

Blayney Shire Council



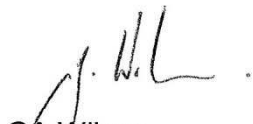
9 April 2014

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, 14 April 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 10.03.14
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
 - (a) Kim Menzies – Unreasonable and Unreasonably Persistent Customer Policy and Procedure
 - (b) Greg Hahn – Development Application No.11/2014 – Lyndhurst Rifle Club – Alternate Danger Zone on Range
 - (c) Harry Marshall – Environmental Noise in Marshalls Lane
- (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



G.A. Wilcox
GENERAL MANAGER

MEETING CALENDAR

April

| Time | Date | Meeting | Location |
|----------|---------------|--------------------------------|------------------|
| 5.00 pm | 10 April 2014 | Economic Development Committee | Community Centre |
| 10.00 am | 11 April 2014 | Traffic Committee Meeting | Community Centre |
| 6.00 pm | 14 April 2014 | Ordinary Council Meeting | Community Centre |
| 10.00 am | 17 April 2014 | GMAC | Orange |

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 |
| 10.00 am | 24 May 2014 | Lachlan Regional Transport Committee | Dubbo |
| 10.00 am | 29 May 2014 | Centroc Board | Parliament House |

June

| Time | Date | Meeting | Location |
|----------|--------------|---|------------------|
| 4.00 pm | 2 June 2014 | Chifley LAC Community Safety Precinct Meeting | Lithgow |
| 10.30 am | 11 June 2014 | Central Tablelands Water | Molong |
| 6.00 pm | 12 June 2014 | Towns and Villages Committee | Community Centre |
| 6.00 pm | 16 June 2014 | Ordinary Council Meeting | Community Centre |
| 10.00 am | 20 June 2014 | Traffic Committee Meeting | Community Centre |
| 4.00 pm | 24 June 2014 | Local Emergency Management Committee Meeting | Community Centre |

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HELD ON MONDAY 14 APRIL 2014

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GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 APRIL 2014



01) **REQUEST FOR LEAVE - CR ALLAN EWIN**
(Councillor Ewin)

RECOMMENDED:

1. That Council grant Cr Ewin's request for Leave of Absence for the April 2014 Council Meeting.

REPORT

Cr Ewin has request a Leave of Absence from the April 2014 Ordinary Meeting of Council.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

1 Request for Leave - Cr Ewin 1 Page

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 APRIL 2014



02) CENTROC BITUMEN EMULSION CONTRACT
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse the extension of the current bitumen emulsion contract with Boral Asphalt.

REPORT

Council is committed to the regional contract for supply of Bitumen Emulsion coordinated through Centroc.

Members of Centroc's Supply Management Team have overseen the management of the Bitumen Emulsion regional contract with Boral Asphalt and have recommended exercising of the option to extend the contract for an additional 12 months as stated in the current contract. Following the expiration of this contract a new tender for supply will be sought.

A report was provided at the Council meeting of 12 December 2011 and Council resolved to participate in the regional contract process. (Minute number 1112/024).

The current contract is progressing favourably with quarterly reviews provided at the Centroc Supply Team meetings.

Council's continued participation in this regional contract will allow it to save time and money through reduced administration and procurement through a larger scale contract.

BUDGET IMPLICATIONS

Centroc has managed the process including all costs of advertising and tender assessment and will receive a management fee of 0.5% from the supplier 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

03) SUSTAINABLE COLLECTIONS PROJECT
(Director Corporate Services)

RECOMMENDED:

1. That Council approve the request from Orange City Council and include budget provisions in its Operational Plans of \$15,000 in 2014/15 and 2015/16 for the Sustainable Collections Project providing reporting back on project achievements to Council and the community is furnished on a six monthly basis.

REPORT

Council has been active in its support of the Sustainable Collections project since 2010. It has been recognised as a means by which the community museum and history groups in the Shire are able to receive professional support.

Despite Council's ongoing contribution over the years, reporting back to Council has been haphazard and irregular.

The following report was prepared by the Sustainable Collections Project Museum Adviser, Kylie Kinkworth and Orange City Council Museum and Heritage Coordinator, Alison Russell:

The Sustainable Collections Project (SCP) is a joint initiative of Cabonne, Blayney and Orange Councils, with funding support from Arts NSW and other partners. The project was initiated in 2007 by Orange City Council's museum program, working with community museums in the region. It is designed to assist community museums and volunteers with the documentation, assessment and interpretation of collections and to improve coordination and planning for the future of the museums and their significant collections.

The project recognises that the museums hold collections which are important community, cultural and financial assets. These collections need maintenance, planning and investment to sustain their value and significance. Improved collection management and interpretation enables communities to access the cultural, tourism and education potential inherent in the collections and the stories held by the museums. Underpinning the project is the employment of locally based collections officers to work with museum volunteers to identify significant objects and distinctive stories in each museum and document collections. The project is managed by Orange City Council's Museum and Heritage Coordinator, while their Museum Adviser provides strategic and policy advice.

The Sustainable Collections Project has pioneered a new model of regional cooperation for sustainable museum development. It was the first time in Australia that three councils had supported a co-ordinated museum program. Since its inception, the project has been recognised as a national model, it

has been commended in various studies and museum reports, and it has attracted significant grant funding and national awards.

Key Elements of the Project

- *An audit of the condition of the museums and their collections*
- *Identify key needs and priority projects in each museum*
- *Employment of locally based collections officers to work with volunteers to document the collections and assess their significance*
- *Develop and upgrade museum collection policies, procedures and strategic plans*
- *Identify distinctive themes and stories and significant objects in each museum*
- *Develop new exhibitions and interpretations*
- *Provide specialist conservation advice and supplies*
- *Commission new research on key themes such water, migration heritage, Aboriginal history and Cornish settlers in the region*
- *Use this research in collaborative projects and exhibitions*
- *Support volunteers with targeted museum advice, training, workshops and skills development on subjects including using the Mosaic collection database, exhibition design, storytelling through medical collections, using social media, significance and collection management*
- *Purchase and upgrade for all museums to version 10 of Mosaic collection management system*
- *Purchase museum equipment, showcases, storage cabinets and mannequins*
- *Develop a Central NSW Museums website to promote the museums to tourists <http://www.centralnswmuseums.com.au/wp/>*
- *Facebook presence for CNSW museums website*
- *Develop museum brochures, booklets and promotional materials*
- *Assist museums with grant applications for priority building works and museum projects*
- *Develop project partnerships with NSW state museums including the Powerhouse Museum, the NSW Migration Heritage Centre and Sydney Living Museums*
- *Stage 1 of 'Villages of the Heart' collaborative project underway, recording the stories and memories of villages across the region, with initial funding of \$22,000 from the Department of Environment and \$25,000 from Orange City Council*

Additional Project Outcomes for Museums in Blayney

- *1,150 objects catalogued and photographed at Carcoar Hospital Museum, Carcoar Stoke Stable, Carcoar Court House and Golden Memories Museum, Millthorpe*
- *Statements of significance for important objects*
- *Draft collection policies and strategic plans, advice on deaccessioning*
- *Supply hanging system, design and develop Carcoar Hospital Time line and Patient Care panels,*
- *Assist in the purchase of a screen for the operating theatre at Carcoar Hospital Museum*

- *Provide pull up banners for Blayney Historical*
- *Facilitate a strategic plan for the Carcoar Hospital Museum*
Design and develop Justice and Policing exhibition panel at the Carcoar Court House
- *Facilitate a conservation assessment of Stoke Stable, Carcoar*
- *Design, produce new exhibition and video on Pea Harvesting*
- *Design and produce 3 exhibition panels for the Good Templars Hall, and domestic use of water exhibition panels at Millthorpe Museum*
- *Provide funding towards the Millthorpe Museum master plan*
- *An estimated \$88,000.00 was spent in Blayney on funding the Collections Officer, museum supplies and equipment, exhibitions and interpretation, not counting museum specific grants, general program activities and partnerships*

Project Benefits/Achievements

- *Over 5,000 objects catalogued and photographed across the three LGAs*
- *Supporting volunteers to focus time and resources on collection management*
- *Museum volunteers working together in a museum network providing mutual assistance and advice*
- *Skills development, training and workshops for volunteers, bringing experts to the region for particular projects including: telling medical collections stories, the Australian Dress Register and Exhibition Design*
- *Harness support and partnerships from NSW State museums*
- *Secured grant funding of \$396,000 for museum projects to 2016, not counting museum specific grants and Council contributions*
- *This is funding which wouldn't have been accessed without the project and network of museums working together*
- *Central NSW museum and heritage website up as a virtual museum and gateway to the region*
- *Purchase Mosaic collection database for all museums*
- *Focus on distinctive collections, themes and stories in each museum*
- *New exhibitions and professionally design displays and interpretive panels*
- *Collections and stories linked to tourism marketing such as food and gardens*
- *Participation in collaborative exhibitions with satellite displays across the region*
- *Direct assistance to museums to provide museum showcases, conservation materials, AV equipment, wire mannequins, internet connections and the fit-out of collection working spaces*
- *Assistance writing grant applications*
- *Updated policies, plans and improved collection management so museums meet national benchmarks*
- *Innovative collaborative projects with museums and communities across the region*
- *A nationally recognised model for regional co-operation in museum development and services*
- *Museums Australia National Award for sustainability 2011*

- *Highly commended in Local Government National Awards 2012*
- *Museums and Galleries Award 2012*

Next Stages - 2014/2016

- *The SCP has secured \$45,000 from Arts NSW for 2014, on the basis of a \$15,000 contribution from each Council*

The program will include:

- *Purchase of a networked collection database for use by all the museums which will make it easier to upload collection information and community stories to the web*
 - *Continue development of the Central NSW Museums and Heritage website, as a virtual museum and gateway to the region, promoting visitation to museums and villages*
 - *Continued work on the collections and museums with a focus on promoting tourism and audience development*
 - *Research and interpret the Centenary of WWI*
 - *Commission a history of Chinese migration to the region as the basis for new interpretation and programs to attract Chinese tourists to the region*
 - *Further research on the Aboriginal history of the region to underpin an Aboriginal heritage trail and new displays*
 - *Commission museum education materials for use by schools*
 - *Stage 2 of a project on the Cornish history of the region*
 - *Continued program of workshops, training and skills development*
- *Stage 2 of the Villages of the Heart project, developed as part of the SCP, includes a partnership with Sydney Living Museums, funded by a \$140,000 grant from Arts NSW for 2014/2016*

The project will have a special focus on the food and culinary history in the region, linked to tourism and food and wine programs.

This will include:

- *Documenting food and produce related items in museums and villages across the region*
- *Oral histories and memories of villages past and present uploaded to the website*
- *Workshops and storytelling about the distinctive histories of villages across the region, with a particular focus on food and culinary traditions*
- *Public programs and demonstrations around food and culinary history led by SLM's gastronomy curator*
- *Research and planning for a major collaborative exhibition on food in 2016 with new displays in community museums*
- *Commission five artists to develop concepts for installations or public art inspired by local produce and food traditions*

Anticipated Outcomes and Benefits

- *A content rich virtual museum website showcasing stories from villages across the region*

- *New museum programs linked with food related festivals and tourism marketing to attract visitors to the villages and region*
- *New displays and programs around migration history, particularly Chinese migrants, to underpin tourism marketing to Chinese tourists*
- *Develop museum and community skills in digital storytelling and presenting public programs to improve visitation to the museums*
- *Promotion of the region's culinary history to SLM Sydney audiences*
- *Work towards a collaborative exhibition in 2016 focussed on food, local produce and culinary traditions*
- *Support creative industries in the region through film making and commissioned artworks*
- *Interpretation of Aboriginal heritage places and stories*
- *Education resources for use in all the museums*
- *Linkages between the museums, libraries, Orange regional Gallery and heritage places*
- *Appreciation of significant collections, food and culinary traditions and the special place of villages in community memories.*

There may also further opportunities as part of the Sustainable Collections Project and the Villages of the Heart Project that a consultant be engaged to assist with the museum collection documentation and interpretation and to assist in the reporting process for the period 2014-2016.

BUDGET IMPLICATIONS

Council has no provision for this activity in its forward financial plan. Funding of this project will require an additional vote of funds in the 2014/15 and 2015/16 years. The Sustainable Collections Project has secured \$45,000 from Arts NSW on the basis of individual contributions of \$15,000 by Orange, Cabonne and Blayney Councils.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 2.1.2 – Engage with key groups and organisations with a view to developing community partnerships for conducting activities and programs.
DP 2.3.2 – Develop partnerships with other arts organisations to help deliver arts and cultural activities.

Attachments

Nil

04) ADOPTION OF PENSIONER AND HARDSHIP POLICY
(Director Corporate Services)

RECOMMENDED:

1. That the Pensioner and Hardship policy be adopted and included in Council's policy register.

REPORT

Council at its meeting of 10 March 2014 resolved to place the Pensioner and Hardship policy on public exhibition following a review of the policy. 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 Pensioner and Hardship policy seeks to provide a framework for responding to applications from owners/ratepayers and customers experiencing genuine hardship with the payment of their rates, annual charges and fees.

At the time of report preparation Council had received one submission. The submission recommended amendment of wording in the inserted clause on "*Hardship Assistance Due to Impact of Special Rate Variations*" in the policy. An excerpt of the submission is shown below:

In the new clause itself, the words "apply to Council for rate relief" should be "apply to Council for Hardship Assistance" because this is the expression used in the rest of the policy.

Accordingly, the words "rate relief" have been removed and the words "Hardship Assistance" inserted.

A copy of the Pensioner and Hardship Policy has been provided as an attachment to this business paper.

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 Hardship Policy 4 Pages

05) ENDORSEMENT OF 2014/2015 OPERATIONAL PLAN
(Director Corporate Services)

RECOMMENDED:

1. That Council endorses the draft 2014/15 Operational Plan and the new rating categories and sub-categories as proposed; and
2. That the 2014/15 Operational Plan be placed on public exhibition for a period of 28 days.

REPORT

All councils in NSW are required to develop long term, medium term and short term plans under new legislative requirements, the *Local Government Amendment Planning and Reporting) Act 2009* which transitions councils to a new Integrated Planning and Reporting (IP&R) Framework.

Council adopted its IP&R documents, excluding the 2014/15 Operational Plan, at its February 2014 meeting as part of the requirement to lodge its application for a special variation to general income with IPART. Council is now obligated to endorse its 2014/15 Operational Plan.

The Operational Plan spells out the individual projects and activities that will be undertaken each year to achieve the commitments made in the Delivery Program.

In accordance with Section 405 of the Act, Council must adopt its annual Operational Plan before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program. The Operational Plan must also include the Statement of Revenue Policy.

The Operational Plan has had extensive changes to reflect service delivery for 2014/15 year. The plan is in two parts as follows:

- Part 1 – Activities. This part outlines specific actions and tasks that Council will do.
- Part 2 – Financials. This part outlines the annual budget, revenue policy, fees and charges and other important financial information.

In the Revenue Policy Council is proposing two rating structures pending the outcome from IPART on its consideration of Council's application for a special variation to general income.

As part of its review of the rating structure the base rates have been amended as part of Council's strategy to bring about an equitable rates distribution across categories in its rates base. The amended base rates has the effect of raising the overall rate of ratepayers on low rates and adjusts all other rates due to changes in the Ad Valorem value. The proposed 6% SRV is included in any changes to the overall rate. Some new rating categories have also been introduced replacing outdated categories and aligning them to the statutory

requirements under the Local Government Act. The number has also been reduced from 14 categories and sub-categories to 9. The new categories are summarized as follows:

- Mining: Ordinary Rate
- Mining: Gold and Copper combined (Replacing previous *Gold / copper*)
- Residential: Ordinary Rate (Replacing *Other Areas*)
- Business: Ordinary (Replacing *Business: Other areas* and *Business: Village*)
- Business: Blayney, Millthorpe & Carcoar (Replacing individual town / village categories in the past)

Council has also consolidated the vacant land sub-categories in Residential into their respective town or village category.

The draft Operational Plan must be publicly exhibited for at least 28 days and public submissions can be made to Council during the consultation period. Council must accept and consider any submissions made on the draft Operational Plan before its adoption. Council must post a copy of its Operational Plan on its website within 28 days following plan adoption.

BUDGET IMPLICATIONS

The financial implications of this report are detailed in the 2014/15 Operational Plan. It should be noted that Council has included two rating structures for Council consideration and works in the Operational Plan to be funded by additional revenue from a special variation to rate income will not proceed if Council's application for a Special Variation to General Income for 2014/15 is not approved by IPART.

POLICY IMPLICATIONS

Adoption of the Operational Plan 2014/15 establishes a comprehensive and clear statement of the direction and activities of the Council for the 2014/15 year.

IP&R LINK

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

DP 6.3.2 – Maintain a secure and financial structure for Council.

Attachments

- 1 Operational Plan - Part 1
- 2 Operational Plan - Part 2

06) SALE OF LAND FOR UNPAID RATES – AUCTION RESULTS
(Manager Financial Services)

RECOMMENDED:

1. That Council note the report and endorse execution of sales contracts and associated documentation by the Mayor and General Manager under Council seal for the following properties sold at auction for Sale of Land for Unpaid Rates, pursuant to Local Government Act section 713, held on 14th February 2014:

Lot 2: 3 Turner Street, Barry (Lot 4 Sec 21 DP 758062)
 Lot 3: Steel Street, Mandurama (Lot 1 DP 1123120)
 Lot 4: Nyes Gate Road, Millthorpe (Lot 4 DP 900114)
 Lot 6: 17 Campbell Street, Newbridge (Lot 1 DP 798289)
 Lot 7: 2 Curtain Street, Newbridge (Lot 3 DP 798289)
 Lot 8: 1a Bourke Street, Newbridge (Lot B DP 379260)

REPORT

Council held an Auction for the Sale of Land for Unpaid Rates on Friday 14 February 2014 pursuant to Local Government Act section 713. The auction for the sale of 10 parcels of land was held in the Blayney Shire Community Centre and was attended by approximately 10 interested parties.

Of the original 11 properties previously informed to Council, 6 properties were sold, 4 properties were passed in and one property was withdrawn due to the outstanding amount being paid. Listed below are the results of the auction:

| Lot No. | Property listed for Auction | Result |
|---------|---|--|
| Lot 1 | 888 Moorilda Road, Moorilda (Lot 10 DP 112647) | Passed In |
| Lot 2 | 3 Turner Street, Barry (Lot 4 Sec 21 DP 758062) | Sold for \$15,000 |
| Lot 3 | Steel Street, Mandurama (Lot 1 DP 1123120) | Sold for \$4,500 |
| Lot 4 | Nyes Gate Road, Millthorpe (Lot 4 DP 900114) | Sold for \$800 |
| Lot 5 | 3145 Midwestern Highway, Blayney (Lot 8 DP 525642) | Passed In |
| Lot 6 | 17 Campbell Street, Newbridge (Lot 1 DP 798289) | Sold for \$18,000 |
| Lot 7 | 2 Curtain Street, Newbridge (Lot 3 DP 798289) | Sold after Auction for \$12,000 to highest bidder |
| Lot 8 | 1a Bourke Street, Newbridge (Lot B DP 379260) | Sold for \$250 |
| Lot 9 | 24A Trunkey Street, Newbridge (Lot E DP 383876) | Passed In |
| Lot 10 | 15 Campbell Street, Newbridge (Lot 6 DP 798289) | Passed In |

As settlement of the above 6 properties was due to occur on the 28th March 2014, before the April Council meeting, the Mayor has exercised his power to transact business between meetings and authorise execution of the land sale contracts and affixing of the Council seal .

As Council has complied with the Local Government Act for the procedure of the auction, Council is now able to list the four remaining properties on the market. It should be noted that there are restrictions on sale of land by private treaty to Councillors, staff or any relatives therein by virtue of Local Government Act section 716:

716 Sale of land by public auction

- (1) Any sale of land under this Division must be by way of public auction, except as provided by this section.*
- (2) Land that fails to sell at public auction may be sold by private treaty.*
- (3) Land may be sold under this Division to the council, a councillor, a relative of a councillor, a member of staff of the council or any relative of a member of staff of the council in the case of sale by public auction, but may not be so sold in the case of sale by private treaty.*

Following finalisation of sales Council will tabulate expenses of sale and a further report will be tabled to Council on the distribution of proceeds and amounts to be written off.

BUDGET IMPLICATIONS

Council must apply all money received from the sale of each property towards sales expenses in the first instance and then to the payment of rates and charges (land and water) of that property. If the sale proceeds are more than the rates and charges owing, the balance of the funds are paid to persons having estates or interests in the land immediately before the sale. If the sale proceeds are insufficient to satisfy all rates and charges the balance left outstanding is written off by Council. (A further report to this end will be provided to Council.)

Should the purchase money be more than the rates and charges owing and Council is unable to contact the persons having estates or interests in the land, Council is required to send all unclaimed monies to the Office of State Revenue.

POLICY IMPLICATIONS

No effect.

IP&R LINK

DP 6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

Nil

07) REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2014
(Manager Financial Services)

RECOMMENDED:

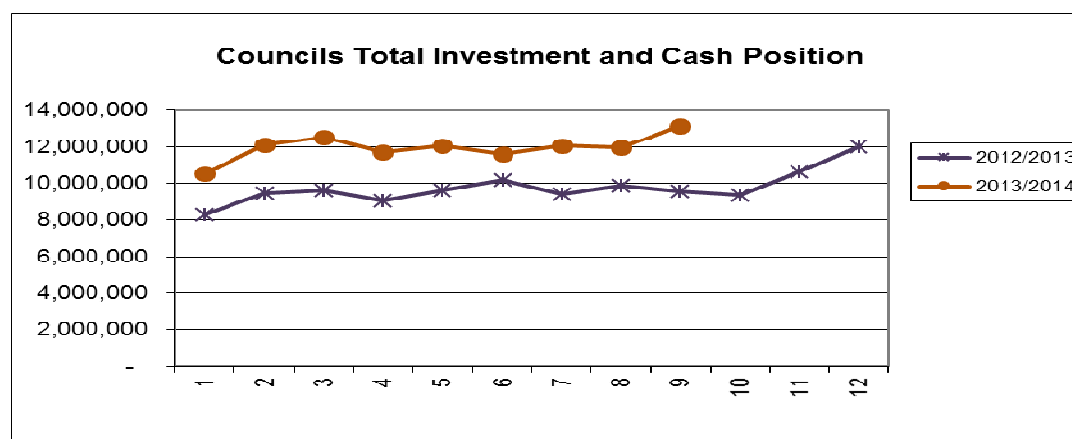
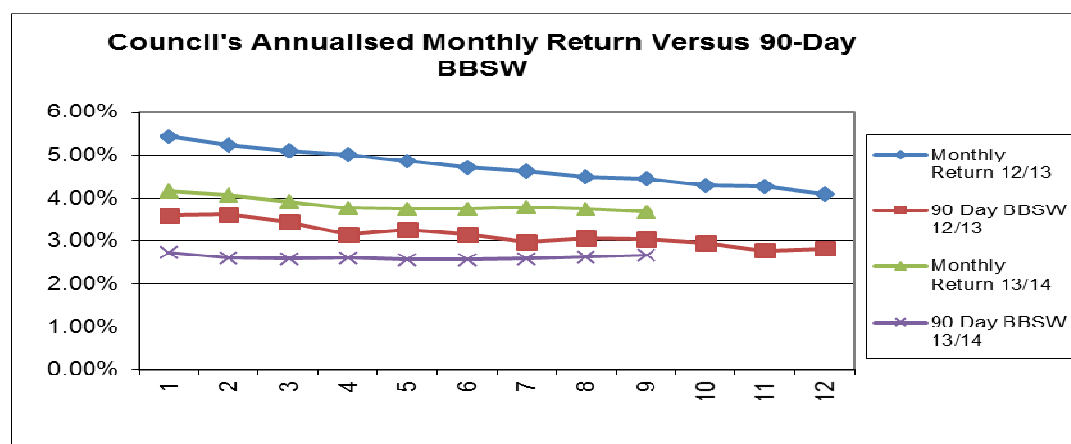
1. That the report indicating Council's investment position as at 31 March 2014 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.
3. That Council note the amount paid on maturity on the Kakadu CDO, gain on disposal and endorse action being taken to recover the loss sustained.

REPORT

This report provides details of Council's Investment Portfolio as at 31 March 2014.

Council's total investment and cash position as at 31 March 2014 is \$13,206,056.52. Investments earned interest of \$38,646.15 for the month of March 2014.

Council's monthly net return annualised for March of 3.68% outperformed the 90 day Bank Bill Swap Rate of 2.68%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 MARCH 2014

| Institution | Maturity | Amount \$ | Monthly Net Return Annualised |
|-------------------------------------|-----------------|----------------------|--|
| <u>Term Deposits</u> | | | |
| NAB | 9/09/2014 | 500,000.00 | 3.82% |
| Bankstown City Credit Union | 10/06/2014 | 500,000.00 | 3.70% |
| 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 | 10/06/2014 | 500,000.00 | 3.61% |
| B & E Ltd | 9/09/2014 | 500,000.00 | 3.50% |
| ING | 4/11/2014 | 500,000.00 | 3.64% |
| Peoples Choice Credit Union | 27/04/2014 | 500,000.00 | 3.56% |
| Bendigo & Adelaide Bank | 15/07/2014 | 500,000.00 | 3.35% |
| Police Credit Union | 29/04/2014 | 500,000.00 | 3.49% |
| 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 | 2/09/2014 | 500,000.00 | 3.50% |
| Australian Defence Credit Union | 5/08/2014 | 500,000.00 | 3.55% |
| Maitland Mutual | 13/05/2014 | 500,000.00 | 3.65% |
| Rural Bank | 2/09/2014 | 500,000.00 | 3.70% |
| Mystate Financial Credit Union | 2/09/2014 | 500,000.00 | 3.70% |
| Total | | 11,500,000.00 | 3.68% |
| Total Investments | | 11,500,000.00 | 3.68% |
| Benchmark: BBSW 90 Day Index | | | 2.68% |
| Commonwealth Bank - At Call Account | | 332,961.98 | |
| Commonwealth Bank Balance - General | | 1,373,094.54 | |
| TOTAL INVESTMENTS & CASH | | 13,206,056.52 | |

| Summary of Investment Movements - March | | |
|---|-----------------------------|------------------------------------|
| Financial Institution | Invst/(Recall) Amount \$ | Commentary |
| Term Deposits | | |
| Macquarie Bank | (509,123.29) | Term Deposit Matured 4/03/2014 |
| Macquarie Bank | 500,000.00 | Term Deposit Reinvested 4/03/2014 |
| Rural Bank | 500,000.00 | Term Deposit Invested 5/03/2014 |
| MyState Financial | 500,000.00 | Term Deposit Invested 5/03/2014 |
| Bankstown City Credit Union | (504,536.98) | Term Deposit Matured 7/03/2014 |
| Bankstown City Credit Union | 500,000.00 | Term Deposit Reinvested 7/03/2014 |
| Gateway Credit Union | (504,734.25) | Term Deposit Matured 11/03/2014 |
| Gateway Credit Union | 500,000.00 | Term Deposit Reinvested 11/03/2014 |
| B & E Limited | (504,425.34) | Term Deposit Matured 11/03/2014 |
| B & E Limited | 500,000.00 | Term Deposit Reinvested 11/03/2014 |
| Bendigo & Adelaide Bank | (508,926.03) | Term Deposit Matured 11/03/2014 |
| Bendigo & Adelaide Bank | 500,000.00 | Term Deposit Reinvested 11/03/2014 |
| ANZ Custodian (Kakadu) | (461,535.79) | CDO Matured 20/03/2014 |
| Police Credit Union | (508,926.03) | Term Deposit Matured 25/03/2014 |
| Police Credit Union | 500,000.00 | Term Deposit Reinvested 25/03/2014 |

| <u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u> | |
|---|-----------------|
| | \$ 000's |
| External Restrictions - Sewer | 2,821 |
| External Restrictions - Other | 2,023 |
| | 4,844 |
| Internal Cash Restrictions | 6,530 |
| Available Working Capital | 1,832 |
| | 8,362 |
| TOTAL CASH & INVESTMENTS | 13,206 |
| * Cash & cash equivalents represent balance as at 1 July 2013 | |

Investment maturity - Collateralised Debt Obligation (CDO)

The Kakadu CDO matured on Thursday 20 March 2014. The amount paid on maturity was \$457,008 and is below the face value of \$500,000 investment, however is above the written down value held of \$233,000. A gain on disposal of Financial Instruments in the amount of \$224,008 will be recognised in the 2013/14 Financial Reports. Council earned a total of \$213,262.18 interest over the term of the investment, with an average interest rate of just over 6%. Council will continue its involvement in legal action to recover the loss sustained on this investment.

Council no longer holds any Collateralised Debt Obligations in its investment portfolio.

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

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 APRIL 2014



08) BRIDGE NAMING - GARLAND ROAD
(Infrastructure Manager)

RECOMMENDED:

1. That Council does not name the Bridge and that signs be erected indicating the Grubbenbun Creek waterway at both Bridges.

REPORT

Since completing the Garland Road Bridge in November 2013, Council has been approached about 'naming' the bridge. There have been two names suggested by members of the public:

- Ridley – Bloomfield Bridge: based on two prominent families in the area; and
- Muggletons Bridge: suggested by an elderly resident as a colloquial name of the old bridge based on the name of a nearby resident.

The Geographical Names Board's (GNB) primary directive on naming protocol is give precedence in using names of Aboriginal origin associated with the place, OR a name that recognises the social history of an area. Local Councils are advised to use these established practices wherever possible.

The naming of private and public roads, bridges, places and geographical features provides an opportunity to recognise all aspects of a place's history. This may include names associated with historical themes, natural features, industry and local work practices and the presence or achievements of individuals or groups in the community that have contributed to shaping local history.

The naming of roads and places after people who are still living is not considered appropriate. The GNB's experience is that proposals of this kind can lead to division in the community and other associated problems. Jurisdictions around the world prohibit the use of names of living persons. The GNB strongly recommends that local councils do not name public places to honour living persons and suggests alternative ways of commemorating living persons. Other means of commemoration may include plaques or the naming of community facilities.

In proposing a name for this bridge, Councillors may wish to consider naming the previously replaced Bridge approximately 650M toward Lyndhurst, which also crosses the Grubbenbun Creek.

In order for Council to avoid having to propose names based on local family names for both Bridges, Council could consider a descriptive naming convention. This could include the following names:

- Existing Bridge over Grubbenbun Creek (South of Snake Creek Road) – Garland No.1 Bridge; and

- Newly completed Bridge over Grubbenbun Creek, approximately 650M south of existing bridge – Garland No.2 Bridge.

Council could also consider not naming either Bridge.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 4.1.1 – Manage local road network to agreed service levels.

Attachments

Nil

09) **LOCAL GOVERNMENT ROAD SAFETY PROGRAM**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council
 - a. Agree to participate in the NSW Local Government Road Safety Program, for the period 1 July 2014 – 30 June 2017, subject to Bathurst Regional Council's ongoing involvement.
 - b. Approve the extension of the existing Road Safety Officer position for the period 1 July 2014 – 30 June 2017, subject to Bathurst Regional Council's ongoing involvement.
 - c. Notify Bathurst Regional Council and Roads and Maritime Services of its approval.

REPORT

Executive Summary

Council has received correspondence from the Minister for Roads and Ports, the Hon. Duncan Gay MLC, inviting Council to participate in the revised Local Government Road Safety Program (LGRSP).

This report seeks Council's commitment to participate in the program, and the ongoing engagement of the Road Safety Officer as an integral part of the LGRSP, for a period of three years, commencing from 1 July 2014.

Background Information

Councillors may recall previous reports to the February 2012 and April 2013 meetings of Council that outlined the status of the Road Safety Program and the position of Road Safety Officer (RSO).

At these meetings Council resolved inter alia:

"That Council approves the extension of the existing Road Safety Officer's Position until 30 June 2013 and 2014, and advise Bathurst Regional Council and Roads and Maritime Services of its approval."

The current contract term for the RSO position expires on 30 June 2014, and it is therefore opportune that Council considers its ongoing commitment to road safety and the ongoing engagement of the Road Safety Officer.

Local Government Road Safety Program

Recent advice from the Ministers office (**attached**) is that the revised program will commence on 1 July 2014, and provide a three (3) year funding commitment for the local Road Safety Officer position and local road safety projects.

“This ensures greater funding certainty for RSO positions, and supports the planning and delivery of local road safety projects of up to three years duration”.

The objectives of the LGRSP are to:

- To adopt the Safe System approach to plan, develop and implement evidence-based projects aimed at improving road user safety in local communities.
- Raise the profile of road safety within local government areas (LGAs).
- Facilitate the involvement of local businesses, government agencies and community groups/clubs in road safety project development.
- Improve the coordination of local government road safety initiatives with regional, state and national road safety initiatives.
- Review and evaluate the effectiveness of community-based road safety projects.

Road Safety Officer

As Councillors would be aware, Council has been a part of the Roads and Maritime Services RSO Program since 1999 when it joined Oberon, Evans, Rylstone, Bathurst and the RMS to form the Tablelands Road Safety Group. The program and Council's participation continues today, although due to amalgamations and the withdrawal of Oberon Shire Council the membership has been reduced to Blayney, Bathurst and the RMS.

The program arrangements are defined by the Program Funding Agreement (PFA). At the time of writing this report Council had not received a copy of the new PFA. The previous PFA provided that 50% of employment costs are borne by the RMS, while the remainder is provided by the member Councils. Blayney's current share is 17%.

The cost of individual projects conducted within any year, is subject to approval from and is fully funded by the RMS.

Bathurst Regional Council is also considering its future membership in the Tablelands RSO Group. However, it is expected that it will continue to support the program.

This financial year to date, the Roads Safety Officer has carried out the following road safety programs and other initiatives:

RMS/RSO Funded program work

- **Speed Blitz** – a speed intervention and prevention project
- **Plan B – call a taxi!** – a locally focused education and awareness project aimed at highlighting the negative impacts of drinking and driving, while offering alternative suggestions on safe transport options
- **Motorised Scooter Education Forum** - an education forum re the correct use of motorised scooters in a shared road environment

- **Graduated Licencing Scheme** – free workshops for parents and carers of learner drivers

Additional work

- Present road safety discussion paper at Institute Public Works Engineering Australia Annual Conference (IPWEA) – Coffs Harbour
- Present road safety discussion paper at Institute Public Works Engineering Australia Central West Regional Forum (IPWEA) – Carcoar
- Kindy Kits – kindergarten road safety education program delivered face to face to kindergarten classes in Bathurst Schools
- Bathurst V8 Races – alternative transport and road safety management, working collaboratively with Council, Liquor Accord, Office of Liquor, Gaming and Racing, Licencing Police, General Duties Police, transport providers and other stakeholders to ensure safe travel and transport options during V8 Race week
- Safety Around Schools – working collaboratively with Council, schools and RMS to improve safety around schools, e.g. parking, pedestrian safety, speeding, safe drop off/pick up zones, signage, bus zones, etc.
- Stakeholder Engagement with IPWEA re Road Safety Audit course development work
- Provided advice and information for inclusion in submissions to Staysafe Committee re Parliamentary Enquiry
- Sign Audits
- B2B – assisted with the development of safety and traffic management plans for the Blayney to Bathurst bike ride
- Snow and Ice – RMS campaign
- Headlights on (for safety) – RMS campaign
- Plan B – RMS campaign
- Don't Trust Your Tired Self (fatigue) – RMS campaign
- Motorcycle Awareness Week – RMS campaign
- Speed Zone Reviews – as required
- School Bus Route Reviews – as required
- Youth Week events
- Senior Week events
- Top 10 Misunderstood Road Rules – community education and workplace presentations
- Guest speaking roles for community groups, clubs and workplaces
- Fatality Free Friday – local community support work
- Bike Forums (RMS) and provision of community education re cycling and shared road environment

The Road Safety program cannot be directly evaluated for effectiveness, since there is no way of being able to measure whether vehicular crashes, pedestrian / vehicle incidents would have been more or less without the program.

However, The Road Safety Program return on social investment is considered significant. The cost per fatality (June 2010) to the community is

This is Page No. 24 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 14 April 2014

approximately \$2.6M and the average cost of per casualty is \$221,000 (Austroads: *Guide to Project Evaluation*). In addition Transport NSW estimates that using the Willingness to Pay methodology that road accidents cost NSW \$5,370M per annum (2010).

It is clear that the total cost of the Road Safety Program of approximately \$21,000 per annum represents good value in terms of not only the potential reduction of fatalities and serious injury and the significant impact that this has on the community but also in the potential reduction of vehicular accident cost to the community.

Given the benefits of the Road Safety Program in implementing road safety behavioral projects and increasing road safety awareness at a local level, it is recommended that Council continue to participate in the Program until 30 June 2017.

Should Bathurst withdraw from the program then a further report shall be presented to Council.

BUDGET IMPLICATIONS

The annual funding for the position is 17% of employment costs, estimated to be \$21,000.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP 6.2.1 – Identify and engage with Shire Community Groups

DP 6.4.3 – Educate communities on road and pedestrian safety

Attachments

1 Letter from Minister for Roads and Ports

10) NAPIER STREET TOILET BLOCK
(Director Infrastructure Services)

RECOMMENDED:

1. That Council
 - a. approve the construction of a brick and Colorbond toilet block at Napier Street Oval.
 - b. approve additional expenditure of \$16,000.
 - c. write to Napier Oval sporting user groups seeking a financial contribution to the construction of the toilet block.
 - d. enter into a user agreement to provide keys and access only when the grounds are in use.

REPORT

Executive Summary

Councillors may recall previous reports to the May and June and July 2013 meetings of Council in relation to the provision of a replacement toilet block facility at the Napier Street Oval.

This report recommends that Council provide additional funding to that already allocated for the construction of a brick and Colorbond toilet block at Napier Oval, Blayney.

Background

The original proposal was to provide a toilet block similar to that constructed approximately 4-5 years ago at the Blayney Showground, however was considered excessive due to budgetary constraints.

Investigations were then undertaken by staff to provide a proposal for a steel framed, metal clad structure, similar to that which has been built previously at Heritage Park Blayney.

In July 2013, the following resolution was adopted by council.

1. *That the proposed Napier Oval toilet block be referred to the Blayney Shire Sports Council for information and consideration of the priority of the proposal in its consideration of the list of sports ground improvements.*
2. *That Council require user groups to enter into a user agreement, with Council, to open and close the proposed toilet block on the days of use of Napier Oval.*

The feedback provided to Council was that the proposed steel structure was not considered suitable, and the Sports Council resolved at its July 2013 meeting that:

The Napier Street toilet block becomes the number one sporting priority in accordance with the design provided to Council on 8 July 2013.

Council subsequently lodged an application to the NSW Department of Sport and Recreation (DSR) Facility Grants program, to provide a new toilet block at the Napier Street location.

Council has recently been advised that it has been successful in obtaining \$25,000 through the DSR program, and now needs to progress the project.

Council was provided with an initial estimate for the proposed brick structure in June 2013, and due to the length of time since, has had the estimate reviewed. The new project estimate is \$75,640 (Ex. GST).

The scope of works is to provide a similar facility to that at Blayney Showground, however will also include a concrete entry slab and skillion type roof (1200 wide) over the front entry to the building.

Council 2013/14 Operations Plan has allocated \$35,000 for this project, therefore resulting in approximately \$16,000 (Ex GST) shortfall.

Council will therefore be required to allocate additional funding to construct a brick toilet block at Napier Oval for the total cost of \$75,640 (Ex GST), with additional funding to be provided from Sporting Grounds or the Parks and Gardens Capital Works allocation.

It is proposed that the new toilet block not be classified as a public toilet block, and its hours of opening be limited to those times of utilisation by the ground users.

In line with the Blayney Shire Sports Council, Mission Statement:

To maintain, and improve and promote Blayney Shire's Sporting and Active Recreation Facilities and Activities.

it is recommended that Council seek financial contributions from existing user groups for the funding shortfall, including from Blayney Junior Football, Blayney Senior Football, and Blayney Junior Cricket.

As with other sporting grounds within the Blayney Shire it is recommended that Council enter into a licence agreement with Blayney Junior and Senior Football Clubs for the hire of Napier Oval and its related facilities for the Winter season. And likewise with user groups for the Summer season.

In line with licence agreements that exist for other sporting grounds and their associated facilities within the Shire, it is proposed that the licence should require that the clubs are responsible for the general cleaning and minor maintenance of the building, with Council providing a one off clean during the working week.

As the building will not be provided for general public use, damage that results from the building not being locked or maintained properly will be the responsibility of the licence holders.

Consideration should always be made into the long term cost implications when developing a project of any nature including toilet structures. The whole of life cost for buildings should allow for the replacement of the whole structure; replacement of individual components through wear and tear and vandalism; and the ongoing operational (electricity, cleaning) and maintenance (light bulb replacement, guttering repairs) costs.

Typical replacement times for a project of this nature are:

- Replacement of the building structure between 50 and 100 years. (e.g. replacement after 50 years at a cost of \$80,000, requires \$1,600 p.a. into a replacement reserve.
- Renewal of individual building components at various time intervals (e.g. roofing every 30 – 50 years)
- Specialised equipment renewal (e.g. toilet pans and cisterns every 15 years on average)

The construction of a brick structure with Colorbond roof is considered to offer an optimal whole of life cost. Notwithstanding that renewal works and maintenance works must be maintained on a routine and regular basis, and the necessary budgetary allocation made to fund these works.

BUDGET IMPLICATIONS

The proposed project represents a budget shortfall of \$16,000 in the 2013/14 financial year requiring Council to allocate additional funds for these works.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP 5.2.1 Build partnerships with community groups to increase use of parks and reserves.

Attachments

Nil

11) **INSTALLATION OF POWER SAVING DEVICES AT THE
BLAYNEY SEWERAGE TREATMENT PLANT**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council
 - a. in accordance with the Local Government (General) Regulation 2005, Clause 177 (5), receive the late tenders from 360 Engineering and Laser Electrical and they be considered as part of the tender review,
 - b. in accordance with the Local Government (General) Regulation 2005, Clause 178 (1)(a), accept the tender of Insight Engineering for the installation of power saving devices (VSD's) at the sewerage treatment plant and the design and installation of a SCADA/telemetry system for the Blayney Shire sewerage network for a total of \$235,708.00 (Inc. GST).
 - c. Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
 - d. Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT

Executive Summary

Councillors may recall a report to the March Ordinary meeting of Council where it resolved:

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.*

As a result, open tenders for the installation of upgrades to the STP electrical system and for the design and installation of SCADA/Telemetry equipment for the Blayney Shire Sewerage network were sought on 13 March 2104 and closed on 26 March 2014. Due to the shortened tender period, Council utilised its E-Tendering portal to ensure the public notice was advertised to “market” immediately, and was also advertised in the Sydney Morning Herald.

The original tenderers were advised of Council's position and the need to recall tenders and 3 of the 4 tenderers did submit a tender in the open tender process.

Submissions Summary

At the time tenders closed, five (5) submissions were received from:

1. CNF and Associates Pty Ltd;
2. Fast Automation Pty Ltd;
3. Insight Engineering Pty Ltd;
4. Apex Electrical Pty Ltd, and;
5. TECO Australia Pty Ltd.

Within 30 minutes of closing, two (2) submissions were received from:

6. 360 Electrical Pty Ltd, and;
7. Laser Electrical Pty Ltd.

Tender Review

The issue of considering late tenders is covered under the Local Government (General) Regulation 2005 (Sect 177), which states inter alia that

late tenders can be considered if “...*the Council actually receives those documents within such period as it decides to be reasonable in the circumstances.*”

Given that the late tenders were received within a ‘reasonable period’, the tenderers provided an explanation for their lateness and the tenderers are known to Council, it is considered appropriate that these tenders be accepted. On this basis, the following tender review was undertaken.

Based on an initial review, it was clear that TECO Australia had only supplied pricing on a single piece of equipment which could be used in the project. While this information will be passed on to the Contractor, their tender is not considered further in this review.

The works covered by the tender were identified in the documentation (for assessment purposes only) in two (2) parts, being

- 1) the installation of Variable Speed Drives on the mixers at the STP and the associated control equipment, and
- 2) the design and installation of an upgraded telemetry system for the entire Council sewerage network.

however it is not intended that the contract be awarded as separable portions.

Review of the Tender Offers

As part of the brief for the Project, the selection criterion was nominated and are provided below. For each criterion, a weighting was provided as a percentage and each offer was scored against each criteria. A score out of 10 was given. The weighting was then applied with the end result being a total

score for each tender out of 10. Each tender was then compared on this basis.

The criteria used in this review is.

1. Understanding of Community, Council, Water Authority and State Government Needs. **10%**
2. Capability **35%**
3. Past and Current Work **10%**
4. Financial **45%**
5. Other **5%**

The results of the assessment are summarised below:

| | % | Company (Per list above) | | | | | | |
|--|----|--------------------------|------|------|------|-----|------|------|
| | | 1. | 2. | 3. | 4. | 5. | 6. | 7. |
| 1. Understanding of Community, Council, Water Authority and State Government Needs | 10 | 0.7 | 0.6 | 0.8 | 0.9 | N/A | 0.8 | 0.8 |
| 2. Capability | 35 | 2.45 | 1.75 | 2.8 | 2.8 | N/A | 2.45 | 2.45 |
| 3. Past & Current Work | 10 | 0.7 | 0.6 | 0.7 | 0.8 | N/A | 0.6 | 0.7 |
| 4. Financial | 45 | 2.25 | 2.8 | 2.7 | 0 | N/A | 2.25 | 0 |
| 5. Other | 5 | - | - | - | - | N/A | - | - |
| TOTAL | | 6.10 | 5.75 | 7.00 | 4.50 | - | 6.10 | 3.95 |

CNF and Associates:

The offer made by CNF is competitive and is the lowest tender based on overall price. This tenderer is considered to be capable of undertaking the work, with the majority of the installation work being undertaken by a Cowra electrician.

Notwithstanding, if the sections within the tender are split, then the component price for the installation of the VSDs at the STP is not the lowest price received. The price tendered for the other component therefore was reviewed which indicated that the price submitted did not include the replacement of the RTU equipment at each site. While this wasn't a specified requirement, it is likely that the best outcome for Council was to move away from the RTUs currently installed so that replacements over time are not locked into the existing RADTEL system which is becoming obsolete.

A new SCADA system with some old and new parts together isn't a true upgrade.

The tenderer's resolve to this was to replace those RTUs which were in need of replacement by variation to the contract. While this methodology has some merit, the negotiation around the replacement price would be outside the tender process and the price difference between this offer and the recommended tenderer would be eaten away. Further, the warranty period is likely to be taken up with issues associated with the old and new equipment

working together, and whether problems discovered after commissioning were because of the new equipment installed, or problems with the old equipment which are then not covered under the contract.

This offer reached a score of 6.10

Fast Automation:

The information supplied by this tenderer lacked detail and was hard to review in any great detail. Further, the price received for the SCADA/Telemetry component of the project was very low by comparison with the other tenders received, and the price submitted for the VSD installation component of the Project is likewise very high by comparison with the others received.

This offer reached a score of 5.75

Insight Engineering:

Insight Engineering are a Victorian based company which intends to use Laser Electrical for the majority of the installation work despite Laser tendering under their own company name. Laser are a well-known and respected local firm of electricians.

Insight Engineering and Laser are capable of undertaking this project and the use of the local contractor is welcomed because of the benefits this provides for future maintenance after the expiration of the tender period. Also as detailed below, the price submitted by Laser directly is significantly higher than the price submitted by Insight Engineering.

As above, in looking at the 2 components of the project, the price submitted by Insight is the lowest received for the installation of the VSDs but is only 5% lower than CNF for example. Notwithstanding, Insight Engineering has proposed to use the exact equipment specified rather than possible cheaper alternatives which was allowed under the contract.

As referred to earlier, the price submitted by Insight Engineering for the SCADA/Telemetry component of the project is higher than the two (2) tenders above and the tender submitted by 360 Engineering however Insight's price does include the replacement of the RTUs and radios at each of the pump stations and is the overall best price which includes this option.

Based on the analysis undertaken in reviewing the tenders received, this offer is considered to best meet Council's needs in terms of the chosen criteria.

This offer reached a score of 7.00

Apex Electrical:

360 Engineering:

Laser Electrical

These tenderers are also capable of undertaking this project. While their tender meets the requirements of the specification, there is no justification or benefit from the acceptance of their tender over the price submitted by Insight Engineering above.

This offer reached a score of 4.50, 6.10 and 3.95 respectively.

Budget Available

Councillors may recall, Council was successful in obtaining a grant of \$93,000 from the Australian Government through its Community Energy Efficiency Program – Round 2 (CEEP2) for the installation of power saving devices (Variable Speed Drives) at the Blayney Sewerage Treatment Plant. The CEEP2 program was based upon a 2:1 model, thus requiring Council to contribute approximately \$31,000.

The Strategic Business Plan for Sewerage Services 2008 as adopted by Council has provided for \$30,000 every 5 years for telemetry upgrade works.

Council staff have identified deficiencies within the existing telemetry network that have resulted in a variety of communication failures and maintenance issues in the past 12 -18 months.

As a result the Draft Strategic Business Plan for Sewerage Services (SBP), currently on public exhibition, includes an allocation in the 2014/15 year of \$140,000 with a \$30,000 provided for every 5 years for upgrade works.

On the expectation that the Capital Works program identified in the draft SBP will remain unchanged, notwithstanding the longer term discussion to be held about the expansion of the network to sewer the Villages of Carcoar, Mandurama and Lyndhurst, the total allocation available is \$264,000 over the 2013/14 and 2014/15 years.

It is intended that works will occur over two financial years and may require \$140,000 to be brought forward to the 2013/14 year, however based upon the project program it is anticipated works will extend into the 2014/15 year, thus not requiring funding to be brought forward.

BUDGET IMPLICATIONS

Within the 2013/14 and 2014/15 financial years there is sufficient allocation available for these works.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

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

DP 4.2.3 – Provide an effective and safe Sewerage Collection Network for Blayney Shire.

Attachments

Nil

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 APRIL 2014



12) **FLYERS CREEK WIND FARM - VOLUNTARY PLANNING AGREEMENT (VPA)**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council authorise the General Manager to enter into and sign the Voluntary Planning Agreement.
2. That the Minister for Planning be provided with a copy of the Agreement within fourteen (14) days of the Agreement being entered into.

REPORT

Council considered a report regarding the VPA at its meeting on the 10 January 2014 and resolved the following:

1. *That the report be received for information.*
2. *Council place on public exhibition, for 28 days, the proposed Voluntary Planning Agreement and Explanatory Note and the public be invited to comment, in writing, on the proposal within that 28 day period.*
3. *Following the public exhibition and community consultation, a further report be submitted to Council for determination.*

Subsequently the Voluntary Planning Agreement was advertised publicly for 28 days and no response was received.

Council has been advised that the Planning Assessment Commission issued an approval for the Flyers Creek Wind Farm on the 14 March 2014.

Accordingly it is recommended that Council, through the General Manager, enter into the VPA with Infigen Energy.

BUDGET IMPLICATIONS

Implementation of the Voluntary Planning Agreement will result in a substantial financial contribution, to Council, over 25 years and will be directed to a Community Benefit Fund, Road Maintenance and Project Related Council Administration and observation.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 1.5.2 – Promote sustainable energy developments/use within the Shire.

Attachments

Nil

- 13) **DEVELOPMENT APPLICATION NO.73/2013 - EXTERNAL ACCESS RAMP, NEW FRONT DOOR AND SIGNAGE - 105 ADELAIDE STREET BLAYNEY - REVIEW OF DETERMINATION UNDER SECTION 82A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**
(Senior Town Planner)

RECOMMENDED:

1. That Council, having considered the information provided within the application for review, determine that the Section 82A application be supported.
2. That authority is delegated to the General Manager to issue development approval for Development Application No.73/2013 for construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs at 105 Adelaide Street, Blayney.
3. That Council consent to Development Application No.73/2013, subject to the following conditions:

SCHEDULE A - CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 73/2013

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 73/2013), 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 may require an application for modification of this consent of a new application.
2. Compliance with the provisions of AS1428.1-2009 Design for access and mobility.
3. Prior to commencement of any works, a Construction Certificate is to be obtained. Where Council is not the PCA, a copy is submitted to Council.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

4. 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), where applicable.
5. 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 placed on the development site prior to

commencement of operations.

Materials or machinery to be used in association with the development must be stored and stacked wholly within the building 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 with further warning.

6. 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.
7. All stormwater from around the proposed alterations should be directed into the existing stormwater system.

CONSTRUCTION

REASON: Statutory requirement and public interest

8. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.
9. 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.
10. The developer is to relocate, if necessary, at the developer's cost any utility services.
11. The ramp is to be clearly visible to pedestrians at all times, particularly at night.
12. The paver width along the full frontage of the building is to be from the face of the building to the kerb to ensure consistency for pedestrians.
13. The grassed area of the footpath area to the north of the ramp location is to be paved to ensure consistency for pedestrians.

REPORT

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|----------------------------|--|
| Application Number: | DA73/2013 |
| Development: | External access ramp, new front door and signage |
| Applicant: | Greenfield DA Services |
| Owner: | Blayney Shire Council and Commonwealth |

| | |
|--|---|
| | Bank of Australia |
| Lodgment date: | 9 July 2013 (original application) |
| Consent issued | 10 October 2013 |
| Lodgement of Request for Review | 5 March 2014 |
| Land: | Lot 6 DP 171735, 105 Adelaide Street, Blayney |
| Local Environmental Plan: | Blayney LEP 2012 |
| Zoning: | B2 Local Centre |
| Development Control Plans: | Nil |

Purpose of Report

This report relates to a Section 82A application to review the refusal of DA 73/2013 for the construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs at 105 Adelaide Street, Blayney. In seeking the review of this decision, the applicant has not altered any aspects of the original proposal.

This Section 82A application is presented to Council for determination, as the original application was recommended by staff for approval, but refused by Council at its Meeting of 9 October 2013.

Background

The proposed development is to make alterations to the existing Blayney branch of the Commonwealth Bank, which would include construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs. **(See plans at Attachment A).**

The site contains a brick bank building with frontage to Adelaide Street and a rear lane, and is located within the Blayney Heritage Conservation Area. The building itself is not heritage listed.

Council considered a previous application for this development, (DA 64/2011), which was refused on 9 May 2011, for a number of reasons, Council indicating at the time that it was prepared to consider a redesign.

This current application (DA73/2013) was lodged on 9 July 2013, requesting Council to reconsider the previous decision made under DA 64/2011 in relation to the construction of the ramp on the Council footpath. The decision to reapply also related to press coverage in late 2012 in Blayney in regard to the lack of adequate access to bank buildings in the town.

In the preparation of DA 73/2013 a number of alternate access options were considered for the site. Please refer to Council's Business Paper for 9 September 2013 for the full report.

Under the DA assessment in 2013, the application was referred to Council's Access Committee on 8 August 2013. Although no reasons were given, the Committee was recorded as stating that:

“while the Committee appreciates and supports the bank's willingness to erect the access ramp, the Committee's opinion is that the ramp is best erected on the bank's property adjacent to the northern wall and re-endorses the opinion expressed previously by the Access Committee on the bank's previous application.”

The DA was then placed before Council's Ordinary Meeting of 9 September 2013 and a determination was issued on 10 September 2013, the reasons for refusal being the same as on the original refusal in 2011, as follows:

- The proposed access ramp will form an unnecessary hazardous obstruction in the footway.
- The access ramp will hinder access for visually impaired persons.
- The access ramp will create a liability within the road reserve that is not in the public interest.
- The proposed access ramp is visually unsympathetic to the streetscape.
- Alternate access within the bounds of the commercial premises is possible.

Review of Determination

s82A, Environmental Planning & Assessment Act 1979

Under s82 an applicant may request the Council to review a determination, and Council is obliged to conduct such review. Such review must be carried out within 6 months of the issue of the determination. In this instance the determination was issued on 10 September 2013, and the application for review was lodged with Council on 5 March 2014.

Council must notify the application for a period not exceeding 14 days in the same manner as the original development application was notified. This was carried out from 11 March 2014 for 14 days, and one submission was received.

The writer agrees with Council's previous decision, and adds that “no structure should impede pedestrians on the footpaths, causing hazards of obvious danger. Also it would take away from the streetscape. If Council was to allow such an access on the footpath the precedent would be set for all businesses to expect the same determination on their application to building on the footpath...access for wheelchairs can be obtained by alterations to the southern side of the boundary”.

The applicant may make amends to the development described in the original application, as long as Council is satisfied that the development as amended is substantially the same development. In this instance the applicant has made no alterations to the application.

The applicant has however, prepared a report which examines in greater depth the reasons for refusal, which did not cite any particular controls, and

provides an additional review of environmental impact. The review concludes with a request for support for the development. **(See Attachment B)**.

The matters to be considered under Section 79c of the Environmental Planning & Assessment Act 1979 were considered in the original report. No further environmental impacts have been identified by the Section 82A review request.

It is considered that the proposed construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs, is acceptable in terms of Section 79c. It is recommended that the Section 82A application be approved subject to conditions as set down in the recommendation

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 | 4 Pages |
| 2 | Review Submission | 11 Pages |
| 3 | Photomontage 1 | 1 Page |
| 4 | Photomontage 2 | 1 Page |

14) **DEVELOPMENT APPLICATION NO.11/2014 - RELOCATION OF RANGE DANGER AREA AT LOTS 87, 104, 105, DP 750392, LOT 1, DP 130553, LOT 2, DP 738955, 199 AND 201 GARLAND ROAD, LYNDHURST - LYNDHURST RIFLE CLUB**
(Senior Town Planner)

RECOMMENDED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to Development Application No. 11/2014 subject to the following conditions of consent:

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plan (Ref No. DA 11/2014), 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 may require an application for modification of this consent or a new application.
2. The development is to be undertaken in accordance with the provision of the NSW Police Range Danger Guide 2013, and the conditions applying to any relevant licence issued by the Firearms Registry of NSW Police. A copy of any such licence is to be provided to Council prior to commencement of the development.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

3. The applicant shall maintain adequate sediment and soil erosion controls in accordance with *WBC Guidelines for Engineering Works*.
4. 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 placed on the development site prior to commencement of operations.
Materials or machinery to be used in association with the development must be stored and stacked wholly within the building outside of the hours of operations 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.
5. All stormwater should be directed into the existing local

drainage system.

CONSTRUCTION

REASON: Statutory requirement and public interest

6. The developer is to relocate, if necessary, at the developer's cost any utility services.
7. The developer is to shape, compact and seal the existing driveway, maintaining the existing formation, in accordance with *WBC Guidelines for Engineering Works*.
8. A "Concealed Entry" sign is to be provided in an appropriate location to the satisfaction of Council's Infrastructure Services Department.

Advisory note: Any alterations to the operation of the Lyndhurst Rifle Range should be notified to Council and advice sought in relation to relevant consents required, including any expansion in the use of the range for activities other than full bore rifles.

REPORT

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|----------------------------------|---|
| Application Number: | DA11/2014 |
| Development: | Relocation of range danger area |
| Applicant: | G Hahn |
| Owner: | B Emms Holdings P/L & Sion Hill Pastoral Co P/L |
| Lodgment date: | 4 February 2014 |
| Land: | Lots 87, 104, 105 DP 750392, Lot 1 DP 130553, Lot 2 DP 738955, 199 & 201 Garland Road, Lyndhurst |
| Local Environmental Plan: | Blayney LEP 2012 |
| Zoning: | RU1 Primary Production |

Description of Proposal

The site is located on Garland Road, Lyndhurst, approximately 2km south east of Lyndhurst. The Lyndhurst Rifle Club has been in existence for almost 100 years, catering for local State and national team training camps and accreditation courses. The existing firing has always operated from the clubhouse area towards the south west, across several properties "Rockville", "Sion Hill" and "Hilltop", and the development has operated within the existing RDA since its inception.

A change of ownership on an adjoining property, "Rockville", has necessitated the relocation of the main range, in a north easterly direction, with a reduced length. See plans at **Attachment A** showing the range area location and a sample range layout, as well as photographs of the existing range and current signage. Council also provides a location plan showing the area of the original range as compared to the proposed range, in relation to "Rockville".

The range relocation will include earthworks and concrete works to construct stop butts and shooting mounds, and the designation of a new range area.

Stop butts are an artificial bank constructed with soil sited within prescribed distances behind the target line, to reduce pollution to a minimum by containing the lead of spent projectiles in specific areas for ease of collection and removal, and environmental control.

The danger area is a total of 1830m in length, and 700m wide at the furthest point. Approaching the firing mounds the width narrows down.

The NSW Police Range Users Guide 2013 (**Attachment B**), provides clubs and organisations a reference manual as to the conduct and regulation requirements pertaining to the operation and construction of a live firing range. A range danger area (RDA) includes those areas of land or water, together with a specified air space, within which danger to life, limb or property may be expected to occur arising from the initiation of specified ammunition. An RDA consist of a firing point and an impact area.

The current application seeks to relocate the existing RDA, and has considered ricochet characteristics, danger heights, high elevation fire and wind impact in the choice of the proposed RDA.

The Guide provides for an ammunition danger area template to assist operators to determine a suitable RDA. Once a safety trace has been determined it must be submitted to the Firearms Registry (FAR).

Council is advised by FAR that any land within that RDA must be controlled or owned by the shooting club, or the shooting club must obtain permissive shooting rights over the stated land. It is understood that the applicant has had contact with the NSW Firearms Registry and has been following up on permissive rights over adjoining properties with limited success.

The developer has yet to apply for a range approval from FAR, and this should include a development consent where applicable from the local Council. From a Council perspective, any new development or the sale of land close to or covered by the RDA template is then considered when making decisions on future development or when land ownership changes hands in this vicinity.

The subject site is accessed from the sealed Garland Road via an existing entrance. The landscape is undulating to hilly, and partially timbered toward the east. The predominant landuses in the locality are rural grazing properties.

It should be noted that the Lyndhurst Rifle Range existing Range Approval has been cancelled at this stage, pending resolution of this development application and landowner consent matters.

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 SEPPs that are 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 RU1 Primary Production under the *Blayney Local Environmental Plan 2012*, and the development is permissible in the zone as an outdoor recreational facility (rifle range) is permissible in the zone. The objectives of the zone are examined as follows:

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

Comment: The development will enable more effective management of rural land and the Rifle Club, permitting continued agricultural activities.

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

Comment: The properties will continue to be utilized for grazing of stock.

- To minimize the fragmentation and alienation of resource lands

Comment: The proposed development will not fragment or alienate 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. No additional dwellings are required, and the land will continue to be utilized for livestock 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.

4. Section 117 Direction – Shooting Ranges 2011

This Direction under Planning Circular PS 11-006, provides councils and the community with information regarding a Direction by the Minister in 2011 that applies when a relevant planning authority prepares a planning proposal relating to land adjacent to or adjoining existing shooting ranges.

A “*planning proposal*” is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

Blayney Shire Council is not in the process of preparing any planning proposals for the subject land, and is unaware of any intentions to do the same. Therefore the Section 117 Direction does not apply to this development application.

5. Guidelines and policies

The proposal was notified to adjoining landowners. No submissions were received.

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

Draft State Environmental Planning Policies

The consultation draft for *State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013* is considered in regard to this development.

The draft SEPP amendment allows development for the purposes of a shooting range to be carried out by any person with consent on land on which there is a lawful shooting range within the RU1 zone and other zones. The legislation would make shooting ranges (including the range danger area) permitted with consent, where there is an existing lawful shooting range so that those facilities remain wholly permitted, and on land adjacent to an existing lawful shooting range.

The amendments are intended to overcome difficulties faced by operators of existing shooting range facilities following the making of Standard Instrument LEPs that would otherwise introduce prohibitions and other development controls that prevent the reasonable operation and modification of these facilities.

There are no other Draft SEPPs relevant to this development.

Draft Local Environmental Plans

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

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

There are no development control plans relevant to this development.

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

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 replacement of an existing firing range which has become redundant due to loss of adjoining

landowner permission. The development includes earthworks which would include stop butts and earth mounding.

The existing clubhouse and car parking area would be retained, away from the existing residences on the two properties involved.

The landscape suits the proposal being somewhat isolated and undulating to hilly. Settlement is scattered and landuses relate mainly to grazing.

Access, transport and traffic

The site is accessed the sealed Garland Road. The entrance is separate from those accessing the residences.

There is not expected to be any significant increase in traffic nature, volume or frequency from previous use of the site as a rifle range. Council's Engineer has upgrading requirements for the driveway and also requires a "Concealed Entry" sign as sight distances are limited to the north.

Services/utilities

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.

Site design, internal design and construction

There is no building construction work required for this development. Construction relates to the stop butts and concrete covered earth mounding. The stop butt or backstops to be erected may be a high retaining wall, an earth mound, sandbags, or specially designed traps to collect fired projectiles and prevent the ricochet of bullets, or bullets travelling outside the bounds of the range. In this instance concrete covered earth mounding is to be constructed from a similar firing point to the existing, but in a different direction.

The minimal height acceptable is 3.03m, but the final height is determined by the ground levels between the mantle crest and the prone position firing point, and the distance between the two.

Butts are no less than 1.5m thick, and vary in length depending upon the spacing between butts. For example, 10 lanes with nine separations of 4m, the crest length would be 50m, including flank widths.

The plan attached to the report at **Attachment A** details the specifications for the new range danger area.

Hazards – technological, natural

Safety and security is considered later in this report. There are no particular other known technological or natural hazards affecting the development.

The firing range danger area would be applied in accordance with the FAR Guide, and final approval is required from NSW Police. Ranges boundaries are fenced and signage would be erected in accordance with the Guide.

Noise and vibration

There are matters relating to noise which apply to this development. A noise assessment was carried out on the property, and lodge with the application, dated 20 March 2014. **See Attachment C.**

The noise report has examined the potential impact of the relocated range on the property “Rockville”, and adjoining lands. The report finds that without taking into account shielding by topography, the new range should generate a lower noise at “Rockville” than from the current position.

It states that the type of noise generated by rifle shot cannot be compared to noise sources from industrial and agricultural operations, motor vehicles, music or people talking. The report outlines acoustic criteria utilised, and makes reference to the EPA’s Environmental Noise Control Manual.

A site investigation was carried out on 5 March 2014, with test firings being undertaken on both ranges. Testing was not possible on the “Rockville” property due to inability of access. Another similar site was chosen for testing, noting weather conditions, wildlife presence and background noise.

The report concludes that there would be no noticeable increase in noise level at “Rockville”, and that noise levels may increase for the occupants of Lyndhurst. This would result in the new range reducing operations from 7 days a week to a maximum of 3 days per week.

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

There are no known matters arising from this development which might affect flora or fauna, as the site is a highly disturbed rural property. A pocket of biodiversity occurs to the far east of Lot 1 DP 738955, being scattered timber. Apart from this the proposed rifle range located is undulating cleared grazing land. No other land resources such as extractive industries 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. The existing clubhouse on “Sion Hill” would remain in use.

Waste

The development may generate a small amount of domestic waste which is currently appropriately stored, and removed off site for disposal.

Air

The development is not expected to generate dust or other air pollution. Vehicular movement on site would continue to be on unsealed grassed farm tracks with minimal dust generation.

Heritage

The Lyndhurst Rifle Club and range is not heritage listed, however it is worthy of consideration as a significant aspect of the history of the town of Lyndhurst. The Club was first formed in 1912, with the first meetings being held in the Good Templars Hall, Lyndhurst. The original range was on the property “Rockville”, where a shelter shed was erected. The old butts are still visible amongst the trees on hillsides on “Rockville”.

The clubhouse and range were relocated to “Sion Hill” in 1921 to be closer to town in 1921. An army hut was transported to the site in 1950 and remains the clubhouse today. New butts were constructed, where the club has operated up until only recently.

Apart from a brief closure during World War II, the club has had a long history with a large number of renowned local, national and international marksmen within the Club since its inception, with a very active inter-club competition.

Safety, Security and Crime Prevention

A shooting range is defined by NSW Police as an area, provided with a firing line, targets and a stop butt, for the controlled practice of shooting and is inclusive of the range danger area template. An approved shooting range is a shooting range approved by the Commissioner of Police pursuant to Part 8 of the *Firearms Regulation 2006*, and is a specialised facility designed for firearms practice and competition events. Shooting ranges may be indoor or outdoor and are restricted to certain types of events and firearms. In NSW, a shooting range is approved by the Commissioner of Police, subject to certain conditions, with public safety being paramount.

Outdoor shooting ranges are often used for longer distance shooting competitions and the location of the land, the demographics of the land and ownership of adjoining land should all be taken into consideration when selecting a site.

Outdoor shooting ranges are backed by a stop butt or backstop, which may be a high retaining wall, an earth mound, sandbags, or specially designed traps to collect fired projectiles and prevent the ricochet of bullets, or bullets travelling outside the bounds of the range.

They advise that the dimensions of the range danger area template are dependent on the type of ammunition to be used, the propellant and charge being used, the degree of accuracy of the firearm, the degree of accepted human error and the ground conditions of firing (wind, rain etc).

The Lyndhurst Rifle Club has operated the Lyndhurst range under the control of the NSW Police Range Users Guide, with ongoing monitoring of the operation by Police staff. Upon the request of the Club, the NSW Police Firearms Registry has agreed to close the range at present. However they have expressed no concerns to Council that the range has presented any safety or security threat to the community in the past, and will be reviewing

the proposed changes to ensure no adverse impacts are created for “Rockville” or the community of Lyndhurst.

There are no other particular known matters relating to safety, security and crime prevention that are relevant to this development.

Economic impact

The economic impacts from this development include activities for local people and visitors, resulting in increased patronization and income for local businesses during operations.

Social Impact

The social impacts relating to this development relate to the effective operation of a significant local community facility, which provides entertainment and training for the local and wider shooting community. The environment is protected with minimal adverse impact on amenity, where the facility operates within the regulations set down by the NSW Firearms Registry.

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

Cumulative Impact

The cumulative impact of the development is for the continued operation of a local shooting and training facility to provide a service to Lyndhurst and the wider community, within effective industry standards, that leads to minimization of environmental and community impact.

Application for any similar development in the vicinity would be assessed on its merits in accordance with legislative requirements.

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, contamination, bushfire.

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

Comment: The site is located within a rural area in an existing shooting facility precinct, and is suitable for the development. The existing clubhouse would remain. New butts and mounds would be constructed in close proximity to the existing infrastructure, with the range sited at a 90 degree angle from the existing location. Access is appropriate for the level of use, minimal impact would occur to biodiversity and soil/water movement across the site is to be controlled.

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

Comment: Adjoining landowners were notified for 14 days from 10 February 2014, and then extended for a week. One submission was received, see **Attachment D**. The developer has provided comments in relation to each matter, see **Attachment E**. The issues raised are considered as follows:

- They were not advised of the existence of the range in accordance with *NSW Department of Planning Circular PS 11-006 Shooting Ranges* [upon purchase of their property].
Developer response: The developer was advised by the real estate agent that the range was operating when the property was being inspected by the current landowner, and the agent explained about the range.
There is no such requirement for identifying the existence of the range within this Circular.
Council comment: Council is not preparing any planning proposals relating to rezoning of land for rifle ranges. This Circular does not apply.
- Concern for the lack of notification by Council and the Rifle Club in regard to the existence of the RDA when they purchased their property in accordance with the provisions of the Range Users Guide.
Developer response: The property sale was in the hands of an agent and the Club had no involvement in the sale of the property.
Council comment: Council has no obligation to notify of such detail upon the sale of land.
- Concern for the lack of boundary delineation of the RDA, and seeking permissive shooting rights in accordance with the provisions of the Range Users Guide.
Developer response: The new range danger area has been surveyed by a registered surveyor. Permissive rights have been obtained from the two affected landowners and lodged with the Firearms Registry.

The permission to have a drop zone encroaching upon “Rockville” has been removed by the current owners, thereby requiring relocation of uses onto the proposed range.

Council comment: In response to this matter, the developer has chosen to relocate the range. All boundaries for the new range have been surveyed and will be signposted in accordance with the Range Guide.

- Noise: concern for muzzle blast and supersonic projectile shock waves as per *Sound Attenuation Techniques and Technology*, Scott Hansen, Hansen Consulting, State College, Pennsylvania
 - **Intensity** – no noise levels were made available. The point of firing will be closer than the existing point of fire of the original site to their land. Sound will be louder in their wooded area, with topography being flat and clear, providing no buffer. At the least an embankment immediately to the right of their firing point, if properly constructed, may shield them from muzzle blast. Existing noise is noxious and startling, leading to no enjoyment of their wooded area when shooting is in progress.

Developer response: A noise assessment was carried out on 5 March 2014 on the property adjacent to “Rockville”, which answers this issue. The point of fire in the proposed range will not be any closer than the original range to “Rockville”. The wooded area is 1km away, and topography is not flat. The new range is sheltered by a large hill, providing a greater buffer to the right and in front of the firing point. The noise assessor notes that this concern is not based on any technical competency when one considers the fact that for a firing position at the intersection of the No. 1 Range and No. 2 Range, the dwelling at Rockville is in the order of 4km away and is subject to shielding by way of the topography. The resultant noise levels would be well under criteria issued by the EPA notwithstanding slight changes in levels as a result of the reversal of uses on the two ranges.

Council comment: The noise assessment provided by the applicant was received only just before the Council meeting and is provided at Attachment C. The report states that that there would be no noticeable increase in noise level at “Rockville” as a result of the range relocation.
 - **Frequency** – the opening hours/days of the range as proposed would not seem to be able to generate sufficient capital to construct the new range. More open days are expected than proposed to fund the relocation. They are weekenders so they will not be able to enjoy their property on a large proportion of weekends throughout the year.

Developer response: The activities and finances of the Rifle Club are the Club’s business only.

Council comment: These matters are for the developer to decide as a Club management issue.
 - **Effect on animals** – they are vets and shooting without warning may affect the safety of horse riders on their property. Loud noise, especially intermittent supersonic noise can have a serious adverse impact on animals (lower production and reproductive rate), more so than humans. See attached *Effects of Aircraft noise and Sonic Booms*

on Domestic Animals and Wildlife: A Literature Synthesis, US Department of the Interior. Intermittent supersonic noise of the rifle range may adversely affect their productivity.

NSW Firearms Registry allows the restricted use of suppressors or silencers for weapons used in feral animal control. This recognises the harmful effect of firearm noise on wildlife.

Developer response: Most ranges have some form of wildlife. Photos are provided to show this. The Club has frequently had to stop shooting in order to remove sheep and cattle out of the line of sight. Numerous birds land and feed on the range during shooting.

Noise from the rifle range at a distance in the order of 4km cannot equate to aircraft noise or sonic booms and as such the reference document is a red herring.

Council comment: The document provided is a literary synthesis prepared as part of a research project at the National Ecology Research Center for the US Air Force in the USA in 1988. No evidence has been provided to suggest that the observations made in the document were ever transposed into law in the USA, or how relevant the observations are to the Australian landscape.

The document refers to aircraft noise and sonic booms and their impact on wildlife.

It is noted that any sonic boom from rifle shot is diminished over space and time through vegetation and topography, and the woodland area is about 1km away.

- Effect on Lyndhurst community – Council does not intend to inform Lyndhurst village residents about the proposed changes to the rifle range. The new range will significantly alter the noise impact on residents and potentially their safety. The range will not fire away from the village but parallel to it. Straying children and animals will now fall within a danger zone. 600-700m is not a great distance when not all shooters will be proficient on training days. What will happen with a change of property ownership in the future? Will the club be able to gain permissive shooting rights? Others may suffer as we have in terms of distress, disappointment, and asset valuation.

Developer response: The Club has received countless inquiries from residents as to why the Club is not operating. They are angry, disgusted and disappointed regarding the reason it has closed, and would like to see it re-open. Straying children & animals – projectiles are contained in a 5m high earth bank behind the targets, and there is a rail line, fenced on both sides, between the proposed range and the town. The range would be on private property. Change of ownership would be dealt with if and when it arises. There has been no evidence of claims or complaints in the past in relation to distress, disappointment, or loss of asset valuation because of the range.

The appropriate templates for the range of which permission has been obtained to utilise the No. 2 range now for full bore shooting.

Council comment: The Lyndhurst Rifle Club has been a part of the community for 100 years. Many residents are members of the Club.

The Club in turn supports local businesses. Council has never received complaints about the facility.

As the firing point is located in the vicinity of the existing firing point, separated from the village by open grazing land and the fenced north-south rail line, the wider area of the village was not specifically notified. Should ownership of the range area change in the future, the Club will deal with it at the time as set down in the provisions of the Range Danger Guide.

- The Rifle Club has failed to show a commitment to public safety. This is a constant threat to neighbours.

Developer response: There has been no issue of public safety in the Club's history, nor anyone subjected to danger of any type. The Club operates under National Standard Shooting Rules, enforced on all rifle ranges. This is a matter for the Club's solicitors.

Council comment: Council has no information before it to suggest that the Club has posed a public safety risk.

- Some users have shown a lack of integrity which is demanded in the Range Users Guide. Trust will be an issue.

Developer response: Without knowing the facts, no comment can be offered. This is a matter for the Club's solicitors.

Council comment: This a matter for the Club.

- The noise will be unacceptable. It may impact on the productivity of their farm business and would certainly affect the welfare of animals under their care.

Developer response: There is no evidence that noise levels have impacted or will impact on productivity or the welfare of animals. Noise from wildlife in the area that is not associated with farm businesses in actual fact is louder than that from the firing of rifles as found in recent testing.

Council comment: No evidence is provided that animal welfare would be affected by the proposal.

The noise assessment submitted concludes that there is not expected to be a noticeable increase in noise level at "Rockville" due to the relocation of the range danger area.

- They request a copy of the Noise Control Notice served to the rifle club under the *EPA Noise Guide to Local Government 4.2.1*, which outlines acceptable noise level, measurement location, days and times when noise levels apply, and activity that is to be controlled.

Developer response: The Club has never received a Noise Control Notice. The subject is addressed in the submitted noise report. Such a notice is not required to control the Club's activity.

Council comment: From the information available to Council no Noise Control Notice has ever been served on the Club.

- The Club intends to rebuild at considerable expense. Another site should be found, to allow a 1000m target range as previously held. The Club should consider securing its future now.
Developer response: The danger zone on the range now being proposed will have no impact on the complainant's property and it will be up to the Club members to decide the future of the Club.
Council comment: The Club has responded to this by relocating the range danger zone as proposed.
- Appeals to tradition and the 100 year operation of the club have been made for the Club to continue as usual. But Clubs and Council must be responsive to changes in community attitudes and expectations. Council planning should be forward thinking and anticipate problems which might occur in the future and address them now.
Developer response: The Club has been an integral part of the Shire for 100 years and has generated considerable income for the Shire, including accommodation and services for International, National and State teams using the range. Local businesses have expressed their experience of loss of income due to the range closure.
Council comment: The main issue, the location of the range danger area on "Rockville", has been addressed through the proposal to relocate the range away from the property in accordance with the provisions of the Range Danger Guide. The Council has had regard for the Guide in the assessment of the proposal. Future changes in land ownership would be considered at the time. Ranges are permitted to operate within various zones, including the RU1 zone where the Club operates. Council sees no benefit in rezoning the rifle range for that specific purpose.
- Rifle ranges are very contentious developments. Impending changes to rifle range controls were signalled to Council many years ago and yet despite having the Lyndhurst Rifle Range displayed on its website, no heed was paid to these warnings. For example, in 2009 the Land and Environment Court advised that "...range danger areas should be appropriately zoned and subject to a formal assessment process".
Developer response: The Lyndhurst Rifle Club is not seen by Council or the community as being a contentious issue. The only change in attitude is that which has occurred since the sale of "Rockville" and involves the complainants. The Club has no jurisdiction over what State authorities advise or what Councils adopt.
A search of case law does not find the quoted text. If the "warning" came from the case of Hilltop Residents Action Group v The Minister for Planning 2009, the quote is taken out of context. The matter related to a major project approval under S75J under Part 3A of the EP & A Act. The relocation of the Lyndhurst range is not a major project under SEPP 33, and involved several different shooting disciplines over multiple ranges for the Southern Highlands Regional Shooting Complex., which does not fall under normal planning laws.
Council comment: Council is aware that rifle ranges have the potential to be a sensitive issue. However, Council have never been provided with evidence to suggest that the Lyndhurst range required separate zoning, in

particular within the strategies prepared leading up to the current Blayney Local Environmental Plan 2012. The Club is catered for under the RU1 zone within the standard instrument, and permissible with consent.

- Planning Circular PS 11-006 directs planning authorities to consider a number of key issues to ensure an appropriate balance between the impact of existing shooting ranges and any propose future land uses on adjacent and/or adjoining land.

Developer response: The Club has little or no control over this issue. Not relevant to this application.

Council comment: Planning Circular PS 11-006 provides councils and the community with information regarding a Direction by the Minister in 2011 that applies when a relevant planning authority prepares a planning proposal relating to land adjacent to or adjoining existing shooting ranges. Blayney Shire Council is not in the process of preparing any planning proposals for the subject land, and is unaware of any intentions to do the same. Therefore the Section 117 Direction does not apply to this development application.

- If the above warnings and directives had been acted upon neither the shooters nor the property owners would be in this position. Without a doubt they would not have bought “Rockville”.

Developer response: Having heard the shooting in progress on one of the property inspections and having been told by the agent of the existence of the rifle range, if the complainants had any concerns at the time about a rifle range being in the vicinity, research by the complainants and/or the complainants’ solicitor would have disclosed the danger zone in question before the purchase.

Council comment: There are no known directives which would have altered the parameters under which the Club now operates, on the part of Blayney Shire Council or NSW Police. The decision to purchase a property should be the subject of effective research on the part of the purchaser and/or their representatives at the time.

- In light of the proposed *SEPP (Infrastructure) Amendment (Shooting Ranges) 2013* rifle ranges become an infrastructure development, regardless of the zoning. Therefore it will be more difficult for Council and local residents and neighbours to object to future expansion. The Hilltop Rifle Range in the Southern Highlands should act as a warning to all councils, where opposition was strong and the Land and Environment Court applied restrictions.

Developer response: The Club has no control over such issues.

Council comment: The draft SEPP amendment allows development for the purposes of a shooting range to be carried out by any person with consent on land on which there is a lawful shooting range within the RU1 zone and other zones. The legislation would make shooting ranges (including the range danger area) permitted with consent, where there is an existing lawful shooting range so that those facilities remain wholly permitted, and on land adjacent to an existing lawful shooting range.

Should the SEPP be finalized, the process for approval would be identical to that currently being undertaken for the consideration of DA 11/2014.

- If the SEPP comes into play the Lyndhurst Rifle Club will have the freedom to expand, if not in physical size, then to possibly shooting seven days a week or to other forms of shooting. Is Council confident that it will be able to oppose future development of the Lyndhurst Range if neighbours and local residents are opposed to it?

Developer response: If the SEPP comes into being and the range expands to other disciplines or other days of the week, there will be no effect on the neighbouring properties. Noise levels will be no greater than the noise produced over the past 100 years and this is backed up by the current noise assessment.

Council comment: Should the SEPP be finalized, the process for approval would be identical to that currently being undertaken for the consideration of DA 11/2014. Council would undertake the assessment in line with relevant legislation at the time.

- If the SEPP goes through, any development on their land may be constrained because the use is not compatible with a rifle range – concern for their proposed nature reserve.

Developer response: With regard to the complainants' proposed nature reserve, the proposed new full bore range is facing away from that area and will have no effect whatsoever on any development they wish to pursue.

"Rockville" is large enough (over 600ha) to have a nature reserve located well away from the range.

Council comment: Should the SEPP be finalized, the process for approval would be identical to that currently being undertaken for the consideration of DA 11/2014. Council would undertake the assessment in line with relevant legislation at the time, including whether there is an existing nature reserve in place at the time.

- As immediate neighbours they are concerned that the Statement of Environmental Effects does not sufficiently address the environmental impacts. For example, land clearing is dismissed as "minimal".

Developer response: The environmental impact is minimal as the entirety of land clearing consists of removal of three mature trees, two of which are in advanced stages of dieback, and the removal of small trees in a tree line planted by the property owner in recent years and possibly, some further overhanging limbs.

Council comment: Council is satisfied with the level of information provided with the application. The application has been assessed in accordance with relevant legislation, and regular consultation with NSW Police.

- Noise impacts are described as "same as in the past". This is insufficient and a full acoustic report should be carried out by an independent consultant.

Developer response: A noise report has been carried out and lodged with Council.

Council comment: An Acoustical Assessment was carried out by The Acoustic Group and lodged with Council on 27 March 2014. This noise assessment is provided at **Attachment C**. The report details site testing carried out on 5 March 2014, and concludes that no noticeable increase in noise would occur at “Rockville” as a result of the relocation of the main range.

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 an acceptable recreational and training facility, erected in accordance with industry guidelines and compliance with appropriate legislative requirements, for the protection of the local environment.

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 and Photographs | 4 Pages |
| 2 | Submission | 24 Pages |
| 3 | Developer Response | 12 Pages |

15) **DEVELOPMENT APPLICATION NO.9/2014 - NEW
WAREHOUSE AND AWNING AT LOT 15, DP 1187293 - 1
JARMAN CRESCENT, BLAYNEY - NESTLE AUSTRALIA LTD**
(Senior Town Planner)

RECOMMENDED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to Development Application No. 9/2014 subject to the following conditions of consent:

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 9/2014), 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. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

3. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with *WBC Guidelines for Engineering Works*.
4. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.
Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.
Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.
Note 2: Offenders are liable for prosecution without further warning.

5. The developer is to relocate, if necessary, at the developer's cost any utility services.
6. A BCA assessment report for the proposed development shall be prepared by a suitably qualified person and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
7. A Fire Safety Schedule specifying the proposed fire-safety measures to be implemented in the building is to be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
8. The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
9. The owner is required to provide Council and the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
10. Environmental noise monitoring of the activities on the site be undertaken in accordance with the provisions of Section 11, NSW Industrial Noise Policy, and evidence of same lodged with Council annually.
11. Any vegetation to be removed from the site to cater for the development of the warehouse should be replaced with suitable advanced plantings. A landscaping plan should be lodged with Council and approved, prior to the issue of a Construction Certificate, showing existing and proposed landscaping to sufficiently screen the development from the Millthorpe Road and from the residential area to the east.

CONSTRUCTION

REASON: To comply with legislative statutory requirements.

12. Prior to commencement of any works, a Construction Certificate is to be obtained and where Council is not the PCA, a copy is to be submitted to Council.
13. Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where Council is not the PCA a copy is to be submitted to Council.
14. Provide a clearly visible sign to the site stating:
 - a) Unauthorised entry is prohibited;
 - b) Builders name and licence number; or owner builders permit number;
 - c) Street number or lot number;
 - d) Contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority.
15. There shall be no burning of waste material, felled trees or other material on the site.

DRAINAGE

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from storm water.

16. All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to the existing drainage system on site.
17. All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to the existing inter allotment drains located on the land.

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

Note 1: Two copies of a plan showing the location of the storm water disposal system are to be submitted to Council before occupation.

Note 2: 'Pump-out' storm water drainage systems are not acceptable.

AMENITY

REASON: To limit the impact of the development on adjoining and nearby residents and to comply with Council's policies on development.

18. Noise generating construction activities are to be restricted to the hours of:-

- | | |
|-------------------------------|------------|
| • Monday to Friday | 7am to 6pm |
| • Saturday | 8am to 5pm |
| • Sundays and Public Holidays | Nil |

ADVICE AND NOTES**Inspection Schedule**

The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work.

As the Certifying Authority, for water and sewer inspections, Blayney Shire Council must undertake inspections of the various stages of construction as follows:

- Internal and External Sanitary Drainage
- Hot & cold water prior to any internal lining.
- Final/Stormwater. At time of completion of the works.

Notice of Commencement

Notice of commencement of building works – The attached form needs to be completed and sent 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 Number: | DA9/2014 |
| Development: | Warehouse & Awning |
| Applicant: | Danny Kataieh, Hansen Yuncken |
| Owner: | Nestle Australia Ltd |
| Lodgment date: | 31 January 2014 |
| Land: | Lot 15 DP 1187293, 1 Jarman Crescent, Blayney |
| Local Environmental Plan: | Blayney LEP 2012 |
| Zoning: | IN1 Industrial General |

Description of Proposal

The proposed development is for the construction of a new storage warehouse to the south of the existing industrial complex, attached to the southern side of an existing warehouse. The warehouse would be some 6,660sqm (60.2m x 111m), constructed of precast concrete panels & prefinished wall cladding panels, with colorbond steel eaves, gutters and roof. The overall height of the building would be 13.36m, matching adjoining buildings, and connected to them via roller doors. **See Attachment A.**

The site is located within the Nestle complex at Jarman Crescent, Blayney, and would result in a possible increase in employees by 15. The works would improve efficiency and operations on the site, with minimal effect on adjoining properties.

The existing adjoining warehouse would also have a new awning (15m x 39.75m, x 6m high) installed over a new hardstand area along the western side of the building.

The site is relatively flat and adjoins rural land to the south, west and north east. The nearest rural residence is about 170m away to the south. The main factory complex lies to the north. To the east the site is bounded by existing site mounding and mature landscaping, a rail line within a cutting, and beyond that, more established landscaping and residential development. The nearest residences are estimated to be just over 100m away.

A Traffic Impact Assessment and a Noise Impact Assessment have been provided with the application.

Section 79C Evaluation - matters for consideration

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

1. State Environmental Planning Policies

State Environmental Planning Policy 55 – Remediation of Land applies to the Nestle site. The site operated as a mine prior to the establishment of the current facility, therefore Council must be satisfied that the site is suitable for the development.

In the vicinity of the development site there is no evidence of mining activity or any other features which might indicate the existence of contaminated land. No sensitive land uses are proposed for the site.

There are no other particular SEPPs that are 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 IN1 General Industrial under the Blayney Local Environmental Plan 2012, and the proposal is permissible in the zone with development consent.

The objectives of the IN1 General Industrial zone are considered as follows:

- To provide a wide range of industrial and warehouse land uses.
Comment: The proposal is an additional warehouse to an existing industrial factory building complex.
- To encourage employment opportunities.
Comment: The site of the proposal is historically high employment generating, with a small possible increase in employee numbers (15) resulting from this particular proposal.
- To minimize any adverse effect of industry on other land uses.
Comment: The proposal includes construction of a new storage facility and awning within an existing industrial facility. The building is within the bounds of the existing industrial site. Although the industrial site footprint will be greater, it is unlikely to significantly impact upon adjoining rural landuses.

- To support and protect industrial land for industrial uses.
Comment: The proposal is construction works within a large industrial complex.

Clause 6.4 Groundwater vulnerability

The proposal is located on an allotment 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 contained in the confines of existing factory complex.
- To protect vulnerable groundwater resources from depletion and contamination as a result of development.
Comment: The proposal and its operation 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 development.

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 construction is negligible, due to location and processes on site. All activities are contained within the confines of the existing factory complex.
- Any adverse impacts the development may have on groundwater dependent ecosystems.
Comment: The proposal would have a negligible impact due to the nature of the development and the existing use of the site.
- 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 existing use of the site. The construction works in relation to the large industrial facility is expected to have a minor cumulative impact.
- Any appropriate measures proposed to avoid, minimize or mitigate the impacts of the development.
Comment: The redevelopment itself is works within a larger facility with minimal foreseen polluting aspects to be created by the development. Sediment and erosion controls would be implemented during the construction stage of 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 will have a minimal adverse environmental impact.
- If that impact cannot be minimized the development will be managed to mitigate that impact.
Comment: The development's impact as proposed is expected to be minor due to the construction having no significant known polluting aspects. The proposed sediment and erosion controls that would be implemented during the construction stage of the development should alleviate any unforeseen circumstances.

Clause 21 Development along arterial roads

The proposed redevelopment would utilise the existing access onto the Millthorpe Road via Jarman Crescent. The impact on the safety and efficiency of the main road would be minimal, with no increase in traffic nature, volume or frequency. No additional smoke or dust would be emitted from the site.

There is expected to be a possible increase in employee numbers of 15, accommodated within the existing new car parking area to the north of the site.

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 LEPs relevant to this proposal.

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

There are no DCPs relevant to this development.

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

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 construction works within the site. The existing buildings are located in the southeastern sector of the site. The warehouse and awning would be located to the south east of the

existing buildings. The new building would be visible from the Millthorpe Road. Existing landscaping would require removal, and would be replaced, and together with existing fencing, would assist in screening the development.

The facility would be accessed via the existing internal road network, and would not interfere with other activities on the land. Adjoining land to the north-west is rural and the rail line passes by to the east and north. Beyond the rail line to the north is also rural land and a large quarry. The proposed site is almost flat and would require cutting into the existing mounding for construction of the warehouse.

To the east is residential development beyond the rail line. To the south is rural land, with the nearest dwelling being about 170m away.

Access, transport and traffic

The site is to be accessed via the existing sealed road from the Millthorpe Road into Jarman Crescent. There is not expected to be any significant increase in traffic nature, volume or frequency as a result of this current proposal. Council's Engineer has no particular upgrading requirements. Roads and Maritime Services have no particular requirements.

A Traffic Impact Assessment (**Attachment B**) has been provided which relates to a previous stage of the site development, Ace 3, which provides background to the overall site traffic management.

The original car parking area redesign is not a part of this development application.

The movement of trucks to and from the site are a 24 hour operation. The company advises that truck numbers fluctuate from day to day in order to meet changing customer demand. The impact is estimated to be an additional four (4) incremental trucks in a 24 hour period on average, compared to current.

Services/utilities

Additional services and utilities may be required for the development, the cost of which would be borne by the development. Electricity, sewer and water supply are already available to the site.

Site design, internal design and construction

The construction work required for the warehouse development and awning includes a building constructed of pre-cast concrete wall panels and colorbond roof, on a concrete slab. The building would amount to about 6,660sqm. The awning would be some 690sqm. The roof would be 13.36m in height, in line with the existing height of other buildings on the site and lower than others, and the awning would be some 6m high.

The works are to be located immediately adjacent to the existing facility. They are to be constructed to industry standard and the requirements of the Building Code of Australia.

The only demolition involved would relate to creating openings in the southern wall of the existing building to create access between the existing and new areas.

Hazards – technological, natural

There are no known natural or technological hazards which might affect the development.

Noise and vibration

A Noise Impact Assessment has been provided with the application. See **Attachment C**. Two sensitive residential receiver locations have been identified. One is a rural dwelling to the south. The other is the existing residential area to the east on Evans Crescent and Sturt Street.

The potential noise of the new facility relates to:

- Operations within the warehouse.
- Additional heavy vehicle movements on the site.
- Sleep arousal associated with heavy vehicle movements on site during the night.

The Report has examined the proposal under the NSW EPA Industrial Noise Policy (Intrusiveness & Amenity Criteria) **Attachment D**. The Policy provides notes, noise impact assessment for the modification of existing industrial premises, and provisions for determining what weather conditions should be used when predicting noise.

The Report finds that the predicted noise levels would comply with the strictest possible criteria under this Policy, as follows:

- Noise from the proposed warehouse to the most sensitive receivers are expected to be substantial lower than that already existing from heavy vehicles on the Millthorpe Road.
- Noise emissions are based on the worst case one hour associated with peak vehicle movements and peak warehouse operation during the daytime period. Outside of these periods, noise emissions would be quieter still.
- The assessment is based on the most conservative of criteria during the day time period.
- The potential for sleep arousal has been assessed for trucks starting within the loading dock area, and maximum noise levels expected from night time operation would be unlikely to cause awakening reactions. Traffic on the Millthorpe Road are more likely to cause sleep arousal.

A number of recommendations have been made to ensure that noise levels from the development comply with the assessment criteria:

- The warehouse walls and roof are to be constructed from minimum 0.42mm sheet metal. Heavy weight construction would be acoustically acceptable.

- Untreated ventilation openings on the façade directly facing the residents to the south are not to exceed 30sqm.
- Untreated ventilation openings on the facades facing east and west are not to exceed 15sqm.
- Loading dock doors may be left open during the day time period of operation.
- All plant and mechanical equipment is to be designed to comply with the noise emission objectives of amenity and intrusiveness.

In terms of traffic generation, the Traffic Impact Report states that the current project is expected to generate a net increase of 13 trucks per day. These are spread over 12 hours equating to an increase of 2 truck trips during the peak period.

The movement of trucks to and from the site are a 24 hour operation. The company advises that truck numbers fluctuate from day to day in order to meet changing customer demand. The impact is estimated to be an additional four (4) incremental trucks in a 24 hour period on average, compared to current.

There are no other particular matters relating to noise and vibration which might apply to this development. Noise levels may increase slightly during construction, but should not increase overall as a result of the development.

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 industrial property. No other land resources such as extractive industries are affected. Air pollution is minimized, and existing mitigation measures would continue to prevent environmental impact.

Water

There are no particular significant water requirements for the development. Sediment and erosion control measures would be established around the site to direct surface water away from the site and into existing sumps.

Waste

The development seeks to enhance an existing industrial facility. Waste management would be carried out as under existing operations, where all effluent waste is currently directed separately into the Nestle treatment plant on Brown's Creek Road. Domestic waste is collected, stored and removed off site for disposal at an approved waste facility.

Safety, Security and Crime Prevention

The company has an elaborate system in place, including site inductions, to enable site security, safety and crime prevention.

Economic impact

The economic impacts from this development include more effective operation of the Nestle complex, together with employment during construction and beyond.

Social Impact

The social impacts relating to this development relate to the more effective operation of a local industry, which works with the local community on a number of different levels. The company provides employment and family support. The environment is protected and amenity unaffected. The issues raised by the submission have been addressed in the Noise Impact Report and the response provided by the developer, as considered below.

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

The cumulative impact of the development is for the continued operation of a local industry, 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, contamination, bushfire and heritage.

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

Comment: The site is suitable for the development, being construction of a warehouse and awning. The footprint on the site accommodates expansion of processing activities with minimal impact. 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 5 February 2014. One submission was received. The developer was advised of the issues raised, and provided responses (**Attachment E**). The issues raised are considered as follows:

- Increase in noise will not be within guidelines. The detailed analysis of the noise impact only mentions what is “likely” to affect. Detailed sound analysis has not been performed under normal conditions due to construction, so if no baseline is set, how can we judge a peak. Wind conditions can also severely affect the results.

Developer response: The acoustic assessment has been undertaken in conjunction with the relevant EPA & Australian Standard requirements. As part of the assessment the minimum background noise level of 30 dB(A) was used for the assessment across all periods of the day, evening and night as directed by the INP. The resulting criteria adopted are conservative for the assessment of noise impact to the surrounding receivers.

Council comment: The development has been assessed under the NSW EPA Industrial Noise Policy, in accordance with the objectives and criteria of the Policy. The Policy provisions incorporate assessment methodology relating to mitigation of noise impact for industrial premises, including provisions for determining what weather conditions should be used when predicting noise. The Impact Assessment has been carried out in accordance with the Policy.

The EPA requires noise impact assessments to apply the provisions of the INP; alternative approaches are not acceptable. The process for identifying project-specific noise levels in Section 2 of the INP must be followed. The Policy advises that the level of mitigation that can be applied to a project is based on what is feasible and reasonable within the circumstances of that project. Valid factors include costs, aesthetics, community preferences, noise reduction achieved, etc.

- Semitrailer movements of up to 105dB is unacceptable. Admittedly this is measured at the front gate, but a few hundred metres away, on a quiet Blayney evening, this would still translate to at a guess 70dB. A truck travelling past the plant on Orange Road makes far less noise than a truck accelerating from the front gate. Having all their tabled results within 1-2dB of maximum criteria is not enough.

Developer response: In the acoustic assessment a Sound Power (SWL) of 105dB(A) has been used as the basis of the assessment and in no way represents the resulting noise level at any surrounding receivers. As per the report and simple acoustic principles the resulting noise level at all surrounding residences is less than 35 dB(A). The expected noise level at

these receivers is significantly less than other noise sources within the local environment such as local traffic, traffic on Orange Road, neighbours activity noise and the like.

Council comment: The noise assessment has been undertaken with regard to the two relevant sensitive residential receivers. The submission was received from a resident of Evans Crescent within the receiving area to the east. Background noise was registered at the site over a 7 day period, impacted upon by weather and existing construction noise on the Nestle site. The predicted noise levels at the receptor sites were found to comply with the Policy criteria, and expected to be in the order of 50dB(A). It should be noted that the noise report addresses the impacts of the current development application only. As the development is yet to occur, the specific impacts can only be based on modelling and estimates. Where existing noise levels are already creating a problem, this matter should be addressed to Nestle Australia Ltd.

The Report also finds that expected noise levels would be substantially lower than that already existing from heavy vehicles using the Millthorpe Road.

- The permission for 24 hour truck movements should not be approved, currently there seems to be a downtime from 10-11pm till daybreak, the opening of 24hour truck movements will expose the town to even more noise.

Developer response: The acoustic assessment includes noise levels for the source of trucks both moving and accelerating as measured by the noise consultant at other similar facilities.

Council comment: The hours of truck movement are already over a 24 hour period.

- It must be noted that the trucks removing finished product seem to be considerably quieter than their supply trucks. As mentioned, there is a pseudo time limit on truck movements, but it is still not uncommon to hear the crashing of a tailgate from a truck at 12am sometimes later. These tippers seem to have less restrictive exhausts, causing high noise levels on departure from the factory.

Developer response: The acoustic assessment includes noise levels for the source of trucks both moving and accelerating as measured by the noise consultant at other similar facilities. This DA relates to a warehouse which is not associated with “tipper” type trucks.

Council comment: Truck movements are already operating at 24 hours. The operations as apply to this DA does not utilise tip trucks. However, it is suggested that the company should pay closer regard to their staff code of ethics in regard to noise management on site, particularly during the night.

- Since the birth of our daughter 2.5 years ago, we struggle with the noise coming from Nestle. Every night we play a “white noise” app on an iPad in her room to prevent the peak noises which seemed to plague her sleep routine. More truck movements is only going to increase our woes.

Developer response: The factory is already a 24 hour operation and no change to hours is proposed as part of the DA.

Council comment: This matter should be directed to Nestle Australia Ltd, as it relates to the existing factory operation. Assessment of the proposed warehouse, subject to the recommendations made by the Noise Assessment Report, suggest that the proposed warehouse is unlikely to exacerbate the current situation.

- Also worth mentioning is that the view from our back windows seems to be getting more and more obscured by Nestle. Previous objections have gone unnoticed.

Developer response: With respect to comments regarding view, the façade has been designed to complement our existing façade, and significant tree plantings have previously been undertaken along the southern boundary. This has resulted in a more natural aspect for many nearby residents.

Council comment: The Nestle site is screened from the residential area by substantial landscaping and earth mounding. Investigation by Council staff suggest that the proposed warehouse would be viewed from the subject land in Evans Crescent to a limited degree. The proposed building is to be 2.2m higher than the existing adjoining building, but still screened by the existing landscaping and earth mounding. The building would be coloured cream to match the existing building. In addition to the landscaping within the Nestle site, there are also advanced trees along the rear boundary of the complainant's site, outside the colorbond fence.

- Truck movements need to be monitored, on site measuring of noise needs to be monitored and acted upon, if trucks are noisy – ban them from the site. Noisy practices – such as slamming the tailgate of a tipper needs to be eliminated.

Developer response: The factory has already planned noise reduction actions in 2014 for existing operations – however while these will benefit local residents they are voluntary and not part of the scope of the DA. This DA relates to a warehouse which is not associated with “tipper” type trucks.

Council comment: The Industrial Noise Policy contains provisions for noise monitoring of development. This monitoring determines compliance with consent/licensing conditions and is essential to proper management of noise sources. A consent condition has been recommended to address this matter.

- More blending/screening of the buildings should also be considered.

Developer response: With respect to comments regarding view, the façade has been designed to complement our existing façade, and significant tree plantings have previously been undertaken along the southern boundary. This has resulted in a more natural aspect for many nearby residents.

Council comment: A consent condition has been recommended to address this matter.

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 further enhancement of existing facilities on the site in accordance with industry guidelines in the protection of the environment, and compliance with appropriate legislative requirements.

The issues raised in the submission have been satisfactorily addressed through the supplementary reporting provided, and the response to the submission as provided by the developer.

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 | 5 Pages |
| 2 | Noise Impact Assessment | 12 Pages |
| 3 | Developer Response | 2 Pages |

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 APRIL 2014



16) **MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES
COMMITTEE MEETING HELD ON 13 MARCH 2014**
(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the Blayney Shire Towns and Villages Committee meeting held 13 March 2014 be received and noted
2. That a group comprising interested members of Towns and Villages Committee, Economic Development Committee, Blayney Town Committee, Blayney Festival Committee and business develop ideas to progress concept for a 'Festival of Events'.
3. That Council adopt the Village Plans.

REPORT

The minutes of the Blayney Shire Towns and Villages meeting held on Thursday 13 March 2014 are attached.

Attachments

- 1 Towns and Villages Committee Minutes 13/03/2014 2 Pages

17) **MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT
COMMITTEE HELD ON FRIDAY 7 MARCH 2014**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Audit Committee meeting held on 7 March 2014 be adopted.

REPORT

The minutes of the Blayney Shire Audit Committee meeting held on Monday 7 March 2014 are attached.

Attachments

- 1 Audt Committee Minutes 7/03/2014 2 Pages