



## ORDINARY MEETING OF COUNCIL

Held at 12:30pm  
28 November 2017

### ROLL CALL

#### Councillors:

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

#### Staff:

Mr A Hopkins, General Manager  
Mr T Seymour, Director Infrastructure & Regulation  
Ms T Kirkland, Director Community & Governance  
Mr M Clarkson, Manager Planning & Regulation  
Mr S Paul, Chief Financial Officer  
Minute Clerk

# MINUTES

Minutes of the Uralla Shire Council at an Ordinary Meeting  
held at 12:30pm on 28 November 2017

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*The Meeting Commenced at:*

*12:32pm*

**ATTENDANCE**

Present were the Chairperson Cr M Pearce (Mayor), Cr I Strutt (Deputy Mayor), and Councillors, B Crouch, M Dusting, N Ledger, L Sampson, R Bell, K Ward, General Manager (Mr A Hopkins), Director Infrastructure and Regulation (Mr T Seymour), Director Community and Governance (Ms P Kirkland), Chief Finance Officer (Mr S Paul), Manager of Planning & Regulation (Mr M Clarkson), Community Development and Tourism Coordinator (Ms K Hastings), Minute Clerk.

**1. OPENING & WELCOME**

**2. PRAYER**

**3. ACKNOWLEDGEMENT TO COUNTRY**

**4. APOLOGIES**

*The Chair advised there were no apologies received.*

**5. REQUESTS FOR LEAVE OF ABSENCE**

*The Chair advised receipt of a request for Leave of Absence from Cr I Strutt & Cr M Pearce.*

**MOTION (Crs K Ward / M Dusting)**

That;

Council accept the requests for leave of absence from Cr I Strutt and the Mayor, Cr M Pearce.

**01.11/17 CARRIED**

**6. DISCLOSURES & DECLARATION OF INTERESTS**

*The Chair outlined details of the pecuniary and non-pecuniary Conflict of Interest Declarations received in relation to the 28 November 2017 Meeting.*

COUNCILLOR	ITEM OR REPORT NUMBER	PECUNIARY OR NON-PECUNIARY INTEREST	NATURE OF INTEREST
Cr Tara Toomey	Report 11 Report 12	Non Pecuniary Pecuniary	Friendship Business relationship
Cr B Crouch	Report 7  Report 9  Report 10	Non Pecuniary  Non Pecuniary  Non Pecuniary	Owner of property included in report DA-46-2017 Near neighbour to applicant property Near neighbour to applicant property
Cr I Strutt	Report No 7	Non- Pecuniary	Know building owners

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**7. CONFIRMATION OF MINUTES**

Minutes to be confirmed or received and noted at the 28 November 2017 Meeting:

- Minutes of Ordinary Meeting held 24 October 2017 (to be confirmed)

AMENDMENTS

*The Chair referred Councillors to the Minutes and called for any amendments.*

*There were no amendments requested by Councillors.*

**MOTION (Crs I Strutt/ B Crouch)**

That;

Council adopt the Minutes, as a true and correct record of the Ordinary Meeting held 24 October 2017.

**02.11/17 CARRIED**

**8. ANNOUNCEMENTS**

*The Chair referred Councillors to the following announcements.*

**9. TABLING OF REPORTS & PETITIONS**

*The Chair advised there were no reports or petitions tabled.*

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

*The Chair referred Councillors to the items of business recommended for consideration in the confidential section of the meeting.*

**PROCEDURAL MOTION (Crs I Strutt /M Dusting)**

**To refer Agenda Items for hearing in Closed Session**

That;

The Reports in regard to the Water and Sewer Charges be heard in closed session of Council, under Item 21 of the Meeting Agenda.

**03.11/17 CARRIED**

**11. URGENT SUPPLEMENTARY & LATE ITEMS OF BUSINESS**

*The Chair referred Councillors to the late item of business recommended for addition to the published Meeting Agenda.*

Late Report to Council:

- QBRs1

**PROCEDURAL MOTION (Crs L Sampson / N Ledger)**

**To hear Late Items of Business as additions to the Meeting Agenda.**

That;

The late items of business be heard following Report 21 in the Meeting Agenda as;

- Late Report 1 – QBRs1

**04.11/17 CARRIED**

**12. PRESENTATIONS**

Presentation 1:	James Sugumar & Kenneth Leung – Audit Office of NSW, Geoff Allen - Forsyths
Subject:	Conduct of the Audit Report

*The Chair introduced the Speakers, Mr Sugumar, Mr Leung & Mr Allen.*

*The Speakers made a presentation to Council in relation to the Conduct of the Audit Reports.*

*The Chair invited questions from Councillors.*

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*The Chair thanked the Speaker for their presentation to Council.*

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**

**To include Mr Antonius Vanden Hoogen as a speaker in Item 12 "Presentations".**

That;

Mr Antonius Vanden Hoogen be permitted to address council.

**05.11/17 CARRIED**

**PROCEDURAL MOTION (Crs I Strutt / L Sampson)**

**To include Mr Peter Crawford as a speaker in Item 12 "Presentations".**

That;

Mr Peter Crawford be permitted to address council.

**06.11/17 CARRIED**

**PROCEDURAL MOTION (Crs K Ward / M Dusing)**

**To include Mr Robert Blair to speak instead of Jenny Blair in Item 12 "Presentations".**

That;

Mr Robert Blair be permitted to address council.

**07.11/17 CARRIED**

Presentation 2:	Calum Findlay
Subject:	DA-47-2017

*The Chair introduced the Speaker, Mr Calum Findlay.*

*The Speaker made a presentation to Council in relation to DA-47-2017.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

Presentation 3:	Mr Vanden Hoogen
Subject:	DA-47-2017

*The Chair introduced the Speaker, Mr Vanden Hoogen.*

*The Speaker made a presentation to Council in relation to DA-47-2017.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

Presentation 4:	Peter Crawford
Subject:	DA-47-2017

*The Chair introduced the Speaker, Mr Peter Crawford.*

*The Speaker made a presentation to Council in relation to DA-47-2017.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

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*Cr T Toomey having previously declared a conflict of interest, left the meeting at 1.27pm.*

Presentation 5:	Robert Blair
Subject:	DA-52-2017

*The Chair introduced the Speaker, Robert Blair.*

*The Speaker made a presentation to Council in relation to DA-52-2017.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

*Cr T Toomey returned to the meeting at 1.29pm.*

**PROCEDURAL MOTION (Crs K Ward / L Sampson)**

**To reschedule the Report 10 Agenda Item**

That;

Report 10, DIVISION DECISION – Development Application 47/2017 – 5 Bay Shed – 24 McDonalds Lane, Uralla be brought forward in the Agenda for consideration by Council ahead of Report 1.

**08.11/17 CARRIED**

**PROCEDURAL MOTION (Crs K Ward / L Sampson)**

**To reschedule the Report 11 Agenda Item**

That;

Report 11, DIVISION DECISION – Development Application 52/2017 – 5 Bay Shed – 166 Kingstown Road, Uralla be brought forward in the Agenda for consideration by Council ahead of Report 1.

**09.11/17 CARRIED**

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**16. REPORTS TO COUNCIL (Rescheduled Reports)**

Department: Infrastructure and Regulation  
Submitted by: Manager Planning and Regulation  
Reference/Subject: Report 10 -DIVISION DECISION - Development Application 47/2017 – 5 Bay Shed – 24 McDonalds Lane Uralla

*Cr B Crouch, having previously declared a conflict of interest, left the meeting at 01:30pm.*

**OFFICER'S RECOMMENDATION:**

That;

**Council, remove the determination condition requiring a minimum five metre boundary setback for Development Application 47/2017 imposed by Council at the 24 October 2017 ordinary meeting and approve the original application 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*.

***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.*

2. 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

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c) stating that unauthorised entry to the site is prohibited.

3. 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).*

#### **GENERAL CONDITIONS**

4. The structure in its entirety must be finished in dark green.  
*Reason: to minimise any detrimental effects on the visual amenity of surrounding residents.*
5. 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.
6. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the EP&A Regulations 2000.
7. 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.*

*\* 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*

#### **CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. The plans and specification accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code for a Class 10a building:
- Amended plans are to be submitted to the Principal Certifying Authority for authentication of NCC compliance and issue of a Construction Certificate.
- 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.



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9. 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.

**CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING**

10. The owner/s of the property are to give Council written notice of the intention to commence works 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 the cl 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 authorised 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.

11. Before construction commences on the site and throughout the construction phase 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.

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

12. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

**CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

13. 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.
14. 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.

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15. 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.
16. 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.
17. 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.
18. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If excavations associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, must preserve and protect the building from damage, and if necessary, underpin and support the building in an approved manner.

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.

**CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

19. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday	7.00 AM to 5.00 PM
Sunday & public Holidays	No construction activities are to take place.
20. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.
21. All glass installation shall comply with the requirements of AS 1288 Glass in buildings, and AS 2047 Windows in buildings, as applicable. The installer shall provide certification that the glazing complies with the requirements of AS 1288 and AS 2047 immediately following installation.

**CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING**

22. 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.

*NOTE: 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).*

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**CONDITIONS RELATING TO ONGOING OPERATIONS**

23. The building must not be used as a dwelling or domicile without prior written approval from Council.
24. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) the details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.
25. Roof water is to be disposed in a manner the does not cause a nuisance for neighbouring properties, by one of the following methods:
  - (a) onto a hardened surface and directed away from the building.
  - (b) 3.0 metres clear of any building to a rubble pit.
26. Any rainwater tank must be installed so that it is on the downhill side of the building at a minimum distance of 3 metres from any boundary of the property or any structure so as to prevent damage to any structure.
27. A 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the site. The gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction.

**COUNCIL ADVICE ONLY**

28. **Covenant/s:** The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.
29. **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](http://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.
30. **Telecommunications Act 1997 (Commonwealth):** Telstra (and its authorised 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.

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31. **Compliance with the National Construction Code:**

All building work must be carried out in the following manner to ensure compliance with the National Construction Code (Volume 2: Housing Provisions):-

32. **Drainage of surface water surrounding the building:** Finished ground or paving level must be at least 150mm below the level of any floor. Such finished ground level is measured not more than one (1) metre from external walls with the ground surface graded to allow effective drainage of surface water away from the building (in accordance with AS 2870 – 1996).

33. **Rainwater Tanks:** Council requires rainwater tanks to be installed in accordance with the State Environmental Planning Policy No 4. Direct connection between the rainwater tank and reticulated potable water supply will not be permitted; however, the reticulated potable supply may be used to top up the tank via a physical air gap. Maintenance of the tank or tanks should be in accordance with the guidelines from the New South Wales Department of Health for the use and maintenance of rainwater tanks.

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**

**To move to Committee of the Whole**

**10.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding Bush Fire Zone and other matters.*

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**

**To resume Standing Orders**

**11.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

***Motion (Clr R Bell / K Ward)***

That;

Council, under the provisions of Section 96 of the Environmental Planning and Assessment Act, resolve to delete condition 4 of Development Application Determination 47/2017 requiring a minimum five metre boundary setback and issue a new Development Application Determination with 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:***

*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*.

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**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.*

- 2. 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.
- 3. 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).*

**GENERAL CONDITIONS**

- 4. The structure in its entirety must be finished in dark green.  
*Reason: to minimise any detrimental effects on the visual amenity of surrounding residents.*
- 5. 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.
- 6. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the EP&A Regulations 2000.

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7. 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.*

*\* 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*

**CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

8. The plans and specification accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code for a Class 10a building:

Amended plans are to be submitted to the Principal Certifying Authority for authentication of NCC compliance and issue of a Construction Certificate.

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.

9. 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.

**CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING**

10. The owner/s of the property are to give Council written notice of the intention to commence works 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 the cl 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 authorised 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.

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11. Before construction commences on the site and throughout the construction phase 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.

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

12. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

**CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

13. 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.
14. 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.
15. 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.
16. 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.
17. 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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18. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If excavations associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, must preserve and protect the building from damage, and if necessary, underpin and support the building in an approved manner.

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.

**CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

19. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

Monday to Saturday                      7.00 AM to 5.00 PM

Sunday & public Holidays              No construction activities are to take place.

20. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

21. All glass installation shall comply with the requirements of AS 1288 Glass in buildings, and AS 2047 Windows in buildings, as applicable. The installer shall provide certification that the glazing complies with the requirements of AS 1288 and AS 2047 immediately following installation.

**CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING**

22. 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.

*NOTE: 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).*

**CONDITIONS RELATING TO ONGOING OPERATIONS**

23. The building must not be used as a dwelling or domicile without prior written approval from Council.

24. The development shall be implemented in accordance with:

(a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,

(b) the details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.



Minutes of the Uralla Shire Council at an Ordinary Meeting  
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25. Roof water is to be disposed in a manner the does not cause a nuisance for neighbouring properties, by one of the following methods:
  - (a) onto a hardened surface and directed away from the building.
  - (b) 3.0 metres clear of any building to a rubble pit.
26. Any rainwater tank must be installed so that it is on the downhill side of the building at a minimum distance of 3 metres from any boundary of the property or any structure so as to prevent damage to any structure.
27. A 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for fire fighting purposes on the site. The gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction.

**COUNCIL ADVICE ONLY**

28. **Covenant/s:** The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.
29. **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](http://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.
30. **Telecommunications Act 1997 (Commonwealth):** Telstra (and its authorised 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.
31. **Compliance with the National Construction Code:**

All building work must be carried out in the following manner to ensure compliance with the National Construction Code (Volume 2: Housing Provisions):-
32. **Drainage of surface water surrounding the building:** Finished ground or paving level must be at least 150mm below the level of any floor. Such finished ground level is measured not more than one (1) metre from external walls with the ground surface graded to allow effective drainage of surface water away from the building (in accordance with AS 2870 – 1996).

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33. **Rainwater Tanks:** Council requires rainwater tanks to be installed in accordance with the State Environmental Planning Policy No 4. Direct connection between the rainwater tank and reticulated potable water supply will not be permitted; however, the reticulated potable supply may be used to top up the tank via a physical air gap. Maintenance of the tank or tanks should be in accordance with the guidelines from the New South Wales Department of Health for the use and maintenance of rainwater tanks.

**Following debate a DIVISION was called with the result recorded as follows:**

**FOR:** Cr M Pearce, Cr R Bell, Cr K Ward, Cr I Strutt, Cr M Dusting, Cr L Sampson

**AGAINST:** Cr T Toomey, Cr N Ledger

**ABSENT:** Cr B Crouch

**12.11/17 CARRIED**

*Cr B Crouch returned to the meeting at 01:55pm.*

**MOTION (Crs R Bell / K Ward)**

That Council review its development control plans to consider set backs and other issues for RU2 & RU1 zoning.

**13.11/17 CARRIED**

Department: Infrastructure and Regulation

Submitted by: Manager Planning and Regulation

Reference/Subject: Report 11 - DIVISION DECISION - Development Application 52/2017 – 5 Bay Shed – 166 Kingstown Road, Uralla

*Cr T Toomey, having previously declared a conflict of interest, left the meeting at 2.02pm.*

**OFFICER'S RECOMMENDATION:**

That;

**Council approve Development Application 52/2017 submitted by R and J Blair for a 5 bay shed on land known as 166 Kingstown Road, Uralla, being Lot 2 DP 844418 subject to the following conditions of consent:**

**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*

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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

*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.*

3. 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.
4. 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).*

**GENERAL CONDITIONS**

5. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
6. The owner of the property is to ensure that any structure is installed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;

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(c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any structures being erected in a location where it would be inappropriate.*

7. The structure is to be inspected at the following stages of construction:
- before the pouring of footings\*\*
  - before covering drainage (under hydrostatic test)
  - 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.

\*All drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

*Reason: To ensure compliance with appropriate standards.*

8. A Construction Certificate must be obtained from a Certifying Authority before work commences.

*Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.*

9. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the PCA before the final inspection will be carried out.

*Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.*

10. Roof water is to be disposed in a manner the does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) onto a hardened surface and directed away from the building.
- (b) 3.0 metres clear of any building to a rubble pit.

*Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.*

11. Any rainwater tank must be installed so that the overflow is on the downhill side of the dwelling/building at a minimum distance of 3 metres from any boundary of the property or any structure so as to prevent damage to any structure.

*Reason: To prevent structural damage to buildings and protect public health.*

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12. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

*Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*

13. No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

14. The building must not be used as a dwelling or domicile without Council's consent.

*Reason: To ensure the development is utilised as proposed in the application.*

15. The building/shed must not be used for commercial or industrial purposes of storage of goods associated with industrial or commercial undertakings.

*Reason: To ensure the development is utilised as proposed in the application.*

**CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

16. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

*Reason: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards.*

**CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING**

17. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000*

**CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION**

18. The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

19. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

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Monday to Saturday	7.00 AM to 5.00 PM
Sunday & public Holidays	No construction activities are to take place.

*Reason: To ensure that public amenity is not unduly affected by noise.*

20. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

*Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*

21. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

*Reason: To ensure compliance with approved plans can be readily confirmed.*

22. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

*Reason: It is in the public interest that work is carried out in accordance with the approved plans.*

#### ADVISORY NOTES - GENERAL

23. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
24. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
25. 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](http://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.
26. Any alteration to the drawings 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.
27. 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

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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.

**MOTION (Crs R Bell / L Sampson)**

That;

1. Council approve Development Application 52/2017 submitted by R and J Blair for a 5 bay shed on land known as 166 Kingstown Road, Uralla, being Lot 2 DP 844418 subject to the following conditions of consent:
2. The proposed shed must be constructed of low reflective, factory pre-coloured materials.

**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

*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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3. 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.
4. 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).*

**GENERAL CONDITIONS**

5. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
6. The owner of the property is to ensure that any structure is installed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any structures being erected in a location where it would be inappropriate.*
7. The structure is to be inspected at the following stages of construction:
  - before the pouring of footings\*\*
  - before covering drainage (under hydrostatic test)
  - 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.



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

\*All drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer

*Reason: To ensure compliance with appropriate standards.*

8. A Construction Certificate must be obtained from a Certifying Authority before work commences.

*Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.*

9. Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the PCA before the final inspection will be carried out.

*Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and to restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building.*

10. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) onto a hardened surface and directed away from the building.
- (b) 3.0 metres clear of any building to a rubble pit.

*Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.*

11. Any rainwater tank must be installed so that the overflow is on the downhill side of the dwelling/building at a minimum distance of 3 metres from any boundary of the property or any structure so as to prevent damage to any structure.

*Reason: To prevent structural damage to buildings and protect public health.*

12. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

*Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*

13. No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

14. The building must not be used as a dwelling or domicile without Council's consent.

*Reason: To ensure the development is utilised as proposed in the application.*

15. The building/shed must not be used for commercial or industrial purposes of storage of goods associated with industrial or commercial undertakings.

*Reason: To ensure the development is utilised as proposed in the application.*

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**CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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*Reason: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards.*

**CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING**

17. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000*

**CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION**

18. The owner of the property is to ensure that any building is constructed:
- (a) to meet the setback requirements of the approved plans,
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  - (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

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Monday to Saturday                      7.00 AM to 5.00 PM

Sunday & public Holidays              No construction activities are to take place.

*Reason: To ensure that public amenity is not unduly affected by noise.*

20. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

*Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*

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*Reason: To ensure compliance with approved plans can be readily confirmed.*

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22. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

*Reason: It is in the public interest that work is carried out in accordance with the approved plans.*

**ADVISORY NOTES - GENERAL**

23. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
24. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
25. 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](http://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.
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27. 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.

**Following debate a DIVISION was called with the result recorded as follows:**

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

**AGAINST:** nil

**ABSENT:** Cr T Toomey

**14.11/17 CARRIED**

*Cr T Toomey returned to the meeting at 02:08pm.*

**13. DEPUTATIONS**

There were no deputations registered for the 28 November 2017 Meeting.

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**14. WRITTEN REPORTS FROM DELEGATES (Activity Summaries)**

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

<b>COUNCILLOR NAME:</b>		Mark Dusting
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
24/10/17	NEWA County Council	Armidale
24/10/17	Council Meeting	Uralla
08/11/17	Northern Regional Libraries Committee	Tamworth

<b>COUNCILLOR NAME:</b>		Bob Crouch
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
27/10/17	LLS Lunch	Uralla
30/10/17	Nurse May Yarrowyck plaque unveiling	Bundarra
13/11/17	Council Workshop	Uralla
14/11/17	UNE smart regions incubator	Uralla
15/11/17	Bundarra Hall committee	Bundarra
21/11/17	Audit and Risk Committee	Uralla
23/11/17	Integrity Management Training	Armidale
28/1/17	Council Meeting	Uralla

<b>COUNCILLOR NAME:</b>		Levi Sampson
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
25/10/17	VIC Ref Group	Uralla
13/11/17	PRG VIC Final	Uralla
14/11/17	UNE Smart Region Incubator	Uralla
14/11/17	Strategic Planning Workshop	Uralla
28/11/17	Council Meeting	Uralla

<b>COUNCILLOR NAME:</b>		Natasha Ledger
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
27/10/17	JAE – Phone discussion	
30/10/17	REDS – Phone discussion	
14/11/17	Council Workshop	Uralla
	Bundarra 355 Committee Meeting	Bundarra
27/11/17	Thunderbolts Festival	Top Pub
28/11/17	Council Meeting	Uralla

<b>COUNCILLOR NAME:</b>		Tara Toomey
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
25/10/17	October Council Meeting	Uralla
13/11/17	PRG Vic Working Group	Chambers
14/11/17	Strategic Planning Workshop	Chambers
27/11/17	Arts North West Board Meeting	
28/11/17	November Council Meeting	Chambers

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<b>COUNCILLOR NAME:</b>		Robert Bell
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
14/11/17	Strategic Workshop	Council
23/11/17	Windfarm Presentation	Kentucky
28/11/17	Council Meeting	Council

<b>COUNCILLOR NAME:</b>		Kevin Ward
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
27/10/17	Youth Frontiers Showcase	Armidale
28/10/17	Thunderbolt Festival	Uralla
30/10/17	Unveiling Plaque for May Yarrowyck	Bundarra
14/11/17	Strategic Planning Workshop	Uralla
21/11/17	Audit & Risk Committee	Uralla
23/11/17	Solar & Wind Farm Info Meeting	Kentucky
28/11/17	DA Inspection DA-52-2017	Uralla

<b>COUNCILLOR NAME:</b>		Isabel Strutt
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
27/10/17	Annual General Meeting of Uralla CWA Branch	Uralla
27/10/17	Youth Mentoring Project Showcase at Armidale Ex-Services club	Armidale
28/10/17	Thunderbolt Festival	Uralla
31/10/17	Unveiling of commemorative plaque to Nurse May Yarrowyck at Grace Munro Centre	Bundarra
8/11/17	New South Wales Police Force New England Local Area Command Awards Presentation Ceremony	Armidale
9/11/17	Uralla Central School Annual Presentation Night	Uralla
11/11/17	Remembrance Day Service	Uralla
14/11/17	Strategic Planning Meeting	Uralla
21/11/17	Audit and Risk Committee meeting – Observer	Uralla
23/11/17	Councillor Training – Integrity Management in Local Government	Armidale
23/11/17	Farmers, Consultants and contractors Wind Farm Forum	Kentucky
24/11/17	NEGOC Meeting – Observer	Inverell
28/11/17	Site Inspection	Uralla
28/11/17	Council Meeting	Uralla

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<b>COUNCILLOR NAME:</b>		Michael Pearce
<b>COUNCIL MEETING DATE:</b>		28 November 2017
<b>DATE</b>	<b>COMMITTEE/MEETING/EVENT</b>	<b>LOCATION</b>
25/10/17	Mayor's Office – Admin	Uralla
26/10/17	Mayor's Office – Admin	Uralla
27/10/17	UNE Graduation	Armidale
27/10/17	Youth Mentors Presentation	Armidale
28/10/17	UNE Graduation Thunderbolts Festival	Armidale Uralla
30/10/17	Grace Munro Centre, Bundarra – Plaque for Nurse May Yarrowyck	Bundarra
31/10/17	Mayor's Office - Admin	Uralla
1/11/17	Mayor's Office – Admin	Uralla
2/11/17	Mayor's Office – Admin	Uralla
3/11/17	Country Mayors Association AGM and General Meeting	Sydney
5/11/17	Travel to Albany re National Roads and Transport congress	Albany
6/11/17- 8/11/17	National Local Roads and Transport Congress	Albany
11/11/17	Remembrance Day	Uralla
13/11/17	Mayor's Office – Admin Meetings	Uralla
14/11/17	Mayor's Office – Admin Councillor Workshop	Uralla
15/11/17	Mayor's Office – Admin	Uralla
16/11/17	Mayor's Office – Admin	Uralla
18/11/17	Uralla RSL sub-Branch Members Dinner	Uralla
20/11/17	Mayor's Office – Admin	Uralla
21/11/17	Mayor's Office – Admin	Uralla
22/11/17	2AD Radio interview, Mayor's Office – Admin	Uralla
23/11/17	Mayor's Office – Admin, Meeting	Uralla
24/11/17	New England Group of Councils meeting (NEGOC)	Inverell
27/11/17	Mayor's Office – Admin	Uralla
28/11/17	Mayor's Office – Admin. November Council meeting	Uralla

**15. MAYORAL MINUTE**

Submitted by: Mayor, Cr M Pearce  
Reference/Subject: National Local Roads and Transport Congress

**MAYOR'S RECOMMENDATION:**

That;  
Council note and accept the report on the National Local Roads and Transport Congress.

**MOTION (Crs I Strutt / B Crouch)**

That;  
Council note and accept the report on the National Local Roads and Transport Congress.

**15.11/17 CARRIED**

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**16. REPORTS TO COUNCIL (Scheduled Reports)**

Department: Finance  
Submitted by: Chief Financial Officer  
Reference/Subject: Report 1 - Cash at Bank & Investments

OFFICER'S RECOMMENDATION:

That;

**Council note the cash position as at 31 October, 2017 consisting of cash and overnight funds of \$2,575,516, term deposits of \$12,450,000 totalling \$15,025,516 of readily convertible funds.**

**MOTION (Crs N Ledger / L Sampson)**

That;

**Council note the cash position as at 31 October, 2017 consisting of cash and overnight funds of \$2,575,516, term deposits of \$12,450,000 totalling \$15,025,516 of readily convertible funds.**

**16.11/17 CARRIED**

Department: Finance  
Submitted by: Chief Financial Officer  
Reference/Subject: Report 2 – Audited Annual Financial Statements 2016/17

OFFICER'S RECOMMENDATION:

That;

**The Auditor's Report and Annual Financial Statements for the year ended 30 June 2017 be adopted.**

**MOTION (Crs M Dusting / K Ward)**

That;

**The Auditor's Report and Annual Financial Statements for the year ended 30 June 2017 be adopted.**

**17.11/17 CARRIED**

Department: Finance  
Submitted by: Chief Financial Officer  
Reference/Subject: Report 3 - Adoption of draft Long Term Financial Plan 2018-27

OFFICER'S RECOMMENDATION:

That;

**Council adopt the draft Long Term Financial Plan 2018-2027;**

**PROCEDURAL MOTION (Crs K Ward / T Toomey)**

**To move to Committee of the Whole**

**18.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding noting report.*

**PROCEDURAL MOTION (Crs I Strutt / L Sampson)**

**To resume Standing Orders**

**19.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs R Bell / N Ledger)**

That;

**Council note the draft Long Term Financial Plan 2018-2027;**

**20.11/17 CARRIED**

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**Meeting Adjournment (3:02pm to 3:17pm).**

Department: Community and Governance  
Submitted by: Community Development & Tourism Coordinator  
Reference/Subject: Report 4 - Regional Cultural Fund Application

OFFICER'S RECOMMENDATION:

That;

**The report on the Regional Cultural Fund Application be received and noted.**

**MOTION (Crs I Strutt / N Ledger)**

That;

**The report on the Regional Cultural Fund Application be received and noted.**

**21.11/17 CARRIED**

Department: Community and Governance  
Submitted by: Community Development & Tourism Coordinator  
Reference/Subject: Report 5 - Central Northern Regional Library - Annual Report 2016/2017

OFFICER'S RECOMMENDATION:

That;

**The Central Northern Regional Library Annual Report 2016/17 be received and noted.**

**MOTION (Crs M Dusting / N Ledger)**

That;

1. The Central Northern Regional Library Annual Report 2016/17 be received and noted.
2. That Library staff be commended on their hard work and diligence and diversity of services and activities in the last 12 months.

**22.11/17 CARRIED**

Department: Community and Governance  
Submitted by: Community Development & Tourism Coordinator  
Reference/Subject: Report 6 - Visitor Information Centre & Library Monthly Report

OFFICER'S RECOMMENDATION:

That;

**The report on the Visitor Information Centre & Library be received and noted.**

**MOTION (Crs N Ledger / L Sampson)**

That;

**The report on the Visitor Information Centre & Library be received and noted.**

**23.11/17 CARRIED**

Department: Infrastructure & Regulation  
Submitted by: Director Infrastructure & Regulation  
Reference/Subject: Report 7 - Heritage Advisory Services Summary for November 2017

*Cr B Crouch & Cr I Strutt, having previously declared a conflict of interest, left the meeting at 03:27pm.*

OFFICER'S RECOMMENDATION:

That;

**The Heritage Advisory Services Summary for November 2017 be received and noted by Council.**



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**MOTION (Crs K Ward / L Sampson)**

That;

The Heritage Advisory Services Summary for November 2017 be received and noted by Council.

**24.11/17 CARRIED**

Crs B Crouch and I Strutt were absent during voting.

*Crs B Crouch & I Strutt returned to the meeting at 03:29pm.*

Department: Infrastructure & Regulation  
Submitted by: Director Infrastructure & Regulation  
Reference/Subject: Report 8 - Works Progress Report as at 31 October 2017

OFFICER'S RECOMMENDATION:

That;

**The report be received and noted for the works completed or progressed during October 2017, and works programmed for November 2017.**

**MOTION (Crs R Bell / K Ward)**

That;

The report be received and noted for the works completed or progressed during October 2017, and works programmed for November 2017.

**25.11/17 CARRIED**

Department: Infrastructure & Regulation  
Submitted by: Director of Infrastructure & Regulation  
Reference/Subject: Report 9 - Development Approvals and Refusals for October 2017

*Crs B Crouch & T Toomey, having previously declared a conflict of interest, left the meeting at 03:33pm.*

OFFICER'S RECOMMENDATION:

That;

**Council receive and note the development approvals and refusals for October 2017.**

**MOTION (Crs L Sampson / I Strutt)**

That;

Council receive and note the development approvals and refusals for October 2017.

**26.11/17 CARRIED**

Crs B Crouch & T Toomey were absent from the room at the time of voting.

*Crs B Crouch & T Toomey returned to the meeting at 03:35pm.*

Department: Infrastructure and Regulation  
Submitted by: Manager Planning and Regulation  
Reference/Subject: Report 12 - DIVISION DECISION - Development Application 50/2017 – 2 lot subdivision – 1301 Bundarra Road, Invergowrie

*Cr T Toomey, having previously declared a conflict of interest, left the meeting at 03:35pm.*

OFFICER'S RECOMMENDATION:

That;

**Council approve Development Application 50/2017 submitted by R and S Andersen for a 2 lot subdivision on land known as 1301 Bundarra Road, Invergowrie, being Lot 4 DP 249071, subject to the following conditions of consent:**

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**GENERAL CONDITIONS**

1. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

**CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

2. That two lots are created by the subdivision of the existing Lot 4 DP 249071, one of about 5.8 hectares and the other about 12.4 hectares.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
3. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. This is applicable for Lots 1 and 2.*

*Reason: To ensure compliance with Uralla Shire Council Section 94 contributions plans and the provision of adequate infrastructure.*
4. A surveyor's plan must be submitted to Uralla Shire Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.

*Reason: The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Uralla Shire Council.*
5. Accesses to Bundarra Road for each lot are to be:
  - Bitumen sealed to the property boundary,
  - Formed with a pipe culvert,
  - Designed in accordance with Roads and Maritime Services requirements with adequate sight distances.
  - Constructed to a standard approved by Council's Director of Infrastructure and Regulation or nominee.

*Reason: To ensure safe and suitable access to each lot in the proposed subdivision.*

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**BUSHFIRE CONDITIONS**

6. The development proposal is to comply with the subdivision layout identified on the drawing titled 'Proposed Subdivision of Lot 4 DP249071 being 1301 Bundarra Rd, Invergowrie NSW 2350' prepared by Croft Surveying & Mapping, referenced 17996-A, sheet 1 of 2 and dated 4th August, 2017.  
*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council and to comply with Rural Fire Service conditions of consent.*
7. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 1, to a distance of 15 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006".*
8. Prior to the issue of subdivision certificate the land surrounding the existing dwelling on proposed Lot 1, to a distance of 15 metres, shall be maintained as an inner protection area (IPA).  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006".*
9. Any new dwelling to on the proposed lots shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report.*
10. The Inner Protection Area (IPA) shall be maintained in such a manner that;
  - Minimal fire fuel that could be set alight by bushfire (e.g. long grass, tree branches etc.) is present at ground level,
  - Vegetation does not provide a path for the transfer of fire to the development,
  - Trees are a minimum of 5 metres away from any building, measured from the edge of the foliage to the roof line or any open balconies,
  - Bark chips and the like are not present within 5 metres of any building,
  - Any trees present have a minimum canopy separation of 2 metres, and
  - Any trees present are not species that retain dead material or deposit excessive amounts of ground fuel in a short time.*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report*
11. Trees are to be a minimum of 5 metres away from any building, measured from the edge of the foliage to the roof line or any open balconies.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report*

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12. Any alteration to electricity supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and to comply with Rural Fire Service conditions of consent.*

13. Bark chips and the like are not to be present within 2 metres of any building.

*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report.*

**ADVISORY NOTES - GENERAL**

14. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
15. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
16. This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.
17. 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](http://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.
18. Any alteration to the drawings 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.
19. 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.

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**MOTION (Crs R Bell / M Dusting)**

That;

Council approve Development Application 50/2017 submitted by R and S Andersen for a 2 lot subdivision on land known as 1301 Bundarra Road, Invergowrie, being Lot 4 DP 249071, subject to the following conditions of consent:

**GENERAL CONDITIONS**

1. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

**CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

2. That two lots are created by the subdivision of the existing Lot 4 DP 249071, one of about 5.8 hectares and the other about 12.4 hectares.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
3. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. This is applicable for Lots 1 and 2.*

*Reason: To ensure compliance with Uralla Shire Council Section 94 contributions plans and the provision of adequate infrastructure.*
4. A surveyor's plan must be submitted to Uralla Shire Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.

*Reason: The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Uralla Shire Council.*
5. Accesses to Bundarra Road for each lot are to be:
  - Bitumen sealed to the property boundary,
  - Formed with a pipe culvert,
  - Designed in accordance with Roads and Maritime Services requirements with adequate sight distances.
  - Constructed to a standard approved by Council's Director of Infrastructure and Regulation or nominee.

*Reason: To ensure safe and suitable access to each lot in the proposed subdivision.*

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**BUSHFIRE CONDITIONS**

6. The development proposal is to comply with the subdivision layout identified on the drawing titled 'Proposed Subdivision of Lot 4 DP249071 being 1301 Bundarra Rd, Invergowrie NSW 2350' prepared by Croft Surveying & Mapping, referenced 17996-A, sheet 1 of 2 and dated 4th August, 2017.  
*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council and to comply with Rural Fire Service conditions of consent.*
7. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 1, to a distance of 15 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006".*
8. Prior to the issue of subdivision certificate the land surrounding the existing dwelling on proposed Lot 1, to a distance of 15 metres, shall be maintained as an inner protection area (IPA).  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006".*
9. Any new dwelling to on the proposed lots shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report.*
10. The Inner Protection Area (IPA) shall be maintained in such a manner that;
  - Minimal fire fuel that could be set alight by bushfire (e.g. long grass, tree branches etc.) is present at ground level,
  - Vegetation does not provide a path for the transfer of fire to the development,
  - Trees are a minimum of 5 metres away from any building, measured from the edge of the foliage to the roof line or any open balconies,
  - Bark chips and the like are not present within 5 metres of any building,
  - Any trees present have a minimum canopy separation of 2 metres, and
  - Any trees present are not species that retain dead material or deposit excessive amounts of ground fuel in a short time.*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report*
11. Trees are to be a minimum of 5 metres away from any building, measured from the edge of the foliage to the roof line or any open balconies.  
*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report*

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12. Any alteration to electricity supply shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and to comply with Rural Fire Service conditions of consent.*

13. Bark chips and the like are not to be present within 2 metres of any building.

*Reason: To ensure compliance with NSW Rural Fire Service guide "Planning for Bushfire Protection 2006" and 79BA Bushfire Hazard Assessment Report.*

**ADVISORY NOTES - GENERAL**

14. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
15. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
16. This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.
17. 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](http://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.
18. Any alteration to the drawings 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.
19. 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.

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*Following debate a DIVISION was called with the result recorded as follows:*

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

**AGAINST:** *nil*

**ABSENT:** *Cr T Toomey*

**27.11/17 CARRIED**

*Cr T Toomey returned to the meeting at 03:37pm.*

Department: Community and Governance  
Submitted by: Community Development and Tourism Coordinator  
Reference/Subject: Report 13 - Community Grant for Council Fees under S356

OFFICER'S RECOMMENDATION:

That;

- 1. Council give public notice for 28 days of the proposed \$40.00 section 356 donation to Grace Munroe Aged Care Auxiliary.**
- 2. Council, subject to receiving no objections during the 28-day public notice period, contribute \$40.00 in financial assistance to Grace Munroe Aged Care Auxiliary.**

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**  
**To move to Committee of the Whole**

**28.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding delegation of donations.*

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**  
**To resume Standing Orders**

**29.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs K Ward / I Strutt)**

That;

- 1. Council give public notice for 28 days of the proposed \$40.00 section 356 donation, from the budgeted Community Grants Program, to Grace Munroe Aged Care Auxiliary.**
- 2. Council, subject to receiving no objections during the 28-day public notice period, contribute \$40.00 in financial assistance to Grace Munroe Aged Care Auxiliary.**

**30.11/17 CARRIED**

*Cr T Toomey requested that her vote against the motion be recorded.*

Department: General Manager's Office  
Submitted by: General Manager  
Reference/Subject: Report 14 - GM Performance Review Panel

OFFICER'S RECOMMENDATION:

That;

**Council determine 'a councillor' (replace with councillor name) will fill the vacancy on the General Manager's Performance Review Panel for the period of Cr Strutt's tenure as the Deputy Mayor.**



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**PROCEDURAL MOTION (Crs K Ward / T Toomey)**  
**To move to Committee of the Whole**

**31.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding requirements of Review Panel.*

**PROCEDURAL MOTION (Crs M Dusting / T Toomey)**  
**To resume Standing Orders**

**32.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs K Ward / M Dusting)**

That;

Council determine Councillor R Bell will fill the vacancy on the General Manager's Performance Review Panel for the period of Cr Strutt's tenure as the Deputy Mayor.

**33.11/17 CARRIED**

Department: Community and Governance  
Submitted by: Director Community and Governance  
Reference/Subject: Report 15 - 2016-2017 Annual Report

OFFICER'S RECOMMENDATION:

That;

**Council adopt the 2016-2017 Annual Report**

**MOTION (Crs I Strutt / B Crouch)**

That;

Council adopt the 2016-2017 Annual Report

**34.11/17 CARRIED**

Department: General Manager's Office  
Submitted by: Senior Executive Officer  
Reference/Subject: Report 17 - 2017 Councillor Handbook

OFFICER'S RECOMMENDATION:

That;

**The report on the 2017 Councillor Handbook be received and noted.**

**MOTION (Crs L Sampson / I Strutt)**

That;

The report on the 2017 Councillor Handbook be received and noted.

**35.11/17 CARRIED**

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Department: Community and Governance  
Submitted by: Community Development and Tourism Coordinator  
Director Community and Governance  
Reference/Subject: Report 18 - Report of the Visitor Information Centre Improvement Project  
Reference Group

**OFFICER'S RECOMMENDATION:**

That;

**Council note and commit to progressing the recommendations provided in this report from the Visitor Information Centre Improvement Project Reference Group by:**

- 1. Establishing the necessary approvals, progressing concept designs, establishing estimated implementation costs, and receiving a further a report for:**
  - a. Improving the interior design and exterior visual aspects of the Visitor Information Centre facilities and associated external signage by engaging an appropriate consultant to provide a concept design to:**
    - i. Integrate the current vacant space into the visitor services area;
    - ii. Open up the interior spaces including removal of unnecessary internal walls;
    - iii. Provide flexible interior spaces to accommodate retail, static and "pop-up" promotional displays and activities;
    - iv. Upgrade the kitchen for compliance to operate as fully self-contained, separately secured (with roller-door or similar) and suitable for casual rental for "pop-up" and other operator promotions;
    - v. Improve the appearance of from the street including signage and refresh the exterior;
    - vi. Improve the outside connection at the rear to Porter park and the library.
  
- 2. Establishing the requirements, options, implementation costs, and receiving a further report for:**
  - a. Better alignment of the Visitor Information Centre offerings with the Shire's tourism assets by engaging an appropriate consultant(s) for:**
    - i. Developing digital materials (displays, mobile technology, website, etc) to complement and enhance paper based materials;
    - ii. Creating digital and physical interactive experiences that showcase the Shire's tourism assets;
    - iii. Establishing and providing flexible, static, mobile and retail displays units, wall hanging systems, and shelving options;
    - iv. Developing a Uralla Shire specific tourist guide and self-drive guides;
    - v. Establishing free WiFi service to the interior and exterior of the Centre;
    - vi. Improving stock control and point of sale systems and technology.
  
- 3. Establishing the requirements and implementation costs and receiving a further report for:**
  - a. Development of guidelines for producer and operator access to the Visitor Information Centre in consultation with Council's legal advisors as maybe required for:**
    - i. offering products for retail sales and/or static promotional display, and "pop up" promotional activities;
    - ii. casual rental and operation of the self-contained kitchen for "pop-up" and promotional activities.

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- b. **Realigning visitor information centre operations and resources by engaging appropriate consultants as required to:**
- i. **Increase volunteer participation and development (including the mandatory training for Responsible Service of Alcohol) to provide quality visitor services.**
  - ii. **Promote Uralla Shire's producers and artisans by:**
    - **Retaining Council's liquor license;**
    - **Selling and promoting local products and produce via static and retail displays;**
    - **Managing access for "pop up" promotional activities and casual rental and operations of the self- contained kitchen.**

**PROCEDURAL MOTION (Crs B Crouch / M Dusting)**

**To move to Committee of the Whole**

**36.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding unknown costs.*

**PROCEDURAL MOTION (Crs I Strutt / M Dusting)**

**To resume Standing Orders**

**37.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs T Toomey / L Sampson)**

That;

Council note and commit to progressing the recommendations provided in this report from the Visitor Information Centre Improvement Project Reference Group and receive a timeline and estimated budget for items 1, 2 & 3 below for;

1. Establishing the necessary approvals, progressing concept designs, establishing estimated implementation costs, and receiving a further a report for:
  - b. Improving the interior design and exterior visual aspects of the Visitor Information Centre facilities and associated external signage by engaging an appropriate consultant to provide a concept design to:
    - vii. Integrate the current vacant space into the visitor services area;
    - viii. Open up the interior spaces including removal of unnecessary internal walls;
    - ix. Provide flexible interior spaces to accommodate retail, static and "pop-up" promotional displays and activities;
    - x. Upgrade the kitchen for compliance to operate as fully self-contained, separately secured (with roller-door or similar) and suitable for casual rental for "pop-up" and other operator promotions;
    - xi. Improve the appearance of from the street including signage and refresh the exterior;
    - xii. Improve the outside connection at the rear to Porter park and the library.
2. Establishing the requirements, options, implementation costs, and receiving a further report for:
  - a. Better alignment of the Visitor Information Centre offerings with the Shire's tourism assets by engaging an appropriate consultant(s) for:

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- vii. Developing digital materials (displays, mobile technology, website, etc) to complement and enhance paper based materials;
- viii. Creating digital and physical interactive experiences that showcase the Shire's tourism assets;
- ix. Establishing and providing flexible, static, mobile and retail displays units, wall hanging systems, and shelving options;
- x. Developing a Uralla Shire specific tourist guide and self-drive guides;
- xi. Establishing free WiFi service to the interior and exterior of the Centre;
- xii. Improving stock control and point of sale systems and technology.

3. Establishing the requirements and implementation costs and receiving a further report for:

- a. Development of guidelines for producer and operator access to the Visitor Information Centre in consultation with Council's legal advisors as maybe required for:
  - iii. offering products for retail sales and/or static promotional display, and "pop up" promotional activities;
  - iv. casual rental and operation of the self-contained kitchen for "pop-up" and promotional activities.
- b. Realigning visitor information centre operations and resources by engaging appropriate consultants as required to:
  - iii. Increase volunteer participation and development (including the mandatory training for Responsible Service of Alcohol) to provide quality visitor services.
  - iv. Promote Uralla Shire's producers and artisans by:
    - Retaining Council's liquor license;
    - Selling and promoting local products and produce via static and retail displays;
    - Managing access for "pop up" promotional activities and casual rental and operations of the self- contained kitchen.

**38.11/17 CARRIED**

Department: Corporate Services  
Submitted by: Payroll-Revenue Coordinator  
Reference/Subject: Report 19 – Uralla Historical Society Rates

OFFICER'S RECOMMENDATION:

That;

**Council:**

1. **Determine whether to provide financial assistance in accordance with s356 of the Local Government Act to the Uralla Historical Society as follows:**
  - a. **Give public notice for 28 days of the proposed \$1,460.00 s356 donation to the Uralla Historical Society.**
  - b. **Subject to receiving no objection during the 28-day public notice period, contribute \$1,460.00 in financial assistance to the Uralla Historical Society.**
2. **Provide recurring section 356 financial assistance, in future annual budgets, to Uralla Historical Society to the value of their annual rates, charges, and environment levies for the property located at 31 Salisbury Street, Uralla.**

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**PROCEDURAL MOTION (Crs M Dusting / I Strutt)**  
**To move to Committee of the Whole**

**39.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding laying it on the table.*

**PROCEDURAL MOTION (Crs I Strutt / L Sampson)**  
**To resume Standing Orders**

**40.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs R Bell / M Dusting)**

That Council lay the report on the table, pending further information.

**41.11/17 CARRIED**

Department: General Manager's Office

Submitted by: Senior Executive Officer

Reference/Subject: Report 20 - St Joseph's Catholic School, Uralla, Before and After Hours School Care Service

OFFICER'S RECOMMENDATION:

That;

**Council receive and note the report and attached correspondence regarding the proposed 'St Joseph's Catholic School, Before and After Hours School Care Service';**

**PROCEDURAL MOTION (Crs K Ward / I Strutt)**  
**To move to Committee of the Whole**

**42.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding the history of the matter.*

**PROCEDURAL MOTION (Crs R Bell / M Dusting)**  
**To resume Standing Orders**

**43.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

*Cr L Sampson left the room at 5.06pm.*

**MOTION (Crs R Bell / B Crouch)**

That;

Council commends the schools for progressing the Before & After Hours School Care Service and encourages St Joseph's continued liaison with Transport for NSW, Department of Education and school bus providers to finalise transportation arrangements for this valued community service.

**44.11/17 CARRIED**

Cr L Sampson was absent during voting.

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Department: General Manager  
Submitted by: General Manager  
Reference/Subject: Report 21 - New England Weeds Authority

OFFICER'S RECOMMENDATION:

That;

**The New England Weeds Authority Annual Report be received and noted.**

**MOTION (Crs M Dusting / B Crouch)**

That;

**The New England Weeds Authority Annual Report be received and noted.**

**45.11/17 CARRIED**

*Cr L Sampson returned to the meeting at 05:08pm.*

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**17. MOTIONS ON NOTICE**

Submitted by: Cr Tara Toomey  
Reference/Subject: Uralla Swimming Pool

**NOTICE of MOTION**

That;

**Council set the fee for the Uralla Swimming Pool for 2017/2018 season to \$2 for children and \$3 for adults and that any increase in fee in the future be tied to maintenance and improvements including but not limited to:**

- **General maintenance including repairing peeling paint**
- **Seeking expressions of interest for street art on the exterior and/or interior**
- **Erection of additional shade and seating**
- **Other improvements as made possible by State Government funding and other grants that may become available and as requested by the community**

**Additionally that the sliding scale of discounted ticket books be offered at a rate of 20% for a book of 10, 30% for a book of 20 and 40% for a book of 50, off the entry price.**

**PROCEDURAL MOTION (Crs B Crouch / M Dusting)**

**To move to Committee of the Whole**

**46.11/17 CARRIED**

*Councillors held a detailed discussion in committee regarding the pool.*

**PROCEDURAL MOTION (Crs B Crouch / I Strutt )**

**To resume Standing Orders**

**47.11/17 CARRIED**

*The Chair outlined details of the proposed motion determined during discussion in committee.*

**MOTION (Crs T Toomey / K Ward)**

That;

1. Council set the fee for the Uralla Swimming Pool for 2017/2018 season to \$2 for children and \$3 for adults, additionally that the sliding scale of discounted ticket books be offered at a rate of 20% for a book of 10, 30% for a book of 20 and 40% for a book of 50, off the entry price and place on public exhibition for 28 days.
2. Council adopt the new swimming pool entry fees for children at \$2 and adults at \$3, additionally that the sliding scale of discounted ticket books be offered at a rate of 20% for a book of 10, 30% for a book of 20 and 40% for a book of 50, off the entry price and place on public exhibition for 28 days, subject to no objections or unsupportive submissions being received during the public exhibition period.
3. Maintenance and repair funding be considered for 2018/19 budget preparation.
4. Seeking expressions of interest for street art on the exterior and/or interior.

**48.11/17 CARRIED**

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## 16. LATE REPORTS TO COUNCIL

Department: Finance  
Submitted by: Chief Financial Officer  
Reference/Subject: Report 1 LATE REPORT  
2017/18 – 1st Quarter Budget Review Statements

### OFFICER'S RECOMMENDATION:

That;

1. The first quarter budget review summary for the 2017/18 financial year be received and noted; and
2. The adjustments to budget allocations, including transfers to and from reserves, be adopted;
3. Expenditure to be revoted from 2016/17 be adopted;

### PROCEDURAL MOTION (Crs K Ward / B Crouch)

To move to Committee of the Whole

49.11/17 CARRIED

*Councillors held a detailed discussion in committee regarding the QBRs1*

### PROCEDURAL MOTION (Crs I Strutt / T Toomey)

To resume Standing Orders

50.11/17 CARRIED

*The Chair outlined details of the proposed motion determined during discussion in committee.*

### MOTION (Crs R Bell / I Strutt)

That;

1. The first quarter budget review summary for the 2017/18 financial year be received and noted; and
2. The adjustments to budget allocations, including transfers to and from reserves, be adopted;
3. Expenditure to be revoted from 2016/17 be adopted;

51.11/17 CARRIED

## 18. SCHEDULE OF COUNCIL RESOLUTIONS

Schedule of Action Items as at:

24 November 2017

*Councillors undertook a review of the Schedule of Action Items.*

## 19. RESPONSES TO QUESTIONS FROM PREVIOUS MEETING

### Questions from 24 October 2017 Ordinary Meeting of Council

Cr R Bell

1. Please invite Ms. Lauren Zell, Regional Clean Energy Coordinator, Office of Environment and Heritage to address Council.

Ms Lauren Zell addressed council at the Councillor Strategic Workshop on 14/10/2017

2. Are Wind and/ or Solar Development permitted in our rural area?  
Yes

3. Will any Wind and / or Solar Development affect the property rating of the properties on which the development occurs?

This is a matter for the Valuer General in the first instance.



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## 20. QUESTIONS FOR NEXT MEETING

### Questions for 19 December 2017 Ordinary Meeting of Council

Cr R Bell

Cr R Bell raised the following question at the 28 November meeting of Council:-

1. Can Council receive a report on the cost and benefit implications of the Crowns Lands Management Act.

Response: *The General Manager took this on notice to be answered at a future meeting.*

## 21. CONFIDENTIAL BUSINESS

### PROCEDURAL MOTION (Crs M Dusting / B Crouch)

#### To move into Closed Session of Council

That;

Council move into closed session and close the meeting to members of the public and press for the following reasons:-

The matters referred to the Closed Session of the 28 November 2017 meeting are received by Council under Section 10A (2 b) 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:**

- (b) The personal hardship of any resident or ratepayer.

52.11/17 **CARRIED**

### REPORTS TO CLOSED SESSION

Department:	Department of Infrastructure and Planning
Submitted by:	Manager Waste, Water and Sewer Services
Reference/Subject:	Report 1 – Confidential - Request for relief from water charges as per Water and Sewer Charges Refund Policy

### MOTION (Crs R Bell / I Strutt)

That;

As per the Water and Sewer Charges Refund Policy, Council grant relief from water charges and associated interest for rating assessment number 8048, from \$3,356.05 to \$507.30, for the reason of Exceptional Financial Circumstances.

53.11/17 **CARRIED**

Department:	Department of Infrastructure and Planning
Submitted by:	Manager Waste, Water and Sewer Services
Reference/Subject:	Report 2 - Request for relief from water charges as per Water and Sewer Charges Refund Policy

### MOTION (Crs R Bell / T Toomey)

That;

As per the Water and Sewer Charges Refund Policy, Council grant relief from water charges and associated interest for rating assessment number 9940, from \$3,330.00 to \$464.55, for the reason of Exceptional Financial Circumstances.

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**54.11/17 CARRIED**  
**MOVE TO OPEN SESSION**

**PROCEDURAL MOTION (Crs M Dusting / I Strutt)**  
**To return to Open Session of Council**

That;  
Council move back to Open Session

**55.11/17 CARRIED**

**PROCEDURAL MOTION (Crs M Dusting / I Strutt)**  
**To adopt the resolution of Council in closed session in open session**

That;  
The resolutions of council in closed session become resolutions in the open session.

**56.11/17 CARRIED**

**CLOSURE OF MEETING**

*The meeting was closed at:*

*06:01pm*

<b>COUNCIL MINUTES CONFIRMED BY:</b>	
<b>RESOLUTION NUMBER:</b>	
<b>DATE:</b>	
<b>MAYOR:</b>	