

MINUTES OF THE BLAYNEY SHIRE COUNCIL
EXTRAORDINARY MEETING
HELD IN THE COUNCIL CHAMBERS,
ON 21 FEBRUARY 2012, COMMENCING AT 5.00 PM

Present: Crs B Kingham (Mayor), D Bell, A Ewin, S Ferguson and K Radburn.

General Manager (Mr G Wilcox), Director Corporate Services (Mr A Franze and Director Environmental Services (Mr L Rodwell).

ACKNOWLEDGEMENT OF COUNTRY

ADVICE OF USE OF RECORDING EQUIPMENT

APOLOGY

1202/001E That apologies, tendered on behalf of Cr Braddon and Cr Reeks (approved leave), be received (Bell/Ferguson)

DISCLOSURES OF INTEREST

The General Manager reported the following Disclosure of Interest forms had been submitted:

Councillor /Staff	Interest	Item	Pg	Report	Reason
Kingham	Non Pecuniary	1	1	Section 96 Modification of Consent Application – Development Application No. 59/2011 – Richards Lane and Springvale Lane, Millthorpe.	Land developer in Millthorpe district and has land for sale.

ENVIRONMENTAL SERVICES REPORTS

SECTION 96 MODIFICATION OF CONSENT APPLICATION - DEVELOPMENT APPLICATION NO.59/2011 - RICHARDS LANE AND SPRINGVALE LANE, MILLTHORPE

Cr Kingham declared a non pecuniary interest and vacated the Chair and left the Chambers. Cr Radburn assumed the Chair.

Cr Radburn declared no quorum and that business is suspended awaiting a quorum at 5.02pm.

Cr Ewin entered the Chambers at 5.06pm.

Cr Radburn recommenced the meeting at 5.06pm as Council had a quorum.

RESOLVED:

1202/002E That Council consent to the Section 96 Modification of Consent for Development Application No.59/2011 subject to the following conditions of consent:

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 59/2011 registered in Council's records as of 2 December 2010 and Section 96(2) application registered in Council's record system on 19 August 2011.

PUBLIC ASSETS

REASON: To ensure that the public interest is upheld.

2. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, contractor and license number and emergency telephone contact numbers.
3. That any damage to Council's footpath, road or other land be restored in accordance with Council's specifications. Should you have any questions please contact Council's Engineering Department on (02) 63689618.
4. That no materials or machinery to be used in the construction of the development shall be stored or stacked on Council's footpath, nature strip or roadway.
5. That the hours of construction be restricted to:-

Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

6. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the *WBC Guidelines for Engineering Works*, and *Department of Housing – Soil and Water Management for Urban development (Blue Book)*.
NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.
7. Any proposed site filling is to be clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. All such works are to comply with *WBC Guidelines for Engineering Works*.
NOTE: Soil density tests from a NATA registered

laboratory, and conducted in accordance with Australian Standard 1289, will be required prior to the issue of any construction certificate for the erection of a building or the issue of a subdivision certificate.

8. That there be no burning of waste material, felled trees or other material on the site.

LANDSCAPING

REASON: To comply with Council's Policy for the provision of landscaping.

9. That the approved landscaping as identified in the landscaping plan be completed prior to the issue of the Subdivision Certificate for any allotment to which it relates.
10. The existing avenue planting of Plane trees along Park Street is to be extended from Richards Lane to meet the Village avenue planting, so as to enhance the streetscape and provide visual screening.
11. That a Section 88B Instrument be created to include a positive covenant on allotments 21, 52, 53, 79, 80, 81, 82, 83, 91, 95 and 96 to ensure that the approved landscaping, as per the landscaping plan be maintained by the owner.

STATUTORY

REASON: To comply with the statutory requirements of other authorities.

12. That documentary evidence be provided to Council that arrangements have been made with Central Tablelands Water for the supply of water prior to the issue of a Subdivision Certificate for any allotment to which it relates.
13. That documentary evidence be provided to Council that arrangements have been made with Essential Energy for the supply of electricity prior to the issue of a Subdivision Certificate for any allotment to which it relates.
14. That documentary evidence be provided to Council that arrangements have been made with the relevant telecommunications authority for the provision of telephone services prior to the issue of a Subdivision Certificate for any allotment to which it relates.
15. The applicant is to obtain a construction certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or a accredited certifying authority. Certifying that the proposed works are in accordance with the *WBC Guidelines for Engineering Works* prior to any subdivision works

commencing.

16. The applicant is to obtain a subdivision certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council. The final survey plan and two paper copies are to be submitted to Council along with the application for the subdivision certificate prior to its lodgement with the Lands Titles Office. NOTE: Council will only issue a Subdivision Certificate in relation to the subdivision or any part thereof when it is satisfied that all conditions of development consent have been complied with and the appropriate fees paid with respect to the subdivision or that part to which the Subdivision Certificate relates.
17. That the final plan of survey is to provide for the dedication as public road all roads required to be (re) constructed under this consent. NOTE: The applicant is to make arrangements for the closure and transfer of that part of the public road within proposed allotment 9 to provide for the realignment of Richards Lane.
18. That an original plan of subdivision be submitted for Council's registration prior to the issue of the Subdivision Certificate for any allotment to which it relates.

STATUTORY

REASON: To comply with the statutory requirements of Council's Policy and Development Control Plans.

19. That all new and replacement electricity, coaxial, telecom and other cables are to be laid underground.
20. That above ground utility installations and cabinets are to be kept to a minimum in size and number and if possible located on existing poles.
21. That any bicycle paths or footpaths are to be finished with a cement stabilised decomposed granite material from a local supply.
22. Prior to the issue of a construction or subdivision certificate, the applicant is to submit an electronic copy (AutoCAD 2000 format) and three (3) paper copies of engineering plans, specifications and calculations in relation to Condition(s) 30, 31, 33, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52 and 54. Further, the works are to comply with *WBC Guidelines for Engineering Works*.
23. During the course of construction, the applicant is to obtain

a compliance certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from either Council or an accredited certifying authority, certifying that the engineering work required by condition(s) 30, 31, 33, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52 and 54 has (have) been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

NOTE: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

24. Prior to the issue of a subdivision certificate, the applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Condition(s) 30, 31, 33, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52 and 54 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

NOTE 1: Information provided shall also include the provision of a table on the works as executed plan which details: the distance from the centre of the downstream manhole/pit to each sideline, house connection, and dead end; the depths to invert; and the length of such sidelines.

NOTE 2: Information provided shall also include the provision of information on the works executed plan which details: road levels, road crossfalls & longitudinal grades.

25. During the course of construction, the applicant is to arrange an inspection of the subdivision works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> • Following site regrading, and prior to installation of footway services; • Excavation and trimming of subgrade; • After compaction of subbase; • After compaction of base, and prior to sealing; • Subsoil Drainage; • Road pavement surfacing; • Pavement test results (compaction, strength).
B	Drainage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons. • Following channel shaping

		prior to topsoiling and seeding
C	Sewerage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Main - air pressure testing; • Installation and commissioning of sewerage pump stations. • Manhole - water test for infiltration, exfiltration.
D	New Gate – Rural Crossing	<ul style="list-style-type: none"> • Prior to commencement of excavation works. • After compaction of base and prior to sealing • Road pavement surfacing
E	Erosion and Sediment Control	<ul style="list-style-type: none"> • Prior to the installation of erosion measures.
F	All Development & or Subdivision Works	<ul style="list-style-type: none"> • Practical completion.
G	Road Openings	<ul style="list-style-type: none"> • Upon completion of works.

26. Prior to the issue of a Construction Certificate, Engineering Inspection fees must be paid in accordance with Councils Fees and Charges for that length of road to be constructed to which the Construction Certificate relates.

SECTION 94 CONTRIBUTIONS

REASON: To comply with Council's policy for a contribution towards headworks.

27. That the applicant pays Section 94 Contributions as required by Council's Section 94 Plans. The amount applicable will be dependant upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. Section 94 Contributions will not be applied to the first 25 allotments for which a Subdivision Certificate is issued. Section 94 Contributions will not apply to proposed allotment 25 – Open Space.
28. That the applicant pays sewer head works charges pursuant to the Millthorpe Development Servicing Plan (Section 64). The amount applicable will be dependant upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.
29. Payment of applicable Section 94 and 64 Contributions to be made prior to the issue of a Subdivision Certificate for any allotment to which they relate.
30. The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs for that part of the subdivision to which the Construction Certificate

relates, at practical completion to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council before a subdivision certificate will be issued by Council.

INFRASTRUCTURE

REASON: To comply with Council's requirements for the provision of infrastructure.

31. Sewer mains are to be constructed such that there is a separate and distinct sewer connection wholly within the boundary of each proposed allotment, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*. NOTE: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.
32. The location of proposed sewer manholes shall be such that they are located entirely outside the designated 1% Annual Exceedance Probability (AEP) flood inundation zone.
33. The final plan of survey is to show an easement to drain sewage 4 metres wide within allotments 1 and 3 and in favour of Council
34. The location of each proposed sewerage pump station shall be such that it is located entirely within its own allotment and entirely outside the designated 1% Annual Exceedance Probability flood inundation zone. The allotment shall be sized to ensure suitable access is maintained at all times, for servicing of the pump station.
35. The pump station allotment(s) shall be transferred to Blayney Shire Council as allotment(s) in fee simple, and connections made for the separate servicing with water and electricity.
36. The developer is to relocate, if necessary, at the developer's cost any utility services.
37. During and after construction, minimum distances from powerlines are to be maintained.
38. Prior to the commencement of construction, the developer is to provide to Council a letter from Essential Energy indicating that satisfactory clearances from power lines will be maintained.

39. Prior to any work being undertaken on site, all roads (existing and proposed) within the proposed development, including Richards Lane and Springvale Lane are to be designed to Council's RB1 Road standard, in accordance with the Blayney shire Council *DCP No. 6, Development Guidelines for North Millthorpe*, and the *WBC Guidelines for Engineering Works* where applicable.
40. Provision for bus stops shall be provided such that no allotment is further than 400m from a bus stop. Bus stops are to be constructed and sealed in accordance with Section 3.4.8.2 of the Roads and Traffic Authority's Road Design Guide prior to the issue of Subdivision Certificate.
41. The development of any one of the proposed allotments shall require the construction of all roads servicing and fronting the proposed allotments, to Council's RB1 Road standard. (Prior to the issue of Subdivision Certificate.)
42. The development of any one of the proposed Allotments numbered 3 – 8 in Dwg No. 08-074 Rev C shall require the reconstruction of Richards Lane from the end of seal of Crowson Street to the northern boundary of Allotment 8 to Council's RB1 Road standard. (Prior to the issue of Subdivision Certificate)
43. The development of any one of the proposed Allotments numbered 9 -96 (excluding Allotment 25) in Dwg No. 08-074 Rev C shall require the reconstruction of; Richards Lane from Park Street (MR245) to the northern boundary of Allotment 8, Springvale Road to the western boundary of Allotment 54, and those roads that front proposed Allotments 22 – 24 & 71, to Council's RB1 Road standard. (Prior to the issue of Subdivision Certificate)
44. Prior to the development of the twenty-fourth (24th) allotment gaining access via Richards Lane to Park Street or Crowson Street. The developer shall upgrade the intersection of Park Street (MR245) and Richards Lane in accordance with the NSW Roads and Traffic Authority requirements in letter dated 2 June 2010. Prior to the issue of Subdivision Certificate.
NOTE: For the purpose of the calculation of the number of allotments, allotment 25 (open space) is not included.
45. Proposed lot 25 shall be created at the time of release of the first subdivision certificate for the proposed subdivision. Upon its creation this lot is to be dedicated to Council. All works required to be completed by the developer upon this lot are to be completed prior to its dedication to Council.

46. The developer is to construct an appropriate pedestrian and cycle link between Stabback Street and the unnamed street to the north of proposed lot 25, prior to release of the first subdivision certificate for the proposed subdivision. This link is to be constructed so as to be trafficable above the designated 1% Annual Exceedance Probability (AEP) flood inundation zone. Full plans and specifications for this pedestrian and cycle link are to be approved by Council prior to construction.

RURAL ADDRESSING

REASON: To comply with Council's Policy and requirements for the provision of rural addressing.

47. The designated number plate(s) shall be obtained and erected in accordance with the Specifications for Erection of Street Address Numbers as supplied by Council. Written notification is to be provided to Council indicating rural addressing number(s) has/have been erected. This letter is to be supplied to Council or Principal Certifying Authority prior to the issue of a Subdivision/Occupation Certificate.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

48. During the course of construction, construct an all-weather 2WD vehicular access to each proposed allotment. Such access shall include:
- (a) A gate or stock grid set back in accordance with the following table:

COLUMN 1	COLUMN 2
Allotment area greater than 1 Ha.	A minimum distance of 15m from the edge of the road formation.
Allotment area of 1 Ha or less	A minimum distance of 10m from the edge of the road formation.

- (b) A minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.
- (c) A 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.
- NOTE: Any new vehicular access points are to be located such that all RTA stopping sight distances are achieved.
49. That all accesses are to be designed and constructed to provide all weather access to the subject land. If the 1% Annual Exceedance Probability storm can-not be catered for with piped drainage, the over road flow must have a

velocity-depth product of less than 0.7m²/s.

50. Vehicular access shall not be created or used to give access to a road closer than 20 metres to any intersection with another road.
NOTE: Access to allotment 54 is to be provided off Springvale Lane.
51. During the course of construction, within and for the full length of the access handle(s) of the hatchet shaped allotment(s) and over the footway, construction of a sealed vehicular driveway(s) 2400 mm wide, designed to *WBC Guidelines for Engineering Works*. Further, the applicant is to obtain a compliance certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act* at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* prior to issue of Subdivision Certificate.
NOTE: If other hard standing, dust free and weather proof surfaces are proposed instead of sealing, written approval is to be obtained from Council that the proposed alternative is acceptable.
52. The final plan of survey is to show a right of carriage way 10 metres wide within allotment 83 and in favour of allotment 84.

LIABILITY

REASON: To comply with Council's requirements for insurance coverage against claims.

53. Prior to the commencement of any works on Council controlled land including a public road, the applicant is to affect Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the issuing of a Construction Certificate.

DRAINAGE

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from storm water.

54. A Stormwater Management Plan is to be submitted, and approved by Council for development of the entire site, detailing water flow characteristics within and from the site to a designated drainage channel, treatment and handling

of runoff from the development, potential pollution sources and proposed control mechanisms. The Stormwater Management Plan is to comply with *WBC Guidelines for Engineering Works* and be approved prior to issue of Construction Certificate for any allotment to which it relates.

NOTE 1: Implementation of the Stormwater Management Plan may necessitate the creation of easements over adjoining properties.

NOTE 2: The applicant shall demonstrate compliance with the Central West Councils Salinity & Water Quality Alliances *Stormwater to Smartwater: S₂S – Supporting Technical Guidelines* by incorporating Water Sensitive Urban Design principles into the stormwater system of the development.

55. The developer is to construct inter allotment drainage to drain all allotments not draining naturally to a public road. The drainage system is to include, but not be limited to, grassed swales, drop structures and energy dissipation devices. All drainage works are to comply with the provisions of AS/NZS 3500 and the *WBC Guidelines for Engineering Works*.
56. The final plan of survey shall show easements to drain water over the land affected by the interallotment drainage in favour of those allotments benefiting from the interallotment drainage.
NOTE: The interallotment drainage system shall be designed to cater for the 1% AEP event plus a 500mm freeboard without any overtopping.
57. All road and inter allotment drainage is to be conveyed to a legal point of discharge, in accordance with the *WBC Guidelines for Engineering Works*.
NOTE. The current rural catchment discharge rates are to be used as the maximum post development discharge.
58. The final survey plan is to show easements in gross to drain water in favour of Council over all storm water drains conveying road and inter allotment drainage.
(Bell/Ferguson)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Bell	
Councillor Ewin	
Councillor Ferguson	
Councillor Radburn	
Total (4)	Total (0)

Cr Radburn vacated the Chair at 5.15pm.
Cr Kingham returned to the Chambers and resumed the Chair.

There being no further business, the meeting concluded at 5.16pm.

The Minute Numbers 1202/001E to 1202/002E were confirmed on 12 March 2012 and are a full and accurate record of proceedings of the Extraordinary Meeting held on 21 February 2012.

Cr BR Kingham
MAYOR

Mr GA Wilcox
GENERAL MANAGER