



Bland Shire Council

Minutes

Ordinary Council Meeting

19 February 2019



OUR VISION, MISSION AND VALUES



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST
A guiding checklist for Councillors, Officers and Advisory Committees

Ethical Decision Making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

Identifying Problems

- 1st - Do I have private interest affected by a matter I am officially involved in?
2nd - Is my official role one of influence or perceived influence over the matter?
3rd - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agency Advice

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	council@blandshire.nsw.gov.au	www.blandshire.nsw.gov.au
ICAC	8281 5999 Toll Free: 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	4428 4100	dlq@dlq.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au



Council Meeting Minutes

19 February 2019

commencing at 6:30PM

1.0 INTRODUCTION

The meeting was opened by the Mayor with the welcome and introduction at 6.30pm.

1.1 Prayer

Representatives from the Ministers Association led Council in the annual Prayer session.

2.0 ATTENDANCE

2.1 Councillors

Cr Bruce Baker
Cr Rodney Crowe (arrived 6.39pm)
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas
Cr Jan Wyse

2.2 Staff

General Manager – Ray Smith
Director Asset & Engineering Services – Will Marsh
Director Corporate, Community, Development & Regulatory Services – Adele Casey
Executive Assistant – Julie Sharpe

2.3 Apologies

Cr Penny English

The General Manager advised that Cr Crowe submitted apologies for his late arrival at the meeting.

Recommendation:

01022019 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Council accepts the apologies submitted by Cr English and Cr Crowe. CARRIED

At this stage, 6.39pm, Cr Crowe arrived.

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 18 December 2018

- Confirmation

Recommendation:

02022019 RESOLVED on the motion of Cr Wyse seconded Cr McGlynn that the minutes of the Ordinary Council meeting held on 18 December 2018 be confirmed as a correct record of proceedings. **CARRIED**

- Corrections – Nil
- Business Arising - Nil

4.0 DECLARATIONS OF INTEREST

Councillor/Officer	Item	Nature of Interest
Cr Baker	9.8 – Mirrool Silo Cinema	Non-Pecuniary

5.0 PUBLIC FORUM

5.1 Mr Craig Fawcett, Evolution Cowal Gold Mine

The General Manager advised that Mr Fawcett sends his apologies and will attend the March 2019 Council meeting.

5.2 Ms Steph Cooke MP, Member for Cootamundra

The Mayor advised that Ms Cooke is scheduled to arrive at 7pm and Council will suspend proceedings for her address.

6.0 MAYORAL MINUTE

Nil

7.0 NOTICES OF MOTION

Nil

8.0 DELEGATES & COMMITTEE REPORTS

SECTION 1 – DELEGATES & COMMITTEE REPORTS

Section 1 – Delegates & Committee Reports & Minutes *(for information)*

Recommendation:

03022019 RESOLVED on the motion of Cr Lord seconded Cr Baker that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented. CARRIED

8.1 Community Reference Group

DCCDRS provided an overview of the recent meeting including the interactive artwork proposal from Country Hope, 3D art murals in Mirrool and West Wyalong and the 125th celebrations.

8.2 Goldenfields Water County Council

Cr McGlynn provided an overview of the meeting and minutes provided. Cr Baker advised that he attended the meeting and was not satisfied with the outcome.

At this stage, Ms Steph Cooke arrived.

8.3 Newell Highway Task Force

Cr Lord provided an overview of the meeting held in West Wyalong and advised that the minutes will be provided to Council for information. It was noted that Cr Lord has been appointed to the Consultation Panel with the final report expected by the end of May 2019.

8.4 NSW Association of Mining & Energy Related Councils

Cr McGlynn advised that she attended the recent meeting and progress with VPAs and Royalties for Regions.

Recommendation:

04022019 RESOLVED on the motion of Cr Keatley seconded Cr Baker that Council suspend Standing Orders for the Member for Cootamundra, Ms Steph Cooke to address the meeting. CARRIED

At this stage, 6.52pm the Mayor invited Ms Cooke to address Council.

Ms Cooke thanked Council for the opportunity to attend and stated that it is an opportunity for Councillors to ask questions and seek information.

Council then sought information on:

- Meet the Candidates Forum – Ms Cooke advised that at this stage there is a diary clash with a long standing appointment and efforts are being made to reschedule
- Concerns with the distribution of grant funding throughout the electorate and funding application guidelines/processes

- Access to funds remaining from abandoned council mergers – Ms Cooke to make enquiries to determine if funds remain available. It was also noted that the Cost Benefit Ratio (CBR) has been removed from grant application requirements.
- Concerns with the availability and quality of public housing in the Shire
- Concerns with the provision of Government real estate and the pressures on Local Government to provide where there is a shortfall – Ms Cooke to seek feedback on the situation
- Concerns with local health including mental health services, school counsellor service and relocation of community health services
- Recurrent funding for public libraries

There being no further questions at this stage, 7.13pm, the Mayor thanked Ms Cooke for her attendance.

Recommendation:

05022019 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council resume Standing Orders. CARRIED

9.0 STAFF REPORTS

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Progress Report on the Combined Delivery Program and Operational Plan

Recommendation:

06022019 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that Council receive and note the report on progress for implementation, up to 31 December 2018, of the Combined Delivery Program and Operational Plan. CARRIED

9.2 Housing Policy

Recommendation:

07022019 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that the Council adopt the *Housing Policy* as presented. CARRIED

9.3 Review of Council's Policy on the Use of Business Credit Cards

Recommendation:

08022019 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that the report on the current Policy on the Use of Council Business Credit Cards be received and noted. CARRIED

9.4 NSW Local Government General Elections - 2020

The General Manager advised that this item has been withdrawn following receipt of a recent OLG Circular advising that an investigation into the cost of Local Government Elections is to be undertaken and granting an extension in time for a decision on the administering of the September 2020 Local Government Election.

9.5 Stronger Country Communities Program - Round 1 Progress Report - February 2019

Recommendation:

09022019 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that the information regarding the progress of the projects under Round 1 of the Stronger Country Communities Fund is received and noted. CARRIED

9.6 Stronger Country Communities Program - Round 2 Progress Report - February 2019

Recommendation:

10022019 RESOLVED on the motion of Cr Wyse seconded Cr Thomas that the information regarding the progress of the projects under Round 2 of the Stronger Country Communities Fund is received and noted. CARRIED

9.7 Drought Communities Program – Progress Report for February 2019

Recommendation:

11022019 RESOLVED on the motion of Cr Wyse seconded Cr Keatley that the General Manager provide monthly reports to Council on the progress of each of the individual projects. CARRIED

9.8 Mirrool Silo Cinema

Recommendation:

12022019 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that:

- 1. Council purchase the outdoor cinema equipment from Smart Digital for \$16,225.00 on behalf of the Mirrool Silo Challenge Committee with funds being allocated from Council's unrestricted reserves;**
- 2. That the General Manager approach the Mirrool Silo Challenge Committee regarding a possible financial contribution by the Committee towards the purchase of this equipment. CARRIED**

SECTION 3 – CORPORATE, COMMUNITY, DEVELOPMENT & REGULATORY SERVICES

9.9 Financial Statements – December 2018

Recommendation:

13022019 RESOLVED on the motion of Cr Crowe seconded Cr Thomas:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of December, 2018**
- 2. That Council confirms the payment of accounts, for the period 01 December to 31 December 2018, summarised in the accounts summary totalling \$4,082,897.74. CARRIED**

9.10 Financial Statements – January 2019

Recommendation:

14022019 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of January, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 January to 31 January 2019, summarised in the accounts summary totalling \$1,888,102.87. CARRIED**

9.11 Budget Review – December 2018

Recommendation:

15022019 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that the Officers Report be received and noted and Council endorses the Statement acknowledging the financial position is considered satisfactory. **CARRIED**

9.12 Regional Planning Panel

Recommendation:

16022019 RESOLVED on the motion of Cr Thomas seconded Cr Wyse that Council resolves to endorse Mr Will Marsh (Expert Member) and Mr Ray Smith as the Western Regional Planning Panel members and Mrs Adele Casey as the alternate member. **CARRIED**

9.13 Local Heritage Assistance Funding – Lodge Bland for Masonic Hall, West Wyalong

Recommendation:

17022019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council approve funding of \$6000.00 for painting the exterior of the Masonic Hall in Court Street West Wyalong. **CARRIED**

9.14 DA2019/0045 – Itinerant Worker Accommodation

Recommendation:

18022019 RESOLVED on the motion of Cr Thomas seconded Cr Wyse that application DA2019/0045 for the installation of motel accommodation (itinerant worker's accommodation) on Lot 1 DP1009522 be approved subject to the conditions in Attachment 1 and these additional conditions:

1. That a time limit of three (3) years be placed on this development insofar as the itinerant accommodation is to be removed at the expiration of three (3) years from the date of final installation of the accommodation units;
2. That a landscaping plan is to be submitted to and approved by Council prior to any works commencing on site. The Landscaping Plan is to provide details of screenings and plantings to reduce the visual impact of the accommodation units.

CARRIED 6/2 (Crs Keatley, Baker, Thomas, Wyse, Crowe and Monaghan voting for and Crs Lord and McGlynn voting against)

ATTACHMENT 1

CONDITIONS OF CONSENT

PART A - ADMINISTRATIVE CONDITIONS

General

1. This consent relates to **the installation of seven (7) 3 bedroom accommodation modules and laundry facility as** illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

2. The **accommodation modules and laundry facility** shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Building Code of Australia

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Erection of signs

4. A sign must be erected in a prominent position on any site on which building work, is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Section 68 Application

5. Approvals under Section 68 of the *Local Government Act 1993* are to be issued by, Bland Shire Council, for the installation of the accommodation modules, laundry facility and for the onsite sewerage management system.

PART C - REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

Notice of Commencement

6. Notice of commencement (at least 48 hours prior) is to be given to Council in writing.

Erosion and Sediment Control

7. Erosion and sediment control measures shall be installed and maintained until all disturbed areas have revegetated in accordance with the Bland Development Control Plan 1999.

Note: On the spot fines may be imposed for non-compliance with this condition.

Damage to Public Assets

8. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

Storm Water Management Plan

9. A Storm Water Management Plan is to be submitted to and approved by Council prior to any works commencing on the site.

Traffic and Parking Management Plan

10. A Traffic and Parking Management Plan is to be submitted to and approved by Council prior to any works commencing on the site. The Traffic and Parking Management Plan is to provide a car parking layout showing the required 21 car parking spaces. The Plan is to also provide details of the number and type of delivery vehicles servicing the site and the proposed unloading areas.

Waste Management Plan

11. A Waste Management Plan is to be submitted to and approved by Council prior to any works commencing on the site. The Waste Management Plan is to provide details on the amount and type of waste that will be generated and the method and frequency of disposal.

PART D - REQUIREMENTS DURING WORKS

Approved hours of Construction

12. Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Interim Guideline for Construction Noise as identified below:

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

Building Waste

13. The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site.

Note: On the spot fines may be imposed by Council for Pollution incidents.

Building Materials, Plant and Equipment

14. All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

Note: On the spot fines may be imposed for non-compliance with this condition.

Stormwater Disposal

15. The guttering, downpipes and stormwater system is to be installed and connected to the approved disposal point in consultation with Council.

Soil and Water Management

16. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

PART E - REQUIREMENTS PRIOR TO COMPLETION CERTIFICATE

Occupation Requirements

17. No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of a Completion Certificate.

Public Infrastructure

18. The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc) prior to the issue of the Occupation Certificate at no cost to Council.

Smoke Alarms

19. A Compliance Certificate certifying the installation of smoke alarms is to be provided to Council.

Fire Safety Certificate

20. The owner of the buildings must cause the Council to be given a Final Fire Safety Certificate on occupation of the building in relation to the essential fire or other safety measures included in the schedule attached to this consent.

Landscaping

21. All landscaping works identified in the approved Landscaping Plan are to be in place prior to the issue of the completion certificate.

Liquid Trade Waste – Laundry Facility

22. The laundry facility must comply with the Liquid Trade Waste Regulation Guidelines 2009.

Completion Requirements

23. All of the foregoing conditions are to be at the full cost of the developer and to be completed prior to the issuing of a Completion Certificate, unless stated otherwise.

PART F - OPERATIONAL REQUIREMENTS

Amenity

24. The development is to be conducted in a manner that will not interfere with the amenity of the locality you reason of emission of noise, wastewater, waste products or the like.

PART G – NSW RURAL FIRE SERVICE CONDITIONS

25. As required by NSW Rural Fire Service

PART H – REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART I – GENERAL ADVICE

NOTES

BOUNDARY ENCROACHMENTS

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on, or encroach over, the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act*, which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position. This may necessitate a survey to identify the allotment boundary.

LAPSING OF DEVELOPMENT CONSENT

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

RIGHT OF APPEAL

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within twelve (12) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

REVIEW OF DETERMINATION

An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination in respect of integrated development, or
- a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.

9.15 DA2019/0046 – Itinerant Worker Accommodation

Recommendation:

PROPOSED on the motion of Cr Thomas seconded Cr Crowe:

1. That Deferred Commencement Development Consent be granted for DA2019/0046 in accordance with Section 4.16 (3) of the *Environmental Planning and Assessment Act 1979*; and
2. The following conditions be included with the Deferred Commencement development consent.

On the casting vote of the Mayor the motion was LOST and DA2019/0046 – Itinerant Worker Accommodation is REFUSED for the following reasons:

- A. That the proposed development will result in the loss of existing recreational facilities, namely, tennis courts;
- B. The additional proposed accommodation units will result in an overuse of the site;
- C. The proposed development will adversely affect other businesses within West Wyalong and Wyalong;
- D. The proximity of the proposed development to Tallimba Road will have adverse aesthetic implications for the area;
- E. Council is of the opinion that the proposed development does not meet the zoning requirements for 'private recreation'.

LOST on the casting vote of the Mayor 4/5 (Crs Keatley, Baker, Thomas and Crowe voting for and Crs Lord, Wyse, McGlynn and Monaghan voting against)

9.16 DA2019/0058 – Alterations & Additions to School

Recommendation:

19022019 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn:

1. That DA2019/0058 be approved; and
2. The following conditions be included as part of the development consent.

CARRIED unanimously (Crs Lord, Keatley, Baker, Thomas, McGlynn, Crowe, Wyse and Monaghan voting for)

PART A - ADMINISTRATIVE CONDITIONS

General

1. This consent relates to **Alterations & Additions to School** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The **Alterations & Additions to School** shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Building Code of Australia

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Erection of signs

4. A sign must be erected in a prominent position on any site on which building work, is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

PART B - REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate Application

5. A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building work being carried out on site. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Section J Report

6. A Section J Report, prepared by a suitably qualified consultant, is to be lodged with the application for a construction certificate.

Engineering Plans

7. Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Bland Shire Council or an Accredited Certifier prior to issuing of the Construction Certificate.

PART C - REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

Appointment of Principal Certifying Authority

8. No work must commence until:

A PCA has been appointed. Where an accredited certifier is the appointed, Council must be notified within 2 days of the appointment.

Note: For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

Notice of Commencement

9. Notice of commencement (at least 48 hours' prior) is to be given to Council in writing.

Erosion and Sediment Control

10. Erosion and sediment control measures shall be installed and maintained until all disturbed areas have revegetated in accordance with the Bland Development Control Plan 2012.

Note: On the spot fines may be imposed for non-compliance with this condition.

Traffic Management Plan

11. Where any loading, unloading or construction is to occur from a public place, Council's Engineering Services Department must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Site Fencing

12. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Temporary Onsite Sanitary Facilities

13. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW Code of Practice "Amenities for Construction". Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences. Facilities must be located so that they will not cause a nuisance.

Damage to Public Assets

14. The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

PART D - REQUIREMENTS DURING WORKS

Approved Hours of Construction

15. The approved hours of construction are as per the submitted Statement of Environmental Effects:

DAY	HOURS
Monday to Friday	7.00am to 5.00pm
Saturday	8.00am to 1.00pm
Saturday (no power tools, internal works only)	1:00 pm to 4.00pm
Sundays & Public Holidays	Nil

Disconnection of Utility Services

16. Prior to any work commencing on the demolition of the building all utility services (electricity, water, sewer, stormwater & telephone) must be disconnected from the building at the junction to the mains supply or other point in accordance with the requirements of the relevant authority.

Demolition Standard

17. The demolition of the building must be carried out in accordance with AS 2601-2001, The Demolition of Structures. All work shall be undertaken in such manner that dust and noise shall be minimised as far as possible.

Asbestos – Demolition Work (Licenced Contractor)

18. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carried on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation.

If any bonded asbestos material or friable asbestos material is to be removed, the person with the benefit of the consent must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

If the bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the development application must give Council a copy of a receipt from the operator of the land fill site stating that all asbestos material referred to in the contract has been received by the operator.

Upon the completion of the demolition works a duly qualified person is to confirm the site as being free from contamination and determine suitable for future use.

Clearance Certificate

19. Upon completion of the demolition works a duly qualified person is to confirm the site as being free from contamination and determined suitable for future use. A copy of the clearance certificate is to be furnished to Council prior to the issue of the Final Occupation Certificate.

Building Waste

20. The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site.

Note: On the spot fines may be imposed by Council for Pollution incidents.

Building Materials, Plant and Equipment

21. All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

Note: On the spot fines may be imposed for non-compliance with this condition.

Stormwater Disposal

22. All stormwater from the roof of the proposed additions is to be discharged via the existing stormwater drainage system and piped to the street gutter located on England Street in accordance with AS/NZS 3500 Plumbing and Drainage Part 3 Stormwater Drainage.

Soil and Water Management

23. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

Uncovering of Aboriginal Artifacts

24. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- o Not further harm the object;
- o Immediately cease all work at the particular location;
- o Secure the area so as to avoid further harm to the Aboriginal object;
- o Notify NSW OEH as soon as practical on 131 555, providing any details of the Aboriginal object and its location; and
- o Not recommence any work at the particular location unless authorised in writing by NSW OEH.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and NSW OEH contacted.

All reasonable precautions must be taken to prevent damage to Aboriginal objects.

For more information please refer to the NSW Department of Environment, Climate Change and Water (NSW OEH) document entitled: *Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, available:

<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>.

PART E - REQUIREMENTS PRIOR TO OCCUPATION CERTIFICATE

Occupation Requirements

25. No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
26. All preconditions to the issue of an Occupation Certificate specified in this development consent must be met prior to the issue of an Occupation Certificate.

Fire Safety

27. The building owner must obtain a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule.

Annual Fire Safety Certificate

28. The owner of the premises, as soon as practicable after the Fire Safety Certificate is issued, must:
 - a) Forward a copy of the Final Fire Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council, and
 - b) Display a copy of the Final Fire Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent to the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Public Infrastructure

29. The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of the Occupation Certificate at no cost to Council.

Ground Levels

30. Finished ground levels are to be graded away from the buildings and adjoining properties and must achieve natural drainage. Any concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.

Completion Requirements

31. All of the foregoing conditions are to be at the full cost of the developer and to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

PART G – REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.

7. Ensure the development does not conflict with the public interest.

PART H – OTHER COUNCIL APPROVALS

Section 68 Local Government Act, Section 138 Roads Act

Part B Water supply, sewerage and stormwater drainage work

1. All stormwater from the roof of the proposed additions is to be discharged via the existing stormwater drainage system and piped to the street gutter located on England Street in accordance with AS/NZS 3500 Plumbing and Drainage Part 3 Stormwater Drainage and the Building Code of Australia.
2. All plumbing and drainage work is to be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code and AS3500.
3. All sewer and plumbing work is carried out in accordance with the requirements of Plumbing and Drainage Act 2011.
4. The plumber and drainer carrying out the must lodge a “Notice of Work” with Council a minimum of two days prior to commencing work.
5. On completion of all plumbing and drainage work a “Certificate of Compliance” and a works executed plan shall be lodged with Council by the licensed plumber and drainer responsible for the work.
6. A works as executed plan drawn to a scale of 1:200 of the drainage work is to be submitted to Council at the time of inspection.
7. The hot water installation shall deliver hot water not exceeding 50 degrees Celsius at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Note: Compliance with this temperature limit is optional for kitchen sinks in accordance with AS/NZ 3500 Part 4.2 Cl.1.6.2.
8. A minimum height of 150mm shall be maintained between the top of the overflow yard gully riser and the lowest fixture connected to the drain. The height shall be measured vertically from the overflow level of the gully riser, or from the invert level of the overflow pipe, to the appropriate point given in Table 4.3 of AS3500. The minimum height between the top of the overflow yard gully riser, or the invert of the overflow pipe, and the surrounding ground surface level shall be 75mm, except where the gully riser is located in a path or a paved area where it shall be finished at a level so as to prevent the ponding and ingress of water into the drainage system.
9. The following inspections are required to be undertaken by Council at the following stages of the development:
 - a) Internal Drainage
 - b) Hot and Cold rough in
 - c) External Drainage – including stormwater lines

Note: required inspections are to be done under water test and before covering or backfilling.

GENERAL ADVICE

BOUNDARY ENCROACHMENTS

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on, or encroach over, the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act*, which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position. This may necessitate a survey to identify the allotment boundary.

LAPSING OF DEVELOPMENT CONSENT

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

RIGHT OF APPEAL

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within twelve (12) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

REVIEW OF DETERMINATION

An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination in respect of integrated development, or
- a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.

SECTION 4 – ASSET & ENGINEERING SERVICES

9.17 Rough-O-Meter Upgrade with Visual and Profile Data

Recommendation:

20022019 RESOLVED on the motion of Cr Wyse seconded Cr Thomas that Bland Shire Council purchase a Hawkeye 1000 series from the Australian Road Research Board.
CARRIED

9.18 NSW Government Representation Requirements

Recommendation:

21022019 RESOLVED on the motion of Cr Lord seconded Cr Crowe:

- 1. That Mr Steve Reid, Bland Shire Council's Asset Foreman, be endorsed as Bland Shires Council's Deputy Local Emergency Management Coordinator.**
- 2. That Mr Glenn Neyland, Bland Shire Council's Environment Foreman, be endorsed as Bland Shires Council's Mines Manager.**
- 3. That Mr Perry Maybury, Bland Shire Council's Asset Foreman, and Mr Allan James, Bland Shire Council's Rural Foreman, be endorsed as Bland Shires Council's Deputy Mine Managers.**
- 4. That Mr Glenn Neyland, Bland Shire Council's Environment Foreman, be endorsed as Bland Shires Council's Native Titles Manager under the NSW Crown Land Management Act; and that the NSW Minister of Lands and Forestry be notified of the fact. CARRIED**

SECTION 5 – REPORTS FOR INFORMATION

Recommendation:

22022019 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that the following reports, provided for information only, be received and noted:

- **9.19 - Economic Development & Tourism Report – January 2019**
- **9.20 - Community Services Report**
- **9.21 - Bland Shire Library Monthly Update**
- **9.22 - HACC - Seniors Week 2019 Update**
- **9.23 - Development Services Activity Report – December 2018**
- **9.24 - Development Services Activity Report – January 2019**
- **9.25 - Assets & Engineering Services Report. CARRIED**

10.0 URGENT BUSINESS WITHOUT NOTICE

Nil

11.0 QUESTIONS AND STATEMENTS

Cr Wyse

- Conveyed thanks to staff for their efforts with Australia Day and the 125th year celebrations

Cr McGlynn

- Conveyed thanks to Councillors and staff for Australia Day

Cr Thomas

- Stated that staff did a good job on Australia Day
- Requested a budget allocation to reinstate the gardens at Barnado and McCann Parks

Cr Baker

- Queried progress with the condition of the footpath at 18 Hope Street Barmedman
DAES advised that the area has been inspected and awaiting the report from staff
- Conveyed thanks and appreciation to staff for their response to storm damage on Christmas Eve
- Advised of a meeting to consider the future of the Mirrool Church and queried any heritage significance
GM advised that the matter is taken on notice

Cr Lord

- Noted recent media reports in relation to cemeteries and suggested Council consider the development of a policy for reassurance to the community

Mayor Monaghan

- Conveyed thanks to Councillors for their assistance on Australia Day, in particular Deputy Mayor McGlynn and stated his desire for the continued involvement of Councillors

The General Manager advised Councillors of the arrangements for the:

- Meet the Candidates Forum on 28th February
- 125 years local fashion parade
- Budget Workshop on 9th April

Crs Lord and Wyse submitted apologies for the Budget Workshop.

12.0 CLOSURE OF THE MEETING TO DISCUSS CONFIDENTIAL BUSINESS UNDER THE PROVISIONS OF SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT

Recommendation:

23022019 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act. CARRIED

The meeting then closed at 8.36pm.

13.0 RESUMPTION OF THE MEETING AND CONSIDERATION OF RECOMMENDATIONS OF THE CLOSED SECTION OF THE MEETING

Recommendation:

25022019 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that Council move out of closed Council and into open Council. CARRIED

The meeting then resumed at 8.42pm.

12.1 Strategic Property Purchases – February 2019

Local Government Act 1993 (section 10A (2) (c)

The matters and information are information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Recommendation:

24022019 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that council agree to the purchase of Lots 1233, 1243 & 1257 in DP753135 fronting Central Road for the amount specified in this report; and that the Mayor and General Manager be delegated authority to execute the necessary documentation. CARRIED

14.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 8.42pm.

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Chairperson