

# ***Blayney Shire Council***



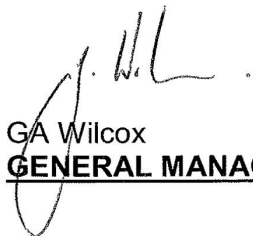
3 March 2014

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 Monday, 10 March 2014 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 10.02.14
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
  - (a) Kelvin Smith – Extension of Golden Memories Museum
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
  - (a) General Manager
  - (b) Corporate Services
  - (c) Engineering Services
  - (d) Environmental Services
- (11) Delegates Reports
- (12) Committee Reports
- (13) Questions from Councillors
- (14) Closed Meeting

Yours faithfully



GA Wilcox  
**GENERAL MANAGER**

## **MEETING CALENDAR**

### **March**

Time	Date	Meeting	Location
6.00 pm	10 March 2014	Ordinary Council Meeting	Community Centre
6.00 pm	13 March 2014	Towns and Villages Committee	Community Centre
10.00 am	28 March 2014	Central West Libraries Committee	Orange

### **April**

Time	Date	Meeting	Location
10.30 am	9 April 2014	Central Tablelands Water	Blayney
5.00 pm	10 April 2014	Economic Development Committee	Community Centre
6.00 pm	14 April 2014	Ordinary Council Meeting	Community Centre
10.00 am	17 April 2014	GMAC	Orange
10.00 am	18 April 2014	Traffic Committee Meeting	Community Centre

### **May**

Time	Date	Meeting	Location
5.00 pm	8 May 2014	Cemetery Forum Committee	Community Centre
6.30 pm	8 May 2014	Access Advisory Committee	Community Centre
6.00 pm	12 May 2014	Ordinary Council Meeting	Community Centre
5.30 pm	15 May 2014	Sports Council	Community Centre
4.00 pm	20 May 2014	Local Emergency Management Committee	Community Centre
10.00 am	24 May 2014	Lachlan Regional Transport Committee	Dubbo
10.00 am	29 May 2014	Centroc Board	Parliament House

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**HELD ON MONDAY 10 MARCH 2014**

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**GENERAL MANAGER'S REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 10 MARCH 2014**



01) **REQUEST FOR LEGAL ASSISTANCE - CANTERBURY COUNCIL**  
(General Manager)

**RECOMMENDED:**

1. That Council support the request by Local Government NSW to the value of \$205.19 for legal assistance in the defence of the Supreme Court decision to impose an easement over community land to provide a land locked parcel legal access.

**REPORT**

Council has received a request from Local Government NSW to support Canterbury Council in its defence of a decision of the Supreme Court of NSW which imposed on the Council an easement over community land that allowed access to a land locked parcel of land sold by the RTA. A copy of the Local Government NSW letter is attached. All council areas have historic land parcels that are land locked, either due to the closure of roads or due to land not being transferred completely to new owners as part of a sale and settlement error. These land parcels are restricted in used and require land owners to negotiate with adjoining land owners for access agreements or permanent easements.

Blayney Shire has been involved in a small number of these negotiations over the last two years. This decision by the court has directed that access be provided across council owned land (community land). It is considered that any access across land should be considered as if it was private land rather than impose restrictions on a council due to its ownership that benefits a private person.

The request for a voluntary contribution in the amount of \$205.19 is considered to be acceptable.

**BUDGET IMPLICATIONS**

This contribution would need to be funded from council's budget and no specific allocation has been provided. Funding may be available from Council's legal expense areas.

**POLICY IMPLICATIONS**

Council does not have any policy on this subject.

**IP&R LINK**

DP 6.3.3 Support actions for a sustainable future for local government.

**Attachments**

1 Request for Legal Assistance 2 Pages

**02)            2014 NATIONAL GENERAL ASSEMBLY OF LOCAL  
GOVERNMENT - CALL FOR MOTIONS**  
(General Manager)

**RECOMMENDED:**

1. That Council put forward motions for submission to the National General Assembly of Local Government meeting in June 2014.

**REPORT**

Council has received advice from the Australian Local Government Association that it is calling for motions to go to the Annual Conference to be held in Canberra on 15 - 18 June 2014. Councillors are requested to put forward any motions for consideration and submission.

In past years the Mayor and General Manager have attended the General Assembly to vote on motions or as a speaker for motions. The current Council has not attended the National General Assembly and may wish to consider sending one of its members.

**BUDGET IMPLICATIONS**

Councillor attendance at training and conferences is included in Council's budget.

**POLICY IMPLICATIONS**

Nil.

**IP&R LINK**

DP 6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations.

**Attachments**

1 National General Assembly of Local Government 16 Pages





**CORPORATE SERVICES REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 10 MARCH 2014**



**03)            REPORT OF COUNCIL INVESTMENTS AS AT 25 FEBRUARY 2014**  
(Manager Financial Services)

**RECOMMENDED:**

1. That the report indicating Council's investment position as at 25 February 2014 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

**REPORT**

This report provides details of Council's Investment Portfolio as at 25 February 2014.

Council's total investment and cash position as at 25 February 2014 is \$11,940,740.78. Investments earned interest of \$32,333.51 for the month of February 2014.

Council's monthly net return annualised for February of 3.75% outperformed the 90 day Bank Bill Swap Rate of 2.63%.

**REGISTER OF INVESTMENTS AND CASH AS AT 25 FEBRUARY 2014**

<b>Institution</b>	<b>Maturity</b>	<b>Amount \$</b>	<b>Monthly Net Return Annualised</b>
<b><u>Term Deposits</u></b>			
NAB	9/09/2014	500,000.00	3.82%
Bankstown City Credit Union	5/03/2014	500,000.00	3.60%
Bank of Sydney	22/07/2014	500,000.00	3.90%
ME Bank	26/08/2014	500,000.00	3.60%
Bank of Queensland	12/08/2014	500,000.00	3.65%
Railways Credit Union	17/06/2014	500,000.00	3.61%
Westpac Bank	22/07/2014	500,000.00	3.63%
Gateway Credit Union	11/03/2014	500,000.00	3.60%
B & E Ltd	11/03/2014	500,000.00	3.55%
ING	4/11/2014	500,000.00	3.64%
Peoples Choice Credit Union	27/04/2014	500,000.00	3.56%
Bendigo & Adelaide Bank	11/03/2014	500,000.00	3.60%
Police Credit Union	25/03/2014	500,000.00	3.60%
Wide Bay Australia Ltd	9/07/2014	500,000.00	3.80%
Goldfields Money Ltd	11/06/2014	500,000.00	4.20%
AMP Bank Limited	3/07/2014	500,000.00	4.00%
Beyond Bank Australia	21/05/2014	500,000.00	3.58%
Investec Bank	26/08/2014	500,000.00	3.86%
Macquarie Bank	4/03/2014	500,000.00	3.70%
Australian Defence Credit Union	5/08/2014	500,000.00	3.55%
Maitland Mutual	13/05/2014	500,000.00	3.65%
<b>Total</b>		<b>10,500,000.00</b>	<b>3.70%</b>
<b><u>Collateralised Debt Obligation (CDO's)</u></b>			
ANZ Custodian (Kakadu, BBSW + 140 points)	20/03/2014	500,000.00	3.67%
<b>Total</b>		<b>500,000.00</b>	<b>3.67%</b>
<b>Total Investments</b>		<b>11,000,000.00</b>	<b>3.70%</b>
Benchmark: BBSW 90 Day Index			2.63%
Commonwealth Bank - At Call Account		332,273.76	
Commonwealth Bank Balance - General		608,467.02	
<b>TOTAL INVESTMENTS &amp; CASH</b>		<b>11,940,740.78</b>	

Summary of Investment Movements - February		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
ING	(510,692.74)	Term Deposit Matured 04/02/2014
ING	500,000.00	Term Deposit Reinvested 04/02/2014
Australian Defence Credit Union	500,000.00	Term Deposit Invested 04/02/2014
Southern Cross Credit Union	(507,183.56)	Term Deposit Matured 11/02/2014
Maitland Mutual	500,000.00	Term Deposit Invested 12/02/2014
Beyond Bank	(509,598.63)	Term Deposit Matured 20/02/2014
Beyond Bank	500,000.00	Term Deposit Reinvested 20/02/2014
Investec Bank	(509,548.77)	Term Deposit Matured 25/02/2014
Investec Bank	500,000.00	Term Deposit Reinvested 25/02/2014
ME Bank	(509,473.97)	Term Deposit Matured 25/02/2014
ME Bank	500,000.00	Term Deposit Reinvested 25/02/2014

<b><u>RESTRICTED CASH, CASH EQUIVALENTS &amp; INVESTMENTS</u></b>	
	<b>\$ 000's</b>
External Restrictions - Sewer	2,821
External Restrictions - Other	2,023
	<b>4,844</b>
Internal Cash Restrictions	5,338
Available Working Capital	1,759
	<b>7,097</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>	<b>11,941</b>
* Cash & cash equivalents represent balance as at 1 July 2013	

#### Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Kakadu is \$260,950 as at 31 January 2014. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for January on the CDO is 3.67% outperforming the 90 day Bank Bill Swap Rate of 2.63%.

#### **CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER**

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

#### **BUDGET IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Nil effect.

**IP&R LINK**

DP6.3.2 Maintain a stable and secure financial structure for Council.

**Attachments**

Nil

**04) COMMUNITY CENTRE CONDITIONS OF USE OR HIRE POLICY**  
(Director Corporate Services)

**RECOMMENDED:**

1. That Council rescind the Community Centre Conditions of Use or Hire Policy.

**REPORT**

Council has introduced a revised set of terms and conditions associated with Hire of the Blayney Shire Community Centre. These terms and conditions replace the previous and now outdated policy.

As the operation of the Blayney Shire Community Centre is an operational matter administered under the delegation of the General Manager and to assist with operational expediency, it is proposed that the policy be rescinded. No other policy exists for operation of Council facilities and a policy for this purpose is not required.

A copy of the policy proposed for rescinding and new Blayney Shire Council terms and conditions are provided as an attachment.

**BUDGET IMPLICATIONS**

Nil effect.

**POLICY IMPLICATIONS**

As outlined above.

**IP&R LINK**

DP 2.3.3 Encourage the use of the Blayney Shire Community Centre as a facility for arts and culture.

**Attachments**

<b>1</b>	Community Centre Conditions of Use or Hire Policy	3 Pages
<b>2</b>	Blayney Shire Community Centre Terms and Conditions of Hire	5 Pages

**05) PENSIONER AND HARDSHIP ASSISTANCE POLICY**  
(Director Corporate Services)

**RECOMMENDED:**

1. That the draft Pensioner and Hardship Assistance Policy be placed on public exhibition for a period of at least 28 days.

**REPORT**

Council has reviewed its Pensioner and Hardship Assistance Policy in light of its recent community consultation regarding the proposed special rate variation. The purpose of the review was to ensure that any ratepayer that experiences hardship due to any future special rate variations have an avenue to apply for relief.

The amendment proposed in the policy is the insertion of the following clause:

***Hardship Assistance Due to Impact of Special Rate Variations***

*Any ratepayer who incurs a rate increase resulting from the implementation of a special rates variation can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.*

A copy of the policy has been provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice must be given prior to the policy adoption process.

**BUDGET IMPLICATIONS**

Nil effect.

**POLICY IMPLICATIONS**

As outlined above.

**IP&R LINK**

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

**Attachments**

- 1 Pensioner and Rates Hardship Policy 4 Pages

**06) UNREASONABLE AND UNREASONABLY PERSISTENT  
CUSTOMER POLICY**  
(Director Corporate Services)

**RECOMMENDED:**

1. That the draft Unreasonable and Unreasonably Persistent Customer Policy be placed on public exhibition for a period of at least 28 days.

**REPORT**

Council has been reviewing its Customer Service and the policy framework surrounding it. As part of this review a new policy has been drafted titled Unreasonable and Unreasonably Persistent Customer policy.

The aim of the policy is two-fold:

1. To ensure all Blayney Shire Council customers are treated fairly and reasonably whilst ensuring Council resources are used efficiently and effectively when dealing with customers; and
2. To protect staff from customer abuse, stress and unreasonable behaviour.

Copies of the policy and associated procedure have been provided as attachments to this report.

As part of Council's commitment to transparency and openness, public notice must be given prior to the policy adoption process.

**BUDGET IMPLICATIONS**

Nil effect.

**POLICY IMPLICATIONS**

As outlined above.

**IP&R LINK**

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

**Attachments**

- |   |   |            |
|---|---|------------|
| 1 | Unreasonable and Unreasonably Persistent Customer Policy    | 5<br>Pages |
| 2 | Unreasonable and Unreasonably Persistent Customer Procedure | 4<br>Pages |



07) **REQUEST FOR FINANCIAL ASSISTANCE - GOLDEN MEMORIES MUSEUM**  
(Director Corporate Services)

**RECOMMENDED:**

1. That this matter be referred to the Financial Assistance Committee for assessment in conjunction with the Round 2 – 2014/15 Financial Assistance Program application;
2. That Council approve the request for a loan by Golden Memories Museum subject to the satisfactory due diligence assessment by Council and endorsement by Blayney Shire Financial Assistance Committee.

**REPORT**

Council is in receipt of a request from the Golden Memories Museum for a 10 year \$20,000 interest free loan in addition to a \$20,000 grant to assist with expansion of the museum display area. The project entails the construction of the Trevor Pascoe Pavilion and is forecast to cost in the order of \$302,000.

The project has been staged to align with funding availability. The first stage is envisaged to require in the order of \$200,000 to \$220,000.

The Golden Memories Museum committee has sourced funding to date as follows:

Own source funding	\$ 62,000
State funding	\$ 30,000
Cadia funding	\$ 30,000
Community donations	<u>\$ 30,000</u>
Total funding to date	<u>\$152,000</u>

Assistance from Council has also been sought to obtain Federal funding in the form of a letter of support and is in the process of finalisation.

The Golden Memories Museum committee have been advised to make application under Council's Financial Assistance Program, as a special project, for a \$20,000 contribution. The Financial Assistance Program Guidelines however does not deal with loan funding and will require determination from Council.

This committee has been repaying a 10 year loan (deferred debtor) which is in its ninth year. At the end of the 2013/14 financial year an amount of \$2,000 will remain outstanding. This amount will be fully extinguished in December 2014.

Council has sought documentation from the Golden Memories Museum committee to assist with undertaking its due diligence with assessment of this

request. At the time of report preparation Council was awaiting a copy of the constitution, meeting minutes and audited financial statements.

An amount of \$4,565 will be foregone in lost investment opportunity should Council proceed and approve an interest free loan. This funding could be recouped through the Financial Assistance Program through an annual commitment of funding for the loan duration.

A copy of correspondence, project plan and proposed project budget from the Golden Memories Museum are attached for information.

### **BUDGET IMPLICATIONS**

Council would forego interest on these funds for the period of the loan. This will equate to \$4,565 based on the 10 year Bond rate of 4.15%.

### **POLICY IMPLICATIONS**

Nil effect.

### **IP&R LINK**

DP 2.3.2 Develop partnerships with other arts organisations to help deliver arts and cultural activities.

DP 6.2.1 Identify and engage with Shire Community Groups.

### **Attachments**

1	Correspondence from Golden Memories Museum (30 Jan 2014)	7 Pages
2	Correspondence from Golden Memories Museum (Jan 2014)	1 Page
3	Project Costing and Project Plan	2 Pages

**08)                    CENTROC ELECTION SERVICES TENDER**  
(Director Corporate Services)

**RECOMMENDED:**

1. That Council participate in a regional tender for election services run by Centroc and Regional Procurement Initiative (Hunter Councils).

**REPORT**

Council has in the past used the Australian Electoral Commission or NSW Electoral Commission exclusively for election services. Section 296 of the Local Government Act has recently been amended to include:

*An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if:*

- (a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and*
- (b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.*

Council should note that March 2015 is 18 months before the next local government elections occurring in September 2016 and thus if a Council wishes to test the market to determine the qualified providers of election services to administer the 2016 elections, the tender process needs to begin this year. Regional Procurement Initiative (Hunter Councils) is going to tender late 2014 for a provider of election services to interested Councils and have invited Centroc members to participate.

At the conclusion of the tender process, Council will receive a report on the outcome of the tender process and be able to decide whether they would like to engage the recommended provider from the tender process or if they wish to engage the Electoral Commission or other provider. This will be done within the required timeframe under the Act.

Central NSW Councils (Centroc) has run many successful regional contracts which save members both time and money. Additionally, Regional Procurement Initiative, a division of Hunter Councils, has previously run a regional tender for 7 councils for election services which resulted in a combined savings of \$405,000.

Council is commended to agree to participate in a regional tender for election services run by Centroc and Regional Procurement Initiative (Hunter Councils). The tender will be evaluated by a Tender Evaluation Panel made up of staff from Centroc, Regional Procurement Initiative, and Hunter Council and Centroc members.

**BUDGET IMPLICATIONS**

The cost to Council for election services at the 2012 election was \$44,307.

Centroc and Regional Procurement Initiative will manage the process including all costs of advertising and tender assessment and both parties will receive a management fee from the successful provider to cover these costs.

**POLICY IMPLICATIONS**

Nil.

**IP&R LINK**

DP 6.1.2 Promote resource sharing and collaboration with regional organisations

DP 6.3.1 Provide a framework for the efficient and effective administration of Council

**Attachments**

Nil

**INFRASTRUCTURE SERVICES REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 10 MARCH 2014**



**09)                    COMPULSORY ACQUISITION OF LAND FOR ROAD**  
**PURPOSES AT KINGS PLAINS**  
(Director Infrastructure Services)

**RECOMMENDED:**

1. That Council approve:
  - a. The acquisition of Lot 33 in DP 1193564 prepared by Tablelands and Buttsworth Surveyors dated 13 November 2012; and
  - b. That making of an application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
  - c. Upon acquisition the land will be classified as “operational land” under s 31 of the Local Government Act 1993; and
  - d. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Kings Plains Road.

**REPORT**

Council may recall that they have dealt with this matter previously in August 2013. However as part of the implementation of Council’s earlier resolution, the land in question has had to be given a new lot and DP number which makes the earlier resolution to proceed to Just Terms Compensation redundant because the Lot and DP numbers referred to in the earlier resolution, have now changed. This change then requires a new resolution of Council which correctly describes the land in question.

Council may recall that Kings Plains Road was the subject of road widening and realignment as a result of the proposed quarry development at the end of the road, proposed some 10 or more years ago. As part of this process, Council has been attempting to acquire the land formally known as Lot 7001 in DP1024543 for some time, with extensive delay caused by legitimate concerns that the land was subject to a native title claim. Recently undertaken searches have however revealed conclusively that the land is not subject to such a claim.

Accordingly, as the land in question is Crown Land, Council is now in a position to proceed to acquire the land by consent of the Lands and Property Authority (LPMA). Council will need to make an application to the Minister of the Office of Local Government (DLG) to make a recommendation to the Governor that the acquisition be approved in order to do so.

The Minister will require a resolution of Council to acquire the land which needs to be acquired as “operation land”. The land in question is identified as Lot 33 in DP 1193564. A copy of the draft DP is attached for Council’s information.

**BUDGET IMPLICATIONS**

There are no budgetary implications of this resolution of Council. Council has resolved to acquire the land in question and has provided compensation to LPMA based on their valuation. The intent of this resolution is simply a procedural step required to implement Council's previous resolution.

**POLICY IMPLICATIONS**

Nil effect.

**IP&R LINK**

- DP 1.2.2 Improve transport linkages across the Local Government Area to support the mining industry.
- DP 4.1.7 Plan for future transport and road infrastructure to service future needs.

**Attachments**

1 Plan 1 Page

10) **BLAYNEY SHOWGROUND IRRIGATION - SPORT AND RECREATION FUNDING**  
(Director Infrastructure Services)

**RECOMMENDED:**

1. That Council note the report on the reallocation of NSW Sport and Recreation Grant funding to the Blayney Showground Pavilion and toilet improvements.

**REPORT**

Councillors may recall the report to the ordinary December 2013 meeting, where the following motion was adopted:

1. *That Council advise NSW Sport and Recreation that it no longer wishes to accept the 2011/12 NSW Sport and Recreation Facility Grant of \$23,750 for the provision of irrigation at the Blayney Showground.*
2. *That Council ask NSW Sport and Recreation if it can be used/reallocated to another project.*

NSW Sport and Recreation were supportive of Council's request, with a alternative proposal required to be submitted prior to the end of January 2014.

Council staff reviewed other opportunities, and considered it most appropriate that the proposed project address previously identified issues at the Blayney Showground, in accordance with priorities contained within its asset management plan, and the recently prepared draft management plan for Blayney Showground.

This would therefore continue to benefit those beneficiaries of the previous proposal, including Blayney Junior and Senior Soccer clubs, Blayney A and P Association, and the Blayney Harness Racing Club. All being users of the pavilion building and toilet block.

As a result of Council's submission, NSW Sport and Recreation have approved the following works:

- a. Installation of ceiling lining and insulation in half of the pavilion building that remains unlined.
- b. Installation of a rain water tank and associated plumbing to connect all WC's, with upgrades to toilets in the toilet block.
- c. Replace missing guttering from toilet block, upgrade of guttering and downpipes with connection to the rain water tank.
- d. Protection of building structure by painting.
- e. General lighting upgrades with LED lighting.

These works are expected to assist the long term sustainability of the existing facility and minimise long term costs.



The upgrades will benefit the Blayney community by ensuring that the facility remains safe to use and be proud of when sportspeople and visitors from other regions come to support their teams or attend community events such as the Blayney Show.

**BUDGET IMPLICATIONS**

Council's component shall be allocated from within existing allocations as part of the next Quarterly Budget Review.

**POLICY IMPLICATIONS**

Nil

**IP&R REFERENCES**

DP 2.2.1 – Encourage active participation in sport.

DP 4.5.1 – Implement the Blayney Shire Council Asset Management Plans.

DP 4.1.13 – Maintain and improve Council owned building assets,

**Attachments**

Nil

11) **CROWN ROADS TRANSFER - NEVILLE DISTRICT**  
(Director Infrastructure Services)

**RECOMMENDED:**

1. That Council approve
  - a. the transfer of the Crown Public Roads, identified on the attached map, known as Neville-Trunkey Road, and Dowsett's Lane.
  - b. The placement of Council's seal on all documentation associated with the transfer of these segments of road.

**REPORT**

In 2006 Council was provided the opportunity, by an adjoining land owner, to realign a segment of Neville-Trunkey Road at the intersection with Dowsetts Lane.

An agreement was reached, where there would be a direct transfer of lands, with Council funding all reasonable legal and survey costs, and construction works. On-ground works were undertaken and the necessary survey plan prepared for lodgement with NSW Land and Property Information (LPI).

The plans were recently identified as not being lodged with LPI and in effect the realigned road remains on private lands, with the original road reserve being Crown Public Road.

It is recommended that the original road reserve be transferred into Council ownership to enable the necessary land transfers to occur to ensure the status of the new alignment that is currently maintained by Council is registered as public road, and the now unused road reserve is transferred to the ownership of the adjoining land owner.

After reviewing the status of Neville-Trunkey Road, and Dowsetts Lane, it was identified that certain road segments required transfer of ownership from the Crown to Council.

It is recommended that Council approve the transfer of the Crown Public Roads, identified above and in the **attached** map, and the placement of Councils Seal on all documentation associated with the transfer of these roads.

**BUDGET IMPLICATIONS**

Costs involved in the subdivision work are to be fully funded within existing allocations.

**POLICY IMPLICATIONS**

Nil

**IP&R REFERENCES**

DP 4.1.7 – Plan for future transport and road infrastructure to service future needs.

**Attachments**

- 1** Crown Roads Neville - Locality Map 1. 1 Page
- 2** Crown Roads Neville - Locality Map 2 1 Page

12) **CENTRAL WEST SALINITY AND WATER QUALITY  
ALLIANCE FIVE YEAR PLAN**  
(Director Infrastructure Services)

**RECOMMENDED:**

1. That Council
  - a. continue its support to the Central West Salinity and Water Quality Alliance
  - b. allocate funding of \$3,150 in the 2014/15 and 2015/16 budgets to the Central West Salinity and Water Quality Alliance, and
  - c. sign the Alliance Terms of Reference and Membership Agreement

**REPORT**

As Councillors would be aware the Blayney Shire LGA is located predominantly in the Lachlan River catchment with the remainder being within the Macquarie River catchment.

As a result of state government changes, various agencies involved in the primary industries sector, including the Catchment Management Authorities (CMA) have now been disbanded and integrated, together with Livestock Health and Pest Authority and some agricultural advisory services. The new organisation is known as the Local Land Services (LLS).

Central Tablelands LLS region covers the tablelands area including Blayney, Bathurst, Cabonne, Cowra, Lithgow, Mid-Western and Oberon LGA's.

Blayney Shire is a member of the Central West Councils Salinity and Water Quality Alliance. Since 2007 with the support of Central West CMA, and since January 2014, the Central Tablelands and Central West LLS's, the Alliance has been a leader in natural resource management. Implementing on-ground works as well as providing capacity building within councils, preparing policy and being part of national research programs in support of integrated water cycle management and improved development outcomes.

The primary planning document for the Alliance is the 5 year rolling plan that is reviewed on an annual basis. A copy of the plan including activities and achievements is **attached** for information,

Council is in receipt of correspondence from the Alliance indicating that it expects both Central Tablelands and Central West LLS to commit to supporting the Alliance with the provision of administrative support and a contribution of \$90,000 over the next two years.

The Alliance has requested that member Councils continue to provide support by way of contribution. As contributions have not been indexed to CPI in the past, the Alliance membership determined in 2013 to an increase of 5% in 2014/15 with further increases to be linked to CPI.

Contributions have been determined to be \$3,150 per annum for the next two years for Blayney and other similar sized Councils, with Bathurst, Orange and Dubbo to contribute \$5,250 each per year.

Funding shall allow for the ongoing coordination of the group, on ground works and training, and the identification and applications for external funding.

Blayney Shire has been a recipient to previous funding opportunities to undertake works including cemetery vegetation management and rehabilitation, stormwater management works and riparian rehabilitation works.

### **BUDGET IMPLICATIONS**

Funding shall be made available from within existing allocations in the future budget process.

### **POLICY IMPLICATIONS**

Nil

### **IP&R POLICY IMPLICATIONS**

- DP 1.1.1 – Maintain and strengthen partnerships with organisations responsible for natural resource management.
- DP 3.1.1 – Protect and enhance biodiversity, native vegetation, river and soil health.
- DP 3.2.2 – Enhance the Community's understanding of biodiversity issues and work towards positive behavioural change.
- DP 3.4.1 – Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

### **Attachments**

- 1 Salinity and Water Quality Alliance 5 Year Plan 10 Pages

13) **10 YEAR BRIDGE REPLACEMENT AND RENEWAL PROGRAM**  
(Infrastructure Manager)

**RECOMMENDED:**

1. That Council note the 10 Year Bridge Replacement and Renewal Program.
2. That Council include this program on its website.

**REPORT**

**Background**

The development of the 2013 Long Term Financial Plan and the Transportation Asset Management Plan led to the recognition by Council that it has and would continue to have insufficient funds to renew the Bridge network at the current levels of service, at contemporary standards.

Following the Councillor Roads Tour, council staff prepared a schedule of suggested treatments for bridge replacements at contemporary standards. Following several Councillor workshops, the program was modified to reflect an agreed level of service and included options for the replacement and renewal of bridge assets at affordable levels. These levels were workshopped on the basis of the funding levels available in Councils adopted Long Term Financial Plan.

Council determined that the maintenance of bridge assets should be conducted on a needs basis. As a large number of these bridges service small numbers of residences, or provide alternate access between higher class roads, it was decided that these bridges should only be maintained or renewed at a level reflecting their function.

The 10 Year Bridge Replacement and Renewal Program is based on the levels of service that were determined during the workshops and highlights bridges as either been replaced, rehabilitated, or replaced with culverts or low level (wet) crossings.

**Report**

The 10 Year Bridge Replacement and Renewal Program is funded under the adopted Long Term Financial Plan and is based on Councils current knowledge of Bridge conditions. As a result of the ongoing Bridge inspection Program there may be adjustments to the current priorities required. Any such changes will be assessed on an individual basis and Council will be advised at the time.

Council will continue to seek external funding for bridge replacements and renewals, which may enable a higher level of service to be applied than the level currently programmed

**BUDGET IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

This program will allow Councillors and staff to address future bridge and access requirements and seek funding where available.

**IP&R REFERENCES**

- DP 4.1.1 Manage Local Road Network to agreed service levels
- DP 4.1.5 Implement the Blayney Shire Council Asset Management Plans
- DP 4.1.7 Plan for future transport and road infrastructure to service future needs

**Attachments**

- 1 Bridge Replacement and Renewal Program 1 Page

14) **ROADS POLICY**  
(Infrastructure Manager)

**RECOMMENDED:**

1. That Council adopt the Draft Roads Policy, and
2. That the Draft Roads Policy be placed on public exhibition for a period of not less than 28 days and the public be invited to make submissions.
3. That Council notes the Renewal and Maintenance Procedure and the Road Hierarchy that are reference in the Roads Policy.
4. That a copy of the policy is retained on Councils website.

**REPORT**

**Background**

The development of the 2013 Long Term Financial Plan and the Transportation Asset Management Plan led to the recognition by Council that it has and would continue to have insufficient funds to maintain the full extent of the unsealed road network at current levels.

Following the Councillor Roads Tour, council staff prepared a schedule of suggested levels of service and maintenance limits. In January 2014 Councillors held a workshop to explore the level of service that Council could afford on these lower class (unsealed) roads. These levels were workshopped on the basis of the funding levels available in Councils adopted Long Term Financial Plan.

Council determined that the maintenance of Class 5 & 6 roads should be conducted on a needs basis. As a large number of these roads service nil or small numbers of residences, or provide duplicate access to properties, or alternate access between higher class roads, it was decided that these roads should only be maintained to a level that allows access to dwellings.

In order to formalise these levels of service, particularly in relation to maintenance, it is necessary for Council to have an adopted Policy and Procedure for the Maintenance and Renewal (rehabilitation) of all roads in Councils road network, which is over 750km in length and a series of Procedure documents that provide backing to the operational management of the road network.

The attached Policy is the overarching document that defines the approach to managing all facets of the road network, with the Procedure and Schedule setting the operational standards / levels of service that Council will apply in determining Maintenance and Renewal programs.

**BUDGET IMPLICATIONS**

Nil.



**POLICY IMPLICATIONS**

Nil.

**IP&R LINK**

- DP 4.1.1 Manage Local Road Network to agreed service levels
- DP 4.1.5 Implement the Blayney Shire Council Asset Management Plans
- DP 4.1.7 Plan for future transport and road infrastructure to service future needs

**Attachments**

- |          |   |          |
|----------|---|----------|
| <b>1</b> | Draft Roads Policy  | 2 Pages  |
| <b>2</b> | Road Classification - Renewal Standards and Maintenance Procedure | 11 Pages |
| <b>3</b> | Rural Road Hierarchy  | 3 Pages  |

**15) INSTALLATION OF POWER SAVING DEVICES AT THE SEWERAGE PLANT**

(Director Infrastructure Services)

**RECOMMENDED:**

1. That Council, in accordance with the Local Government Regulation, refuse to accept all submissions for the installation of power saving devices at the Blayney Sewerage Treatment Plant, as all submissions were above the Local Government threshold, and
2. Council call tenders for the installation of power saving devices at the Blayney Sewerage Treatment Plant in accordance with the Local Government Regulation for works valued over \$150,000.
3. Council approve a shortened tender period in accordance with Section 171 of the Local Government Regulation for a period of 14 days, in order to satisfy the project timelines under the funding agreement.

**REPORT**

Council will recall the consideration of a report in support of a grant application for funding under the Community Energy Efficiency Program (Round 2) to install variable speed drives on the mixers at the Blayney Sewerage Treatment Plant (STP). The aim of the project is to save power at the STP by as much as 20%. An application was submitted which was successful with funding of about \$93,000 being made available, requiring a matching 2:1 funding to be provided by others, in this instance, Council. The project value therefore is \$153,000.

Quotations were therefore called for the provision of this work. Under the Local Government Act, works under the value of \$150,000 can be awarded on the provision of a minimum of quotes as it is considered merely a quotation. Research highlighted 6 experienced contractors in this area and each of these contractors were invited to quote on the project.

At the close of quotations, 4 quotations were received. All quotations received were in excess of the quotation threshold, and as such, the LG Act states (Section 55) inter alia:

*A council that invites tenders from selected persons only is taken to comply with the requirements of this section if those persons are selected:*

*(a) from persons who have responded to a public advertisement for expressions of interest in the particular contract for which tenders are being invited, or*

*(b) from persons who have responded to a public advertisement for recognition as recognised contractors with respect to contracts of the same kind as that for which tenders are being invited.*

Therefore, the methodology chosen to seek a competitive price for this work is not in accordance with the Act. Council is therefore required to readvertise the project by an open tender method and to invite tenders by public advertisement.

Section 171 of the Local Government Regulation makes provision for a shortened tender period:

**171 Shortened tender period**

*(1) A council that believes there are exceptional circumstances rendering inappropriate a deadline that would, but for this clause, be required to be specified in an advertisement under clause 167, 168 or 169 or an invitation under clause 168 (4) or 169 (6) may decide on an earlier deadline. However, the earlier deadline must be a specified time on a date that is at least 7 days after:*

*(a) the date of the publication or first publication of the advertisement, or*

*(b) the date of the invitation.*

*(2) A council must keep a record of:*

*(a) the circumstances requiring an earlier deadline to be specified in such an advertisement or invitation, and*

*(b) the name of the staff member who made the decision to change the deadline (if not made by the council).*

Accordingly, it is recommended that none of the prices for the work already received be accepted and that Council advertise the project and seek tenders rather than quotations for this work.

It is further recommended that Council approve a shortened tender period of 14 days based upon the imperative to complete the works within the project timeframe.

**BUDGET IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil effect.

**IP&R LINK**

DP 4.2.2 Ensure Sewerage Treatment Plants are able to meet needs of the Blayney Shire.

**Attachments**

Nil



**PLANNING AND ENVIRONMENTAL SERVICES REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 10 MARCH 2014**



- 16) **DEVELOPMENT APPLICATION NO.121/2013 -  
ALTERATIONS AND ADDITIONS TO EXISTING SERVICE  
STATION, 49 OLIVE STREET (MID WESTERN HIGHWAY),  
MANDURAMA**  
(Director Planning and Environmental Services)

**RECOMMENDED:**

1. That Council note the submission made in regard to the proposed subdivision, and that Council consent to Development Application No. 121/2013 subject to the following conditions of consent:

**CONDITIONS ISSUED WITH DEVELOPMENT  
APPLICATION NO.121/2013**

**STATUTORY**

**REASON:** Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 121/2013), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.  
*Note: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE.** The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*
2. 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 submitted to council.
3. Provide a clearly visible sign to the site stating:
  - Unauthorised entry is prohibited;
  - Builders name and licence number; or owner builders permit number;
  - Street number or lot number;
  - Contact telephone number/after hours number;
  - Identification of Principal Certifying Authority.
4. The following conditions are required to be addressed prior to the issue of the Construction Certificate: Conditions: 10, 15, 22, 23, 24, 26, 27, 28, 32, and 31 (Road Occupancy Licence and Traffic Control Plan).

**ENVIRONMENTAL**

**REASON:** Statutory requirement and public interest

5. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion

controls in accordance with WBC Engineering Guidelines, (reference the Council's website).

6. 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 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.*

7. There is to be no storage outside the building except as required during loading and loading activities.
8. That there be no burning of waste material, felled trees or other material on the site.
9. The On-site Effluent and Stormwater management system shall be maintained in accordance with the recommendations set out in the report by Envirowest Consulting Pty Ltd Ref: R12504e, dated 30 November 2012.
10. A landscaping plan should be submitted to Council for approval prior to the issue of the Construction Certificate.

## **CONSTRUCTION**

### **REASON: Statutory requirement and public interest**

11. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.
12. Construction or demolition work must only be carried out within the following times:  
Monday to Friday – 7:00 am to 6:00 pm  
Saturday – 8:00 am to 5:00 pm  
No work to be carried out on Sunday or Public Holidays.  
*Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*
13. Prior to commencement of any works, a Construction Certificate is to be obtained and where Council is not the PCA, a copy is submitted to Council.
14. The developer is to relocate, if necessary, at the developer's cost any utility services.

## **ENGINEERING**

### **REASON: Statutory requirement and public interest**

15. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to

Conditions 19, 20, 21, 24, 25, 26, 29 & 30. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

16. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 19, 20, 21, 24, 25, 26, 29 & 30 has been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

*Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.*

17. The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 19, 20, 21, 24, 25, 26, 29 & 30 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

18. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> <li>• Following site regrading, and prior to installation of footway services;</li> <li>• Excavation and trimming of subgrade;</li> <li>• After compaction of subbase;</li> <li>• After compaction of base, and prior to sealing;</li> <li>• Establishment of line and level for kerb and gutter placement;</li> <li>• Subsoil Drainage;</li> <li>• Road pavement surfacing;</li> <li>• Pavement test results (compaction, strength).</li> </ul>
B	Drainage	<ul style="list-style-type: none"> <li>• After laying of pipes and prior to backfill;</li> <li>• Pits after rendering openings and installation of step irons.</li> </ul>
C	Concrete Footway Crossings	<ul style="list-style-type: none"> <li>• After placing of formwork and reinforcement, and prior to concrete placement.</li> </ul>
D	Erosion and Sediment Control	<ul style="list-style-type: none"> <li>• Prior to the installation of erosion measures.</li> </ul>
E	Road Openings	<ul style="list-style-type: none"> <li>• Upon completion of works.</li> </ul>

19. The reconstruction of the kerb and gutter is to be undertaken on the northern side of Copper Street for 35m towards the rail line. The works should be boxed out and



graveled to industrial standard the full width of Copper Street and two (2) coats of hot bitumen seal should be applied to *WBC Guidelines for Engineering Works*, from the eastern kerb line of Olive Street towards the rail line.

Full details of proposed works are to be submitted to and approved by Council prior to issue of the Construction Certificate.

20. Sixteen metre (16m) wide splayed causeways are to be constructed in the existing kerb and gutter, adjacent to each entrance to comply with *WBC Guidelines for Engineering Works*.

21. Sixteen metre (16m) wide splayed reinforced concrete vehicular crossings are to be constructed over the footway adjacent to each ingress/egress point including splays measuring 500 mm to the street and 1000 mm perpendicular to the street and along both sides of each crossing, is to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*.

Further, the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued by Council.

*Note: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.*

22. A formal agreement in the form of a Works Authorization Deed (WAD) IS required between the Developer and the RMS as the developer will be required to undertake 'private financing and construction' of works on a road in which the RMS has a statutory interest. The applicant should contact Roads and Maritime Services to obtain the necessary Deed.
23. Prior to the commencement of any works on Council or RMS controlled land including a public road, the applicant is to affect Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the issuing of a Construction Certificate.
24. The concrete manoeuvring areas are to be designed/redesigned so that vehicles may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn

to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to issue of the Construction Certificate.

*Note: All vehicle turning movements are to be based on the Austroads design vehicle.*

25. The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of signs and pavement markings to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises.
26. The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed/redesigned so that a B-double 25 metres in length may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to this consent becoming active.  
*Note: All vehicle turning movements are to be based on the Austroads design vehicle.*
27. The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council before a Construction Certificate will be issued by Council.
28. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's *WBC Guidelines for Engineering Works*. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.
29. All road and inter allotment drainage is to be conveyed to a legal point of discharge, in accordance with *WBC Guidelines for Engineering Works*.
30. Pavement design to have vehicles veer away from impact on the adjoining dwelling from headlights at night, when exiting via Copper Street.
31. The following matters are requested to be addressed by Roads and Maritime Services:
  - Consideration should be given for one-way traffic flow (east to west) through the site. If this is adopted, "No Entry" (R2-4) signage would be required at the Copper Street access.

- Landscaping, signage or fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering and leaving the development.
  - Assessment of the proposed B-double route for Copper Street is a matter for Council.
  - All activities including loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.
  - A Road Occupancy License is required prior to any works commencing within 3m of the travel lanes of the Mid Western Highway. This can be obtained by contacting the Traffic Operations Manager on (02) 6861 1686. Submission of a traffic control plan is required as part of this license.
32. An application is to be made to Council and approved by Council's Traffic Committee for the proposed B-double route for Copper Street, prior to the issue of a Construction Certificate.
33. The developer is to consolidate the land into one allotment as follows, to accommodate connection from the development to the effluent disposal area:
- Lot 6 Section 16 DP 978887
  - Lot 9 DP 708962
  - Lots 7, 8 DP 978887
  - Lot Pt 18 DP 1148879
  - Lot 17 DP 1148879
  - Part un-named lane currently under closure.
- Occupation of the final works is not permitted until such time as the necessary consolidation is carried out.

#### **ADVICE AND NOTES**

It is recommended that portable fire extinguishers be installed in accordance with the requirements of the relevant Australian Standard.

#### **Notice of Commencement**

The attached form needs to be completed and faxed or mailed to Council at least 2 days before any work commences on the site.

#### **Reference to 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.

**REPORT****Application Details**

Application Number:	DA121/2013
Development:	Alterations and additions to existing service station
Applicant:	Peter Basha for Greensman P/L
Owner:	Greensman P/L and Blayney Shire Council
Lodgment date:	12 November 2013
Land:	Lots 16, 17, 18 DP1148879, Lot 10 DP 711572, Lot 9 DP 708962, Lots 6, 7, 8 Sec 16 DP 978887, 49 Olive Street, Mandurama
Local Environmental Plan:	Blayney LEP 2012
Zoning:	RU5 Village

**Description of Proposal**

The proposed development seeks to carry out additions and alterations to an existing service station at 49 Olive Street, Mandurama (see attachment 1).

The proposal involves:

- provision of a new (separate) diesel filling area for large vehicles;
- installation of a new 70,000 litre underground fuel storage tank
- upgrade of the existing forecourt;
- installation of an outdoor payment terminal to customers to purchase fuel after hours;
- provision of a new wastewater management system.

The site is located within the Mandurama CBD on the south eastern side of Olive Street, that being the Mid-Western Highway. The land has a total area of 7,290sqm and the site also fronts Copper Street. The Demondrille railway line lies to the south east. The premises currently comprises a service station and rural supplies business, operating from the one building, and access is currently from Olive Street. The proposed diesel bowser would be to the south west of the existing building. Surrounding landuses include residential development to the east and west, a childcare centre, residences and the police station opposite. A Council recycling depot is located in Copper Street. The land is almost flat, with a gentle slope towards the east. The operation of the service station will remain largely unchanged, other than the ability to sell fuel after hours.

The new waste water management system (effluent disposal) is to be catered for on land to the east of the development site. Access to that land is across an un-named lane, currently being addressed by a road closure application dating back to 2009. See attachment 4. Council as owner of that lane has signed the development application. A stormwater drain passes along the edge of the rail line over private land east of the service station, and a land swap sought to close part of the lane and transfer it to the service station, at the same time dedicating the drain to Council as public land. This process is underway as a separate matter.

However in order to address the location of the effluent disposal system on separate land to the service station, a consolidation is to take place to bring all aspects of the development onto the same allotment. This would include the future closed road section of the land. See attachment 5.

## **Section 79C Evaluation - matters for consideration**

### **79C (a)(i) the provisions of any environmental planning instrument**

#### **1. State Environmental Planning Policies**

There are no particular State Environmental Planning Policies which apply to the development.

#### **2. Regional Environmental Planning Policies**

As of 1 July 2009, regional environmental planning policies (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies (SEPPs). The Department of Planning is reviewing all these remaining REPs as part of the NSW planning system reforms.

#### **3. Local Environmental Plans**

The land is zoned RU5 Village under the *Blayney Local Environmental Plan 2012*, and the development is permissible in the zone as a service station. The objectives of the zone are considered as follows:

- To provide for a range of landuses, services and facilities that are associated with a rural village.

**Comment:** The proposal seeks to enhance an existing service station business to complement other businesses in the village

- To minimize conflict between land uses within this zone and land uses within adjoining zones

**Comment:** Adjoining development is largely residential and community. Conflict is minimized through numerous measures, including general upgrade of the site in terms of amenity, upgrading of access arrangements, no alteration of lighting arrangements, and a new wastewater system to handle both stormwater and domestic effluent.

- To encourage and provide opportunities for population and local employment growth commensurate with available services

**Comment:** The development may provide employment opportunities, and may provide a service to compliment other businesses in the area.

- To minimize the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

**Comment:** This development seeks to upgrade an existing facility. Due to the continued low key nature of the proposed changes and the mitigation measures to be put in place, it is expected that the development will be compatible with adjoining development.

#### **4. Guidelines and policies**

Council's Notification Policy applies to the development and the proposal was notified accordingly. One submissions was received, which is considered later in this report..

### **79C (a)(ii) the provisions of any draft environmental planning instrument**

#### **Draft State Environmental Planning Policies**

There are no Draft SEPPs relevant to this development.

#### **Draft Local Environmental Plans**

There are no draft local environmental plans relevant to this proposal.

### **79C (a)(iii) any development control plan**

There are no development control plans relevant to the proposed development.

### **79C (a)(iv) any matters prescribed by the regulations**

**Comment:** There are no such matters relevant to the development.

### **79C (b) the likely impacts of that development**

#### **Context and setting**

The proposed development seeks to provide for the enhancement of an existing service station within the village of Mandurama. The site is surrounded by a mix of residential, community and commercial development, as well as vacant land and the Demondrille rail line.

The site is located on the south eastern side of Olive Street, with the rail line at the rear. The property is fenced on three sides with rural fencing, and unfenced on the highway boundary. Existing laybacks provides access onto the site from Olive Street.

#### **Access, transport and traffic**

The site is accessed via the existing entrances onto the sealed Mid-Western Highway (Olive Street). There is expected to be some increase in traffic volume and frequency due to the use of the premises for fuel purchase after hours.

Access from Copper Street is requested to cater for trucks accessing the site to utilise the new diesel bowser.

Council's Engineer has required upgrading as regards the following:

- Kerb and footpath crossings at all entrances
- Stormwater
- Roadworks on Copper Street
- Copies of engineering plans
- Compliance Certificates
- Utility services
- Inspections
- Agreements and bonds

- Insurance
- Drainage

The developer will be required to form and seal Copper Street as a B-double route to cater for heavy vehicles accessing the site.

Sediment and erosion control measures should be in place prior to construction and stormwater controlled to prevent impacting adjoining properties.

Details of all construction works must be lodged with Council and approved prior to the issue of the Construction Certificate.

The development was referred to Roads and Maritime Services, who commented on a number of matters relating to:

- Consideration should be given to one-way traffic flow (east to west) through the site, with associated signage.
- Landscaping, signage and fencing should not impede sight lines.
- Assessment of the B-double route for Copper Street.
- Loading and unloading on site.
- Enter/exit in a forward direction.
- Road Occupancy License.

These conditions have been placed on the development consent, as requested by the RMS. In particular, the consent conditions require the developer to make application to Council for a B-double route on Copper Street, which would be referred to Council's Traffic Committee, for approval prior to issue of a Construction Certificate.

**Developer response to RMS requirements:**

- It is assumed that the RMS reference to one way traffic flow only to the diesel filling area. It is noted that this is a suggestion rather than a requirement.  
The operator prefers this area to allow access via a two way traffic flow arrangement. Restriction would cause vehicle confusion for trucks entering from the west, meeting cars exiting on the western driveway. Two way traffic would facilitate a smoother transition to and from the site with less turning manoeuvres.  
Although traffic numbers would be low, one way traffic would mean all traffic exiting the site would face the dwelling opposite the site in Copper Street.
- The advice regarding landscaping, signage and fencing in relation to driver sight lines is acknowledged and will be complied with.
- The applicant is agreeable to have the B-Double route application imposed as a condition of consent.
- The advice regarding loading and unloading entirely within the site is acknowledged and will be complied with. The proposed driveway arrangements demonstrate that vehicles are able to enter and exit the site in a forward direction.

- The requirement for a Road occupancy Licence is acknowledged. The applicant is agreeable to have this imposed as a condition of consent.

**Services/utilities**

Water supply, power and telephone are available to the site. No additional services or utilities are required for the development. The cost of any relocation of utilities required for the development is to be borne by the developer. The premises will be served by a new on-site effluent management system.

**Site design, internal design and construction**

The construction work required for this development includes provision of entrances and accessways, concreting the manoeuvring areas, construction of Copper Street, and providing the on-site effluent disposal system. No demolition is required for the development, and no additional services are required.

Excavation work would also be required for the installation of the fuel storage tank.

All works would be carried out under industry guidelines, Australian Standards and the *WBC Guidelines for Engineering Works*, and are conditioned accordingly.

Sediment and erosion control measures would be in place prior to commencement of construction.

**Hazards – technological, natural**

The only potential hazard relates to the installation and use of the on-site effluent disposal system. However this is to be carried out to industry standard.

Fuel tanks would be installed in accordance with industry standard.

**Noise and vibration**

There are no particular significant matters relating to noise and vibration which might apply to this development. However noise levels may increase slightly as a result of the development, and the access to be provided for fuel purchase after hours.

The developer indicates that the volume of vehicles accessing the site would be low, and noise minimised through limitations by the 60km speed limit and need for vehicle braking. One way access through the site would also limit noise in that vehicles would only exit the site at Copper Street.

**Environmental impact – flora, fauna, land resources, air and water pollution, micro climate**

There are no matters arising from this development which might affect flora or fauna, as the site is a highly disturbed rural property. No other land resources



are affected. Air pollution is minimized, and existing mitigation measures would continue to prevent environmental impact.

**Water**

There are no particular water requirements for the development. Stormwater would be directed into the adjoining storm water drains. Sediment and erosion control measures would be established to direct surface water away from the building during concreting works, and away from the final vehicle manoeuvring areas.

**Waste**

The development seeks to install an on-site waste treatment system. The business is expected to continue to generate waste such as oils and grease, and domestic waste. These items would be collected and stored appropriately for off-site disposal at an approved waste facility.

The Council recycling depot in Copper Street is to be removed in the near future.

**Amenity**

The enhancement of the site would include renovations to the forecourt area, and also to the sections of the site which front Copper Street. The existing bowsters would be replaced and a new concrete surface and drainage system put in place, connected to an oil water separator.

Landscaping is to be incorporated into the works, and a landscaping plan is required to be provided prior to the issue of the Construction Certificate, which would incorporate enhancement of the Copper Street frontage to screen the development.

With the development undertaking one way traffic through the site, vehicles would exit via Copper Street. Pavement design is able to direct vehicles to veer away from the adjoin dwelling in terms of headlight impact on the residents.

Existing external lighting would remain unchanged. Lighting would be controlled by either a daylight sensor or time switch, to be directed downward to minimize adverse visual amenity.

**Safety, Security and Crime Prevention**

The developer will have security fencing in place to enable site security, safety and crime prevention.

**Economic impact**

The economic impacts from this development include employment opportunities, and increased use of local support industries during construction and beyond.

**Social Impact**

The social impacts relates to the effective operation of a local business, which works with the local community on a number of different levels. The company

provides employment and the environment is protected, with minimal adverse impact on amenity.

### **Cumulative impact, Principles of Ecologically Sustainable Development, Sustainability and Climate Change**

#### **Cumulative Impact**

The cumulative impact of the development is for the operation of a local business, within effective industry standards, that leads to minimization of environmental and community impact.

#### **Climate Change**

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation. A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

#### **Ecologically Sustainable Development**

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect local environment), Inter-generational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilize the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal would not present significant threats of serious or irreversible environmental damage, and the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations, for the conservation of biological diversity and ecological integrity.

#### **Other**

The following impacts have been considered and are not relevant to the proposal: flooding, heritage, contamination, bushfire.

#### **79C (b) Suitability of the site for the development**

**Comment:** The site is suitable for the development, being enhancement of an existing business. Access is appropriate for the level of use, and soil/water movement across the site would be controlled.

#### **79C (d) Any submissions made in accordance with this Act or the Regulations**

**Comment:** Adjoining landowners were notified for 14 days from 18 November 2013. One submission was received. See attachment 2. The developer was advised of the issues raised and a response was received on most issues. See attachment 3.

The issues raised are considered as follows:

- Lights at night and excessive brake noise affecting the adjoining residence, given the proposed 24 hour access onto Copper Street.

**Council comment:** It is unlikely that noise levels would rise significantly due to the speed limit through the town and vehicles passing through the site in a one-way direction. Traffic volume is not expected to increase significantly. Headlights can be directed away from the adjoining residence through careful driveway design.

**Developer response:** Only one window of the dwelling faces the service station, and night vehicle numbers are expected to be limited. The road is already a main highway, which generates noise during the night.

- Given that Copper Street is gravel and the proposed driveway is also gravel, there would generally be excessive dust, dirt and noise, as well as excessive mud and potholes in wet weather and mud on the Highway.

**Council comment:** Council will require the formation and sealing of Copper Street. Internal driveways will also be sealed.

**Developer response:** Most traffic will continue to use Olive Street. It is only low volumes of traffic that will use Copper Street, to access the hi-flow diesel refilling arrangements. Vehicles will enter and leave Copper Street in a forward direction. The developer requests that the street not be sealed due to the low level of traffic, and only a short section of the street is to be used. Copper Street is a compacted gravel surface carriageway.

- Daily truck use on Copper Street would cause excessive dust, wear and tear on an already inadequate road.
- The exit onto Copper Street is adjacent to the existing recycling depot, where cars frequently park to deliver recycling, and rubbish is left when the bins are full. This presents a traffic hazard.

**Council comment:** The road would be formed and sealed to cater for the increase in use. Council has proposed to remove this recycling depot.

**Developer response:** The traffic using the unsealed Copper Street is unlikely to interfere with the recycling depot, generate dust or cause traffic hazard, due to low numbers and speed.

- Opposite the proposed 24 hour diesel pump is the CWA hall, which is used 3-4 days a week as a preschool. Parents park in front of the hall to collect or drop off children. When a truck is waiting to turn into Copper Street and a truck has to go around them towards Blayney these parents and their parking would be at risk. Opposite Copper Street is the main route for access to Mandurama Public School, and a similar risk occurs.

**Council comment:** Vehicles will not access the site via Copper Street. Vehicles turning out of Copper Street towards Blayney will have adequate sight distance to have regard for other vehicles in the vicinity. The use of the CWA hall and the associated drop off and pick up times are limited. Signage would be in place to indicate to both heavy vehicles and light vehicles where traffic is to pass through in this vicinity. The possibility of trucks passing in this vicinity already takes place, on a wide road reserve which can cater for the movements.

**Developer response:** All vehicles (associated with the service station or otherwise) that make use of the Copper Street and Olive Street (and indeed the public road network) are obliged to comply with road and traffic rules. On this basis alone it is unreasonable to suggest that the proposal will directly cause a risk to public safety.

- This is a 60km zone. The downhill run to turn into the garage would cause excessive air brake noise for ALL houses in the vicinity, which would be amplified at night.

**Council comment:** The amount of traffic accessing the site at night would be low. Access is not into Copper Street, but further down the street where less impact would occur.

**Developer response:** Air brake noise is a matter to be addressed by all large vehicles that enter Mandurama, regardless of the service Station operation.

- The proprietor of the newly renovated 24 hour garage in Blayney indicates that it was dirty, dusty and noisy to begin with, and this has been decreased slightly by the sealing of the driveway, AND the street leading up to those bowsters is bitumen.

**Comment:** Copper Street (part) and the service station site will have sealed surfaces to minimise dust and noise. Every application is considered on its merits and not on precedent.

- Conversation with a local real estate agent suggests that whilst it would not devalue the adjoining dwelling, it would make it harder to sell.

**Comment:** Valuation of properties is not a matter for this assessment.

- Council advises that this area is zoned Residential.

**Comment:** The zoning of the land is RU5 Village where the development is permitted with Council consent.

Developer response:

The land is not zoned residential. It is zoned RU5 Village or Urban and the proposed development is for an existing use being a use that is permissible in the zone.

- We have enough trouble getting the streets mowed and town beautification by Council now. How will big muddy streaky tyre tracks up and down the highway go being removed?

**Comment:** Copper Street and the development site will have sealed surfaces which will not generate dust and mud.

- Where will cars park when there is a service at the Catholic Church or the CWA rooms? How will cars parking in and along the street obstruct the turning circle for “B-double” trucks for the 24 hour petrol pump’s access? Will there be no parking signs placed along these areas discriminating us, the home owners and people wishing to use these facilities?

**Comment:** The RMS have examined the proposal and have indicated that the road reserve in this vicinity can serve the proposed development without significant adverse impact on other landuses in the vicinity.

The application is subject to consideration by Council’s Traffic Committee in regard to the B-double route, prior to the issue of a Construction Certificate for the development.

Developer response: The proposal will not reduce on-street parking on Copper Street. The service station has accommodated large vehicle movements to and from this street in the past, evidently without impact upon street parking resources. There are no aspects of the proposed development that would alter this situation.

- Although we need progress, the development should not be a danger to anyone using the Highway or Copper Street, in creating congestion on both roads.

**Comment:** Both Council and the RMS have assessed the proposal and with application of appropriate conditions of consent, find that the development will be able to operate with minimal adverse impact on the neighbourhood.

- Residents would be severely disadvantaged if this application is allowed to go ahead without modifications.

**Comment:** Council has conditioned the development to address traffic safety, amenity and the requirements of RMS, to address land use conflict in the interests of the wider community.

### **79C (e) The public interest**

**Comment:** There are no other matters of public interest relevant to the development that have not already been considered in this report.

The consolidation of the lots would bring all aspects of the development onto one allotment.

### **Conclusions**

The above assessment illustrates that the proposed development is suitable for the site, provides for enhancement of the local economy in accordance with industry guidelines in the protection of the environment, and compliance with appropriate legislative requirements.

### **BUDGET IMPLICATIONS**

No budget implications.

### **POLICY IMPLICATIONS**

Assessment undertaken as per legislation.

### **IP&R LINK**

DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

DP 5.4.1 Develop and implement a community engagement process and policy.

### **Attachments**

1	Plans	7 Pages
2	Submission	5 Pages
3	Developer Response	3 Pages
4	Council Report and Minute regarding Land Swap	4 Pages
5	Consolidation Plan	1 Page

17) **DEVELOPMENT APPLICATION NO.114/2013 - TWO (2) LOT  
SUBDIVISION AT 166 FOREST REEFS ROAD, MILLTHORPE**  
(Director Planning and Environmental Services)

**RECOMMENDED:**

1. That Council note the submission made in regard to the proposed subdivision, and that Council consent to Development Application No.114/2013 subject to the following conditions of consent:

**CONDITIONS ISSUED WITH DEVELOPMENT  
APPLICATION NO.114/2013**

**STATUTORY**

**REASON: Statutory requirement**

2. Development is to take place in accordance with the attached stamped plans (Ref No. DA 114/2013), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

*Note: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE.** The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*

3. The applicant shall apply to Council for the issue of a Subdivision Certificate for the approved subdivision, and submit the final plan of survey of the subdivision and five (5) copies for Council's endorsement.

*Note: Council will only consider issuing a subdivision certificate in relation to this subdivision when it is satisfied that all conditions of development consent have been complied with and the appropriate fee paid.*

4. The following conditions are to be addressed **prior** to the issue of the Subdivision Certificate: 2, 4, 6, 7, 8, 12, 13.
5. The developer is to furnish Council with documentary evidence that arrangements, satisfactory to Country Energy and the appropriate telecommunications authority, for the provision of street and pathway lighting and for the provision of underground electrical power and telephone lines, respectively, to serve each lot, have been made.  
*NOTE: This information must be submitted before Council will issue the Subdivision Certificate relating to this subdivision.*

**ENVIRONMENTAL**

**REASON: Statutory requirement and public interest**

6. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with *WBC Engineering Guidelines*, (reference the Council's website).
7. A landscaping plan is to be provided to Council and approved prior to the issue of the Subdivision Certificate, indicating the extent of landscaping proposed along the western boundary of the proposed Lot 311.

## **ENGINEERING**

### **REASON: Statutory requirement and public interest**

8. A right of carriageway is to be created over proposed Lot 312 in favour of proposed Lot 311 and shown as such on the final survey plan.
9. The construction of a 4.0 metre wide all-weather 2WD vehicular access for each allotment. Such access roadway is to be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with *WBC Guidelines for Engineering Works*.
10. The developer is to relocate, if necessary, at the developer's cost any utility services.
11. The applicant will ensure that all machinery and traffic movement areas are continually watered when in use in order to prevent raised dust from becoming a nuisance to neighbouring properties.
12. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
13. Contributions are to be paid to Council towards recouping the cost of the provision of existing infrastructure provided by Council, or to facilitate the carrying out of development and which the development will benefit from, that amount being \$5,648.00. The contribution is current at the date of this consent. The contribution payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.  
Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

## **RURAL ADDRESSING**

### **REASON: Statutory requirement and public interest**

14. The designated number plate(s) shall be obtained and erected in accordance with the Specifications for Erection of Rural Address Numbers as supplied by Council.  
*Note: These plates are available from Council at the fee*

*specified in Council's Fees and Charges*

Written notification is to be provided to Council indicating rural addressing number(s) have been erected. This letter is to be supplied to Council or Principal Certifying Authority PRIOR to the issue of a Subdivision Certificate.

**REPORT**

Application Number:	DA114/2013
Development:	Two (2) Lot Subdivision
Applicant:	P Armstrong
Owner:	W & H Armstrong
Lodgment date:	4 November 2013
Land:	Lot 31 DP 1085156, 166 Forest Reefs Road
Local Environmental Plan:	Blayney LEP 2012
Zoning:	RU1 Primary Production, R5 Large Lot Residential

**Description of Proposal**

The proposed development seeks to undertake a two (2) lot subdivision. The land, Lot 31 DP 1085156, is 28.77ha in area, and the subdivision seeks to excise 2ha. The land seeks to excise the part of the land zoned within the R5 zone. The residue of the land is in the RU1 zone.

A dwelling site has been chosen on the western side of the allotment, which would be about 12.5m from the boundary. A geotechnical report has been provided to address effluent disposal and nominate an irrigation area.

The land is undulating and a drainage line passes through the small allotment, which flows from a large farm dam to the east. An existing dwelling and ancillary farm buildings would be located on the larger allotment. Access would be via an existing right of way from Forest Reefs Road.

The main farm is owned and being operated by the applicant's son and his family. The new block would enable the applicant to reside adjacent to his family in retirement.

**Section 79C Evaluation - matters for consideration****79C (a)(i) the provisions of any environmental planning instrument****1. State Environmental Planning Policies**

There are no State Environmental Planning Policies relevant to this development.

**2. Regional Environmental Planning Policies**

As of 1 July 2009, regional environmental planning policies (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies



(SEPPs). The Department of Planning is reviewing all these remaining REPs as part of the NSW planning system reforms.

### 3. Local Environmental Plans

The land is zoned part RU1 Primary Production and part R5 Large Lot Residential under the *Blayney Local Environmental Plan 2012*. The intention is to excise the part of the land within the R5 zone, where the minimum area for subdivision is 2ha. As such, the development would be permissible within the R5 zone with development consent.

However, due to the configuration of the existing allotment in relation to the zone boundary, and the environmental constraints (a large dam) to the east, and in order to provide a suitable building site, the area of the proposed Lot 311 seeks to take in a piece of land to the north, from within the RU1 zone. This would amount to an area of approximately 2,000sqm ie. 10% of its area.

The residue land, Lot 312, would be 26.77ha, within the RU1 zone, where the minimum area for subdivision is 100ha. The existing allotment is already below the minimum area, being only 28.77ha.

Previously Lot 31 DP 1085156 was zoned 1(c) Rural Small Holdings and 1(a) General Rural under the *Blayney Local Environmental Plan 1998*. The proposed small allotment was then and is now, contiguous with R5 land [ previously 1(c) ] to the east, on the western side of the village of Millthorpe.

The development is not permissible across the zone boundary as follows:

- The proposal cannot be considered as exempt development.
- The development cannot be considered under **BLEP 2012 Clause 4.1 Minimum subdivision lot size**, as part of the development cannot comply with the minimum lot size.
- The development does not fall under **BLEP 2012 Clause 4.2 Rural subdivision**.
- The development does not fall under the provisions of **Clause 9 of State Environmental Planning Policy (Rural Lands) 2008**.

Therefore the development is considered under **BLEP Clause 4.6 Exceptions to development standards**.

The “development standard” in this instance would be the minimum area for subdivision in the R5 zone of 2ha.

The objectives of this clause are considered as follows:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The developer has provided a written request to justify the contravention of the development standard, as required under NSW Planning’s “*Varying development standards – a Guide, 2011*”. The statement indicates that the development attempts to take advantage of the inclusion of 90% of the

proposed lot within the Large Lot Residential zone, in creating a 2ha lot for residential and gardening purposes.

The allotment would be created adjacent to the main farm block, which would continue agricultural activities without adverse impact.

NSW Planning & Infrastructure issued Planning Circular PS 08-003 Variations to development standards aims to assist Council's in providing the flexibility indicated in Clause 4.6 of the Standard Instrument. As long as developments can comply with (2) of that Circular, and assumed concurrence can be utilised for minor deviations, as follows:

*(2) Council may assume the Director General's concurrence in respect of an application to vary a development standard relating to the minimum lot size for the erection of a dwelling on land zoned **RU1**, RU2, RU3, RU4, RU6, **R5**, E2, E3 or E4 (or equivalent zone) only if:*

- (a) only one allotment does not comply with the minimum area, and*
- (b) That allotment has an area equal or greater than 90% of the minimum area specified in the development standard.*

**Comment:** Consultation with NSW Planning & Infrastructure indicates that assumed concurrence would apply to this development. The land is zoned RU1 and R5. The smaller lot would comply with the 2ha minimum area for the R5 zone. The larger lot would not comply with the minimum area for the RU1 zone, although it is already below that minimum area of 100ha. The Director General's concurrence can be assumed for this development as it complies with "(2)" above.

**The objectives of the RU1 zone are examined as follows:**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

**Comment:** The development is permissible in the zone and would enable agriculture (grazing) to continue on the larger allotment, which would be reduced from 28.77ha to 26.77ha, the larger allotment being already below the minimum area for subdivision in the RU1 zone.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

**Comment:** The residue land would continue to be utilised for grazing of stock.

- To minimize the fragmentation and alienation of resource lands

**Comment:** The proposed development will not result in the fragmentation or alienation of resource lands.

- To minimize conflict between land uses within this zone and landuses within adjoining zones

**Comment:** It is unlikely that land use conflict will result from this development. One dwelling is proposed, set back within a designated building envelope at least 12.5m from the nearest adjoining property boundary to the west, and screened by a tree buffer. The residue allotment will continue to be utilized for agricultural production (grazing).

- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

**Comment:** These uses do not form a part of this development, although the development would not prevent them from occurring.

The objectives of the R5 zone are examined as follows:

- To provide residential housing in a rural setting while preserving, and minimizing impacts on, environmentally sensitive locations and scenic quality.

**Comment:** The proposed subdivision satisfies this objective by providing residential housing in a rural setting. The dwelling would be set back on a ridge away from the adjacent drainage line. Adherence to the recommendations in the geotechnical report provided for on-site effluent disposal ensures that the environment would be protected. Scenic quality is protected by a landscape buffer already in place by the developer along the western boundary, which will be enhanced subject to seasonal conditions conducive to planting.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

**Comment:** The proposed subdivision is not expected to adversely impact upon the development of the nearby village of Millthorpe. The land would be accessed by an existing right of way, upgraded to a suitable standard in accordance with Council requirements. The land was zoned for Rural Small Holdings under the previous *Blayney LEP 1998*.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

**Comment:** Power and telephone are available to the land. Water would be from rainwater tanks, and on-site effluent disposal is proposed. No other utility demands would drain servicing resources from the village.

- To minimize conflict between land uses within this zone and landuses within adjoining zones.

**Comment:** Landuse conflict would be minimised through careful location of the building envelope and inclusion of a vegetated buffer along the western boundary of the land. Environmental impacts on the drainage line would be minimised through attention to the recommendations within the geotechnical report provided for on-site effluent disposal.

The residue land within the adjoining RU1 zone would continue to be utilised for grazing of stock.

**The objectives of the R5 zone are examined as follows:**

- To provide residential housing in a rural setting while preserving, and minimizing impacts on, environmentally sensitive locations and scenic quality.

**Comment:** The development would allow residential housing in a rural setting, with the choice of building envelope being determined by topography and environmental features on the land. Visual amenity is being addressed through the establishment of a tree shelter belt along the western boundary.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

**Comment:** It is unlikely that the proposal will hinder the development of the nearby urban area of Millthorpe, as it is approximately 2km to the west.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

**Comment:** The land has power and telephone services available to it in the area, which would be confirmed through a condition of consent. The cost of the provision of services would be borne by the developer, including on site effluent disposal as per the geotechnical report provided. The future dwelling would obtain water from rainwater tanks.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

**Comment:** The proposed lot is located within a rural landscape, and would be developed as part of the R5 zone in the locality. The submission received suggests an issue with visual amenity. The developer has located the building envelope away from the western boundary, and is in the process of establishing a tree shelter belt along the western boundary, to address visual amenity.

### **Clause 6.3 Terrestrial biodiversity**

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) Protecting native fauna and flora
- (b) Protecting the ecological processes necessary for their continued existence
- (c) Encouraging the conservation and recovery of native fauna and flora and their habitats.

**Comment:** The land the subject of the proposed small allotment is traversed by an east/west drainage line. The drainage line has vegetation (some established trees and thick understory) along the northern bank. The southern banks are flatter cleared grazing land. The allotment slopes down from the north (steeply) and south into the creek. There are no specific threatened species of flora and fauna nominated as being specific to this locality, and the inclusion of the site on the Biodiversity map is a general protection measure. There is no land clearing required for the proposed development. The building envelope has been placed on flatter cleared grazing land to the north west of the proposed small allotment to avoid the need for tree removal. A tree shelter belt is being established (150 trees already planted) along the western boundary for visual amenity purposes, and to enhance the existing local native vegetation community.

Thus the drainage line, the riparian area and habitat areas would be protected from clearing and disturbance.

### **Clause 6.4 Groundwater vulnerability**

The proposal is part of an allotment in an area identified by the LEP's Groundwater Vulnerability map and therefore this report is required to address certain objectives as follows:

- To maintain the hydrological functions of key groundwater systems.

**Comment:** Due to location and function the proposal is expected to have a negligible impact on any groundwater system. All activities are to be contained in the confines of a nominated building envelope and land irrigation area.

- To protect vulnerable groundwater resources from depletion and contamination as a result of development.

**Comment:** The subdivision proposal is expected to have minimal impact on groundwater resources, with no polluting aspects. Sediment and erosion controls would be implemented during the construction stage of the future dwelling. The geotechnical report provided for the future dwelling has nominated an irrigation area which complies with regulations, NSW Health requirements, and relevant Australian standards. The report indicates that erosion hazard is low, reduced with ground cover.

#### **Considerations for development**

- The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals).

**Comment:** The likelihood of groundwater contamination due to the proposed development is expected to be negligible, due to location and processes specified by the geotechnical report. All future activities relating to the residential development of the land would be contained within the confines of the building envelope and nominated irrigation area.

- Any adverse impacts the development may have on groundwater dependent ecosystems.

**Comment:** The proposal is expected to have a negligible impact due to the nature of the development and the measures to be applied to protect groundwater. This includes distancing the future dwelling site away from the riparian area, and the placement of sediment and erosion control measures during the future dwelling construction.

- The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply).

**Comment:** The cumulative impact has been determined within the context of the proposed future use of the site, through the investigations undertaken in the geotechnical report provided, which specifically state that groundwater impact is expected to be minimal. No water extraction is proposed for the future dwelling.

- Any appropriate measures proposed to avoid, minimize or mitigate the impacts of the development.

**Comment:** Sediment and erosion controls will be implemented during the construction stage of the development of the future dwelling. The operation of a future effluent disposal system on the land is set down within the geotechnical report. Tree planting has commenced to alleviate adverse visual amenity, and the access way would be upgraded to Council standards to serve the development

- The development is designed, sited and would be managed to avoid any significant adverse environmental impacts.

**Comment:** If the proposal is managed in accordance with the consent conditions and the detail provided with the application, it is expected to have a minimal adverse environmental impact. The future dwelling would require a development application which would be assessed and further conditioned to minimise environmental impact.

- If that impact cannot be minimized the development will be managed to mitigate that impact.

**Comment:** The development's potential impact as proposed is considered to be minor due to the subdivision having no significant known polluting aspects. The proposed sediment and erosion controls that would be implemented during the construction stage of the future dwelling should alleviate potential impacts, that development being assessed on its merits at the time.

#### **4. Guidelines and policies**

Council notified the proposal to adjoining landowners and one submission was received. The matters raised are considered later in this report.

#### **79C (a)(ii) the provisions of any draft environmental planning instrument**

##### **Draft State Environmental Planning Policies**

There are no Draft SEPPs relevant to this development.

##### **Draft Local Environmental Plans**

There are no draft local environmental plans relevant to this proposal.

#### **79C (a)(iii) any development control plan**

There are no development control plans relevant to the development.

#### **79C (a)(iv) any matters prescribed by the regulations**

**Comment:** There are no such matters relevant to the development.

#### **79C (b) the likely impacts of that development**

##### **Context and setting**

The proposed development seeks to create an allotment of 2ha in area which straddles the zoning boundary. The site is surrounded by rural development, and is undulating land with a drainage line running through it which flows from a large farm dam to the east.

The site is located about 2km to the west of Millthorpe, and is accessed from a Right of Way off Forest Reefs Road.

The proposed lot would be mostly zoned R5 Large Lot Residential (90%, adjoining the existing Large Lot Residential zone to the east and south.

The development would comply with the objectives of that zone, with visual amenity being addressed through attention to dwelling location and the provision of landscaping to screen the dwelling site from properties to the west.

Access is appropriate for the level of use and power/telephone are available to the land.

##### **Access, transport and traffic**

The site is accessed via an existing entrance onto Forest Reefs Road and from there along an existing right of way to the existing homestead. A further right of way would be created to provide access across to the proposed new

small allotment. There is not expected to be any significant increase in traffic volume or frequency. Council's Engineer has required works relating to all weather access, rural addressing, utility services and drainage.

**Services/utilities**

Power and telephone are available to the site. The future dwelling would be served by an on-site effluent disposal system. The future dwelling would include water supply from rainwater tanks. No other additional services or utilities are required for the development. The cost of any provision or relocation of utilities required for the development is to be borne by the developer.

**Site design, internal design and construction**

The construction work required for this development involves the upgrading and provision of access. The building envelope is proposed for the north western corner of the proposed new small allotment to minimise environmental impact.

**Hazards – technological, natural**

There are no particular known hazards relating to the development.

**Noise and vibration**

There are no particular matters relating to noise and vibration which might apply to this development. Noise levels may increase within the construction phase, but would lessen upon completion.

**Environmental impact – flora, fauna, land resources, air and water pollution, micro climate**

There are no matters arising from this development which might affect flora or fauna, as the site is a highly disturbed rural property. The building envelope and irrigation area are located well clear of the riparian area along the drainage line, and no land clearing is required for the development. No other land resources are affected. Air pollution is minimized, and proposed mitigation measures such as sediment and erosion control would prevent environmental impact during access construction. The future dwelling would be assessed on its merits under a separate application.

**Water**

There are no water requirements for the subdivision. The future dwelling's water requirements would be addressed through rainwater tanks. Stormwater would be directed into the natural drainage system and away from the building, subject to sediment and erosion control measures.

**Waste**

No particular waste is expected to result from the proposed subdivision. Effluent would be addressed through a proposed on-site disposal system in accordance with the submitted geotechnical report, at future dwelling stage.

**Safety, Security and Crime Prevention**

The proposed development is not expected to lead to issues relating to safety, security or crime prevention. The development should not lead to health issues for the wider community. It is to be located on private land, with no public access. Security would be ensured through fencing, lockup and all access construction work would be carried out under Council's *WBC Guidelines for Engineering Works*.

**Economic impact**

The economic impacts from this development include employment opportunities, and increased use of local support industries during construction and beyond.

**Social Impact**

The social impacts relates to the subdivision of land and the subsequent construction of a new residence, which may impact the local and regional community on a number of different levels. The construction would provide employment and the environment is protected, with minimal adverse impact on amenity. Additional large lot residential housing would be provided largely within the existing Large Lot Residential zone.

**Cumulative impact, Principles of Ecologically Sustainable Development, Sustainability and Climate Change****Cumulative Impact**

The cumulative impact of the development is for the subdivision of land and the future construction of a new residence, within effective industry standards, that would lead to minimization of environmental and community impact.

Any similar development would be assessed on its merits.

**Climate Change**

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation. A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

**Ecologically Sustainable Development**

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect local environment), Inter-generational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilize the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal would not present significant threats of serious or irreversible environmental damage, and the health, diversity and productivity of the environment is maintained or enhanced for the benefit of



future generations, for the conservation of biological diversity and ecological integrity.

**Other**

The following impacts have been considered and are not relevant to the proposal: flooding, heritage, contamination, bushfire.

**79C (b) Suitability of the site for the development**

**Comment:** The site is suitable for the development, being a subdivision largely within the R5 zone, with a subsequent dwelling in line with the objectives of the R5 zone. Access is appropriate for the level of use, and soil/water movement across the site would be controlled. The use of a small portion of land within the RU1 zone (2,000sqm – ie.10% or less) is not expected to impact on the existing agricultural use of the residue allotment (grazing).

**79C (d) Any submissions made in accordance with this Act or the Regulations**

**Comment:** Adjoining landowners were notified for 14 days from 12 November 2013. One submission was received from the landowner to the west. The matters raised were as follows:

- The subdivision consists of wet areas, a steep slope and only a small percentage of the block that would be suitable for further development.
- The development appears to place a house on the only suitable building site on the western boundary.
- Concern for the location of the proposed building, that it will not have a suitable buffer zone to limit impacts from normal farming practices. It may limit opportunities for use of the adjoining land.
- The whole concept of rural living is having space and privacy, and residential buildings should be placed on the land to facilitate this concept.

The applicant was advised of the issues and made a response, providing a plan showing the building envelope to be at least 12.5m away from the western boundary. The dwelling would be constructed within this envelope, so could potentially be further than 12.5m from that boundary.

In addition, the developer has undertaken the planting of a wind break along the western boundary, being some 150 trees to date, with more to be planted in autumn. These are intended as a shelter windbreak and for privacy.

**The objector was advised of the suggested solutions but has made no response.**

**Comment:** The proposed development is located in a rural area, largely within a precinct zoned for the purpose of large lot residential development. The land to the west and north is zoned RU1 Primary Production, where the properties are larger. The nearest dwelling to the west is over 850m away, and the measures proposed are acceptable to address visual amenity.

It is unlikely that the location of the dwelling in this vicinity would impact upon agricultural activities. The R5 zone was proposed in this vicinity under the Blayney LEP 2012, for allotments to be created with a minimum area of 2ha, justified by investigations under the Blayney Settlement Strategy and the Industrial and Rural Landuse Strategy.

The developer proposes a shelter belt of trees along the western boundary to protect visual amenity and minimise dust from agricultural operations. It should be noted that the developer undertakes agricultural operations on the proposed larger residue allotment as well, which would also adjoin the small lot.

### **79C (e) The public interest**

**Comment:** There are no other matters of public interest relevant to the development that have not already been considered in this report.

### **Conclusions**

The above assessment illustrates that the proposed development is suitable for the site, provides for enhancement of the local economy in accordance with industry guidelines in the protection of the environment, provides for additional large lot residential housing largely within the Large Lot Residential zone, and would be carried out in compliance with appropriate legislative requirements.

### **BUDGET IMPLICATIONS**

No budget implications.

### **POLICY IMPLICATIONS**

Assessment undertaken as per legislation.

### **IP&R LINK**

- DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.
- DP 5.4.1 Develop and implement a community engagement process and policy.

### **Attachments**

- |   |                         |         |
|---|-------------------------|---------|
| 1 | Location and Zoning Map | 1 Page  |
| 2 | Revised Plan            | 1 Page  |
| 3 | Submission              | 2 Pages |
| 4 | Developer Response      | 2 Pages |

18) **SWIMMING POOL BARRIER INSPECTION PROGRAM**  
(Director Planning and Environmental Services)

**RECOMMENDED:**

1. That Council adopt the Swimming Pool Barrier Inspection Program.

**REPORT**

At its meeting on the 10 February 2014, Council considered a report regarding the draft program and resolved:

1. *That Council place the draft 'Swimming Pool Barrier Inspection Program' on public exhibition for 14 days and seek community comment on the proposed program before considering a further report on the amendment and/or adoption of this program.*
2. *A copy of the draft program be made available to local solicitors, conveyancers and real estate agents for information.*

The draft program was advertised in the local paper on 13 and 20 February 2014 and placed on Council's website, following the February Council meeting.

The closure date for any written comment on the draft program was the 28 February.

At the time of writing this report, there had been no comments received.

If written comment is received, which warrants a change to the program, the program will be amended and an addendum report prepared and submitted to Council prior to this meeting.

**BUDGET IMPLICATIONS**

The requirements placed on Council to inspect and report on pools will be an additional cost to Council and is expected to be offset by the fees charged.

**POLICY IMPLICATIONS**

Nil.

**IP&R LINK**

Nil.

**Attachments**

- 1 Swimming Pool Barrier Inspection Program 2 Pages

19) **PLANNING PROPOSAL - RECLASSIFICATION OF LAND,  
BEAUFORT STREET, BLAYNEY**  
(Director Planning and Environmental Services)

**RECOMMENDED:**

1. That the information be noted.

**REPORT**

<b>Applicant:</b>	Blayney Shire Council
<b>Owner:</b>	Blayney Shire Council
<b>Application No:</b>	-
<b>Zone:</b>	R1 General Residential
<b>Date to Planning &amp; Infrastructure:</b>	18 October 2013
<b>Land:</b>	1 & 11 Beaufort Street, Blayney
<b>Address:</b>	Lot 19 DP 244853 & Lot 7 DP 236443
<b>Proposed Development:</b>	Reclassification from Community to Operational

**BACKGROUND**

At Council's Ordinary Meeting of 17 June 2013 a reclassification of land was considered.

The land concerned was No. 1 Beaufort Street (Lot 19 DP 244853) and No. 11 Beaufort Street (Lot 7 DP 236443). The sites are owned by Blayney Shire Council and are currently vacant land, zoned R1 General Residential. They had previously been identified as being surplus to the community's needs for open space and recreation within the town of Blayney as per Council's Operational Plan. As such, the sites were considered appropriate for residential development which would be in response to a demand for housing within the town.

Council resolved to seek a Gateway Determination from Planning and Infrastructure, and to prepare a Planning Proposal to have the land reclassified from Community to Operational land to enable the subdivision of the land for residential purposes.

On 28 June 2013 Council approached Planning and Infrastructure for the Gateway Determination in regard to the suitability of the proposal to proceed toward a Planning Proposal.

The gateway decision was received by Council on 18 July 2013, and Council proceeded to prepare a Planning Proposal.

Community consultation was undertaken from 1-29 August 2013 and three submissions were received. A Public Hearing was then held on 11 September 2013, and the results reported to Council on 14 October 2013.

At this Meeting Council resolved to forward the final Planning Proposal to Planning & Infrastructure, and request the Minister to make a Local Environmental Plan. This was undertaken on 18 October 2013.

Subsequently the Minister notified Council of the pending gazettal of the LEP on 29 January 2014, which then took place on 7 February 2014.

**BUDGET IMPLICATIONS**

There are no budget implications for Council associated with this report.

**POLICY IMPLICATIONS**

There are no policy implications for Council associated with this report.

**IP&R LINK**

DP 1.1.2 Promote sustainable development and protection of our natural resources through the planning system.

**Attachments**

1 Location Plan 1 Page

20) **BLAYNEY SHIRE COMMUNITY MEN'S SHED**  
(Director Planning and Environmental Services)

**RECOMMENDED:**

1. That Council note and support the on-going discussion, regarding the possible location of the Blayney Men's Shed, with Blayney Shire Community Men's Shed Inc.
2. That Council apply to close the remainder of Oldham Place from the current cul de sac to the property boundary of Lot 2, DP 1085587, No. 10 Oldham Place, Blayney.

**REPORT**

Staff have had on-going discussion with members of the Blayney Men's Shed Committee, regarding a suitable site, for some time.

Discussions are currently being held regarding Lot 322, DP 608435, No. 4 Oldham Place, Blayney, owned by Council (see map attached).

It is also considered that if the remainder of the portion of Oldham Place, from the edge of the cul de sac to the boundary of Lot 2, DP 1085587, was closed, Council may be able to offer that parcel of land to the Committee.

The current proposals are still in the early discussion and negotiation phase between Council staff and the Men's Shed Committee and is considered appropriate that as this progresses a further report/s be submitted to Council for consideration.

**BUDGET IMPLICATIONS**

Dependent on the outcome of the discussion/negotiation costs may be incurred in the road closure and obtaining the land.

**POLICY IMPLICATIONS**

Nil.

**IP&R LINK**

Nil.

**Attachments**

1 Map 1 Page

**COMMITTEE REPORTS**  
**PRESENTED TO THE BLAYNEY SHIRE COUNCIL**  
**MEETING HELD ON MONDAY, 10 MARCH 2014**



21) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE**  
**MEETING HELD ON 21 FEBRUARY 2014**  
(Infrastructure Manager)

**RECOMMENDED:**

1. That the recommendations of the Blayney Traffic Committee meeting held on 21 February 2014 be adopted.

**REPORT**

The minutes of the Blayney Traffic Committee meeting held on Friday 21 February 2014 are attached and Councillors attention is drawn to the following items:

- Orange Cycle Club 2014 Program
- 45° Angle Parking – Church Street
- Disabled Parking - Mandurama
- IGA Blayney – Traffic Report – Unloading Operations

**Attachments**

1 Traffic Committee Minutes 21/02/2014 3 Pages



22) **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL  
MEETING HELD ON 20 FEBRUARY 2014**  
(Cr Kingham)

**RECOMMENDED:**

1. That Council note that Blayney Showground users may apply for funding for gravel roads, repairs to ceilings in the pavilion and a covered equestrian arena through Public Reserves Management Fund Program.
2. That Blayney Council provide a comprehensive update of Napier Oval toilet block including Sport and Recreation grant applications and how much money is available for this building.
3. That 24 permanent day yards be permitted at the Blayney Showground subject to funding by the Blayney Pony Club, and in consultation with the Harness Racing Club, Dressage Club and Show Society's in relation to location, distance to other facilities and drainage.
4. That Council allow the installation of long jump runways at King George Oval subject to funding by Little Athletics.
5. That Roger Clark on behalf of Senior Football (Soccer) be included in Sports Council.
6. That the Sports Council would like to invite the Mayor and General Manager to future meetings.

**REPORT**

The minutes of the Blayney Shire Sports Council meeting held on Thursday 20 February 2014 are attached.

**Attachments**

1 Blayney Shire Sports Council Minutes 20/02/2014 3 Pages