



27 May 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, 31 May 2021 at 6.00pm for consideration of the following business -

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

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2021

May

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	31 May 2021	Council Meeting	Community Centre

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	2 June 2021	Audit, Risk and Improvement Committee Meeting	Cabonne
10.00am	3 June 2021	Central NSW JO Board Meeting	Orange
10.00am	18 June 2021	Traffic Committee Meeting	Community Centre
2.30pm	18 June 2021	Upper Macquarie County Council Meeting	Kelso
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
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

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HELD ON MONDAY 31 MAY 2021

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17 MAY 2021**Department:** Executive Services**Author:** General Manager**CSP Link:** 3. The Local and Visitor Economy**File No:** GO.ME.3**Recommendation:**

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

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 17 MAY 2021, COMMENCING AT 6.00PM**

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

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

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

Cr Allan Ewin – Leave of Absence approved at the April 2021 Council Meeting (Resolution No. 2104/003).

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Reynolds	Non Pecuniary (less than significant)	10	91	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 has a Right to Farm Policy and considers developments which have an impact on farm operations should have a buffer as stated in the DCP to minimise impact on agricultural operations.

PUBLIC FORUM

Kim Menzies – Item 10 – Development Application 2/2021 – Installation of a Single Storey Dwelling – 21 Egbert Street, Neville

Lindsay and Frank Hook – Item 10 – Development Application 2/2021 – Installation of a Single Storey Dwelling – 21 Egbert Street, Neville

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 19 APRIL 2021

2105/001 RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 19 April 2021, being minute numbers 2104/001 to 2104/026 be confirmed.

(Kingham/Newstead)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2021

2105/002 RESOLVED:

1. That the report indicating Council's investment position as at 30 April 2021 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Kingham/Newstead)
CARRIED

QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2021

2105/003 RESOLVED:

1. That the Quarterly Budget Review Statement for the quarter ending 31 March 2021 be received.
2. That the supplementary votes of \$283k proposed in the Quarterly Review Statement be adopted, resulting in an increase to operating expenditure of \$555k, a decrease in capital expenditure of \$529k and an increase in income of \$309k, that includes an increase of \$396k in capital income variations.

(Somerville/Denton)
CARRIED

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

2105/004

RESOLVED:

1. That Council endorses the draft 2021/22 - 2024/25 Delivery Program and 2021/22 Operational Plan; and
2. That the draft 2021/22 - 2024/25 Delivery Program and 2021/22 Operational Plan be placed on public exhibition for a period of 28 days.

(Reynolds/Somervaille)

CARRIED

LICENCE AGREEMENT: UNNAMED ROAD OFF MARSHALLS LANE

2105/005

RESOLVED:

1. That the Council endorse the General Manager to finalise the Licence contract terms with Bonus Quarrying Resources Pty Ltd.
2. That Council endorse execution of the licence for the unnamed road off Marshalls Lane, Blayney north of and through Lot 2 DP 847740, north of Lot 236 DP 750390 and Lot 1 DP 520426 and associated documentation by the Mayor and General Manager under Council seal, if required.

(Somervaille/Denton)

CARRIED

COMPLAINTS MANAGEMENT POLICY

2105/006

RESOLVED:

That the Complaints Management Policy be placed on public exhibition for a period of at least 28 days.

(Denton/Reynolds)

CARRIED

AMENDMENT TO CODE OF MEETING PRACTICE - REMOTE ATTENDANCE GUIDELINES

2105/007

RESOLVED:

That the Code of Meeting Practice attachment outlining remote meeting attendance guidelines until 31 December 2021 be adopted and appended to the Code of Meeting Practice for inclusion into Council's Policy Register.

(Kingham/Newstead)

CARRIED

INFRASTRUCTURE SERVICES REPORTS**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT****2105/008****RESOLVED:**

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

(Reynolds/Somervaille)

CARRIED**VERGE GARDEN GUIDELINES****2105/009****RESOLVED:**

That Council adopt the Verge Garden Guidelines, and it be included in Council's Policy Register.

(Newstead/Somervaille)

CARRIED**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****DEVELOPMENT APPLICATION 2/2021 - INSTALLATION OF A SINGLE STOREY DWELLING - 21 EGBERT STREET NEVILLE****2105/010****RESOLVED:**

That Council defer consideration of this report to allow Councillors to have a site inspection and Council convene a special meeting within 14 days to consider this application.

(Somervaille/Ferguson)

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

FOR**AGAINST**

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

Total (6)**Total (0)****CARRIED**

PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - PP1: BLAYNEY & SURROUNDS**2105/011****RESOLVED:**

That Council forward a Planning Proposal to the Minister for Planning and Public Spaces seeking a Gateway Determination for an amendment to the Blayney Local Environmental Plan 2012 relating to the Town of Blayney and the Zone R5 Large Lot Residential area near Browns Creek Road.

(Reynolds/Denton)

CARRIED

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

FOR**AGAINST**

Councillor Ferguson
Councillor Kingham
Councillor Somerville
Councillor Reynolds
Councillor Newstead
Councillor Denton

Total (6)**Total (0)****CARRIED****PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 – PP2: MILLTHORPE AND SURROUNDS****2105/012****RESOLVED:**

That Council forward a Planning Proposal to the Minister for Planning and Public Spaces seeking a Gateway Determination for an amendment to the Blayney Local Environmental Plan 2012 relating to the village of Millthorpe and surrounds.

(Reynolds/Newstead)

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

FOR**AGAINST**

Councillor Ferguson
Councillor Kingham
Councillor Somerville
Councillor Reynolds
Councillor Newstead
Councillor Denton

Total (6)**Total (0)****CARRIED**

There being no further business, the meeting concluded at 7.07pm.

The Minute Numbers 2105/001 to 2105/012 were confirmed on 31 May 2021 and are a full and accurate record of proceedings of the Ordinary Meeting held on 17 May 2021.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) TOURISM EVENT DEVELOPMENT PROGRAM**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** GS.PG.1

Recommendation:

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

Reason for Report:

For Council to consider and approve the application seeking Council financial support under the Tourism Event Development Fund 2020/21.

Report:

Millthorpe Garden Nursery

Funding requested: \$1,000

The Millthorpe Garden Nursery aims to revamp their current website to ensure their business remains current in the eyes of the customer. A new site will give them the opportunity to rewrite, revamp and renew their image as well as highlight the unique features of the nursery. The website will support efforts in attracting tourists who are garden enthusiasts. By having a current and updated site, the Millthorpe Garden Nursery will be viewed as a successful local business supporting the shire and surrounding region. The estimated project costs is \$5,970.

Risk/Policy/Legislation Considerations:

In accordance with the Local Government Act, s356, Council may resolve to grant financial assistance to persons for the purpose of exercising its functions.

As the program was included in the draft 2020/21 Operational Plan, does not exceed more than 5 percent of Council's income and is open to all persons within Council's area; 28 days public notice of Council's resolution is not required.

As a direct result of the COVID-19 virus and the impact Public Health Orders have had on local events, Council approved to revise the Tourism Event Development Program for 2020/21 to include general marketing and promotion activities in addition to events.

This project fits within the guidelines as it is a platform which will benefit not only the nursery but also the surrounding area as visitors will also engage with other activities/businesses while in the region.

This fund has so far supported the following similar initiatives:

- Mandurama Hotel Website \$1,000
- Rosebank Art Exhibition \$1,000
- Chocolate on Purpose Re-brand \$1,000
- Millthorpe Museum Website \$1,000
- Millthorpe Village Committee Website \$3,000
- Antica Australis Marketing Campaign \$1,000
- Angullong/Slow Wine/Tamburlaine Event \$965

Budget Implications:

Council had allocated a total budget of \$19,000 for 2020/21, approval of this application will leave \$4,535 available in this program.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) FUNDING SCCF4, RFR8 AND LRCI3**Department:** Executive Services**Author:** General Manager**CSP Link:** 1. Public Infrastructure and Services**File No:** GS.LI.1**Recommendation:**

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.

Reason for Report:

To provide Council with a shortlist of community projects to be nominated under the NSW Government's Stronger Country Communities Fund Round 4 (SCCF 4) program; Resources for Regions Fund Round 8 (RFR 8) and the Australian Government's Local Roads and Community Infrastructure Phase 3 Program (LRCI 3).

Report:

Within the last fortnight, media announcements have been made of funding allocated under the NSW Government's SCCF 4 and RFR 8 programs and the Australian Government's LRCI 3 program. Council has now received formal notification of each program. Staff have prepared a short list of projects for Councillor review and endorsement, that are shovel ready, can commence in 6 months of a funding announcement and be completed within 2 years.

Each program has its own funding guidelines and criteria, with closing dates for submission and timeframes as follows.

Program	Due Date Submissions	Timeframe for Delivery
SCCF 4	25 June 2021	Announcements of successful projects September 2021
RFR 8	12 July 2021	Contracts executed October 2021 Projects to commence from December 2021 with 2 years to complete
LRCI 3	TBC	2022

Program details with website links for FAQ's, and guidelines are as follows;

- SCCF4 allocation is based on the local government area population with a focus on women's participation in sport and community amenity.

<https://www.nsw.gov.au/regional-growth-fund/stronger-country-communities-fund>

- RFR8 allocation is based on a \$1m base allocation with additional funds provided according to mining impact and is focussed on improving service infrastructure, delivering new economic opportunities and improving community amenity.

<https://www.nsw.gov.au/regional-growth-fund/resources-for-regions>

- Funding allocations for the LRCI3 are determined by formula and take into account road length and population, for local roads and community infrastructure projects.

https://investment.infrastructure.gov.au/infrastructure_investment/local-roads-community-infrastructure-program/#phase3

Council Staff have reviewed the Village Community Plans, Active Movement Strategy, Sport and Recreation Master Plan, Community Strategic Plan and Long Term Financial Plan; and in addition sought input from local organisations. An initial meeting has been held with Regional NSW representatives to discuss the SCCF 4 and RFR 8 projects to ensure they will meet funding guidelines. The following is a summary of each funding stream with proposed projects.

SCCF 4

Sport and Recreation Masterplan/Village Plan Projects

- Belubula River Walk Stage 4 - New
- Millthorpe Cricket Nets - Upgrade
- Napier Oval Lights - Upgrade
- KGO Oval Lights - Upgrade
- Blayney Netball Court Lights - New
- Lyndhurst Tennis Court Lights - New

Community Events

- Music in the Park Events in Carcoar, Millthorpe and Blayney (2 each February 2021 and 2022)

RFR 8

Active Movement Strategy Projects

Lyndhurst

- Mt McDonald Road and Marsden Street – Capital Park to Public School

Newbridge

- Three Brothers Road – Gladstone Hotel to Showground

Millthorpe

- Boomerang Street – Public School to Skate Park
- Elliott Street – Victoria Street to Pym Street
- Park Street and Glenorie Road – Blake Street to Cadia Street

Carcoar

- Coombing Street – Footbridge to Showground/Eulamore Street

Roads Construction/Sealing/Rehabilitation**Barry**

- Sealing of Coombing Lane and Mendham Lane

Lyndhurst

- Sealing North and South Prescott Street, North Harrow Street

Forest Reefs

- Redesign and construction of a new intersection at Forest Reefs Road and Tallwood Road (Tavern)

Blayney

- Hobbys Yard Road Rehabilitation

Amenities Refurbishment

- Heritage Park Blayney
- Carrington Park Blayney

Sport and Recreation Masterplan/Village Plan Projects

- Belubula River Walk Stage 3* - New
- King George Oval Parking, Fencing and Pedestrian Access Safety Project - Upgrade

LRCI 3

Roads Construction/Sealing/Rehabilitation

- Millthorpe - Unwin Stabback Streets Road Safety, drainage construction and rehabilitation

*Belubula River Walk Stage 3 project is pending advice from the Australian Government's Building Better Regions Round 5 program which if funded, it is recommended further funding of the rehabilitation of Hobbys Yards Road been included as a backup project.

An individual project's inclusion into a particular funding stream will be dependent on the final scope of works being developed by the funding program closing date. A further report will be provided to Council noting the projects which are submitted for assessment by the relevant department.

A number of other community infrastructure projects have been investigated, such as the Blayney Library Project Stage 2, Richards Lane sealing in Millthorpe and mainstreet beautification projects in Blayney and Millthorpe; however based on their deliverability status these have been placed into a Future Years priority list. As Council prepares the new Blayney Shire Community Strategic Plan in 21/22; there will be more local community infrastructure projects identified that will similarly be assessed for these future funding opportunities.

As projects are subject to funding approval and Council would be undertaking various procurement processes; a detailed list has been provided to Councillors as a confidential attachment.

Risk/Policy/Legislation Considerations:

As has occurred in previous rounds of the SCCF program, eligible community groups are also able to submit applications to the SCCF 4 program. If successful, these organisations will be responsible for delivering projects, not Council. Projects on Council land will become a Council asset and the whole of life cost will need consideration, prior to support being provided by Council.

Bringing forward projects as a result of an opportunistic grant creates additional resource demands on Council to deliver the project, which is in addition to financial, strategic and reputational risks. Within each project cost estimate there has to be included a contingency and project management cost.

Staff are developing scopes of work to ensure that these risks are mitigated.

It is noted that with the increased level of economic activity associated with infrastructure development across Australia, Council staff are starting to become aware of concerns associated with material supplies and labour shortages.

Lodging submissions consumes a significant amount of time, to ensure projects are fully costed, meet funding guidelines and will be supported by the community. Projects will be grouped into like and deliverability criteria to ensure Council's expenditure of funds is reimbursed in a timely manner.

Budget Implications:

SCCF 4, RFR 8 and LRCI 3 funding is not included in the 2021/22 Operational Plan or 2021/2025 Delivery Program. Upon an application being successful, and Council approving the Funding Agreement, budget adjustments will be made in whichever year the funding is received and expended, and associated QBRs adjustments undertaken.

Assets built with grant funds need to be maintained and repaired and in many cases operated entirely at Council's expense, and with any project comes a new whole of life cost, accounting for depreciation and operational costs.

Before submitting a grant application, project cost estimates for local community infrastructure must be prepared, or previous estimates reviewed, based on historic unit rates, construction cost guides, a qualified Quantity Surveyor or similar.

In recognition that grant funding is a fixed amount and Council bears the risk of cost overruns, costings will include a fixed price risk premium in addition to any standard contingency as per Council's Capital Expenditure Guidelines.

Enclosures (following report)

Nil

Attachments (separate document)

1 Shortlist Projects

2 Pages

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

04) DEVELOPMENT APPLICATION 2/2021 - INSTALLATION OF A SINGLE STOREY DWELLING - 21 EGBERT STREET NEVILLE

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1585

Recommendation:

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.

Reason for Report:

Council's consent is sought for the installation of a new Dwelling at Lot 1 Section 33 DP758767 – being 21 Egbert Street, Neville (the 'subject property').

This development application was placed before the Council Meeting of 17 May 2021 for consideration and determination. Council resolved to defer the matter pending a site inspection. This site inspection was undertaken on 21 May 2021.

The report remains primarily unchanged from the report presented to the 17 May 2021 Council Meeting, however, there are 2 notable changes;

- The previous condition requiring a 20m wide buffer area on the registered title and applicable 88B instrument is no longer considered appropriate. Subsequently this draft condition has been deleted in its entirety, and
- The wording of draft condition 4 has been altered.

The subject property is located to the immediate south of the Neville Village. The property comprises a total area in the order 1.26ha in a regular shape. The property is devoid of any significant features with the exception of a shed, which has been constructed in the northeast corner, adjacent to Egbert Street.

Plans submitted with the Development Application show the proposed single storey *Dwelling* to be located centrally within the subject property, being setback in the order of 97m from the northern Egbert Street frontage, 32m from the eastern boundary (approx.), 74m from the southern boundary (approx.) and 16m from the western boundary.

The proposed development is consistent with the majority of the relevant objectives, aims, performance criteria and acceptable solutions of the Blayney Local Environmental Plan 2012 (Blayney LEP 2012) and Blayney Development Control Plan 2018 (Blayney DCP 2018).

However, the key issue for consideration is whether the proposed *Dwelling* achieves a suitable setback from the adjoining property to the west, which is used for *Horticulture* and *Plant nursery*.

In particular, it is noted that the Blayney DCP 2018 *Part G2.6 Buffers to Sensitive Land Uses* sets out recommended buffers distances between potentially higher impact land uses and sensitive land uses, that proposed development such as new dwellings, should consider.

Specifically, G2.6 identifies that the recommended buffer distance between *Horticulture* and a new dwelling is 50m if a vegetated buffer of 30m is provided, or 100m if no vegetated buffer is provided.

Given that the subject property has a maximum width of 68 metres (approx.), there is limited opportunity to achieve the recommended buffer distances.

As the proposed *Dwelling* did not meet the relevant recommended buffer distances, the Development Application was notified to adjoining landowners for comment. One submission was received from the landowners to the immediate west. In summary, that submission identified the following:

- The landowners object to the proposed development;
- The Development Application has not adequately addressed Part G of the Blayney DCP 2018, which deals with recommended buffer distances;
- The proposed development is inconsistent with G2.6 of the Blayney DCP 2018;
- The proposed development will result in land use conflict between the R5 Large Lot zone and the RU1 Primary Production zone;
- The landowners are entitled to use their property to its full agricultural potential, and their operations should not be restricted by allowing a dwelling to be constructed on the subject property;
- Council supports the NSW Right to Farm policy;
- The most suitable location for the proposed dwelling would be the adjoining property to the east, being Lot 2 Section 33 DP758767 which is also owned by the applicant; and
- There are a number of issues with the documentation submitted to Council (e.g. missing dimensions, no colours specified, no shed plans provided).

The issues raised in the submission are acknowledged and are generally consistent with the issues identified by staff.

Notwithstanding, having considered the submission and reviewed the relevant background information, including the document on which the recommended buffer distances set out in the Blayney DCP 2018 are based, it is considered that the proposed development should be approved subject to meeting the relevant conditions of consent.

Specifically, it is recommended that conditions of consent be applied which require the proposed development to be amended as follows;

- to require that the dwelling be relocated on the site to ensure 30m separation is provided between the proposed *Dwelling* and the property used for *Horticulture* to the west (it is noted the orientation of the dwelling may also slightly change as the dwelling may also move further north or south slightly to ensure adequate fall to the septic tank), and
- to incorporate a 20m wide landscaped buffer along the western boundary of the subject property.

It was originally recommended that a restriction be placed on the Deposited Plan and Section 88B Instrument of the subject property to reserve the 20m wide landscape buffer in perpetuity.

However, upon review, it is now considered requirement of such a restriction in this particular instance would not achieve any additional outcome to that which can already be achieved through appropriate conditioning of the Development Consent. There have been a number of cases in the Land and Environment Court that support this position. As such the proposed condition has been removed from the draft conditions.

It is noted that the proposed *Dwelling* cannot be moved any further to the east as this may impact the ability to achieve compliant grade to the septic tank. In this regard a proposed plan of drainage from a plumber is required to be submitted in condition 4 to ensure the required grade can be achieved to the septic tank and effluent disposal area.

Subject to meeting the relevant conditions of consent, it is recommended that the proposed development be approved.

These matters are addressed in detail in the body of this report under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture and Right to Farm*.

Report:

As proposed, the dwelling will be located centrally within the subject property, with a setback in the order of 97m from the northern Egbert Street frontage, 32m from the eastern boundary (approx.), 74m from the southern boundary (approx.) and 16m from the western boundary.

The proposed dwelling would comprise the following:

- Three bedrooms;
- Open plan kitchen, living and dining areas;
- Main bathroom; and
- Laundry.

The proposed *Dwelling* would be finished in heritage board cladding and steel roof cladding.

The proposed *Dwelling* is a Manufactured home for the purpose of the Local Government Act. A Manufactured home is defined in the Local Government Act as 'a self-contained dwelling (that is a dwelling that includes at least one kitchen, bathroom, bedroom and living area that also includes a toilet and laundry facilities)' that is built either in parts or as a whole off-site and then transported to site for installation. It is not a registrable moveable dwelling, and includes any associated structures that form part of the dwelling.

Existing Conditions

The existing conditions of the subject property and surrounding area are illustrated in Figure 1 - 3 below.



Figure 1: Existing Conditions Plan (Subject property identified by heavy red line. North to the top of page)



Figure 2: Proposed location of Dwelling as viewed from the south – note location of star pickets



Figure 3: Proposed location of Dwelling as viewed from the east – note location of star pickets

(note property used for Horticulture in the background)

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R5 Large lot residential
Lot size:	1.25ha
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	Yes
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
- any property vegetation plan within the meaning of the Native Vegetation Act 2003, or

- any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

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

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned R5 Large Lot Residential.

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

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

The proposed *Dwelling* is considered to be generally consistent with the foregoing objectives.

However, given that the adjoining property to the west is zoned RU1 Primary Production and is used for the purpose of *Horticulture*, it is relevant to note that development as proposed does not meet the buffer distances recommended by Part G2.6 of the Blayney DCP 2018.

As such, the development as proposed is inconsistent with the final objective of the zone that seeks to minimise conflict between land uses within this zone and land uses within adjoining zones.

Notwithstanding, it is considered that the proposed development can achieve this objective subject to meeting the recommended conditions of consent.

These matters are addressed in detail under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture and Right to Farm*.

Part 5 – Miscellaneous provisions

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones

Clause 5.16 seeks to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).

Specifically, Clause 5.16 requires that prior to the grant of development consent the consent authority must consider the following:

- a) The existing uses and approved uses of land in the vicinity of the development;
- b) Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development;
- c) Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b);
- d) Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

The surrounding land uses are illustrated in Figure 1, above.

Notably, while land uses to the north, east and south are predominately residential, the land to the immediate west is used for the purpose of *Horticulture*.

The relevant matters are addressed in detail below under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture and Right to Farm*.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Council's Senior Building Surveyor has recommended that a condition of consent be applied requiring that the overflow for the rainwater tank is to be connected to a drainage line and conveyed to a common drainage line or otherwise disposed of on-site in accordance with the Australian Standard 3500 in a manner that is not adversely affecting adjacent land.

Clause 6.4 Groundwater vulnerability

Clause 6.4 seeks to maintain the hydrological functions of key groundwater systems and protect vulnerable groundwater resources from depletion and contamination as a result of development.

An effluent management study was submitted with the Development Application. Council's Senior Building Surveyor reviewed the effluent management study. No issues have been identified.

Clause 6.8 Essential services

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

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

It is understood that all necessary essential services are either available or can be made available to the subject property. In particular, the following is noted:

- A condition of consent will be applied to require that the proposed development includes a 60,000L rainwater tank;
- An effluent management report was submitted with the Development Application;
- Electricity is available to the subject property;
- Council's Infrastructure Services Department has recommended specific conditions of consent regarding access 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.

There is no evidence of a contaminating land use in the immediate vicinity of the proposed dwelling.

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 C – Residential

Part C – Residential of the DCP applies to development applications for a wide range of dwellings, residential accommodation types and ancillary development. The relevant provisions of Part C are addressed below:

C4 Large Lot & Rural

C4.1 Building Setbacks

C4.1 Building Setbacks seeks to maximise residential amenity on larger lots with appropriate setbacks from road noise and/or dust and visual and acoustic privacy between adjacent dwellings.

The acceptable minimum setback for a dwelling on a lot zoned R5, which is greater than 1ha, is 20m from a public road frontage and 10m from a side or rear boundary.

The development as proposed is consistent with the acceptable solution.

C4.2 Building Siting & Buffers

C4.2 seeks to minimise conflict between land uses within this zone and land uses within adjoining zones; minimise impacts on environmentally sensitive locations and scenic quality; ensure buildings are sited to avoid impacts from natural hazards or impact on environmentally sensitive areas; and protect and enhance residential amenity.

The proposed development is generally consistent with the relevant acceptable solutions. In particular, it is noted that:

- The proposed *Dwelling* will not impact on any existing or significant native trees;
- The proposed *Dwelling* will not overlook a habitable room or private open space of any existing dwelling in the immediate vicinity.

Part G – Environmental Management & Hazards is a relevant requirement under C4.2 and is addressed below.

C4.3 Visual Impact

C4.3 seeks to ensure that the scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.

The proposed development is generally consistent with the relevant acceptable solutions.

Notwithstanding, it is recommended that a condition of consent be applied requiring the proposed colour scheme to be confirmed prior to the issue of a Section 68 approval.

Further, a condition of consent will also be applied to ensure that all external materials have low reflectivity.

C6 Other Residential Types

C6.3 Manufactured / Transportable Homes

C6.3 applies to Manufactured homes. A Manufactured home is defined in the Local Government Act as 'a self-contained dwelling (that is a dwelling that includes at least one kitchen, bathroom, bedroom and living area that also includes a toilet and laundry facilities)' that is built either in parts or as a whole off-site and then transported to site for installation. It is not a registrable moveable dwelling, and includes any associated structures that form part of the dwelling.

Specifically C6.3 seeks to meet statutory requirements for manufactured homes / transportable dwellings

The proposed Dwelling is consistent with the acceptable solutions for Manufactured homes. In particular:

- The installation of the Manufactured home will be subject to a Section 68 approval under the Local Government Act;
- The base of the dwelling will be clad to ensure that elevated piers will be screened from view;
- The proposed *Dwelling* generally complies with other relevant requirements of the Blayney DCP 2018, with the exception of meeting the recommended buffer distance to *Horticulture*. This matters is addressed below under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture and Right to Farm*; and
- The proposed *Dwelling* will not have a frontage to a classified road, key public space or community facility.

C7 Access & Parking

C7.1 Vehicle Parking

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

The proposed development is consistent with the relevant acceptable solutions. Adequate space is available on-site for vehicle parking.

C7.3 New Access, Entrances & Driveways (Rural Areas)

C7.3 seeks to ensure that all lots have a safe and effective access / entrance and any new driveway minimises impacts on public roads and adjacent dwellings.

Council's Infrastructure Services Department has recommended specific conditions of consent regarding access to the subject property.

C8 Site Planning, Earthworks & Utilities

C8.1 Site Planning

C8.1 seeks to ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP 2012 and this DCP).

The proposed development is consistent with the relevant acceptable solutions. In particular, it is considered that proposed development

- Presents an adequate response to the topography of the subject property, the climate and surrounding natural environment;
- Avoids natural hazards;
- Integrates with the surrounding built form and landscape character; and
- Maintains reasonable residential amenity.

Land use conflict is addressed in detail under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture and Right to Farm*

C8.2 Water & Energy Efficiency

C8.2 seeks promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements.

As the proposed development is a Manufactured home for the purpose of the Local Government Act, a BASIX Certificate is not required.

Notwithstanding, it is noted that a condition of consent be applied requiring that a 60,000L rainwater tank be installed on-site.

C8.3 Design Principles (Advisory only)

No assessment required.

C8.4 Earthworks

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

The proposed development is consistent with the relevant acceptable solutions.

In particular, it is noted that the proposed development has been designed to be constructed on piers, which respond to the slope of the property. As such, negligible earthworks will be required.

C8.5 Buildings near Utilities / Easements

C8.5 seeks to ensure all buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or underground).

The proposed development is consistent with the relevant acceptable solutions.

There are no known utilities in the vicinity of the proposed *Dwelling*. However, it is noted that there is a telephone cable in the vicinity of the proposed driveway. In this regard it is noted that Council's Infrastructure Services Department has recommended a condition of consent that any utility service must be relocated at the applicants expense if required.

C8.6 Connection to Utilities

C8.6 seeks to ensure that new developments are appropriately serviced (the type or level of service depending on service availability and cost-effectiveness to connect), and to require development to connect to and

support existing utility infrastructure in accordance with Council's *Guidelines for Engineering Works* (as amended).

As previously addressed under the heading *Clause 6.8 Essential services*:

- A condition of consent will be applied to require that the proposed development includes a 60,000 L rainwater tank;
- An effluent management report was submitted with the Development Application;
- Electricity is available to the subject property;
- Council's Infrastructure Services Department has recommended specific conditions of consent regarding access to the subject property.

C8.7 Siting & Visibility of Utilities

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

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

C8.8 Water Tanks

C8.8 seeks to ensure that dwellings have sufficient potable water to cater for the number of people / likely consumption and any ancillary uses.

As previously noted, it is recommended that a condition of consent be applied requiring that the proposed development includes a 60,000L rainwater tank.

C8.9 On-Site Sewage Management

C8.9 seeks ensure (where reticulated / centralised sewage management systems are not available) appropriate on-site systems will be suitably sized and able to operate on the lot without impacting on development on the subject lot, neighbouring lots or surface or ground water systems, and don't require excessive vegetation removal.

An effluent management report was submitted with the Development Application. Council's Senior Building Surveyor has reviewed the report. No issues have been raised.

C8.10 Re-use of Water

C8.10 identifies that re-use of water is encouraged but must be treated to the relevant NSW standards to ensure safety and environmental health.
Not applicable.

C8.11 Solid Waste Management

C8.11 seeks to ensure that all new development has an appropriate solid waste management system to protect the environment.

It is recommended that a condition of consent be applied requiring that the subject property be serviced by Council's Red and Yellow bin service, unless the property cannot be accessed.

C8.12 Letterboxes

C8.12 seeks to ensure that letterboxes are provided for new dwellings. It is recommended that a condition of consent be applied requiring that a letterbox be provided prior to occupation.

The letterbox must be located where it is easily visible from the road and accessible for Australia Post employees and be clearly marked with the correct house number.

C8.13 Street Numbering

C8.13 seeks to ensure that street numbers are provided for new buildings on vacant lots or new lots.

It is recommended that a condition of consent be applied requiring that appropriate street numbering is provided and clearly visible.

Part G – Environmental Management and Hazards**G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture & Right to Farm**

G2.6 identifies that development should consider the recommended buffers between potentially higher impact land uses and sensitive land uses.

G2.7 outlines that any buffer or setback should incorporate or be capable of incorporating sufficient landscaping / tree plantings (or other mechanism where appropriate) to minimise or mitigate any impacts from adjacent land uses without increasing the bushfire threat to any existing or proposed buildings.

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 under G2.6 above).

Further, G2.8 includes a note, which identifies that 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.

It is acknowledged that the property located to the immediate west of the subject property is used for *Horticulture* and that it would be in the interest of both the applicant and adjoining neighbour that a suitable vegetated buffer be provided between the property that is used for *Horticulture* and the proposed *Dwelling*.

However, as the subject property has a maximum width of 68 metres (approx.), there is limited opportunity to achieve the recommended buffer distances without creating other adverse outcomes.

In order to establish a rationale for a reduced buffer distance, Council staff have reviewed the NSW Right to Farm Policy prepared by the NSW Department of Primary Industries and the *Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast*. Notably, the buffer distances recommended under G2.6 were adapted from the foregoing publication.

NSW Right to Farm Policy

While council supports the NSW Right to Farm Policy it is noted that the policy does not provide any practical measures that could be used to determine a reduced buffer distance in this circumstance. Notwithstanding, the Introduction to the policy provides some useful guidance:

“ ...

In rural areas, land use conflicts can occur when agriculture impacts on residential uses, but conflicts can also arise when other land users impact on farmers, and also between different agricultural industries. In some circumstances, this can simply be about mutual respect and a right to coexist.

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.

...

The applicant has made it clear during verbal conversations with Council staff that they understand the implications of living next door to a property used for an agricultural purpose. Notwithstanding, in the event that Council resolves to approve the proposed development, it is recommended that a copy of the NSW Right to Farm policy be provided directly to the applicant

Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast

The NSW Department of Primary Industries website identifies the publication *Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast* (the 'handbook') as "... a practical reference containing tools, resources and checklists aimed at reducing and avoiding rural land use conflict and pressures on key natural resource asset..."

While one of the primary purposes of the handbook is to establish suitable buffer distances to avoid potential land use conflict, it is pertinent to note that the handbook includes the following commentary:

"Where a new dwelling is proposed on an existing vacant lot that has a dwelling entitlement, the setbacks and buffers normally required may not necessarily be appropriate or practical. In these cases, council will need to use its discretion to determine the most appropriate location, design and arrangement for the new dwelling. The principle of conflict avoidance should be maintained and the maximum achievable buffer and conflict avoidance measures implemented"

The proposed development is consistent with this exact scenario.

Establishing an Appropriate Buffer

It is acknowledged that the objector has suggested that the proposed *Dwelling* should be installed on the lot to the immediate east of the subject property, which is also owned by the applicant.

Given that each lot has the benefit of a dwelling entitlement and was rezoned to the R5 Large Lot Residential zone for the purpose of facilitating residential development, it is considered that it would be inappropriate to pursue this option.

Based on the foregoing, it is considered that the proposed development should be amended to require that a 30m buffer be provided between the proposed *Dwelling* and the property used for *Horticulture* to the west, and incorporate a 20m wide landscaped buffer along the western boundary of the subject property.

It is noted that the proposed *Dwelling* cannot be moved any further to the east as this may prevent the proper function of the effluent management system. It is recommended that conditions of consent be applied to this affect.

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 have been addressed in the body of this report.

Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact, subject to meeting the recommended conditions of consent.

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, subject to meeting the recommended conditions of consent.

In particular, it is noted that specific conditions of consent have been applied to mitigate against the potential for land use conflict between the subject property and the property to the immediate west which is used for *Horticulture*.

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

In accordance with the Blayney Community Participation Plan the proposed development was notified to the adjoining land owners.

One submission was received, in summary that submission outlined the following:

- The landowner objects to the proposed development;
- The Development Application has not adequately addressed Part G of the Blayney DCP 2018, which deal with recommended buffer distances;
- The proposed development is inconsistent with G2.6 of the Blayney DCP 2018;
- The proposed development will result in land use conflict between the R5 Large lot zone and the RU1 Primary production zone;
- The landowners are entitled to use their property to its full agricultural potential, and their operations should not be restricted allowing a dwelling to be constructed on the subject property;
- Council supports the NSW Right to Farm policy;
- The most suitable location for the proposed dwelling would be the adjoining property to the east; and
- There are a number of issues with the documentation submitted to Council (e.g. missing dimensions, no colours specified, no shed plans provided).

The relevant matters have been addressed under the heading *G2.6 Buffers to Sensitive Land Uses, G2.7 Buffers & Landscaping and G2.8 Agriculture & Right to Farm*

Section 4.15(1)(e) The public interest

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

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	Site Plan & Elevations	2 Pages
2	Draft Conditions	7 Pages

Attachments (separate document)

3 Submission

2 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.

NOTE – BOUNDARY DIMENSIONS PROVIDED BY OTHERS AND ARE TO BE CONFIRMED PRIOR TO CONSTRUCTION

Notes

- Power from sub mains from Existing shed
- Septic tank with rubble drain
- Water tanks by owner
- Onsite plumbing by owner
- On site Electrical by owner
- Powder coated hand rail to front veranda
- Extra set of steps to front veranda

LOT 1
Sec. 33
DP 758767

68000

188000

Proposed contour bank to run water from above natural ground around building site

Septic tank with rubble drain

Proposed Residence sited in accordance with Council requirements

Proposed Colorbond shed 7x7m by others

Existing Shed

Existing driveway

68000

188000

20000

18000

13000

5000

97000

16000

7374

3042

24000

GENERAL NOTE

ALL DIMENSIONS RELEVANT TO SETTING OUT AND OFF-SITE WORK SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION AND/OR FABRICATION IS COMMENCED. DIMENSIONS MAY NOT BE SCALED UNLESS SPECIFICALLY NOTED OTHERWISE.

WORKMANSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT ASSOCIATED STANDARDS AND CODES (INCLUDING ALL AMENDMENTS), AND LOCAL & STATUTORY AUTHORITIES, EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.

ALL FRAMING, TIE-DOWN DETAILS & BRACING TO COMPLY WITH THE FRAME MAKER'S DETAILS & SPECIFICATION & AS 3603 – Domestic Metal Framing Code.

HOLD DOWN DETAILS ARE NOT SUITABLE FOR LOOSE SAND OR SOFT TO FIRM CLAY.

REFER TO STRUCTURAL ENGINEER IF NECESSARY.

SAFETY REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE RELEVANT HEALTH AND SAFETY ACT AS ADMINISTERED BY THE JURISDICTION OF ACCIDENT PREVENTION.

ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.

ALL PLANS REMAIN THE PROPERTY OF
Taylor Made Buildings Pty Ltd

REV	DATE	DETAILS

Taylor Made Buildings

28 Clarendon Road North Dandenong NSW 3207 Tel: 02 6882 6066 Fax: 02 6882 0155 Freecall 1800 628 040 Email: admin@taylor-madebuildings.com.au

LACHLAN 3/8 MOD

FRANK AND LAUREN HOOK
21 EGBERT STREET
NEVILLE NSW 2799

TITLE SITE PLAN

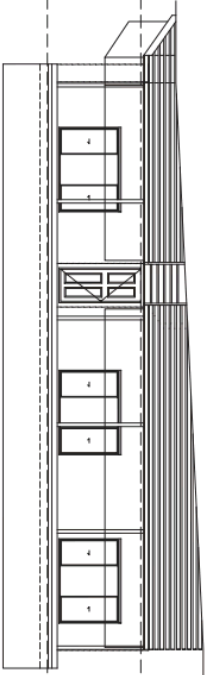
DATE	DOWN	2025.9
REV	R	596

NOTE:--
SEWER TO RUN TO SEPTIC TANK OR EXISTING SEWAGE SYSTEM ALL IN ACCORDANCE WITH P301 Section C & LOCAL AUTHORITY REQUIREMENTS

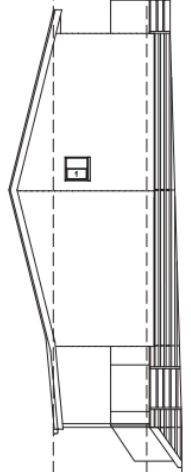
STORMWATER TO RUN TO RW TANK AND/OR THE STREET ALL IN ACCORDANCE WITH P301 Section D & LOCAL AUTHORITY REQUIREMENTS

SITE PLAN
SCALE 1:800

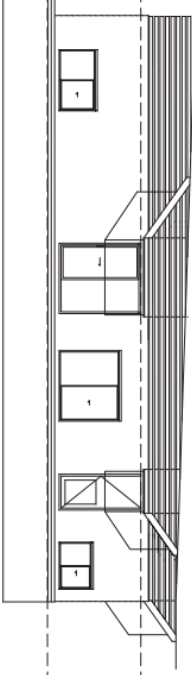
<p>GENERAL NOTE</p> <p>ALL DIMENSIONS RELEVANT TO SETTING OUT AND OFF-SITE WORK SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION AND/OR FABRICATION IS COMMENCED. DIMENSIONS MUST BE SIGNED UNLESS SPECIFICALLY NOTED OTHERWISE.</p> <p>MEMBERSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT CURRENT SANITATION CODES (INCLUDING ALL AMENDMENTS), AND LOCAL & STATUTORY AUTHORITIES, EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.</p> <p>ALL FRAMING, TIE-DOWN DETAILS & BRACING TO COMPLY WITH THE FRAME MAKER'S DETAILS & SPECIFICATION & AS 3623 – Domestic Metal Framing Code.</p> <p>HOLD DOWN DETAILS ARE NOT SUITABLE FOR LOOSE SAND OR SOFT TO FIRM CLAY.</p> <p>REFER TO STRUCTURAL ENGINEER IF NECESSARY.</p> <p>SAFETY REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE RELEVANT HEALTH AND SAFETY ACT AS ADMINISTERED BY THE DIVISION OF ACCIDENT PREVENTION.</p> <p>ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.</p>	<p>ALL PLANS REMAIN THE PROPERTY OF Taylor Made Buildings Pty Ltd</p>	
	<p>REV</p> <p>DATE</p> <p>DETAILS</p>	<p>REV</p> <p>DATE</p> <p>DETAILS</p>
<p>Taylor Made Buildings</p> <p>28 Cleggin Road, North Dubbo NSW 2830 Tel 02 6882 6066 Fax 02 6882 0155 Freecall 1800 628 040 Email – admin@taylor-madebuildings.com.au</p>		
<p>LACHLAN 3/8 MOD</p>		
<p>FRANK AND LAUREN HOOK 21 EGBERT STREET NEVILLE NSW 2799</p>		
<p>TITLE ELEVATIONS</p>		
DATE	DOWN	20259
REV	B	586



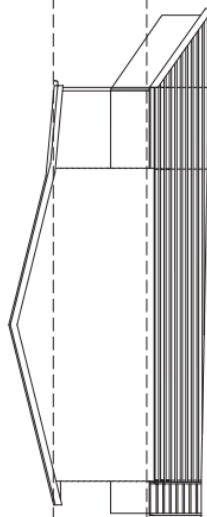
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

COLORBOND CUSTOM 350 ROOF SHEET
14° PITCH

COLORBOND CUTTER

ALUMINIUM WINDOW WITH FLY SCREENS

JEPPAGE SHAPED CLADDING

100% BASE BOARDS PAINTED

ELEVATIONS

SCALE 1:100

Reasons for Conditions

- Statutory and legislative requirements.
- To minimise the potential for land use conflict.
- To maintain the amenity of a rural village and landscape.

Approved Plans

1. Development In Accordance With Approved Plans & Documentation

Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Applicant	-	25.10.2020
-	Site Plan	Taylor Made Buildings	B	23.02.21
-	Elevations	Taylor Made Buildings	B	23.02.21
-	Floor Plan	Taylor Made Buildings	B	23.02.21
-	Typical Section	Taylor Made Buildings	B	23.02.21

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. Building Code of Australia

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

3. Identification of Site

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

- Unauthorised entry to the worksite is prohibited;
- Street number or lot number;
- Principal contractor's name and licence number; or owner builders permit number;
- Principal contractor's contact telephone number/after-hours number;

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

Prior to Issue of a Section 68 Approval for the Installation of a Manufactured Home
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4. Amended Plans

Prior to the issue a Section 68 Approval for the installation of Manufactured Home, the following amended plans must be submitted to the satisfaction of the Blayney Shire Council, Department of Planning and Environmental Services:

- A full set of amended elevation plans which clearly demonstrate all proposed materials and colours.

The colour scheme must include natural, earthy colours which integrate with the surrounding rural landscape and which will not detract from the existing rural / large lot residential amenity of the area.

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

- An amended site plan which achieves a minimum 30m setback (buffer) between the proposed dwelling and the property to the immediate west (Lot 38 DP1094671). (The minimum setbacks from the northern and southern boundaries of the subject property must not vary by more than 10m from the plans submitted to Council).
- A proposed plan of drainage from a plumber is required to ensure the required grade/s can be achieved from the dwelling to the septic tank and effluent disposal area.
- A Buffer Management Plan, including;
 - Site plan including a 20m wide landscape buffer, including location along the common western boundary with Lot 38 DP1094671,
 - A planting schedule which identifies; proposed tree species, appropriate size or maturity and spacing for all trees in the 20m wide landscape buffer,
 - Proposed ongoing maintenance management program (including tree replacement).

Prior to Works Commencing

5. 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.

6. 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.

7. 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

8. 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.

F	New Gate – Rural Crossing	<ul style="list-style-type: none"> * Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
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9. New Gate – Rural

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

- (a) a gate or stock grid set back a minimum distance of fifteen (15) metres 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.

All such works are to comply with WBC Guidelines for Engineering Works.

10. All-Weather Internal Road

A 4 metre wide all-weather 2WD vehicular access is to be constructed from the proposed dwelling to the property boundary. 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.

11. Relocate Utility Services

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

Hours for Construction or Demolition

Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

12. Rubbish and Debris

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

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

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

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

13. Toilet Facilities

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

Each toilet must:

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

14. Excavations and Backfilling

All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

15. Cladding

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

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

16. Erosion and Sediment Control

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

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

17. Water Supply

The water tank/s for the dwelling shall be a minimum of 60,000 litres in accordance with Council's Development Control Plan.

18. Rainwater Tank Overflow

The overflow for the rainwater tank is to be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with Australian Standard 3500 in a manner that is not adversely affecting adjacent land.

19. Utilities located underground

The connection of any new utility must be located underground.

Section 68 Requirements (Only applicable after Section 68 Approval issued)

20. Regulation

The dwelling must comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 made under the Local Government Act 1993.

21. Licensed Plumber (During Construction)

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

22. Notice of Plumbing Works (Prior to the Commencement of Works)

Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a “Notice of Works” under the Plumbing and Drainage Act 2011.

23. Septic Tank General

All on-site waste management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (Approvals) Regulation made under the Local Government Act 1993.

24. Geotechnical Report

The on-site sewage management system chosen shall be installed and maintained in accordance with the recommendations of the Geotechnical Report by Barnson Pty Ltd, Ref: 35340-ER01_A, dated: 10 December 2020; with the following additional requirements:-

- internal drainage shall be suspended under the dwelling and taken out at the highest ground level at the perimeter of the dwelling to enable the septic tank to be installed at the highest point, a minimum of 1.5 metres from the dwelling; so that the absorption trenches can be installed as far as possible away from the eastern boundary; and
- a drainage swale shall be provided below the absorption trenches so that the overland flow of surface water from the disposal area to the eastern boundary is a minimum of 12 metres (the minimum required buffer distance).

25. Disposal Area

Vehicular traffic and livestock are to be excluded from the disposal area.

26. Surface Water

All surface water from higher levels is to be diverted away from the disposal area.

27. Prior to Occupation

Prior to the occupation of the dwelling, the following is required:-

- a) the licensed plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading;
- b) a compliance plate is to be affixed to the building in accordance with Clause 159 of the Regulation;
- c) the stairs, handrails and balustrades must comply with Parts 3.9.1 and 3.9.2 of the Building Code of Australia (Volume 2) including slip resistance; and
- d) a satisfactory final inspection of the building is to be carried out by Council Officers.

28. Prior to Occupation – Waste Management

Prior to the Occupation of the dwelling, the property must be serviced by Council’s red and yellow bin service, unless the property cannot be accessed.

29. Prior to Occupation – Letter Box

Prior to occupation of the dwelling a letter box must be provided. The letter box must be easily visible from the road and accessible for Australia Post employees and be clearly marked with the correct house number.

30. Prior to Occupation – Street Number

Prior to the occupation of the dwelling a street number must be displayed in a clearly visible location.

31. Prior to Occupation – Landscaping

Prior to occupation landscaping must be planted in accordance with the approved landscape plan and planting schedule.

32. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to 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 9 has 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.

Ongoing Matters

33. Approved Use

The approved building must not be used for any other purpose other than the approved use i.e. a dwelling. Any proposed change of use shall only be permitted with the consent of Council.

34. Buffer Management Plan

The Buffer Management Plan required under Condition 4 must be maintained in perpetuity.

Advisory Notes

1. Compliance with the Building Code of Australia (Volume 2)

AN1. The following is required to ensure that the dwelling complies with the Building Code of Australia (Volume 2):-

- a. Interconnected smoke alarms complying with AS3786 must be provided outside the doors to the bedroom 1 & 2 and 3;
- b. The steps must be constructed to comply with the risers and goings dimensions in Clause 3.9.1.2, must have slip-resistant nosings in accordance with Clause 3.9.1.4 and have handrails in accordance with Clause 3.9.2.4; and
- c. Balustrades will be required to the verandah and landings if the floor levels are greater than 1 metre above finished ground levels in accordance with Clause 3.9.2.3.

2. Inspection Schedule

AN2. Council is required to ensure all work is carried out in accordance with the Consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and external sanitary drainage, septic tank and absorption trenches prior to backfilling.
- b. Footing inspection.
- c. Final/stormwater inspection at time of completion of all works.

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.

05) 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.

06) 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.