



ORDINARY MEETING OF COUNCIL

**Held at 1:00pm
On 28 March 2017**

ROLL CALL

Councillors:

Cr M Pearce (Mayor)
Cr R Bell (Deputy Mayor)
Cr B Crouch
Cr M Dusting
Cr N Ledger
Cr L Sampson
Cr I Strutt
Cr T Toomey
Cr K Ward

Staff:

Mr A Hopkins, General Manager
Mr T Seymour, Director-Infrastructure & Regulation
Mr S Paul, Chief Financial Officer
Mrs D Williams, Minute Clerk

MINUTES

Minutes of the Uralla Shire Council at an Ordinary Meeting
held at 1:00pm on 28 March 2017

Resolution
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The Meeting Commenced at: 1:00pm

ATTENDANCE

Present were the Chairperson Cr M Pearce (Mayor), and Councillors, R Bell, B Crouch, M Dusting, N Ledger, L Sampson, I Strutt, T Toomey, K Ward, General Manager (Mr A Hopkins), Acting Director-Infrastructure & Regulation (Mr A Harvey), Minute Clerk (Mrs D Williams).

1. OPENING & WELCOME

2. PRAYER

3. ACKNOWLEDGEMENT TO COUNTRY

4. APOLOGIES

Apologies

There were no apologies.

5. REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

6. DISCLOSURES & DECLARATION OF INTERESTS

At request of the Chair, the Minute Clerk tabled details of the pecuniary and non-pecuniary Conflict of Interest Declarations received in relation to the 28 March 2017 meeting.

COUNCILLOR	ITEM OR REPORT NUMBER	PECUNIARY OR NON-PECUNIARY INTEREST	NATURE OF INTEREST
Cr M Dusting	Report 6 DA-67-2016 DA-8-2017	Non-pecuniary	Resident of John St.
Cr T Toomey	Report 11 DA-55-2016	Non-pecuniary	Owner of self-contained accommodation

7. CONFIRMATION OF MINUTES

Minutes to be confirmed or received and noted at Council Meeting held on 28 February 2017:

- Council Meeting held 28 February 2017

1.03/17 MOVED (Crs I Strutt/L Sampson) CARRIED

Minutes to be received and noted at Council Meeting held on 28 February 2017:

- Audit & Risk Meeting held 27 February 2016

2.03/17 MOVED (Crs I Strutt/T Toomey) CARRIED

8. ANNOUNCEMENTS

Nil

9. TABLING OF REPORTS & PETITIONS

- Bundarra S355 Minutes
- Letter from Cr M Dusting

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10. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN THE CONFIDENTIAL SECTION

8. Department:	Infrastructure & Regulation
Submitted by:	Director Infrastructure & Regulation
Reference/Subject:	Report 12 - Uralla Shire Council Caravan Park – Land Acquisition

This report is presented to the CLOSED section of the March 2017 meeting under section 10A (2) (c) of the Local Government Act (NSW) 1993.

A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

(a) the discussion of any of the matters listed in subclause (2), or

(b) the receipt or discussion of any of the information so listed.

(2) The matters and information are the following: [delete non-relevant clauses]

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

PROCEDURAL MOTION

Motion to hear Report 11 in Confidential Business at Item 21.

3.03/17 MOVED (Crs K Ward/B Crouch) CARRIED

11. URGENT SUPPLEMENTARY & LATE ITEMS OF BUSINESS

Nil

12. PRESENTATIONS

Speaker 1:	Mr Richard Kaehler
Subject:	1. Rotary Art Show - Uralla 2. Saumarez War Service Road

13. DEPUTATIONS

There are no deputations registered for this meeting.

14. WRITTEN REPORTS FROM DELEGATES

Councillors presented a verbal account of activities/meetings they have attended for the month.

COUNCILLOR NAME:	Michael Pearce	
COUNCIL MEETING DATE:	28 th March 2017	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
1/3/17	2AD Interview. Community Safety Precinct Committee meeting	Armidale
2/3/17	NAMOI Council workshop	Bingara
4/3/17	NSW Fire Fighting Championships	Uralla
	Leave of absence – 5/3/17 – 18/3/17	
20/3/17	Mayors Office – Admin NAMOI Council Meeting	Uralla Gunnedah
21/3/17	Mayors Office – Admin. Regional Development Australia meeting.	Uralla
22/3/17	Mayors Office – Admin Site visit – Development Application.	Uralla
23/3/17	Mayors Office - Admin	Uralla
24/3/17	Country Mayors Meeting	Sydney

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24/3/17	Rotary Arts Exhibition opening.	Uralla
25/3/17	Seasons of New England	Uralla
27/3/17	Mayors Office - Admin	Uralla
28/3/17	Mayors Office – Admin March Council Meeting.	Uralla

COUNICLLOR NAME:	Bob Crouch
COUNCIL MEETING DATE:	28/03/2017

DATE	COMMITTEE/MEETING/EVENT	LOCATION
6/03/17	Bundarra Hall Committee	Bundarra
14/03/17	Council workshop	Uralla
22/03/17	DA Inspection	Uralla
24/03/17	Rotary Art Show Opening	Uralla
28/03/17	Ordinary Council Meeting	Uralla

COUNICLLOR NAME:	Kevin Ward
COUNCIL MEETING DATE:	28th March 2017

DATE	COMMITTEE/MEETING/EVENT	LOCATION
14 March 2017	Community Consultation Workshop	Council
17 March 2017	Community Grants Committee	Council
21 March 2017	Regional Development Australia Lunch	Bowling Club
22 March 2017	Development Application Meeting	Council

COUNICLLOR NAME:	Tara Toomey
COUNCIL MEETING DATE:	28th March 2017

DATE	COMMITTEE/MEETING/EVENT	LOCATION
28 February 2017	Council Business Engagement Breakfast	Uralla
28 February 2017	Council Meeting – February	USC
14 March 2017	Community Consultation Workshop	Council
17 March 2017	Community Grants Committee	Council

COUNICLLOR NAME:	Isabel Strutt
COUNCIL MEETING DATE:	28th March 2017

DATE	COMMITTEE/MEETING/EVENT	LOCATION
4/3/17	NSW Fire Fighting Championships	Uralla
14 March 2017	Community Consultation Workshop	Council
17 March 2017	Community Grants Committee	Council
21 March 2017	Regional Development Australia Lunch	Bowling Club
22 March 2017	Development Application Meeting	Council
22/3/17	Mayors Office – Admin Site visit – Development Application.	Uralla
24/3/17	Rotary Arts Exhibition opening.	Uralla
25/3/17	Seasons of New England	Uralla

COUNICLLOR NAME:	Mark Dusting
COUNCIL MEETING DATE:	28th March 2017

DATE	COMMITTEE/MEETING/EVENT	LOCATION
28 February 2017	Council Business Engagement Breakfast	Uralla
28 February 2017	Council Meeting – February	USC
14 March 2017	Community Consultation Workshop	Council
21 March 2017	Regional Development Australia Lunch	Bowling Club

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COUNICLLOR NAME:	Robert Bell	
COUNCIL MEETING DATE:	28 th March 2017	
DATE	COMMITTEE/MEETING/EVENT	LOCATION
28 February 2017	Council Business Engagement Breakfast	Uralla
14 March 2017	Community Consultation Workshop	Council
16 March 2017	SES New England Sector Awards Presentation	Armidale
17 March 2017	Community Grants Committee	Council

15. MAYORAL MINUTE

There was no mayoral minute.

16. REPORTS FROM COUNCIL

Department: General Manager

Submitted by: Andrew Hopkins

Reference/Subject: Report 1 – 2017 Bush Bursary/Country Women’s Association
Scholarship Program

OFFICER’S RECOMMENDATION:

That:

1. Council determine whether to participate in the NSW Rural Doctors Network Bush Bursary/Country Womens Association Scholarships Program. If so:
 - a) Council approach the two local medical centres to determine their interest in offering a two week student placement if Council was to take part in this program.
 - b) Council provide the sponsorship requested for the program, if either or both of the medical centres confirmed they would like to be involved.
 - c) Council vote \$3,000 from reserves for the sponsorship of one only student (+GST) plus two weeks accommodation also from reserves, up to the value of \$1,600.
2. The General Manager advise the NSW Rural Doctors Network bush Bursary/Country Women’s Association Scholarships Program of Council’s decision.

COUNCIL RESOLUTION:

That:

The General Manager approach the two medical practices in Uralla to determine their support for this scholarship program (including their financial assistance), prior to Council determining its support or otherwise for this program.

4.03/17 MOVED (Crs R Bell/M Dusing) CARRIED

Department: General Manager

Submitted by: Andrew Hopkins

Reference/Subject: Report 2: - Engagement Breakfast

OFFICER’S RECOMMENDATION:

That Council

- 1) Advise the NSW Department of Industry that the Industry Engagement Breakfast initiated by Council was a successful event as part of Back to Business Week.
- 2) Formally thank, by way of Mayoral letter, the Hon Adam Marshall, Minister for Tourism and Major Events and Assistant Minister for Skills for his attendance and for delivering the key note address.

COUNCIL RESOLUTION:

That Council

- 1) Advise the NSW Department of Industry that the Industry Engagement Breakfast initiated by Council was a successful event as part of Back to Business Week.
- 2) Formally thank, by way of Mayoral letter, the Hon Adam Marshall, Minister for Tourism and Major Events and Assistant Minister for Skills for his attendance and for delivering the key note address.

5.03/17 MOVED (Crs T Toomey/ L Sampson) CARRIED

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Department: Organisational Services - Finance
Submitted by: Simon Paul – Chief Financial Officer
Reference/Subject: Report 3 - Cash at Bank and Investments

OFFICER'S RECOMMENDATION:

That:

Council note the cash position as at 28 February, 2017 consisting of cash and overnight funds of \$2,256,839, term deposits of \$10,550,000 totalling \$12,806,839 of readily convertible funds.

COUNCIL RESOLUTION:

That:

Council note the cash position as at 28 February, 2017 consisting of cash and overnight funds of \$2,256,839, term deposits of \$10,550,000 totalling \$12,806,839 of readily convertible funds.

6.03/17 MOVED (Crs I Strutt/ B Crouch) CARRIED

Department: Infrastructure & Regulation
Submitted by: Director of Infrastructure & Regulation
Reference/Subject: Report 4 - Development Approvals and Refusals for February 2017

OFFICER'S RECOMMENDATION:

That Council receive and note the development approvals and refusals for February 2017.

Cr M Dusting left the room having earlier declared an interest in this report. 1:48pm

COUNCIL RESOLUTION:

That Council receive and note the development approvals and refusals for February 2017.

7.03/17 MOVED (Crs K Ward/L Sampson) CARRIED

Cr M Dusting was absent from the room at time of voting.

Cr Dusting returned to the room at 1:50pm.

Department: Infrastructure & Regulation
Submitted by: Director Infrastructure & Regulation
Reference/Subject: Report 5 - Heritage Advisory Services Summary – March 2017

OFFICER'S RECOMMENDATION:

1. That the Heritage Advisory Services Summary for March 2017 be received and noted by Council.

COUNCIL RESOLUTION:

1. That the Heritage Advisory Services Summary for March 2017 be received and noted by Council.

8.03/17 MOVED (Crs I Strutt/T Toomey) CARRIED

Department: Infrastructure & Regulation
Submitted by: Director Infrastructure & Regulation
Reference/Subject: Report 6 - Works Progress Report as at 28 February 2017

OFFICER'S RECOMMENDATION:

That the report be received and noted for the works completed or progressed during February 2017, and works programmed for March 2017.

COUNCIL RESOLUTION:

That the report be received and noted for the works completed or progressed during February 2017, and works programmed for March 2017.

9.03/17 MOVED (Crs R Bell/B Crouch) CARRIED

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Department: Infrastructure and Regulation
Submitted by: Manager Waste Water Sewer Services
Reference/Subject: Report 7 - Bundarra Sewerage Scheme Progress including appointment of a Project Manager

OFFICER'S RECOMMENDATION:

That:

- 1 Council approve a project budget of \$5.447m for the Bundarra Sewerage Scheme, of which \$3.675m is provided as grant funding and \$1.772m is provided by Council.
- 2 Council adopt a single sewerage charge across the Uralla Shire with charging to commence in 2017/18.
- 3 Council accept a proposal for project management and contract administration services from Public Works Australia to oversee the construction and commissioning of the scheme.
- 4 Council convene a public meeting with the Bundarra Community on 27 April 2017 to provide information and take questions from the public about the scheme.

COUNCIL RESOLUTION:

That:

- Council approve a project budget of \$5.447m for the Bundarra Sewerage Scheme, of which \$3.675m is provided as grant funding and \$1.772m is provided by Council via the current sewerage reserve with internal borrowings from the Water Supply Reserve.
- 2 Council adopt a single sewerage charge across the Uralla Shire with charging to commence in 2017/18.
 - 3 Council accept a proposal for project management and contract administration services from Public Works Australia to oversee the construction and commissioning of the scheme.
 - 4 Council convene a public meeting with the Bundarra Community on 9 May 2017 to provide information and take questions from the public about the scheme.

10.03/17 MOVED (Crs B Crouch/M Disting) CARRIED

Department: Finance
Submitted by: Chief Financial Officer
Reference/Subject: Report 8 - Related Party Disclosures

OFFICER'S RECOMMENDATION:

1. That Council adopt the Related Party Disclosure Policy.

Procedural Motion

Move into Committee of the Whole

Motion to move into committee of the whole to discuss Report 8 – Related Party Disclosures.

11.03/17 MOVED (Crs M Disting/ K Ward)

Procedural Motion

Resume Standing Orders

Motion to resume standing orders.

12.03/17 MOVED (Crs L Sampson/I Strutt)

COUNCIL RESOLUTION:

1. That Council adopt the Related Party Disclosure Policy.

13.03/17 MOVED (Crs K Ward/ I Strutt) CARRIED

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Department: General Manager
Submitted by: Andrew Hopkins
Reference/Subject: Report 9 - VIC and Library Survey

OFFICER'S RECOMMENDATION:

That Council

- a) Note the results of the community survey regarding the Visitor Information Centre (VIC) and the library.
- b) Hold a public meeting to brief the community on the survey results and to provide the community with a forum to put their views forward.

COUNCIL RESOLUTION:

That Council

- a) Note the results of the community survey regarding the Visitor Information Centre (VIC) and the library.
- b) Hold a public meeting on 26 April at 6:00pm in the Council Chambers, to brief the community on the survey results and to provide the community with a forum to put their views forward.

14.03/17 MOVED (Crs T Toomey/I Strutt) CARRIED

Department: General Manager
Submitted by: Andrew Hopkins
Reference/Subject: Report 10 – Community Grants 2016/17 – Combined Round 1 & Round 2

OFFICER'S RECOMMENDATION:

That:

- 1) Council approve the Community Grants, combined rounds one and two 2016/17 funding allocations to the following applicants and in accordance with the General Grant Conditions and any special conditions identified in Table 3 of the Report:
 - S. Rowbottom - \$300
 - Rotary Club Uralla - \$2,000
- 2) Correspond with the unsuccessful applicants as detailed in the Recommendations of the Committee {2} Unsuccessful Applicants} section of the Report.

COUNCIL RESOLUTION:

That:

- 1) Council approve the Community Grants, combined rounds one and two 2016/17 funding allocations to the following applicants and in accordance with the General Grant Conditions and any special conditions identified in Table 3 of the Report:
 - S. Rowbottom - \$300
 - Rotary Club Uralla - \$2,000
- 2) Correspond with the unsuccessful applicants as detailed in the Recommendations of the Committee {2} Unsuccessful Applicants} section of the Report.

15.03/17 MOVED (Crs R Bell/T Toomey) CARRIED

Department: Infrastructure & Regulation
Submitted by: Manager of Planning & Regulation
Reference/Subject: Report 11 - Development Application DA-55-2016 – 40 Bridge Street, Uralla – Staged Development: Commercial building and four short term accommodation units

Cr T Toomey left the room at 2:34pm having earlier declared an interest in this item.

OFFICER'S RECOMMENDATION:

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That:

- (a) Council approve DA-55-2016 on land titled Lots 31 & 32 DP 813093 known as 40 Bridge Street, Uralla subject to the following conditions.

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- a) development consent, in the case of a temporary structure that is an entertainment venue, or
- b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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 site is prohibited.
5. 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.

Please Note: *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

Shoring and adequacy of adjoining property

Please Note: *This does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.*

6. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

GENERAL CONDITIONS

7. The development must take place in accordance with the approved documents submitted with the application and subject to the conditions below to ensure the development is consistent with Council's consent.
8. A Construction Certificate must be obtained, for each stage, from a Certifying Authority before work commences, in accordance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.
9. Approval must be obtained, for each stage, from the Council as the Local Water Supply and Sewer Authority for any potable water supply or sewerage system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.
10. All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.
11. A Section 138 Roads Act Approval is required.

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12. In keeping with the intent of the Main Street Study the paint colour for above the awning and side walls should be either Raffia, Biscuit, Sandstone or Light Stone.
13. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
14. All vehicles are to enter and leave the site in a forward direction. The driveway, car parking, manoeuvring and service areas are to be designed and constructed in accordance with AS2890 and Council's engineering requirements.
15. All works in Bridge Street will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and RMS Supplements.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code.

Should the external configuration of the building be modified as a result of achieving NCC compliance, the plans accompanying this development consent must also be modified.
17. Access/facilities for people with disabilities are to be provided in accordance with the current versions of the National Construction Code and Access Premises Standard. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with these requirements.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.
18. The plans and specifications accompanying the Construction Certificate are to demonstrate that driveways and parking areas are designed and constructed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2—2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6 issued by Roads and Maritime Services, and
19. The plans and specifications accompanying the Construction Certificate are to demonstrate that buildings, pathways and paved areas used for pedestrian access are designed and constructed in accordance with AS 1428.1—2009, Design for access and mobility, Part 1: General requirements for access—New building work.

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20. The plans and specifications accompanying the Construction Certificate are to demonstrate that the approved signage will be connected securely to the building.
21. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.
22. All civil engineering and utility service works undertaken pursuant to this consent, including:
 - Water supply work,
 - Sewer drainage work,
 - Stormwater drainage work,

are to be inspected and tested upon completion of each stage, and details of works which will become public assets provided to Council's Director of Engineering or nominee, before the issue of a final occupation certificate for the development.

One set of print film copies and an electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
23. Connection to the water main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$958.00 per connection.
24. Connection to the sewer main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$540.00 per connection.
25. All stormwater is to be designed and catered for. All design plans, drainage calculations and soil testing is to be provided for approval by Council prior to construction, alternatively interallotment drainage and drainage easements are to be provided for is the existing drainage flows are to be utilised.

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CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

26. Council is to be given written notice of the intention to commence works, for each stage, and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clause 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.

For development involving both building and subdivision work authorized by the same development consent, a separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

27. Before construction commences on the site and throughout the construction phase of each stage of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- divert contaminated run-off away from disturbed areas,
- erect silt fencing along the downhill side of the property boundary,
- prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
- stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

ADVISING - Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

28. Before commencing any excavation works, the person having the benefit of this development consent must obtain a dilapidation report on any part of a building that is within 2m of the works. If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.
29. Suitable landscaping and screening treatments are to be installed to prevent direct views from the proposed accommodation units into the adjoining properties. A detailed landscaping plan is to be submitted to Council and approved by Council's Manager Town Planning and Regulation prior to the issue of a Construction Certificate. The screening is to be installed prior to the issue of an Occupation Certificate.
30. A survey certificate is required for part of the work involving the erection of a new building that is located less than 3m from the lot boundary, with a survey certificate must be given to the principal certifying authority:
- (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work—before the concrete is poured for the ground floor slab.

The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

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CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

31. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
32. *The structure is to be inspected at the following stages of construction:
 - before the pouring of footings**
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

*** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.*

Applicants should give at least 24 hours notice to guarantee an inspection.

33. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
34. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
35. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.

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36. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
37. Earthworks, retaining walls and structural support
- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
 - (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.
 - (3) Notice of intention to do so must be given to the owner of the adjoining land at least seven days before the commencement of excavation work. The owner of the adjoining allotment of land is not liable for any part of the cost of work, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
38. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
39. Retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided where soil conditions are inadequate, ensuring adequate provision is made for drainage.

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40. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place
41. Site maintenance is to include the following measures:
- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
 - (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
 - (3) Copies of receipts stating the following must be given to the principal certifying authority:
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
 - (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
 - (5) During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
 - (6) At the completion of the works, the work site must be left clear of waste and debris.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

42. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).

43. Landscaping is to be completed in accordance with the approved landscaping plan prior to the issue of an Occupation Certificate.

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44. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.
45. The new vehicular crossing, including layback, is to be constructed from the street to the property boundary to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath and is to be completed prior to the use or occupation of any building.
- Inspection of kerb crossing (Layback) and driveways is to be undertaken by Council's Engineering Department prior to the pouring of any concrete.
46. Adequate provision is to be made for the storage and handling of solid wastes generated by the development. Garbage and recycling bin storage is to be provided within the Lot: 31 DP: 813093. The location is not to be located at the street frontage. Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development. The storage area is to be enclosed and the material stored is to be screened from public view.
47. Connection to the sewer main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$540.00 per connection.
48. Connection to the water main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$958.00 per connection.
49. All civil engineering and utility service works undertaken pursuant to this consent, including:
- Water supply work,
 - Sewer drainage work,
 - Stormwater drainage work,

are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Director of Engineering or nominee, before the issue of a final occupation certificate for the development.

One set of print film copies and an electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

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50. Roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
51. Roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
52. The new vehicular crossing, including layback, is to be constructed from the street to the property boundary to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath and is to be completed prior to the use or occupation of any building.

Inspection of kerb crossing (Layback) and driveways is to be undertaken by Council's Engineering Department prior to the pouring of any concrete.
53. Internal signage is to be provided limiting the vehicle speed to 5 kms per hour when approaching the entry/exit. This is to be located at the southern end of the retail building.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

54. Prior to the issue of a Subdivision Certificate, an Application for a Subdivision Certificate is to be submitted to Council with three (3) copies of the Title Plan and appropriate fees. The applicant/developer is to ensure that a summary of compliance with all conditions of consent is completed and lodged with the application.
55. Prior to the issue of a Subdivision Certificate, the applicants shall provide evidence to the effect that all utility services, i.e water, sewer, electricity, telecommunications, connected to or used in each of the buildings within the development site is wholly contained within each of the proposed allotments. That is, no internal servicing of the sites is permitted to be wholly or partially on the adjoining allotment.

CONDITIONS RELATING TO ONGOING OPERATIONS

56. The commercial uses must not be operated outside the hours of 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

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57. The development must comply with the requirements for industrial premises contained in the Noise Policy.

Noise emitted by the development:

- (a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
- (b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.

In this clause, the Noise Policy means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

58. All new external lighting must:

- (a) comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting, and
- (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces.

59. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.
60. All landscaped areas on the site must be maintained on an on-going basis. Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
61. All approved signage has an expiration of 15 years after the date on which the consent becomes effective and operates and the signage is to be removed on the expiration date.
62. All driveways and parking areas must be unobstructed at all times. Driveways and car spaces:
- (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

COUNCIL ADVICE ONLY

63. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under the Exempt and Complying Development State Environmental Planning Policy).

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64. **Compliance with the National Construction Code:** All building work must be carried out in the following manner to ensure compliance with the National Construction.

Covenant/s: The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.

65. **Dial Before You Dig:** Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

66. **Telecommunications Act 1997 (Commonwealth):** Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- (b) **Those persons that made a submission in relation to the Application be notified of the determination in writing as per the provisions of the *Environmental Planning & Assessment Act 1979* and Regulations.**

Procedural Motion

Motion to move into committee of the whole to discuss Report 11 – DA 40 Bridge Street.

16.03/17 **MOVED (Crs K Ward/ I Strutt)**

Procedural Motion

Motion to resume standing orders.

17.03/17 **MOVED (Crs Ward/ M Dusting)**

COUNCIL RESOLUTION:

That:

- (a) **Council approve DA-55-2016 on land titled Lots 31 & 32 DP 813093 known as 40 Bridge Street, Uralla subject to the following conditions.**

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PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- c) development consent, in the case of a temporary structure that is an entertainment venue, or
- d) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

Erection of signs

Please Note: This does not apply in relation to:

- d) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- e) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- f) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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 site is prohibited.
5. 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.

Please Note: *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

Shoring and adequacy of adjoining property

Please Note: *This does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.*

6. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

GENERAL CONDITIONS

7. The development must take place in accordance with the approved documents submitted with the application and subject to the conditions below to ensure the development is consistent with Council's consent.
8. A Construction Certificate must be obtained, for each stage, from a Certifying Authority before work commences, in accordance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.
9. Approval must be obtained, for each stage, from the Council as the Local Water Supply and Sewer Authority for any potable water supply or sewerage system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.
10. All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer.
11. A Section 138 Roads Act Approval is required.

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12. In keeping with the intent of the Main Street Study the paint colour for above the awning and side walls should be either Raffia, Biscuit, Sandstone or Light Stone.
13. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
14. All vehicles are to enter and leave the site in a forward direction. The driveway, car parking, manoeuvring and service areas are to be designed and constructed in accordance with AS2890 and Council's engineering requirements.
15. All works in Bridge Street will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and RMS Supplements.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code.

Should the external configuration of the building be modified as a result of achieving NCC compliance, the plans accompanying this development consent must also be modified.
17. Access/facilities for people with disabilities are to be provided in accordance with the current versions of the National Construction Code and Access Premises Standard. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with these requirements.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.
18. The plans and specifications accompanying the Construction Certificate are to demonstrate that driveways and parking areas are designed and constructed in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking or AS 2890.2—2002, Parking facilities, Part 2: Off-street commercial vehicle facilities and RMS Australian Standard Supplements, Australian Standard—AS2890, Parking Facilities, Parts 1–6 issued by Roads and Maritime Services, and
19. The plans and specifications accompanying the Construction Certificate are to demonstrate that buildings, pathways and paved areas used for pedestrian access are designed and constructed in accordance with AS 1428.1—2009, Design for access and mobility, Part 1: General requirements for access—New building work.

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20. The plans and specifications accompanying the Construction Certificate are to demonstrate that the approved signage will be connected securely to the building.
21. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.
22. All civil engineering and utility service works undertaken pursuant to this consent, including:
 - Water supply work,
 - Sewer drainage work,
 - Stormwater drainage work,are to be inspected and tested upon completion of each stage, and details of works which will become public assets provided to Council's Director of Engineering or nominee, before the issue of a final occupation certificate for the development.

One set of print film copies and an electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
23. Connection to the water main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$958.00 per connection.
24. Connection to the sewer main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$540.00 per connection.
25. All stormwater is to be designed and catered for. All design plans, drainage calculations and soil testing is to be provided for approval by Council prior to construction, alternatively interallotment drainage and drainage easements are to be provided for is the existing drainage flows are to be utilised.

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CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

26. Council is to be given written notice of the intention to commence works, for each stage, and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clause 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.

For development involving both building and subdivision work authorized by the same development consent, a separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the Environmental Planning & Assessment Act 1979.

27. Before construction commences on the site and throughout the construction phase of each stage of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- divert contaminated run-off away from disturbed areas,
- erect silt fencing along the downhill side of the property boundary,
- prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
- stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

ADVISING - Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

28. Before commencing any excavation works, the person having the benefit of this development consent must obtain a dilapidation report on any part of a building that is within 2m of the works. If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.
29. Suitable landscaping and screening treatments are to be installed to prevent direct views from the proposed accommodation units into the adjoining properties. A detailed landscaping plan is to be submitted to Council and approved by Council's Manager Town Planning and Regulation prior to the issue of a Construction Certificate. The screening is to be installed prior to the issue of an Occupation Certificate.
30. A survey certificate is required for part of the work involving the erection of a new building that is located less than 3m from the lot boundary, with a survey certificate must be given to the principal certifying authority:
- (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work—before the concrete is poured for the ground floor slab.

The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

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CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

31. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
32. *The structure is to be inspected at the following stages of construction:
 - before the pouring of footings**
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**

*** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a *development where a critical stage or other nominated inspection has not been carried out.*

Applicants should give at least 24 hours notice to guarantee an inspection.

33. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
34. A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
35. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.

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36. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - (c) preventing the tracking of sediment by vehicles onto roads, and
 - (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
37. Earthworks, retaining walls and structural support
- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
 - (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.
 - (3) Notice of intention to do so must be given to the owner of the adjoining land at least seven days before the commencement of excavation work. The owner of the adjoining allotment of land is not liable for any part of the cost of work, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
38. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
39. Retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided where soil conditions are inadequate, ensuring adequate provision is made for drainage.

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40. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place
41. Site maintenance is to include the following measures:
- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
 - (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
 - (3) Copies of receipts stating the following must be given to the principal certifying authority:
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
 - (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
 - (5) During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
 - (6) At the completion of the works, the work site must be left clear of waste and debris.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

42. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).

43. Landscaping is to be completed in accordance with the approved landscaping plan prior to the issue of an Occupation Certificate.

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44. A Fire Safety Certificate covering each of the essential fire and other safety measures must be provided to the Certifying Authority prior to the occupation of the building, to ensure the safety of the occupants in the case of an emergency. A copy of the certificate is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, all in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.
45. The new vehicular crossing, including layback, is to be constructed from the street to the property boundary to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath and is to be completed prior to the use or occupation of any building.
- Inspection of kerb crossing (Layback) and driveways is to be undertaken by Council's Engineering Department prior to the pouring of any concrete.
46. Adequate provision is to be made for the storage and handling of solid wastes generated by the development. Garbage and recycling bin storage is to be provided within the Lot: 31 DP: 813093. The location is not to be located at the street frontage. Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development. The storage area is to be enclosed and the material stored is to be screened from public view.
47. Connection to the sewer main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$540.00 per connection.
48. Connection to the water main is required. This fee is set out in Councils Operational Plan and is adjusted every financial year. The current fee for the 2016/2017 year is \$958.00 per connection.
49. All civil engineering and utility service works undertaken pursuant to this consent, including:
- Water supply work,
 - Sewer drainage work,
 - Stormwater drainage work,

are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Director of Engineering or nominee, before the issue of a final occupation certificate for the development.

One set of print film copies and an electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

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50. Roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
51. Roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
52. The new vehicular crossing, including layback, is to be constructed from the street to the property boundary to provide effective all-weather access to the site and a safe and nuisance-free surface over Council's footpath and is to be completed prior to the use or occupation of any building.

Inspection of kerb crossing (Layback) and driveways is to be undertaken by Council's Engineering Department prior to the pouring of any concrete.
53. Internal signage is to be provided limiting the vehicle speed to 5 kms per hour when approaching the entry/exit. This is to be located at the southern end of the retail building.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

54. Prior to the issue of a Subdivision Certificate, an Application for a Subdivision Certificate is to be submitted to Council with three (3) copies of the Title Plan and appropriate fees. The applicant/developer is to ensure that a summary of compliance with all conditions of consent is completed and lodged with the application.
55. Prior to the issue of a Subdivision Certificate, the applicants shall provide evidence to the effect that all utility services, i.e water, sewer, electricity, telecommunications, connected to or used in each of the buildings within the development site is wholly contained within each of the proposed allotments. That is, no internal servicing of the sites is permitted to be wholly or partially on the adjoining allotment.

CONDITIONS RELATING TO ONGOING OPERATIONS

56. The commercial uses must not be operated outside the hours of 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

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57. The development must comply with the requirements for industrial premises contained in the Noise Policy.

Noise emitted by the development:

- (a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and
- (b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.

In this clause, the Noise Policy means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

58. All new external lighting must:

- (a) comply with AS 4282–1997 Control of the obtrusive effects of outdoor lighting, and
- (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces.

59. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.
60. All landscaped areas on the site must be maintained on an on-going basis. Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
61. All approved signage has an expiration of 15 years after the date on which the consent becomes effective and operates and the signage is to be removed on the expiration date.
62. All driveways and parking areas must be unobstructed at all times. Driveways and car spaces:
- (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

COUNCIL ADVICE ONLY

63. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under the Exempt and Complying Development State Environmental Planning Policy).

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64. **Compliance with the National Construction Code:** All building work must be carried out in the following manner to ensure compliance with the National Construction.

Covenant/s: The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.

65. **Dial Before You Dig:** Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

66. **Telecommunications Act 1997 (Commonwealth):** Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- (b) **Those persons that made a submission in relation to the Application be notified of the determination in writing as per the provisions of the *Environmental Planning & Assessment Act 1979* and Regulations.**

18.03/17 **MOVED (Crs R Bell/N Ledger) CARRIED**

DIVISION DECISION:

FOR: N Ledger, L Sampson, B Crouch, M Dusting, R Bell, K Ward, I Strutt, M Pearce

AGAINST: Nil

ABSENT: T Toomey

17. MOTIONS ON NOTICE

There were no motions on notice.

18. SCHEDULE OF COUNCIL RESOLUTIONS

As at 21 February 2017.

19. RESPONSES TO QUESTIONS FROM PREVIOUS MEETING

Question:

Ref. Report 10: Cr I Strutt asked about the number of approvals that would lapse 6 months from now given that the previous report for the month had 2 lapsing and this report had none lapsing.

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– DIR took the question on notice.

Response:

The report only identifies the DAs that will lapse within that month and does not include DAs that would lapse in previous months.

20. QUESTIONS FOR NEXT MEETING

Cr T Toomey

1. Has Council applied for Black Spot funding for Maitland and King Streets intersection as it appears to meet the criteria?
2. Can you please advise if the Heritage Advisor is currently liaising with property owners in the Shire, other than those presented in the report to Council?

Cr I Strutt

1. Can Councillors please have a schedule of future actions in relation to the industrial land development provided to them?

Mayor Pearce

1. Uralla Sporting Complex request from Mr Ritchie to meet with the Mayor, Deputy Mayor, General Manager and Director of Infrastructure and Regulation.

Cr N Ledger

1. Request that future Council Meetings be held earlier, the suggestion being lunch at 12noon with meeting commencing at 12:30pm.

Cr N Ledger left the meeting at 3:04pm.

21. CONFIDENTIAL BUSINESS

PROCEDURAL MOTION

Motion to move into Closed Session and close meeting to members of public and the press for the following reasons:

This report is presented to the CLOSED section of the March 2017 meeting under section 10A (2) (c) of the Local Government Act (NSW) 1993.

A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
(b) the receipt or discussion of any of the information so listed.**

(2) The matters and information are the following: [delete non-relevant clauses]

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

19.03/17 MOVED (Crs M Dusting/R Bell) CARRIED

**Department: Infrastructure & Regulation
Submitted by: Director Infrastructure & Regulation
Reference/Subject: Report 12 - Uralla Shire Council Caravan Park – Land Acquisition**

COUNCIL RESOLUTION:

That Council:

1. **Seek legal advice as to Council's position in continuing with the current arrangements for the occupancy and leasing of the Uralla Shire Council Caravan Park in Queen Street,**
2. **Acquire the necessary lands being the closed road now registered as Lot 1 DP 1216127, Lot 1 DP 1131765 and Lot 7033 DP 1057499 covered by Permissive Occupancy #1988/2 at a**

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reasonable value via negotiation,

3. Delegate to the General Manager the authority to negotiate the purchase of the lands up to an amount of \$25,000, and

4. Offer a 12 month lease over Lot 30 on DP 793510 as per the previous lease arrangements appropriately indexed.

20.03/17 MOVED / CARRIED

PROCEDURAL MOTION

Motion to make resolutions of closed session become resolutions of open session.

21.03/17 MOVED / CARRIED

PROCEDURAL MOTION

Motion to move out of closed session and return to open session of meeting

22.03/17 MOVED / CARRIED

CLOSURE OF MEETING

The meeting was closed at 3:42pm

COUNCIL MINUTES CONFIRMED BY:	
RESOLUTION NUMBER:	
DATE:	
MAYOR:	