human capacity and the potential impact on longer term financial, environmental and social sustainability.

##### Risk Management Strategy

Council's Risk Management Strategies have traditionally relied on the three lines of defence model approach, (the explanation of what these entail are included in Attachment 7.3.1), these being:

- 1st Line of Defence – Departmental Managers
- 2nd Line of Defence – Risk Management and Compliance Functions
- 3rd Line of Defence – Internal and External Audit.



#### Risk Management Policy

Council's Risk Management Policy ("the Policy") was last updated and adopted by the two former Councils pre the merger to form Federation Council. The Policy, (Attachment 7.3.2), articulates Council's commitment to an integrated and effective risk management system. The Policy also mandates the development and provision of a Risk Management Framework (Attachment 7.3.3), ("the Framework") and a Risk Management Plan will be developed as part of the Framework requirements.

The Policy is applicable to all Councillors, Senior Management, Supervisors and staff, contractors and volunteers of Council and encompasses all functions, activities and processes undertaken by Council in the achievement of all its stated objectives.

The Policy commits Council to achieving sound risk management practices and establishing an organisational culture that ensures an effective and integrated risk management system is embedded in Council processes. Details of how Council manages these elements of risk management are outlined in the Framework.

#### Councillor Consultation

Workshops are planned to be held with Councillors to provide further understanding of Councillor Risk Management responsibilities and the detailed elements that make up the draft Risk Management Framework.

#### Risk Management Project Brief and Project Team (Improvement Group)

A project brief has been constructed and approved for funding under the Merger Implementation Office and a Project Team formed to carry out the Risk Management Project in conjunction with other stakeholders. The key objectives of this project are to provide a functional, comprehensive and integrated guide to best practice in risk management for Federation Council.

#### Attachments

- 7.3.1 Risk Management Strategy (17/34014)
- 7.3.2 Risk Management Policy (17/28030)
- 7.3.3 Risk Management Framework (17/34556)

#### Financial Implications

Nil.

#### **RECOMMENDED**

1. THAT Council note Risk Management Strategy, Policy and Framework report;
2. THAT Council confirms Council's three lines of defence model strategy detailed in the Risk Management Strategy;
3. THAT Council places the Risk Management Policy on public exhibition; and
4. THAT Council notes the draft 'Risk Management Framework'.

**244/17FC**      **RESOLVED** on the motion of Councillors Longmire and Law:

1. THAT Council note Risk Management Strategy, Policy and Framework report;
2. THAT Council confirms Council's three lines of defence model strategy detailed in the Risk Management Strategy;
3. THAT Council places the Risk Management Policy on public exhibition; and
4. THAT Council notes the draft 'Risk Management Framework'.

**KC PARKER**  
**DIRECTOR FINANCE AND ORGANISATION DEVELOPMENT**

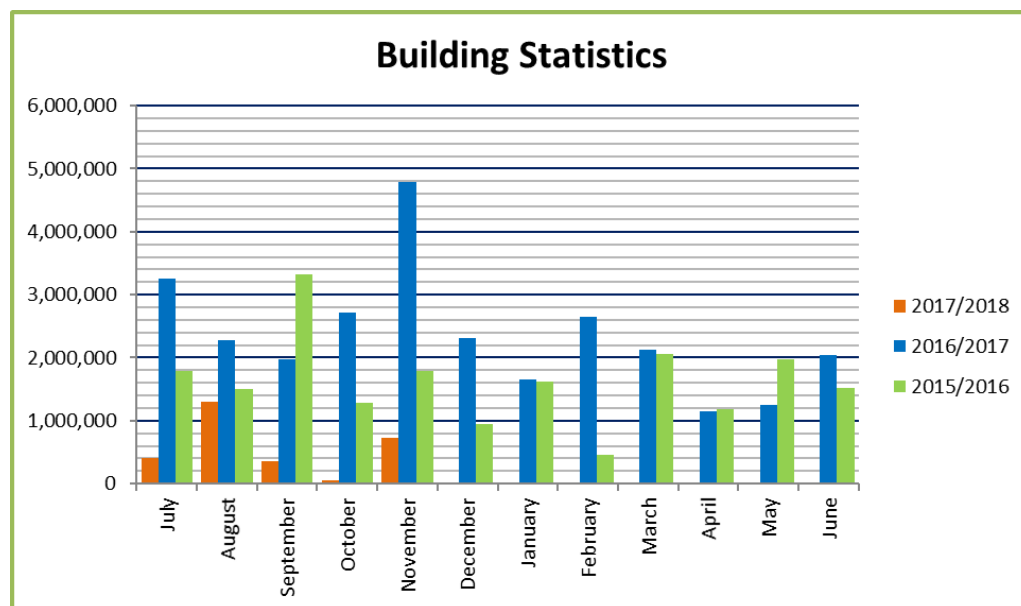
## 9. DIRECTOR INFRASTRUCTURE AND ENVIRONMENT REPORT

### 8.1 BUILDING APPROVALS – COMPLYING AND CONSTRUCTION CERTIFICATES APPROVED

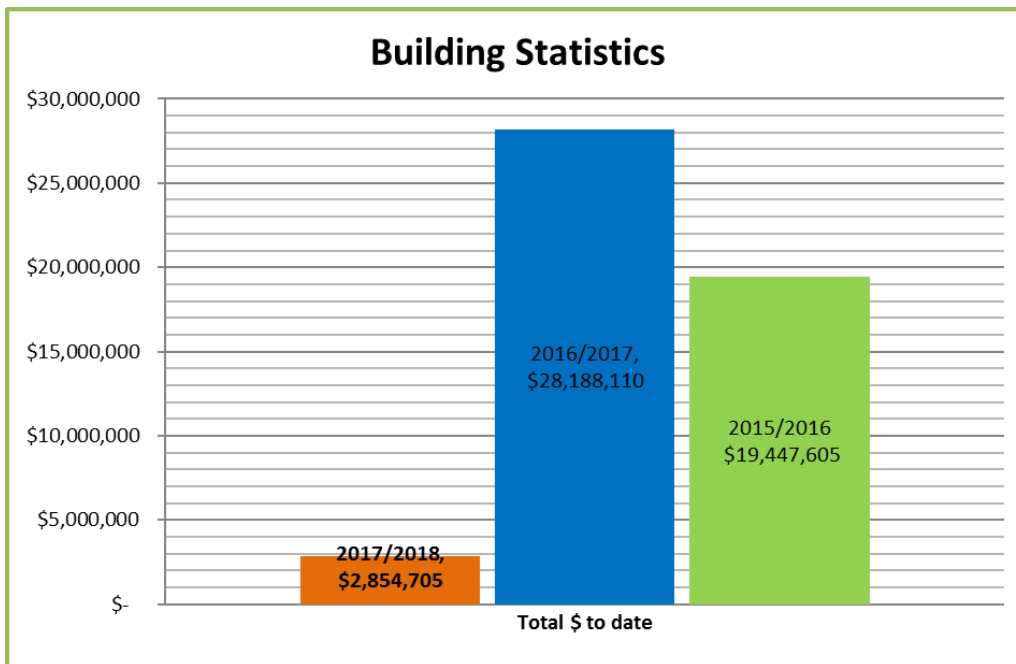
This report provides for Council’s information, the construction and complying development certificates issued since the report prepared for the November 2017 Council meeting. The report also includes graphs on the value of works approved, over the last three financial years (NB. Data as of 1 July is for Federation Council. Historical Data is for Corowa Shire Council only). These graphs show that building activity is continuing to grow each year, which is a positive indicator for the local economy and developer confidence.

2017/198	178 Jude Street Howlong	Shed
2017/217	6 Rose Drive Mulwala	Swimming Pool
2017/218	95 Corowa Road Mulwala	Dwelling
2017/228	94-96 Augusta Street Corowa	Pergola
2017/249	113-115 Clarke Street Howlong	Water tank
CDC2017/48	58 Sanger Street Corowa	Alterations and Additions to Shop
CDC2017/56	10 Wanani Road Mulwala	Swimming Pool
CDC2017/57	13-15 Cross Street Howlong	Swimming Pool
CDC2017/58	73 Sturt Street Mulwala	Swimming Pool

**TOTAL \$725,223**



\* Data as of 1 July 2016 is for Federation Council. Historical data is for Corowa Shire Council only.



\* Data as of 1 July 2016 is for Federation Council. Historical data is for Corowa Shire Council only.

**RECOMMENDED** that Council note the report on construction/complying development certificates issued since the November 2017 Council meeting.

**245/17FC RESOLVED** on the motion of Councillors Kennedy and Law that Council note the report on construction/complying development certificates issued since the November 2017 Council meeting.

**8.2 DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATED (STAFF) AUTHORITY SINCE LAST ORDINARY COUNCIL MEETING**

This report provides for Council’s information, the Development approvals that have been determined under delegated authority by the granting of consent subject to conditions, since the last ordinary Council meeting.

**DEVELOPMENT APPLICATION REGISTERED NO. 2016/100**

Application for a replacement of jetty on Low Density Residential Land being Lot 337; DP238210; 91 Corowa Road, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2016/144**

Application for a modification of consent on Local Centre Land being Lot 5; DP; 91 Corowa Road, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/159**

Application for a Shed on General Residential Land being Lot 109; DP1006800; 46 Larmer Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2016/189**

Application for a Dwelling on General Residential Land being Lot 2; DP1100253; 170 Victoria Street Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/200**

Application for Alterations and Additions to Shop on Local Centre Land being Lot 1; DP195807; 9 Bow Street, Corowa.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/207**

Application for a Shed on Low Density Residential Land being Lot 41; DP1202116; 18 Acacia Drive, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/208**

Application for a Dwelling on General Residential Land being Lot 13; DP286637; 13/4 Melbourne Street, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/210**

Application for a Dwelling and Shed on Low Density Residential Land being Lot 1; DP1140561; 1 Damien Crescent, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/211**

Application for a Dwelling on General Residential Land being Lot 10; DP1116584; 7 Heather Circuit, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/212**

Application for a Swimming Pool on General Residential Land being Lot 10; Section 63; DP758528; 1-3 Kennedy Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/213**

Application for a Shed on Low Density Residential Land being Lot 24; DP1202116; 11 Rose Drive, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/220**

Application for Dwelling Additions on General Residential Land being Lot 3; DP758528; 127 Hoddle Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/222**

Application for a Shed on General Residential Land being Lot 61; DP845657; 68 Romney Street, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/223**

Application for a Shed with Attached Carport on Low Density Residential Land being Lot 20; DP255581; 20 Wanani Road, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/225**

Application for a Alfresco Area on Low Density Residential Land being Lot 28; DP1202116; 14 Rose Drive, Mulwala.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/226**

Application for a Dwelling on Local Centre Land being Lot 3; DP978429; 15 River Street, Corowa.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/229**

Application for a 2 Lot Subdivision on General Residential Land being Lot 2; DP758528; 43 Kennedy Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/233**

Application for a Carport on General Residential Land being Lot 16; DP758528; 28 Victoria Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/241**

Application for a Patio on General Residential Land being Lot 41; DP746442; 114-116 Short Street, Howlong.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/257**

Application for a Swimming Pool on Low Density Residential Land being Lot 21; DP758296; 148 Church Street, Corowa.

**DEVELOPMENT APPLICATION REGISTERED NO. 2017/96**

Application for a Demolition on Local Centre Land being Lot 3; DP737571; 58 Queen Street, Corowa.

**RECOMMENDED** that Council note the report on the Development approvals that have been determined under delegated authority by the granting of consent subject to conditions, since the last ordinary Council meeting.

**246/17FC RESOLVED** on the motion of Councillors Law and Miegel Council note the report on the Development approvals that have been determined under delegated authority by the granting of consent subject to conditions, since the last ordinary Council meeting.

Cr Thomas left the meeting 11.17 am due to a non pecuniary interest in the upcoming report.

**8.3 ROAD CLOSURES- LAMBRUK LANE - UN-NAMED ROAD URANA - PELL STREET - UN-NAMED ROAD OAKLANDS**

**Summary**

This report provides discussion and recommendations on requested road closures for;

1. Lambruk Lane, Mulwala
2. Un-named road (between East Gums Road and West Gums Road), Urana
3. Read Street, Howlong
4. Un-named road, in the vicinity of Narrow Plains Road, Claremont Road and Dalitzs Road, Oaklands

Council has received requests for the closure of:

1. Lambruk Lane, Mulwala
2. Un-named road (between East Gums Road and West Gums Road), Urana
3. Pell Street, Howlong

Road locations are shown in red on the plans and photographs included below.

***Lambruk Lane, Mulwala***

Lambruk Lane, Mulwala is between the Tocumwal Road and Savernake Road. The road reserve is unconstructed and services land that is wholly owned by the same land owner.



The proposed road closure will not impact on Council’s assets, emergency vehicle access or adjoining landowners.

*Un-named Road, Urana*

The un-named road (between East Gums Road and West Gums Road), Urana is to the north east of Urana by approximately 14km. The road reserve is unconstructed and services land that is wholly owned by the same land owner.



The proposed road closure will not impact on Council’s assets, emergency vehicle access or adjoining landowners.

*Pell Street, Howlong*

Pell Street, Howlong is between Read Street and Holbeach Street. The road reserve contains an open drainage channel which collects water from Holbeach Street, then discharges to currently vacant land and is then

collected and channelled to the retention basin at the corner of Townsend Street and Emily Court. The section of road is adjacent to the proposed development currently being processed as a subdivision.

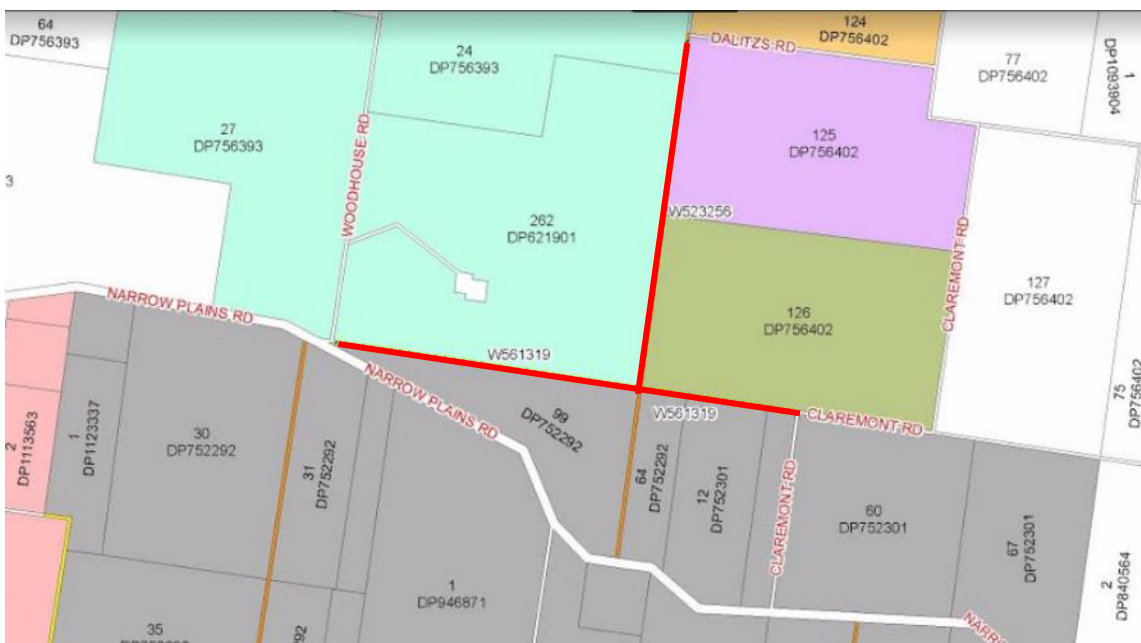


The request to close the road is from the subdivision developer (Read Street) and is for the purpose of providing an improved drainage channel, retention basin for the subdivision and one additional allotment. The drainage channel and retention basin will become Council assets on completion of the development. Closure of the road may restrict future development of adjoining land which under different ownership.

The proposed road closure will impact Council’s access to the drainage channel and adjoining landowners, as such closure of the road reserve is not a benefit to the Council or the community.

*Un-named road, Oaklands*

The un-named road is South West of Oaklands by approximately 5.5km. The road reserve is unconstructed and services land that is owned by 3 different land owners. The closure of the roads will not impact the access to the properties as all properties have primary access points from other formed roads. There are formed farm access tracks within the road reserves. These tracks are not Council assets.





#### Road Closure Process

The road closure process is a function of the Department of Primary Industries (Lands) and varies depending on the status of the road. In all three requests the roads are unconstructed.

Under the Roads Act 1993, unconstructed Crown and Council Roads will vest in the Crown upon closure. Where road closure applications are initiated by a third party, for unconstructed Council Roads, the Road Closure: Public Road Closure application (general) may be lodged by the third party with written consent from Council. The consent should acknowledge the road will vest in the Crown upon closure and that the department may deal directly with the third party through the private treaty sale process.

#### Community Implications

The proposed road closures of Lambruk Lane and the un-named roads do not impact the community in general.

The proposed road closure of Pell Street impacts the ability of the adjoining owners to develop their land in the future.

#### Environmental Implications

In all three cases there are no environmental impacts expected due to the proposed road closures.

#### Financial Implications

There is no financial impacts expected due to the proposed road closures.

#### Strategic Implications

The proposed road closures of Lambruk Lane and the un-named roads do not have any foreseeable strategic implications for Council.

The proposed road closure of Pell Street will impact Council's Asset Management Strategy through the road reserve becoming a privately owned parcel of land with Council assets protected by easements only.

#### RECOMMENDED:

1. THAT Council consent to the closure of Lambruk Lane, Mulwala and provide a letter of consent to the landowner;
2. THAT Council consent to the closure of the un-named road, Urana and provide a letter of consent to the landowner;
3. THAT Council **not consent** to the closure of Pell Street, Howlong; and
4. THAT Council consent to the closure of the un-named road, Oaklands and provide a letter of consent to the landowner.

**247/17FC**      **RESOLVED** on the motion of Councillors Law and Whitechurch:

1. THAT Council consent to the closure of Lambruk Lane, Mulwala and provide a letter of consent to the landowner;
2. THAT Council consent to the closure of the un-named road, Urana and provide a letter of consent to the landowner;
3. THAT Council not consent to the closure of Pell Street, Howlong; and
4. THAT Council consent to the closure of the un-named road, Oaklands and provide a letter of consent to the landowner.

Cr Thomas returned to the meeting 11.20 am

#### **8.4 PLANNING PROPOSAL 12 REZONING FROM RU1 PRIMARY PRODUCTION TO IN1 GENERAL INDUSTRIAL AND TO REMOVE THE MINIMUM LOT SIZE (MLS) FOR SUBDIVISION**

##### Summary

This report Planning Proposal seeking an amendment to the Corowa Local Environmental Plan 2012 (CLEP) to rezone land on the north east fringe of the Howlong township from RU1 Primary Production to IN1 General Industrial and to remove the Minimum Lot Size (MLS) for subdivision.

Lots 67, 68, 69 and 70 in DP753744

##### Background

The Planning Proposal documentation supporting this proposal has been prepared by Habitat Planning and is included as an attachment.

##### Attachments

8.4.1 Planning Proposal Lots 67, 68, 69 and 70 in DP753744 – November 2017.

##### Financial Implications

Nil.

**RECOMMENDED** that Council has considered the written planning proposal and directs that the written proposal be sent to the Department of Planning and Infrastructure for an initial Gateway Determination under section 56(1) of the Environmental Planning and Assessment Act, the planning proposal to amend the Corowa Local Environmental Plan 2012 to rezone the subject lands from RU1 Primary Production to IN1 General Industrial and to remove the minimum lot size (MLS) for subdivision.

**248/17FC**      **RESOLVED** on the motion of Councillors Miegel and Kennedy that Council has considered the written planning proposal and directs that the written proposal be sent to the Department of Planning and Infrastructure for an initial Gateway Determination under section 56(1) of the Environmental Planning and Assessment Act, the planning proposal to amend the Corowa Local Environmental Plan 2012 to rezone the subject lands from RU1 Primary Production to IN1 General Industrial and to remove the minimum lot size (MLS) for subdivision.

Cr Thomas left the meeting 11.21am due to a non pecuniary interest in the upcoming report.

## **8.5**      **PROPOSED STATE SIGNIFICANT DEVELOPMENT - SOLAR FARM MULWALA**

### **Summary**

This report is to provide Council with information for a proposed state significant solar farm at Mulwala and to ascertain if there are any concerns with this proposal prior to lodgement of a development application with the NSW Department of Planning.

The proposed land is located at Tocumwal Road and Savernake Road (8.5.1).

### **Background**

Council recently received an enquiry regarding a proposed solar farm to be located in Mulwala. The size of this solar farm is of a scale considered State Significant Development and as such the NSW Department of Planning will determine the application.

The proposed land is located at Tocumwal Road and Savernake Road (8.5.1).

The surrounding land uses are rural, large lot residential, and industrial. Part of the proposed site includes land zoned R2

As part of the preliminary environment assessment, the consultant preparing the Environmental Impact Statement are seeking comment from Council in particular, any concerns that may arise in relation to the proposed development.

The items for consideration from Council include;

- The project is aligned with the LEP and Council's objectives
- Does the project have full support from Council?
- Are there any strategic and land use plans for Mulwala which could be impacted by this development

ENSCO Pacific have provided and estimated timeframe for this project

### **Timeframe:**

- Finalising the preparation of a Preliminary Environment Assessment (PEA) – Scoping report. Lodge the PEA report in December 2017.
- Obtain the Secretary's Environmental Assessment Requirements (SEARs) by the end of January
- Preparation of the EIS would start early February
- lodgement late autumn, early winter depending on the project's complexity
- Community consultation would be at the end of summer
- Project construction would not start before 2019

Attachments

- 8.5.1 Land Location Map - Tocumwal Savernake Roads.
- 8.5.2 Scoping Report

Financial Implications

Nil.

**RECOMMENDED** that Council provide comment in respect to any concerns with the proposed State Significant solar farm in Mulwala to the New South Wales Department of Planning and ESCO Pacific as part of the preliminary Environmental Impact Assessment.

**249/17FC RESOLVED** on the motion of Councillors Law and Wales that Council provide comment in respect to any concerns with the proposed State Significant solar farm in Mulwala to the New South Wales Department of Planning and ESCO Pacific as part of the preliminary Environmental Impact Assessment.

Cr Thomas returned to the meeting 11.24am.

**8.6 DEVELOPMENT APPLICATION 2017/175 HIGHWAY SERVICE CENTRE 475-479 HONOUR AVENUE COROWA**

Summary

This report allows Council to consider and determine a Development Application for a Highway Service Centre including subdivision of land, consolidation of lots, demolition of existing structures, construction of highway service centre, convenience store, dining amenities, refuelling services and signage.

The application was notified in accordance with legislative requirements and one submission was received with concerns about the proposed development.

**Property:** 475-479 Honour Avenue Corowa  
Lot 2 DP 1151254, Lot 2 DP1088567, Lot 1 DP 119963 Lot 1 DP 119967.  
**Proposal:** Highway Service Centre  
**Applicant:** Barker Group NSW Pty Ltd  
**Zoning:** B6 Enterprise Corridor

Background

On 23 August 2017, Council received a Development Application for a proposed Highway Service Centre at 475-479 Honour Avenue Corowa

The total area of the proposed site is 10,512m<sup>2</sup> including freehold land to be purchased from Federation Council. The land is zoned B6 Enterprise Corridor and the proposal is permissible under the Corowa Local Environment Plan 2012

The proposal was referred to the Roads and Maritime Service and the Office of Environment and Heritage for comment and advertised in accordance with Council's notification policy.

Council received one submission in relation to this proposal.

**Section 79C evaluation** – in determining a development application, a consent authority is to take into consideration such of the following matters as are relevance to the proposed development:

**Environmental Planning Instrument** – The applicable planning instrument is the Corowa Local Environmental 2012. The site is located within a B6 Enterprise Corridor zone where this type of development is permissible with Council consent.

The objectives of the zone are;

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed-use development.
- To facilitate a mix of business and retail development in the vicinity of the intersection of Federation Way and Honour Avenue that services the needs of the travelling public.

Draft Environmental Planning Instrument – There is no draft planning instrument or proposed draft planning instrument applicable to this land.

Development Control Land – The allotment is subject to the Corowa Development Control Plan 2013. The proposal meets the requirements set out in the DCP. A number of conditions have been applied to the development consent to ensure compliance with the Design Manual.

Planning Agreement – There has been no planning agreement entered into under section 93F of the Act.

Regulations – There is no conflict with the requirements of the regulations.

Coastal Zone Management Plan –Not applicable.

Likely Impact of Development – An assessment of the environmental impacts on both the natural and built environments and social and economic impacts on the locality and it is considered that the development will not result in an adverse environmental impact. Of greatest concern in assessing, the environmental impact was the traffic impact of the proposed entry to the site from Honour Avenue.

Suitability of the site - The site is located within an existing business corridor zone. The location of the proposed service centre is ideal to service the needs of traffic coming from Victoria and traffic along the Riverina Highway. The site has existing services and surrounding properties such as the saleyards will benefit from this location.

Submissions – Following the public exhibition of the development in accordance with Council's Notification Policy 1 submission had been received. The submission outlined concerns regarding;

1. The entrance of the site,
2. The location of the existing electricity pole,
3. The proposed exit onto Honour Avenue,
4. The size of the lot, and
5. Visual amenity. Of the area

The following concerns are addressed as follows;

1. The entrance of the site,- Conditions of approval from the RMS requiring measures to be put in place to ensure safe traffic to and from the site.

2. The location of the existing electricity pole,  
The electricity pole has been considered in the design of the site, traffic studies have been undertaken to ensure that the proposed internal roads are compliant.
3. The proposed exit onto honour avenue,  
RMS have imposed conditions requiring restrictions of the exit to be left turn only.
4. The size of the lot, the proposed lot size is adequate for this type of development- additional land is being acquired from Council.
5. Visual amenity. Of the area- the area is industrial, the proposed service centre design would not be out of character.

Public interest – The development will result in the provision of a service centre located out of the town centre to service vehicles including trucks. The location near the saleyard is convenient and practical to service the needs of those using the saleyards as well s potentially capturing interstate travellers.

#### Attachments

Nil.

#### Financial Implications

Nil.

**RECOMMENDED** that Council grant consent to Development Application 2017/74 subject to the following conditions:

#### General

1. **Compliance Standards:** Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act and the Building Code of Australia (“BCA”).

**Reason:** The legal obligations of the Council to administer the New South Wales Building and Planning laws in order to provide satisfactory standards of living and development.

2. **Appointment of Principal Certifying Authority and Notice of Commencement:** The Applicant shall appoint a Principal Certifying Authority and submit a Notice of Commencement at least 48 hours prior to the commencement of any works. The Principal Certifying Authority may be either Council or a Private Certifier. The notice is to be submitted on the prescribed form attached to this approval.

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act.

3. **Occupation Certificate:** Any building subject to this consent may not be used or occupied prior to the issue of an Occupation Certificate by the Principal Certifying Authority. An application for an Occupation Certificate must be lodged on the specified form attached to this approval.

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Regulation

**4. Occupation Certificate**

Prior to the certifying authority issuing an Occupation Certificate to authorise a person to commence occupation or use of the building, the certifying authority must be satisfied that a Final Fire Safety Certificate has been issued for the building.

**Reason:** To ensure that fire and other safety measures are maintained in a proper working condition.

**5. Annual Fire Certificate:** The owner of the building shall submit to Council an 'Annual Fire Safety Statement' by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council.

The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation. Forms for this purpose can be collected from Council's Office.

**Reason:** To ensure that fire and other safety measures are maintained in a proper working condition.

**6. Consolidation:** Lot 2 DP 1151254, Lot 2 DP1088567, Lot 1 DP 119963 Lot 1 DP 119967 being consolidated into one prior to issue of the Subdivision Certificate.

**Reason:** To ensure that the completed development is on consolidated land and does not encroach onto other allotments.

**7. Access to premises legislation:** The owner of the building shall ensure that, when completed, the works comply with the provisions and requirements of the Disability (Access to Premises – Buildings) Standards 2010.

**8. Closet facilities:** Separate closet facilities and other sanitary facilities shall be provided for each sex in accordance with the provisions of Part F2 of the Building Code of Australia.

**9. Toilets:** One toilet must be constructed to provide access for people with disabilities. (See Australian Standard AS 1428.1 on size etc.) Both toilets must be separated from the Staffroom by an air lock OR the toilet screened from view and the toilet fitted with an exhaust fan. See Clauses F4.8 and F4.9 of the Building Code of Australia. A urinal is required if there are more than ten (10) male employees.

**10. Disabled car parking:** Provide at least one (1) car parking space for people with disabilities (BCA,D3.5).

**11. Access for people with disabilities:** Provide access for people with disabilities to and within the entrance floor and parts of the building as prescribed. (BCA. D3.3).

**12. Anti-discrimination legislation:** This application has been assessed in accordance with the relevant building laws and it remains the responsibility of the builder to ensure compliance with other laws, including anti-discrimination legislation.

**13. Identification of facilities, services, features:** Clear and legible braille and tactile signage complying with specification D3.6 and incorporating the international symbol of access, or deafness or other symbol in accordance with AS1428.1 must identify each:

- (a) Sanitary facility
- (b) Hearing augmentation system
- (c) Accessible entrance

- (d) The path of travel from the principle entrance to these facilities. (See BCA D3.6 and Specification D3.6).

### Demolition

- 14. Protection of public place:** If the building or demolition work is likely to effect pedestrian or vehicle traffic in a public place a hoarding or fence is to be provided.
- 15. Demolition:** All demolition works must be carried out safely and in accordance with the requirements of WorkCover NSW. Before starting work a demolition license and/or a site specific demolition permit may be required from WorkCover. Contact WorkCover Assistance on 13 10 50 or visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- 16. Disconnection of services**  
The services to the property are to be safely disconnected and capped off. The sewer is to be capped off and location identified for future connection.
- 17. ASBESTOS:** Development involving bonded asbestos material and friable asbestos material.
- (a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001.
- (b) Work involving bonded asbestos removal work of an area less than 10 square metres may be undertaken by a person who complies with (a) above or who complies with the requirements of WorkCover. Contact WorkCover Assistance on 131050 or visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (c) The person having the benefit of the construction certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the construction certificate commencing.
- (d) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

In this clause, ***bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work*** have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

- Note 1.** Under clause 317, removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.
- Note 2.** The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.
- Note 3.** Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.
- Note 4.** Demolition must be carried out in accordance with Australian Standard AS 2601-2001, *Demolition of Structures*.



**18. Garbage/recycling bins:** All bins are to be returned to Council. Contact the Rates Department on 02 6033 8970 to arrange collection. When the bins are returned your rates account will be credited accordingly.

**19. Approved plans not to be departed from:**

The approved plans and specifications shall not be departed from in any way, unless approval is first obtained from the Council's Building Surveyor. Applications to amend such plans and specifications must be submitted in writing to the General Manager.

**20. Hours of work:** All construction works are restricted to the following times:

Monday to Friday: 7 am to 6 pm. Saturday, Sunday and Public Holidays: 8 am to 6 pm. Noise from the site on Saturdays, Sundays and Public Holidays shall not exceed 5dB(A) above the background noise level when measured at the property boundary.

**21. Submission of construction certificate**

Site works are not to commence until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

**Reason:** To comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

**Liquid Trade Waste**

**22. Liquid trade waste application**

The Applicant must lodge a completed liquid trade waste application with Council and ensure that a valid Liquid Trade Waste Approval has been granted in association with the proposed kitchen prior to the release of the Construction Certificate. The Applicant must allow in the design for all required trade waste pre-treatment equipment to be installed.

**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.

**23. Pre-treatment requirements**

Screens in all sinks used for food preparation, including the cleaner's sink, if installed.

Floor wastes in food preparation areas, if installed, require to be fitted with dry basket arrestors with fixed screen underneath the removable basket.

Installation of a 1000 L grease arrestor to pre-treat the liquid trade waste from food preparation activities.

**24. Final certificate of compliance**

Prior to the use of the proposed kitchen as a food preparation area, the Applicant must obtain a final certificate of compliance from Council to ensure the liquid trade waste pre-treatment installation complies with the applicable standards and legislation.

**Reason:** To ensure compliance of the installation with the Work Health and Safety Act 2011, the Plumbing Code of Australia, Australian Standard 3500, the Local Water Utility's (LWU's) requirements and the manufacturer's instructions.

**25. Forecourt waste water discharge**

Waste water from the service station forecourt is prohibited from being discharged directly or indirectly (tankered) to Council's sewer infrastructure.

**Reason:** To ensure compliance with Crown Lands and Water requirements for the management of liquid trade waste from new or refurbished refuelling forecourts.

**Infrastructure**

**26. Works Standards**

All works carried out must be in accordance with Council's Infrastructure Guidelines and standard drawings.

**Reason:** To ensure minimum standards are maintained for public infrastructure.

**27. Storm Water and External Surface Wash Down Water Capture**

All captured stormwater and external surface wash down water discharging from the site, buildings and works must be conveyed to a single legal point of discharge by underground pipe drains to the satisfaction of Council.

No effluent, polluted or domestic waste water of any type may be allowed to enter the Council's stormwater drainage system or any road, stream, river or other waterway reserve.

**Reason:** Stormwater control, pollutant control and flooding prevention

**28. Storm Water Outfall Restriction**

Prior to the issue of a building certificate a site drainage plan with engineer certified computations must be submitted to and approved by Council.

The plan must give details of how the works on the land are to be drained to the legal point of discharge and retarded to the discharge rate for the undeveloped site for a 1 in 5 year ARI storm. A flow path for the 1 in 100 year ARI must be shown on the plan.

**Reason:** Flood prevention.

**29. Construction Site Drainage Management**

Prior to the commencement of works, a site drainage management plan must be submitted to and approved by Council. The plan is to include silt controls and storm water flow controls.

The plan must give details of how the separation of stormwater to contaminated stormwater will be achieved and managed.

**Reason:** Pollutant control

**30. Road Opening Permit**

A road opening permit application must be completed and submitted for each individual access and egress. The application must be approved prior to commencement of any works.

**Reason:** Asset protection

**31. Services Connection**

A sewerage service connection shall be made to a single legal point of discharge.

Prior to the commencement of works a sewerage plan with engineer certified computations must be submitted to and approved by Council.

The plan must give details of the total volumes of sewage that will enter council sewerage network. In the event the increased sewage exceeds the capacity of the Pump Station, a new pump station design is to be submitted and approved by Council. All cost associated with the upgrade will be the responsibility of the developer.

A separate potable water service connection shall be made to a single legal connection point. An application for connection must be made to council.

**Reason:** Public health

**32. Road Access**

New Road from Honour Avenue roundabout must have barrier kerb installed and must be a minimum of 11m kerb face to kerb face. All perimeters within the new facility must have barrier kerb installed.

The property boundary at the intersection of the New Road to the entrance at the new facility must cater for a future roundabout to be installed by in accordance with AustRoads - Guide to Road Design Part 4A: Roundabouts. The minimum sized design vehicle is to a B-Double.

**Reason:** Future road upgrade capacity.

**33. Construction Certificate – Civil Works**

Prior to Commencement of works a construction certificate application in the prescribed manner (including appropriate plans) must be submitted for approval. Works must not proceed without a valid Construction Certificate.

**Reason:** Works control

**Roads and Maritime**

**34. Raised central traffic median**

A raised central traffic median shall be constructed within Honour Avenue to deny right turn movements between the development site and Honour Avenue. The proposed driveway shall be located and the median designed to meet this requirement but not deny right turn movements between Honour Ave and the existing driveway to the developments on the opposite side of Honour Avenue. The design and construction of this median treatment shall comply with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.

**35. Signage**

Appropriate signage and line marking shall be installed and maintained within the raised median along Honour Avenue to deny U-Turn movements within Honour Avenue.

**36. No Parking along Honour Avenue**

Parking along Honour Avenue adjacent to the development site shall be denied. Appropriate signage and line marking shall be installed and maintained to enforce this requirement.

**37. Off-street car park layout**

The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".

**38. Site manoeuvrability**

The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

**39. Vehicle access, parking and loading**

Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.

**40. Landscaping, fencing and signage**

Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

**41. Vehicular loading/unloading**

All vehicular loading/unloading associated with this development is to be undertaken within the subject site to remove interference with vehicles and pedestrian movement on public roads.

**42. Restore any damage or disturbance**

Any damage or disturbance to the road reserve of the adjoining roads is to be restored to match surrounding landform in accordance with Council requirements. Any redundant vehicular access points to the subject site from the road network shall be removed and the road reserve reinstated to match the surrounding roadside landform.

**43. Stormwater run-off**

Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of any adjoining road.

**44. Management plan**

A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect these requirements.

**45. Austroads Guide to Road Design**

All works undertaken within the road reserve of Honour Avenue, which forms part of the Yarrawonga-Corowa Road (MR314), shall be designed and constructed to the satisfaction of Roads and Maritime Services and in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services.

**46. Works within the road reserve**

Any works within the road reserve of a Classified Road requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

**47. Works Authorisation Deed (WAD)**

The Yarrawonga-Corowa Road (Honour Avenue) is part of the State Road network. For works within the carriageway of a State Road 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 applicant is to contact the Manager, Land Use for the South West Region on Ph. 02 69236611 for further detail.

The design and construction of the works within the carriageway of the Yarrawonga-Corowa Road shall be in accordance with the requirements of Roads and Maritime Services. The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services.

**48. Works at no cost to Roads and Maritime Service**

Any works associated with the development shall be at no cost to Roads and Maritime Services.

**49. Advertising signage**

Any advertising signage is to be assessed against and comply with the provisions of State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage., and the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007). The following is appropriate unless the provisions for advertising structures under SEPP 64 apply.

Any signage shall be designed and located so as to comply with the following;

- a) the sign display shall not include:
- Any flashing lights,
  - Electronically changeable messages,
  - Animated display, moving parts or simulated movements.
  - Complex display that holds motorist’s attention beyond “glance appreciation”,
  - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as ‘halt’ or ‘stop’;
- b) shall not be located within the Safe Stopping Distance for the posted speed limit from the roundabout at the intersection of Honour Avenue and Federation Way.
- c) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
- d) The permissible level of reflectance of an advertisement is not to exceed the ‘Minimum coefficients of Luminous intensity per unit area for Class 2A’, as set out in Australian Standard AS/NZS 1906.1:2007;
- e) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.

- f) Any proposed sign and supporting structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
- g) Any proposed sign and supporting structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
- h) Any proposed sign and supporting structure shall not pose any risk to the safety of pedestrians or motorists.

FOR Council's Determination

**250/17FC RESOLVED** on the motion of Councillors Longmire and Longley that Council grant consent to Development Application 2017/74 subject to the following conditions:

**General**

1. **Compliance Standards:** Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act and the Building Code of Australia ("BCA").

**Reason:** The legal obligations of the Council to administer the New South Wales Building and Planning laws in order to provide satisfactory standards of living and development.

2. **Appointment of Principal Certifying Authority and Notice of Commencement:** The Applicant shall appoint a Principal Certifying Authority and submit a Notice of Commencement at least 48 hours prior to the commencement of any works. The Principal Certifying Authority may be either Council or a Private Certifier. The notice is to be submitted on the prescribed form attached to this approval.

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act.

3. **Occupation Certificate:** Any building subject to this consent may not be used or occupied prior to the issue of an Occupation Certificate by the Principal Certifying Authority. An application for an Occupation Certificate must be lodged on the specified form attached to this approval.

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Regulation

4. **Occupation Certificate:**  
Prior to the certifying authority issuing an Occupation Certificate to authorise a person to commence occupation or use of the building, the certifying authority must be satisfied that a Final Fire Safety Certificate has been issued for the building.

**Reason:** To ensure that fire and other safety measures are maintained in a proper working condition.

5. **Annual Fire Certificate:**  
The owner of the building shall submit to Council an 'Annual Fire Safety Statement' by 1 July, each subsequent year after obtaining a 'Fire Safety Certificate' for the building from Council. The 'Annual Fire Safety Statement' shall comply with the provisions set out in the Environmental Planning & Assessment Regulation. Forms for this purpose can be collected from Council's Office.

**Reason:** To ensure that fire and other safety measures are maintained in a proper working condition.

6. **Consolidation:** Lot 2 DP 1151254, Lot 2 DP1088567, Lot 1 DP 119963 Lot 1 DP 119967 being consolidated into one prior to issue of the Subdivision Certificate.

**Reason:** To ensure that the completed development is on consolidated land and does not encroach onto other allotments.

7. **Access to premises legislation:** The owner of the building shall ensure that, when completed, the works comply with the provisions and requirements of the Disability (Access to Premises – Buildings) Standards 2010.
8. **Closet facilities:** Separate closet facilities and other sanitary facilities shall be provided for each sex in accordance with the provisions of Part F2 of the Building Code of Australia.
9. **Toilets:** One toilet must be constructed to provide access for people with disabilities. (See Australian Standard AS 1428.1 on size etc.) Both toilets must be separated from the Staffroom by an air lock OR the toilet screened from view and the toilet fitted with an exhaust fan. See Clauses F4.8 and F4.9 of the Building Code of Australia. A urinal is required if there are more than ten (10) male employees.
10. **Disabled car parking:** Provide at least one (1) car parking space for people with disabilities (BCA,D3.5).

11. **Access for people with disabilities:** Provide access for people with disabilities to and within the entrance floor and parts of the building as prescribed. (BCA. D3.3).

12. **Anti-discrimination legislation:** This application has been assessed in accordance with the relevant building laws and it remains the responsibility of the builder to ensure compliance with other laws, including anti-discrimination legislation.

13. **Identification of facilities, services, features:** Clear and legible braille and tactile signage complying with specification D3.6 and incorporating the international symbol of access, or deafness or other symbol in accordance with AS1428.1 must identify each:

- (a) Sanitary facility
- (b) Hearing augmentation system
- (c) Accessible entrance
- (d) The path of travel from the principle entrance to these facilities. (See BCA D3.6 and Specification D3.6).

#### Demolition

14. **Protection of public place:** If the building or demolition work is likely to effect pedestrian or vehicle traffic in a public place a hoarding or fence is to be provided.
15. **Demolition:** All demolition works must be carried out safely and in accordance with the requirements of WorkCover NSW. Before starting work a demolition license and/or a site specific demolition permit may be required from WorkCover. Contact WorkCover Assistance on 13 10 50 or visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
16. **Disconnection of services:** The services to the property are to be safely disconnected and capped off. The sewer is to be capped off and location identified for future connection.

**17. ASBESTOS:** Development involving bonded asbestos material and friable asbestos material.

(a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001.

(b) Work involving bonded asbestos removal work of an area less than 10 square metres may be undertaken by a person who complies with (a) above or who complies with the requirements of WorkCover. Contact WorkCover Assistance on 131050 or visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

(c) The person having the benefit of the construction certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the construction certificate commencing.

(d) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

In this clause, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

**Note 1.** Under clause 317, removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

**Note 2.** The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

**Note 3.** Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

**Note 4.** Demolition must be carried out in accordance with Australian Standard AS 2601-2001, Demolition of Structures.

**18. Garbage/recycling bins:** All bins are to be returned to Council. Contact the Rates Department on 02 6033 8970 to arrange collection. When the bins are returned your rates account will be credited accordingly.

**19. Approved plans not to be departed from:** The approved plans and specifications shall not be departed from in any way, unless approval is first obtained from the Council's Building Surveyor. Applications to amend such plans and specifications must be submitted in writing to the General Manager.

**20. Hours of work:** All construction works are restricted to the following times: Monday to Friday: 7 am to 6 pm. Saturday, Sunday and Public Holidays: 8 am to 6 pm. Noise from the site on Saturdays, Sundays and Public Holidays shall not exceed 5dB(A) above the background noise level when measured at the property boundary.

**21. Submission of construction certificate**



Site works are not to commence until such time as Council has received a construction certificate for the proposed works. Council or an Accredited Certifier may issue construction certificates.

Note: Only the person who appointed the PCA may be the applicant for the Construction Certificate.

**Reason:** To comply with the requirements of Section 81A of the Environmental Planning and Assessment Act.

## Liquid Trade Waste

### 22. Liquid trade waste application

The Applicant must lodge a completed liquid trade waste application with Council and ensure that a valid Liquid Trade Waste Approval has been granted in association with the proposed kitchen prior to the release of the Construction Certificate.

The Applicant must allow in the design for all required trade waste pre-treatment equipment to be installed.

**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.

### 23. Pre-treatment requirements

Screens in all sinks used for food preparation, including the cleaner's sink, if installed.

Floor wastes in food preparation areas, if installed, require to be fitted with dry basket arrestors with fixed screen underneath the removable basket.

Installation of a 1000 L grease arrestor to pre-treat the liquid trade waste from food preparation activities.

### 24. Final certificate of compliance

Prior to the use of the proposed kitchen as a food preparation area, the Applicant must obtain a final certificate of compliance from Council to ensure the liquid trade waste pre-treatment installation complies with the applicable standards and legislation.

**Reason:** To ensure compliance of the installation with the Work Health and Safety Act 2011, the Plumbing Code of Australia, Australian Standard 3500, the Local Water Utility's (LWU's) requirements and the manufacturer's instructions.

### 25. Forecourt waste water discharge

Waste water from the service station forecourt is prohibited from being discharged directly or indirectly (tankered) to Council's sewer infrastructure.

**Reason:** To ensure compliance with Crown Lands and Water requirements for the management of liquid trade waste from new or refurbished refuelling forecourts.

## Infrastructure

### 26. Works Standards

All works carried out must be in accordance with Council's Infrastructure Guidelines and standard drawings.

**Reason:** To ensure minimum standards are maintained for public infrastructure.

**27. Storm Water and External Surface Wash Down Water Capture**

All captured stormwater and external surface wash down water discharging from the site, buildings and works must be conveyed to a single legal point of discharge by underground pipe drains to the satisfaction of Council.

No effluent, polluted or domestic waste water of any type may be allowed to enter the Council's stormwater drainage system or any road, stream, river or other waterway reserve.

**Reason:** Stormwater control, pollutant control and flooding prevention

**28. Storm Water Outfall Restriction**

Prior to the issue of a building certificate a site drainage plan with engineer certified computations must be submitted to and approved by Council.

The plan must give details of how the works on the land are to be drained to the legal point of discharge and retarded to the discharge rate for the undeveloped site for a 1 in 5 year ARI storm. A flow path for the 1 in 100 year ARI must be shown on the plan.

**Reason:** Flood prevention.

**29. Construction Site Drainage Management**

Prior to the commencement of works, a site drainage management plan must be submitted to and approved by Council. The plan is to include silt controls and storm water flow controls.

The plan must give details of how the separation of stormwater to contaminated stormwater will be achieved and managed.

**Reason:** Pollutant control

**30. Road Opening Permit**

A road opening permit application must be completed and submitted for each individual access and egress. The application must be approved prior to commencement of any works.

**Reason:** Asset protection

**31. Services Connection**

A sewerage service connection shall be made to a single legal point of discharge.

Prior to the commencement of works a sewerage plan with engineer certified computations must be submitted to and approved by Council.

The plan must give details of the total volumes of sewage that will enter council sewerage network. In the event the increased sewage exceeds the capacity of the Pump Station, a new pump station design is to be submitted and approved by Council. All cost associated with the upgrade will be the responsibility of the developer.

A separate potable water service connection shall be made to a single legal connection point. An application for connection must be made to council.

**Reason:** Public health

**32. Road Access**

New Road from Honour Avenue roundabout must have barrier kerb installed and must be a minimum of 11m kerb face to kerb face. All perimeters within the new facility must have barrier kerb installed.

The property boundary at the intersection of the New Road to the entrance at the new facility must cater for a future roundabout to be installed by in accordance with AustRoads - Guide to Road Design Part 4A: Roundabouts. The minimum sized design vehicle is to a B-Double.

**Reason:** Future road upgrade capacity.

**33. Construction Certificate – Civil Works**

Prior to Commencement of works a construction certificate application in the prescribed manner (including appropriate plans) must be submitted for approval. Works must not proceed without a valid Construction Certificate.

**Reason:** Works control

**Roads and Maritime**

**34. Raised central traffic median**

A raised central traffic median shall be constructed within Honour Avenue to deny right turn movements between the development site and Honour Avenue. The proposed driveway shall be located and the median designed to meet this requirement but not deny right turn movements between Honour Ave and the existing driveway to the developments on the opposite side of Honour Avenue. The design and construction of this median treatment shall comply with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.

**35. Signage**

Appropriate signage and line marking shall be installed and maintained within the raised median along Honour Avenue to deny U-Turn movements within Honour Avenue.

**36. No Parking along Honour Avenue**

Parking along Honour Avenue adjacent to the development site shall be denied. Appropriate signage and line marking shall be installed and maintained to enforce this requirement.

**37. Off-street car park layout**

The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".

**38. Site manoeuvrability**

The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

**39. Vehicle access, parking and loading**

Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.

**40. Landscaping, fencing and signage**

Any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".

**41. Vehicular loading/unloading**

All vehicular loading/unloading associated with this development is to be undertaken within the subject site to remove interference with vehicles and pedestrian movement on public roads.

**42. Restore any damage or disturbance**

Any damage or disturbance to the road reserve of the adjoining roads is to be restored to match surrounding landform in accordance with Council requirements. Any redundant vehicular access points to the subject site from the road network shall be removed and the road reserve reinstated to match the surrounding roadside landform.

**43. Stormwater run-off**

Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of any adjoining road.

**44. Management plan**

A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from, the surrounding public road network. The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect these requirements.

**45. Austroads Guide to Road Design**

All works undertaken within the road reserve of Honour Avenue, which forms part of the Yarrawonga-Corowa Road (MR314), shall be designed and constructed to the satisfaction of Roads and Maritime Services and in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services.

**46. Works within the road reserve**

Any works within the road reserve of a Classified Road requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

**47. Works Authorisation Deed (WAD)**

The Yarrawonga-Corowa Road (Honour Avenue) is part of the State Road network. For works within the carriageway of a State Road 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 applicant is to contact the Manager, Land Use for the South West Region on Ph. 02 69236611 for further detail.

The design and construction of the works within the carriageway of the Yarrawonga-Corowa Road shall be in accordance with the requirements of Roads and Maritime Services. The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services.

**48. Works at no cost to Roads and Maritime Service**

Any works associated with the development shall be at no cost to Roads and Maritime Services.

**49. Advertising signage**

Any advertising signage is to be assessed against and comply with the provisions of State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage., and the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007). The following is appropriate unless the provisions for advertising structures under SEPP 64 apply.

Any signage shall be designed and located so as to comply with the following;

- a) the sign display shall not include:
  - Any flashing lights,
  - Electronically changeable messages,
  - Animated display, moving parts or simulated movements.
  - Complex display that holds motorist’s attention beyond “glance appreciation”,
  - Display resembling traffic signs or signals, or giving instruction to traffic by using words such as ‘halt’ or ‘stop’;
- b) shall not be located within the Safe Stopping Distance for the posted speed limit from the roundabout at the intersection of Honour Avenue and Federation Way.
- c) The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
- d) The permissible level of reflectance of an advertisement is not to exceed the ‘Minimum coefficients of Luminous intensity per unit area for Class 2A’, as set out in Australian Standard AS/NZS 1906.1:2007;
- e) Any proposed sign and support structure shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- f) Any proposed sign and supporting structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
- g) Any proposed sign and supporting structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
- h) Any proposed sign and supporting structure shall not pose any risk to the safety of pedestrians or motorists.

**VOTING**

For: Councillors Kennedy, Law, Longley, Longmire, Miegel, Wales, Whitechurch and Bourke.

Against: Nil

## 8.7 DEVELOPMENT APPLICATION 2017/246 - 31 LANG STREET MULWALA

### Summary

<b>Property:</b>	31 Lang Street Mulwala
<b>Owner:</b>	Sean Santoro Enterprises P/L
<b>Proposal:</b>	Balcony Renovation

### 1.0 Background

An inspection of the property last July revealed that building works were being undertaken without prior development consent. The works included the demolition and replacement of a stairway and balcony which was attached to two sides and the rear of the house.

The stairway and balcony were a steel structure erected without inspection or certification. The balcony along the south-west side was constructed to the boundary line. The former balcony which was demolished was demonstrated to have had a 1.035 boundary clearance.

As a consequence, a penalty notice was issued and development consent is now being sought. However, as development consent is unable to be given for works already undertaken, a building certificate application is also required.

An adjoining owner lodged an objection to the building works.

### 2.0 Statutory Controls

The controls affecting activities on this property are encompassed in:

- The environmental Planning and Assessment Act 1979 and Regulations
- Corowa Local Plan 2012 (CLEP)
- NSW Planning and Infrastructure Policy for Privacy Requirements for Residential Complying Developments.

### 2.1 Environmental Planning and Assessment Act 1979, And Regulations

The Environmental Planning and Assessment Act 1979 require that the consent authority takes into account the following matters are of relevance in its determination of a development application.

These include:

- a) The provision of:
  - i. Any environmental planning instrument, and
  - ii. Any draft environmental planning instrument that is or has placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified to the consent authority that the making of the draft instrument has been deferred indefinitely or has been approved), and
  - iii. Any development control plan,
  - iv. Any planning agreement that a developer has been entered into section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; and
  - v. The regulations (to extent that they prescribe matters for the purposes of this paragraph).

That applies to the land which the development application relates

- b) The likely impacts that development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality;
- c) The sustainability of the site for development;
- d) Any submissions made in accordance with this Act or the regulations;
- e) The public interest.

## 2.2 Corowa Local Environmental Plan (LEP)

The land is zoned R2 – Low Density Residential. The objectives of this zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

## 2.3 NSW Planning and Infrastructure Policy for Privacy Requirements for Residential Complying Development

The policy contains privacy requirements which apply when constructing new, or making alterations and additions to, balconies and other outdoor areas and habitable rooms.

## 3.0 Public Consultation

The application was advertised in accordance with Council's policy and neighbours notified. One letter of objection was received and related to:

- Side boundary setbacks
- Overshadowing
- Workmanship
- Drainage concerns
- Privacy
- Property depreciation

### Attachments

A copy of the objection is attached and a meeting has been held with the objector.

## 4.0 Environmental Impact

The primary adverse impacts would be likely to occur on the south-west side of the dwelling where the balcony has been illegally built to the boundary, causing privacy, shadowing, drainage and clearance concerns. However, the owner is seeking approval to modify this section of the balcony to the alignment of the former balcony and install a 1.8m privacy screen along its full length.

There will be a side boundary setback of at least 1.035m which should allay shadowing concerns. Drainage matters are the subject of negotiation between neighbours as the works concerned do not require Council approval.

## 5.0 Conclusion

Works have been undertaken without prior approval and an infringement notice was issued. The balcony erected along the south-western side encroached upon side boundary setbacks but this will be certifying to achieve a clearance of at least 1.035m. A building certificate application accompanied by details from a practising structural engineer rectifying the integrity of the structure shall be lodged for approval. The works proposed in this development application should remedy the situation.

**RECOMMENDED** that Council approve the development application for 2017/246, 31 Lang Street Mulwala subject to the following conditions:

- 1) A Building certificate application accompanied by details from a practising structural engineer certifying the integrity of the stairway and balcony structure be lodged for approval within one month of the date hereon.
- 2) The balcony along the south-western side of the dwelling be reconstructed to maintain a boundary clearance of at least 1.035m and a suitable 1.8m privacy screen be erected along its entire length in accordance with the provisions and requirements of NSW Planning and Infrastructure Policy for Privacy Requirements for Residential Complying Developments.
- 3) **INSPECTIONS:** When the building has reached the following stages, 48 hours' notice is to be given to Council to enable an inspection to be carried out. For inspections phone (02) 6033 8960.
  - (a) **Slab, Footings Etc:** Prior to pouring any in-site reinforced concrete building element, pad footings, etc and
  - (b) **Frame:** Prior to covering of the framework for any floor, wall, roof or other building element; and
  - (c) **Stormwater:** Prior to covering any stormwater drainage connections; and
  - (d) **Final:** After building work has been completed and prior to occupation or use of the building.

**NOTE:** If any of the mandatory critical stage inspections are not done, Council will not be able to issue an Occupation Certificate.

**Reason:** To ensure compliance with the Environmental Planning and Assessment Regulation 2000, (Clause 162A, 163) associated legislation and Council requirements.

**Notice of Commencement:** Notice of commencement of building work and appointment of the Principal Certifying Authority shall be lodged with Council, in writing, at least two days prior to commencement of construction. (See enclosed form).

- 4) **STORMWATER:** All stormwater shall be piped to the existing stormwater disposal system.

FOR Council's Determination

**251/17FC RESOLVED** on the motion of Councillors Law and Kennedy that Council approve the development application for 2017/246, 31 Lang Street Mulwala subject to the following conditions:

- 1) A Building certificate application accompanied by details from a practising structural engineer certifying the integrity of the stairway and balcony structure be lodged for approval within one month of the date hereon.
- 2) The balcony along the south-western side of the dwelling be reconstructed to maintain a boundary clearance of at least 1.035m and a suitable 1.8m privacy screen be erected along its entire length in accordance with the provisions and requirements of NSW Planning and Infrastructure Policy for Privacy Requirements for Residential Complying Developments.



- 3) **INSPECTIONS:** When the building has reached the following stages, 48 hours' notice is to be given to Council to enable an inspection to be carried out. For inspections phone (02) 6033 8960.
- (a) **Slab, Footings Etc:** Prior to pouring any in-site reinforced concrete building element, pad footings, etc and
  - (b) **Frame:** Prior to covering of the framework for any floor, wall, roof or other building element; and
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Notice of Commencement: Notice of commencement of building work and appointment of the Principal Certifying Authority shall be lodged with Council, in writing, at least two days prior to commencement of construction. (See enclosed form).

- 4) **STORMWATER:** All stormwater shall be piped to the existing stormwater disposal system.

**VOTING**

For: Councillors Kennedy, Law, Longley, Longmire, Miegel, Wales, Whitechurch and Bourke.

Against: Nil

Schedule1

[REDACTED]  
[REDACTED]

Monday, 4 December 2017

Email: council@federationcouncil.nsw.gov.au

Attention: Chris Nevins  
Federation Council  
Health and Building Surveyor

Dear Mr. Nevins,

Development Application No. 2017/246, Lot 8, DP2132244 – 31 Lang St, Mulwala  
Your Ref: CN:ML:3929 – 17/31964.

I refer to your letter dated 20 November 2017, seeking any objections or comments in relation to the proposed development of a balcony (**Proposed Balcony**) at 31 Lang Street, Mulwala (31 Lang Street).

I am the registered owner of the property situate [REDACTED], Mulwala. My property and 31 Lang Street are immediate neighbouring properties.

My objections and concerns in relation the Proposed Balcony are as follows:

1. The Proposed Balcony is too close to the boundary between the two properties.  
  
In particular, the Proposed Balcony, is closer to my property than the previous balcony erected on the property by the previous owner. In addition, the Proposed Balcony is also wider than the balcony previously erected by the prior owner.
2. The steel beams that will support the Proposed Balcony are extremely close to the boundary line, and are much closer to the boundary line than any previous balcony supports.
3. The shadow overhang caused by the Proposed Balcony will block out light and sun to my property.
4. During the construction of the Proposed Development a concrete path on my property was removed without my knowledge or permission. Mr Santoro of 31 Lang Street arranged reparation works, however, I am not satisfied with the works undertaken. The replacement concrete path slopes towards my house and I am concerned the slope will lead to water runoff against, and possibly under, my house.

5. During construction of the Proposed Balcony, a new concrete veranda has been constructed on 31 Lang Street which abuts my property. The new concrete veranda is at a higher level than the concrete path on my property (see photograph 2 in particular).
6. **Most importantly**, the Proposed Balcony raises **significant privacy concerns** in that it will intrude upon the east side of my property. In particular, it will provide a direct line of sight into my bathroom, toilet, master bedroom and living areas.
7. The Proposed Balcony would also intrude upon my privacy in general such that it would cause financial concerns in relation to the market value of my property (along with fencing and other such related issues).

For your ease of reference, I attach a photographs which corroborate the issues raised above. Additional photographs can be provided upon request.

To be clear, the old property did not intrude on my privacy or cause the concerns stated above. Whereas the Proposed Balcony which has already been partially constructed, raises such issues and concerns.

Finally, I am pleased to see improvements made to 31 Lang Street generally, however not at the expense my privacy, property depreciation or regulatory issues.

Please do not hesitate to contact me if you have any queries in relation to the foregoing or if you would like to discuss any of the matters raised in this letter in further detail.

Yours faithfully,

██████████  
██████████████████  
██





8.8 DEVELOPMENT APPLICATION 2017/63 FOR FOOD WASTE PROCESSING FACILITY, 21-25 POSEIDON ROAD COROWA

Summary

Council has received a development application for a food waste processing facility at 21-25 Poseidon Road within the Corowa Industrial Estate. The application seeks retrospective approval for the current operation at the site as well as future plans.

The applicant is Nick Hogan and the land owner is the applicant and Susie Scott. The application is accompanied by a planning report that includes a Statement of Environmental Effects (SEE), in accordance with the requirements of the EP&A Act.

This assessment of the application is undertaken by planning consultants Habitat Planning.

Background

**Site description**

The land the subject of the application is described as Lot 78 in DP 1052205 and Lot 17 in DP1133854.

The site is located within the Corowa Industrial Estate on the western side of Poseidon Road near Santos Street. It is surrounded by other industrial developments and vacant land. The lot has an area of approximately 4,000m<sup>2</sup> with a frontage to Poseidon Road of 54 metres. An additional area of approximately 1,640m<sup>2</sup> for future development adjoins this land at the rear and extends through to Pilbara Road.

There are three main buildings on the site in the form of metal clad sheds. The outdoor areas are used for storage of items associated with the activity being undertaken on the site. Parts of the open areas have a concrete base with the remainder either having a crushed gravel surface or natural ground.

There are two vehicle accesses from Poseidon Road that are unconstructed other than being provided with a crossing over the table drain. Stormwater from the site is directed to the table drain (there is no kerb and gutter in the industrial estate).

The industrial activity being undertaken on the site is conducted within the buildings but there are several openings exposing the activity to the outside.

**Description of proposal**

The proposal is nominated by the applicant as a 'food waste processing facility' and described as follows: *The term 'product destruction' describes the processing of food industry finished goods that are not sold for human consumption. The reasons why products are not sold are varied, but the main reasons are as follows;*

- *Out of date, (or nearing out of date)*
- *Failing food quality assurance protocol.*
- *Overproduced, unsold stock.*
- *Errors with labelling/packaging.*
- *Discontinued food/drink lines*

*This facility handles a variety of products, which are processed, to separate packaging from contents. The contents are then re-used, either as stock feed at local intensive livestock operations, or if deemed not suitable for stock feed, sent to an EPA licenced composting facility to be turned into fertiliser for application in a broad acre pasture-cropping program. A large proportion of the products that are processed were previously being sent to landfill.*

*The packaging materials which include aluminium, tin, cardboard, glass and PET plastic are all recycled, hence creating a system where nearly every aspect of a product previously sent to landfill is re-used.*

*The company embraces sustainability concepts that include environmental, economic and social aspects to ensure that a profitable business is sustained through the business of waste minimisation and the re-use or recycling of materials wherever possible. NB Hogan & SJ Scott has a proven history of providing employment to younger workers who have had previous trouble obtaining a start in the workforce. The business has been working with Kalliana enterprises to provide supported employment to workers with disabilities.*

#### **Notification & referral process**

The development application was notified to adjoining landowners and Environment Protection Authority (EPA) were consulted via meeting involving the applicant and Council.

The response to these notifications and referrals are addressed later in the report.

The application states that consultation was also undertaken with the NSW Roads and Maritime Services (RMS) and NSW Primary Industries (Water) prior to lodgement. The applicant also claims to be “*continuously consulting surrounding tenants in the industrial area*”.

#### **Assessment**

Section 79C of the EP&A Act sets out the matters a consent authority is to take into consideration (where relevant) in assessing a development application. Each of these is addressed as follows.

#### ***The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations.***

Having regard for the nature of the activity, Council must consider whether the proposal is a ‘potentially offensive industry’ under **State Environmental Planning Policy No 33—Hazardous and Offensive Development** (SEPP33). A ‘potentially offensive industry’ is defined in SEPP33 as:

*development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.*

It is considered that if the industry on the site were to operate without any mitigating measures for odour and stormwater, it would by this definition qualify as a ‘potentially offensive industry’. Consequently the following matters in Part 3 of SEPP33 require consideration by Council:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*
- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- (e) *any likely future use of the land surrounding the development.*

The Applying SEPP33 Guidelines advises that “the key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level at which they are not significant.” In making this judgement the EPA

should be consulted where in addition to development consent, the proposal also requires a pollution control licence. In this case the EPA have been consulted and determined that such a licence is not required and the responsibility for assessment rests with Council.

The site for the development was chosen by the applicant because it was located within an industrial estate provided with all urban services. The site is considered an appropriate location for the proposal having regard for this context. The likely future use of land in the vicinity is industrial having regard for both existing zonings and future land use expressed in the Corowa Strategic Land Use Plan.

The **Corowa Local Environmental Plan 2012** (CLEP) is also an environmental planning instrument and applies to the subject land.

Based on the description of the proposal provided with the application, the CLEP would define it as a 'resource recovery facility' being *"a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration."*

The subject land is zoned IN1 General Industrial pursuant to the CLEP. 'Resource recovery facilities' are permissible with consent in the IN1 zone. The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

The proposal is considered to be generally consistent with these objectives because:

- it is for the purpose of industrial development;
- it has created employment;
- all land use in the vicinity of the site are industrial; and
- subject to addressing some operational matters, it will have no impact on other industrial land uses.

Clause 7.3 of the CLEP addresses stormwater management and prevents consent being granted for development unless Council is satisfied that it:

- is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Whilst some detail has been provided on stormwater with the application, it is appropriate that a Soil and Water Management Plan is prepared to provide specific details (including design) as to how on-site stormwater is to be managed. It is acknowledged that the applicant has provided bunding around locations receiving water used in processing but some of these are not of an adequate standard. A significant proportion of the site remains without a hardstand surface upon which stormwater can be prevented from potentially entering groundwater or discharging off site. It would be expected that this will be addressed in the Soil and Water Management Plan and for which time frames should be expressed for implementation. It is noted that the applicant has committed to further expansion of hardstand areas. The lack of formal drainage infrastructure within the industrial estate is an impediment to responsible stormwater management in the area as a whole.



Clause 7.9 of the CLEP addresses 'essential services' and prevents consent being granted for development unless Council is satisfied that adequate arrangements have been made in regards to:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

The site is provided with reticulated potable water, sewerage system, telecommunications and electricity (above ground). There is no constructed stormwater drainage system other than a table drain at the front of the property in Poseidon Road. Whilst not ideal, this level of service is considered adequate for the proposal.

The **Corowa Development Control Plan 2013** (CDCP) sets out guidelines for various types of development (residential, commercial and industrial), specific development issues such as flooding and heritage, and site specific matters such as the Mulwala foreshore land. Chapter 3 of the CDCP addresses industrial development and to which the following development standards are relevant:

#### Appearance

*3. Sites are to be maintained in a neat and tidy condition at all times.*

The current site is in an untidy state with a low level of amenity due to the nature of the activity and absence of attempts to visually screen it from view through landscaping etc. To rectify this any approval should be conditional upon the preparation of a Landscape Plan and time frame for implementation.

#### Landscaping

*1. All industrial sites are to be appropriately landscaped.*

The site has no landscaping. See above.

#### Car parking

*At Council's discretion.*

There are no standards for numbers of car parking spaces for this type of development. An informal on-site parking area exists at the front of the site and at the time of the site inspection, there was no evidence that this was inadequate for the purposes of accommodating staff vehicles. Any approval should condition the requirement that the total parking demands of the activity should be provided for on-site in an appropriately located and constructed area.

#### Outdoor areas

- 1. Outdoor storage areas are to be substantially screened from public roads and adjoining lots by dense landscaping.*
- 2. Outdoor storage areas are not to encroach within 3m of any boundary for fire safety reasons.*
- 3. Outdoor storage areas must be surfaced to prevent dust raising from vehicle movements or wind.*

The need for landscaping has already been stated. The 3 metre clearance of boundaries for outdoor areas can be conditioned if a consent issues. Parts of the site have been provided with a concrete slab base which satisfies this standard but remaining areas need to be conditioned.

#### Amenity

- 2. Applications for potentially hazardous or offensive development are to submit information demonstrating compliance with SEPP 33- Hazardous and Offensive Development.*
- 3. All stormwater is to be contained within the site and discharged to the point and facility nominated by Council.*
- 4. A trade waste agreement with Council for disposal of liquid waste to the sewerage system may be required.*

6. *Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.*
8. *Buildings shall comply with the Disability (Access to Premises—Buildings) Standards 2010 to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability.*

Sufficient information has been provided to Council in order to make an assessment of the proposal against SEPP33 (see above). Stormwater from outdoor areas is currently ad hoc and needs to be addressed particularly having regard for the nature of the activity. To rectify this any approval should be conditional upon the preparation of a Soil and Water Management Plan and time frame for its implementation. The disability access requirements can be conditioned if a consent is to issue.

***The environmental, social and economic impacts***

These potential impacts are satisfactorily addressed in the Statement of Environmental Effects submitted with the development application. The application has identified the main impacts and proposes various mitigation measures to address those that are potentially detrimental (including odour).

The proposed development will result in a positive social and economic impact that will increase employment opportunities in the local community. The application states:

*The managing partner of NB Hogan & SJ Scott, Nick Hogan, operates according to the concept of the triple bottom line which places value on social benefits as well as economic gain and environmental responsibility. This involves employing local community members and offering mentoring, training, and support regardless of the individual's current situation or past social history. This helps community members gain experience, learn new skills, develop life skills, build confidence and increase self-esteem through the act of being employed and being part of a team. This can have far reaching positive impacts across the community for many decades*

In summary, the environmental, social and economic impacts of the proposal are, on balance, acceptable and that the mitigation measures proposed will ensure any detrimental impacts are satisfactorily addressed.

***The suitability of the site for development.***

Some of the issues associated with the way the site is currently being used aside, it is generally considered suitable for the development proposed in the application because:

- it is consistent with Council's strategic planning for Corowa;
- it is an industrial activity on industrial zoned land and within a designated industrial estate;
- there are sufficient separation distances to residential and environmentally sensitive areas;
- it is accessible to transport routes; and
- with appropriate safeguards in place, it is compatible with adjoining land uses.

***The public interest.***

The characteristics of the proposal are such that there are no issues relating to the community in general.

***Submissions***

One submission was received from the public and this focusses on "*the nauseating, disgusting stench*" being emitted from the existing activity on the site. It is argued that this odour is detrimental to the submitters nearby business as it acts as a disincentive for customers to visit and for employees to work there. Upon inspecting the site, an odour was detectable but not described as overpowering. Whilst this is what was experienced, it is accepted that this was on one occasion and the sensitivity to odour can vary greatly from person to person.

It is noted the applicant has consulted with odour experts and received advice as to the design of a bio-filter system to address odour emissions and this has since been installed on the pet food processing shed. This

system effectively extracts air from the shed and forces it through a filter system prior to discharge to the outside environment. This is a positive sign that the applicant is prepared to address the issue of odour and this now needs to be taken a step further to address odour emissions from other parts of the site. The application details future works to the site that will assist in this regard. Such requirements can be a condition of any consent granted.

The EPA is aware of the proposal but is not involved in the development application process as it does not qualify as 'designated development' either in terms of the quantity of material being processed or separation distances to residentially zoned land or areas of environmental sensitivity.

### Conclusion

The development application the subject of this assessment seeks retrospective approval for an existing 'resource recovery facility' within the Corowa Industrial Estate. The existing facility has been operating for a number of years without planning approval and this now sought to be rectified following Council receiving complaints mainly relating to odour.

It is unfortunate that the activity has been operating for some time without development consent but the applicant is willing to rectify this by virtue of the current development application. The applicant has also demonstrated a commitment to addressing the odour issue through the installation of a bio-filter system on one of the buildings. The business has been growing but unfortunately some site conditions and operational matters have not kept pace with the development. It is noted that the business is a significant employer, including providing opportunities for disabled persons.

Having made an assessment of the application under Section 79C of the EP&A Act, it is considered that consent should be granted subject to appropriate conditions. Many of these conditions are framed to ensure that the development is brought up to the required standard for such an activity within a reasonable period of time. By granting consent, the onus is on the applicant to make the necessary improvements and avoid the potential for enforcement proceedings for non-compliance.

### Attachments

Nil.

### Financial Implications

N/A.

**RECOMMENDED** that Council consent to the development application for a resource recovery facility at 21-25 Poseidon Road, Corowa subject to the following conditions:

1. Development of the subdivision shall be in accordance with the endorsed plans and information submitted with the application, and the following conditions.
2. The development is not to exceed the threshold limits for designated development associated with a 'waste management facility or works' as defined in Part 1 of Schedule 3 of *Environmental Planning and Assessment Regulation 2000*.
3. Within six months of the date of consent, the applicant shall submit to Council for endorsement an Environmental Management Plan (EMP) for the site.

The EMP shall address all environmental aspects of the development and its operational and recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impacts.

The EMP should address, but not be limited to, the management of the following:

- (i) Odour
- (ii) Stormwater
- (iii) Noise
- (iv) Waste
- (v) Traffic
- (vi) Dust suppression
- (vii) Dangerous/hazardous goods storage
- (viii) Emergency response and spill contingency.

The EMP shall incorporate a programme for implementation, ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

Upon endorsement the EMP will become part of this Development Consent.

4. Within six months of the date of consent the applicant shall submit to Council a Landscape Plan that shows:
- (a) Perimeter plantings to act as a screen to the development.
  - (b) Details of the (native) species to be used.

Once Council has endorsed the plan it will form a part of this Development Consent.

The endorsed Landscape Plan must be implemented within three months of endorsement.

All landscaping is to be maintained on an ongoing basis.

5. The development shall at all times comply with the *Noise Policy for Industry* (NSW EPA 2017).
6. The development shall be contained wholly within the confines of the allotment boundaries, at all times. Vehicles shall not be parked or loaded/unloaded within the road reserve at any time.
7. Within two years of the date of consent, all areas required for vehicular access and manoeuvring are to be constructed of concrete pavement over an appropriately graded and compacted hardstand sub-base and shall be maintained to this standard for the duration of the development being conducted on site.
8. Provision must be made for all vehicles entering and exiting the site to do so in a forward direction.
9. All staff and visitor parking is to be provided on site.
10. The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:
- a) the appearance of any buildings, works or materials used;
  - b) the parking or moving of motor vehicles;
  - c) the transporting of materials or goods to or from the site;
  - d) the hours of operation;
  - e) noise, air and water discharges from the site;
  - f) the storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials; and
  - g) emissions or discharges into the surrounding environment including waste water, sediment, dust, vibration, odours or other harmful products.
11. No contaminated stormwater is to be discharged from the site.

12. The applicant shall ensure that all plant and equipment used on the site is maintained in a proper and efficient working condition and operated in a proper and efficient manner.
13. All aspects of existing and future buildings are to comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community.
14. Buildings shall comply with the *Disability (Access to Premises—Buildings) Standards 2010* to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability.
15. Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.
16. This approval shall expire if the subdivision hereby permitted is not commenced within five (5) years of the date of consent.

**Reason for conditions**

The above conditions have been imposed:

- a) to ensure compliance with the terms of the applicable environmental planning instruments;
- b) having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of the consent conditions; and
- c) having regard to the circumstances of the case and the public interest.

FOR Council's Determination

**252/17FC RESOLVED** on the motion of Councillors Law and Miegel that Council consent to the development application for a resource recovery facility at 21-25 Poseidon Road, Corowa subject to the following conditions:

1. Development of the subdivision shall be in accordance with the endorsed plans and information submitted with the application, and the following conditions.
2. The development is not to exceed the threshold limits for designated development associated with a 'waste management facility or works' as defined in Part 1 of Schedule 3 of *Environmental Planning and Assessment Regulation 2000*.
3. Within six months of the date of consent, the applicant shall submit to Council for endorsement an Environmental Management Plan (EMP) for the site.

The EMP shall address all environmental aspects of the development and its operational and recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impacts.

The EMP should address, but not be limited to, the management of the following:

- (i) Odour
- (ii) Stormwater
- (iii) Noise
- (iv) Waste

- (v) Traffic
- (vi) Dust suppression
- (vii) Dangerous/hazardous goods storage
- (viii) Emergency response and spill contingency.

The EMP shall incorporate a programme for implementation, ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

Upon endorsement the EMP will become part of this Development Consent.

- 4. Within six months of the date of consent the applicant shall submit to Council a Landscape Plan that shows:
  - (c) Perimeter plantings to act as a screen to the development.
  - (d) Details of the (native) species to be used.

Once Council has endorsed the plan it will form a part of this Development Consent.

The endorsed Landscape Plan must be implemented within three months of endorsement.

All landscaping is to be maintained on an ongoing basis.

- 5. The development shall at all times comply with the *Noise Policy for Industry* (NSW EPA 2017).
- 6. The development shall be contained wholly within the confines of the allotment boundaries, at all times. Vehicles shall not be parked or loaded/unloaded within the road reserve at any time.
- 7. Within two years of the date of consent, all areas required for vehicular access and manoeuvring are to be constructed of concrete pavement over an appropriately graded and compacted hardstand sub-base and shall be maintained to this standard for the duration of the development being conducted on site.
- 8. Provision must be made for all vehicles entering and exiting the site to do so in a forward direction.
- 9. All staff and visitor parking is to be provided on site.
- 10. The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:
  - a) the appearance of any buildings, works or materials used;
  - b) the parking or moving of motor vehicles;
  - c) the transporting of materials or goods to or from the site;
  - d) the hours of operation;
  - e) noise, air and water discharges from the site;
  - f) the storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials; and
  - g) emissions or discharges into the surrounding environment including waste water, sediment, dust, vibration, odours or other harmful products.
- 11. No contaminated stormwater is to be discharged from the site.
- 12. The applicant shall ensure that all plant and equipment used on the site is maintained in a proper and efficient working condition and operated in a proper and efficient manner.

13. All aspects of existing and future buildings are to comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community.
14. Buildings shall comply with the *Disability (Access to Premises—Buildings) Standards 2010* to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability.
15. Council must be notified of any damage to the public infrastructure such as road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the development.
16. This approval shall expire if the subdivision hereby permitted is not commenced within five (5) years of the date of consent.

**Reason for conditions**

The above conditions have been imposed:

- a) to ensure compliance with the terms of the applicable environmental planning instruments;
- b) having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of the consent conditions; and
- c) having regard to the circumstances of the case and the public interest.

**VOTING**

For: Councillors Kennedy, Law, Longley, Longmire, Miegel, Thomas, Wales, Whitechurch and Bourke.

Against: Nil

Schedule 1

8<sup>th</sup> December 2017

Kate Larnach  
Federation Council  
PO Box 77  
COROWA NSW 2646

Dear Kate Larnach,

Reference: KL:ML 2438 – 17/32973  
NOTICE OF OBJECTION TO DEVELOPMENTAL APPLICATION NO. 2017/63/2  
FOOD WASTE PROCESSING FACILITY, 21-25 Poseidon Road, Corowa; LOT 78 DPI052205

As a business owner and operator situated at [REDACTED], I formally object to this development application being granted.

The operator of this facility currently processes food waste at the premises and the nauseating, disgusting stench that this creates in the area has caused extreme distress to not only myself but also my employees. The effect on our work environment is substantial and not sustainable.

As a Panel Beating business we have clients entering and exiting on a daily basis and the number of complaints that we have received from them in regards to the stench emanating from the facility at 21-25 Poseidon Road is phenomenal. They are reluctant to leave their vehicles within our business yard as they do not want the smell to permeate their vehicles.

It is especially difficult when trying to conduct a quote on a vehicle and the customer is having to stand around with this smell in the air. I honestly do not think it is healthy.

Our objection to this proposal is based not only on the extreme smell that exudes from the business but the continuing effect it will have on our business in relation to clients not wanting to bring their vehicles to our panel shop for repair due to the strong odour.

As an employer I also hold grave concerns at my ability to retain employees on a long term basis given the work environment they would be subjected to on a daily basis. My business would suffer greatly through not be able to retain staff long term as the training and upskilling costs in this field of business are extremely high.

Therefore, as a small enterprise needing to operate as a profitable business I adamantly oppose the proposal for this Food Waste Processing Facility.

We have written to council on previous occasions with regards to this with no response.

Yours sincerely,

[REDACTED]

**P GALL**  
**DIRECTOR INFRASTRUCTURE AND ENVIRONMENT**



9. NOTICE OF MOTION / QUESTION WITH NOTICE

NO ITEMS

10. REPORTS FROM COMMITTEES

NO ITEMS

11. REPORTS FROM DELEGATES

Nil

12. PRÉCIS OF CORRESPONDENCE REQUIRING COUNCIL ACTION/FOR INFORMATION

NO ITEMS

13. CONFIDENTIAL ITEMS

**253/17FC**      **RESOLVED** on the motion of Councillors Miegel and Kennedy that Council move to a Closed Committee at 11:47am under section 10A Part 2(c) of the local Government Act and Clause 70 of Councils code of Meeting Practice to discuss Report Mulwala Industrial Estate item 13.1 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

CLOSED SESSION OF COUNCIL

**13.1 CONFIDENTIAL - MULWALA INDUSTRIAL ESTATE SUBDIVISION**

**254/17FC RESOLVED** on the motion of Councillors Law and Thomas

- 1) THAT Council confirm its support for the development of the balance of the industrial estate at Mulwala;
- 2) THAT Council note the increase in the cost of the project from the original budget of \$2,700,000 in 2016 to \$3,740,630 if delivered in 2018;
- 3) THAT Council authorise the General Manager to obtain a loan upto the amount of \$2,700,000;
- 4) THAT Council include an interest repayment amount in future budgets of up to \$30,000 per month; and
- 5) THAT Council receive further reports on the Mulwala Industrial Subdivision including consideration of tenders for construction.

**RE-OPENING OF THE MEETING TO MEMBERS OF THE PUBLIC**

**255/17FC RESOLVED** on the motion of Councillors Wales and Law that Council move to open committee and report business from closed committee at 12.08 pm.

**OPEN COMMITTEE**

The Chairperson advised the meeting of the resolution as adopted in confidential.

**254/17FC RESOLVED** on the motion of Councillors Law and Thomas:

- 1) THAT Council confirm its support for the development of the balance of the industrial estate at Mulwala;
- 2) THAT Council note the increase in the cost of the project from the original budget of \$2,700,000 in 2016 to \$3,740,630 if delivered in 2018;
- 3) THAT Council authorise the General Manager to obtain a loan for an amount up to \$2,700,000;
- 4) THAT Council include an interest repayment amount in future budgets of up to \$30,000 per month; and
- 5) THAT Council receive further reports on the Mulwala Industrial Subdivision including consideration of tenders for construction.

#### 14. CLOSURE OF MEETING

The meeting terminated at 12.10pm.

**CONFIRMED:** 23 JANUARY 2018.

**THE MAYOR:** \_\_\_\_\_