



10 August 2023

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Tuesday, 15 August 2023 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 18.07.23
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services

Mark Dicker
General Manager

Meeting Calendar 2023

August

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	15 August 2023	Council Meeting	Community Centre
10.00am	16 August 2023	Central Tablelands Water Meeting	Blayney
5.00pm	21 August 2023	Disability Inclusion Working Group Meeting	Community Centre
8.30am	23 August 2023	Orange 360 Board Meeting	Orange
10.00am	24 August 2023	Central NSW Joint Organisation Board Meeting	Sydney
6.00pm	29 August 2023	Extraordinary Council Meeting	Community Centre
9.00am	30 August 2023	Audit, Risk and Improvement Committee Meeting	Community Centre

September

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	19 September 2023	Council Meeting	Community Centre
8.30am	27 September 2023	Orange 360 Board Meeting	Orange

October

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	17 October 2023	Council Meeting	Community Centre
10.00am	18 October 2023	Central Tablelands Water Meeting	Grenfell
8.30am	25 October 2023	Orange 360 Board Meeting	Orange

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HELD ON TUESDAY 15 AUGUST 2023

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LIVE STREAMING OF COUNCIL MEETINGS

In accordance with the Blayney Shire Council Code of Meeting Practice, this meeting will be recorded for the purpose of the live streaming function via our YouTube channel. The audio and visual live stream and recording, will allow members of the public to view proceedings via the Internet without the need to attend Council meetings. The objective of this service is to eliminate geographic and other access barriers for the community wishing to learn more about Council's decision making processes.

By speaking at the Council Meeting you agree to be livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times.

Whilst Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, but are not limited to the availability or quality of the internet connection, device failure or malfunction, unavailability of YouTube or power outages.

Live streams and archived recordings are a free public service and are not an official record of Council meetings. Recordings will be made of all Council meetings (excluding confidential items) and published to YouTube the day after the meeting. For a copy of the official public record, please refer to Council's Business Papers and Minutes page on Council's website.

Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect, defamatory, or contrary to law and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

Live streaming is primarily set up to capture the proceedings of the Council meeting and members of the public attending a Council meeting need to be aware they may be recorded as part of the proceedings.

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 18 JULY 2023**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 18 July 2023, being minute numbers 2307/001 to 2307/012 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 18 JULY 2023, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones, B Reynolds (via audio visual link) and D Somervaille (Deputy Mayor)

General Manager (Mr M Dicker), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr J Hogan), Director Planning & Environmental Services (Mr A Muir) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY**LATE REPORTS****2307/001 REQUEST FOR ATTENDANCE BY AUDIO VISUAL LINK RESOLVED:**

That Council approves the attendance of Councillor Reynolds to the July 2023 Council Meeting by audio visual link.

(Pryse Jones/Gosewisch)

CARRIED

RECORDING OF MEETING STATEMENT**DISCLOSURES OF INTEREST**

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Pecuniary	11	54	Road Name – 61 Forest Reefs Road (Glenorie Road) Millthorpe	Previous declared conflict in this Development Application as I undertake

					contracting in the building industry with the proponent.
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PUBLIC FORUM

Sandi Novak – Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

Alicia McGregor – Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

Frederick McGregor - Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 27

JUNE 2023

2307/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 27 June 2023, being minute numbers 2306/E001 to 2306/E011 be confirmed.

(Gosewisch/Newstead)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

QUARTERLY OUTSTANDING RESOLUTION REPORT

2307/003

RESOLVED:

That Council note the Outstanding Resolution Report to June 2023.

(Gosewisch/Ewin)

CARRIED

RISK WORK HEALTH AND SAFETY QUARTERLY REPORT

2307/004

RESOLVED:

That Council note the Risk, Work Health and Safety Report for the quarter to 30 June 2023.

(Ewin/Pryse Jones)

CARRIED

CORPORATE SERVICES REPORTS

- 2307/005** **REPORT OF COUNCIL INVESTMENTS AS AT 30 JUNE 2023**
RESOLVED:
That Council;
1. Note the report indicating Council's investment position as at 30 June 2023.
2. Note the certification of the Responsible Accounting Officer.
(Newstead/Pryse Jones)
CARRIED

- 2307/006** **INFORMATION TECHNOLOGY QUARTERLY REPORT**
RESOLVED:
That Council note the Information Technology report for the quarter to 30 June 2023.
(Pryse Jones/Newstead)
CARRIED

- 2307/007** **QUARTERLY REPORT ON SOLAR ANALYTICS**
RESOLVED:
That Council note the Solar Analytics report for the quarter to 30 June 2023.
(Pryse Jones/Gosewisch)
CARRIED

- 2307/008** **COMPLIANCE AND REPORTING ACTIVITIES**
RESOLVED:
That Council note the report on Compliance and Reporting Activities for the six month period to June 2023.
(Newstead/Ewin)
CARRIED

- 2307/009** **WRITE-OFF OF INVENTORY**
RESOLVED:
That Council approve the write-off of \$2,597.70 following the Bi-Annual stocktake conducted on 15 June 2023.
(Pryse Jones/Gosewisch)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

- 2307/010** **INFRASTRUCTURE SERVICES MONTHLY REPORT**
RESOLVED:
That Council note the Infrastructure Services Monthly Report for July 2023.
(Pryse Jones/Somerville)
CARRIED

ADDITION OF NAME TO PRE APPROVED ROAD AND BRIDGE NAME LIST

2307/011

RESOLVED:

That Council endorse inclusion of the name 'Sutton' to the pre-approved road and bridge names list in the Road, Pathway and Bridge Naming Policy (25F).

(Ewin/Reynolds)

CARRIED

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the Chambers. The Deputy Mayor, Cr Somerville, assumed the Chair.

ROAD NAME - 61 FOREST REEFS ROAD (GLENORIE ROAD) MILLTHORPE SUBDIVISION**MOTION:**

Council endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe.

(Newstead/Ewin)

An **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Ewin that:

1. Council endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F).

(Reynolds/Ewin)

The amendment became the substantive motion and was put and lost.

A further **MOTION** was moved by Cr Reynolds and seconded by Cr Pryse Jones that:

1. Council does not endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. The Developer shall select a name from the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F),
3. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F).

(Reynolds/Pryse Jones)

This became this substantive motion and was put.

2307/012 RESOLVED:

1. Council does not endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. The Developer shall select a name from the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F),
3. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F).

(Reynolds/Pryse Jones)

CARRIED

Cr Newstead requested his named be recorded against this resolution.

The Mayor, Cr Ferguson returned to the Chambers and resumed the Chair.

2307/013 BLAYNEY SHIRE ACTIVE MOVEMENT STRATEGY 2023 RESOLVED:

That Council adopt the Blayney Shire Active Movement Strategy 2023, including modifications made having considered the submissions received during the public exhibition period.

(Gosewisch/Pryse Jones)

CARRIED**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****DA2023/3 - DEMOLISH EXISTING RESIDENTIAL DWELLING HOUSE & ANCILLARY BUILDINGS, ERECTION OF A MULTI DWELLING DEVELOPMENT AND COMMUNITY TITLE SUBDIVISION - 46 OSMAN STREET BLAYNEY****2307/014 RESOLVED:**

That Council consent to Development Application 3/2023 for the demolition of an existing dwelling house and outbuildings, erection of multi dwelling development (containing four dwelling houses) and a community title subdivision at 46 Osman Street, Blayney (Lot 16 Section 12 DP758121).

(Reynolds/Somervaille)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Ewin
Councillor Ferguson
Councillor Somervaille
Councillor Reynolds
Councillor Newstead

AGAINST

Councillor Pryse Jones

Councillor Gosewisch

Total (7)**Total (0)****CARRIED**

DA2020/87 - MODIFICATION APPLICATION - CHANGE OF USE & INTERNAL ALTERATIONS - 27 VICTORIA STREET MILLTHORPE

MOTION:

That Council grant development consent under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application 87/2020/2 to amend condition 25 and add condition 27 in the following manner:

Amend condition 25 to read:

No excessive noise or disturbance after 8.30pm on the first-floor verandah.

Add condition 27 to read:

Prior to use of the verandah beyond 8.30pm the applicant shall implement a Plan of Management to include:

- Noise management and complaint handling protocols to ensure compliance with Condition 25.
- Noise management and complaint handling protocols in relation to noise after 8.30pm.

The Plan of Management shall be submitted for the approval of the Director Planning and Environmental Services prior to the use of the verandah after 8.30pm.

(Gosewisch/Pryse Jones)

An **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Somerville to amend the last sentence to:

The draft Plan of Management shall be brought back to Council for approval.

(Reynolds/Somerville)

The amendment became the substantive motion and was put.

2307/015

RESOLVED:

That Council grant development consent under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application 87/2020/2 to amend condition 25 and add condition 27 in the following manner:

Amend condition 25 to read:

No excessive noise or disturbance after 8.30pm on the first-floor verandah.

Add condition 27 to read:

Prior to use of the verandah beyond 8.30pm the applicant shall

implement a Plan of Management to include:

- Noise management and complaint handling protocols to ensure compliance with Condition 25.
- Noise management and complaint handling protocols in relation to noise after 8.30pm.

The draft Plan of Management shall be brought back to Council for approval.

(Reynolds/Somervaille)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Somervaille		
Councillor Reynolds		
Councillor Newstead		
Councillor Pryse Jones		
Councillor Gosewisch		
Total (7)	Total (0)	CARRIED

2307/016 **DEVELOPMENT ASSESSMENT QUARTERLY REPORT**

RESOLVED:

That the development assessment quarterly report be received and noted.

(Gosewisch/Pryse Jones)

CARRIED

CLOSED MEETING

2307/017 **RESOLVED:**

That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters:

TENDER 4-2023: DESIGN AND CONSTRUCTION OF FOUR MILE CREEK ROAD BRIDGE OVER SWALLOW CREEK

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

OGILVIE V ROVEST HOLDINGS PTY LTD

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Gosewisch/Ewin)
CARRIED

CONFIDENTIAL MEETING REPORTS

TENDER 4-2023: DESIGN AND CONSTRUCTION OF FOUR MILE CREEK ROAD BRIDGE OVER SWALLOW CREEK

2307/018

RESOLVED:

That Council accept the tender from Murray Construction Pty Ltd for the Design and Construction of Four Mile Creek Road Bridge over Swallow Creek, Contract 4/2023, for the value of \$841,190.73 (\$925,309.80 including GST), and subject to variations.

(Pryse Jones/Ewin)
CARRIED

OGILVIE V ROVEST HOLDINGS PTY LTD

2307/019

RESOLVED:

That Council note the report in relation to Ogilvie v Rovest Holdings Pty Ltd.

(Reynolds/Pryse Jones)
CARRIED

2307/020

RESOLVED:

That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.

(Gosewisch/Pryse Jones)
CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2307/018 AND 2307/019.

There being no further business, the meeting concluded at 8.24pm.

The Minute Numbers 2307/001 to 2307/020 were confirmed on 15 August 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 18 July 2023.

Cr S Ferguson
MAYOR

Mr M Dicker
GENERAL MANAGER

02) QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING

Department: Executive Services

Author: General Manager

CSP Link: 2. Build the Capacity and Capability of Local Governance and Finance

File No: GO.ME.3

Recommendation:

That Council note the questions taken on notice at the Ordinary Council Meeting held on 18 July 2023 and the subsequent response.

Reason for Report:

To formally record questions taken on notice at the previous Council meeting and subsequent response.

Report:**Question 1 – Item 02**

Cr Reynolds asked at the next Councillor Workshop can we discuss engagement with the Tourism Towns and Villages.

Response:

To be placed on the August or September Councillor Workshop agenda.

Question 2 – Item 02

Cr Reynolds asked if Council can progress the Media Spokesperson Policy in the next month or so.

Response:

To be placed on the August or September Councillor Workshop agenda.

Question 3 – Item 03

Cr Gosewisch asked about the 10% increased cost of insurance. Is this on average or because we are falling behind a little bit?

Response:

All insurances have been increasing exponentially. In 2023-2024 Council Mutual Scheme saw a percentage increase between 7.5% up to 10%. This is an average increase experienced across Councils within the mutual.

Question 4 – Item 03

Cr Pryse Jones asked do we tender our insurance?

Response:

Council is part of the Statewide Mutual scheme which currently has a membership of 113 member councils across NSW so does not tender out its insurance.

Statewide Mutual is a discretionary mutual providing cover for its Member Councils' major insurable risks. We are a 'self-insurance mutual' which is backed by reinsurance placed through local and international underwriters.

Members own each Scheme and benefit from building equity resulting from surplus contributions.

Question 5 – Item 04

Cr Reynolds asked should we be reviewing the maximum \$5m investment allowable under our Investment Policy?

Response:

At the Council meeting it was advised that Council will engage with NSW TCorp to seek advice on its ability to amend the Investment policy as it is restricted on making amendments because of conditions associated with borrowings held with NSW TCorp.

Council received recent advice from NSW TCorp that it is now more lenient with its restrictions on Council Investment policies, however, would still require consultation on any proposed amendments.

Cash holdings being at unprecedented levels is a contributing factor to the exhaustion of a number of Institutional Limits for A1 institutions (with \$5m maximum investment levels). Council's Chief Financial Officer does not consider this a risk or cause for alarm to warrant immediate amendment to Council's Investment policy. There is still scope within the Investment policy to invest with TCorp IM and it is also anticipated that cash levels will decline over the current financial year.

Diversification remains an important risk mitigation strategy and further increases to the individual institutional limits has the potential to weaken the overall investment strategy.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) LGNSW ANNUAL CONFERENCE 2023

Department: Executive Services

Author: General Manager

CSP Link: 2. Build the Capacity and Capability of Local Governance and Finance

File No: GR.ME.2

Recommendation:

That Council:

1. Nominate the Mayor as voting delegate to the LGNSW Annual Conference 2023; and
2. Approve the registration and attendance of the Mayor, Deputy Mayor, Cr X and the General Manager as Blayney Shire Council Delegates to attend the LGNSW Conference in 2023.

Reason for Report:

To appoint the voting delegate for Blayney Shire Council for the Local Government NSW (LGNSW) Annual Conference 2023.

To seek Council approval for the registration and payment of expenses as per Council Policy for Council Delegates attending the LGNSW Annual Conference.

Report:

The LGNSW Annual Conference is being held at Rosehill Gardens Racecourse, from Sunday 12 November to Tuesday 14 November 2023.

Councils must register the names of their delegates for voting during formal business sessions by 27 October 2023. Blayney Shire Council is entitled to 1 voting delegate, which historically has been the Mayor.

Motions are required to be submitted online by Friday 15 September 2023 to allow printing and distribution of the Business Paper. The latest date motions can be accepted for inclusion in the Conference Business Paper is Sunday 15 October 2023.

Risk/Policy/Legislation Considerations:

Motions should be strategic, affect members statewide and introduce new or emerging policy issues and actions. The LGNSW Board will accept motions for inclusion in the Business Paper for the Conference only where they are consistent with the objects of the Association and relate to Local Government in NSW and/or across Australia.

The issue must concern or is likely to concern Local Government as a sector, seek to advance the Local Government policy agenda or the Association and/or improve governance of the association.

They must have a lawful purpose, be clearly worded and unambiguous in nature and cannot express preference for one or several members over one or several other members.

Should Councillors propose a motion it will require a title, adequate wording and background information with support evidences by a Council Resolution.

Budget Implications:

The 2023/24 budget includes an allocation for the Mayor, Deputy Mayor, General Manager and one additional Councillor to attend the LGNSW Conference.

In previous years Central Tablelands Water have paid for Cr Somerville to attend as the Chair of Central Tablelands Water.

As per Council's 'Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy' Council will meet the Registration, Accommodation, Travel and Car Parking costs for Council Delegates attending the LGNSW Conference as authorised by Council Resolution.

Any additional accommodation costs incurred as a result of the attendance of partners shall be borne by the Councillor or Delegate. Should a delegate be unable to attend once registered, a substitute delegate may attend in their place at no additional charge.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2023

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Build the Capacity and Capability of Local Governance and Finance

File No: FM.AU.1

Recommendation:

That Council;

1. Note the report indicating Council's investment position as at 31 July 2023.
2. Note the certification of the Responsible Accounting Officer.

Reason for Report:

For Council to endorse the Report of Council Investments as at 31 July 2023.

Report:

This report provides details of Council's Investment Portfolio as at 31 July 2023.

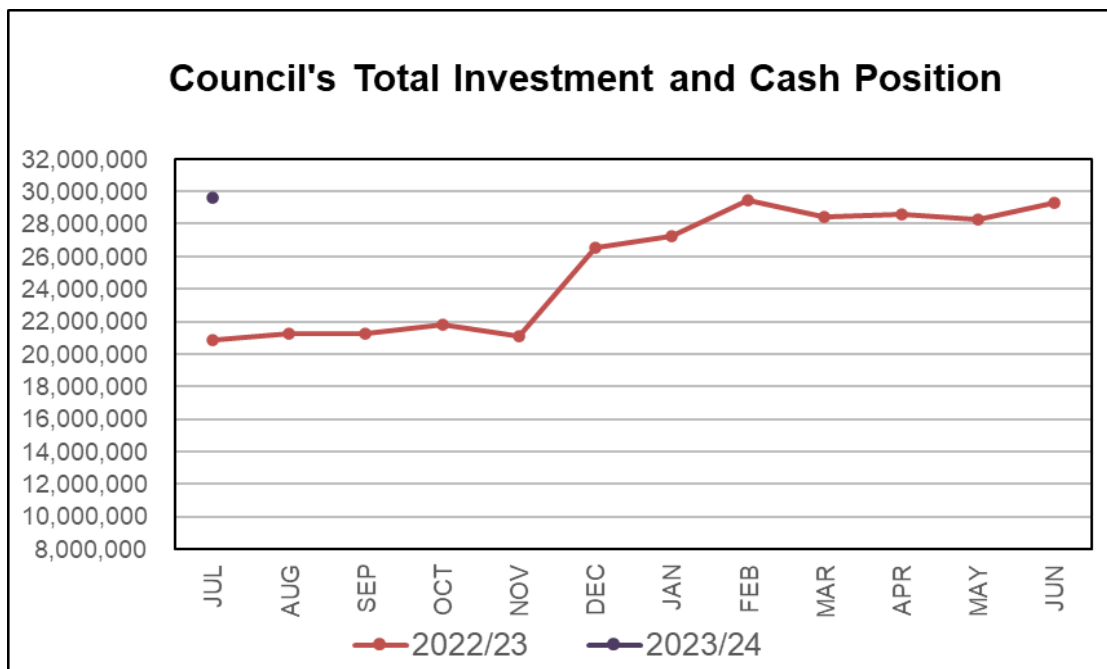
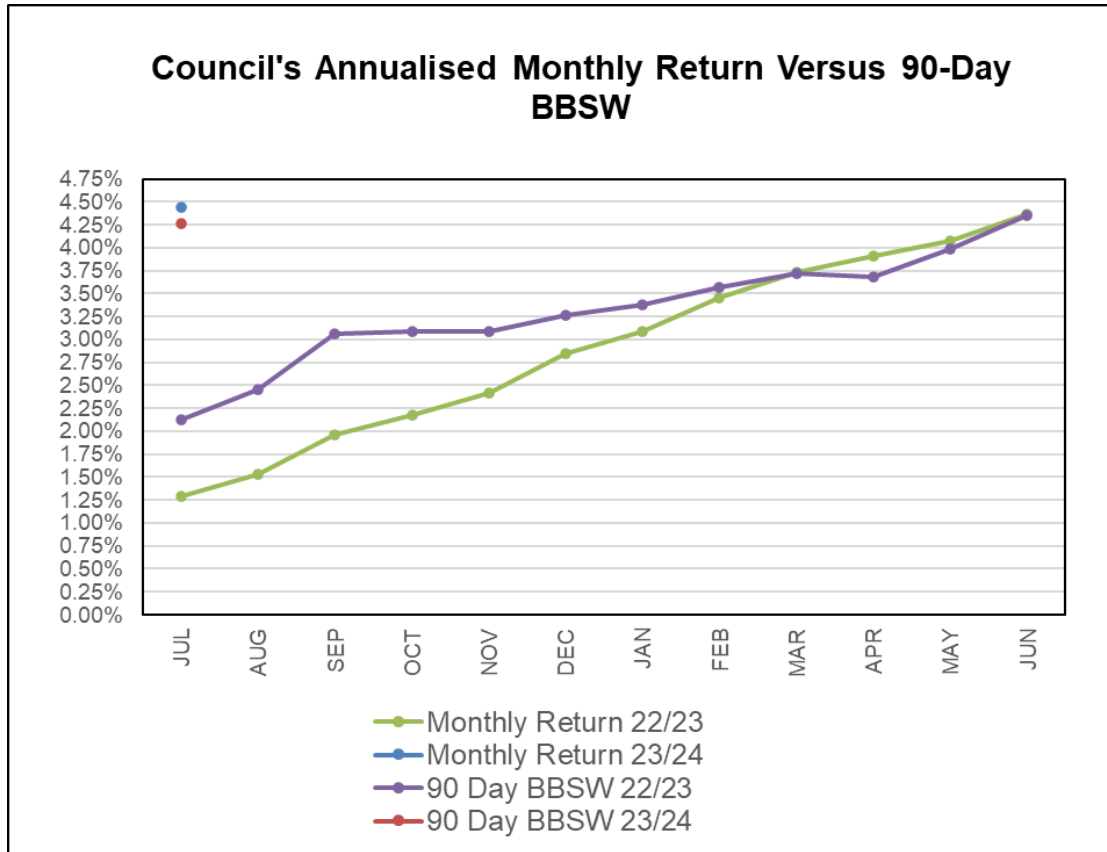
Council's total investment and cash position as at 31 July 2023 is \$29,639,888. Investments earned interest of \$101,290.12 for the month of July 2023.

Council's monthly net return on Term Deposits annualised for July was 4.44% which outperformed the 90-day Bank Bill Swap Rate of 4.26%. Council did not increase its level of investment during the month of July as opportunities were minimal with available higher rated institutions within the policy constraints.

Cash inflows of note during the month were two grant funding payments from Transport NSW totalling \$1.59m.

During July rates stabilised with no change in the cash rate and at the time of writing it is known that the rate did not increase again in August. Institutions will continue to increase/decrease their interest rate offerings depending on funding they require within their business which may result in higher investment offerings.

There should be opportunities in August to increase the investment portfolio and find institutions to invest in that will exceed the current bank interest for longer term investments. However, the current rate of 4.15% with the online saver is comparable with other short term rates currently on offer and assists some anticipated significant cashflow commitments with Council's extensive capital works programmed for 2023/24. Funds held in Council's online savers are readily available and will assist cashflow management during peak construction times.



Register Of Investments and Cash as at 31 July 2023					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
ME Bank	IAM	A2/BBB+	01/08/2023	500,000	3.770%
Westpac	Direct	A1+/AA-	15/08/2023	500,000	0.530%
CBA	Direct	A1+/AA-	15/08/2023	500,000	3.980%
NAB	Direct	A1+/AA-	29/08/2023	500,000	4.050%
Macquarie Bank	IAM	A1/A+	04/09/2023	500,000	4.520%
CBA	Direct	A1+/AA-	12/09/2023	500,000	4.060%
Macquarie Bank	IAM	A1/A+	19/09/2023	500,000	4.640%
CBA	Direct	A1+/AA-	26/09/2023	500,000	4.640%
Bank of Queensland	Curve	A2/BBB+	10/10/2023	500,000	4.200%
Westpac	Direct	A1+/AA-	10/10/2023	500,000	0.720%
CBA	Direct	A1+/AA-	17/10/2023	500,000	4.420%
Auswide Bank Ltd	Curve	A2/BBB	24/10/2023	500,000	4.850%
CBA	Direct	A1+/AA-	31/10/2023	500,000	4.480%
MyState Bank Ltd	Curve	A2/BBB+	07/11/2023	500,000	4.550%
NAB	Direct	A1+/AA-	14/11/2023	500,000	4.550%
Reliance Bank	Direct	Unrated	21/11/2023	500,000	4.100%
Westpac	Direct	A1+/AA-	21/11/2023	500,000	4.350%
Macquarie Bank	IAM	A1/A+	28/11/2023	500,000	4.200%
Westpac	Direct	A1+/AA-	28/11/2023	500,000	4.390%
Bank of Queensland	Curve	A2/BBB+	05/12/2023	500,000	4.250%
Defence Bank Ltd	Curve	A2/BBB	12/12/2023	500,000	4.450%
ING Bank	IAM	A1/A	19/12/2023	500,000	4.800%
NAB	Direct	A1+/AA-	09/01/2024	500,000	4.500%
CBA	Direct	A1+/AA-	23/01/2024	500,000	4.490%
NAB	Direct	A1+/AA-	30/01/2024	500,000	5.250%
NAB	Direct	A1+/AA-	06/02/2024	500,000	4.550%
Westpac	Direct	A1+/AA-	20/02/2024	500,000	4.950%
CBA	Direct	A1+/AA-	26/02/2024	500,000	4.300%
NAB	Direct	A1+/AA-	27/02/2024	500,000	5.000%
Reliance Bank	Direct	Unrated	09/03/2024	500,000	4.200%
ING Bank	IAM	A1/A	12/03/2024	500,000	4.750%
CBA	Direct	A1+/AA-	19/03/2024	500,000	4.200%
Macquarie Bank	IAM	A1/A+	02/04/2024	500,000	4.450%
MyState Bank Ltd	Curve	A2/BBB+	02/04/2024	500,000	4.650%
CBA	Direct	A1+/AA-	09/04/2024	500,000	4.280%
NAB	Direct	A1+/AA-	16/04/2024	500,000	4.510%
Westpac	Direct	A1+/AA-	23/04/2024	500,000	4.490%
NAB	Direct	A1+/AA-	07/05/2024	500,000	4.700%
NAB	Direct	A1+/AA-	21/05/2024	500,000	4.900%
Westpac	Direct	A1+/AA-	28/05/2024	500,000	4.840%
Westpac	Direct	A1+/AA-	04/06/2024	500,000	5.040%
NAB	Direct	A1+/AA-	11/06/2024	500,000	5.500%
Westpac	Direct	A1+/AA-	18/06/2024	500,000	5.450%
Macquarie Bank	IAM	A1/A+	25/06/2024	500,000	5.250%
Westpac	Direct	A1+/AA-	02/07/2024	500,000	5.420%
CBA	Direct	A1+/AA-	09/07/2024	500,000	5.300%
Macquarie Bank	IAM	A1/A+	16/07/2024	500,000	5.100%

Register Of Investments and Cash as at 31 July 2023		
Institution	Amount \$	Interest Rate
Total Investments	23,500,000	4.438%
Commonwealth Bank - At Call Account ⁽¹⁾	4,782,315	4.150%
Commonwealth Bank Balance - General ⁽¹⁾	1,197,509	3.950%
Reliance Bank ⁽¹⁾	160,064	0.000%
Total Cash and Investments	29,639,888	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾	4.257%
	RBA Cash Rate ⁽¹⁾	4.100%

1. % Interest rates as at end of reporting period.

Summary of Investment Movements - July 2023		
Financial Institution	Amount \$	Commentary
WBC	(518,697)	Term deposit matured 04/07/2023
WBC	500,000	Term deposit reinvested 04/07/2023
CBA	(520,593)	Term deposit matured 18/07/2023
CBA	500,000	Term deposit reinvested 18/07/2023
Macquarie Bank	(507,956)	Term deposit matured 25/07/2023
Macquarie Bank	500,000	Term deposit reinvested 25/07/2023

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum %	Current Holding %	Current Holding \$
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	64%	15,000,000
A- Category	40%	17%	4,000,000
BBB+ Category	25%	11%	2,500,000
BBB Category	5%	4%	1,000,000
BBB- Category and below: Local ⁽²⁾ ADI's	10%	4%	1,000,000
BBB+ / BBB / BBB- & below categories combined	25%	19%	
2. ADI's located within the Local Government Area			23,500,000

Individual Institution Limit	Rating	Policy Maximum \$	Current Holding \$
Auswide Bank Ltd	A2/BBB	500,000	500,000
Bank of Queensland	A2/BBB+	1,000,000	1,000,000
CBA	A1+/AA-	5,000,000	5,000,000
Defence Bank Ltd	A2/BBB	500,000	500,000
ING Bank	A1/A	3,000,000	1,000,000
Macquarie Bank	A1/A+	3,000,000	3,000,000
ME Bank	A2/BBB+	1,000,000	500,000
MyState Bank Ltd	A2/BBB+	1,000,000	1,000,000
NAB	A1+/AA-	5,000,000	5,000,000
Reliance Bank	Unrated	1,000,000	1,000,000
Westpac	A1+/AA-	5,000,000	5,000,000

Summary of Restricted, Allocated and Unrestricted Cash & Investments			
	Actual 30/06/2022 \$ 000's	Anticipated⁽¹⁾ 30/06/2023 \$ 000's	Forecast⁽²⁾ 30/06/2024 \$ 000's
External Cash Restrictions	13,097	20,397	9,958
Internal Cash Allocations	7,120	9,127	5,330
Total Restricted, Allocated Cash & Investments	20,217	29,524	26,366
Unrestricted Cash	81	(253) ⁽³⁾	4,959
Total Restricted, Allocated and Unrestricted Cash & Investments	20,298	29,271	20,247

⁽¹⁾ Balances are indicative and represent best available information as at 30/06/2023. Further adjustments are still anticipated throughout finalisation of the 2022/23 Financial Statements.

⁽²⁾ Balances are informed by the Long Term Financial Plan and based on the best available information at time of preparation.

⁽³⁾ Unrestricted cash was impacted by grant debtors totalling \$3.84m at 30/06/2023, specifically \$1m which was anticipated to be received prior to 30 June but wasn't deposited until 3 July. Internal cash allocations include \$3.5m of restricted cash from prepayment of the financial assistance grant which will be used to offset any unrestricted cash deficit reported in the financial statements.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffany Irlam, certify that the investments listed in this report have been made in accordance with s625 of the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council Policy.

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

A good investment strategy optimises Council's return on investments.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) RECOGNITION OF RURAL FIRE SERVICES ASSETS GUIDELINE

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Build the Capacity and Capability of Local Governance and Finance

File No: FM.AU.1

Previous Items:

10 - Adoption of Recognition of RFS Assets Guideline - Council - 17 Sep 2018
02 - Mayoral Minute - Accounting Treatment of Rural Fire Service (Red Fleet) Assets - Council - 15 Aug 2022

Recommendation:

That Council rescind and remove Policy 5G Recognition of Rural Fire Service Assets from Council's policy register.

Reason for Report:

For Council to endorse the rescission of Operational Policy 5G Recognition of Rural Fire Service Assets.

Report:

Council at its 17 September 2018 Council meeting adopted Operational Policy 5G Recognition of Rural Fire Service Asset guidelines which outlines Council's position on the treatment of RFS buildings and plant & equipment (Red Fleet).

Council has historically taken the view that it has no control over the purchase, use or sale of any RFS equipment. As such the requirements for recognition of assets under AASB116 have not been met and RFS equipment should therefore not be included in Councils' financial statements.

Further to this, Council passed a Mayoral Minute on 15 August 2022 adopting the following recommendations:

1. *Council writes to the local State Member Hon. Paul Toole MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:*
 - a. *Expressing Council's objection to the NSW Government's position on ownership of Rural Fire Service assets and requesting an amendment to s119 of the Rural Fires Act 1997 so that the Red Fleet and other Rural Fire Service assets are not registered as the property of Blayney Council;*
 - b. *Advising Council will not record the value of the RFS Mobile Assets known as the 'Red Fleet', nor associated*

- depreciation in Blayney Shire Council's financial statements, noting that the State Government's own Local Government Code of Accounting of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets, but will advise of the potential impact of the NSW Government's position on asset ownership on Council finances, if they were included.*
2. *Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. *Advising Members of Blayney Shire Council's position stated above, including providing copies of correspondence to NSW Government Ministers;*
 - b. *Seeking Opposition and cross bench Members' commitments to support Blayney Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.**
 3. *Blayney Council re-affirms its complete support of and commitment to local Rural Fire Brigades in the Blayney Shire.*
 4. *Council promotes these messages via its digital and social media channels and via its networks.*
 5. *That Blayney Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get a change in the NSW Rural Fire Service Act to vest the ownership of the Red Fleet and other Rural Fire Service assets in the state of NSW and not as a Council asset.*

(Ferguson/Reynolds)

CARRIED

As a result of non recognition of the rural fire-fighting equipment, Council received a qualified audit opinion for the 2021/22 Financial Statements. The qualified opinion is formed on the basis that rural fire-fighting equipment is controlled by the Council as:

- these assets are vested in the Council under section 119(2) of the Rural Fires Act 1997 (Rural Fires Act), giving the Council legal ownership.
- the Council has the ability, outside of emergency events in section 44 of the Rural Fires Act, to prevent the NSW Rural Fire Service from directing the use of the rural fire-fighting equipment by either not entering into a service agreement, or cancelling the existing service agreement that was signed on 28 February 2018.
- the Council has specific responsibilities for fire mitigation and safety works and bush fire hazard reduction under Part 4 of the Rural Fires Act. The Council obtains economic benefits from the rural fire-fighting equipment as these assets are used to fulfil Council's responsibilities.

- in the event of the loss of an asset, the insurance proceeds must be paid into the New South Wales Rural Fire Fighting Fund (section 119(4) of the Rural Fires Act) and be used to reacquire or build a similar asset, which is again vested in the Council as an asset provided free of charge.

Council is one of 42 Councils across NSW (40% of RFS Council's) who received a qualified audit opinion in 2021/22.

Council received correspondence from the Office of Local Government (OLG) on 23 June 2023 highlighting that an unqualified audit opinion is a fundamental function of Councils and failure to meet this requirement can be an indicator of poor financial management and council governance. Council is now required to demonstrate to the OLG what strategies are to be implemented to address the qualified audit opinion and address and significant risks raised.

Whilst Council maintains its position around the Red Fleet and the definition of care and control. The position to repeal Policy 5G Recognition of Rural Fire Services Assets will allow Council to include the associated depreciation expense in Council's financial statements for 2022/23 avoiding further qualifications from the NSW Audit Office and increased scrutiny from the OLG.

Irrespective of Council's position to recognise the Red Fleet in the 2022/23 financial statements, Council should continue with its campaign as outlined in the resolution to advocate for changes to the NSW Fire Services Act to vest the ownership of the Red Fleet and other Rural Fire Service assets in the state of NSW and not as a Council asset.

Risk/Policy/Legislation Considerations:

Council is required to adhere to the Local Government Code of Accounting Practice, Accounting Standards and Local Government legislation. The adoption of this Guideline will ensure compliance and more accurate reporting of Council's financial position.

Budget Implications:

Depreciation on RFS red fleet assets will be included in the 2022/23 financial statements totalling \$184k subject to any further fleet movement. Council is currently awaiting further confirmation from RFS.

Enclosures (following report)

1 05G Recognition of Rural Fire Service Assets Policy 5 Pages

Attachments (separate document)

Nil



Recognition of Rural Fire Service Assets

Guideline	5G
Officer Responsible	Chief Financial Officer
Last Review Date	14/01/2020

Operational Policy

PURPOSE

The purpose of this document is to articulate Council's approach to the accounting treatment of assets utilised by the NSW Rural Fire Service.

BACKGROUND

The Rural Fires Act 1997 established the Rural Fire Service (RFS) to co-ordinate bush firefighting and prevention throughout the state and to provide rural fire services for New South Wales.

The NSW Rural Fire Fighting Fund holds all contributions required to meet the costs of the service and is maintained by the NSW Treasury. Annual contributions to the fund are sourced from the following;

NSW Treasurer	14.6%
Councils	11.7%
Insurance Companies	73.7%

Rural Fire districts and Rural Fire Brigades are established generally in line with local government areas. Blayney Shire Council is part of the Canobolas Fire Zone and combines the Rural Fire Districts of Blayney, Cowra, Cabonne and Orange.

Rural Fire Services costs are shared amongst the 4 Council's with Blayney's contribution making up roughly 23%. Annual contributions in part fund ongoing running expenses and capital improvements and acquisitions for the Rural Fire Brigades and the Canobolas Zone.

Blayney Shire Council accounts for land and buildings used by the RFS situated within the Blayney local government area boundary, however does not account for Rural Fire Service plant "Red Fleet" or other equipment.

REASONS FOR POSITION:

The Code of Accounting Practice requires Councils to assess whether they control any RFS assets and recognise in their financial statements any financial assets under their control.

Asset Recognition Criteria

The criteria for asset recognition are contained in various sections of the Framework for the Preparation and Presentation of Financial Statements and AASB116 of the Australian Accounting Standards.

The Framework provides the following relevant information:

- An asset is defined as a resource that is controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity (Clause 49).
- Attention needs to be given to its underlying substance and economic reality and not merely its legal form (Clause 51).

- In respect of not-for-profit entities, economic benefit is synonymous with service provision or enabling them to meet their objectives to beneficiaries (Clause 54).
- The right of ownership is not essential to the determination of control (Clause 57).

AASB 116 requires that an asset can only be recognised if it is probable that future economic benefits associated with the item will flow to the entity.

It is considered therefore that the main issue is who maintains control of the assets?

Information in relation to control of assets

The Fire Services Act provides that;

- All firefighting equipment acquired from the fund is to be vested in the council of the area (s.119).
- However, a council must not dispose of such equipment without the written consent of the Commissioner; and
- Blayney Shire Council is entitled to a share of 11.7% of the disposal proceeds.

The Rural Fire District Service Agreement between Blayney Shire Council and the Commissioner includes a basic section on District equipment;

- Council will allow the RFS to use the equipment which is owned by, vested in or under the control of the Council;
- The Commissioner agrees to maintain the equipment on behalf of the council; and
- The RFS will maintain and supply to Council a register of the equipment.

This can be compared to a very detailed section on Land and Buildings which specifically states that the legal right to possession and control over the premises and land remains vested in Council and the RFS only has right of occupation. In addition:

- Council must maintain the premises in good repair;
- Council must pay all utility costs associated with the premises; and
- Council must pay all insurances associated with the building and public risk.

Accounting Recognition of Assets

Statement of Accounting Concepts (SAC) 4 “Definition and Recognition of the Elements of Financial Statements” sets the basis on which an “Asset” should be recognised. There are two major factors to determine;

- The Entity must receive future economic benefits; and
- The Entity must have control over those future economic benefits.

Future Economic Benefits

The RFS is funded directly by the State; both operating and capital acquisitions are made directly by RFS Officers. Council has no input into the operations or capital acquisitions of the RFS.

The Fire Services Act provides that;

The NSW Rural Fire Service has the function to provide rural fire services for New South Wales (s.9(1)(a)).

It is considered therefore that it is the Rural Fire Service and not councils that receive future economic benefit from firefighting equipment assets in terms of both net cash flows and service provision.

Determination of Control of Assets

SAC 4 defines “control of an asset” as; the capacity of the entity to benefit from the asset in the pursuit of the entity's objectives and to deny or regulate the access of others to that benefit.

There are 2 specific asset classes that Council must determine accounting treatment of:

Land & Buildings

The Rural Fire Service Agreement clearly identifies that Council retains full legal right to possession and control over premises occupied by the RFS.

Councils are required to:

- maintain buildings
- pay all utility costs associated with the building
- maintain adequate insurances on the buildings and public risk associated with the use of the building
- Council is responsible for payment of works undertaken to improve or replace RFS stations even though projects are coordinated and managed by the RFS
- Council is reimbursed for the cost of station upgrades

This is similar to a lease agreement, and as such Council retains control of the building and is required to hold the land and associated building as an asset.

Plant & equipment – Red Fleet

- S.119 (3) of the Rural Fires Act 1997 (NSW) stipulates that Council must not sell or otherwise dispose of any firefighting equipment without the consent of the Commissioner. S.119 (4) requires any funds received from sale must be credited to the RFS fund
- The RFS Zone manager makes all decisions about acquisition of new assets, which are funded directly by the RFS
- The RFS insures all plant and equipment
- The RFS is responsible for registration and maintenance of its fleet
- In practice the RFS makes all decisions to switch fleet and equipment to other fire districts as it feels necessary
- Council has no access to and is not permitted to use of any plant and equipment held by the RFS

Council has taken the view that it has no control over the purchase, use or sale of any RFS equipment. As such the requirements for recognition of assets under AASB116 have not been met and RFS equipment should therefore not be included in Councils' financial statements.

CONCLUSION

It is clear that the AASB Accounting Standards require a standard higher than ownership when accounting for assets. Entities may own an asset, but unless they have control of that asset and can clearly identify future economic benefits flowing to the entity from that asset, then it cannot be included in the entities assets schedule.

It is considered that when all criteria of asset recognition included in the AASB Accounting Framework and Standards are taken into account, Blayney Shire Council retains effective control of associated Land and Buildings, however the RFS retains control of plant and equipment.

In line with this Blayney Shire Council's practice is to recognise associated Land and Buildings in its asset schedules, but not Plant and Equipment.

It is also considered that in regard to the objectives of financial reporting, council's obligation and commitment to the rural fire fighting function is fully and accurately reflected in the statutory contribution expense made and the net cost of other relevant facilities provided under the local agreement.

End

	Date	Reference
Created:	17/09/2018	
	17/09/2018	1809/011
Lasted Reviewed:	14/01/2020	MANEX NMCO/12831
Next Reviewed:	18/12/2023	

06) REVIEW OF AGENCY INFORMATION GUIDE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Build the Capacity and Capability of Local Governance and Finance

File No: IM.CO.3

Recommendation:

That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make it available through Council's website.

Reason for Report:

For Council to review and adopt Council's Agency Information Guide.

Report:

Council is required to review and adopt its Agency Information Guide at intervals of not more than 12 months.

An Agency Information Guide serves the purpose to assist members of the public to find information that they seek and is a document, that:

- a) describes the structure and functions of the Council, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions, and
- d) identifies the various kinds of government information held by the Council, and
- e) identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available, and
- f) specifies the manner in which the Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council last adopted this guide at its August 2022 meeting.

Council must make government information publicly available as provided by its Agency Information Guide. This is done via Council's website where practical.

A review of Council's current document was undertaken with minor amendments and updates effected.

Risk/Policy/Legislation Considerations:

Council must review and adopt an Agency Information Guide on an annual basis pursuant to s.21 of the Government Information (Public Access) Act.

Budget Implications:

Nil

Enclosures (following report)

1 Agency Information Guide

14 Pages

Attachments (separate document)

Nil

BLAYNEY SHIRE COUNCIL



AGENCY INFORMATION GUIDE

Prepared in accordance with the provisions of Section 20 of the
Government Information (Public Access) Act 2009.

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STRUCTURE AND FUNCTIONS OF COUNCIL

INTRODUCTION

Blayney Shire Council has adopted this Agency Information Guide (Guide) in accordance with section 20 of the Government Information (Public Access) Act 2009 (GIPA Act).

By describing Council's functions, responsibilities and organisational structure, the Guide aims to promote a better understanding of Council's work in our community. It also describes the various types of information held by Council, how that information can be accessed and how members of the public can participate in Council's decision-making processes.

OVERVIEW

Blayney Shire Council is constituted under the Local Government Act 1993 and was proclaimed in August 1978.

The Council is an undivided area, with seven (7) Councillors. The Mayor and Deputy Mayor are elected for a 2 year term by the Councillors from among their numbers.

The roles of the Councillors, as members of the elected body are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation
- to participate in the optimum allocation of the Council's resources for the benefit of the area
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are 3 Directorates of Council. These Directorates are Corporate Services, Planning and Environmental Services and Infrastructure Services. Each of these Directorates is headed by a Director.

ORGANISATIONAL STRUCTURE

The functional structure of the organisation is set out in the below diagram:



COUNCIL FUNCTIONS

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions include:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction	Including: * Approvals * Orders * Building Certificates	Including: * Resumption of land * Powers of entry and inspection	Including: * Rates * Charges * Fees * Borrowings * Investments	Including: * Employment of staff * Management plans * Financial reporting * Annual reports	Including: * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations * Prosecution of offences * Recovery of rates and charges

As well as the Local Government Act, Council has powers under a number of other Acts including:

Biosecurity Act 2015

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire and Rescue NSW Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 2003

Government Information (Public Access) Act 2009

Heritage Act 1977

Library Act 1939

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 2010

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes Management Act 2015

Swimming Pools Act 1992

Unclaimed Money Act 1995

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Blayney Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges and unregistered dogs.

Community planning and development functions affect areas such as cultural development, social planning and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day Awards and Youth Week, as well as promoting events of others.

HOW MEMBERS OF THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS

There are a number of avenues available to members of the public to enable participation in policy development and the general activities of Council. These avenues can be broken down into two categories, namely:

- representation;
- personal participation.

1. REPRESENTATION

Local Democracy

Councils in New South Wales are elected every four years. The next election for Blayney Shire is scheduled for September 2024.

At each election for Blayney Shire Council, voters elect seven Councillors for a four-year term. The Mayor is elected for a 2 year term by the Councillors from among their numbers. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote but must register their intention to vote on the non-residential roll. Voting is compulsory.

Making Representations to Councillors

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Appointments with Mayor

After speaking to Councillors and/or appropriate staff, members of the public may make an appointment with the Mayor to discuss issues that require further attention.

2. PERSONAL PARTICIPATION

Open Council Meetings

Blayney Shire Council meets regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend, unless closed for specific reasons under the *Local Government Act*. Meetings are also [streamed](#) from Council's website for viewing by members of the public and residents. Ordinary [Council meetings](#) are usually held on the third Tuesday of the month.

Public Address to Council

Members of the public are able to attend [Council meetings](#) (third Tuesday of each month – except January where there is no meeting and June is the fourth Tuesday of the month) in the Blayney Shire Community Centre - Council Chamber, 41 Church Street, Blayney.

The opportunity is offered to interested persons to address Council prior to meetings on any matters that are within its jurisdiction. A [Public Forum Speaker Request Form](#) must be completed and lodged before scheduled deadline of 4.00pm on the day of the Council meeting. Forms are available from Council's website: <https://www.blayney.nsw.gov.au/council/council-meetings/public-speaker-request>

Section 355 Committees

There are several [Committees](#) to which Council has delegated a function of Council to under s.355 of the Local Government Act. Council has the following Community Committees comprising and including members of the public:

- Blayney Shire Audit, Risk and Improvement Committee
- Blayney Shire Council Australia Day Committee
- Blayney Shire Financial Assistance Committee
- Blayney Shire Floodplain Management Committee
- Disability Inclusion Working Group

Community Committee meeting times are promoted on Council's website and meeting calendar within [Council Business Paper Agendas](#). Invitations for membership of committees are called after Council elections and as committee vacancies arise. Notification of vacancies are publicised on Council's website and in the local newspaper. Members of the public interested in being involved with any community committee should contact Council in the first instance to enquire of any vacancies.

Public Exhibitions / Submissions to Council

[Public exhibition](#) of Council documents are an important way for the community to participate in local government. Members of the community can submit feedback on proposed policies, plans, projects or development that Council is considering. Members of the public can, either personally or in writing, address any matter that falls within Council jurisdiction.

Information provided to Council in correspondence, submissions or requests, including personal information such as names and addresses may be made publicly available in accordance with the Government Information (Public Access) Act (GIPA).

INFORMATION HELD BY BLAYNEY SHIRE COUNCIL

Council holds a wide range of information, in both hard copy and electronic form in respect of the wide range of functions undertaken by it. That information is contained in:

1. Records – either physical or electronic
2. Policy documents
3. General Information

1. RECORDS

Prior to 1996 Council had a "hard copy" records system, with material being held as physical records. Since then, Council's records have been maintained in electronic format, physical records being dispensed with, except for development/building/construction applications.

Council's records are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require an informal release or an access application can do so by contacting the Right to Information Officer at Council on telephone (02) 6368 2104.

2. POLICY DOCUMENTS

Council's policies are maintained in a policy register – access to which is available from Council's website using the following link: <https://www.blayney.nsw.gov.au/council/council-information/council-policies>

3. GENERAL INFORMATION

The following list of general information held by Council has been divided into four sections as outlined by the Government Information (Public Access) Regulation 2018:-

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Regulation 2018 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

a. Information about Council

- The model code of conduct prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Delivery and Operational Plan including resourcing strategy documentation such as Workforce Plan; Long-term Financial Plan; and Asset Management Plans
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

b. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

c. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspection Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

d. Approvals, Orders and Other Documents

- Applications for approvals under Part 1 of Chapter 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible by members of the public during office hours.

Persons interested in obtaining access to documents or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining documents or information you should contact Council's Public Officer.

ACCESS TO INFORMATION HELD BY THE COUNCIL

Blayney Shire Council is dedicated to good public decision making, transparency and accountability, and will provide access to information in accordance with the provisions of the GIPA Act.

Council has adopted a policy on access to information (Policy 2G: Access to Information), to facilitate public access to the information held by Council. This policy is publicly available from Council's policy register on Council's website using the following link:

<https://www.blayney.nsw.gov.au/council/council-information/council-policies>

In accordance with the GIPA Act, Council will make information available to the public in the following ways, unless there is an overriding public interest against disclosure of information:

OPEN ACCESS INFORMATION

Through the mandatory disclosure of open access information (see above, Information Held by Council) – where practicable, this information will be made available free of charge on Council's website. Where it is not practicable for Council to provide open access information on the website, the information will be made available free of charge in at least one other format.

To access information that is not currently available on Council's website, please contact Council's Right to Information Officer on (02) 6368 2104.

PROACTIVE RELEASE OF INFORMATION

Through the proactive release of as much information as possible – this information will be made available free of charge, or at the lowest reasonable cost.

INFORMAL ACCESS REQUESTS

In response to an informal request (without the need for a formal application, unless there are good reasons to require one) – this information will be made available free of charge, subject to any reasonable conditions that may be imposed by Council. Where information sought requires significant allocation of staff resource fees will be payable. Council may require a written record of an informal request to access information.

FORMAL ACCESS APPLICATIONS

In response to a formal access application (for information that Council does not provide proactively or informally) – application fees and processing charges apply as per the GIPA Act.

The GIPA Act sets out the procedure for making and dealing with formal access applications. An application for information that is not already available by other means must be made on the [Formal Access Application](#) form, which is available at the Council office or on Council's website using the following link: <https://www.blayney.nsw.gov.au/council/council-information/access-to-council-information>

A formal application is not a valid application unless it is accompanied by an application fee of \$30. The application fee counts as payment of the first hour of any processing charge that may be payable by the applicant. Processing charges for dealing with formal access applications are charged at a rate of \$30 per hour for each hour of processing time.

Enquiries regarding formal access applications should be made to Council's Right to Information Officer on (02) 6368 2104.

ADDITIONAL INFORMATION**COPYRIGHT**

Some information may be subject to copyright laws and the consent of the copyright owner will be required before releasing copies of such information. Alternatively, Council may grant 'view only' access to such material.

The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

Council's staff will advise if the information sought is subject to copyright.

INTERACTION WITH PRIVACY LEGISLATION

Access to certain information may be limited in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act). The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PPIP Act and the HRIP Act, Council has adopted a Privacy Management Plan (available on Council's website) which outlines Council's practice for dealing with privacy and

personal information in accordance with Information Protection Principles contained within the PPIP Act and the Health Protection Principles contained within the HRIP Act.

DISCLOSURE LOG

Council's [Disclosure Log](#) lists information released under a formal access application under the GIPA Act that is considered to be of interest to the wider public.

It should be noted that applicants can object to inclusion in Council's Disclosure Log.

PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER

The Director Corporate Services is the appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance.

Enquiries should be addressed as follows:

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Email: council@blayney.nsw.gov.au

INFORMATION AND PRIVACY COMMISSION NSW

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission by telephone on 1800 472 679 (free call), in person at Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000 in writing to GPO Box 7011 Sydney NSW 2001 or by email at ipcinfo@ipc.nsw.gov.au. Further information may also be obtained from website: www.ipc.nsw.gov.au

Adopted:	11/10/2010	Minute No. 1010/012
Date of Approval by IPC	09/12/2010	
Lasted Reviewed:	20/06/2011	1106/006
	10/12/2012	1212/003
	08/07/2013	1307/006
	14/07/2014	1407/006
	13/07/2015	1507/007
	18/07/2016	1607/012
	17/07/2017	1707/006
	16/07/2018	1807/007
	15/07/2019	1907/008
	20/07/2020	2007/012
	21/07/2021	2107/016
	15/08/2022	2208/011
	xx/xx/2023	
Next Review:	16/07/2024	

07) INFRASTRUCTURE SERVICES MONTHLY REPORT

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Maintain and Improve Public Infrastructure and Services

File No: GO.ME.1

Recommendation:

That Council note the Infrastructure Services Monthly Report for August 2023.

Reason for Report:

To update Councillors on matters associated with shire infrastructure, its maintenance, operation, upgrade and construction.

Report:

Topical Matters

Tender for Supply, Delivery and Placement of Sprayed Bituminous Surfacing
Submissions for the Tender for Supply, Delivery and Placement of Sprayed Bituminous Surfacing have been received. Due to multiple competitive submissions requiring extensive evaluation, this will be reported to the September 2023 Council meeting.

Cadia VR-14 Repairs to the Detour

Works have been underway in accordance with the Road deed for the repair of Tallwood and Errowanbang Roads that were utilised as a detour during the closure of Cadia Road. Roadside drainage works are now complete.

The contractor is looking to immobilise pipe extensions, headwall construction and pavement works in the first week of September 2023.

Major Contracts

Belubula Way Bridge (REPAIR, R4R9)

The bridge is vastly complete with the concrete deck constructed in the first week of August. Work has now commenced on the relieving slabs and road approaches. Completion is still forecast in the first week of September.

Four Mile Creek Road Bridge (FCB2A)

The contract for this project has been awarded. The contractor is currently preparing the project timelines and management plans for review.

Fencing in relation to the land acquisition is programmed.

Major Works**Hobbys Yards Road Repair (R4R8)**

All drainage and road works are complete. Linemarking works are expected to be undertaken at the end of August marking the completion of the project.

Garland Road Repair (RLRRP)

Scoping is being undertaken for the priority identified as a 370m heavy patching project north of Hilltop Lane. Preliminary/scoping works are still being finalised for creation of a heavy patching project to go to tender.

Neville Road Rehabilitation (FLR4)

Preliminary drainage works have been substantially completed, with one culvert extension still outstanding due to the unforeseen discovery in relation to the poor condition of the existing culvert, prohibiting utilisation of the existing in-situ pipes. Options for replacement and jacking are being explored.

Forest Reefs/Tallwood Road Intersection (R4R8)

The finalised detailed design has been delayed due to unforeseen complexities which has subsequently delayed tendering and commencement of this project. With preliminary tender documents compiled, it is expected that this project will now be starting in October 2023.

Barry Road Heavy Patching (R4R9)

Preliminary drainage works are currently being undertaken in preparation for heavy patching works. Survey works are expected to be completed by week ending 20th August 2023 with preparation of design files commencing after that.

Tallwood Road Heavy Patching (R4R9)

Scoping for drainage improvements and heavy patching is currently underway.

Unwin & Stabback Street (LRCl)

The detailed design is still in progress. A landowner agreement for temporary stockpiling of materials has been executed, and a hardstand area has been created on this land. Procurement of materials is now progressing further, with the majority of precast pipes for the project expected to arrive week ending 20th August 2023 now that a project stockpile area has been created.

Minor Road WorksMaintenance works

Pothole patching has been performed on segments of the following roads: Garland Road, Hobbys Yards Road, Errowanbang Road, Belubula Way, Vittoria Road, Moorilda Road.

The following areas have also undergone pothole patching: Blayney (township), Millthorpe (village streets), Neville (village streets), Lyndhurst (village streets).

Maintenance grading has been undertaken on Dowsetts Lane, Neville-Trunkey Road, McKellars Lane, and Old Lachlan Road. Gravel resheeting has been undertaken using reclaimed materials on poor sections of Mount Macquarie Road, Fell Timber Road, Old Lachlan Road, and Carcoar Road.

No additional roadside vegetation management has been undertaken this month.

In addition to the broad scheduled maintenance across the shire, maintenance of the Blayney open spaces has been underway, including some clearing of the Gross Pollutant Traps.

Redmond oval received some top dressing of the covering over the cricket pitch area, with mowing and Linemarking following.

FootpathsElliot Street/Park Street, Millthorpe (R4R8)

Works are now 85% completed, with blisters on Elliot Street and minor closeout items remaining.

Trunkey Street, Newbridge (R4R8)

Path concreting works are expected to commence late August.

Belubula River Walk – Stage 3 (BBRF5)

The Boardwalk is now complete. Landscaping will be completed by the end of August. Council is currently seeking quotations to consider installation of compliant pedestrian ramps down to the Island from the boardwalk.

Belubula River Walk – Stage 4 (SCCF4)

The work to construct the cul-de-sac at the end of Charles Streets will be complete by the end of July. Sealing will be completed the first week of August.

The Stillingfleet Street cul-de-sac works will commence later in the year with the warmer weather.

Open Spaces & Facilities

Smart Hub Lighting & Access Control

CWELC lighting, Dakers Oval amenities, and Redmond Oval lighting and access control sites are online with some final programming and software deliverables outstanding. The following is a status for each site:

Site	Controls	Status	Comments
Dakers Oval	Lighting	Online	New reader to be installed following vandalism.
Redmond Oval	Lighting	Online	No outstanding Items
CWELC	Lighting	Online	No outstanding Items
RWTP	Pumps, valve control, filling station.	Offline	Integration to Smart Hub System experiencing connectivity issues. Integration with data collection for automated billing and metering is outstanding.
KGO	Change room access canteen, lights	Offline	Reader installation and final commissioning outstanding
Blayney Netball Courts	Lighting	Not Connected	Due to market inflation the cost of the lighting install exceeded project budget. This resulted in a reduction in scope. Currently offline 3 hour timer is fitted, with controls having the ability to be integrated into SmartHub as a future project.

King George Oval Upgrades (R4R8, SCCF4, SCCF5)

Carpark construction works will commence in October 2023.

Footpath and handrail works have been completed (internal and external). The New Ambulance entrance has been completed. Gravel tie-in is outstanding at the southern change room.

A new pedestrian gate for installation near the canteen has been ordered and will be installed in conjunction with a path to the canteen. Bollards have been installed for pedestrian safety in front of the grandstands and change rooms.

Quotations have been sought for new signage at the grandstands and entrance. Designs have been forward to the KGO user groups for comment.

Painting of the grandstands been completed.

Carrington Park Toilet Refurbishments (R4R8)

Contractor has been engaged to undertake this work materials have been ordered and the start date of construction is expected early September.

Heritage Park New Toilets (R4R8)

The concept design has been presented to Councillors. Following some small amendments, it will be tabled at a Disability Inclusion Working Group Meeting for further comment.

Recycled Water Treatment Plant

Some issues are still outstanding integrating the final automated control with the SmartHub. In the interim the plant can be run manually if water is required from the standpipe.

With these controls only outstanding, future reporting of this project will now be under the “Smart Hub Lighting & Access Control” section of this report.

Assets

Assets staff are currently working on the report of the condition of infrastructure assets in Special Schedule 7. Additionally, the impact of revaluation is being prepared for ARIC.

A contractor has been engaged to perform Ground Penetrating Radar (GPR) of much of Council’s road network to better determine the thickness of the base layer for some of the older network where there are minimal records. This information will form the basis for part of the Transport Revaluation Cycle.

Risk/Policy/Legislation Considerations:

Information report only.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4 AUGUST 2023

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Maintain and Improve Public Infrastructure and Services

File No: TT.ME.1

Recommendation:

That Council;

1. Receive and note the minutes of the Blayney Traffic Committee Meeting, held on Friday 4 August 2023.
2. Endorse the Blayney section of the Bathurst Rally, to be staged on various roads in the LGA.
 - a) The event to be classified as a Class 2 event,
 - b) Approved subject to conditions in the Director Infrastructure Services' Traffic Committee Report,
 - c) The Gregshamstown Stage is not used and is removed from the event.
3. Endorse the 2023 Alpine Classic, to be staged on 14 and 15 October 2023 on various roads across the Blayney Shire, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
4. Install Traffic Monitoring Devices on Marshalls Lane and provide NSW Police with Traffic Monitoring Data Report.
5. Endorse the Dunbar Debutants Filming Event in Carcoar.
 - a) The event be classified as a Class 3 event,
 - b) Approved subject to conditions to the satisfaction of the Director Infrastructure Services' Traffic Committee Report,
 - c) That the finalised application and plans be presented to the October Traffic Committee Meeting.
6. Install G9-18 "No Through Road" signage at Charles Street and Stillingfleet Street, Blayney.
7. Install R5-400 "No Stopping" signage either side of the access of 50 Lower Farm Street, Blayney.

Reason for Report:

For Council to endorse the minutes of the Blayney Shire Council Traffic Committee meeting held 4 August 2023.

Report:

The Blayney Shire Council Traffic Committee held its meeting on 4 August 2023.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE,
ON 4 AUGUST 2023, COMMENCING AT 10:00AM**

PRESENT

Members: Cr John Newstead (Blayney Shire Council-Chair), Reg Rendall (Paul Toole Representative), Jackie Barry (TfNSW), Jason Marks (NSW Police).

Present: Jacob Hogan (Director Infrastructure Services)

APOLOGIES

Nikki Smith (Administration Officer)

DECLARATION OF INTEREST

Nil

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE
COUNCIL TRAFFIC COMMITTEE MEETING HELD 9 JUNE
2023**

Recommendation:

That the Minutes of the Blayney Shire Council Traffic Committee Meeting held on 9 June 2023, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall / Jason Marks)

MATTERS ARISING FROM THE MINUTES

Nil

DECLARATION OF INTEREST

Nil

CORRESPONDENCE

Nil

REPORTS

20230804:01 **STREET EVENT - 2023 BATHURST RALLY**

Recommendation:

That Council endorse the Blayney section of the Bathurst Rally, to be staged on various roads in the LGA. The event to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.

(Jackie Barry / Jason Marks)

20230804:02 STREET EVENT - 2023 ALPINE CLASSIC**Recommendation:**

That Council endorse the 2023 Alpine Classic, to be staged on 14 & 15 October 2023 on various roads across the Blayney Shire, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report.

(Reg Rendall / Jackie Barry)

TRAFFIC REGISTER**TRAFFIC REGISTER**

Noted.

GENERAL BUSINESS**SIGNAGE - TOURIST SIGNAGE RUSTIC NATURE, NEVILLE**

Noted and discussed by Traffic Committee.

20230804:03 SIGHT DISTANCE – INTERSECTION GLENGATE & VITTORIA ROAD, MILLTHORPE**SIGHT DISTANCE – INTERSECTION GLENORIE & MILLTHORPE ROAD, MILLTHORPE****ACTION:**

1. That review of sight distance for the Glengate Road and Vittoria Road intersection be undertaken.
2. That review of sign distance for the Glenorie Road and Millthorpe Road intersection be undertaken.

(Cr John Newstead / Jackie Barry)

20230804:04 TRAFFIC COMPLAINT - MARSHALLS LANE, BLAYNEY**Recommendation:**

That Council:

1. Install Traffic Monitoring Devices on Marshalls Lane.
2. Provide NSW Police with Traffic Monitoring Data Report.

(Jason Marks / Cr John Newstead)

GENERAL BUSINESS WITHOUT NOTICE**20230804:05 STREET EVENT – CARCOAR FILMING (DUNBAR DEBUTANTS)****Recommendation:**

1. That Council endorse the Dunbar Debutants Filming Event in Carcoar. The event be classified as a Class 3 event, and approved subject to conditions to the satisfaction of the Director Infrastructure Services.
2. That the finalised application and plans be presented to the October Traffic Committee Meeting.

(Jackie Barry / Reg Rendall)

20230804:06 **SIGNAGE – BELUBULA RIVER WALK STAGE 4**

Recommendation:

That Council:

1. Install G9-18 “No Through Road” signage at Charles Street and Stillingfleet Street, Blayney.
2. Install R5-400 “No Stopping” signage either side of the access of 50 Lower Farm Street, Blayney.

(Cr John Newstead / Jason Marks)

INFORMAL MATTERS

Nil

FUTURE MEETING DATES - 2023

6 October 2023

8 December 2023

There being no further business, the meeting concluded at 11:05am.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) DA87/2020/2 - PLAN OF MANAGEMENT - 27 VICTORIA STREET, MILLTHORPE

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. Protect Our Natural Environment

File No:

Recommendation:

That Council endorse the Plan of Management in relation to noise control and complaint management for 27 Victoria Street Millthorpe.

Reason for Report:

This report is to inform Councillors, Council has received the proposed Plan of Management for control of noise and complaint management relating to the use of the first floor verandah at 27 Victoria Street Millthorpe and seek endorsement of the plan.

Report:

At its Ordinary meeting of 18 July 2023 Council approved the modification of development consent DA87/2020/2 to use the first-floor balcony of the abovementioned property, subject to conditions requiring no excessive noise or disturbance and the provision a Plan of Management to be approved by Council. A draft Plan of Management has been received and revised with the applicant following review.

The proposed Plan addresses noise management and provides complaint handling protocols. It provides for copies of the Plan of Management to be made available to any resident upon request. Should an adjustment of the Plan be required in the future, the Plan proposes that this could occur without further consideration of the elected Council.

In summary, the draft Plan of Management satisfies concerns in relation to management of noise and provides a mechanism for complaints to be managed. It is now considered reasonable for Council to endorse the Plan.

Risk/Policy/Legislation Considerations:

The Modification Application that gave rise to the relevant conditions of consent was assessed and processed in accordance with the provisions of the Environmental Planning and Assessment Act. Conditions of development consent are imposed pursuant to Section 4.17 of the Act.

Budget Implications:

Nil

Enclosures (following report)

1 Plan of Management

3 Pages

Attachments (separate document)

Nil

Plan of Management:**Grand Western Lodge Verandah
2023****16 August****Introduction**

- Blayney Shire Council (BSC) has imposed specific noise conditions on the Grand Western Lodge (GWL) at 27 Victoria Street, Millthorpe. These requirements are in response to Development Application 87/2020/2 and include the following conditions.
 - Condition 25: No excessive noise or disturbance after 8:30 pm on the first-floor verandah.
 - Condition 27: Requires submission of a Management Plan covering noise management and complaint handling protocols before using the verandah past 8.30 pm.
- This Plan of Management (PoM) meets Condition 27, set by the BSC. The PoM generally addresses noise management and complaint handling protocols for verandah noise and specifically after 8.30 pm.

Objective

- This PoM aims to enable the usage of the GWL verandah while minimising the noise impact on neighbouring residential properties, creating a peaceful environment for residents, and ensuring compliance with relevant conditions of consent.
- The PoM includes noise management and complaint-handling protocols to comply with Condition 25. The property in question is 27 Victoria Street, Millthorpe, NSW, 2798, known as the “Grand Western Lodge” (GWL). The property owner is Ian Gillings, reachable at Mobile - 0411190271, Email - ian@grandwesternlodge.com.au. The GWL Manager is [insert name] whose contact details are Mobile - xx xxx TBA, Email - admin@grandwesternlodge.com.au and ian@grandwesternlodge.com.au.

Verandah Usage

- The verandah is permitted to be used for activities associated with the approved use of the GWL, namely Motel or Hotel Accommodation under the Blayney LEP
- Excessive noise refers to sound from the first-floor verandah that disrupts individuals in nearby residential premises, hindering their usual enjoyment of their property.

To address this, the following measures will be taken:

- Guests will be informed about nearby residential premises and requested to avoid making excessive noise.
- Use of the verandah will not occur beyond 10pm Monday to Thursday unless followed by a Public Holiday.
- The GWL Owner and Management will control noise levels after 8:30 pm and minimise them after 10 pm.
- If excessive noise is identified, management will ask the guests to reduce noise or move indoors.
- Residents’ terms of use will include a right to terminate their occupation of the GWL, which will be invoked in the event that a particular guest breaches the noise management protocols on more than one occasion.

Noise Management Protocols

- A prominently displayed signage board on the verandah and in each guest room will outline the rules and guidelines, including restricting excessive noise after 8:30 pm.
- All staff and patrons will be informed and expected to comply with the verandah usage guidelines.

Staff Training

- All staff will receive comprehensive training on noise management practices and their responsibilities in maintaining a peaceful environment.

Plan of Management:**Grand Western Lodge Verandah
2023****16 August**

- Training will cover techniques to minimise noise, appropriate behaviour, and conflict resolution strategies related to noise issues.

Noise Control Measures

- The GWL will implement suitable noise control measures, such as non-structural acoustic barriers or insulation, to reduce noise transmission from the verandah to adjoining residential properties.
- Regular maintenance of doors, windows, and other structures will be conducted to minimise noise leakage.

Complaint Management Procedure

The primary complaint contacts are the GWL Owner and GWL Manager. Complaints should be reported via telephone, providing a detailed issue description and a return phone number. GWL and GWL Manager will aim to resolve the issue directly with the complainant.

For a first complaint, management will:

- Investigate the complaint.
- Ask patrons to lower the noise if the complaint is reasonable.
- Inform the complainant and the Council of the actions taken on the next working day.

For a second complaint, management will:

- Ask patrons again to decrease noise.
- Decide if noise can be minimised by removing certain patrons.
- Remove or relocate patrons, if necessary, particularly after 10 pm.
- Inform the complainant and the Council of the actions taken on the next working day.

For a third complaint, management will:

- For complaints after 10 pm, patrons will be moved indoors, and verandah use will cease.
- If there is difficulty in moving patrons, Police may be called.
- Terminate the occupation of a guest if they are responsible for more than one breach of noise management protocols and have failed to comply with requests by GWL Management or staff to reduce their noise and/or relocate indoors.
- Inform the complainant and the Council of the actions taken on the next working day.
- The Owner will maintain a Register of Noise Complaints and make it available to Council officers.

Complaint Handling Protocols

The following complaint-handling protocols will be established:

- **Complaint Reporting Mechanism**

The Owner and House Manager will each be authorised and responsible for receiving and addressing noise-related complaints. They will be readily available to nearby residents to report noise disturbances.

- **Complaint Investigation and Response**

Management will promptly investigate all noise-related complaints received. Investigation outcomes will be documented, and appropriate action will be taken to address valid complaints.

Plan of Management:**Grand Western Lodge Verandah
2023****16 August****Complaint Details****Complainants will be encouraged to provide:**

- Name, address and contact details
- Details of excessive and disturbing noise and their belief as to its origin.
- A description of how their residential enjoyment is affected.

- **Access to Plan of Management**

GWL Owner or Manager shall make copies of the Plan of Management available free of charge to any resident upon request and authorise Council to provide copies to residents.

- **Compliance Monitoring**

To ensure ongoing compliance with the PoM, the following monitoring measures will be implemented:

- **Regular Audits**

Management will conduct regular audits to assess compliance with noise management protocols and verandah usage guidelines. These audits may include on-site inspections, staff interviews, and noise level measurements.

- **Guest Feedback**

Feedback from guests regarding noise disturbances will be actively sought and monitored. Any concerns or complaints raised will be addressed, and appropriate actions taken to rectify the issues.

- **Review and Evaluation**

The PoM will be periodically reviewed and evaluated to assess its effectiveness and identify necessary improvements.

- **Plan Adjustment**

Based on the performance evaluation, the PoM will be adjusted to address identified shortcomings or adapt to changing circumstances. Amendments to the PoM will be submitted to Council's Director of Planning and Environmental Services for approval.

Conclusion

This PoM outlines noise management and complaint handling protocols to comply with Condition 25 and 27 of development consent seeking to address noise management generally from the first floor verandah and more specifically for noise and complaint handling after 8.30 pm.

The GWL aims to provide a peaceful environment for adjoining residents while allowing patrons to enjoy the verandah's amenities.

The GWL's Owner and management are committed to upholding consent requirements and working cooperatively with Blayney Shire Council and nearby residents to address noise-related concerns.