



9 October 2018

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, 15 October 2018 at 6.00pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Disclosures of Interest
- (5) Public Forum
- (6) Mayoral Minute
- (7) Notices of Motion
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 17.09.18
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Questions from Councillors
- (13) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2018

October

Time	Date	Meeting	Location
10.00am	10 October 2018	Central Tablelands Water Meeting	Blayney
6.00pm	15 October 2018	Council Meeting	Community Centre
10.00am	17 October 2018	Traffic Committee Meeting	Community Centre
5.00pm	25 October 2018	Cemetery Forum Meeting	Community Centre
6.00pm	25 October 2018	Access Advisory Committee Meeting	Community Centre
9.00am	31 October 2018	Audit Committee Meeting	Community Centre

November

Time	Date	Meeting	Location
9.00am	2 November 2018	Country Mayors Association	Sydney
2.30pm	2 November 2018	Upper Macquarie Country Council Meeting	Kelso
6.00pm	5 November 2018	Cultural Centre Working Group Meeting	Community Centre
6.00pm	15 November 2018	Sports Council Meeting	Community Centre
6.00pm	19 November 2018	Council Meeting	Community Centre
9.30am	22 November 2018	Centroc Board Meeting	Lithgow
6.00pm	27 November 2018	Tourism, Towns and Villages Committee Meeting	Community Centre

December

Time	Date	Meeting	Location
2.30pm	7 December 2018	Upper Macquarie Country Council Meeting	Kelso
10.00am	7 December 2018	Blayney Local Traffic Committee Meeting	Community Centre
10.00am	12 December 2018	Central Tablelands Water Meeting	Canowindra
6.00pm	17 December 2018	Council Meeting	Community Centre

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HELD ON MONDAY 15 OCTOBER 2018

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01) MINUTES OF THE PREVIOUS MEETING HELD ON MONDAY 17 SEPTEMBER 2018**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 17 September 2018, being minute numbers 1809/001 to 1809/025 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 17 SEPTEMBER 2018, COMMENCING AT 6.05PM

Present: Crs S Ferguson (Mayor), D Kingham, J Newstead, B Reynolds and D Somerville

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****APOLOGIES**

Cr Allan Ewin – Leave of Absence approved at the July 2018 Council Meeting (Resolution No. 1807/015).

1809/001**RESOLVED:**

That the apology, tendered on behalf of Cr Scott Denton, be accepted.

(Somerville/Kingham)

CARRIED**DISCLOSURES OF INTEREST**

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Reynolds	Pecuniary	10	40	Adoption of Recognition of RFS Assets Guideline	Is an employee of Reynolds Communication, which undertakes contract work

					for the Canobolas Zone of the NSW Rural Fire Service
Cr Reynolds	Non Pecuniary (less than significant)	16	66	Minutes of the Blayney Traffic Committee Meeting held on Friday 17 August 2018	Daughter goes to Millthorpe Public School. Family volunteers to help at the Millthorpe Markets

PUBLIC FORUM

Rebecca Price - McPhillamys Gold Project at Kings Plains

Lesley Barnes - CentrePoint and Waste Facility Going Cashless

Nigel Smith – Item 17 – Development Application 3/2018 – Three Lot Subdivision – 99 Richards Lane, Millthorpe

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS MEETING HELD ON MONDAY 20 AUGUST 2018

1809/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 20 August 2018, being minute numbers 1808/001 to 1808/019 be confirmed.

(Kingham/Newstead)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

NOTICES OF MOTION

1809/003

NOTICE OF MOTION

RESOLVED:

That Council:

1. provide support to the rural community in the Shire by, encouraging primary producers affected by the drought, to contact the council if they are having difficulty meeting financial obligations, to discuss payment options;
2. make available water to drought affected producers in the Shire from the six drought supply bores;
3. provide support to organisations who are holding events for drought affected producers in the form of waiving fees for venue hire and other assistance as seen fit by the General Manager;
4. provide facilities such as rooms controlled or managed by the Shire to organisation such as the Rural Financial Counselling Service, at no charge; and
5. immediately consult the community on how to utilise the \$1 million dollars in Commonwealth drought financial assistance being made available to the Blayney Shire, upon the release

of the guidelines on the use of these funds.
These provisions would be in place until the Shire is no longer considered to be suffering from drought conditions by the NSW DPI.

(Reynolds/Ferguson)
CARRIED

EXECUTIVE SERVICES REPORTS

COUNCIL MEETING DATES

1809/004

RESOLVED:

That Council adopts the meeting dates and times for Ordinary Meetings of Council for the next 12 months as follows:

- Monday 15 October 2018
- Monday 19 November 2018
- Monday 17 December 2018
- Monday 18 February 2019
- Monday 18 March 2019
- Monday 15 April 2019
- Monday 20 May 2019
- Monday 24 June 2019
- Monday 15 July 2019
- Monday 19 August 2019
- Monday 16 September 2019

(Newstead/Somerville)
CARRIED

CENTENARY OF ARMISTICE 2018

1809/005

RESOLVED:

That Council approve the financial contribution of up to \$3,500 from the Financial Assistance Program for the hosting of a combined Centenary of Armistice celebratory luncheon for RSL Club members and ex-service men and women of the Blayney Shire and the Blayney Time Capsule project.

(Ferguson/Reynolds)
CARRIED

32 PLUMB STREET RESIDENTIAL DEVELOPMENT

1809/006

RESOLVED:

That Council;

1. Submit a Development Application for a 14 Lot Residential Subdivision on Lot 1 DP 250822 being 32 Plumb Street Blayney.
2. Proceed to resource and manage all aspects of the enabling infrastructure for the residential development project at 32 Plumb Street, including the provision of all utilities (electricity, gas, sewer, stormwater drainage and water) and the construction of roads and kerb and gutter to final release of Housing Land for Sale stage.

3. Develop a sales options and marketing strategy, with a report to be brought back for Council consideration.
(Newstead/Kingham)
CARRIED

MINUTES OF THE BLAYNEY SHIRE CULTURAL CENTRE WORKING GROUP MEETING HELD MONDAY 6 AUGUST 2018

- 1809/007 RESOLVED:**
That the minutes of the Blayney Shire Cultural Centre Working Group Meeting, held on Monday 6 August 2018, be received and noted.
(Reynolds/Newstead)
CARRIED

MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 4 SEPTEMBER 2018

- 1809/008 RESOLVED:**
That the minutes of the Blayney Shire Tourism, Towns and Villages Committee meeting, held on Tuesday 4 September 2018, be received and noted.
(Reynolds/Newstead)
CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2018

- 1809/009 RESOLVED:**
1. That the report indicating Council’s investment position as at 31 August 2018 be received.
 2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
- (Somerville/Kingham)
CARRIED

REVIEW OF COUNCIL POLICIES

- 1809/010 RESOLVED:**
1. That the following policies be adopted as part of Council’s policy review process and be included in Council’s policy register:

No.	Policy Name
1C	Code of Meeting Practice
3L	Community Engagement Strategy
4B	Investment Policy

2. That the following policy be endorsed and placed on public

exhibition for a period of not less than 28 days:

No.	Policy Name
9G	Event Management Policy
18C	Waste Collection Services

(Reynolds/Newstead)

CARRIED

Cr Reynolds having declared a pecuniary interest left the Chambers.

1809/011 **ADOPTION OF RECOGNITION OF RFS ASSETS GUIDELINE**
RESOLVED:

That Council endorse the Adoption of Recognition of Rural Fire Service Assets Guideline.

(Newstead/Kingham)

CARRIED

Cr Reynolds returned to the Chambers.

INFRASTRUCTURE SERVICES REPORTS

1809/012 **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY**
REPORT
RESOLVED:

That the Director of Infrastructure Services Monthly report for September 2018 be received and noted.

(Reynolds/Newstead)

CARRIED

1809/013 **PROPOSED LEASE OF ROAD - GRAHAM LANE,**
MILLTHORPE
RESOLVED:

That Council grant a 2x3 year lease for part of Graham Lane, from the end of the constructed section of the lane to the eastern most boundary of Lot 40 DP 11125, as identified in the Director Infrastructure Services report.

(Newstead/Kingham)

CARRIED

1809/014 **PROPOSED BRIDGE NAMING**
RESOLVED:

- That Council:-
- a. supports the proposed names for the bridges being Tucker, Cheffins, Ellery, Green, Chittenden Wilson, Goode and Gainsford bridges as identified in the Director Infrastructure Services report;
 - b. places the proposed names on public exhibition for a period of not less than 28 days; and
 - c. seeks Roads and Maritime services approval for the

proposed names.

(Reynolds/Newstead)

CARRIED

**PROPOSED ROAD CLOSURE - PANUARA ROAD -
SOUTHERN CADIA ACCESS ROUTE**

1809/015

RESOLVED:

1. That Council approve the commencement of Road Closure proceedings for proposed Lot 13 (in accordance with the plan prepared by Registered Surveyor Matthew Peter Forsyth dated 8 March 2018).
2. That a further report be presented to Council to consider any submissions associated with the proposed closure, and future transfer to the adjoining owner.

(Kingham/Newstead)

CARRIED

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON THURSDAY 16 AUGUST 2018**

1809/016

RESOLVED:

1. That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 16 August 2018, be received and noted.
2. That Council provide in principle support to a future third long jump pit at King George Oval and undertake extension of existing pits, in consultation with Little Athletics.

(Kingham/Somervaille)

CARRIED

Cr Reynolds having declared a non pecuniary (less than significant) interest remained in the Chambers.

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD ON FRIDAY 17 AUGUST 2018**

1809/017

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 17 August 2018, be received and noted.
2. That Council provide in principle support to the 2018 Alpine Classic, to be staged on 3rd and 4th November 2018 on various roads across the Blayney Shire, as a Class 2 event, using an alternate route as Neville Road will be closed due to Carcoar Cup and subject to the conditions detailed in the Director Infrastructure Services' Report.
3. That Council endorse the Traffic Management Plan for the Carcoar Cup Running Festival, to be held on 3 - 4 November 2018 on roads in the Villages of Carcoar and Neville, and roads in-between as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
4. That Council endorse the Traffic Management Plan for the

Hills of Orange Charity Ride, to be held on 22 - 25 November 2018 on various roads across the Blayney Local Government Area, as a Class 2 event, with provision of revised route maps and subject to the conditions detailed in the Director Infrastructure Services' Report.

5. That Council endorse the Traffic Management Plan for the Millthorpe Market event, to be staged on 2 December 2018 on Redmond Oval and Millthorpe Public School as a Class 2 event, with modification of the TCP to provide for left turn only exit from Church Street and no entry into Church Street, provide a current certificate of currency and subject to the conditions detailed in the Director Infrastructure Services' Report.
6. That Council endorse the Traffic Management Plan for the Millfest event, to be staged on 8 December 2018 on Pym Street Millthorpe as a Class 2 event, with modification of the TCP, by removal of no left turn and no right turn signage in to Blake Street, replacing with No Through Road signage and ensuring traffic signage is visible by use of barrier boards and subject to the conditions detailed in the Director Infrastructure Services' Report.

(Newstead/Reynolds)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DEVELOPMENT APPLICATION 3/2018 – THREE LOT SUBDIVISION – 99 RICHARDS LANE MILLTHORPE

1809/018

RESOLVED:

That Council approve Development Application 3/2018 for a 3 lot subdivision at Lot 1 DP 123898, 99 Richards Lane, Millthorpe, subject to the conditions contained in enclosure 3, with the addition of a condition requiring a 12.5m building setback from the eastern boundary.

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

FOR	AGAINST
Councillor Ferguson	
Councillor Kingham	
Councillor Somervaille	
Councillor Reynolds	
Councillor Newstead	
Total (5)	Total (0)

(Newstead/Reynolds)

CARRIED

- 1809/019** **NETWASTE STRATEGIC RECYCLING PLAN (2018 – 2023)**
RESOLVED:
 That Council endorses the NetWaste Strategic Recycling Plan (2018 – 2023).
 (Reynolds/Newstead)
CARRIED

DELEGATES REPORTS

- 1809/020** **REPORT OF THE CENTROC BOARD AND CENTRAL NSW JOINT ORGANISATION MEETING HELD 23 AUGUST 2018**
RESOLVED:
 That the Mayoral Report from the Centroc Board and Central NSW Joint Organisation Meeting held 23 August 2018 at Parliament House Canberra be received and noted.
 (Somerville/Kingham)
CARRIED

QUESTIONS WITH NOTICE

QUESTIONS WITH NOTICE

Questions from Cr Reynolds and response noted as provided in the Business Paper.

CLOSED MEETING

- 1809/021** **RESOLVED:**
 That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters:

LAND ACQUISITION FOR ROAD RE-ALIGNMENT SOUTHERN CADIA ACCESS ROUTE

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

LAND ACQUISITION FOR ROAD RE-ALIGNMENT SOUTHERN CADIA ACCESS ROUTE

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

LAND ACQUISITION FOR ROAD RE-ALIGNMENT SOUTHERN CADIA ACCESS ROUTE

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that

would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(Kingham/Somerville)
CARRIED

CONFIDENTIAL MEETING REPORTS

LAND ACQUISITION FOR ROAD RE-ALIGNMENT **SOUTHERN CADIA ACCESS ROUTE**

1809/022

RESOLVED:

1. That Council approve the acquisition of land for the purpose of road re-alignment, being part of Lot 3 DP 871086 and Lot 1 DP871851 as required for road re-alignment safety improvements along the Southern Cadia Access Route and the land be classified as public road, as detailed in the Director Infrastructure Services Report.
2. That Council authorise the Mayor and General Manager to affix the Council Seal to associated transfer documents as required to facilitate the acquisition.

(Somerville/Kingham)
CARRIED

LAND ACQUISITION FOR ROAD RE-ALIGNMENT **SOUTHERN CADIA ACCESS ROUTE**

1809/023

RESOLVED:

1. That Council approve the acquisition of land for the purpose of road re-alignment, being part of Lot 421 DP1084679 as required for road re-alignment safety improvements along the Southern Cadia Access Route and the land be classified as public road, as detailed in the Director Infrastructure Services report.
2. That Council authorise the Mayor and General Manager to affix the Council Seal to associated transfer documents required to facilitate the acquisition.

(Newstead/Reynolds)
CARRIED

LAND ACQUISITION FOR ROAD RE-ALIGNMENT **SOUTHERN CADIA ACCESS ROUTE**

1809/024

RESOLVED:

1. That Council approve the acquisition of land for the purpose of road re-alignment, being part of Lot 422 DP1084679 as required for road re-alignment safety improvements along the Southern Cadia Access Route and the land be classified as public road, as detailed in the Director Infrastructure Services report.
2. That Council authorise the Mayor and General Manager to affix the Council Seal to associated transfer documents required to facilitate the acquisition.

(Newstead/Reynolds)

CARRIED

1809/025 RESOLVED:

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

(Reynolds/Newstead)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 1809/022 TO 1809/024.

There being no further business, the meeting concluded at 7.39pm.

The Minute Numbers 1809/001 to 1809/025 were confirmed on 15 October 2018 and are a full and accurate record of proceedings of the Ordinary Meeting held on 17 September 2018.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) COUNCIL RESOLUTION REPORT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That Council notes the Resolution Report to September 2018.

Reason for Report:

The General Manager is responsible for ensuring that Council's policies, decisions and priorities are implemented in a timely and efficient manner, consistent with the goals and objectives of Council. The General Manager provides the management oversight in relation to all information progressing from appropriate staff to Council for consideration via the Business Paper.

After a Council meeting, each resolution is allocated to the General Manager or responsible officer to action in accordance with the intent of the Council decision. Directors then provide feedback to the General Manager as to the progress of these resolutions on a monthly basis.

Council have requested an Outstanding Resolution Report on a quarterly basis.

Report:

This Council Outstanding Resolution Report includes Council Resolutions up until the September 2018 Council Meeting.

Council currently has 15 resolutions 'in progress'.

A note in the status section has been completed by the relevant responsible officer with a reason if available.

Date of Council Meeting	Res. No	Resolution	Owner	Comments
18-Apr-17	1704/015	<p>Planning Proposal to amend Blayney Local Environmental Plan 2012 - Flood Planning Map RESOLVED</p> <p>That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012.</p>	DPES	In progress: DPE approved Gateway time extension to 19 March 2019. Communication strategy to be developed prior to exhibition commencing.
18-Apr-17	1704/016	<p>Planning Proposal to Amend Blayney Local Environmental Plan 2012 - RU1 Primary Production to RU5 Village, 61 Forest Reefs Road Millthorpe RESOLVED</p> <p>2. Council as a separate, independent process proceed to review and update the Blayney Settlement Strategy 2012 during the 2017/18 financial year</p>	DPES	Request for Quotation currently advertised seeking qualified consultants to undertake the review.
15-May-17	1705/006	<p>Minutes of the Blayney Shire Cultural Centre Working Group Meeting held Monday 1 May 2017 RESOLVED</p> <p>3. That Council undertake the Blayney Library painting and shelving project and include the additional minor items of new sliding door and installation of a small hot water service as capital expenditure requests to ensure Library and Family History Services are supported in the short term.</p>	GM	In progress
14-Aug-17	1708/010	<p>Neville Multipurpose Court RESOLVED</p> <p>That subject to the agreement by the Presbyterian Church, Council provides approval and support for the Neville Multipurpose Court Project and formalise a long term lease or licence agreement for part of Lot 9 DP662515 then lodge a Development Application.</p>	GM	Development approval provided June 2018.

<p>25-Sep-17</p>	<p>1709/031</p>	<p>Blayney Shire Council (R590102) Reserve Trust - Lease To Blayney Multi Service Outlet RESOLVED 1. That Council, acting in its capacity as Reserve Trust Manager, consent to a lease being issued to the Blayney Multi Service Outlet for a period of 10 years for Crown Reserve R590102 (Lot 23 Section 14 DP 758121) known as Blayney Shire Council Reserve Trust. 2. That Council, acting in its capacity as Reserve Trust Manager, apply a lease fee of \$483 (including GST) per annum. 3. That Council make application for the purpose of Blayney Shire Council Reserve Trust R590102 to be amended to community. 4. That pursuant to the requirements of the Crown Land Act (1989), Council advertise for a period of 14 days its intention to enter into a long term lease for Reserve 590102. 5. That Council authorise the General Manager to facilitate lease amendments required by NSW Department of Industry – Lands. 6. That Council authorise the Mayor and General Manager affix the Council Seal, sign and execute the lease.</p>	<p>DCS</p>	<p>Awaiting Crown Lands endorsement of Lease.</p>
<p>19-Feb-18</p>	<p>1802/017</p>	<p>LGA Boundary Alteration - McKellars Lane, Hobbys Yards RESOLVED 1. That Council reaffirm the transfer of Lot 1 DP 118421 from the Bathurst Regional Council LGA to the Blayney Shire Council LGA; 2. That, subject to approval by Bathurst Regional Council, the adjustment for rates and annual charges take effect from the next year following proclamation. 3. That the Office of Local Government be informed of Council's decision and request Minister for Local Government to recommend to the Governor the approval to issue a proclamation under section 218B of the Local Government Act, altering the boundary with Bathurst Regional Council.</p>	<p>DCS</p>	<p>Awaiting Office of Local Government to undertake process and respond on matter</p>

19-Feb-18	1802/023	<p>Lease of Land to Yingli Solar RESOLVED</p> <p>1. That the Council endorse the General Manager to finalise the Agreement of Lease contract terms with Yingli Solar.</p> <p>2. That Council endorse execution of the lease of Lot 222/DP 1175708 and Lot 3/ DP1103517 being 31 and 33 Gerty Street Blayney and associated documentation by the Mayor and General Manager under Council seal.</p>	DCS	Awaiting response from Yingli Solar on endorsement of lease or decline of offer.
19-Mar-18	1803/006	<p>Minutes of the Blayney Shire Cemetery Forum held 8 February 2018 RESOLVED</p> <p>1. That the minutes of the Blayney Shire Cemetery Forum, held Thursday 8 February 2018, be received and noted.</p> <p>2. That Council source quotations from external contractors for the preparation of the Blayney Shire Cemetery brochure.</p> <p>3. That Council establish a Muslim section at the Blayney Cemetery.</p> <p>4. That Council endorse the Blayney Shire Cemetery Forum to meet, tri annually rather than 6 monthly.</p>	DPES	In progress
21-May-18	1805/013	<p>Amendment to Blayney Shire Community Centre Trust RESOLVED</p> <p>1. That Council endorse the incorporation of the property located at 39 Church Street, Blayney (Lot 23 Section 14 DP 758121) known as Crown Reserve R590102 with the Blayney Shire Community Centre Trust, encompassing 41 Church Street, Blayney (Lot 24 Section 14 DP758121) known as Crown Reserve R1000284; and</p> <p>2. That Council make application to Crown Lands to combine Reserves R590102 and R1000284 under the Blayney Shire Community Centre Trust.</p>	DCS	Awaiting response from DPI - Crown Lands on endorsement of amendment of Trust.

16-Jul-18	1807/013	<p>Planning Proposal To Amend Blayney Local Environment Plan 2012 - RU1 Primary Production To E2 Environmental Conservation - Cadia Biodiversity Offset Areas RESOLVED</p> <p>That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the Blayney Local Environmental Plan 2012 by rezoning Lot 201 DP 1037198 and Lot 1422 DP 1168271 from RU1 Primary Production to E2 Environmental Conservation.</p>	MP	In progress
16-Jul-18	1807/014	<p>Planning Proposal To Amend Blayney Local Environmental Plan 2012 - RU1 Primary Production To RU5 Village, 61 Forest Reefs Road Millthorpe RESOLVED</p> <p>1. That Council, following consideration of the submissions received and the issues raised during community consultation, proceed to endorse the amendment to the Blayney Local Environmental Plan 2012, 2. That, Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning 61 Forest Reefs Road Millthorpe from Zone RU1 Primary Production to RU5 Village, and the making of the Local Environmental Plan.</p>	MP	OEH response received, draft LEP has been drafted by NSW Parliamentary Counsel
17-Sep-18	1809/005	<p>Centenary of Armistice 2018</p> <p>That Council approve the financial contribution of up to \$3,500 from the Financial Assistance Program for the hosting of a combined Centenary of Armistice celebratory luncheon for RSL Club members and ex-service men and women of the Blayney Shire and the Blayney Time Capsule project.</p>	GM	In progress

<p>17-Sep-18</p>	<p>1809/006</p>	<p>32 Plumb Street Residential Development RESOLVED That Council; 1. Submit a Development Application for a 14 Lot Residential Subdivision on Lot 1 DP 250822 being 32 Plumb Street Blayney. 2. Proceed to resource and manage all aspects of the enabling infrastructure for the residential development project at 32 Plumb Street, including the provision of all utilities (electricity, gas, sewer, stormwater drainage and water) and the construction of roads and kerb and gutter to final release of Housing Land for Sale stage. 3. Develop a sales options and marketing strategy, with a report to be brought back for Council consideration.</p>	<p>DCS</p>	<p>1. DA lodged and under assessment (DA81/2018) 2. In progress 3. In progress.</p>
<p>17-Sep-18</p>	<p>1809/010</p>	<p>Review of Council Policies RESOLVED 1. That the following policies be adopted as part of Council's policy review process and be included in Council's policy register: <i>No. Policy Name</i> <i>1C Code of Meeting Practice</i> <i>3L Community Engagement Strategy</i> <i>4B Investment Policy</i> 2. That the following policy be endorsed and placed on public exhibition for a period of not less than 28 days: <i>No. Policy Name</i> <i>9G Event Management Policy</i> <i>18C Waste Collection Services</i></p>	<p>DCS</p>	<p>Policies added to policy register and updated website. Policies for exhibition are placed on website and copies at front counter.</p>
<p>17-Sep-18</p>	<p>1809/015</p>	<p>Proposed Road Closure - Panuara Road - Southern Cadia Access Route RESOLVED 1. That Council approve the commencement of Road Closure proceedings for proposed Lot 13 (in accordance with the plan prepared by Registered Surveyor Matthew Peter Forsyth dated 8 March 2018). 2. That a further report be presented to Council to consider any submissions associated with the proposed closure, and future transfer to the adjoining owner.</p>	<p>DIS</p>	<p>1. Information forwarded to Crennan Legal to progress acquisition. 2. In progress</p>

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: Administration Officer - Projects

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That the Risk, Work Health and Safety Report for the quarter July to September 2018 be received and noted.

Reason for Report

To update Council on Risk, Work Health and Safety activities and performance for the period of July to September 2018.

Report:**Statecover:**

2 incidents reported to Statecover for this period, no lost time. Statecover Risk Officer to attend Council in July to liaise with the Risk Officer regarding potential risk reduction initiatives.

Statewide Mutual:

Renewal declaration and annual insurance policy with State-wide Mutual submitted. General Manager, Director Corporate Services, Risk Officer and Manager Operations attended Statewide Risk Conference August 29-30.

Consultation:

Health and Safety Committee met in June, no meeting held in August. WHS is discussed at weekly departmental and MANEX meetings. All staff are encouraged to participate in health and safety and report any concerns to their representatives, Supervisor or Risk Officer. Depot Staff meeting attended with information relating to incident reporting and draft Drug and Alcohol Policy delivered.

Incidents were discussed as a WHS collective with successful treatment options discussed and implemented. Monitoring of this has taken place by way of workplace observation.

Training:

On-going training commitments have been maintained with yearly training matrix being progressed by HR Management team.

Reporting for July - September

Notifications	Jul	Aug	Sept	YTD Totals
Workplace incidents	1	4	2	25
Time Lost Injuries	1	-	-	3
Hazzard Notification	-	1		6
Contractor Inductions	-	-	-	44
Volunteer Inductions	-	-	-	4

WHS reporting for July - September

Reporting	Jul	Aug	Sept	YTD Totals
Site Specific Risk Assess	35	30	11	261
Weed Spray Data Sheets	-	1	2	35
Play Equip Inspections	-	-	3	7
Tool Box Talks	2	1	-	26
Workplace Observations	2	10	-	20

Inductions:

No contractors have been inducted into Central NSW JO WHS standards for this period.

No volunteers were inducted into the Visitors Information Centre for this period due to their availability to attend.

Risk/Policy/Legislation Considerations:

Nil

The Risk Officer position is currently vacant. Position description has been reviewed and recruitment will commence in due course.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) LGNSW LOCAL GOVERNMENT CAPABILITY FRAMEWORK / PD IN A BOX

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.CO.11

Recommendation:

That Council supports the LGNSW Local Government Capability Framework and implementation of PD in a Box for Mayor and Councillors to develop individual personal and professional development plans.

Reason for Report:

To inform Council about the LGNSW Local Government Capability Framework and seek Council interest in implementing the PD in a Box tool.

Report:

The Office of Local Government (OLG) Circulars 17-39 and 18-25 '*Councillor Induction and Professional Development Guidelines*' detail the amendments made to the Local Government Act (1993) in 2017 which saw the inclusion in the prescribed role of Councillors '*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor*'.

The Regulations, to be made; will prescribe the responsibility for Council to provide for the induction and professional development opportunities for the Mayor and Councillors, and the new Guidelines have been issued under section 23A of the Act.

Under the Guidelines, Councils' induction and professional development programs are to consist of 3 parts:

1. Pre-election candidate sessions
2. Induction Program
3. Professional Development Program

Information about a Councillor's participation in the induction and professional development activities must be published in Council's annual report.

To assist with the implementation of the new Guidelines, and specifically part 3, establishment of a Professional Development Program for the Mayor and Councillors, LGNSW have developed the Local Government Capability Framework.

On 6 June 2018, the Mayor, Deputy Mayor and Councillor Reynolds with the General Manager attended a workshop with LGNSW to review the supporting materials and tools available to assist Councils in implementing the framework.

The framework's main feature is PD in a Box, which is a free and confidential online portal for all NSW Mayors and Councillors to assess their capabilities and develop their own professional development plan.

Upon completing the assessment and considering the results Councillors may select from a large array of some professional development opportunities, or choose and add their own. It is entirely voluntary if a Councillor chooses to share the results and Development Plan with the General Manager.

When a Development Plan is created, and if shared with the General Manager; Councillor workshops and/or training may be investigated and planned for the year.

Risk/Policy/Legislation Considerations:

The LGNSW Capability Framework and PD in a Box will provide a streamlined online assessment and reporting system that with Councillor support, should facilitate Council's requirements in meeting the Regulations pertaining to Councillor Induction and Professional Development Guidelines.

This will require Councillors to invest the time necessary to access and learn about PD in a Box, undertake an annual personal and professional skills assessment, then commit to the development plan. This can be difficult to juggle in between important business, Council meetings, work and family life.

Budget Implications:

This is a free service to all LGNSW Councils, of which Blayney Shire is a member.

Council has allocated \$12,000 per annum for conferences, workshops and training for Mayor and Councillors. Any additional needs to the normal Councillor Professional Development and Training budget can be submitted to Council's Operational Plan.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) DROUGHT COMMUNITIES PROGRAM EXTENSION

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GS.LI.1

Recommendation:

That Council endorse the Community Engagement Strategy and seek expressions of interest from local community organisations for potential projects to be submitted under the Australian Governments Drought Communities Program Extension 2018.

Reason for Report:

To inform Council of the Drought Communities Program Extension Guidelines released September 2018, and seek Council endorsement of the Community Engagement Strategy inviting expressions of interest from community organisations for eligible projects.

Report:

In August 2018 the Australian Government provided a \$75m extension to the Drought Communities Program to support communities in drought affected regions. On 28 September, the funding guidelines were released <https://www.business.gov.au/assistance/drought-communities-programme#key-documents>

A summary of these guidelines follows within this report and the Factsheet and Guidelines are attached under separate cover for information.

Blayney Shire is one of 60 Councils eligible to access \$1m to assist funding projects that support local community infrastructure and other drought relief projects to provide local employment and generate cashflow into local shops and suppliers.

To be eligible the project must have at least \$25,000 per application in eligible expenditure and be completed by 30 June 2019.

Eligible activities must directly relate to the project and can include:

- repairs, maintenance, upgrading or building new community facilities
- repairs, maintenance, upgrades, construction and fit-out of community spaces
- employing local contractors to undertake repairs and maintenance
- holding events and
- undertaking other drought relief activities (including water carting for human consumption).

Each project is expected to;

- lead to the employment of locals,
- contribute to the economic activity of communities/regions, and
- lead to the retention of businesses, services and facilities.

Projects might include for example; fencing materials, earth moving works, new sheds (steel frames and replacement roofing), new kitchens, installation of air conditioning or improved water harvesting and supply that will support local businesses.

There are numerous Showgrounds/Recreation Grounds (Newbridge, Carcoar, Neville, Blayney, Lyndhurst) and Halls/School of Arts Buildings (Lyndhurst, Mandurama, Millthorpe, Newbridge, Tallwood, Carcoar, Neville, Barry, Hobbys Yards). Council is Reserve Trust Manager for some of these community facilities, whilst many are managed by community groups (Lyndhurst Team Penning, Neville Show Society, Blayney A&P Association, Carcoar PA&H Society).

The focus should be for Council to facilitate a number of smaller achievable projects that benefit the Blayney Shire based Agricultural/Farm Suppliers, contractors, trades and business.

Community Engagement Strategy

Council has made a commitment to seek input from community organisations as soon as the funding guidelines were made available (**Resolution 1809/003**). An expression of interest has been issued to all Town and Village Committees/Progress Associations/Showground Reserve Trusts, P&H Associations, NSW Farmers and local community organisations with a detailed questionnaire which will facilitate a project application.

It is proposed that these will be collated and presented to Council at the November Workshop for initial review and assessment, prior to final endorsement at the November Council meeting. The Financial Assistance Program systems are a vehicle which will provide oversight to the governance oversight of this funding.

There may be a few rounds of this EOI process to ensure the funding is distributed as the program is intended in a timely manner. And any approval and offer of funding remains the decision of the Australian Government which will undertake their own assessment process and make a determination of the applications submitted by Council.

Risk/Policy/Legislation Considerations:

Council is the only applicant eligible to submit an application for the \$1m which is available until 30 June 2019, when projects must be completed.

However, many local community assets and infrastructure is held in the care and control of community organisations, Reserve Trusts and the like. Council will therefore need to share the project management responsibilities associated with expenditure of this funding.

This relinquishing of governance, project and contractor management to third parties has some inherent risks, especially if projects are rushed. Council will be using the processes and systems already in place for the Financial Assistance Program to reduce these risks, and ensure this funding being spent where it is intended.

Budget Implications:

There are no anticipated budget implications other than staff resources in managing the oversight and governance of any external projects.

Core activities of Council cannot be funded, such as roadworks, footpaths or operational expenditure normally funded by rates income. However, there may be some capital infrastructure projects identified for our community facilities that have been deferred, or are currently unfunded that meet the criteria that Council may wish to consider.

Eligible expenditure items may include the cost of:

- suppliers, consultants and contracted labour undertaking eligible project activities
- materials required to deliver eligible project activities
- purchasing, leasing or hiring equipment required to deliver eligible project activities
- holding events and
- other drought relief activities (including water carting for human consumption)

Ineligible expenditure includes:

- payment of salaries for existing staff or contractors, although projects may be carried out by existing workforces
- computer software or hardware that is not an integral part of the funded capital project
- a council's core or business-as-usual operations, which council rates and other government funding usually funds
- purchases of land, buildings, vehicles or mobile capital equipment (e.g. trucks and earthmoving equipment)
- expenditure incurred prior to 19 August 2018
- undertaking studies or investigations, or
- the development of private or commercial ventures, including licensed areas of registered clubs.

Enclosures (following report)

- | | | |
|---|--|----------|
| 1 | Drought Communities Programme Extension Factsheet | 1 Page |
| 2 | Drought Communities Programme Grant Opportunity Guidelines | 19 Pages |

Attachments (separate document)

Nil



Australian Government
 Department of Industry,
 Innovation and Science
 Department of Infrastructure,
 Regional Development and Cities

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Drought Communities Programme – Extension

Fact Sheet

The extension of the Drought Communities Programme will provide funding of \$75 million in 2018-19 to Eligible Councils to deliver benefits to targeted drought-affected regions of Australia. The program will support local community infrastructure and other drought relief projects for communities impacted by drought.

What does it offer?

The extension of the Drought Communities Programme will provide \$75 million in 2018-19 to Eligible Councils to deliver benefits to targeted drought-affected regions of Australia. The program will support local infrastructure and other projects for communities and businesses who have been impacted by drought.

Each Eligible Council can receive funding for projects up to \$1 million.

The grant amount will be up to 100 per cent of eligible project costs (grant percentage).

- The minimum grant amount per application is \$25,000.
- Councils may submit as many projects as they wish up to their total funding amount of \$1 million per Eligible Council, however, are encouraged to bundle several eligible activities into one or two applications, where possible.

How does it work?

Eligible Councils are able to select activities that provide the greatest support to their communities, including infrastructure and other activities. Projects must be in addition to the normal planned activities of the council.

Funding will target infrastructure and other drought-relief projects that:

- provide employment for people whose work opportunities have been impacted by drought

- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries on which they depend.

Projects must be completed by 30 June 2019.

Eligible Councils must enter into a grant agreement with the Commonwealth in order to receive the grant funding.

Who can apply?

To be eligible you must

- have an Australian Business Number (ABN); and
- be an Eligible Council, listed on business.gov.au and [GrantConnect](#); or
- be invited to apply by the Minister.

What activities are eligible?

Eligible activities must directly relate to the project and can include:

- repairs, maintenance, upgrading or building new community facilities
- repairs, maintenance, upgrades, construction and fit-out of community spaces
- employing local contractors to undertake repairs and maintenance
- holding events and
- undertake drought relief activities (including water carting for human consumption).

We may also approve other drought relief activities that benefit the community.

How will my application be assessed?

We will assess applications for completeness and against all the eligibility criteria.

What will I need to do if successful?

Eligible Councils must enter into a grant agreement with the Commonwealth.

How do I apply?

Eligible Councils should read the [grant opportunity guidelines](#) before applying.

To apply you must:

- be listed as an Eligible Council or invited by the Minister to submit an application
- complete the online application form through the portal
- provide all the information requested
- address all eligibility criteria
- include all necessary attachments.

Where can I find more information?

Visit business.gov.au or call **13 28 46**.

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Grant Opportunity Guidelines

Drought Communities Programme - Extension

Opening date:	September 2018
Closing date:	30 June 2019
Commonwealth policy entity:	Department of Infrastructure, Regional Development and Cities
Administering entity	Department of Industry, Innovation and Science
Enquiries:	If you have any questions, contact us at business.gov.au .
Date guidelines released:	September 2018
Type of grant opportunity:	Closed non-competitive

Version - September 2018

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A message from the Minister



There are a number of communities that are currently suffering through drought. The Government is focused on supporting communities that are currently affected by the drought to help them remain living and working on the land and in their towns.

Local government is the closest tier of government to the community, and plays an essential role in delivering services and infrastructure for all Australians.

The Australian Government is standing shoulder to shoulder with farmers in rural, regional and remote communities across Australia to ensure they can survive the severe and widespread drought that has affected so many.

As part of our \$1.8 billion drought support package, we have provided a \$75 million extension to the Drought Communities Programme to support communities in the most drought-affected regions of Australia.

This program will provide an initial 60 Councils with up to \$1 million each to support regional communities through the drought. This funding is intended to provide immediate short-term support to communities facing hardship arising from drought. It will fund projects that provide local employment, keep money flowing through local shops and suppliers and support drought-relief activities.

The Drought Communities Programme has a track record of getting it done, with over 130 projects funded to date. This is another way the Australian Government is tackling drought, and working together with local communities.

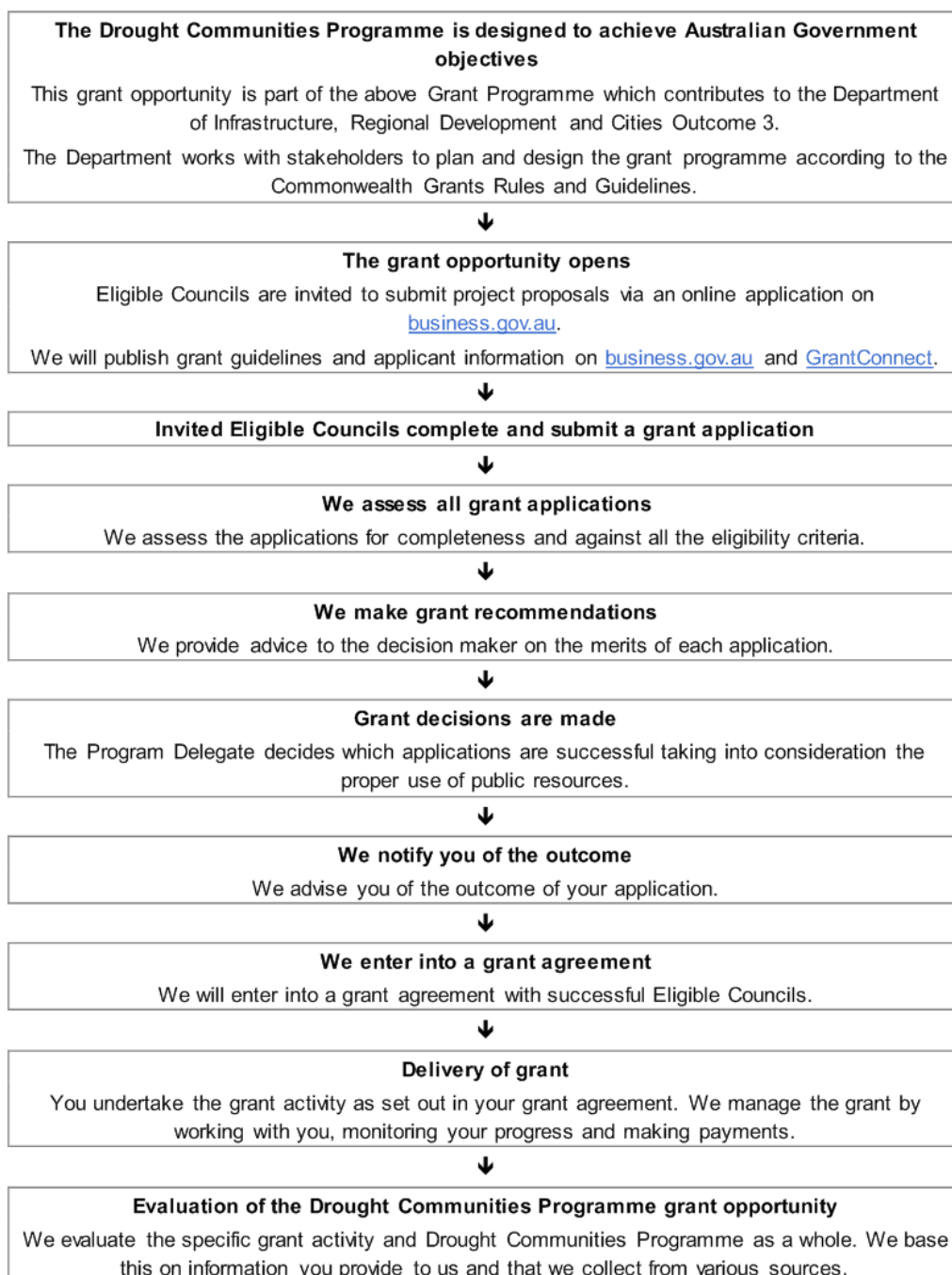
These guidelines for the Drought Communities Programme – Extension have been broadened to allow for a range of additional drought-relief activities to be funded, including drought relief events and other drought relief related activities. This gives councils the flexibility to choose projects that will have the biggest impact in their community.

The Government looks forward to partnering with communities in regional Australia to tackle the effects of the drought.

Senator the Hon Bridget McKenzie

Minister for Regional Services, Sport, Local Government and Decentralisation

1. Drought Communities Programme processes



2. About the grant program

The extension of the Drought Communities Programme (the program) will provide funding of \$75 million in 2018-19 to Eligible Councils to deliver benefits to targeted drought-affected regions of Australia. The program will support local community infrastructure and other drought relief projects for communities who have been impacted by drought.

The objectives of the program are to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

Funding will target infrastructure and other projects that:

- provide employment for people whose work opportunities have been impacted by drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries on which they depend.

The intended outcomes of the program are to:

- increase employment in regions by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought
- improve levels of economic activity in regions
- increase productivity in regions
- enable better retention of businesses, services and facilities.

The Department of Industry, Innovation and Science (the department/we) is responsible for administering the grant opportunity on behalf of the Department of Infrastructure, Regional Development and Cities.

We will publish the [opening and closing dates](#) and any other relevant information on business.gov.au¹ and [GrantConnect](#)².

We administer the program according to the Commonwealth Grants Rules and Guidelines (CGRGs)³.

This document sets out:

- the eligibility criteria
- how we consider and assess grant applications
- how we monitor and evaluate grantees
- responsibilities and expectations in relation to the grant opportunity.

We have defined key terms used in these guidelines in Appendix A.

You should read this document carefully before you fill out an application.

¹ <https://www.business.gov.au/assistance/drought-communities-programme>

² <http://www.grants.gov.au/>

³ <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>

2.1. Grant amount and grant period

The Australian Government has announced a total of \$75 million in 2018-19 to provide up to \$1 million in each Eligible Council.

3. Grants available

Each Eligible Council can receive funding for projects up to \$1 million.

The grant amount will be up to 100 per cent of eligible project costs (grant percentage).

- The minimum grant amount per application is \$25,000.
- Applications can include multiple unrelated activities up to the total funding amount of \$1 million per Eligible Council.

Co-funding from Eligible Councils is not mandatory, but you may access other funding for the project. Cash funding or in-kind support can be provided by any organisation including, but not limited to, the Eligible Council, state government, not-for-profit organisations and private sector companies.

Funding can also form one component of a larger package of Australian Government funding, noting that other funding needs to meet the eligibility criteria of the program from under which it is funded. For example, eligible fencing projects may be part funded under the [Pest Animal and Weed Management Program](#)⁴, and eligible road projects may be part funded under the [Roads to Recovery Program](#)⁵.

Funding under this grant opportunity cannot be considered to be part of, or all of, a Council's contribution to projects under the Bridges Renewal Programme, the National Stronger Regions Fund, the Building Better Regions Fund, the Regional Growth Fund or the Heavy Vehicle Safety and Productivity Programme.

If your project is dependent on funding from other sources you must identify these sources and include their level of agreed support.

3.1. Project duration

You may start your project from 19 August 2018.

You must complete your project by 30 June 2019.

4. Eligibility criteria

We cannot consider your application if you do not satisfy all eligibility criteria.

4.1. Who is eligible?

To be eligible you must

- have an Australian Business Number (ABN) and
- be an Eligible Council, listed on business.gov.au and [GrantConnect](#); or
- be invited to apply by the Minister.

⁴ <http://www.agriculture.gov.au/>

⁵ <https://infrastructure.gov.au/>

For the purposes of the program, we consider an incorporated organisation that provides council-like services and functions in Far West New South Wales, for example, the Silverton and Tibooburra villages, to be Eligible Councils, although funding will be limited to \$1 million across all projects in that unincorporated area.

4.2. Eligible Councils

Eligible Councils that can receive funding under the program are those specified by the Minister responsible for Local Government.

Eligible Councils are listed on business.gov.au and [GrantConnect](#).

The Minister responsible for Local Government in consultation with the Prime Minister and the Minister for Agriculture and Water Resources, can consider approving further Eligible Councils under the program, at their discretion.

The program does not create an entitlement for all drought-affected Councils to receive funding under the program. Program funding is capped at \$75 million, and once that ceiling is reached through additional councils being added to the list of Eligible Councils then no other approvals are possible, without a further consideration of the program parameters by the Australian Government.

4.3. Additional eligibility requirements

We can only accept applications:

- submitted by the Chief Executive Officer of an Eligible Council or other council officer authorised to sign a grant agreement.
- that include a declaration that you will comply with specific regulatory requirements as outlined in section 10.3.

5. Eligible grant activities

5.1. Eligible projects

To be eligible your project must:

- be located in an Eligible Council area
- meet project requirements, see section 6
- include eligible activities and eligible expenditure
- have at least \$25,000 per application in eligible expenditure
- be undertaken in the project period and completed by 30 June 2019.

5.2. Eligible activities

Eligible activities must directly relate to the project and can include:

- repairs, maintenance, upgrading or building new community facilities
- repairs, maintenance, upgrades, construction and fit-out of community spaces
- employing local contractors to undertake repairs and maintenance
- holding events and
- undertaking other drought relief activities (including water carting for human consumption).

We may also approve other drought relief activities that benefit the community.

5.3. Eligible expenditure

You can only spend grant funds on eligible expenditure you have incurred on an agreed project as defined in your grant agreement.

Eligible expenditure items may include the cost of:

- suppliers, consultants and contracted labour undertaking eligible project activities
- materials required to deliver eligible project activities
- purchasing, leasing or hiring equipment required to deliver eligible project activities
- holding events and
- other drought relief activities (including water carting for human consumption)

Not all expenditure on your project may be eligible for grant funding. The Program Delegate makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

You must incur the project expenditure between the project start and end date for it to be eligible unless stated otherwise. You may commence your project from 19 August 2018, but we will not be responsible for any expenditure you incur until a grant agreement is executed.

5.4. Ineligible expenditure

Examples of ineligible expenditure include:

- payment of salaries for existing staff or contractors, although projects may be carried out by existing workforces
- computer software or hardware that is not an integral part of the funded capital project
- a council's core or business-as-usual operations, which council rates and other government funding usually funds
- purchases of land, buildings, vehicles or mobile capital equipment (e.g. trucks and earthmoving equipment)
- expenditure incurred prior to 19 August 2018
- undertaking studies or investigations, or
- the development of private or commercial ventures, including licensed areas of registered clubs.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible where we decide that they do not directly support the achievement of the planned outcomes for the project or that they are contrary to the objective of the program.

You must ensure you have adequate funds to meet the costs of any ineligible expenditure associated with the project.

6. Project requirements

Each project must meet at least one of the following project requirements.

The project is expected to lead to the employment of locals

- the extent to which farmers and/or farm labourers/staff/contractors are expected to be employed

- how the project is expected to lead to the employment of locals and over what period of time they are expected to be employed
- the employment expected to be created beyond the immediate construction phase of the project and into the longer-term
- the indirect employment expected to be created through the potential flow-on effects to local businesses, suppliers, and services.

The project is expected to contribute to the economic activity of communities/regions

- local businesses, suppliers and services are expected to be used to complete the projects
- the project will encourage investment, business activities and other economic benefits to communities/regions.

The project is expected to lead to the retention of businesses, services and facilities

- the benefits that should be delivered as a result of the project, such as increased tourism, increased trade for local businesses, improved services resulting from enhanced facilities
- the number of people that are expected to benefit from the approved project.

7. How to apply

Before applying, you should read and understand these guidelines, the sample [application form](#) and the sample [grant agreement](#) published on [business.gov.au](#) and [GrantConnect](#).

You will need to set up a user account to access our online portal. The portal allows you to apply for and manage grants in secure online environment.

To apply, you must:

- be listed as an Eligible Council or invited by the Minister to submit an application
- complete the online application form through the portal
- provide all the information requested
- address all eligibility criteria
- include all necessary attachments.

We may ask you to justify your project costs. You should have evidence for the costs that you include in your project budget that you can provide on request.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). If we consider that you have provided false or misleading information we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 13 28 46.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

If you need further guidance around the application process or if you are unable to submit an application online [contact us](#) at [business.gov.au](#) or by calling 13 28 46.

7.1. Attachments to the application

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. We will not consider information in attachments that we do not request.

7.2. Timing of grant opportunity

You can only submit an application between the published opening and closing dates.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Earliest start date of project	19 August 2018
End date of grant commitment	30 June 2019

8. The selection process

We will assess your application for completeness and against all the eligibility criteria. To be recommended for funding, your project must meet all eligibility criteria as these projects provide the best value for money.

If the selection process identifies unintentional errors in your application, we may contact you to correct or clarify the errors. You may be asked to submit an updated proposal.

You may withdraw your application at any time.

8.1. Final decision

The Program Delegate (an AusIndustry senior responsible officer with responsibility for the program), decides which grants to approve taking into account the application assessment and the availability of grant funds.

The Program Delegate's decision is final in all matters, including:

- the approval of applications for funding
- the amount of grant funding awarded
- the terms and conditions of funding.

We cannot review decisions about the merits of your application.

9. Notification of application outcomes

If you are successful, you will receive a written offer, including any specific conditions attached to the grant.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with us.

10. If your application is successful

10.1. Grant agreement

You must enter into a grant agreement with the Commonwealth. We will use the Commonwealth simple grant agreement for this program. A sample [grant agreement](#) is available on business.gov.au and [GrantConnect](#).

We will manage the grant agreement through the portal. Accepting the grant agreement through the portal is the equivalent of signing a grant agreement. After you have accepted it, we will execute the agreement. Execute means both you and the Commonwealth Government have entered into the grant agreement. We will notify you when this happens and a copy of the executed

grant agreement will be available through the portal. The grant agreement will not become binding until it is executed.

We must execute a grant agreement with you before we can make any payments. We are not responsible for any expenditure you incur before a grant agreement is executed.

The approval of your grant may have specific conditions determined by the assessment process or other considerations made by the Program Delegate. We will identify these in the offer of funding.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

10.2. Simple grant agreement

You will have 30 days from the date of a written offer to execute this grant agreement with the Commonwealth ('execute' means both you and the Commonwealth have signed the agreement). During this time, we will work with you to finalise details. The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application. We will review any required changes to these details to ensure they do not impact the project as approved by the Program Delegate.

10.3. Project specific legislation, policies and industry standards

You are required to be compliant with all relevant laws and regulations.

Under State and Territory legislation, it is a requirement for people in roles that have direct, unsupervised contact with children to undertake a working with children/vulnerable people check.

You are responsible for ensuring that you have met relevant State or Territory legislation obligations related to working with children and/or vulnerable people, and that any person that has direct, unsupervised contact with children as part of a project under this program, has undertaken and passed a working with children/vulnerable people check, if required under relevant State or Territory legislation. You are also responsible for assessing the suitability of the people you engage as part of your project to ensure children are kept safe.

We do not provide advice on working with children/vulnerable people legislation, and you are responsible for seeking your own advice from the authority in your relevant State or Territory.

In addition, you will need to complete a risk assessment to identify the level of responsibility for children and the level of risk of harm or abuse, and put appropriate strategies in place to manage those risks. You will also need to establish a training and compliance regime to ensure staff are aware of, and comply with, the risk assessment requirements as well as relevant legislation.

To be eligible, you must declare in your application that you comply with these requirements. You will need to declare you can meet these requirements in your grant agreement with the Commonwealth.

10.4. How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay
- proportion of eligible expenditure covered by the grant (grant percentage)
- any in-kind contributions you will make
- any additional financial contribution provided by you or a third party.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

We will make an initial payment on execution of the grant agreement. We will make subsequent payments in advance, based on your forecast eligible expenditure as you achieve agreed milestones and adjusted for unspent amounts from previous payments. Payments are subject to satisfactory progress on the project.

We set aside 10 per cent of the total grant funding for the final payment. We will pay this when you submit a satisfactory final report demonstrating you have completed outstanding obligations for the project. We may need to adjust your progress payments to align with available program funds across financial years and/or to ensure we retain a minimum 10 per cent of grant funding for the final payment.

The Program Delegate may approve alternative arrangements on a discretionary basis.

10.5. How we monitor your project

You must submit reports through the portal in line with the grant agreement. We will provide sample templates for these reports as appendices in the grant agreement. You will also be able to download them from business.gov.au and GrantConnect. We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed project milestones
- project expenditure, including expenditure of grant funds.

The amount of detail you provide in your reports should be relative to the project size, complexity and grant amount.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

10.6. Final report

When you complete the project, you must submit a final report.

Final reports must:

- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred for the project
- be submitted by the report due date
- be in the format provided in the grant agreement.

10.7. Ad-hoc report

We may ask you for ad-hoc reports on your project. This may be to provide an update on progress, or any significant delays or difficulties in completing the project.

10.8. Independent audit report

We may ask you to provide an independent audit report. An audit report will verify that you spent the grant in accordance with the grant agreement. The audit report requires you to prepare a statement of grant income and expenditure. The report template is attached to the sample grant agreement.

10.9. Compliance visits

We may visit you during the project period, or at the completion of your project, to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. For large or complex projects, we may visit you after you finish your project. We will provide you with reasonable notice of any compliance visit.

10.10. Grant agreement variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a variation to your grant agreement through the portal, including:

- changing project milestones
- extending the timeframe for completing the project but within the maximum project period (i.e. no later than 30 June 2019) referred to in section 3.1.
- changing project activities

Note the program does not allow for:

- an increase of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date. We can provide you with a variation request template.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the project outcome
- consistency with the program policy objective, grant opportunity guidelines and any relevant policies of the department
- changes to the timing of grant payments
- availability of program funds.

10.11. Keeping us informed

You should let us know if anything is likely to affect your project or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due.

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement you must contact us immediately.

You must notify us of events relating to your project and provide an opportunity for the Minister or their representative to attend.

10.12. Evaluation

We will evaluate the program to determine the extent to which the funded activity is contributing to the program objectives and outcomes. We may use information from your application and project

reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes. We may contact you up to one year after you finish your project for more information to assist with this evaluation.

10.13. Tax obligations

In accordance with the terms of Australian Taxation Office ruling GSTR 2012/2, payments made under the program, which are payments made by a government related entity to another government related entity, do not attract GST. Consequently, funding sought by Eligible Councils in their proposal(s) must exclude the GST component on goods and services and the payments made to Eligible Councils will not include GST.

10.14. Grant acknowledgement

If you make a public statement about a project funded under the program we require you, at a minimum, to acknowledge the grant by using the following:

'This project received grant funding from the Australian Government.'

If you erect signage in relation to the project, the signage must contain an acknowledgement of the grant. These details will be outlined in the grant agreement.

10.15. Events

We will require you to notify us of events relating to your project and provide opportunity for the Minister or their representative to attend. These requirements will be outlined in your grant agreement.

11. Conflicts of interest

11.1. Your conflict of interest responsibilities

A conflict of interest will occur if your private interests conflict with your obligations under the grant. Conflicts of interest could affect the awarding or performance of your grant. A conflict of interest can be:

- real (or actual)
- apparent (or perceived)
- potential.

We will ask you to declare, as part of your application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest.

If you later identify that there is an actual, apparent, or potential conflict of interest or that one might arise in relation to your grant, you must inform us in writing immediately.

11.2. Our conflict of interest responsibilities

We recognise that conflicts of interest may arise with our staff, technical experts, and others delivering the program between:

- their program duties, roles and responsibilities and
- their private interests.

We manage our conflicts of interest according to the APS Code of Conduct (section 13 (7) of the *Public Service Act 1999* (Cth)). We publish our [conflict of interest policy](#)⁶ on the department's website.

Program officials must declare any conflicts of interest. If we consider a conflict of interest is a cause for concern, that official will not take part in the assessment of relevant applications under the program.

12. How we use your information

Unless the information you provide to us is:

- confidential information as per 12.1, or
- personal information as per 12.3,

We may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

12.1. How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

12.2. When we may disclose confidential information

We may disclose confidential information:

- to our Commonwealth employees and contractors, to help us manage the program effectively
- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister
- to a House or a Committee of the Australian Parliament.

We may also disclose confidential information if

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

⁶

<https://www.industry.gov.au/AboutUs/InformationPublicationScheme/Ourpolicies/Documents/Conflict-of-Interest-and-Inside-Trade-Expectations-Policy.pdf>

12.3. How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, other Commonwealth employees and contractors, so we can:

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)⁷ on the department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

12.4. Public announcement

We will publish non-sensitive details of successful projects on GrantConnect and business.gov.au. We are required to do this by the *Commonwealth Grants Rules and Guidelines* and the [Australian Government Public Data Policy Statement](#)⁸, unless otherwise prohibited by law. This information may include:

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

We publish this information to ensure open access to non-sensitive data within Australian Government agencies to enable greater innovation and productivity across all sectors of the Australian economy.

12.5. Freedom of information

All documents in the possession of the Australian Government, including those about the program, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

⁷ <http://www.industry.gov.au/Pages/PrivacyPolicy.aspx>

⁸ <http://www.dpvc.gov.au/resource-centre/data/australian-government-public-data-policy-statement>

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

13. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46 or by [web chat](#) or through our [online enquiry form](#) on business.gov.au.

We may publish answers to your questions on our website as Frequently Asked Questions.

Our [Customer Service Charter](#) is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

Head of Division
AusIndustry - Support for Business
Department of Industry, Innovation and Science
GPO Box 2013
CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman](#)⁹ with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

⁹ <http://www.ombudsman.gov.au/>

Appendix A. Definitions of key terms

Term	Definition
Application form	The details that applicants provide in the online portal to apply for funding under the grant opportunity.
AusIndustry	The division of the same name within the department.
Eligible Council	A council that is eligible to apply for funding under the program as published on business.gov.au and GrantConnect.
Department	The Department of Industry, Innovation and Science.
Eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support as set out in 5.2.
Eligible application	An application or proposal for grant funding under the program that the Program Delegate has determined is eligible for assessment in accordance with these guidelines.
Eligible expenditure	The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 5.3.
Grant agreement	A legally binding contract between the Commonwealth and a grantee for the grant funding
Grant funding or grant funds	The funding made available by the Commonwealth to grantees under the program.
Grantee	The recipient of grant funding under a grant agreement.
Guidelines	Guidelines that the Minister gives to the department to provide the framework for the administration of the program, as in force from time to time.
Minister	The Commonwealth Minister responsible for Local Government.
Personal information	Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is: <ul style="list-style-type: none"> Information or an opinion about an identified individual, or an individual who is reasonably identifiable: a. whether the information or opinion is true or not; and b. whether the information or opinion is recorded in a material form or not.
Program Delegate	An AusIndustry senior responsible officer within the department with responsibility for the program.
Program funding or Program funds	The funding made available by the Commonwealth for the program.
Project	A project described in an application for grant funding under the program.

06) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2018

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.IN.1

Recommendation:

1. That the report indicating Council's investment position as at 30 September 2018 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

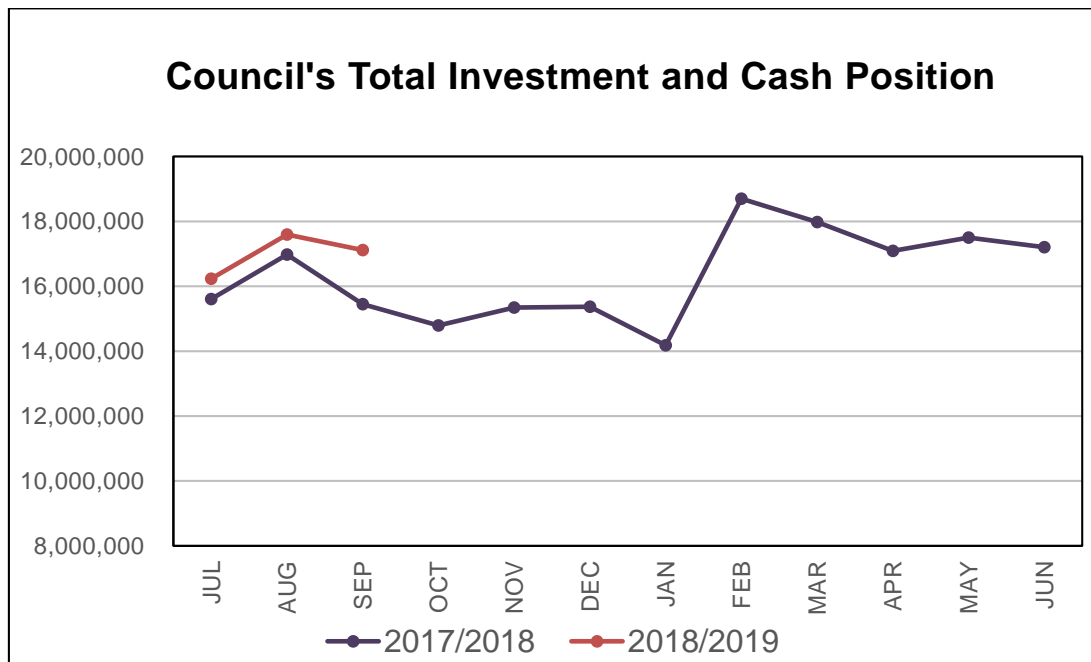
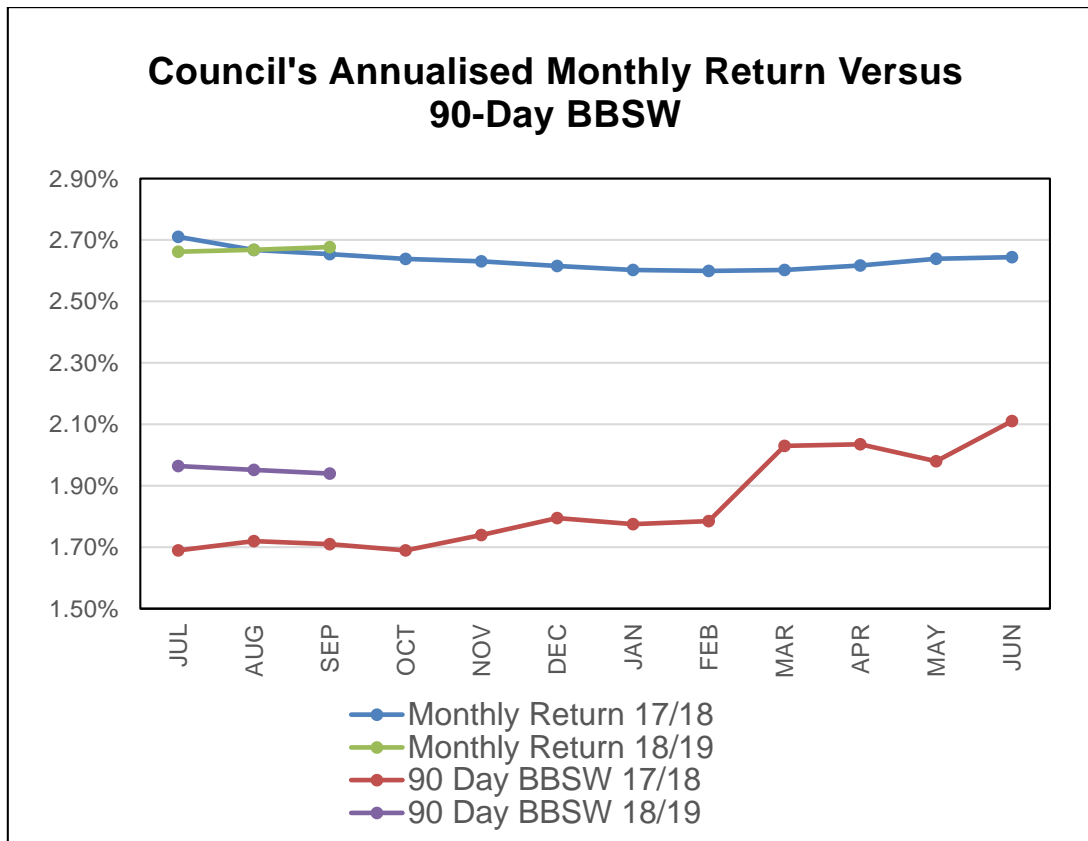
For Council to endorse the Report of Council Investments as at 30 September 2018.

Report:

This report provides details of Council's Investment Portfolio as at 30 September 2018.

Council's total investment and cash position as at 30 September 2018 is \$17,113,185. Investments earned interest of \$33,958 for the month of September 2018.

Council's monthly net return on Term Deposits annualised for September of 2.68% outperformed the 90 day Bank Bill Swap Rate of 1.94%.



REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2018				
Institution	Rating	Maturity	Amount \$	Interest Rate
Bankwest	A1+/AA-	02/10/2018	500,000	2.550%
Bankwest	A1+/AA-	16/10/2018	500,000	2.550%
Bankwest	A1+/AA-	30/10/2018	500,000	2.550%
Bankwest	A1+/AA-	13/11/2018	500,000	2.550%
AMP Bank	A1/A	20/11/2018	500,000	2.650%
Bendigo & Adelaide Bank	A2/BBB+	20/11/2018	500,000	2.550%
MyState Bank Ltd	A2/BBB	04/12/2018	500,000	2.650%
Auswide Bank Ltd	A2/BBB	11/12/2018	500,000	2.600%
Bankwest	A1+/AA-	08/01/2019	500,000	2.550%
NAB	A1+/AA-	22/01/2019	500,000	2.600%
MyState Bank Ltd	A2/BBB	05/02/2019	500,000	2.700%
MyState Bank Ltd	A2/BBB	19/02/2019	500,000	2.700%
MyState Bank Ltd	A2/BBB	05/03/2019	500,000	2.700%
AMP Bank	A1/A	19/03/2019	500,000	2.750%
ANZ	A1+/AA-	02/04/2019	500,000	2.770%
ANZ	A1+/AA-	16/04/2019	500,000	2.790%
AMP Bank	A1/A	30/04/2019	500,000	2.800%
AMP Bank	A1/A	14/05/2019	500,000	2.750%
ME Bank	A2/BBB	21/05/2019	500,000	2.750%
Auswide Bank Ltd	A2/BBB	04/06/2019	500,000	2.830%
AMP Bank	A1/A	25/06/2019	500,000	2.800%
Bankwest	A1+/AA-	02/07/2019	500,000	2.800%
ME Bank	A2/BBB	30/07/2019	500,000	2.830%
Bendigo & Adelaide Bank	A2/BBB+	13/08/2019	500,000	2.650%
AMP Bank	A1/A	27/08/2019	500,000	2.850%
Bendigo & Adelaide Bank	A2/BBB+	03/09/2019	500,000	2.650%
ME Bank	A2/BBB	17/09/2019	500,000	2.700%
Total Investments			13,500,000	2.690%
Commonwealth Bank - At Call Account*			-	1.400%
Commonwealth Bank Balance – General*			2,008,223	1.350%
Tcorp IM Cash Fund*			1,604,962	2.050%
TOTAL INVESTMENTS & CASH			17,113,185	
Benchmarks:	BBSW 90 Day Index*			1.940%
	RBA Cash Rate*			1.500%

* % Interest rates as at 30/09/2018

Summary of Investment Movements - September 2018		
Financial Institution	Invst/(Recall) Amount \$	Commentary
ING Bank	(513,142)	Term Deposit Redeemed 04/09/2018
Bendigo & Adelaide Bank	(1,025,411)	Term Deposit Matured 04/09/2018
Bendigo & Adelaide Bank	500,000	Term Deposit Reinvested 04/09/2018
Bendigo & Adelaide Bank	500,000	Term Deposit Reinvested 04/09/2018
AMP Bank	500,000	New Term Deposit 05/09/2018
ING Bank	(513,163)	Term Deposit Redeemed 18/09/2018
AMP Bank	500,000	New Term Deposit 19/09/2018

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	11%	1,604,962
AAA – AA Category	100%	30%	4,500,000
A Category	80%	20%	3,000,000
BBB+ to BBB Category	40%	40%	6,000,000
			15,104,962

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A	3,000,000	3,000,000
ANZ	A1+/AA-	3,000,000	1,000,000
Auswide Bank Ltd	A2/BBB	3,000,000	1,000,000
Bankwest	A1+/AA-	3,000,000	3,000,000
Bendigo & Adelaide Bank	A2/BBB+	3,000,000	1,500,000
ME Bank	A2/BBB	3,000,000	1,500,000
MyState Bank Ltd	A2/BBB	3,000,000	2,000,000
NAB	A1+/AA-	3,000,000	500,000

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>		
	Actual * 30/06/2018 \$ 000's	Forecast 30/06/2019 \$ 000's
External Restrictions	9,122	9,122
Internal Cash Restrictions	8,093	8,093
TOTAL RESTRICTED ASSETS	17,215	17,215

* Actual figure unaudited as at report preparation date.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s.625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: PE.DI.1

Recommendation:

That the “Disclosures by Councillors and Designated Persons” Returns for the period ending 30 June 2018, as tabled be received.

Reason for Report:

For Council to fulfil its “*Disclosure of Interests in Written Returns*” obligations under Division 2 of the Local Government Act for maintaining a register and tabling of returns.

Report:

In accordance with s.450A of the Local Government Act 1993, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2017 to 30 June 2018, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2018.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2018, and the following designated persons as determined by the General Manager:

- General Manager
- Director Corporate Services
- Director Planning & Environmental Services
- Director Infrastructure Services
- Chief Financial Officer
- Manager Operations
- Manager Planning

Risk/Policy/Legislation Considerations:

The Local Government Act requires Disclosure of Interests in Written Returns on an annual basis by Councillors and Designated Persons.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) CODE OF CONDUCT COMPLAINTS FOR PERIOD ENDING 31 AUGUST 2018**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.RP.1**Recommendation:**

That the report on Code of Conduct complaints for the period ending 31 August 2018 be received.

Reason for Report:

For Council to satisfy its obligations regarding annual reporting on Code of Conduct complaints.

Report:

Clause 11.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints.

The following statistics are provided for Council's information:

Statistic	No.
Total number of complaints made about Councillors and the General Manager under the code of conduct in the period to 31 August 2018	0
Number of code of conduct complaints referred to a conduct reviewer	0
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	0
Number of code of conduct complaints investigated by a conduct reviewer	0
Number of code of conduct complaints investigated by a conduct review committee	0
Number of matter reviewed by the Office of Local Government	0
Total cost of dealing with code of conduct complaints made about Councillors and the General manager in the year to September, including staff costs	0

Risk/Policy/Legislation Considerations:

The Model Code of Conduct Procedures clause 11.1 requires complaints coordinator to arrange for the above statistics for the period to September to be reported to the council within 3 months of the end of September.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) LGNSW - REQUEST FOR ASSISTANCE WITH LEGAL COSTS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GR.AD.2

Recommendation:

That Council contribute \$1,680.59 to LGNSW representing Blayney Shire Councils' share of legal costs incurred.

Reason for Report:

For Council to consider a request from Local Government NSW (LGNSW) to contribute to legal assistance towards an appeal of the Land and Environment Court's decision in Karimbla Properties v City of Sydney Council, Bayside Council and North Sydney Council under the LGNSW Legal Assistance Policy & Guidelines.

Report:

Council is in receipt of correspondence from the LGNSW seeking assistance with legal costs in respect of an appeal of the Land and Environment Court's decision in Karimbla Properties v City of Sydney Council, Bayside Council and North Sydney Council on behalf of the councils involved.

The LGNSW Board considered the matter to be of importance to local government throughout the state as the outcome may impact rating of properties by Councils.

The proceedings relate to the interpretation of rate categorisation of residential land provisions under section 516(1)(a) of the Local Government Act. The Land and Environment Court ruled that land for which a residential development had commenced, under development consent, was to be rated as residential even though construction was not complete and occupation certificate for use of accommodation for residential purposes was not issued. The court also found that Councils were required to refund rates paid as properties were categorised as business.

The appeal was heard in July with the decision reserved by the Land and Environment Court. Judgement is anticipated to be heard later in the year.

Council is under no obligation to contribute.

Details of the case are included in the attached correspondence from LGNSW.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

There are sufficient funds within Council's Legal Expenses – Administration allocation to fund this request.

Enclosures (following report)

1 Local Government NSW correspondence 3 Pages

Attachments (separate document)

Nil



Our File Ref: R17/0031
Further contact: Jessica Wood, Legal Officer: 9242 4125

7 September 2018

General Manager
Ms Rebecca Ryan
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Dear Ms Ryan

Request for financial assistance for legal costs associated with the appeal of Land and Environment Court rating categorisation decision – City of Sydney Council, North Sydney Council and Bayside City Council

We are writing to request your assistance with legal costs incurred by the above councils in respect of an appeal of the Land and Environment Court's decision in *Karimbla Properties v Council of the City of Sydney; Bayside City Council and North Sydney Council* [2017] NSWLEC 75. The judgement can be viewed on the Land and Environment Court's website.

On 6 October 2017, the Board of LGNSW resolved to approve applications for legal assistance made by the City of Sydney Council and Bayside Council in accordance with the *LGNSW Legal Assistance Policy and Guidelines (November 2015)*, which is available at <https://www.lgnsw.org.au/files/imce-uploads/127/legal-assistance-policy-guidelines-november-2015.pdf>. On 9 February 2018, the Board approved an application for legal assistance made by North Sydney Council.

The LGNSW Board considered that this case is of importance to local government throughout NSW.

By way of background, the case concerns the interpretation of section 516 (1) (a) of the *Local Government Act 1993*, being the categorisation of ratable land as "residential". The Land and Environment Court held that land, on which development for the purposes of a residential development was being carried out in accordance with a development consent, is to be categorised as "residential", even though building construction was not complete and occupation certificates for use of buildings for residential accommodation had not been granted. The Court also found that Karimbla Properties are entitled to refunds of any rates paid for the land as a result the land being categorised by the councils as "business".

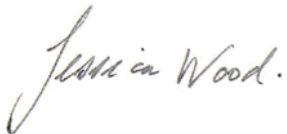
The three councils appealed the Land and Environment Court's decision. The Court of Appeal heard the matter in late July and has reserved its decision. Judgement is expected later in the year.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ARN 49 853 913 882

Our request for assistance is detailed in the attached invoice. There is no obligation on Council to provide financial assistance. If Council chooses not to provide assistance, the invoice may be disregarded.

Please contact me on (02) 9242 4125 if you would like to discuss this matter.

Yours sincerely,

A handwritten signature in cursive script that reads "Jessica Wood."

Jessica Wood
Legal Officer



ABN: 49 853 913 882
 GPO Box 7003 SYDNEY NSW 2000
 Level 8 28 Margaret Street SYDNEY NSW 2000
 Tel: (02) 9242 4000 Fax (02) 9242 4111
 www.lgnsw.org.au lgnsw@lgnsw.org.au

Tax Invoice

Invoice Number 80156
Date 07/09/18

Invoice to:

Blayney Shire Council
 Po Box 62
 BLAYNEY NSW 2799

Customer Code **Customer Reference**

ZZBLAY

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
LEGA	Legal Costs incurred in the matter of Karimbla Properties v Council of the City of Sydney; Bayside City Council; and North Sydney Council [2017] NSWLEC 75 which considered the construction of section 516 (1) (a) of the Local Government Act 1993 (please refer to attached letter)	1		1527.81	152.78	1,680.59

Attn: The General Manager

Terms: 30 Days Invoice Date

Total Includes GST of
152.78

Total
1,680.59

Payment to: Local Government NSW BSB: 062005 Account No. 00090198

10) COMMITTEE NOMINATIONS FOR ACCESS COMMITTEE AND FINANCIAL ASSISTANCE COMMITTEE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CM.ME.3

Recommendation:

1. That Greg Hooper be appointed as a community representative to the Blayney Shire Access Advisory Committee for the remainder of this Council term.
2. That Kerry Adams be appointed as a community representative to the Blayney Shire Financial Assistance Program Advisory Committee for the remainder of this Council term.

Reason for Report:

For Council to receive a report on applications for appointment to the Blayney Shire Access Advisory Committee and Blayney Shire Financial Assistance Program Advisory Committee.

Report:

Council recently advertised for applications for community representatives to the Blayney Shire Access Advisory Committee and Blayney Shire Financial Assistance Program Advisory Committee. The Blayney Shire Access Advisory Committee had an unfilled vacancy while the vacancy on the Blayney Shire Financial Assistance Program Advisory Committee resulted from the resignation of Delanie Sky.

Applications closed on Friday 5 October 2018.

The Committee composition for each Committee comprises representatives as follows. Details of and applications for each Committee is also included:

Blayney Shire Access Advisory Committee

- 2 Councillor representatives;
- 1 Council Staff representative (ex-officio);
- 5 Community representatives

The Committee Community representatives, as endorsed by Council to date, are Shane Oates, Jenny McMahon and Tom Williams.

There was 1 application received from Greg Hooper.

Blayney Shire Financial Assistance Program Advisory Committee

- 2 Councillor representatives;
- 1 Council staff representative (ex-officio);
- General Manager of Newcrest (Cadia) Mining (or their delegate)
- 5 Community representatives including one delegate from Cadia Valley Operations.

The Committee Community representatives, as endorsed by Council to date, are Rebecca Price, Miles Hedge, Graeme Summerson and David Kennedy.

Applications were received from Kerry Adams; Adrian Walker (nomination by Millthorpe Village Committee); Bill Burdett and Tom Williams.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

That the Director of Infrastructure Services Monthly report for October 2018 be received and noted.

Reason for Report:

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

Report:**Topical Issues****Newbridge Rail Overbridge Replacement**

John Holland Rail are replacing the rail overbridge in Newbridge in the coming months. Council was made aware of concerns within the Newbridge community regarding the proposal, and have worked with John Holland and Transport for NSW to resolve these issues. An alternative route on Calga Road will be implemented.

Council's current understanding is the works are proposed to start in October, and be finished by end of June 2019.

Major Works**Southern Cadia Access Route**

Works on Cadia Road continues to progress, with a further 2km of the route sealed in the last month.

Bulk earthworks and preparation of the sub-base have now commenced to complete works through to the Shire boundary with Cabonne Council. Once prepared, base preparation will commence.

Council continues to liaise with Newcrest Mining (Cadia Valley Operations) to seek its finalisation of the design and funding to construct the new mine access road, which is located between the Cadia quarry site and Panaura Road.

Council currently has an estimated cost to completion of \$1.7 million, with budget remaining of \$1.7 million. Due to this, the culvert on Errowanbang Road will need to be reconsidered, as it cannot be included within the current project.

This project is currently on schedule and expected to be completed by mid December

Browns Creek Road

Council staff have now moved away from Browns Creek Road, until a suitable time to recommence the Cowriga Creek bridge approaches.

Outside of the bridge approaches, works remaining to be completed along the route include guardrail installation and linemarking placement.

This project is currently on schedule and expected to be completed by Christmas, and open to traffic mid January.

Road Maintenance Works

Maintenance grading works have increased with reactivation of an additional grader crew. With completion of works in the Greghamstown area, crews have now commenced works on unsealed roads in the Newbridge district, Mount Macquarie and will shortly move to the Gallymont and Garland areas.

Village Sealing Program

With completion of the extensions and replacement of drainage culverts, Council crews have now commenced necessary earthworks for base layer stabilisation and the initial bitumen sealing of Selby Street in Lyndhurst, and Copper, Cherry and Peach Streets in Mandurama. The 2018/19 Operational Plan also includes initial sealing of Village Road from the Newbridge railway overbridge for the extent of the 50km/h zone, however these works are being deferred with expectation of aligning it with works to replace the railway overbridge.

Sealing works (excluding Village Road) are expected to be completed in the week commencing 14 October 2018.

Footpaths

Works have been completed on the first stage of the Lyndhurst footpath link from Capital Park through to the Recreation Ground, funded under the Stronger Country Communities Fund. Works on the second stage will commence week of 8 October following approval from RMS of the proposed design. The proposed link along Harrow Street to the entrance of the Recreation Ground is currently unfunded, with funding to be identified through the Quarterly Budget Review.

Council crews have also undertaken a footpath renewal in Lyndhurst along Mount McDonald Street, heading north east from Capital Park.

Major Contracts

Browns Creek Road Bridges

The Contractor has completed piling works on Cowriga Creek Bridge, with some piles deeper than initially anticipated.

The Contractor is now preparing concrete forms and has completed pouring of the concrete pile caps. Works have now moved to the pouring of the central piers, in anticipation of placing the cross heads in the coming weeks.

Council crews have completed an all weather track for the bridge Contractor, and prepared the sub-grade to address unsuitable material along the immediate approach works. Earthworks have progressed to the point where Council crews are no longer required on site, until the Contractor has completed installation of the bridge abutments and piers.

The project is programmed for completion in the week prior to Christmas.

Assets

Assets staff have completed end of year asset reporting and provided responses to questions from the auditors. Data return for the Australasian Local Government Performance Excellence Program has been completed and submitted.

Inspections of the pathway and Kerb and Gutter networks has commenced. Base Geographical Information System data for 2020 revaluation of transport asset class has commenced, with the Bridge asset sub class.

Parks and Recreation

The Parks and Recreation team have undertaken the installation of fitness equipment along the walking trail, including the installation of soft fall.

Ongoing dry weather is limiting the growth of grass around the shire, reducing the need for both mowing and spraying. However broad leaf weed spraying has been undertaken.

Heavy Plant and Fleet

Bitumen Patching Truck

Fleet staff have recently undertaken the procurement for a replacement patching truck. In accordance with the provisions of the Local Government Act, 1993 and Local Government (General) Regulation 2005, Council utilised the services of Local Government Procurement, as prescribed by the Regulation, relieving Council staff of the need to seek formal approval from Council for the purchase.

Streetsweeper

Council has received quotations for the replacement of its Streetsweeper, and is currently undergoing assessment of the quoted options.

Centroc Energy Group

Power of Choice – electricity metering

In the past, only distributors (Essential Energy in our area) could provide electricity metering services. The Competition in Metering Rule (Power of Choice) was implemented in December 2017, removing the monopoly of the network providers and enabling customers to choose an alternate supplier.

The Centroc Energy Group contracted Energy & Management Services to undertake a review of Councils current sites to identify savings that could be achieved by switching some small tariffs sites, which are currently on a TOU meter, to an interval meter. The savings are achieved by reduced daily access charge from \$6.16 to \$1.37. There is also potential to more accurately monitor usage patterns and implement possible management changes which could also increase savings. The report found Blayney Council has a minimum of 3 sites which have the potential to save around \$1,200 per site per year. Further investigation by Council staff has identified 4 additional sites which could benefit from the change to interval meters in conjunction with tariff changes. Council will progress to organise the changes of these meters and revision of tariffs at these sites

Wastewater

The Magnesium Hydroxide Liquid (MHL) trial has recommenced at Millthorpe after issues surrounding frost impact. The results of the trial have concluded the suitability of the MHL product in reducing the H₂S levels to a manageable and safe level. The next phase in this project is to design a permanent dosing system which will include a storage vessel, dosing pipework, pump control and enclosure. It is anticipated this process could take 6 months to completing. Dose of the MHL will continue during the design phase.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) SALE OF LAND - PART FOREST REEFS ROAD, MILLTHORPE

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Public Infrastructure and Services

File No: RD.RC.11

Recommendation:

That Council:-

- a. approve the sale of Lot 10 DP1246316 for the value of \$10,000, and,
- b. endorse the allocation of the sale proceeds of \$10,000 to the Property Account Cash Restriction (Reserve), and,
- c. authorise the affixing of Council Seal and execution of the sales contract and associated documentation by the Mayor and General Manager.

Reason for Report:

To seek Council approval for the sale of the closed section of Forest Reefs Road (known as lot 10 DP 1246316) at the intersection of Elliott Street and Forest Reefs Road Millthorpe.

Report:Road Closure

Councillors may recall previous reports seeking Council approval for the closure of part of Forest Reefs Road, between the intersection with Elliott Street and the railway underpass at Millthorpe.

Council has been working with the adjoining owner and NSW Department of Industry (Crown Lands) to progress the formalisation of the closure of approximately 310m² of land alongside 38 Elliott Street.

The formal road closure has now occurred with publication of the Gazettal Notice occurring on 14 September 2018, with the land (Lot 10 DP1246316) being vested in Council as operational land under the Local Government Act 1993.

Sale of Land

In January 2017, Council was approached by the owner of 38 Elliott Street for pre planning advice in relation to a proposed development on the property.

From Council's early investigations, it was identified that part of the dwelling was encroaching upon the Forest Reefs Road reserve, and a part road closure would be required to address the encroachment.

From further discussion, it became evident that there may be an opportunity for Council to seek to address the Millthorpe community's concerns related to safe pedestrian access through the rail underpass on Forest Reefs Road.

The embankment has also presented Council with challenges in the past, with a desire to improve the visual amenity of the bank, in line with the outcomes achieved at Mill Green across the road, whilst ensuring ongoing operational costs were minimised. A reduction in the public land area, and construction of a retaining wall to improve slope grade, would help in managing this issue.

Based upon the 3 matters identified it was considered the project was therefore of merit to progress negotiations.

With the formal gazettal of the road closure, Council is now able to progress the possible sale of Lot 10 DP1246316, being part of 38 Elliott Street, Millthorpe.

Valuation

Council has undertaken an estimate on the value of the Lot 10 based upon a m² rate determined from the Valuer Generals valuation (\$117,593 – Base Date 2016) for 38 Elliott Street. Based upon this method, it has been determined to be worth \$100.77 / m² or \$31,188 for the area of 309.5m² being the area of Lot 10.

Based upon this estimate it was Council's intention to seek a valuation for Lot 10, however a Valuation Report prepared by Toner & Associates Agents & Valuers was furnished to Council, at the request of the owner of 38 Elliott Street, before Council initiated its own valuation.

Toner and Associates, have noted they *"have ignored the fact that part of the house is impinged upon and just assumed that the land is vacant to assess the amount that a prudent purchaser would pay to add to the existing"*

Further, they note *"Given the elongated shape of the land to be purchased and the fact that it adds value just because of the effect on the encroachment of the house, it is assumed that a potential buyer would pay a nominal amount of \$10,000 to add to the existing..."*

Toner and Associates consider the current land value of the existing block to be in the range of \$295,000.

Any higher use of Lot 10, is only going to be able to be achieved by the owner of 38 Elliott Street, irrespective of the encroachment by the dwelling due to the narrow elongated shape, and its position between an active Council Public Road, the Main Western Railway corridor and the existing dwelling.

Forest Reefs Road pedestrian access

Survey data has been obtained in order for Council to continue investigations for the future construction of a safe pedestrian access through the rail underpass on Forest Reefs Road.

The sale of Lot 10 will not limit Council's ability to undertake the proposed pedestrian safety improvements, and the work undertaken to date with regard the closure and proposed sale, has provided an opportunity to obtain detailed

survey information for the site, and resulted in a sound relationship with the adjoining owner (interested party) for when it comes to advancing the pathway project.

Risk/Policy/Legislation Considerations:

The Road Closure was undertaken in accordance with the requirements of the Roads Act (1993).

Council has been provided with a valuation for the subject land by a Certified Practising Valuer. Although it is noted the valuation has been provided at the request of the adjoining owner (interested party) to the subject land.

Budget Implications:

Additional rates of around \$100 will be generated from the owner. A pro-rata adjustment will be made for 2018/19 effective from the sale date.

It is proposed that sale proceeds of \$10,000 be applied to the Property Account Cash Restriction (Reserve).

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) CENTROC - REGIONAL BULK FUEL CONTRACT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.2**Recommendation:**

That Council agrees to participate in the Centroc Regional procurement for supply and delivery of fuel, however recommends that the Centroc Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

Reason for Report:

This report seeks Council's approval to participate in the regional purchase of fuel through the Central NSW Council's (Centroc) Compliance and Cost Savings Program.

Council has participated in Centroc's regional contract for the purchase of fuel for the past 7 years and subject to Councils resolve, Council's inclusion would be for the next contract which will commence 1 July 2019.

Report:

A regional procurement process for the supply and delivery of bulk fuel was undertaken in 2010, which culminated in a 2 year regional contract in 2011, and then again in 2013 and 2016. The current contract is now in a period of a 12 month extension, and as the current contract nears completion, Centroc member councils are seeking to repeat the process.

Centroc members currently procuring under this arrangement are as follows:

Council	Participating in Current Contract
Bathurst	Yes
Blayney	Yes
Cabonne	Yes
Central Tablelands Water	No
Cowra	Yes
Forbes	Yes
Hilltops	No
Lachlan	Yes
Lithgow	Yes
Oberon	Yes
Orange	Yes

Parkes	Yes
Upper Lachlan	Yes
Weddin	No

At its meeting on 26 July 2018, GMAC resolved to approve a regional procurement process for the supply and delivery of bulk fuel.

The proposed regional procurement process does not preclude a local supplier from submitting a tender for a limited area that may be in proximity to their depot.

Should Council agree to participate in the process, Centroc will put out a Request for Tender (RFT) and proceed to a contract with the preferred supplier/s. It is anticipated that the contract will be for a 2 year period with an option for a 12 month extension.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Supply team staff through centralised coordination and
- income stream to Centroc from the Contractor with a view to reducing fees

Risk/Policy/Legislation Considerations:

Centroc manages the process including all costs of advertising and tender assessment and takes a management fee, which for the supply and delivery of bulk fuel contract is typically 0.5%, from the supplier to cover these costs which council is not responsible for.

A Tender Evaluation Panel will be initiated in the coming months, with staff from participating councils encouraged to be involved. Advice regarding service and pricing under a regional contract will be provided to members.

Budget Implications:

Expenditure on the supply and delivery of bulk fuel is accounted for within Council's existing budget allocations.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) ROAD FUNDING ALLOCATIONS**Department:** Infrastructure Services**Author:** Manager Operations**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.MT.1**Recommendation:**

That Council receive and note the proposed work locations for resealing, heavy patching, and footpath renewals.

Reason for Report:

To provide Councillors with information on allocation of funding across Council's infrastructure.

Report:

The location of reseals, heavy patching, and footpath renewals has been determined for the 2018/19 financial year within the funding allocations.

Resealing

The resealing budget for 2018/19 is \$370,000. Council has approximately 33kms of seal in very poor condition. This is a reduction of 57kms from the last 2 years. It is proposed to reseal 18.44kms of very poor condition seal this financial year.

Road	From	To	Length	Cost
Burnt Yards Road	1.85km from 100 sign at Mandurama	Bakers Road +1.10km	8.86km	\$163,000
Walkoms Road	Mid Western Highway	Mid Western Highway	2.69km	\$72,000
Brooklee Lane	Browns Creek Road	End of Road	0.32km	\$7,800
Neville Road	2.18km from Hobbys Yards Road	7.98km from Hobbys Yards Road	5.80km	\$112,000
Tallwood Road	Carcoar Road	0.77km from Carcoar Road	0.77km	\$15,000
Total			18.44km	\$369,800

The seal designs are not yet completed, so final estimates are not yet available. Depending on the seal design, and the prevailing oil price at the time of works, prices can vary between -20%/+10% from what has been estimated. It is worth noting that bitumen prices have increased 10% since July 2018.

Upon receiving the final seal designs, if this program is over budget, it is proposed to reduce the length on Burnt Yards Road to balance the budget.

Heavy Patching

The heavy patching budget for 2018/2019 is \$480,000. Works are required to be undertaken on some of the reseal sections to ensure that the road is in suitable condition for resealing.

Road	From	To	Length	Cost
Carcoar Road	Kinghams Lane +1.8km south	Tallwood Road Intersection	1.8km	\$195,000
Burnt Yards Road	1.85km from 100 sign at Mandurama	Bakers Road +1.10km	Various Patches	\$255,000
Long Swamp Road	Carbine Road +0.4km	Carbine Road +1.40km	Various Patches	\$30,000
Total			~4.5km	\$480,000

Footpath Renewals

The footpath renewals budget for 2017/18 is \$43,076. It is proposed to complete approximately 210m of renewal across the footpath network:

- Mount McDonald Road Lyndhurst
- Icely Street Carcoar

Risk/Policy/Legislation Considerations:

The heavy patching works are identified as at 5 October 2018, and could change into the future dependant on the prevailing weather conditions. Council Officers will re-prioritise works within the budget as needed.

Budget Implications:

All works scheduled are within Council's budget allocation

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) BLAYNEY SKATE PARK TENDER**Department:** Infrastructure Services**Author:** General Manager**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** PM.TN.20

Recommendation:

1. That Council in accordance with the Local Government (General) Regulation 2005, Clause 178 accepts the tender and award the contract for the design and construction of the Blayney Skate Park to Oasis Pty Ltd for \$332,200 (inc GST), subject to approved variations and provisional items.
2. That the supplementary vote of \$40,686 be included in the second Quarterly Budget Review for a revised Skate Park budget of \$313,306.

Reason for Report:

For Council to consider the tenders received for construction of the Blayney Skate Park and make a decision whether to accept or otherwise, a tender under clause 178 of the Local Government Regulations (2005).

Report:

The Blayney Skate Park is one of 5 projects of which funding was received under the NSW Government Stronger Country Communities Fund (SCCF) Round 1. The approved funding for this project is \$272,620 and the budget allocation has been included in the 2018/19 Operational Plan.

Blayney Shire Council undertook an Open Tender as per the Local Government Tendering Guidelines and Council's Purchasing and Procurement Policy for the construction of the Blayney Skate Park.

The works will include, but are not limited to, review and development of preliminary design, clearing of site, completion of cut / fill requirements, drainage requirements, construction of concrete skate park and resurfacing of disturbed areas.

Tenders were advertised in the Sydney Morning Herald, Tendersonline and on Council's website from 16 August 2018, closing 18 September 2018.

Documents relating to the tender included; Conditions of Tendering, Conditions of Contract, Specification, Commercial & Technical Response Schedules, Preliminary Design Drawings, Site Survey Drawing and Geotechnical Investigation.

A mandatory site meeting was conducted on Monday 27 August to allow Contractors to familiarise themselves with the site and for the provision of information and briefing of prospective tenderers. A request was made for another session, so another date was made for the following Monday 3 September.

Tenders closed on 18 September 2018, and Council received 3 submissions from the following companies, in alphabetical order.

1. Convic Pty Ltd
2. Oasis Skate Parks Pty Ltd
3. Precision Skate Parks Pty Ltd

Each of the tenderers attended 1 of the mandatory site meetings.

Tender Assessment

Assessment criteria have been established in order to evaluate each submission on how it achieves value of the project.

A summary of assessment scores is as follows.

	Maximum Score	Convic	Oasis	Precision
Final Design	15	0	11	11
WHS, EMP and QA	5	5	4	4
Construction Methodology	5	5	3	5
Experience	15	15	11	15
Key Personnel	5	5	5	5
Construction Program	5	4	4	5
Total Non-Price Score	50	34	38	45
Weighted Price Score	50	50	43.20	30.81
Total Scores	100	84	81.2	75.81
RANK		1	2	3

The detailed tender assessment with prices noted, is enclosed in confidence for Councillors under separate cover.

The construction period end date is 11 January 2019, and both Oasis and Precision can meet this timeframe, subject to weather delays.

References were undertaken for both conforming tenders, all with favourable outcomes and projects completed on time and within budget.

Each tender submitted met the timeframe determined by Council to commence from November 2018 and be completed by 11 January 2019.

Risk/Policy/Legislation Considerations:

Clause 178(3) of the Local Government Regulation (2005) provides Council options where it either accepts none of the submitted tenders. Council may invite fresh tenders, either open or selective, based on the same or different details should it decide to change the scope of the project. Or enter into direct negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

Where Council resolves to enter into direct negotiations the resolution must state the reason for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations.

Information relating to unsuccessful tenders remains confidential, unless otherwise specified in the conditions of tendering, agreed by the tenderer, or required by legislation.

Whilst Council has the option to change the scope of the design to fit the budget, as per the SCCF Deed, Council requires Department of Premier and Cabinet approval for a variation in the scope of funded projects. This has not been sought, and would be required before Council can vary this project.

Budget Implications:

The budget allocation for this project is \$272,620. The closest tender as detailed, remains outside this price; and Council needs to consider either a change in scope or provision of additional funds required.

The original cost estimate provided for the purposes of the SCCF Round 1 application was undertaken by an independent Quantity Surveyor. Concept drawings and plans were prepared by Oasis Skate Parks, for a fee for service, which enabled Council to prepare the Tender documents.

Some factors have led to this difference, including the conditions of consent for the Development which required a Pedestrian Management Plan (PMP). The PMP has added another pathway, not originally included in the QS report for the project.

The repositioning of the Skate Park footprint onsite to accommodate for the additional footpath and a sewerage pipeline meant that the initial scope did not detail the extent of the excavation and cut and fill necessary.

The project has expended \$6,306 to date, being for the PMP \$5,000 and tender advertising \$1,306.

Preparation works have commenced onsite, being the removal of the old maze fence and vegetation. Shrubs will be relocated in due course when the weather is favourable before commencement of the project. This expense has not been charged to the project.

The light pole also has to be removed and there is another water line relocation works estimated to be at least \$5,000 to be undertaken as part of this project.

As it stands the best cost preferred conforming tender, results in a budget shortfall is \$40,686.

Subject to agreement by the Blayney Town Association, it is proposed that the budget from Blayney Village Enhancement Plan for 2018/19 which has \$23k available, could be allocated to the Skate Park.

A revised budget for this project, with the above works, and assuming support is given from the Blayney Town Association, will require Council to consider a supplementary vote of approximately \$18k at the first Quarterly Budget Review Statement (QBRs).

All Project Management and oversight will remain a Council contribution as per the funding guidelines for SCCF1.

Enclosures (following report)

1 Tender Assessment Scoring

1 Page

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Attachments (separate document)

Nil

16) DEVELOPMENT APPLICATION 68/2018 - ERECTION OF A DWELLING AND DEMOLITION OF TREES - 9 ELLIOTT STREET MILLTHORPE

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1286

Recommendation:

That Council consents to Development Application DA68/2018 for *Dwelling* and demolition of trees at Lot 1053 DP845071 – 9 Elliott Street, Millthorpe subject to the recommended conditions of consent in enclosure 5.

Reason for Report:

For Council to consider and determine Development Application 68/2018 for erection of a dwelling and demolition of trees at Lot 1053 DP845071 – 9 Elliott Street, Millthorpe, as 2 submissions were received during the notification period which Council staff could not obtain written correspondence that the objection was withdrawn, nor could the objection be resolved through a condition of consent.

Report:

EXECUTIVE SUMMARY

Council's consent is sought for the construction of a new *Dwelling* and demolition of trees at 9 Elliott Street, Millthorpe, being Lot 1053 DP845071 (the 'subject property').

The subject property is centrally located within the Millthorpe Village, being in close proximity to the Pym Street shopping strip, Millthorpe Railway Station and the Railway Hotel. While the subject property is located within the Millthorpe Heritage Conservation Area, it does not adjoin any Heritage Items.

The subject property comprises a total area of 786.02m² in a regular shape.

The property is currently vacant and devoid of any significant features other than informal landscaping, trees and cubby.

Properties to the north, east and south have typically been developed for a residential purpose. However, the property to the immediate west at 24-26 Pym forms part of the Pym Street shopping strip and used as both a dwelling and retail premises.

The key issues for consideration include whether or not the proposed development will have an acceptable impact on the Millthorpe Heritage Conservation Area and the amenity of the nearby residential properties at 24-26 Pym Street, 22 Pym Street and 7 Elliott Street.

In summary, it is assessed that the proposed development is consistent with the aims, objectives and performance criteria of the *Blayney Local Environmental Plan 2012* and *Blayney Development Control Plan 2018* subject to the recommended conditions of consent.

PROPOSED DEVELOPMENT

Council's consent is sought for the construction of a new single storey dwelling and demolition of trees at 9 Elliott Street, Millthorpe.

The proposed dwelling will comprise a total floor area in the order of 359m² consisting of three bedrooms; an open plan kitchen / dining area; pantry; storage area; separate living area; ensuites; study and a double garage. The exterior of the proposed dwelling will predominately be constructed of a combination of corrugated galvanised iron and matt black colourbond. The existing conditions of the subject property are illustrated in Figures 1 – 2, below.



Figure 1: The subject property – viewed from southern side of Elliott Street



Figure 2: The subject property – view towards Elliott Street from north west corner of the subject property

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

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

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

SECTION 4.15 EVALUATION

Matters for Consideration – General

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

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

The proposed development is considered to be consistent with the broad aims of the *Blayney Local Environmental Plan 2012*.

Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	RU5 Village
Lot size:	450m ²
Heritage:	Heritage Conservation Area
Terrestrial biodiversity:	No
Groundwater vulnerability:	No
Drinking water catchment:	No
Watercourse:	No
Flood:	No

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

This clause does not affect the rights or interest of any public authority under any registered instruments.

A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

Part 2 – Permitted or prohibited development**Clause 2.3 – Zone objectives and Land Use Table**

The subject property is zoned RU5 Village. A *Dwelling* is permissible in the in the RU5 Village zone.

The objectives of the RU5 Village Zone seek to:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

- To encourage and provide opportunities for population and local employment growth commensurate with available services.
- To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

The development is assessed to be consistent with the forgoing objectives. In particular, the proposed dwelling will make a positive contribution towards the opportunity for further population growth commensurate with the available services within Millthorpe.

Part 5 – Miscellaneous provisions

Clause 5.10 – Heritage Conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance.

Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area and heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposed development has been assessed by Council's Heritage Advisor. A copy of the Heritage Advisors report is attached.

The Heritage Advisor has advised that the proposed development is acceptable subject to a number of minor changes. In summary, the Heritage Advisor has made the following comments:

- The general bulk and scale is acceptable, subject to minor modifications. Recommended modifications include providing a hipped roof garage in place of the more pronounced gable and providing a more traditional vertical painted board cladding to garage door.
- A form of planted frontage is to be encouraged, as it remains consistent with other houses on the northern side of Elliott Street. The existing trees are not significant in terms of their age and size, although they are a feature of the site.
- Traditional buildings utilise an even number of posts and an odd number of spaces between. This layout ensures that the eye is drawn to the central space and the whole composition appears visually comfortable. Consideration could be given to the four matching windows with an option of combining the central pair into a single larger window, adding greater flexibility in planning the interior and producing a well set out verandah.
- The use of black or charcoal matt colourbond is not a colour which is common in the Millthorpe Village or in traditional settings. It would be acceptable if it were confined to the rear and side elevations.
- The roof to be Windspray to complement the two steel colours with traditional rolled ridge and barge flashings, standard unperforated quad

gutters and circular downpipes to match the corresponding wall colours and Shale Grey metal facias with Monument coloured gutters.

- Windows are a prominent feature in the front elevation and should be timber with a clear or stained finish.
- Timber posts to be nominally 150-175mm wide.

It is also relevant to note that the advice identifies that the contemporary dwellings located on the opposite side of Elliott Street do not present features or design elements which reflect the character of the streetscape or Millthorpe in general.

The advice identifies that these dwellings should be considered as the “low common denominator” when considering the value and character of a new building on the opposite side of the street.

Notwithstanding this advice, from a planning perspective it must be acknowledged that those dwellings were approved and constructed relatively recently and that their design has influenced the character of Elliott Street, particularly to the east of the intersection with Pym Street.

In this regard, it is considered that the Heritage Advisors advice should be acknowledged and applied reasonably. However, it need not be applied as strictly as it may be in a more intact streetscape.

The Heritage Advisors advice is discussed in further detail in the body of this report.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

Clause 6.2 seeks to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

Council’s Building Surveyor has recommended a condition of consent requiring that all drainage and plumbing work is to be carried out in accordance with the current Plumbing and Drainage Code of Practice by a licensed plumber and drainer. This will ensure that stormwater is directed to the legal point of discharge.

Clause 6.8 Essential services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access.

It is understood that all essential services are available to the subject property.

State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land (SEPP55) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, SEPP 55 requires that before determining an application to carry out development that would involve a change of use of land (specified in subclause 4 of the SEPP), the consent authority must consider a preliminary investigation of the land concerned.

It is understood that the subject property has historically served a residential purpose, being located within the residential area of the Millthorpe. Most recently it has been the property has been used as an area of private open space in association with an adjoining residential property.

Further, a site inspection of the subject property did not identify any evidence of a contaminating land use.

**Section 4.15(1)(a)(iii) Any Development Control Plan
Blayney Shire Development Control Plan 2018 (the 'DCP')
Part C – Residential**

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

Notably, *C1.2 Other Parts of this DCP* identifies that while Council has attempted to consolidate most of the controls relating to residential development in Part C other parts of the DCP may also apply depending on the type of development proposed and the site constraints.

Given that the subject property is located within the Millthorpe Heritage Conservation Area it is also necessary to consider the objectives set out in *Part H5 Development within Heritage Conservation Areas*. These objectives are discussed in the following assessment where relevant. They are also addressed separately under the heading *Part H: Heritage Conservation*.

C2 Single Dwellings in Urban Areas**C2.1 Dwelling Siting & Setbacks**

C2.1 seeks to increase residential amenity for both the proposed dwelling(s) and adjacent dwelling(s) through appropriate building separations that minimise overshadowing and maximise privacy of primary living and open spaces and separation from noise sources; and provide sufficient building separations or design mechanisms for fire protection in accordance with the National Construction Code (NCC).

While the proposed development is acceptable with regard to the forgoing objective, it does not meet the applicable acceptable solution outlined in the DCP. In this circumstance, the DCP acceptable solution requires a setback of 4.5m, or the average setback of adjacent dwellings, whichever is the greater. The acceptable solution also requires a minimum setback of 5.5m to a garage or carport.

In this circumstance, the relevant adjacent dwellings are 7 Elliott and 5a Elliott Street, which have setbacks in the order of 1.9 and 1.7m respectively (measured using Council's GIS system). As the proposed dwelling, including the garage, has a setback in the order of 2.2 – 2.3m it does not meet the acceptable solution of 4.5m or 5.5m for the garage.

Notwithstanding, it is noted that Part H5.2 Siting of the DCP states:

- *The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.*
- *No new structures should be built forward of the established main street building line.*

Given that the proposed dwelling is setback a similar distance to the adjacent dwellings at 7 and 5a Elliott Street, albeit slightly further, and will be consistent with the immediate streetscape it is assessed that it meets the objectives for development in a Heritage Conservation Area.

C2.2 Site Coverage

C2.2 identifies that all dwellings must provide sufficient area without buildings or impermeable hard surfaces to encourage development that responds to the site opportunities and constraints; avoids overdevelopment of the site and protects the area character; protects existing significant trees and their root systems and promotes additional landscaping; allows for infiltration of water, and significant landscaping and plantings; provides ground level open spaces and recreation areas; encourages passive solar design and energy efficiency; and maximises building separations and residential amenity and privacy. The proposed dwelling has a total area of 358.49m², equating to a total site coverage in the order of 45% (i.e. the lot has a total site area of 786.02m²). In this instance, it is assessed that the site coverage is consistent with the foregoing objectives.

In particular, it is considered that the proposed site coverage and detailed design of the dwelling present an appropriate response to the opportunities and constraints of the property. In this circumstance, the key opportunities and constraints of the subject property are considered to be its residential setting within a Heritage Conservation Area. Potential impacts on the adjoining residential properties and the Millthorpe Heritage Conservation Area are addressed in the body of this report.

Further, it is considered that proposed site coverage will allow for a suitable area of private open space and landscaping; assist in achieving passive solar design and energy efficiency; and allow for infiltration of water.

C2.3 Height & Scale

C2.3 seeks to ensure that the height and scale of proposed dwellings and ancillary buildings is sympathetic or consistent with the existing and/or desired future character of urban streets and adjacent buildings.

The proposed development is acceptable with regard to the forgoing objective and acceptable solution outlined in the DCP.

Notably Council's Heritage Advisor has commented that the general bulk and scale of the proposed dwelling is acceptable, subject to several minor modifications. Specifically, the Heritage Advisor has recommended that the proposed gable roof above the garage door be replaced with hipped roof, and that a more traditional vertical painted board be applied to the garage door.

While the recommendations of the Heritage Advisor are acknowledged, it is noted that dwelling currently being constructed at 1a Elliott Street presents are very similar design outcome to the proposed dwelling.

In addition, it is noted that Heritage Advisor identifies that the contemporary dwellings located on the southern side of Elliott Street, opposite the subject property, do not present features or design elements which reflect the character of the streetscape or Millthorpe in general.

On this basis, it is considered unnecessary to require that the gable roof above the garage door be replaced with a hipped roof in this particular circumstance.

C2.4 Building Elevations

C2.4 seeks to promote variations in building elevations (especially those facing street frontages) to minimise the bulk and scale of larger buildings; avoid large blank walls and facades and provide visual interest; encourage casual surveillance of public spaces for safety; and integrate with the desired character of the area and street.

As shown in Figure 3 below, the southern elevation (Elliott Street frontage) of the proposed dwelling has been designed to incorporate a range of design features to ensure that it will integrate with the existing character of the wider Heritage Conservation Area. These features include a varivariation of materials and colours, variation of building setback and roof line and windows to habitable rooms facing the street.

Further, it is noted that the reflectivity of predominant exterior materials, including galvanised iron and matt black Colourbond, will be acceptable and will continue to decrease in reflectivity over time.

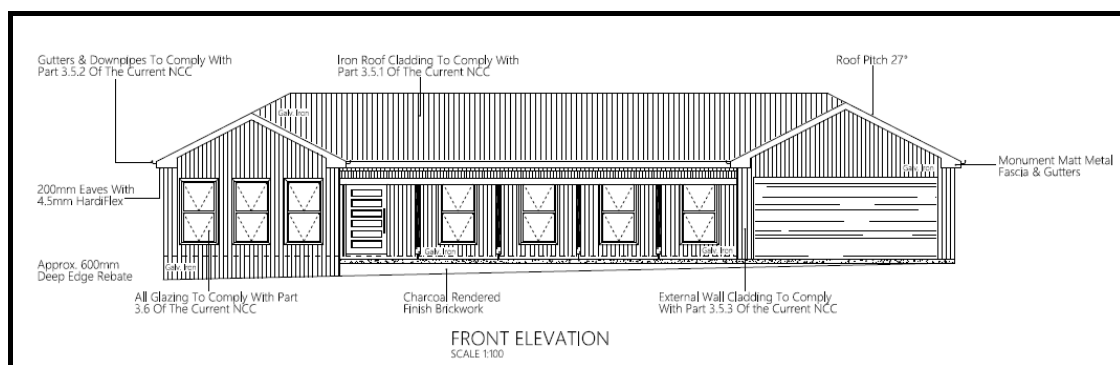


Figure 3: Proposed south elevation (Elliott Street frontage)

C2.5 Noise & Visual Privacy

C2.5 seeks to increase residential amenity for both the proposed dwelling and adjacent dwelling(s) through appropriate building separations and window alignments that minimise noise impacts and maximise privacy of primary living and open spaces.

The proposed development is generally consistent with the forgoing objectives and acceptable solutions outlined in the DCP. Notwithstanding, a brief analysis of the potential impacts on the properties at 24-26 Pym Street and 22 Pym Street is provided below.

24-26 Pym Street

A number of windows are located in close proximity to the common boundaries with 24-26 Pym Street.

These windows are not part of the primary habitable rooms of the proposed dwelling. On this basis, it is considered that the proposed dwelling will not inappropriately overlook the adjoining property.

Further it is considered that the landscaping located within 24-26 Pym Street, adjacent to the common boundary, will assist to reduce any perception of overlooking.

22 Pym Street

The rear private open space of the existing dwelling at 22 Pym Street is separated from the subject property by a 1.4 - 1.5m high timber fence along the common boundary.

Given the private open space of the proposed dwelling adjoins the common boundary, it is possible that the residents will overlook the fence to the private open space of 22 Pym Street.

While not specifically required by the DCP, it is recommended that a condition of consent be applied requiring the applicant to demonstrate that any potential overlooking can be suitably mitigated prior to the issue of a construction certificate.

Given that the existing boundary fence appears to be a long standing timber fence which is structurally sound, it is understandable that both property owners may wish to retain it and identify an alternative method of achieving an appropriate privacy outcome. An appropriate solution may include the addition of a lattice extension to a height of 1.8m.

In addition, it is recommended that a condition of consent be applied to require that the north facing window from bedroom1 be obscure glazing to prevent a direct view towards 22 Pym Street.

7 Elliott Street

While a new 1.8m high timber fence has been constructed along the majority of the common boundary of the subject property and 7 Elliott Street, it has not been completed.

It is recommended that a condition of consent be applied to require that the fence be completed to ensure the privacy of both properties.

C2.6 Fencing

C2.6 seeks to balance security and privacy with the community need for new development to reflect traditional and/or rural village styles and materials and the style of the associated building(s); provide opportunities for casual surveillance of the street; avoid large solid fence sections unsympathetic to the street character; and ensure sight-lines for vehicle and pedestrian safety.

As addressed above, it is recommended that a condition of consent be applied requiring the applicant to demonstrate that any potential overlooking to the private open space of 22 Pym Street can be suitability mitigated prior to the issue of an occupation certificate.

While this may require the construction of a new fence, it is understandable that both property owners may wish to retain the existing fence and identify an alternative method of achieving an appropriate privacy outcome.

C2.7 Landscaping & Private Open Space

C2.7 seeks to ensure all dwellings are provided with appropriate areas of landscaped private open space that promotes recreation, environmental, privacy benefits, reduces the visual impact of buildings and allows water infiltration.

The proposed development is consistent with the forgoing objectives. Given the proposed dwelling has a total area of 358.49m², equating to a total site coverage in the order of 45%, it is considered that an appropriate area of landscaped open space will be provided.

C7 Access & Parking

C7.1 Vehicle Parking

C7.1 seeks to ensure that there is sufficient on-site car parking for the proposed use(s) so that there is not an unreasonable reliance on on-street or off-site parking that impacts on other users.

The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

The proposed dwelling includes a double garage which will provide for two off-street car parking spaces.

C7.2 New Driveways & Entrances (Urban Areas)

C7.2 seeks to ensure new driveways and garage entrances are located to maximise vehicle and pedestrian safety with appropriate sight-lines and separations from intersections / other driveways / pedestrian access paths; that for developments (other than a single dwelling, secondary dwelling, or dual occupancy on a lot) all vehicles can enter and leave the site in a forward direction; and that driveways, garages and carports do not dominate the street or the proposed development, are integrated with the design, and there is sufficient landscaping to soften visual impact.

The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

The proposed development has been assessed by Council's Infrastructure Services Department. The Infrastructure Services Department has recommended a condition of consent requiring construction of a 3m wide vehicle access.

C8 Site Planning, Earthworks & Utilities

C8.1 Site Planning

C8.1 seeks to ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP2012 and this DCP).

Based on the foregoing assessment, it is considered that the proposed development has been appropriately designed to respond to the opportunities and constraints of the subject property including its topography and climate; the residential use and amenity of adjoining properties; and the significance of the Millthorpe Heritage Conservation Area including the surrounding built form and landscape character.

These matters are addressed in the body of this report.

C8.2 Water & Energy Efficiency

C8.2 seeks to promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements. The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

A BASIX Certificate was submitted with the development application addressing water and energy efficiency.

C8.4 Earthworks

C8.4 seeks to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items, and to minimise cut and/or fill or site and potential erosion and sediment entering stormwater systems or watercourses or impacting on adjoining properties.

The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

The proposed dwelling will require earthworks in the order of 600mm cut. Given the minimal extent of earthworks required, it is considered that they will not have a detrimental impact on environmental functions or processes or neighbouring uses. Further, the earthworks are unlikely to result in potential erosion and sediment entering a stormwater system, watercourse or impact on adjoining properties.

C8.6 Connection to Utilities

C8.6 seeks to ensure that new developments are appropriately serviced (the type or level of service depending on service availability and cost-effectiveness to connect), and to require development to connect to and support existing utility infrastructure in accordance with Council's *Guidelines for Engineering Works* (as amended).

As previously addressed under the heading *Clause 6.8 Essential services*, it is understood that all essential services are available to the subject property.

C8.7 Siting & Visibility of Utilities

C8.7 seeks to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.

A condition of consent has been recommended requiring that all utilities must be located underground.

Part H – Heritage Conservation

H5 Development within Heritage Conservation Areas

Part H5 of the DCP sets out a series of objectives with regard to development in Heritage Conservation Areas which address issues including scale and form; siting; materials and colours; doors and windows; outbuildings; and fencing.

The relevant issues are addressed below.

H5.1 Scale and Form

The objectives of H5.1 seek to ensure that:

- The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape;
- Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area;

- New development that obscures important views within a heritage conservation area should not be permitted;
- The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape;
- Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape; and
- The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

Scale and form have previously been considered under the heading *C2.3 Height & Scale* and *C2.4 Building Elevations*.

Council's Heritage Advisor has commented that the general bulk and scale of the proposed dwelling is acceptable, subject to several minor modifications.

As previously discussed while it is considered that the Heritage Advisers advice should be acknowledged and applied reasonably, in this circumstance it is considered that it need not be applied as strictly as it might be in a more intact streetscape.

H5.2 Siting

The objectives of 5.2 seek to ensure that:

- The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape; and
- No new structures should be built forward of the established main street building line.

As previously addressed under the heading *C2.1 Dwelling Siting & Setbacks*, the proposed dwelling will setback a similar distance to the adjacent dwellings at 7 and 5a Elliott Street, albeit slightly further, and will be consistent with the immediate streetscape.

H5.3 Materials and Colours

The objectives of H5.3 seek to ensure that:

- Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.
- Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.
- Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.
- Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the

dominant style of development found in the conservation area in consultation with Council.

- The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

The proposed materials and colour scheme are consistent with the original dominant buildings with the Heritage Conservation Area. Further it is noted that the materials and colours are consistent with other recent development within Millthorpe including the medical centre located next to the post office and the function centre which form part of the motel.

Section 4.15(1)(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Not applicable.

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.
- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**
Not applicable.
- **Fire safety and other considerations (Clause 93)**
Not applicable.
- **Buildings to be Upgraded (Clause 94)**
Not applicable.
- **BASIX Commitments (Clause 97A)**
A BASIX Certificate was submitted with the development application.

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

The likely impacts of the proposed development have been addressed in the body of this report.

Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact.

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

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

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

Two separate submissions have been received from the owners of the adjoining property at 24-26 Pym Street, Millthorpe. 24-26 Pym Street is used as both a dwelling and retail premises.

The key issues identified in the submission include:

- The residents currently enjoy an outlook towards the subject property which contains a substantial number of trees.

The view and amenity of the residents would be detrimentally affected by the removal of the trees and erection of the galvanised iron dwelling 1.2m from the common boundary.

- The proposed dwelling would have a detrimental impact on the sustainability of the residents garden and character of the environment.

While it is acknowledged that the garden setting of 9 Elliott Street would complement the amenity of the adjoining residential properties, that amenity is considered to be “borrowed” and cannot be relied upon by an adjoining property owner.

Further, given that the proposed dwelling is single storey and setback in the order of 1.2m from the common boundary with 24-26 Pym Street, it is considered that it will not have an unacceptable impact on the sustainability of the residents garden or the character of the environment.

It is assessed that the proposed development will have an acceptable impact on adjoining property at 24-26 Pym Street.

Section 4.15(1)(e) The public interest

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

Risk/Policy/Legislation Considerations:

With any development application, Council could be challenged to the NSW Land and Environment Court.

Budget Implications:

Nil.

Enclosures (following report)

1	Plans	3 Pages
2	Floor Plans	2 Pages
	<i>This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.</i>	
3	Landscape Plan	1 Page
4	Heritage Advice	7 Pages
5	Proposed Conditions	9 Pages
6	Submission 1	1 Page
7	Submission 2	1 Page

Attachments (separate document)

Nil

NOTES

1. All dimensions shown unless otherwise stated.
2. All measurements taken from finished floor level.
3. All work to be done in accordance with the relevant Australian Standards.
4. All work to be done in accordance with the relevant Australian Standards.
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19. All work to be done in accordance with the relevant Australian Standards.
20. All work to be done in accordance with the relevant Australian Standards.

PROPOSED DWELLING:

Client: Mr M. Pety
 86 H. Lurston
 Lot 1023 (No. 9) Elliott Street
 Millicent
 SA 5025
 DP: 843971

Date: 24 / 08 / 18
 Scale: 1:100

Living Area: 248.81 Sqm
 Garage Area: 59.02 Sqm
 Alfresco Area: 23.03 Sqm
 Terrace Area: 13.90 Sqm
 Verandah Area: 33.91 Sqm
 Total Area: 354.49 Sqm

File No.: 2018 / 019

RIGHT ELEVATION
SCALE: 1:100

FRONT ELEVATION
SCALE: 1:100

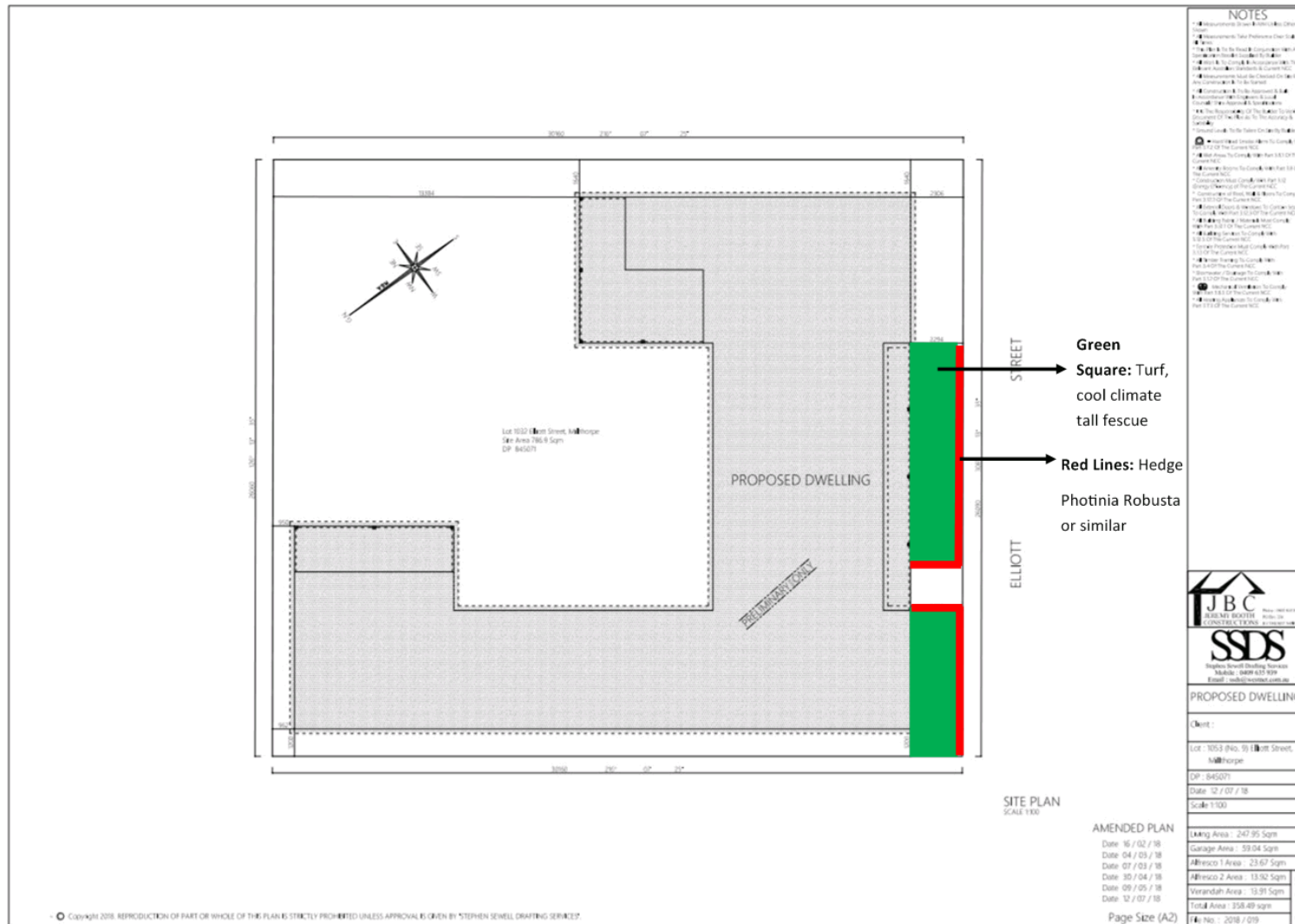
REAR ELEVATION
SCALE: 1:100

LEFT ELEVATION
SCALE: 1:100

AMENDED PLAN

Date: 19 / 02 / 18
 Date: 04 / 03 / 18
 Date: 07 / 03 / 18
 Date: 08 / 05 / 18
 Date: 12 / 02 / 18
 Date: 07 / 08 / 18
 Date: 24 / 08 / 18

Page Size (A2)



NOTES

1. All measurements shown on this plan are to the centre of the street.
2. Measurements take precedence over scale.
3. The client is to be held responsible for the accuracy of the information provided to the drafter.
4. All dimensions are to be taken to the centre of the street.
5. Measurements must be checked on the ground.
6. The drafter is not responsible for the accuracy of the information provided to the drafter.
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JBC
JAMES BOYD
CONSULTANTS

SSDS
STEPHEN SENELL DRAFTING SERVICES
Mobile: 0800 675 939
Email: info@senell.com.au

PROPOSED DWELLING

Client:

Lot: 1022 (Pty. Str.) West Street, Blayney

DP: 845071

Date: 12 / 07 / 18

Scale: 1:100

Living Area: 247.95 Sqm
Garage Area: 59.04 Sqm
Attic Area: 23.67 Sqm
Attic Area 2: 13.92 Sqm
Verandah Area: 14.91 Sqm
Total Area: 359.49 sqm

File No.: 2018 / 019

Page 3 of 5

Blayney Shire Council Heritage Advisory Service

David Scobie Architects

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Northbridge,
NSW 2063

Heritage

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Mobile: 0412 415010
email scobiearchitect@optusnet.com.au
ABN: 64 079 683 079

Introduction

David Scobie, Heritage Consultant to Blayney Shire Council prepared the following comments and Recommendations.

The relevant statutory control is the Blayney LEP 2012 and the Millthorpe DCP

Pre-DA for new residence at 9 Elliott Street, Millthorpe**• Significance**

- The site is located within the Village Conservation Area
- There is no current residential building on the site
- It would be useful from the potential for relics under the Heritage Act, to know if the site has been built-upon previously. Enquire at the Museum/Millthorpe Historical Society for early records



Street view in Google Maps



David Scobie Architects Pty Limited
ABN 64 079 683 079

July 2018

Blayney Shire Council Heritage Advisory Service

The contemporary project houses opposite the subject site. These houses do not present features or design elements which reflect well the character of the streetscape or Millthorpe in general. They should be considered as a low common denominator when considering the value and character of a new building on the opposite side of the street.



View of the two adjoining traditional houses in the street. These are the character former buildings which should form the key considerations for the visual impact of the new house on the adjoining site.



General view of the landscape character of the site.

David Scobie Architects Pty Limited
 ABN 64 079 683 079

July 2018

Blayney Shire Council Heritage Advisory Service



A specific view of the corner post and strainer. This is a distinctive feature of the site and should be retained.



General view of the landscape and feature planting within the site.

David Scobie Architects Pty Limited
ABN 64 079 683 079

July 2018

Blayney Shire Council Heritage Advisory Service



General view of the edge of the site from the adjoining property which includes a range of traditional features, landscape plantings and buildings.

- **Proposal**
 - A new residence consisting of double garage, store, Living/dining/kitchen, lounge, study, three bedrooms
 - The main elevation to the street includes two gables and verandah
 - The walls use aluminium windows and the material is not specified
 - The roof is 27 degrees and iron
 - A site plan is not part of the current drawing set.

- **Issues and recommendations**

The general bulk and scale is acceptable, subject to several minor modifications. The existing trees are not significant in terms of age and size however they form a feature of the site. It is understood that the design with a courtyard seeks to retain and develop that character. The dense planting to the frontage has also been a feature of the site for many years and a form of planted frontage is to be encouraged as it remains consistent with the other houses on this side of the street. The contemporary houses on the opposite side of the street do not have well planted front gardens and are characteristic of new suburban areas as opposed to the character of the village.

The key aspect of the design which will impact on the fit with the streetscape is the front elevation. The elevation is divided into three elements: the protruding villa front of the Living room with three tall DHSS windows and gable roof, the recessed entry and verandah with four tall DHSS windows and then the garage with a garage door and gable roof.

The garage element is a contemporary and large element in a long elevation in the streetscape. The DCP recommends that garages or large similar elements do not visually dominate the buildings and streetscapes. Consideration is therefore recommended for ways to reduce the visual impact of the garage. Recommended treatments include providing a hipped roof over the garage in place of the more pronounced gable and providing a more traditional vertical painted board cladding to the garage door.

The layout of the verandah shows an odd number of posts and even number of spaces. Traditional buildings utilise an even number of posts and an odd number of spaces between. This layout ensures that the eye is drawn to the central space and the whole composition appears visually comfortable. In

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a similar manner consideration could be given to the four matching windows with an option of combining the central pair into a single larger window adding greater flexibility in planning the interior and producing a well set out verandah.

Jeremy has suggested that the Client would like to use black or charcoal matt colorbond on the external elevations. While this is very popular at the moment it is not a colour which is common in the village or in traditional settings. However, if it were confined to the rear and side elevations as follows, then this could be acceptable. On the Right Elevation which is the garage and store, the cladding would be Fielders galvanised steel or similar, similarly on the front and on the Left this long 27m wall to be Galvanised steel to the Living/Dining Room, Monument in the central space which forms the passage and then returning to Galvanised steel for the Master bedroom.

The roof to be Windspray to complement the two steel colours with traditional rolled ridge and barge flashings, standard unperforated quad gutters and circular downpipes to match the corresponding wall colours and Shale Grey metal facias with Monument coloured gutters.

Given the extended winter in the region, an open fireplace with corresponding chimney in the main central dining room is worthy of consideration. The chimney would assist in modelling the bulk and character to the main roofscape.

Should the building be air-conditioned, the Client is reminded that external compressors should not be visible from the street and their location should abide by the noise regulations.

Windows are a prominent feature in the front elevation and should be timber with a clear or stained finish. This would complement the suggestion Jeremy offered for larger timber posts with a similar finish. These should be nominally 150-175mm wide. The experience in Victoria Street shows that posts which are short due to low roof heights from verandahs can look squat and hence the right size is important. As the verandah is very close to the footpath and concrete slab is shown on the drawings, a useful technique is the use of Charcoal oxides in the concrete to achieve a colour reflecting the basalt stone used in the village.

It is understood that the fall across the site has been reviewed and this needs to be clarified on the drawings for Council. The colour of the cladding or the concrete below the floor level should be similar to the traditional basalt foundations evident throughout the village.

The front setback is considerably less than the standard expected and that seen within the residential areas of the village. The setback context is the two adjoining traditional buildings and hence the proposal should respect the visual dominance of these two buildings and not project forward of their common setback line. In mitigation the front setback could be planted with a varied set of plants to model the elevation and setting and retain something like the streetscape which exists at present.

The front fencing should be provided as part of the DA, presuming a fence is required.

There is no need to replicate traditional fences however an appropriate fence would respect local examples and materials and generally utilise timber post and rails with a steel wire mesh infill and similar traditional steel gates. Where privacy is required this is best achieved with various forms of planting and hedging.

The following examples from the Village provide evidence for the use of galvanised steel cladding, timber windows, timber posts and Monument colour schemes:

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The use of vertical Mini-orb galvanised steel cladding has long been used in the Village on external walls.



The use of timber and galvanised steel is a good and common combination in the village.



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Here is a good example of two different materials along one long wall illustrating how it helps model the scale and vary the character.



The use of timber doors and windows in the context of Galvanised steel cladding

David Scobie
Heritage Advisor to Blayney Shire Council

David Scobie Architects Pty Limited
ABN 64 079 683 079

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Reasons for Decisions

Mandatory/statutory requirement and public interest.

Approved Plans**1. Development in Accordance with Approved Plans & Documentation**

Development is to take place in accordance with the attached stamped plans (DA No. 68/2018), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

In addition to the design detail shown on the attached stamped plans, the following requirements must be met:

- Galvanised iron to be Fielders corrugated or similar.
- Fascia and gutter to be finished with Colourbond Monument with traditional rolled ridge and barge flashings, standard unperforated quad gutters and circular down pipes.
- Windows to be finished with Dulux Colourbond Monument with hardwood external architrave.
- Verandah posts to be hardwood.
- Verandah posts to be 150 – 170mm wide, nominally.
- Garage door to be horizontal panel door with 150mm section, nominally, finished in Dulux Colourbond Monument.
- The north facing window to bedroom 1 to be obscure glass.

*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.*

Prescribed Conditions**2. Building Code of Australia**

The building work must be carried out in accordance with the requirements of the Building Code of Australia.

In this regard, the following is required:

- a) The dwelling frame and roof must be designed for a snow load in accordance with AS/NZS 1170.4-2003 in Part 1.4 of the Building Code of Australia (Volume 2) Housing Provisions; and
- b) The Bedroom 1 must comply with Australian Standard AS3740 as a wet area as the room contains vessels that are not in a separate ensuite, in accordance with Part 3.8.1.

3. Identification of Site

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

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

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

4. Contract of Insurance

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent, commences.

5. Home Building Act

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

- a) in the case of work for which a principal contractor is required to be appointed:
 1. The name of the licence number of the principal contractor, and
 2. The name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 1. The name of the owner-builder, and
 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Prior to Issue of a Construction Certificate

6. Amended Plans

The applicant is to submit amended plans to demonstrate that the private open space of 9 Elliot Street will not overlook the private open space of 22 Pym Street.

An appropriate solution may include the addition of a lattice extension to a height of 1.8m.

7. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 9, 11, 12, and 23. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

8. Building Over Sewer – Indemnity

Prior to the issuing of any Construction Certificate, the owners are to execute a Deed of Indemnity to indemnify Council with respect to building over, or within the minimum clearance from, Council's sewer main.

9. Building Over Sewer

No building shall be constructed over Council's sewer reticulation system without the express approval of the relevant Director.

Where permissible, sewer reticulation mains of up to 225mm diameter may be built over, provided that the following conditions in reference to Section 5.3.8.5 of the *WBC Guidelines for Engineering Works* are met:

- a) The existing main shall be replaced in ductile iron cement lined pipe and concrete encased with a minimum of 150 mm of cover from the pipe surface.
- b) The building footings shall be piered and beamed to below the sewer main invert level. The design shall be carried out by a practicing structural engineer.
- c) If a building is not directly over the main but within the zone of influence ie. within 45 degree line down from the sewer main invert to ground level, the building shall be piered and beamed to below the zone of influence line. The design shall be carried out a by a practicing structural engineer."

Prior to Works Commencing

10. Commencement of Work & Appointment of PCA

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

11. Traffic and Pedestrian Management Plan

The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

- 12. Soil and Water Management Plan**
The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work.
No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.
The measures detailed in the plan are to remain in place until all landscaping is completed
- 13. Public Liability Insurance**
Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.
- 14. Construction Certificate – Engineering Works**
The applicant is to obtain a Construction Certificate from Council, for the engineering work required by conditions 9 and 23. The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 9 and 23. Design shall be in accordance with *WBC Guidelines for Engineering Works*.
Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

During Construction

- 15. Utilities located underground**
All new utilities connected to the property must be located underground.
- 16. Toilet Facilities**
Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.
Each toilet must:
- i. be a standard flushing toilet connected to a public sewer, or
 - ii. have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - iii. be a temporary chemical closet approved under the Local Government Act 1993.

- 17. Hours for Construction or Demolition**
Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.
Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.
- 18. Rubbish and Debris**
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.
- 19. Excavations and Backfilling**
All excavation and backfilling associated with the erection/demolition of the building must:
a) be executed safely and in accordance with appropriate professional standards, and
b) be properly guarded and protected to prevent them from being dangerous to life or property.
- 20. Plumbing and Drainage Code of Practice**
All drainage and plumbing work is to be carried out in accordance with the current *Plumbing and Drainage Code of Practice* by a licensed plumber and drainer.
- 21. Drainage Records**
A works as executed plan drawn to the scale of 1 in 200 of drainage is to be submitted to Council at the time of inspection.

22. Engineering Inspections

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

Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Sewerage	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;

23. Footway Crossing – Square

A 3m wide vehicular crossing(s) over the footway adjacent to the proposed ingress/egress point(s) is/are to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act as amended, **or inspection report**, at the completion of construction of the footway crossing, from Council or an accredited certifying authority, certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued.

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

Optional note: This condition may require the piping and filling of a section of the open drain fronting the property, including headwalls and safety railing.

24. Road and Interallotment Drainage

All road and inter allotment drainage is to be in accordance with WBC Guidelines for Engineering Works and conveyed to the gutter in Elliot Street.

25. Separate House Drainage

Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999.

26. Access to Manholes

Access to any sewer manholes on the subject land is not to be obstructed in any way.

Note: Any alterations to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost.

27. Relocate Utility Services

The developer is to relocate any utility services if required, at the developer's cost.

Prior to Issue of Occupation Certificate

28. Fencing

The existing timber fence constructed along the common boundary of 9 Elliot Street and 7 Elliot Street must be extended to the entire length of the common boundary (i.e. it must be extended to the north).

The fence must be constructed to the same height as the existing fence and must be constructed of similar materials.

29. BASIX Certificate

All the required commitments shown on BASIX Certificate No:951210S dated 7 August 2018, and on the approved plans, are to be implemented prior to the issue of an Occupation Certificate.

30. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Condition(s) 9 and 23 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Optional note 1:

The provision of a table on the works as executed plan which details: the distance from the centre of the downstream manhole/pit to each sideline, house connection, and dead end; the depths to invert; and the length of such sidelines.

Optional note 2:

The provision of information on the works executed plan which details: road levels, road crossfalls & longitudinal grades

31. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by condition(s) 9 and 23 has/have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

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

32. New Water Service

The applicant is to make application to Central Tablelands Water for a water service to this property. This service will be at the developer's cost.

Ongoing Matters

33. Occupation Certificate

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.

Advisory Notes

34. 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. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

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

- a. Internal and external sanitary drainage.
- b. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tilling.
- g. Final/stormwater inspection at time of completion of all works.

35. Notice of Commencement

Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

[REDACTED]
[REDACTED]
4 Sep 18

Mr Daniel Drum
Manager Planning
Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799
By email

Dear Sir,

Your Ref : IAPP/42057

RE: DA NO: 68/2018

PROPERTY: Lot 1053 DP845071 – 9 Elliott Street, Millthorpe

DEVELOPMENT: Erection of a Dwelling and Removal of Trees

I am writing to object to approval of the Development Application (DA) as currently proposed in respect of 9 Elliott Street, Millthorpe, which adjoins our heritage property, 24-26 Pym Street, along our rear boundary.

At present there is no dwelling on the specified site in Elliott Street which allows for an extensive view of established trees beyond our back fence. The DA would require removal of those trees. That would impact on the outlook from our house and the view and amenity of our backgarden.

According to the development application, the proposed dwelling, after the felling of peripheral trees, would be erected 1.2 metres from our rear boundary and would span the entirety of our two blocks, adversely affecting our current view and impacting on the sustainability of our garden and the character of our environment.

We are asking that the applicant's plans be revised to take into consideration the perceived impact of his proposal on the quiet enjoyment of our property.

Yours sincerely,

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
4 Sep 18

Mr Daniel Drum
Manager Planning
Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799
By email

Dear Sir,

Your Ref : IAPP/42057

RE: DA NO: 68/2018

PROPERTY: Lot 1053 DP845071 – 9 Elliott Street, Millthorpe

DEVELOPMENT: Erection of a Dwelling and Removal of Trees

I have reviewed the proposed property development at 9 Elliott Street, Millthorpe, which adjoins our heritage property, 24-26 Pym Street, along our rear boundary.

We do not oppose construction of a home and we recognise that some trees may need to be removed but the current plan (as we read it) removes all the trees along our common boundary and replaces them (from our perspective) with a view of the wrought iron wall of the home.

Some simple amendments could protect the amenity of both residences.

We are asking that the applicant's plans be revised to take into consideration the perceived impact of his proposal on the quiet enjoyment of our property.

Yours sincerely,

[REDACTED]
[REDACTED]