

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE COUNCIL CHAMBERS,  
ON 13 MAY 2013, COMMENCING AT 6.05 PM**

Present: Crs S Ferguson (Mayor), G Braddon OAM, A Ewin, 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), Director Planning & Environmental Services (Mr L Rodwell) and Administrative Officer (Miss L Fuller).

**ACKNOWLEDGEMENT OF COUNTRY**

**RECORDING OF MEETING STATEMENT**

**CONFIRMATION OF MINUTES**

**1305/001 RESOLVED:**  
That the Minutes of the Ordinary Council Meeting held on 8 April 2013, being minute numbers 1304/001 to 1304/019 be confirmed. (Ewin/Somerville)

**1305/002 RESOLVED:**  
That the Minutes of the Extraordinary Council Meeting held on 30 April 2013, being minute numbers 0413E/001 to 0413E/003 be confirmed (Radburn/Oates)

**APOLOGIES**

Nil

**DISCLOSURES OF INTEREST**

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

<b>Councillor /Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Ewin	Non - pecuniary	6	14	Deed of Lease – Cadia Pipeline Agreement	Employee of company involved.

**CORPORATE SERVICES REPORTS**

**1305/003 SALE OF LAND FOR UNPAID RATES RESOLVED:**  
1. That Council proceed with preparation of a sale of land for unpaid rates in accordance with legislation. (Oates/Kingham)

**1305/004 AMENDMENT TO DELEGATIONS REGISTER RESOLVED:**  
1. That the proposed amendments to Council's Register of Delegations, as detailed within this report, be adopted. (Radburn/Ewin)

**REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2013****1305/005 RESOLVED:**

1. That the report indicating Council's investment position as at 30 April 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Ewin/Somerville)

**QUARTERLY PERFORMANCE REPORT - MARCH 2013****1305/006 RESOLVED:**

1. That the Quarterly Review of Council's 2012/2013 Operational Plan including quarterly budget review as at 31 March 2013 be noted and the adjustments to votes of income and expenditure adopted. (Radburn/Ewin)

**ADOPTION OF INTEGRATED PLANNING AND REPORTING DOCUMENTS****1305/006 RESOLVED:**

1. That in accordance with Sections 402-406 of the Local Government Act 1993, the Community Strategic Plan, Community Engagement Strategy, Delivery Program 2013/14 to 2016/17, Operational Plan 2013/14 and Resourcing Strategy be adopted by Council.
2. That Council adopt the Revenue Policy for 2013/14, as outlined in the Operational Plan 2013/14.
3. That Council adopt the Statement of Rating Structure and their respective short names as contained in the Operational Plan 2013/14 and make the Ordinary Rate and charges, including domestic waste management charges, pursuant to section 494 and 496 of the Local Government Act 1993 detailed in the tables below;

Category - Sub Category	Base Amount (p.a.)		Ad Valorem (rate in \$)	Total Yield \$
	%	\$		
<b>Residential</b>				
Blayney	27.90%	\$180.00	0.007299	\$738,616
Blayney Vacant Land	25.05%	\$180.00	0.007299	\$80,490
Millthorpe	22.62%	\$170.00	0.005667	\$213,423
Millthorpe Vacant Land	24.67%	\$170.00	0.005667	\$22,049
Carcoar	31.68%	\$160.00	0.006988	\$38,386
Carcoar Vacant Land	29.71%	\$160.00	0.006988	\$5,385
Other Areas	25.53%	\$150.00	0.003934	\$656,280
<b>Business</b>				
Blayney	20.08%	\$220.00	0.009544	\$179,705
Millthorpe	14.86%	\$210.00	0.009357	\$25,445
Carcoar	16.78%	\$200.00	0.010640	\$10,725
Villages	41.69%	\$190.00	0.007728	\$9,114
Other Areas	16.64%	\$220.00	0.006983	\$56,836
<b>Mining</b>				
Gold/Copper Mining	0.03%	\$305.00	0.054906	\$2,292,382
<b>Farmland</b>				
Farmland	5.62%	\$140.00	0.004017	\$1,803,184
<b>TOTAL YIELD</b>				<b>\$6,132,021</b>

Blayne Sewerage Service	Access Charge (p.a.)	Quarterly Charge before SDF	Minimum Quarterly Charge	Total Yield
	\$		\$	\$
<b>Residential</b>				
Connected	\$496.00	\$0.00	\$0.00	\$548,080
Vacant/Unmetered	\$256.00	\$0.00	\$0.00	\$32,000
<b>Non Residential</b>				
20mm Water Service	\$436.00	\$109.00	\$124.00	
25mm Water Service	\$676.00	\$169.00	\$124.00	
32mm Water Service	\$1,108.00	\$277.00	\$124.00	
40mm Water service	\$1,732.00	\$433.00	\$124.00	
50mm Water Service	\$2,704.00	\$676.00	\$124.00	
80mm Water Service	\$6,920.00	\$1,730.00	\$0.00	
100mm Water Service	\$10,812.00	\$2,703.00	\$0.00	
150mm Water Service	\$24,328.00	\$6,082	\$0.00	
Vacant/Unmetered	\$256.00	\$0.00	\$0.00	
Non-Residential (Estimated)				\$238,000
<b>TOTAL YIELD (ESTIMATED)</b>				<b>\$818,080</b>

Millthorpe Sewerage Service	Access Charge (p.a.)	Quarterly Charge before SDF	Minimum Quarterly Charge	Total Yield
	\$		\$	\$
<b>Residential</b>				
Connected	\$788.00	\$0.00	\$0.00	\$235,612
Vacant/Unmetered	\$701.00	\$0.00	\$0.00	\$39,957
<b>Non Residential</b>				
20mm Water Service	\$740.00	\$185.00	\$197.00	
25mm Water Service	\$1,156.00	\$289.00	\$197.00	
32mm Water Service	\$1,892.00	\$473.00	\$197.00	
40mm Water service	\$2,956.00	\$739.00	\$197.00	
50mm Water Service	\$4,624.00	\$1,156.00	\$197.00	
80mm Water Service	\$11,832.00	\$2,958.00	\$0.00	
100mm Water Service	\$18,484.00	\$4,621.00	\$0.00	
150mm Water Service	\$41,592.00	\$10,398.00	\$0.00	
Vacant/Unmetered	\$701.00	\$0.00	\$0.00	
Non-Residential (Estimated)				\$42,800
<b>TOTAL YIELD (ESTIMATED)</b>				<b>\$318,369</b>

Waste Management Charges	Annual Charge	Total Yield
<b>Domestic</b>		
Domestic Waste Management Charge	\$310.00	\$637,050
Domestic Waste Management Charge – Vacant Land	\$40.00	\$14,040
Domestic Waste Management Charge – Rural Areas	\$310.00	\$89,590
<b>Non-Domestic</b>		
Non-Domestic Waste Management Charge	\$310.00	\$73,160
<b>Extra Services</b>		
Additional Garbage Charge – per bin	\$165.00	\$12,540
Additional Recycling Charge – per bin	\$145.00	\$4,495
<b>TOTAL YIELD</b>		<b>\$830,875</b>

4. That Council approve the borrowing of \$876,000 for the capital infrastructure works for 2013/14 and authorise the affixing of the Council Seal to all documents relating to that loan.
5. That the Financial Assistance Program under Local

- Government Act section 356 be adopted.
6. That the Division of Local Government be advised of Council's adopted Delivery Program 2013/14 to 2016/17, Operational Plan 2013/14 and Resourcing Strategy within 28 days of adoption by Council.
  7. That Council release the proposed village Enhancement Program's for public consultation.
  8. That Council advise IPART of the proposed 15% rate increase as proposed in the long term financial plan.
  9. That Council prepare a structure delivery program for community consultation of the long term financial plan including the use of facilitators if required.
  10. That Council continue to review the long term financial plan and assets plans to refine and reduce future rate increases.
  11. That Council undertake a review of the community consultation process and responses received from the public prior to its final submission to IPART. (Braddon/Ewin)

#### **DEEDS OF LEASE - CADIA PIPELINE AGREEMENT**

1305/008

Cr Ewin declared an interest and left the Chambers.

#### **RESOLVED:**

1. That the report on the Deeds of Lease – Cadia Pipeline Agreement be noted; and
  2. That Council endorse execution of the Deeds of Lease – Cadia Pipeline agreement and associated documentation by the Mayor and General Manager under Council seal.
- Cr Ewin returned to the Chambers. (Radburn/Somerville)

#### **INFRASTRUCTURE SERVICES REPORTS**

#### **STATE EMERGENCY & RESCUE MANAGEMENT ACT: LOCAL EMERGENCY MANAGEMENT COMMITTEE**

1305/007

#### **RESOLVED:**

1. That Council delegate to the General Manager, the following functions:
  - a. "318. "To appoint a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency and Rescue Management Act (1989) as amended."
  - b. "12B – Chairperson of Local Emergency Management Committee. That the General Manager delegate a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency & Rescue Management Act (1989) as amended."  
(Oates/Somerville)

**TBL SEWERAGE BENCHMARKING REPORT****1305/0008 RESOLVED:**

1. That the summary of the results of the 2011/12 Blayney Shire Council Triple Bottom Line (TBL) Performance Report as published by the NSW Office of Water be noted. (Radburn/Ewin)

**WATER SENSITIVE URBAN DESIGN****1305/009 RESOLVED:**

1. That the report on Water Sensitive Urban Design be received and noted. (Braddon/Radburn) (Braddon/Radburn)

**LIQUID TRADE WASTE MONITORING PROGRAM****1305/010 RESOLVED:**

1. That the report on Council's Liquid Trade Waste Monitoring program be received and noted. (Radburn/Oates)

**TOWN OF BLAYNEY FLOOD STUDY & FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN (CONTRACT NO. 6/2013)****1305/013 RESOLVED:**

1. In accordance with the Local Government (General) Regulation 2005, Clause 178 (1)(a), Council accept the tender of Sinclair Knight Merz (SKM) for Blayney Flood Study, in the sum of \$96,179 excluding GST and subject to variations.
2. 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.
3. 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. (Kingham/Somervaille)

**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****PROPOSED BLAYNEY LOCAL INFRASTRUCTURE PLAN (SECTION 94/94A) FOR BLAYNEY SHIRE COUNCIL****1305/014 RESOLVED:**

1. That Council note the proposed changes to the Draft Plan and place the amended Draft Blayney Local Infrastructure Contributions Plan 2013 back on public exhibition for twenty eight (28) days in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, Division 2, Part 28 when available.
2. That written comments be invited to be submitted to Council, for consideration by Council prior to further consideration of adoption of the Draft Plan. (Braddon/Oates)

**DEPARTMENT OF PLANNING AND INFRASTRUCTURE**  
**LOCAL DEVELOPMENT PERFORMANCE MONITORING**  
**2011-2012**

1305/015

**RESOLVED:**

1. That the report be received for information.  
(Somerville/Braddon)

**THE PLANNING WHITE PAPER: GROWTH, CERTAINITY AND**  
**ENGAGEMENT**

1305/016

**RESOLVED:**

1. That Council note the contents of the report regarding the release by the NSW Government's proposed new NSW Planning System. (Radburn/Ewin)

**NETWASTE MEMORANDUM OF UNDERSTANDING**

1305/017

**RESOLVED:**

1. That Council enter into the Memorandum of Understanding for Regional Tender for Waste Services with NetWaste.  
(Oates/Braddon)

**DEVELOPMENT APPLICATION NO.7/2013 - NBN**  
**TELECOMMUNICATIONS FACILITY - 244 KENTUCKY ROAD,**  
**NEVILLE**

1305/018

**RESOLVED:**

1. That Council note the submissions made in regard to the proposed development, and that Council consent to the Development application No. 7/2013 subject to the following conditions of consent:

**STATUTORY****REASON: Statutory requirement**

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 7/2013), 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.
3. The development is to comply with all provisions of the principles within *NSW Telecommunications Facilities*

*Guidelines including Broadband (July 2010)*

**ENVIRONMENTAL**

**REASON: Statutory requirement and public interest**

4. 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 website)
5. 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.*
6. Construction work must only be carried out within the following times, as per the *NSW Telecommunications Facilities Guidelines*:
  - a) Monday to Friday – 7:00 am to 5:00 pm;
  - b) Saturday – 7:00 am to 5:00 pm
  - c) No work to be carried out on Sunday or Public Holidays.*Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*
7. 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.
8. The developer is to relocate, if necessary, at the developer's cost any utility services.

**CONSTRUCTION**

**REASON: Statutory requirement and public interest**

9. The construction of an all-weather 2WD vehicular access to each proposed allotment. Such access shall include:
  - (a) a gate or stock grid
  - (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.

*NOTE: Any new vehicular access points are to be located such that all RTA stopping sight distances are achieved.*

10. A Traffic Management Plan is to be lodged with and approved by Council prior to the commencement of construction, to address the following stages of development:
  - (a) The proposed development construction phase
  - (b) Future site maintenance and management phase (Radburn/Oates)

**PLANNING PROPOSAL - REZONING, 32 CHARLES STREET, BLAYNEY**

1305/019

**RESOLVED:**

1. That the Department of Planning and Infrastructure be advised that the instrument may be made, and the LEP may be notified on the NSW legislation website. (Braddon/Ewin)

**DEVELOPMENT APPLICATION NO.13/2013 - NBN TELECOMMUNICATIONS FACILITY - 37 RODD STREET, CARCOAR**

1305/020

**RESOLVED:**

1. That Council note the submissions made in regard to the proposed development, and that Council consent to the Development Application No. 13/2013 subject to the following conditions of consent.

**STATUTORY**

**REASON: Statutory requirement**

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 13/2013), 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.
3. The development is to comply with all provisions of the principles within *NSW Telecommunications Facilities Guidelines* including *Broadband (July 2010)*



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

4. 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 website)
5. 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.*
6. Construction or demolition work must only be carried out within the following times, as per the *NSW Telecommunications Facilities Guidelines*:
  - a) Monday to Friday – 7:00 am to 5:00 pm;
  - b) Saturday – 7:00 am to 5:00 pm
  - c) No work to be carried out on Sunday or Public Holidays.*Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*
7. 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.

**CONSTRUCTION**

9. The developer is to relocate, if necessary, at the developer's cost any utility services.
10. All site works to comply with Council's *WBC Guidelines for Engineering Works*, where applicable. (See Council's website.)
11. The construction of a 4.0 metre wide all-weather 2WD vehicular access from the fence line that crosses Mandurama Street to the proposed man-proof fence gate. This access roadway is to be appropriately formed and

contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with the *WBC Guidelines for Engineering Works*. (Oates/Ewin)

### **QUESTIONS FROM COUNCILLORS**

#### **NAPIER OVAL TOILET FACILITIES**

**1305/021 RESOLVED:**

1. That the Director of Infrastructure Services be requested to provide Council at its June meeting with alternative temporary toilet facilities for Napier Oval for their determination. (Kingham/Oates) .

#### **REQUEST FOR LEAVE**

**1305/022 RESOLVED:**

1. That Council grant the request for leave application, from Cr Somerville, in relation to the June 2013 Ordinary Meeting of Council. (Braddon/Ewin)

There being no further business, the meeting concluded at 7.02pm.

The Minute Numbers 1305/001 to 1305/022 were confirmed on 17 June 2013 and are a full and accurate record of proceedings of the Ordinary Meeting held on 13 May 2013.

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Cr S Ferguson  
**MAYOR**

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Mr GA Wilcox  
**GENERAL MANAGER**