



31 May 2023

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Tuesday, 6 June 2023 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 16.05.23
- (9) Matters arising from Minutes
- (10) Reports of Staff
  - (a) Executive Services
  - (b) Corporate Services
  - (c) Infrastructure Services
  - (d) Planning and Environmental Services

Mark Dicker  
**General Manager**

## **Meeting Calendar 2023**

### **June**

| <b><u>Time</u></b> | <b><u>Date</u></b> | <b><u>Meeting</u></b>                      | <b><u>Location</u></b> |
|--------------------|--------------------|--|------------------------|
| 6.00pm             | 6 June 2023        | Council Meeting                            | Community Centre       |
| 8.30am             | 9 June 2023        | Mining and Energy Related Councils Meeting | Dubbo                  |
| 10.00am            | 9 June 2023        | Traffic Committee Meeting                  | Community Centre       |
| 12.00pm            | 16 June 2023       | Upper Macquarie County Council Meeting     | Bathurst               |
| 10.00am            | 21 June 2023       | Central Tablelands Water Meeting           | Canowindra             |
| 6.00pm             | 27 June 2023       | Council Meeting                            | Community Centre       |
| 8.30am             | 28 June 2023       | Orange 360 Board Meeting                   | Orange                 |

### **July**

| <b><u>Time</u></b> | <b><u>Date</u></b> | <b><u>Meeting</u></b>    | <b><u>Location</u></b> |
|--------------------|--------------------|--------------------------|------------------------|
| 6.00pm             | 18 July 2023       | Council Meeting          | Community Centre       |
| 8.30am             | 26 July 2023       | Orange 360 Board Meeting | Orange                 |

### **August**

| <b><u>Time</u></b> | <b><u>Date</u></b> | <b><u>Meeting</u></b>                         | <b><u>Location</u></b> |
|--------------------|--------------------|---|------------------------|
| 9.00am             | 4 August 2023      | Country Mayors                                | Sydney                 |
| 10.00am            | 4 August 2023      | Traffic Committee Meeting                     | Community Centre       |
| 5.00pm             | 8 August 2023      | Financial Assistance Committee Meeting        | Community Centre       |
| 2.00pm             | 9 August 2023      | Disability Inclusion Working Group Meeting    | Community Centre       |
| 6.00pm             | 15 August 2023     | Council Meeting                               | Community Centre       |
| 10.00am            | 16 August 2023     | Central Tablelands Water Meeting              | Blayney                |
| 8.30am             | 23 August 2023     | Orange 360 Board Meeting                      | Orange                 |
| 10.00am            | 24 August 2023     | Central NSW Joint Organisation Board Meeting  | Canberra               |
| 9.00am             | 30 August 2023     | Audit, Risk and Improvement Committee Meeting | Community Centre       |

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**HELD ON TUESDAY 6 JUNE 2023**

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## **LIVE STREAMING OF COUNCIL MEETINGS**

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

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

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

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

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

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

**01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 MAY 2023****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.ME.7**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 16 May 2023, being minute numbers 2305/001 to 2305/015 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 16 MAY 2023, COMMENCING AT 6.00PM**

**Present:** Crs S Ferguson (Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones and B Reynolds with Cr D Somerville (Deputy Mayor) (via Audio Visual Link)

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)

**RECORDING OF MEETING STATEMENT**

**2305/001 REQUEST FOR ATTENDANCE BY AUDIO VISUAL LINK RESOLVED:**

That Council approves the attendance of Councillor Somerville to the May 2023 Council Meeting by audio visual link.

(Pryse Jones/Newstead)

**CARRIED**

**ACKNOWLEDGEMENT OF COUNTRY****DISCLOSURES OF INTEREST**

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

| <b>Councillor /Staff</b> | <b>Interest</b> | <b>Item</b> | <b>Pg</b> | <b>Report</b>  | <b>Reason</b>   |
|--------------------------|-----------------|-------------|-----------|--|---|
| Mark Dicker              | Pecuniary       | 12          | 48        | Assignment of Lease for Part 97 Adelaide Street, Blayney | Wife is Director of Ironbark Espresso Pty Ltd which is the current leaseholder of the Café at 97 Adelaide Street, Blayney |

**CONFIRMATION OF MINUTES****MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 18  
APRIL 2023****2305/002****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 18 April 2023, being minute numbers 2304/001 to 2304/013 be confirmed.

(Ewin/Gosewisch)  
**CARRIED**

**MATTERS ARISING FROM THE MINUTES**

Nil

**NOTICES OF MOTION****NOTICE OF MOTION - EXTENSION OF THE BATHURST  
BULLET TRAIN SERVICE****2305/003****RESOLVED:**

That Council:

1. Supports the extension of the Bathurst Bullet passenger train services through to Orange, stopping in the Shire at Blayney and Millthorpe.
2. Send a letter supporting the concept to the Local Member, Premier and Minister for Transport and the Joint Organisation.
3. Approach Orange 360 about supporting an extension of the current services through Blayney Shire.

(Reynolds/Pryse Jones)  
**CARRIED**

**NOTICE OF MOTION - THE VOICE REFERENDUM****2305/004****RESOLVED:**

That Council:

1. Supports holding "The Voice" referendum.
2. Supports the dissemination of appropriate information, from either side, to the community over the coming months including community information sessions led by relevant individuals and organisations and make the Community Centre available, free of charge, for these events.

(Pryse Jones/Ewin)  
**CARRIED**

**EXECUTIVE SERVICES REPORTS****QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 18 APRIL 2023****2305/005****RESOLVED:**

That the questions taken on notice at the Ordinary Council Meeting held on 18 April 2023 and the subsequent response be received and noted.

(Gosewisch/Newstead)

**CARRIED****APPLICATION FOR LEAVE OF ABSENCE****2305/006****RESOLVED:**

That Council approve the Leave of Absence application submitted by Councillor Ewin for the 6 June 2023 and 27 June 2023 Council meetings.

(Newstead/Reynolds)

**CARRIED****BLAYNEY SHIRE DISABILITY INCLUSION WORKING GROUP****2305/007****RESOLVED:**

That Council nominate Councillor Pryse Jones as Chair of the Blayney Shire Disability Inclusion Working Group.

(Ferguson/Reynolds)

**CARRIED****CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2023****2305/008****RESOLVED:**

1. That the report indicating Council's investment position as at 30 April 2023 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Pryse Jones/Gosewisch)

**CARRIED****QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2023****2305/009****RESOLVED:**

1. That the Quarterly Budget Review Statement for the quarter ending 31 March 2023 be received.
2. That the supplementary votes of \$398k nett proposed in the Quarterly Budget Review Statement be adopted, resulting in an increase to capital expenditure of \$160k, a decrease to operating expenditure of \$141k and an increase in income of \$417k (which includes an increase of \$22k in capital income).

(Reynolds/Gosewisch)

**CARRIED**

**DRAFT 2023/24 - 2026/27 DELIVERY PROGRAM AND 2023/24 OPERATIONAL PLAN****2305/010****RESOLVED:**

That Council:

1. Endorses the draft 2023/24 - 2026/27 Delivery Program and 2023/24 Operational Plan.
2. Places the draft 2023/24 - 2026/27 Delivery Program and 2023/24; Operational Plan on public exhibition for a minimum period of 28 days.
3. Note that the 2023/24 Draft Operational Plan forecasts a Net Operating Result before Capital Items of (\$1.05m) deficit (\$1.14m deficit for General Fund and \$91k surplus for Sewer Fund) and continued deficits thereafter throughout Council's Delivery Plan.
4. Continue with the consideration of and implementation of recommendations in the 2022 Strategic Financial Review to improve Council's long term financial sustainability.

(Newstead/Ewin)

**CARRIED****INFRASTRUCTURE SERVICES REPORTS****INFRASTRUCTURE SERVICES MONTHLY REPORT****2305/011****RESOLVED:**

That the Infrastructure Services Monthly Report for May 2023 be received and noted.

(Reynolds/Somerville)

**CARRIED****PLANNING AND ENVIRONMENTAL SERVICES REPORTS****PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - CLARKE STREET RECLASSIFICATION****2305/012****RESOLVED:**

That Council:

1. Endorses the draft Planning Proposal for submission to the Minister for Planning in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
2. Request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.

(Gosewisch/Pryse Jones)



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

| <b>FOR</b>             | <b>AGAINST</b>   |                |
|------------------------|------------------|----------------|
| Councillor Ewin        |                  |                |
| Councillor Ferguson    |                  |                |
| Councillor Somerville  |                  |                |
| Councillor Reynolds    |                  |                |
| Councillor Newstead    |                  |                |
| Councillor Pryse Jones |                  |                |
| Councillor Gosewisch   |                  |                |
| <b>Total (7)</b>       | <b>Total (0)</b> | <b>CARRIED</b> |

### CLOSED MEETING

**2305/013 RESOLVED:**  
That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matter:

**ASSIGNMENT OF LEASE FOR PART 97 ADELAIDE STREET**

*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.*

(Reynolds/Newstead)

**CARRIED**

Mark Dicker, having declared an interest, left the meeting and did not return.

### CONFIDENTIAL MEETING REPORTS

**2305/014 ASSIGNMENT OF LEASE FOR PART 97 ADELAIDE STREET RESOLVED:**

1. That the report on Assignment of Lease for Part 97 Adelaide Street be received.
2. That Council endorse transfer of the existing lease of Part 97 Adelaide Street, Blayney (Lot 25 Section 14 DP 758121) to the new business proprietor.
3. That Council endorse execution of the associated lease documentation by the Mayor, Deputy Mayor or Councillors under Council seal if required.

(Newstead/Pryse Jones)

**CARRIED**

**2305/015 RESOLVED:**  
That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.

(Gosewisch/Pryse Jones)

**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBER 2305/014.**

The Mayor acknowledged the sad of passing Darryl Reilly, Council's former Director Environmental Services, who was employed with Council from 1994 to 2006. Condolences will be passed onto his family.

There being no further business, the meeting concluded at 7.22pm.

The Minute Numbers 2305/001 to 2305/015 were confirmed on 6 June 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 16 May 2023.

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Cr S Ferguson  
**MAYOR**

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Mr M Dicker  
**GENERAL MANAGER**

**02) QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 16 MAY 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

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**Recommendation:**

That the questions taken on notice at the Ordinary Council Meeting held on 16 May 2023 and the subsequent response be received and noted.

**Reason for Report:**

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

**Report:****Question 1 – Item 09**

Cr Somerville asked for clarification regarding the \$4 increase to the Future Sewerage Infrastructure Subsidy Charge (prior to final adoption of the OP on 27 June 2023) given the amount of recent development within the shire.

**Response:**

The Development Servicing Plan (DSP) was adopted by Council at the 18 August 2020 meeting and covers sewerage developer charges for the areas serviced by Blayney Shire Council (BSC).

The DSP was prepared in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 306 (3) of the Water Management Act, 2000.

The plan provides that Developer charges relating to the DSP will be reviewed after a period of 4 to 8 years. In the period between any review, charges will be adjusted annually on the basis of the movements in the CPI for Sydney, excluding the impact of GST.

The number of connected Equivalent Tenements (ET) for Council currently stands at 1,754, the DSP forecast for 2022/23 1,748 ET.

Council has the ability to forego the proposed increase to the FSIC however this may result in a shortfall of revenue to fund future service expansion.

A copy of the DSP may be accessed from Council's website:

[https://www.blayney.nsw.gov.au/ArticleDocuments/929/BSC\\_DSP\\_Rev\\_4\\_Adopted.pdf.aspx](https://www.blayney.nsw.gov.au/ArticleDocuments/929/BSC_DSP_Rev_4_Adopted.pdf.aspx)

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**03) TOURISM DEVELOPMENT PROGRAM APPLICATION**

**Department:** Executive Services

**Author:** Manager Tourism and Communications

**CSP Link:** 3. Diversify and Grow the Blayney Shire Local and Visitor Economy

**File No:** GS.PG.1

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**Recommendation:**

That Council approve \$1,100 to the Millthorpe Village Committee for the Millthorpe Night Market event.

**Reason for Report:**

For Council to consider and approve the application seeking Council financial support under the Tourism Development Program 2022/23.

**Report:**

Millthorpe Night Market is an evening event featuring live music, food, beverage and retail stalls, closing with a fireworks display. It is a family-focused community event and also acts as the opening night for the broader Orange360 Winter Fire Festival.

The event attracts visitors from Orange (41%) and broader NSW (34%) and is attended by local Blayney Shire residents (25%). The funding requested will primarily go towards subsidizing equipment hire. Other expenses including fireworks, security, entertainment and traffic management and income from stallholders and ticket sales. Funds raised from the event will go towards Millthorpe Village Committee projects.

**Risk/Policy/Legislation Considerations:**

In accordance with the Local Government Act, s356, Council may resolve to grant financial assistance to persons for the purpose of exercising its functions.

As this program was included in the 2022/23 Operational Plan, does not exceed more than 5 percent of Council's income and is open to all persons within Council's area; 28 days public notice of Council's resolution is not required.

The application fits within the criteria as the event will encourage visitation to the region. Millthorpe Village Committee are financial members of Orange360.

**Budget Implications:**

The approval of these applications will be a total of \$1,100.

Councils' allocation in the 2022/23 Operational Plan for this program was \$10,000.

Approval of this application will result in the budget allocation being fully exhausted for 2022/23.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**04) 2023/24 COUNCILLOR AND MAYORAL REMUNERATION****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** CM.CI.1

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**Recommendation:**

That Council;

1. Apply the maximum 3% increase to Councillor and Mayoral annual remuneration for 2023/24 in accordance with the 2023 Local Government Remuneration Tribunal Annual Determination,
2. Endorse the annual remuneration for 2023/24 to the maximum level for the Rural Council category being; \$13,030 for Councillors and an additional \$28,430 for the Mayor,
3. Endorse the data allowance (for up to 50% reimbursement of data charges associated with home internet and telephone) to be set at a maximum of \$75 per month.

**Reason for Report:**

For Council to determine Councillor and Mayoral Remuneration for the 2023/24 year following receipt of the determination from the Local Government Remuneration Tribunal.

**Report:**

Council is in receipt of the Local Government Remuneration Tribunal (Tribunal) 2023 Annual Report and Determination and is now in a position to determine 2023/24 fees.

The Tribunal's report and determination provides details of a wide range of matters and submissions from stakeholders that it had taken into account in its determination. The Tribunal has determined that an increase of 3% in fees for councillors and mayors was appropriate.

Of interest in the review for 2023 by the Tribunal is the extensive examination of the 2020 Determination of Categories and introduction of new categories of councils as shown in the table below.

A new category classified as Rural Large was created. The 2020 determination was amended to reflect this new category and criteria that includes a population greater than 10,000 and a councillor to resident ratio of 1 to 1,200. It was noted by the Tribunal that there are a number of Rural councils on the cusp of this new category.

| <b>Metropolitan</b>             | <b>Non-Metropolitan</b>  |
|---------------------------------|--------------------------|
| Principal CBD                   | Major Regional City      |
| Major CBD                       | Major Strategic Area     |
| <i>Metropolitan Major (new)</i> | Regional Strategic Area  |
| Metropolitan Large              | Regional Centre          |
| Metropolitan Medium             | Regional Rural           |
| Metropolitan Small              | <i>Rural Large (new)</i> |
|                                 | Rural                    |

Blayney Shire Council remains unchanged within the Rural Council category and is amongst 38 councils determined under s.239 of the Local Government Act for the purposes of the annual fees. A comparison of 2023/24 fees to the relevant 2022/23 scale of fees for this category is shown below:

| <b>Rural Council category</b>                 | <b>2023 Determination</b> |                | <b>Current Maximum Fees</b> |
|---|---------------------------|----------------|-----------------------------|
|   | <b>Minimum</b>            | <b>Maximum</b> |                             |
| Councillor                                    | \$9,850                   | \$13,030       | \$12,650                    |
| Mayor (payable in addition to Councillor fee) | \$10,490                  | \$28,430       | \$27,600                    |

Council also has included in the Payment of Expenses and Provision of Facilities to Mayor and Councillors policy a data allowance of up to 50% reimbursement of data charges associated with home internet and telephone up to a maximum value determined by Council annually.

A review of personal NBN Plans available in the marketplace reflects that the current allowance that currently stands at a maximum of \$75 is adequate. It is not proposed for this amount to be varied.

#### **Risk/Policy/Legislation Considerations:**

Under s.248 of the Local Government Act Council may fix an annual fee, and in doing so must fix it in accordance with the appropriate determination of the Remuneration Tribunal. Council is unable to fix fees greater than the maximum determined by the Tribunal.

#### **Budget Implications:**

Provision for indexation of 7.8% to Mayoral and Councillor fees is included in the Draft 2023/24 Operational Plan and will be adjusted in accordance with the resolution of Council.

#### **Enclosures (following report)**

- 1 OLG Circular: Determination of the Local Government Remuneration Tribunal 2 Pages

#### **Attachments (separate document)**

- 2 Local Government Remuneration Tribunal Report and Determination 47 Pages



|                             |   |
|-----------------------------|---|
| <b>Circular Details</b>     | Circular No 23-03 / 10 May 2023 / A859646   |
| <b>Previous Circular</b>    | <i>22-14 2022/23 Determination of the Local Government Remuneration Tribunal</i>                    |
| <b>Who should read this</b> | Councillors / General Managers  |
| <b>Contact</b>              | Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Council to implement  |

### 2023/24 Determination of the Local Government Remuneration Tribunal

#### What's new or changing

- The Local Government Remuneration Tribunal has determined an increase of 3% to mayoral and councillor fees for the 2023-24 financial year, with effect from 1 July 2023.
- The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every three years under section 239 of the *Local Government Act 1993*. The Tribunal undertook a review of the categories as part of its 2023 determination.
- The Tribunal has determined the creation of two (2) new remuneration categories, 'Metropolitan Major' and 'Rural Large'.
- The Tribunal has also varied the criteria of several existing categories.
- As a result of the creation of the two new categories and changes to the criteria of some of the existing categories, the Tribunal has re-categorised twenty-six (26) councils into a higher existing category or into a new category.
- In its determination, the Tribunal has acknowledged the issues raised in submissions about the remuneration received by mayors and councillors, including a lack of diversity in representation, the changing nature of work required to be undertaken and changed community expectations. The Tribunal has suggested there would be merit in a comprehensive review of the framework for mayor and councillor remuneration. This will be considered as part of the Government's examination of the broader issues facing local government.

#### What this will mean for your council

- Sections 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2023 based on the Tribunal's determination for the 2023-24 financial year.

#### Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

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**Where to go for further information**

- The Tribunal's report and determination is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Brett Whitworth**  
**Deputy Secretary, Local Government**

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**05) MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 18 MAY 2023**

**Department:** Corporate Services

**Author:** Director Corporate Services

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

**File No:** CM.ME.17

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**Recommendation:**

That Council;

1. Receive the Minutes of the Audit, Risk and Improvement Committee meeting held 18 May 2023.
2. Note the recommendation that if a special variation to rates is required it be progressed within the current Council term.
3. Receive a report on the proposed Risk Management and Internal Audit for local government in NSW Guidelines and inform the committee regarding future direction.

**Reason for Report:**

For Council to endorse the minutes of the Blayney Shire Audit, Risk and Improvement committee meeting held 18 May 2023.

**Report:**

The Audit, Risk and Improvement Committee held its meeting 18 May 2023.

Of significance to Council from this meeting were:

- An update and outline of amended date for the Review of WHS Management Systems and Framework included for 2022/23 in the 2022/23 – 2024/25 Strategic Internal Audit Plan. The revised date proposed is September 2023.
- A report on Cyber Security Review: Penetration testing of external firewalls and networks was received. This review was proposed for 2022/23 in the 2022/23 – 2024/25 Strategic Internal Audit Plan. There were a number of recommendations for improvement that will be monitored by the committee in the Schedule of Recommendations.
- A report by the Chief Financial Officer on finance activities was provided including an outline of the financial implications of the draft 2023/24 – 2026/27 Delivery Program and 2023/24 Operational Plan.
- An update on the Financial Sustainability Review of Council was also reported including recommendations of the Council Finance Working Group and an outline of progress with implementation of recommendations to date. There was also discussion around Council's strategy towards financial sustainability and its need for a future special rate variation.

- A request was made by the committee for guidance from Council on its future direction with the imminent introduction of the proposed Risk Management and Internal Audit for local government in NSW Guidelines. This is to assist Council with development of a transition strategy and follows a circular from the Office of Local Government (OLG), released earlier this year, outlining that the finalised Guidelines are awaiting amendment to the Local Government Regulation in early 2023. The OLG also advised that they have approved Guidelines in draft form pending the supporting Regulation amendments being made so that councils can start to implement them. It is proposed that the guidelines take effect on 1 July 2024.

To this end, Council is working collaboratively with Central Tablelands Water and Upper Macquarie County Councils to ascertain opportunities that may exist with the new framework and for continuation of the current sharing of Independent Members and meeting facility. This matter will also be reported at a future Councillor Workshop before determination of a position by Council to inform the committee.

The full business paper from the Blayney Shire Audit, Risk and Improvement committee is available to Councillors for reference on the Councillor Portal.

The minutes of the meeting held are tabled below:

**MINUTES OF THE BLAYNEY SHIRE COUNCIL AUDIT, RISK &  
IMPROVEMENT COMMITTEE MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 18 MAY 2023, COMMENCING AT 9.04AM**

Present: Donna Rygate (Independent - Chair), Ron Gillard (Independent), Cr. David Somervaille (Councillor), Mark Dicker (General Manager), Anton Franze (Director Corporate Services – Secretariat), Tiffany Irlam (Chief Financial Officer), Vicki Walker (WHS & Risk Coordinator), Glenn Newman (Manager Information Technology).

**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

John Thompson (Intentus - Audit Service Provider for NSW Audit Office).

**DISCLOSURES OF INTEREST**

The Director Corporate Services reported the following disclosures had been made:

| Committee Member/Staff | Interest | Item | Pg | Report | Reason  |
|------------------------|----------|------|----|--------|---|
| D. Rygate              |          | -    | -  | -      | Member of Cabonne Shire Council, Upper Macquarie County Council and Central Tablelands Water ARIC Committees (Standing disclosure). |
| D. Rygate              |          | -    | -  | -      | Member of Western Regional Planning Panel (Standing disclosure).  |
| D. Rygate              |          |      |    |        | Member of Energy Co Advisory Committee (Standing disclosure).   |
| R. Gillard             |          |      |    |        | Member of Upper Macquarie County Council and Central Tablelands Water ARIC Committees (Standing disclosure).                        |
| Cr. D. Somerville      |          | -    | -  | -      | Chairperson of Central Tablelands Water. (Standing disclosure).   |

### Confirmation of Minutes

#### **MINUTES OF THE PREVIOUS MEETING HELD 16 FEBRUARY 2023**

##### **Recommendation:**

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 16 February 2023 be received.

David Somerville / Ron Gillard

### Reports

#### **WHS AND RISK REPORT**

##### **Recommendation:**

1. That the WHS and Risk report be received.
2. That the update on the Review of WHS Management Systems and Framework and amended date be noted.

Ron Gillard / David Somerville

**CYBER SECURITY REVIEW: PEN TESTING OF EXTERNAL FIREWALLS AND NETWORKS**

**Recommendation:**

1. That the report on Cyber Security Review: Penetration testing of external firewalls and networks be received.
2. That recommendations in the final report be updated to the Schedule of Recommendations and furnished to each Audit, Risk and Improvement Committee until resolved.

David Somerville / Ron Gillard

**CFO REPORT - FEBRUARY - MAY 2023**

**Recommendation:**

That the Chief Financial Officer report on finance activities be received.

Ron Gillard / David Somerville

**AUDIT ENGAGEMENT PLAN 2022/23 AUDIT**

**Recommendation:**

That the report on the Audit Engagement Plan for the year ended 30 June 2023 from the NSW Audit Office be received.

David Somerville / Ron Gillard

**SCHEDULE OF OUTSTANDING AUDIT RECOMMENDATIONS**

**Recommendation:**

1. That the Schedule of Outstanding Audit Recommendations report and update on progress to date be received;
2. That the Finance Working Group recommendations on Council's Financial Sustainability Review be noted; and
3. That if an special variation is to be required it be progressed within the current Council term.

Ron Gillard / David Somerville

**PRESCRIBED FUNCTIONS ACTIVITY REPORT**

**Recommendation:**

That the report on Prescribed Functions activities be received.

David Somerville / Ron Gillard

**UPDATE ON MAJOR DEVELOPMENTS**

**Recommendation:**

That the Update on Major Developments report be received.

Ron Gillard / David Somerville

**REVIEW OF AUDIT RISK AND IMPROVEMENT COMMITTEE  
TO COMPLY WITH PROPOSED RISK MANAGEMENT AND  
AUDIT GUIDELINES**

**Recommendation:**

That Council consider the proposed Risk Management and Internal Audit for local government in NSW Guidelines and inform committee on future direction.

David Somerville / Ron Gillard

Meeting closed: 10.56am

**Risk/Policy/Legislation Considerations:**

The Audit, Risk and Improvement Committee (the Committee) has been established to promote good corporate governance in Council. Good corporate governance of the Council ensures that the people of Blayney Shire receive the services that they need in an effective and efficient manner, delivered with honesty and integrity.

The objective of the Committee is to provide independent assurance and assistance to Council with respect to the following key areas as per Section 428A of the Local Government Act 1993. Such areas include compliance; risk management; fraud control; internal control; financial management; governance; service reviews; other matters prescribed by the regulations, and execution of Council functions.

The Committee is an independent advisory Committee that assists the Council to fulfil its oversight responsibilities.

**Budget Implications:**

Costs associated with holding of Committee meetings, sitting fees for independent members and associated service reviews / audits are provided for in Council's 2022/23 Operational Plan for this purpose.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**06) INFRASTRUCTURE SERVICES MONTHLY REPORT****Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** GO.ME.1**Recommendation:**

That the Infrastructure Services Monthly Report for June 2023 be received and noted.

**Reason for Report:**

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

**Report:****Topical Matters****Tender for Supply of Quarry Materials**

Council is currently advertising a tender for Supply of Quarry Materials, with a closing date of 9 June 2023. Tenders are invited from suitable suppliers for the supply and/or supply and delivery of Quarry Materials to various sites within the Blayney Shire Council region. The contract period is two years with two possible extensions of one year.

This will be the third reiteration of this tender. This procurement method has previously demonstrated success in providing a competitive panel of suppliers which Council may choose to purchase materials from as construction projects require.

It is anticipated the submissions will be evaluated in the coming weeks with a recommendation made to Council at the meeting on 27 June 2023.

**Major Contracts****Leabeater Street Bridge (FCB1)**

This project is now complete. Council is in the process of coordinating an opening date and will notify community members once confirmed.

**Belubula Way Bridge (REPAIR, R4R9)**

Some minor work is required to improve the bypass track before construction can commence. Pre-cast components are currently being constructed. There has been delays with commencement which is now estimated to occur in June. Completion is projected 8 weeks from commencement.



#### Four Mile Creek Road Bridge (FCB2A)

The deed for acquisition has been signed. This deed allows for the work to commence and the legal items to be resolved concurrently to construction.

A design and construct tender for the bridge has been released with a closing date of 30 June 2023. An extended tender period will enable more competitive quotations.

The bridge has been tendered without the road approaches in the scope of works. It has been found in previous tenders that bridge contractors place a large contingency for the road portions of works as it is not typically their core specialty. It is the intention that Council will complete the road approaches with their own staff or with contractor part service, ensuring the best value for money.

#### **Major Works**

##### Hobbys Yards Road Repair (R4R8)

Works have been substantially completed, with sealing complete and guideposts now installed. Drainage works and linemarking are outstanding and are expected to be completed in next financial year.

##### Gap Road Culvert Repair (Storm Damage)

Sealing works are completed. Linemarking is scheduled for week ending 4<sup>th</sup> April.

##### Errowanbang Road Repair (Storm Damage)

Road works have now been completed to remediate Errowanbang Road for the section that extends for approximately 1km south of Gap Road. Outstanding items are repair to a culvert and linemarking. These remaining works are on track for completion by the end of May 2023.

##### Forest Reefs Road Reconstruction (R4R7, OLG Flood Recovery)

All roadworks are completed, with a primeseal placed on 23<sup>rd</sup> May. A reseal and linemarking will be completed later this year.

##### Stabback Street Cul-de-sac Repair (RLRRP)

This project is complete.

##### Errowanbang Road, Gooleys Creek Repair (RLRRP)

Road works have been completed, with sealing occurring on the 18<sup>th</sup> of April. The pavement is currently being monitored for defects before final project completion is signed off.

##### South Blayney Pavement Repairs (RLRRP)

All pavement works are completed. Defect monitoring is underway, and transverse linemarking is being scheduled for later in the year.

Neville Road Rehabilitation (FLR4)

Survey has been completed, a design consultant has been engaged, and preliminary procurement of materials has commenced. It is expected that initial drainage works will commence in June/July prior to roadworks commencing towards the end of year pending final timing of stabilising contractor.

Forest Reefs/Tallwood Road Intersection (R4R8)

Survey is complete. The acquisition deed that previously inhibited works is signed. Detailed design is still being finalised, with works expected to commence in September 2023.

Unwin & Stabback Street (LRCI)

Survey is complete, and detailed design is being finalised. Preliminary procurement for drainage materials is underway.

**Minor Road Works**Maintenance works

Pothole patching has been performed on segments of the following roads: Fell Timber Road, Errowanbang Road, Forest Reefs Road.

The following areas have also undergone pothole patching: Blayney, Mandurama, Carcoar.

Maintenance grading has been undertaken on unsealed roads within the Carcoar, Lyndhurst, and Garland areas.

No additional roadside vegetation management has been undertaken this month.

**Footpaths**Elliot Street/Park Street, Millthorpe (R4R8)

Works have commenced, with the first pour at the highway end & minor drainage structures complete.

Trunkey Street, Newbridge (R4R8)

Following extensive community consultation, the design has been finalised for Trunkey Street, Newbridge. Tree works and subsequent construction works will be scheduled to commence after Newbridge Winter Solstice event.

Belubula River Walk – Stage 3 (BBRF5)

The Boardwalk is now complete. A concrete path has been completed and connect to the existing footpath in Henry Street. Outstanding works to be completed are only the landscaping - tree planting.

A draft landscaping concept layout will be prepared following a site consultation meeting and will be distributed to Councillors once complete.

Belubula River Walk – Stage 4 (SCCF4)

The work to construct the cul-de-sacs at the end of Stillingfleet and Charles Streets will commence by June. Fencing work around the dams at the back of Heritage Park have been completed.

**Open Spaces & Facilities**Smart Hub Lighting & Access Control

CWELC lighting, Dakers Oval amenities, and Redmond Oval lighting and access control sites are online with final programming and software deliverables outstanding. This is tied to the same control system outstanding for the Recycled Water Treatment Plant.

Once completed and commissioned, this will enable Council to provide, monitor and control, access and lighting at these sites remotely. The locks at KGO change rooms still require commissioning.

King George Oval Upgrades (R4R8, SCCF4, SCCF5)

Following award of the Carpark tender discussions have been made with the contractor regarding the deferred commencement till October 2023. The reason for this is due to the approaching winter weather which is not favourable for granular base construction and poses quality assurance risks.

Footpath works have been completed within the KGO complex, and the footpath and exit layback at Charles Street has been completed.

Grandstand handrailing has been completed.

KGO Lighting upgrade SCCF4

Lighting upgrade has commenced with the trenching and initial electrical works complete. The footings for the light poles have been installed and the erection of the light poles underway. It is anticipated the lights will be operational mid-June.

Grandstand seating/Painting

Seating will be completed by the 26 May.

Painting of the grandstands has also commenced. Toilet block has been completed.

Carrington Park Toilet Refurbishments (R4R8)

The scope has been reviewed and it is intended that only the accessible toilet will be refurbished under this program. A contractor has been engaged to undertake this work.

Heritage Park New Toilets (R4R8)

The following concept design finalisation the design will be distributed among appropriate community groups for comment.

### Recycled Water Treatment Plant

Commissioning and validation of the plant has been completed and has passed all the required specifications to produce recycled water.

The irrigation system at Napier Oval is operational. King George Oval had some unanticipated issues commissioning the irrigation pumps but should be fully operational in the coming weeks.

Final handover of the control system for the standpipe is outstanding, which will enable fobs to be issued to customers and automated filling to take place. In the interim the plant is able to be run manually if water is required from the standpipe.

### **Assets**

Staff have completed a review of the fourth draft valuation report for the Building and Other Structures Fair Value assessment. Council staff await the finalised report, to enable the impact and reconciliation of the revaluation to be calculated. There have been significant delays in obtaining the final valuation from the consultants and Council's External Auditor has been kept informed of the issues and challenges.

Staff continue to refine Asset Additions work papers and enter new assets into the Asset Management System in preparation for end of year reporting.

### **Risk/Policy/Legislation Considerations:**

Information report only.

### **Budget Implications:**

Nil

### **Enclosures (following report)**

Nil

### **Attachments (separate document)**

Nil

**07) PROPOSED NAME - ADDITION TO PRE APPROVED ROAD AND BRIDGE NAME LIST****Department:** Infrastructure Services**Author:** Manager Assets**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** RD.AD.1**Recommendation:**

That Council;

1. Note receipt of the request to add the name ‘Sutton’ to the pre-approved road and bridge names list in the Road, Pathway and Bridge Naming Policy (25F).
2. Place the request on public exhibition for a minimum of 28 days,
3. Following the public exhibition, receive a further report to consider the request.

**Reason for Report:**

To seek Council endorsement of the name Sutton to be added to the *List of Pre-Approved Names* (Appendix A) in the *Road, Pathway, and Bridge Naming Policy* (25F).

**Report:**

Council has received a request for the addition of the name ‘Sutton’ to the Pre-Approved Names List (Appendix A) in the Road, Pathway and Bridge Naming Policy (25F).

The information in this report has been supplied by the proponent and council has not been able to verify all the information provided. Council approached the Blayney Shire Local and Family History Group who were unable to provide any additional information.

The information Council has is summarised below, with reference to the evidence supplied and compliance with the criteria contained within the policy.

**Allen Loseby Sutton (25.07.1913 – 01.12.1991)**

| Statement  | Evidence                            | Compliance with Policy   |
|--|-------------------------------------|--|
| Resided in Blayney from 1946 to 1991.  | Unverified                          | Compliant with policy.   |
| Licensed Builder <ul style="list-style-type: none"> <li>• Building houses in Blayney, Lyndhurst, Mandurama, Millthorpe and rural properties,</li> <li>• Employing up to 5 carpenters and apprentices.</li> </ul> | Verified (Item 9)<br><br>Unverified | Considered paid work – not consistent with policy.<br><br>Compliant with Policy. |
| Highly skilled Water Diviner   | Verified (Item 5)                   | Considered paid work – not consistent with                                       |

|  |                                     |   |
|--|-------------------------------------|---|
|  |                                     | policy.   |
| Charter member of Blayney Rotary Club  | Verified (Item 8)                   | Compliant with policy.                                |
| Honorable Brother of Blayney Freemason Lodge.  | Unverified                          | Potentially contentious within the broader community. |
| Member of the Blayney Show Society   | Unverified                          | Compliant with policy                                 |
| Blayney Cubs and Scouts committee member   | Unverified                          | Compliant with policy                                 |
| 'Infamous' Gold Prospector. <ul style="list-style-type: none"> <li>Recognised within region.</li> <li>The proponent has also claimed a community contribution as "the principal instigator in having the Browns Creek Mine becoming operational".</li> </ul> | Verified (Item 2 & 3)<br>Unverified | Compliant with policy                                 |

**Risk/Policy/Legislation Considerations:**

This submission to include the name Sutton on the *List of Pre-Approved Names* (Appendix A) has been undertaken in accordance with the Councils *Road, Pathway and Bridge Naming Policy (25F)*.

**Budget Implications:**

Nil

**Enclosures (following report)**

1 Sutton Road Naming Submission

10 Pages

**Attachments (separate document)**

Nil

**Item 1. Submission for addition of the name Sutton to the List of Pre-Approved Names List**

To .....Blayney Shire Council .

From .....Paul and John Sutton c/-60 Duncan St Huskisson 2540.

Subject ...Applying for consideration of Street, Avenue, Lane ,road or Bridge ,after our Father , ALLEN LOSEBY SUTTON .

A Brief History. Allen Loseby Sutton ,25<sup>th</sup> July 1913 / 1<sup>st</sup> Dec 1991.

Married to Joan Sutton, 18<sup>th</sup> Oct 1911 / 31<sup>st</sup> Dec 1993.

Moved to Blayney at 46 Osman St in 1946.

Worked as a Licenced Builder, in Cooma area ,Forbes ,Wellington and Lithgow then Blayney .

As a permanent Licenced Builder under the Master Builders association in the Blayney Shire on projects in Blayney, Lyndhurst, Mandurama ,Milthorpe and rural properties.

Some major projects.

Mallow Grove near Carcoar Dam for Cdr J S Horn.

Parkers residence Bathurst Rd.

N Gardiner Bathurst Rd.

Barry Road large homestead.

Employed 5 Carpenters and several apprentices.

Allen Sutton was a water diviner being highly skilled in this field due to infamous Geologist knowledge. Found water boars in drought times and at times of need.

Eg . To Tom Gordons property 2400gallonsper hour.

Rob Croft .1800 G P H.

M Walkom .2400 G P H.

T Stonestreet .700 G P H.

And many more.

Allen Sutton was.

A foundation Member of Blayney Rotary.

Honourable Brother of Blayney Freemason Lodge.

Member of the Blayney Show Society.

Committee Member of Blayney Cubs and Scouts.

Allen Sutton was an Infamous Gold Prospector in the region and Blayney Shire .

Having mined gold at Kings Plains, Portuguese Reef .

Dungeon Rd Mine.

Browns Creek Mine.

Cadia Mines. Newcrest.

Trunkey, Lucknow and Macquaire river Bathurst Sand Extraction. And many more.

He Owned the Mining Rights to all of the above areas and and sold them over the years.

The Portuguese Reef, Dungeon Rd. is soon to be one of the largest Gold mines in N S W.

Cadia Mines, Newcrest Mines, also one of the largest gold mines in N S W .

At Trunkey he had a quarts reef gold mine with an operating steam engine and 5 head gold stamper and was used as exhibitions and was on the a tv show

with Bill Peach operating the mine and equipment. The Steam engine is now housed in the Millthorpe Museum.

He was the principle instigator in having Browns Creek Gold Mine becoming operational.

All these mines are in the Blayney Shire Precint giving The Blayney Shire Council invaluable income from all these Mines over many years leading To Blayney Shire Council having magnificent Budget expenditure in the past ,present and into the future.

We therefore submit to Blayney Shire Council Serious and Prioritised Consideration of a Street, Avenue, Park ,Bridge or an area named after him .

ALLEN LOSEBY SUTTON .

From Paul and John Sutton C/- 60 Duncan St Huskisson 2540

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**Item 2. Alan Sutton demonstrating gold panning at Lucknow (Date unknown).**

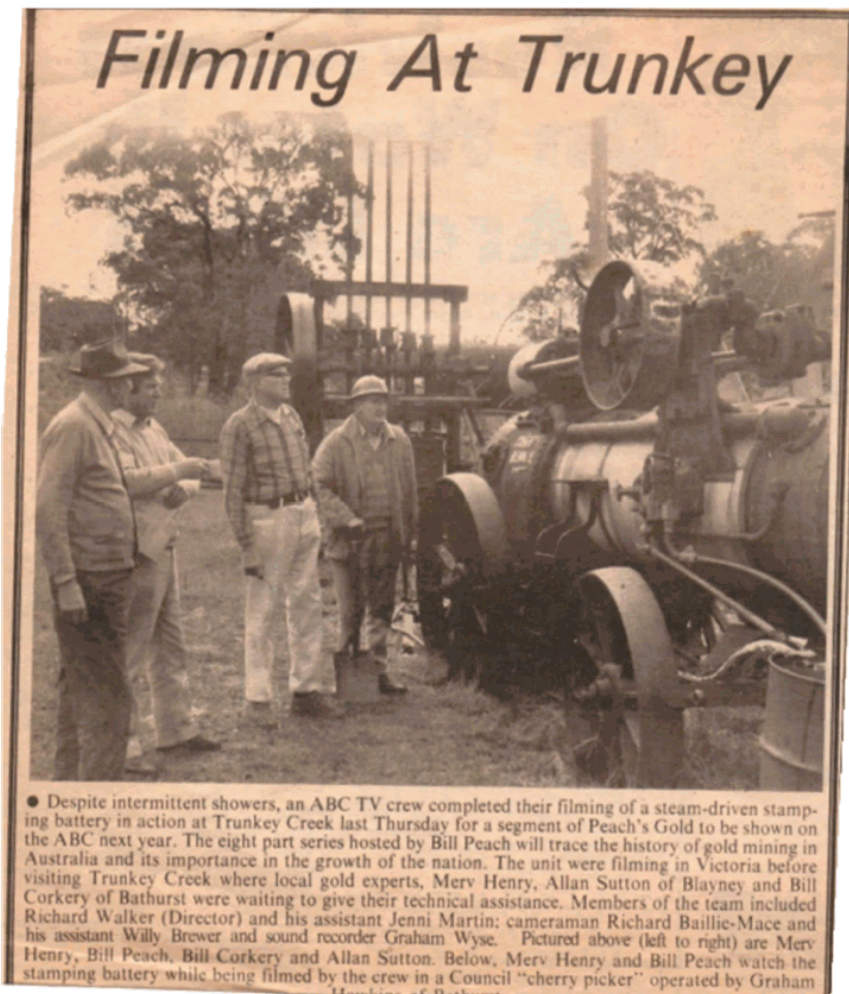
- Not within Blayney LGA



**A MATEUR** prospect-  
or Mr Alan Sut-  
ton, of Blayney, de-  
monstrates how to  
pan for gold at the  
Gold Rush at Luck-  
now on Saturday.  
The Gold Rush  
was organised by  
the Orange District  
Tourist Association in  
support of the Tour-  
ist Queen candidate  
for Cherry Blossom,  
Val Andrews.  
• See other picture,  
tory, page 2.

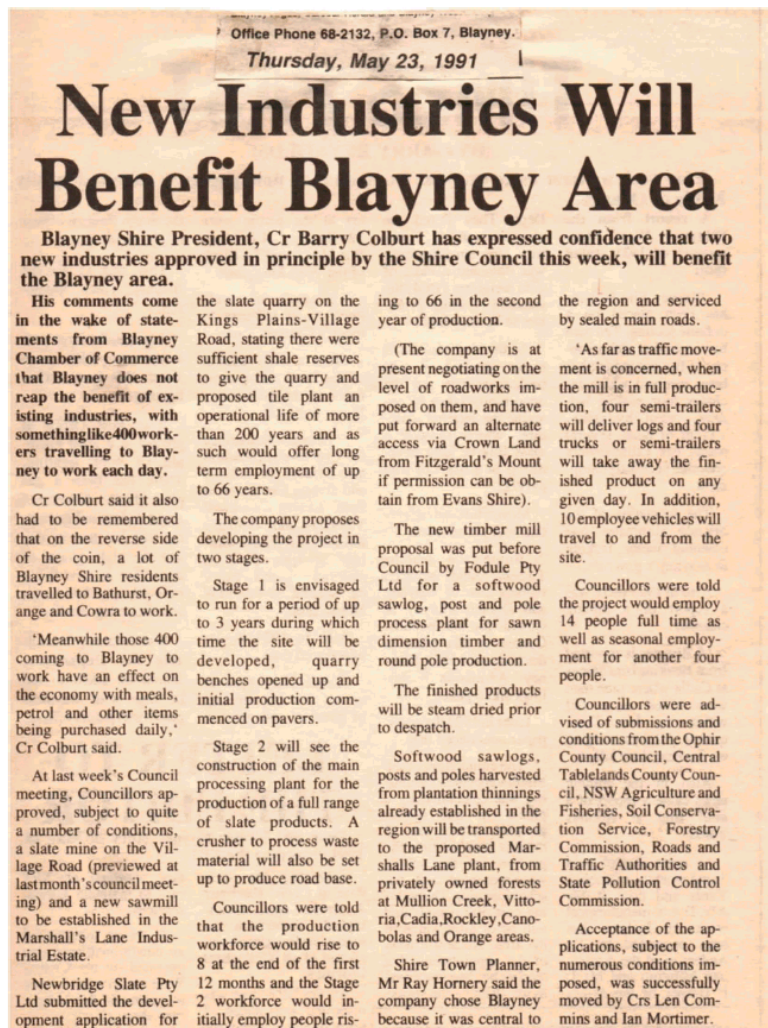
**Item 3. Filming for Bill Peach show at Trunkey Creek**

- Not within Blayney LGA



**Item 4. Discussion on Slate mine and Sawmill (May 1991)**

- Connection between Mt Sutton and Slate Mine not established.
- Slate Mine did not proceed.



**Item 5. Add for Water Divining (Lyndhurst Shire Chronicle, May 1981)**

- Add for private Business / not above and beyond paid work.

**WATER DIVINING**

Experienced in prospecting, geology in underground water  
in rock, springs, creek and river gravels in flats.  
Water may be under dry dams or close by. You may have  
water in shallow selected spots!  
**BORE SITES SELECTED, HIGH SUCCESS RATE AND BIG  
FLOWS INCLUDING:**

- Tom Gordon — 2400 g.p.h.
- R. Croft — 1800 g.p.h. and 1000 g.p.h.
- N. Gardiner 1000 g.p.h.
- M. Walkom — 2400 g.p.h.
- T. Stonestreet — 700 g.p.h.

Other successes have included Kelvin Smith (Emily Downs), R. Rutherford, Park Wellwood at Lucknow; R. Speers (Neville), J. Bono (Spring Terrace), Forest Reefs Convent; G. Fitzhardinge (Mandurama), J. Gilkes (Mt Canobolas), R. Burgess (Hobbys Yards), R. Ewin (Browns Creek), R. Fuller (Carcoar), David Price, A. Garvey, P. Crosbie (Neville), W. Lee, J. Brunton, A. Cheney, M. Commins.

**OTHERS AT BATHURST & KELSO ETC.**

Can recommend reliable boring contractor  
**ALLEN L. SUTTON, 46 OSMAN ST  
BLAYNEY. Phone 68 2312**

Page Six. Lyndhurst Shire Chronicle, Thursday, May 7, 1981.

**Item 6. Article regarding Slate Mine (Lyndhurst Shire Chronicle, March 1991)**

- Connection to Allan Sutton not established.



**Item 7. Receipt for Gold sold to Australian Mint**

- Not above and beyond paid work.

*Gold Producers' Association Limited* TELEPHONE: 325 2955  
INCORPORATED IN AUSTRALIA REGISTERED OFFICE: SUNNYSIDE HOUSE, 140 ROYAL, PERTH, WEST PERTH, W.A. 6008  
 15TH FLOOR, F.A.I. BUILDING, 231 ADELAIDE TERRACE, PERTH, W.A. 6000

**STATEMENT OF PROCEEDS OF BULLION - DISTRIBUTION NO. 628.**

Member: A.L. Sutton GPA No: 2956  
 46 Osman Street  
 BLAYNEY NSW 2799

Lodgment at Perth Mint during week to 1 August 1986.  
 Mint Out-turn No. 3796 Gold sold 6 August 1986.

|               |       |   |    |                  |
|---------------|-------|---|----|------------------|
| Fine Gold     | 17.92 | ounces at \$578.927655 per ounce                    | \$ | 10,374.39        |
|               |       | <u>Plus</u> Silver value as per Perth Mint Out-turn | \$ | 8.85             |
|               |       | <u>Less</u> Mint charges as per Mint Out-turn       | \$ | 37.75            |
| <b>TOTAL:</b> |       |   | \$ | <u>10,345.49</u> |

*L. H. L. L.*  
 .....  
 Assist. Joint Sec.

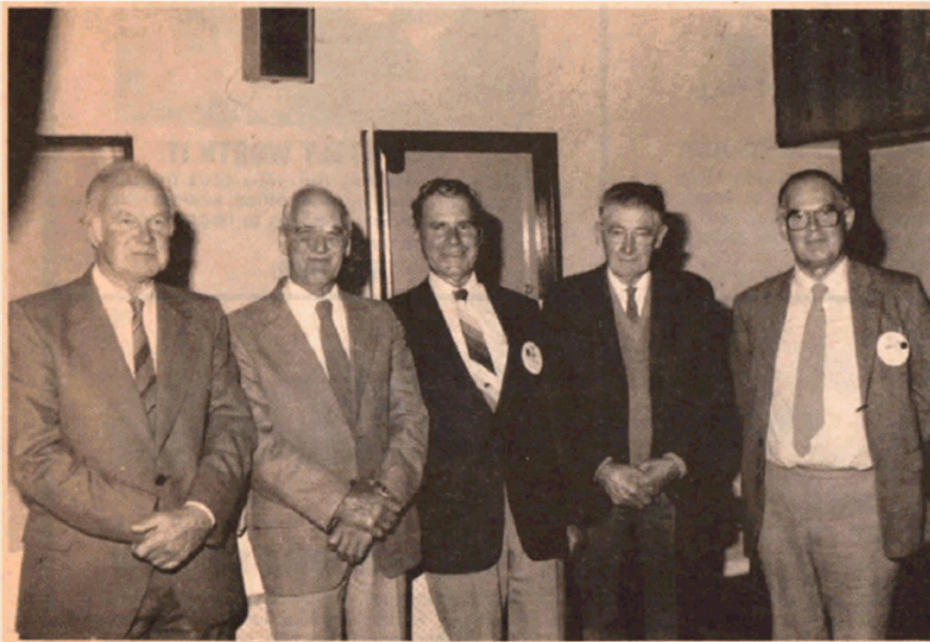
Cheque: attached, forwarded to bank.

Date: 7 August 1986

TELEX NO. AAS2782  
 FAX 100 325 4862  
 CABLE AND TELEGRAPHIC ADDRESS:  
 "MINERALIST," PERTH

P.B. GURDY  
 M. D. E. JACKA  
 JOINT SECRETARIES

Item 8. Charter member of Blayney Rotary Club (Lyndhurst Shire Chronicle, 6 Dec 1985).



*Charter members of the Blayney Rotary Club, pictured at Monday night's 30th anniversary dinner meeting are Messrs Jack Thwaite, Jack Crofts, Ian Moore, Alan Sutton and Bruce Jones.*

Lyndhurst Shire Chronicle, Friday, December 6, 1985.

Page 11

Item 9. Evidence of Building business (Invoice 14 Dec 1964).

:: BUILDER AND CONTRACTOR ::

M n. n. l. Gardner 46 Osman Street.  
Kings Plains BLAYNEY, 14 Dec, 1964  
 Phone 180

**Dr. to A. L. SUTTON**

All Classes of Joinery Work and Cupboards

|  |   |       |     |
|--|---|-------|-----|
| To building work on cottage<br>at Red Hill Kings Plains. |   |       |     |
| Total l. acct.   | £ | 5,573 | - - |
| By progress payments.                                    | £ | 3,688 | - - |
| Balance owing.   | £ | 1,885 | - - |



**08) PROPOSED ROAD NAME - 61 FOREST REEFS ROAD (GLENORIE ROAD), MILLTHORPE SUBDIVISION**

**Department:** Infrastructure Services

**Author:** Manager Assets

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

**File No:** RD.AD.1

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**Recommendation:**

That Council;

1. Note receipt of the request to name the new public road in the subdivision at 61 Forest Reefs Road, Millthorpe 'Mortimer Close' in memory of Mr. Ian Charles Mortimer,
2. Place the request on public exhibition for a minimum of 28 days,
3. Following the public exhibition, receive a further report to consider the road naming application.

**Reason for Report:**

To seek Council endorsement to place the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road, Millthorpe on public exhibition for a minimum of 28 days, in accordance with the *Road, Pathway, and Bridge Naming Policy (25F)*.

**Report:**

Council has received a request to name the new road part of the subdivision at 61 Forest Reefs Road 'Mortimer Close' after Mr Ian Charles Mortimer.

Council at its meeting of 19 July 2021 (**resolution number 2107/004**);

***“RESOLVED:***

- 1. That Council consents to Development Application DA60/2020 for a twenty three lot torrens title subdivision of 61 Forest Reefs Road, Millthorpe, being Lot 286 DP1018875, subject to the recommended conditions.*
- 2. That an amended road naming application is submitted for consideration in accordance with Council's Road, Street and Bridge Names Policy.”*

An amended road naming application has now been submitted. The information in this report has been supplied by the proponent and verifies most of the proponents' claims.

The information Council has is summarised below, with reference to the evidence supplied and compliance with the criteria contained within the policy.

**Ian Charles Mortimer (29.04.1933 – 24.05.2005)**

| Statement  | Evidence   | Compliance with Policy                                   |
|--|--|--|
| Resided in Millthorpe from 1984 to May 2005.   | Verified   | Compliant with policy                                    |
| Police Officer 1955 - 1985 <ul style="list-style-type: none"> <li>Merit Award for promoting Road Safety (1968)</li> <li>Member of the Police Pipe band.</li> </ul> | Verified (Item 3)<br>Verified (Item 3 & 6)         | Partly compliant with policy, as based around paid work. |
| Established the 'first residential artists school in Australia' (1987 – c2007). <ul style="list-style-type: none"> <li>Assisting the visitor economy.</li> </ul>   | Verified (Multiple articles)<br>Verified (Item 18) | Considered paid work.<br>Compliant with policy.          |
| Chairman of the Millthorpe Ploughing Titles Committee. <ul style="list-style-type: none"> <li>Hosting the Millthorpe Ploughing Championships in 1988</li> </ul>    | Verified (Item 15, 26 & 27)                        | Compliant with policy                                    |
| Blayney Shire Councilor (1987 – 1991).   | Verified (Item 3)                                  | Compliant with policy                                    |
| President of the Millthorpe Bowling Club – 2 years   | Unverified.  | Compliant with policy                                    |

**Risk/Policy/Legislation Considerations:**

This submission to adopt the name 'Mortimer Close' for the road within the subdivision at 61 Forest Reefs Road, Millthorpe has been undertaken in accordance with the Councils *Road, Pathway and Bridge Naming Policy (25F)*.

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)****1 Mortimer Naming Submission**

28 Pages

*This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

**09) DA2023/0043 - ERECTION OF A CARPORT - 8 RUSSART STREET LYNDHURST**

**Department:** Planning and Environmental Services

**Author:** Manager Development Assessment

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

**File No:** DB.AB.1954

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**Recommendation:**

That Council consents to Development Application 43/2023 for the erection of an outbuilding (carport) at Lot 4 DP 986911 - 8 Russart Street, Lyndhurst subject to the recommended conditions of consent.

**Reason for Report:**

Council's consent is sought for the erection of an outbuilding (carport, 9m x 3.5m, 31.5m<sup>2</sup>) at Lot 4 DP 986911 – 8 Russart Street, Lyndhurst (the 'subject property').

The subject property is located in a RU5 Village zone under the *Blayney Local Environmental Plan 2012 (BLEP)* and contains an existing dwelling house and two (2) outbuilding (sheds).

The application does not comply with the DCP, Part C: Residential Development, C3.3, as the proposed development exceeds the acceptable solution of a 128m<sup>2</sup> cumulative floor area.

The total cumulative floor area for the existing and proposed sheds is 207.5m<sup>2</sup>, which exceeds the standard by 79.5m<sup>2</sup>. The variation, being greater than 10%, means Council staff cannot use delegation to determine the application, as such, the applicant has sought Council's approval for a variation to the acceptable solution.

**Report:**

The key consideration is whether the proposed development meets the relevant objectives / performance criteria and acceptable solutions of the Blayney Development Control Plan 2018 (DCP) for an outbuilding in a RU5 Village zone.

Based on the rationale set out in the body of this report, it is recommended that a variation should be supported allowing for a variation in the cumulative floor area on the subject property.

In summary, it is considered that the proposed development is consistent with the aims, objectives, and performance criteria of the *BLEP* and *DCP* subject to the recommended conditions of consent.

**Proposed Development**

Council's consent is sought for the erection of an outbuilding (carport, 9m x 3.5m, 31.5m<sup>2</sup>) at Lot 4 DP 986911 – 8 Russart Street, Lyndhurst (the 'subject property').

The proposed carport is located behind the existing dwelling house and outbuildings (shed/garage). The purpose of the development is for the private use of the storage of a car/caravan. The exterior of the proposed development will match the existing outbuilding (shed) in materials and colour finish.

**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*. Relevant issues are addressed in the body of this report.

**Clause 1.7 Maps**

|                            |                       |
|----------------------------|-----------------------|
| Land zoning:               | RU5 Village Zone      |
| Lot size:                  | 3714.78m <sup>2</sup> |
| Heritage:                  | No                    |
| Terrestrial biodiversity:  | No                    |
| Groundwater vulnerability: | No                    |
| Drinking water catchment:  | No                    |
| Watercourse:               | No                    |
| Flood:                     | No                    |

**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. An outbuilding (carport) is 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 development is assessed to be consistent with the foregoing objectives. In particular, the proposed development will make a positive contribution towards the existing rural village and amenity of the area.

**Part 6 – Additional local provisions****Clause 6.2 Stormwater management**

Clause 6.2 seeks to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. The clause is applicable to 'all land in residential and employment zones.' The site is situated with a RU5 Village zone which is not

defined as a 'residential or employment zone' but rather a 'rural zone' under clause 2.1 of Blayney LEP. Consequently, this provision is not applicable to this site. However, appropriate disposal of stormwater is a relevant consideration having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act to ensure the impacts of stormwater are appropriately dealt with. In this regard, Council's Building Surveyor has recommended a condition of consent requiring all drainage and plumbing work to be carried out in accordance with the Plumbing Code of Australia by a licensed plumber and drainer. This will ensure that stormwater is directed to the legal point of discharge.

### **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.

Given that the subject property is located within a village area in Lyndhurst and shows no evidence of a potentially contaminating land use, it is considered unlikely to be contaminated. Consequently, Council has considered this issue and is satisfied the land is suitable for the development.

### **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 C – Residential**

Part C – Residential of the *DCP* applies to development applications for a wide range of dwellings, residential accommodation types and ancillary development.

### **C3 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas**

C3.3 outlines the provisions in a RU5 Village zone:

2) *Detached Garages/Carports/Sheds/Shipping Containers:*

- a) *Should generally be located behind any existing or proposed dwelling or towards the rear of any property;*
- b) *Must not exceed a ridge height of 4.8m from existing ground level;*
- c) *Must not exceed a cumulative floor area (detached from the dwelling):*
  - i) *If the lot is < 900m<sup>2</sup> in size – maximum of 96m<sup>2</sup>;*
  - ii) *If the lot is ≥ 900m<sup>2</sup> in size – maximum of 128m<sup>2</sup>.*

The application does not comply with the *DCP, Part C: Residential Development, C3.3*, as the proposed development exceeds the acceptable solution of 128m<sup>2</sup> cumulative floor area.

The total cumulative floor area for the existing and proposed sheds is 207.5m<sup>2</sup>, which exceeds the standard by 79.5m<sup>2</sup>. As such, the applicant has sought Council's approval for a variation to the acceptable solution.

In accordance with *DCP, A1.11 Variation to Controls, Council may consent to a Development Application involving departure from a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:*

- a) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and*
- b) The objectives of the particular control are met or sufficiently addressed; and*
- c) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and*
- d) The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.*

Accordingly, it is recommended that a variation should be supported allowing for a variation in the cumulative floor area on the subject property due to the following:

- The objectives of the relevant controls are to ensure *that outbuildings and garages/carports: a) will not dominate views from the street or key public places; b) will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; c) will integrate with the dwelling design and surrounding landscaping and buildings; d) will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise).* The proposed development sufficiently addresses the objective through the design and layout of the proposed building to ensure that the scale and setting integrates into the existing rural residential landscape, whilst improving the amenity on the surrounding area.
- The proposed outbuilding (carport) is located behind the existing dwelling house and outbuildings (shed/garages), therefore, reducing the scale, bulk and visual impact on Russart Street and adjoining landowners; and
- Existing landscaping provides a screen and buffer between the surrounding landowners, particularly the residential property to the west.

Therefore, it is recommended that a variation should be supported allowing for additional cumulative floor area to be allowed on the subject property.

#### **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)**  
Not applicable to this application.
  
- **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)**

Not applicable to this application.

**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**

The likely impacts of the proposed development have been considered in the body of this report. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact and will have a positive improvement on the amenity of the surrounding area

**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 proposed development was notified to adjoining landowners. No submissions were received.

**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 proposal is not otherwise inconsistent with any relevant policy statements, planning studies, guidelines or other relevant document.

**Risk/Policy/Legislation Considerations:**

The proposal is permissible with 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)**

|   |                                    |         |
|---|------------------------------------|---------|
| 1 | Site Plan                          | 1 Page  |
| 2 | Floor & Elevation Plans            | 3 Pages |
| 3 | Statement of Environmental Effects | 3 Pages |
| 4 | Draft Conditions                   | 4 Pages |

**Attachments (separate document)**

Nil



**Blayney Shire Council**  
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BLAYNEY 5122 QANTAS  
PH: 080 4362 2004  
WWW.BLAYNEYSHIRE.COUNCIL.GOV.AU

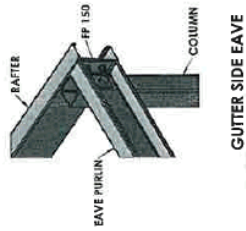
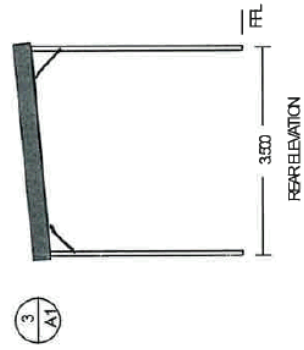
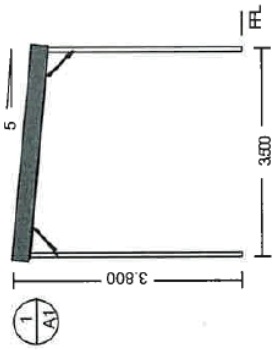
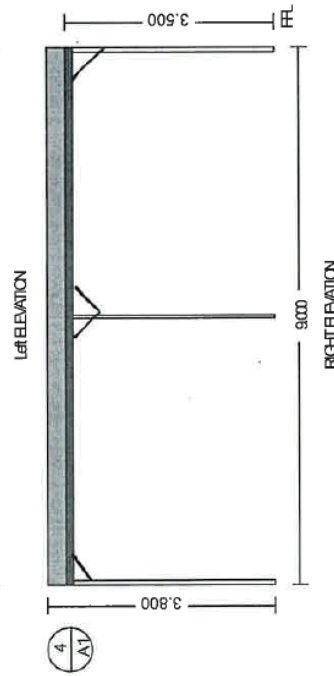
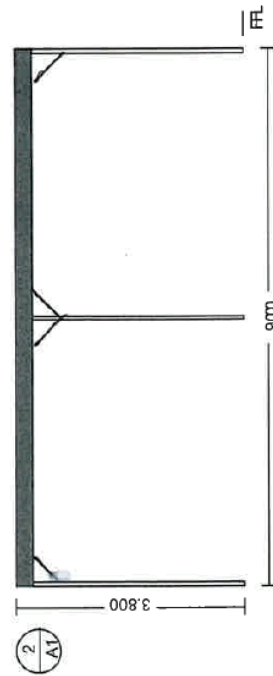
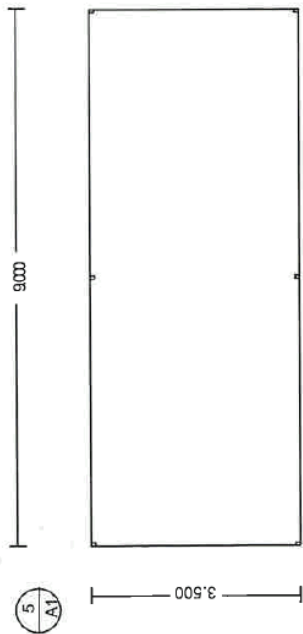
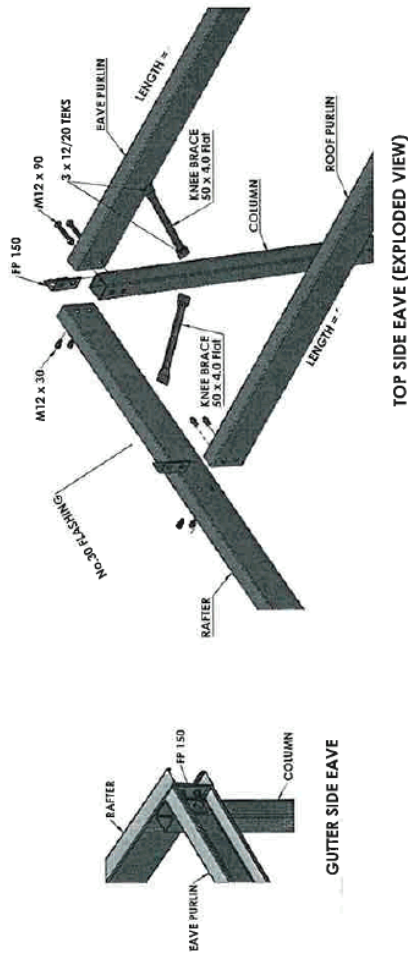
**Blayney Shire Council**  
This has been prepared for the use of Blayney Shire Council, Department of  
Council Services (2023)

**Project Name:** 8 Russart St  
**Date:** 28/03/2023 10:18 AM  
**Created By:** James Evans  
**1:500**

**8 Russart St  
Lyndhurst**

This drawing is made to scale to the accuracy of 1:500. Blayney Shire Council and the Council of Blayney Shire Council, Department of Council Services, and Blayney Shire Council, Department of Council Services, make no representation or warranty as to the accuracy, reliability or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including without limitation consequential damages) and costs which you might incur as a result of this drawing. It is your responsibility to check the accuracy of the data used in this drawing.

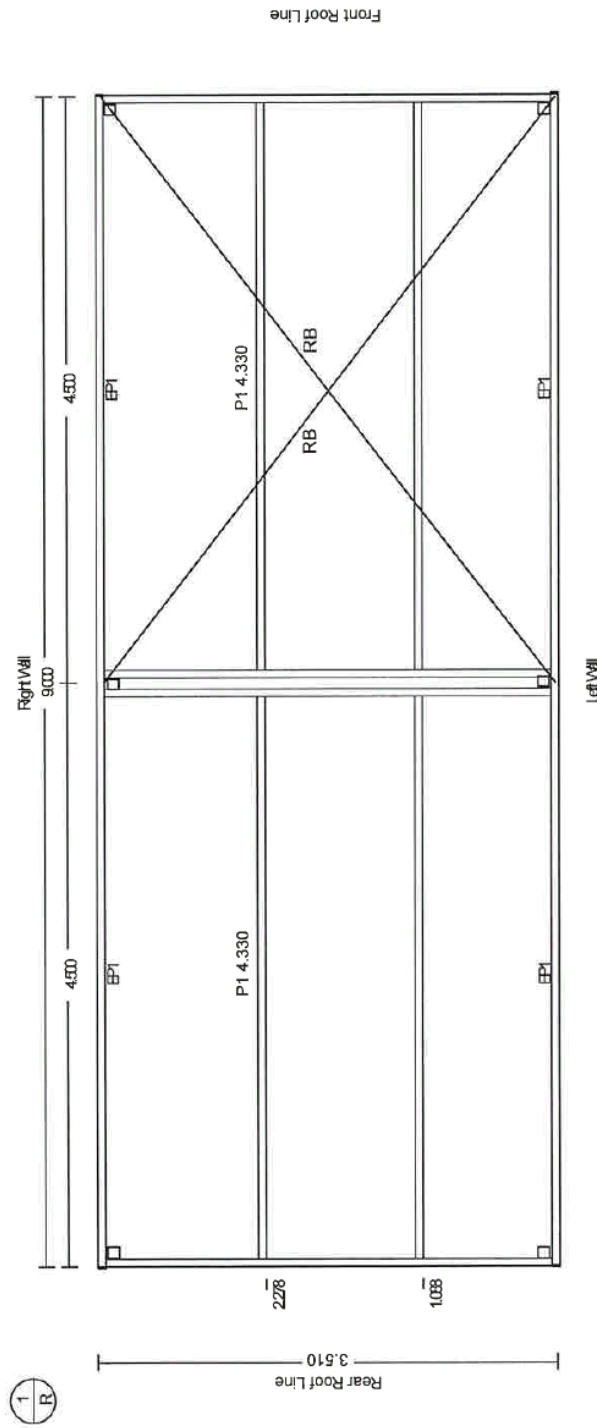
*NB, No tree removal proposed. Existing trees already removed*



|                               |                |         |            |
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| DWG#PI                        | Ref: 22/000086 | DRAWING | Scale: 1:1 |
| <b>ARCHITECTURAL DRAWINGS</b> |                |         |            |

|  |
|--|
| <b>CLIENT</b>  |
| Proposed Carpet 3.600 x 9.000 x 3.600 NS<br>A/ BFLUSSART STREET LYNDHURST<br>For GRAHAM SPICER |

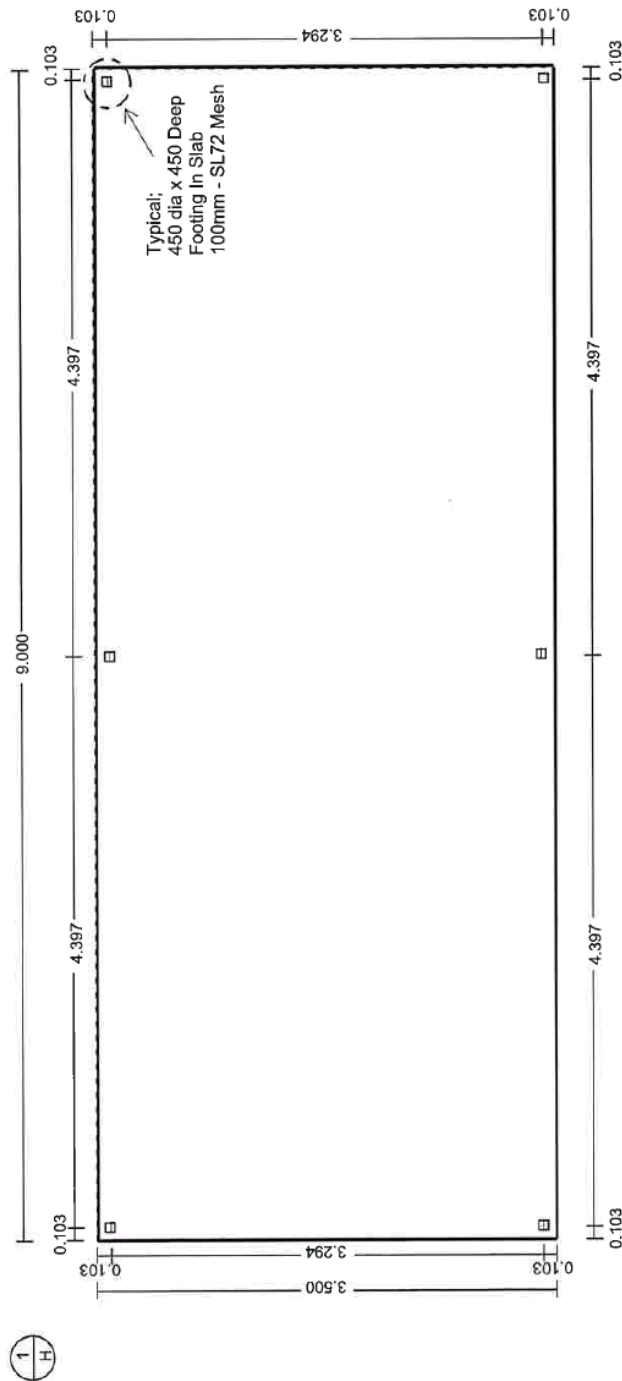




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|-------------------------|---------------|
| <b>DRAWING</b>          |               |
| DWG/P1                  | Ref. 32103006 |
| <b>Roof Purlin View</b> |               |

|   |
|---|
| <b>CLIENT</b>   |
| Proposed Carport 3.500x9.000x3.500m<br>At 8 PULSART STREET LINDLURST<br>For GRAHAM STOEER |





|                              |                |
|------------------------------|----------------|
| <b>DRAWING</b>               |                |
| DWG-SI                       | REF: 202003086 |
| <b>HOLD DOWN (Slab Plan)</b> |                |

|  |
|--|
| <b>CLIENT</b>  |
| Proposed Carpet 3500x3000x3.500NB<br>At 8 RUSSELL STREET LAND-HURST<br>For GRAHAM SPICER |

**Tilmac**  
Any Shed, Any Size



# STATEMENT OF ENVIRONMENTAL EFFECTS FOR GARAGES, CARPORTS, SHEDS, OUTBUILDINGS AND SWIMMING POOLS/SPAS

**WHY IS A STATEMENT OF ENVIRONMENTAL EFFECTS REQUIRED?**  
 A Statement of Environmental Effects (SEE) is a report which:

- Details the proposed development;
- Describes the site, including its history, constraints and context;
- Addresses compliance of the proposal with relevant planning controls and regulations; and
- Identifies and explains the potential impacts of your development proposal.

Whilst only a brief statement is required for proposals likely to have minimal impact, you must still provide a clear explanation of why there will be little impact.

**APPLICATION DETAILS**

Applicant: GRAHAM JOHN SPICER  
 Lot/Section/DP: \_\_\_\_\_  
 Address: 8 RUSGART ST LYNDBURST N.S.W. 2797

**DESCRIPTION OF THE DEVELOPMENT**

What is the proposed development?  
CARPORT :- 4 CARAVAN PROTECTION

What building structures exist on the site?  
 \_\_\_\_\_

What is the wall material and colour?  
 \_\_\_\_\_

What is the roof material and colour?  
ZINCALUM IRON :- GREY

Is any demolition required?  Yes  No

Further description:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DESCRIPTION OF THE SITE**

What is the area of the site? 9MTS X 3.5MTS

What is the current use of the site?  
NIL

What is the previous use of the site?  
NIL

Is the site subject to any natural hazards?  
 Flood  Bushfire  Other \_\_\_\_\_

Is the site subject to any other constraints?  
 Easements  Vegetation  Sloping Land  
 Other \_\_\_\_\_

What type of development exists on the surrounding land?  
 \_\_\_\_\_

Further description:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PLANNING CONTROLS**

**What is the zoning?**

- Residential  Large Lot Residential  Rural Landscape
- Rural  General Industrial  Light Industrial

**Is the proposal consistent with zone objectives?**  Yes  No

**Does the proposal comply with the Blayney Development Control Plan 2018, Part C: Residential?**  Yes  No

- Is the proposed outbuildings, garages and sheds not being used as a dwelling, habitable room, or home business/industry (without approval)?  Yes  No
- Is the proposal not to be used as a dwelling, habitable room, or home business/industry (without approval)?  Yes  No
- Will the proposal be in keeping with the scale and setting of the surrounding area and integrate with the dwelling design and surrounding landscaping and buildings?  Yes  No

**Attached garage or carport in urban areas/zones (e.g. Zone R1 / RU5 / B2 / R5 <1ha) must be:**

- Located at least 0.5m behind the front building line and 5.5m from the front boundary?  Yes  No
- Not exceed 50% of the front elevation of the building, garage door 6 metres in width (whichever is greater) and one (open-sided) carport in addition to the above that is setback a further 1m behind the line of the other garages/carports?  Yes  No
- Attached carports in the front setback of existing buildings will need to demonstrate there are no other suitable locations and address the visual impact?  Yes  No

**Detached garages/carports/sheds/shipping containers in urban areas/zones (e.g. Zone R1 / RU5 / must be:**

- Located behind any existing or proposed dwelling or towards the rear of any property?  Yes  No
- Must not exceed a ridge height of 4.8m from existing ground level?  Yes  No
- Must not exceed a cumulative floor area (detached from the dwelling), if the lot is < 900m<sup>2</sup> in size – maximum of 96m<sup>2</sup> or if the lot is ≥ 900m<sup>2</sup> in size – maximum of 128m<sup>2</sup>?  Yes  No

**Garages, carports, outbuildings or sheds in Zone R5 Large Lot Residential areas where the existing lot size is ≥ 1ha in addition to the visual impact/amenity controls above any must not exceed:**

- A ridge height of 6m from existing ground level?  Yes  No
- A cumulative floor area greater than 300m<sup>2</sup>?  Yes  No
- A minimum setback of 10m; or where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling?  Yes  No

**Shipping Containers in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, and Zone B2 Local Centre must not exceed:**

- Shipping container style sheds or storage are prohibited in heritage conservation areas, on a heritage item, or on lots with a classified road frontage?  Yes  No
- In all other areas, a maximum of one (1) shipping container is permitted per lot or ownership holding or must appear as one (1) shed form if multiple containers are enclosed; and it must be located behind the rear building line of the primary dwelling on urban land?  Yes  No
- Where visible from any public place, it must be integrated into a shed structure, clad in shed materials, and/or painted to make it appear like a standard shed?  Yes  No
- In any Rural Zone (unless the business moves goods by shipping containers) the shipping container(s) should be unobtrusive, suitably painted and/or their visual impact reduced through landscaping?  Yes  No

**Water tanks, pools and spas must not exceed:**

- In urban areas/zones water tanks, pools and spas should be located behind the front building line (i.e. not in the front setback to a public street)?  Yes  No
- In heritage conservation areas pools and spas should be located behind the rear building line (i.e. in the rear yard) or where they are suitably screened from a public street or space?  Yes  No
- Machinery (e.g. pumps, filtration equipment, generators or heat pumps) must be located away from sensitive areas of adjacent dwellings (e.g. bedrooms) in urban areas or suitably shielded to meet standard noise requirements?  Yes  No

**JUSTIFICATION**

Council may consent to a Development Application involving departure from a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- a) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- b) The objectives of the particular control are met or sufficiently addressed; and
- c) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- d) The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

Further description:

\* DCP 2018 - Part C - C3.3  
CARAVAN CAR PORT

**THE LIKELY IMPACTS OF THE PROPOSAL**

Provide an assessment of the likely impacts of the proposal, and steps taken to avoid, minimise or manage any adverse impacts resulting from the proposed works. Some examples of potential environmental impacts/issues to consider may include (as relevant), but are not limited to, the following:

- Will the proposal affect the amenity of surrounding residences by overshadowing/loss of privacy/increased noise or vibrations?  Yes  No
- Is legal and practical access available to the development?  Yes  No
- Is power, water, electricity, sewer and telecommunications services existing and/or available to the site?  Yes  No
- Will the proposal have any social or economic consequences in the area?  Yes  No
- Does the development involve any significant excavation or filling?  Yes  No
- Are there any threatened species, populations and/or ecological communities and/or their habitats on the land or nearby?  Yes  No

Further description:

Applicants Signature:

Date: 28/3/23



|                             |
|-----------------------------|
| <b>Reasons for Decision</b> |
|-----------------------------|

1. To comply with legislative statutory requirements.

|                       |
|-----------------------|
| <b>Approved Plans</b> |
|-----------------------|

1. Development is to take place in accordance with:

| Plan/Doc No. | Plan/Doc Title                     | Prepared by   | Issue | Date       |
|--------------|------------------------------------|---------------|-------|------------|
| -            | Site Plan                          | Graham Spicer | -     | -          |
| 3210060936   | Floor and Elevation Plans          | Tilmac Sheds  | -     | -          |
| -            | Statement of Environmental Effects | Graham Spicer | -     | 28/03/2023 |

As amended in accordance with any conditions of this consent.

*NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.*

|                              |
|------------------------------|
| <b>Prescribed Conditions</b> |
|------------------------------|

2. The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. The developer is to provide a clearly visible sign to the site stating:

- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number; or owner builders permit number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifying Authority, together with name, address & telephone number.

*Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.*

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:

1. The name of the licence number of the principal contractor, and
2. The name of the insurer by which the work is insured under Part 6 of that Act,

- b) in the case of work to be done by an owner-builder:

1. The name of the owner-builder, and
2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

#### **Prior to Works Commencing**

5. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).

#### **During Construction**

6. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

*Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*

7. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing. Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

*Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.*

*Note 2: Offenders are liable for prosecution without further warning.*

8. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- iii. be a temporary chemical closet approved under the *Local Government Act 1993*.

9. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

10. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works*

(see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

*Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.*

11. All roof and wall finishes shall be comprised of low reflective surface materials. Note 1: Sheet metal shall be of factory prefinished (e.g., colorbond or galvanised iron) type material. 2: Zinalume will be not accepted.

12. Roofwater from the buildings shall be disposed of to the existing dwelling's stormwater via a drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer.

#### **Prior to an Occupation Certificate**

13. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.

#### **Ongoing**

14. The approved building must not be used for any other purpose other than the approved use i.e. a carport. Any proposed change of use shall only be permitted with the consent of Council.

|                       |
|-----------------------|
| <b>Advisory Notes</b> |
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**Advisory Notes****Inspection Schedule**

AN1. The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

As the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Final/stormwater inspection at time of completion of all works.

**TELSTRA CORPORATION LIMITED****Note 1: Dial Before You Dig**

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

**Note 2: Telecommunications Act 1997 (Commonwealth)**

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