



13 October 2021

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, 18 October 2021 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 20.09.21
- (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) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2021

October

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	15 October 2021	Mining and Energy Related Councils Meeting	Online
6.00pm	18 October 2021	Council Meeting	Community Centre

November

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	15 November 2021	Council Meeting	Community Centre
9.00am	16 November 2021	Audit, Risk and Improvement Committee Meeting	Community Centre
9.00am	25 November 2021	Central NSW JO Board Meeting	Online
2.30pm	26 November 2021	Upper Macquarie County Council Meeting	Oberon

December

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
8.00am	4 December 2021	Local Government Elections	Shire
10.00am	10 December 2021	Traffic Committee Meeting	Community Centre
6.00pm	23 December 2021	Council Meeting	Community Centre

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HELD ON MONDAY 18 OCTOBER 2021

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 20 SEPTEMBER 2021**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 20 September 2021, being minute numbers 2109/001 to 2109/018 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD VIA THE VIDEO CONFERENCING PLATFORM ZOOM, ON
20 SEPTEMBER 2021, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), S Denton, A Ewin (Deputy Mayor), D Kingham, J Newstead, B Reynolds and D Somervaille

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

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****DISCLOSURES OF INTEREST**

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

Councillor/ Staff	Interest	Item	Pg	Report	Reason
Mark Dicker	Pecuniary	13	53	Crown land Transfer – Springvale Lane, Millthorpe	The applicant referred to in the report is Mr Dicker and his wife. Mark will therefore will not be attending the meeting.
Cr Somervaille	Non Pecuniary (Significant)	15	66	Sale of Part Dungeon Road, Kings Plains	Cr Somervaille is a consultant to the law firm Ashurst, which is a legal adviser to Regis Resources Ltd on various aspects of the McPhillamys Gold Project.

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 AUGUST 2021

2109/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 16 August 2021, being minute numbers 2108/001 to 2108/014 be confirmed.

(Somervaille/Newstead)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

The Mayor vacated the Chair and the General Manager as the Returning Officer conducted the election of Mayor and Deputy Mayor.

2109/002 **ELECTION OF MAYOR**
RESOLVED:

That Council accept the nomination of Cr Ferguson for position of Mayor, nominated by Cr Denton and Cr Ewin.

(Ewin/Somervaille)
CARRIED

The General Manager declared Cr Ferguson as Mayor.

2109/003 **ELECTION OF DEPUTY MAYOR**
RESOLVED:

1. That Council accept the nomination(s) for position of Deputy Mayor from:
 - Cr Ewin, nominated by Cr Somervaille and Cr Ferguson
 - Cr Reynolds, nominated by Cr Kingham and Cr Newstead
2. That as there is more than one nomination for the position of Deputy Mayor, the method of voting is by open means (such as on voices or show of hands).

(Somervaille/Newstead)
CARRIED

The General Manager conducted the election. Cr Ewin received 4 votes and Cr Reynolds received 3 votes.

The General Manager declared Cr Ewin as Deputy Mayor.

The Mayor resumed the Chair.

2109/004 **COUNCIL MEETING DATES**

RESOLVED:

1. That Council adopts the meeting dates for Ordinary Meetings of Council held at 6pm at the Blayney Shire Community Centre, for the next 12 months as follows:
 - Monday 18 October 2021
 - Monday 15 November 2021
 - Monday 17 January 2022
 - Monday 21 February 2022
 - Monday 21 March 2022
 - Tuesday 19 April 2022
 - Monday 16 May 2022
 - Monday 27 June 2022
 - Monday 18 July 2022
 - Monday 15 August 2022
 - Monday 19 September 2022
2. That a Special Meeting, being the first Council meeting after the ordinary election be held at 6pm at the Blayney Shire Community Centre on Thursday 23 December 2021.

(Reynolds/Ewin)

CARRIED

2109/005 **LGNSW ANNUAL CONFERENCE 2021**

RESOLVED:

That Council

1. Nominate the Mayor as voting delegate to the LGNSW Annual Conference 2021, LGNSW Board Election and Special Conference 2022; and
2. Approves the registration and attendance of the Mayor, Deputy Mayor, one other Councillor and General Manager as Blayney Shire Council Delegates to attend the LGNSW Special Conference in 2022.

(Reynolds/Kingham)

CARRIED

2109/006 **BIZHQ**

RESOLVED:

That Council approve the Business Enterprise Centre – Central NSW Limited amended constitution as presented, and endorse the acceptance by the Board at the members meeting on 30 September 2021.

(Newstead/Ewin)

CARRIED

SERVICE NSW FOR BUSINESS AGREEMENT

2109/007 RESOLVED:

That Council delegates authority to the General Manager to sign and execute the Service NSW for Business program Partnership Agreement with Service NSW.

(Reynolds/Newstead)

CARRIED

TOURISM DEVELOPMENT FUND APPLICATION

2109/008 RESOLVED:

That Council approve the \$1,000 request for funding from the under the Tourism Development Fund for the Neville Equine Performance Inc. 'Ride and Tie' and 'Introduction to Endurance Riding' event.

(Ewin/Somervaille)

CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2021

2109/009 RESOLVED:

1. That the report indicating Council's investment position as at 31 August 2021 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Reynolds/Kingham)

CARRIED

MINUTES OF THE BLAYNEY SHIRE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 27 AUGUST 2021

2109/010 RESOLVED:

1. That the minutes of the Blayney Shire Audit, Risk and Improvement Committee meeting held 27 August 2021 be received.
2. That the Cyber training be mandatory for all councillors and staff with Council devices.
3. That the update on the Management Letter on the Interim Phase of the External Audit for the year ended 30 June 2021 from the NSW Audit Office Audit Service Provider, John O'Malley, be received and noted.
4. That the proclamation of the amendments to the Local Government Act and issuance of the proposed risk management and internal audit framework guidelines be noted and that the Committee work with management to determine if a submission from Council is appropriate.
5. That the Annual Report on the operations of the Blayney Shire Council Audit, Risk and Improvement Committee for the period 1 July 2020 to 30 June 2021, as amended, be

endorsed.

(Somervaille/Reynolds)
CARRIED

WAIVER OF INTEREST ON OUTSTANDING RATES AND CHARGES

2109/011 RESOLVED:

That Council endorse the waiver of interest on outstanding rates and charges for the period until 30 September 2021 due to the impacts of the Covid-19 lockdown.

(Reynolds/Newstead)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

2109/012 RESOLVED:

That the Director Infrastructure Services Monthly Report for September 2021 be received and noted.

(Ewin/Newstead)
CARRIED

PROPOSED BRIDGE NAMING – CARCOAR ROAD

2109/013 RESOLVED:

That Council defer this matter.

(Kingham/Newstead)
CARRIED

CROWN LAND TRANSFER - SPRINGVALE LANE, MILLTHORPE

2109/014 RESOLVED:

1. That Council approve:-
 - a. the transfer of the residue Crown parcel (approx. 908m²) adjoining 82 Springvale Lane to Council as Public Road Reserve, and,
 - b. to undertake the closure of the residue parcel adjoining 82 Springvale Lane in accordance with the Roads Act 1993, and,
 - c. the sale of the residue parcel adjoining 82 Springvale Lane, subject to the applicant funding Council's road closure application fee, and all associated survey, legal and land purchase costs.
2. That a further report be presented to Council to consider any submissions lodged during the notification period for the road closure in accordance with the Roads Act 1993, and make a decision on approval for the road closure proposal.

(Denton/Ewin)
CARRIED

DELEGATES REPORTS**REPORT OF THE CENTRAL NSW JOINT ORGANISATION
MEETING HELD 12 AUGUST 2021****2109/015****RESOLVED:**

1. That the Mayoral Report from the Central NSW Joint Organisation Meeting held 12 August 2021 be received and noted.
2. That Council write to the Minister for Regional Roads, the Hon Paul Toole, in support of the upgrades of the Great Western Highway between Lithgow and Katoomba.

(Somervaille/Reynolds)

CARRIED

Cr Somervaille, having declared an interest, left the meeting.

CLOSED MEETING**2109/016****RESOLVED:**

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

SALE OF PART DUNGEON ROAD, KINGS PLAINS

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(Reynolds/Newstead)

CARRIED**CONFIDENTIAL MEETING REPORTS****2109/017****SALE OF PART DUNGEON ROAD, KINGS PLAINS****RESOLVED:**

1. Conditional upon the McPhillamys Gold project being approved by the NSW Independent Planning Commission and the Regis Board; that Council accept the offer of \$722,000 plus GST for the sale of 6.49 km of Dungeon Road to Regis Resources from 560m from the Mid Western Highway to the shire boundary.
2. That Council commence the process of road closure pursuant to the Roads Act subject to project approval and sale conditions being satisfied.
3. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal.
4. That Council establishes an internal reserve and allocates the sale of Dungeon Road funds to those shire roads around the Walkom Road, Village Road, Guyong Road and Vittoria Road

areas.

(Reynolds/Newstead)
CARRIED

2109/018 RESOLVED:

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

(Newstead/Ewin)
CARRIED

Cr Somerville returned to the meeting.

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBER 2109/017.

There being no further business, the meeting concluded at 7.04pm.

The Minute Numbers 2109/001 to 2109/018 were confirmed on 18 October 2021 and are a full and accurate record of proceedings of the Ordinary Meeting held on 20 September 2021.

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 2021.

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 to and including the previous Council Meeting.

Council currently has 18 resolutions 'in progress'.

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

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Oct-20	2010/014	Minutes of the Traffic Committee Meeting held 9 October 2020 RESOLVED 2. That Council:- a. Support the request from WIRES in principle subject to the use of Transport for NSW (TfNSW) approved Injured Wildlife sign (G6-361-1), b. The signage be installed in accordance with relevant standards, c. Council provide a quote to WIRES for the installation of the signs, and, d. Council refer the request for wildlife signage on the State classified network to TfNSW for consideration.	DIS	2. Awaiting further advice from TfNSW
21-Dec-20	2012/005	BCO Alliance Agreement RESOLVED 2. Blayney Shire Council, on behalf of the BCO Alliance and with support from Cabonne and Orange City Councils, seek Ministerial consent to establish a company limited by Guarantee called BCO Alliance Limited to act as agent for the Alliance. 3. That subject to Ministerial consent, Council authorise the Mayor and General Manager to execute the BCO Alliance Agreement, substantially in the form of the draft.	GM	2. Ministerial Consent remains pending
21-Dec - 20	2012/027	EOI3/2016 - Sale of Industrial Land by Council RESOLVED 1. That Council accept the offer for sale of part Lot 4 DP 871015 and part Lot 1 DP134341 for the amount of \$49,500 including GST plus survey and subdivision costs; and 2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal if required.	DCS	Engaged with purchasers' appointed surveyor. Awaiting finalisation of survey before proceeding with further action.

Date of Meeting	Res. No	Resolution	Owner	Comments
15-Feb-21	2102/018	Land Passed in at Sale of Land for Unpaid Rates RESOLVED 1. That Council offer land to the State of NSW (Crown Lands) for sale of Lots 9 & 10 DP 1138533 Danvers Street, Carcoar for the amount of \$1 to be incorporated into the Carcoar Showground Crown Reserve (R590109). 2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal.	DCS	Notified DPIE - Crown Lands of Council resolution. Awaiting advice of further action required.
15-Mar-21	2103/018	Land Acquisition for Road Re-Alignment at 333 Newbridge Road – Stonestreet RESOLVED That Council approve the acquisition of land for the purpose of road widening, being part of Lot 236 DP600751 as required for the Newbridge Road reconstruction works, and the land be classified as Public road as detailed in the Manager Operations Report.	MO	In progress.
19-Apr-21	2104/010	Fixing Local Roads Round 2 RESOLVED That Council 2. Invite tenders for the Panuara Road Heavy Patching Project by the open tendering method.	DIS	Report to October Meeting
19-Apr-21	2104/013	Change of Tenure - Crown Land Cemeteries RESOLVED That Council seek approval from Department Planning, Industry and Environment – Crown Lands for amendment of the management structure of Crown Land cemeteries located at Carcoar, Lyndhurst, Neville and Newbridge from 'Devolved to Council' to 'Crown Land Manager'.	DCS	Notification sent to DPIE – Crown Lands with cemetery mapping. Assessment being undertaken. Council awaiting response.

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Apr-21	2104/020	Minutes of the Blayney Shire Cemetery Forum Meeting held 24 March 2021 RESOLVED 2. Council investigate options and consider establishment of a memorial garden for early pregnancy loss within the Blayney Shire.	DPES	In progress
19-Apr-21	2104/025	Sale of Land for Unpaid Rates - Land Title Anomaly 6370 Mid Western Highway, Lyndhurst RESOLVED 1. That the rates outstanding from A348636 in the name of Edward James Earl 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235) in the amount of \$3,562.77 be written back and the rates record be noted as a duplicate valuation and therefore not to be rated. 2. That the property owner of 6376 Midwestern Highway, Lyndhurst seek legal representation to establish a "Good root of title" to resolve ownership of 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235). 3. That following issue of an amended title deed that the Valuer General be informed of the duplicate valuation for 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235).	DCS	Correspondence sent to property owner of 6370 Mid Western Highway, Lyndhurst. Awaiting response from property owner following their receipt of legal advice.
31-May-21	2105/E006	Sale of Land Gerty Street Blayney RESOLVED That Council delegate to the General Manager, authority to negotiate the sale of 33 and part 31 Gerty Street, Blayney.	GM	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
28-Jun-21	2106/015	Proposed Road Closure - 184 Barry Road RESOLVED 1. That Council endorse the closure of the unnamed road located at 184 Barry Road, Barry, in accordance with s.38 Roads Act 1993, subject to the applicant funding Council's road closure application fee, and all associated survey, legal and land purchase costs. 2. That a further report be presented to Council to consider any submissions lodged during the notification period, and make a decision on approval for the proposal.	DIS	In progress.
19-Jul-21	2107/008	Sale of Land - Frape Street Blayney RESOLVED That Council authorise the General Manager to execute the Sales Contract for 11A and 11B Frape Street (Lots 2 and 1 DP1263957) Blayney at a total price of \$290,000 ex GST.	DCS	In progress.
19-Jul-21	2107/015	Renewable Energy Action Plan 2020 RESOLVED That Council note the current Renewable Energy Action Plan projects status including the investigation undertaken into the Blayney medium scale Solar Array project and approve the development of a Business Case and Capital Expenditure Review.	DCS	Development of Business Case and Capital Expenditure Review in progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
16-Aug-21	2108/012	<p>Minutes of the Traffic Committee Meeting held 23 July 2021</p> <p>RESOLVED</p> <p>2. That Council:</p> <p>i. Establish a 10t Load Limit across Osman Street between Church Street & Midwest Highway to minimise the impact of heavy vehicles on residential areas.</p> <p>ii. Install Truck Prohibited (R6-10-2) signage in accordance with Road Rule 104, and a supplementary (R9-231N) 10t Gross Limit plate at both the Church Street & Midwest Highway intersections of Osman Street.</p> <p>iii. Establish a 12.5m Length Limit across Carcoar Street between Church Street & Midwest Highway to minimise the impact of heavy vehicles on residential areas.</p> <p>iv. Install Truck Prohibited (R6-10-2) signage in accordance with Road Rule 104, and a supplementary 12.5m Length Limit plate at both the Church Street & Midwest Highway intersections of Carcoar Street.</p> <p>v. Write to landholders adjoining Osman & Carcoar Streets, advising of its decision and explaining that access remains available to service their property.</p> <p>4. That Council:</p> <p>i. Establish a 10t Load Limit across Victoria Street Millthorpe, between Park Street & Glenorie Road to minimise the impact of heavy vehicles on the village and residential areas.</p> <p>ii. Install Truck Prohibited (R6-10-2) signage in accordance with Road Rule 104, and a supplementary 10t Gross Limit plate at both the Park Street & Glenorie Road intersections of Victoria Street.</p> <p>iii. Write to landholders adjoining Victoria Street, advising of its decision and explaining that access remains available to service their property.</p>	DIS	<p>2. In progress</p> <p>4. In progress</p>

Date of Meeting	Res. No	Resolution	Owner	Comments
16-Aug-21	2108/013	<p>Minutes of the Blayney Shire Access Advisory Committee held 28 July 2021</p> <p>RESOLVED</p> <p>That Council</p> <p>4. If as part of the Millthorpe Skate Park project a new table is being installed that it is an accessible picnic table.</p> <p>5. Update the 2018 audit of accessible car parking (to 2021 or 2022) given a number of accessible car parking projects have been completed throughout the Blayney Shire, including; CentrePoint, Blayney Library, Dakers Oval, Central West Equestrian and Livestock Centre and multiple village toilets.</p> <p>6. Note there are still 2 car parks which require engineering design prior to costing for future upgrading.</p> <p>7. Investigate the establishment of accessible car parks being created in or near; Gold Street Park Mandurama and within Carcoar</p> <p>8. Review the line marking and signage of all Council controlled accessible car spaces in the Blayney Shire.</p> <p>9. Consider inclusion of kerb ramps at the following intersections;</p> <p>a. Millthorpe - Elliott Street / Victoria Street / Forest Reefs Road,</p> <p>b. Millthorpe – Blake Street / Pym Street,</p> <p>c. Lyndhurst – Mount McDonald Road / Russart Street</p>	DIS	Completed. All items referred to relevant project managers for consideration. Active Movement Strategy to be reviewed and updated in 2021/22.
20-Sep-21	2109/013	<p>Proposed Bridge Naming – Carcoar Road</p> <p>RESOLVED</p> <p>That Council defer this matter.</p>	DIS	

Date of Meeting	Res. No	Resolution	Owner	Comments
20-Sep-21	2109/014	<p>Crown Land Transfer - Springvale Lane, Millthorpe RESOLVED 1. That Council approve:- a. the transfer of the residue Crown parcel (approx. 908m²) adjoining 82 Springvale Lane to Council as Public Road Reserve, and, b. to undertake the closure of the residue parcel adjoining 82 Springvale Lane in accordance with the Roads Act 1993, and, c. the sale of the residue parcel adjoining 82 Springvale Lane, subject to the applicant funding Council's road closure application fee, and all associated survey, legal and land purchase costs. 2. That a further report be presented to Council to consider any submissions lodged during the notification period for the road closure in accordance with the Roads Act 1993, and make a decision on approval for the road closure proposal.</p>	DIS	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
20-Sep-21	2109/017	Sale of Part Dungeon Road, Kings Plains RESOLVED 1. Conditional upon the McPhillamys Gold project being approved by the NSW Independent Planning Commission and the Regis Board; that Council accept the offer of \$722,000 plus GST for the sale of 6.49 km of Dungeon Road to Regis Resources from 560m from the Mid Western Highway to the shire boundary. 2. That Council commence the process of road closure pursuant to the Roads Act subject to project approval and sale conditions being satisfied. 3. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal. 4. That Council establishes an internal reserve and allocates the sale of Dungeon Road funds to those shire roads around the Walkom Road, Village Road, Guyong Road and Vittoria Road areas.	DCS	Pending DPIE Significant Projects Assessment process.

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:** WHS and Risk Coordinator**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council receive and note the Risk, Work Health and Safety Report for the quarter July 2021 to September 2021.

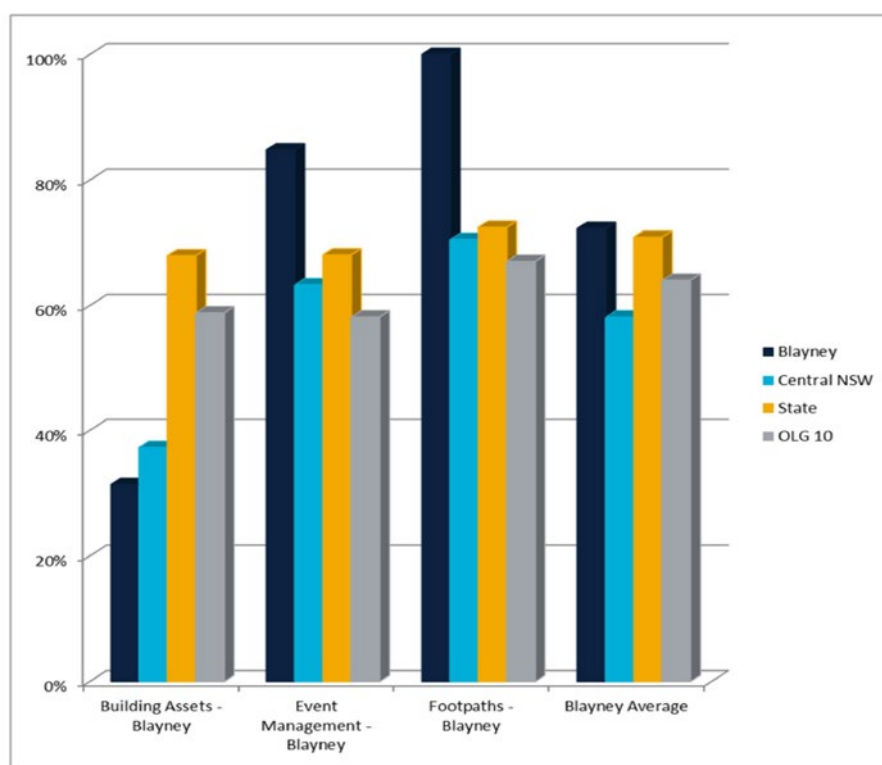
Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period of July 2021 to September 2021.

Report:

Continuous Improvement Program [CIP] benchmarking report for 2020/2021 has been received. Benchmarking relies upon Council undertaking a self – assessments against nominated topics, followed by random checks by the Statewide Mutual Regional Risk Manager.

The graph below benchmarks Council's results with the State Central NSW Region and OLG Group.



For the 2021/2022 Council reviewed another three CIP workbooks being, Stormwater Management, Trees & Tree Roots and Claim Management. WHS & Risk Coordinator to submit these workbooks to Statewide Mutual by 30 October 2021.

CIP Workbook action plans continue to be reviewed and actioned.

StateCover

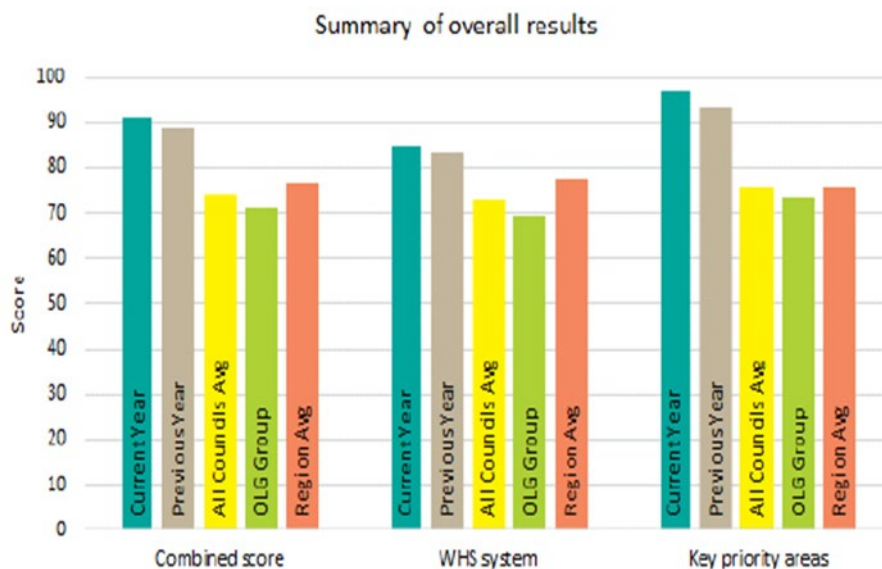
Council also received their report results from State Cover's 2021 WHS Self-Audit which was conducted in July 2021.

The self-audit provides councils with valuable information regarding its WHS performance including benchmarking against previous performance and peers.

Council Self- audit results for 2021 are summarised below:

Overall WHS Performance 2021	91.4%	This score is above average when compared to the average score for all councils
Section 1 - WHS Management System This section analyses how systematically WHS is managed within the organisation. An effective WHS Management system should be planned, integrated, and continually improved throughout the organisation.	85.5%	It is recommended that improvements are made to general WHS management system elements and their implementation, in particular: <ul style="list-style-type: none"> • Purchasing • Health monitoring • WHS audits
Section 2 - Key Priority Areas This section identifies if priority WHS risks and hazards are effectively managed and controlled in accordance with regulatory requirements (Industry Standards, Codes of Practice and Guidelines).	97.3%	It is recommended that further work be done to identify, assess and control the following hazard: <ul style="list-style-type: none"> • Musculoskeletal risks

The following graph shows Council has performed better than the previous year, is above average when compared to other Councils from our region and OLG's group. Blayney Shire Council being the two columns on the left.



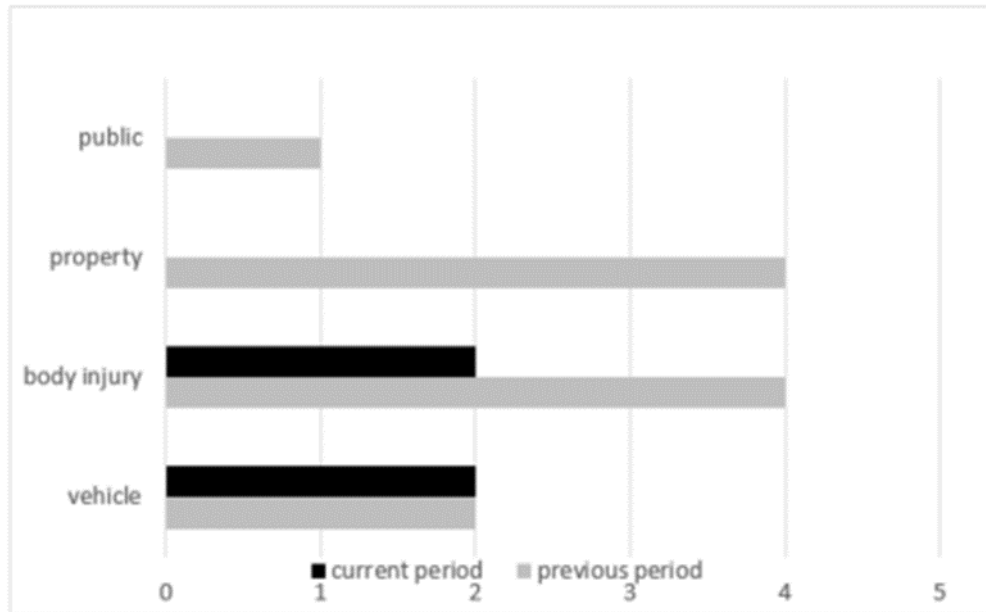
The H&S meeting was held on 4 August 2021, actions continue to be addressed and completed.

WHS Quality Improvement Plan continues to be reviewed and items addressed, with completed items being removed from the register.

As part of the government response to the Covid-19 pandemic, Resilience NSW in partnership with Blayney Shire Council are providing Personal Protective Equipment Packages to vulnerable members of the community as part of a PPE Distribution Program, the packs consisting of hand sanitiser, masks and disinfectant wipes are to support people on the road to recovery from the pandemic.

Council has distributed nearly 500 PPE packages within the Shire.

1. Incidents notifications submitted July 2021 to September 2021.

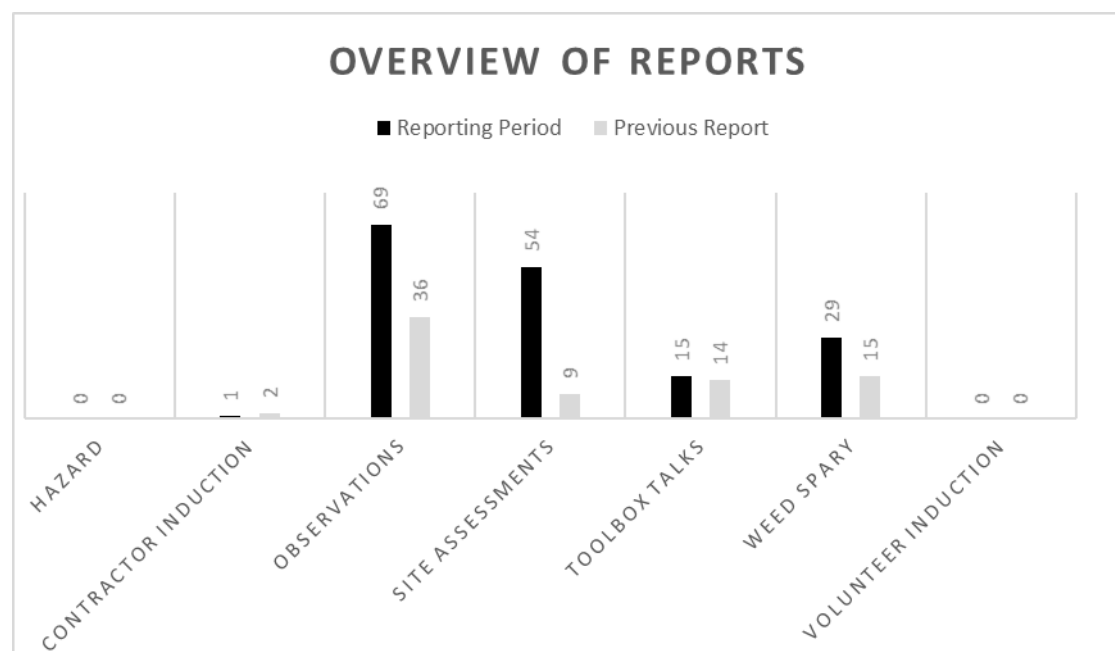


Body incidents: minor scrapes.

Vehicle: Council vehicle failure to give way at intersection, nil injuries, referred to Council's insurer.

An Essential Energy service cable was disturbed during works, requiring a call out to be fixed.

2. Internal WHS documents submitted July 2021 to September 2021



Risk/Policy/Legislation Considerations:

As part of the StateCover Self-audit action plan an Incident Reporting and Investigation Procedure has been implemented.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2021

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 2021 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 2021.

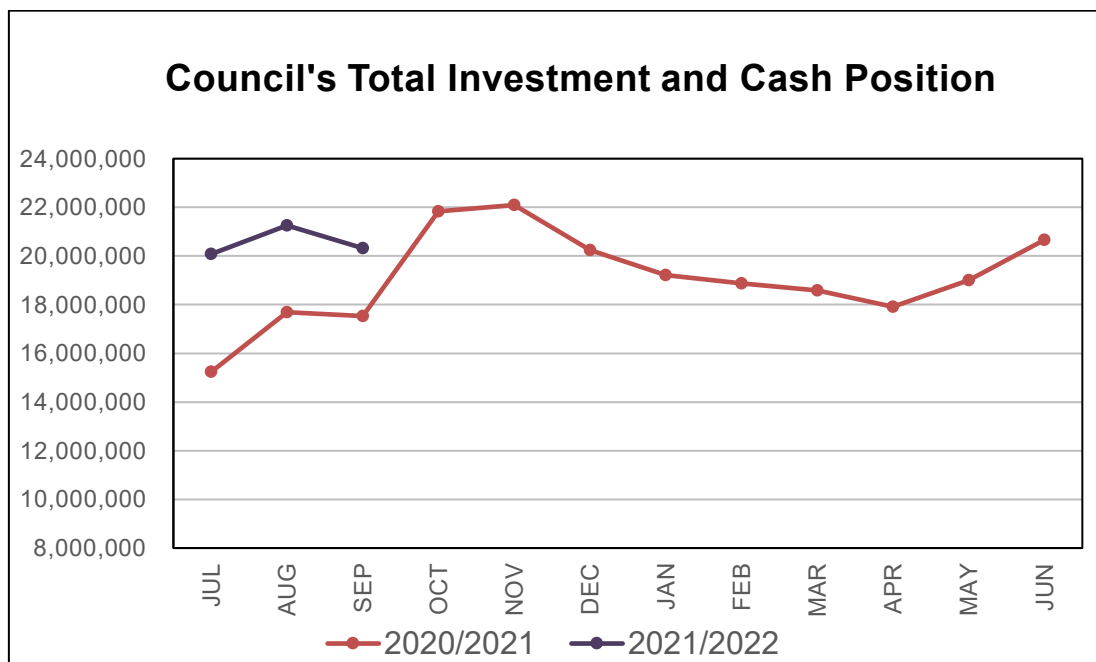
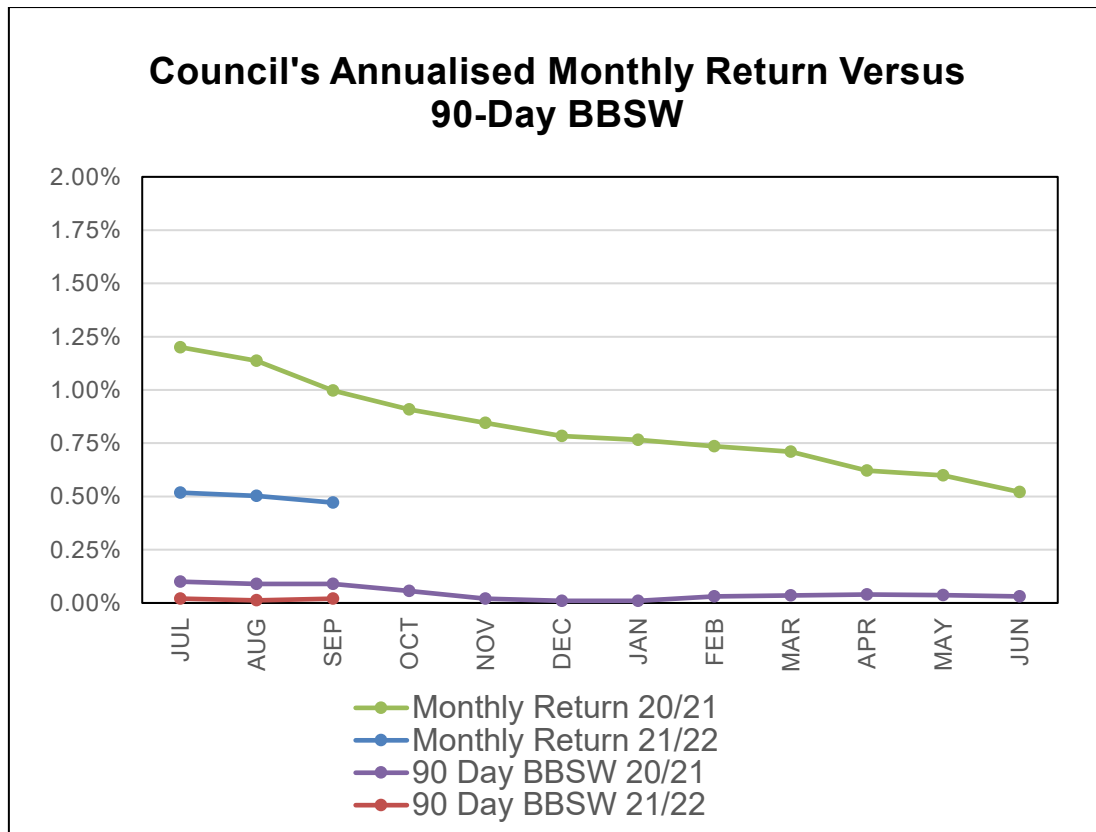
Report:

This report provides details of Council's Investment Portfolio as at 30 September 2021.

Council's total investment and cash position as at 30 September 2021 is \$20,321,698. Investments earned interest of \$7,428 for the month of September 2021.

Council's monthly net return on Term Deposits annualised for September of 0.47% outperformed the 90 day Bank Bill Swap Rate of 0.02%.

Council's cash position at 30 September 2021 is notably higher than last year. Of significance, Council is in receipt of a number of initial milestone payments for major capital grant funded projects including Resources for Regions Round 7, Local Roads & Community Infrastructure Round 2 and Fixing Local Roads totalling \$3.2m. Delivery of projects funded under these programs are largely scheduled for the remainder of the 2021/22 financial year.



REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2021					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
CBA	Direct	A1+/AA-	12/10/2021	500,000	0.640%
CBA	Direct	A1+/AA-	19/10/2021	500,000	0.570%
NAB	Direct	A1+/AA-	26/10/2021	500,000	0.550%
CBA	Direct	A1+/AA-	02/11/2021	500,000	0.570%
CBA	Direct	A1+/AA-	09/11/2021	500,000	0.550%
NAB	Direct	A1+/AA-	16/11/2021	500,000	0.550%
Macquarie Bank	Curve	A1/A+	23/11/2021	500,000	0.500%
Reliance Bank	Direct	Unrated	23/11/2021	500,000	0.750%
Macquarie Bank	Rim Sec	A1/A+	30/11/2021	500,000	0.500%
Westpac	Direct	A1+/AA-	30/11/2021	500,000	0.480%
Bank of Queensland	Curve	A2/BBB+	07/12/2021	500,000	0.400%
NAB	Direct	A1+/AA-	07/12/2021	500,000	0.400%
Macquarie Bank	Curve	A1/A+	11/01/2022	500,000	0.700%
CBA	Direct	A1+/AA-	25/01/2022	500,000	0.370%
NAB	Direct	A1+/AA-	08/02/2022	500,000	0.400%
NAB	Direct	A1+/AA-	22/02/2022	500,000	0.350%
Westpac	Direct	A1+/AA-	01/03/2022	500,000	0.310%
ME Bank	Rim Sec	A2/BBB+	15/03/2022	500,000	0.450%
MyState Bank Ltd	Curve	A2/BBB	22/03/2022	500,000	0.500%
CBA	Direct	A1+/AA-	29/03/2022	500,000	0.290%
Macquarie Bank	Rim Sec	A1/A+	29/03/2022	500,000	0.450%
CBA	Direct	A1+/AA-	12/04/2022	500,000	0.410%
NAB	Direct	A1+/AA-	26/04/2022	500,000	0.350%
NAB	Direct	A1+/AA-	10/05/2022	500,000	0.350%
NAB	Direct	A1+/AA-	24/05/2022	500,000	0.350%
CBA	Direct	A1+/AA-	05/06/2022	500,000	0.410%
Westpac	Direct	A1+/AA-	07/06/2022	500,000	0.340%
Westpac	Direct	A1+/AA-	21/06/2022	500,000	0.350%
CBA	Direct	A1+/AA-	19/07/2022	500,000	0.410%
ME Bank	Rim Sec	A2/BBB+	02/08/2022	500,000	0.450%
NAB	Direct	A1+/AA-	30/08/2022	500,000	0.340%
CBA	Direct	A1+/AA-	13/09/2022	500,000	0.390%
NAB	Direct	A1+/AA-	20/06/2023	500,000	0.600%
Westpac	Direct	A1+/AA-	15/08/2023	500,000	0.530%
Total Investments				17,000,000	0.458%
Commonwealth Bank - At Call Account ⁽¹⁾				2,210,506	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				945,822	0.000%
Reliance Bank ⁽¹⁾				165,370	0.000%
TOTAL INVESTMENTS & CASH				20,321,698	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾		0.020%	
		RBA Cash Rate ⁽¹⁾		0.100%	

1. % Interest rates as at end of reporting period

Summary of Investment Movements - September 2021		
Financial Institution	Investment/(Recall) Amount \$	Commentary
CBA	(503,356)	Term Deposit Matured 14/09/2021
CBA	500,000	Term Deposit Reinvested 14/09/2021
CBA	(503,490)	Term Deposit Matured 28/09/2021
CBA	500,000	Term Deposit Reinvested 28/09/2021

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	74%	12,500,000
A- Category	40%	12%	2,000,000
BBB+ Category ⁽²⁾	30%	9%	1,500,000
BBB Category ⁽²⁾	10%	3%	500,000
BBB- Category and below: Local ⁽³⁾ ADI's	5%	3%	500,000
2. BBB+ / BBB categories are not to exceed 30% collectively 3. ADI's located within the Local Government Area			17,000,000

Individual Institution Limit	Rating	Policy Maximum	Current Holding
Bank of Queensland	A2/BBB+	1,000,000	500,000
CBA	A1+/AA-	5,000,000	5,000,000
Macquarie Bank	A1/A+	3,000,000	2,000,000
ME Bank	A2/BBB+	1,000,000	1,000,000
MyState Bank Ltd	A2/BBB	500,000	500,000
NAB	A1+/AA-	5,000,000	5,000,000
Reliance Bank	Unrated	500,000	500,000
Westpac	A1+/AA-	5,000,000	2,500,000

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS			
	Actual 30/06/2020 \$ 000's	Actual* 30/06/2021 \$ 000's	Forecast* 30/06/2022 \$ 000's
External Cash Restrictions	9,304	12,648	9,268
Internal Cash Restrictions	6,391	7,476	4,429
TOTAL RESTRICTED ASSETS	15,695	20,124	13,697

*The Actual 30/06/2021 Restricted Cash and Investments figure are subject to change pending finalisation of the 2020/21 Financial Statement audit.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, certify that the investments listed in this report have been made in accordance with s625 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 s625 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

05) INFORMATION TECHNOLOGY QUARTERLY REPORT**Department:** Corporate Services**Author:** IT Officer**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1

Recommendation:

That Council receive the Information Technology report for the July to September 2021 quarter.

Reason for Report:

To update Council on Information Technology activities and performance for the July to September 2021 quarter.

Report:

The roll-out of Council's capital expenditure program for the 2021/22 year has commenced. The following is an overview of activities:

- The computer hardware replacement program is well underway and is 80% complete.
- The project to split the projector inputs in the Community Centre Council Chambers to enable different content to be displayed on the two projector screens at the same time has been programmed following appointment of the contractor to undertake works. It is anticipated that these works will be completed on 13 October 2021.

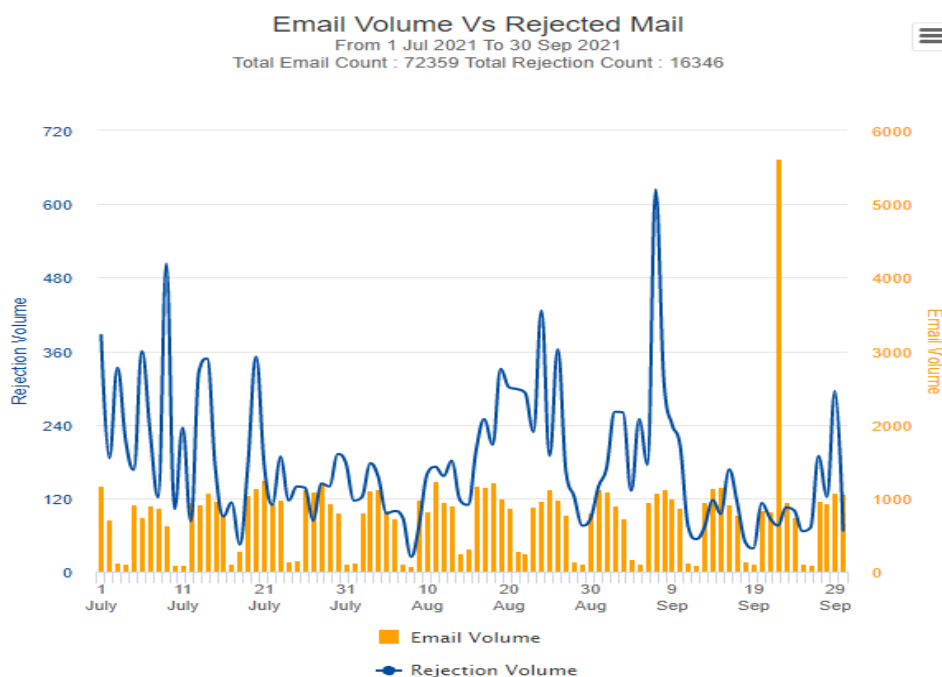
Council undertook a review of its website with the content updated, layout modernised, more structured and made easier to navigate. The new website is now live with content being added regularly.

During the month of July, Cyber Security Training was conducted online for 41 of 48 Staff with devices and 2 of 7 Councillors. Training will be programmed for the remaining 7 staff who were on leave when the workshops were provided. As part of the new Council induction program, those Councillors who were unable to participate along with new Councillors will be registered for training once programmed.

The Anti-Virus Software on Council's internal network reported zero threats for the September 2021 quarter.

Email Filtering Statistics

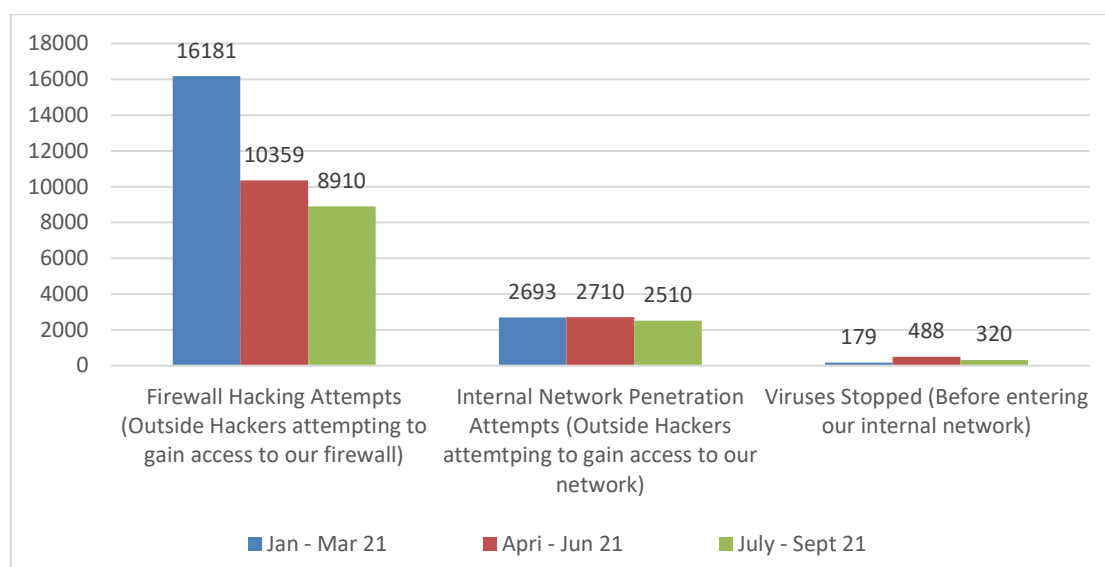
Council has not had any malicious emails enter the network during the quarter with all being stopped by the email filtering service. The following table provides an overview of email volume to emails rejected for the quarter.



Firewall Statistics

The number of threats to Council's Firewall remain steady compared to last quarter. The below graph provides a comparison of activity for the quarter to previous quarters of the calendar year and reflects hackers looking for open ports on the Internet to try to penetrate. This graph does not indicate hackers deliberately targeting Council's network. As Council has no open ports, there were no successful attempts made.

Firewall Threats



Risk/Policy/Legislation Considerations:

Cyber threats are noted within Council's Corporate Risk Register with mitigating controls in place.

Budget Implications:

Council has provision within its Operational Plan for costs associated with Information Technology support and licencing arrangements.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) 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 2021, as tabled be received.

Reason for Report:

For Council to fulfil its “*Disclosure of Interests in Written Returns*” obligations to maintain a register and tabling of returns under Part 4 of the Model Code of Conduct for Local Councils in NSW and Council’s adopted Code of Conduct for Councillors and for staff.

Report:

In accordance with clause 4.13, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2020 to 30 June 2021, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2021.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2021, 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
- Operations Manager
- Manager Planning

Redacted copies of these returns will be held for at Council’s office for public inspection upon request.

Risk/Policy/Legislation Considerations:

The Model Code of Conduct for Local Councils in NSW requires:

- Disclosure of Interests in Written Returns to be submitted on an annual basis by Councillors and Designated Persons;
- The general manager to keep a register of returns required to be made and lodged with the general manager; and
- That they be lodged at the next meeting after the prescribed due date for lodgement.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) ADOPTION OF FRAUD AND CORRUPTION CONTROL POLICY AND PLAN

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

That the Fraud and Corruption Control Policy and Plan, as amended, be adopted and included in Council's Policy Register.

Reason for Report:

For Council to review and adopt the Fraud and Corruption Control Policy and Plan following amendments recommended from the Fraud Risk Health Assessment.

Report:

The Fraud and Corruption Control Policy provides the basis for various control strategies to address risk exposures associated with Fraud and Corruption. It also forms an integral part of the Council's integrity framework. The Fraud and Corruption Control plan summarises Council's framework for the prevention, detection, investigation and reporting of such activity.

Earlier this year, Council undertook a Fraud Risk Health Assessment with findings tabled before the Audit, Risk and Improvement Committee at its meeting held 10 March 2021.

A recommendation from this review was that Council amend its Fraud and Corruption Control Policy and Plan to be aligned to the Fraud and Corruption Control Standard AS8001-2008 and the 10 attributes identified by the Audit Office of NSW, of an effective fraud control system.

Amendments have been made to the policy and plan to embrace this recommendation with further amendments made following engagement of members of the Audit, Risk and Improvement Committee.

As the amendments are required to comply with recommendations made from the Fraud Risk Health Assessment it is not recommended for the policy to be placed on public exhibition.

A copy of the draft policy and plan are provided as an attachment to this report.

Risk/Policy/Legislation Considerations:

Adoption of the policy will clearly articulate the Council's commitment to the implementation of Fraud and Corruption Control framework within Council.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Fraud and Corruption Control Policy and Plan	18 Pages
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08) LAND PASSED IN AT SALE OF LAND FOR UNPAID RATES

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: RV.CF.1

Recommendation:

1. That Council accept the offer for sale of Lot 10 DP 112647 located at 888 Moorilda Road, Moorilda for \$2,500 including GST.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal.

Reason for Report:

For Council to consider an offer for land, Lot 10 DP 112647, located at 888 Moorilda Road, Moorilda, passed in from the 2020 auction.

Report:

At the recent Sale of Land for Unpaid Rates Auction held 2 properties were passed in unsold. Of these, 1 property located at 888 Moorilda Road, Moorilda remained unresolved.

While there had been interest since the auction in acquiring the land, no offers have eventuated.

Following an approach to an adjoining landowner, Council received an offer of \$2,500 for the purchase of this land. This owner has been occupying and maintaining the land without knowledge that it was not owned.

The land is 8,707m² and has a VG valuation of \$7,050. A detracting feature of the land, and reason for the property being passed in at auction and lack of interest, is that it is landlocked.

Sale of the land will enable rates to be collected on this land and help to complete Council's records by attributing a traceable owner to the rate assessment. This will also assist to alleviate associated administration with annual rates write off for unknown owners.

09) 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 Infrastructure Services Monthly Report for October 2021 be received and noted.

Reason for Report:

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

Report:**Topical Matters****Emergency Management COVID-19 Response**

With the response to the pandemic in regional NSW ongoing, the Regional Emergency Operations Centre continues in a virtual context, with LEOCON/LEMO meetings held 7 days per week, however Regional Committee meetings are now held 2 times per week.

At a local level, the Emergency Management Officer also attends both the Chifley (Bathurst) and Central West (Orange) Police District Committee meetings which have now reduced to 2 times per week each.

Council continues to undertake sewer sampling on a weekly basis, which commenced at the end of August upon request from the NSW Public Health Unit. The most recent results from 27 September and 5 October did not detect virus fragments.

Testing numbers remain low, which is of concern to the Local Health District, with testing continuing to be offered at the Hospital.

Council continues to utilise its media platforms and Variable Message Signs to promote testing and vaccination.

Council successfully advocated to NSW Health for a vaccination hub in Blayney, with it being delivered across 7 – 9 October. NSW Health attended a site inspection with NSW Police, SES and the Emergency Management Officer to discuss the proposed undertaking of the event, and to consider any operational issues. This hub provided a total of 121 vaccinations over the 3 days.

Mainstreet Strategic Plans

Council in conjunction with Place Design Group undertook online community engagement sessions for Millthorpe and Blayney, in the week commencing 13 September. These sessions were well attended by Councillors and members of the community. Each event was recorded and made available via Council's website for those unable to attend. The Blayney Chronicle has also run separate articles on each location generating community input.

Public submissions will continue to be received until the end of October, with these being provided to Place Design Group as they are received.

Major Contracts

KGO Change Rooms

The contractor has been clarifying some matters identified by Council in the most recent set of drawings and has advised commencement on site will be 18 October, with completion expected February 2022.

Gallymont Road Bridge

Council have received an initial revision of the detailed design, it requires some minor changes prior to issue for Construction. This has delayed construction for approximately 2 weeks however the project is still on track for completion at the end of December.

Bridges Replacement Tender

The proposed construction of three bridges (Leabeater Street, Boondaroo Road and Belubula Way) tender is subject to a separate report.

Major Works

Carcoar Street

Amos Avenue drainage works are now complete. Line marking is underway and there has been a noticeable change in driver behaviour since this has been reinstated.

Stage 4 road works are expected to commence mid-October.

Part of this project includes the reseal of some of the approaching roads. This provides longevity and reduces the chance of failure between the new road and the existing roads. These roads include Amos Avenue, Rowlands Street, Maple Crescent, Maple Place, Charles Street, Water Street and Loftus Street. This work is due to commence in November.

Panuara Road Reconstruction

The proposed full service tender is subject to a separate report.

Hobby's Yards Road Repair

Stage 1 (first 900m from Three Brothers Road) toward Blayney is underway with the stabilisation of the subbase complete. Some base material has been imported and is still in progress.

Culvert work is underway which includes one set of new culverts and a crown slab over an existing set of twin box culverts.

Some trees are currently being assessed by an environmental specialist, prior to their possible removal, and discussions are underway with a contractor for the relocation of a power pole which is in very close proximity of the new road.

It is expected that Stage 1 will be completed early November.

Stormwater Drainage – Oliver Street to Frog Hollow

The majority of planning is complete and materials have been ordered. Council is still negotiating with Jemena for the isolation and relocation of gas lines.

Site investigations discovered substantial ground water. Council engineers have postponed commencing construction to the end of October/early November until such time they are confident that the ground conditions have dried enough for safe trenching.

Road Maintenance Works

Road maintenance works including pothole patching, vegetation management, gravel road maintenance and signage works have been undertaken in the Garland area, and on Vittoria Road, Tallwood Road, Carcoar Road, Long Swamp Road and Charles Booth Way.

Gravel Re-sheeting

Gravel re-sheeting works are currently on hold, due to the moisture content of the road base material.

Heavy Patching

The heavy patching work on Spring Terrace Road has been completed and the road bitumen sealed, with only the guide posting and signage remaining.

Footpaths

Victoria Street Millthorpe Underpass Footpath

Council engineers are currently waiting on the report before they can form the pavement design scope for the road repairs.

Stillingfleet Street, Blayney

This work is now complete.

Assets

Staff continue to review data and documentation for the revaluation of the sewer network, including identification of a sample selection of the gravity mains for CCTV inspection. Inspections are being delayed by the continued lockdown in areas of NSW.

Work has also commenced on development of a new set of Asset Management Plans and related documentation for adoption by Council, following the upcoming Local Government election cycle.

Parks and Recreation

The ongoing wet weather has continued to present some access issues to the Parks and Recreation team, slowing progress on the mowing and spraying program, and requiring greater tidy up works to clear tree debris.

Tree planting in Rowland Street has been completed following requests by residents, after removal of unsuitable species that were impacting underground services and other assets a couple of years ago.

With warmer weather, we are already increasing routine maintenance, and have undertaken aeration and seeding of the open space and parks network, regular mowing and over sow of sporting ovals, flat weed spraying of the open space and sporting oval networks.

Detailed spraying of both the open space and cemetery networks has commenced in anticipation of increased growth as spring temperatures increase.

The team continue to learn to manage the amended surface mixture at the CWELC, but unfortunately the only activity recently has been as a COVID testing location.

Napier Oval Synthetic Cricket Pitch

The new synthetic cricket pitch has been laid and is ready for the upcoming cricket season.

Newbridge Showground Pavilion Refurbishment

Internal wall linings and picture rail installation is now complete.

Redmond Oval Junior Skate Park

Detailed drawings have been approved and the Contractor will commence the week of the 11 October, weather permitting.

Dakers Oval Amenities

Council has installed the Smart Hub platform capability at Dakers Oval amenities but is experiencing some minor IT issues at the moment. This issue should be rectified shortly.

Neville Multipurpose Court

The retaining wall and bulk earthworks have been completed. The fence posts have been installed, and the pavement has been completed. Concreting the court will be undertaken the week commencing 11 October – weather permitting.

Wastewater

The NSW Public Health Unit has requested Council undertake sampling for COVID-19 testing, once per week. The most recent samples from 27 September and 5 October both returned a Not Detected result.

System testing for the Recycled Effluent Plant has identified an issue with crustacean intake blocking the filters. As a result, a “first flush” system will be required. Materials for this addition to the treatment process have been ordered.

The new access road has been completed, with a concrete hard stand and fencing works yet to be undertaken.

When completed, the validation process is to commence to enable a Section 60 approval to be issued by NSW Department of Planning, Industry and Environment. At the same time a User Agreement is to be developed for third party access to the supply.

Fleet and Plant

Workshop staff have been busy performing regular services and repairs on fleet and plant.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) CONTRACT 8/2021 - SUPPLY OF GOODS, SERVICES & PLANT HIRE

Department: Infrastructure Services

Author: Manager Operations

CSP Link: 1. Public Infrastructure and Services

File No: PS.TE.4

Recommendation:

1. That Council adopt the attached list of contractors for the Supply of Goods, Services and Plant Hire for the period from 1 November 2021 to 30 September 2024.
2. That Council note that this tender does not prohibit Council from accepting new tenders for specific projects.

Reason for Report:

To adopt a list of preferred suppliers for the supply of various goods, services and plant hire for Council.

Report:

Tenders have been called for the supply of goods, services & plant hire for Blayney Shire Council for the period between 1 November 2021 and 30 September 2024.

The tender was undertaken in accordance with Sections 166 and 168 of the Local Government (General) Regulation 2021 to develop a list of recognised contractors for the works within the Blayney Local Government Area. This list will be utilised by Council Officers to invite selective quotations and/or tenders for works within Council's program.

Council sought submissions from suitable qualified contractors for the following services:

- Supply Precast Concrete Stormwater Drainage Products
- Supply Water Treatment Chemicals
- Supply of Ready-Mixed Concrete
- Demolition services
- Supply & Install Road Safety Barriers
- Road stabilisation services
- Supply of Lime and Cementitious Products.
- Gravel Crushing Services
- Supply and Lay Asphalt
- Installation of Water and/or Sewer Mains
- Installation of Box Culverts, Pipes & Headwalls
- Arborist, Tree Removal & Mulching Services
- Building Services; including Painting, Plastering or Carpentry services

- Electrical Services
- Plumbing Services
- Concreting Services
- Fencing Services
- Locksmith Services
- Metal Fabrication Services
- Tyre Supply, Fitting and Repair services
- Consulting Services including Engineering, Surveying, Geotechnical, Project Management, Town Planning, Environmental, Architectural or Drafting Services.
- Plant Hire Services

Council received 107 submissions for this open tender with various rates provided. Contractors have provided various indicative rates for works within Blayney Shire, enabling better estimating, and a streamlined procurement process.

As part of the submission, Council requested detailed information regarding the contractors insurances and Work Health and Safety (WH&S) policies and procedures. The contractors are then ranked on their compliance with the questionnaire to enable Council Officers to see at a glance the WH&S systems that the contractor has in place. This information will assist in streamlining the procurement process, and provides assurances to Council that it is able to meet its WH&S obligations.

Additionally, Chain of Responsibility obligations are clearly identified within the contract, ensuring that Council, and our contractors, are conforming to the current legislative environment around heavy vehicles.

The successful tenderers will have their details entered into a spreadsheet that Council Officers will utilise to determine suitable contractors to undertake the work. Additionally, an online platform will assist with managing the validity and expiry of contractor insurances to ensure compliance with Council policy and procedures.

Risk/Policy/Legislation Considerations:

This assists in Council's compliance with its procurement obligations from the *Local Government Act* and Council's internal procurement procedures.

It also covers the risks to Council surrounding Chain of Responsibility requirements for heavy vehicles.

Budget Implications:

All works are undertaken within approved budget allocations. There is no obligation for purchase through this contract.

Enclosures (following report)

1 Submission List

1 Page

Attachments (separate document)

Nil

GOODS, SERVICES & PLANT HIRE 2021-24 TENDERERS LIST

TENDERERS		
Toshack Earthmoving	Colas Solutions Pty Ltd	Og Urban
Mcintosh Fencing P/L	Complete Crushing Services Pty Ltd	Chemprod Nominees Pty Ltd Trading As Omega Chemicals
K Squared Painting (Kearney)	Conex Group Pty Ltd	Orange Equipment Pty Ltd Trading As Orange Hire
Goodyear / Dunlop	Connor Earthmoving Orange Pty Ltd	Permanent Solutions Pty Ltd
Dave Cowan Constructions	Conplant Pty Ltd	Porter Excavations Pty Ltd
Connolly Sand Pty Ltd	Cpb Excavations Pty Ltd	Premiair Hire
Macquarie Civil Services Pty Ltd	Cwpc (Central West Power Construction)	Premise Australia Pty Ltd
Insync Plumbing Blayney Pty Ltd	Denrith Pty Ltd	Rangedale Drainage And Industrial Services Pty Ltd
Tree Craft Nsw	Devcon Civil Pty Ltd	Rbk Pty Ltd
A1 Tree Service Pty Ltd	Dileigh Consulting Engineers Pty Ltd	Redox Pty Ltd
Advance Sweepers	Downer Edi Works	Enviroscience Solutions Pty Ltd (Regional Solutions Pty Ltd)
Agile Arbor Pty Ltd	Edp Consultants Pty Ltd	River Park Constructions
A-Plant Equipment Pty Ltd	Enacon Group Pty Ltd	Roadworx Surfacing Pty Ltd
Asm Earthworkx And Rural	Facility Design Group Pty Ltd	Rollers Australia Pty Ltd
Summit Open Space Services (Asplundh Tree Expert Australia)	G.M Hadlow & M.A Hadlow & W.F Hadlow	Saba Civil Management And Consultancy Pty Ltd
Atlas Airconditioning Group	Govpartners Pty Ltd	Sala4d Pty Ltd
Autochange P/L Trading As Wilsons Plant	Graymont (Australia) Pty Ltd	Shac Pty Ltd
Avijohn Contracting Pty Ltd	Grenof Water Technologies Pty Ltd	Sjb Planning (Nsw) Pty Ltd
B.R. Durham & Sons Pty Ltd	H Civil Pty Ltd	Stabilco Pty Ltd
Barnson Pty Ltd	Haines Bros Earthmoving Pty Ltd	Stabilcorp Pty Ltd
Ben Hagney Electrical Pty Ltd	Hanlons Consulting	Stabilfix Pty Ltd
Bernipave Road Solutions Pty Ltd	Hiway Stabilizers Australia Pty Ltd	Stabilised Pavements Of Australia Pty Ltd
Bitu-Mill Pty Ltd	Inco Group Pty Ltd	Studio Hollenstein
Blayney Crane Services Pty Limited	Iplan Projects	Suckhole Excavations
Brena Group Pty Ltd	J.R. & E.G. Richards (Nsw) Pty Ltd	The Tfh Hire Trust T/As Tfh Hire Services Pty Ltd
Brooks Hire Service Pty Ltd	Josh Nixon Excavations Pty Ltd	Tg Hire
Bte Consulting Pty Ltd	Krangadoo Pty Ltd	The Mining Pty Ltd
Burton Environmental	Suncase P/L Ta Architecture West	The Tree Surgeon
C.W. Henstock & Associates	Marchese Excavations & Bin Hire Pty.Ltd	Tree Of Us Services
Calvani Crushing Pty Ltd	Mcclintock Concrete Pty Ltd	Tw's Evolution Pty Ltd
Carters General Engineering Pty Ltd	Michael White Landscape Architecture	Stanton Corporation P/L T/As Universal Mobile Tower Hire
Cbd Civil Pty Ltd	Newbold Bulk Haulage Pty Ltd	Voerman & Rastep
Civil Independence Industries Pty Ltd	Ngh Pty Ltd	Western Safety Barriers
Cleanaway Co Pty Ltd	Nowchem (Nowra Chemical Manufacturers)	Dalroyd Pty Ltd
Coates Hire Operations Pty Ltd	Schafer Guild Pty Ltd As Nuflow Bathurst	Workfield Investments Pty Ltd
Cobra Plant And Crane Hire Pty Ltd	O.S. Trees Pty Ltd	CGB Civil Pty Ltd

11) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 8 OCTOBER 2021

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 23 July 2021, be received and noted.
2. That Council reinstate 'Crossroad' (W2-1) signs on the Browns Creek Road approaches of the Browns Creek Road/Carcoar Road intersection.
3. That Council reinstate the 'Stop Sign Ahead' (W3-1) on the sealed Carcoar Road leg, north of the intersection with Browns Creek Road.
4. That Council install a 'Stop Sign Ahead' (W3-1) on the unsealed Carcoar Road leg, south of the intersection with Browns Creek Road.
5. That Council endorse the Traffic Management Plan for the Orange Running Festival, to be held on 6 March 2022 on roads in the vicinity of Forest Reefs and Spring Terrace, in the Orange City LGA, as a Class 2 event, with the modification of the TCP to provide for 2 additional VMS signs located on Forest Reefs Road on the western approaches to Spring Terrace Road and at the Forest Reefs Tavern, a minimum 7 days prior to the event advising "Side Road Closed Detour via Millthorpe" and subject to the conditions detailed in the Director Infrastructure Services' Report.
6. That Council note the change of date for the undertaking of the Classic Outback Trial, to be staged on Fell Timber and Mt Macquarie Roads, Carcoar on 30 March 2022, and that the event approval be subject to the conditions as detailed in the Director Infrastructure Services' Report of April 2021.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE,
ON 8 OCTOBER 2021, COMMENCING AT 10:00AM**

PRESENT

Members: Cr Bruce Reynolds (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Michael Chooi (NSW Police).

Present: Grant Baker (Director Infrastructure Services), Nikki Smith (Administration Officer).

APOLOGIES

Nil.

MATTERS ARISING FROM THE MINUTES

Nil.

DECLARATION OF INTEREST

Nil.

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE
COUNCIL TRAFFIC COMMITTEE MEETING HELD 23 JULY
2021**

Recommendation:

That the Minutes of the Ordinary Council Meeting held on Friday 23 July 2021, be confirmed to be a true and accurate record of that meeting.

(Mick Chooi/Reg Rendall)

CORRESPONDENCE

DANGEROUS SPEEDS ON SOMERS LANE MANDURAMA

ACTION: Council to write to proponents <<>>

REPORTS

20211008:01 **SIGNAGE REVIEW - CARCOAR & BROWNS CREEK ROADS**

Recommendation:

1. That Council reinstate 'Crossroad' (W2-1) signs on the Browns Creek Road approaches of the Browns Creek Road/Carcoar Road intersection.
2. That Council reinstate the 'Stop Sign Ahead' (W3-1) on the sealed Carcoar Road leg, north of the intersection with Browns Creek Road.
3. That Council install a 'Stop Sign Ahead' (W3-1) on the unsealed Carcoar Road leg, south of the intersection with Browns Creek Road.

(Reg Rendall/Mick Chooi)

- 20211008:02 **STREET EVENT - ORANGE RUNNING FESTIVAL - 6 MARCH 2022**
Recommendation:
That Council endorse the Traffic Management Plan for the Orange Running Festival, to be held on 6 March 2022 on roads in the vicinity of Forest Reefs and Spring Terrace, in the Orange City LGA, as a Class 2 event, with the modification of the TCP to provide for 2 additional VMS signs located on Forest Reefs Road on the western approaches to Spring Terrace Road and at the Forest Reefs Tavern, a minimum 7 days prior to the event advising “Side Road Closed Detour via Millthorpe” and subject to the conditions detailed in the Director Infrastructure Services’ Report.
(Reg Rendall / Mick Chooi)
- 20211008:03 **STREET EVENT - CLASSIC OUTBACK TRIAL - 30 MARCH 2022**
Recommendation:
That Council note the change of date for the undertaking of the Classic Outback Trial, to be staged on Fell Timber and Mt Macquarie Roads, Carcoar on 30 March 2022, and that the event approval be subject to the conditions as detailed in the Director Infrastructure Services’ Report of April 2021.
(Cr Bruce Reynolds / Mick Chooi)

TRAFFIC REGISTER

TRAFFIC REGISTER

Noted.

GENERAL BUSINESS

- 20211008:04 **GENERAL BUSINESS - MISCELLANEOUS ITEMS**
Intersection – Lucks Lane – (20210723:04)
Noted.
- Off Route B-Double – Garland Road and Hilltop Lane**
Noted, NSW Police will provide Police presence in the area.
- Regulatory Signage – No Stopping Orange Road – (20201009:05)**
Noted, NSW Police will provide Police presence in the area.
- Kidney Car Rally – 25 October 2021**
Noted.
- Intersections – Osman Street, Blayney**
Action: Council to investigate signage location and linemarking and report to the next Traffic Committee meeting. NSW Police will look at the area of concern.

Rural Bus Stop Guidelines

Action: Council to re-issue the Rural Bus Stop Guidelines to the Traffic Committee for review and feedback. Council to present a report to next Traffic Committee Meeting.

Exchange Hotel – Car Parked on Footpath

Noted, NSW Police will investigate and advise owners of the car not to park in this area.

INFORMAL MATTERS

CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL MVA REPORT - JULY 2021

Actions: That the information be noted.

CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL MVA REPORT - AUGUST 2021

Actions: That the information be noted.

FUTURE MEETING DATES - 2021

Next meeting was scheduled for Friday, 10 December 2021, due to Council elections on 4 December meeting is currently placed on hold.

Action: DIS to liaise with TfNSW in relation to Chairing of Traffic Committee Meeting and consider holding an out of session meeting prior to the elections if warranted.

There being no further business, the meeting concluded at 11.01am.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) NSW REGIONAL HOUSING TASKFORCE

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: GO.ME.1

Recommendation:

That the NSW Regional Housing Taskforce submission and report be received and noted.

Reason for Report:

To advise and update Council on the NSW Regional Housing Taskforce.

Report:

In July 2021 the NSW Government established a Regional Housing Taskforce (the taskforce) in response to increasing pressures on the supply and affordability of housing in Regional NSW.

Information regarding the taskforce can be obtained from visiting [Regional Housing Taskforce | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.nsw.gov.au/regional-housing-taskforce).

The taskforce undertook consultation and engagement during July and August 2021, which Council staff participated in.

Council's 9-page written submission to the taskforce follows this report for Council's information.

The taskforce has now released a 78 page, Findings Report which is attached under separate cover for Council's information. The report contains feedback and insights from 168 submissions and more than 500 people who participated in 11 virtual meetings, various one-on-one sessions and other events the taskforce presented to during consultation.

Risk/Policy/Legislation Considerations:

Information Report only

Budget Implications:

Information Report only

Enclosures (following report)

1	Submission to Regional Housing Taskforce	9 Pages
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Attachments (separate document)

2	Regional Housing Taskforce Findings Report	78 Pages
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**Blayney Shire Council**

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Telephone (02) 6368 2104 Email council@blayney.nsw.gov.au
Web www.blayney.nsw.gov.au
ABN 47 619 651 511

27 August 2021

Mr Garry Fielding
Regional Housing Taskforce
Department, Planning Industry & Environment

Lodged through NSW Planning Portal

Dear Garry,

2021 NSW Regional Housing Taskforce

Council refers to the recent virtual roundtables and Councils opportunity to provide further written submissions to the taskforce for consideration.

Blayney Shire Council would like to make the following comments for consideration by the taskforce.

1. Specific Regional Challenges

Blayney Shire Council, like many regional Councils, is currently experiencing unprecedented residential demand. However, for Blayney, the residential pressures are not just related to decentralisation as residents look to relocate from metropolitan areas on the back of the COVID pandemic.

Blayney Shire Council is in a very unique positions as it has 3 State Significant Development (SSD) Projects likely to commence and be concurrently undertaken in 2022;

1. Cadia Valley Gold Mine expansion,
2. Flyers Creek Wind Farm, and
3. Proposed McPhillamys Gold Project (currently still under DPIE assessment).

These 3 projects will culminate in potentially 1,750 construction workers in the Blayney Shire and wider region all at once.

Over the past 5 years, Blayney Shire Council has undertaken unprecedented infrastructure investment into its community and public space assets, with the aim of creating desirable localities which people will want to reside in.

- How have the broad trends manifested in your region or LGA?
Rental accommodation in Blayney Shire is now under significant pressure, mainly because landlords are taking the opportunity to on sell the property given unprecedented capital growth.

Two recent examples, include;

- A 72-year-old lady who received an eviction notice because the land lord wants to sell the property (she has lived in the property for 10 years) no other accommodation available in Blayney,
- An 81-year-old man who has rented a house for over 37 years in Blayney and again being evicted because land-lord wants to sell the property. No other rental accommodation available in Blayney.

Council is also now starting to see Section 77 of the Local Government, Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation, utilised which is delivering poor planning and social outcomes.

Attached is a photo of a recently installed 'moveable dwelling' on a corner lot which fronts a main road in Blayney. There is no requirement for the van to be behind the main dwelling, the structure is not required to be snow loaded, detracts from the street appeal, no capacity by Council to prevent installation in a Heritage Conservation Area and despite now being a default dual occupancy there is no ability for Council to obtain developer contributions (which we would receive on a traditional dual occupancy).

Council support's the intent of s77 for short term accommodation, however companies now abusing the intent through constructing more semi-permanent accommodation, rather than the traditional caravan. There should be requirements in the regulation, for where the caravan is to be located (not in front or on side of a house), minimum structural certification, it must be a caravan (registered every 12 months) and should only be allowed to stay for say a maximum 8-week period with no approval or up to 12 months if approved under s68 of the Local Government Act.

- Lack of smaller dwellings
The taskforce needs to be very careful when considering a desire to create greater density in both lots sizes and dwellings in regional NSW.

Council recently had a 22 lot subdivision in the village of Millthorpe, which created significant public interest and comment particularly in relation to the proposed density of the subdivision. The lots varied with

the smallest being 585m². Density will also create other requirements for Councils including location and access to parks and public space in close proximity.

The most desirable outcome is a diversity of lot sizes and dwelling sizes in any area creating variety and range. The Standard Instrument LEP does not facilitate this based upon a minimum lot size rather than also including lot averaging provisions.

Community feedback to Council has been significantly strong to not turn the Shire and the region in Western Sydney (which is a main reason residents are relocating to the area). The taskforce needs to carefully consider that the quality of development is not compromised by a desire to hastily deliver quantity to the market.

- Growing social housing wait list.
Blayney Shire does have a growing wait list for social housing. Council undertook a 2 lot subdivision 3 years ago and has sold the lots to a regional social / community housing provider, Housing Plus to construct 6 small dwellings on the 2 allotments.
- Are there any challenges unique or specific to the region?
The greatest challenge for Blayney Shire Council is how the region will absorb the significant number of short term construction workforce for the 3 SSD projects on top of the current booming residential growth.

The town of Blayney is particularly limited for residential growth opportunities, with; Belubula River (and floodplain) to the east and employment lands to the north. Growth is identified to the south and west, however landowners have historically been reserved to develop (they would rather farm) and infrastructure is limited (non-existent) in these areas.

- Are there any innovative planning approaches that have worked in your region?
Council, having previously experienced the significant impact of accommodation issues associated with the construction of an SSD (Cadia East project in late 90s), foresaw the potential perfect storm of 3 SSD projects concurrently undertaken.

Orange360 is a joint central tourism platform for; Blayney, Cabonne and Orange Councils. With Cadia's impending expansion the 3 Councils were able with Cadia's agreement (Cadia funded an accommodation coordinator position at Orange 360) to coordinate and facilitate the booking of contractor accommodation for the Cadia expansion through Orange360.

Orange360, has a significant register of varying accommodation types throughout the 3 Local Government Area's. Essentially, the program is supported by Cadia in that any contractor working on its site must register and book their accommodation needs through Orange360.

Orange360 links contractors with accommodation of various options and also ensures major works were not scheduled concurrently with significant tourism events in the region (i.e a major shut down at Cadia was not timed when Orange Food Week or Bathurst 1000 etc was on).

The program has been very successful, so much so Council has asked the Flyers Creek Wind Farm project to also utilise the program and requested in its submission to DPIE that Regis Resources utilise the program for the McPhillamys Gold Project (if approved).

The current Minimum Lot Size for RU1 Primary Production zoned land in Blayney size is 100ha, which directly adjoins the shires seven villages. There is a number of existing small lots which adjoin the villages, however are significantly under the 100ha minimum to erect a dwelling.

In February 2021, Council adopted the 2020 Blayney Shire Settlement Strategy which included provision to provide the ability for a dwelling entitlement (lodge a DA) on RU1 Primary Production Land (within 500m of the RU5 village zone, have direct frontage to an existing road and is a minimum 1.5ha in size). This provision will only have a 5-year limited opportunity (so owners don't sit on the new entitlement) and will stimulate residential growth of the seven villages within the Blayney Shire.

2. Infrastructure Alignment and Sequencing

Infrastructure is a significantly limiting factor for Blayney Shire Council. Most of the low hanging subdivisions in the existing town pattern will have been completed within the next 12 months.

A significant issue is the capacity of Councils ageing infrastructure, in particular key trunk; road, potable water, sewer and stormwater having no additional (or limited) capacity for the further connection of new lots or dwellings. The infrastructure was simply not designed for the additional capacity.

Council has recently identified a 2 significant sewer and stormwater choke points' that Council will have to upgrade in order to facilitate minimal further residential expansion.

In February 2021, Council adopted the 2020 Blayney Shire Settlement Strategy which identifies growth opportunities throughout the Blayney Shire to 2036.

Council is now considering whether to outlay significant expense and proceed to Master Plan 3 significant residential expansion areas being; Blayney South, Blayney West and Millthorpe.

Whilst it would be expensive, Master Planning would provide greater comfort to the community, in particular adjoining residents as to what form and density of these significant residential expansion areas will take.

Master Planning will also enable key infrastructure planning to be undertaken so that both Council and future developers know exactly what infrastructure is required (and can with certainty calculate a cost to provide).

Financial support for this Master Planning would facilitate the completion of these important plans sooner rather than later. Additionally, creation of a specialist technical team that could provide expert planning and engineering infrastructure advice would also be of great benefit, given the lack of specialist professionals in Regional NSW.

3. Diverse and affordable housing

Diverse and affordable housing has fast become a significant issue. Blayney Shire is heavily reliant on Housing NSW and external providers such as Housing Plus to provide affordable housing.

The term Affordable Housing is a significantly confusing definition within the community, to the point consideration needs to be given to rebrand it to essential housing.

Council was recently involved in a Group Home matter (exempt development under the Affordable Housing SEPP), which was very controversial for neighbours. Councils experience is that whilst the community is supportive of the wider need for affordable housing, immediate neighbours are sometimes not so supportive of proposed affordable housing being directly next to them. I believe Orange has also experienced similar experiences.

Housing NSW needs to increase investment in regional NSW, given the unprecedented uplift in property values and residential relocation from metropolitan areas to regional NSW.

Noting most developers require a certain amount of lots to be pre sold prior to obtaining finance for a development, there could be opportunity for Housing NSW or other external providers to purchase lot/s off the plan which would assist in increasing land available for affordable housing, dispersing

affordable housing throughout the community whilst also assisting the developers.

4. Activating land currently zoned for residential development

Blayney Shire has historically not seen development of zoned residential land until recently. The challenge has been historically a low market price, with no profit margin for the developer.

Land and property prices have significantly increased in the last 18 months; however, it is also noted construction costs have also increased 20% in the last 6 months alone. Sourcing quality contractors is also now an issue as everywhere is booming.

Following a residential forum in July 2017 with landowners, real estate agents and developers, Council had been considering the opportunities and challenges of encouraging housing development in Blayney. In 2018, Council purchased a vacant property, zoned R1 General Residential with the intent of undertaking a 14 Lot residential subdivision.

With a capital cost of \$1.32m Council was successful in receiving a 50 % interest subsidy under the NSW Government Low Cost Loans Initiative (LCLI) program. LCLI aims to increase new housing supply in metropolitan and regional NSW, to fund both enabling and supporting infrastructure that will create and stimulate new residential housing.

The LCLI program reduced the risk to Council of undertaking the project which was not Council's core business. The subdivision was completed in 2020 with all lots sold off the plan and houses currently being constructed on all lots.

The development process is not considered a significantly limiting factor (it is noted, there is always room for improvement). It is more so the fact that we have now developed all of the low hanging fruit and are now into more complex lands and/or areas which require more technical assessment and a greater number of specialist studies (overland flow, flood studies, odour studies, bushfire, contamination etc).

Infrastructure timing and payment is also an issue, often only the individual site is considered for a development, owners do not look outside their property boundary so the wider zone precinct is generally not considered. This creates infrastructure timing and payment issues in regards to who pays for significant trunk infrastructure upgrades when others will then benefit in the future (if they ever develop). Often it gets too hard and only an individual site is developed not providing the optimum planning outcome, nor long term positive outcomes for the community and Council.

The capacity for new developments (new housing lots and/or greater density housing through in fill development) into aging Council infrastructure is also an issue. Most infrastructure was constructed or installed a long time ago and does not have the ability to take additional loads. Who pays for the significant trunk infrastructure upgrade and when is it undertaken?

A significant issue starting to arise is the miss-understanding by the community regarding wider development processes, in particular; land identified during strategic planning, a planning proposal to rezone the land and then a Development Application (DA) to develop the land.

The community often hold significant objections and frustrations over to the DA assessment because they do not understand the wider planning process. The process to bring on additional zoned land is confusing / not understood by the community and can become resource intensive for Councils to deal with.

As raised earlier, Blayney Shire Council will now consider, whether to outlay significant expense (potentially recouped through increased developer contributions) and staff resources to Master Plan 3 critical key growth areas.

In our opinion, Master Planning would have the distinct benefit of setting and guiding the density of each residential growth area upfront which can be agreed to by the community reducing angst and uncertainty at development application stage.

5. Housing for seasonal / itinerant workers

As previously discussed Blayney Shire uniquely has 3 SSD developments which are likely to have construction overlap in 2022.

The Blayney, Cabonne and Orange Council Orange 360 model has already been discussed on page 3.

The definitions in the Standard Instrument LEP need to be reviewed to create more appropriate definitions. Council recently approved a 92 bed 'motel' which consisted of 26 modular buildings (each containing 4 bedrooms with own ensuite) on the former Blayney Bowling Club site at 62 Osman Street Blayney.

Council acknowledges the construction accommodation predicament it is likely facing in the near future, combined with the current housing crisis, however Council did not want to commit its community to a motel comprised of portable buildings, within a Heritage Conservation Area forever.

The community really struggled to comprehend how a perceived 'mining camp' comprising portable buildings could be approved as a motel in the middle of town.

In this regard the developer agreed to a time limited consent of 5 years, in which a modification can be lodged for further consideration, or alternatively the structures are to be removed.

Whether a new definition of 'construction or contractor accommodation' may be more appropriate, particularly if it is directly linked to a specific project and/or a maximum time period is mandated.

6. Council initiatives and partnerships

It is not Councils core business to provide housing, in particular affordable housing, that is the NSW Government in particular NSW Housing responsibility. Councils cannot be expected to facilitate affordable and diverse housing in addition to its core business.

Other matters and comments

The Government needs to address the lack of Building Certifiers in Regional NSW, in particular the lack of youth and trainee's entering the profession.

Housing Delivery is now so reliant on certifiers, there is a real risk the entire construction industry will be significantly impacted if this skills shortage is not addressed. This skills shortage will be compounded, as the opportunity for the more experienced, unrestricted certifiers to mentor the next generation of certifiers over the next 5 years decreases as the older certifiers begin to retire.

The NSW Government previously assisted Councils with the cost of strategic planning through the Planning Reform Fund, this assistance has not existed for several years with all monies now directed to funding the NSW Planning Portal.

There is an opportunity for the NSW Government to facilitate long term housing planning in regional NSW, by supporting Councils to undertake strategic planning, including Master Planning (even requiring co investment).

DPIE could also consider establishing a Regional NSW Master Planning Task Force, which could act as a specialist taskforce which supporting and assisting Regional NSW Councils (in particular smaller Councils) with specialist planning and engineering expertise to Master Plan residential growth areas within each LGA.

The NSW Government should consider providing assistance through significant expansion of the NSW Government Low Cost Loans Initiative (LCLI) program, providing 50% interest subsidies for projects that deliver;

- Upgrade aging infrastructure to facilitate housing growth, and/or
- Deliver new infrastructure that facilitates new greenfield residential growth.

Another significant matter which has been raised, impacting the ability for home ownership is, outside regional centres is banks only lending to a Loan to Value Ratio of 80%, meaning 20% is required by a purchaser, this is compounded as prices surge at unprecedented rates.

Blayney Shire Council is in a fortunate position to capitalise on current residential growth and SSD opportunities.

Blayney Shire Council, given its small size, together with unique residential and SSD growth opportunities is open to working with the NSW Government as a case study LGA for any identified opportunities recommended by the taskforce that could then assist other LGAs throughout the state.

Should you require further information regarding this matter please contact me on (02) 6368 2104.

Yours faithfully

Mark Dicker
Director Planning & Environmental Services

13) DRAFT PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - SIX UNSEWERED VILLAGES & SURROUNDS

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: LP.TE.1

Recommendation:

That Council;

1. Endorse the Draft Planning Proposal “PP3: Six Unsewered Villages and Surrounds” to the Blayney Local Environmental Plan 2012 prepared by IPLAN PROJECTS attached to this report,
2. Forward the Draft Planning Proposal to the Minister for Planning and Public Spaces seeking a Gateway Determination for an amendment to the Blayney Local Environmental Plan 2012.

Reason for Report:

The purpose of this report is to seek Council resolution endorsing the Draft Planning Proposal (PP) so it can be submitted to the Department of Planning Industry & Environment (DPIE) to obtain a Gateway Determination.

A Gateway Determination is required prior to undertaking public exhibition of the proposed change to the Blayney Local Environmental Plan 2012 (BLEP2012).

The amendment specifically relates to the six unsewered villages of; Barry, Carcoar, Lyndhurst, Mandurama, Neville, Newbridge and their immediate surrounds (note: Barry is not a village but a locality).

Report:

At the Ordinary Meeting of 15 February 2021, Council endorsed the Blayney Shire Settlement Strategy 2020, **Resolution Number 2102/025**.

Recommendation 5 was that Council ‘*Proceed to immediately commence 3 Planning Proposals to update the Blayney Local Environmental Plan 2012 for Actions A2-1, A3-1 and A4-1 in the Blayney Shire Settlement Strategy 2020.*’

The subject Planning Proposal, PP3: Six Unsewered Villages & Surrounds proposes the following changes:

1. **PP3A: Minimum Lot Size (MLS) for Subdivision and Residential Accommodation (primarily dwellings) requiring on-site effluent management** in Zone RU5 Village and Zone R5 Large Lot Residential areas for those villages. Currently, there is an MLS for subdivision but not

an MLS for dwellings on existing lots requiring on-site effluent management.

2. PP3B: Dwelling Permissibility – within 500m of Certain Urban Zone(s), as follows:

- a) Carcoar, Mandurama, Neville & Newbridge – 500m of Zone RU5 Village;
- b) Lyndhurst – 500m of Zone RU5 Village AND Zone R5 Large Lot Residential;
- c) Barry – 500m of Zone R5 Large Lot Residential.

This amendment applies to lots within a Rural Zone (RU1 Primary Production or RU2 Rural Landscape) and within 500m of each RU5 village zone and R5 Large lot Residential zone in some circumstances.

The proposal is to allow a dwelling house on a lot or holding that complies with specific identified criteria contained within 2.3.3.1 (page 22) of the PP.

2.3.3.1 states;

“The Objective of this component of the Proposal is to permit a development application for a dwelling house (or dual occupancy) on a lot or holding that meets the following criteria:

Core Criteria

The lot or holding:

- a) *Is in Zone RU1 Primary Production or Zone RU2 Rural Landscape (rural land);*
- b) *Has no existing dwelling house or dual occupancy;*
- c) *Includes all or a significant part of the lot within 500m of Zone RU5 Village and/or Zone R5 Large Lot Residential area as set out in Table 3B1 below;*

Figure 1: Table of relevant zones from which 500m is measured for each of the six (6) settlements.

–Settlement/Village	Zone(s) from which 500m is Measured
Carcoar	Zone RU5 Village
Lyndhurst	Zone RU5 Village + Zone R5 Large Lot Residential
Mandurama	Zone RU5 Village
Newbridge	Zone RU5 Village
Neville	Zone RU5 Village
Barry	Zone R5 Large Lot Residential

- d) *Has a minimum area of 1.5 hectares;*

- e) *Not significantly affected by any environmental or other significant constraints (see 'Additional Constraint Criteria' below); and*
 - f) *Has legal access to a public road; and,*
- as such, has been mapped as having '**dwelling opportunity**' on the new '**Dwelling Opportunity Map(s)**' to be incorporated into BLEP2012.*

Additional Constraint Criteria

The more detailed environmental or other constraints that may prevent a lot/holding from being suitable for consideration for a dwelling and include, but are not limited to (focussed on key issues for the six (6) villages & surrounds) – the lot/holding:

- a) **Access:** *Has the ability to create a safe and legal point of access to a public road (not a Crown Road and preferably not a Classified Road) and this does not require significant new road extensions (Settlement Strategy requires access/frontage to an 'existing formed road');*
- b) **Growth:** *Is not identified in the Settlement Strategy 2020 for future rezoning for additional urban or large lot residential growth;*
- c) **Heritage:** *Is not a heritage item and would not impact significantly on any heritage conservation area (Newbridge is only relevant village with a HCA);*
- d) **Environment:** *Has a suitable dwelling envelope and access that is unlikely to be affected by natural hazards such as flooding or bushfire and is setback from any key watercourses and sensitive biodiversity. Where there is no existing flood study then the precautionary principle is applied to avoid land that foreseeably is below the flood planning level of 1% Annual Exceedance Probability (AEP) + 500mm freeboard;*
- e) **Visual Impact:** *Is likely to have a suitable dwelling envelope/location that would not compromise the overall vista and/or create a detrimental visual amenity impact (e.g., steeper slopes around Carcoar in the visual catchment of the village and key heritage items);*
- f) **Land Use Conflict:** *Is likely to have a suitable dwelling envelope/location that provides a suitable setback/buffer to avoid or minimise any significant land use conflict on an adjoining or nearby property, particularly for protection of agricultural land and operations and/or known mineral potential lands/existing extractive resource buffers.*
- g) **Agricultural Potential:** *Is on significantly fragmented land (lot size generally < 10ha) and is not part of a large agricultural holding where an additional dwelling would conflict with the agricultural potential of the land and extend dwellings significantly beyond the historic urban subdivision pattern of each village;*

Other Limitations

- a) **Merit Assessment:** It is important to note that the identification of a lot as having '**dwelling opportunity**' does not 'entitle' that land owner to a dwelling approval. Any application will still need to address the requirements of the relevant planning controls and is subject to a merit assessment. Therefore, it does not avoid the need to address any site-specific constraints or requirements in accordance with the relevant planning controls and the merit assessment may still prohibit a dwelling on that land.
- b) **Time Limitation:** This 'dwelling opportunity' will only be valid for **five (5) years** from the Date of Commencement of this Amendment to BLEP2012. This will give a reasonable time for land owners to seek consent plus another five (5) years to physically commence any consent. The time limitation ('sunset clause') seeks to avoid additional impacts on agriculture after that time period has elapsed.
- c) **Consistency:** This 'dwelling opportunity' is an extension of the same or similar opportunity given to Millthorpe that may be approved under an earlier Planning Proposal named PP2B. This creates consistency for all of the smaller settlements (other than the Town of Blayney)."

Figure 18 on page 27 of the PP shows 43 new opportunities will be created by this PP. Figure 18 has been extracted from the PP and is below to show the dispersal of the opportunities for the six settlements.

Figure 2: Table of 'Dwelling Opportunities' identified for each of the six (6) settlements.

TABLE.3B2 - Settlement	Number of 'Dwelling Opportunities'
Carcoar	1
Lyndhurst	22
Mandurama	0
Newbridge	2
Neville	7
Barry	11
TOTAL	43

The PP is consistent with the Blayney Settlement Strategy 2020, adopted at the Ordinary Meeting of 15 February 2021, **Resolution Number 2102/025**.

A favourable Gateway Determination is requested from the DPIE to allow the Draft Planning Proposal to be placed on Public Exhibition, any submissions will be considered by Council in the final report, prior to finalising the BLEP amendment.

Timing;

Endorsement of the draft PP is sought to enable a favourable Gateway Determination to be received prior to Christmas so resourcing can be allocated to prepare for the public exhibition.

The public exhibition is tentatively scheduled to commence on 20 January 2022 (going for a period of 28 days) until 17 February 2022. With the intent of presenting the final report (including any submissions received) and the final PP to Council at the 21 March 2022 or 18 April 2022 meeting.

The amendment to the BLEP does not come into force until the NSW Parliamentary Counsel Office provides opinion and the amendment and is subsequently published in the NSW Government Gazette.

Risk/Policy/Legislation Considerations:

The Planning Proposal is consistent with the Blayney Settlement Strategy 2020, adopted at the Ordinary Meeting of 15 February 2021.

Budget Implications:

Allocation within the 2020/21 operational plan has already been made for IPLAN PROJECTS to prepare the PP. Council staff will be required to resource and facilitate the public exhibition of the PP.

Enclosures (following report)

Nil

Attachments (separate document)

1 Villages Planning Proposal PP3

41 Pages

14) FUTURE BLAYNEY RESIDENTIAL LAND CONCEPT INVESTIGATION

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: LP.TE.1

Recommendation:

That Council;

1. Proceed to undertake a preliminary concept investigation of land identified for future residential growth in South Blayney.
2. Approve a supplementary vote of \$32,000 in the 2021/22 Operational Plan from the Property Account to fund the preliminary concept investigation

Reason for Report:

To obtain Council endorsement to proceed to undertake a preliminary concept investigation of land identified for future residential growth in South Blayney.

Report:

At the Ordinary Meeting of 15 February 2021, Council endorsed the Blayney Shire Settlement Strategy 2020 (BSSS), **Resolution Number 2102/025**.

The Blayney Town Structure Plan from the BSSS is provided within this report.

Land known as the South Blayney precinct has been zoned R1 General Residential under the Blayney Local Environmental Plan 2012, for some time. A significant amount is yet to be developed.

Stage 2 of the development known as Highlands Estate, creating 26 lots, has recently been developed. Council staff currently finalising the subdivision certificate.

Council in April 2021 received a pre DA enquiry regarding potential small 14 lot subdivision, on a 41 ha parcel of land that would immediately adjoin Highlands Stages 1 and 2.

Staff acknowledged the small subdivision, however sought a preliminary concept for the entire 41 ha lot, which was subsequently provided for consideration. The preliminary concept is not binding, but for Council to consider wider public infrastructure delivery.

Upon receipt of the preliminary concept for the 41ha lot, Council staff reviewed the indicative layout and concluded it would also be preferable to understand the overall lot yield of the land identified for potential residential growth further to the south.

Primarily, Council is seeking to understand what the precinct will look like and what the potential overall lot yield might be to ensure sustainable delivery of services such as the local road network, sewer and stormwater.

The concept would be initial piece of information that may facilitate a detailed Masterplan for the residential development of the area known as South Blayney.

A Masterplan sets the overarching layout for future subdivision in relation to; lot layout and yield, road hierarchy, infrastructure requirements, pedestrian movement and public open space.

The preliminary concept investigation undertaken by a surveyor would;

1. Gather data together – Plans, Council DCPs, Titles etc.
2. Liaise with NRAR to see which creeks are a designated water way.
3. Analyse data
4. Produce preliminary plan showing a suggested road hierarchy
5. Final Plan.

BLAYNEY SHIRE SETTLEMENT SUMMARY

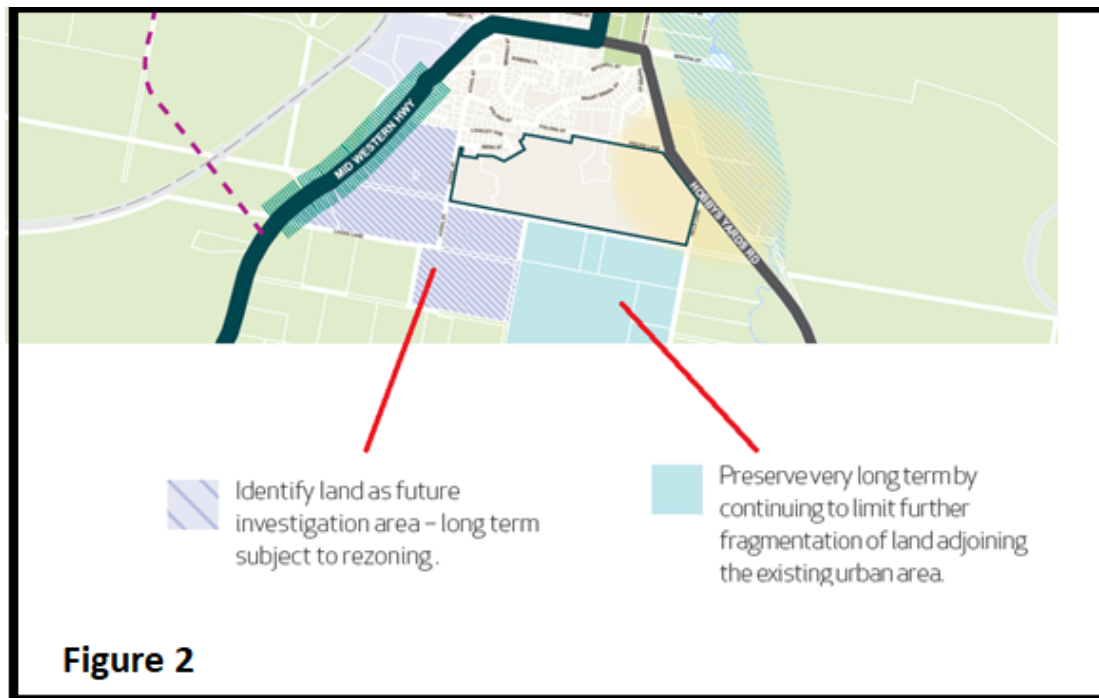
BLAYNEY TOWN STRUCTURE PLAN

Provide opportunities for in-fill development by enabling subdivision of dual occupancy.
Zone land to encourage further subdivision and improve efficiency of existing infrastructure.



- | | | |
|--|---|--|
| <p>Preserve very long term by continuing to limit further fragmentation of land adjoining the existing urban area.</p> <p>Identify land as future investigation area short/medium term. Protect from fragmentation into smaller rural residential lots.</p> <p>Identify land as future investigation area – long term subject to rezoning.</p> <p>Protect visual amenity of key entrances to town.</p> <p>Extend the Business Development zone to land along the Highway fronting Hill Street.</p> | <p>Apply a Mixed Use zone in Hill Street to accommodate residential uses. Provide guidelines in DCP.</p> <p>Consider suitability of residential uses on certain sites in the town centre in particular the former bowling club.</p> <p>Continue to work with landowners to release existing zoned land for residential development.</p> <p>Proposed heavy vehicle route stage 1.</p> <p>Proposed heavy vehicle route stage 2.</p> | <p>Town Centre.</p> <p>Urban area.</p> <p>Development potential (infill).</p> <p>Existing enterprise corridor / industrial.</p> <p>Heritage Conservation area.</p> <p>Flood plain.</p> <p>Sewerage treatment plant and buffer.</p> |
|--|---|--|

Figure 2, is a highlights in greater detail the South Blayney area where it is proposed for a surveyor to undertake a preliminary concept investigation.



Risk/Policy/Legislation Considerations:

The preliminary investigation will be high level, however will provide Council with a concept. Following this, Council can decide if it wishes to proceed to undertake a detailed Masterplan of the precinct.

The benefit, whilst potentially being an expensive initial outlay of a Masterplan is it would provide greater comfort to the community, in particular adjoining residents as to the form and density the residential expansion area will take.

Most importantly a Masterplan enables key infrastructure planning (road hierarchy, sewer, stormwater, open space planning) to be undertaken so that both Council and future developers know exactly what infrastructure is required and importantly not duplicated (costs to provide can also be calculated with certainty).

Budget Implications:

The cost to undertake the preliminary concept investigation is \$32,000 + GST and like any project may be subject to minor variations.

It is proposed to fund the preliminary concept investigation initially from the Property Account which has a current balance of \$1.52m.

The 2013 Blayney Shire Infrastructure Contributions Plan is planned to be reviewed in 2022 (noting the NSW Government is currently finalising a review of developer contributions).

Ability to repay the Property Account from Developer Contributions will be investigated when the 2013 Blayney Shire Infrastructure Contributions Plan review is undertaken.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) DA86/2021 - TELECOMMUNICATIONS FACILITY (SMALL CELL) - 37 ROTHERY STREET CARCOAR

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1671

Recommendation:

That Council consents to Development Application DA86/2021 for the installation of a Telecommunications facility at 37 Rothery Street, Carcoar; being Lot 1 DP833757, subject to the recommended conditions of consent.

Reason for Report:

The Development Application has been referred to Council for determination on the basis that a single objecting submission has been received from a nearby resident / landowner. The issues raised in the submission cannot be resolved by the Director Planning and Environmental Services. The issues raised in the submission are addressed in the body of this report.

Executive Summary

Council's consent is sought for the installation of a Telecommunications facility at 37 Rothery Street Carcoar, being Lot 1 DP833757 (the 'subject property').

Specifically, the proposed Telecommunications facility would comprise the following:

- 20 metre steel monopole;
- Omni antenna (DIA200mm x L998mm) attached to the top of the pole (overall maximum height 21.3m);
- GPS Antenna mounted on the existing Small Country Exchange;
- Electricity supply and ancillary equipment necessary for the operation and proper functioning of the facility including cabling, feeders, conduit and signage; and
- Ancillary equipment will be located within the monopole structure and the existing Telstra Small Country Exchange.

Notably, the subject property is currently used by Telstra for the purpose of a Small Country Exchange (SCAX).

Having regard to the Blayney Local Environmental Plan 2012 (Blayney LEP 2012) and the Blayney Development Control Plan 2018 (Blayney DCP 2018), the key issue for consideration is the impact of the proposed development of the Carcoar Heritage Conservation Area. Heritage is addressed in detail in the body of this report.

However, it is noted that neither the LEP 2012 or DCP 2018 contain provisions which directly address the installation of a Telecommunication facility. As such, the following planning assessment addresses the Planning Principle for general impact on neighbouring properties which is outlined in the NSW Land and Environment Court decision *Davies v Penrith City Council* [2013] NSWLEC 1141.

In summary, it is considered that the proposed development is consistent with the relevant objectives, performance criteria and acceptable solutions of the Blayney LEP 2012, Blayney DCP 2018 and applicable State Environmental Planning Policies.

In addition, it is considered that the proposed development satisfies the relevant considerations under the Planning Principle for general impact on neighbouring properties.

It is recommended that the proposed development be approved subject to the recommended conditions of consent.

Report:

Council's consent is sought for the installation of a *Telecommunications facility* at 37 Rothery Street Carcoar, being Lot 1 DP833757 (the 'subject property').

Specifically, the proposed Telecommunications facility would comprise the following:

- 20 metre steel monopole;
- Omni antenna (DIA200mm x L998mm) attached to the top of the pole (overall maximum height 21.3m);
- GPS Antenna mounted on the existing Small Country Exchange;
- Electricity supply and ancillary equipment necessary for the operation and proper functioning of the facility including cabling, feeders, conduit and signage; and
- Ancillary equipment will be located within the monopole structure and the existing Telstra Small Country Exchange.

The proposed development is illustrated in Figure 1, below.

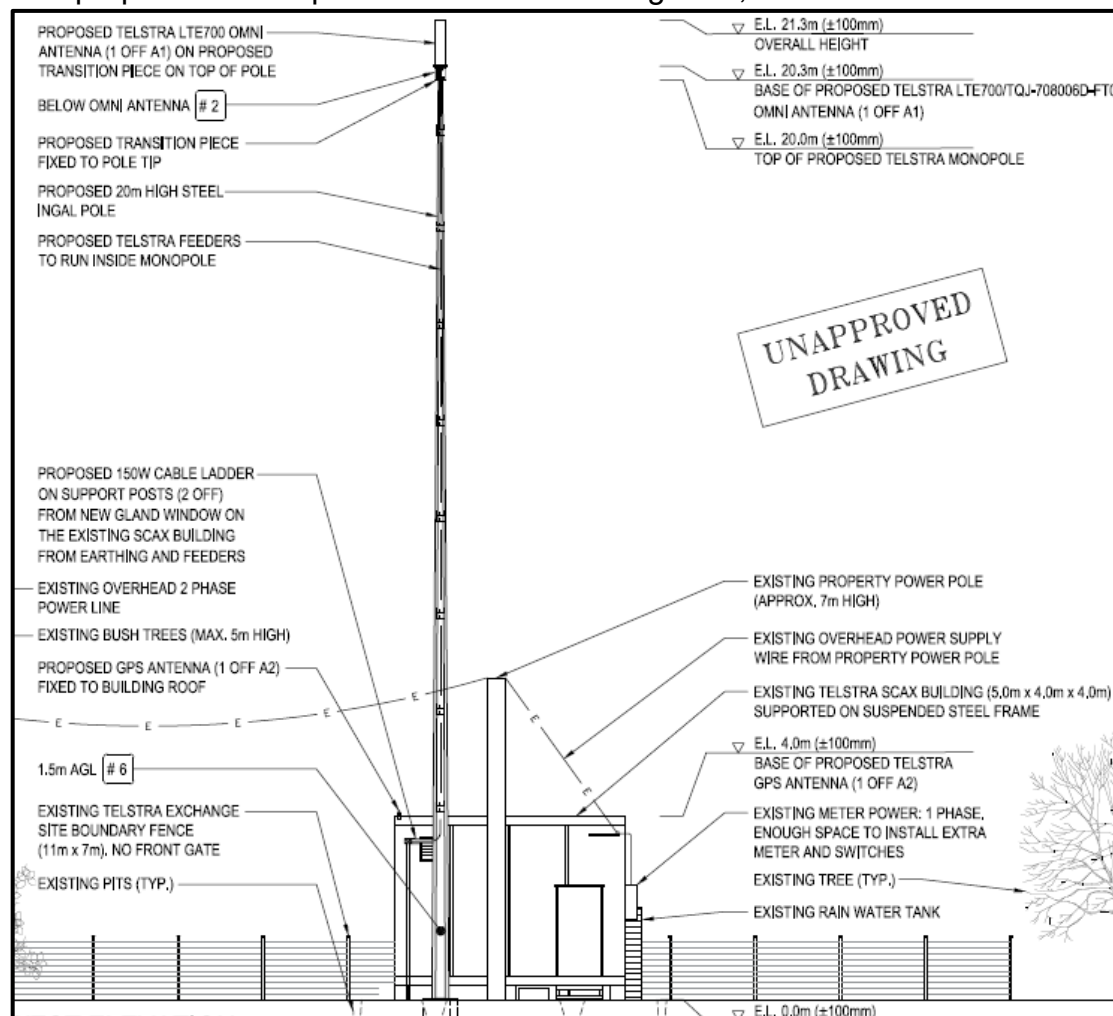


Figure 1: The proposed development – Western Elevation (note: some features shown on the plan are existing)

Existing Conditions

The existing conditions of the subject property are illustrated in Figures 2 - 3, below.

The subject property comprises at total area in the order of 253.26.



Figure 2: Existing conditions of the subject property (note: the photo focuses on the built features contained within the subject property. The subject property comprises additional vegetation to the left of the SCAX).



Figure 3: Existing conditions of the subject property

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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:	3000m ²
Heritage:	Heritage Conservation Area
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

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.

The objectives of the RU5 Village Zone seek to:

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

The proposed development is considered to be generally consistent with the foregoing objectives. However, the final point of the objectives is discussed in further detail in the body of this report under the heading E.3 General Controls for all other Land Uses.

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.

Given that nature of the proposed development, Council staff advised the applicant in May 2021 that it would be necessary to submit a formal Heritage Impact Statement with the Development Application.

The purpose of the Heritage Impact Statement was to demonstrate that the proposed infrastructure had been designed and sited to mitigate any detrimental impact on the significance of the Carcoar Heritage Conservation Area.

A detailed Heritage Impact Statement was subsequently submitted by the heritage consultancy High Ground Consulting. The Heritage Impact Statement concluded:

“In conclusion the proposed work seems to have minimal impact on the cultural significance of the Carcoar Heritage Conservation Area. The distant location of the subject site from the Carcoar village centre, mitigates the visual impact the signal pole might have on the towns significant, topographical views.

It is recommended that the works adhere to the Burra Charters cautious approach to change: “do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.” The erection of telecommunications pole is necessary for usability and liveability for Carcoar residents. Functionality and use are imperative for the survival of any place of heritage significance. The erection of a telecommunication tower should improve the liveability and tourism within Carcoar. This should subsequently facilitate in the conservation of Carcoar’s overall heritage significance; by preventing the town from becoming unliveable and thus, subject to abandonment and disrepair. The positioning of the signal pole, as well as its use of simple steel materials and basic form can be seen as necessary to the use of Carcoar, whilst still being respectful to the heritage significance of the town.”

Based on the detailed Heritage Impact Statement, the nature of the proposed development and location of the subject property relative to the historical features of Carcoar Village, it is considered that the proposed development will not have a detrimental effect on the significance of the Carcoar Heritage Conservation Area or any individual Heritage Item.

Given the nature of the proposed development and that a detailed Heritage Impact Statement was submitted with the Development Application, it was not referred to council’s Heritage Advisor.

Part 6 – Additional local provisions

Clause 6.8 Essential services

Clause 6.8 identifies that development consent must not be granted to development unless the consent authority is satisfied that any of the following 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 or on-site conservation and suitable vehicular access.

It is understood that electricity is the only essential service required for the proposed development. It is noted that the existing SCAX has an electricity connection.

State Environmental Planning Policy (Infrastructure) 2007 Essential Energy

In accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007, the proposed development was referred to Essential Energy.

Essential Energy provided the following comments:

“Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

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

It is recommended that the foregoing comments be incorporated as conditions of consent, where applicable.


NSW Telecommunications Guidelines

Clause 115 (a) of the State Environmental Planning Policy (Infrastructure) 2007 provides that development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.

However, Clause 115(c) states that before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette.

In this regard, the relevant guidelines are identified as the four principles contained within the NSW Government's publication *Telecommunications Facilities Guideline Including Broadband 2010*.

The relevant principles are addressed below:

Principle 1:- A telecommunications facility is to be designed and sited to minimise visual impact	Staff Comment
<p>As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.</p>	<p>It is considered that this requirement is generally intended to capture infrastructure attached directly to a building used for a different purpose, such as the example below.</p>  <p>Notwithstanding, it is considered that the proposed facility does not detract from the design and appearance of the existing SCAX, albeit changing its appearance and increasing visibility from a distance.</p>

<p>The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings</p>	<p>The SoEE states that the compact and slimline design of the pole will integrate into the locality without significantly compromising the scenic amenity and character of the location.</p> <p>It is acknowledged that the proposed facility will have an impact on its immediate vicinity due to its overall height. However, it is considered that the visual impact will be minimal in the context of the broader Carcoar Heritage Conservation Area.</p>
<p>Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.</p>	<p>It is recommended that a condition of consent be applied to require that the proposed facility be finished in a neutral colour.</p>
<p>Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical</p>	<p>It is recommended that a condition of consent be applied to require that any ancillary facility be finished a neutral colour</p>
<p>A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.</p>	<p>Having regard to the Heritage Impact Statement submitted with the Development Application, it is accepted that the proposed facility has been suitably located and designed to suit its semi-rural landscape setting</p>
<p>A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.</p>	<p>As noted above, it is recommended that a condition of consent be applied to require that the proposed facility be finished a neutral colour.</p>

A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	Given the slimline design of the pole and the location of the proposed facility, it is considered that it will not have an unacceptable impact on any significant view of a landmark, a streetscape, vista or a panorama.
The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	Not applicable.
A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	It is recommended that a condition of consent be applied requiring that the proposed facility be removed in the event that it is no longer required.
The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides	These guidelines are identified as the relevant guidelines for the purpose of assessing a Development Application under the Environmental Planning and Assessment Act.
Principle 2: Telecommunications facilities should be co-located wherever practical.	
Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	Not applicable.
Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The proposed facility is located with an existing SCAX.
Towers may be extended for the purposes of co-location	Not applicable.
The extension of an existing tower must be considered as a practical co-location solution prior to building new towers	Not applicable.

If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable	As previously noted, the proposed facility is co-located with an existing SCAX.
If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.	<p>Not applicable as the existing facility would not produce radio frequency emissions.</p> <p>Radio frequency emissions from the proposed facility is addressed below under Principle 3.</p>
Principle 3: Health standards for exposure to radio emissions will be met	
A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard. Refer also to Appendix D	An Environmental EME Report was submitted with the Development Application. The Environmental EME Report confirms that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.
An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	As noted above, an Environmental EME Report was submitted with the Development Application. The Environmental EME Report confirms that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.
Principle 4: Minimise disturbance and risk, and maximise compliance	

<p>The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.</p>	<p>Information submitted with the SoEE confirms that the proposed facility will not penetrate any Obstacle Limitation Surface.</p>
<p>The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.</p>	<p>Information submitted with the SoEE confirms that the proposed facility would be licensed per the Australian Communications and Media Authority Regulations. As a result, it will not interfere with any civil or defence navigation or communication equipment.</p>
<p>The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.</p>	<p>It is recommended that a condition of consent be applied to require that the telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.</p>
<p>The telecommunications facility is not to affect the structural integrity of any building on which it is erected.</p>	<p>The proposed facility will be freestanding.</p>
<p>The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004), or its replacement.</p>	<p>It is recommended that a condition of consent be applied to require that the carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004), or its replacement.</p>

Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated	<p>Given the location of the proposed facility, it is unlikely to obstruct or create a risk to pedestrians or vehicles.</p> <p>Notwithstanding, it recommended that a condition of consent be applied to require a traffic and pedestrian management plan to be submitted for the period of construction.</p>
Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays	<p>The SoEE confirms that the proposed work would be carried out between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</p> <p>It is recommended that this commitment be reinforced by a condition of consent.</p>
Traffic control measures are to be taken during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.	The SoEE confirms that any traffic control measures would be in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.
Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	Not applicable.
Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	The proposed development is unlikely to have any detrimental effect on native flora and fauna.
The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.	The proposed development is unlikely to have any detrimental impact on any threatened species or community.
The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	<p>The subject property has previously been highly disturbed through the construction of the existing SCAX.</p> <p>It is unlikely that the proposed facility would harm an Aboriginal Place and / or Aboriginal object.</p>

Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	<p>There is no street furniture, paving or other facility in the immediate vicinity of the proposed facility which is likely to be damaged or destroyed.</p> <p>Notwithstanding, it is recommended that a condition of consent to this effect be applied on a precautionary basis in the event that some damage to public infrastructure is caused.</p>
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Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority

Not applicable.

Section 4.15(1)(a)(iii) Any Development Control Plan

Blayney Shire Development Control Plan 2018

Part E: Other Land Uses

E.3 General Controls for all Other Land Uses

E.3 applies to those land uses which are not otherwise directly addressed within the DCP.

Specifically, E.3 provides that Council will consider all applications on their merits in any zone where the particular land use is permitted under BLEP2012, a development application must ensure that it complies with Part D – Commercial, Community and Industrial, Sections D4 Access and Parking and D6 Site Planning, Earthworks and Utilities and the other specific land uses or activities controls that are covered in Section E of this DCP.

Having reviewed Part D, it considered that there are no meaningful provisions against which the merits of the proposed development should reasonably be assessed, with the exception of the standard considerations set out under D6 Site Planning, Earthworks and Utilities. These matters are addressed below.

In the absence of a clear policy or framework to assess the proposed development, Council staff have reviewed the planning principles established by the NSW Land and Environment Court¹ (the 'LEC'). The LEC website states the following:

A planning principle is a statement of a desirable outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making, a planning decision.

While planning principles are stated in general terms, they may be applied to particular cases to promote consistency. Planning principles are not legally binding and they do not prevail over councils' plans and policies.

¹ <https://www.lec.nsw.gov.au/lec/practice-and-procedure/principles/planning-principals.html>

Planning principles assist when making a planning decision, including:

- *where there is a void in policy*
- *where policies expressed in qualitative terms allow for more than one interpretation*
- *where policies lack clarity.*

Having reviewed the planning principles, Council staff have identified that the planning principle for general impact on neighbouring properties should be considered. This planning principle is set out in *Davies v Penrith City Council* [2013] NSWLEC 1141 at [116] to [121]². Specifically, the planning principle is:

Revision of the Planning Principle in Pafburn

116. *As noted immediately above, Mr Davies' case is, in part, based on what is described as the necessity for the structure as his wife is suffering from muscular dystrophy. In the submissions on this point, the planning principle that was established by Roseth SC concerning, inter alia, "necessity" was raised as potentially relevant. That planning principle, set out in Pafburn v North Sydney Council [2005] NSWLEC 444 at [26], is in the following terms:*

Planning principle: criteria for assessing impact on neighbouring properties

26 *The following questions are relevant to the assessment of impacts on neighbouring properties:*

- *How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*
- *How **necessary and/or** reasonable is the proposal causing the impact?*
- *How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*
- *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*
- *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

² <https://www.caselaw.nsw.gov.au/decision/54a63b123004de94513daebd>

Emphasis added

117. *The particular words that are of concern to me are "necessary and/or" contained in the second dot point.*
118. *Whilst I accept that, in some fundamental terms, some matters may be "necessary" for a development (such as potable water supply and proper sanitation, for example, for a residence), it seems to me that these would, in any event, be taken into account in assessing the reasonableness of any proposal.*
119. *The present language, in my view, raises the risk - through the separation of necessity from reasonableness - of an anthropocentric interpretation of this element of the planning principle.*
120. *It is long established law that proper planning decisions are not made on such a basis. Development consents run with the land and proposals for consent are to be assessed in that light rather than by consideration of what might be "necessary" for any present or proposed occupants or the beneficiaries of any consent.*
121. *I have, therefore, undertaken the internal consultation process for consideration of the establishment of a new planning principle or the revision of an existing planning principle. As a result of that consultation, it is appropriate to refine the published planning principle to delete the words "necessary and/or" so that the revised planning principle will, in future, read:*

Revised planning principle: criteria for assessing impact on neighbouring properties

The following questions are relevant to the assessment of impacts on neighbouring properties:

- *How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*
- *How reasonable is the proposal causing the impact?*
- *How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*
- *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

- *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The questions are addressed below:

1. How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?

The proposed development will not change the amenity of the nearby residential properties with regard to sunlight or privacy.

It is acknowledged that the proposed facility will be visible from the nearby residential properties. However, while the facility will be visible it is considered that it will not impede or have a detrimental impact on any significant view from a residential property.

In particular, it is noted that the proposed facility is located in the order of 50 m from the nearest residential property and that any views to / from the area are impacted by existing public infrastructure, particularly power poles.

2. How reasonable is the proposal causing the impact?

The SoEE states that the proposed facility is part of the Federal Government Mobile Black Spot Program (MBSP) which is intended to deliver mobile coverage to a large number of regional and remote communities who, for the first time, will be able to access fast mobile voice and data services. The SoEE goes on to state that the improved coverage will increase access to new technologies for key regional sectors like education, agriculture, transport and tourism –technologies which rely on a fast, reliable and affordable mobile network. The improved coverage also provides the underpinning capability to allow emergency services to operate and interoperate.

The SoEE states that a due diligence and site selection process was undertaken to identify the appropriate location for the proposed facility. The due diligence process included consideration of factors such as topography and other physical constraints such as trees and buildings, the immediate network 'capacity' or number of calls expected to be made in the area, and radio frequency at which the base station will operate. Further, the SoEE states that antennas need to be located clear of obstructions like trees and topographic variation, in order to provide a clear line uninterrupted sight and ensure good signal quality.

Given that Carcoar and its immediate surrounds have been identified as part of Mobile Black Spot Program, it is accepted that the need for the proposed facility is reasonable within the broader Carcoar area.

Further, given that a due diligence process has been followed to determine the most appropriate location for the proposed facility, it is accepted that the selection of the subject property is also reasonable.

It should be noted that a different assessment may have been made had Carcoar not been identified as part of the MBSP or if an existing telecommunication facility existed within the immediate area upon which the Telstra antenna could have been co-located.

3. How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?

As noted under point 1 above, it is considered that the only impact on the nearby residential properties would be that the proposed facility will be visible. However, while the facility will be visible it is considered that it will not impede or have a detrimental impact on any significant view from a residential property.

In order to avoid the negligible impact, it would be necessary to relocate the proposed facility to a different location which is not visible. It is considered that this would amount to loss of reasonable development potential from the existing SCAX site.

4. Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?

It is considered that the proposed facility has been appropriately designed, having regard to key issues such as topography and the need to avoid physical constraints such as trees and buildings.

5. Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

Having regard to the balance of the assessment contained within this report it is considered that the proposed facility complies with the relevant planning controls, particularly heritage conservation.

Part D – Commercial, Community and Industrial

D6 Site Planning, Earthworks & Utilities

D6.1 Site Planning

D6.1 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):

- a) Considers and responds to the topography, climate and natural environment;
- b) Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts;
- c) Protects and enhances any heritage items or heritage conservation areas;
- d) Integrates with the surrounding built form and landscape/streetscape character; and
- e) Maintains reasonable residential amenity (for the site and adjacent dwellings).

Given that nature of the proposed development, it is considered that the primary considerations are whether the proposed development protects and enhances any local heritage items and the heritage conservation areas; and whether it would maintain reasonable residential amenity.

Heritage is addressed in detail under the heading Clause 5.10 Heritage conservation.

Impact on residential amenity has previously been addressed under Part E above. It is considered unlikely that the proposed development would have any significant off-site impact.

D6.2 Earthworks

D6.2 identifies that all development should minimise cut and/or fill and potential erosion and sediment entering stormwater systems or watercourses by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to watercourses, and access and drainage requirements; ensure that earthworks (for which development consent is required) will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land; and ensure that fill that is brought onto or leaves any site is uncontaminated and will not increase the risk or spread of contamination. Council may require a Soil Analysis Report and/or Contamination Review / Site History to ensure that only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site. Note: If the site is within a flood prone area then there may be additional earthworks controls in Part G – Environmental Management & Hazards.

The proposed development would involve negligible earthworks.

Further, it is noted that subject property is not identified as being flood affected.

D6.3 Building near Utilities

D6.3 identifies that buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or under-ground).

The proposed development was referred to Essential Energy in accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007.

Essential Energy does not object to the proposed development.

D6.4 Connection to utilities

D6.4 refers to the following matters:

- 1) Address the requirements of Clause 6.8 - Essential Services in BLEP2012.

2) All utilities must be installed and/or connected in accordance with Council's Guidelines for Engineering Works or the requirements of the relevant utility provider.

3) Where reticulated services are available, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.

Clause 6.8 is previously addressed under the heading Clause 6.8 Essential Services. It is understood that electricity is available to the subject property.

D6.5 Siting and Visibility of Utilities

D6.5 identifies that the applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.

With regard to this objective, the key issues for consideration are considered to be the potential impact on the Carcoar Heritage Conservation Area and nearby residential properties. These matters have been addressed in detail in the body of this report.

In summary it is considered that the installation of the proposed facility will not have a significant or detrimental impact on the Carcoar Heritage Conservation Area or nearby residential properties.

Part H: Heritage

H5 Development within Heritage Conservation Areas

Part H5 sets out the following objectives for development within Heritage Conservation Areas.

H5.1 Scale and Form

- 1) The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.
- 2) 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.
- 3) New development that obscures important views within a heritage conservation area should not be permitted.
- 4) 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.
- 5) 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.
- 6) 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.

H5.2 Siting

- 1) 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.
- 2) No new structures should be built forward of the established main street building line.

H5.3 Materials and Colours

- 1) 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.
- 2) 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.
- 3) Materials for new development in **HCA**s should not contrast with the original materials of the dominant contributory buildings in the conservation area.
- 4) 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.
- 5) The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

H5.4 Doors and Windows

- 1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.

H5.5 Outbuildings

- 1) Outbuildings and carports should be located behind the front building alignment.
- 2) Outbuildings should be single storey and designed and located so that they have negligible if any impact on the streetscape.

H5.6 Fencing

- 1) New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate character of the conservation area.
- 2) Fencing constructed of solid material such as masonry forward of the building line should not be greater than 900mm in height above the adjacent public footpath level, unless justified.
- 3) Original masonry fencing should not be painted, unless justified.

H5.7 Advertising and Signage

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.
- 6) Signage on commercial buildings is to be confined to:
 - a) An under-awning sign of an appropriate size and design;
 - b) A window sign in the ground floor shop front of an appropriate size and design;
 - c) A façade sign contained within a purpose designed panel of the building façade;
 - d) The façade of the building shall not be painted in corporate colours;
 - e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

Notably, these provisions are generally intended to guide new residential and commercial development in Heritage Conservation Areas, rather than infrastructure.

Heritage matters are addressed in detail under the heading Clause 5.10 Heritage conservation.

Section 4.15(1)(a)(iia) 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)**
Not applicable.

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

In accordance with Part B of the DCP and the Blayney Shire Community Consultation Plan the proposed development was notified.

One objecting submission was received. The matters raised in the submission are addressed below:

Location of the proposed facility

The submitter indicates that they are disappointed with the location of the proposed facility due to its proximity to their dwelling and the dwellings of their immediate family members. In particular, the submission notes that it would be the first thing that they see when looking at a window or walking out the front door.

The submitter also queries why the proposed facility would not have been located closer to the existing water tower, which is already used by some other communication infrastructure and which would be less prominent.

As addressed in the body of this report, it is accepted that the proposed facility will be visible from the nearby residential properties.

However, while the facility will be visible it is considered that it will not impede or have a detrimental impact on any significant view from a residential property.

In particular, it is noted that the proposed facility is located in the order of 50 m from the objectors dwelling and that any views to / from the area are impacted by existing public infrastructure, particularly power poles.

With regard to the existing water tower, the SoEE states that a due diligence and site selection process was undertaken to identify the appropriate location for the proposed facility.

The due diligence process included consideration of factors such as topography and other physical constraints such as trees and buildings, the immediate network ‘capacity’ or number of calls expected to be made in the area, and radio frequency at which the base station will operate. Further, the SoEE states that antennas need to be located clear of obstructions like trees and topographic variation, in order to provide a clear line uninterrupted sight and ensure good signal quality.

Impact on Human Health

The submitter indicates that they have undertaken research and have not been able to find any evidence to confirm that the health of nearby residents is not affected.

The Development Application is accompanied by an Environmental EME Report.

A detailed explanation of an Environmental EME Report is provided on the Australian Government’s website for Australian Radiation Protection and Nuclear Safety. At the time of writing, it could be accessed here: [ARPANSA environmental EME reports | ARPANSA](https://www.arpansa.gov.au/research/surveys/environmental-electromagnetic-energy-reports)

The website states the following:

“Wireless base stations and small cells work by sending out RF EME in the form of waves carrying information. When the RF EME reaches objects, including people and animals, some of the energy carried by the waves is deposited in the object. This can lead to heating of the object and, if levels are too high, can cause harmful effects. The ARPANSA RF

Standard<https://www.arpansa.gov.au/research/surveys/environmental-electromagnetic-energy-reports> *- 4 provides limits of exposure which must be complied with by all radio installations, including wireless base stations and small cells. The limits for EME exposure given in the ARPANSA Standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours per day, 7 days per week. The EME Report shows the maximum calculated levels for a specific installation and compares them against the exposure limits in the ARPANSA Standard.*

It is noted that the Environmental EME Report submitted with the Development Application states that the maximum EME level of 100% of the public exposure limit when measured 23m from the proposed facility is 0.021%.

As such, it is considered that the proposed facility meets the necessary standards for human health.

Heritage

The submitter identifies that the proposed facility may impact on the significance of the Carcoar Heritage Conservation Area.

It is noted that the Development Application was submitted with a detailed Heritage Impact Statement. The Heritage Impacts Statement Included the following conclusions:

“In conclusion the proposed work seems to have minimal impact on the cultural significance of the Carcoar Heritage Conservation Area. The distant location of the subject site from the Carcoar village centre, mitigates the visual impact the signal pole might have on the towns significant, topographical views.

It is recommended that the works adhere to the Burra Charters cautious approach to change: “do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.” The erection of telecommunications pole is necessary for usability and liveability for Carcoar residents. Functionality and use are imperative for the survival of any place of heritage significance. The erection of a telecommunication tower should improve the liveability and tourism within Carcoar. This should subsequently facilitate in the conservation of Carcoar’s overall heritage significance; by preventing the town from becoming unliveable and thus, subject to abandonment and disrepair. The positioning of the signal pole, as well as its use of simple steel materials and basic form can be seen as necessary to the use of Carcoar, whilst still being respectful to the heritage significance of the town.”

Section 4.15(1)(e) The public interest

The proposed modification is 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:

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP 2012 and Blayney DCP 2018. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

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

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Plans	5 Pages
2	Environmental EME Report	2 Pages
3	Statement of Heritage Impact	16 Pages
4	Submission	2 Pages
5	Proposed Conditions	6 Pages

16) UPPER MACQUARIE COUNTY COUNCIL DELEGATE REPORT

Department: Executive Services

Author: Councillor Reynolds

CSP Link: 5. The Natural Environment

File No: EM.ME.6

Recommendation:

That Council receive and note the Upper Macquarie County Council achievement report 2020/21.

Reason for Report:

To update Council on the annual performance of Upper Macquarie County Council for the 2020/2021 financial year.

Report:

The following report is presented to Blayney Shire Council to summarise some of the highlights of the Upper Macquarie County Council performance in 2020-21.

Property Inspections Program 2020-21

The 2020/2021 property inspection program has been completed in all local council areas. During the reporting period there were 1,558 inspections of private land, public land, and linear pathways - covering a combined 194,000 hectares of land (including ~2,480 kms of linear pathways).

This compares with the 12-month period from 1 July 2019 to 30 June 2020 where there were 1,872 inspections undertaken (including 490 re-inspections) covering approximately 148,000 hectares of land (including 2,150 kms of linear reserves) as follows:

- 1,373 inspections were of private property (~132,500 ha),
- 212 inspections were of public land (~9,900 ha), and
- 287 inspections were of public high-risk pathways (~2,152 kms)

The County Council achieved actual on-the-ground treatment of weed infestations by various landholders covering approximately 146,000 ha of land infested by priority weeds. This was done using force (through control notices, directions, and penalties) (11,000 ha), encouragement (through notices to inspect) (124,000 ha).

In Blayney Shire Council area, 244 properties were inspected, covering an area of 33,000 hectares as displayed in Table 1. The inspections found 97 High Risk and 146 Low Risk Properties. The average property size inspected in the Shire was 135 hectares as shown in Table 2. Blayney Shire landholders were issued 14 directions, with 7 directions extended. There were 4 Penalties Infringement notices issued and 14 properties had actions pending as shown in Table 3.

Table 1: Property Inspection Results - Weed Biosecurity Risk Detection 2020-21

Local Council	Number	Area (ha)	Low Risk	High Risk
Bathurst	456	85,000	247	209
Blayney	244	33,000	146	97
Lithgow	550	40,000	279	272
Oberon	308	36,000	178	130
UMCC Total	1558	194,000	850	708

Table 2: Property Inspection Results - Type and Quantity 2020-21

Local Council	Number	1 st Inspection	2 nd Inspection	Av Property (ha)
Bathurst	456	330	126	186
Blayney	244	170	74	135
Lithgow	550	340	210	73
Oberon	308	213	95	117
UMCC Total	1558	1053	505	120

Table 3: Property Inspection Responses - Enforcement Activity 2020-21

Local Council	Direction Given	Direction Extended	Penalty Issued	Action Pending
Bathurst	18	10	8	9
Blayney	14	7	4	14
Lithgow	23	17	9	2
Oberon	14	11	4	1
UMCC Total	69	45	25	26

Aerial Operations

There were two large scale aerial weed control programs delivered in 2020/2021 by the County Council. This was up from only one in the previous two years and involved a total of 109 landholdings and 3,300 hectares of weed infested lands being treated.

Roadside control

The annual roadsides weed treatment programs was successfully delivered during the year – accounting for roadside weed control treatment across 114 roads extending for 1,034 kms equivalent to 2,068 ha.

Other Achievements

- The Council's landholder support program involving herbicide supply to landholders increased by 3 times in 2020/2021 (compared to 2019/2020) equivalent to treating up to 4,500 ha of weed infestation.
- NSW Crown Lands secured a State Grant of \$50k weed control on crown reserves, with County Council assistance. The County Council then delivered the program on the government agency's behalf.
- The County Council worked with Central tablelands LLS on the NSW Government's 'Living on the Edge' weed control project by assessing properties and supplying subsidised herbicides for qualifying landholders.

- The Council commenced the new 5-year NSW Weed Action Program with recurrent grant funding, through the NSW Department of Primary Industry and Local Land Services for a further 5 year term that commenced on July 1, 2020.

Summary of Annual Financial Statement Results 2020-21

An unqualified audit report was provided for the 2020-21 financial statements.

A. The Income Statement:

Total income from continuing operations = \$1,735,000

Total expenses from continuing operations = \$1,598,000

Net operating result for the year = \$137,000

This \$137,000 surplus compares with last year at \$44,000

B. The Statement of Financial Position:

Total Assets = \$1,525,000

Total Liabilities = \$359,000

Total Equity = \$1,166,000

This \$1,166,000 total equity compares with last year at \$1,029,000.

C. The Statement of Changes in Equity:

Equity at Year Start = \$1,029,000

Equity at Year End = \$1,166,000

Net Equity Increase = \$137,000

This \$137,000 equity increase compares with last year at \$44,000.

D. The Statement of Cash Flows:

Net Cash increase = \$220,000

Cash and Cash Equivalents at end of Reporting Period = \$1,327,000

This \$1,327,000 total cash and cash equivalents compares with last year at \$1,107,000.

E. Statement of Performance measurement:

- Operating Performance - Improved – Well above OLG Benchmark
- Own Source operating revenue - Improved – Less below OLG Benchmark
- Unrestricted Current Ratio - Decreased – Well above Benchmark
- Cash Expense Cover Ratio - Improved – Well above Benchmark

Risk/Policy/Legislation Considerations:

Upper Macquarie County Council is the weeds authority for 4 local government areas being Bathurst Regional Council, Blayney Shire Council, Lithgow Council and Oberon Shire Council. Each of these Councils provides a financial contribution to the operation of the County Council.

Blayney Shire Council is represented by Cr David Kingham and Cr Bruce Reynolds.

Budget Implications:

Blayney Shire Council's net share of UMCC income is reported as a joint venture in Council's Financial Statements.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

17) CONTRACT 6/2021 - DESIGN AND CONSTRUCTION OF BRIDGES IN BLAYNEY AND FORBES SHIRE COUNCILS

This matter is considered to be confidential under Section 10A(2) (di) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

18) CONTRACT 9/2021 - CONSTRUCTION OF PANUARA ROAD

This matter is considered to be confidential under Section 10A(2) (di) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.