

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE COUNCIL CHAMBERS,
ON 17 JUNE 2013, COMMENCING AT 6.00 PM**

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

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 Executive Assistant (Mrs A McKellar).

CONFIRMATION OF MINUTES

1306/001 RESOLVED:
That the Minutes of the Ordinary Council Meeting held on 13 May 2013, being minute numbers 1305/001 to 1305/022 be confirmed. (Braddon/Radburn)

APOLOGIES

Cr Sommerville, as per Minute 1305/022, is noted as being on approved leave for the June 2013 Ordinary Meeting of Council.

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Ferguson	Non Pecuniary	6	14	Sale of Industrial land	Contracting

MAYORAL MINUTE

The Mayor reported on the recent SES Regional Meeting, held in the Blayney Shire Community Centre and the acknowledgement of appreciation from the organisation to Blayney Shire Council for the continued support.

MOTION

1306/002 That Council review the availability of vacant land in the Blayney township. (Ferguson/Braddon)

GENERAL MANAGER'S REPORTS

**INDEPENDENT REVIEW PANEL INTO LOCAL GOVERNMENT
REVIEW - FUTURE DIRECTIONS FOR NSW LOCAL
GOVERNMENT**

1306/003 RESOLVED:

1. That Council submit its response to the Independent Review Panel into Local Government – Future Directions for NSW Local Government: Twenty Essential Steps discussion paper. (Braddon/Ewin)

CORPORATE SERVICES REPORTS

CONTRIBUTION TO LEGAL EXPENSES - MID WESTERN REGIONAL COUNCIL

1306/004

RESOLVED:

1. That Blayney Shire Council not contribute to the cost of legal expenses incurred by Mid Western Regional Council, and
2. That Council write to Local Government NSW and the Association of Mining Related Councils to request that all rating methodologies for all types of mining are reviewed as part of the Local Government Act Review to determine a fair and equitable method of land categorisation or volumetric measure for the application of rating. (Braddon/Radburn)

1306/005

REPORT OF COUNCIL INVESTMENTS AS AT 31 MAY 2013

RESOLVED:

1. That the report indicating Council's investment position as at 31 May 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Kingham/Ewin)

1306/006

2013/2014 COUNCILLOR AND MAYORAL FEES

RESOLVED:

1. That the Councillor annual fee be increased to \$10,480 and the additional Mayoral annual fee be increased to \$22,870 for the 2013/2014 financial year effective from 1 July 2013. (Braddon/Radburn)

1306/007

REPORT ON CONTRACTUAL CONDITIONS OF SENIOR STAFF

RESOLVED:

1. That the Council receive and note the report on the contractual conditions of senior staff in accordance with section 339 of the Local Government Act, 1993. (Radburn/Oates)

Cr Ferguson declared a Pecuniary Interest and left the Chamber.
Cr Ewin took the position of Chair for the next item.

SALE OF INDUSTRIAL LAND

1306/008

RESOLVED:

1. That Council offer for sale part Lots 5 and 6 (12,500 square metres) on Lot 22, DP1056047 to the market for the amount of \$78,000 plus subdivision costs of said parcels.
(Oates/Braddon)

Cr Ewin vacated the Chair and Cr Ferguson returned to the Chamber and resumed the Chair.

CENTRAL WEST LIBRARIES JOINT AGREEMENT

1306/009

RESOLVED:

1. That the Central West Libraries Joint Agreement 2012 to 2016 be endorsed; and
2. That Council endorse execution of the agreement by the Mayor and General Manager under Council seal.
(Braddon/Ewin)

ENDORSEMENT OF COMMUNITY REPRESENTATIVES

1306/010

RESOLVED:

1. That the community representatives to Council's committees, as detailed within this report, be endorsed. (Kingham/Ewin)

ADOPTION OF SIGNS AS REMOTE SUPERVISION POLICY

1306/011

RESOLVED:

1. That the Signs as Remote Supervision Policy be adopted and included in Council's Policy Register. (Radburn/Ewin)

INFRASTRUCTURE SERVICES REPORTS

DEDICATION AS PUBLIC ROAD - FOUR MILE CREEK ROAD

1306/012

RESOLVED:

1. In accordance with the Roads Act 1993, Section 10, Council approve the dedication of Lot 9 DP211387 and Lot 11 DP211388 as public road.
2. Council approve the transfer of that part of Four Mile Creek Road from Crown Road reserve to Council Public Road, as identified in the Director Infrastructure Services report.
3. Council grant authority for the use of the Common Seal on any necessary documentation, should it be required, to give effect to these resolutions. (Braddon/Ewin)

SEWER RETICULATION - SMOKE TESTING PROGRAM**1306/013 RESOLVED:**

1. That the report on Council's smoke testing program be received and noted. (Ewin/Oates)

ROADSIDE VEGETATION MANAGEMENT PLAN**1306/014 RESOLVED:**

1. That Council adopt the Blayney Shire Roadside Vegetation Management Plan documentation, and that it be made available on Council's website. (Kingham/Braddon)

TENDER FOR PILING WORKS - NEWBRIDGE AND GARLAND ROADS**1306/015 RESOLVED:**

1. In accordance with the Local Government (General) Regulation 2005, Clause 178(3)(e)-
 - a. Council not accept the tender submitted by Wagstaff Piling.
 - b. Council not undertake a further round of tendering, as previous rounds have not offered Council a cost effective solution, and,
 - c. Council enter into negotiations, initially with Wagstaff Piling as a suitably qualified and experienced contractor, and then should it be required those suitably qualified contractors that submitted tenders for the previous tender for piling works, to find a more cost effective solution if available. (Kingham/Braddon)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS**SUBMISSION OF A PLANNING PROPOSAL TO THE DEPARTMENT OF PLANNING & INFRASTRUCTURE TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 (BLEP)****1306/016 RESOLVED:**

1. That Council:
 - a. forward a Planning Proposal to the Minister for Planning & Infrastructure seeking an Amendment to the Blayney Local Environmental Plan 2012 to reclassify Lot 19 DP 244853 – 1 Beaufort Street, Blayney and Lot 7 DP 236443 – 11 Beaufort Street, Blayney (subject sites) from 'Community' to 'Operational' land and request that a Gateway Determination be made, enabling the exhibition of the Planning Proposal pursuant to Section 29 of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, as amended;
 - b. upon receipt of a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act

1979, Council place the Planning Proposal on public exhibition pursuant to any requirements of the Gateway Determination, Section 57 of the Environmental Planning and Assessment Act 1979, in accordance with 'LEP Practice Note (PN09_003): Classification and reclassification of public land through a local environmental plan' dated 12 June 2009 and the Local Government Act 1993;

- c. conduct a Public Hearing no less than 28 days after the Public Exhibition period concludes in accordance with Section 29 of the Local Government Act 1993; and
- d. prepare a further report for Council's consideration at the conclusion of the public exhibition period and following the public hearing addressing any submissions received from the public, public authorities and the report prepared by the facilitator of the public hearing. (Braddon/Oates)

DEVELOPMENT APPLICATION NO.14/2013 - ZTAG KITCHEN ADDITION, NESTLE AUSTRALIA LTD, 1 JARMAN CRESCENT, BLAYNEY

1306/017

RESOLVED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to the Development Application No. 14/2013 subject to the following conditions of consent. (Radburn/Ewin)

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 14/2013), 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.

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 Engineering Guidelines.

(reference the website)

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.

CONSTRUCTION

REASON: To comply with legislative statutory requirements.

6. 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.

7. Prior to the issue of a Construction Certificate, the following matters are required to be addressed:
 - a) a. A fire assessment report on 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.
 - b) b. 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*.
 - c) c. 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.
 - d) d. Plans and specifications are to be provided indicating all details in relation to the energy efficiency of the building in accordance with Section J (Energy Efficiency) of the Building Code of Australia.

8. 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.
9. 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.

10. That all drainage and plumbing work be carried out in accordance with the current Plumbing and Drainage Code of Practice.
11. All plumbing and drainage work shall be carried out by a licensed plumber and drainer.
12. A works as executed plan drawn to the scale of 1 in 200 of drainage is to be submitted to Council at the time of inspection.
13. 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.
14. Storm water disposal drains shall be connected to all roof gutter down pipes before the Final Occupation inspection 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.

AMENITY

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

15. That 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

Hours of operation are to be restricted to:-

Monday to Friday	7am to 5pm
Saturday	Nil
Sundays and Public Holidays	Nil

ADVICE AND NOTES**Inspection Schedule**

The Principal Certifying Authority (PCA) 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. The “Inspection Schedule” lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

Council as the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal/External sanitary drainage, Prior to the covering of any pipework.
- b. Stormwater, Prior to the covering of any pipework.
- c. Final for water and sewer at time of completion of all works.

Notice of Commencement

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

Duration of Construction Certificate

A construction certificate becomes effective and operates from the date endorsed on the certificate.

A construction certificate lapses 5 years after the date endorsed on the certificate.

A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate.

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.

SWIMMING POOL REGISTER**1306/018****RESOLVED:**

1. That Council note the content of the report and resolve to adopt the following fees to commence 1 June 2013
 - a. Council register a pool on behalf of a pool owner - \$10.00.
 - b. The fee for each inspection undertaken be \$150.00 and \$100.00 for a re-inspection resulting from the first inspection. (Braddon/Radburn)

CADIA OPEN DAY EVENT**1306/019****RESOLVED:**

1. That Council host an open day at CentrePoint in

association with the Cadia Open Day event and allow free entry for residents and visitors to use the facilities and promote membership. (Oates/Braddon)

CADIA VOLUNTARY PLANNING AGREEMENT (VPA)

1306/020 RESOLVED:

1. That Council adopt the Cadia Voluntary Planning Agreement and formally execute the agreement under Council's seal. (Braddon/Oates)

PROPOSED NAPIER OVAL TOILET BLOCK

1306/021 RESOLVED

1. That Council staff investigate the costings of a toilet block for Napier Oval, similar to the northern toilet block at the Showground, and report to the July Council meeting for consideration. (Kingham/Radburn)

COMMITTEE REPORTS

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 19 APRIL 2013

1306/022 RESOLVED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 19 April 2013 be adopted. (Braddon/Radburn)

MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD ON THURSDAY 23 MAY 2013

1306/023 RESOLVED:

1. That the recommendations of the Blayney Shire Sports Council meeting held on 23 May 2013 be adopted. (Kingham/Oates)

MINUTES OF THE BLAYNEY SHIRE TIDY TOWN COMMITTEE MEETING HELD ON THURSDAY 16 MAY 2013

1306/024 RESOLVED:

1. That the recommendations of the Blayney Shire Tidy Town Committee meeting held on 16 May 2013 be adopted. (Ewin/Radburn)

Cr Kingham left the Chamber

MINUTES OF THE BLAYNEY SHIRE ECONOMIC DEVELOPMENT COMMITTEE MEETING HELD ON THURSDAY 23 MAY 2013

1306/025 RESOLVED:

1. That the recommendations of the Blayney Shire Economic

Development Committee meeting held on 23 May 2013 be adopted. (Braddon/Radburn)

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 23 MAY 2013

1306/026

RESOLVED:

1. That the recommendations of the Blayney Shire Access Advisory Committee meeting held on 23 May 2013 be adopted. (Oates/Ewin)

Cr Kingham returned to the Chambers

MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD ON THURSDAY 9 MAY 2013

1306/027

RESOLVED:

1. That the minutes of the Blayney Shire Audit Committee meeting held 9 May 2013 be adopted; and
2. That the 2011/12 Annual Report of the Audit Committee be noted. (Braddon/Ewin)

FINANCIAL ASSISTANCE COMMITTEE MEETING

1306/028

RESOLVED:

1. That the minutes of the meeting held 8 May 2013 and recommendations for round 2 of the Financial Assistance Program by the Financial Assistance Committee be received and noted. (Radburn/Ewin)

DELEGATES REPORT

Cr Braddon gave a report on the Centroc Board meeting held at Parliament House in Sydney.

Cr Braddon gave a further report on the Lachlan Valley Transport Committee meeting held on Saturday 15 June 2013.

CLOSED MEETING

1306/029

RESOLVED:

1. 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: (Ewin/Braddon)

CONFIDENTIAL MEETING REPORTS

GENERAL MANAGER'S PERFORMANCE REVIEW

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.

1306/030

RESOLVED:

1. That the General Manager is formally advised that a performance review will be undertaken on 23 July 2013. (Kingham/Ewin)

1306/031 RESOLVED:

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

There being no further business, the meeting concluded at 7.41 pm.

The Minute Numbers 1306/001 to 1306/030 were confirmed on 8 July 2013 and are a full and accurate record of proceedings of the Ordinary Meeting held on 17 June 2013.

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER