

**BLAYNEY SHIRE COUNCIL ORDINARY MEETING,
HELD IN THE COUNCIL CHAMBERS,
ON 10 AUGUST 2009, COMMENCING AT 6.00 PM**

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

General Manager (Mr A Jones), Director Engineering (Mr G Baker), Director Environmental Services (Mr P O'Brien) ,
Administrative Officer (Miss L Fuller) and Executive Assistant
(Miss A Garraway).

0908/001) CONFIRMATION OF MINUTES OF 13 JULY 2009

RESOLVED:

1. That the Minutes of the Ordinary Meeting of Council held on 13 July 2009, being Minute Numbers 0907/001 to 0907/027 be confirmed. (Radburn/Bell)

APOLOGIES

- 0908/002)** 1. That apologies, tendered on behalf of Director of Corporate Services, Mr Anton Franze, be accepted. (Ewin/Ferguson)

DISCLOSURES OF INTEREST

The General Manager reported he had not received any Disclosure of Interest forms.

PUBLIC FORUM

Mr M Bolton had previously indicated that he wished to address Council regarding his objections to DA 134/2009. At the time of the Public Forum, Mr Bolton was not present in the building.

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31st JULY 2009

0908/003) RESOLVED:

1. That the Report indicating Council's Investment position as at 31st July 2009 be received and noted.
2. That the Certification of the Responsible Accounting Officer be noted and the Report, be adopted. (Radburn/Bell)

**STATEMENT ON FINANCIAL REPORTS BY COUNCIL
2008/2009**

0908/004) RESOLVED:

1. That the statement required by Section 413(2)(c) of the Local Government Act, 1993 in relation to Council's Financial Reports for the period ending 30 June 2009 be completed under the Seal of Council

2. That Spencer Steer be invited (in accordance with regulations) to complete the audit. (Ferguson/Radburn)

BERRIGAN SHIRE COUNCIL – REQUEST FOR ASSISTANCE WITH LEGAL COSTS

0908/005) RESOLVED:

1. That \$233.72 be paid to the Local Government & Shires Association being Blayney Shire's share of legal costs incurred. (Ferguson/Ewin)

CODE OF CONDUCT REVIEW

0908/006) RESOLVED:

1. That the report reviewing Council's Code of Conduct, noting that no adjustments are to be made, be received and adopted.(Radburn/Ferguson)

RE-DETERMINATION OF COUNCIL'S ORGANISATIONAL STRUCTURE

0908/007) RESOLVED:

That:

1. Council adopt the revised organisation chart, as presented in this report, to satisfy the requirements of Section 333 of the Local Government Act 1993; and
2. Council adopt the General Manager's position as being Council's only Senior Staff position, to satisfy the requirements of Section 332 of the Local Government Act 1993; and
3. Council note that the resources for the employment of staff have already been adopted as part of the adoption of Council's 2009 – 2014 Management Plan. (Reeks/Radburn)

BLAYNEY MUSIC SCHOLARSHIP PROGRAM

0908/008) RESOLVED:

That Council:

- (i) approve the expenditure of \$1,500 for the first year of the scholarship program
- (ii) approve the name of the Scholarship Program as being the "Blayney Music Scholarship" Program
- (iii) that Councillor Reeks be confirmed as Blayney Shire Council's representative on the panel administering the Scholarship Program. (Radburn/Ewin)

ENGINEERING SERVICES REPORTS**REVIEW OF POLICY – ROAD & STREET NAMES****0908/009) RESOLVED:**

That the Amended Road and Street Names Policy

1. be endorsed in principle and placed on public exhibition for a period of twenty-eight (28) days, requesting public submissions of road names for each town and village for inclusion in the technical guideline document, and a further report be submitted to Council detailing any submissions received during the public exhibition period.
2. be sent to both the Blayney and Lyndhurst RSL Sub-branches requesting they provide Council with listings of fallen servicemen and women from all wars for inclusion in the proposed list of road and street names. (Bell/Reeks)

TBL SEWERAGE BENCHMARKING REPORT 2007/08**0908/010) RESOLVED:**

1. That the summary of the results of the 2007/08 Blayney Shire Council Triple Bottom Line (TBL) Performance Report as published by the Department of Water & Energy be noted. (Ferguson/Ewin)

WORKS PROGRESS**0908/011) RESOLVED:**

1. That the report on works progress for the four (4) week period ended 26th July 2009 be received and noted. (Ewin/Radburn)

ENVIRONMENTAL SERVICES REPORTS**DEVELOPMENT APPLICATIONS – JULY 2009****0908/012) RESOLVED:**

1. That the Report on Development Applications received for June 2009, be noted. (Radburn/Reeks)

DEVELOPMENT APPROVALS – JULY 2009**0908/013) RESOLVED:**

1. That the Report on Development Approvals for July 2009 be noted. (Radburn/Reeks)

DA54/2008 – ALTERATIONS AND ADDITIONS TO THE EXISTING RAILWAY HOTEL – 20 ELLIOTT STREET, MILLTHORPE

0908/014)

RESOLVED:

1. That Council refuse Development Application 54/2008 for the proposed alterations and additions to the existing Railway Hotel at 20 Elliott Street, Millthorpe due to insufficient information being submitted with the application. (Ferguson/Braddon)

Applicant:	MA Fardell
Owner:	MA & NT Fardell
Application No:	54/2008
Zone:	2(v) Village or Urban
Date Received:	19 th October 2007
Assessment No:	1694-10000-7
Property:	Lot 1 Section C DP 1713
Proposed Development:	Proposed Alterations and Additions to the Existing Railway Hotel

Councillor	For	Against
D Bell	√	
G Braddon	√	
A Ewin	√	
S Ferguson	√	
B Kingham	√	
K Radburn	√	
R Reeks	√	

DA134/2009 – REMOVAL OF EXISTING CARPORT AND ERECTION OF A GARAGE – 11 STABBACK STREET, MILLTHORPE

0908/015)

RESOLVED:

1. That Council grant consent to Development Application No. 134/2009 for the removal of existing carport and erection of a garage at 11 Stabback Street, Millthorpe, subject to the conditions contained in attached Schedule "A". (Braddon/Ewin)

Applicant:	M J Woodhouse
Owner:	M J Woodhouse
Application No:	DA134/2209
Zone:	2(v) Village or Urban
Date Received:	8 th May 2009
Assessment No:	1811-12000-3
Property:	Lot 5 Section 6 DP 1112 – 11 Stabback Street, Millthorpe
Proposed Development:	Removal of Existing Carport and Erection of a Garage

Councillor	For	Against
D Bell	√	
G Braddon	√	
A Ewin	√	
S Ferguson	√	
B Kingham	√	
K Radburn	√	
R Reeks	√	

SCHEDULE “A”
CONDITIONS ISSUED WITH
DEVELOPMENT CONSENT 134/2009

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 134/2009 registered in Council's records as of 8th May 2009 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

ACCESS

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

2. That a concrete layback gutter crossing and full width concrete driveway between gutter and property boundary with a bitumen seal from the layback edge of road be constructed to Council specification be constructed at full cost to the applicant.
3. That a detailed design for access to the garage/carport be submitted to Council prior to issue of the Construction Certificate.

GENERAL

REASON: To comply with Council's policy and requirements for development.

4. That the external wall/roof cladding be of a colorbond type material, which is of a non-reflective nature.

5. As Principal Certifying Authority, Council will require to inspect the various stages of construction as follows:
 - a. Strip footing/slab etc. when steel is laid prior to pouring concrete.
 - b. Framework prior to lining internally.
 - c. Stormwater drainage before covering.
 - d. Final - when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation.**

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.
6. That the garage shall not be used for residential occupation, commercial or industrial purposes.

STATUTORY

REASON: To comply with Council's statutory requirements.

7. That a Construction Certificate be submitted to Council prior to building work commencing.
8. That an Occupation Certificate be submitted to Council when the building work has been completed and prior to the occupation or use of the building.
9. That all Certificates issued in relation to the development are to be submitted to Council.
10. That the building be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

11. That the applicant install, prior to the commencement of works, adequate sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

12. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
13. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Engineering Department.
14. That no materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip or roadway.

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

DRAINAGE

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

16. That the site be prepared so as to effectively divert surface water away from and around the building.
17. The roof stormwater for the proposed development is to be connected to the existing dwelling stormwater disposal system which is to be amplified by the provisions of additional stormwater trenches no less effective than a 2metre long trench 600mm wide and 600mm deep, filled with aggregate and 400mm ag – dome piping.

HERITAGE

REASON: To comply with Council's requirements for the impact of the development in the locality.

18. That the garage wall and roof colour finish be either Windspray or Woodland Grey and the doors and trim to match the existing dwelling house colour finish.
19. That the garage have an eave to the front and rear of at least 300mm.
20. A landscaping plan is to be submitted to Council detailing proposed landscaping measures which must include 2 trees, with species noted, which will achieve a mature height of 4m. These trees are to be located within the front setback on each side of the garage.
21. Landscaping is to be installed prior to occupation of the proposed garage, and is to be maintained for the life of the development.

DA 147/2009 – PLACE OF PUBLIC ENTERTAINMENT – 20 ELLIOTT STREET, MILLTHORPE

0908/016)

RESOLVED:

1. That Council grant consent to Development Application No. 147/2009 for the for the installation of Fire Safety Equipment and to be a Place of Entertainment at the Railway Hotel 20 Elliott Street, Millthorpe, subject to the conditions contained in the attached Schedule "A".
(Braddon/Ewin)

Applicant:	Chu Chu Pub Pty Ltd
Owner:	Chu Chu Pub Pty Ltd
Application No:	147/2009
Zone:	2(v) Urban or Village
Date Received:	4 th June 2009

Assessment No:	1694-10000-7
Property:	Lot 1, DP 1713, Section C, 20 Elliott Street, Millthorpe.
Proposed Development:	Installation of Fire Safety Equipment and be a Place of Entertainment

Councillor	For	Against
D Bell	√	
G Braddon	√	
A Ewin	√	
S Ferguson	√	
B Kingham	√	
K Radburn	√	
R Reeks	√	

SCHEDULE “A”
CONDITIONS ISSUED WITH
DEVELOPMENT APPLICATION NO. 147/2009

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 147/2009 registered in Council’s records as of 4th June 2009 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.
Development shall be in strict accordance with the application made, stamped plans and consent. The development shall not be modified except with the written consent of Council, other than to satisfy the Council Consent Conditions.
If there is an inconsistency between the Conditions of Consent and the stamped plans, the Conditions of Consent will prevail to the extent of the inconsistency.

STATUTORY REQUIREMENTS

2. The applicant shall ensure that all necessary licenses, permits and approvals are obtained and kept up to date as required throughout the life of the development.
None of the Conditions of Consent removes the obligation for the applicant to obtain, renew or comply with such licenses, permits or approvals.

PLACE OF PUBLIC ENTERTAINMENT CONDITIONS

3. To ensure the sufficiency of floor area and available aggregate egress width, the maximum number of occupants permitted in the public entertainment areas shall be limited to the following:
Bar Area (Lounge & Public) – 74 Persons
Dining Area – 63 Persons
TOTAL MAXIMUM OCCUPANTS: 137 Persons

4. Unobstructed exits complying to and Part D2 of the Building Code of Australia are to be provided as such:
Rear Dining Exit – 1m
Bar Area Side Exit -1.5m
Bar Area Corner Exit – 1.5m
Lounge Bar Lobby Exit - 1m
5. Prior to the conduct of entertainment the following fire safety measures are to be installed throughout the building, activated and certified:
 - A system of emergency lighting and exit lighting throughout the building complying with AS 2293 Part 1 and Part E4 of the Building Code of Australia;
 - A fire hose reel system complying with AS 2441 and Part E1.4 of the Building Code of Australia;
 - Portable Fire Extinguishers complying with AS 2444 and Part E1.6 of the Building Code of Australia;
 - A monitored alarm system complying with AS 1670 Parts 1 and Part 3 installed throughout the building and complying with and Part E4 of the Building Code of Australia;
 - The entertainment area is to be bounded by construction with fire resistance level not less effective than 60/60/60 construction and a ceiling with 60 minute resistance to the insipient spread of fire or 30/30/30 fire resistance level.
6. To ensure compliance with the maximum number of occupants a method of counting the number of occupants is to be applied throughout the duration of this consent.
7. The LA 10 noise level emitted from the licensed premises shall not exceed the background noise level by more than 5dB(A) up to midnight and shall not exceed the background level after midnight. No correction for tonality is applied. Measurement is taken at the worst affected receptor.
8. All reasonable measures shall be taken to ensure that the use of the land permitted by this consent does not cause injury to the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like. In this regard, such measures may include but not be limited to the following:
 - Security arrangements;
 - Traffic and parking monitoring;
 - Site lighting;
 - Waste and waste disposal;
 - Patron activity when entering and exiting the premises.
9. If required by Council, an independent noise assessment report under the hand of an approved noise assessor shall be provided to Council at the expense of person/s or entity that have rights to this consent. The noise assessment is

to be undertaken during a time or times which entertainment is conducted and at the most affected receptor.

10. An annual fee determined in accordance with Council's Management Plan is to be paid to enable Council to administer annual inspections and audit public entertainment provisions. During the annual inspection, should outstanding matters be identified, Council may suspend public entertainment activities on the premises until such outstanding matters have been rectified to comply with legislative requirements.
11. Prior to the conduct of entertainment a Final Fire Safety Certificate shall be submitted to Council and at least once in each period of twelve months after activation of this consent, the owner shall submit an annual fire safety statement with respect to each fire safety measure installed in the building as follows:
 - Emergency Lighting;
 - Exit Lighting;
 - Smoke Detector Alarm Systems;
 - Fire Hose Reels;
 - Portable Fire Extinguishers;
 - Lightweight Fire Resistant Construction;
 - Fire Doors and Exits

ACCESS FOR PERSONS WITH DISABILITIES

12. Access to and within the ground floor and closet facilities are to be provided in accordance with AS 1428 Parts 1 and 4 within 12 months of the activation of this consent. The details of modifications are to be approved by Council prior to implementation.

REASONS FOR CONDITIONS

In determining this application, consideration has been given following matters which are of relevance to the development application.

- Statutory Law;
- Environmental Planning Instrument – Blayney Local Environment Plan 1998;
- Likely impacts of the development including:
 - a) Environmental impacts on both the natural and built environments;
 - b) Social and economic interests in the locality.
- The suitability of the site for the development;
- Any submissions made in accordance with this Act and Regulations; and
- The public interest.

NOTES AND ADVICE**Fire Safety Schedule**

Section 168 of the Environmental Planning and Assessment Regulation 2000 provides that, when issuing a construction certificate (for other than a Class 1a or Class 10 building), the Council must issue a fire safety schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises.

The fire safety schedule must

- deal with the whole of the building, not merely the part to which the development consent, construction certificate or fire safety order relates;
- distinguish between the statutory fire safety measures currently implemented in the building and those proposed or required to be installed in the building;
- specify the minimum standard of performance for each fire safety measure;
- identify each measure that is a critical fire safety measure and the intervals (being intervals less than 12 months) at which supplementary fire safety statements must be given to the Council in respect of each such measure

Fire Safety Certificate

A fire safety certificate is to state in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated

- that the service/measure has been assessed (inspected, verified and tested) by a person (chosen by the owner of the building) who is properly qualified to do so, and
- that, as at the date of the assessment, the service/measure was found to be capable of performing to a standard not less than that required by the schedule to the relevant approval

A copy of the certificate is to be given to the Commissioner of the NSW Fire Brigades and a further copy is to be prominently displayed in the building in a location specified by Council.

JOINT REGIONAL PLANNING PANELS

0908/017)

RESOLVED:

1. That the report on Joint Regional Planning Panels be received and noted.
2. That Council nominate the Directors of Environmental Services from the WBC Alliance partner Councils of Wellington and Cabonne as panellists on the Western Region Joint Regional Planning Panel. (Braddon/Radburn)

PROPOSED AMENDMENT TO 2009 – 2014 MANAGEMENT PLAN FEES AND CHARGES

0908/018)

RESOLVED:

1. That the proposed amended fees and charges schedule to the 2009 – 2014 Management Plan be adopted.
(Ewin/Radburn)

DRAFT BLAYNEY SHIRE COUNCIL ENFORCEMENT POLICY

0908/019)

RESOLVED:

1. That the Draft Blayney Shire Council Enforcement Policy be endorsed in principle and placed on public exhibition for a period of twenty-eight (28) days and a further report be submitted to Council detailing any submissions received over this period. (Radburn/Bell)

DRAFT BLAYNEY SHIRE COUNCIL COMPANION ANIMAL MANAGEMENT PLAN

0908/020)

RESOLVED:

1. That the Draft Blayney Shire Council Companion Animal Management Plan be endorsed in principle and placed on public exhibition for a period of twenty-eight (28) days and a further report be submitted to Council detailing any submissions received over this period. (Braddon/Reeks)

COMMITTEE REPORTS**MINUTES OF THE WBC BOARD MEETING HELD 1 JULY 2009**

0908/021)

RECOMMENDATION:

That:

1. the Minutes of the WBC Board Meeting, held 1 July 2009 be received and noted;
2. Council endorse the extension of the Project Officer's contract by a further 12 months; and
3. a review of the terms and conditions of the WBC Project Officer's contract be undertaken on an annual basis.
(Ferguson/Radburn)

MINUTES OF THE COMMUNITY PRECINCT MEETING, HELD 29 JUNE 2009

0908/022)

RESOLVED:

1. That the Minutes of the Community Precinct Meeting, held on 29 June 2009, be received and noted.
(Radburn/Braddon)

UPPER MACQUARIE COUNTY COUNCIL MINUTES OF MEETING HELD 5 JUNE 2009

0908/023) RESOLVED:

1. That the Minutes of the Upper Macquarie County Council meeting, held on 5 June 2009, be received and noted.
(Braddon/Ewin)

QUESTIONS FROM COUNCILLORS

0908/024) Cr Radburn: Where would we start and what steps would need to be taken to re-establish a BMX bike track in Blayney?
The General Manager took on notice Cr Radburn's suggestions and will provide a report back to Council after first scoping the project.

0908/025) Cr Ferguson: How can Council communicate better with our Community?
The General Manager took the question as advice and will investigate the development of a communication strategy.

0908/026) Cr Ferguson: Could the Mayor please explain why he publicly stated that our media policy had been amended at our last meeting, when in fact it had not.
The Mayor responded that his interpretation was that Council's policy would be amended as a consequence of the debate at the meeting. The Mayor advised that he had referred the policy to the General Manager for investigation and to report back to Council, if necessary.

There being no further business, the meeting concluded at 7.17 pm

The Minute Numbers 0908/001 to 0908/026 were confirmed on 14 September 2009 and are a full and accurate record of proceedings of the Ordinary Meeting held on 10 August 2009.

Cr BR Kingham
MAYOR

Mr AL Jones
GENERAL MANAGER