



24 August 2023

Dear Councillor,

Your attendance is requested at an Extraordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Tuesday, 29 August 2023 at 5.00pm 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 15.08.23
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Corporate Services
 - (b) Planning and Environmental Services
- (11) Closed Meeting

Mark Dicker
General Manager

Meeting Calendar 2023

August

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
12.30pm	24 August 2023	Central NSW Joint Organisation Board Meeting	Sydney
5.00pm	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

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON TUESDAY 29 AUGUST 2023

CONFIRMATION OF MINUTES	5
01) Minutes of the Previous Council Meeting held 15 August 2023.....	5
CORPORATE SERVICES	9
02) Draft Statement of Financial Reports By Council 2022/23.....	9
03) Minutes of the Financial Assistance Committee Meeting held 8 August 2023	22
PLANNING AND ENVIRONMENTAL SERVICES	27
04) DA2022/48 - Demolition of Existing Buildings, Construction of a Commercial Premises, Dual Occupancy and associated Site Works and Car Parking - 10 Pym Street Millthorpe	27
CONFIDENTIAL MEETING REPORTS	57
05) Tender 7-2023: Supply, Delivery, And Placement Of Sprayed Bituminous Surfacing	57

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 15 AUGUST 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 15 August 2023, being minute numbers 2308/001 to 2308/009 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 15 AUGUST 2023, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), D Somerville (Deputy Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones and B Reynolds

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

RECORDING OF MEETING STATEMENT

DISCLOSURES OF INTEREST

Nil

PUBLIC FORUM

Stefan Birmili – Item 8 – Minutes of the Traffic Committee Meeting held 4 August 2023

Andrew Orme-Smith - Item 8 – Minutes of the Traffic Committee Meeting held 4 August 2023

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 18 JULY 2023**

2308/001

RESOLVED:

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

(Gosewisch/Reynolds)

CARRIED**MATTERS ARISING FROM THE MINUTES**

Cr Newstead apologised for use of an inappropriate word during at the last meeting.

EXECUTIVE SERVICES REPORTS**QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING**

2308/002

RESOLVED:

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

(Pryse Jones/Reynolds)

CARRIED**LGNSW ANNUAL CONFERENCE 2023**

2308/003

RESOLVED:

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, other Councillors (to be determined) and the General Manager as Blayney Shire Council Delegates to attend the LGNSW Conference in 2023.

(Ferguson/Newstead)

CARRIED**CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2023**

2308/004

RESOLVED:

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.

(Gosewisch/Pryse Jones)

CARRIED

**RECOGNITION OF RURAL FIRE SERVICES ASSETS
GUIDELINE****2308/005****RESOLVED:**

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

(Somervaille/Reynolds)

CARRIED

REVIEW OF AGENCY INFORMATION GUIDE**2308/006****RESOLVED:**

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

(Ewin/Newstead)

CARRIED

INFRASTRUCTURE SERVICES REPORTS**INFRASTRUCTURE SERVICES MONTHLY REPORT****2308/007****RESOLVED:**

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

(Reynolds/Somervaille)

CARRIED

**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 4
AUGUST 2023****2308/008****RESOLVED:**

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.

(Pryse Jones/Ewin)

CARRIED**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****DA87/2020/2 - PLAN OF MANAGEMENT - 27 VICTORIA STREET, MILLTHORPE****2308/009****RESOLVED:**

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

(Gosewisch/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

There being no further business, the meeting concluded at 6.46pm.

The Minute Numbers 2308/001 to 2308/009 were confirmed on 29 August 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 15 August 2023.

Cr S Ferguson
MAYOR

Mr M Dicker
GENERAL MANAGER

**02) DRAFT STATEMENT OF FINANCIAL REPORTS BY COUNCIL
2022/23****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. Make the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2005) for the General Purpose Financial Statements for the year ending 30 June 2023.
2. Receive the certification of the Responsible Accounting Officer.
3. Make the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2023.
4. Endorse signature of the statements by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. Refer the General Purpose Financial Statements and Special Purpose Financial Statements to audit and invite Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005).
6. Approve the creation of a security, bonds and retentions internal allocation.
7. Approve the net transfers to Council's external cash restrictions of \$7.23m.
8. Approve the net transfers to Council's internal cash allocations of \$1.6m, for the purposes as detailed in Schedule 1.
9. Approve supplementary votes of expenditure to the 2023/24 budget for carryover works from 2022/23 to 2023/24, totalling \$2.83m funded from internal cash allocations of \$148k and external cash restrictions of \$2.68m as per the attached schedule.
10. Approve supplementary votes of expenditure for 2023/24 totalling \$1.81m for carryover works from 2022/23 to 2023/24 funded from future grants and contributions not yet received.

Reason for Report:

To approve the referral to audit of Council's Draft General Purpose Financial Statements (GPFS) and Draft Special Purpose Financial Statements (SPFS), and to seek Council approval by resolution for both the GPFS and SPFS.

To seek endorsement of Council for Restricted Cash transfers in 2022/23 and expenditure votes for carryover works from 2022/23 to 2023/24.

Report:

Council is required to prepare Financial Reports per s.413(3) of the Local Government Act (1993) and to refer those reports for audit within 4 months after the end of the financial year (s416 (1)).

Council is also required to present a statement on its opinion on the reports under Local Government s413 (2)(c). Copies of the draft 2022/23 Financial Statements required are enclosed.

Whilst the Financial Statements are in the final phases of preparation, it is a requirement that these statements be signed prior to completion for the audit to occur. The timing for audit is proposed for 29 - 31 August 2023.

Once the auditor has completed the audit and has submitted their report, Council must fix a date for a meeting at which the auditor's report will be presented and give public notice of the date. This date must be at least 7 days after the date on which notice is given, but not more than 5 weeks after the auditor's reports are given to Council.

The statutory deadline for finalisation, audit certification and lodgement of financial reporting to the Office of Local Government (OLG) is 31 October 2023.

The NSW Audit Office appointed auditor, Intentus, is proposed to present their report to the Meeting of Council on 21 November 2023 (subject to confirmation).

The draft 2022/23 Financial Statements will be presented to the Audit, Risk and Improvement Committee (ARIC) meeting held on 31 August 2023 and were circulated with the agenda prior to the meeting to be recommended for referral to audit. The minutes of ARIC will be tabled at the September Council meeting.

Council has been presented with a draft net operating result of \$12.6m surplus, with a net operating result before the inclusion of grants and contributions for capital purposes of \$1.24m as detailed in Table 1 below.

Table 2 – Note G4-1 Statement of performance measures**G4-1 Statement of performance measures – consolidated results**

\$ '000	Amounts 2023	Indicator 2023	Indicators 2022	Indicators 2021	Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	1,067	4.87%	(0.88)%	(3.74)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	21,921				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	15,464	46.46%	47.90%	57.54%	> 60.00%
Total continuing operating revenue ¹	33,285				
3. Unrestricted current ratio					
Current assets less all external restrictions	14,687	5.83x	4.67x	3.86x	> 1.50x
Current liabilities less specific purpose liabilities	2,518				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	8,845	9.62x	8.44x	7.26x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	919				
5. Rates and annual charges outstanding percentage					
Rates and annual charges outstanding	154	1.24%	1.58%	1.48%	< 10.00%
Rates and annual charges collectable	12,420				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	29,271	22.65	15.97	17.23	> 3.00
Monthly payments from cash flow of operating and financing activities	1,293	months	months	months	months

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

Capital Expenditure

Council completed over \$14.78m worth of capital works in 2022/23 as detailed in Note C1-7 Infrastructure, property, plant and equipment. Of that \$13.4m was on renewal of existing infrastructure. Significant capital works include:

- Completed works of \$7.24m on Council's road network.
 - \$1.34m on Forest Reefs Road
 - \$1.30m on storm damage and natural disaster works
 - \$321k on initial sealing works in Barry & Lyndhurst
 - \$721k on Hobbys Yard Road
 - \$681k on pavement repairs in South Blayney
 - \$1.94m on gravel resheeting, resealing and heavy patching program throughout the Shire.
- Completed works of \$2.88m on Council's bridge network.
 - \$519k on Lucan Road Bridge
 - \$530k on Leabeater Street Bridge
 - \$433k on Boondaroo Bridge damaged in 2020

- \$608k across the bridge network following storm damage in November 2022
- \$440k for commencement of works on the Belubula Way Bridge
- Footpath construction works totalled \$1.75m
 - \$570k for construction of Stage 3 of the Belubula River Walk
 - \$229k for commencement Stage 4 of the Belubula River Walk
 - \$436k for commencement of parking and pedestrian integration at King George Oval
 - \$368k on construction of new footpaths in Millthorpe on Glenorie Road and Elliot Street.
- Plant replacements of \$908k including the replacement of a backhoe and 3 mowers.
- Building works of \$908k including finalisation of the roof replacement at CentrePoint, amenities upgrade at KGO and continuation of the Blayney RFS station
- \$673k on other recreational assets including lighting upgrades at KGO, Lyndhurst Recreation Ground and Blayney Netball Courts, a floating pontoon at Carcoar Dam, new cricket nets at Redmond Oval and projects funded under the Village Enhancement Program.
- \$268k on works at the Sewerage Treatment Plant including finalisation of works at the recycled water treatment plant and relining of the sewer mains.

Council's report on Infrastructure Related Assets (previously Special Schedule 7) is referenced in the Special Schedules on page 5 of 7 of the enclosed draft 2022/23 financial statements. The infrastructure asset performance indicators are shown below in Table 3. Whilst the indicators are trending favourably, the Infrastructure Backlog Ratio of 5.49% remains of concern being below the OLG Benchmark of 2% above. This ratio indicates that \$19.35m is required to be invested on asset renewals to bring these assets to a satisfactory standard (condition 1).

Table 3 – Report on infrastructure assets as at 30 June 2023**Blayney Shire Council**

Infrastructure asset performance indicators (consolidated)
as at 30 June 2023

Infrastructure asset performance indicators (consolidated) *

\$ '000	Amounts 2023	Indicator 2023	Indicators		Benchmark
			2022	2021	
Buildings and infrastructure renewals ratio					
Asset renewals ¹	11,898	205.14%	212.83%	113.41%	>= 100.00%
Depreciation, amortisation and impairment	5,800				
Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	19,347	5.49%	3.28%	4.02%	< 2.00%
Net carrying amount of infrastructure assets	352,400				
Asset maintenance ratio					
Actual asset maintenance	4,321	104.88%	116.96%	113.82%	> 100.00%
Required asset maintenance	4,120				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	5,191	1.19%	0.75%	0.84%	
Gross replacement cost	435,841				

(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Restricted and Allocated Cash

A number of adjustments have been made to Council's Restricted Cash since the schedule adopted with the third Quarterly Budget Review. A number of amendments to cash restrictions have been based on actual results for the financial year.

Table 4 (Note C1-3 of the draft 2022/23 Financial Statements) details a summary of external cash restrictions and internal allocation balances as at 30 June 2023.

Council's cash position is significantly higher than this time last year, Council again is holding a significant amount of externally restricted contract liabilities (unexpended grants) following payment of initial milestones for grant funded projects scheduled for completion in 2023/24 and 2024/25. This is also compounded by a significant increase in contract assets (grant debtors) for grant funded projects where expenditure has been incurred but either the payment milestone was not achieved or physical payment was not received prior to 30 June 2023. Receipt of these contract assets (grant debtors) before balance date would have seen Council report a positive unrestricted cash balance.

As a result, Council did not hold sufficient funds to account for all internal allocations and funds were required to be borrowed the internal allocation for Financial Assistance Grant. These funds will be returned to the respective allocation upon receipt of payment of the contract assets.

Following recommendation from the Financial Sustainability Review in 2022, the following changes to Internal and External allocations are proposed:

Recommendation of changes to internal cash allocations

Creation of new Internal Cash Restrictions:

- ***Security bonds, deposits and retentions*** **\$558k**

The movements in cash restrictions are subject to change as a result of any audit adjustments and will require endorsement of Council in the event that there are audit amendments. A summary of restricted and allocated cash is detailed in Table 4.

Table 4 – Note C1-3 Restricted and allocated cash, cash equivalents and investments

C1-3 Restricted and allocated cash, cash equivalents and investments

\$ '000	2023	2022
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	29,271	20,298
Cash, cash equivalents and investments not subject to external restrictions	8,942	7,201
External restrictions		
External restrictions – included in liabilities		
External restrictions included in cash, cash equivalents and investments above comprise:		
Specific purpose unexpended grants – general fund	9,136	3,198
External restrictions – included in liabilities	9,136	3,198
External restrictions – other		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	1,532	1,033
Developer contributions – sewer fund	1,628	1,196
Sewer fund	6,439	5,802
Voluntary planning agreements	524	284
Special variation rates - mining	403	753
Domestic waste management	667	831
External restrictions – other	11,193	9,899
Total external restrictions	20,329	13,097

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

\$ '000	2023	2022
(b) Internal allocations		
Cash, cash equivalents and investments not subject to external restrictions	8,942	7,201
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	1,731	1,137
Employees leave entitlement	1,068	1,086
Centrepoint	61	–
Election reserve	71	51
Environmental projects – Belubula River	27	27
Financial assistance grant	1,869	1,364
I.T reserve	359	324
Property account	1,525	1,462
Property account - borrowings	880	1,026
Quarry remediation	219	219
Village enhancement program	153	106
Security bonds, deposits & retentions	558	–
Carryover works	230	318
Total internal allocations	8,751	7,120

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

Council's unrestricted cash and balance of internal allocations is lower than anticipated, impacted by a substantial increase in contract assets as disclosed in Note C1-6. Council has had to borrow funds from the following Internal Allocations until the relevant payment milestones for grant funded projects is received in 2023/24:

- Financial assistance grant

Included in the Financial Statements are the Statement by Councillors and Management per s413(2) for signature by the Mayor and Deputy Mayor, General Manager and Responsible Accounting Officer for referral of 2022/23 Draft Primary Financial Reports to Council's Auditor. These can be found at note titled General Purpose Financial Statements (page of 90) and note titled Special Purpose Financial Statements (page 3 of 10).

Also enclosed for endorsement by Council is a schedule of supplementary budget votes for carryover works from 2022/23 to 2023/24. This is required to ensure expenditure incurred for works in progress or proposed works is authorised by Council. Approval in the amount of \$2.82m is sought. These works are funded by external cash restrictions of \$2.68m and internal cash allocations of \$148k.

In addition to carryover works, approval of supplementary budget votes is sought for projects approved in the prior period and tied to grant funding approved yet not received in 2022/23. This approval is required to enable continuation of project works. Approval in the amount of \$1.81m is sought funded from future grants and contributions.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, certify that to the best of my knowledge that:

- The draft General Purpose Financial Statements attached have been prepared in accordance with the requirements of the:
 - the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
 - the Australian Accounting Standards and professional pronouncements, and
 - Local Government Code of Accounting Practice and Financial Reporting.
- The draft Special Purpose Financial Statements attached have been prepared in accordance with the requirements of the:
 - NSW Office of Water Best-Practice Management of Water and Sewer Guidelines, and
 - Local Government Code of Accounting Practice and Financial Reporting.
- To the best of my knowledge and belief, these financial statements:
 - present fairly the Council's operating result and financial position for the year,
 - present fairly the operating result and financial position for each of Council's declared business activities for the year, and
 - accord with Council's accounting and other records.

Risk/Policy/Legislation Considerations:

Should Council's draft 2022/23 Financial Reports vary significantly to those now presented a further report will come back to Council for endorsement. Council's Operating performance ratio is a key performance indicator which measures Council's ability to contain operating expenditure within its operating income.

In addition, TCorp assesses annually Council's performance indicators in its assessment of Council's financial sustainability. This could impact on Council's ability to access low cost borrowings from TCorp in the future.

In 2022/23 Council staff undertook a revaluation of the buildings and operational land. Whilst the revaluation calculations are still under final review from Council's auditor the results have been effected and are included in the financial reports.

As a result of non-recognition of the rural fire-fighting equipment (Red Fleet), Council received a qualified audit opinion for the 2021/22 Financial Statements. The qualified opinion was 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 (RFS) 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 Council's across NSW (40% of RFS Council's) who received a qualified audit opinion in 2021/22.

At the 15 August 2023 Council meeting, Council resolved to rescind Policy 5G Recognition of Rural Fire Services which detailed Council's past treatment of Rural Fire Services Assets. Following a change in policy the fair value of Red Fleet assets and associated depreciation expense has been included in the 2022/23 Financial Statements.

Budget Implications:

The Income Statement reports Council's original budget against actuals. As at 30 June 2023 the Income from Continuing Operations was \$33.68m compared to \$24.82m budgeted. Capital Grants and Contributions were up by \$5.51m, as a result of additional funding received during the year and initial recognition (capital contribution) of the RFS Red Fleet assets. Operational Grants and contributions were also up \$2.20m largely as a result of advance payment of 100% of the 2022/23 Financial Assistance Grant compared to 50% budgeted. Share of interest in joint ventures (Central Tablelands Water and Upper Macquarie County Council) was \$397k compared to \$25k forecast.

Financial assistance Grants are untied operating income and are therefore recognised upon receipt. Without the advance payment of Financial Assistance Grants and increased share of Joint Ventures Council would have incurred an operating deficit of (\$506k) which compares favourably to Council's original budgeted operating deficit of (\$840k).

Expenses from continuing operations were \$21.08m compared to \$19.81m budgeted. Depreciation increased by \$731k following the indexation of infrastructure assets in 2021/22 and was subject to an approved budget variation in the September QBRS. Depreciation on the Red Fleet accounted for an additional \$213k however \$208k was forecast by adoption of the 2022/23 Operational Plan prior to Council resolution not to recognise the Red Fleet in 2021/22.

A net loss on disposal of assets was also reflected by the deferral of bridge replacements in 2021/22 which were subsequently carried over to 2022/23. Additionally, a loss on the disposal of the Blayney RFS station was recorded as the sale proceeds of \$200k were credited to the RFS Rural Fire Fighting Fund and not Council, contrary to the intention when the Memorandum of Understanding between RFS, Council and Fire and Rescue was executed. The total loss on sale related to this asset equates to \$163k and directly impacts Council's net operating result and associated performance ratios.

On a positive note, Council will receive an increase in capital grants and contributions in 2023/24, an additional \$200k (or up to the value of the construction), from the RFS to fund the replacement station scheduled for completion in 2023/24. This will however increase Council's Net operating result before grants and contributions and not factor into associated performance ratios.

Enclosures (following report)

- | | | |
|---|-----------------------------------------------------|--------|
| 1 | Schedule of Carryover Works from 2022/23 to 2023/24 | 1 Page |
|---|-----------------------------------------------------|--------|

Attachments (separate document)

- | | | |
|---|-----------------------------------------|-----------|
| 2 | Draft Financial Statements 30 June 2023 | 106 Pages |
|---|-----------------------------------------|-----------|

03) MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE MEETING HELD 8 AUGUST 2023

Department: Corporate Services

Author: Director Corporate Services

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

File No: CR.SD.2

Recommendation:

That Council;

1. Receive the minutes of the meeting held 8 August 2023.
2. Approve the recommendations for 2023/24 - Round 1 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$9,150 be approved.
3. Undertake a further round of financial assistance under the 2023/24 Community Financial Assistance Program to be called for in October with additional targeted communication for all community groups.

Reason for Report:

For Council to endorse the minutes of the Financial Assistance committee meeting held 8 August 2023 and associated allocations of funding under the Community Financial Assistance Program.

Report:

The Financial Assistance Committee at its meeting held 8 August 2023 considered applications for the first round of the Community Financial Assistance Program funding applications for 2023/24.

An amount of \$25,000 was available for Flagship project funding and \$10,435 in unexpended funds available. An amount of \$27,500 (\$55,000 for full year), approved in the 2023/24 Operational Plan, was available distribution in Round 1 and \$83,834 in unexpended funds from prior periods was also available.

Council received no applications for Flagship project funding and 5 applications for Round 1 of 2023/24 Program, seeking \$19,535 in financial assistance. The Financial Assistance Committee has recommended \$9,150 be allocated to projects. Recommendations are pursuant to the criteria stipulated in the Community Financial Assistance Program guidelines.

**MINUTES OF THE MEETING OF BLAYNEY SHIRE COUNCIL FINANCIAL
ASSISTANCE PROGRAM COMMITTEE
HELD 8 AUGUST 2023
AT BLAYNEY SHIRE COMMUNITY CENTRE**

The meeting commenced at 5:10pm.

1. PRESENT

Councillor David Somerville (Chair); Councillor Bruce Reynolds; Gavin Paul (Iberdrola); David Coe (Newcrest) Miles Hedge; David Kennedy; Tamara Miller; Elizabeth Russ; David Kingham (via phone); Tiffany Irlam (Acting Director Corporate Services).

2. APOLOGIES

Nick Vavladellis (Iberdrola); Graeme Summerson

B.Reynolds / M.Hedge

3. DECLARATIONS OF INTEREST

No declarations of interest disclosed.

4. MINUTES FROM PREVIOUS MEETING – 7 MARCH 2023

RECOMMENDATION:

That the minutes of the previous meeting held on 7 March 2023 be noted.

M. Hedge / T.Miller

5. BUSINESS ARISING

Update from Miles Hedge on the Flagship application by Blayney Rotary referred from Round 1 of 2022/23.

The proposed climbing wall project was estimated to incur annual maintenance costs for Council of \$50,000 per annum. An alternate proposal was sought to construct a boulder wall in the Scout Hall incurring significantly lower maintenance and running costs estimated at \$1,000 per annum.

Total cost is estimated to be \$150,000 funded by:

Grant funding	\$80,000
---------------	----------

Newcrest	\$40,000
----------	----------

Financial Assistance Program	\$25,000
------------------------------	----------

Application to come back to the next meeting for approval.

6. REQUESTS APPROVED BY GENERAL MANAGER UNDER DELEGATION

There have been no requests for financial assistance approved by the General Manager under delegation.

7. CONSIDERATION OF ROUND 1:2023/24 COMMUNITY FINANCIAL ASSISTANCE PROGRAM APPLICATIONS

SUMMARY OF AVAILABLE FUNDS:	
Annual budget 2023/24	\$ 145,000
Less: Flagship funding	\$ 25,000
LESS 2023/24 Operational Plan Approved Donations (Rates, insurance and events)	\$ 65,000
Total Available for Distribution 2023/24	\$ 55,000
Funds approved - Round 1	\$ 9,150
Less Funds approved under GM Delegation – Round 1	\$ 0
Funds Available for Distribution in Round 2:	\$ 45,850
NOTE: Unspent from prior years is an amount of \$83,834.	

SUMMARY OF FLAGSHIP FUNDING AVAILABLE:	
Annual budget 2023/24	\$ 25,000
Less: Flagship funding approved - Round 1	\$ 0
Total Available for Distribution in Round 2:	\$ 25,000
NOTE: Unspent from prior years is an amount of \$10,435.	

Recommendation:

That an amount of \$9,150 for 2023/24 Round 1 Community Financial Assistance Program be recommended for approval by Council as per the attached schedule.

B.Reynolds / E.Russ

8. General Business

Discussion was had regarding how the number of applications seem to have fallen away. It was proposed to have a third round of applications with additional targeted communication for all community groups. Additional round was proposed for October.

Recommendation:

That a further round of financial assistance under the 2023/24 Community Financial Assistance Program be called for in October with additional targeted communication for all community groups.

9. NEXT MEETING

Proposed for Tuesday 5 March 2024 (To be confirmed. Also subject to confirmation of an additional round proposed for late 2023).

There being no further business the meeting closed at 5:43pm.

FINANCIAL ASSISTANCE APPLICATIONS: ROUND 1 - 2023/24

No	Applicant	Project	Grant sought	Grant recommended	Comments and feedback
1	National All Breeds Junior Heifer Show	Hire of Blayney Showground	3,000	3,000	One off funding recommended. Successful event run previously. Approval based on community economic benefit.
2	Blayney High School Boys Open Volleyball	National representation at the Australian Volleyball Schools Cup*	3,150	3,150	Competitive process for qualification demonstrated through regional and state representation. Outstanding achievement with 7 students selected for representation at national level.
3	Blayney Shire Community Mens Shed Inc.	Purchase new security system for Mens Shed	3,000	3,000	Contribution by applicant, worthwhile project.
4	Millthorpe Bowling Club	Waiver of Council fees - Rates & Annual Charges*	7,147	-	Before further consideration, and as previously requested, the committee requests a Management Plan.
5	Millthorpe Little Learning Centre	Waiver of Council fees and event entertainment*	3,238	-	For profit business typically not eligible along with ongoing operating expenses.

\$19,535 \$9,150

*GM referred to committee for consideration

Risk/Policy/Legislation Considerations:

The recommendations for funding are as recommended by the Financial Assistance Committee and are assessed against the Community Financial Assistance Program guidelines.

Budget Implications:

Council has an amount of \$145,000, encompassing \$25,000 Flagship project funding, allocated in the 2023/24 Operational Plan for this purpose. This also includes an amount of \$65,000 approved in advance for assistance to groups,

schools and organisations for events, rates and charges and public liability insurance.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) DA2022/48 - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A COMMERCIAL PREMISES, DUAL OCCUPANCY AND ASSOCIATED SITE WORKS AND CAR PARKING - 10 PYM STREET MILLTHORPE

Department: Planning and Environmental Services

Author: Manager Development Assessment

CSP Link: 5. Protect Our Natural Environment

File No: DB.AB.1797

Recommendation:

That Council consents to Development Application 48/2023 for demolition of existing buildings, construction of a commercial premises, dual occupancy and associated site works and car parking at Lot 122 DP 846528, 10 Pym Street, Millthorpe, subject to the recommended conditions of consent.

Reason for Report:

Council's consent is sought for demolition of existing buildings, construction of a commercial premises, dual occupancy and associated site works and car parking at Lot 122 DP 846528, 10 Pym Street, Millthorpe.

The key considerations are whether the proposed development meets the relevant objectives / performance criteria and acceptable solutions of the *Blayney Development Control Plan 2018 (DCP)* and the submissions received during the notification period, pursuant to the *Blayney Shire Community Participation Plan 2020 (CCP)*.

In summary, it is considered that the proposed development is consistent with the aims, objectives, and performance criteria of the *Blayney Local Environmental Plan 2012 (BLEP)* and DCP subject to the recommended conditions of consent.

Report:

Proposed Development

Council's consent is sought for demolition of existing buildings, construction of a commercial premises, dual occupancy and associated site works and car parking at Lot 122 DP 846528, 10 Pym Street, Millthorpe (the 'subject property').

Details of the proposed development are provided below:

Commercial Building	Two-storeys, 279m ² .
Dwelling House 1	Two-storeys, two bedrooms, living area of 106m ² , 32m ² private open space
Dwelling House 2	Two-storeys, three bedrooms, living area of 124m ² , 41m ² private open space

Section 1.7 – Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

**Section 4.15 Evaluation
Matters for Consideration – General**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument**Blayney Local Environmental Plan 2012****Part 1 – Preliminary****Clause 1.2 Aims of Plan**

The proposed development is considered to be consistent with the broad aims of the BLEP 2012. Relevant issues are addressed in the body of this report.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

Comment – While the current use of the existing building is an art gallery, it is privately owned land and the landowners decision to conduct a different business from the premises. There remains an opportunity for the art gallery to use the upper floor of the commercial building or relocate to another premises in Millthorpe.

(a) to encourage development that complements and enhances the unique character and amenity of Blayney including its settlements, localities, and its rural areas,

Comment – The development application was referred to Council's Heritage Advisor who made a number of recommendations for changes to the development. The applicant reviewed those recommendations and made a number of the recommended changes. Other recommendations were not agreed to. On balance, the design of the proposed development is considered to be complimentary to the character of existing development in the heritage conservation area of Millthorpe.

(b) to provide for a range of development opportunities that will contribute to the social, economic and environmental resources of Blayney in a way that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

Comment – The proposed development will provide a mix of uses, including additional commercial and housing opportunities in a manner that meets the energy efficiency commitments outlined in the BASIX Certificates submitted with the development application and the Section J assessment.

*(c) to facilitate and encourage sustainable growth and development that—
(i) avoids and minimises risks to human life and property and minimises the cost of development by restricting development in areas prone to natural hazards and significant environmental constraints, and*

Comment – Properly carried out, with the support of appropriate consent conditions, the development will pose no threats to life or property, nor is the development to occur in an area prone to natural hazards or significant environmental constraints.

(ii) protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and

Comment - The development is to occur on land zoned for village purposes and will have no impact on prime agricultural land. The development will have no detrimental impacts upon agriculture within the regional economy.

(iii) avoids or minimises impact on drinking water catchments to protect and enhance water availability and safety for human consumption, and

Comment – The development site is not situated within a drinking water catchment as identified in the BLEP Drinking Water Catchment Maps. Therefore, it will have no impact upon drinking water catchments.

(iv) protects and enhances environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and

Comment - The development is not situated within an environmentally sensitive area; an area of high scenic recreational or conservation value; nor within an area occupied by significant ecological systems. The proposal will have no impact in this regard.

(v) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and

(vi) encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimising any environmental and social impacts, and

Comment - The development proposal is located in a heritage conservation area, however the existing dwelling to be demolished is not listed as a heritage item and, subject to conditions, the proposed development will contribute positively to the streetscape. No known Aboriginal relics or places are situated on the site, however, if any artefact or relic is found during development works, the proponent will be bound to comply with the notification provisions of the National Parks and Wildlife Act. The proposal will respect the sustainable management, development and conservation of

natural and human-made resources and is anticipated to have nil or negligible environmental and social impacts.

(vii) encourages a range of housing choices in planned urban and rural locations to address population growth and meet the diverse needs of the community, and

Comment - The proposal will allow for future residential development and housing choice compatible with the existing character and standard of development, supported by the DCP.

(viii) allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and

Comment - The proposal represents a suitable redevelopment of an existing lot in the Millthorpe village and as the surrounding land uses are a mix of commercial and residential, no anticipated land use conflicts are likely to arise.

(ix) promotes the efficient and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

Comment - The development is to be serviced with reticulated water, sewer electricity and telecommunications. This will be borne by the developer. Standard long-term cost obligations that would be borne by the Council would include general road maintenance and ongoing payment of street lighting costs. These are standard obligations borne by councils in response to the development of residential land. However, given the nature and location of the development, any additional obligations would be negligible.

Clause 1.7 Maps

Land zoning:	RU5 Village
Lot size:	The minimum lot size for the subject land is 450m ² . No subdivision of land is proposed.
Heritage:	The subject site is situated within a heritage conservation area, but does not contain a heritage item. A number of heritage items are located in the vicinity of the site, being: 1 Pym Street – General Store 6 Pym Street – Hall of Commerce and Masonic Hall (former) 7 Pym Street – Group of shops (“Old Tyme Delights”) The proposed development is considered to be designed to be sympathetic with the streetscape and will have no significant impact on the heritage conservation area or the nearby heritage items.
Terrestrial biodiversity:	The subject site is not identified as ‘biodiversity’ pursuant to the councils BLEP terrestrial biodiversity mapping
Groundwater vulnerability:	The land is not identified as having groundwater vulnerability pursuant to the BLEPs groundwater vulnerability mapping.

Drinking water catchment:	The land is not situated within a drinking water catchment
Watercourse:	The subject site is not identified on the Riparian Land and Waterways Map.
Flood:	The site is situated outside land affected by the LEPs floodwater mapping.
STP Buffer:	The site is situated outside the STP and Waste Depot buffer areas.

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

Clause 1.9A provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the [Crown Lands Act 1989](#), or
- any conservation agreement within the meaning of the [National Parks and Wildlife Act 1974](#), or
- any Trust agreement within the meaning of the [Nature Conservation Trust Act 2001](#), or
- any property vegetation plan within the meaning of the [Native Vegetation Act 2003](#), or
- any biobanking agreement within the meaning of Part 7A of the [Threatened Species Conservation Act 1995](#), or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

This clause does not affect the rights or interest of any public authority under any registered instruments. A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned RU5 Village zone. The proposed development permissible in the in RU5 Village zone.

The objectives of the RU5 Village zone seek to:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage and provide opportunities for population and local employment growth commensurate with available services.*
- *To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.*

The proposed development is consistent with the above objectives as it provides a mix of commercial and medium density housing in an appropriate location to support the viability of businesses and services in Millthorpe.

The proposed use of the ground floor of the commercial premises for beauty therapy is defined as a business premises which is a use permitted with consent in the RU5 zone. The residential component of the development is defined as a dual occupancy which is also permitted with consent in the RU5 zone. No use has been nominated for the first floor of the commercial building. Further development consent will be required for the commercial use of the first floor. A condition to this effect is recommended.

Part 4 – Principal development standards

Clause 4.1 Minimum Lot Size

The minimum lot size for the subject land is 450m². No subdivision is proposed.

Clause 4.2C Residential accommodation on land in Zone RU5 or R5

This clause applies to land that is not serviced by a sewage reticulation system and therefore does not apply to the subject property.

Part 5 – Miscellaneous Provisions

Clause 5.10 Heritage Conservation

The subject property is situated within the Millthorpe Heritage Conservation Area, but does not contain a Heritage Item. A number of heritage items are located in the vicinity of the site, being 1 Pym Street (General Store), 6 Pym Street (Hall of Commerce and Masonic Hall (former) and 7 Pym Street (Group of Shops).

The Heritage Items in the vicinity are of masonry construction and are two-storeys in scale. The proposed commercial building to replace the existing building has a form, scale and design consistent with the two-storey commercial buildings in the vicinity. Some elements of details and materials are different (such as metal balcony posts) however, subject to a condition requiring final details of the balcony posts, it is considered that the colours proposed for the front façade are appropriate.

It is not necessary for new buildings in heritage conservation areas to mimic or copy every element of existing heritage buildings. Rather, it is appropriate to take some of the key features and represent them in a way that fits into the streetscape, but also clearly distinguishes the new development from the old. On balance it is considered that the proposal is satisfactory in terms of its impact on the heritage conservation area and the heritage items in close proximity.

The development application was referred to Council's Heritage Advisor for comment. A number of suggestions made by the Heritage Advisor have been accepted by the applicant and revised plans were provided addressing these matters. The revised plans were reviewed by the Heritage Advisor who

recommended further changes. The following table outlines the Heritage Advisor's suggestions, the applicant's response and a recommended solution.

Heritage Advisor's Comment	Applicant's Response	Comment / Recommendation
It is recommended that set back distance of the outer face of the new verandah structure from the face of the curb be specified and that this be a minimum of 600mm to reduce the collision risk.	The setback from the kerb is 545mm.	<p>Comment The post setback is close to 600mm and has been approved by Essential Energy in relation to proximity to a power line. As the street does not provide rear to kerb parking, the risk of collision with posts is minimised.</p> <p>Recommendation The proposed post setback is considered acceptable.</p>
It is recommended that, in conjunction with the proposed planting along the driveway, a form of screening wall be returned from the long side boundary so as to screen the rubbish bins.	The applicant did not respond to the suggestion of a screen. However, consideration was given to alternative locations for the bins, but these were deemed unsuitable.	<p>Comment and recommendation The proposed bin storage location is considered acceptable subject to a screen and a tap and hose being provided. Conditions relating to these matters are recommended.</p>
The water tank is to be specified as either galvanised steel or Colorbond Shale Grey.	The applicant has agreed to Colorbond Shale Grey for the water tank.	<p>Comment and recommendation A condition relating to the colour of the water tank is recommended.</p>
Despite being on the south, simple awnings are recommended for weather protection of the doors and windows.	The applicant had previously considered the issue of awnings and awnings for sun shading are appropriately provided on elevations that receive solar access.	<p>Comment While awnings on the southern façade may be desirable for weather protection, it is not considered appropriate in this instance to require them to be provided.</p> <p>Recommendation No change to the plans or conditions relating to awnings on the southern façade are</p>

		recommended.
The timber cladding to the garage door is to be vertical as is the tradition for shed/garage doors.	The proposed garage doors will employ the same vertical timber shiplap product as the walls.	Comment and recommendation Noted. No changes or conditions recommended.
The paling/picket fences as shown may be contemporary in character and detail thinner palings and square cut tops and not with pointed tops and a natural finish and not paint.	N/A	Comment and recommendation The fences are all well setback from Pym Street and very small sections of fencing will be visible from the street. No changes or conditions are recommended.
Dark Grey oxide is recommended for use on the driveway given the extent of the surface area and the context.	Changes were made to the driveway to reduce its visual impact and soften it through landscaping and a combination of materials including brick paving.	Comment and recommendation The driveway materials and colours and landscaping are considered acceptable. No changes or conditions are recommended.
The front elevation proposes two shopfront scale windows with tiling beneath. This reflects the general arrangement of shopfronts for similar buildings. Heritage Advice has requested modifications to the tiling and further design detail from the Architect should seek to compare the proposal with buildings in the vicinity.	The current tiling layout is based on a review of the way details on facades in the village are arranged. We propose a contemporary interpretive approach to this heritage façade treatment as per accepted best practice in conservation areas. More extensive tiling to the façade does not fit with this practice and will likely reduce the visual amenity by creating a less cohesive break-up of the primary and secondary façade elements. Typically, façade details (including tiling) are limited exclusively to the front façade and do not return around the side	Comment and recommendation The facade materials and colours are considered acceptable. No changes or conditions are recommended.

	<p>of buildings. The tiling on our proposal is limited to the recessed window and door bays on the street front and side entry, framed by rendered masonry.</p>	
<p>The single storey roof over the entry porch is acceptable and will be supported on the basis that this roof is to be hipped to avoid having the small triangular element as part of the main entry; and a soffit material to be specified at the entrance such as lining boards in order that this special area present well to the street as the entrance.</p>	<p>We have considered the idea of a hipped roof here and are happy for this to occur. A gutter will be required on the street frontage; however, this is common throughout the village. The selected soffit material will need to be non-combustible to comply with the NCC due to its proximity to the boundary. A painted CFC sheet product with v-grooves or similar will comply with this requirement.</p>	<p>Comment and recommendation Condition relating to the entry porch roof and soffit material are recommended.</p>
<p>Grey contemporary buildings are simply not supported in the Millthorpe HCA and in particular in the central commercial and retail precinct.</p>	<p>The base paint colour proposed for the commercial streetscape is a desaturated pale blue/green. Desaturated paint schemes are common throughout the village centre. Prominent examples are Tonic on the corner of Pym and Victoria Street and The Commercial Hotel at 29 Park Street. In these examples trim elements are highlighted in complimentary strong hues, similar to the proposed development. We do not agree that the proposed is out of character within the HCA and that as a muted, subdued base</p>	<p>Comment and recommendation The applicant's response is considered satisfactory and the proposed colour scheme is considered appropriate. No changes or conditions are recommended.</p>

	<p>colour it allows the new development to be a recessive element within the heritage streetscape, as stipulated in the DCP guidance. We are proposing colorbond 'Wallaby' (a darker, warm grey) for some framing and flashing elements throughout, to add definition to the facade.</p>	
<p>It is recommended that the two residential buildings while having similar materials adopt different hues or shades so that each has an identity differentiation and variety have always formed the heart of the village.</p>	<p>We are happy to provide a tonal variation between the two residential dwellings if this is necessary. It should be noted that only one of the buildings is partially visible from the street.</p>	<p>Comment and recommendation A condition relating to the tonal variation between the two residential dwellings is recommended.</p>
<p>In terms of the commercial building, the use of painted brickwork, bagged finishes etc is uncharacteristic. It is recommended that the materials and finishes of the north and south elevations are reconsidered in the context of other large buildings in the commercial area.</p>	<p>It is noted that both neighbouring buildings on Pym Street employ bagged and or painted brickwork / masonry. Several other buildings in the central village area also have painted or bagged and painted brickwork, including the Railway Hotel, the Commercial Hotel, the sides of the Grand Western Lodge, 31 & 33 Victoria Street and the brick on the street façade of 12 Pym Street (Tamburlaine). Face brick was considered during the design stage of the commercial building and was rejected on the grounds of cost, client preference and limited availability of suitable</p>	<p>Comment and recommendation The applicant's response is considered satisfactory and the proposed materials are considered appropriate. No changes or conditions are recommended.</p>

	<p>brick colours. Face brick used throughout the village is generally a 'common' brick from the era of construction and is a higher quality and better finish than modern day 'commons'. This type of brick is no longer available in large quantities and to introduce a different face brick into the village with its uniform brick colour would be inappropriate.</p>	
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Given the above, the proposed development is considered to be designed to be sympathetic with the streetscape and will have no significant impact on the heritage conservation area or the nearby heritage items.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

Clause 6.2 requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The development application was referred to Council’s Infrastructure Services department for review and comment. Stormwater discharge from the development to Pym Street was deemed to be satisfactory. Subject to the recommended conditions, the proposal is considered satisfactory in relation to stormwater management.

Through referral, assessment and comment from Council’s Infrastructure Services Department, the provisions of this clause have been properly considered and council is satisfied the development is designed to maximise the use of water permeable surfaces on the land. There are no impacts on groundwater or river water and no significant adverse impacts of stormwater runoff on adjoining properties, native bushland or receiving waters. It is not practicable for on-site stormwater retention to be used as an alternative supply to mains water.

Clause 6.8 Essential Services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access. All dwellings are proposed to be serviced with reticulated water, sewer, electricity and telecommunications. Vehicular access is to be provided to the development from Pym Street. Stormwater will be discharged to Pym Street.

The development application was referred to Council's Infrastructure Services Department who have recommended conditions of consent in relation to servicing and access.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development, it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, the SEPP requires, before determining an application to carry out development that would involve a change of use of land, the consent authority to consider a preliminary investigation of the land concerned. A change of use refers to:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land is not within an Investigation Area. There is no evidence of any previous uses of the land identified in Table 1 of the Contaminated Land Planning Guidelines. The existing use is commercial and the proposed use is commercial and residential. An inspection of the site shows no evidence that the land has historically been used for anything other than residential purposes. Consequently, having regard to all available information it is safe to

conclude that there is no evidence of previous contaminating land uses that would require further investigation. A condition requiring safe disposal of any asbestos in the existing dwelling to be demolished is recommended.

State Environmental Planning Policy (BASIX) 2004

BASIX Certificates have been provided for the dwellings, demonstrating that the development can meet the energy, thermal comfort and water targets.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 of this SEPP applies to development in close proximity to overhead electrical wires. The proposed balcony is within 5m of a power line and the application was therefore referred to Essential Energy for comment, who advised as follows:

Based on Revision C Plans, Essential Energy has no objections to the development. However, the developer should be particularly cautious during construction to ensure that the distances are complied with, noting there is less than 40mm clearance to spare; there is no room for error. They must also ensure that they comply with safe distances during construction. Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline, currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*
- *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and*
- *It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

It is recommended that the above comments be included as Advisory Notes on the development consent.

Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority

Not applicable to this application.

**Section 4.15(1)(a)(iii) Any Development Control Plan
Blayney Shire Development Control Plan 2018 (DCP)**

Part A: Introduction

Part A1.11 Variation to Controls

The proposal seeks a variation to the following control:

- C5.9 Private Open Space, in relation to one of the dwellings; and
- D4.7 and D4.9 – Off Street Car Parking.

As discussed below, the variations are considered acceptable. Compliance with the controls is considered unreasonable or unnecessary in the circumstance. It is considered that the objectives of the controls have been satisfied and there are sufficient environmental planning grounds to justify the departure from the controls. The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal.

Part C: Residential Development

Part C5 Medium Density Housing (including urban Dual Occupancies)

Objective/Performance Criteria	Assessment Comments
C5.1 State Environmental Planning Policies	Not applicable.
C5.2 Suitability of the Site	The subject land is located in the Village zone and is therefore suited to higher density housing. The proposal will not have significant impacts on the amenity or character of Millthorpe.
C5.3 Minimum Street Frontage Density / Site Area	Not applicable.
C5.4 Setbacks	Given the residential component of the development is located at the rear of the site, the front setback control is not applicable. See the table below in relation to setbacks for commercial development in the RU5 zone. In relation to side setbacks, the proposal complies, with ground floor components greater than 1.5m setbacks and first floor components greater than 3m setbacks.
C5.5 Site Coverage	The residential component of the development has a site coverage of 65%, less than the maximum 70%.
C5.6 Height & Solar Access	The proposed dwellings have a height less than the maximum 9m. The proposal will not have a significant impact on any adjoining property in terms of solar access.
C5.7 Presentation to Street & Vehicle Driveways	The dwellings are set behind a commercial building and therefore the presentation to street controls are not applicable.

	In relation to the vehicle driveway, landscaping and a mix of materials is proposed to soften the visual impact and this is considered acceptable.
C5.8 Noise & Visual Privacy	The proposal is considered satisfactory in relation to noise and visual privacy.
C5.9 Private Open Space	Each dwelling has a private open space area containing the minimum 4m by 4m primary open space area. However, the total area of private open space for one of the dwellings is 35m ² , less than the minimum 40m ² . The other dwelling has a total private open space of 41m ² . A variation to this clause has not specifically been requested, however as the smaller private open space area relates to the 2 bedroom dwelling, and the variation is only minor, no objection is raised. The private open space areas are directly connected to internal living areas, will receive adequate solar access and will not be visible from public places.
C5.10 Landscaping and Deep Soil	A landscape plan has been submitted adequately demonstrating compliance with the relevant requirements.
C5.11 Fencing	Not applicable.
C5.12 Landscaping & Private Open Space	The proposal can comply with the BASIX commitments.
C5.13 Solid Waste Management	An appropriately located communal bin storage area has been provided, subject to the provision of a screen and a tap and hose for ease of cleaning. It is expected that residents will transfer waste bins to Pym Street for collection.
C5.14 Adaptability	Not applicable.

Part C7 Access and Parking

Objective/Performance Criteria	Assessment Comments
C7.1 Vehicle Parking	The DCP requires one space per dwelling. The proposal provides 2 spaces per dwelling, in excess of the minimum requirement.
C7.2 New Driveways & Entrances (Urban Areas)	The proposed driveway location is considered satisfactory having regard to safety. Driveway widths can comply with the minimum requirements and with capacity for turning of vehicles on site, the proposal is considered satisfactory in relation to vehicles entering and leaving

	the site in a forward direction.
C7.3 New Access, Entrances & Driveways (Rural Areas)	Not applicable

Part C8 Site Planning, Earthworks and Utilities

Objective/Performance Criteria	Assessment Comments
C8.1 Site Planning	The design of the development is considered satisfactory having regard to topography, climate and natural environment. The proposal is considered a sympathetic addition to the streetscape and will have no significant impact on the heritage conservation area. The proposal maintains reasonable residential amenity for the proposed and adjacent dwellings.
C8.2 Water & Energy Efficiency	A BASIX Certificate was submitted with the development application.
C8.3 Design Principles (Advisory only)	The design of the development is considered satisfactory having regard to the relevant principles.
C8.4 Earthworks	Earthworks are proposed to create level pads for the buildings and access ramp. The extent of earthworks is considered appropriate having regard to the slope of the land, the impact on adjoining properties, access and drainage.
C8.5 Building near Utilities/Easements	The proposal avoids building over easements and utilities.
C8.6 Connection to Utilities acceptable to Council.	The development will be connected to all essential utilities.
C8.7 Siting & Visibility of Utilities	The proposal can comply.
C8.8 Water Tanks	As the site is connected to reticulated water supply, this control is not applicable. It is noted that water tanks are proposed to be provided with each dwelling.
C8.9 On-Site Sewage Management	Not applicable.
C8.10 Re-Use of Water	Water re-use is not proposed.
C8.11 Solid Waste Management	The proposal can comply.
C8.12 Letterboxes	The proposal can comply.
C8.13 Street Numbering	Not applicable.

Part D Commercial, Community and Industrial Development **Part D2 Commercial and Community Buildings and Design**

Objective/Performance Criteria	Assessment Comments
D2.1 Site Selection and Land Use Conflicts	The design of the development is considered satisfactory having regard to topography, climate and natural environment. The proposal is considered

	a sympathetic addition to the streetscape and will have no significant impact on the heritage conservation area. The proposal maintains reasonable residential amenity for the proposed and adjacent dwellings.
D2.2 General Building Setbacks	The proposal reinforces the desired built form pattern with a zero front setback. While the front façade does not contain a pedestrian entrance, the proposed side entrance provides adequate pedestrian access.
D2.3 Setbacks – Zone B2 Local Centre	Not applicable.
D2.4 Setbacks – Zone B5 Business Development	Not applicable.
D2.5 Setbacks – Zone RU5 Village & Zone B6 Enterprise Corridor	The proposed zero setback is consistent with the existing streetscape. A zero side setback to the northern property boundary is considered appropriate.
D2.6 Building Height & Bulk	The height of the commercial building is consistent with the existing streetscape.
D2.7 Building Design	The front façade has a good level of articulation. No large blank walls are proposed, other than a part of the northern side boundary with a zero side setback. This part of the wall is in the rear part of the building and will not be overly visible from Pym Street. The front façade and side entrance provides adequate pedestrian activity and casual surveillance.
D2.8 Structures over Public Footpaths/Roads (Awnings & Balconies)	The proposal provides a balcony over the footpath consistent with other buildings in the street.
D2.9 Street Trading / Footpath Dining	Not applicable.

Part D4 Access & Parking

Objective/Performance Criteria	Assessment Comments
D4.1 General Controls	The proposal can comply with the relevant guidelines and standards.
D4.2 Vehicle Access	The vehicle access point is appropriately located and can comply with the relevant guidelines and standards.
D4.3 Circulation & Loading/Unloading	The driveway is designed to facilitate vehicles entering and leaving the site in a forward direction. No specific loading or unloading areas have been provided on site, however given the nature of the proposed and likely future uses of the building, loading and unloading from the street frontage is considered acceptable.

D4.4 Parking	Proposed parking areas will have no significant visual impact.
D4.5 Pedestrian Access and Mobility	An accessible parking space is proposed to be provided. The driveway provides a dedicated paved pedestrian pathway to provide safe access.
D4.6 Parking and Safety	The proposal is considered acceptable in relation to the location of the parking spaces.
D4.7 Off Street Car Parking	A variation to the car parking requirement has been requested. See D4.8 and D4.9 below.
D4.8 Exemptions to Off Street Car Parking Requirements	<p>The applicant has requested a variation to the parking requirement for the following reasons:</p> <ul style="list-style-type: none"> • The portion of the lot allocated to the commercial use is 382m² of land. Significantly, 46% of this area is dedicated to vehicle circulation and parking. This does not include the through ramp to the dwellings as it is calculated within the residential land use. Any increase to parking spaces would result in car parking exceeding the building footprint - which would not be in keeping with the character of the village - and would reduce the economic viability of the proposal. • The proposed parking and circulation are compliant with the Australian Standard for Off-Street Car Parking, AS2890.1. Inherently this will offer driver and pedestrian safety and ease of maneuverability. The parking module proposed is derived from the required dimensions for user class 1A (2.4m x 5.4m), accessible parking space (4.8m x5.4m), 90° angle parking aisle width and the required additional clearances to vertical obstacles. • The nature of the services being provided by the proposed business mean associated traffic will be staggered throughout the day. There will be no significant contribution added to existing peak traffic flows in the surrounding road

	<p>system and no traffic generated disturbance to surrounding residences outside of business hours.</p> <ul style="list-style-type: none"> • It is acknowledged that the proposed development will predominantly rely on street parking. This has been the arrangement for the commercial enterprise – art gallery and gift store – that had been operating from the existing building on the site until it was vacated for this development application. Street parking is also the established arrangement for other businesses operating in the vicinity. • Customer use of the building will typically be in 60 minute appointments blocks, allowing turn-over of street parking throughout the day and minimising the impact on other users of the street. • Public parking is available on both sides of Pym Street as well as the surrounding cross streets and at the ‘park and walk locations’ nominated in the Place Design Groups Millthorpe Village Centre Concept Design Update, March 2022 of the bowling club, railway station and Redmond Oval. <p>On site parking is not a common feature of commercial development in the central part of the Millthorpe village where the site is located. The provision of some off site parking, including one accessible space is a positive outcome for the site. For the reasons outlined above, the variation is considered acceptable.</p>
<p>D4.9 Table of Car Parking Requirements</p>	<p>With a gross floor area of 279m² and a parking rate of 1 space per 45m², 7 parking spaces are required. Two spaces, including one accessible space, is proposed to be provided. A variation to this control has been requested (discussed above).</p>

Part D5 Ancillary Development

Objective/Performance Criteria	Assessment Comments
D5.1 Open Storage, Utility and Service Areas	A screen should be provided to block public view of the garbage bin storage area. A condition to this effect is recommended.
D5.2 Solid Waste Management	Adequate space is provided for waste bins.
D5.3 Landscaping	The landscape plan submitted with the development application demonstrates appropriate landscaping of the site.
D5.4 Fencing	No fencing is proposed along the site frontage.
D5.5 Advertising and Signage	The Statement of Environmental Effects states that consent is sought as part of this DA for advertising signage that will comply with the controls listed in E.2.5 for Commercial and Retail land use. The signage will include: - An under-awning sign to the specifications of E.2.6.1; - A Fascia sign to the specifications of E.2.6.4; - Window signage to the specifications of E.2.6.8. However, no details of proposed signage have been provided in the development plans. A condition relating to signage is recommended.
D5.6 External Lighting	The proposal can comply.

Part D6 Site Planning, Earthworks & Utilities

Objective/Performance Criteria	Assessment Comments
D6.1 Site Planning	The design of the development is considered satisfactory having regard to topography, climate and natural environment. The proposal is considered a sympathetic addition to the streetscape and will have no significant impact on the heritage conservation area. The proposal maintains reasonable residential amenity for the proposed and adjacent dwellings.
D6.2 Earthworks	Earthworks are proposed to create level pads for the buildings and access ramp. The extent of earthworks is considered appropriate having regard to the slope of the land, the impact on adjoining properties, access and drainage.
D6.3 Building Near Utilities	The proposal avoids building over

	easements and utilities.
D6.4 Connection to Utilities	The development will be connected to all essential utilities.
D6.5 Siting & Visibility of Utilities	The proposal can comply.
D6.6 Liquid Trade Waste	Not applicable.
D6.7 On-Site Sewage Management	Not applicable.
D6.8 Water & Energy Efficiency	A report addressing Section J of the National Construction Code was submitted with the development application.

Part E Other Land Uses

Part E2 Advertising and Signage

Objective/Performance Criteria	Assessment Comments
E2.5 General Controls for Advertising and Signage	The application seeks consent for one under-awning sign, one fascia sign and window signage.
E2.6 Types of Signage	A condition is recommended to require signage to comply with the provisions of E2.6.1, E2.6.4 and E2.6.8.

Part G Environmental Management and Hazard

Part G3 Stormwater and Drainage

Objective/Performance Criteria	Assessment Comments
G3.2 Objectives	The proposal can meet the objectives.
G3.3 Stormwater Management	Council's Engineers have assessed the proposal and recommended conditions of consent.

Part G6 Land Contamination

Objective/Performance Criteria	Assessment Comments
G6.2 Objectives	There is no evidence of any previous uses of the land that may have caused any contamination. The existing use is commercial and the proposed use is commercial and residential. Having regard to all available information it is safe to conclude that there is no evidence of previous contaminating land uses that would require further investigation. A condition requiring safe disposal of any asbestos in the existing dwelling to be demolished is recommended.

Part G9 Land and Soils

Objective/Performance Criteria	Assessment Comments
G9.2 Objectives	The proposal can meet the objectives.
G9.3 Naturally Occurring Asbestos	The site is not known to contain naturally occurring asbestos.

G9.4 Erosion and Sedimentation	Appropriate conditions regarding erosion and sediment control are recommended.
G9.5 Other Geological or Soil Related Issues	Not applicable.

Part H Heritage

Part H4 Development in the Vicinity of Heritage Items

Objective/Performance Criteria	Assessment Comments
H4.1 Siting, Scale and Proportion	The setback of the proposed development is consistent with the streetscape. The scale of the development is consistent with surrounding buildings. The proposal will not detrimentally affect the significance of any nearby heritage item.
H4.2 Materials and Colours	The materials and colours proposed by the applicant are considered acceptable for the development. A condition is recommended to provide further detail on the verandah posts.

Part H5 Development within Heritage Conservation Areas

Objective/Performance Criteria	Assessment Comments
H5.1 Scale and Form	The scale of the development is consistent with surrounding buildings. The proposal will not detrimentally affect the heritage conservation area.
H5.2 Siting	The setback of the proposed development is consistent with the streetscape.
H5.3 Materials and Colours	The materials and colours proposed by the applicant are considered acceptable for the development. A condition is recommended to provide further detail on the verandah posts.
H5.4 Doors and Windows	Not applicable.
H5.5 Outbuildings	Not applicable
H5.6 Fencing	No fencing is proposed along the site frontage.
H5.7 Advertising and Signage	The type of signage proposed is considered appropriate.

Section 4.15(1)(a)(iv) The Regulations

In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)

Appropriate demolition conditions will be applied.

In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any

development plan prepared for the land by a relevant authority under that Schedule (Clause 92)

Not applicable to this application.

Fire safety and other considerations (Clause 93)

Not applicable to this application.

Buildings to be Upgraded (Clause 94)

Not applicable to this application.

BASIX Commitments (Clause 97A)

An appropriate condition will be applied.

Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality

This has been substantially addressed in the balance of this report. The development can be carried out with minimal environmental impact and new commercial and housing stock will provide positive social and economic outcomes in the future.

Section 4.15(1)(c) The suitability of the site for the development

The foregoing assessment demonstrates that the subject property is suitable for the proposed development.

Section 4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application has been notified three times. The first notification period was in April 2022. Seven submissions were received. Amended plans were then submitted by the applicant and they were notified over December 2022 and January 2023. Three submissions were received. Further amended plans were submitted by the applicant and the third notification period was from 8 to 22 June, 2023. One submission was received.

The following table outlines the issues raised in the submissions during all three notification periods along with a planning response.

Issue	Response
First Notification	
Impact on the heritage streetscape of proposed commercial building. The plans show a modern building, with building elements, materials, colours and forms not in keeping with the heritage conservation area.	The subject site is located in close proximity to substantial two storey buildings with balconies over the Pym Street footpath. The scale of the proposal is consistent with the scale of existing two-storey buildings in the vicinity. The applicant has amended the front façade to include tiled sections and appropriate colours to better fit in the heritage conservation area. The

	proposal is a modern building that contains forms and features that reflect existing forms and features of heritage buildings, without mimicking heritage, so that passers-by can clearly distinguish what is heritage and what is not. It is considered that the proposal is acceptable in relation to impact on the heritage conservation area.
Impact of proposed two-storey dwellings on Pym Street.	The two-storey dwellings to the rear of the site, while slightly elevated above Pym Street will not be overly visible from Pym Street, being partly hidden behind the proposed commercial building. As shown in the elevation drawing in Figure 3 above, the height of the front gable of the rear buildings is designed to match the height of the commercial building and the design shows three gabled roof forms facing Pym Street. The setback of these dwellings from Pym Street will also assist in reducing the perceived bulk of the buildings when viewed from Pym Street.
Impact of proposed two-storey dwellings on adjoining properties – bulk, overshadowing, privacy, view loss, noise and odour.	See discussion below table.
The proposal is an overdevelopment of the site.	The proposal reasonably complies with relevant LEP and DCP provisions and is therefore not considered an overdevelopment of the site.
Will vegetation to be cleared be replaced with other trees and shrubs?	Yes, as demonstrated in the detailed Landscape Plan submitted with the development application.
Proposed concrete drive would be an eyesore.	A detailed landscape plan was provided showing landscaping along the edge of the driveway and a mix of surface materials, including brick paving, to soften its appearance. The driveway as proposed is considered acceptable and will not have a significant impact on the heritage conservation area.
The commercial building does not have a door facing Pym Street and therefore does not have a sense of	The design provides a forecourt leading people to the side door entrance and this is considered

address to Pym Street.	acceptable. Windows in the front elevation provide sufficient activation in the street.
No use of upper floor level nominated. A future use may require development consent and should be notified to adjoining properties.	A condition requiring development consent for the use of the first floor of the commercial building is recommended. Council will notify the development application if it is required to do so by Council's Community Participation Plan.
The landscape plan is ambiguous and a revised plan should be provided.	The landscape plan is considered satisfactory for development consent. The plan will form part of the approved plans.
Second Notification	
The changes to this proposal are very minor and do not change my view that this development will have a negative impact on our important historic main street.	As above, it is considered that the proposal is acceptable in relation to impact on the heritage conservation area.
The two large modern looking multi-level buildings will be visible from the street and will impact the heritage significance of the village.	As above, the height of the front gable of the rear buildings is designed to match the height of the commercial building and the design shows three gabled roof forms facing Pym Street. The setback of these dwellings from Pym Street will also assist in reducing the perceived bulk of the buildings when viewed from Pym Street.
Impact of proposed two-storey dwellings on adjoining properties – bulk, overshadowing, privacy, view loss, noise and odour.	See discussion below table.
The three metal columns at the street building frontage do not meet the streetscape. The building's façade is too large for its position within the street. The columns and the balustrade should be of a timber construction or be encased in a timber frame, painted in a heritage colour.	While the columns are metal, the balustrade of the balcony is proposed to be hardwood timber. The columns and balustrade will be painted in appropriate warm colours. The façade is not considered too large having regard to the size and scale of surrounding two-storey buildings. Subject to a condition requiring final details of the balcony posts, the proposed façade is considered acceptable.
Otherwise, we are still concerned about the amount of cemented surface used in the large area driveway, and the fact that the back residence looks straight into the yard	As outlined above, a detailed landscape plan was provided showing landscaping along the edge of the driveway and a mix of surface materials, including brick paving, to

of the neighbours in 8 Pym St.	soften its appearance. The driveway as proposed is considered acceptable and will not have a significant impact on the heritage conservation area.
Third Notification	
Basically, our previous concerns still stand, that although the applicants have made some minor changes to the front of the building facing the street, we feel the overall modern appearance is out of step with the Heritage appeal of the main street. This is the opportunity for the owners to build something more harmonious with the existing heritage buildings.	As above, it is considered that the proposal is acceptable in relation to impact on the heritage conservation area.
Otherwise, we are still concerned about the amount of cemented surface used in the large area driveway, and the fact that the back residence looks straight into the yard of the neighbours in 8 Pym St.	As outlined above, a detailed landscape plan was provided showing landscaping along the edge of the driveway and a mix of surface materials, including brick paving, to soften its appearance. The driveway as proposed is considered acceptable and will not have a significant impact on the heritage conservation area.

On site inspection and meeting

An on-site inspection and meeting was conducted on 7 August 2023. The meeting was attended by Councillors, Council staff, the Applicants Architects and residents who had made submissions on the application. The meeting provided the opportunity to further understand the development and the site and hear first hand the issues raised by residents in submissions. Following this meeting the Architects produced a 3-D visual render plan which provides a more accurate representation of visual impact, particularly of the dwelling directly viewable from Pym Street. This plan was provided to residents who had made submissions.

Response to amenity concerns

In relation to the adjoining properties to the north, the concerns were in relation to the bulk of the buildings and overlooking into a commercial function space.

Response

The applicant provided the below image to demonstrate the appearance of the development from the adjoining commercial function space. It is considered that the development is neither bulky or causing overlooking to this space. Landscaping along the common boundary, as shown on the Landscape Plan, will further screen the proposed development.



In relation to the adjoining property to the east, the concern was overshadowing of the rear private open space area.

Response

The adjoining property to the east is higher in elevation than the subject land, as shown in the following photo.

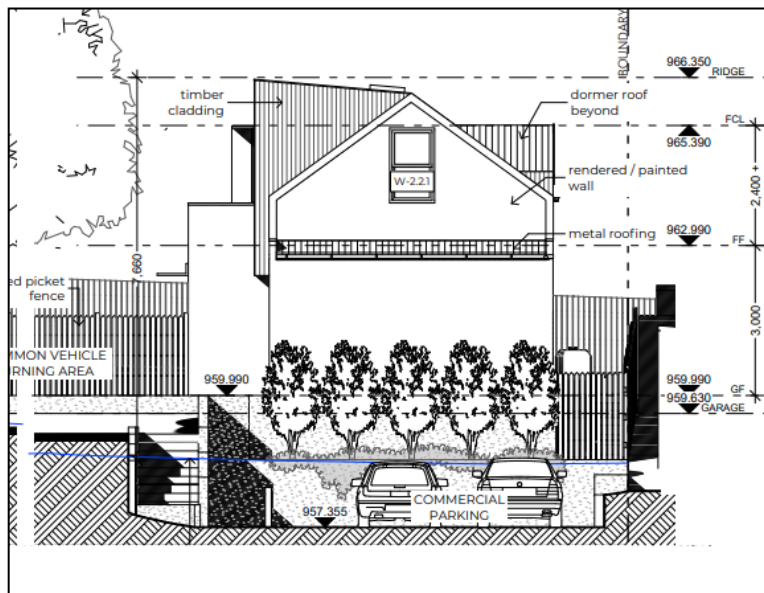


The proposal, being to the west of the adjoining land and significantly lower in elevation, and with a large setback for the upper floor level, will have no overshadowing impacts on the adjoining land. In relation to the adjoining property to the south, the concerns were odour from waste bin location, noise from car parking area, privacy, bulk and overshadowing.

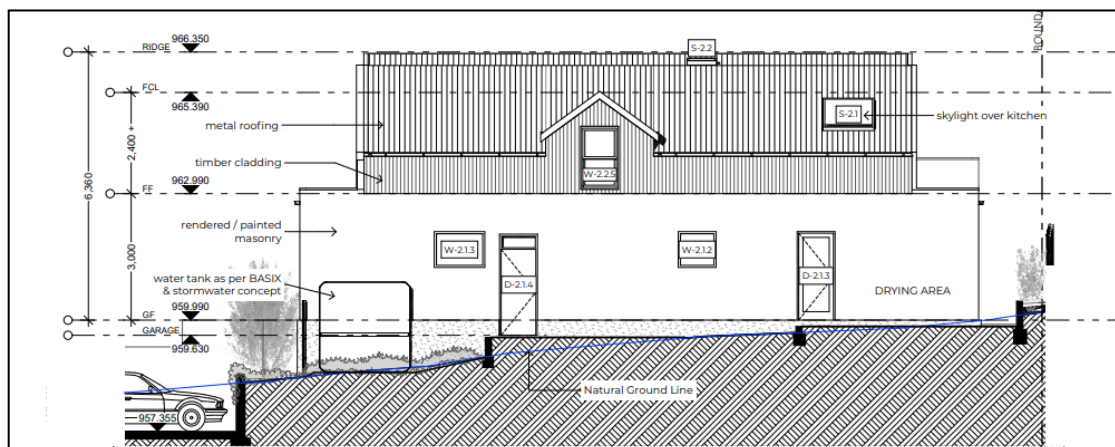
Response

It is considered that the car parking area and waste bin location will not have a significant impact on the adjoining property as this area will be lower than the ground level of the adjoining property, resulting in a relatively high boundary wall/fence (see image below). It is noted that this bin area is for the commercial building only as separate bin locations are provided for each of

the dwellings. A condition is recommended to provide a tap and hose at the bin storage area to enable ease of cleaning when required.



There are only two upper-level windows in the western and southern elevations of the proposed dwelling, one from a bedroom, the other in a staircase area (the bedroom window can be seen in the image above). The view from the bedroom window is not directly overlooking the adjoining property, but rather presents an oblique view. The bulk of the development when viewed from the adjoining property to the south is shown in the image below. From this view, the dwelling appears as a single storey dwelling, with an upper level within the roof form. This design significantly reduces the bulk of the development. The proposal is not considered to be overly bulky from the adjoining property.



In relation to overshadowing of the adjoining property to the south, shadows from the proposed dwelling will be cast primarily onto the roof of a shed on that property from midday to the afternoon. In the morning, shadows will likely fall onto a small open courtyard area, however the extent is not likely to be more significant than shadows cast by the shed on that property and the boundary fence. The impact of shadows is mitigated by the designing of the

upper floor partly within the roof form. The proposal is considered acceptable in relation to overshadowing impacts.

In relation to the property directly across Pym Street, the concern raised was view loss.

Response

The proposal presents two-storey buildings at a lower height than existing two storey buildings in the vicinity. The rear buildings have been designed to not exceed the height of the commercial building, despite the slope of the land, through partial design of the upper level within the roof form. With the gabled roof forms facing west, there would remain glimpses of distant views to the east. The proposal is considered acceptable in relation to the impact on views.

Section 4.15(1)(e) The public interest

The proposed development is considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposed development is not inconsistent with any relevant policy statements, planning studies, guidelines etc. that have not been directly considered in this assessment.

Risk/Policy/Legislation Considerations:

The proposed development is permissible with development consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Architectural Plans	14 Pages
2	Landscape Plan	1 Page
3	Stormwater	6 Pages
4	Visual Render	1 Page
5	Statement of Environmental Effects	36 Pages
6	Draft Conditions	12 Pages

7 Combined Submissions

21 Pages

This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.

Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2021, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

05) TENDER 7-2023: SUPPLY, DELIVERY, AND PLACEMENT OF SPRAYED BITUMINOUS SURFACING

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.