



22 June 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, 28 June 2021 at 6.00pm for consideration of the following business -

- (1) Request for Remote Attendance
- (2) Livestreaming Video and Audio Check
- (3) Acknowledgement of Country
- (4) Recording of Meeting Statement
- (5) Apologies for non-attendance
- (6) Disclosures of Interest
- (7) Public Forum
- (8) Mayoral Minute
- (9) Confirmation of Minutes - Ordinary Council Meeting held on 17.05.21
- (10) Matters Arising from the Minutes
- (11) Notices of Motion
- (12) Reports of Staff
 - (a) Executive Services
 - (b) Planning and Environmental Services
 - (c) Corporate Services
 - (d) Infrastructure Services
- (13) Delegates Reports
- (14) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2021

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	28 June 2021	Council Meeting	Community Centre

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
9.00am	12 August 2021	Central NSW JO Board Meeting	Sydney

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HELD ON MONDAY 28 JUNE 2021**

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

01) REQUEST FOR REMOTE ATTENDANCE

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

That Council permits Councillor Denton to attend the 28th June 2021 Council Meeting by audio visual link.

Reason for Report:

In accordance with Council's Remote Attendance Guideline, a Council resolution is required to facilitate a Councillor attending one or more meetings of the council remotely by audio visual link.

Report:

Councillor Denton has requested that he attend the June Council meeting by audio visual link.

Risk/Policy/Legislation Considerations:

The date this request was made and reason provided to the General Manager are in accordance with Council's approved Remote Attendance Guideline.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

02) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 31 MAY 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 31 May 2021, being minute numbers 2105/E001 to 2105/E008 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 31 MAY 2021, COMMENCING AT 6.00PM**

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

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

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

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Reynolds	Non Pecuniary (less than significant)	4	18	Development Application 2/2021 – Installation of a Single Storey Dwelling – 21 Egbert Street Neville	Cr Reynolds is a member of the NSW Farmers Executive Council. NSW Farmers ensure the Right to Farm Policy is implemented.

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17 MAY 2021

2105/E001 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 May 2021, being minute numbers 2105/001 to 2105/012 be confirmed.

(Kingham/Newstead)

CARRIED

MATTERS ARISING FROM THE MINUTES

In noting the discretion that Council has in this matter, Cr Somervaille foreshadowed an amendment to the Remote Attendance Guidelines for Council to consider at the next meeting.

EXECUTIVE SERVICES REPORTS

TOURISM EVENT DEVELOPMENT PROGRAM

2105/E002 RESOLVED:

That Council approve the \$1,000 request for funding from the Millthorpe Garden Nursery for their website upgrade.

(Reynolds/Ewin)

CARRIED

FUNDING SCCF4, RFR8 AND LRCI3

2105/E003 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.

(Somervaille/Newstead)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS**DEVELOPMENT APPLICATION 2/2021 - INSTALLATION OF A SINGLE STOREY DWELLING - 21 EGBERT STREET NEVILLE****2105/E004****RESOLVED:**

That Council consents to Development Application DA2/2021 for the installation of a Dwelling at Lot 1 Section 33 DP758767 – being 21 Egbert Street, Neville, subject to the recommended conditions of consent.

(Newstead/Ewin)

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

FOR**AGAINST**

Councillor Ewin
Councillor Ferguson
Councillor Kingham
Councillor Somervaille
Councillor Reynolds
Councillor Newstead
Councillor Denton

Total (7)**Total (0)****CARRIED****CLOSED MEETING****2105/E005 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:

SALE OF LAND GERTY STREET BLAYNEY

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.

LEGAL MATTER

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Reynolds/Newstead)

CARRIED

CONFIDENTIAL MEETING REPORTS

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.

(Kingham/Ewin)

CARRIED

2105/E007 LEGAL MATTER

RESOLVED:

That Council receive and note the report.

(Kingham/Denton)

CARRIED

2105/E008 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/Newstead)

CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2105/E006
TO 2105/E007.**

There being no further business, the meeting concluded at 6.28pm.
The Minute Numbers 2105/E001 to 2105/E008 were confirmed on 28 June 2021 and are a full and accurate record of proceedings of the Ordinary Meeting held on 31 May 2021.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

03) REMOTE ATTENDANCE GUIDELINE**Department:** Executive Services**Author:** Councillor**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1

Motion:

That Council adopts the revised procedures governing Remote Attendance by Councillors at meetings of the Council up to 31 December 2021 and append to the Blayney Shire Council Code of Meeting Practice.

Background

At the 31 May Council Meeting, Cr Somervaille foreshadowed an amendment to the Remote Attendance Guideline, which had been adopted at the 17 May Meeting.

A Notice of Motion has now been received for Council to consider at this meeting with a proposed revised amendment to the Remote Attendance Guideline, which follows this report.

Further to this, Cr Denton contributed an alternative draft which has been circulated to Councillors, proposing that the Guideline should be de-politicised; and the General Manager be granted authority to approve or deny a request by an individual Councillor.

Enclosures (following report)

1 Remote Attendance Guideline

3 Pages

Attachments (separate document)

Nil



**Code of Meeting Practice - Remote
Attendance Guideline**

Expiry date: 31 December 2021

What is an “audio visual link”

For the purposes of this procedure, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

Background

1. The *Local Government Act* (section 360(5)) requires a council to conduct its meetings in accordance with its code of meeting practice.
2. A model code of meeting practice is prescribed under the *Local Government Regulations* (regulation 232).
3. The model code (clause 5.2) provides that a councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
4. Blayney Shire Council has adopted the model code.
5. The *Local Government Regulations* (regulation 237) provide an exemption from the need to comply with clause 5.2 of the model code up until 31 December 2021.
6. As a result, up to 31 December 2021, councillors are not required to attend meetings in person.
7. There is no regulation prescribing the rules around remote attendance in the period up to 31 December 2021.
8. The Office of Local Government (OLG) is consulting with councils as to what arrangements if any should be implemented after 31 December 2021.
9. In the meantime, OLG has suggested that in the period up to 31 December 2021, councils “should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice” and has issued recommended guidelines.

In this context, Blayney Shire Council adopts the following procedures governing remote attendance by councillors at meetings of the council up to 31 December 2021. These guidelines do not apply to meetings of council committees.

1. A councillor who wishes to attend a meeting of council remotely must, as soon as they become aware of the need to do so, send a request to do so in writing to the general manager.
2. The request must:
 - a. set out the reason why the councillor cannot attend the meeting in person;
 - b. be received in sufficient time (in the reasonable opinion of the general manager) to enable an audio visual link to be set up at the location for the meeting, typically at least 6 hours prior to the meeting.
3. The councillor may attend the meeting remotely if the councillors present in person at the meeting resolve, at the commencement of the meeting and prior to the recording of apologies, to permit the councillor to so attend.

4. A decision on a request to attend remotely is at the discretion of councillors present in person, who must act reasonably in considering the request
5. A decision permitting a councillor to attend remotely must set out in general terms the grounds on which the remote attendance has been approved, consistent with all applicable laws and regulations, including the *Health Privacy Principles*.
6. The provisions of council's code of meeting practice and code of conduct, including in relation to disclosure and management of conflicts of interest, apply to the councillor attending remotely in the same way as they apply to a councillor attending in person.

04) BIZHQ**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1

Recommendation:

That Council approve the proposed conversion of the Business Enterprise Centre from a NSW Incorporated Association to a Public Company Limited by Guarantee.

Reason for Report:

Central NSW Business HQ (BizHQ) is seeking approval from its member councils to convert the organisation from a NSW Incorporated Association (IA) to a Public Company Limited by Guarantee (PCLG), with a new fit for purpose constitution.

Report:

The Business Enterprise Centre – Cabonne, Orange, Blayney Incorporated (trading as Central NSW Business HQ) (BEC) was founded in 1991 as an incorporated association (IA) with Cabonne, Orange and Blayney Councils as founding members

The BEC has previously been a tax-exempt charity, however its endorsement was revoked in 2015, due to failing to lodge annual returns with ACNC. The ATO recommended that the BEC should apply to be re-instated as a charity.

The BEC applied for reinstatement as a charity, with such reinstatement to be backdated to 2015. The application was withdrawn based on advice from ACNC that BEC's current structure and constitution were not appropriate for registration as a charity.

Advice from a specialist legal practice, was sought and the BEC Board have accepted the recommendation to convert the organisation from a New South Wales IA to a PCLG, with a new fit for purpose constitution.

The steps involved are outlined in the attached timeline.

A general meeting of members was held on 15th June 2021 which was attended by Council's Representative, Heather Ferguson. At this meeting, the members approved the following:

- a) Converting the incorporated association to a company; and
- b) The company's new name

The draft constitution will be provided to Council under separate cover after approval at the Board meeting to be held on 22nd June 2021.

Given Council elections in September, the Annual General Meeting will be late October when Council delegates have been nominated.

Risk/Policy/Legislation Considerations:

As a founding member of the Business Enterprise Centre – Cabonne, Orange and Blayney Incorporated; Council has an interest in the recommended changes to the governance model of BizHQ.

Budget Implications:

Nil

Enclosures (following report)

1 Key Events and Timeline

1 Page

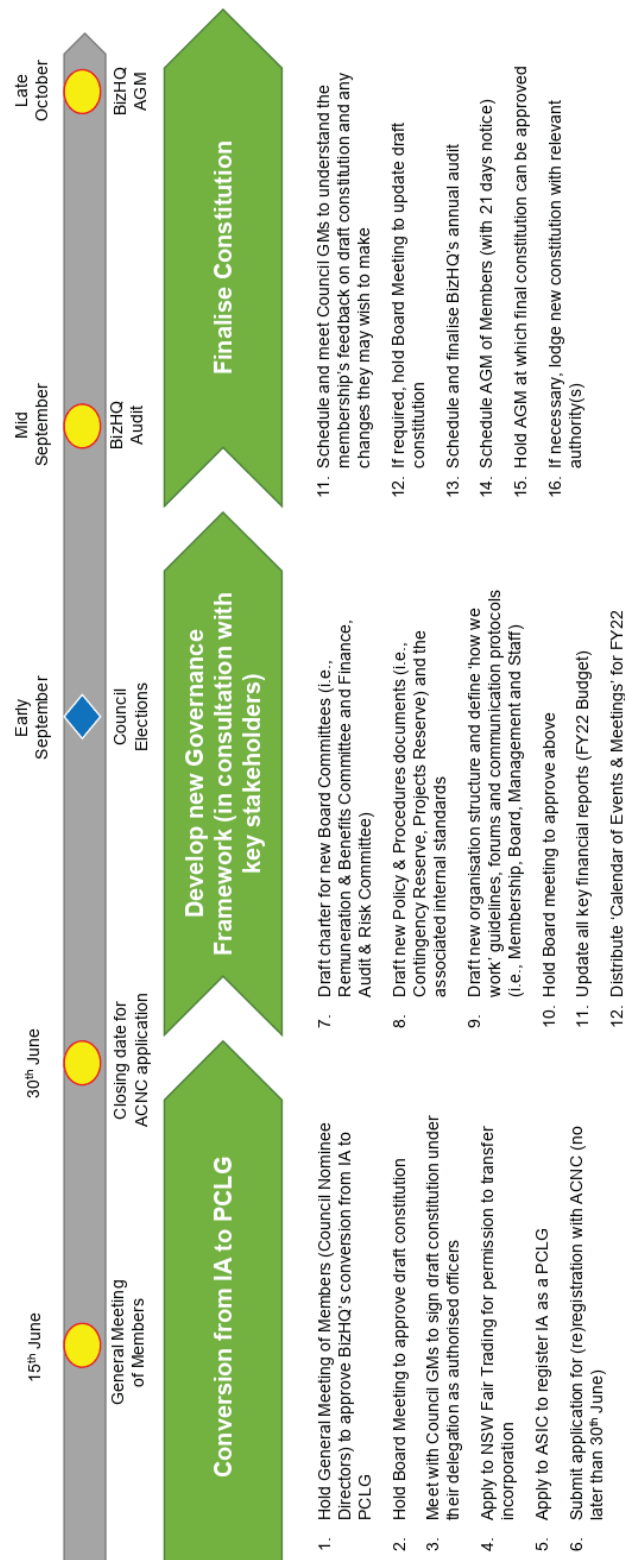
Attachments (separate document)

Nil



TIMELINE

Below is a high-level summary of key activities and timeline to complete the conversion of BizHQ from NSW Incorporated Association (IA) to Public Company limited by Guarantee (PCLG)



05) 2021 SCULPTURES BY THE BUSH REPORT**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** CR.AW.3**Recommendation:**

That Council receive and note the 2021 Sculptures in the Bush Report.

Reason for Report:

To report to Council feedback of the 2021 Sculptures by the Bush event.

Report:

The 2021 Sculptures by the Bush event was held from the 1 – 18 April 2021, over Easter and the school holidays. In its second year as an expanded event from the Hay Bale Art Challenge, Sculptures by the Bush has continued to successfully attract local and regional interest.

There were 15 entries with 9 new properties/community groups entering, including the public schools of Lyndhurst, Carcoar and Mandurama and an increase in the Hay Bale entries with 7 compared to the 3 entries in 2020.

Social Media Statistics (over the 2 weeks)	
Online Map Views	6,803 (a 2,494 increase)
Total People Reached (Facebook)	67,489 (a 48,361 increase)
Facebook Page Followers	864 (287 increase)
Votes in people's choice awards	899 (201 decrease)

The event was covered through multiple media outlets.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 25 MAY 2021

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That the minutes of the Blayney Shire Tourism, Towns and Villages Committee meeting, held on Tuesday 25 May 2021, be received and noted.

MINUTES OF THE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING
HELD ON TUESDAY 25 MAY 2021
AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 6.15pm.

PRESENT

Cr Bruce Reynolds (Chair), Rebecca Ryan (General Manager), Bill Burdett, Elizabeth Russ, Kerry Strom-Cook, Kim Martin and Wayne Moore.

APOLOGIES

That the apologies received from Richard Bloomfield, Megan Rodd, Belinda Satterthwaite and Kelly-Anne Smith be accepted.

(Wayne Moore / Kim Martin)

DISCLOSURES OF INTEREST

Nil

ADOPTION OF MINUTES FROM PREVIOUS MEETING – 23 FEBRUARY 2021

Recommended that the minutes from the previous Tourism, Town and Villages Committee meeting held on 23 February 2021 be adopted.

(Bill Burdett / Kerry Strom-Cook)

BUSINESS ARISING

Nil

The Chair thanked everyone for their attendance and participation.

RUNNING COVID SAFE EVENTS

The General Manager conveyed matters raised by Carcoar Village Association. Feedback will be provided regarding assistance from Council's WHS and Risk Coordinator with event coordinators COVID Safety Plans.

COUNCIL COMMITTEES REVIEW SURVEY

Open until 31 May 2021, the General Manager will send a reminder.

DELEGATE REPORTS**Blayney Town Association**

- Blayney Show commended on a great community event.
- Bush Sculpture / Farm Art event congratulations.
- Textures of One event was a great success and Art Exhibition open Thurs – Sun 10am to 4pm at Platform Blayney.
- Farmers Markets resumed at CentrePoint. Next market 20 June 2021.
- 3801 coming to Blayney Friday 4 June 2021

The Visitor Information Centre – “The Cottage”

- Visitor numbers through the doors of the VIC have been steady during the year to date. VIC does not meet accreditation requirements, though it would seem that Tourism NSW has relaxed its requirements to small volunteer run VIC's since COVID-19.
- Some new volunteers have expressed interest and training undertaken.
- Visitor Numbers to the VIC as follows:-
 - March – 285
 - April – 348
 - May - 285

Hobbys Yards

- 17 July 2021 Felix Albert and Gentlemanly Two Music and Band. Light supper provided.
- Two weddings planned for September 2021, and another in January 2022.

Newbrige

- The Brian Bennett Pavilion has been completed to a very high standard and is quite an interesting addition to the facilities at the Showground. Hoping for official opening with Member for Calare and Mayor in October.
- Plans are moving along for a Spring event in Newbridge. This will mean that we will have three major events in the year; Swap Meet in Feb, Winter Solstice in June and the “Spring into Art at Newbridge” in October. The inaugural art show will be held on the weekend of 22nd to 24th of October 2021.
- Newbridge now has a website “newbridgensw.com”. It is being refined as more information is added and is proving a useful reference site for tourists and visitors. This website complements the Newbridge Facebook and Instagram sites.
- The Village Community Plan for Newbridge was revised and updated last week with welcome help from Councillors.

Kings Plains

- DPIE still to release its assessment report for the development of the McPhillamy's Project.

Carcoar

- Successful purchase of St Paul's Anglican Church on behalf of the community.
- Carcoar was named 2nd in the NSW Top Tourism Town Awards.
- Tourism visitation continues to be strong on weekends, all accommodation and guesthouses reporting fully booked.

Junction Reefs

- Opening to be held soon, 3 cattle grids installed for public access
- Fencing/Road Bakers Shaft – internal road works completed

MEETING CLOSE

There being no further business the meeting closed at 6.45pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) DA60/2020 - 23 LOT SUBDIVISION - 61 FOREST REEFS ROAD
MILLTHORPE

Department: Executive Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1517

Recommendation:

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 Council refuse to endorse the name of the proposed street as Mortimer Drive.

Reason for Report:

For Council to consider and determine Development Application 60/2020 - 23 lot subdivision of 61 Forest Reefs Road, Millthorpe.

For Council to consider the submissions received in relation to the proposed development in accordance with the Blayney Shire Council Community Participation Plan.

For Council to consider a variation to F7.4 Terminating Roads (Cul-de-sacs) of the Blayney Development Control Plan, 2018 as the cul-de-sac is greater than 150m from the nearest intersection.

EXECUTIVE SUMMARY

Council's consent is sought for a 23 lot subdivision of 61 Forest Reefs Road, Millthorpe, being Lot 286 DP1018875 (the 'subject property').

The subject property is an irregularly shaped lot comprising a total area in the order of 3.6ha. The property contains an existing dwelling and associated infrastructure, including a tennis court and sheds. Other features of the subject property include a tree lined driveway and depression in the northwest corner adjacent to the intersection of Glenorie Road and Forest Reefs Road.

The proposed subdivision seeks to create 23 lots with 22 lots intended for residential use and one lot to be used for an on-site stormwater detention basin (OSD). The proposed stormwater detention basin would be located in the north west corner of the subject property.

The proposed subdivision would be undertaken in two stages, with Stage 1 creating one additional lot and Stage 2 creating a further 21 lots.

Given that the proposed subdivision would create more than 20 lots, the Development Application was advertised in accordance with the requirements of the *Blayney Community Participation Plan 2020*. Eighteen submissions were subsequently received. The submissions raised a range of issues, including the following matters:

- Impact on adjoining properties and rural land use conflict;
- Loss of residential amenity and privacy;
- Impact on the heritage significance of Millthorpe Village;
- Capacity of local Infrastructure, including Millthorpe Primary School;
- Impact on the local street network, including safety of pedestrians;
- Impact on sense of community;
- Impact on stormwater drainage;
- Impact on water supply and availability;
- Precedence for more residential estates within Millthorpe; and
- Council transparency and procedures regarding conflict of interest.

It is noted that two further submissions were received in May 2021, approximately eight months after the advertising period had closed.

The issues raised in the submissions are addressed in the body of this report. In summary, it is considered that the proposed development is generally consistent with the aims, objectives and performance criteria of the *Blayney Local Environmental Plan 2012* (BLEP 2012) and the *Blayney Development Control Plan 2018* (Blayney DCP 2018) subject to meeting the recommended conditions of consent.

The following assessment identifies that the proposed development should be supported, subject to the recommended conditions of consent.

Notwithstanding, it is recommended that Council refuse to endorse the name of the proposed street as Mortimer Drive.

RECOMMENDATION

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.

That Council refuse to endorse the name of the proposed street as Mortimer Drive.

Report:**PROPOSED DEVELOPMENT**

Council's consent is sought for a twenty-three lot subdivision of 61 Forest Reefs Road, Millthorpe, being Lot 286 DP1018875 (the 'subject property'). The proposed subdivision would be undertaken in the following stages:

Stage 1

- Lot 24 – 1.298ha; and
- Lot 25 – 2.555 ha.

Under Stage 1, proposed Lot 24 would be vacant while proposed Lot 25 would contain the existing dwelling. Lot 24 would be accessed from Glenorie Road via a Right of Access over the existing driveway within proposed Lot 25.

Stage 2

Stage 2 would involve the creation of the following lots in a mix of regular and irregular shapes:

Lot No.	Proposed Lot Area (m²)
Lot 1 (OSD Basin)	1,297m ²
Lot 2	5880m ²
Lot 3	585m ²
Lot 4	585m ²
Lot 5	585m ²
Lot 6	585m ²
Lot 7	585m ²
Lot 8	630m ²
Lot 9	720m ²
Lot 10	3,425m ²
Lot 11	1,297m ²
Lot 12	860m ²
Lot 13	1,330m ²
Lot 14	1,485m ²
Lot 15	620m ²
Lot 16	620m ²
Lot 17	913m ²
Lot 18	913m ²
Lot 19	913m ²
Lot 20	940m ²
Lot 21	1,005m ²
Lot 22	1,240m ²
Lot 23	NA
Lot 24	1.298ha

Table 1: lot sizes (*OSD = On-site stormwater detention)

Under Stage 2, proposed Lot 10 would contain the existing dwelling. Lot 24, created under Stage 1, would be accessed via the new public street to be created as part of Stage 2.

The proposed plans of subdivision for Stage 1 and Stage 2 are illustrated in Figures 1 and 2, below

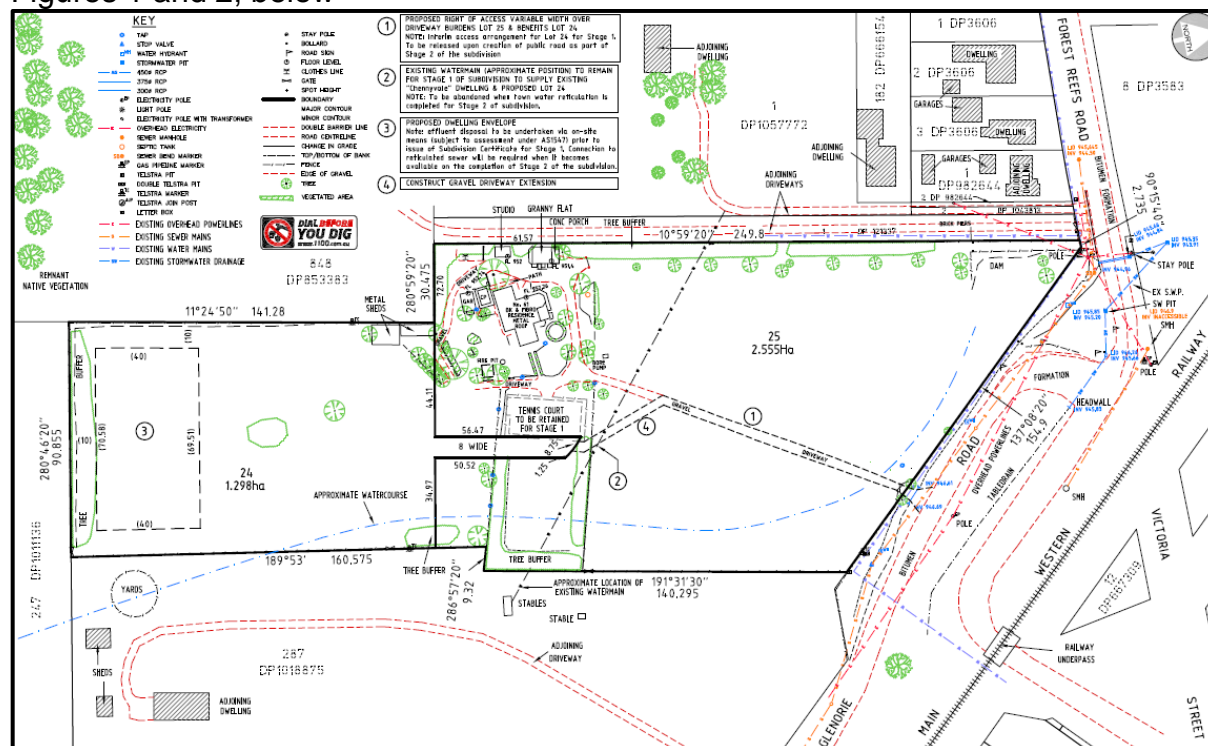


Figure 1: Proposed Stage 1

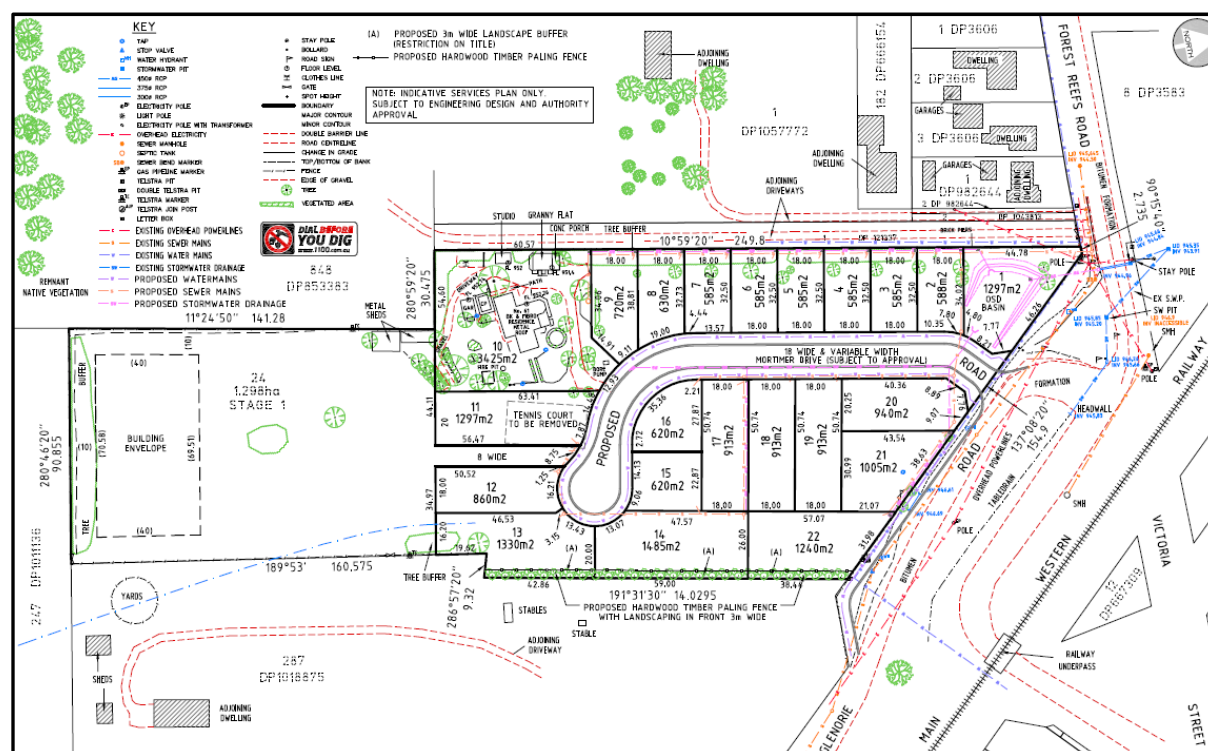


Figure 2: Proposed Stage 2

EXISTING CONDITIONS

The existing conditions of the subject property and immediate area are illustrated in Figure 3 on the next page.



Figure 3: Existing Conditions (Subject property identified by heavy red line)

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 on any threatened species, population or ecological communities or their habitats.

SECTION 4.15 EVALUATION

Matters for Consideration – General

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

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

The proposed development is considered to be consistent with the broad aims of the *Blayney Local Environmental Plan 2012* (BLEP 2012). Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	RU5 Village
Lot size:	450m ² , 1.25ha
Heritage:	Heritage Conservation Area
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.1 Land Use Zones and Clause 2.3 Zone Objectives and Land Use Table

The subject property is zoned RU5 Village (Figure 4). The objectives of the RU5 Village zone include the following:

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

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

The proposed development is considered to be generally consistent with the foregoing objectives insofar as it will provide further opportunity for population growth commensurate with the services available in the local area.

The second objective seeks to minimise conflict between land uses within the RU5 Village Zone and adjoining zones. In this regard, it is noted that the subject property adjoins three properties which are zoned RU1 Primary Production. The potential for land use conflict is addressed in detail in the body of this report under the heading *G2.6 Buffers to Sensitive Land Uses and G2.8 Agriculture & Right to Farm*.

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.

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

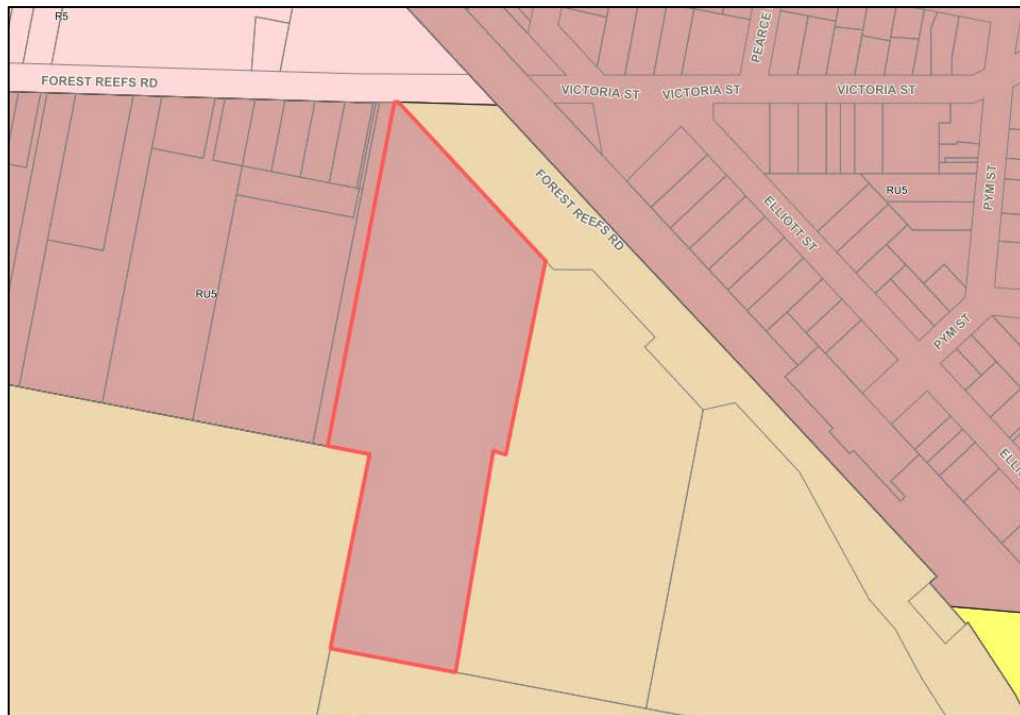


Figure 4: Zone Map

The subject property is affected by a minimum lot size of 450m² and 1.25ha (Figure 5).

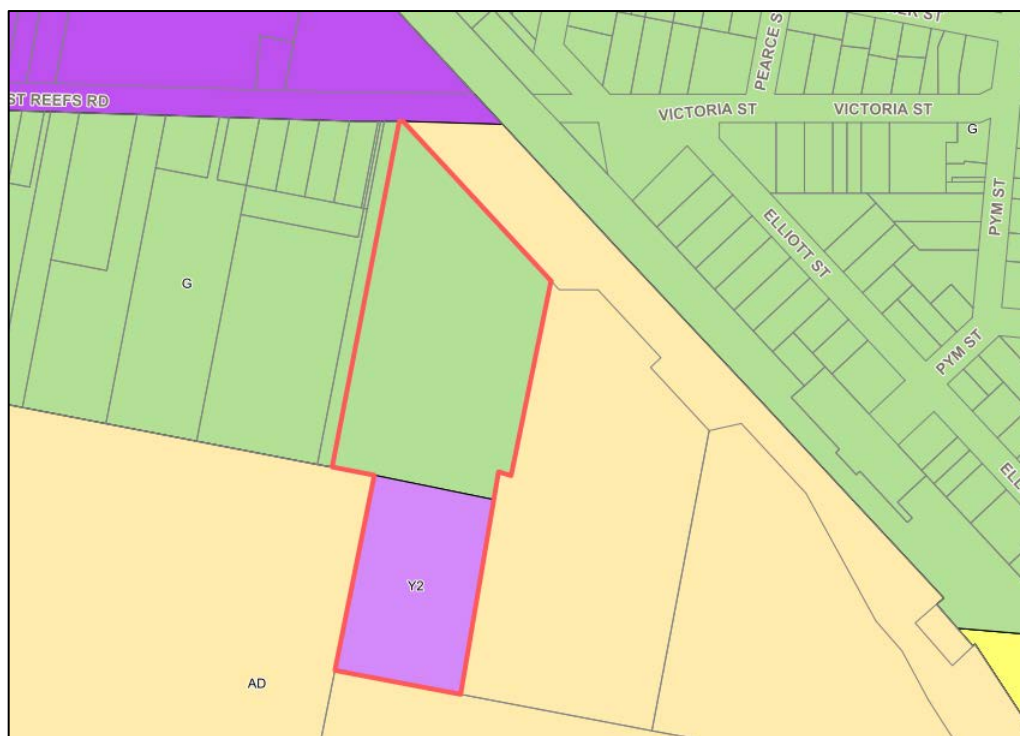


Figure 5: Minimum Lot Size Map (G = 450m², Y2 = 1.25ha)

Within the area subject to the minimum lot size of 450m², the proposed subdivision will create lots in the order of 585m² to 3,425m².

Within the area subject to the minimum lot size of 1.25ha, the proposed subdivision will create one single lot of 1.298ha.

It is considered that the proposed subdivision is consistent with the applicable objectives. In particular, the following is noted:

- As the subject property is zoned RU5 Village, the proposed subdivision will not fragment rural land;
- Aside from the provision of essential services, the proposed subdivision will not require any additional public amenities or services which would be of an excessive cost to the community;
- The proposed subdivision will not have a detrimental impact on the character or landscape setting of the area, subject to meeting the recommended conditions of consent; and
- The proposed lot yield is commensurate with available services, including the sewerage system.

Potential impacts on the character of the area are addressed under the heading *Clause 5.10 Heritage Conservation*.

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.

Given that the subject property is located within the Millthorpe Heritage Conservation Area the proposed development was referred to Council's independent Heritage Advisor.

The Heritage Advisor has provided the following commentary. Council's staff comments are provide throughout.

Heritage Advisor Comment – The loss of the separating green belt

"The primary impact on the heritage significance of the village is the replacement of rural land with developed land at the western edge of the village where this open space has provided a green boundary or belt separating the village from outer development on Forest Reefs Road.

This issue is not addressed in the Heritage assessment.

The assessment maintains that there are no impacts and therefore the scheme offers no compensation, mitigation or offsets for the proposed change.

It could be argued that Lot 287 DP 1018875 is retained to offer and retain this green belt separation for protecting the village from suburban sprawl however this is not ensured as a similar process in future may see this area developed given the Cheney Vale proposal has done the damage and so the remaining gaps may as well be filled in. Therefore, as a sound precautionary measure,

the use of open space including the detention element and tree buffers additional to those shown are essential if the suburbanisation of Millthorpe is to be prevented.”

Staff comment:

It is noted that the Heritage Advisor only viewed and commented on the plans originally lodged for the subdivision. The amended plans have addressed a number of concerns identified by the Heritage Advisor.

The Heritage Advisor has suggested that the village would be protected from further urban growth by restricting any further development of Lot 287 DP 1018875, which is located to the immediate east of the subject property.

However, the Heritage Advisor goes on to state that this is not ensured as a similar process in the future may see this property developed also. As such, the Heritage Advisor suggests the use of open space and tree buffers as a sound precautionary measure.

Following ongoing discussion with Council staff, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13. Further, the applicant has proposed that the 3m wide landscape buffer and timber paling fence be subject to a restriction on the title of each affected lot.

It is accepted that these measures will achieve the outcome sought by the Heritage Advisor.

Notwithstanding, it should be acknowledged that Council nor any strategic plan has identified any other properties adjoining the subject property as investigation areas for future residential development.

Further, whilst R1 General Residential and R2 Low Density zoning expansion surrounding Millthorpe has been deferred for further consideration, it is noted that the recently endorsed 2020 Blayney Settlement Strategy has identified Lot 287 DP 1018875 as a visually sensitive area and does not foreshadow any further residential development in this area.

In order to ensure the intended effect of the proposed landscape buffer and hardwood timber paling fence, it is recommended that a condition of consent be applied requiring that a detailed landscape plan be submitted prior to the issue of engineering Construction Certificate.

The detailed landscape plan is required to confirm the proposed landscape species and spacing as well as the construction detail of the proposed hardwood timber paling fence.

Further, it is recommended that conditions of consent be applied to require that the efficacy of the proposed landscape buffer and timber paling fence be maintained in perpetuity.

Heritage Advisor Comment – The Railway

“The subject area is located opposite the significant former Mill site and the railway is the major intervening element in the landscape setting. The brick underpass is major civil element in the streetscape and offers a direct view of the site and the proposed Lot 23 in particular. Views from the railway are a factor to be considered given the importance of the railway in the historical development of the village. The impact can be mitigated through the provision of avenue tree planting and the reallocation of lots 21-23 with the detention element and planting providing the primary presentation towards the railway and the brick underpass.”

Staff comment:

It is considered that the recommended condition of a landscape plan will adequately address the visual impact of the proposed subdivision when viewed from the platform of the Millthorpe Railway Station.

However, it is not possible to relocate the proposed detention basin as it needs to be located in the lowest part of the site.

Further, while the Heritage Advisors' comments regarding the railway underpass are appreciated, it must be acknowledged that any view of the proposed subdivision from within the underpass will be fleeting due to the visual barrier of the earthen bund between Glenorie Road and Forest Reefs Road and the orientation of Forest Reefs Road when travelling to the west from the centre of Millthorpe.

Heritage Advisor Comment - The settlement pattern – Lots plus buildings

“The subdivision pattern in this village and in Carcoar and the other villages is from an era when grids were the means of providing for residential development. This produced a character where buildings were oriented directly to streets and generally roads and streets are at right angles. In a layout designed to maximise the number of lots, the proposed layout includes a large sweeping bend, an unusually shaped cul-de-sac terminating the road and arrange of Lots with angled presentations to the cul-de-sac and Forest Reefs Road.”

Staff comment:

Council staff raised a similar issue with the applicant and requested that further work be undertaken regarding the layout of the subdivision.

It is considered that the final amended subdivision layout achieves a better outcome insofar as lot shapes are more regular than the original design, whilst also creating an appropriate interface on the Eastern boundary of the proposed development with the surrounding environment (both built and natural).

While the comments of the Heritage Advisor are appreciated, it is noted that the dimensions of the subject property do not facilitate a grid layout as there is insufficient space for the proposed street to 'loop around' to Glenorie Road. A

loop road would also impact the ability to appropriately screen the development through landscaping into the surrounding environment.

Heritage Advisor Comment – The character of Carcoar and Millthorpe and the associated villages have mature trees

“The character of Carcoar and Millthorpe and the associated villages have mature trees which form a major contributing part of their character – otherwise, the new development results in suburbs without any reference to the unique identity of these special village locations. There is no landscape plan with the application – it is appreciated that it is an engineered design submission, however the potential for landscape planting is a reasonable expectation within the village and the Conservation area.”

Staff comment:

It is acknowledged that street planting will be important to ensuring the character of the proposed subdivision integrates with the balance of the Millthorpe Village.

It is recommended that a condition of consent be imposed requiring that a street tree plan be submitted to the satisfaction of Council prior to the issue of an engineering Construction Certificate.

Specifically, the plan must be to the satisfaction of Council's Director of Planning and Environmental Services which will include consultation with Councils Manager Parks and Gardens.

Heritage Advisor Comment – Recommendations for mitigating the impacts

“In order to address the impacts upon the significance of the Conservation area, as identified above, the following recommendations are provided:

- *A Landscape plan is to be prepared indicating areas suitable for Avenue style tree planting to the proposed street and for traditional windbreak style tree planting along the full eastern boundary of the subdivision.”*

Staff comment:

As noted above, it is recommended that conditions of consent be applied requiring that an amended landscape plan be submitted to Council's satisfaction prior to the issue of an engineering Construction Certificate.

- “The engineering design for the internal street should adopt water sensitive urban design elements (WSUD) as opposed to the contemporary curb and gutter approach which is atypical of the village conservation area streetscapes. The use of swales will interpret the traditional streetscapes of the village and reduce the development cost enabling greater expenditure on amenity items.”

Staff comment:

Council's Infrastructure Services Department has confirmed that the use of swales rather than kerb and gutter would not be appropriate in this instance.

In particular, it is considered that the use of kerb and gutter in association with storm water mains and the proposed OSD are necessary in order to improve the existing drainage challenges in the vicinity of the Forest Reefs Road and Glenorie Road intersection.

Notwithstanding, it should be noted that Council would support, and will actively encourage, WSUD in circumstances where it is suitable for the conditions of the site and could be integrated appropriately with existing storm water infrastructure.

- *“The presentation of two Lots – 22 & 23 to Glenorie Road and then a third Lot 21 with a side fence to the internal road and then the detention basin is an inconsistent solution to the resolution of how the development fits this local context. A more consistent approach with the start of the existing houses on Forest Reefs Road to the west is required. An appropriate transition to the existing houses while producing an interpreted version of the former green belt separating the village is warranted. This is to be achieved with the following changes:*
 - *Lots presenting to Forest Reefs Road should be at the western end of the site to associate with the existing houses and not at the eastern end;*
 - *The detention area should form part of a landscape presentation at the south-eastern part of the site”*
 - *Lots 21-23 need to be re-allocated within the site to achieve the landscape presentation consistent with achieving a rural relationship with the village.”*

Staff comment:

As noted above, it is not possible to relocate the proposed detention basin as it needs to be located in the lowest part of the site.

Notwithstanding, it is considered that the amended subdivision layout achieves a better outcome insofar as lot shapes are more regular than the original design and the number of residential blocks fronting Glenorie Road is reduced to three.

- *“The provision of a traditional windbreak planting buffer strip, common elements in the character of Millthorpe, to border the full eastern perimeter of the site, will reduce the visual impact of a long run of fencing while supporting the intent of the green belt between the village and the Forest Reefs Road houses.”*

Staff comment:

As noted above, following ongoing discussion with Council staff the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13. Further, the applicant has proposed that the 3m wide landscape buffer and timber paling fence be subject to a restriction on the title of each affected lot.

It is considered that these measures will achieve the outcome sought by the Heritage Advisor.

Additionally, it is noted the current layout of the subdivision is recommended because of the larger lot sizes on the east and north of the subdivision. Having larger lots sizes is considered critical to how this development will appropriately integrate and interface with the surrounding environment (built and natural).

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 proposed subdivision has been reviewed by Council's Infrastructure Services Department which has commented that the proposed development includes a suitable method of stormwater management.

Notwithstanding, it is recommended that a condition of consent be applied requiring that a full engineering design of the proposed stormwater network and on-site detention basin be undertaken prior to the issue of an engineering Construction Certificate in accordance with Council's normal processes.

The engineering design must also review the capacity of the existing trunk drainage network in order to ensure it is capable of accommodating stormwater being discharged from the subject property post development.

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.

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.

Information submitted with the development application indicates that the subject property does not appear to have been used for a potentially contaminating land use identified in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land*.

Further, information states that the subject property has long been used for rural residential purposes, with no evidence of potential contamination.

As such, it is considered that the subject property is suitable for subdivision and future residential use.

State Environmental Planning Policy – Koala Habitat Protection

State Environmental Planning Policy – Koala Habitat Protection applies to the subject property.

Given that the subject property is substantially cleared and that the proposed development will not result in the loss of few native trees, it is considered that there will be no impact on koala habitat.

State Environmental Planning Policy (Infrastructure) 2007

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

Essential Energy has provided the following comments:

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

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

2. As part of the subdivision, as required by Essential Energy, 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.

3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

4. 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.

5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. 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.

6. 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).

7. 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.

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 F: Subdivision & Roads

Part F2 Site Planning & General Subdivision

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; and
- Integrate with the existing and/or desired subdivision pattern of the area.

It is considered that the proposed development is consistent with the foregoing objectives / performance criteria. In particular, the following is noted:

- Information submitted with the development application indicates that the proposed subdivision has been designed to minimise cut and fill earthworks and to create dwelling parcels that do not require significant retaining structures. Earthworks is addressed in further detail under the following heading F2.2 Topography & Earthworks;
- There are no environmentally sensitive areas within the subject property;
- Council's Infrastructure Services Department has advised that stormwater can be adequately managed subject to a full engineering design of the proposed stormwater network and on-site stormwater detention basin being undertaken prior to the issue of an engineering Construction Certificate;
- While there is an inherent risk of land use conflict at the periphery of any urban area, in this instance the risk is low and can be mitigated through specific boundary treatment; this is discussed in further detail under the heading G2.6 Buffers to Sensitive Land Uses and G2.8 Agriculture & Right to Farm;
- Council's Infrastructure Services Department has confirmed that the proposed subdivision will achieve a legible road network with a suitable intersection treatment to Glenorie Road;
- The proposed subdivision will allow for suitable developable areas which are free of constraints and accessible to the proposed road network; and

- The proposed subdivision pattern is adequate with regard to the opportunities and constraints of the subject property and limited access to the local street network.
- Larger lot sizes on the east and north of the subdivision. Having larger lots sizes is considered critical to how this development will appropriately integrate and interface with the surrounding environment (built and natural).

F2.2 Topography & Earthworks

F2.2 sets out the objectives with regard to ensuring the subdivision & road design responds to the site opportunities & constraints by minimising cut and fill and to ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems or neighbouring uses.

Information submitted with the development application identifies that the subdivision layout has been designed to respond to the opportunities and constraints of the subject property in order to minimise earthworks and create dwelling parcels which do not require significant retaining structures.

Notwithstanding, in order to fully understand the potential impact of earthworks across the subject property, Council staff requested that the applicant provide an earthworks plan to demonstrate the extent of cut and fill to be undertaken across the subject property as part of the subdivision construction.

It was anticipated that the applicant would provide a plan demonstrating proposed earthworks for the entire subject property. The applicant subsequently submitted a preliminary earthworks plan for the street only, indicating that this is all that could be required by Council under Part 1, Schedule 1 of the Environmental *Planning and Assessment Regulation 2000* (Figure 6). Whilst it is noted the earthworks plan is for an earlier lot layout, the road location and configuration has not altered.

The preliminary earthworks plan indicates that the road will require up to a maximum cut of 1.10m and a maximum fill of 0.70m.

Following further telephone discussion with the planning consultant acting on behalf of the owner, the planning consultant indicated that the extent of earthworks across the subject property would be limited to the extent of earthworks typically permitted as exempt development. Exempt earthworks are restricted to cut or fill of no more than 600mm below or above ground level.

Notwithstanding, it is noted that the potential for exempt earthworks to be undertaken on the subject property is limited, as exempt earthworks can only be undertaken 'in the rear yard' if carried out in a Heritage Conservation Area. As such, it is recommended that a condition of consent be imposed requiring that a final earthworks plan be provided prior to the issue of an engineering Construction Certificate.

The earthworks plan must be prepared to the satisfaction of the Blayney Shire Council Department of Infrastructure Services and the Department of Planning and Environmental Services to ensure that it meets the relevant requirements and will not have a detrimental impact on the adjoining properties.

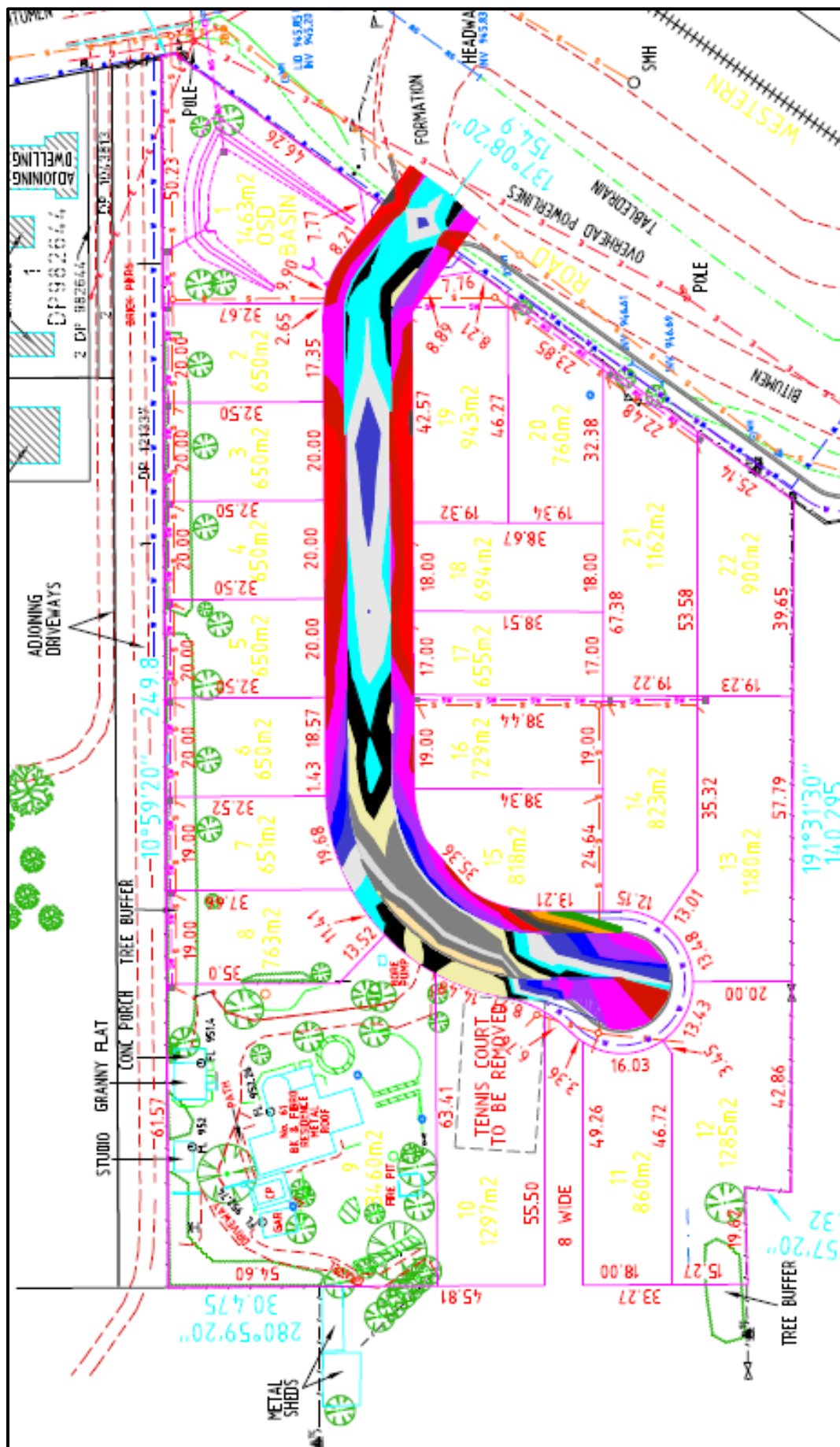


Figure 6: Preliminary road earthworks plan

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.

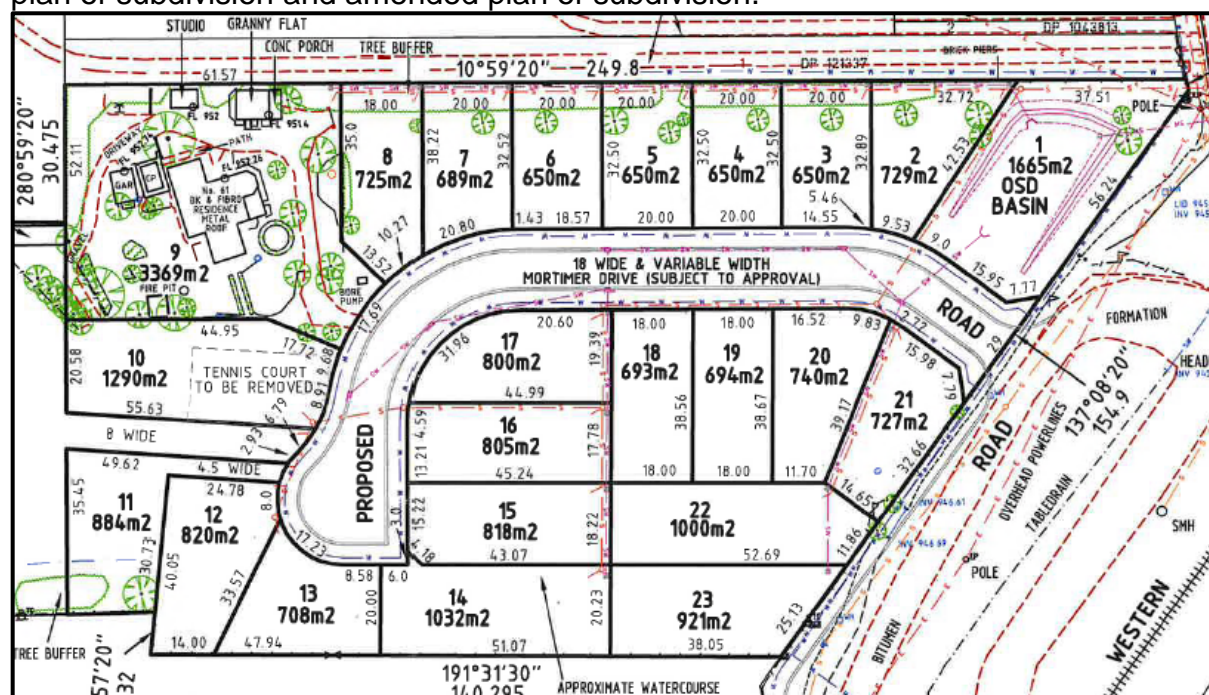
The proposed development is considered to be consistent with the foregoing objectives / performance criteria and associated acceptable solutions. In particular the following is noted:

- The proposed lot sizes, shapes and road frontage will allow for suitably sized likely future dwellings;
- The proposed subdivision has maximised the number of regularly shaped lots that could be achieved on the subject property, and will not detract from the existing subdivision pattern;
- Council's Infrastructure Services Department has commented that the proposed subdivision will achieve suitable road frontages and will promote ease of access and provision of servicing and utilities; and
- The proposed subdivision will provide depth to width ratios that could accommodate vehicle access, manoeuvring and suitable building layouts.

Further, it is noted that during the assessment process Council staff sought further clarification from the applicant to demonstrate how the proposed subdivision had been designed to meet the relevant objectives and performance criteria / acceptable solutions.

In response, the applicant submitted multiple proposed subdivision plans which sought to improve the shape of a number of lots by making them more regular. The difference between the original plan of subdivision and amended plan of subdivision is demonstrated below (Figures 7 and 8).

It is noted that the overall number of lots was reduced by one from the original plan of subdivision and amended plan of subdivision.



[illegible]

Figure 8: Extract of Amended Proposed Plan of Subdivision

F2.4 seeks to ensure that that on-site effluent management can be accommodated on any proposed lot without affecting adjacent properties or the natural environment.

It is noted that Stage 1 of the proposed subdivision seeks to rely on on-site effluent for any new dwelling to be constructed within the approved building envelope of proposed Lot 24.

Given that proposed Lot 24 will not be located within close proximity of an existing sewer main, in this instance it is recommended that Council does not compel proposed Lot 24 to be connected to the sewerage system as part of Stage 1.

In this regard, it is noted that the applicant has submitted an effluent management report at the request of Council staff. Council's Senior Building Surveyor has reviewed the report and confirmed that an on-site effluent system could be accommodated within proposed Lot 24.

The Development Application indicates that proposed Lot 24 will subsequently be connected to sewer once Stage 2 is completed and access to a sewer main is provided. The Infrastructure Services Department has recommended that conditions of consent be applied to ensure this is achieved.

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.

Council's Infrastructure Services Department has confirmed that each proposed lot will have safe, legal access to a suitably designed public road and that the proposed subdivision will incorporate suitable pedestrian / cycle access and facilities to encourage walking and / or cycling. However, it should be noted the proposed development will not include a footpath.

Council's Infrastructure Services Department did not require a Traffic Impact Study to be submitted with the Development Application on the basis that the vehicle movements likely to be generated by the number of lots proposed will not detrimentally impact on the local street network.

Despite a note contained within Council's Development Control Plan, the recommended conditions of consent will not require the construction of access and entrances to each lot prior to the issue of a Subdivision Certificate.

It is considered that the location and design of access and entrances are best determined at the time an application is lodged for a dwelling. In particular, it is noted that site levels often change as part of the dwelling design, which can influence the location and level of driveway accesses.

F2.6 Access – Rights of Way & Battle Axe Lots

F2.6 seeks to minimise the number of lots created that do not have a substantial frontage to a public road and ensure any accessways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access.

The proposed subdivision will create one lot which relies on a battle-axe handle, being proposed Lot 24 which will be created under Stage 1 and maintained under Stage 2.

Council's Infrastructure Services Department has confirmed that proposed battle-axe handle has been designed suitably, with the exception that it be a compacted gravel driveway. Council's Infrastructure Services Department has recommended that the access to proposed Lot 24 include a concrete layback and footway crossing within the road reserve. It is accepted that the balance of the access can be constructed with compacted gravel.

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).

Information submitted with the development application indicates that all essential services will be connected to each proposed lot, including water, sewer and electricity with all services to be located underground.

Council's Infrastructure Services Department has commented that the proposed subdivision can incorporate all necessary services and associated easements. Council's Infrastructure Services Department has recommended conditions of consent to give effect to this.

Further it is recommended that a condition of consent be applied requiring that all new utilities be located underground.

F2.8 Staging

F2.8 states that larger subdivisions must consider staged subdivision release and ensure each stage is capable of being developed independently of later stages and has appropriate access and utilities.

Information submitted with the Development Application confirms that proposed subdivision will be constructed in two stages.

Council's Infrastructure Services Department has confirmed that Stage 1 of the proposed subdivision has been suitably designed with regard to the relevant acceptable solutions. I.e.:

- Stage 1 will not compromise suitable access to Stage 2;
- Stage 1 is capable of operating independently of Stage 2 with regard to services; and
- Stage 1 will have access to all necessary essential infrastructure.

Part F3 Residential Subdivision in Urban Areas

F3.1 Lot Size & 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.

The proposed development is generally consistent with the foregoing objectives / performance criteria and associated acceptable solutions, for the following reasons:

- The proposed lots have been designed to achieve good solar orientation, with the proposed lots generally being within 20° West / 30° East of North or 20° South / 30° North of West and East;
- All lots have been designed in accordance with the acceptable solution for road frontage, which will allow for driveway access while encouraging dwellings to have frontage / address to the street; and

- The proposed subdivision will not detract from the existing subdivision pattern and character of the surrounding area (refer to discussion under the heading 5.10 Heritage Conservation above).

F3.2 Access to Battle-Axe Lots (Limited Road Frontage)

F3.2 seeks to promote safe and efficient access to urban residential lots; provide sufficient driveway widths and design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.

As previously noted, Council's Infrastructure Services Department has confirmed that proposed battle-axe handle has been designed suitably, with the exception that it be a compacted gravel driveway.

Council's Infrastructure Services Department has recommended that the access to proposed Lot 24 include a concrete layback and footway crossing within the road reserve. It is accepted that the balance of the access can be constructed with compacted gravel.

Part F7 New or Upgraded Public Roads

This section applies to any subdivision application in Blayney Local Government Area (LGA) that seeks to create a new or significantly upgraded public road or an extension to an existing public road.

Whilst Council's Guidelines for Engineering Works covers most of the detailed design requirements, this section provides some additional controls for larger subdivisions/new roads to improve urban design and traffic/access outcomes.

F7.1 Engineering Guidelines

F7.1 seeks to ensure that any road design comply with relevant road and access guidelines adopted by Council.

The proposed subdivision has been assessed by Council's Infrastructure Services Department which has commented that the proposed street concept is consistent with Council's 'urban cul-de-sac' road class.

Council's Infrastructure Services Department has recommended that detailed engineering plans be submitted prior to the issue of an Engineering Construction Certificate.

F7.2 Surrounding Road Patterns & Access

F7.2 seeks to ensure that any subdivision design includes new roads that integrate with the surrounding road network and other pedestrian/bicycle and open space connections and be sympathetic to settlements with strong grid pattern road systems; provide a subdivision pattern and road layout that enables adjacent lands to be developed as urban growth occurs.

Council's Infrastructure Services Department has commented that the proposed road is consistent with the relevant acceptable solutions.

Notwithstanding, it is noted that the proposed subdivision does not include a 'through road' connection due to the limited development potential of land surrounding the subject property.

F7.3 Road Hierarchy & Design

F7.3 seeks to provide a logical road pattern / clear hierarchy of roads; and suitable vehicle, pedestrian and cycle connections and navigation to key services and attractions (suited to the size and density of the subdivision and surrounding network/connections).

Council's Infrastructure Services Department has commented that the proposed road is consistent with the relevant objectives / performance criteria. As previously noted, Council's Infrastructure Services Department did not require a Traffic Impact Study to be submitted with the Development Application on the basis that the vehicle movements likely to be generated by the number of lots proposed will not detrimentally impact on the local street network.

F7.4 Terminating Roads (Cul-de-sacs)

F7.4 seeks to minimise the use of cul-de-sacs, their length and number of lots serviced and ensure they cater for waste collection services.

It should be noted that the acceptable solutions for cul-de-sacs identifies that cul-de-sacs should only be used where there is no other suitable alternative and each cul-de-sac is no longer than 150m from the nearest intersection, amongst other things.

With regard to these matters, it is noted that information submitted with the Development Application has sought to justify an alternative design to the foregoing requirements on the following basis:

- The configuration of the land dictates that the new road would need to terminate in a cul-de-sac because there is insufficient area within the subject property to loop the road back to Glenorie Road;
- The new road should be approved at a length of 200m for the following reasons:
 - A reduction in the length of the new road would either result in a lot yield or result in less than optimum shaped lots;
 - The number of lots that would be served by the new cul-de-sac road is 21, which is less than the maximum of 25 allowed by the DCP; and
 - The length and alignment will assist to encourage a low speed environment.

Given the foregoing rationale, Council's Infrastructure Services Department has commented that the proposed road design is suitable.

F7.5 Crown Roads

Not applicable.

F7.6 Safety and Surveillance

F7.6 seeks to ensure significant new roads consider Safety by Design principles.

The proposal is considered to be generally in accordance with the design requirements and principals of the NSW Guidelines for *Crime Prevention Through Environmental Design* ('CPTED') or *Safer by Design* in relation to pedestrian safety.

In particular, it is noted that the proposed subdivision will:

- Provide opportunities for effective surveillance through clear sight lines between public and private places; effective lighting; landscaping that will improve the attractiveness of the area, but will not provide offenders with a place to hide or entrap victims; and
- Achieve effective access control and territorial enforcement by making it clear where people are permitted to go (i.e. the only public space will be the street and OSD).

F7.7 Public Domain Landscaping & Street Trees

F7.7 seeks to ensure that new urban subdivisions must have street tree planting provided to soften the proposed future buildings and streetscape whilst accommodating required vehicle and pedestrian access and movement. Information submitted with the Development Application acknowledges that Council will impose a condition of consent requiring street planting to be provided prior to the release of the Subdivision Certificate (i.e. after the subdivision has been constructed and all conditions of consent met).

F7.8 Naming of New Roads

The naming of new roads is addressed in Council Policy entitled Guidelines for the naming of public roads and streets (2010 as amended). Completion of the road naming process, including gazettal of the new road names in the NSW Government Gazette, is the responsibility of the relevant roads authority (Council for local roads / Roads & Maritime Services for classified roads).

Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation (see the Development Guide). The procedures for naming roads is regulated by Clause 162 of the Roads Act 1993 and Part 2, Division 2 of the Roads Regulation 2008 and also requires consideration by the Geographical Names Board.

It is noted that the Development Application has proposed that new road be known as Mortimer Drive.

Council's Manager Infrastructure has commented that the name Mortimer Drive is inconsistent with the Road, Street and Bridge Names Policy and the associated NSW Addressing User Manual. In particular, it is noted that part of the justification for the name refers extensively for a number of living people. It is noted that that the NSW Addressing User Manual states the following:

“Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.”

As such, it is recommended that Council refuse to endorse the name of the proposed street as Mortimer Drive.

The applicant will be required to submit an alternative name in accordance with the NSW Addressing User Manual or the Blayney Shire Road, Street and Bridge Name Policy.

Part G: Environmental Management & Hazards

G2.6 Buffers to Sensitive Land Uses and G2.8 Agriculture & Right to Farm

G2.6 identifies that proposed development should consider the recommended buffers set out in the Land Use / Separation table. G2.7.

Notably, the Land Use / Separation table does not specify a minimum recommended buffer between an urban residential dwelling and extensive agriculture.

Further, it is noted that G2.8 states that any sensitive land uses/development (or subdivision that supports those sensitive land uses) that has a boundary with rural zoned land, should seek to incorporate buffers or setbacks to that rural land to enable the rural land to be used for standard agricultural practices to the fullest agricultural potential of that land (taking into account the recommended buffers set out in the clause entitled ‘Buffers to Sensitive Land Uses’ above).

Further, G2.8 also states the following:

*“Note: Blayney Shire Council recognises the importance of agriculture and primary production to the economy of the Shire and its rural community. For this reason, Council supports the ‘right to farm’ (in accordance with NSW Government Policy at www.dpi.nsw.gov.au) on rural land including existing agricultural practices or potential future increases in intensity of agricultural practices. This means that agricultural activities MAY have priority over **sensitive land uses** as set out in that policy.”*

Notably, the NSW Right to Farm Policy does not provide any practical advice with regard to managing land use conflict between agriculture and sensitive land uses such as a dwelling. Notwithstanding, an extract from the introduction to the policy is instructive as to what it intends to achieve:

“... ”

People who want to live in rural and agriculture areas are attracted by the open green space, fresher air and pleasant scenery. The desire to enjoy these landscapes should be accompanied by an understanding that rural land is used for productive purposes, such as agriculture. The reality is that normal farming practices can have impacts on neighbours ranging from residual noise, light, dust and other impacts.

In some local government areas, complaints occur frequently (on a weekly basis). The level of conflict can be a considerable issue for local government, can place increased costs on farming enterprises, and exert pressure on existing farmers to either relocate or leave the industry altogether. Those that do stay may have ongoing uncertainty and as a consequence may underinvest in the farm to reduce their future risks.

The Government supports primary producers in their right to farm. However, the right to farm only extends to what is lawful. This means compliance with the legislation and regulations that govern, for example, land uses, uses of chemicals, intensity and timing of lights and noise and management of odours. The suite of rules applies equally to all land users, including rural lifestyle land owners who, like farmers, have obligations in relation to management of weeds, pests and other biosecurity risks.

...

In summary, it is considered that the primary objective of the Right to Farm Policy is to educate prospective purchasers and developers that normal farming practices can have impacts on neighbours ranging from residual noise, light, dust and other impacts. However, the policy is only applicable to the extent of what is lawful.

As previously discussed under the heading *Clause 5.10 Heritage Conservation*, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13.

Additionally, it is noted the current layout is recommended because of the larger lot sizes on the east and north of the subdivision. These larger lots (and subsequent dwellings) are considered critical to how this development will appropriately integrate and interface with the surrounding environment.

G3 Stormwater & Drainage

G3 seeks to ensure that stormwater and drainage systems seeks to 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).

The proposed subdivision has been reviewed by Council's Infrastructure Services Department which has commented that the proposed development includes a suitable method of stormwater management.

Notwithstanding, it is recommended that a condition of consent be applied requiring that a stormwater report and subsequent engineering design of the proposed stormwater network and on-site detention basin be undertaken prior to the issue of an engineering Construction Certificate in accordance with Council's normal processes.

G9 Land & Soils

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.

The subject property is located in an area identified as having medium potential to be affected by naturally occurring asbestos.

As such it is recommended that a condition of consent be applied which identifies the requirements of the *Work Health and Safety Regulations 2017* (as amended). Specifically, Chapter 8 of the Regulation identifies that If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).

Developer Contributions

The land to which the proposed subdivision relates comprises one lot. The proposed development proposes the creation of 21 new lots suitable for residential purposes, as such the nexus for the contribution is 21 additional allotments (i.e. not including the OSD lot).

Pursuant to the Blayney Development Contributions Plan 2013, the following contributions have been levied for the subject development and are attached as a condition of consent.

1. The contributions to be paid are currently \$6,563.00. per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

The payment of contributions as per the following shall be made to Council in accordance with Section 7.11 of the Act.

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

The likely impacts of the proposed development are addressed in the body of this report with the exception of potential impact on Aboriginal Cultural Heritage.

Having regard to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, it is considered that proposed development has a low probability of impacting on any Aboriginal objects.

Notwithstanding, it recommended that a condition of consent be imposed in the event that there is an unexpected find during construction.

In summary, it is considered that the proposed development is unlikely to have a significant or detrimental impact.

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

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

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

Given that the proposed subdivision would create more than 20 lots, it was advertised in accordance with the requirements of the *Blayney Development Control Plan 2018*.

The plan that was used for notification and advertisement was the original lodged with the application.

Eighteen submissions were subsequently received which raised a range of issues. The relevant planning issues raised are addressed below.

Submissions from Adjoining Landowners

As the submissions contain personal information, each submission (un-redacted in its entirety) is included as a confidential attachment so Councillors have every submission, unedited and/or redacted for consideration.

The owners / occupants of immediately adjoining residential properties raised the following specific issues which directly impact their properties.

Issues not specific to their properties are addressed under the general submissions heading.

59 Glenorie Road, Millthorpe**1. Natural gas**

Will the proposed subdivision be connected to natural gas, with the option of 59 Glenorie Road to be connected in the future?

Staff comment:

Natural gas is not identified as an essential service. It will be up to the developer to determine whether or not natural gas is provided to the subdivision.

2. Telecommunications

Telstra diagrams indicate that there is a fibre-optic cable within the boundary of the subject property. Is this accurate and will there be any works required within 59 Glenorie Road to service the proposed subdivision.

Staff comment:

Councils Infrastructure Services Department has recommended that a condition of consent be applied requiring that any utility must be relocated if necessary.

However, it is noted that Millthorpe is now serviced by fixed wireless broadband, which does not require installation of trunk telecommunication infrastructure.

Further, it is noted that the developer should undertake a Dial Before You Dig search prior to works commencing.

Council does not hold data showing the location of telecommunication infrastructure.

3. Town Water

Will the water meter be relocated to the Glenorie Road frontage of 59 Glenorie Road at no expense?

Staff comment:

This is generally a matter to be resolved directly with Central Tablelands Water.

However, Council's Infrastructure Department has required that the existing water line be relocated under Stage 1 of the proposed subdivision.

4. Sewerage

59 Glenorie Road is not connected to the sewer. Is it expected to be in the future?

Staff comment:

This matter is not directly related to the proposed subdivision. Council's Infrastructure Services Department will contact the land owner directly to discuss this matter.

5. Fencing – Land Use Conflict

The existing, common boundary fence along the western boundary of 59 Glenorie Road is a rural style fence suitable for stock such as horses, cattle and sheep. It would not be suitable for typical urban pets such as dogs, cat or chooks.

It is expected that any fence will:

- Meet 'village standards' (not Colourbond) in some fashion;
- Be dog, cat, poultry and child proof;
- Consistent along the length of proposed Lots 11, 12, 13, 14 and 23; and
- At no expense to the landowner of 59 Glenorie Road.

The submission goes on to state that if the fence is not stock proof, a strip of land planted as a tree buffer within the subject property may assist in preventing other forms of land use conflict, such as people feeding animals without permission or people throwing grass clippings and other garden rubbish over the fence.

Staff comment:

As previously noted, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13.

While generally intended to address heritage concerns, it is considered that this outcome will reduce any potential impact from agricultural practices in the immediate vicinity.

Further, it is noted that there is no reason for the existing rural style fence located on the common boundary to be removed.

6. Stormwater and Drainage

Glenorie Road and the subject property are affected by a water course and the area can become water logged. It is logical to expect that the development of the subject land would interrupt the existing nature of water flow and storm water run-off and potentially worsen the situation.

Staff comment:

It is acknowledged that the subject property and 59 Glenorie Road are affected by a drainage line and that water tends to 'lay' after rainfall.

Council's Department of Infrastructure Services has advised that stormwater can be adequately managed subject to a stormwater report and full engineering design of the proposed stormwater network and on-site stormwater detention basin being undertaken prior to the issue of an engineering Construction Certificate.

It is anticipated that a formal stormwater network will help mitigate the existing stormwater issues in the immediate area.

7. Loss of Trees

The proposed subdivision result in the loss of a number of trees within the subject property and adjacent to the common boundary with 59 Glenorie Road. The loss of these trees will result in a direct view over the subdivision, which may result in years of ongoing building activity. Further consideration should be given to lot size and orientation given that the blocks may be too small for dwellings unless the trees are removed.

Staff comment:

As previously noted, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13.

It is considered that this outcome will offset any impact of the existing trees being removed.

8. Groundwater

Stock are watered from a bore on 59 Glenorie Road. There have been many new bores drilled in the surrounding area recently, including within the village. It is hoped that no-one in a new development on town water would have to drill for water and potentially impact on ground water levels.

Staff comment:

The issue raised is acknowledged. However, Local Government is not responsible for the regulation of ground water.

9. Access / potential for 59 Glenorie Road to be subdivided in the future

Is the proposed cul-de-sac suitable for an RFS truck? Does the cul-de-sac constitute a new public road? If so, is there enough room for a footpath? Is street lighting planned? Will this all be taken into account if it is assumed that there will be development on 59 Glenorie Road in the future? If so, does the

cul-de-sac become a new public road that just temporarily ends until 59 Glenorie Road may get developed in the future?

Staff comment:

Council's Infrastructure Services Department has confirmed that the proposed cul-de-sac is in accordance with Council's urban cul-de-sac road class, which would ensure that it is appropriate for vehicles such as garbage trucks and emergency vehicles.

The cul-de-sac will form a public street once a Subdivision Certificate is issued.

There is currently no Council policy, resolution or strategic plan which would suggest that 59 Glenorie Road would ever be developed for a residential purpose. While deferred for further consideration, it is noted that the *Blayney Settlement Strategy 2020* has identified 59 Glenorie Road as a visually sensitive area and does not foreshadow any further residential development in this area.

63A Forest Reefs Road, Millthorpe

10. Visual Impact

The proposed development and loss of trees will have a significant visual impact. The submission states that the residents will look directly into the back yards of at least six properties as 63A Forest Reefs Road is elevated above the proposed subdivision.

Further, the residents of 63A Forest Reefs Road are unable to plant trees on their own properties due to power lines.

The submitter request that driveway to Cheneyvale and tree buffer on both sides of the driveway remain intact and that the proposed cul-de-sac be moved to the east to have less lots on the eastern side of the subdivision. Alternatively, the applicant requests compensation to move their driveway to plant a tree buffer on their own land.

Applicant response:

The applicant's response to submissions acknowledges that the trees located along the western boundary of the subject property will be removed as part of the proposed subdivision. To mitigate the loss of the trees, the Response to Submissions states that the applicant would agree to the following:

- The western boundary of the Lots 2 to 8 would be fenced with a rural style stock proof fence, with metal fencing (i.e. Colorbond) not being permitted;
- A narrow evergreen hedge to provide visual privacy / screening to be established alongside the western boundary of lots 2 to 8 at the time that a dwelling is established on each lot, with appropriate species to achieve a maximum mature height of at least 1.8m; and
- The foregoing requirements being included in a Section 88B Restriction on the Use of the land which applies to Lots 2 to 8 and in favour of Council.

Staff comment:

Generally, it is accepted that applicant's proposal will mitigate the concerns of the residents of 63B Forest Reefs Road. However, it is considered that both landscaping and fencing should be addressed as part of the subdivision rather than being deferred to point at which a dwelling is constructed on each lot.

Specifically, it is recommended that a conditions of consent should be applied requiring that a detailed landscape plan be submitted prior to the issue of engineering Construction Certificate.

The detailed landscape plan is required to confirm the proposed landscape species and spacing as well as the construction detail of a hardwood timber paling fence along the western boundary of proposed Lots 1 – 9, inclusive.

Further, it is recommended that conditions of consent be applied to require that the efficacy of the proposed landscape buffer and timber paling fence be maintained in perpetuity unless otherwise agreed by the Blayney Shire Council.

11. Power supply

What is the proposed supply to the development? Currently the power to Cheneyvale runs through 63A Forest Reefs Road. The residents are unhappy about the presence of the poles and would not accommodate additional infrastructure.

Staff comment:

As noted in the body of the report, a condition of consent will be applied requiring that the power supply to the proposed lots be located underground. However, detailed power design is undertaken by the developer in association with Essential Energy after Council has approved a proposed development.

63B Forest Reefs Road, Millthorpe**12. Loss of Residential Privacy and Amenity**

The land owner of 63B Forest Reefs Road, Millthorpe has identified that the proposed development will result in a loss of privacy and enjoyment due to the pine trees being removed from the western boundary of the subject property.

The submission notes that the trees also provide a barrier to noise from the road and rail way line.

Applicant response:

The applicant's response to submissions acknowledges that the trees located along the western boundary of the subject property will be removed as part of the proposed subdivision. To mitigate the loss of the trees, the Response to Submissions states that the applicant would agree to the following:

- The western boundary of the Lots 2 to 8 would be fenced with a rural style stock proof fence, with metal fencing (i.e. Colorbond) not being permitted;
- A narrow evergreen hedge to provide visual privacy / screening to be established alongside the western boundary of lots 2 to 8 at the time

- that a dwelling is established on each lot, with appropriate species to achieve a maximum mature height of at least 1.8m; and
- The foregoing requirements being included in a Section 88B Restriction on the Use of the land which applies to Lots 2 to 8 and in favour of Council.

Staff comment:

As previously noted, it is accepted that applicant's proposal will mitigate the concerns of the residents of 63B Forest Reefs Road. However, it is considered that both landscaping and fencing should be addressed as part of the subdivision rather than being deferred to point at which a dwelling is constructed on each lot.

Specifically, it is recommended that a condition of consent should be applied requiring that a detailed landscape plan be submitted prior to the issue of engineering Construction Certificate.

The detailed landscape plan is required to confirm the proposed landscape species and spacing as well as the construction detail of a hardwood timber paling fence along the western boundary of proposed Lots 1 – 9, inclusive.

Further, it is recommended that conditions of consent be applied to require that the efficacy of the proposed landscape buffer and timber paling fence be maintained in perpetuity, unless otherwise agreed by the Blayney Shire Council

13. Detrimental impact on outlook from Residential Property

The proposed development will have a detrimental impact on the view from 63B Forest Reefs Road, Millthorpe, with the view being changed from rural to dense residential, including the potential for a 'hotch potch' of shed roofs. The change in view will decrease the enjoyment and value of the property.

Staff comment:

It is acknowledged that the removal of trees from the western boundary of the subject property will change the eastern view of the dwelling at 63B Forest Reefs Road, Millthorpe.

While the boundary planting of trees complements the amenity of adjoining and proximate properties, that amenity is considered to be "borrowed" and cannot be relied upon by an adjoining property owner. In this regard it is noted, whilst being a Heritage Conservation Area the owner of 61 Forest Reefs Road could lodge a Development Application to remove the trees irrespective of this subdivision application.

However, it is considered that this matter can be overcome by the foregoing recommended condition of consent which would require landscaping and construction of a hardwood timber paling fence along the rear boundaries of proposed Lots 1 – 9, inclusive.

14. Decreased Property Value

A number of submissions indicated that the proposed subdivision may decrease property values.

Staff comment:

Property value is not a relevant consideration under Section 4.15 of the EP&A Act.

Other General Submissions:**15. Density**

A number of submissions identified that the proposed density of the subdivision is excessive and will have a detrimental impact on the existing residents of Millthorpe, as well as the historic and rural characteristics of Millthorpe.

Submissions also highlighted that some large lots in excess of 900m² would have the potential to be further subdivided given that the subject property is affected by a minimum lot size of 450m².

It should be noted however that the Millthorpe Village Committee submission identified that any lot over 700m² should be able to apply for the construction of a dual occupancy to cater to the needs of potential investors. This would have the effect of significantly increasing the dwelling density of the subdivision.

Applicant Response:

The applicant's response to submissions makes a number of comments which are relevant to this issue, including:

- Through the Planning Proposal process (which rezoned the subject property to RU5 Village), Council adopted a minimum lot size of 450m² for the subject property;
- The average lot size, excluding proposed Lots 24 and 9 is 835m².

Staff comment:

Despite concerns regarding the density of the proposed subdivision, it should be noted that many lots within the existing Millthorpe Village are below 650m², particularly around Pearce Street, Pilcher Street, Crowson Street and Church Street. Notably, there are four lots in Pilcher Street below 400m².

In this regard, it is not considered that density of the proposed subdivision would not have a detrimental impact on the residents or character of the existing Village.

With regard to the potential for further subdivision of the proposed lots, it is noted that there are several (10 lots) in excess of 900m² that could in theory have the potential to be further subdivided, being Lots 10, 11, 13, 14, 17, 18, 19, 20, 21 and 22.

Any further subdivision of the proposed lots would be subject to a further development application and subsequent assessment on its merits.

Whilst the Minimum Lot Size (currently 450m²) is a key consideration for subdivision under the Blayney Local Environmental Plan 2012, it is only one consideration. In this particular instance, how these larger lots have been created (in particular the size) would also be a consideration.

In this regard, it is noted the current layout is recommended because of the larger lot sizes on the east and north of the subdivision. These larger lots (and subsequent dwellings) are considered critical to how this development will appropriately interface with the surrounding environment, in particular; Glenorie Road, the adjoining RU1 Primary Production land to the east, and more widely how the development will be viewed from Glenorie Road, the wider village, the railway line and the Millthorpe Railway Station (which is an operating railway station and State listed Heritage Item).

It is noted 61 Forest Reefs Road is within the Millthorpe Heritage Conservation Area and additionally this vista along Glenorie Road was identified in Council's recent 2020 Blayney Shire Settlement Strategy as being a key entrance to the village and the visual amenity is to be protected.

It is also highlighted the historic interface between Rural land to the RU5 village zone (immediately to the west of the site) has been addressed through an existing vegetation buffer on the western boundary of 61 Forest Reefs Road, Millthorpe (which will be removed as a result of the development).

The vegetation buffer has historically screened and managed the transition of this important interface, however as this subdivision relocates the historical interface further east the larger lot sizes are considered critical to addressing; land use conflict, heritage conservation and transition of the subdivision.

It is also important to note at this point, there is no further residential expansion (further East past this site) along Glenorie Road identified in any strategic planning documentation or studies.

In addition to the typical planning controls, Council recently strengthened its position on heritage through the Blayney Local Strategic Planning Framework (LSPF), which includes the following strategic direction: *Protect key heritage assets, heritage streetscapes and town and village entrances by identifying the desired character and ensuring development is sensitive to character in Blayney, Millthorpe, Carcoar and Newbridge.*

It would be expected any future development application for subdivision would have to satisfactorily address the abovementioned matters, noting the larger lot size are considered critical of balancing this development into the surrounding environment (both built and natural).

16. Design of future dwellings and potential impact on the Heritage Conservation Area

A number of submissions were concerned about the design of future dwellings and how they may impact the rural and historic characteristics of the Millthorpe Village.

Staff comment:

The subject property forms part of the Millthorpe Heritage Conservation Area. As a result, any new dwelling within the subdivision can only be approved by a Development Application to Council. A Complying Development Certificate for a new dwelling cannot be issued by a Certifier (Council or Private) in a Heritage Conservation Area.

Any new dwelling in Millthorpe is assessed against the relevant sections of the *Blayney Development Control Plan 2018, Part H: Heritage Conservation*. Most applications are also referred to Council's independent Heritage Advisor for comment.

Through this process it is expected that the design of any future dwelling will achieve a suitable outcome with regard to heritage conservation.

17. Heritage Significance of Cheney Vale

A number of submissions have identified that the subject property is of local heritage significance and that it should be maintained intact.

Staff comment:

The subject property is not identified as a Local Heritage Item, nor was it identified by Council's Heritage Advisor as being of particular heritage significance.

18. Traffic Impact

A number of submissions identify that the proposed development will result in and increase in vehicle movements which may impact on the safety of the local street / road network, particularly the intersection of Glenorie Road and Forest Reefs Road and railway underpass.

In addition to the general comment, some submissions also noted specific issues such as:

- Glenorie Road being designated as a heavy vehicle route;
- Water logging at the intersection of Glenorie Road and Forest Reefs Road after a rain event;
- Lack of pedestrian access to the balance of Millthorpe Village, which impacts on school children walking to school.

One submission highlighted that standards used to demonstrate potential traffic impact do not relate to a village like Millthorpe as they were based on regional centres.

Applicant response:

The applicant's response to submissions states that the proposed subdivision does not warrant a formal traffic impact study as it is well below the threshold for traffic generating development, as defined in Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*.

Staff comment:

Council's Infrastructure Services Department did not require a Traffic Impact Study to be submitted with the Development Application on the basis that the

likely vehicle movements generated by the number of lots proposed will not detrimentally impact on the local street network, including the intersection of Glenorie Road and Forest Reefs Road.

Further, Council's Infrastructure Services Department has highlighted recent work at the railway underpass which intended to improve traffic and pedestrian movement, as well as forecast projects such the construction of a footpath along Glenorie Road between Park Street and Forest Reefs Road.

19. Capacity of Infrastructure – Millthorpe Primary School

A number of submissions queried whether the existing primary school would have the infrastructure to accommodate additional students while also maintaining playground areas.

Notably, the Millthorpe Village Committee submission identified potential increased student enrolments as a positive outcome of the subdivision proposal.

Staff comment:

It is acknowledged that the proposed development may result in additional students who may attend Millthorpe Primary School.

However, this is an issue for the NSW Department of Education (DOE) to address.

It is noted that the DOE website indicates that population and enrolment projections are used to plan where new schools need to be built or where extra spaces may need to be provided.

Further, it is noted that the NSW DOE has recently lodged a Development Application to undertake a major upgrade of the Millthorpe Primary School. It is expected that DOE would have considered likely population growth of Millthorpe and surrounds in the design of the proposed upgrade.

20. Visual Impact

A number of submissions indicated concern regarding the potential visual impact of the proposed development on the historic / rural character of Millthorpe Village, particularly for tourists arriving by train to the Millthorpe Railway Station.

Staff comment:

As previously noted under the heading Clause 5.10 Heritage conservation, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13. Further, the applicant has proposed that the 3m wide landscape buffer and timber paling fence be subject to a restriction on the title of each affected lot.

It is considered that these measures should ensure that the proposed subdivision and subsequent dwellings are partially screened when viewed from the Millthorpe Railway Station.

21. Street Parking

One submission queried whether there is adequate street parking within the centre of Millthorpe Village.

Staff comment:

Peak parking periods within the Millthorpe Village typically occur during business hours on Friday, Saturday and Sunday.

While a formal parking study has not been undertaken for Millthorpe Village, anecdotal evidence suggests that the main demand for on-street parking during these times is from tourists and visitors, rather than residents of Millthorpe Village.

It is not expected that the proposed subdivision, and subsequent development, would have a significant impact on the availability of on-street parking spaces during peak periods.

Further, it is noted that current public carpark located to the east of the Millthorpe Railway Station is currently underutilised during peak periods.

22. Soil Contamination

One submission highlighted the potential for soil contamination associated with the former vineyard located on the property adjacent to the intersection of Glenorie Road and Park Street.

Staff comment:

As addressed in the body of this report, information submitted with the Development Application indicates that the subject property does not appear to have been used for a potentially contaminating land use identified in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land*.

Further, information states that the subject property has long been used for rural residential purposes, with no evidence of sources of evidence of potential contamination.

While it is acknowledged that the land adjacent to the intersection of Glenorie Road and Park Street was previously used as a vineyard, it is unlikely that it would have contaminated the soil within the subject property.

As such, it is considered that the subject property is suitable for subdivision and future residential use.

23. Sense of Community

A number of submissions indicated that proposed development would have a detrimental impact on the sense of community within the Millthorpe Village. One submission indicated that the impacts would "... destroy the safe feeling

you get when walking around Millthorpe and will destroy our community...”,
“...will also destroy the authenticity and closeness...”.
(Please see submission for full context of these quotes)

Staff comment

The issues raised in the submission are understood. However, Council’s ability to consider issues such as these are generally restricted to consideration of Crime Prevention Through Environmental Design (CPTED) principles.

As previously noted, the proposed subdivision is consistent with the relevant CPTED principles.

24. Precedence for more residential estates

One submission indicated concern that the proposed subdivision may create precedence for further large residential estates around Millthorpe.

Staff comment:

Further residential development can only be undertaken where planning control imposed by Council facilitate such development.

Any further development within, or around, Millthorpe will be restricted to those areas zoned for future residential development, which will be specifically considered in the Millthorpe addendum for the 2020 Blayney Settlement Strategy

25. Impact on Stormwater Drainage

A number of submissions are concerned the proposed development will intensify existing drainage issues near the intersection of Forest Reefs Road and Glenorie Road.

One submission queried whether houses in the immediate area could potentially be flooded and whether Blayney Shire Council would be liable for associated damage.

Staff comment:

Stormwater has been addressed in detail in the body of this report. Council’s Infrastructure Services Department has advised that stormwater can be adequately managed subject to a full engineering design of the proposed stormwater network and on-site stormwater detention basin being undertaken prior to the issue of an engineering Construction Certificate.

26. Light Pollution

One submission indicated that the proposed subdivision may result in light pollution impacts on adjoining residential areas / properties.

Staff comment:

It is considered that it is unlikely that proposed subdivision will result in light pollution. Council’s Infrastructure Services Department has recommended a

condition of consent requiring that street lighting be installed in accordance with the appropriate Australian Standard.

Street lighting is unlikely to create a nuisance to houses within the proposed subdivision, let alone resulting in nuisance light spill in nearby streets.

27. Noise pollution

One submission indicated that the proposed subdivision may result in noise pollution impacts on adjoining residential areas / properties.

Staff comment:

Any occurrence of noise pollution is likely to be associated with an activity undertaken at an individual property (e.g. parties, revving vehicles, barking dogs etc).

Noise pollution will either be a matter for the police or Council depending on the particular circumstances. It would be dealt with on a case by case basis.

28. Impact on Water Supply

A number of submissions highlighted that the proposed subdivision would impact on water supply.

Staff comment:

Blayney township and other villages within the Blayney Shire that have access to reticulated water are all serviced by Central Tablelands Water (CTW). All CTW reticulated water is sourced from Lake Rowlands.

Management of water supply is a matter for CTW.

29. Impact on Emergency Services

A number of submissions indicated that the proposed subdivision would place more pressure on emergency services such as the fire brigade, ambulance and police.

Staff comment:

No submissions were received from emergency service organisations. It is not anticipated that the proposed subdivision would have any significant impact on the response of emergency service providers.

30. Distinguishing between Blayney and surrounding villages

One submission highlighted the importance of being able to distinguish between Blayney and the surrounding villages, rather than adopting the *“uniformity and blandness of other regional areas”*.

Staff comment:

The issue raised in the submission is acknowledged.

31. Variation of DCP Standard – Cul-de-sac

One submission highlighted that the applicant has proposed a 200m long cul de sac, rather than a maximum of 150m typically allowed under the DCP.

Staff comment:

The proposed variation is addressed in detail in the body of this report.

In particular, information submitted with the Development Application has sought to justify an alternative design to the relevant requirements on the following basis:

- The configuration of the land dictates that the new road would need to terminate in a cul-de-sac because there is insufficient area within the subject property to loop the road back to Glenorie Road;
- The new road should be approved at a length of 200m for the following reasons:
 - A reduction in the length of the new road would either result in a lot yield or result in less than optimum shaped lots;
 - The number of lots that would be served by the new cul-de-sac road is 21, which is less than the maximum of 25 allowed by the DCP; and
 - The length and alignment will assist to encourage a low speed environment.

Given the foregoing rationale, Council's Infrastructure Services Department has commented that the proposed road design is suitable.

32. Inconsistent with the Planning Proposal to rezone the Subject Property

One submission indicates that the proposed subdivision is inconsistent with the Planning Proposal, which sought to justify the subject property being rezoned from RU1 Primary Production to RU5 Village.

Staff comment:

It is acknowledged that the proposed subdivision is different to the concept plan submitted with the Planning Proposal.

However, it should be recognised that the Planning Proposal process sought to rezone the subject property only. The concept plan submitted with the Planning Proposal is not an approved subdivision plan and the owner / developer of the subject property is not bound by the concept plan.

This report must address the merits of the subdivision plan which has been submitted with the current Development Application.

33. Right to Farm and Potential for Land Use Conflict

One submission raised concern regarding the potential impact of the proposed subdivision on adjoining properties zoned RU1 Primary Production.

Staff comment:

Right to Farm and the potential impact of the proposed subdivision is addressed in detail under the heading G2.6 Buffers to Sensitive Land Uses and G2.8 Agriculture & Right to Farm.

In summary, it is considered that the primary objective of the Right to Farm Policy is to educate prospective purchasers and developers that normal farming practices can have impacts on neighbours ranging from residual noise, light, dust and other impacts. However, the policy is only applicable to the extent of what is lawful.

As previously discussed under the heading *Clause 5.10 Heritage Conservation*, the applicant has sought to amend the proposed subdivision to incorporate a 3m wide landscape buffer with a hardwood timber paling fence along the full length of proposed Lots 13, 14 and 22, with the exception of a small portion of proposed Lot 13.

While generally intended to address heritage concerns, it is considered that this outcome will reduce any potential impact from agricultural practices in the immediate vicinity.

34. Further Subdivision of Lot 24

One submission raised concern that proposed Lot 24 could be further subdivided in the future.

Staff comment:

Proposed Lot 24 is subject to a minimum lot size of 1.25ha. Given that proposed Lot 24 would comprise a total area of 1.299ha, there is no opportunity for further subdivision.

Millthorpe Village Committee Submission

The Millthorpe Village Committee provided an extensive submission, which addressed a wide range of issues. The submission made twenty specific recommendations, which are addressed below.

However, the Executive Summary of the submission also identified a further issue which was not mentioned in the recommendations. Specifically, the Executive Summary states:

“The MVC notes that Council’s Director Town Planning, the Senior Town Planner and some Councillors have specific interests in the Village of Millthorpe or with the developers. The level of Council transparency and procedures around declaring conflicts of interest regarding decisions on this development will be crucial to a successful process.”

Staff comment:

Council staff and Councillors are subject to a Code of Conduct, respectively, which set out specific requirements for the disclosure of pecuniary and non-pecuniary interests.

The MVC recommendations are addressed below:

1. That the staging proposal be denied.

Staff comment:

Information submitted with the Development Application indicates that it is intended to construct the subdivision in two stages.

Stage 1 would create proposed Lot 24 and Lot 25, comprising a total of 1.297ha and 2.556ha respectively.

Stage 2 would subsequently involve the further subdivision of proposed Lot 25 to create the balance of the new residential lots.

Subject to Council's approval, both would be approved under the Development Application that is the subject of this report.

Further, it is noted that Stage 1 will involve minor civil works as no major infrastructure is required to be constructed. Any off-site impact associated with construction will occur during the construction of Stage 2 which will require bulk earthworks and construction of a new street amongst other matters.

- 2. That the mature Manchurian pear trees, at the expense of the developer be retained and if some have to be removed then they are removed and replanted one to each new block or along the new road.**

Staff comment:

It is acknowledged that avenue planting of trees within the subject property make a positive contribution to the existing landscape setting.

While there is no planning reason to require the trees to be retained or replanted, it is recommended that an advisory note be placed on the Notice of Determination encouraging the developer to reuse the trees as street trees within the new street, subject to the agreement of Council's Manager Parks and Gardens.

- 3. That either Lot 10 be converted to public open space and recreation or the ill-shaped lot 11 be removed and used as public open space.**

Staff comment:

Council's Infrastructure Services Department has not identified a need to provide public open space within the proposed subdivision.

In particular, it is noted that the subject property is in close proximity to Mill Green and is accessible to Redmond Oval.

- 4. That the staging proposal be rejected as there appears to be no benefit to nearby residents of a prolonged construction period.**

Staff comment:

As noted above, Stage 1 will involve minor civil works as no major infrastructure is required to be constructed.

Any off-site impact associated with construction will occur during the construction of Stage 2 which will require bulk earthworks and construction of a new street amongst other matters.

- 5. That considering all of the references to water retention, surface water, waterfrontage issues listed the proposal and challenged in this response that Council commission an independent surface,**

underground and stormwater management and water-reticulation expert to survey the site, review the proposal and provide clear evidence that supports the assertions and assumptions made in the proposal.

Staff comment:

Council's Infrastructure Services Department has advised that stormwater can be adequately managed subject to a full engineering design of the proposed stormwater network and on-site stormwater detention basin being undertaken prior to the issue of an engineering Construction Certificate.

- 6. That Council provide evidence in the form of an independent land supply and demand analysis and an economic feasibility study that demonstrates that there is an immediate and projected housing shortage that justifies a 23 lot subdivision. The study should indicate where the demand is coming from.**

Staff comment:

Council has recently completed the 2020 Blayney Shire Settlement Strategy, February 2021 (the 'Settlement Strategy').

The Settlement Strategy identifies that there is a need 560 – 640 dwellings within the Blayney Shire to accommodate forecast demand to 2036.

Further, anecdotally, it is clear that there are currently very few vacant residential lots in Millthorpe.

- 7. That the developer and Council consider options that include an alternative patterns design for the lots that includes a reduction in lots from the number of lots from 23 to 17.**

See submission for specific Lot numbers and areas.

Staff comment:

It is noted that the suggested alternative generally has the effect of increasing lot sizes within the subdivision, with 11 of the lots exceeding 1000m².

Council staff are obligated to assess the Development Application as lodged. Through the assessment process, including consideration of public submissions, the applicant has amended the proposed subdivision layout on multiple occasions.

- 8. That other not included items of historical importance be considered and the impact on these quantified.**

Staff comment:

It is noted the submission highlights some of the history of the subject property and surrounding area, including that it was used for grazing dairy cows and that it was the site of a plane crash.

It would be open to the Council and Millthorpe Village Committee to consider whether these events should be documented and / or interpretive signs installed in a suitable public place.

However, it is not considered relevant to the proposed subdivision.

9. A formal traffic study and management plan be undertaken by the developers and Council.

Staff comment:

As noted above, Council's Infrastructure Services Department did not require a Traffic Impact Study to be submitted with the Development Application on the basis that the number of lots proposed will not detrimentally impact on the local street network.

Further, Council's Infrastructure Services Department has highlighted recent work at the railway underpass which intended to improve traffic and pedestrian movement, as well as forecast projects such the construction of a footpath along Glenorie Road between Park Street and Forest Reefs Road.

10. That Council reject the request by the developers and instead consider the road (should the subdivision be approved) be called either:

- a. Cheneyvale Road;**
- b. Cheyneyvale Street;**
- c. Garwood's Paddock Road;**
- d. Butter Factory Road;**

Staff comment:

Council's Manager Infrastructure has commented that the name Mortimer Drive is inconsistent with the Road, Street and Bridge Names Policy and the associated NSW Addressing User Manual. In particular, it is noted that part of the justification for the name refers extensively for a number of living people.

It is noted that that the NSW Addressing User Manual states the following:

“Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.”

As such, it is recommended that Council refuse to endorse the name of the proposed street as Mortimer Drive.

The applicant will be required to submit an alternative name in accordance with the NSW Addressing User Manual or the Blayney Shire Road, Street and Bridge Name Policy.

11. That the whole precinct encompassing the railway underpass, the intersection of Glenorie and Forest Reefs Road, and the intersection between Glenorie Road and the new subdivision road, be subject to

an integrated traffic management study and a plan submitted for public exhibition.

Staff comment:

As previously noted, Council's Infrastructure Services Department has commented that the proposed road is consistent with the relevant acceptable solutions.

12. That if the subdivision is approved, that the developers be asked to erect some permanent signage as to the historic nature of the precinct complete with photos of what was on the site in the early part of the 20th Century.

Staff comment:

As discussed above, it would be open to the Council and Millthorpe Village Committee to consider whether these events should be documented and / or interpretive signs installed in a suitable public place.

However, it is not considered relevant to the proposed subdivision.

13. That Council include a caveat on the limitation of air pollution as part of the subdivision approval process rather than at individual lot approval stage.

Staff comment:

Installation of a solid fuel heaters (i.e. wood heaters) require approval under Section 68 of the Local Government Act 1993.

This process would ensure that any new wood heater meets the relevant Australian Standard AS/NZS 4013:1999.

It is considered unnecessary to apply a specific restriction on the proposed subdivision regarding air pollution when each other lot /dwelling within Millthorpe has the opportunity to have a wood heater.

14. That Council impose a condition on the development application that specifies exactly what village infrastructure improvement projects will be funded by the developer co-contribution.

Staff comment:

Developer contributions are collected on a Shire wide basis to fund projects identified by the current Blayney Local Infrastructure Contributions Plan 2013 (contributions plan).

Council staff have allocated within the 2021/22 Operational Plan provision for review and updating of the current contributions plan, which will include a review of future projects to be funded by developer contributions.

15. That the public interest section of the proposal be moved to front of future proposals and general public issue matters from the proposal be summarised in this section.

Staff comment:

While the recommendation is noted, it should be acknowledged that Council does not require that a Statement of Environmental Effects be prepared using any specific structure.

It is the responsibility of the applicant to prepare an adequate Statement of Environmental Effects.

16. That Council call a public meeting to share the results of the submissions received.**Staff comment:**

The relevant matters raised in the submissions are addressed in this report. All submissions are attached to this report.

All submitters can register to speak during the Public Open Forum of the Council Meeting at which the Development Application is determined.

General recommendations as part of the subdivision approval process**1. Location of driveways to be established by the developer and included in revised subdivision plans.****Staff comment:**

Council's Infrastructure Services Department has confirmed that there is no significant benefit of constructing laybacks and driveways during the construction of the subdivision.

It is considered that the location and design of access and entrances are best determined at the time an application is lodged for a dwelling. In particular, it is noted that site levels often change as part of the dwelling design, which can influence the location and level of driveway accesses. This is normal Council procedure.

2. No existing mature trees to be destroyed.**Staff comment:**

The recommendation is noted.

3. No colour-bond fences to be allowed.**Staff comment:**

This recommendation is supported.

It is recommended that a condition of consent be imposed requiring that prior to the issue of a Subdivision Certificate, a Restriction on the Use of the Land must be created pursuant to Section 88B of the Conveyancing Act 1919. The restriction must state that any fence constructed must be of full hardwood timber construction, including hardwood timber palings, unless otherwise agree by the Blayney Shire Council Department of Planning and Environmental Services.

The restriction must burden all lots created in Stage 2 of the proposed subdivision. The restriction must only be to the benefit of the Blayney Shire Council, with Blayney Shire Council being the only party able to remove, vary or modify the restriction.

- 4. Lots over 700m² be allowed to apply for dual occupancy thus resulting in the subdivision being able to cater for a variety of potential investors. Not everyone wants a large backyard. Some potential investors may want a small home a smaller home for a relative or a carer attached or located elsewhere on the block**

Staff comment:

There is no minimum lot size for the construction of a dual occupancy on a lot zoned RU5 Village.

John Holland Rail

John Holland Rail was notified of the proposed development as proximate landowner as the proposal did not trigger a formal referral under the *State Environmental Planning Policy (Infrastructure) 2007*.

John Holland Rail subsequently provided the following comments:

“...it is proposed to impose conditions as follows:

1. Stormwater management

- a. The applicant must provide JHR with written confirmation as to whether the overflow from the detention basin will eventually be discharged into the rail corridor.*
- b. If so, stormwater only is discharged into the rail corridor subject to the applicant's removal of all containments from industrial use.*
- c. Post-development flow rates and velocity are no more than pre-development flow rate and velocity.*
- d. The Stormwater discharge into the rail corridor must be controlled and directed into a drainage path in order to prevent scour.*

Reason for condition

The Statement of Environmental Effects states that there is no formal stormwater drainage system that services the site and stormwater from the site is either capture on site for water supply purposes, or returned to the catchment via natural channels, roadside drainage lines and culverts. However, it is not clear whether there is any intention to discharge stormwater into the rail corridor.

2. Noise and vibration

*An easement for train noise and vibration must be registered on the subdivided lots to benefit T in accordance with terms and conditions stipulated in a draft Section 88B Instrument (**attached**) as this rail corridor is currently in operation.*

Reason for condition

The Guideline provides that for development that is in or adjacent to a rail corridor the consent authority must be satisfied that the development would not be adversely affected by rail noise and vibration due to the volume of traffic the rail line carries. Please be advised that the ownership of the CRN was transferred from RailCorp to TAHE effective from 1 July 2020. As such, TfNSW is currently reviewing the draft to reflect such a change. Upon receipt of the amended draft, I will forward it to Council.

In addition, it is requested that Council consider the ISEPP 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline (2008) (Guideline) <http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf> in its assessment of the DA.

With regard to proposed Condition 1, it is considered unnecessary to apply the proposed condition. Council's Infrastructure Services Department has confirmed that the local storm water infrastructure that the OSD will discharge to does not ultimately discharge to the rail corridor.

With regard to Condition 2, it is noted that Council will consider *the ISEPP 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline (2008) (Guideline)* <http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf> in the assessment of an Development Application of a new dwelling.

As is the case for other dwellings built in close proximity of the rail corridor, any new dwelling will need to meet the relevant acoustic standard.

The issues identified in the submissions were forwarded to the applicant to address prior to finalization of the report. The applicant subsequently amended the proposed layout of the subdivision to address a number of the concerns raised in the submissions.

Section 4.15(1)(e) The public interest

The proposed development 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.

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:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|----------|---------------------|----------|
| 1 | Proposed Conditions | 18 Pages |
| 2 | Plan - Stage 1 | 1 Page |
| 3 | Plan - Stage 2 | 1 Page |

Attachments (separate document)

- | | | |
|----------|-------------|----------|
| 4 | Submissions | 75 Pages |
|----------|-------------|----------|
- 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.*

Approved Plans

1. Development in Accordance with Approved Plans & Documentation

Development is to take place in accordance with:

Plan / Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Peter Basha Planning & Development		
Figure 4	Proposed Subdivision -Stage 1	Peter Basha Planning & Development	-	25/05/2021
Figure 5	Proposed Subdivision – Stage 2	Peter Basha Planning & Development	-	25/05/2021

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. Sign – Subdivision Works

A sign is to be erected in a prominent position on any site on which subdivision work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out.

Stage 1**Prior to Issue of a Construction Certificate****1. Engineering Plans**

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 3, 8, 11 and 13. Further, the works are to comply with WBC Guidelines for Engineering Works.

2. Traffic and Pedestrian Management Plan

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

3. Soil & Water Management Plan

The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

4. Construction Certificate – Subdivision

Unless the development is deemed as exempt, the applicant is to obtain a Construction Certificate for engineering works pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which compliments the detail provided in the development consent, that the proposed works are in accordance with WBC Guidelines for Engineering Works, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

Prior to Works Commencing

5. Public Liability Insurance

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

During Construction

6. Engineering Inspections

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

	COLUMN 1	COLUMN 2
A	New Gate – Rural Crossing	* Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
B	Erosion and Sediment Control	* Prior to the installation of erosion measures.
C	All Development & or Subdivision Works	* Practical completion.
D	Road Openings	* Upon completion of works.

7. Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan must be prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

If Naturally Occurring Asbestos is identified, no further works may be undertaken until an Asbestos Management Plan is prepared to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

8. New Gate – Rural

An all-weather 2WD vehicular access is to be constructed to each proposed entrance. Such access shall include:

- (a) a gate or stock grid set back a minimum distance of fifteen (15) m from the edge of the public road.
- (b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.

(c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

Note: Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved.

9. Overhead Wires – Clearance

All entrances are to have adequate clearance from the top surface of the footway crossing/s as constructed, to the underside of any overhead electricity or telephone wires, to the satisfaction of the electrical authority and/or relevant telecommunications authority respectively. Written evidence of compliance with the Authority's requirements is to be provided to Council.

10. Access Driveway — Battleaxe Lots

The construction is to occur, within and for the full length of the access handle of Lot 24 and over the footway, of a purpose built stabilized gravel driveway providing the following issues are addressed:

- a) The gravel source must be tested by a NATA qualified Geotechnical Office to recommend the type and percentage of additive to obtain an Unconfined Compressive Strength of 3-5Mpa. The pavement design must have final Council approval.
- b) If the gravel has a higher Plasticity Index than 6% the additive should be lime based. If it is less than 6% it should be cement based.
- c) The placement of the stabilized gravel is to be undertaken by a competent contractor who shall follow the "Austab Guidelines for Small Stabilization Jobs" when constructing the driveway.
- d) A Relative Dry Density Compaction test must exceed 100% Standard M.D.D.
- e) The gravel depth is to be 150mm minimum.
- g) Prior to final approval the driveway will need to be inspected by Council.

11. All-Weather Internal Road

A 4 metre wide all-weather 2WD vehicular access is to be constructed from Glenorie Rd to the property boundary of Lot 24. This access roadway is to be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with WBC Guidelines for Engineering Works.

12. Site Management

The site shall be managed so that:

- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
- (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
- (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

13. Water Connection

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential and open space lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

The existing water service that crosses proposed Lot 25 to currently connect water to Lot 287 DP 1018875, is to be relocated so as to service the property directly from the water main in Glenorie Road in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with WBC Guidelines for Engineering Works.

14. Relocate Utility Services

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

Prior to Issue of Subdivision Certificate
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15. Electrical and Telecommunications Authorities - Subdivision

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority, for the provision of underground electrical power to serve each lot.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

16. Creation of an Easement

The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919, to address water supply. The easement will be in favour of Lot 24, it will have a minimum width of 2 metres, and be centrally located over Lot 25.

The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919, to address access. The easement will be in favour of Lot 24, it will have a minimum width of 6 metres and be centrally located over Lot 25.

17. Final Plan of Survey

The final plan of survey is to show:

- a) an easement for water supply 2 metres wide within Lot 25 in favour of Lot 24.
- b) An easement for right of access 6 metres wide over access from Glenorie Road within Lot 25 in favour of Lot 24.

18. Section 7.11 Contributions

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$6,563 per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

19. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

20. Rural Address Number

The rural address number must be displayed at the entrance of the property in a prominent position that is visible from the road, within fourteen (14) days of the number plate(s) being provided by Council.

21. Provision of Rural Address Number(S)

The location of each eligible entrance shall be established and a number allocated, based upon measurements taken by the Principal Certifying Authority, which will be in accordance with Standard AS/NZS 4819:2003.

22. Erection of Rural Address Number(S)

The designated number plate(s) shall be obtained and erected in accordance with the *Specifications for Erection of Rural Address Numbers* as supplied by Council.

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

Note: These plates are available from Council at the fee specified in Council's Fees and Charges.

Ongoing Matters

23. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to a legal point of discharge in accordance with WBC Guidelines for Engineering Works.

Stage 2**Prior to Issue of a Construction Certificate****24. Engineering Plans**

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 25, 26, 29, 30, 31, 36, 43, 44, 46, 47 and 66. Further, the works are to comply with WBC Guidelines for Engineering Works.

25. Traffic and Pedestrian Management Plan

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

26. Soil & Water Management Plan

The developer is to submit a soil and water management plan for the site in accordance with WBC Guidelines for Engineering Work.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

27. Construction Certificate – Subdivision

Unless the development is deemed as exempt, the applicant is to obtain a Construction Certificate for engineering works pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which compliments the detail provided in the development consent, that the proposed works are in accordance with WBC Guidelines for Engineering Works, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

28. Construction Certificate – Engineering Works

The applicant is to obtain a Construction Certificate from Council, for the engineering work required by conditions 25, 26, 29, 30, 31, 36, 43, 44, 46, 47, and 66. The Construction Certificate is to be obtained prior to works commencing. Design shall be in accordance with WBC Guidelines for Engineering Works.

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

29. Earthworks Plan

The applicant is to submit a detailed bulk earthworks plan to the satisfaction of the Blayney Shire Department of Infrastructure Services and Department of Planning and Environmental Services.

Proposed bulk earthworks must not have a detrimental impact on adjoining property owners or the character of the area (i.e. the landform across the subject property must not be significantly altered).

30. Design New Road to Engineering Standard

Proposed road is to be designed in accordance with WBC Guidelines for Engineering Works as an urban cul-de-sac.

31. Stormwater Management and Detention Basin

A stormwater report must be submitted to the satisfaction of the Blayney Shire Council Infrastructure Services Department. The stormwater report must determine the extent of the 1% AEP storm event for the catchment above the development.

The developer is to design and construct a stormwater system and detention basin to accommodate a 1% AEP storm event and the increase of pre-development stormwater run-off to Council's satisfaction.

The stormwater report and detention basin is to conform to Australian standards in design and construction, including Australian Rainfall and Runoff (2019), NSW Floodplain Development Manual, and WBC Guidelines for Engineering.

32. Landscape Plan – Street Trees

The applicant is to provide Council with a landscape plan for street trees in accordance with Part F7.7 Public Domain Landscaping & Street Trees, of the Blayney Development Control Plan, 2018

The plan must include details of street tree species, planting detail and planting locations.

The plan is to be approved by Council's Department of Infrastructure Services and Department of Planning and Environmental Services, prior to the commencement of works.

33. Landscape and Fencing Plan – Perimeter Treatment

The applicant is to submit a tree removal plan, amended landscape and fencing plan to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The tree removal plan must show all trees proposed to be removed from the subject property based on the requirements the detailed engineering design.

Where possible and suitable to the approved development, existing trees should be retained.

The amended landscape plan must show:

Approved Lots 13, 14 and 22

- A planting schedule for the 3m wide landscape buffer, including tree and shrub species, appropriate size or maturity of species for planting and spacing.

Approved Lots 2, 3, 4, 5, 6, 7, 8, 9

- A planting schedule for an evergreen hedge, including species, appropriate size or maturity of species for planting and spacing.

Approved Lot 1

- A planting schedule for the approved On-site Stormwater Detention basin, including tree and shrub species, appropriate size or maturity of species for planting and spacing.

The amended fencing plan must show:

Approved Lots 13, 14 and 22

- Construction details for a 1.8m high hardwood timber paling fence within Lots 13, 14 and 22. **(Note: The hardwood timber palings must face Lot 287 DP1018875).**
- Means of separate access between the landscape buffer and the approved Lots 13, 14 and 22 (i.e. a gate through the hardwood timber paling fence).

Approved Lots 2, 3, 4, 5, 6, 7, 8, 9

- Construction details for a 1.8m high hardwood timber paling fence along the western boundaries of Lot 2, 3, 4, 5, 6, 7, 8, 9.

(Note: The hardwood timber palings must face Lot 1 DP121337).

Prior to Works Commencing

34. Public Liability Insurance

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection

report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

During Construction

35. Engineering Inspections

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

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
B	Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
C	Sewerage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
D	Concrete Footway Crossings	<ul style="list-style-type: none"> * After placing of formwork and reinforcement, and prior to concrete placement;
E	Erosion and Sediment Control	<ul style="list-style-type: none"> * Prior to the installation of erosion measures.
F	All Development & or Subdivision Works	<ul style="list-style-type: none"> * Practical completion.
G	Road Openings	<ul style="list-style-type: none"> * Upon completion of works.

36. Construct Road Shoulder, Kerb and Gutter

The road shoulder is to be constructed and sealed, and the barrier kerbing and guttering, is to be constructed, to include the provision of street drainage where necessary, in Glenorie Rd, for the full frontage of the subject land, to comply with *WBC Guidelines for Engineering Works*.

37. Footway Crossing – Square

A 3m wide vehicular crossing(s) over the footway adjacent to the proposed ingress/egress point(s) of Lot 24 is to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*.

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

Note: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval

38. Close Existing Access

The existing access to the subject land from Forest Reefs Road, is to be closed and access to the property is only to occur via the new access required by Condition No 30.

39. Overhead Wires – Clearance

The new intersection shall have adequate clearance from the top surface of the footway crossing/s as constructed, to the underside of any overhead electricity or telephone wires, to the satisfaction of the electrical authority and/or relevant telecommunications authority respectively. Written evidence of compliance with the Authority's requirements is to be provided to Council.

40. Street Signs

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

41. Street Lighting

The applicant is required to provide appropriate street lighting for the whole of the development with design in accordance with AS 1158 and the requirements of Essential Energy who will be responsible for maintenance.

Energy saving lighting fixtures shall be used.

42. Site Management

The site shall be managed so that:

- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
- (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
- (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

43. Interallotment Drainage

The developer is to construct inter allotment drainage to drain all lots, including previously created Lot 24, not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and *WBC Guidelines for Engineering Works*.

44. Energy Dissipating Structure

An energy dissipating structure is to be constructed at the outlet into the detention basin at the point where the storm water from the development will enter the basin, in accordance with *WBC Guidelines for Engineering Work*.

45. Water Connection

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential and open space lot, including previously created Lot 24, in accordance with the Local

Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

46. Separate Water Service

The applicant is to ensure that the water service to each lot, including previously created Lot 24, is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

47. Sewer Connection

The construction of sewer mains is to occur, such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, including previously created Lot 24, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

48. Relocate Utility Services

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

49. Clearance From Power Lines

Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.

50. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH), and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

51. Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, Clause 432 of the Work Health and Safety Regulations 2017 (as amended) requires that a site-specific Asbestos Management Plan must be prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).

If Naturally Occurring Asbestos is identified, no further works may be undertaken until an Asbestos Management Plan is prepared to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

Prior to Issue of Subdivision Certificate**52. Electrical and Telecommunications Authorities - Subdivision**

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority for the provision of street and pathway lighting and for the provision of underground electrical power, respectively, to serve each lot.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

53. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 30, 31, 36, 42, 43, 54, 59, 60, and 64 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Additionally, installation and material costs for the works required by Conditions 30, 31, 36, 44, 46, and 64 are to be provided to council alongside the Works as Executed Plan.

54. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by condition(s) 30, 36, 43, 46, 47, 50, 53, and 69 has/have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

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

55. Creation of an Easements and Restrictions**Stormwater**

The development will require the creation of an easement over all pipelines conveying road and interallotment drainage, under Section 88B of the Conveyancing Act 1919, to address stormwater drainage. The easement will be in favour of Council, it will have a minimum width of 3 metres and be centrally located.

Landscape

The development will require the creation of a restriction on user under Section 88B of the Conveyancing Act 1919, to address landscaping.

The restriction on user must be applied to approved lots 13, 14 and 22 consistent with the approved plan *Figure 5 – Proposed Subdivision – Stage 2* dated 25/05/2021.

The restriction must require that the 3m landscape buffer be used for the purpose of landscaping only and that it be landscaped in accordance with the approved landscape plan at all times, unless otherwise agreed by the Blayney Shire Council.

Fencing

The development will require the creation of a restriction on user under Section 88B of the Conveyancing Act 1919, to address fencing.

The restriction on user must be applied to Lots 1 – 22, inclusive.

The restriction must require that the side and rear boundaries of Lots 1 – 22, inclusive, only be fenced with hardwood timber palings, unless otherwise agreed by the Blayney Shire Council.

56. Section 7.11 Contributions

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$6,563 per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

57. Sewerage Headworks

The applicant shall contribute \$7,500 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

58. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

59. Road Inspection Fee

Payment of \$14.50 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

60. Dedication of Detention Basin

The developer is to undertake dedication of certain land, that being

- (b) dedication of Lot 1 as drainage reserve(s),
- (c) transfer to Council of Lot 1 for drainage management,

under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site).

61. Dedication of Road Widening

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

62. Road Construction Bond

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

63. Easement For Sewer

The final plan of survey is to show an easement for sewer over all lots affected and in favour of Council. Easements are to be created in accordance with *WBC Guidelines for Engineering Works*.

64. Landscaping and Fencing

All landscaping and fencing shown on the plan required under Conditions 32 and 33 must be installed and constructed to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

65. Decommission On-site Effluent Management Systems

Prior to the issue of a Subdivision Certificate, approval must be obtained under Section 68 of the *Local Government Act 1993* to decommission the existing on-site effluent management systems within Lot 24 and Lot 25 and connect to the reticulated sewer network.

Particular standards for decommissioning the on-site effluent management systems will be specified as part of approval under Section 68 of the *Local Government Act 1993*.

Ongoing

66. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to the proposed detention basin, thence Council's underground drain in Forest Reefs Road in accordance with *WBC Guidelines for Engineering Works*.

67. Landscaping and Fencing

The landscaping and fencing required under Condition 33, must be maintained in perpetuity unless otherwise agreed by the Blayney Shire Council Department of Planning and Environmental Services.

Essential Energy – Stage 1 and 2

If the proposed development changes, there may be potential safety risks and it is recommended

that Essential Energy is consulted for further comment.

As part of the subdivision, as required by Essential Energy, 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.

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) must be 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.

Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. 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.

Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the 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."

Advisory Notes**Notice of Commencement.**

AN1. 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.

Trees

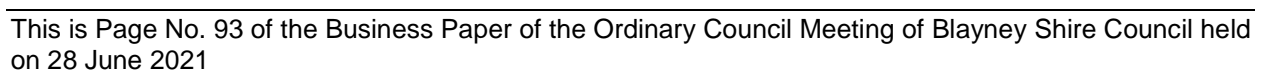
The Developer should consult with the Blayney Shire Council Manager Parks and Gardens regarding the use of the existing avenue planting of trees as street trees in Stage 2 of the approved development.

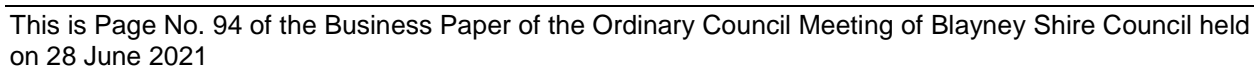
Dial Before You Dig

AN2. Dial Before You Dig. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or panning activities.

Telecommunications Act 1997 (Commonwealth)

AN3. Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.





08) REPORT OF COUNCIL INVESTMENTS AS AT 31 MAY 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 31 May 2021 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

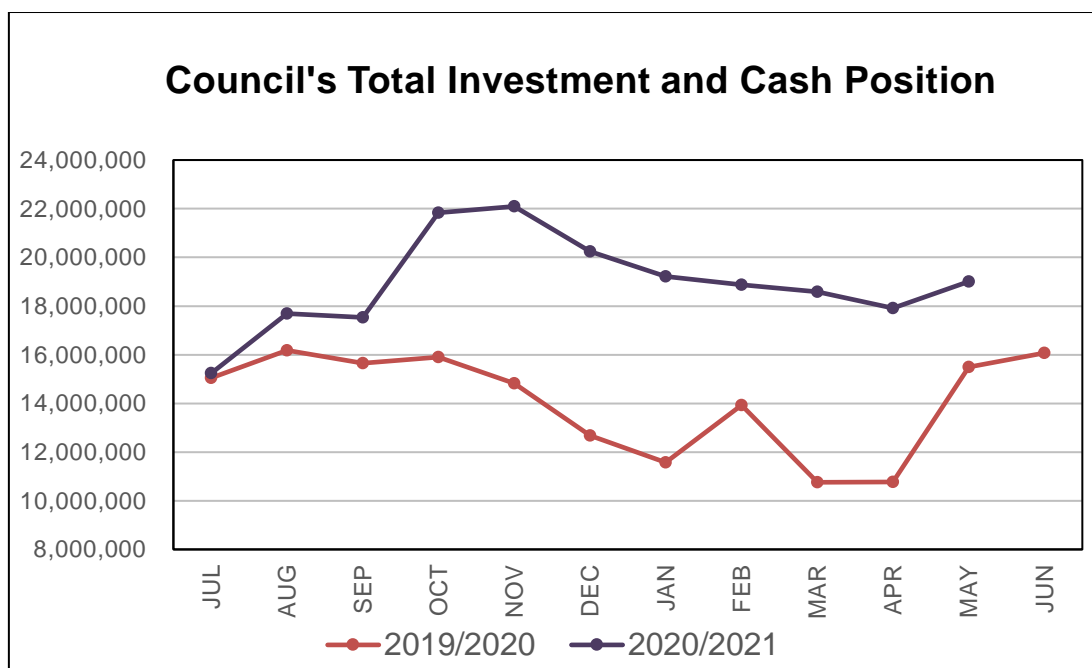
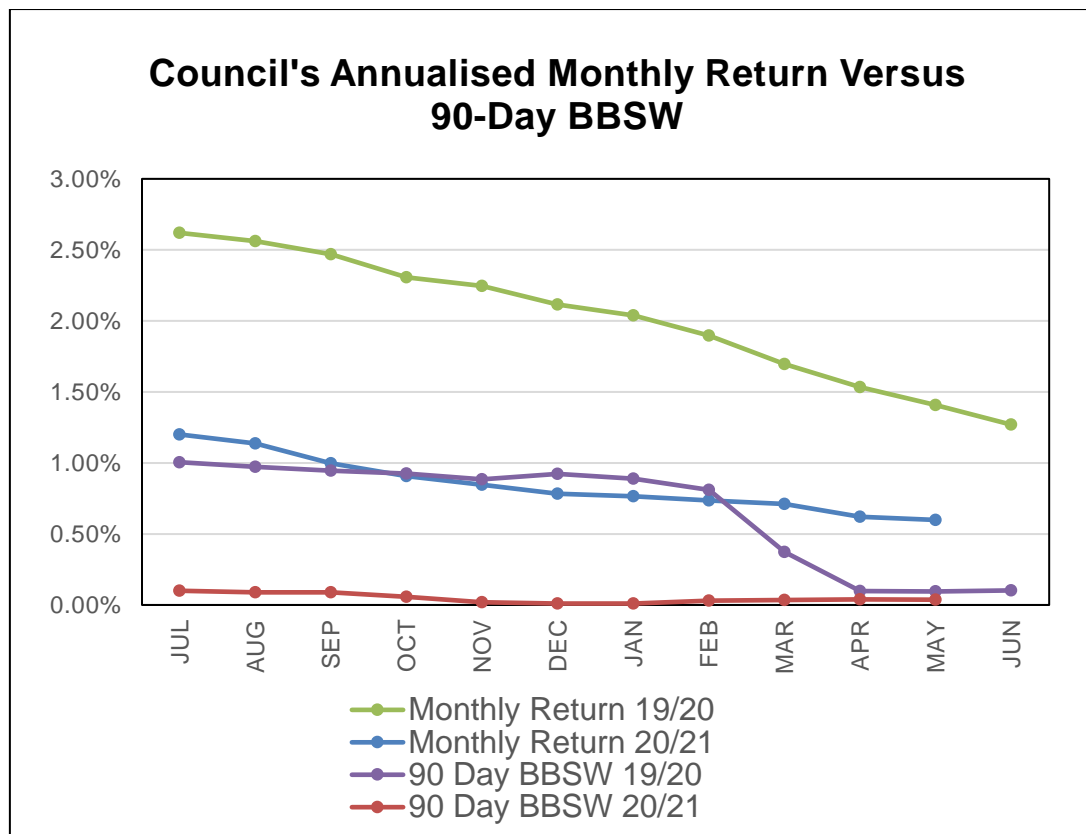
For Council to endorse the Report of Council Investments as at 31 May 2021.

Report:

This report provides details of Council's Investment Portfolio as at 31 May 2021.

Council's total investment and cash position as at 31 May 2021 is \$19,009,053. Investments earned interest of \$8,595 for the month of May 2021.

Council's monthly net return on Term Deposits annualised for May of 0.60% outperformed the 90 day Bank Bill Swap Rate of 0.04%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 MAY 2021					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
Bank of Queensland	Curve	A2/BBB+	01/06/2021	500,000	0.450%
Westpac	Direct	A1+/AA-	01/06/2021	500,000	0.940%
Westpac	Direct	A1+/AA-	08/06/2021	500,000	0.940%
Westpac	Direct	A1+/AA-	22/06/2021	500,000	0.980%
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%
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%
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%
Total Investments				16,500,000	0.580%
Commonwealth Bank - At Call Account ⁽¹⁾				509,753	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				1,999,300	0.000%
TOTAL INVESTMENTS & CASH				19,009,053	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾			0.036%
		RBA Cash Rate ⁽¹⁾			0.100%

1. % Interest rates as at end of reporting period

Summary of Investment Movements - May 2021		
Financial Institution	Investment/(Recall) Amount \$	Commentary
NAB	(504,372)	Term Deposit Matured 11/05/2021
NAB	500,000	Term Deposit Reinvested 11/05/2021
NAB	(500,992)	Term Deposit Matured 18/05/2021
NAB	500,000	Term Deposit Reinvested 18/05/2021
NAB	(504,986)	Term Deposit Matured 25/05/2021
NAB	500,000	Term Deposit Reinvested 25/05/2021

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%	73%	12,000,000
A- Category	40%	12%	2,000,000
BBB+ Category ⁽²⁾	30%	3%	500,000
BBB Category ⁽²⁾	10%	9%	1,500,000
BBB- Category and below: Local ⁽³⁾ ADI's	5%	3%	500,000
			16,500,000

2. BBB+ / BBB categories are not to exceed 30% collectively

3. ADI's located within the Local Government Area

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	500,000	500,000
MyState Bank Ltd	A2/BBB	500,000	500,000
NAB	A1+/AA-	5,000,000	4,500,000
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
External Restrictions	9,304	8,453
Internal Cash Restrictions	6,391	4,291
TOTAL RESTRICTED ASSETS	15,695	12,744

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 s.625 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

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

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CM.PL.1

Recommendation:

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.

Reason for Report:

For Council to endorse the 2021/22 – 2024/25 Delivery Program and 2021/22 Operational Plan, pursuant to s.404 and 405 of the Local Government Act (1993).

Report:

Public exhibition of Council's 2021/22 – 2024/25 Delivery Program and 2021/22 Operational Plan concluded on 17 June 2021, in accordance with the Council resolution of 17 May 2021. Council adhered to the mandatory exhibition period of 28 days as required under the Local Government Act 1993, in order to allow sufficient time for all members of the community to become aware of the plans and programs proposed in the Long Term Financial Plan.

Fundamentally, the legislation requires the development and adoption of an operational plan and revenue policy annually. Council's 2021/22 Operational Plan identifies the specific actions to be completed in year 1 under each of the 4 year objectives expressed in the 2021/22 – 2024/25 Delivery Program.

It is a requirement that any submissions received be considered by Council in the process of finalisation and adoption of the draft plans. Council received 2 submissions on the 2021/22 – 2024/25 Delivery Program and 2021/22 Operational Plan. Submissions made are on the following matters and are attached:

- King George Oval – Seasonal hire fees by Blayney Bears Senior Rugby League Club
- Central West Equestrian and Livestock Centre – Sand levy by Central Tablelands Working Equitation group

Changes to be made to Council's 2021/22 – 2024/25 Delivery Program and 2021/22 Operational Plan in light of these submissions will be subject to determination by Council.

Statement of Rating Structure 2021/22

The rate peg increase to Council's rate yield for the 2021/22 financial year was set by IPART at 2%. As proposed, this increase has been spread evenly across the base rate and ad valorem amount to maintain equity in the rating structure and ensure increases are spread evenly. The following amendments to rate categories are included:

Farmland

An increase of the base rate amount by \$10 to \$560 has been applied. The average rate has increased from \$3,024.26 in 2020/21 to \$3,080.30.

Business

An increase of the base rate amount by \$12 to \$445 has been applied. The average for the Business sub-categories range from \$1,086.71 to \$1,286.76. For reference the averages for the 2020/21 year ranged from \$1,048.77 to \$1,280.91.

Residential

An increase of the base rate amount by \$12 to \$345 has been applied. The average for the Residential sub-categories range from \$698.38 to \$721.77. For reference the averages for the 2020/21 year ranged from \$678.44 to \$700.49.

Adoption of Council Fees and Charges for 2021/22

Council's Annual Charges and Schedule of Fees & Charges have also been exhibited. The Annual Charges for adoption are as shown in the recommendation of this report.

Capital Works Program 2021/22

Council's principal mechanism for carrying out capital works is a four year rolling capital works program and has been incorporated into the Delivery Program 2021/22 – 2024/25. The 2021/22 Capital Works Program included in the Operational Plan details the individual projects and works that will be undertaken in 2021/22 to achieve the commitments made in the Delivery Program.

The Capital Works Program:

- Defines the capital projects that will help ensure the continued delivery of Council services;
- Allows advance planning of projects, including investigation, design and documentation;
- Is a key component of Council's infrastructure financing, planning maintenance and replacement strategy;

While inevitably refinements to the program will be made, it is appropriate and necessary to have the basis of a longer term schedule to allow appropriate planning both within the community and Council.

Section 356 Financial Assistance

Also detailed within Council's Operational Plan is the Schedule of Annual Financial Assistance funded through the Blayney Shire Council Community Financial Assistance Program under s.356 of the Local Government Act. An amount of \$100,000 has been provided for in 2021/22 under this program.

Council also has provision in the 2021/22 Operational Plan for other programs that provide financial assistance including the Local Heritage Assistance Program, Youth Week Grants Program, Tourism Event Development Fund and Village Enhancement Program incorporating the Development Coordinator Program.

Amendments since the draft Operational Plan

Amendments of significance are summarised below:

Council's 2021/22 Operational Plan budget proposes an operational deficit forecast of (\$1.25m) before capital grants and contributions, down from (\$1.33m). This consists of a forecast deficit for the General Fund of (\$1.43m) down from (\$1.51m) and a surplus for the Sewer Fund unchanged of \$177k.

A reduction in operating income \$168k including operating grants of \$46k to align forecast Roads to Recovery income with the 2021/22 allocation. A further reduction in capital grants & contributions of \$122k to fund the replacement of the Boondaroo Bridge with works commenced in 2020/21.

A reduction in operating expenditure of \$129k to align the Rural Fire Services Contribution with the instalment notified being much less than anticipated.

The Delivery Program 2021/22 – 2024/25 and Operational Plan 2021/22 is the culmination of an intense period of work for Council.

Whilst the integrated planning and reporting requirements now in place under the Act are the catalyst to the change, the key driver of the change has been the community engagement underpinning and expressed through the Blayney Shire Community Strategic Plan, and the framework this provides for the objectives and actions expressed in the Operational Plan.

The adoption of this document is part of the bigger picture that will set us on our path to the Blayney Shire that all stakeholders – the community, councillors and staff would all like to experience in the future.

Risk/Policy/Legislation Considerations:

Council is obligated under s.405 to adopt the Operational Plan before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year. As part of the adoption process consideration must be given to submissions that have been made concerning the draft plan.

Budget Implications:

The financial implications of this report are detailed in the 2021/22 – 2024/25 Delivery Program and 2021/22 Operational Plan.

Enclosures (following report)

- | | | |
|----------|---|--------|
| 1 | Submission 1: Blayney Bears Senior Rugby League Club | 1 Page |
| 2 | Submission 2: Central Tablelands Working Equitation group | 1 Page |

Attachments (separate document)

- | | | |
|----------|---|----------|
| 3 | 2021/22 - 2024/25 Delivery Program and 2021/22 Operational Plan | 96 Pages |
|----------|---|----------|

From: [REDACTED]
To: [Revenue Team; Blayney Shire Council](#)
Cc: [REDACTED]
Subject: IEM/62641 - Fwd: Blayney Shire Council
Date: Tuesday, 6 April 2021 2:39:58 PM
Attachments: [70571_4879.pdf](#)

Dear Blayney Shire Council,

The Blayney Bears Senior Rugby League Club are requesting a reduction in King George Oval ground hire fees for the 2021 season (see attached invoice).

This request is made on the basis that we are only fielding 2 teams this year. This is a 50% reduction in our usual number of teams and therefore a significant reduction in usage of the grounds.

Kind regards

[REDACTED]
 Treasurer | Blayney Bears Senior Rugby League Club
 [REDACTED]

From: [REDACTED]
Sent: Friday, 26 March 2021, 4:55 pm
To: [REDACTED]
Subject: Fw: Blayney Shire Council

From: revenue@blayney.nsw.gov.au <revenue@blayney.nsw.gov.au>
Sent: Friday, 26 March 2021 3:33 PM
To: [REDACTED]
Subject: Blayney Shire Council

Please find attached invoice for payment.

Kind Regards,

Blayney Shire Council Revenue Team
 PO Box 62 Blayney NSW 2799
 p - 02 6368 2104 | e - revenue@blayney.nsw.gov.au | w - www.blayney.nsw.gov.au

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 by NetIQ MailMarshal
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Disclaimer
 The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure,

From: [Central Tablelands Working Equitation](#)
To: [REDACTED]
Subject: IS/63583 - Fees and charges 21-22
Date: Saturday, 15 May 2021 7:50:06 AM

Good morning Nikki

Thankyou for the hard work the Blayney Council puts in to try and please all the user groups of the Blayney Show ground I appreciate how difficult this must be at times.

The Central Tablelands Working Equitation group asks the Sand Levy (\$5 per rider/ per event) paid in arrears every 6 months be removed from the fees and charges list until the Arena surface is sorted out and a accurate costing is available.

Regards

[REDACTED]

CTWEQ

Secretary

Sent from [Mail](#) for Windows 10

10) 2021/22 COUNCILLOR AND MAYORAL REMUNERATION**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** CM.CI.1**Recommendation:**

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.

Reason for Report:

For Council to determine Councillor and Mayoral Remuneration for the 2021/22 year following receipt of the determination from the Local Government Remuneration Tribunal.

Report:

Council is now in receipt of the Tribunal's 2021 Annual Report and Determination and is now in a position to determine 2021/22 fees.

The Tribunal's report and determination provides details of the matters and submissions that it had taken into account in its determination. The Tribunal has determined that an increase of 2% increase in fees for councillors and mayors was appropriate.

Blayney Shire Council is one of the 57 councils within the Rural Council category determined under s.239 of the Local Government Act for the purposes of the annual fees. A comparison of 2020/21 fees to the relevant 2021/22 scale of fees for this category is shown below:

	Minimum \$	Maximum \$	Current Fees \$
Councillor	9,370	12,400	12,160
Mayor (payable in addition to Councillor fee)	9,980	27,060	26,530

Council also has included in the Payment of Expenses and Provision of Facilities to Mayor and Councillors policy a data allowance of up to 50% reimbursement of data charges associated with home internet and telephone up to a maximum value determined by Council annually. This monthly allowance currently stands at a maximum of \$50 and has not been increased

since adoption. It is proposed to increase this amount to \$75 to cover any cost increases to home internet and telephone.

The Tribunal's report also provides an outline of the 2021 Review of Councillor and Mayoral remuneration and references that they were unable to ascertain if some submissions were endorsed by Council. It concludes that it is the expectation of the Tribunal that in the future all submissions have council endorsement. Accordingly, future submissions by Council will require endorsement by the elected body prior to lodgement.

Risk/Policy/Legislation Considerations:

Under s.248 of the Local Government Act Council may fix an annual fee, and in doing so must fix it in accordance with the appropriate determination of the Remuneration Tribunal.

Budget Implications:

Provision for indexation of 2.5% to Mayoral and Councillor fees was included in the 2021/22 Operational Plan.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|----------|
| 1 | Local Government Remuneration Tribunal Report and Determination | 16 Pages |
|---|---|----------|

11) ADOPTION OF COMPLAINTS MANAGEMENT POLICY**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1**Recommendation:**

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

Reason for Report:

For Council to adopt the Complaints Management Policy and it be included in Council's policy register.

Report:

Council at its meeting held 17 May 2021 resolved to place the Complaints Management Policy on public exhibition.

The Complaints Management Policy provides a framework to ensure complaints received are dealt with courteously, investigated thoroughly, resolved quickly and appropriately, in accordance with the relevant statutory requirements and this policy and procedure. It has been amended to align it with the NSW Ombudsman's Office Model Complaint Handling Policy.

The closing date for public exhibition of the above policy was 17 June 2021 and no submissions were received by Council.

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

Risk/Policy/Legislation Considerations:

Adoption of the policy will assist Council to formalise its complaint management framework.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 2C Complaints Management Policy

15 Pages

12) ADOPTION OF PATHWAY HIERARCHY, STANDARD AND MAINTENANCE POLICY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

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

Reason for Report:

For Council to adopt the Pathway Hierarchy, Standard and Maintenance Policy and it be included in Council's policy register.

Report:

Council at its meeting held 19 April 2021 resolved to place the Pathway Hierarchy, Standard and Maintenance Policy on public exhibition.

The Pathway Hierarchy, Standard and Maintenance Policy a pathway policy is required for Council to:

- Improve Council's Asset Management Framework and provide documented support for the assumptions contained in the Transportation Asset Management Plan;
- Determine Council's levels of service for the construction of new or renewed pathways: and
- Determine the levels of service for the maintenance of the existing pathway network.

The closing date for public exhibition of the above policy was 20 May 2021 and no submissions were received by Council.

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

Risk/Policy/Legislation Considerations:

Adoption of the policy will enable Council to complete the Statewide Mutual Continuous Improvement Plan for Footpaths and seeks to mitigate Council's exposure to Public Liability claims into the future.

Budget Implications:

Nil.

Attachments (separate document)

- 1 25H Pathway Hierarchy Standard and Maintenance Policy

7 Pages

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

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: FM.AU.1

Recommendation:

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

Reason for Report:

For Council to endorse the minutes of the Blayney Shire Audit Risk and Improvement committee meeting held 2 June 2021.

Report:

The minutes of the Audit, Risk and Improvement Committee held 2 June 2021 are tabled below.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING
HELD IN THE CHAMBERS, CABONNE COUNCIL, ON 2 JUNE 2021,
COMMENCING AT 1.35PM**

Present: Phillip Burgett (Independent - Chair), Donna Rygate (Independent), Cr. David Somervaille (Councillor), Rebecca Ryan (General Manager), Anton Franze (Director Corporate Services – Secretariat), Tiffaney Irlam (Chief Financial Officer), Karen Taylor (NSW Audit Office) - via teleconference.

AUDIT OFFICE UPDATE

Meeting commenced with presentation from Karen Taylor, NSW Audit Office, on the New South Wales Auditor-General's Report to Parliament on the Report on Local Government 2020.

Recommendation:

That the update from the NSW Audit Office be noted.

David Somervaille / Donna Rygate

Karen Taylor (NSW Audit Office) left meeting 2.05pm.

APOLOGIES

John O'Malley (Intentus - Audit Service Provider for NSW Audit Office), Vicki Walker (WHS & Risk Coordinator).

CONFIRMATION OF MINUTES

Recommendation:

That the Minutes of the Audit, Risk & Improvement Committee held on 10 March 2021 be confirmed.

Donna Rygate / David Somervaille

MATTERS ARISING FROM THE MINUTES

Nil

DISCLOSURES OF INTEREST

Nil

REPORTS

WHS AND RISK REPORT

Recommendation:

That the WHS and Risk Coordinator report be received and noted.

David Somervaille / Donna Rygate

CFO REPORT FOR PERIOD 1 MARCH 2021 – 31 MAY 2021

Recommendation:

That the Chief Financial Officer report on Finance activities be received and noted.

Donna Rygate / David Somervaille

REVIEW OF COUNCIL QUARRIES

Recommendation:

That the update on the proposed Legislative Compliance Review of Quarry Operations be received and noted.

That revised scope be finalised and circulated out of session for comment and input.

David Somervaille / Donna Rygate

SCHEDULE OF OUTSTANDING AUDIT RECOMMENDATIONS

Recommendation:

That the Schedule of Outstanding Audit Recommendations report be received and noted.

Donna Rygate / David Somervaille

PRESCRIBED FUNCTIONS ACTIVITY REPORT

Recommendation:

That the report on Prescribed Functions activities be received and noted.

David Somervaille / Donna Rygate

UPDATE ON MAJOR DEVELOPMENTS

Recommendation:

That the Update on Major Developments report be received and noted.

Donna Rygate / David Somerville

Meeting closed: 3.21pm

Risk/Policy/Legislation Considerations:

The Audit, Risk and Improvement Committee (the Committee) has been established to promote good corporate governance in Council. Good corporate governance of the Council ensures that the people of Blayney Shire receive the services that they need in an effective and efficient manner, delivered with honesty and integrity.

The objective of the Committee is to provide independent assurance and assistance to Council with respect to the following key areas as per s.428A of the Local Government Amendment (Governance and Planning) Act 2016. Such areas include compliance; risk management; fraud control; internal control; financial management; governance; service reviews; other matters prescribed by the regulations, and execution of Council functions.

The Committee is an independent advisory Committee that assists the Council to fulfil its oversight responsibilities.

Budget Implications:

Costs associated with holding of Committee meetings, sitting fees for independent members and associated service reviews / audits are provided for in Council's 2020/21 Operational Plan for this purpose.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) 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****High Pedestrian Activity Area (HPAA)**

Place Design Group has undertaken a stakeholder survey for Millthorpe with 277 responses.

Feedback has indicated that people predominantly attend Millthorpe by car or walk, and access via train is increasing, they love the heritage nature and atmosphere/community feel, although this is being impacted by the large numbers of tourists on weekends, making it difficult for locals to access services.

They desire increased/more consistent retail operating hours during the week, providing greater choice such as a bakery and butchery in order to not have to shop in Orange or Blayney. There is a clear demand for more parking and accessible public amenities, with improved footpaths/pedestrian access to link those amenities and shops. The slowing down of traffic is also raised as a matter to be addressed.

Place Design continue to review the extensive survey data and document ideas and concepts in preparation for a future community feedback and consultation workshop.

Blayney – Demondrille Railway

The Minister for Regional Transport and Roads, The Hon Paul Toole MP recently announced that Transport for NSW (TfNSW) had engaged SMEC Australia Pty Ltd to develop a concept design for the Cowra Lines. Previously the Feasibility Study for the lines identified that the lines had the potential to be economically viable when freight capacity on the Main Western Line is constrained in the future.

The concept (high level) design will investigate costs of reinstating the line, which will provide TfNSW with an improved level of certainty of the costs that can then be utilised in reviewing the Benefit Cost Ratio of reinstatement.

Major Contracts

KGO Change Rooms

Council has been working with 2 contractors to complete designs and costings for the new change rooms which is being funded through the Building Better Regions Fund from the Australian Government.

Tenders have closed and the project is subject to a separate Council report to recommend proceeding with a preferred contractor for the construction of the change rooms.

Major Works

Blayney Library

The new amenities project at the Blayney Library is taking shape with construction works expected to finish mid-July. Fit out of the new amenities is now underway with the building works complete. The reception desk relocation has been completed and the new automatic door is scheduled for installation by end of June.

Carcoar Street

Works are currently on hold until the end of August. Some minor topsoil dressing and concrete works have been completed when weather has permitted.

Road Maintenance Works

Road maintenance works including pot hole patching, vegetation management, gravel road maintenance and signage works have been undertaken on Errowanbang Road, Spring Terrace Road, Garland Road, Hobby's Yard Roads, Moorilda Road, Bentley Lane, Glenelg Road and Glen Gate Road.

Four Mile Creek Road Shoulder Works

Works are now complete.

Gravel Re-sheeting

Works have been completed on Gap Road and Beneree Road. Works on Neville-Trunkey road is currently underway. Works are scheduled for West Wimbledon Road.

Footpaths

Victoria Street Millthorpe Underpass Footpath

Bulk of the works are completed. There is currently a 6-8 week lead time on the ordering for the bollards and chain. Council has sought an extension of funding and are currently investigating what treatment can be made to the road surface.

Eulamore Street, Carcoar

The contractor has made quick progress, with works scheduled to be complete during the week commencing 21 June.

Plumb Street, Blayney

Works on Plumb Street are complete, except for the tie-in with the Carcoar Street footpath.

Assets

Assets staff are working with Finance to finalise end of year financial statements, including the Parks and Gardens revaluation, accounting for additions, reconciliations for infrastructure asset classes and the preparation of Notes and Schedules.

Preparation work has begun for the 2022 revaluation of Council's Sewer asset class.

Parks and Recreation

Routine maintenance continues including mowing, spraying and other activities across the sporting oval network, village areas, and the cemetery network.

The team has recently provided two bike rack installations with a colourful bicycle silhouette to highlight their existence to passing cyclists. They are located near the Council civic building rear access door, and outside Ryan's Bakery.

Following a request from CWELC user groups, independent advice was sought on possible surface modifications to improve horse footing on the CWELC indoor arena. A meeting with the preferred adviser, council staff and user groups offered an opportunity for the surface to be inspected, a solution to be discussed, and further advice on appropriate maintenance equipment offered.

Following an inspection of the local area, samples of locally sourced organic material, and the existing indoor arena sand will be delivered to the advisor for testing purposes to determine a suitable blend.

It is then proposed to arrange for the advisor to visit Blayney and undertake the blending and preparation of the surface.

User groups have been informed of the way forward and are supportive of Council's direction.

Newbridge Showground Pavilion Refurbishment

This building is complete. An extension of scope with remaining funds will involve lining the walls and installing a picture rail. This is expected to take 8 weeks.

Redmond Oval Junior Skate Park

A request for quotations has been issued and closes on 1 July. It is envisaged a successful contractor will be awarded shortly after.

Dakers Oval Amenities

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

Wastewater

The commissioning of the recycled water treatment plant has commenced with all equipment now in place and soft start has occurred. 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

Portable lift jacks, as part of the workshop modifications, have been delivered with training to be provided in week commencing 5 July. Lighting modifications to the pits have also been completed.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) WIND FARM EASEMENT DEED**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:**

Recommendation:

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.

Reason for Report:

For Council to provide approval for placement of the Council seal and signatures on the deed and associated documents for the easement for energy transmission to serve the Flyers Creek Wind Farm.

Report:

Flyers Creek Wind Farm is a NSW State Significant Project initially approved in 2014, and modified most recently in June 2019 (Mod 4) for the development of up to 38 turbines, and associated infrastructure.

Council, in conjunction with its legal representation (Pikes Verekers) have been in negotiation with Iberdrola (formerly Infigen Energy) over the past 18 months to consider and establish an easement over council road reserve for the powerlines associated with the Flyers Creek Windfarm.

Ordinarily easements within public road reserves are not required as the lines are owned by a distribution Network Service Provider (NSP) such as Transgrid or Essential Energy, and the Electricity Supply Act (1995) provides protections for this.

As development of the Flyers Creek Windfarm has progressed Iberdrola has decided that the 33kV network that stretches from the individual turbines back to the substation will be privately owned by themselves, and following negotiations with Transgrid that the 132 kV line that provides the connection from the substation to the existing Transgrid network will most likely be privately owned by Iberdrola. (proposed network map **attached**).

Council initially sought to establish a Deed of Lease, under similar terms and format as that for the Newcrest pipelines in the same area. However Iberdrola decided this was not their preferred way forward, and, had drafted a Guarantee, Easement Option Deed, and an Easement Deed on their behalf by Maddocks.

The Option Deed (attached) recognises that Flyers Creek Wind Farm Pty Ltd (FCWF) needs to undertake certain works on the easement land to construct and connect the wind farm to the power line. To facilitate this the Option Deed provides FCWF various rights and interests to enable this activity to occur.

The activity is considered to be the line and poles, towers and associated infrastructure (including switching stations), equipment and circuitry, access splays and track and cabling crossing, that is on the easement land. It is not related to those works located on privately owned lands, which are under separate agreements.

The Guarantee (attached) provides protections for council should the easement option not be exercised in part or at all, requiring FCWF to :-

- (a) effect and maintain public liability insurance for at least \$20,000,000;
- (b) comply with reasonable procedures and requirements from Council, and if;

the easement option is not exercised in part or all, require FCWF to reinstate those lands not subject to the easement under the option, to pre-development condition.

The Easement Deed (attached) provides the terms that the parties (Council and FCWF) agree to, to enable FCWF to secure an Easement for energy transmission along public road reserve for the period from the date of the deed to the date the wind farm is decommissioned.

Council has now received the above mentioned documents for the electricity supply easement for execution and Council approval is sought to this end.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

The Easement Deed provides for an annual fee, that has been determined based upon a valuation report and calculation provided by Egans Valuers, and is adjusted annually in line with CPI. Egans Valuers are suitably qualified valuers and have previously undertaken the valuations for the Cadia concentrate pipelines.

In summary the compensation provided is \$0.025/m² for the 33 kV and 132 kV overhead lines and \$0.0125/m² for the 33 kV and 132 kV underground cables.

It was agreed that increases to lease amounts beyond annual CPI adjustments, would also include a Market Review every 5 years.

Enclosures (following report)

Nil

Attachments (separate document)

- 1 Valuation Report 39 Pages

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.

16) PROPOSED ROAD CLOSURE - 184 BARRY ROAD**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.AD.1

Recommendation:

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.

Reason for Report:

To seek Council endorsement for the closure of a section of public road reserve through their property at 184 Barry Road, approximately 1.9km South of Barry.

Report:

Council has received a request from the owner of "Warwick" 184 Barry Road, Barry to close the unnamed council public road that dissects their land Lot 411 DP 750399.

The applicant cites their primary reason for the request is for the safety of their children, as the road passes less than 10 metres from their home, as well as directly past their cattle yards and through their paddocks.

As the road is ungated they report undisclosed cars travelling through the property at any time of the day or night, raising concerns such as the possibility of illegal hunting and rural crime, or the farms biosecurity.

The applicant also has concerns about the condition of the road making it difficult to traverse, and that this may result in vehicles being driven across their paddocks.

In accordance with NSW Department of Industry (Crown Roads) procedures, Council is required to undertake a defined process in order to progress such a request. The first steps (S38 - Roads Act 1993) in this, are to:-

- determine if the road is Council public road,
- determine if the closure is suitable,
- and identify if the road is constructed, prior to obtaining Council approval to progress with the closure proposal.

1. A review of Council records indicated the road is Council public road, and this was verified in a request to Crown Lands, whom advised that the road was authorised under the Roads and Streets Act 1833 (Act 4 William IV).
2. From where the road reserve intersects with Barry Road, it travels in a south westerly direction for approximately 1,100m. The road reserve is fenced on both sides for approximately 500m and then only on the southern side for the remaining 600m to the western boundary. The road services only the immediate property (the applicant) including the dwelling at Ch.250m. The first gate is located approximately Ch.340m from Barry Road to control stock crossing between the paddock and yards at this location.
3. The road is constructed for approximately 500m to Class 5 minor gravel road standard, becoming a farm track beyond the gate (340m).

Should Council resolve to close the road, Council is then required to undertake notification of the proposal (s.38B Roads Act 1993) by:-

- publication in the local newspaper,
- to all notifiable authorities,
- to adjoining owners,
- and others as prescribed in the regulation.

Risk/Policy/Legislation Considerations:

Council does not maintain the subject road, and it provides no current physical access to the adjoining property to the West, which is serviced via Corks Lane.

The Roads Act 1993 and Road Regulation 2018 provide Council with clear direction on the path forward to progress the closure.

Budget Implications:

Informal advice was provided to the applicant that costs including Council's road closure application fee, survey, legal and land purchase costs would be at full cost to them. With in-principle support indicated.

Council needs to consider the preferred method of valuing the land to be purchased.

The area of the road to be closed is approximately 2.3 Ha. A rudimentary valuation based upon unimproved land value for the applicant's property is estimated at \$18,200.

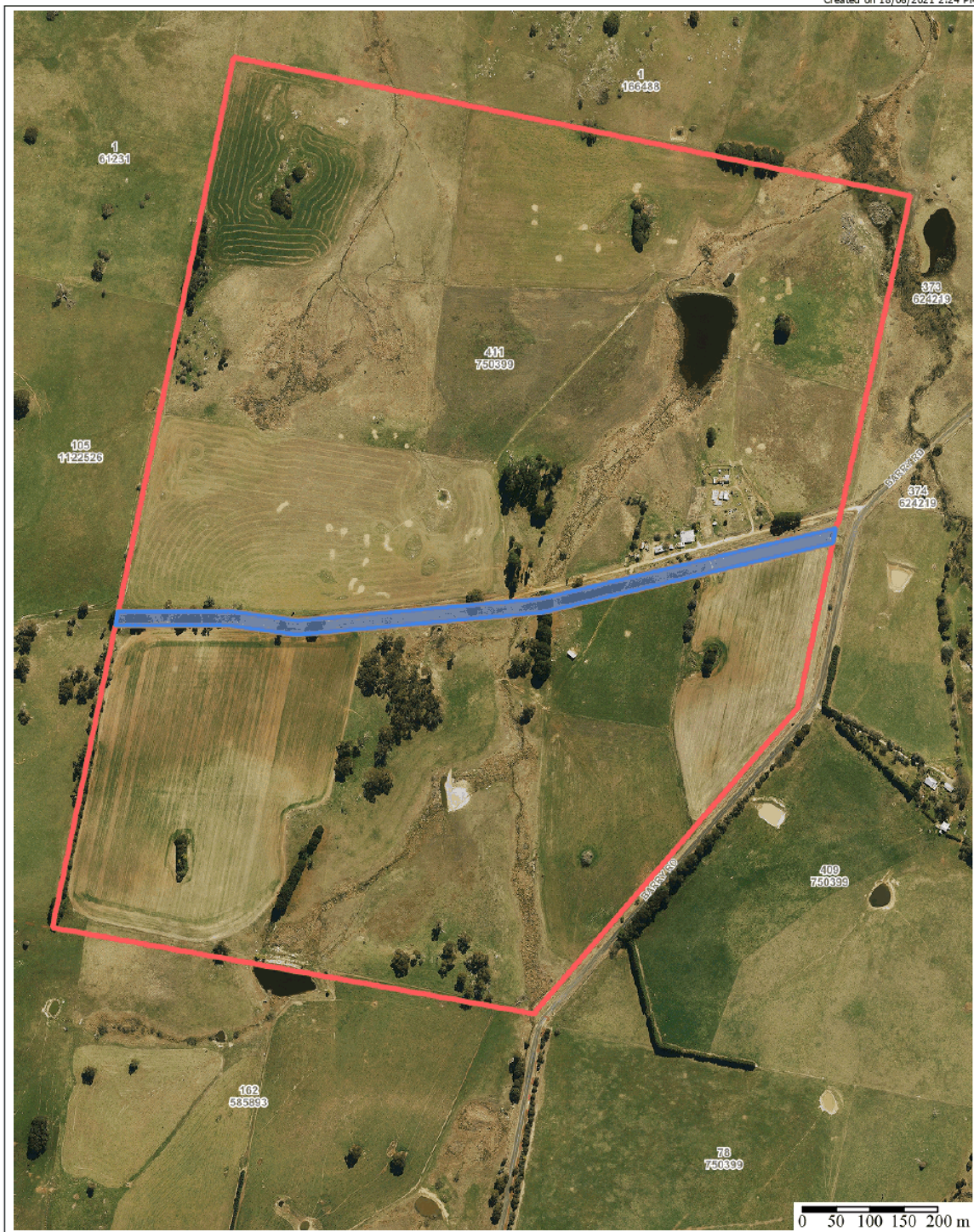
It is however recommended that a formal valuation be undertaken by a suitably qualified valuer.


Enclosures (following report)

1 Locality Plan - 184 Barry Road

1 Page

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The Imagery and Basemap are sourced from Spatial Services, Department Finance, Services & Innovation 2018


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Proposed Road Closure
184 Barry Road

17) CENTRAL WEST JO - SUPPLY AND DELIVERY OF BITUMEN EMULSION

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Public Infrastructure and Services

File No: GO.ME.2

Recommendation:

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

Reason for Report:

Under the Local Government Act Tendering Regulation, where a contract is for over \$250,000 a Request for Tender must be conducted and be considered by Council. The Central NSW Joint Organisation (CNSWJO), on behalf of participating member councils, has undertaken a formal Request for Tender (RFT) process in early 2021 to identify a suitable provider for the supply and delivery of bitumen emulsion.

Report:

CNSWJO member councils have participated in regional contracts for the supply and delivery of bitumen emulsion since 2004 and through the Transport Technical Committee interest was expressed for the Joint Organisation to conduct a procurement process for a new regional contract to commence on 1 April 2021. Due to delays in negotiations with the preferred provider, the new contract will instead commence on 1 June 2021.

The term of the contract is 1 June 2021 to 31 May 2023, with an optional 12-month extension.

Council heard a report on 19 October 2020 whereby it was resolved to participate in a regional contract for the supply and delivery of bitumen emulsion.

(Resolution No. 2010/12)

Based upon historic bitumen emulsion procurement over the past three years Council has spent approximately \$261,513.

Tender Evaluation

An open Request for Tender process was undertaken through the CNSWJO eProcure Portal. The Request for Tender for the supply and delivery of bitumen emulsion opened on 20 January 2021 and closed on 10 February 2021.

The Evaluation Panel (TEP) undertook an assessment of the responses remotely and participated in a consensus evaluation meeting via videoconference on 3 March 2021. The TEP consisted of the following members, and was assisted by Kate Barker from CNSWJO:

- Adrian Milne – Lachlan Shire Council
- Wayne Gailey – Orange City Council
- Ben Howard – Parkes Shire Council
- Jaymes Rath – Weddin Shire Council

Tender Evaluation Criteria

The selection criteria advertised and used in selecting the successful respondents were:

- Product
- Customer Service and Delivery
- Quality Assurance, Safety, and Environmental Sustainability
- Pricing

Summary of Responses Received

The following companies submitted tender responses for S2_2021: Supply and Delivery of Bitumen Emulsion for Central NSW Councils (in alphabetical order):

- Bitupave Ltd (Boral Asphalt)
- Downer EDI Works Pty Ltd
- Fulton Hogan Infrastructure

Evaluation of Submissions

Evaluation rankings were as follows:

1. Bitupave Ltd (Boral Asphalt) – 81.5%
2. Fulton Hogan – 80.35%
3. Downer EDI Works Pty Ltd – 74.91%

Evaluation of the Preferred Respondents

The TEP agreed to recommend Bitupave Ltd for the supply and delivery of bitumen emulsion.

The recommended provider was selected based on their:

1. Compliance with the evaluation criteria
2. Demonstrated ability to meet Council's requirements, and
3. Competitive price for the services offered.

Risk/Policy/Legislation Considerations:

CNSWJO has managed the procurement process on behalf of participating member councils and will receive a 0.5% management fee from the service providers to cover these costs.

As Council purchases less than \$150,000 worth of bitumen emulsion each year it is not bound to purchase off of a contract, however should it seek to do so, would require more staff time regarding each purchase. Thus the CNSWJO RFx is cost effective.

Budget Implications:

Expenditure on bitumen emulsion is accounted for within Council's existing budget allocations.

Councils ongoing participation in this CNSWJO regional contract, offers the benefit of larger buying power of multiple councils as well as time saving for council staff in not having to seek new quotes for ongoing projects.

Enclosures (following report)

Nil

Attachments (separate document)**1 Tender Evaluation Report****7 Pages**

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

18) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 11 JUNE 2021

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 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.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE,
ON 11 JUNE 2021, COMMENCING AT 10:19AM**

PRESENT

Members: Cr Bruce Reynolds (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Angie Drooger (TfNSW) via teleconference.

Present: Grant Baker (Director Infrastructure Services), Andrew Cutts (Tablelands Area Road Safety Officer), Nikki Smith (Administration Officer).

APOLOGIES

Michael Chooi (NSW Police).

DECLARATION OF INTEREST

Nil.

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE
COUNCIL TRAFFIC COMMITTEE MEETING HELD 9 APRIL
2021**

Recommendation:

That the Minutes of the Ordinary Council Meeting held on Friday 9 April 2021, be confirmed to be a true and accurate record of that meeting.

(Cr Bruce Reynolds/Reg Rendall)

MATTERS ARISING FROM THE MINUTES

Nil.

CORRESPONDENCE

HOBBYS YARDS ROAD - CRAIGLEA

Noted.

REPORTS

**20210611:01 STREET EVENT - NEWCREST ORANGE CHALLENGE 2021
- SEPTEMBER 2021**

Recommendation:

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.

(Angie Drooger/Reg Rendall)

20210611:02 STREET EVENT - POLLIE PEDAL CHARITY CYCLE RIDE - SEPTEMBER 2021

Recommendation:

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.

(Cr Bruce Reynolds/Angie Drooger)

20210611:03 STREET EVENT - MILLTHORPE WINTER FIRE FESTIVAL - AUGUST 2021

Recommendation:

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.

(Angie Drooger/Reg Rendall)

20210611:04 STREET EVENT - TRACTOR TREK - SEPTEMBER 2021

Recommendation:

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.

(Reg Rendall/ Angie Drooger)

20210611:05 REGULATORY SIGNAGE - CHURCH STREET, BLAYNEY

Recommendation:

1. 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.

(Angie Drooger/ Reg Rendall)

TRAFFIC REGISTER

TRAFFIC REGISTER

Noted.

GENERAL BUSINESS

20210611:06 BLAYNEY SHIRE COUNCIL ROAD SAFETY STRATEGIC PLAN 2022 - 2026

Actions

That the Blayney Shire Council Local Traffic Committee agree to form the Steering Committee for the development of a Road Safety Strategic Plan for the Blayney Shire Council Local Government Area.

20210611:07 GENERAL BUSINESS - MISCELLANEOUS ITEMS

Actions

1. That Council investigate the intersection of Blake and Park Streets, Millthorpe and provide a report back to the Traffic Committee on intersection signage and line marking requirements.
2. That Transport for NSW investigate the possibility of an Australian Government Black Spot project submission for the intersection of Adelaide Street North from the Mid Western Highway.

INFORMAL MATTERS

KIDNEY KAR RALLY - AUGUST 2021

Noted.

**MONTHLY ROAD SAFETY REPORT - ANDREW CUTTS,
ROAD SAFETY OFFICER - APRIL 2021**

Actions

That the information be noted.

**MONTHLY ROAD SAFETY REPORT - ANDREW CUTTS,
ROAD SAFETY OFFICER - MAY 2021**

Actions

That the information be noted.

**CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL
MVA REPORT - MARCH 2021**

Actions

That the information be noted.

**CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL
MVA REPORT - APRIL 2021**

Actions

That the information be noted.

**CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL
MVA REPORT - MAY 2021**

Actions

That the information be noted.

FUTURE MEETING DATES - 2021

- Friday, 23 July 2021
- Friday, 8 October 2021
- Friday, 10 December 2021

There being no further business, the meeting concluded at 11.56am.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

Department: Executive Services

Author: Mayor

CSP Link: 2. Local Governance and Finance

File No: GR.LR.3

Recommendation:

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

Reason for Report:

To provide Council with the Mayor's delegate report on the Central NSW Joint Organisation meeting.

Report:

I attended the Central NSW Joint Organisation Board meeting on Thursday 3 June 2021 at Orange, CSU Campus.

In 2020 the Board agreed to provide sponsorship to CSU for 5 years to the value of \$75,000. The scholarship is for Medical Students from our 10 LGAs. The Board were given the opportunity to meet the 3 successful students who showed their appreciation for the opportunity the scholarship has provided them.

Presentations to the Board included RDA Central West on the TEN4TEN Training program and toolbox

Priority One - Inter-council cooperation

The Financial Budget and Statement of Revenue Policy 2021-2022 was endorsed by the Board. It will run at loss of \$35K for the coming financial year. The Board resolved in March that this be the last year a budgetary loss be entertained as surplus funds available to be carried over each year are being exhausted.

Regional Procurement and Contracts

As per the JO procurement policy, the Board approved a number of contracts. It was noted that the income derivation models for JO procurement is being investigated through Stage 3 of the Best Practice in Aggregated Procurement (BPAP) Project. The policy position of November 2019, that income models for procurement would remain as is until the BPAP project is finalised, was reiterated.

DPIE Energy Project

The Board adopted the Regional Electric Vehicle Charging Infrastructure report, it will be used in funding opportunities to support the growth of EVs and EV charging infrastructure in the region, including for tourism.

Southern Lights

The Southern Lights project continues to move forward, albeit slowly. Essential Energy has provided an update of the LED rollouts (as at 25 March 2021). A total of 100,000 lights across the entire Essential Energy footprint have now been installed.

Electricity Procurement

The process of procuring electricity for a number of councils concurrently is complex and time-consuming. Expert advice and input are required from a consultant who specialises in the energy market, along with key stakeholders from member councils.

Priority Two: Regional Prosperity**Visitor Economy Strategy**

Where all the actions will be considered when the JO reviews its strategic plan, the suggested priority programming within existing resource is in line with the heads of consideration of optimising the value to members through aggregation, the PR and social media campaigns.

Skills, Workforce and Housing Report

All members are reporting challenges with skills shortages and housing.

Priority Three: Regional Transport and Infrastructure**Progressing a safe swift link between Western Sydney and Central NSW**

A new approach of speaking to all Western Sydney Councils separately is now underway. This includes conversations with the Blue Mountains regarding their recent decisions to seek longer tunnels under their communities. Media support has been provided for extended tunnels on the western side of the escarpment.

Priority Four: Regional Water Security**Integrated Water Cycle Management Planning**

Advocacy continues by the JO to be involved in piloting a better approach to Integrated Water Cycle Management Plans.

Wyangala Dam Wall Project

WaterNSW are running community engagement sessions throughout April and May across the region.

Late Report - Regional Water, TWRRP & IWCM

There was discussion on the opportunity to co-design components of the new framework for Integrated Water Cycle Management (IWCM) strategies in partnership with the Town Water Risk Reduction Program team.

The Board endorsed the JO submitting an Expression of Interest to co-design components of the IWCM framework and support for the submission of an Expression of Interest by the BCO Alliance with CTW for funding under the Safe and Secure Water Program stream 2 for a Regional Town Water Strategy.

Regional Submissions

Members have forwarded requests for the JO to lodge submissions, where all advice provided is within existing policy. All are available on the CNSWJO website at <https://www.centraljo.nsw.gov.au/submissions/>

The Board endorsed the following submissions

2. to DPIE on enabling agritourism;
3. to the Draft State Water Strategy; and
4. to the Productivity Commission's Draft Report on National Water Reform.

The next Board meeting is on 12 August at NSW Parliament House, Sydney.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|---------|
| 1 | Central NSW Joint Organisation Meeting Minutes - 3
June 2021 | 5 Pages |
|---|---|---------|

Matters to be dealt with in closed committee

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

20) 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.

21) 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.

22) 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.