

Blayney Shire Council



7 October 2014

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 13 October 2014 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 16.09.14 and Extraordinary Council Meeting held on 20.09.14
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
 - (a) Rebecca Price – Blayney Farmers Market
 - (b) Margaret Glasby – Barry Village
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Committee Reports
- (13) Questions from Councillors
- (14) Closed Meeting

Yours faithfully

Alan McCormack
ACTING GENERAL MANAGER

5.45PM CITIZENSHIP CEREMONY

MEETING CALENDAR

October

Time	Date	Meeting	Location
9.00 am	15 October 2014	Audit Committee	Community Centre
10.00 am	17 October 2014	Traffic Committee Meeting	Community Centre
9.00 am	20 October 2014	Local Government NSW Annual Conference	Coffs Harbour
10.00 am	30 October 2014	GMAC	Orange

November

Time	Date	Meeting	Location
	7 November 2014	Association of Mining Related Councils	Cessnock
6.00 pm	10 November 2014	Ordinary Council Meeting	Community Centre
5.00 pm	13 November 2014	Cemetery Forum Committee	Community Centre
6.30 pm	13 November 2014	Access Advisory Committee	Community Centre
4.00 pm	18 November 2014	Local Emergency Management Committee	Community Centre
5.30 pm	20 November 2014	Sports Council	Community Centre
10.00 am	27 November 2014	Centroc Board	Boorowa

December

Time	Date	Meeting	Location
6.00 pm	8 December 2014	Ordinary Council Meeting	Community Centre
10.30 am	10 December 2014	Central Tablelands Water	Molong
6.00 pm	11 December 2014	Towns and Villages Committee	Community Centre
10.00 am	19 December 2014	Traffic Committee Meeting	Community Centre

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HELD ON MONDAY 13 OCTOBER 2014

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GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



01) **FIT FOR THE FUTURE**
(Acting General Manager)

RECOMMENDED:

1. That this report be noted.

REPORT

The Premier, the Hon Mike Baird, MP, and the Member for Local Government, the Hon Paul Toole, MP, have announced 'Fit for the Future – A Blueprint for the Future of Local Government'.

The announcements follow on from the work of the Independent Review Panel which made 65 recommendations. The Panel concluded *'we are of one mind in concluding that wide-ranging and concerted action is essential to make NSW local government sustainable and fit-for-purpose into the mid-21st Century. Our terms of reference required nothing less.*

The options for Blayney Shire Council contained in the Panel's Final Report were: Council in the Central West JO (Joint Organisation) or merge with Orange.

The Government has indicated it has created a \$1 billion Fit for the Future package.

This is comprised of:

- \$258m to help Councils who have decided to merge to make the transition and provide services and facilities communities need.
- \$13m to support local transition committees and ensure elected representatives are involved in the merger process.
- \$5.3m to get new regional Joint Organisations up and running.
- \$4m to help small Councils (<10,000 population) develop innovative ways of working.
- Up to \$600m potential savings from cheaper finance for Fit for the Future councils to invest in local infrastructure.

In regional NSW, the following financial support has been designated:

- \$5m for 2 Councils merging.
- \$11m for 3 Councils merging.
- \$13.5m for 4 Councils merging.

These allocations are made without conditions.

As would be expected, the Government's announcement has created activity on both an individual Council and regional basis. Actions to date are:

- Discussions held by Wellington Blayney Cabonne (WBC) Alliance and General Managers of those Councils have been asked to meet to consider the Alliance's position.

- Meeting, organised by Bathurst Regional Council, between Bathurst, Blayney, Lithgow and Oberon Councils.
- Centroc will be submitting an application to become a Trial Joint Organisation.

Councils have been asked to assess their current positions and to submit a Fit for the Future proposal by 30 June 2015. It is unclear what might happen to Councils who fail to do so – certainly there will be financial implications.

In company with around 50 other Councils, Blayney is now classified as a Rural Council, population less than 10,000. The Independent Review Panel recommended the following features for Rural Councils:

- A strong focus on maintaining local service delivery and quality of life, enabling and supporting community efforts.
- A maximum of five councillors, including the mayor.
- A reduced number of full Council meetings – no more than six each year – and a very limited committee structure, if any.
- Either a fully shared administration with an adjoining Council, or extensive resource-sharing as part of a Joint Organisation in order to minimise requirements for senior staff and greatly reduce administrative overheads.
- Simplified regulatory, compliance and reporting requirements under both the Local Government Act and other relevant legislation (eg the new Planning Act).
- Regulatory responsibilities handled largely by arrangement with a regional centre or other partner Council having the necessary expertise.
- Modified Integrated Planning and Reporting and internal audit requirements consistent with a small population and budget.

However the Minister has indicated he does not necessarily agree with those features.

So there are a number of avenues for Blayney Council, viz

- Reject proposals and endeavour to maintain the status quo.
- Consider adopting the Rural Council Model (yet to be established) and becoming part of a Joint Organisation or sharing administration with a neighbouring Council.
- Consider merging with one or more Councils.

There will be many conversations to be held on this very important issue. Council will eventually need to determine a position.

BUDGET IMPLICATIONS

Nil at this stage.

POLICY IMPLICATIONS

Not known.

IP&R LINK

DP 6.3.3 Support actions for the sustainable future of local government.

02) **WELLINGTON BLAYNEY CABONNE ALLIANCE (WBC)**
(Acting General Manager)

RECOMMENDED:

1. That the report be noted.

REPORT

The annual meeting of the WBC was held at Wellington on 17 September 2014. In holding executive positions on 2 member Councils, there were 4 Blayney Councillors in attendance (Mayor, Cr Scott Ferguson and Deputy Mayor, Cr Alan Ewin – Blayney Council, and Chairman, Cr Geoff Braddon and Deputy Chairman, Cr David Somerville – Central Tablelands Water).

At the meeting Cr Ferguson relinquished the role of Chairman to Cr Rod Buhr from Wellington. In his Chairman's Report Cr Ferguson referred to savings for the year of \$520,629 bringing the cumulative savings for the Alliance to over \$5.7 million. The Alliance has now been in existence for 10 years.

Cr Ferguson also referred to the key project of the year – the ongoing development of a Shared Services Model. Progress on this will be subject to the current local government reforms.

Cr Ferguson said that one of his highlights was the inaugural and very successful Women's Forum held in Blayney. He also referred to sharing equipment, joint tenders, e-planning and other joint arrangements.

BUDGET IMPLICATIONS

Council's contribution to WBC is covered by annual allocations.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.1.2 Promote resource sharing and collaboration with regional organisations.

Attachments

Nil

03) **CADIA VALLEY OPERATIONS (CVO) SOCIO-ECONOMIC STUDY**
(Acting General Manager)

RECOMMENDED:

1. That this report be noted.

REPORT

Cadia Valley Operations (CVO) commissioned the Western Research Institute (WRI) to assess the economic impacts and benefits of CVO and its employees and contractors on local communities during the year 2012-2013.

The study indicates economic benefits for the local area in 2012/2013 of:

- Approximately \$1,548 million in regional output.
- Approximately \$773 million in value add.
- Approximately \$210 million in household income.
- Approximately 2,400 full time equivalent jobs.

In relation to the Workforce, the results of the survey indicated:

- 280 members of the workforce live in Blayney;
- It is estimated that 990 members of the workforce have children. In the order of 2,140 children are estimated to be supported by the CVO workforce;
- Partners of the CVO workforce primarily work within the CVO region, with 700 partners working in Orange and 270 in Bathurst, Cabonne and Blayney LGAs; and
- If the mine closes, 690 members of the CVO workforce are likely to leave the CVO region.

A full copy of the report is available.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 1.2.3 Build meaningful relationships between the mining industry and Council.

Attachments

Nil

04) SKILLSET
(Acting General Manager)

RECOMMENDED:

1. That Council record congratulations and appreciation to Cr Ferguson for his efforts over a long period with Skillset and its predecessor, Central West Group Apprentices.
2. That Council nominate a Councillor as a Director.

REPORT

The Annual Meeting of Skillset will be held at the Centre, Bathurst at 12.30pm on 31 October 2014.

Council may nominate a Director for election at the AGM. Cr Ferguson was the former nominee and is not eligible for re-nomination.

Cr Ferguson was a member of Skillset and its predecessor since 1999. He has been the Chairman since 2003.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations.

Attachments

Nil

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



05) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2014
(Manager Financial Services)

RECOMMENDED:

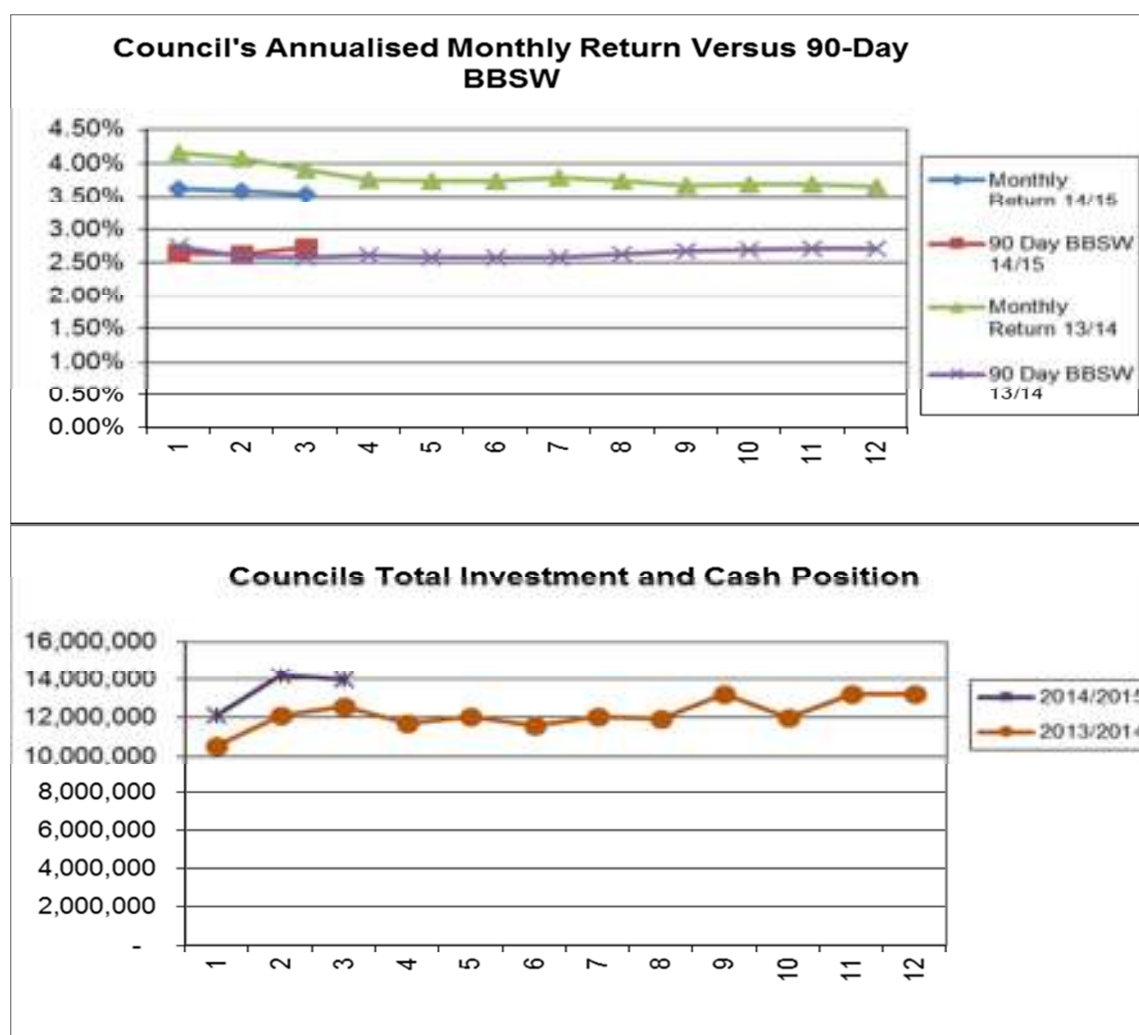
1. That the report indicating Council's investment position as at 30 September 2014 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council's Investment Portfolio as at 30 September 2014.

Council's total investment and cash position as at 30 September 2014 is \$13,941,102.65. Investments earned interest of \$39,527.79 for the month of September 2014.

Council's monthly net return on Term Deposits annualised for September of 3.55% outperformed the 90 day Bank Bill Swap Rate of 2.73%.



RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS	
	\$ 000's
External Restrictions - Sewer	4,416
External Restrictions - Other	2,459
	6,875
Internal Cash Restrictions	6,306
Available Working Capital	760
	7,066
TOTAL CASH & INVESTMENTS	13,941

* Restrictions represent balance as at 1 July 2014

REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2014

Institution	Rating	Maturity	Amount \$	Interest Rate
<u>Term Deposits</u>				
NAB	A1+	9/06/2015	500,000.00	3.82%
Bankstown City Credit Union	Not rated	9/12/2014	500,000.00	3.60%
ME Bank	A2	1/09/2015	500,000.00	3.50%
Bank of Queensland	A2	29/06/2015	500,000.00	3.50%
Railways Credit Union	Not rated	16/12/2014	500,000.00	3.56%
Westpac Bank	A1+	21/10/2014	500,000.00	3.65%
Gateway Credit Union	Not rated	6/01/2015	500,000.00	3.33%
B & E Ltd	Not rated	9/12/2014	500,000.00	3.35%
ING	A2	4/11/2014	500,000.00	3.64%
Peoples Choice Credit Union	A2	25/11/2014	500,000.00	3.52%
Bendigo & Adelaide Bank	A2	18/11/2014	500,000.00	3.35%
Wide Bay Australia Ltd	A2	6/01/2015	500,000.00	3.60%
Goldfields Money Ltd	Not rated	9/10/2014	500,000.00	3.50%
AMP Bank Limited	A1	6/01/2015	500,000.00	3.50%
Beyond Bank Australia	A2	18/11/2014	500,000.00	3.47%
Macquarie Bank	A1	2/09/2015	500,000.00	3.35%
Bananacoast Credit Union	Not rated	18/11/2014	500,000.00	3.70%
Bank of Sydney	Not rated	5/02/2015	500,000.00	3.70%
Rural Bank	A2	5/01/2015	500,000.00	3.45%
MyState Financial Credit Union	A2	2/12/2014	500,000.00	3.70%
WAW Credit Union	Not rated	7/10/2014	500,000.00	3.60%
Police Credit Union SA	Not rated	16/12/2014	500,000.00	3.65%
IMB	A2	3/09/2015	500,000.00	3.50%
Bankwest	A1+	4/11/2014	500,000.00	3.45%
Maitland Mutual Building Society	Not rated	2/12/2014	500,000.00	3.35%
Warwick Credit Union	Not rated	3/03/2015	500,000.00	3.50%
Total Investments			13,000,000.00	3.53%
Benchmarks: BBSW 90 Day Index				2.73%
RBA Cash Rate				2.50%
Commonwealth Bank - At Call Account			753,624.14	2.45%*
Commonwealth Bank Balance - General			187,478.51	2.35%*
TOTAL INVESTMENTS & CASH			13,941,102.65	

* % Interest rates as at 30/09/2014

Summary of Investment Movements - September		
Financial Institution	Invst/(Recall) Amount \$	Commentary
Term Deposits		
MyState Financial	(509,173.97)	Term Deposit Matured 02/09/2014
MyState Financial	500,000.00	Term Deposit Reinvested 02/09/2014
Rural Bank	(509,173.97)	Term Deposit Matured 02/09/2014
Rural Bank	500,000.00	Term Deposit Reinvested 02/09/2014
Macquarie Bank	(508,726.03)	Term Deposit Matured 02/09/2014
Macquarie Bank	500,000.00	Term Deposit Reinvested 02/09/2014
Bankwest	500,000.00	Term Deposit Invested 03/09/2014
Warwick Credit Union	500,000.00	Term Deposit Invested 03/09/2014
IMB	500,000.00	Term Deposit Invested 03/09/2014
Maitland Mutual Building Society	500,000.00	Term Deposit Invested 03/09/2014
Bankstown City Credit Union	(504,674.66)	Term Deposit Matured 09/09/2014
Bankstown City Credit Union	500,000.00	Term Deposit Reinvested 09/09/2014
National Australia Bank	(512,715.90)	Term Deposit Matured 09/09/2014
National Australia Bank	500,000.00	Term Deposit Reinvested 09/09/2014
Gateway Credit Union	(504,313.15)	Term Deposit Matured 09/09/2014
Gateway Credit Union	500,000.00	Term Deposit Reinvested 09/09/2014
B&E Limited	(508,726.03)	Term Deposit Matured 09/09/2014
B&E Limited	500,000.00	Term Deposit Reinvested 09/09/2014

Long Term Credit Rating	Short Term Credit Rating	Policy Maximum %	Current Holding %*
AAA Category	A-1+	100%	19%
AA Category	A-2	80%	38%
A Category	A-2	60%	0%
BBB & Unrated	A-3	40%	42%

*Councils current investment portfolio contains only short term investments and has therefore been rated accordingly

Overall Portfolio Return to Maturity			Actual %
Portfolio % < 1 Year	Min 40%	Max 100%	100%
Portfolio % > 1 Year	Min 0%	Max 60%	0%
Portfolio % > 3 Year	Min 0%	Max 30%	0%
Portfolio % > 5 Year	Min 0%	Max 20%	0%

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

A good investment strategy optimises Council's return on investments.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

Nil

**06) REPORT ON CODE OF CONDUCT COMPLAINTS FOR
PERIOD 1 OCTOBER 2013 TO 30 SEPTEMBER 2014**
(Director Corporate Services)

RECOMMENDED:

1. That the report on Code of Conduct complaints for the period 1 October 2013 to 30 September 2014 be received and noted.

REPORT

Clause 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints as follows:

12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

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

The following statistics are provided for Council's information:

Detail	No.
Total number of complaints made about councillors and the general manager under the code of conduct in the period to 30 September, 2014	0
Number of code of conduct complaints referred to a conduct reviewer	0
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	0
Number of code of conduct complaints investigated by a conduct reviewer	0
Number of code of conduct complaints investigated by a conduct review committee	0
Number of matter reviewed by the Division	0
Total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs	0

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

07) **DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS**

(Director Corporate Services)

RECOMMENDED:

1. That the “Disclosures by Councillors and Designated Persons” Returns as tabled be received.

REPORT

In accordance with Sect 450A of the Local Government Act 1993, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2013 to 30 June 2014, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2014.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2014, and the following designated persons as determined by the General Manager:

- General Manager
- Director Corporate Services
- Director Planning & Environmental Services
- Director Infrastructure Services
- Manager Financial Services
- Operations Manager
- Infrastructure Manager
- Senior Health & Building Surveyor
- Senior Town Planner
- Environmental Health Officer
- Human Resources Manager

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

08) MOBILE DEVICE USAGE POLICY
(Director Corporate Services)

RECOMMENDED:

1. That the draft Mobile Device Usage policy be placed on public exhibition for a period of at least 28 days.

REPORT

Council has been reviewing its policy framework surrounding information technology. As part of this review a policy titled Mobile Device Usage policy, previously named Mobile Telephone policy, (policy 7S) that was repealed in 2012 has been revised and resubmitted for consideration by Council.

The aim of the policy is to provide parameters for the use of corporate Mobile Devices used for access to Blayney Shire Council's corporate systems such as email/calendars, internet browsing and mobile applications used for Council related business.

A copy of the policy has been provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

1 Mobile Device Usage Policy 9 Pages

09) **SOCIAL MEDIA POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the draft Social Media Policy be placed on public exhibition for a period of at least 28 days.

REPORT

Council has been reviewing its policy framework surrounding information technology. As part of this review a new policy has been drafted titled Social Media policy.

The aims of the policy are:

1. To provide the parameters for the use of social media, where it forms part of the employee's professional responsibilities;
2. Inform councillors and employees of their responsibilities, when using social media in a personal capacity; and
3. To manage risks associated with council's use of these tools.

A copy of the policy has been provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- 1 Social Media Policy 4 Pages

10) **EMAIL AND INTERNET POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the draft Email and Internet Policy be placed on public exhibition for a period of at least 28 days.

REPORT

Council has been reviewing its policy framework surrounding information technology. As part of this review a policy titled Email and Internet policy (policy 8A) that was repealed in 2012 has been revised and resubmitted for consideration by Council.

The aim of the policy is to provide parameters for the acceptable use of Blayney Shire Council's corporate systems for email / calendars and internet browsing.

A copy of the policy showing parts of the policy being replaced and updated has been provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

1 Email and Internet Policy 6 Pages

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



11) **WBC STRATEGIC ALLIANCE 2014-2016 TENDER FOR
SUPPLY OF GOODS AND SERVICES**
(Operations Manager)

RECOMMENDED:

1. That Council adopt the attached list of contractors to supply goods and services for the period from 1 November 2014 to 30 June 2016
2. That Council note that this tender does not prohibit Council from accepting new tenders for specific projects

REPORT

Tenders have been called for the supply of goods, services and plant hire to the WBC Strategic Alliance for the period between 1 November 2014 and 30 June 2016.

The tender was undertaken in accordance with Sections 166 and 168 of the *Local Government (General) Regulation 2008* to develop a list of recognised contractors for works within the WBC Alliance. This list will be utilised by Council Officers to invite quotations and/or tenders for works within Council's program.

Council sought submissions from suitably qualified contractors for the following services:

Guardrail supply & installation	Supply precast concrete stormwater drainage products	Supply of water treatment chemicals
Supply of cold bituminous products	Supply of road stabilisation services	Supply of gravel crushing services
Supply of asphalt services	Supply of line marking services	Supply of metal fabrication services
Supply of concrete works	Supply of fencing services	Installation of box culverts, pipes, & headwalls
Installation of water and/or sewer mains	Supply of tree removal/mulching services	Supply of demolition services
Supply of electrical services	Supply of plumbing services	Supply of locksmith services
Supply of painting services	Supply of mechanical services	Supply of engineering, surveying, and/or geotechnical services
Supply of tyres, tyre fitting, and tyre repair services	Supply of plant hire services	

Council received approximately 60 submissions for this open tender with various rates provided. Those that did not supply a schedule of rates have been considered non-conforming and will not be accepted onto this list.

Contractors that have provided a schedule of rates for various items are shown in the attachment and recommended for acceptance.

As part of the submission, Council requested detailed information regarding the contractors insurances and Work Health and Safety (WH&S) policies and procedures. The contractors were then ranked on their compliance with the questionnaire to enable Council Officers to see at a glance the WH&S systems that the contractor has in place. This information will assist in streamlining the procurement process, and provides assurances to Council that it is able to meet its WH&S obligations.

The successful tenderers will have their details entered into a spreadsheet that Council Officers will utilise to determine suitable contractors to undertake works.

BUDGET IMPLICATIONS

All works will be undertaken within existing budgetary allocations

POLICY IMPLICATIONS

Nil effect

Attachments

1 Goods and Services Tenderer List 2 Pages

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



12) **DEVELOPMENT APPLICATION NO.69/2014 - ALTERATIONS TO EXISTING COMMERCIAL PREMISES INCLUDING: CONSTRUCTION OF AN EXTERNAL RAMP, REPLACEMENT OF SHOPFRONT DOOR AND RELOCATION OF SIGNAGE - 105 ADELAIDE STREET, BLAYNEY (COMMONWEALTH BANK OF AUSTRALIA)**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council endorse the Development Application as owner of the subject land, and;
2. Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, Council as the consent authority, grant consent to DA 69/2014 in accordance with the 79C Assessment subject to the conditions attached to this report being imposed under Section 80(A) of the Environmental Planning and Assessment Act 1979.

REPORT

Applicant:	Commonwealth Bank of Australia
Owner:	Commonwealth Bank and Blayney Shire Council
Application No:	69/2014
Zone:	B2 Local Centre
Date Received:	9 July 2014
Assessment No:	A306618
Property:	Lot 6 D171735, 105 Adelaide Street, Blayney
Proposed Development:	Alterations to existing commercial premise including construction external access ramp, new front door and signage

Note

Councilor's attention is drawn to item 14 in closed session which also relates to this development application.

Description of Proposal

The proposed development is to make alterations to the existing Blayney branch of the Commonwealth Bank, which would include construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs. (See plans at **Attachment A**).

The site contains a brick bank building with frontage to Adelaide Street and a rear lane, the site being located within the Blayney Heritage Conservation Area. The building itself is not heritage listed.

Six employees are currently working at the branch which operates from 9am to 5pm, Monday to Friday. These hours would remain unchanged. The bank

would be prepared to offer formal indemnity to cover encroachment on Council's footpath.

Background

This application was lodged on 9 July 2014, requesting Council to reconsider previous decisions made in 2011 and 2013 in relation to the construction of this ramp on the Council footpath.

The previous development applications were referred to the Council's Access Committee on both occasions. Although no reasons were given, the Committee was recorded in 2013 as stating that:

“while the Committee appreciates and supports the bank's willingness to erect the access ramp, the Committee's opinion is that the ramp is best erected on the bank's property adjacent to the northern wall and re-endorses the opinion expressed previously by the Access Committee on the bank's previous application.”

The reasons for the previous refusals were:

- The proposed access ramp will form an unnecessary hazardous obstruction in the footway.
- The access ramp will hinder access for visibility 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 bounds of the commercial premises is possible
- The proposed access ramp is contrary to the provisions of AS 1428-2009 and the Access to Premises Standard 2010.

A number of alternate access options were considered under the previous applications:

- North of building – this is where a former door was located, now bricked up. This would entail relocating an office and the night safe. Due to climatic conditions the ramp would be prone to frost and ice forming on the ramp as no cover would exist over the ramp which would create a significant safety hazard.
- South of building – this would entail relocating the teller machine, a vault and an office. In addition this would bring people into the building adjacent to the tellers, defeating the purpose of providing them with security. Due to climatic conditions the ramp would be prone to frost and ice forming on the ramp as no cover would exist over the ramp, melting of the frost or ice would be hampered in that the sun would be prevented from melting the ramp due to it being directly located on the southern side of the building.
- Internal – a lift, with stairs and a landing as well – not enough internal space.

New automatic doors have already been provided for ease of access, but the existing stairs still provide a hazard.

The Commonwealth Bank advises that it has been able to obtain approvals of similar proposals with many other Councils including; Junee, Nyngan, Dimboola and Atherton, where development was also within Heritage Conservation Areas. Many of these are on footpaths much narrower than in Adelaide Street. The bank does have a Disability Action Plan in place, but is concerned that they have to be providing the ramp at the “principle point of entry”, ie. The front of the building, in accordance the federal Disability (Access to Premises – Buildings) Standards 2010.

In regard to disabled access to buildings such as these, the works must have regard for the Building Code of Australia, the Disability Discrimination Act 1992, the Disability (Access to Premises—Buildings) Standards 2010, Premises Standards 2011 and AS1428.1 Design for Access – Mobility – Part 1.

Council does not have any other particular additional policy requirements that are applied to buildings for access for the disabled, and is bound to apply the abovementioned legislation where applicable. This legislation is changing regularly to meet changes in social need, and should the building require alterations in the future, the legislation relevant at the time would be applied.

In some cases it may be difficult to comply with the above legislation due to matters such as footpath width, narrow building, fabric/architecture of the building etc.

Section 79C Evaluation - matters for consideration

79C (a)(i) the provisions of any environmental planning instrument

1. State Environmental Planning Policies

There are no particular SEPPs that are relevant to this development.

2. Regional Environmental Planning Policies

As of 1 July 2009, regional environmental planning policies (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies (SEPPs).

3. Local Environmental Plans

The land is zoned B2 Local Centre under the *Blayney Local Environmental Plan 2012*, and the development is permissible in the zone. The objectives of the zone are examined as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

Comment: This development would enable more effective operation of an existing business, in compliance with current access legislation, in answer to concerns expressed by the Blayney press in late 2012 in regard to disability access.

- To encourage employment opportunities in accessible locations.

Comment: There are currently six persons employed at the bank and such access ramp would create an opportunity for employment of the disabled should the need arise, as well as providing suitable access for the public.

- To maximize public transport patronage and encourage walking and cycling.

Comment: The proposed development is unlikely to address this objective due to the nature of the development.

- To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.

Comment: The development site is located on Adelaide Street, and supports residents and businesses within the local centre. The location of an access ramp in front of the building on such a wide footpath area, if undertaken in accordance with industry standard, would serve to allow more effective operation of the bank within the context of local business. In the event that other local businesses would seek a similar access arrangement, each application would be treated on its merits.

Clause 5.10 Heritage conservation

The subject site is located within the Blayney Heritage Conservation Area. There are several heritage items in the immediate vicinity, including Council's Tourist Centre at 97 Adelaide Street, a shop at 101, and the Credit Union at 111. Opposite, the closest heritage item is Akehurst's Bakery at 122 Adelaide Street.

The work is unlikely to impact greatly upon these heritage items due to the ramp location being directly in front of the Commonwealth Bank building. Their heritage significance would remain intact as individual heritage buildings. Impact upon streetscape is examined later in this report, although the location of a number of other access ramps in Adelaide Street renders the subject development low impact. These include the Council building, the tourist centre and a child care centre.

4. Guidelines and policies

There are no other particular guidelines or policies which might apply to the development.

79C (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has not been notified to the consent authority that apply to the land to which the development relates

There are no such proposed instruments relevant to this development.

79C (a)(iii) any development control plan that applies to the land to which the development relates

There is no DCP relevant to the proposed development.

79C (a)(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, that apply to the land to which the development relates

There are no such agreements relevant to this proposal.

79C (a)(iv) any matters prescribed by the regulations that apply to the land to which the development relates

There are no such matters relevant to the development.

79C (a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development relates

Not applicable to this development.

79C (b) the likely impacts of that development

Context and setting

The proposed development seeks to provide for the more effective operation of an existing commercial building. The site is located within a business area on the main street of Blayney, surrounded by other commercial development.

The site is within the footpath area and has been chosen in preference to alternative options along the sides of the building, to achieve a balance between suitable external alterations as against the reconfiguration of internal layout of the building. A number of other options have been considered by the developer.

To locate the ramp along the southern side of the building would entail relocating the teller machine, a vault and an office. In addition this would bring people into the building adjacent to the tellers, defeating the purpose of providing them with security.

To locate the ramp along the northern side of the building would entail the relocation of an internal office and the night safe.

The developer has also sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape and address visual amenity, such as brick and brick edge pavers, (terracotta colour) to match existing paved footpath, colour of slipway tiles to match

existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

Access, transport and traffic

The site is accessed via a rear lane for onsite parking. There is not expected to be any significant increase in traffic nature, volume or frequency from previous uses of the site, as the development addresses pedestrian access from Adelaide Street. Council's Engineer has no particular upgrading requirements. However, he asks that the ramp be clearly visible to pedestrians, particularly at night. The paver width along the full frontage of the building is to be from the face of the building to the kerb to ensure consistency for pedestrians.

Council's Engineer also requires public liability insurance, a Pedestrian Management Plan, and assurances from utility providers.

Roads and Maritime Services were notified and their comments addressed adequate pedestrian access, and comments on the signage, which are addressed in conditions of consent.

The application was not referred to Council's Access Committee.

Services/utilities

Some additional services or utilities may be required for the development. The cost of any relocation of utilities required for the development is to be borne by the developer.

Site design, internal design and construction

In regard to disabled access to buildings such as these, the works must have regard for the Building Code of Australia, the Disability Discrimination Act 1992, the Disability (Access to Premises—Buildings) Standards 2010, Premises Standards 2011 and AS1428.1 Design for Access – Mobility – Part 1.

The general requirements for design and construction under AS1428.1 are as follows:

- The maximum gradient of a ramp exceeding 1520mm in length shall be 1:14.
- Ramps shall be provided with landings at the top and bottom of the ramp and at 9m intervals for a ramp 1:14.
- The length of landings shall be not less than 1200mm.
- The gradient of ramps between landings will be consistent.
- Ramps shall be provided with handrails on both sides which do not encroach on the 1000mm minimum clear width.
- Angles of approach for ramps, walkways and landings is preferably zero degrees.

The proposed ramp would be ramped up at 1:14, with an overall length of approximately 13m including tactile indicators. This would include steps at the southern end, a landing, and the main ramp coming up from the northern end, to access the reconstructed front doorway. The ramp would be 500mm at its highest point, and would be bound by a 1m high stainless steel handrail on the eastern side, and a wall mounted handrail on the opposite side. The ramp would be 1.4m wide, and the angle of approach would be zero degrees, from the north.

The developer has also sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape, such as brick and brick edge pavers, (terracotta colour) to match existing paved footpath, colour of slipway tiles to match existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

The developer has sought to solve the access ramp problem through the placement of a single ramp across the front of the building. There are other options where the ramp could be placed alongside the building to the north or to the south, but both would involve major alterations within the building.

The ramp could also be constructed, not as one long ramp, but split into a return ramp, with a half way landing, placed along the sides of the building. However, once again internal configurations would be compromised.

Access solutions are always unique to each historic building and place, and the proposed works would be carried out to industry standard, the above legislation and any relevant requirements of the Building Code of Australia.

Heritage

Development Consent under the *Blayney Local Environmental Plan 2012*, Clause 5.10 Heritage Conservation is required for any such works on buildings within a Heritage Conservation Area.

The subject premise 105 Adelaide Street is within the Blayney Heritage Conservation Area, and as such the preparation of development applications should have regard for the following heritage objectives:

- To conserve the environmental heritage of Blayney Local Government Area

Comment: The building is not a heritage item.

- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

Comment: The bank is not a heritage building, but is located within the Blayney Heritage Conservation Area, defined under BLEP 2012 to include the CBD of the town, namely within Adelaide Street.

The significance of a place can lie in its construction materials, its style and principal elevations, major architectural or landscape features or principal public spaces.

Every effort should be made to minimize damage to original materials, fabric and elements that contribute to the significance of the place. Alterations should, as far as possible, be reversible, especially if these involve change to the original fabric.

Secondary spaces and less significant elements should also be identified, as these may possibly be altered without adversely affecting the primary significance of the place. Items of low significance are more amenable to alteration without affecting the significance of a place. It is critical that significance is clearly defined and understood.

The specific significance of the Blayney HCA and its contributory elements in a heritage context has not been set down in the LEP or the related heritage inventory sheet. Although Adelaide Street is historically the centre of the town, and significant for that reason, the integrity of the significance has been eroded over time and is not demonstrated by the current streetscape.

Prior to listing as a HCA many shop fronts have been altered and replaced, such that only a few heritage facades remain to contribute to a heritage streetscape.

There are a number of heritage items in the general vicinity, most of which have been the subject of modification and alteration to varying degrees. eg. credit union, hotel, bakery, real estate agent and the tourist information centre, prior to the introduction of the Heritage Conservation Area. Hence the heritage street scape relevant to the development is a more contemporary one, and its conservation comes down to visual amenity. The most obvious way to treat this matter is to attempt to match and/or improve on the existing streetscape, in terms of such visual amenity, for a neutral or beneficial effect.

The building itself is not heritage listed, and its historical significance has not been recorded, even though it is an early building within the street. So we do not know what the original façade looked like at this point.

The developer has sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape, such as brick and brick edge pavers, (terracotta colour) to match existing paved footway, colour of slipway tiles to match existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

- To conserve archaeological sites

Comment: Not applicable.

- To conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment: Not applicable.

Council's Heritage Advisor has provided comment on the project on two previous occasions. On the first occasion, he specifically stated that the building façade of 105 Adelaide Street has no individual heritage value, having been erased by successive upgrades and changes, but that providing

the ramp within the subject property would have serious impacts on the internal layout of the building.

He suggested that there were no other access ramps within the main street, and that the location of the ramp on the footpath would result in a loss in public space. He noted that a precedent may be set for other business owners to seek public land for such amenities, and that there is an “inherited” public risk associated with such ramps.

This assessment was in error as there are several other ramps in Adelaide Street.

He noted the undeveloped land either side of the building and suggested that these may or may not be capable of accommodating an accessible entry.

He found the details on the graphics, signs, windows and doors to have an acceptable impact on the streetscape. However he suggested that the ramp be located on the northern side of the building, despite the developer having emphasized the impacts on the internal layout of the building.

On the second occasion he repeated his initial observations as above, but acknowledged the significant impact on the internal layout. He then suggested a return ramp on the southern side of the building, as well as another suggestion for a return ramp along the northern side.

However, the advisor noted that there are many examples of access ramps erected on public land including one at Forbes which was designed with assistance from the Heritage Advisor. In this case it was the only reasonable alternative as the frontage was highly significant. Standard heritage practice relies on exploring all reasonable options before resorting to an alternative which may have a negative impact.

Ultimately he suggested that the applicant should investigate other reasonable options for the site, for the provision of an accessible entrance to be located on the land.

Council Comment: The footpath here is approximately 5m wide, and the ramp is only 1.4m wide. The loss of some 18m² of footpath space would not seem to be “serious”.

Other inquiries in regard to ramps would be treated on their merits, and the bank is willing to provide appropriate public liability insurance.

The applicant has already explored these other options. Due to the cost of internal reconfiguration, the applicant has nominated the front ramp option as the most suitable.

Hazards – technological, natural

There are no particular known natural hazards affecting the development.

In terms of man-made hazards, the ramp is technically able to be constructed on the wide footpath area in accordance with industry standard and best practice, having regard to the safety of pedestrians and the public. The footpath in this vicinity is approximately 5m wide, and the ramp would be only 1.4m wide. The area is already paved and the ramp would be paved to match. There is a small grassed area in the vicinity of the northern end of the ramp

which would be paved, as a condition of consent, to prevent pedestrians walking out around the ramp and onto inconsistent surfaces.

There are no other items of street furniture in this vicinity as found in other parts of the main street, such as rubbish bins, a-frame signs, cafe seating, or verandah posts. The bank has a suspended awning, which results in a clear footway area in front of the building.

The bank is prepared to offer formal indemnity to cover encroachment on Council's footpath. The ramp is no more, or less, hazardous than the existing street furniture, uneven surfaces, footpath trading, power poles and advertising signs which already exist along the Adelaide Street footpaths.

Noise and vibration

There are no particular significant matters relating to noise and vibration which might apply to this development. Noise levels may increase slightly during the construction period.

The hours of operation of the bank are limited to 9am to 5pm, Monday to Friday. Construction hours could be limited through a condition of development consent.

Environmental impact – flora, fauna, land resources, air and water pollution, micro climate

There are no matters arising from this development which might affect flora or fauna, as the site is a highly disturbed commercial property. No other land resources such as extractive industries are affected. Air pollution is minimized, and existing mitigation measures would continue to prevent environmental impact.

Water

There are no additional water requirements or impacts resulting from this development.

Any stormwater is already being directed into the Adelaide Street storm water drain. Sediment and erosion control measures during construction would be established to direct surface water away from the building and into the existing stormwater system.

Waste

Construction waste would be collected, stored and removed off site for disposal at an approved waste facility.

Air

The development is not expected to generate excessive dust. Construction works would be carried out to industry standard to minimize dust generation.

Safety, Security and Crime Prevention

The bank already has extensive security systems in place to enable site/premises security, safety and crime prevention.

Any alterations to the building must have regard for the safe and effective operation of site security and surveillance, and the safety and protection of bank employees and customers.

Economic impact

The economic impacts from this development include the more effective operation and use of the bank premises by the general public.

Social Impact

The social impacts relating to this development relate to the more effective operation of a local business within access regulation, which works with the local community on a number of different levels. The bank provides employment, and the environment is protected with minimal adverse impact on visual amenity.

As the matter of access to banking premises has already been highlighted within the community, the development seeks to address those concerns, providing compliant disabled access. Hazards are to be minimized through attention to legislation and building standards.

The bank is prepared to offer suitable formal indemnity to cover encroachment on Council's footpath.

The proposed development will provide greater accessibility to the building in particular for; disabled persons, elderly persons and mothers using prams that cannot enter the building with ease or dignity.

Cumulative impact, Principles of Ecologically Sustainable Development, Sustainability and Climate Change**Cumulative Impact**

The cumulative impact of the development is for the operation of a local business to compliment other activities in the CBD, within effective industry standards, that leads to minimization of environmental and community impact. In the event that other business in the Heritage Conservation Area should seek a similar alteration to install an access ramp, each application would be fairly treated and assessed on its merits.

Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect local environment), Inter-generational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilize the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal would not present significant threats of serious or irreversible environmental damage, and the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations, for the conservation of biological diversity and ecological integrity.

Other

The following other impacts have been considered and are not relevant to the proposal: flooding, contamination, bushfire.

79C (b) Suitability of the site for the development

Comment: The building is located within a commercial area, where the site is suitable for the development.

Alterations are proposed to the building to include the access ramp, reconfigured front door, and renewal of signage. Access would be appropriate for the level of use, and soil/water movement across the site would be controlled during construction.

Hazard is minimized through attention to construction standards and best practice, with the bank being able to provide appropriate public liability coverage.

79C (d) Any submissions made in accordance with this Act or the Regulations

Comment: Adjoining landowners and Roads and Maritime Services were notified for 14 days from 29 August 2014. No objections were received within this time.

The RMS responded with conditions relating to signage and pedestrian access, which have been incorporated into the conditions of consent.

One objection was received some 6 days after the closure of the notification period. The issues raised related to obstruction to pedestrians on Adelaide Street, an unattractive streetscape, that alternate solutions should be sought by the bank for location of the ramp on their own land, and that approval of this ramp would create precedent.

Council Comment: These matters have been considered earlier in this report.

79C (e) The public interest

Comment: There are no other matters of public interest relevant to the development that have not already been considered in this report. It is in the public interest to provide compliant access to publically accessible business premises, whilst protecting passing pedestrian traffic. This report shows that this is able to occur.

Conclusions

The above assessment illustrates that the proposed development is suitable for the site, provides for a low key access alteration to the building on the site in the Heritage Conservation Area.

The 79C assessment has considered the entire proposal including; external ramp, replacement of the shop front door and relocation of signage, which the development is considered appropriate. It is acknowledged that the 79C assessment has concentrated on the proposed ramp as it is this part of the proposed development requiring the most consideration by Council.

Requiring a new primary entrance to the building to be constructed on either side of the building is financially onerous and inappropriate for reasons discussed within the 79C assessment.

The proposed development will provide accessibility in accordance with industry guidelines and compliance with appropriate legislative requirements that will provide greater accessibility to the building in particular for; disabled persons, elderly persons and mothers using prams that currently cannot enter the building with ease or dignity.

CONDITIONS FOR DEVELOPMENT APPLICATION NO. 69/2014

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 69/2014), 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. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
3. A Construction Certificate is required for the development, prior to the commencement of any site or building works.
4. 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 submitted to Council.
5. The developer is to provide a clearly visible sign to the site stating:
 - a) Unauthorised entry to the worksite is prohibited;
 - b) Street number or lot number;
 - c) Principal contractor's name and licence number; or owner builders permit number;
 - d) Principal contractor's contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**REASON: Statutory requirement**

6. Prior to issue of Construction Certificate the applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to the ramp, including long section, Further, the works are to comply with *WBC Guidelines for Engineering Works*. The ramp is to be within the property frontage length.
7. Prior to issue of Construction Certificate the applicant is to prepare and submit a Pedestrian Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Pedestrian Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards.
8. Prior to the commencement of any works on Council or RMS controlled land including a public road, the applicant is to affect Public Liability Insurance for the length of construction 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 of construction until issue of Occupation Certificate. Documentary evidence of the currency of the cover is to be provided to Council prior to the issuing of a Construction Certificate.

ENVIRONMENTAL**REASON: Statutory requirement and public interest**

9. Prior to commencement of works payment is to be made to Council of a bond of \$10,000.00 for security deposit on the kerb and gutter and footpath
Note: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to its satisfaction.
10. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with *WBC Engineering Guidelines*, (reference the Council's website), where applicable.
11. 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 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.

12. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
13. All stormwater from around the proposed alterations should be directed into the existing stormwater system.

CONSTRUCTION

REASON: Statutory requirement and public interest

14. Construction or demolition work must only be carried out within the following times:
 - a) Monday to Friday – 7:00 am to 6:00 pm
 - b) Saturday – 9:00 am to 5:00 pm
 - c) Sunday – 9:00 am to 5:00 pm
 - d) No work to be carried out on Public Holidays.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

15. The developer is to relocate, if necessary, at the developer's cost any utility services. The applicant is to provide a letter of confirmation from service providers that the proposed ramp will satisfy their access requirements.
16. The ramp is to be clearly visible to pedestrians at all times, particularly at night.
17. The paver width along the full frontage of the building is to be from the face of the building to the kerb to ensure consistency for pedestrians.
18. The grassed area of the footpath area to the north of the ramp location is to be paved to ensure consistency for pedestrians.
19. The owner of the building at 105 Adelaide Street Blayney shall indemnify Blayney Council of all associated risk of the development constructed within Councils footpath (section 139 of the Roads Act).
In this regard a copy of Public Liability Insurance, to the satisfaction of Council shall be provided annually commencing upon issue of Occupation Certificate. The value shall be for a minimum amount of \$20 million, unless otherwise advised in writing by Council.
20. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council, certifying that the engineering work has 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.

21. The applicant is to arrange an inspection of the development/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	Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
B	Road Openings	* Upon completion of works.

22. Adequate space is to be maintained between the ramp and the kerb in Adelaide Street to allow for the free thoroughfare of pedestrians on the footpath.

Note: The submitted plans show 3.5m of footpath being available for pedestrians to pass the ramp which is adequate, and shall be maintained.

23. Signage is not to flash, move or be objectionably glaring or luminous.
24. Prior to operation of new advertising signage, all redundant signage is to be removed from the subject building.
25. The owner shall pay an annual footpath use charge determined by Council in accordance with section 611 of the Local Government Act 1993.

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 Principal Certifying Authority, Blayney Shire Council must undertake inspections of the various stages of construction as follows:

- Slab/footing inspection when steel is laid prior to the pouring of concrete.
- Frame Inspection
- Final inspection at time of completion of all 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.

BUDGET IMPLICATIONS

If the application is refused there may be budget implications through legal proceedings.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

DP3.4.1 - Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

DP4.1.3 – Ensure Ancillary Road facilities are serviceable and in line with current standards eg. footpaths, cycleways, kerb and gutter, bus stops etc.

OP5.2.2c – Council ensures that adequate access is provided to all buildings and public spaces, as required by legislation

Attachments

- | | | |
|---|------------------------------------|---------|
| 1 | Plans | 2 Pages |
| 2 | Statement of Environmental Effects | 5 Pages |

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



13) **MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES
COMMITTEE MEETING HELD 11 SEPTEMBER 2014**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Towns and Villages Committee meeting held on 11 September 2014 be received and noted.

REPORT

A meeting of the Blayney Shire Towns and Villages Committee meeting was held on Thursday 11 September 2014. The minutes are attached for the notation by Council.

Attachments

- 1 Towns and Villages Committee Minutes 11/09/2014 2 Pages

CONFIDENTIAL MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 13 OCTOBER 2014



- 14) **LAND AND ENVIRONMENT COURT PROCEEDINGS -**
DEVELOPMENT APPLICATION NO.69/2014 - ALTERATIONS
TO EXISTING COMMERCIAL PREMISES INCLUDING:
CONSTRUCTION OF AN EXTERNAL RAMP, REPLACEMENT
OF SHOPFRONT DOOR AND RELOCATION OF SIGNAGE -
105 ADELAIDE STREET, BLAYNEY (COMMONWEALTH
BANK OF AUSTRALIA)

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

15) **NETWASTE WASTE SERVICES TENDER - TENDER 2014014**

This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.