

# MINUTES

TUESDAY 19 APRIL 2016

Corowa Shire Council

Council Chambers, Corowa

Commenced 9.30am

## CONTENTS PAGE

1.	PRESENT	3
2.	ALSO PRESENT	3
3.	APOLOGIES	3
4.	BEREAVEMENTS	3
5.	NOTIFICATION OF PECUNIARY/CONFLICTS OF INTEREST IN MEETING BUSINESS ITEMS	3
6.	CONFIRMATION OF MINUTES	3
7.	MAYORAL MINUTES	3
8.	GENERAL MANAGER'S REPORT	4
8.1	REGISTRATIONS OF INTEREST FOR LEADERSHIP POSITIONS IN PROPOSED COUNCIL MERGERS	4
8.2	2016 CENSUS TUESDAY 9 AUGUST 2016	5
8.3	CHANGES FOR PROPERTIES SOLD OR LEASED WITH SWIMMING POOLS	6
8.4	OUTSTANDING CUSTOMER REQUESTS AND OVERDUE TRIM ACTIONS	6
8.5	SPECIAL COUNCIL MEETING	6
8.6	MEETING DAY	7
9.	DIRECTOR CORPORATE AND COMMUNITY SERVICES' REPORT	8
9.1	COMMUNICATIONS	8
9.2	RURAL COMMUNITIES - PRIORITIES SURVEY	8
9.3	EVENTS	9
9.4	LIBRARY REPORT	9
9.5	RECONCILIATION AS AT 31 MARCH 2016	11
9.6	INVESTMENTS HELD 31 MARCH 2016	12

9.7	OPERATIONAL EXPENDITURE TO 31 MARCH 2016	13
9.8	CAPITAL EXPENDITURE AND PROJECT STATUS TO 31 MARCH 2016	14
<b>10.</b>	<b>DIRECTOR ENGINEERING AND INFRASTRUCTURE REPORT</b>	<b>15</b>
10.1	ROAD MAINTENANCE	15
10.2	CONSTRUCTION ACTIVITIES	16
10.3	SALEYARD ACTIVITIES	16
10.4	WASTE ACTIVITIES	17
10.5	REGULATORY SERVICES ACTIVITIES	17
10.6	SHIRE PRESENTATION ACTIVITIES	17
10.7	BUILDINGS	18
10.8	DEVELOPMENT APPLICATIONS	19
10.9	ROAD RENAMING - HOWLONG	20
<b>11.</b>	<b>NOTICE OF MOTION / QUESTION WITH NOTICE</b>	<b>22</b>
11.1	QUESTION WITH NOTICE - HOWLONG TOURISM FUNDING	22
11.2	QUESTION WITH NOTICE - COUNCILLOR MAIL	22
<b>12.</b>	<b>REPORTS FROM COMMITTEES</b>	<b>23</b>
12.1	COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE	23
12.2	SOCIAL AND COMMUNITY PLAN IMPLEMENTATION COMMITTEE MEETING	26
12.3	COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE	28
<b>13.</b>	<b>REPORTS FROM DELEGATES</b>	<b>30</b>
<b>14.</b>	<b>PRÉCIS OF CORRESPONDENCE REQUIRING COUNCIL ACTION/FOR INFORMATION</b>	<b>31</b>
14.1	REQUEST TO SUPPORT COMMONWEALTH AND STATE TAX LEGISLATION CHANGES - LEICHHARDT COUNCIL	31
14.2	DISCREPANCIES IN CROSS BORDER CARE AND SERVICES- YARRAWONGA AND BORDER BRANCH CWA	31
<b>15.</b>	<b>CONFIDENTIAL ITEMS</b>	<b>32</b>
15.1	CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC	32
15.2	LEASING OF COUNCIL LAND	32
<b>16.</b>	<b>RE-OPENING OF MEETING TO PUBLIC</b>	<b>32</b>
16.1	LEASING OF COUNCIL LAND	32
<b>17.</b>	<b>CLOSURE OF MEETING</b>	<b>32</b>
<b>18.</b>	<b>EPA ACT</b>	<b>33</b>
18.1	RELATIVE SECTIONS OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT PERTAINING TO DETERMINATION OF DEVELOPMENT APPLICATIONS	33

## 1. PRESENT

The Mayor, Councillor PI Miegel (Chairperson), Councillors F Bruinsma, DJ Davey, FT Longmire, GJ Law, JM Palmer, FM Schirmer, MS Shields and NW Wales APM.

## 2. ALSO PRESENT

Mr C Gillard (General Manager), Mr NP Sutton (Director Engineering and Infrastructure) and Ms KJ Kay (Director Corporate and Community Services).

## 3. APOLOGIES

Nil.

## 4. BEREAVEMENTS

One minute silence was observed in sympathy for the passing of:-

Kevin Dodson  
Fred Kleyn  
John Nelson  
George Wilkinson  
Laurie Pyke  
Brandon Poidevin  
Jean Strachan  
Harry Moras  
Kathryn Leahy  
Patrick Hickey  
Shannon Elmore

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

Nil.

## 6. CONFIRMATION OF MINUTES

52/16	RESOLVED on the motion of Councillors Shields and Schirmer that the Minutes of the Ordinary Meeting held on 15 March 2016 be confirmed.
-------	---

## 7. MAYORAL MINUTES

Nil.

## 8. GENERAL MANAGER'S REPORT

53/16	RESOLVED on the motion of Councillors Longmire and Shields that the General Manager's Report be dealt with.
-------	---

### 8.1 REGISTRATIONS OF INTEREST FOR LEADERSHIP POSITIONS IN PROPOSED COUNCIL MERGERS

The State Government has called for registrations of interest for persons interested in being administrators, councillors or members of advisory committees. Additionally it has written to existing General Managers seeking registrations of interest for Interim General Managers until approximately June 2017.

There has been a great deal of political grand-standing surrounding this process. The key issues are as follows:

- If any mergers are to proceed then interim leadership is a necessary component of the change process;
- The government has listened to reasonable requests to keep local knowledge in place by seeking registration of interest from locals;
- The current merger proposals are not confirmed. The recent registrations of interest have been called to expedite the eventual mergers and to support the best possible outcomes using local representatives who have good background and a vision for the future.

It is interesting that Council's peak body is concerned about the concept of existing councillors serving in possible merged entities. LGNSW is also concerned that General Managers have been asked to register an interest in interim roles.

It is considered appropriate for Council to seek clarification from LGNSW as to how it suggests any new Council should be formed and the best possible process for resourcing the necessary leadership.

From my perspective the current government initiatives are attempting to support as much local representation in any merged Council and it would be beneficial if current serving councillors lodged an interest in continuing to represent the community in the event of a merger. The alternative is to not be involved and for external appointments to be made which could work but may not be the best option for building a new organisation.

Change always brings uncertainty, confusion and a level of anxiety. We will all be judged for our response and level headedness during difficult periods. Our community expects its leaders to remain committed and focussed particularly when the difficult issues need to be addressed.

Staff are currently reviewing departmental business plans, delivering a large capital works program and preparing for a likely merger announcement by midyear. Customer requests are being well managed and a number of reviews are proceeding to improve community outcomes and prepare for a likely merger.

Council mergers will provide real challenges and great opportunities to improve service to ratepayers and visitors. This is the real issue and noises about legitimate and necessary planning by government in a reform environment should be welcomed and not ridiculed for whatever reason personal or political.

Whatever the final decision by government about boundaries the underlying communities will remain and the hard work and dedication of councillors across the region will continue. Communities are resilient and it will all work out well particularly if the governments' commitment to using local representation is followed through.

## RECOMMENDATIONS

1. That Council seek an assurance from the Minister for Local Government that he will remain committed to using local representatives in any future merger despite opposition from some councils and LGNSW.
2. That Council write to LGNSW seeking suggestions about its view on the best interim leadership in the case of newly formed councils.

54/16 RESOLVED on the motion of Councillors Law and Davey that:

1. Council seek an assurance from the Minister for Local Government that he will remain committed to using local representatives in any future merger despite opposition from some councils and LGNSW; and
2. Council write to LGNSW seeking suggestions about its view on the best interim leadership in the case of newly formed councils.

## **8.2 2016 CENSUS TUESDAY 9 AUGUST 2016**

The Commonwealth Census will be held on Tuesday 9 August 2016.

For the first time much of the census will be conducted electronically although appropriate safeguards will be in place to ensure accessibility for all.

Delivery of forms and instructions will commence on 1 August 2016 and the Australian Bureau of Statistics hopes to get approximately 65% of returns online.

Hopefully the community will engage with this census as it is important that the information gathered is as accurate as possible.

Initial census information will become available in mid 2017 which will allow updated information to be used for planning purposes. Governments also use this information for grants and planning purposes particularly Commonwealth Financial Grants.

It is proposed to assist the Bureau of Statistics by publicising the benefits of Corowa Shire residents actively engaging in the August census.

For Council's Information.

## **8.3 CHANGES FOR PROPERTIES SOLD OR LEASED WITH SWIMMING POOLS**

The Government is proposing to amend the *Swimming Pools Regulation 2008*, *Conveyancing (Sale of Land) Regulation 2010* and *Residential Tenancies Regulation 2010*.

The changes will allow the vendor to transfer the requirement for a compliance certificate to the purchaser. The purchaser will have 90 days to obtain a compliance certificate.

The changes will also provide an exemption to properties with more than two (2) dwellings from the requirement to provide a compliant pool barrier on sale and lease as they are already regulated by mandatory three (3) year inspection programs.

### **What this will mean for council**

- Council will need adequate resources in place to meet the expected increase in requests for swimming pool barrier compliance inspections.
- Council will be required to include in their annual report the number of inspections performed and the resultant number of certificates of compliance and certificates of non-compliance issued.
- Council will be able to issue a non-compliance penalty infringement notice if a purchaser has not obtained a certificate of compliance within 90 days.

For Council's Information.

## **8.4 OUTSTANDING CUSTOMER REQUESTS AND OVERDUE TRIM ACTIONS**

### **Outstanding Correspondence**

There are 6 items of correspondence outside of Council's Charter.

### **Outstanding Customer Requests**

There is 1 customer request outside of Council's charter representing less than 1% of total customer requests (134) received for the month.

## **8.5 SPECIAL COUNCIL MEETING**

It is proposed that a Council Workshop be held on Wednesday 4 May 2016 followed with a Special Council Meeting commencing at 4.00pm. The purpose of this meeting would be for Council to adopt the Draft 2016 - 2020 Delivery Program and Operational Plan, including the Financial Plan.

### **RECOMMENDATION**

THAT a Special Council Meeting be held on Wednesday 4 May 2016 commencing at 4.00 pm.

55/16	RESOLVED on the motion of Councillors Longmire and Law that a Special Council Meeting be held on Wednesday 4 May 2016 commencing at 4.00 pm.
-------	--

## **8.6 MEETING DAY**

10.15 am An Australian Citizenship Ceremony will be conducted for Ms Dale Sharp.

11.00 am Yarrawonga Mulwala Tourism - Noel Wright Funding for FY 2016-2017.

## **ADOPTION OF GENERAL MANAGER'S REPORT**

56/16	RESOLVED on the motion of Councillors Schirmer and Bruinsma that the balance of the General Manager's Report be adopted.
-------	--

C GILLARD  
GENERAL MANAGER

## 9. DIRECTOR CORPORATE AND COMMUNITY SERVICES' REPORT

57/16	RESOLVED on the motion of Councillors Wales and Law that the Director Corporate and Community Services' Report be dealt with.
-------	---

### 9.1 COMMUNICATIONS

Council is continuing to place a strong focus on communications.

Regular communication initiatives include:

- Weekly full page advertising in the Yarrowonga Chronicle and Corowa Free Press.
- A new tourism website is currently being developed and will be live mid year.
- Regular facebook posts (daily) for both the Council facebook page (500 likes) and tourism facebook page (almost 900 likes).
- Maintenance of a new Tourism Instagram Account.
- Maintenance of Council website. A new website is needed for Council, however this initiative has been delayed until the outcome of amalgamations are known.
- Publication of Quarterly 'Community Matters' Newsletter.
- Management of community notice-boards in Corowa and Howlong (a community notice-board for Mulwala has been ordered).
- Preparation and circulation of a large range of targeted material including aging well guide, residents packs, tourism brochures, Council operational fact sheets etc.
- Regular press releases sent to media outlets.
- Regional advertising initiatives to attract visitors and new resident.

Initiatives to improve our communications are continually being explored. A new tourism stakeholder newsletter has now been developed. This publication is intended to be bi-monthly. Please view the following link to our first 'talking tourism' newsletter.

<http://email.webmatrix.com.au/campaigns/reports/viewCampaign.aspx?d=r&c=F0DB7A921A434CD2&ID=6F2FEBE18A658FFE2540EF23F30FEDED&temp=False&tx=0>

For Council's information.

### 9.2 RURAL COMMUNITIES - PRIORITIES SURVEY

#### Background

Corowa Shire has a commitment to building strong and vibrant communities. This is identified as a long term goal in the Delivery Program and addressed in the 12 month Operational Program with the following strategies outlined:

Outcome: An inclusive, considerate and welcoming community. [CSP 1.1]

1.1.5 Strong and vibrant rural communities

1.1.5.1 Explore innovative ways to ensure the regular consideration of the changing needs and priorities of our rural and isolated communities.



Actions outlined in the plan include the development of Community Priority Action Plans to be developed for our rural communities.

## Scope

The aim of the Rural Communities Priority Action Plans is to establish community input into the forward planning process. We will primarily seek to identify clear community priorities for small projects that are able to be included in the 12 month Operational Program and delivered within the 12 month timeframe.

Communities to be targeted include:

- Balldale
- Coreen
- Lowesdale
- Rennie
- Buraja
- Daysdale
- Savernake

To allow for the development of these plans, we will survey residents who live in these areas and this information will be used to inform these plans. To ensure that we gain input from a large cross section of the community, we will conduct surveys via phone, electronic survey and will explore other relevant communication channels such as pop up stands at gathering points including the football, local pub, school drop off/pick up etc. The timing of the surveys and promotion will be for about six weeks commencing the end of April 2016.

While an allocation of funds has currently been made in the Draft Operational Plan which will be placed on public display during this time, the Community Action Plans will be completed and available for Council review prior to the adoption of the Final Delivery Program and Operational Plan which will allow for changes to be made if necessary.

For Council's information.

## 9.3 EVENTS

A number of events have been held by Council over the last month.

These include the Australian Billy Carts, Miki City Visits, Photography Workshop, Flicks in the Sticks, Youth Week, Seniors Festival and Library Programs.

The efforts of staff and community volunteers to support these events are appreciated.

For Council's information.

## 9.4 LIBRARY REPORT

The following report was presented to the Riverina Regional Library Advisory Committee meeting held 30 April 2016 and provides a brief summary of the range of activities which have been held in Corowa Shire Libraries recently.

Library Programs have included:

- School Holiday Programs with Summer Reading Club, Junior Gardener, Beaded Spiders, Lego and jigsaw puzzle play days.

- Storytime continues on a regular basis with special guest story tellers and varying activities
- Two staff members had the opportunity to join Wagga for training at the Little Bang Science Discovery workshop. All staff attended the RRL staff training day in October 2015.
- Corowa Shire Book Clubs concluded the year with a viewing of the popular movie *The Dressmaker* at the Yarrawonga Mulwala Golf Club. We started the year with 10 Book Club groups.
- Friends of the Library continue to provide the Housebound Delivery service in Corowa and Howlong. Both Corowa and Howlong volunteers conducted their annual Book Sale. Howlong FOTL assist with the fortnightly Storytime sessions.

## Some Highlights

### Opening Mulwala Library

We had a fantastic day for the opening of the newly extended and refurbished library in Mulwala. The celebrations included special guest Rosalie Ham, author of renowned novel turned blockbuster movie *The Dressmaker*. Popular children's author, Lee Fox, introduced the children to Kamishibai (a form of Japanese Storytelling). The newly refurbished library was enjoyed by over 100 residents and visitors to Mulwala, as well as local school students from Mulwala Primary school, Mulwala Preschool and Savernake Primary School.

### Little Community Library

Howlong Friends of the Library have been particularly busy working on a project called the "Little Community Library". The towns of Balldale, Daysdale and Burraja-Lowesdale are now rolling out pop-up libraries supported by local people within their community and resourced through public donations, library donations and volunteers from the Howlong Friends of the Library group. The first opening is at Balldale on 22 April. This has been an exciting opportunity to work with community members to share the joy and rewards of reading.

### School Holiday Programs

Corowa Shire libraries are currently holding school holidays programs. These include 'Crafty Kids' where children will have the opportunity to make dough and fantastic creations out of dough and well as 'Galaxy Quest' where children will play 'out of this world games and craft.'

### Library and Information Week

To celebrate Library and Information Week, Corowa Shire Libraries will be presenting the 'Miss Muffet Show.' This is a puppet show created to bring the imaginative world of books alive for young audiences. The 'Miss Muffet Show' has received critical acclaim and toured extensively playing to capacity houses in major venues, schools and festivals.

This performance is for all Corowa Shire Primary Schools and will involve as many lower and upper classes as possible. The performance will run over three days between Tuesday 24 May - Thursday 26 May 2016 and will be provided free of charge.

Puppetry is a powerful medium. In schools it can offer an effective means through which students can learn and can express themselves. Performing with puppets explores literature, narrative, poetry and considerable language work.

For Council's Information.

## 9.5 RECONCILIATION AS AT 31 MARCH 2016

Balance as per Bank Statement :

General Account	0000 0022	31,232.12
Business Online Saver Account	1042522	1,370,313.74
Investments		23,434,811.22

Sub Total 24,836,357.08

Plus Deposits not yet lodged

Corowa	31-March	13,846.74
Mulwala	24-February	7,129.30

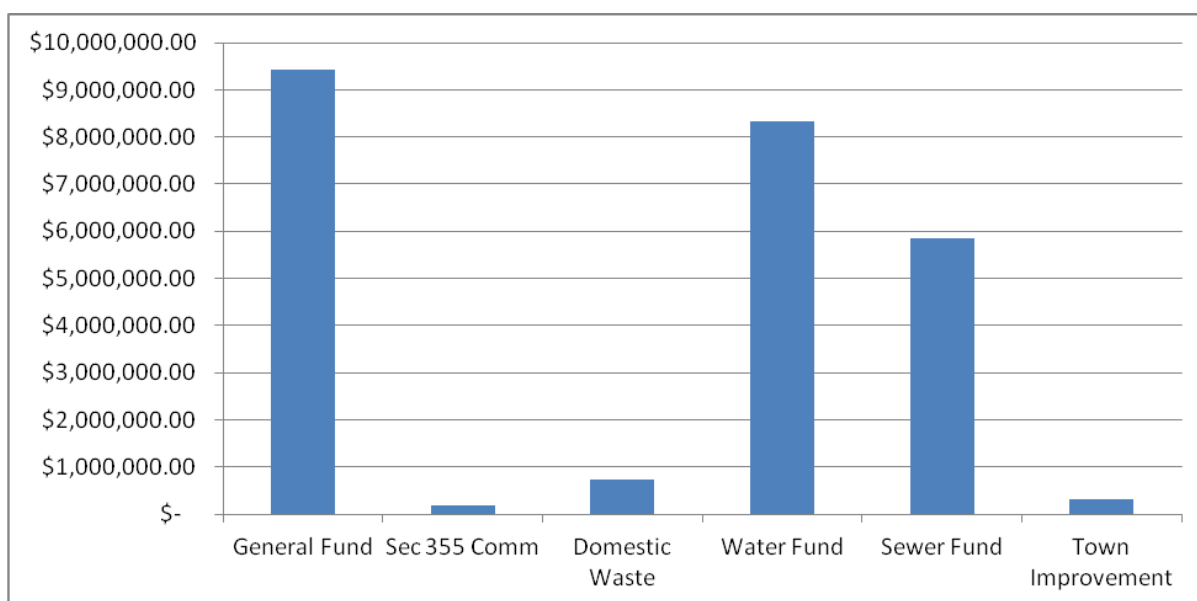
Sub Total 24,857,333.12

Less Unpresented Cheques 3,515.71

Balance as per Ledger 24,853,817.41

Less External Restricted Funds 15,425,042.39

**Balance of General Fund Ledger 9,428,775.02**



For Council's information.

## 9.6 INVESTMENTS HELD 31 MARCH 2016

The following list of investment securities is held as at 31 March 2016. 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	NAB	\$1,255,136.24	02/10/2015	3.00	183	02/04/2016
Term Deposit	NAB	\$2,500,147.94	02/10/2015	3.00	183	02/04/2016
Term Deposit	CBA	\$1,000,000.00	11/11/2015	2.90	152	11/04/2016
Term Deposit	CBA	\$1,009,402.74	05/01/2016	2.99	122	04/05/2016
Term Deposit	NAB	\$1,314,645.79	11/11/2015	2.90	182	11/05/2016
Term Deposit	ANZ	\$2,035,604.93	21/05/2015	2.97	365	20/05/2016
Term Deposit	NAB	\$1,160,984.70	29/05/2015	2.95	181	28/05/2016
Term Deposit	ANZ	\$1,007,342.13	03/12/2015	3.00	183	03/06/2016
Term Deposit	NAB	\$1,275,342.13	20/12/2015	2.95	183	20/06/2016
Term Deposit	CBA	\$1,009,878.90	31/03/2016	2.95	90	29/06/2016
Term Deposit	CBA	\$1,032,362.55	31/03/2016	2.95	90	29/06/2016
Term Deposit	NAB	\$2,029,742.47	02/01/2016	3.00	182	02/07/2016
Term Deposit	ANZ	\$1,313,873.17	07/01/2016	3.10	182	07/07/2016
Term Deposit	NAB	\$1,079,459.37	11/02/2016	3.00	182	11/08/2016
Term Deposit	NAB	\$1,030,468.09	20/02/2016	3.00	182	20/08/2016
Term Deposit	NAB	\$1,079,611.75	03/03/2016	3.00	184	03/09/2016
Term Deposit	ANZ	\$1,014,460.27	07/03/2016	3.05	184	07/09/2016
Term Deposit	NAB	\$1,286,348.05	09/03/2016	3.00	275	09/12/2016

**\$24,434,811.22**

For Council's information.

## 9.7 OPERATIONAL EXPENDITURE TO 31 MARCH 2016

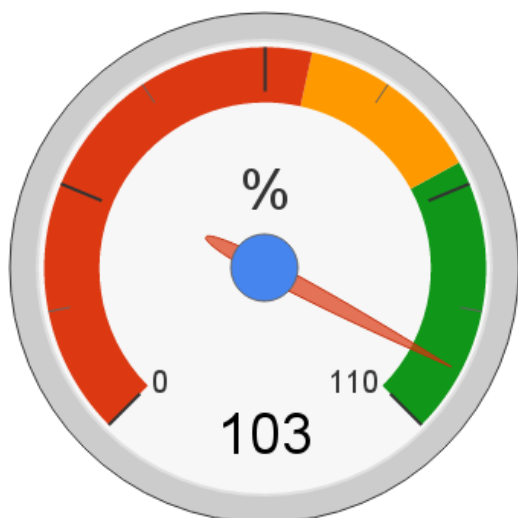
The following table provides a summary in relation to the status of whole of organisation operational expenditure to 31 March 2016.

This provides:

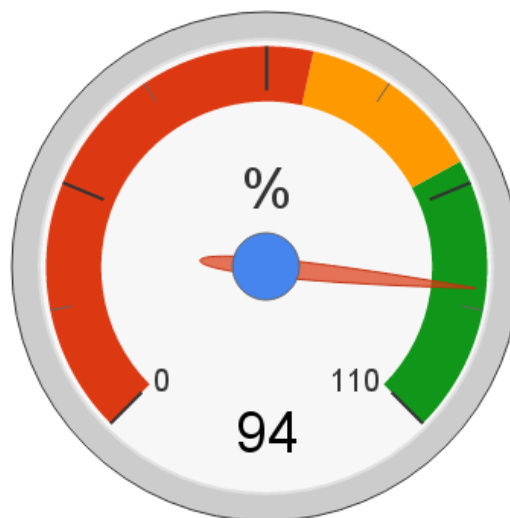
- Comparison of forecasted expenditure vs. actual expenditure for the relevant month;
- Comparison of forecasted year to date expenditure vs. actual expenditure;
- Any changes to annual budgets.

Master Account	March			Year to Date			Annual Current Budget
	MTH Actuals	MTH Current Budget	MTH Variance	YTD Actuals	YTD Current Budget	YTD Variance	
Corporate Services	233,608	148,637	-84,431	2,579,113	2,547,279	-31,834	3,183,946
Engineering	1,164,546	1,201,303	36,757	10,598,516	11,425,620	827,104	14,950,772
Governance	48,955	59,425	10,470	565,370	676,339	110,969	854,600
Water & Sewer	550,454	530,311	-20,143	5,117,795	5,423,075	305,280	7,024,116
	<b>1,997,023</b>	<b>1,939,676</b>	<b>-57,347</b>	<b>18,860,794</b>	<b>20,072,313</b>	<b>1,211,519</b>	<b>26,013,434</b>

For March



YTD

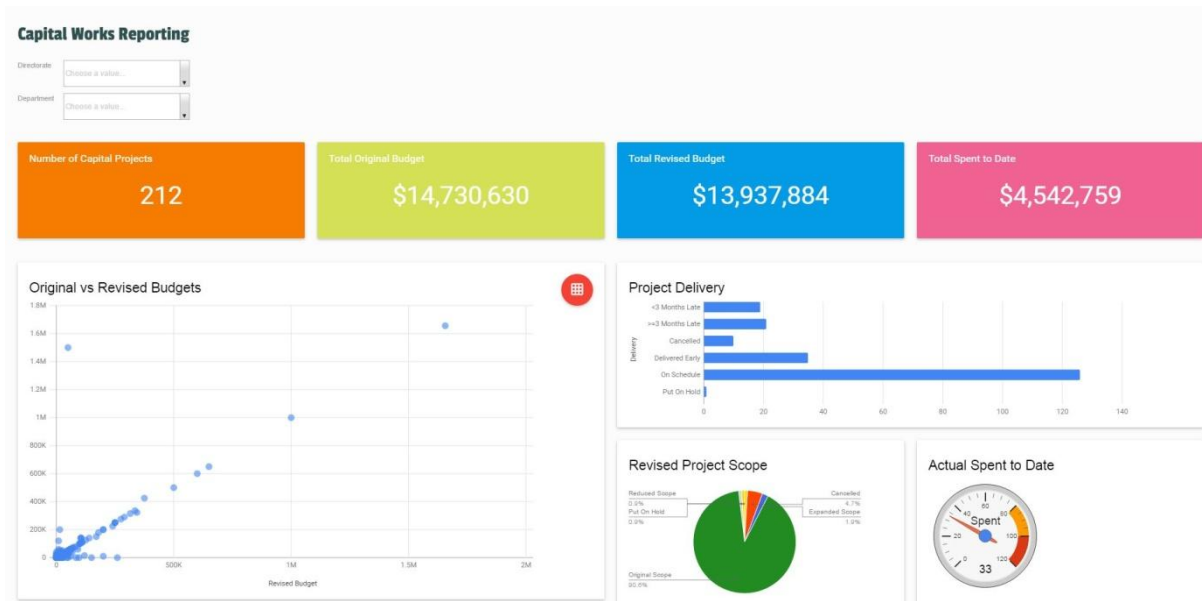


For Council's information.

## 9.8 CAPITAL EXPENDITURE AND PROJECT STATUS TO 31 MARCH 2016

The Report in relation to the status of 2015-16 Capital Project has been updated and the reporting tool is now available for Councillors to review electronically.

A snapshot of the overall summary in relation to this report is shown below.



For Council's information.

## ADOPTION OF DIRECTOR CORPORATE AND COMMUNITY SERVICES' REPORT

58/16      RESOLVED on the motion of Councillors Shields and Davey that the balance of the Director Corporate and Community Services' Report be adopted.

KJ KAY  
DIRECTOR CORPORATE AND COMMUNITY SERVICES

## 10. DIRECTOR ENGINEERING AND INFRASTRUCTURE REPORT

59/16	RESOLVED on the motion of Councillors Wales and Davey that the Engineering and Infrastructure Report be dealt with.
-------	---

### 10.1 ROAD MAINTENANCE

(a) Road Maintenance Grading

Rosewood Park Road  
Daysdale-Walbundrie Road  
Strachans Road  
Minns Road  
Skehans Lane

(b) Gravel Road Resheeting

Daysdale-Walbundrie Road  
Tom Roberts Road  
Carrolls Lane  
Settlers Road

(c) Sealed Road Shoulder Resheeting

Freyers Road

(d) Other activities

Spring Drive – shoulder maintenance – Tocumwal Road to Kyffins Road.

For Council's information.

### SUSPENSION OF STANDING ORDERS

60/16	RESOLVED on the motion of Councillors Schirmer and Law that standing orders be suspended at 10.21 am.
-------	---

### AUSTRALIAN CITIZENSHIP CEREMONY

The Mayor conducted an Australian Citizenship Ceremony for Ms Dale Sharp.

### YARRAWONGA MULWALA TOURISM

The Mayor introduced Noel Wright, Yarrowonga Mulwala Tourism who presented the Yarrowonga Mulwala Business Plan 2016-2018.

## RESUMPTION OF STANDING ORDERS

61/16	RESOLVED on the motion of Councillors Longmire and Wales that standing orders be resumed at 11.30 am.
-------	---

## 10.2 CONSTRUCTION ACTIVITIES

Works completed since last report:

1. Federation Way, Daysdale – pavement widening and strengthening - 700m through village.
2. Redlands Road, Redlands – pavement widening and strengthening - 770m section.
3. Read Street Howlong – kerb and gutter and drainage east side Gilson Place to Golf Club Drive.
4. Hicks Street Mulwala – replacement of unserviceable kerb and gutter (400m).
5. Underboring of railway line for watermain upgrade – Bayly, Dunmore and Inglis Streets.

Works underway and planned for April / May:

1. Redlands Road, Redlands – pavement widening and strengthening - 1500m section.
2. Merton Road – pavement widening and strengthening – Bolinda Glen Road to Sandford Road.
3. Inglis Street Mulwala – shared path adjacent to Lonsdale Reserve.
4. John Street, Corowa – kerb and gutter to replace brick gutter – Gordon Street to Walker Street, and renew unserviceable kerb and gutter in Gordon Street.
5. Corowa Primary School – car park safety and drainage improvements.
6. Hammer Street Howlong - drainage and seal, from Clarke Street West.
7. Footpath renewal program continuing.
8. Jude Street Howlong – drainage improvements.

For Council's information.

## 10.3 SALEYARD ACTIVITIES

Monthly Saleyard information as follows:

<b>March Volume</b>	<b>March Value</b>	<b>March Average price</b>
35,813	\$3,880,581.10	\$108.35
<b>FYTD Volume</b>	<b>FYTD Value</b>	<b>FYTD Average price</b>
470,393	\$50,612,115.70	\$107.59

For Council's information.



## 10.4 WASTE ACTIVITIES

### *Waste facility figures*

March '16	Transactions	Mixed waste m <sup>3</sup>	Green waste m <sup>3</sup>	Mattresses
Corowa	139	86	62	11
Howlong	134	63	58	4
Mulwala	132	29	31	4
FYTD	Transactions	Mixed waste m <sup>3</sup>	Green waste m <sup>3</sup>	Mattresses
Corowa	1247	627.5	573.5	72
Howlong	1057	538	522	18
Mulwala	1011	337	199.5	21

### *Kerbside Waste and Recycle collection*

March 2016			
Organics (t)	Refuse (t)	Recycle (t)	TOTAL
200.3	149.68	100.7	450.67
44.5%	33.2%	22.3%	

For Council's information.

## 10.5 REGULATORY SERVICES ACTIVITIES

- For the month of March there were 9 customer requests. A number of letters have been sent out in relation to mainly barking issues.
- During March 3 dogs were seized and put into council's holding facility. Three cats have also been seized and impounded. There were also been a number of feral cats caught and subsequently destroyed.
- Ongoing random patrols of Sanger Street for compliance continuing. On 3 March 2016 Council Rangers conducted a parking patrol which resulted in 16 infringement notices written for cars parked longer than permitted.
- A number of patrols of Kyffins reserve were undertaken, campers were notified of the time frame that they were allowed to stay. Ongoing patrols will continue for compliance.
- Council's Compliance team has started a review of the Companion Animals Registry and have sent sixty-five (65) letters out for registrations. To date twenty-seven (27) have been returned with a total amount of \$1,247.
- Ongoing random patrols of Sanger St for compliance are continuing.
- There has been a small amount of rubbish being dumped. Most of the rubbish has been old mattresses and house hold waste. No evidence found in rubbish.

For Council's information.

## 10.6 SHIRE PRESENTATION ACTIVITIES

- This month our work group conducted a full clean of Sanger Street, Corowa. All bins were cleaned, footpaths in front of Safeway, Corowa Hotel and the mall were pressure washed. The seats in Sanger Street were also painted by a contractor.
- Replacement of park furniture in Bangerang Park Corowa is nearing completion. Rowers Park will be the next focus in coming weeks.

- (c) The planting in the roundabout at Gray Street / Federation Avenue Corowa has been removed prior to installation of new irrigation and will be planted with the same species as the roundabout in Parliament Street / Queen Street Corowa.
- (d) Replacement plants will be planted in areas in areas in Hawkins Street Howlong, Melbourne Street Mulwala, and Sanger Street Corowa. Planter boxes will be re-planted next week and more detail will be applied to all gardens.
- (e) Positive comments have been received from all football clubs regarding the quality of playing surfaces, and further improvement is being targeted.
- (f) The irrigation systems in some Mulwala parks have been improved, which has resulted in improvement in the quality of turf grass.
- (g) Extensive tree work has been carried out recently at the Corowa Lagoon, Ball Park between Corowa Tennis Club and the oval and in response to customer requests across the Shire.

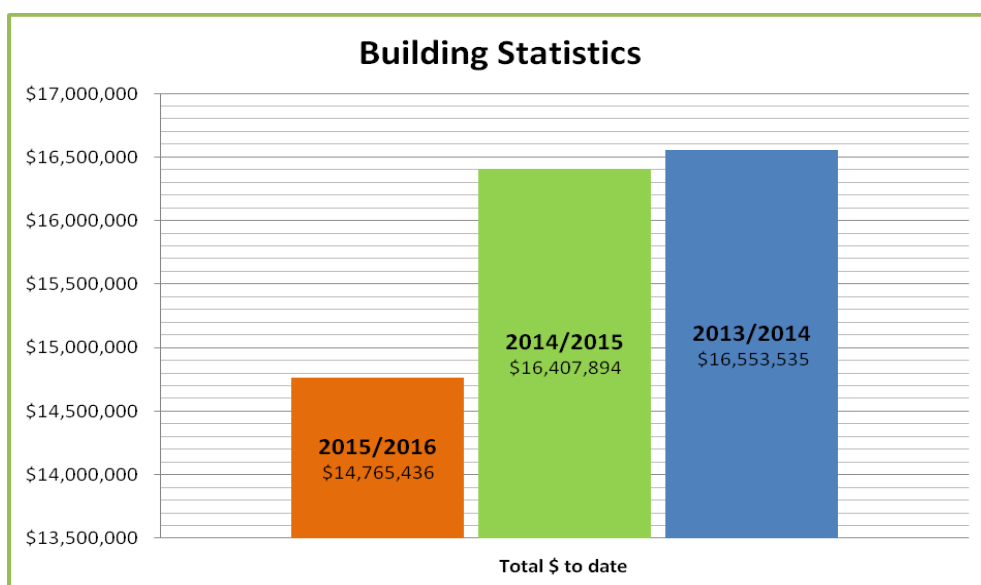
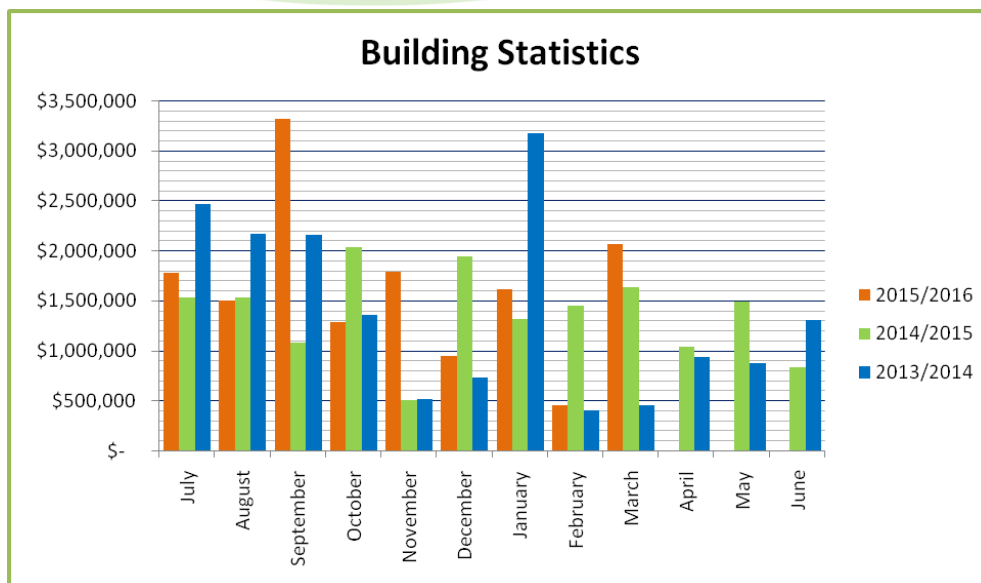
For Council's information.

## 10.7 BUILDINGS

The following construction/complying development certificates are listed for Council's information.

2015/230	Clubhouse, Etc, Mulwala Pors, Mulwala	Motorised Cart Storage Shed
2015/239	Lot 4 Spring Drive, Mulwala	Shed
2015/244	Riverina Milk, Freyers Road, Collendina	2 Sheds
2015/247	18 Heather Circuit, Mulwala	Dwelling
2015/249	12 Adi Avenue, Mulwala	Shed
2015/250	90 Townsend Street, Howlong	Shed
2015/252	7 Chisnall Street, Corowa	Garage
2015/253	1 Lara Close, Mulwala	Dwelling
2015/255	94-100 Pimpala Crescent, Mulwala	Alfresco Deck
2016/2	48B Wanani Road, Mulwala	Carpport
CDC2015/42	27 Gilson Place, Howlong	Dwelling
CDC 2016/1	94-100 Pimpala Cr, Mulwala	Swimming Pool
CDC 2016/3	Emu Park, 81 Minns Rd, Coreen	Swimming Pool
CDC 2016/4	21 Sophia Close, Corowa	Swimming Pool

**TOTAL      \$1,613,526**



**10.8 DEVELOPMENT APPLICATIONS**

Since the last Council meeting the following development applications have been determined under delegated authority by the granting of consent subject to conditions.

DEVELOPMENT APPLICATION REGISTERED NO. 2015/229

Application for a 6 Lot Subdivision on large lot residential land being Lot 1; DP 109932; 6897 Riverina Highway, Hopefield.

DEVELOPMENT APPLICATION REGISTERED NO. 2015/233

Application for a Rural Industry (Manufacturing Facility) on primary production land being Lot 46; DP 753754; 7 Howlong-Balldale Road, Howlong.

DEVELOPMENT APPLICATION REGISTERED NO. 2015/246

Application for a Dwelling on low density residential land being Lot 31; DP 812210; 29-31 Shiraz Crescent, Corowa.

DEVELOPMENT APPLICATION REGISTERED NO. 2015/251

Application for Eco Shelters on primary production land being Lot 372; DP 753734; Piggery Module 5/ Lewis Lane, Ringwood.

## ADDENDUM ITEM 10.9

### 10.9 ROAD RENAMING - HOWLONG

The following diagram identifies two properties in Russell Street that have previously been undeveloped. The properties are being sold and the vendors have sought street addresses for the properties. The property numbering in Russell Street starts at Pearce Street, heading east, and the subject properties have no allocated street number.



The options to resolve this are:

1. Renumber the full length of Russell Street. This is not recommended due to the impact on the existing properties requiring all of them to change their street address.
2. Rename this part of Russell Street to enable new street numbers to be allocated. If this option is supported, it has been the practice to name streets after former property owners from the era when the town was proclaimed. In this case, these properties were owned by Hugh O'Neill, so O'Neill Court would be a suitable option.

**IT IS RECOMMENDED** that Council rename the section of Russell Street Howlong west of Pearce Street as O'Neill Court.

62/16      RESOLVED on the motion of Councillors Schirmer and Law that this item be deferred to the next Council meeting.

**ADOPTION OF DIRECTOR ENGINEERING AND INFRASTRUCTURE REPORT**

63/16      RESOLVED on the motion of Councillors Davey and Law that the balance of the Director Engineering and Infrastructure Report including the addendum report be adopted inclusive of items 10.7 and 10.8.

N SUTTON  
DIRECTOR ENGINEERING & INFRASTRUCTURE

## 11. NOTICE OF MOTION / QUESTION WITH NOTICE

### 11.1 QUESTION WITH NOTICE - HOWLONG TOURISM FUNDING

Councillor Mark Shields:

When a tourism committee is formed in Howlong, what will its funding allocation be from the Tourism budget in the Delivery Plan?

64/16	RESOLVED on the motion of Councillors Shields and Longmire that Corowa Shire Council encourage the formation of a Howlong Tourism committee.
-------	--

### 11.2 QUESTION WITH NOTICE - COUNCILLOR MAIL

Councillor Mark Shields:

Does council have a policy for dealing with and receipting of named correspondence for councillors? Are councillors notified?

The General Manager advised that a procedure existed and a copy of this would be circulated to Councillors.
---

## ADJOURNMENT OF MEETING

The meeting adjourned for lunch at 12.40 pm.

## RESUMPTION OF MEETING

The meeting resumed at 2.13 pm.

## 12. REPORTS FROM COMMITTEES

### 12.1 COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE

**MINUTES AND REPORT OF A MEETING OF THE COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE HELD IN THE SOCIAL ENTERPRISE CENTRE, COROWA ON MONDAY, 14 MARCH 2016 COMMENCING AT 6.30 PM**

#### **PRESENT**

Mr. Peter Wortmann	Chairperson – NSW Ambulance
Mr. Keith Barber	Local Health Advisory Committee
Cr. Paul Miegel	Corowa Shire Council
Mrs. Barbara Robinson	Kalianna – Community Transport
Ms Kay Cofield	Home Care
Mr. Mark Massey	Corowa Health Service
Mrs. Beth Tidd	Community Representative
Mrs. Margaret McDonald	Home Care
Ms Kay Fredericks	Community Representative

#### **APOLOGIES**

RECOMMENDED that apologies be accepted from Geoff Bartlett and Amber Murphy.

M.MASSEY & M.McDONALD

#### **MINUTES**

RECOMMENDED that the minutes of the meeting held on 8 February 2016 be accepted following the alteration of the new company for Home Care to Australian Unity Home Care Services.

M.MASSEY & B.ROBINSON

#### **BUSINESS ARISING**

Nil.

#### **PRESENTATIONS BY LOCAL HEALTH SERVICE PROVIDERS:**

Corowa Shire Council

Corowa Shire has submitted a merger proposal to merge with the Urana Shire with a public hearing scheduled for the 17 March 2016 at 7.00 pm at the Corowa Golf Club and submissions closing on 8 April 2016. We are still waiting on the outcome of grant submissions for some of our infrastructure programs.

The capital works program is well under way with a lot of work being done on Redlands Road.

Attended a RDA regional mapping workshop in Albury which was very intensive but worthwhile.

## Home Care

Currently caring for 165 clients.

Waiting on Australian Unity (AU) to clarify funding arrangements as there is subsidized personal care available but no subsidized domestic care available. Suggested that the Council assist in promoting the changed in service name and available services by advertising in the snippets.

All staff will have mobile phones with training on the use of phone apps to assist with administration tasks.

Successfully completed accreditation last week to meet the criteria for ongoing funding.

## Local Health Advisory Committee

Keith deferred his report to Mark

## Corowa Medical Centre

No report available

## Corowa Health Service

The emergency department remains very busy although treatment timeframes remain within benchmarks. There continues to be complex presentations due in part to the low number of GP's at the Mediclinic.

There have been a large number of falls of very frail elderly people at home which are occupying significant space in the acute ward. Both Albury Base Hospital & Wangaratta Base Hospital are stretched for beds.

Approximately 250 category 3 presentations each month with 25.2% of those being elderly compared with 21% at Deniliquin and 12% at most other comparable ED's.

Visiting Medical Officers are required to be credentialed to work in Acute & Emergency Medicine if they wish to have visiting rights. Rural Registrars from the Corowa Medical Centre can work under supervision as the Practise has a registered training program. The terms and conditions of employment are set out under an arrangement governed by the AMA & Rural Doctors Association which includes the requirement to participate in an after-hours on call roster. The initial approach for visiting rights must come from the Doctor, who must then complete a 20 page application from and provide the necessary documentation to verify his qualifications to work in the hospital environment.

## Corowa Community Hub

Kay reported on Ambers behalf regarding the opening of the Community Garden which was a great success.

There is an "assisting with meaningful communications workshop for families and carers of those with mental health on 16 March 2016 from 9.00 am – midday.



## Kalianna Community Transport

Episode of vandalism over the weekend with car tyres slashed on two vehicles – the police are investigating.

## NSW Ambulance

Remain busy.

## General Business

None.

**MEETING CLOSED** 8.00 pm.

Next Meeting: 11 April 2016.

65/16	RESOLVED on the motion of Councillors Law and Bruinsma that the minutes of the Corowa Shire Health, Social & Community Committee meeting held on 14 March 2016 be received.
-------	---

## 12.2 SOCIAL AND COMMUNITY PLAN IMPLEMENTATION COMMITTEE MEETING

### MINUTES OF THE SOCIAL AND COMMUNITY PLAN IMPLEMENTATION COMMITTEE MEETING HELD IN THE CIVIC CENTRE COMMUNITY MEETING ROOM 1 ON MONDAY, 11 APRIL 2015 AT 10.00AM

#### PRESENT

The Mayor, Councillor P Miegel (Chair), Councillors FM Schirmer and DJ Davey, MS KJ Kay (Director Corporate and Community Services) and Mrs W Thompson (Community & Cultural Development Officer).

#### APOLOGIES

Councillor GJ Law - Noted.

#### SELECTION CRITERIA

Discussion regarding selection criteria, process and purpose of the grant program identified that a review of the program may encourage more applications and enhance community outcomes.

**RECOMMENDED** that a review of the Community Grants Program be undertaken prior to the next round in September 2016.

#### COMMUNITY GRANTS

- Eleven community grant applications were presented for consideration.
- One application received (shaded) was considered under Council's policy for Free or discounted use of Council facilities.

**RECOMMENDED** that contributions totalling \$17,000 be granted as per list below.

#### SUMMARY OF APPLICATIONS RECEIVED – COMMUNITY GRANTS PROGRAM APRIL 2016

Organisation/Group	Request	Recommend	NOTES & Project Description
"Cool Heads" Committee	\$2990	\$1000	Realistic, interactive and confronting program. Consequences of risky and unsafe behaviour when driving. Community involvement includes police, emergency workers, individuals and road safety groups.
Corowa Cricket Club	\$3000	\$3000	Towards construct of new Safety Nets at Cricket Club. Community facility.
Corowa District Historical Society	\$1806	\$500	Cataloguing of Museum's collection of photographs and historical objects. Involves scanning and photographing objects. Purchase of scanner, laptop and file cabinet. Community project.
Corowa Preschool	\$2956	<i>Suggest Approach service clubs</i>	Furnish new Parents room and meeting area.

Corowa Rowing Club	\$2500	\$2500	Purchase a new treadmill to replace burnt out one. For club members, visitors and community use. School programs during summer. Low impact exercise all ages.
Corowa Sing Australia	\$1500 <i>Use of Hall</i>	\$1500 <i>Use of Hall</i>	Community singing group with 28 members. Seek use of Oddfellows hall for singing practice every Thursday evening plus two additional days.
Corowa Skate Park Extension Committee	\$3000	\$2500 <i>*\$500 funding from Youth budget</i>	Funding to host and conduct skate competition in Corowa as part of the North East Skate Park Series (Skateboard, scooter and BMX). In conjunction with local youth advisory group. Music, health info etc.
Friends of Sanger Street	\$1500	\$1500	Pavement artist to create artwork in Sanger St and engage the community in pavement drawing as part of the "The Big Draw" world-wide drawing festival - promotes health and social benefits of drawing.
Gallery 294 Corowa Arts Co-Operative	\$1600	\$NIL <i>*\$1600 funding from Arts Budget</i>	Create a large public sculpture in front garden of Gallery 294. Community to be involved in the design and construction under guidance of professional sculptor.
Howlong Croquet Club	\$1500	\$1500	Purchase small motorised vehicle and trailer to transport croquet equipment from store area to grounds.. Supporting development of new activity for older people.
Howlong Preschool community project	\$3000	\$ 3000	Create outdoor classroom, sensory trail to include touch, smell, sound, taste and sight Edible plants, worm farm etc. Calming place and especially therapeutic for children with autism etc A community project involving Landcare, Halve waste, Men's shed and local business. (\$6000 in-kind by others).
<b>TOTAL</b>	<b>\$25,352</b>	<b>\$17,000</b>	

Councillor Longmire declared an interest and left the Chambers at 2.25 pm.

66/16	RESOLVED on the motion of Councillors Schirmer and Davey that the minutes of the Social and Community Plan Implementation Committee meeting held on 11 April 2016 be adopted inclusive of apologies, Selection Criteria and Community Grants recommendations.
-------	---

Councillor Longmire returned to the Chambers at 2.35 pm.

## 12.3 COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE

### **MINUTES AND REPORT OF A MEETING OF THE COROWA SHIRE HEALTH, SOCIAL & COMMUNITY SUPPORT COMMITTEE HELD IN THE SOCIAL ENTERPRISE CENTRE, COROWA ON MONDAY, 11 APRIL 2016 COMMENCING AT 6.30 PM**

#### **PRESENT:**

Mr. Geoff Bartlett	Local Health Advisory Committee
Cr. Paul Miegel	Corowa Shire Council (Chairperson)
Mrs. Barbara Robinson	Kalianna – Community Transport
Ms Amber Murphy	Intereach Community Hub
Ms Kay Fredericks	Community Representative

#### **APOLOGIES:**

RECOMMENDED that apologies be accepted from Peter Wortmann, Mark Massey and Heinz Deiter.

G.BARTLETT & A.MURPHY

#### **MINUTES:**

RECOMMENDED that the minutes of the meeting held on 14 March 2016 be accepted.

K.FREDERICKS & B.ROBINSON

#### **BUSINESS ARISING**

Nil.

#### **PRESENTATIONS BY LOCAL HEALTH SERVICE PROVIDERS:**

##### Corowa Shire Council

An email was received from the Minister for Local Government asking for expressions of interest from Corowa Councillors to play a role in the interim body if amalgamations are to proceed. Decisions will rest with each individual Councillor. Similar letters have been received by the General Managers affected.

We have obtained a grant for an upgrade to the Corowa Swimming Pool with design options expected in the coming months. The decision will be based not only on the construction cost but also the ongoing operational costs.

There will be an Urban Design Framework forum on Wednesday afternoon to ask the community for their input into a plan for the future of the Corowa town centre and river front.

##### Local Health Advisory Committee

MHD has now introduced the option of paying by credit card at local hospitals.

Geoff proposed a merger between LHAC & the committee due to the representation of the committee, however concerns were expressed over the reporting to two different bodies.

It was suggested that the committee look to be proactive in addressing community health concerns.

Concern was expressed regarding accessing ancillary services provided by the Murrumbidgee Primary Health Network when the Albury Wodonga Health Network is far closer and accessible.

#### Corowa Community Hub

Intereach are pursuing a book-swap program around the town where second-hand books are donated so that children can read whilst their parents are waiting for appointments or shopping with the aim of improving children literacy levels.

Grandparents playgroup (for Grandchildren) commences on Tuesday mornings at 10 am.

A second group of migrant women are coming to Corowa from 28<sup>th</sup> April – 1<sup>st</sup> May with the need for more host families.

The Guy Street Store is now the local provider for Meals on Wheels.

#### Kalianna Community Transport

The Kalianna building has been sold to the Challenge Foundation however there was no information regarding the future plans for the building. Kalianna will continue to occupy the building for a further three months however the future of the organization also remains unclear.

#### General Business

Nil.

**MEETING CLOSED:** 7:50 pm.

**Next Meeting:** 9 May 2016.

67/16	RESOLVED on the motion of Councillors Law and Bruinsma that the minutes of the Corowa Shire Health, Social & Community Committee meeting held on 11 April 2016 be received.
-------	---

## 13. REPORTS FROM DELEGATES

Councillor Wales reported on Lonsdale Reserve Committee Meeting, Seniors Festival Function, Cool Heads Event, Official Opening - Bicycle Education Track and Yarrawonga Mulwala Tourism Meeting.

Councillor Schirmer reported on Hume to Yarrawonga Water Management Advisory Group and Murray Arts.

Councillor Bruinsma reported on Australian Billy Carts Championships and Cool Heads Event.

Councillor Shields reported on Latrobe University - Albury-Wodonga Campus Graduation and Prize Presentation Ceremony, Corowa Civic Bowls Club Presentation, Howlong Lions Club - Annual Senior Citizens Luncheon and Howlong Golf Club AGM.

Councillor Palmer reported on Riverina Regional Library Board Meeting, Corowa and District Landcare, Our Place Project, and Lions Youth of the Year award.

Councillor Longmire reported on Urana Public Inquiry - Delegates Meeting and Urban Design Framework Workshop.

Councillor Davey reported on Yarrawonga Mulwala Tourism Meeting, Corowa Public Inquiry - Delegates Meeting, Interpretative Signage Project, Budget Workshop, Seniors Festival Function, Social and Community Plan Implementation Committee Meeting and Lonsdale Reserve Committee Meeting.

Councillor Shields left the meeting at 3.01pm

Councillor Law reported on Seniors Festival Function, Miki City Visit and Events Advisory Group.

The Mayor reported on Corowa Public inquiry - Delegates Meeting, Saleyards Consultative Committee Meeting, Australian Billy Carts Championships, Urban Design Framework Workshop, Corowa Berrigan Rural Fire Service Meeting and Miki City Exchange.

The General Manager reported on Meeting with the Common, Changing Gears at Rivalea, Corowa Business Chamber, Foodshare, Howlong Men's Shed, Urana and Corowa Public Inquiry - Delegates Meeting, Miki City Visit and Urban Design Framework Workshop.

### ADOPTION OF DELEGATES' REPORTS

68/16	RESOLVED on the motion of Councillors Davey and Longmire that the verbal Reports of the Delegates be adopted.
-------	---

**14. PRÉCIS OF CORRESPONDENCE REQUIRING COUNCIL ACTION/FOR INFORMATION**

**14.1 REQUEST TO SUPPORT COMMONWEALTH AND STATE TAX LEGISLATION CHANGES - LEICHHARDT COUNCIL**

Asking Council to join with Leichhardt Council in advocating for changes to Commonwealth and State tax legislation to encourage full occupancy on commercial premises on retail high streets.

**14.2 DISCREPANCIES IN CROSS BORDER CARE AND SERVICES- YARRAWONGA AND BORDER BRANCH CWA**

Copy of letter sent to James McTavish Commissioner of NSW Cross Border regarding the availability and cost of care and services provided to aged residents in Mulwala compared to Yarrawonga.

69/16	RESOLVED on the motion of Councillors Longmire and Davey that the correspondence be received.
-------	---

## 15. CONFIDENTIAL ITEMS

### 15.1 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

#### CLOSED COMMITTEE

70/16 RESOLVED on the motion of Councillors Law and Bruinsma that Council move to a Closed Committee at 3.23 pm under section 10A Part 2(d) of the local Government Act and Clause 70 of Councils code of Meeting Practice to discuss a proposal to lease land from Council, which is commercial in confidence.

### 15.2 LEASING OF COUNCIL LAND

71/16 RESOLVED on the motion of Councillors Longmire and Bruinsma to allow the lease of 5 hectares of land within the confinement of the Howlong Landfill.

## 16. RE-OPENING OF MEETING TO PUBLIC

### OPEN COMMITTEE

72/16 RESOLVED on the motion of Councillors Law and Longmire that Council move to open committee and report business from closed committee at 4.05 pm.

### 16.1 LEASING OF COUNCIL LAND

73/16 RESOLVED on the motion of Councillors Longmire and Bruinsma to allow the lease of 5 hectares of land within the confinement of the Howlong Landfill.

## 17. CLOSURE OF MEETING

The meeting terminated at 4.10 pm.

**CONFIRMED:** 17 May 2016.

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



## 18. EPA ACT

### 18.1 RELATIVE SECTIONS OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT PERTAINING TO DETERMINATION OF DEVELOPMENT APPLICATIONS

#### EVALUATION

##### 79C (1) Matters for consideration – general.

- (1) In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
- (a) the provisions of:
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates;
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
  - (c) the suitability of the site for the development;
  - (d) any submissions made in accordance with this Act or the regulations;
  - (e) the public interest.

[Subs (1) am Act No 54, 1998, s 3 and Sch 2.]

##### (2) *Compliance with non-discretionary development standards – development other than complying development*

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 80 is limited accordingly.

##### (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

*(4) Consent where an accreditation is in force*

A consent authority must not refuse to grant consent to development on the ground that any component, process or design relating to the development is unsatisfactory if the component, process or design is accredited in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

*(6) Definitions*

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) “non-discretionary development standards” means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

[S 79c am Act No 54, 1998.]

## **S 79C – Evaluation**

### **DETERMINATION**

#### **80.**

*(1) GENERAL*

A consent authority is to determine a development application by:

- (a) granting consent to the application, either unconditionally or subject to conditions, or
- (b) refusing consent to the application.

(2) Despite subsection (1), the consent authority must refuse an application for development, being the subdivision of land, that would, if carried out, result in a contravention of this Act, an environmental planning instrument or the regulations, whether arising in relation to that or any other development.

*(3) “Deferred commencement” consent*

A development consent may be granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority, in accordance with the regulations, as to any matter specified in the condition. Nothing in this act prevents a person from doing such things as may be necessary to comply with the condition.

*(4) Staged development*

A development consent may be granted:

- (a) for the development for which the consent is sought, or
- (b) for that development, except for a specified part or aspect of that development, or
- (c) for a specified part or aspect of that development.

(5) A development consent referred to in subsection (4) may be granted subject to a condition that the development or the specified part or aspect of the development, or any thing associated with the development or the carrying out of the development, must be the subject of another development consent.