



14 July 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, 19 July 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 28.06.21
- (9) Matters arising from Minutes
- (10) Notice of Rescission
- (11) Notice of Motion
- (12) Reports of Staff
 - (a) Executive Services
 - (b) Planning and Environmental Services
 - (c) Corporate Services
 - (d) Infrastructure Services

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2021

July

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	19 July 2021	Council Meeting	Community Centre
10.00am	23 July 2021	Traffic Committee Meeting	Community Centre
5.00pm	20 July 2021	Financial Assistance Committee Meeting	Community Centre
9.00am	28 July 2021	Audit, Risk and Improvement Committee Meeting	Community Centre
5.00pm	28 July 2021	Cemetery Forum	Community Centre
6.00pm	28 July 2021	Access Advisory Committee Meeting	Community Centre

August

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	2 August 2021	Council Meeting	Community Centre
2.30pm	6 August 2021	Upper Macquarie County Council Meeting	Community Centre

September

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
8.00am	4 September 2021	Local Government Elections	Blayney Shire

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HELD ON MONDAY 19 JULY 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.

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01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 28 JUNE 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 28 June 2021, being minute numbers 2106/001 to 2106/023 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 28 JUNE 2021, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), 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), Director Planning & Environmental Services (Mr M Dicker), Manager Planning (Mr D Drum), Manager Water and Wastewater / Projects (Mr C Harris) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

This meeting was held in accordance with the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021.

APOLOGIES

2106/001

RESOLVED:

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

(Reynolds/Somervaille)
CARRIED

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Non Pecuniary (less than significant)	4	14	BizHQ	Council delegate is a relative
Cr Ferguson	Pecuniary	7	21	DA60/2020 – 23 Lot Subdivision – 61 Forest Reefs Road Millthorpe	Cr Ferguson has a business relationship with the applicant

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the Chambers. The Deputy Mayor, Cr Ewin, assumed the Chair.

PUBLIC FORUM

David Dixon – Item 7 – DA60/2020 – 23 Lot Subdivision – 61 Forest Reefs Road Millthorpe

David Hansen – Item 7 – DA60/2020 – 23 Lot Subdivision – 61 Forest Reefs Road Millthorpe

Bendix Keukenmeester – Item 7 – DA60/2020 – 23 Lot Subdivision – 61 Forest Reefs Road Millthorpe

Keli Wood (via Zoom) – Item 7 – DA60/2020 – 23 Lot Subdivision – 61 Forest Reefs Road Millthorpe

The Mayor, Cr Ferguson, returned to the Chambers and resumed the Chair.

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 31 MAY 2021**

2106/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 31 May 2021, being minute numbers 2105/E001 to 2105/E008 be confirmed.

(Ewin/Newstead)
CARRIED

MATTERS ARISING FROM THE MINUTES

Cr Reynolds enquired about the Stronger Country Communities Funding application for Round 4 which the General Manager confirmed has been submitted.

NOTICES OF MOTION

- 2106/003** **REMOTE ATTENDANCE GUIDELINE**
RESOLVED:
 That Council adopts the revised procedures governing Remote Attendance by Councillors at meetings of the Council up to 31 December 2021 and it be appended to the Blayney Shire Council Code of Meeting Practice.
(Somervaille/Reynolds)
CARRIED

EXECUTIVE SERVICES REPORTS

- 2106/004** **2021 SCULPTURES BY THE BUSH REPORT**
RESOLVED:
 That Council receive and note the 2021 Sculptures in the Bush Report.
(Reynolds/Ewin)
CARRIED

- 2106/005** **MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 25 MAY 2021**
RESOLVED:
 That the minutes of the Blayney Shire Tourism, Towns and Villages Committee meeting, held on Tuesday 25 May 2021, be received and noted.
(Reynolds/Ewin)
CARRIED

The Mayor, Cr Ferguson, having declared an interest in the following 2 items departed the Chair and left the Chambers. The Deputy Mayor, Cr Ewin, assumed the Chair.

- 2106/006** **BIZHQ**
RESOLVED:
 That Council approve the proposed conversion of the Business Enterprise Centre from a NSW Incorporated Association to a Public Company Limited by Guarantee.
(Reynolds/Newstead)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DA60/2020 - 23 LOT SUBDIVISION - 61 FOREST REEFS ROAD MILLTHORPE
 Cr Newstead moved the following amendment to the recommendation, seconded by Councillor Reynolds:

MOTION:

1. That Council consents to Development Application

DA60/2020 for a twenty-three lot torrens title subdivision of 61 Forest Reefs Road, Millthorpe, being Lot 286 DP1018875, subject to the recommended conditions of consent.

2. That an amended road naming application is submitted for consideration in accordance with Council's Road, Street and Bridge Names Policy.

(Newstead/Reynolds)

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

FOR	AGAINST
Councillor Kingham	Councillor Ewin
Councillor Newstead	Councillor Somervaille
	Councillor Reynolds
Total (2)	Total (3)

The **MOTION** was **LOST**.

The following reasons were noted.

- Water management and water logging of Lots 2-9
- Removal of trees
- Vegetation management; weeds, maintenance and fire risk
- Street lighting – no evidence of carbon neutrality
- Density of development – Lots 2-9
- Density on western boundary is too great having regard for the pattern of development of the western side in comparison to character of Forest Reefs Road
- 3 additional lots on the southern part of the development are now included which were not included in the original concept plan, which was a basis for approving the rezoning.

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 MAY 2021

2106/007

RESOLVED:

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

(Reynolds/Newstead)

CARRIED

ADOPTION OF 2021/22 - 2024/25 DELIVERY PROGRAM AND 2021/22 OPERATIONAL PLAN

2106/008

RESOLVED:

1. That in accordance with s.402-406 of the Local Government Act 1993, the 2021/22 Operational Plan be adopted by Council;
2. That Council adopt the Revenue Policy for 2021/22, as

- outlined in the 2021/22 Operational Plan;
3. That Council adopt the Statement of Rating Structure and their respective short names as contained in the Operational Plan 2021/22 and make the Ordinary Rate and charges, including sewer charges and domestic waste management charges, pursuant to s.494 and s.496 of the Local Government Act 1993 and Waste Management Levy pursuant to s.501 of the Local Government Act 1993 detailed in the tables below:

Rating Structure for the 2021/22 Rating Year						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1,173	\$345	0.00188540	\$219,856,042	\$819,202	49.40%
Sub Category – Blayney & Carcoar	1,365	\$345	0.00423202	\$120,794,540	\$982,130	47.95%
Sub Category – Millthorpe	329	\$345	0.00172446	\$71,881,560	\$237,462	47.80%
Business						
Ordinary Rate	91	\$445	0.00406360	\$14,370,430	\$98,891	40.95%
Sub Category - Business Blayney	168	\$445	0.00817252	\$16,841,400	\$212,397	35.20%
Sub Category - Business Millthorpe & Carcoar	57	\$445	0.00551905	\$8,693,600	\$73,345	34.58%
Farmland						
Ordinary Rate	736	\$560	0.00220200	\$842,387,970	\$2,267,098	18.18%
Mining						
Ordinary Rate	1	\$1,100	0.03840800	\$426,000	\$17,462	6.30%
Sub Category - Mining Gold	-	\$1,100	0.04000000			0.00%
Sub Category - Mining Gold / Copper Combined	1	\$1,100	0.04170870	\$110,000,000	\$4,589,057	0.02%
Total Yield	3,921			\$1,405,251,542	\$9,297,043	

2021/22 Waste Charges		
Charge Category and Description	Annual Charge	No. of Properties
Waste Management Levy		
Waste Management Levy <i>This is waste management charge is applied to all properties funding waste disposal services for the Blayney Shire</i>	\$36	4,037
Domestic Waste Management		
Domestic Waste Management Service Charge <i>This is applied to properties that have a residence within the waste collection area.</i>	\$340	2,603
Domestic Waste Management Availability Charge <i>This charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land</i>	\$60	285

Commercial (Non-Domestic) Waste Management		
Non-Domestic Waste Management Service Charge <i>This is applied to properties for non-domestic properties within the waste collection area</i>	\$440	338
Non-Domestic Waste Management Availability Charge <i>This charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land</i>	\$60	91
Non-Domestic Waste Service Management Charge for Charity and Not Profit Organisations <i>This is applied to the above properties for non-domestic properties within the waste collection area</i>	\$120	10
Extra Services		
Additional Garbage Charge – per red bin	\$280	90
Additional Recycling Charge – per yellow bin	\$120	30
Total Yield	\$1,231,632	

2021/22 Liquid Waste Charges		
Commercial (Non-Residential)		
	Annual Fee	No. of Properties
Annual Trade Waste Fee	\$108	62
Annual Trade Waste Fee (Large Dischargers Category 3)	\$400	1
Liquid Trade Waste User Charges with Trade Waste Agreement (Category 1, Category 2/2s)	\$2.17	23
Liquid Trade Waste User Charges with No Trade Waste Agreement	\$21.05	12
Excess Mass Chargers for Category (3 Dischargers)	\$Per the table	
Water Testing Charges (if required)	\$280.00 per quarter	1
Estimated Total Yield	\$64,750	

Non Residential Sewer Charges					
	Annual Charge (Prior to SDF Factor)	No of Properties	Quarter Charge before SDF applied	Min. quarterly amount charged	TOTAL YIELD
20mm Water Service	\$584	161	\$146	\$175	
25mm Water Service	\$896	21	\$224	\$175	
32mm Water Service	\$1,460	18	\$365	\$175	
40mm Water Service	\$2,288	11	\$572	\$175	
50mm Water Service	\$3,568	24	\$892	\$175	
80mm Water Service	\$9,112	1	\$2,278		
100mm Water Service	\$14,288	6	\$3,572		
150mm Water Service	\$32,148	2	\$8,037		
Vacant/Unmetered	\$360	49			
Usage Charge (per kl)	\$1.50				
Estimated Total Yield	\$ 397,000				

Residential Sewer Charges			
	Access Charge	No of Properties	Total Yield
Connected	\$700	1,517	\$1,061,900
Vacant/Unmetered	\$360	114	\$41,040
Estimated Total Yield			\$1,102,940

Future Sewerage Infrastructure Subsidy Charges			
	Access Charge	No of Properties	Total Yield
Connected - Residential	\$55	1,543	\$84,865
Connected - Business	\$55	206	\$13,310
Vacant (Unconnected)	\$55	168	\$9,240
Estimated Total Yield			\$107,415

4. That the schedule of financial assistance under the Community Financial Assistance Program, pursuant to s.356 Local Government Act be adopted.
5. That the Local Heritage Assistance Program, the Youth Week Grants Program, the Tourism Event Development Fund, and the Village Enhancement Program incorporating Development Coordinator Program that financially assist others under s356 Local Government Act (1993) be adopted.

(Reynolds/Somervaille)

CARRIED

2021/22 COUNCILLOR AND MAYORAL REMUNERATION

2106/009

RESOLVED:

1. That Councillor and Mayoral remuneration be paid at the maximum level for the Rural Council category, per the 2021 Local Government Remuneration Tribunal Determination, being \$12,400 for Councillors and \$27,060 for the additional Mayoral annual fee effective from 1 July 2021.
2. That the data allowance for up to 50% reimbursement of data charges associated with home internet and telephone be set at a maximum of \$75 per month effective from 1 July 2021.

(Somervaille/Newstead)

CARRIED

ADOPTION OF COMPLAINTS MANAGEMENT POLICY

2106/010

RESOLVED:

That the Complaints Management Policy be adopted and included in Council's policy register.

(Somervaille/Reynolds)

CARRIED

ADOPTION OF PATHWAY HIERARCHY, STANDARD AND MAINTENANCE POLICY

2106/011

RESOLVED:

That the Pathway Hierarchy, Standard and Maintenance Policy be adopted and included in Council's policy register.

(Ewin/Newstead)

CARRIED

MINUTES OF THE BLAYNEY SHIRE AUDIT, RISK AND IMPROVEMENT COMMITTEE HELD 2 JUNE 2021

2106/012

RESOLVED:

That the minutes of the Blayney Shire Audit, Risk and Improvement Committee meeting held 2 June 2021 be received.

(Somerville/Reynolds)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

2106/013

RESOLVED:

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

(Somerville/Newstead)

CARRIED

WIND FARM EASEMENT DEED

2106/014

RESOLVED:

1. That the report on the Flyers Creek Wind farm electricity easement agreement be received; and
2. The Council endorse execution of the Easement Deed and associated documentation for the Flyers Creek Wind Farm electricity transmission lines, by the Mayor and General Manager under Council seal.

(Somerville/Newstead)

CARRIED

PROPOSED ROAD CLOSURE - 184 BARRY ROAD

2106/015

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.

(Kingham/Reynolds)

CARRIED

CENTRAL WEST JO - SUPPLY AND DELIVERY OF BITUMEN EMULSION**2106/016 RESOLVED:**

That Council accept and sign a contract with Bitupave Ltd for the supply and delivery of bitumen emulsion.

(Newstead/Ewin)

CARRIED**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 11 JUNE 2021****2106/017 RESOLVED:**

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 11 June 2021, be received and noted.
2. That Council endorse the Traffic Management Plan for the Newcrest Orange Challenge event to be staged on 12 September 2021. The event is to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.
3. That Council endorse the Traffic Management Plan for the Pollie Pedal Charity Cycle Ride event to be staged 6 - 7 September 2021. The event is to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.
4. That Council endorse the Traffic Management Plan for the Millthorpe Winter Fire Festival Night Market, to be staged on 6 August 2021 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendments proposed:
 - Removal of condition e being (De) Activation of the installed Traffic Control Works devices, shall be undertaken in accordance with the Council provided procedure.
 - Installation of advance warning signage "Side Road Closed Ahead" on Park Street on approaches to Blake Street.
 - MTM to provide qualified Traffic Control persons where there is a road closure stop and go person.
 - Relocate vehicle as temporary barrier from Park/Blake to Pym/Blake Street to be inside the road closure barriers.
 - Relocate road closure barriers to provide access to bowling club carpark (if required), and provide No Right Turn signage on exit from carpark.
5. That Council endorse the Traffic Management Plan for the Central West Charity Tractor Trek on 24-26 September 2021. The event to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment proposed:
 - Tractors shall only proceed onto the Mid Western Highway

upon regrouping into individual groups of 10 in accordance with the Traffic Control Plan.

6. That Council:-

- a. refuse the request for the conversion of the existing Give Way (R1-2) signs to Stop (R1-1) signs at the intersection of Henry Street/Farm Lane and Church Street, Blayney.
- b. refresh the existing linemarkings at the intersection of Henry Street/Farm Lane and Church Street, Blayney.
- c. include the matter for consideration in the Blayney main street master plan (High Pedestrian Activity) project.

(Reynolds/Somervaille)

CARRIED

DELEGATES REPORTS

REPORT OF THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 3 JUNE 2021

2106/018

RESOLVED:

That the Mayoral Report from the Central NSW Joint Organisation Meeting held 3 June 2021 be received and noted.

(Reynolds/Somervaille)

CARRIED

CLOSED MEETING

2106/019

RESOLVED:

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

TENDER FOR SUPPLY OR SUPPLY AND DELIVERY OF QUARRY MATERIALS

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

TENDER FOR GALLYMONT ROAD BRIDGE OVER GULLY SWAMP

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

TENDER FOR THE CONSTRUCTION OF KGO CHANGE ROOMS

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.*
(Kingham/Somervaille)
CARRIED

CONFIDENTIAL MEETING REPORTS

TENDER FOR SUPPLY OR SUPPLY AND DELIVERY OF QUARRY MATERIALS

2106/020

RESOLVED:

That Council accept the following tenderers onto the panel contract for Supply, or Supply and Delivery of Quarry Materials:

- Australian Native Landscapes
- Boral Resources (Country)
- Central West Gravel
- Hanson Construction Materials
- Oberon Quarries
- Regional Quarries Australia
- Westlime Canowindra

(Kingham/Newstead)
CARRIED

TENDER FOR GALLYMONT ROAD BRIDGE OVER GULLY SWAMP

2106/021

RESOLVED:

That Council accept the tender from Bedrule Pty Ltd T/A TOBCO for the design and construction of the Gallymont Road Bridge over Gully Swamp under Contract 01-2021, for the value of \$278,032.95 (\$305,824.14 inc. GST), and subject to variations.

(Kingham/Ewin)
CARRIED

TENDER FOR THE CONSTRUCTION OF KGO CHANGE ROOMS

2106/022

RESOLVED:

That Council accept the tender from Renascent Regional Pty Ltd for the construction of new home and away change rooms at King George Oval Blayney, under Contract No. 09/2020, for the value of \$950,932 (ex. GST), and subject to variations.

(Kingham/Somervaille)
CARRIED

2106/023

RESOLVED:

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

(Somervaille/Ewin)
CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2106/020
TO 2106/022.**

There being no further business, the meeting concluded at 8.12pm.

The Minute Numbers 2106/001 to 2106/023 were confirmed on 19 July 2021 and are a full and accurate record of proceedings of the Ordinary Meeting held on 28 June 2021.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) NOTICE OF RESCISSION

Author: Councillor Ewin

File No: DB.AB.1517

Motion:

That Council rescind its decision made at the ordinary meeting held on Monday 28 June 2021, in relation to Item 7 DA 60/2020 61 Forest Reefs Road.

Notice of Rescission

We the below mentioned Councillors would like to submit a Rescission Motion in regards to the decision of Council, Item No 7 of the ordinary meeting held on Monday 28 June 2021.

That Council rescind its decision made at the ordinary meeting held on Monday 28 June 2021, in relation to Item 7 DA 60/2020 61 Forest Reefs Road

Councillor Allan Ewin
Councillor David Kingham
Councillor John Newstead

The motion to approve the DA 60/2020 was LOST.

General Manager's Note

Should Council agree to this rescission, the following Notice of Motion has been foreshadowed.

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) NOTICE OF MOTION

Author: Councillor Ewin

File No: DB.AB.1517

Motion:

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

General Manager's Note

This Notice of Motion as foreshadowed, will only be presented to Council for consideration if the preceding Rescission Motion is passed.

The DA 60/2020 report and recommended conditions of consent that this Notice of Motion refers to; is Item No 07 on Page 21 of the 28 June Ordinary Council Meeting Agenda, as published and available on Council's website.

<https://www.blayney.nsw.gov.au/your-council/council-meetings-and-committees/business-papers-and-minutes/business-papers-and-minutes>

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) 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 June 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 23 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-Aug-19	1908/019	Minutes of the Blayney Shire Access Advisory Committee Meeting held on 17 July 2019 RESOLVED 4. That Council proceed to cost the upgrade of the identified non-compliant car parking in the 2018 audit of accessible car parking across Blayney Shire for future grant funding opportunities and/or Operational Plan inclusion.	DIS	Referred to Mainstreet Masterplan process.

Date of Meeting	Res. No	Resolution	Owner	Comments
16-Mar-20	2003/014	Minutes of the Blayney Cemetery Forum meeting held 27 February 2020 RESOLVED That; 6. Council prepare an information sheet for families when considering final resting options.	DPES	Matter to be put back to Cemetery Committee to confirm need for Information Sheet.
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 1. That Council approve the draft BCO Alliance Agreement between Blayney Shire, Cabonne and Orange City Councils; including delegations contained in the Agreement. 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	Ministerial consent declined, feedback reviewed and second submission to be lodged

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Dec-20	2012/014	Lease Agreement: Neville Multipurpose Court RESOLVED 1. That the Council endorse the General Manager to finalise the Lease contract terms with the Presbyterian Church of Australia. 2. That Council endorse execution of the lease for Lot 100 / DP 1267329 being 4A Crouch Street, Neville and associated documentation by the Mayor and General Manager under Council seal, if required.	DCS	Amended agreement sent for execution by Lessor and for forwarding for registration.
21-Dec - 20	2012/027	EO13/2016 - 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.
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.

Date of Meeting	Res. No	Resolution	Owner	Comments
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	Tender preparation in progress.
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.
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	2104/021	Minutes of the Blayney Shire Access Advisory Committee held 24 March 2021 RESOLVED 5. Council seek 3 community members to be part of the 2021 – 2025 Disability Inclusion Action Plan reference group.	DPES	Promoted in local paper and on social media for community members. No applications to date.

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Apr-21	2104/025	<p>Sale of Land for Unpaid Rates - Land Title Anomaly 6370 Mid Western Highway, Lyndhurst RESOLVED</p> <p>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.</p> <p>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).</p> <p>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).</p>	DCS	Correspondence sent to property owner of 6370 Mid Western Highway
17-May-21	2105/005	<p>Licence Agreement: Unnamed Road off Marshalls Lane RESOLVED</p> <p>1. That the Council endorse the General Manager to finalise the Licence contract terms with Bonus Quarrying Resources Pty Ltd.</p> <p>2. That Council endorse execution of the licence for the unnamed road off Marshalls Lane, Blayney north of and through Lot 2 DP 847740, north of Lot 236 DP 750390 and Lot 1 DP 520426 and associated documentation by the Mayor and General Manager under Council seal, if required.</p>	DCS	Agreement finalised and executed. Completed.

Date of Meeting	Res. No	Resolution	Owner	Comments
31-May-2021	2105/E003	Funding SCCF4, RFR8 and LRCI3 RESOLVED That Council endorse the shortlisted projects; pending final project scope and budget preparation for submitting to the NSW Government's Stronger Country Communities Fund Round 4; Resources for Regions Fund Round 8 and the Australian Government's Local Roads and Community Infrastructure Phase 3 Program.	GM	Completed
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
28-Jun-21	2106/003	Remote Attendance Guideline RESOLVED That Council adopts the revised procedures governing Remote Attendance by Councillors at meetings of the Council up to 31 December 2021 and it be appended to the Blayney Shire Council Code of Meeting Practice.	DCS	Completed
28-Jun-21	2106/006	BizHQ RESOLVED That Council approve the proposed conversion of the Business Enterprise Centre from a NSW Incorporated Association to a Public Company Limited by Guarantee.	GM	Completed

Date of Meeting	Res. No	Resolution	Owner	Comments
28-Jun-21	2106/009	2021/22 Councillor and Mayoral Remuneration RESOLVED 1. That Councillor and Mayoral remuneration be paid at the maximum level for the Rural Council category, per the 2021 Local Government Remuneration Tribunal Determination, being \$12,400 for Councillors and \$27,060 for the additional Mayoral annual fee effective from 1 July 2021. 2. That the data allowance for up to 50% reimbursement of data charges associated with home internet and telephone be set at a maximum of \$75 per month effective from 1 July 2021.	DCS	Notification issued to relevant staff for action. Completed.
28-Jun-21	2106/010	Adoption Of Complaints Management Policy RESOLVED That the Complaints Management Policy be adopted and included in Council's policy register.	DCS	Website and Policy Register updated. Completed.
28-Jun-21	2106/011	Adoption of Pathway Hierarchy, Standard and Maintenance Policy RESOLVED That the Pathway Hierarchy, Standard and Maintenance Policy be adopted and included in Council's policy register.	DCS	Website and Policy Register updated. Completed.
28-Jun-21	2106/014	Wind Farm Easement Deed RESOLVED 1. That the report on the Flyers Creek Wind farm electricity easement agreement be received; and 2. The Council endorse execution of the Easement Deed and associated documentation for the Flyers Creek Wind Farm electricity transmission lines, by the Mayor and General Manager under Council seal.	DIS	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.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) WHS AND RISK COORDINATOR**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 April 2021 to June 2021.

Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period of April 2021 to June 2021

Report:**Statewide:**

The Continuous Improvement Program [CIP] benchmarking report from Statewide is still pending. Council reviewed three workbooks being, Footpaths, Event Management, Motor Vehicle and Building Assets for 2020/2021.

The CIP program looks at how Council has integrated operational risk exposure areas against planning and reporting requirements.

Council's insurance renewal for 2021/2022 has been submitted to Statewide with excess levels to remain the same as previous term.

A Contractor Management and Risk Awareness Workshop was held in May for Supervisors and Managers to ensure Councils' engagement of contractors continues to be handled in a professional and ethical manner and adheres to a procedural approach.

StateCover:

The StateCover 2021 WHS Self-Audit will commence in July 2021.

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

WHS Wellbeing Health Fair:

Council's WHS Wellbeing Health Fair was held on 16 June. The event was open to Council staff and the community. 19 stalls displayed resources and contacts for mental, physical and financial aid, including assistance with writing wills, tenancy assistance and carer support. Two hampers were on offer as lucky door prizes. Positive feedback has been received from visitors, stall attendees, with request to hold the fair again in 2022. StateCover attended the Fair holding a nutrition stall.

Incident Debrief Process Summary:

Several debrief consultation meetings have taken place since the implementation of the after incident debrief process. It has shown to be effective with staff contributing actions on how to prevent a similar incident occurring. The debrief meetings are used to identify root causes, actions and recommendations to prevent similar incidents occurring. Follow up inspections to worksites have shown recommendations have been included in site-specific risk assessments enabling all staff to be aware of the incident and its corrective action.

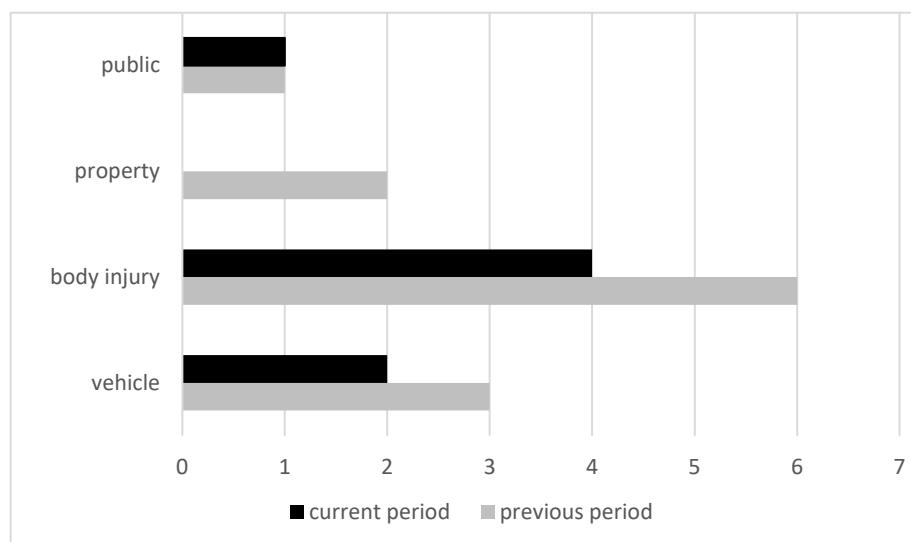
The H&S meeting was held on 18 May 2021 and actions continue to be addressed and completed.

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

Training:

The WHS & Risk Coordinator attended a three day Musculoskeletal Disorder Symposium [MSD] via zoom held by Safe Work. The session covered topics of workplace design, leadership and culture, MSD and Participative Ergonomics for Manual Tasks Program [PERforM], their implementation and the effects of psychosocial hazards on MSD injuries.

The WHS Coordinator recently met with a small group of staff to complete staff discomfort surveys as part of the Worksafe PERforM program.

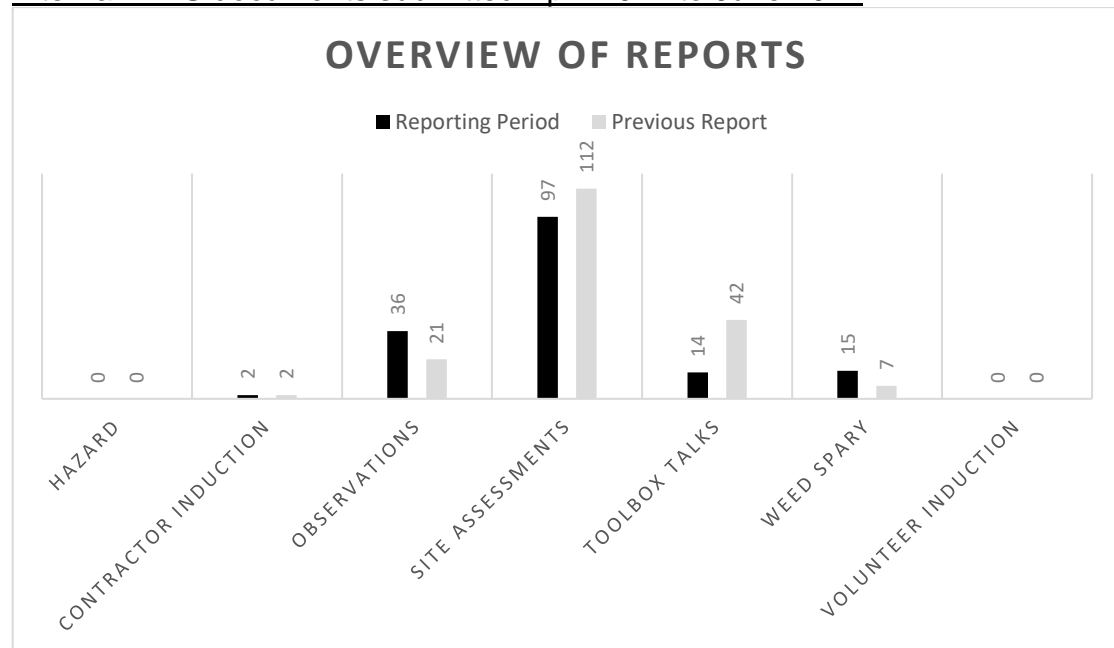
Incidents notifications submitted April 2021 to June 2021.

Public: A Council vehicle avoided a collision with a courier truck on Grahamstown Lane. Courier driver at fault was lost, distracted and did not see Council vehicle. Nil Injuries.

Body incidents include cut on finger, twisted ankle, wasp sting and trip on stairs.

Vehicle Near miss: Council vehicle exiting from Wills Quarry, traffic not adhering to the slow down signage. Speed limit signage implemented for the duration of gravel extraction.

Internal WHS documents submitted April 2021 to June 2021



Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) TOURISM DEVELOPMENT PROGRAM**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** ED.PM.1

Recommendation:

That Council approve the revision of the Tourism Development Program to include funding for general marketing and promotion activities for 2021/22.

Reason for Report:

With the continued impacts of the COVID-19 virus and the impact Public Health Orders have had on local events and travel, this report seeks Council approval to revise the Tourism Development Program to include general marketing and promotion activities for 2021/22.

Report:

In December 2019 Council approved the Tourism Development Fund, a pool of \$10,000 to be used for events in the Blayney Shire open to both not-for-profit and commercial businesses. Due to COVID-19, in August 2020, Council approved that for 2020/21 the program would be expanded to include general marketing and promotional activities.

The uncertainty of how COVID-19 will impact on events for 2021/22 continues, and it is proposed that the fund be again expanded to include marketing and promotional activities for not-for-profit and commercial businesses.

Marketing and promotional activities may include but not be restricted to;

- Creation of promotional assets
- Website development/upgrades
- Digital marketing activities
- Professional photography and videography
- Design costs
- Print media
- Consultant fees
- Virtual/Online events

Funding terms include:

- Supported by matching funds by the applicant/s
- Not-for-profit organisations and commercial businesses have a maximum of \$1,000 for individual applications.
- Joint campaigns between multiple organisations/businesses have a maximum of \$1,000 per organisation/business with a total maximum of \$2,000 per application

- Village committee applications have a maximum \$2,000 per application
- Marketing and promotional activities must be approved by the Manager Tourism and Communications prior to launching.
- Commercial businesses must also be members of Orange360.

Some examples of projects that were funded in 2020/21 include:

- Filming of gardens in a Millthorpe Garden Ramble virtual tour
- Chocolate on Purpose Re-Brand
- Mandurama Hotel new Website

There are a number of projects from 2020/21 still in progress.

Risk/Policy/Legislation Considerations:

In accordance with the Local Government Act, s356 Council may resolve to grant financial assistance to persons for the purpose of exercising its functions. As the program was included in the draft 2021/22 Operational Plan, does not exceed more than 5 percent of Council's income and is open to all persons within Council's area; 28 days public notice of Council's resolution is not required.

As each application is submitted an assessment will be undertaken in accordance with the guidelines; a report will be presented with a recommendation for Council approval.

Budget Implications:

Council had allocated a total budget of \$10,000 for 2021/22. The revision of the program eligible projects will ensure the funding is expended and provide relevant support to local businesses dealing with COVID.

In 2020/21 the budget for the program was \$19,500 with \$9,500 rolled over from the previous year (due to COVID lockdowns). This year, with \$10,000 budget, the funding amount for joint applications or village committee applications have been reduced from \$3,000 to \$2,000.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) SALE OF LAND - FRAPE STREET BLAYNEY**Department:** Executive Services**Author:** General Manager**CSP Link:** 3. The Local and Visitor Economy**File No:** PM.DI.1

Recommendation:

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.

Reason for Report:

To formalise the agreed sale to Housing Plus for Council owned residential land in Blayney in Frape Street, to facilitate the development of affordable housing.

Report:

In May 2020, Council agreed to implement a sales strategy and accept offers for sale of the 2 Residential Blocks; 11A and 11B Frape Street (Lots 2 and 1 DP1263957) Blayney (**Resolution No 2005/004**). Then, in November 2020, Council resolved to partner with Housing Plus and support the development of an Affordable and Social Housing Project on these blocks (**Resolution No 2011/018**).

Housing Plus are seeking to execute the contract of sale as per the agreed price. It is their intention to further subdivide the 2 blocks into 3; and construct 2 x 2/3 bedroom units on each block.

Risk/Policy/Legislation Considerations:

Housing Plus are a not for profit organisation, based in Orange with a 30 year history of providing community housing, tenancy and property management services in the Central West and Western regions of NSW.

Council is agreeing to accept a sale for the land at Frape Street at \$145k per block. Council sales of property are excluded from the definition of a Public Private Partnership as per the Local Government Act (1993). A tender for sale of land is also not required under the Local Government Act.

Council has not called for Expressions of Interest for a project partner and the decision has been made to approach Housing Plus is based on coverage of the region by the Housing Plus service; which includes Inala Units in Millthorpe and the independent valuation.

This Affordable Housing Project is aligned with the strategic objectives of the Blayney Shire Community Strategic Plan; 2.6 A diverse population with the rights to live safely and securely in our communities and villages with opportunity to develop positive neighbourhood relationships. The growth in Mining whilst delivering economic benefit to the shire has placed significant pressure on accommodation and residential availability impacting rental and housing affordability.

The NSW Government aims to ensure that all people in NSW, including older people, people with disabilities and those on low incomes have access to affordable and well-designed housing. This project is aligned with the proposed new State Environmental Planning Policy (SEPP) which seeks to facilitate the delivery of diverse housing that meets the needs of the State's growing population and support the development of a build-to-rent sector.

Budget Implications:

A recommended sales price of \$145k per block (ex GST) is considered reasonable with an independent valuation to support the recommendation.

The Valuer General (VG) valuation for the lots, being 932m² each, is \$31,000 each. The valuations attributed are pro-rata determinations from the land value of the original land parcel (9,575m²) prior to subdivision.

As part of the sale arrangement Council agreed to owner consent for DA lodgement and associated DA costs estimated to be \$15,868. All additional developer contributions associated with the development, estimated to be \$44,525 (Council) and \$24,644 (Central Tablelands Water), will be the responsibility of Housing Plus.

Since 2014 Council has expended \$88,000 on the Frape Street / Beaufort Street subdivision project including a contamination assessment, connections to the water mains, s.7.11 developer contributions and electricity upgrade. This also includes the recent property valuation expense.

The rates attributed to the parcel are currently only \$456 as the property is non rateable however the land attracts a vacant land availability charge for Sewer and Domestic Waste. Now the subdivision is finalised, the annual rates and charges are estimated at \$1,700 per lot.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) DEED OF AGREEMENT (NSW FIRE AND RESCUE, NSW RFS AND BLAYNEY SHIRE COUNCIL)

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: ES.SP.5

Recommendation:

That Council approve the Deed of Agreement between Blayney Shire Council, Fire and Rescue NSW (FRNSW) and the NSW Rural Fire Service (RFS) which establishes the funding arrangement to facilitate the relocation of the Blayney RFS Station.

Reason for Report:

To seek Council approval for the Deed of Agreement between Blayney Shire Council and Fire and Rescue NSW (FRNSW) and the NSW Rural Fire Service (RFS) which will formalise the funding arrangement and facilitate the relocation of the Blayney RFS Station to new premises.

Report:

In September 2020, Council and local member, the Hon Paul Toole MP made representations to the Minister for Emergency Services for a solution that would expedite the resolution of ongoing WHS issues at the FRNSW Station both in the short and long term. This was determined as critically important for the wellbeing and working conditions of our local FRNSW retained personnel who provide 24/7 emergency response to fires, chemical spills, ambulance support and vehicle accidents to Blayney, the Mid Western Highway and surrounding villages.

The Blayney FRNSW Brigade and Blayney RFS Station are located on land owned by the Minister for Emergency Services. A 15 year lease to Blayney Shire Council for the purposes of housing the RFS will expire in 2027. FRNSW have advised that the Lease will not be extended another term and this is an accepted position by all stakeholders.

It was logical that FRNSW should resume access to the whole precinct and both agencies agreed that planning for the relocation of Blayney RFS to another suitable location should be given priority.

Council offered as its contribution to the project, a block of Council owned land in Marshalls Lane, Blayney and proposed that with bringing forward NSW Government funding, the relocation of Blayney RFS could be achieved.

On 15 May 2021, at the centenary celebrations of the Blayney Fire and Rescue Station, funding in the amount of \$1.25m was announced for the relocation of the Blayney RFS and refurbishment of the station to accommodate the Blayney FRNSW Station.

A Deed of Agreement has been prepared, between Fire and Rescue NSW (FRNSW), NSW Rural Fire Service (RFS) and Blayney Shire Council (Council) which is attached under separate cover, and presented to Council for approval to be executed.

In summary

- FRNSW is the registered owner of Lot 2/DP873113 known as 23 Church Street, Blayney which houses both FRNSW and RFS Stations.
- There is a current lease between FRNSW and Council (dated 20 Feb 2014 for a period of 15 years) which is due to expire on 16 July 2027.
- The Blayney RFS Station has been built on the land leased from FRNSW by Council, and is a Council asset.
- FRNSW propose to terminate the lease with Council.
- RFS propose to utilise Council owned land at 41 Marshalls Lane (Lot 19/DP1072043) for the purpose of building the new RFS Station.
- On execution of this agreement by all parties, FRNSW will pay RFS \$200,000 ex GST to acquire the premises currently occupied by RFS on the land and a further \$650,000 grant to build a new RFS Station.
- RFS will vacate premises on the land no later than 30 June 2022.

Risk/Policy/Legislation Considerations:

A Development Application (DA) has been lodged for the new RFS Station and the estimated cost provided by Canobolas Zone RFS is \$850,000. There has been no procurement process undertaken for this project to date and therefore this estimate is not tested.

Council has sought further information from NSW RFS to progress the assessment of the DA and is awaiting a response.

Budget Implications:

The written down value of the RFS Station as at 1 July 2021 is \$167,323. Following allocation of 2021/22 depreciation, the asset value as at 30 June 2022, of approximately \$162,000 will be written off on asset disposal. An adjustment for this amount will be required in the 1st Quarterly Budget Review for 2021/22.

The site proposed for the Blayney RFS at 41 Marshalls Lane is currently shown as Land Held for Resale on Council's Balance Sheet at \$29,926 and has a VG valuation of \$55,100.

In providing a shared solution to the NSW Government that the Blayney FRNSW should be refurbished, Council offered this land to bring forward the RFS Station relocation. Whilst there has been no enquiry to date, this agreement will mean Council does not have the opportunity to sell this land on the open market. Market value is estimated to be \$75,000.

Should Council endorse this report, said land will be categorised to an Operational Land asset from Land Held for Resale and revalued to market valuation. This valuation increment will be effected against the Asset Revaluation Reserve.

While all costs of construction to Council will be fully funded by the RFS, the newly constructed RFS Station asset will result in approximately \$37,000 p.a. in additional depreciation.

Enclosures (following report)

Nil

Attachments (separate document)

1 Draft Deed of Agreement

12 Pages

09) DEVELOPMENT APPLICATION 68/2021 - ERECTION OF AN OUTBUILDING (SHED) AND EXTENSION TO AN EXISTING OUTBUILDING (SHED) - 143 FOREST REEFS ROAD, MILLTHORPE

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1650

Recommendation:

That Council consents to Development Application DA68/2021 for the erection of an outbuilding (shed) and extension to an existing outbuilding (shed) at Lot 3 DP 1131330 – 143 Forest Reefs Road, Millthorpe subject to the recommended conditions of consent.

Reason for Report:

Council's consent is sought for the erection of an outbuilding (shed, 12m x 24m, 288m²) and extension to an existing outbuilding (shed, 8m x 12m, 96m²) at Lot 3 DP 1131330 – 143 Forest Reefs Road, Millthorpe (the 'subject property').

The subject property is located in a RU5 Large Lot Residential Zone under the *Blayney Local Environmental Plan 2012 (BLEP)* and contains an existing dwelling house and outbuilding (shed).

The application does not comply with the DCP, Part C: Residential Development, C3.4, as the proposed development exceeds the acceptable solution of a 300m² cumulative floor area.

The total cumulative floor area for the existing and proposed sheds is 524m², which exceeds the standard by 224m². As such, the applicant has sought Council's approval for a variation to the acceptable solution.

The key consideration is whether the proposed development meets the relevant objectives / performance criteria and acceptable solutions of the Blayney Development Control Plan 2018 (DCP) for an outbuilding in a R5 Large Lot Residential Zone.

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

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

Report:**Proposed Development**

Council's consent is sought for the erection of an outbuilding (shed, 12m x 24m, 288m²) and extension to an existing outbuilding (shed, 8m x 12m, 96m²) at Lot 3 DP 1131330 – 143 Forest Reefs Road, Millthorpe (the 'subject property').

The purpose of the development is for the private use as a workshop and for the storage for vintage cars, motorcycles and tools. The exterior of the proposed development will match the existing outbuilding (shed) in materials and colour finish.

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

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

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

Section 4.15 Evaluation**Matters for Consideration – General**

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

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

Blayney Local Environmental Plan 2012**Part 1 – Preliminary****Clause 1.2 Aims of Plan**

The proposed development is considered to be consistent with the broad aims of the *BLEP*. Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	R5 Large Lot Residential Zone
Lot size:	1.99HA
Heritage:	Millthorpe Heritage Conservation Area
Terrestrial biodiversity:	No
Groundwater vulnerability:	Yes
Drinking water catchment:	No
Watercourse:	No
Flood:	No

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

This clause does not affect the rights or interest of any public authority under any registered instruments. A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

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

The subject property is zoned R5 Large Lot Residential Zone. An Outbuilding (Shed) is permissible in the in R5 Large Lot Residential Zone.

The objectives of the R5 Large Lot Residential Zone seek to:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development is assessed to be consistent with the foregoing objectives. In particular, the proposed development will make a positive contribution towards the existing rural setting and amenity of the area.

Part 6 – Additional local provisions**Clause 5.10 Heritage conservation**

Clause 5.10 seeks to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views within the Blayney Shire.

The subject property is located in the Millthorpe Heritage Conservation Area, however is not adjoining any Heritage Items under the *BLEP*. It is assessed that the proposed development will have minimal impact on the Millthorpe Heritage Conservation Area as it is consistent with the surrounding and adjoining residential and rural land.

Clause 6.2 Stormwater management

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

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

Clause 6.8 Essential services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access. It is understood that all essential services are available to the subject property.

State Environmental Planning Policy 55 – Remediation of Land

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

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

Given that the subject property is located within a rural residential area and shows no evidence of a potentially contaminating land use, it is considered unlikely to be contaminated.

Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority

Not applicable to this application.

**Section 4.15(1)(a)(iii) Any Development Control Plan
Blayney Shire Development Control Plan 2018 (DCP)**

Part C – Residential

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

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

C3 outlines the provisions in a *Zone R5 Large Lot Residential areas where the existing lot size is $\geq 1ha$ in addition to the visual impact/amenity controls above any garages, carports, outbuildings or sheds must not exceed:*

- 1) A ridge height of 6m from existing ground level;*
- 2) A cumulative floor area greater than 300m²; and*
- 3) A minimum setback of: a) 10m; or b) Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.*

The application does not comply with the *DCP, Part C: Residential Development, C3.4*, as the proposed development exceeds acceptable solution of a 300m² cumulative floor area.

The total cumulative floor area for the existing and proposed sheds is 524m², which exceeds the standard by 224m². As such, the applicant has sought Council's approval for a variation to the acceptable solution.

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

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

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

- The objectives of the relevant controls are to ensure *that outbuildings and garages/carports: a) will not dominate views from the street or key public places; b) will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; c) will integrate with the dwelling design and surrounding landscaping and buildings; d) will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise).* The proposed development sufficiently addresses the objective through the design and layout of the proposed buildings to ensure that the scale and setting integrates into the existing rural residential landscape, whilst improving the amenity on the surrounding area.
- The proposed outbuilding (shed) is located behind the existing dwelling house and shed and is in line with the existing outbuilding (shed), therefore, reducing the scale, bulk and visual impact on Forest Reefs Road and adjoining land owners;
- The proposed extension to the existing shed is located in line with the existing dwelling house, therefore, reducing the scale, bulk and visual impact on Forest Reefs Road and adjoining land owners;
- The owners currently store their vintage cars, motorcycles and tools throughout the subject property, therefore, the proposed development will have a positive improvement on the amenity of the surrounding area; and
- Existing landscaping provides a screen and buffer between the surrounding land owners, particularly the residential property to the South.

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

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**

Not applicable to this application.

- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**

Not applicable to this application.

- **Fire safety and other considerations (Clause 93)**

Not applicable to this application.

- **Buildings to be Upgraded (Clause 94)**

Not applicable to this application.

- **BASIX Commitments (Clause 97A)**

Not applicable to this application.

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

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

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

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

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

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

Section 4.15(1)(e) The public interest

The proposed development is considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposal is not 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*. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

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

Budget Implications:

Nil

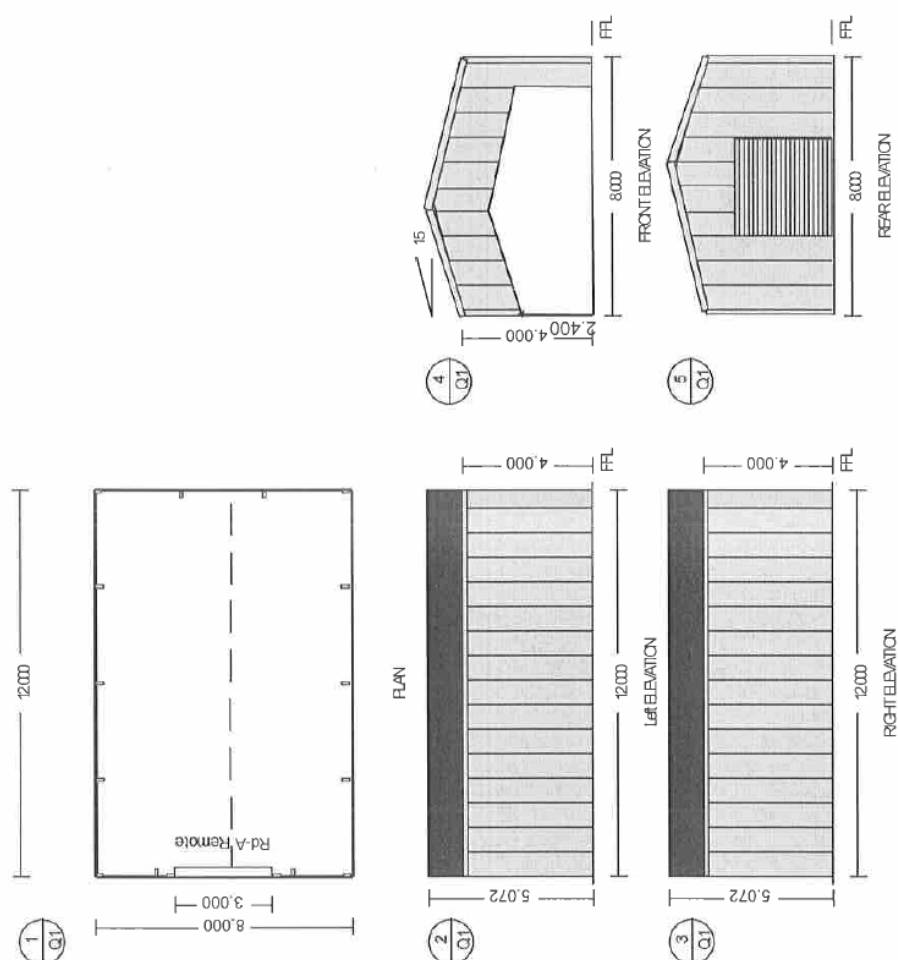
Enclosures (following report)

1	Site Plan	1 Page
2	Elevations	2 Pages
3	Proposed Conditions	4 Pages

Attachments (separate document)

Nil





LEO-3 (Shed Type -20) [ps0003][p.u.v.090H4593]

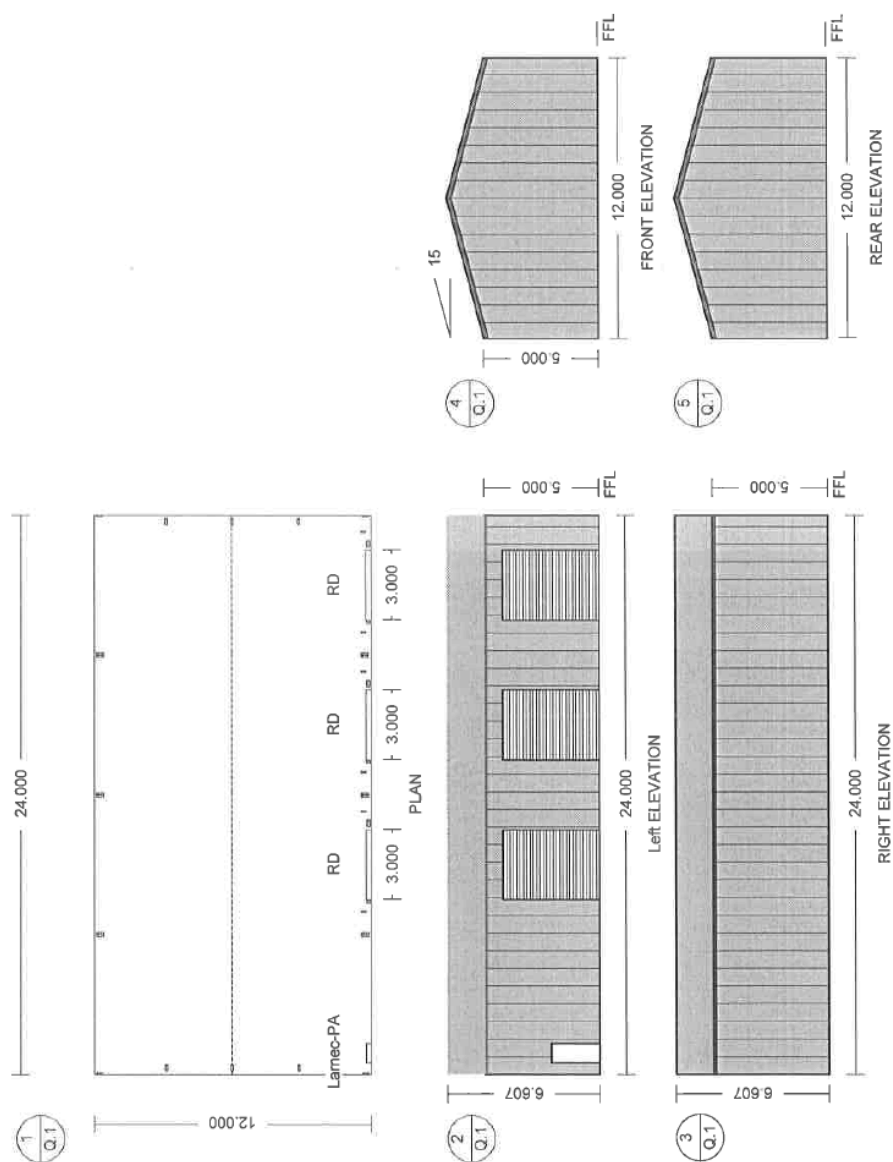
CLIENT

Proposed Steel 8'0" x 12'0" x 4'0" N4
A Forest Reef RD Millirape
For John Georgiou

DRAWING

DMGQP1	Ref. 3105061329	Scale 1751
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ARCHITECTURAL DRAWINGS



Any Shed, Any Size

5 0 43 (Shed Type -12) [ps0014][puN4W120H50960E30]

CLIENT
Proposed Shed 12,000 x 24,000 x 5,000 N4
At Forest Reef RD Millthorpe
For John Georgiou

DRAWING

DWGQP1	Ref: 3101220916 Scale: 250:1
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ARCHITECTURAL DRAWINGS

Reasons for Decision

Statutory and legislative statutory requirements and public interest.

Approved Plans

1. Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	J Wilcocks & J Georgiou	-	16/05/2021
3105061329	Elevation Plans	Tilmac	-	-
-	Site Plan	J Wilcocks & J Georgiou	-	-

As amended in accordance with any conditions of this consent.

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

Prescribed Conditions

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

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

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

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

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

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

- a) in the case of work for which a principal contractor is required to be appointed:
 - 1. The name of the licence number of the principal contractor, and
 - 2. The name of the insurer by which the work is insured under Part 6 of that Act,
 - b) in the case of work to be done by an owner-builder:
 - 1. The name of the owner-builder, and
 - 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
6. The developer is to provide a clearly visible sign to the site stating:
- a) Unauthorised entry to the worksite is prohibited;
 - b) Street number or lot number;
 - c) Principal contractor's name and licence number; or owner builders permit number;
 - d) Principal contractor's contact telephone number/after-hours number;
 - e) Identification of Principal Certifying Authority, together with name, address & telephone number.

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

Prior to Issue of a Construction Certificate

NIL

Prior to Works Commencing

7. Prior to commencement of any works, a Construction Certificate for the proposed alterations to the existing residence is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.
8. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).
9. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.

During Construction

10. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.
Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

11. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

12. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

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

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

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

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

14. All roof and wall finishes shall be comprised of low reflective surface materials.

Note 1: Sheet metal shall be of factory prefinished (eg, colorbond or galvanised iron) type material.

Note 2: Zincolume will be not accepted.

15. The ground surrounding the buildings shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 100 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location.

16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

17. Roofwater from the buildings shall be disposed of to water tanks via a drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer. Overflow from the tanks is to be connected to the existing stormwater disposal system.

18. All road and inter allotment drainage is to be conveyed to a legal point of discharge,

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

Prior to Issue of Occupation Certificate

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

Ongoing Matters

21. The approved building must not be used for any other purpose other than the approved use i.e. sheds. Any proposed change of use shall only be permitted with the consent of Council. The sheds shall not be used for any industrial or commercial purpose.

Advisory Notes

Inspection Schedule

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

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

- a. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- c. Frame inspection
- b. Final/stormwater inspection at time of completion of all works.

Notice of Commencement

AN2. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

10) DA4/2021 - MOTEL ACCOMMODATION, SIGNAGE & SUBDIVISION OF LAND (STAGED DEVELOPMENT) - 62 OSMAN STREET BLAYNEY

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1587

Recommendation:

That Council consents to Development Application DA4/2021 for the use and development of Hotel or motel accommodation and a two lot Torrens Title subdivision at 62 Osman Street, Blayney, being Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679 subject to the recommended conditions of consent.

Reason for Report:

Council's consent is sought for the use and development of Hotel or motel accommodation and a two lot Torrens title subdivision at 62 Osman Street, Blayney, being Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679 (the 'subject property').

The proposed development also includes 37 Water Street, Blayney, being Lot 1 DP718479 due to the need to discharge stormwater via a proposed pipeline through this property. 37 Water Street is located to the immediate south of the subject property and is held in the same ownership as the subject property.

The subject property comprises a total area in the order of 11,585m² in an irregular shape. The subject property is currently occupied by the former Blayney Bowling Club, including the main two storey club house building in the centre of the site, outdoor bowling greens, car parking areas and various ancillary structures. Blayney Bowling Club ceased trading in February 2019 with the site sold in April 2020.

Generally, the proposed development involves the following:

Stage 1:

- Installation of 26 modular units to provide 92 single and six double motel rooms, including two accessible rooms;
- Construction of 80 at-grade car parking spaces; and
- Minor works within the former bowling club building to provide an on-site laundry, kitchen amenity areas and site office.

Stage 2:

- Removal of three modular units, replacement of other modular units to increase the number of double rooms to eleven, and reducing the number of single motel rooms to 70 (81 rooms in total); and
- Construction of 20 additional car parks, bringing total parking to 100 spaces.

Hotel or motel accommodation is a land use definition for the purpose of the *Blayney Local Environmental Plan 2012* (BLEP 2012) which is derived from the Standard Instrument Principal Local Environmental Plan. *Hotel or motel accommodation* means:

“... a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.”

The proposed development has been accurately characterised as *Hotel or motel accommodation*.

With regard to the use of the proposed *Hotel or motel accommodation* it is noted that the Statement of Environmental Effects (SoEE) submitted with the Development Application states that:

“The site will operate as a conventional motel, including taking bookings from the general public via online booking systems. It is acknowledged and expected, given the high demand for accommodation in the Blayney, Orange, Cabonne sub-region at present, that during the initial years, a high proportion of usage would be for commercial clients housing transient staff. This is not inconsistent with other accommodation providers in the region and does not preclude the use of the site by other tourists and visitors.”

The Development Application is also accompanied by a written request to vary the requirements of Part D4.9 of the *Blayney Development Control Plan* (the ‘DCP 2018’). Specifically, the Development Application seeks to justify the provision of 82 car parking spaces instead of 103 as is required by Part D4.9.

The applicant’s justification and consideration of a variation to the DCP is further detailed in the report.

Given the nature of the proposed development, the Development Application was notified to all adjoining and proximate landowners and advertised in the local paper on two separate occasions. At the conclusion of the notification period 19 submissions were received, with eleven submissions objecting to the proposed development and eight submissions supporting the proposed development.

The objecting submissions identified a wide range of issues which are addressed in the body of the report.

Notwithstanding the proposed variation and issues raised by objectors, it is considered that the proposed *Hotel or motel accommodation* is consistent with the aims, objectives, and performance criteria of the *Blayney Local Environmental Plan 2012* and the *Blayney Development Control Plan 2018*.

The following assessment identifies that the proposed use and development should be supported.

Report:

PROPOSED DEVELOPMENT

Council's consent is sought for the use and development of *Hotel or motel accommodation* and two lot Torrens title subdivision at 62 Osman Street, Blayney, being Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679 (the 'subject property').

The proposed development also includes 37 Water Street, Blayney, being Lot 1 DP718479 due to the need to discharge stormwater via a proposed pipeline through this property. 37 Water Street is located to the immediate south of the subject property and is held in the same ownership as the subject property.

Other than the construction of a stormwater pipe, there would be no change to the existing use of 37 Water Street as a dwelling.

The Development Application indicates that the proposed development would be undertaken in the following stages:

Stage 1: Hotel or Motel Accommodation:

- Site preparation to facilitate installation of modular units;
- Installation of 21 x four single room modules, four modules with one double room and two single rooms, and two modules with two double rooms, to provide a total of 98 rooms;
- Installation of two double disabled compliant rooms;
- Connection of necessary services;
- Construction of 80 at grade car parking spaces;
- Installation of fencing and landscaping;
- Installation of business identification signage; and

- Redevelopment of a portion of the former bowling club building to provide a reception area, communal kitchen and laundry, storage rooms and male and female amenities.

Stage 1: Consolidation / Subdivision

- Consolidation of the eight existing lots into two lots. Proposed Lots 1 and 2 will have areas of 9,748m² and 1,837m² respectively. Proposed Lot 2 will have direct frontage to Osman Street and will not form part of the proposed *Hotel or motel accommodation*.

Any future development of proposed Lot 2 would be addressed by a separate Development Application.

Proposed Lot 1 would have a frontage to Church Street in the north.

Stage 2: Hotel or Motel Accommodation:

- Removal of three modular units, and the replacement of other buildings to increase the number of double rooms to eleven and amend the number of single rooms to 70 (total 81); and
- Increase the number of parking spaces from 80 to 100.

AMENDMENT TO THE DEVELOPMENT APPLICATION

The Development Application has been amended on multiple occasions through the Development Assessment process to respond to the issues raised by Council staff, submissions from local land owners / residents and other stakeholders such as the NSW Police and Transport for NSW.

The amendments have generally related to the staging of the proposed development and site layout, including the number of modular units to be installed. Those changes are generally reflected in the attached plans and SoEE.

Of particular relevance to the assessment of the Development Application was the most recent amendment advised by the applicant in an email on 16 June 2021; following a previous meeting. Specifically, the applicant advised the following:

“I have discussed with the applicant. In principle, there is no objection to amending the application to reflect a 5 year timeframe, although it must be made clear that the intention is to operate this facility in perpetuity, and thus it needs to be acknowledged in Council’s assessment that this is a technical response to the legislation, and not a reflection of the duration of the development.

We would like to discuss the specific wording of the draft conditions relating to this aspect of any approval to ensure that no unintended consequences occur in the placement of the condition.

Appreciate the opportunity to engage with Council on this. We would like to see this matter resolved asap so that the DA can be determined at the next available Council meeting.”

Generally, this amendment was made on the basis that any approval under Section 68 of the Local Government Act would lapse after 5 years.

This matter is discussed further under the heading *Local Government Act 1993* and throughout the report.

EXISTING CONDITIONS

The existing conditions of the subject property are illustrated in Figure 1, below. It is noted that land adjoining and adjacent to the development is used for a variety of residential, educational, commercial and light industrial purposes.

The site features the former Blayney Bowling Club (a two storey club house building) which is currently no longer in use, together with outdoor bowling greens, car parking areas and various ancillary structures.

The site is irregular in shape, has a frontage to Osman Street in the west and a vehicular access driveway connection to Church Street in north.

A number of larger established trees are present in the east of the site within the former car parking area

The subject property is also affected by a Right of Way which is to the benefit of 67B Adelaide Street, being Lot 21 DP569741. It is understood that that the proposed development will not affect the Right of Way.



Figure 1: Existing Conditions Plan - The subject property outlined in red (37 Water Street outlined in black)

Local Strategic Context**Blayney Shire Council Local Strategic Planning Statement & Blayney Shire Settlement Strategy**

The Blayney Shire Council Local Strategic Planning Statement (LSPS) sets out a 20-year vision for land use planning in the Blayney Shire, outlining how growth and change will be managed to maintain the environmental qualities and local character that shapes the Blayney Shire.

The LSPS identifies six planning priorities to achieve Council's vision for the Blayney Shire which build on the community's aspirations expressed in the *Blayney Shire Community Strategic Plan 2018 – 2028* and is consistent with the NSW Government's *Central West and Orana Regional Plan 2036*.

Planning Priority 4 is relevant to the proposed development. Specifically, Planning Priority 4 seeks to provide diverse housing choices and opportunities to meet changing demographics and population needs.

The rationale to Planning Priority 4 specifically acknowledges that construction projects, such as the development of the Flyers Creek Wind Farm, will generate significant additional employment during construction and operational phases. Further, the rationale identifies that in order to accommodate the construction workforce, Council will need to implement the recommendations of the *Blayney Shire Settlement Strategy* (the Settlement Strategy').

The Settlement Strategy specifically recognizes that the ongoing operation of the Cadia Valley Gold Mine, construction of the Flyers Creek Wind Farm and potential construction of the McPhillamy's Gold Project (subject to approval) could overlap an impact on temporary housing requirements for an extended period.

While the Settlement Strategy does not identify a specific method to address the temporary housing requirements, it is relevant to note that the Settlement Strategy does identify the former Bowling Club as a key site which could deliver multi dwellings, other residential accommodation and/or tourist and visitor accommodation in Blayney.

Given that hotel or motel accommodation is a form of tourist and visitor accommodation, it is considered that the proposed development is not inconsistent with the Blayney Shire Local Strategic Planning Statement and the Blayney Shire Settlement Strategy.

LEGISLATIVE REQUIREMENTS***Biodiversity Conservation Act 2016 and 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 on any threatened species, population or ecological communities or their habitats.

Roads Act 1993

Section 138(2) of the *Roads Act 1993* states that consent may not be given with respect to a classified road except with the concurrence of TfNSW. As such, the proposed development was referred to TfNSW (Transport for New South Wales).

The comments provided by TfNSW are addressed in the body of this report.

Local Government Act 1993

The *Environmental Planning & Assessment Act 1979* (the EP&A Act) defines a *building* to include part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.

Section 68 of the *Local Government Act 1993* (the LG Act) provides the mechanism for approval by Council for a range of matters, including but not limited to the placement of moveable dwellings on land.

As such the applicant is seeking consent for the installation of moveable dwellings consisting of a bedroom(s) and bathroom(s) on land for use as the motel units.

A moveable dwelling is defined by the LG Act as:

- (a) *any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) *a manufactured home, or*
- (c) *any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.*

The motel units are not considered manufactured homes, as a manufactured home is defined by the LG Act as “*a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling*”.

Information provided with the Development Application states that “*The proposed units at the site are modular structures constructed off site and transported to the site for installation. They have no wheels but are by their nature portable due to being capable of being transferred to a truck, and are capable of collection and relocation to another location with only minor works required. They therefore satisfy the first aspect of the definition at part (a) of the moveable dwelling definition in that they are a portable device.*”

The Standard Instrument Local Environmental Plan, on which the *Blayney Local Environmental Plan 2012* is based, adopts the definition of a moveable dwelling by reference to the LG Act. Any s 68 approval granted by Council at the premises would lapse after a maximum of 5 years.

Section 107 of the LG Act permits the extension of approvals, without changing the terms, provided the Council is satisfied there is “good cause for doing so.” In *Revilla Pty Limited v The Council of the City of Sydney* [2003] NSWLEC 343, Lloyd J of the Court held that whilst the terms “good cause for doing so” have a wide expression, they cannot be wider than those which apply to the grant of the approval (which are governed by s 89 of the LG Act).

Furthermore, the exercise of the discretion permitted by s 107 does not involve a reconsideration of whether or not approval should have been granted in the first place (see *CSR Ltd v Fairfield City Council* [2001] NSWLEC 118 (*CSR*)). In *CSR*, when considering the issue of lapsing under the then s 95A of the EPA Act, which stated: “The consent authority may grant an extension if it is satisfied that the applicant has shown good cause” Pearlman J stated that three things are required. At [39] Pearlman J stated:

*39. I cannot accept Mr Hale’s submission as to the proper construction of s 95A(2). It seems to me that s 95A(2) requires three things. Firstly, the applicant for extension must endeavour to show good cause. Secondly, the consent authority must be satisfied that the applicant has shown good cause. Thirdly, after good cause has been shown and the consent authority has been satisfied that it has, then the consent authority must embark upon an exercise of discretion - it may grant the extension. I take the view that the scope and purpose of the EP&A Act as a whole supports the conclusion that the consent authority has a general discretion under s 95A(2) quite apart from being satisfied that good cause has been shown. There are many and varied considerations which underpin the grant of development consent and the imposition of conditions (see s 79C of the EP&A Act) and the imposition of a deferred commencement condition under s 80(3). These considerations seem to me to be equally applicable to an application for an extension of the lapsing period under s 95A(2) (cf *Green v Kogarah Municipal Council* pp 27 and 28).*

In the circumstances of the present Development Application, it is considered that in determining whether to grant an extension of an approval, it would be appropriate for Council to consider whether the modular units installed on the premises would be used for a purpose that accords with the relevant development consent, if approved by Council.

If the premises were to be used for a prohibited or unauthorised purpose at the time of the original approval being granted, section 89 of the LG Act would have been sufficiently broad to allow this matter to be taken into account. By parity of reasoning, this consideration would be allowed to be taken into account in determining any application for extension of an approval,

depending on the circumstances of the physical land use that exists at the time.

This may extend to any non-compliances with the approved conditions of consent. However, it would depend on the particular condition(s) which had been breached (including the nature of them). For example, ongoing breaches of an operational condition relating to use of the premises would be of more significant relevance than a one-off breach of a condition which only applied during the undertaking of any approved building works.

This matter is discussed in further details under the heading *D2.1 Site Selection and Land Use Conflicts* **Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005 (MHE Reg 2005)**

The object of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005* (MHE Regulation 2005) is identified as:

“... to provide opportunities for affordable alternatives in short-term and long-term accommodation:

- (a) by continuing in force (in amended form) the standards for the design of manufactured home estates, caravan parks and camping grounds established by the former Regulations, and*
- (b) by continuing in force (in amended form) the standards for the design and construction of manufactured homes and other moveable dwellings and for their siting established by the former Regulations, and*
- (c) by continuing in force (in amended form) the standards to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings established by the former Regulations.*

Part 3 of the MHE Reg 2005 provides for the placement of moveable dwellings outside of caravan parks, camping grounds and manufactured home estates and is applicable to this development.

Clause 80 outlines a number of factors that must be considered prior to the grant of approval, inter alia:

“In considering an application for approval to install a moveable dwelling or associated structure on any land, the council must take the following matters into consideration:

- (a) whether any development consent required under the Environmental Planning and Assessment Act 1979 for the installation of the moveable dwelling or associated structure on the land has been given,*
- (b) whether the installation of the moveable dwelling or associated structure on the land contravenes the provisions of the Environmental Planning and Assessment Act 1979 or of any environmental planning instrument.”*

Clause 81(1) requires that an approval to install a relocatable home (which includes a manufactured home) elsewhere than in a caravan park or camping ground is subject to the condition that it must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133–136 excepted).

It is noted clauses 137-141 do not apply mainly because the structures are defined as a moveable dwelling and not being installed within a caravan park or manufactured home estate. Clause 142 applies to the decks and associated covers, in which the proposed development complies.

Division 4 Subdivision 2 Design	
Requirement	Staff Comment
<p>143 Structural soundness</p> <p>(1) A relocatable home or associated structure must be of a design certified by a practicing structural engineer to be structurally sound.</p> <p>(2) A certificate issued under this clause—</p> <p>(a) must indicate that the relocatable home or associated structure complies with any standards, codes and specifications with which it is, by this Regulation or by the Ministerial specifications, required to comply, and</p> <p>(b) must include specifications as to the manner in which the relocatable home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.</p> <p>(3) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed.</p> <p>(4) This clause does not apply to fences or privacy screens.</p>	<p>An inspection report has been provided from a structural engineer. The building will need further upgrading works to the roof cladding to prevent the ingress of moisture due to site specific snow loading impacts.</p> <p>A condition of consent has been imposed to ensure compliance and is recommended as part of the peer review undertaken by Council.</p> <p>Prior to the installation of the motel units an engineered footing design will be required to be submitted in accordance with sub clause 3.</p>
<p>144 Design gust wind speed</p> <p>A relocatable home must be designed to resist loads as determined in accordance with the following design codes, as appropriate-</p> <p>(a) AS/NZS 1170.1:2002, <i>Structural design actions Part 1: Permanent, imposed and other actions</i>, as in force on 1 September 2005,</p> <p>(b) AS/NZS 1170.2:2002, <i>Structural design actions Part 2: Wind actions</i>, as in force on 1 September 2005, or AS</p>	<p>Certification has been provided from a structural engineer regarding compliance with AS1170.</p>

<p>4055—1992 <i>Wind loads for housing</i>, as in force on 1 September 2005 (except that the design gust wind speed for the area where the manufactured home or associated structure is located is not to be taken to be less than 41 metres per second),</p> <p>(c) AS 1170.3—1990, <i>Minimum design loads on structures Part 3: Snow loads</i>, as in force on 1 September 2005,</p> <p>(d) AS 1170.4—1993, <i>Minimum design loads on structures Part 4: Earthquake loads</i>, as in force on 1 September 2005.</p>	
<p>145 Floor area of relocatable home</p> <p>The enclosed floor area of a relocatable home must be at least 15 square metres.</p>	<p>The floor area of each relocatable unit is 46m².</p>
<p>146 Floor area of certain rooms</p> <p>(1) The floor area of a bathroom of a relocatable home must be at least 2.2 square metres, plus an additional—</p> <p>(a) 0.6 square metre if the bathroom has a separate shower and bath, and</p> <p>(b) 0.7 square metre if the bathroom has a toilet, and</p> <p>(c) 1.6 square metre if the relocatable home does not include a separate laundry.</p> <p>(2) The additional requirement in subclause (1)(c) does not apply in respect of a relocatable home that is used or intended to be used as a holiday van or park van.</p> <p>(3) The floor area of a shower room must be at least 1.1 square metres.</p> <p>(4) If a toilet is installed in a separate room, the room in which it is installed must have an area of at least 1.1 square metres and a width of at least 0.8 metre.</p> <p>(5) The floor area of a laundry must be at least 1.6 square metres.</p>	<p>The bathroom complies as it has a floor area of 3.4 square metres</p>
<p>147 Ceiling height</p> <p>(1) The ceiling height of each habitable room (other than a kitchen) in a relocatable home must be at least 2.4 metres.</p> <p>(2) The ceiling height of a kitchen, laundry, hallway or other similar part of a relocatable home must be at least 2.1 metres.</p> <p>(3) In the case of a habitable room with a sloping ceiling, the ceiling height may be less than 2.4 metres if—</p> <p>(a) the floor area of the part of the room with a ceiling height of less than 2.4 metres does not exceed one-third of the floor area of the whole room, and</p> <p>(b) the ceiling height is suitable for, or does not unduly interfere with, the intended function of the room.</p>	<p>The ceiling height is 2.4 metres throughout.</p>
<p>148 Separation of kitchen areas</p> <p>A toilet must not be located in any room in a relocatable home that leads directly into a kitchen or other food</p>	<p>N/A.</p>

preparation area unless the room containing the toilet is mechanically ventilated.	
<p>149 Lighting and ventilation</p> <p>(1) A relocatable home must have adequate provision for light and ventilation.</p> <p>(2) A habitable room must have natural lighting and natural ventilation provided by one or more windows to the outside air, or by one or more openings into an adjoining room, being windows or openings having—</p> <p>(a) a total area of at least 10 per cent of the floor area of the room, and</p> <p>(b) an area (being at least 5 per cent of the floor area of the room) that is capable of being opened.</p> <p>(3) If any part of the natural lighting or natural ventilation for a habitable room is provided by one or more openings into an adjoining room, the adjoining room must have natural lighting and ventilation provided by one or more windows that comply with subclause (2) in relation to the combined area of both rooms.</p>	Both natural and mechanical light and ventilation is supplied.

The applicant has submitted documentation indicating compliance with subdivision 3 Construction, clauses 150-156.

Council's Senior Building Surveyor has appropriately conditioned for compliance with subdivision 4 Construction, clauses 157-160.

From a review of the above factors, it is considered that the development is compliant with the relevant provisions of Division 4 of the LG Reg.

Environmental Planning and Assessment Act 1979

The relevant section of the Environmental Planning and Assessment Act 1979 are addressed below.

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 generally consistent with the broad aims of the *Blayney Local Environmental Plan 2012* (BLEP 2012).

Relevant issues are addressed in the body of this report.

Clause 1.4 Definitions

The proposal is defined in accordance with the LEP 2012 as *Hotel or motel accommodation*.

Hotel or motel accommodation means:

“... a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,
- but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.”

Having regard to the characterisation of the proposed use and development, it is acknowledged that if the occupation of the proposed *Hotel or motel accommodation* is to be solely restricted to workers involved in construction projects in the surrounding area, then the proposed *Hotel or motel accommodation* would not be considered temporary or short term accommodation.

In *GrainCorp Operations LTD v Liverpool Plains Shire Council (2013)* the Court of Appeal determined an appeal from the court relating to whether a development consent granted by a panel for workforce accommodation was invalid. The primary judge, in this case, found that as the facility was not available for travellers or the general public, it was not permissible as a motel.

In this instance, Council staff are satisfied that the proposed development has been accurately characterised as *Hotel or motel accommodation*. The applicant has also confirmed the rooms will be available for anyone to book and the intention is to achieve 100% occupancy.

It is also important to note that the definition of “*Tourist and visitor accommodation*” specifically excludes caravan park and that development for the purposes of a caravan park is prohibited.

It is noted the definition of a caravan park under the BLEP 2012 includes moveable dwellings, this is in conjunction with caravans. Given that no caravans are proposed as part of this development, the proposed development does not fall within the definition of a caravan park.

Clause 1.7 Maps

Land zoning:	B2 Local Centre
Lot size:	1,000m ² Minimum Lot Size
Heritage:	Heritage Conservation Area The subject site is mapped as being located within the Blayney Heritage Conservation Area. Additionally, a number of local. Heritage Items bound the site.
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.

There are, however, existing agreements, for access that need to be negotiated by the parties benefited and burdened, including vehicle access to the rear of 30 Church Street, being the Central Tablelands Water building, and a Right of Way which is to the benefit of 67B Adelaide Street.

Part 2 – Permitted or prohibited development**Clause 2.1 Land Use Zones and Clause 2.3 Zone Objectives and Land Use Table**

The subject property is zoned B2 Local Centre (Figure 2). *Hotel or motel accommodation* is a permissible land use in the B2 Local Centre zone.

The objectives of the B2 Local Centre zone include the following:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.

The proposed development is considered to be generally consistent with the foregoing objectives for the following reasons:

- The proposed development will contribute to the range of land uses within the core commercial area of Blayney;
- The proposed development will provide for additional employment opportunities within the core commercial area of Blayney;
- The proposed development will add to the consolidation of commercial enterprises in the core commercial area, which is expected to encourage walking and cycling and the use of public transport to a central location; and
- The proposed development will contribute the Central Business District of Blayney as the major focus for commercial activity.

Clause 2.6 Subdivision – consent requirements

Clause 2.6 identifies that land to which BLEP 2012 applies may be subdivided, but only with development consent.

Part 4 – Principal development standards**Clause 4.1 Minimum subdivision lot size**

Clause 4.1 seeks to minimise the cost to the community of fragmented and isolated development of rural land, and providing, extending and maintaining public amenities and services; ensure that the character and landscape setting of an area is protected and enhanced by any development; to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints; and to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.

The Lot Size Map identifies that the Minimum Lot Size for the subject property is 1,000m².

The proposed development involves the consolidation and subdivision of land at Stage 1 to re-order lot boundaries. This will be rationalised into proposed Lots 1 and 2, with areas of 9,748m² and 1,837m² respectively.

Both lots will achieve the minimum lot size and therefore the development is consistent with Clause 4.1.

Part 5 – Miscellaneous provisions

Clause 5.10 – Heritage Conservation

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

A Statement of Heritage Impact (SoHI) was submitted with the Development Application.

The SoHI was prepared by Kate Higgins. Information provided in the SoHI states that Kate holds a B. Sc (architecture), B. Architecture and Master of Heritage Conservation. Further, the methodology within the SoHI confirms that it was prepared with consideration of the principles established by *The Burra Charter: The Australian ICOMOS Charter for places of Cultural Significance 2013*, Australia ICOMOS.

In summary, the SoHI concluded that:

“Heritage conservation is not about preserving heritage significant places without allowing change. Rather it is about understanding what is significant about a place before deciding on appropriate change. The impact of the proposed new motel has been considered with regard to the setting of the heritage items in the immediate vicinity of the subject site, and with regard to the character of the Blayney Heritage Conservation Area. After a careful assessment it is concluded that, subject to the recommendations below, the proposed works will have a limited and acceptable impact on the heritage significance, and would satisfy the heritage provisions of Blayney Local Environmental Plan 2012.

- 1. The exterior colour scheme for the proposed new buildings should be visually recessive. Light colours are not recommended. A colour scheme with strong contrasts is not appropriate.*
- 2. Screen planting should have a mature height similar to the height of the proposed buildings. (The plants must not have a mature height less than 500mm below the maximum height for the proposed buildings.) The screen planting may require buildings to be slightly relocated. Trees should be considered as their canopies provide better visual screening than a hedge which is lower.*
- 3. The parking layout should be adjusted in order to maximize the retention of existing trees. All trees should preferably be retained.*
- 4. The trees must be protected from harm during the works, and the proposed development must not adversely affect the health and vitality*

of these trees. The advice of a suitably qualified arborist must be sought if necessary.

5. Screen planting could be provided along the northern side of the carpark.

It is considered that conditions of consent should be imposed to give effect to the foregoing recommendations.

Given that the subject property is located within the Blayney Heritage Conservation Area, the proposed development was also referred to Council's independent Heritage Advisor for comment.

The Heritage Advisor has provided recommendations with regard to the proposed development, which are addressed below.

However, it must be acknowledged that the Heritage Advisor's comments and recommendations are focussed on urban design outcomes and other matters in addition to heritage conservation. As such, it is considered that a number of matters raised by the Heritage Advisor are outside of his scope.

These matters are addressed specifically in the commentary below.

Heritage Advisor Recommendation

The density of the layout is unprecedented in the Heritage Conservation Area. The level of density is not supported in the HCA. The density of the aged care village is a useful case study and example and a similar density would be supported

Staff comment:

The Heritage Advisors commentary is noted.

However, it is not accepted that the density of the proposed *Hotel or motel accommodation* will have any impact on the significance of the Blayney Heritage Conservation Area.

In particular, it is noted that the proposed modules will generally be screened from public view through the use of both fencing and perimeter landscaping.

For the sake of clarity, it should be acknowledged that a portion of any module may be visible above a fence line and / or between buildings. Where a module would be clearly visible above a fence line or between buildings, the conditions of consent are intended to require that any such view is to be broken up / obstructed with suitable landscaping.

In addition, it is noted that the modules will be substantially setback from all street frontages and will be read as a recessive element to any existing or future buildings (i.e. the vacant lot to be created along Osman Street).

Finally, it is noted that Council's specific policy regarding heritage conservation is addressed under Part H of the *Blayney Development Control Plan 2018*, with development in Heritage Conservation Areas being dealt with

specifically under Part H5. Notably, Part H5 does not address density as a matter for consideration.

Heritage Advisor Recommendation

The character of the proposal is unprecedented in the Heritage Conservation Area.

There are existing motels and an existing aged care village which all have suitable character. The traditional character consists of traditional external materials and pitched roofs. The flat roofs and external metal cladding proposed is not appropriate in the HCA.

Staff comment:

The Heritage Advisor's commentary is noted.

As noted above, it is considered that the proposed modules will generally be screened from public view through the use of both fencing and perimeter landscaping.

In addition, it is noted that the modules will be substantially setback from all street frontages and will be read as a recessive element to any existing or future buildings (i.e. the vacant lots to be created along Osman Street).

Notwithstanding, it is accepted that the proposed modules should be clad with suitable materials and colours to ensure that they are visually recessive in the streetscape. As previously noted, it is recommended that a condition of consent should be imposed to give effect to this requirement.

It is acknowledged that Part H5 of the Blayney DCP identifies that roof forms of new development in a conservation area should complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape. However, given that the proposed modules will be substantially setback from all street frontage and screened by perimeter landscaping and fencing, it is considered that the flat roof forms will have a negligible impact, if any, on the streetscape.

Heritage Advisor Recommendation:

Existing retained building

External elevations for the modifications to the former Club building are to be provided in order that the character of the building complements the character of the HCA given its visibility and visual impact. A replacement pitched roof and verandah over the west facing elevation and stairs is recommended.

Staff comment:

The foregoing recommendation is outside the scope of the Heritage Advisor's brief as the proposed development does not involve any substantial modification or addition to the existing building which would warrant a requirement for it to be modified to include a pitched roof.

Further, it is considered that any requirement to modify the existing building to include pitched roof would likely result in a poor planning outcome which would be detrimental to the Osman Street streetscape in terms of both urban design and heritage conservation.

Heritage Advisor Recommendation:

The provision of vehicle parking and access is one of the key factors in determining the layout.

- The Club building should be allocated a range of car spaces related to the need for servicing the floor area;
- A parking or standing area for the bus is to be dedicated in addition to the circulation area;
- One vehicle space per accommodation unit is to be provided;
- Evidence is to be provided that emergency fire and ambulance vehicles can access the development to the required standard.

Staff comment:

The foregoing recommendation is outside the scope of the Heritage Advisor's brief.

Notwithstanding, it is considered that the proposed development is consistent with the foregoing recommendations.

In particular, it is noted that Council's Infrastructure Services Department has confirmed that all emergency vehicles would be able to access the proposed development.

Heritage Advisor Recommendation:

An alternate layout of accommodation units which provides a standard of suitable outdoor open space between the opposing units where the units are nominally 8m face to face.

Staff comment:

The foregoing recommendation is outside the scope of the Heritage Advisor's brief.

Notwithstanding, it is noted that the proposed modules are typically 6m apart, face to face, with access to a central area of open space.

Heritage Advisor Recommendation:

The layout should be based around the principle of a courtyard. The current layout where the space between units is not functional as useful space. Recreational areas of outdoor open space should be allocated within the site to serve groups of nominally 8-12 units given the nature of the period stays and opportunity to socialise. This need is not similar to motels where stays are generally limited to short periods.

Staff comment:

The foregoing recommendation is outside the scope of the Heritage Advisor's brief.

The suitability of the proposed site layout is addressed within the body of this report.

Heritage Advisor Recommendation:**Landscape**

- The perimeter planting is appropriate
- The car parking layout reflects the existing. The layout should be improved through the provision of trees on the ratio of ¼ vehicles. These can be provided at the central intersection of the 4 spaces so as not lose spaces while adding shade and character
- If the layout of the units includes the rear service and lighting spaces these areas should be screened as part of the end elevation with an access gate included in the material
- The outdoor recreational spaces should include planting and may form part of the central retained landscapes illustrated on the site plan

Staff comment:

The Heritage Advisor's commentary is noted.

Given the extent of perimeter landscaping proposed, it is considered unnecessary to require additional trees to be planted.

Further, it is noted that a condition of consent has been recommended to maximise the retention of mature and healthy trees within the subject property.

Heritage Advisor Recommendation:**Materials**

- In terms of the external materials and colours, the Blayney aged care village can be used a case study where the buildings utilise a suite of materials used in various combinations to produce variety and interest.

Staff comment:

It is recommended that a condition of consent should be imposed requiring the applicant to provide proposed detailed schedule of external materials and colours prior to the commencement of works on site.

Based on the Heritage Advisor's advice, the proposed colour scheme could incorporate the following:

- Windspray, Basalt and Shale Grey roofs;
- Traditional red/brown bricks; and
- Dune, Jasper and Paperbark for aluminium window frames.

Black, White and Monument colours will not be supported.

Heritage Advisor Recommendation:

Details

- The socially significant elements are to be specified and included within the layout of the main building
- The main building is to include a verandah and pitched roof.

Staff comment:

The foregoing recommendation is outside the scope of the Heritage Advisor's brief. As previously noted, it is considered that any requirement to modify the existing building to include pitched roof would likely result in a poor planning outcome which would be detrimental to the Osman Street streetscape in terms of both urban design and heritage conservation.

Given that the former bowling club is of no particular historical significance, it is considered unnecessary to apply specific conditions of consent with regard to socially significant elements.

Further, it is anticipated that if the former bowling club building contained anything of particular social significance, it would have been removed prior to the sale of the property.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- Is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- Includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- Avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The applicant indicates in the SoEE that stormwater modelling was undertaken using the ILSAX hydrological model in watercom 'DRAINS' software with model parameters of 1mm impervious area depression storage, 5mm pervious area depression storage, soil type 2.5 and antecedent moisture condition of 3.0.

The system has been designed so that all roof catchments are proposed to connect to the underground pipe system, with the stormwater modelling assuming any rainwater tanks are full at the commencement of the storm simulation.

Stormwater is directed to a pit and pipe system with system discharge to the south to Water Street. An existing (pre and post development) overland flow path is located to the south-east of the subject site. As a result of the proposed measures, post development overland flows are reduced to nil for up to 10% AEP storm event. 1% AEP overland flow reduced under post development conditions by approximately 36%. On the basis of the above, the development results in a reduction in off-site flows by comparison to the existing situation and is considered an acceptable design response.

The proposed development has been reviewed by Council's Infrastructure Services Department. The Infrastructure Services Department has commented that the proposed solution appears adequate, following detailed design to ensure suitability for a 20% AEP.

However, this will require the creation of a 2.5m easement through 37 Water Street. Although this lot is owned by the applicant, this may prove difficult due to the proximity of the current building to the property boundary.

A condition of consent will be imposed to provide a final design of the stormwater system including confirmation that the detention system proposed is subject to detailed engineering design. The engineering detail is to incorporate a design for a stormwater easement through 37 Water Street.

Clause 6.8 Essential services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access.

Information submitted with the development application indicates that all essential services are available to the subject property.

Council's Infrastructure Services Department has recommended conditions of consent to ensure that the development is appropriately serviced with sewerage, water and electricity.

With specific regard to existing sewer capacity, Council's Infrastructure Services Department has commented that the capacity of the existing sewer network between the subject property and the Sewer Treatment Plant is unclear. This statement is based on preliminary modelling and analysis of the local sewer network undertaken by the applicant.

As such, it is recommended that a deferred condition of consent be applied to require that the applicant undertake a study of the existing sewer network to determine any potential limitations.

Should any shortcoming be identified, the study must also identify a method/s of overcoming any such limitation.

In addition, it should be noted that the applicant's response to submissions clearly states that any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

State Environmental Planning Policy 55 – Remediation of Land

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

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

Given that the subject property features a former bowling club including the former bowling club clubhouse, bowling greens and car parking areas. It is reasonably expected that the site has a low likelihood of potential contamination.

This is confirmed by a review of the EPA list of sites reported to the EPA as at 1 of September 2020 and the EPA contaminated land register confirms that the site is not listed as a contaminated site, as such the development is considered to satisfy the requirements of clause 7 of SEPP55.

State Environmental Planning Policy (Infrastructure) 2007

Transport for NSW (TfNSW)

Clause 101 Development with frontage

Clause 101 Development with frontage to a classified road seeks to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Specifically, Clause 101(1) states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The requirements of Clause 101 have been addressed by a Traffic Management Report prepared by the applicant that has been referred to Transport for New South Wales (TfNSW) for consideration.

Clause 104 Traffic generating development

Clause 104 requires that the consent authority give written notice of traffic-generating development to Transport for NSW. Further Clause 104 requires that the consent authority must take into consideration—

TfNSW provided the following comments to assist Council in its assessment of the Development Application:

- The site design has been assessed for an 8.8m medium rigid vehicle. Council should consider limiting of the maximum size of vehicles permitted at the site to 8.8m medium rigid vehicle consistent with the maximum vehicle swept path design of the site.
- Limit vehicular access between the property and Church Street to be via the one (1) vehicular access.
- All road works be completed prior to operation of the proposed development.
- All signage including any proposed internally lit signs must be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.
- All construction activities must be undertaken wholly within the bounds of the site and not impact the efficiency and safety of all road users, including pedestrians.
- Council should satisfy itself that the parking provision below the DCP rate for stage 1 will be satisfactory to support the development. In which case, a minimum of 80 car parking spaces in stage 1 and 100 spaces in stage 2 must be provided on site in the location as shown on the DA plans. The car park should be designed in accordance with User Class 2 of AS2890.1.
- Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.

The foregoing matters have been reviewed by Council's Infrastructure Services Department and incorporated as recommended as conditions of consent with the exception of signage.

Insufficient information has been provided to assess compliance for signage, in this regard a condition of consent will be applied requiring an amended plan be provided in accordance with Part E.2.6.5 Pylon and Pole Sign requirements of the DCP.

Essential Energy

Clause 45 Determination of development applications—other development

Clause 45 requires that the consent authority given written notice of certain types of development to the electricity supply authority.

The proposed development was referred to Essential Energy in accordance with Clause 45.

Essential Energy has provided the following comments:

1. Essential energy advise that they have no comments to make as to potential safety risks arising from the proposed development. Essential Energy makes the following general comments:
2. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
3. As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan +of subdivision. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
4. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
5. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
6. Prior to any demolition works commencing, any service line/s to the properties must be disconnected.
7. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new

designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.

8. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations 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. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
9. 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).
10. Given there is electricity infrastructure in the area, it is the responsibility of the person/s 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 these comments be incorporated into the draft conditions of consent.

State Environmental Planning Policy No. 64 – Control of Advertisements

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP64) seeks to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communications in suitable locations, and is of high quality design and finish.

One new advertising device is proposed, consisting of a small freestanding sign on Church Street at the property entrance. The sign would be approximately 3.7 metres high and have an area of one (1) square metre.

Despite Council requesting further details of the proposed signage including the method of illumination, sufficient further information has not been received in order to determine compliance with SEPP64.

It is also important to note that illuminated (floodlit) signage is not supported by Part E.2.6.5 Pylon and Pole Sign requirements of the Blayney Development Control Plan 2018.

In this regard a condition of consent will be applied requiring an amended plan be provided in accordance with Part E.2.6.5 Pylon and Pole Sign requirements of the DCP.

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 D: Commercial, Community & Industrial Development

D2 Commercial and Community Buildings & Design

D2.1 Site Selection and Land Use Conflicts

D2.1 identifies that while Council will consider all applications for commercial and community use(s) on their merits in any zone where the particular land use is permitted under Blayney LEP 2012, the development application must ensure that the chosen site and building design will:

- 1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to:
 - a) The land use zone and the desired development outcomes for each settlement/area; and
 - b) Environmental impacts in Part G – Environmental Management & Hazards, including but not limited to Part G2: Buffers to Sensitive Land Uses (noting that Buffers may increase the required setbacks for buildings or activities.
- 2) Address Part D5: Site Planning, Earthworks & Utilities

It is considered that the potential for land use conflict with the adjoining residential properties within Church, Water and Osman Street is a key issue for consideration.

As such, Council staff have had regard to the planning principle refined by *Davies v Penrith City Council [2013] NSWLEC 1141* regarding impact on neighbouring properties. Specifically, the principle outlines the following:

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?*

Having regard to these criteria, Council staff consider the following:

1. The proposed development will have a negligible impact on the adjoining residential properties in terms of sunlight, view and privacy, with the exception of potential overlooking from elevated decks and windows.

In this regard, it is considered that conditions of consent should be applied to address privacy by requiring that windows and decks that may afford a view to private open space be obscured. Such conditions would effectively remove any potential privacy impact associated with overlooking.

Other than these matters, it is considered that nuisance noise associated with the operation of the facility is the only other potential or likely impact on adjoining residential properties. For example, nuisance noise may be generated by on-site services such as air conditioners, poor patron behaviour and inappropriate vehicle use (e.g. unnecessary revving of vehicles).

The likelihood of nuisance noise in this circumstance will generally depend on the effective management of the property. In this regard, it is considered that these matters should be addressed in the following manner:

- A Plan of Management to address day to day management of the facility to an acceptable standard, including patron behaviour; and
- Noise modelling of mechanical on-site services, such as air-conditioning units, to demonstrate that adjoining or proximate residential properties would not be affected by a noise level of background noise +5dBA LAeq (15 minutes).

These matters are addressed in further detail below.

2. Having regard to the foregoing requirements, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the adjoining residential properties. With regard to the balance of the assessment, the proposed development is considered to be reasonable.
3. Given the foregoing requirements, it is considered that the adjoining residential properties would have a low degree of vulnerability to the potential impacts.
4. The potential impacts generally relate to the nature of the use, as opposed to the design of the built form.

A design of outstanding architectural merit, or different site layout, would likely result in the same potential off-site impacts which would need to be addressed in the same manner as previously discussed.

The proposed development generally complies with the relevant planning controls. Any significant noncompliance, such as the reduction of car parking spaces, is addressed in the body of this report. **Plan of Management.**

It is noted that the SoEE submitted with the Development Application included a Draft Facility Management Plan which is intended to minimise undesirable off-site social impacts.

Whilst the Draft Facility Management Plan submitted is acknowledged, it is considered to be lacking sufficient detail and measures for the nature of the proposed development.

As such it is recommended that a condition of consent be applied to require that a detailed Plan of Management be developed in association with Blayney Shire Council prior to works commencing on the proposed development.

The objective of requiring and implementing Plan of Management is to:

- Ensure the premises are managed to an acceptable standard and to ensure the accommodation meets the needs of guests, owners, stake holders, neighbours and the community in general;
- Ensure operation of the site meets demands of the clientele while minimising impacts of local community;
- Ensure the operational guidelines meet requirements for use of public areas that reduce impacts on other guests and the local community;
- Ensure written record of management practices, standards and procedures are available for to all relevant parties;
- Provide a system by which standards, procedures and systems can be monitored and improved to ensure satisfaction of all stakeholders;
- Ensure all areas of safety meet the standards as set by Government; and
- Ensure the behaviours of both guests and those in the vicinity of the site are in keeping with standards as set down by those in the local community.

Specifically, the Plan of Management must address the following matters:

- Maximum capacity of the premises;
- Operations and activities;
- Management responsibilities;
- Staffing;
- Security;
- Accommodation standards and guest rules;
- Car parking;
- Noise minimisation;
- Stakeholder liaison;
- Complaints and complaints book; and
- Contact details for the on-site manager.

In addition, it is considered that NSW Police should be consulted in the preparation of the Plan of Management.

Further, it is recommended that a condition of consent be imposed requiring that the proposed development be operated in accordance with the approved Plan of Management at all times.

It is noted the applicant has indicated it is their intention to operate the facility as a Hotel or motel accommodation premises in perpetuity, however they have amended the application to initially limit the consent for a period of 5 years.

In this regard it is acknowledged the person with the benefit of the development consent could lodge a modification application to vary the 5-year time limit in the development consent in the future.

Additionally, the person with the benefit of the S68 approval can also apply for the S68 approval to be extended.

As previously noted, in the circumstances of the present Development Application, it is considered that in determining whether to grant an extension of a S68 approval, it would be permissible for Council to consider whether the modular units installed on the premises would be used for a purpose that accords with the relevant development consent, if approved by Council.

If the premises were to be used for a prohibited or unauthorised purpose at the time of the original approval being granted, section 89 of the LG Act would have been sufficiently broad to allow this matter to be taken into account. By parity of reasoning, this consideration would be allowed to be taken into account in determining any application for extension of an approval, depending on the circumstances of the physical land use that exists at the time.

This may extend to any non-compliances with the approved conditions of consent. However, it would depend on the particular condition(s) which had been breached (including the nature of them). For example, ongoing breaches of an operational condition relating to use of the premises would be of more significant relevance than a one-off breach of a condition which only applied during the undertaking of any approved building works.

It is considered that ongoing compliance with the Plan of Management would present one suitable measure of whether or not Council should, or could, grant an extension of the s 68 approval.

Acoustic Report

There is no specific standard which governs noise impact generated by a commercial premise such as *Hotel or motel accommodation*.

In this regard, it is noted that the NSW EPA *Noise Policy for Industry* is typically utilised as the standard guideline to assess potential noise impact on sensitive receivers such as a dwelling.

With regard to noise impact, the Noise Policy for Industry states:

*“The intrusiveness of an industrial noise source may generally be considered acceptable if the level of noise from the source (represented by the **LAeq descriptor**), measured over a 15-minute period, does not exceed the background noise level by more than 5 dB when beyond a minimum threshold. This intrusiveness noise level seeks to limit the degree of change a new noise source introduces to an existing environment.”*

In this regard, it is considered that a condition of consent should be applied to require the applicant to undertake an acoustic assessment of the development to demonstrate that all necessary services e.g. air conditioners, extraction fans etc) will not have a greater impact than the existing noise level than 5 dBA LAeq (15 minutes).

Further, it is recommended that a condition of consent be applied to require that the all mechanical services to be utilised on-site would not have a noise impact greater than 5dBA LAeq (15m minutes) during any period under full operation of all mechanical services.

D2.2 General Building Setbacks

D2.2 states that setbacks to road frontages (other than rear lanes) should: a) Reinforce the desired built form pattern, street character and function and not dominate the street whilst allowing variability where it can be justified;

- b) Respond to the level of pedestrian activity required for any proposed retail frontage(s);
- c) Respond to adjacent development and adjacent building setbacks;
- d) Minimise impacts on adjacent lots;
- e) Provide areas to service these uses whilst minimising the impact of large parking, utility, or storage areas on street character/activity;
- f) Accommodate (where appropriate) outdoor dining areas, disabled access and landscaped setbacks; and
- g) Provide adequate sight distances for vehicle and pedestrian safety, particularly on corner lots.

Rear Lanes: If a lot has frontage to a rear lane then setbacks from the rear lane should consider adjacent building setbacks/impact and encourage access for service and delivery vehicles and parking at the rear of the site by accommodating potential vehicle turning circles on-site, and sight-lines.

Side & Rear Setbacks: Side and rear setbacks must meet the National Construction Code ('NCC') requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear part of the lot.

The proposed development will not have a direct frontage to any street.

Notwithstanding, it is noted that the proposed modules will generally be screened from public view through the use of both fencing and perimeter landscaping, while also being read as recessive element in the streetscape.

Future development of Osman St would respect the prevailing character and setback pattern.

D2.6 Building Height & Bulk

D2.6 identifies that the applicant must demonstrate how the proposed building height and bulk will:

- 1) Minimise visual impacts of larger buildings;
- 2) Integrate with the existing/desired scale and street character for the relevant land use zone and location with consistent street frontage heights (including parapets/roof lines);
- 3) Be sympathetic to heritage buildings and conservation areas (where applicable);
- 4) Be sympathetic to and, if necessary, provide a transition in height to adjacent buildings;
- 5) Minimise overshadowing of the living spaces and private open spaces of adjacent dwellings and any community facilities (e.g. school yards, churches etc.).
- 6) Use building height and massing to reinforce key corner sites and 'gateways' to the town;
- 7) Maintain the dominant building façade/heights to main streets and setback additional height behind this street frontage height.

The proposed modules are low profile and single storey unlike traditional motel developments.

While the transportable form of the modules may be different to the character of surrounding development, the modules will generally be screened from public view through the use of both fencing and perimeter landscaping and would be visually recessive to other existing and future buildings.

No overshadowing would occur and units would not dominate the locality.

D2.7 Building Design

D2.7 provides specific design objectives with regard to variation of building elevations; blank walls; activation and safety; security grilles; safety by design; service areas and corner sites and utilities.

The proposed modules feature a degree of variation and will be further articulated through the use of suitable cladding, on site landscaping and colour. As previously noted, it is recommended that a condition of consent should be imposed to require that the proposed modules should be clad with suitable materials and colours to ensure that they are visually recessive in the streetscape.

The proposed development will not present any blank walls directly to a public space and is well set back the street behind other lots. Furthermore, the proposed subdivision to create a residue lot in the west of the site provides for the opportunity to activate the Osman St frontage via a future Development Application.

With regard to Crime Prevention Through Environmental Design (CPTED) it is noted that the Development Application was referred to NSW Police. The NSW Police provided the following comments:

Lighting

Recommendations have been made for the following treatments:

- Lighting in the car park areas and at the entrance to the premises.
- Sensor lighting to all vestibule and walkways including amenities block.
- Sensor lights should be vandal resistant and projected away from buildings towards pathways – not towards windows and doors.

Surveillance/Technical Supervision

Recommendations have been made for the following treatments:

- Installation of CCTV cameras in the office space
- Installation of back to base alarm system.
- Security patrols.
- Territorial Reinforcement-
- Access points should be clear, legible and useful. Signage is best located at (or prior to) junctions requiring people to make decisions. Creative markings in carparks aid wayfinding.
- Signage addressed: Recommend the following treatments
- Include traffic flow signage and traffic flow arrows.
- Speed limit signage in the driveway/carpark area. Max 10kph.
- Trespassers will be prosecuted signage clearly visible around entrance/exit points.
- Premises monitored by CCTV/ Security patrols.
- Number each unit and due to the volume of units' directional signage to each area.

Access Control

Recommend the following treatments

- Colour bond fencing to the entire perimeter of the premises
- Electronic communications/entry system
- Security screen doors to all entry/exit points.
- Polycarbonates and impact resistant glass/glazing to all windows.
- Key operated to all windows.
- The main entry/exit doors to all buildings should be fitted with single cylinder locksets (Australian Standards) which comply with the building code of Australia.
- Appropriate locksets be installed on any skylights to prohibit unauthorised entry.
- Speed bumps in car parks/access ways help to reduce the likelihood of attracting bike riders and skateboarders.

- Night safe if cash on premises

The applicant has addressed a number of these recommendations and included them into the amended SoEE.

Notwithstanding, it is recommended that these matters be clearly addressed via conditions of consent.

D4 Access & Parking

D4.1 General Controls, D4.2 Vehicle Access, D4.3 Circulation & Loading / Unloading, D4.4 Circulation & Loading / Unloading, D4.5 Pedestrian Access and Mobility, D4.6 Parking and Safety, D4.6 Parking and Safety and D4.7 Off Street Car Parking

D4.1 seeks to ensure that developments are supported by good vehicle access, circulation, loading and unloading areas, and vehicle parking areas that promote safety and efficiency for users, the general public, and surrounding road systems; are well-integrated with the site and building design and appropriately screened and/or landscaped to protect street character; provide adequate provision of off-street parking consistent with the parking demand generated by the development and NSW Government policy; and minimise impacts on neighbouring sites (e.g. noise, dust, vehicle lights, vibrations etc.).

D4.2 seeks to ensure all lots have appropriate and safe provision for access to and egress from a site; that development is provided with appropriate access, circulation, loading and unloading areas and vehicle parking areas that are safe and efficient and integrated with the site and building design.

Further, the applicant must demonstrate that any proposed site vehicle access location and design has considered public safety including, but not limited to the type of road the access will front onto and its design; sight distances and vehicle speeds; proximity to intersections or pedestrian crossings; existing and proposed landscaping design; potential conflicts with other vehicles and pedestrians/ bicycles on and off-site.

D4.3 seeks to ensure that all traffic generating developments are designed in accordance with Council's Guidelines for Engineering Works and to provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.

D4.4. seeks to provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.

D4.5 seeks to improve equity of access for the entire community and requires that new buildings, substantial alterations and additions, parking and access must comply with the Disability (Access to Premises — Buildings) Standards 2010 (as amended or replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards.

D4.6 sets out specific objectives with regard to parking and navigation; pedestrian connections; safety principles and lighting.

D4.7 seeks to ensure there is adequate off-street parking to meet the needs and size of the development.

Staff comment:

In summary, the proposed development has been reviewed by Council's Infrastructure Services Department. The Infrastructure Services Department has commented that the proposed vehicle access and parking arrangements would be acceptable subject to meeting the recommended conditions of consent.

Notwithstanding, it is noted that a variation to the DCP has been requested in relation to the number of carparking spaces required by Part D4.4 Parking. In this instance the DCP requires that a commercial development provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.

D4.9 Table of Car Parking Requirements indicates 1 carparking space for each unit is required, plus 1 space per 2 staff employed. As such the proposed development requires:

Stages	Motel Rooms	Parking required	Staff parking – 10 staff (all stages)	Total required	Parking proposed	Deficiency/ Excess
Stage 1	98	98	5	103	82	-23
Stage 2	81	81	5	86	100	+14

The following justification has been provided by the applicant for the deficiency in parking spaces, as follows:

"In the initial 2-3 years of operation, the motel is anticipated to provide a source of accommodation for workers on a range of large infrastructure projects currently occurring, or shortly coming on line, within the Blayney LGA, including:

- The \$185 million Newcrest Cadia Gold Mine expansion, which generates the need for approximately 700-900 temporary construction workers over a period of 1-2 years;*
- The currently proposed, but not yet approved, McPhillamys Mine project 9 kilometres north of Blayney – generating a need for approximately 650 temporary construction workers over the initial 3-4 year construction period;*
- The approved Flyers Creek Wind Farm expansion project – generating a need for approximately 130 temporary construction workers over the construction period of the project*

Workers on these projects will typically arrive in the region by bus or plane, and will similarly be transferred to the construction sites by bus, meaning that the demand for car parking on site will be lower than for a traditional motel development. Bus parking has been provided on site.

The adoption of modular buildings means that upon completion of these various construction projects, the scale of the motel can be reduced to provide a more even match between motel rooms and on-site parking spaces.

Parking requirements in stage 2 reduce to 85 and parking provision would increase to 100, an excess of 15.

It is proposed and anticipated that the development would, in the first 4-5 years, host short term commercial client workers visiting the region for short periods of time to work on a range of large scale projects, including the Newcrest Cadia expansion, Flyers Creek Wind Farm and, potentially, the Regis McPhillamy gold mine project.

These workers would fly to Orange, and be bussed (by mini-bus) to the site, or would arrive by bus from Sydney or other areas. It is our view that the minor predicted deficiency in parking on site is therefore more than offset by the nature of the occupants, who will not typically rely on light vehicles and therefore do not require the same level of parking provision.”

Comments made by Council's Infrastructure Services Department are acknowledged and whilst it would be preferable that the applicant comply with the deemed to satisfy requirements of the DCP, the particular variables associated to the proposed use of the motel still should be considered.

As such the following points are considered relevant in justify the proposed variation:

- The development is proposed to be staged. The parking space deficiency is for stage One (1) only and as such a limited time period;
- The RTA guide to Major Traffic Generating development indicates a general parking rate of 1 space per 4 bedrooms in 3 and 4 star hotels;
- If parking is supplied for the 85th percentile level of usage (as recommended by the RTA Guide), at stage 1, 88 parking spaces are required. This reduces any deficiency to just eight spaces.
- There is also adequate capacity in Church Street for any required overflow parking.

D5 Access & Parking

D5.1 Open Storage, Utility & Service Areas

D5.1 seeks to ensure that goods and waste storage areas are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact and clutter of these areas from key public areas and streets and to limit environment impacts and impacts on the amenity of neighbouring sites.

Staff comment:

A waste storage area is proposed adjacent to the existing bowling club building in the car parking area. This would be accessible by a waste collection vehicle.

D5.2 Solid Waste Management

D5.2 requires that Goods & waste storage areas are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact of these areas from key public areas and streets; there is sufficient waste storage for the required types and volumes of solid waste; and there is sufficient access and/or circulation space to waste storage areas for collection by waste vehicles.

Staff comment:

As noted above, a waste storage area is proposed adjacent to the existing bowling club building in the car parking area. This would be accessible by a waste collection vehicle.

D5.3 Landscaping

D5.4 seeks the use of appropriate landscaping to provide a pleasant environment that complements the design of the buildings and provides buffers to neighbouring lots and the public domain.

Further, landscaping should be provided in setback areas where it is necessary to retain existing significant trees; screen the visual bulk of larger buildings; soften the visual impact of large hardstand / car parking areas; provide shaded open space for staff; provide shade and amenity for parked cars, buildings, and open spaces; and provide deep soil zones for water infiltration and stormwater management.

Staff comment:

The applicant has submitted a landscape plan for the site. The landscape plan is generally considered to be acceptable, however it is recommended that a conditions of consent is applied to specifically address the recommendations of the applicants Heritage Advisor and the principles identified by the NSW Police..

Further, a consent has been imposed for the provision of street trees.

D5.4 Fencing

D5.4 identifies that Fencing must be designed and maintained to meet the security needs of a development and its staff and customers; maximise interaction (avoid barriers during operational hours) and promote casual surveillance between the development and key public spaces /the street; and minimise visual impact of fences on street character and heritage items or conservation areas.

Staff comment:

Information submitted with the Development Application confirms that existing boundary fencing would be maintained and improved as required to ensure

the security of the site is maintained. Fencing along the western extent of the motel units would be installed as timber, lapped and capped style fencing.

It is recommended that a condition of consent be applied to require that a detailed fencing plan be submitted prior to works commencing. The amended plans should clearly show how a 1.8m fence will be provided around the perimeter of the subject property, including any proposed improvements to existing fences.

D5.6 External Lighting

D5.6 seeks to facilitate safety and security for each development and minimise impact on adjoining properties from light-spill or inappropriate lighting.

Staff comment:

Information submitted with the Development Application indicates that lighting would be installed to ensure a safe environment for site users.

A condition of consent is proposed to ensure the lighting would comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

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).

Staff comment:

Relevant matters such as heritage conservation, surrounding built form / landscape and land use conflict have previously been addressed.

D6.2 Earthworks

D6.2 requires that all development should seek to address the following:

- 1) Site Planning: To 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;
- 2) Impacts: To 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.

3) Contamination: To 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**.*

Staff comment:

Information submitted with the Development Application confirms that earthworks associated with the proposal are minor. The site is generally flat and suitable for the placement of the proposed modular buildings.

It is understood that minimum fill would be required.

Contamination is previously addressed under the heading State Environmental Planning Policy 55 – Remediation of Land.

D6.3 Building near Utilities

D6.3 identifies that all 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).

Staff comment:

Information submitted with the Development Application confirms that all buildings and structures will be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities.

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.

Staff comment:

As previously noted, information submitted with the development application indicates that all essential services are available to the subject property.

Council's Infrastructure Services Department has recommended conditions of consent to ensure that the development is appropriately serviced with sewerage, water and electricity.

With specific regard to existing sewer capacity, Council's Infrastructure Services Department has commented that the capacity of the existing sewer network between the subject property and the Sewer Treatment Plant is unclear.

As such, it is recommended that a deferred condition of consent be applied to require that the applicant undertake a study of the existing sewer network to determine any potential limitations.

Should any shortcoming be identified, the study must also identify a method/s of overcoming any such limitation.

In addition, it should be noted that the applicant's response to submissions clearly states that any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

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.

Staff comment:

It is considered that the proposed development has been adequately designed.

D6.6 Liquid Trade Waste

D6.6 identifies that development activities that generate and discharge liquid trade waste (excluding domestic waste from a hand basin, shower, bath, toilet or laundry) to a reticulated sewerage system (Blayney & Millthorpe) must obtain the relevant Liquid Trade Waste approval from Council. The industrial and commercial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval. Where there is no reticulated sewerage system there must be suitable methods for disposal.

Staff comment:

Council's Infrastructure Services Department has recommended a condition of consent requiring that a liquid Trade Waste Agreement be in place prior to the commencement of works.

Specifically, it is noted that the Liquid Trade Waste Agreement will require an analysis of liquid trade waste over a 6 to 12 month period to accurately calculate the number of ET's which should be applied to the development.

D6.8 Water & Energy Efficiency

D6.8 seeks to minimise water and energy use and maintain thermal efficiency through site planning, building design and integration with utilities and services.

Staff comment:

Information submitted with the Development Application refers to future investigation of grey water use and solar panels. These matters would be addressed on their merits subject to a further Development Application, if required.

H4 Development in the Vicinity of Heritage Items**H4.1 Siting, Scale and Proportion**

- 1) The setbacks of new development from any street should generally be equal to or greater than that of the heritage item and the streetscape.
- 2) Development should not be of such bulk or height that it visually dominates the heritage item or streetscape.
- 3) Important views to or from a heritage item should not be unreasonably obscured by new development.
- 4) Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage items should incorporate elements of the dominant style, form and materials in the streetscape.
- 5) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:
 - a) Providing an adequate curtilage to the heritage item to allow its interpretation.
 - b) Retaining original or significant landscaping associated with the heritage item, if the landscaping is listed on the Heritage Inventory Sheet.
 - c) Protecting and allowing the interpretation of archaeological features associated with the heritage item.

H4.2 Materials and Colours

Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance of the heritage item being reduced.

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 HCAs 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.

Staff comment:

Heritage matters are addressed in detail under the heading *Clause 5.10 – Heritage Conservation*.

Part F: Subdivision & Roads**Part F2 Site Planning & General Subdivision**

Site Planning is important for all development but particularly so for subdivision as it sets many of the key parameters for any later use. Careful consideration of the site constraints and opportunities must be demonstrated to justify a proposed subdivision design and ensure it can accommodate a range of permissible future uses in the relevant zone.

F2.1 Site Planning

Clause F2.1 requires that any plan of subdivision must be supported by a detailed site plan which demonstrates how the proposed subdivision (and building envelopes for vacant land subdivision) responds to and addresses site context (opportunities and constraints) regarding the following matters:

- Respond to the topography and drainage characteristics of the site;
- Minimise impacts on the natural environment and protect environmentally sensitive areas;
- Avoid or minimise the impacts of natural hazards and stormwater/drainage;
- Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses;
- Create a legible road and pedestrian/cycle network and connection to surrounding networks;
- Create building envelopes that are free of constraints with suitable access for each lot;
- Integrate with the existing and/or desired subdivision pattern of the area.

Staff comment:

The proposed development is considered to be consistent with the relevant objectives / performance criteria. In particular, the following is noted;

- The subject property is relatively flat, with storm water likely to shed naturally to the surrounding street network.
- The subject property does not contain any environmentally sensitive areas;
- While the subject property is located within the B2 Local Centre zone, it has a long history of previously being used for a commercial purpose; and
- The proposed subdivision will integrate with the existing subdivision pattern of the surrounding area.

F2.2 Topography & Earthworks

F2.2 seeks to ensure that subdivision & road design responds to the site opportunities & constraints; minimise cut and fill from any new road, driveways/entrances, and any future building sites; ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items; ensure retaining walls are structurally sound and suitable for purpose; and avoid contaminated fill being utilised on sites.

Staff comment:

No significant earthworks are proposed.

F2.3 Lot Size and Arrangement

F2.3 seeks to provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements; and avoid or minimise / mitigate against existing and future land use conflicts.

Staff comment:

The proposed subdivision is consistent with the relevant acceptable solutions.

F2.4 On-site Effluent Management**Staff comment:**

Not applicable.

F2.5 Access & Entrances

F2.5 seeks to provide all lots with safe, legal and practical vehicle access and manoeuvring; provide safe and suitable access and manoeuvring for emergency vehicles and larger vehicles for servicing (as required); provide safe & suitable pedestrian/cycle access and facilities to encourage walking and/or cycling; promote safe and efficient road and footpath environments for motorists, public transport, cyclists and pedestrians.

Staff comment:

Subject to the future development of proposed Lot 2, the Infrastructure Services Department may require further upgrade to the access at that time.

F2.6 Access - Rights of Way & Battle-Axe Lots**Staff comment:**

Not applicable.

F2.7 Utilities / Easements

F2.7 seeks to ensure that all essential utilities to the boundary of any new allotment suitable for the proposed use; ensure appropriate access to and safe operation of utilities; address any connection requirements of the relevant utility authorities; minimise the visual impact of any new utilities by undergrounding connections and integrating into the design (where possible).

Staff comment:

As previously noted under Clause 5.8 Essential services, Council's Infrastructure Services Department has recommended conditions of consent to ensure that each proposed lot is serviced separately, including separate water and sewer.

F2.8 Staging**Staff comment:**

Not applicable.

F3 Residential Subdivision in Urban Areas**F3.1 Lot sizing and arrangements – general**

F3.1 seeks to promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites; ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area; and require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.

Staff comment:

The proposed development is consistent with the relevant acceptable solutions.

F3.2 Access to Battle-Axe Lots (Limited Road Frontage)**Staff comment:**

Not applicable.

Part G - Environmental Management & Hazards**G3 Stormwater & Drainage**

G2.3 seeks to ensure that stormwater and drainage systems address the objective of Clause 6.2 Stormwater Management of BLEP2012; will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes; will convey stormwater to receiving waters with minimal damage, danger and nuisance; maintain the water quality of receiving waters; stabilise landform and control erosion; maximise the potential for water infiltration and minimise overland flows; protect proposed or likely building areas from erosion and stormwater damage; and consider water retention/detention and re-use (where relevant).

Staff comment:

A stormwater management plan has been provided.

Council's Infrastructure Services Department has recommended specific conditions of consent to address storm water.

G9.3 Naturally occurring asbestos

G9.3 applies to areas where the potential presence of naturally-occurring asbestos has been mapped by the NSW Government across NSW and broken down into broad areas of low, medium or high potential regions.

Staff comment:

Information submitted with the Development Application confirms that it is possible that a portion of the site may encroach into an area mapped containing medium likelihood of NOA (north-eastern section of the site). As the proposed development requires minimal earthworks it is unlikely that NOA will be an issue for the development.

As such management measures, such as preparation of an Asbestos Management Plan, would be required and is proposed as a condition of development consent.

Developer Contributions

The Blayney Local Infrastructure Contributions Plan 2013 identifies that Section 94A levies apply to a development that is not Type A (residential) or Type B (Heavy Haulage) development and which also has a proposed cost of development in excess of \$100,000. The monetary contribution rates for development are shown below.

Contribution type / Development type	Levy rate
Section 94 contributions	
Residential Accommodation development resulting in additional dwellings or lots	\$5,648 per dwelling or lot
Heavy Haulage Development	\$0.20 per ESA per km of regional sealed road \$0.33 per ESA per km of local sealed road \$0.20 per ESA per km of local gravel road
Section 94A levies	
Development that is not Type A or B, and where the proposed cost of carrying out the development:	
▪ is more than \$100,000 and up to and including \$200,000	0.5% of that cost
▪ is more than \$200,000	1% of that cost

It is recommended that a condition of consent be applied requiring that the applicable contribution be paid prior to the issue of a Construction Certificate.

Section 64 Water and Sewer Headwork Charges

Under the *Local Government Act 1993* (the 'LG Act') S64 *Construction of works for developers* water and sewer headwork charges are also applicable to the proposal.

Such charges are calculated at the time of a Subdivision Certificate for the proposed development. Attached are draft conditions requiring the payment of the required contribution prior to the issue of a Subdivision Certificate.

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

Not applicable.

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

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

Not applicable.

- **BASIX Commitments (Clause 97A)**

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

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

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

In accordance with Councils Community Participation Plan, the Development Application was classified as advertised development and subsequently publically exhibited through; 2 notices placed in the Blayney Chronicle, documentation placed on Councils website and notified to 44 adjoining and proximate landowners.

Notification commenced on 15 January 2021, for a period of 21 days, closing 5 February 2021. On 2 February, Council received a request from an adjoining neighbour seeking an extension to the notification by a further 15 days. Councils Director of Planning and Environmental Services considered the request, spoke to the neighbour and both subsequently agreed an extension of 6 days to 5pm Thursday 11 February 2021 is fair and appropriate.

At the conclusion of the notification period 19 submissions were received, with eleven submissions objecting to the proposed development and eight submissions supporting the proposed development.

The issues raised by objecting submissions are summarised and addressed below, including a summary of the applicant's response.

Submission:

Concerns raised regarding the notification period and time allocated for a response.

Applicant comment:

Noted.

Staff comment:

Concerns regarding time provided for submission were addressed by granting an extension of time to make a submission as requested.

Submission:

Is the proposal permissible with consent as a motel under the Blayney LEP?

Applicant comment:

The submission objects to the proposal and notes a preference for the development of the site for another purpose. The application before Council is for a motel and no other purpose. Potential other uses of the site are not a relevant consideration for Council in assessing and determining this application. The submission notes another application proposed by the applicant in another local Council area. This is also not a material consideration in the assessment of this application.

This element of the submission posits the view that the term tourist and visitor accommodation must be read with a hard AND, to mean that tourist and visitor accommodation is only able to be used by persons who are both tourists and visitors to the region. This flies in the face of logical wisdom, in which a person may visit an area for a variety of reasons, of which tourism may be just one. To suggest that a person who is not a visitor may not stay in this form of accommodation fundamentally misunderstands the principles behind the Local Environmental Plan standard instrument.

A person may be either a tourist or a visitor for another reason, and be in need of accommodation. At present a substantial portion of the motels, hotels and other accommodation types in Blayney and Orange are occupied by workers who are visitors to the area in a professional capacity, for a short period of time, before returning to their primary place of residence. In the submitters view, these people are not tourists and visitors and should therefore not be provided with accommodation.

This approach is logically flawed. As has been made clear by the applicant, this motel development in part responds to the surge in demand in the region of late occurring as a result of an influx of construction workers; a circumstance that may last a number of years. However, it is not solely designed to meet this need, with a recognised shortage of accommodation across the region to host both tourists and visitors.

The motel application seeks a permanent approval and will outlast the short term construction projects in the area. The nature of the accommodation is geared towards solo travellers, which make up a significant proportion of the travelling public, but will also transition to provide a greater proportion of double rooms, to ensure it will also cater for couples travelling. The benefit of modular construction is that it is readily adaptable to meet the changing demands of the industry.

Staff comment:

The permissibility of the development has been discussed in the body of this report.

Council staff are satisfied that the proposed development has been accurately characterised as *Hotel or motel accommodation*.

Submission:

Do modular building meet the requirements of the Building Code?

Applicant comment:

It is the view of Premise that the proposed use of the modular buildings as moveable dwellings and the characterisation of the land use as a motel are two different aspects of the project. There is no reason in planning law that suggests that a land use characterised as a motel must be formed of buildings who's construction method is assessed against the BCA.

It is notable, by way of example, that moveable dwellings installed in caravan parks are able to be used as tourist and visitor accommodation and this does not trigger the need for compliance with the BCA.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Regs) provides a range of construction standards that must be complied with in installing moveable dwellings outside of a caravan park, as is the case with this application. The LG Regs provide a suitable standard for ensuring an adequate standard of construction is provided for the installed units.

Staff comment:

The installation of moveable dwellings onto a site is not considered “building works” under the provisions of the Environmental Planning and Assessment Act, 1979. As such this type of development is not subject of a Construction Certificate, or a BCA classification. Council in this case must rely on certification by a structural engineer(s) and compliance plates in accordance with the provisions within the Local Government Act and associated regulations, as addressed in this report.

Submission:

Is it lawful to install modular buildings on the site?

Applicant comment:

This element of the submission appears to focus on whether there is a limit on the number of moveable dwellings able to be installed on the site, noting that only one movable dwelling may be installed per ‘dwelling site’. The submission provides a helpful definition of a dwelling site, which clarifies what the term means in relation to a manufactured home estate or a caravan park. As the site is neither a manufactured home estate nor a caravan park, it follows that the clause does not apply to the proposal.

Staff comment:

The installation of the moveable dwellings is not prohibited on this site under the LG Act and associated regulations or under Council’s Development Control Plan. The term dwelling site referred to in the submission relates to manufactures home estates and caravan parks.

Submission:

The development of the site within the Heritage Conservation Area.

Applicant comment:

The submitter forms the view that the proposed development is not sympathetic to the heritage significance of the locality and awaits the comments of Council's heritage advisor.

The site is well hidden from the public domain, and additional treatments including use of appropriate materials and paint treatments, together with fencing and landscaping, assists to integrate the development with the locality. A significant impact to heritage significance is not predicted, as reflected by the lodged statement of heritage impact.

Staff comment:

Please refer to the recommendations made within the SoHI and by Council's Heritage Advisor. Conditions of consent have been imposed regarding the provision of landscaping including internal landscaping works, the retention of existing trees and the provision of a street tree plan to soften the overall visual impact of the development.

Submission:

Traffic Management

Applicant comment:

A traffic study has been prepared and submitted. Transport for NSW have reviewed this. To date we have seen a number of minor requests for information which have been addressed via our submission above. Page 7 of 9 The submitter notes concerns with fatigued workers arriving home late after shifts.

As outlined in the SEE, it is expected that workers will be collected and dropped off by bus, to minimise issues with fatigue. Guests not associated with the construction industry may, like any other motel, arrive late in the evening/night or leave early in the morning. This applies to a small proportion of guests and is unlikely to lead significant off site impacts, and is not radically dissimilar to the former bowling club use. Levels of traffic are expected to be low during the peak hour period (as set out in the traffic study) and consistent with the former bowling club use. Greater impacts are not predicted.

Staff comment:

The application has been assessed both in house by Council Infrastructure Services Department and by referral to Transport for NSW, appropriate conditions of consent have been imposed to address any potential issues associated to the operation of the site.

Submission:

Noise, air conditioning, vehicle and occupant noise, food vending vehicles.

Applicant comment:

Noise impacts are addressed in the SEE and in the response to Council's initial Council Information Request. Noise impacts are considered consistent with other motel developments, and with the former use of the site as a bowling club, and are consistent with the central location. Noise levels would be generally low and manageable. Boundary fencing, landscaping and the operation of the management plan will assist to ameliorate any residual impacts of noise.

For the avoidance of doubt, the use of mobile coffee vendors does not form part of the application. Guests will need to travel off site to purchase meals.

Staff comment:

A condition of consent has been imposed regarding the operation of air conditioning systems and occupant noise associated to the operation of the site. The operation/use of mobile food vans is potentially permissible without consent.

However, the Exempt and Comply Codes SEPP states that food and drink vending can only be carried out on land within or immediately adjacent to a residential zone between 7.00 am and 7.00 pm on any day.

Submission:

Light spillage.

Applicant comment:

Submission raises concerns about offsite light spill and the impacts of vehicle headlights for existing vehicles. All signage would be designed and installed to ensure compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting to ensure that offsite light spill is minimised to a reasonable level; noting that the historic use of the site included on site lighting for the former bowling greens that is consistent with the level of lighting proposed. There is no change to the access/egress point of the site and as such the impacts of exiting vehicles during the night time period is considered to be consistent with the historic and ongoing use of the site. It is also noted that the exit point is directly opposite to Adelaide Lane and as such the direct pathway of vehicle lights is not into any residential building. The closest building likely to be affected is a public hall, which is not inhabited.

Staff comment:

Light spillage is addressed by a recommended condition of development consent.

Submission:

Peace and good order.

Applicant comment:

Comments under this heading include a question about the suitability of the draft management plan, together with a range of complaints about the timing of the lodgement of the application, having not been provided with all the

information and not having been provided sufficient time to respond to the application. The applicant has no complaint with the manner in which Council has handled the application, including the extension of the public notification period, to provide notified persons with additional time to make a submission. The draft management plan is provided as a starting point for discussions with Council and will be subject to iterative development with council to ensure the final document is robust and fit for purpose. It will be updated to respond to the content of any conditions of consent, in the event consent is forthcoming. Once finalised, it will be a living document that will be regularly reviewed, to ensure it remains fit for purpose and responsive to the evolving needs of the development. The submission provides an objection to the Council's handling of the application. This is not a matter for the applicant to comment on. As stated elsewhere, the applicant has no objection to Council's handling of the application.

Staff comment:

A management plan and formal complaints procedure will be established. The applicant will also be required to incorporate the recommendations made by NSW Police into the design of the development as detailed in the body of the report.

Submission:

The development is self-contained and won't support local business.

Applicant comment:

The submission notes, incorrectly, that the proposed development would be self-sufficient in food preparation. The applicant has commenced discussions with local Blayney businesses to ensure there is capacity in the local market to provide necessary food and services to support the development. This is an opportunity for new or emerging businesses to grow in conjunction with the proposed motel.

Staff comment:

The applicant has provided a response to this concern regarding the operation of the motel.

Submission:

The location of the development is better suited outside the central Blayney location.

Applicant comment:

The submission notes the development would be better suited to a non-central location. This is directly contrary to the objective of the project, which was to find a site close to shops and services that guests could make use of. Putting the development on the edge of town introduces zoning issues as well as increasing dependence on vehicles. A central location is the preferred location for a development of this nature.

Staff comment:

Council can only assess the application submitted.

Submission:

Traffic movements associated to trucks associated to the self-storage units.

Applicant comment:

The submission raises concerns about traffic generation and associated impacts. The traffic study submitted in support of the application addresses this matter in detail.

Staff comment:

The proposed swept paths provided by the applicant indicate access can be provided by an 8.8m service vehicle.

Submission:

Impacts on sewer and water infrastructure services.

Applicant comment:

A detailed analysis of impacts to services is being completed and any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

Staff comment:

The potential impacts upon existing infrastructure services such as sewer and water have been investigated by staff and Central Tablelands Water, who were notified of the proposed development. It is considered that the existing infrastructure services can cater for the additional loads proposed subject to augmentation as may be required.

With specific regard to existing sewer capacity, Council's Infrastructure Services Department has commented that the capacity of the existing sewer network between the subject property and the Sewer Treatment Plant is unclear. This statement is based on preliminary modelling and analysis of the local sewer network undertaken by the applicant.

As such, it is recommended that a deferred condition of consent be applied to require that the applicant undertake a study of the existing sewer network to determine any potential limitations.

Should any shortcoming be identified, the study must also identify a method/s of overcoming any such limitation.

In addition, it should be noted that the applicant's response to submissions clearly states that any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

Submission:

Change of land use from a community orientated site to workers accommodation. Better placed in the industrial area.

Applicant comment:

A motel, or in fact any form of tourist and visitor accommodation, is not permitted in either the IN1 or IN2 industrial zones in Blayney. An industrial zone is not an appropriate location for any form of human habitation.

Staff comment:

The site is currently no longer operating as a bowling club. The proposed development is permissible with consent in the B2 Zone.

Should Council approve the development the applicant will be responsible for ensuring it complies with the conditions of development consent including how the site is operated and managed.

Submission:

The development will put pressure on the water, gas or electricity supply.

Applicant comment:

A detailed analysis of impacts to services is being completed and any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

Staff comment:

The application has been referred to Council's Infrastructure Services Department, Central Tablelands Water, Essential Energy for comment. Conditions will be imposed to ensure the development is appropriately serviced. With specific regard to existing sewer capacity, Council's Infrastructure Services Department has commented that the capacity of the existing sewer network between the subject property and the Sewer Treatment Plant is unclear. This statement is based on preliminary modelling and analysis of the local sewer network undertaken by the applicant.

As such, it is recommended that a deferred condition of consent be applied to require that the applicant undertake a study of the existing sewer network to determine any potential limitations.

Should any shortcoming be identified, the study must also identify a method/s of overcoming any such limitation.

In addition, it should be noted that the applicant's response to submissions clearly states that any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

Submission:

The proposed development site plan shows that there is no plan to install a vegetation barrier at the boundary with the rear of Water Street.

Applicant comment:

The applicant has no objection to a condition of consent to this effect.

Staff comment:

The landscaping plan provided to Council illustrates landscaping adjacent to the boundary of the development site where it adjoins Water Street.

Submission:

Impacts associated to the installation of services to the development on neighbouring properties?

Applicant comment:

Concerns are noted about impacts during construction. These are considered manageable through implementation of appropriate construction controls.

Staff comment:

There should be minimal impacts associated to the installation of services or associated construction on neighbouring allotments.

Submission:

Concerns are raised regarding pressure on emergency services, such as police and ambulance service.

Applicant comment:

The submission raises concerns about anti-social behaviour from guests. The application provides a draft management statement that includes expectations as to guest behaviour, like any modern motel. Guests not adhering to the requirements of the management plan would, like in any modern motel, be asked to leave. On site management and security will be provided 24 hours a day to ensure that these matters can be handled with a minimum of fuss.

Staff comment:

The provision of satisfactory out of hours service by emergency service operators is not a planning consideration.

Submission:

The lack of information regarding the double story buildings proposed for stage 3.

Applicant comment:

Addressed by Council.

Staff comment:

The initial statement of environmental effects included a concept plan for a future residential development on proposed lot One (1) fronting Osman Street.

Council has asked the applicant to remove any mention to this development as it was not part of the application currently under assessment and to remove any confusion for adjoining landowners.

Section 4.15(1)(e) The public interest

With regard to the public interest, Council's Senior Building Surveyor has identified the following:

The proposed motel will be comprised of transportable buildings that have been manufactured in a factory rather than built on site; therefore it does not require a Construction Certificate nor do the buildings have to comply with the Building Code of Australia (BCA). But rather, the transportable buildings fall within the definition of a movable dwelling under the Local Government Act 1993 requiring a Section 68 Approval to be installed on the site and compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005. It should be noted that the proposed motel is not a caravan park and the only provisions in the Regulation that are applicable relate to the design, construction and installation of the transportable buildings (movable dwellings).

The plans and structural certification submitted with the application demonstrate compliance with the applicable provisions of the Regulation and inspections will be carried by Council officers as the buildings are installed on the site and prior to the commencement of the motel operations to ensure compliance with the Section 68 Approval.

In regard to the fire safety provisions for the motel, it is noted that mains-powered fire and smoke alarms complying with Australian Standard AS3786 will be provided in each room as required by Clause 156 of the Regulation and that each room has a doorway opening onto a verandah to provide direct egress to open space in the event of a fire. In addition, each block in the motel will have a portable fire extinguisher complying with Australian Standard AS2444 mounted in a break-glass cabinet to allow the occupants to provide an initial fire fighting response.

However, concern is raised to the remoteness of some of the motel buildings from the street hydrant system which facilitates fire fighting operations by NSW Fire and Rescue, even though the Motel complies with the requirements of the Regulation. In this regard, it is considered in the public interest to require the submission of a Fire Engineer's Report addressing the Performance Provisions in Clause EP1.3 of the Building Code of Australia (Volume 1) which states:-

"A fire hydrant system must be provided to the degree necessary to facilitate the needs of the fire brigade appropriate to—

- (a) fire-fighting operations; and*
- (b) the floor area of the building; and*
- (c) the fire hazard."*

The Fire Engineer's Report will be required to be submitted to, and approved by Council prior to work commencing on the motel."

Summary / Conclusion

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP 2012. 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.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Statement of Environmental Effects	66 Pages
2	Appendix A - Statement of Heritage Impact	18 Pages
3	Appendix B - Traffic Study and Traffic Study Addendum	19 Pages
4	Appendix G - Response to Public Submissions	5 Pages
5	Plans	6 Pages
6	Submissions	44 Pages
	<i>This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.</i>	
7	Proposed Conditions	24 Pages

11) REPORT OF COUNCIL INVESTMENTS AS AT 30 JUNE 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 June 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 June 2021.

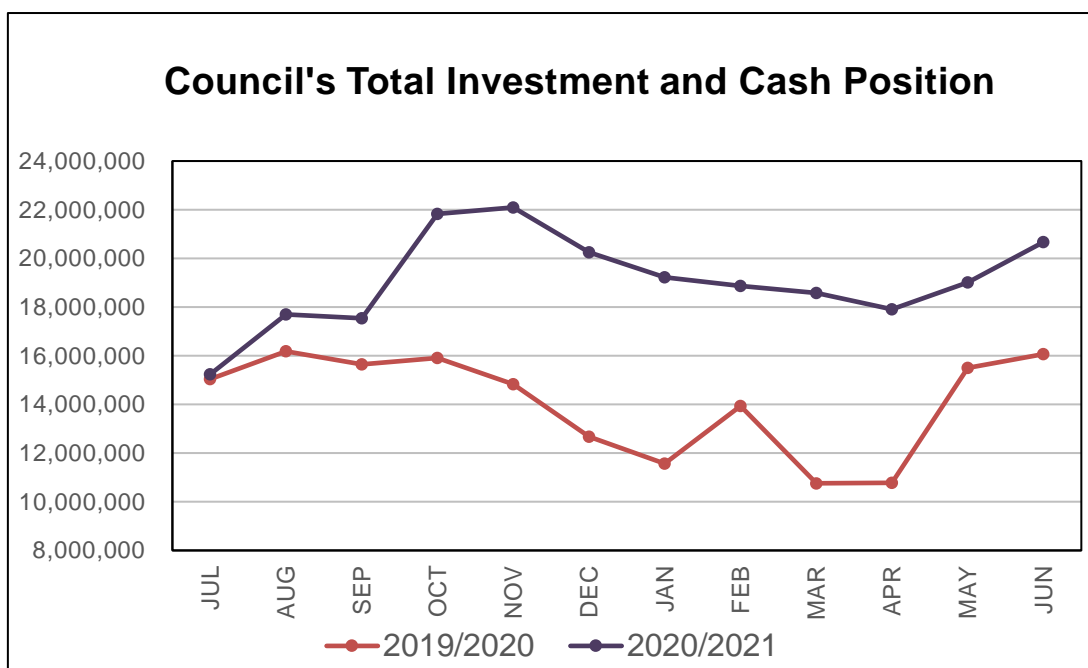
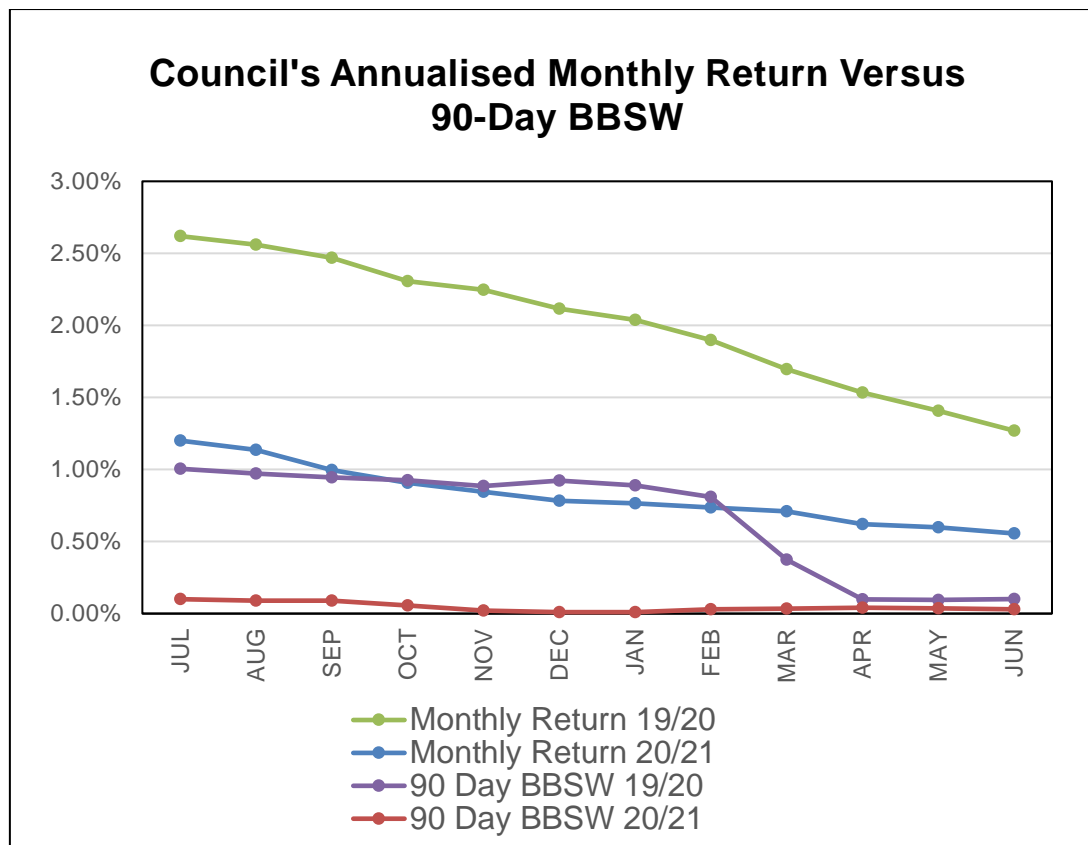
Report:

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

Council's total investment and cash position as at 30 June 2021 is \$20,666,953. Investments earned interest of \$7,472 for the month of June 2021.

Council's monthly net return on Term Deposits annualised for June of 0.56% outperformed the 90 day Bank Bill Swap Rate of 0.03%.

Council's cash position at 30 June 2021 is notably higher than originally forecast. 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 2021/22 financial year.



REGISTER OF INVESTMENTS AND CASH AS AT 30 JUNE 2021					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
CBA	Direct	A1+/AA-	06/07/2021	500,000	0.680%
CBA	Direct	A1+/AA-	20/07/2021	500,000	0.680%
AMP Bank	Rim Sec	A2/BBB	03/08/2021	500,000	0.800%
Westpac	Direct	A1+/AA-	17/08/2021	500,000	0.770%
NAB	Direct	A1+/AA-	31/08/2021	500,000	0.750%
CBA	Direct	A1+/AA-	14/09/2021	500,000	0.700%
CBA	Direct	A1+/AA-	28/09/2021	500,000	0.700%
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%
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%
Westpac	Direct	A1+/AA-	07/06/2022	500,000	0.340%
Westpac	Direct	A1+/AA-	21/06/2022	500,000	0.350%
NAB	Direct	A1+/AA-	20/06/2023	500,000	0.600%
Total Investments				17,000,000	0.524%
Commonwealth Bank - At Call Account ⁽¹⁾				2,709,818	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				933,443	0.000%
Reliance Bank				23,692	0.000%
TOTAL INVESTMENTS & CASH				20,666,953	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾			0.030%
		RBA Cash Rate ⁽¹⁾			0.100%

1. % Interest rates as at end of reporting period

Summary of Investment Movements - June 2021

Financial Institution	Investment/(Recall) Amount \$	Commentary
Bank of Queensland	(501,116)	Term Deposit Matured 01/06/2021
Bank of Queensland	500,000	Term Deposit Reinvested 01/06/2021
Westpac	(504,674)	Term Deposit Matured 01/06/2021
Westpac	500,000	Term Deposit Reinvested 01/06/2021
Westpac	(504,764)	Term Deposit Matured 08/06/2021
Westpac	500,000	Term Deposit Reinvested 08/06/2021
Westpac	(501,208)	Term Deposit Matured 22/06/2021
Westpac	500,000	Term Deposit Reinvested 22/06/2021
NAB	500,000	New Term Deposit Invested 23/06/2021

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%	6%	1,000,000
BBB Category ⁽²⁾	10%	6%	1,000,000
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
AMP Bank	A2/BBB	-	500,000
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	500,000
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	Forecast 30/06/2021 \$ 000's	Anticipated* 30/06/2021 \$ 000's
External Cash Restrictions	9,304	8,453	12,636
Internal Cash Restrictions	6,391	4,291	7,638
TOTAL RESTRICTED ASSETS	15,695	12,744	20,274

The Forecast 30/06/2021 Restricted Cash and Investments figure was an estimated figure at time of 2020/21 Budget preparation. Anticipated 30/06/2021 internal & external restrictions are not yet finalised and 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.

As per Resolution 2013/003 AMP Bank has been declared to be a prohibited investment for the purposes of clause 1.8 of Council's Investment Policy. Council has a term deposit with AMP maturing in August 2021. Council will transition to compliance when the investment falls due as per the grandfathering clause in the resolution.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) INFORMATION TECHNOLOGY QUARTERLY REPORT**Department:** Corporate Services**Author:** Manager Information Technology**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council receive the Information Technology report for the April 2021 to June 2021 quarter.

Reason for Report:

To update Council on Information Technology activities and performance for the April to June 2021 quarter

Report:

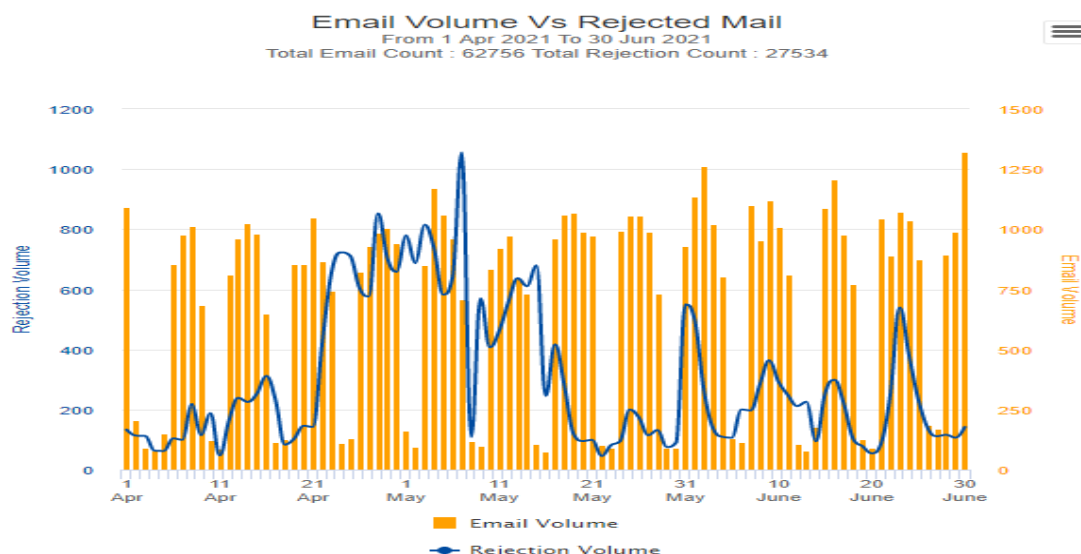
Council is working through various renewals including a full Microsoft Licencing Agreement and computer hardware replacement. Planning is also underway for the new Council with reference to hardware and Cyber Security training requirements.

Cyber Security Awareness training for available staff and Councillors has been undertaken. Further sessions will be available later in 2021 for staff who could not attend. It is proposed to hold Councillor training on 9 November 2021.

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

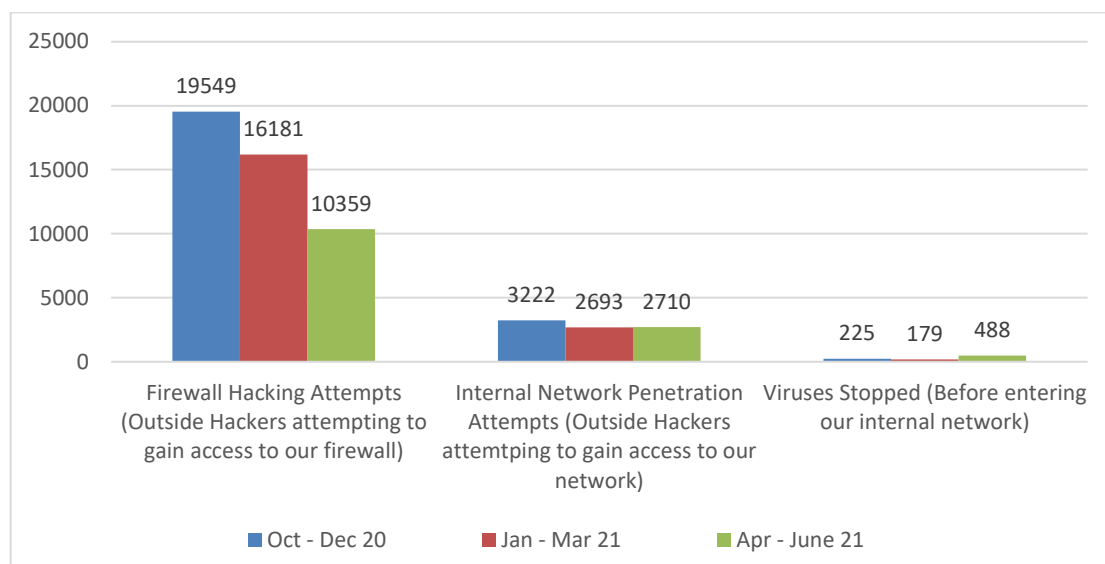
Email Filtering Statistics

Council has not had any malicious emails enter the network during the quarter with all being stopped by the email filtering service.



Firewall Statistics

The number of threats to Council's Firewall remain steady compared to last quarter. The below graph reflects hackers looking for open ports on the Internet to try to penetrate. It 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 support and licencing arrangements.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) COMPLIANCE AND REPORTING ACTIVITIES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** IM.CO.3**Recommendation:**

That the report on Compliance and Reporting Activities for the six-month period to 30 June 2021 be received.

Reason for Report:

For Council to be updated on compliance and reporting activities for the six month period to 30 June 2021.

Report:

The Office of Local Government (OLG) issues all councils with a calendar of compliance and reporting activities annually. These activities are statutory obligations required under various pieces of legislation.

This report outlines compliance and reporting activities undertaken for the six month period to 30 June 2021:

Activity	Legislation	Due Date	Completion Date
Issue 3rd Rates Instalment notices	L.G. Act s.562	31/01/2021	19/01/2021
Ledgers prepared for 6 monthly inspection by Auditors	L.G. Reg. cl.228	31/01/2021	20/01/2021
Public Interest Disclosure (PID) (six monthly) report to NSW Ombudsman	PID Act s.6CA	31/01/2021	25/01/2021
Submission of Quarterly Budget Review Statement to Council (2 nd Quarter)	L.G. Regulation cl.203(1)	28/02/2021	15/02/2021
Delivery Program progress report to Council	L.G. Act s.404(5)	6 monthly	15/02/2021
Issue 4 th Rates Instalment notices	L.G. Act s.562	30/04/2021	23/04/2021
Submission of Quarterly Budget Review Statement to Council (3 rd Quarter)	L.G. Regulation cl.203(1)	31/05/2021	17/05/2021
Adoption of 2020/21-2023/24 Delivery Program and 2020/21 Operational Plan	L.G. Act s.404 and s.405	30/06/2021	28/06/2021

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) RENEWABLE ENERGY ACTION PLAN 2020**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 1. Public Infrastructure and Services**File No:** ET.LI.2

Recommendation:

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.

Reason for Report:

To provide Council with a report on the status of Renewable Energy Action Plan (2020) recommendations; and seek Council endorsement to progress the Blayney Solar Array proposal to the Business Case and Capital Expenditure Review stage.

Report:

Blayney Shire Council developed its first REAP in 2017 and has been proactive in identifying energy efficiency and renewable energy opportunities since. Solar arrays now operate at the Sewerage Treatment Plant, Depot, Community Centre and Swimming Pool resulting in a positive impact on reducing daytime energy use, leading to savings in the order of \$26k per year in electricity costs. Even so, electricity costs remain a significant impost on Council's Operational Plan and Council is committed to achieving more to reduce its footprint on the environment and save costs.

Last year, Council engaged Constructive Energy to review the 2017 REAP, which included a number of workshops and assessment of electricity usage, market conditions, emerging technologies and business models. Council's primary objective is to save and reduce its own energy consumption, and ultimately produce 100% of its' own energy demands.

The finalised REAP 2020 was presented and adopted by Council in September 2020. A working group comprising of Councillors and staff have been progressing the recommendations from the REAP and delivering a number of short and medium term projects.

This has coincided with a NSW Government supported initiative led by Department of Primary Industries and Energy (DPIE) where the Blayney, Cabonne and Orange (BCO) Alliance have been collaborating in the development of renewable energy business case projects.

REAP Projects Delivered or in Progress

- A feasibility study to install smart metering and load control across all Council energy consumption sites, that will enable greater energy transparency and literacy throughout council is being funded by a pilot program with DPIE. This includes Cabonne and Oberon Council's being of similar scale and size. Smart metering will assist with identifying usage patterns to model potential efficiency gains.
- An investigation into the opportunities for solar battery storage by DPIE at the Sewerage Treatment Plant and CentrePoint is being finalised. To date this project is indicating that batteries are suitable for the STP with CentrePoint being better off with a Building Management System to control heat pumps to operate during the day when solar is generating electricity.
- Council has committed to bringing forward the replacement of Street Lights with LED lighting this next financial year (21/22) which is expected to realise savings of up to approximately \$65k per annum.
- Electric Vehicle charge stations which were funded by a grant from Newcrest and Council have been installed at the Royal Hotel Mandurama, and Angullong Winery and Motel in Millthorpe.

Medium Scale Solar Array

The site assessment and business case development of a medium scale solar array in Blayney has been ongoing. An initial investigation, jointly funded by the BCO Alliance, reviewed the feasibility of constructing a 5MW Solar Farm the location to be determined. A Blayney site, owned by Council remains an option and was the subject of a previously agreed lease to a private solar farm operator. This lease agreement is no longer in place, and the opportunity is there for Council to progress with a specific site investigation and business case for this project.

A Blayney Solar Project (5ha) will produce approximately 10GWh of energy per annum. Blayney Shire Council consumption is approximately 2GWh per annum leaving 8GWh spare. This could be shared with another Council through upfront investment or through Power Purchase Agreement (PPA).

It is proposed that a business case and capital expenditure review will be completed for consideration at the November Council meeting.

With this project comes the opportunity to share electricity between sites via a virtual retailer model and deliver real returns by way of savings to the community of Blayney Shire of over \$148k per annum through reduction of electricity costs to Council.

Risk/Policy/Legislation Considerations:

A Blayney Solar Array investigation working paper has been prepared, and given contains commercial information is provided to Councillors under separate cover as a confidential document.

Budget Implications:

Council's total electricity expenditure for 2020/21, including expenditure to 31 May 2021, is estimated at \$430k. As detailed above this project has the ability to reduce Council's expenditure by \$148k on electricity.

Council has an amount of \$30k dedicated in the 2021/22 Operational Plan for energy efficiency projects.

The cost to progress the business case for the Medium Scale Solar array will be undertaken in the current Operational Plan within the General Manager delegation. Budget allocation will be formalised in the 1st Quarter Budget Review following receipt of quotations.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|----------------------------------|---------|
| 1 | Workings for Solar Business Case | 5 Pages |
|---|----------------------------------|---------|

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

15) REVIEW OF AGENCY INFORMATION GUIDE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: IM.CO.3

Recommendation:

That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make it available through Council's website.

Reason for Report:

For Council to review and adopt Council's Agency Information Guide.

Report:

Council is required to review and adopt its Agency Information Guide at intervals of not more than 12 months.

An Agency Information Guide serves the purpose to assist to for members of the public to find information that they seek and is as a document that:

- a) describes the structure and functions of the Council, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions, and
- d) identifies the various kinds of government information held by the Council, and
- e) identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available, and
- f) specifies the manner in which the Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council last adopted this guide at its July 2020 meeting.

Council must make government information publicly available as provided by its Agency Information Guide. This is done via Council's website where practical.

A review of Council's current document has been undertaken with amendments and updates effected.

Risk/Policy/Legislation Considerations:

Council must review and adopt an Agency Information Guide on an annual basis pursuant to s.21 of the Government Information (Public Access) Act.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Blayney Shire Council Agency Information Guide	13 Pages
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16) 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 June 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

Works Planning

Infrastructure services staff are currently busily planning for the 21-22 Capital Works Program. Road designs are currently in progress, tender documents prepared for the various bridge projects, as well as scoping taking place for the reseal, heavy patching and culvert renewal programs.

Major Contracts

KGO Change Rooms

Council has engaged the contractor Renascent Regional. Contract documents have been exchanged and detailed design works have commenced.

This project is being funded through the Building Better Regions Fund from the Australian Government.

Gallymont Road Bridge

The design and construct contract has been awarded, contracts exchanged and a project commencement meeting has taken place. The contractor is now working on the detailed bridge design for the project.

Major Works

Blayney Library

The new amenities project is on-track for completion in mid-July. The new automatic door has been installed, with works to the threshold currently in progress. Fit out and painting works are currently in progress.

Carcoar Street

The majority of works are currently on hold until the end of August. The verges have been hydro-seeded.

Some kerb tie-ins, concrete works and drainage works will be completed in July as weather permits.

Panuara Road Reconstruction

Survey and geotechnical works have been completed. Detailed design is currently in progress. The tender documents are currently being prepared. It is expected that the tender will be released in August.

Road Maintenance Works

Road maintenance works including pot hole patching, vegetation management, gravel road maintenance and signage works have been undertaken on Spring Hill Road, Rockdell Lane, Hobby's Yard Roads, Moorilda Road, Neville Road and in the Greghamstown area.

Gravel Re-sheeting

Works on Neville-Trunkey Road and Hilton Lane have been completed. Works have commenced on Snake Creek Road, which will also operate as a bypass track during the construction of the Gallymont Road Bridge.

Footpaths

Victoria Street Millthorpe Underpass Footpath

The bollards and chain have arrived and installation is underway. Council has sought an extension to the funding agreement and developing the scope of works for an appropriate road surface treatment.

Eulamore Street, Carcoar

The footpath works are complete. Some edgeworks and gravel driveway reinstatement will be completed by Council staff.

Plumb Street, Blayney

These works are now complete.

Assets

Work is continuing to finalise year-end finances, including the revaluation of Parks and Gardens assets and the reconciliation of all other asset classes.

Staff are working on the preparation of background data to provide to the consultants for the 2022 revaluation of Sewer. Staff completed gravel road inspections across the shire.

Parks and Recreation

Routine maintenance continues including mowing, spraying edging and tree trimming across the sporting oval network, village areas, and the cemetery network. Unfortunately, staff have also been kept busy in removing a recent volume of graffiti throughout the Shire.

The team has recently completed some roadside planting works in Carcoar Street and at the Millthorpe underpass.

Council has worked with Showground user groups and determined the most appropriate equipment to improve the CWELC surface by addition of loam material. Ongoing maintenance will be undertaken by Council staff and equipment, subject to decision on purchase.

A Crown Lands Improvement Fund application was lodged for Stables Project at Blayney Showground, with financial support committed by Harness Racing NSW if funding successful.

Newbridge Showground Pavilion Refurbishment

This building is complete. An extension of scope with VEP funds to line the walls and installing a picture rail has been organised, and works are expected to commence in the coming weeks.

Redmond Oval Junior Skate Park

A contractor has been selected and a site commencement meeting has taken place. It is expected that works will commence in the coming weeks.

Dakers Oval Amenities

Works at Dakers Oval amenities have been completed, with integration into the Smart Hub platform still outstanding.

Neville Multipurpose Court

Earthworks and fencing contracts have been awarded. There have been delays commencing due to the ongoing wet weather. At this point it is expected that the project is still able to be delivered within the specified timeframe, being the end of October 2021.

Wastewater

The commissioning of the recycled water treatment plant has commenced. There have been some delays due to the recent COVID19 restrictions. Council is waiting on suppliers to undertake their commissioning process, which will then be followed up by the automation contractor. 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.

Fleet and Plant

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

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

17) CENTRAL WEST JO - REGIONAL ROAD SIGNS CONTRACT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council agrees to participate in the Central NSW Joint Organisation Regional procurement for linemarking services.

Reason for Report:

This report seeks Council's approval to participate in the regional purchase of linemarking services through Central NSW Joint Organisation (CNSWJO).

Report:

Council has participated in a regional contract for the purchase of linemarking services for the past 3 years through Centroc, and Council's support is therefore requested for the next contract which will commence on or after 1 December 2021.

The Supply Management Team first decided to explore a regional contract for linemarking services in early 2015 culminating in a three-year regional contract. On its expiry, the contract (at which point Blayney Shire engaged in the process), was followed by another procurement process and 3-year contract which expires in November 2021. The Transport Technical Committee now oversees this regional contract. As the conclusion of the current contract nears, CNSWJO seeks to repeat the procurement process on behalf of its participating member councils.

CNSWJO members currently procuring under this arrangement are as follows:

Council	Participating in Current Contract
Bathurst	Yes
Blayney	Yes
Cabonne	Yes
Central Tablelands Water	No
Cowra *	No
Forbes	Yes
Lachlan	Yes
Oberon	Yes
Orange	Yes
Parkes	Yes
Weddin	Yes

Mid-Western (non member)	Yes
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- * Cowra Council has not previously participated in the regional contract however has expressed its interest in participating in the upcoming procurement process.

At its meeting on 29 April 2021, the CNSWJO General Managers Advisory Group resolved to commend to the Board that it approves the JO to conduct a new procurement process for linemarking services to commence on or after 1 December 2021. The CNSWJO subsequently resolved at their meeting on 3 June 2021 to approve a regional procurement process for linemarking services to be conducted by CNSWJO on behalf of participating member councils.

Should Council agree to participate in the process, CNSWJO will put out a Request for Quotation/Tender (RFX) to identify suitable providers to provide linemarking services for the period 1 December 2021 to 30 November 2023 with an option for a 12-month extension.

Advice regarding service and pricing under a regional contract will be provided to members.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination and
- income stream to CNSWJO from the Service Provider/s with a view to reducing fees

Member councils have the opportunity to be involved in the procurement process, where the Evaluation Committee consists of representatives from member councils, with CNSWJO staff acting as the procurement facilitator. Blayney, Cowra, Orange, Parkes and Weddin councils have expressed interest in being on the Evaluation Panel.

CNSWJO manages the procurement process including all costs of advertising and response assessment and takes a contract management fee. At its 3 June meeting the CNSWJO Board resolved to include a 2% contract management fee to be recouped from the Service Provider on a quarterly basis based on the value of spend by each participating council.

Through the Best Practice in Aggregated Procurement Program, CNSWJO and the other participating JOs are reviewing ways to generate income for the JO conducting aggregated procurement. Outcomes of this review will be provided to CNSWJO member councils in due course.

Risk/Policy/Legislation Considerations:

Upon completion of the regional procurement, a report will be provided to Council seeking its approval to sign contracts with successful suppliers.

Budget Implications:

Expenditure on the provision of linemarking services is accounted for within Council's existing budget allocations. It is anticipated that with the extensive works programmed in the coming term of the contract, expenditure will be increased above previous years.

Enclosures (following report)

Nil

Attachments (separate document)

Nil