

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE BLAYNEY SHIRE COMMUNITY CENTRE,
ON 14 APRIL 2014, COMMENCING AT 6.00 PM**

Present: Crs S Ferguson (Mayor), G Braddon OAM, D Kingham, S Oates, K Radburn and D Somerville.

General Manager (Mr G Wilcox), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker) and Directors Assistant (Mrs L Ferson).

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOGOLIES

Cr Ewin, as per request for leave.

CONFIRMATION OF MINUTES

1404/001 RESOLVED:
That the Minutes of the Ordinary Council Meeting held on 10 March 2014, being minute numbers 1403/001 to 1403/024 be confirmed. (Radburn/Somerville)

MATTERS ARISING FROM THE MINUTES

Nil

PUBLIC FORUM

Kim Menzies – Unreasonable and Unreasonably Persistent Customer Policy and Procedure

Greg Hahn – Development Application No.11/2014 – Lyndhurst Rifle Club – Alternate Danger Zone on Range

Harry Marshall – Environmental Noise in Marshalls Lane

DISCLOSURES OF INTEREST

Nil

MAYORAL MINUTE

The Mayor attended the Mitchell Conservatorium Scholarship Winners Concert on 5 April 2014. Congratulations to Mya Brown and Meg Summerson who both received a 2014 Blayney Shire Council Scholarship at the Mitchell Conservatorium.

GENERAL MANAGER'S REPORTS**REQUEST FOR LEAVE - CR ALLAN EWIN****1404/002 RESOLVED:**

1. That Council grant Cr Ewin's request for Leave of Absence for the April 2014 Council Meeting. (Oates/Somervaille)

CORPORATE SERVICES REPORTS**CENTROC BITUMEN EMULSION CONTRACT****1404/003 RESOLVED:**

1. That Council endorse the extension of the current bitumen emulsion contract with Boral Asphalt. (Radburn/Oates)

SUSTAINABLE COLLECTIONS PROJECT**1404/004 RESOLVED:**

1. That Council approve the request from Orange City Council and include budget provisions in its Operational Plans of \$15,000 in 2014/15 and 2015/16 for the Sustainable Collections Project providing reporting back on project achievements to Council and the community is furnished on a six monthly basis.
2. That Council invite a representative from the Sustainable Collections Project to make a verbal representation to Council. (Kingham/Somervaille)

ADOPTION OF PENSIONER AND HARDSHIP POLICY**1404/005 RESOLVED:**

1. That the Pensioner and Hardship policy be adopted and included in Council's policy register. (Somervaille/Braddon)

ENDORSEMENT OF 2014/2015 OPERATIONAL PLAN**1404/006 RECOMMENDED:**

1. That Council endorses the draft 2014/15 Operational Plan and the new rating categories and sub-categories as proposed; and
2. That the 2014/15 Operational Plan be placed on public exhibition for a period of 28 days. (Radburn/Oates)

SALE OF LAND FOR UNPAID RATES – AUCTION RESULTS**1404/007 RECOMMENDED:**

1. That Council note the report and endorse execution of sales contracts and associated documentation by the Mayor and General Manager under Council seal for the following properties sold at auction for Sale of Land for Unpaid Rates, pursuant to Local Government Act section 713, held on 14th February 2014:
Lot 2: 3 Turner Street, Barry (Lot 4 Sec 21 DP 758062)
Lot 3: Steel Street, Mandurama (Lot 1 DP 1123120)

Lot 4: Nyes Gate Road, Millthorpe (Lot 4 DP 900114)
Lot 6: 17 Campbell Street, Newbridge (Lot 1 DP 798289)
Lot 7: 2 Curtain Street, Newbridge (Lot 3 DP 798289)
Lot 8: 1a Bourke Street, Newbridge (Lot B DP 379260)
(Oates/Radburn)

REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2014

1404/008 RESOLVED:

1. That the report indicating Council's investment position as at 31 March 2014 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.
3. That Council note the amount paid on maturity on the Kakadu CDO, gain on disposal and endorse action being taken to recover the loss sustained. (Kingham/Somervaille)

INFRASTRUCTURE SERVICES REPORTS

BRIDGE NAMING - GARLAND ROAD

1404/009 RESOLVED:

1. That Council does not name the Bridge and that a sign be erected indicating the Grubbenbun Creek waterway at the new Bridge.
2. That Council investigates an official opening of the bridge. (Kingham/Somervaille)

LOCAL GOVERNMENT ROAD SAFETY PROGRAM

1404/010 RESOLVED:

1. That Council
 - a. Agree to participate in the NSW Local Government Road Safety Program, for the period 1 July 2014 – 30 June 2017, subject to Bathurst Regional Council's ongoing involvement.
 - b. Approve the extension of the existing Road Safety Officer position for the period 1 July 2014 – 30 June 2017, subject to Bathurst Regional Council's ongoing involvement.
 - c. Notify Bathurst Regional Council and Roads and Maritime Services of its approval. (Oates/Radburn)

NAPIER STREET TOILET BLOCK

1404/011 RESOLVED:

1. That Council
 - a. approve the construction of a brick and Colorbond toilet block at Napier Street Oval.
 - b. approve additional expenditure of \$16,000.
 - c. write to Napier Oval sporting user groups seeking a financial contribution to the construction of the toilet block.
 - d. enter into a user agreement to provide keys and access only when the grounds are in use. (Kingham/Radburn)

**INSTALLATION OF POWER SAVING DEVICES AT THE
BLAYNEY SEWERAGE TREATMENT PLANT**

1404/012

RESOLVED:

1. That Council
 - a. in accordance with the Local Government (General) Regulation 2005, Clause 177 (5), receive the late tenders from 360 Engineering and Laser Electrical and they be considered as part of the tender review,
 - b. in accordance with the Local Government (General) Regulation 2005, Clause 178 (1)(a), accept the tender of Insight Engineering for the installation of power saving devices (VSD's) at the sewerage treatment plant and the design and installation of a SCADA/telemetry system for the Blayney Shire sewerage network for a total of \$235,708.00 (Inc. GST).
 - c. Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
 - d. Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution. (Radburn/Somervaille)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

**FLYERS CREEK WIND FARM - VOLUNTARY PLANNING
AGREEMENT (VPA)**

1402/013

RESOLVED:

1. That Council authorise the General Manager to enter into and sign the Voluntary Planning Agreement.
2. That the Minister for Planning be provided with a copy of the Agreement within fourteen (14) days of the Agreement being entered into. (Radburn/Oates)

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

FOR

Councillor Oates
Councillor Kingham
Councillor Somervaille
Councillor Ferguson
Councillor Radburn

Total (5)

AGAINST

Councillor Braddon

Total (1)

Cr Braddon requested his name be recorded against this resolution.

DEVELOPMENT APPLICATION NO.73/2013 - EXTERNAL ACCESS RAMP, NEW FRONT DOOR AND SIGNAGE - 105 ADELAIDE STREET BLAYNEY - REVIEW OF DETERMINATION UNDER SECTION 82A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1402/014

RESOLVED:

1. That Council refuse Development Application No. 73/2013 which proposes to construct an external access ramp, new front door and signage at 105 Adelaide Street, Blayney.

REASONS

- The proposed access ramp will form an unnecessary hazardous obstruction in the footway;
- The access ramp will hinder access for visually impaired persons;
- The access ramp will create a liability within the road reserve that is not in the public interest;
- The proposed access ramp is visually unsympathetic to the streetscape;
- Alternate access within the bound of the commercial premises is possible. (Oates/Radburn)

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

FOR

Councillor Braddon
Councillor Oates
Councillor Kingham
Councillor Ferguson
Councillor Radburn

Total (5)**AGAINST****Total (0)**

Cr Somerville abstained from voting as the time period for lodgement of the review under Section 82A of the Environmental Planning and Assessment Act 1979 had lapsed.

DEVELOPMENT APPLICATION NO.11/2014 - RELOCATION OF RANGE DANGER AREA AT LOTS 87, 104, 105, DP 750392, LOT 1, DP 130553, LOT 2, DP 738955, 199 AND 201 GARLAND ROAD, LYNDHURST - LYNDHURST RIFLE CLUB

1404/015

RESOLVED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to Development Application No. 11/2014 subject to the following conditions of consent: (Kingham/Braddon)

STATUTORY**REASON: Statutory requirement**

1. Development is to take place in accordance with the attached

stamped plan (Ref No. DA 11/2014), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent

Note: Any alterations to the approved development application plans may require an application for modification of this consent or a new application.

2. The development is to be undertaken in accordance with the provision of the NSW Police Range Danger Guide 2013, and the conditions applying to any relevant licence issued by the Firearms Registry of NSW Police. A copy of any such licence is to be provided to Council prior to commencement of the development.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

3. The applicant shall maintain adequate sediment and soil erosion controls in accordance with *WBC Guidelines for Engineering Works*.
4. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be placed on the development site prior to commencement of operations.

Materials or machinery to be used in association with the development must be stored and stacked wholly within the building outside of the hours of operations unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

5. All stormwater should be directed into the existing local drainage system.

CONSTRUCTION

REASON: Statutory requirement and public interest

6. The developer is to relocate, if necessary, at the developer's cost any utility services.
7. A "Concealed Entry" sign is to be provided in an appropriate location to the satisfaction of Council's Infrastructure Services Department.

Advisory note: Any alterations to the operation of the Lyndhurst Rifle Range should be notified to Council and advice sought in relation to relevant consents required, including any expansion in the use of the range for activities other than full bore rifles.

The **DIVISION** was taken and the names of the Councillors

voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Braddon	
Councillor Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

**DEVELOPMENT APPLICATION NO.9/2014 - NEW
WAREHOUSE AND AWNING AT LOT 15, DP 1187293 - 1
JARMAN CRESCENT, BLAYNEY - NESTLE AUSTRALIA LTD**

1404/016

RESOLVED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to Development Application No. 9/2014 subject to the following conditions of consent: (Oates/Braddon)

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 9/2014), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.
Note: Any alterations to the approved development application plans must be clearly identified with the application for a Construction Certificate. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.
2. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

3. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with *WBC Guidelines for Engineering Works*.
4. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing. Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within

the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

5. The developer is to relocate, if necessary, at the developer's cost any utility services.
6. A BCA assessment report for the proposed development shall be prepared by a suitably qualified person and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
7. A Fire Safety Schedule specifying the proposed fire-safety measures to be implemented in the building is to be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
8. The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
9. The owner is required to provide Council and the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
10. Environmental noise monitoring of the activities on the site be undertaken in accordance with the provisions of Section 11, NSW Industrial Noise Policy, and evidence of same lodged with Council annually.
11. Any vegetation to be removed from the site to cater for the development of the warehouse should be replaced with suitable advanced plantings. A landscaping plan should be lodged with Council and approved, prior to the issue of a Construction Certificate, showing existing and proposed landscaping to sufficiently screen the development from the Millthorpe Road and from the residential area to the east.

CONSTRUCTION

REASON: To comply with legislative statutory requirements.

12. Prior to commencement of any works, a Construction Certificate is to be obtained and where Council is not the PCA, a copy is to be submitted to Council.
13. Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where Council is not the PCA a copy is to be submitted to Council.
14. Provide a clearly visible sign to the site stating:
 - a) Unauthorised entry is prohibited;
 - b) Builders name and licence number; or owner builders permit number;

- c) Street number or lot number;
 - d) Contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority.
15. There shall be no burning of waste material, felled trees or other material on the site.

DRAINAGE

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

16. All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to the existing drainage system on site.
17. All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to the existing inter allotment drains located on the land.

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

Note 1: Two copies of a plan showing the location of the storm water disposal system are to be submitted to Council before occupation.

Note 2: 'Pump-out' storm water drainage systems are not acceptable.

AMENITY

REASON: To limit the impact of the development on adjoining and nearby residents and to comply with Council's policies on development.

18. Noise generating construction activities are to be restricted to the hours of:-

- | | |
|-------------------------------|------------|
| • Monday to Friday | 7am to 6pm |
| • Saturday | 8am to 5pm |
| • Sundays and Public Holidays | Nil |

ADVICE AND NOTES**Inspection Schedule**

The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work.

As the Certifying Authority, for water and sewer inspections, Blayney Shire Council must undertake inspections of the various stages of construction as follows:

- a. Internal and External Sanitary Drainage
- b. Hot & cold water prior to any internal lining.
- c. Final/Stormwater. At time of completion of the works.

Notice of Commencement

Notice of commencement of building works – The attached form needs to be completed and sent to Council at least 2 days before any work commences on the site.

Reference to the Building Code of Australia

A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

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

FOR	AGAINST
Councillor Braddon	
Councillor Oates	
Councillor Kingham	
Councillor Somervaille	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

COMMITTEE REPORTS

MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING HELD ON 13 MARCH 2014

1404/017

RESOLVED:

1. That the minutes of the Blayney Shire Towns and Villages Committee meeting held 13 March 2014 be received and noted
2. That a group comprising interested members of Towns and Villages Committee, Economic Development Committee, Blayney Town Committee, Blayney Festival Committee and business develop ideas to progress concept for a 'Festival of Events'.
3. That Council adopt the Village Plans. (Braddon/Radburn)

MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT COMMITTEE HELD ON FRIDAY 7 MARCH 2014

1404/018

RESOLVED:

1. That the recommendations of the Blayney Shire Audit Committee meeting held on 7 March 2014 be adopted. (Somervaille/Braddon)

CLOSED MEETING**1404/019 RESOLVED:**

That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters: (Oates/Kingham)

CONFIDENTIAL MEETING REPORTS**REQUEST FOR PAYMENT OF GAP MEDICAL EXPENSES**

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

1404/020 RESOLVED:

1. That Council does not accept liability for the incident.
2. That Council settles claimant's claim conditional on completing a Deed of Release. (Radburn/Braddon)

1404/021 RESOLVED:

That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public. (Braddon/Somervaille)

There being no further business, the meeting concluded at 7.30pm.

The Minute Numbers 1404/001 to 1404/021 were confirmed on 12 May 2014 and are a full and accurate record of proceedings of the Ordinary Meeting held on 14 April 2014.

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER