



10 May 2022

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, 16 May 2022 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 19.04.22
- (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

Ross Earl
Interim General Manager

5.45PM CITIZENSHIP CEREMONY

Meeting Calendar 2022

May

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	16 May 2022	Council Meeting	Community Centre
9.00am	18 May 2022	Audit, Risk and Improvement Committee Meeting	Community Centre
8.30am	25 May 2022	Orange360 Board Meeting	Orange
9.00am	26 May 2022	Central NSW Joint Organisation Board Meeting	Sydney
12.00pm	26 May 2022	Central NSW Business HQ Board Meeting	Orange
9.00am	27 May 2022	Country Mayors Meeting	Sydney

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	3 June 2022	Mining and Energy Related Councils Meeting	Sydney
6.00pm	7 June 2022	Extraordinary Council Meeting	Community Centre
12.00pm	16 June 2022	Central NSW Business HQ Board Meeting	Orange
10.00am	17 June 2022	Traffic Committee Meeting	Community Centre
8.30am	22 June 2022	Orange360 Board Meeting	Orange
10.30am	22 June 2022	Central Tablelands Water Meeting	Canowindra
6.00pm	27 June 2022	Council Meeting	Community Centre

July

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	18 July 2022	Council Meeting	Community Centre
12.00pm	21 July 2022	Central NSW Business HQ Board Meeting	Orange
8.30am	27 July 2022	Orange360 Board Meeting	Orange

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HELD ON MONDAY 16 MAY 2022

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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 19 APRIL 2022**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 19 April 2022, being minute numbers 2204/001 to 2204/023 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 19 APRIL 2022, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones, B Reynolds and D Somerville (Deputy Mayor)

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Acting Director Infrastructure Services (Mr G Paton), 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 Ferguson	Non Pecuniary (Significant)	21	120	Engagement of Recruitment Agency new General Manager	Cr Ferguson is a member and Regional Vice President of the LGNSW Board. Local Government Management Solutions, a business unit of LGNSW, has submitted a proposal.
Rebecca Ryan	Non Pecuniary (Less Than Significant)	21	120	Engagement of Recruitment Agency new General Manager	One of the proposals is from the recruitment agency which undertook the same process for QPRC, where Ms Ryan has been appointed CEO.

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 MARCH 2022****2204/001****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 21 March 2022, being minute numbers 2203/001 to 2203/029 be confirmed.

(Newstead/Somervaille)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS**COUNCIL RESOLUTION REPORT****2204/002****RESOLVED:**

That Council notes the Resolution Report to March 2022.

(Ewin/Somervaille)

CARRIED

CENTRAL NSW BUSINESS HQ**2204/003****RESOLVED:**

1. That Council support the proposed amendments to the Central NSW Business HQ constitution that will;
 - a. establish a General Membership class with such membership clause to hold full rights as members of the company including the right to vote;
 - b. amend the Founding Council Membership class to become a Council Membership class with such membership class open to any Council; and further amend the revised Council membership class to not have the right to vote.
2. That Council appoints the Interim General Manager, Ross Earl as the Appointed Delegate from Blayney Shire Council to attend this Special Meeting of Biz HQ and until the constitution is amended as above.

(Reynolds/Pryse Jones)

CARRIED

COMMITTEES OF COUNCIL**2204/004****RESOLVED:**

1. That Council maintain the Blayney Shire Disability Inclusion Working Group and Australia Day Committee as Committees of Council as per section 355(b) of the Local Government Act (1993) for the new Council term.
2. That Council appoint 2 Councillors, 1 as Chair of the Blayney Shire Disability Inclusion Working Group, and invite members of the community to be appointed as the community

- representatives on this committee.
3. That Council establish individual User Groups to continue ongoing stakeholder engagement with user groups for each of the Sporting Facilities as projects are developed and delivered.
 4. That Council staff conduct an annual onsite inspection of the Shire's Cemeteries with Councillors inviting stakeholders, Blayney Family History Group, Village/Progress Association representatives and community members.
 5. That the Tourism, Towns and Villages Committee not continue in its current format, and Council utilise alternative localised attendance of the Mayor, Councillors and staff, engagement with Orange360 and ongoing communication and involvement supporting Village/Progress Associations and Hall Committees to progress the individual Town and Village Community Plans. A report comes back to Council on the best options to connect with each of the villages and Blayney Township.

(Reynolds/Newstead)

CARRIED

FLYERS CREEK WIND FARM VOLUNTARY PLANNING AGREEMENT COMMENCEMENT

2204/005

RESOLVED:

1. That the Council Working Group currently reviewing the Financial Assistance Program (FAP) Guidelines examines how the Voluntary Planning Agreement with Iberdrola may facilitate the disbursement of the Community Benefit Fund; representation from Iberdrola and the community on the FAP committee and how both Council and community projects that benefit the Shire and around the Flyers Creek Wind Farm area are supported.
2. Hold the current funds in reserve until a review is completed and a report is brought back to Council.

(Reynolds/Newstead)

CARRIED

RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

2204/006

RESOLVED:

That Council receive and note the Risk, Work Health and Safety Report for the quarter 1 January 2022 to 31 March 2022.

(Reynolds/Newstead)

CARRIED

HOUSING PLUS DEVELOPMENT CONTRIBUTIONS REFUND REQUEST

MOTION:

That Council provide an additional \$5,503 towards the Housing Plus Affordable Housing Project in Frape Street to reimburse the Developer and Sewerage contributions charges paid by Housing

Plus to Blayney Shire Council.

(Pryse Jones/Gosewisch)

An **AMENDMENT** was moved by Cr Somerville and seconded by Cr Reynolds:

1. That Council notes that the actual subdivision costs paid by Council were \$10,219.50 rather than the estimated \$15,868.
2. That Council agrees to reimburse Housing Plus the Section 7.11 and Sewer Headworks charges totalling \$11,151.50

The amendment became the substantive motion and was put.

2204/007 RESOLVED:

1. That Council notes that the actual subdivision costs paid by Council were \$10,219.50 rather than the estimated \$15,868.
2. That Council agrees to reimburse Housing Plus the Section 7.11 and Sewer Headworks charges totalling \$11,151.50

(Somerville/Reynolds)

CARRIED

COMMUNITY STRATEGIC PLAN DRAFT 2022-2032

2204/008 RESOLVED:

That Council place on public exhibition the Draft Blayney Shire Community Strategic Plan 2022-2032 for a period of 28 days.

(Ewin/Reynolds)

CARRIED

CORPORATE SERVICES REPORTS

INFORMATION TECHNOLOGY QUARTERLY REPORT

2204/009 RESOLVED:

That Council receive and note the Information Technology report for the January to March 2022 quarter.

(Gosewisch/Ewin)

CARRIED

DISCLOSURES BY NEWLY ELECTED COUNCILLORS

2204/010 RESOLVED:

That the Disclosures by Councillors Returns as at 21 December 2021, as tabled be received.

(Pryse Jones/Somerville)

CARRIED

REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2022

2204/011 RESOLVED:

1. That the report indicating Council's investment position as at 31 March 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Reynolds/Newstead)

CARRIED**INFRASTRUCTURE SERVICES REPORTS****DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

2204/012

RESOLVED:

That the Director Infrastructure Services Monthly Report for April 2022 be received and noted.

(Gosewisch/Ewin)

CARRIED**ROAD CLOSURE - BLAKE STREET MILLTHORPE**

2204/013

RESOLVED:

That Council:

1. Temporarily regulate traffic on Blake Street, Millthorpe, between Park and William Streets, and William and George Streets, for a period of 12 months in accordance with s122 of the Roads Act 1993.
2. Prepare design options for upgrades to Blake Street for consideration by Council.

(Reynolds/Ewin)

CARRIED**MILLTHORPE VILLAGE CENTRE MASTER PLAN**

2204/014

RESOLVED:

1. That Council endorse the draft Millthorpe Village Centre Master Plan and it be placed on public exhibition for a period of at least 28 days.
2. That a further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

(Ewin/Somerville)

CARRIED**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 8 APRIL 2022**

2204/015

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 8 April 2022, be received and noted.
2. That Council:
 - a. Audit existing curve advisory signage on Errowanbang Road, with reference to the results provided by the assessment undertaken by Council and TfNSW, and,
 - b. Install/replace Curve (W1-2 (L and R)) signs and speed plate (W8-2) signage in accordance with the audit outcomes.

(Reynolds/Newstead)

CARRIED

**MINUTES OF THE FLOODPLAIN RISK MANAGEMENT
COMMITTEE MEETING - 24 MARCH 2022**

2204/016

RESOLVED:

That the Minutes of the Floodplain Risk Management Committee Meeting held on Thursday 24 March 2022, be received and noted.

(Ferguson/Pryse Jones)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

2204/017

DEVELOPMENT ASSESSMENT QUARTERLY REPORT**RESOLVED:**

That the development assessment quarterly report be received and noted.

(Somerville/Newstead)

CARRIED

**AGRITOURISM REFORMS AND CHANGES TO THE
BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012**

2204/018

RESOLVED:

That Council advise the NSW Department of Planning and Environment to alter the Blayney Local Environmental Plan 2012 as follows;

1. Incorporate the proposed Farm Gate Premises Clause (Clause 5.24), as detailed in Enclosure 1, and
2. Permit 'Agritourism', 'Farm Experience' and 'Farm Gate Premises' in the zones that currently have 'Agriculture' as a permissible land use.

(Reynolds/Somerville)

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

FOR**AGAINST**

Councillor Ewin

Councillor Ferguson

Councillor Somerville

Councillor Reynolds

Councillor Newstead

Councillor Pryse Jones

Councillor Gosewisch

Total (7)**Total (0)****CARRIED**

**DA119/2017 - ERECTION OF A DWELLING AND DETACHED
GARAGE - 37 SILVER STREET MANDURAMA**

2204/019

RESOLVED:

That Council refuses Development Application DA119/2017 for the development of a Dwelling, detached garage and associated works at 37 Silver Street, Mandurama, being Lot 14 DP1096417,

on the following grounds:

- Insufficient information has been provided by the Applicant relating to the likely impacts of the proposed development including environmental impacts relating to stormwater management;
- Given the constrained nature of the subject property, the Applicant has failed to demonstrate that the site is suitable for the proposed development in accordance with the requirements of s 4.15(1)(c) of the EP&A Act; and
- Approval of Development Application DA119/2017 is not considered to be in the public interest.

(Newstead/Reynolds)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Somerville		
Councillor Reynolds		
Councillor Newstead		
Councillor Pryse Jones		
Councillor Gosewisch		
Total (7)	Total (0)	CARRIED

CLOSED MEETING

2204/020 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:

APPOINTMENT INTERIM GENERAL MANAGER

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

ENGAGEMENT OF RECRUITMENT AGENCY NEW GENERAL MANAGER

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.

(Newstead/Gosewisch)
CARRIED

CONFIDENTIAL MEETING REPORTS

- 2204/021** **APPOINTMENT INTERIM GENERAL MANAGER**
RESOLVED:
That Council;
1. Accepts the resignation of the General Manager, Rebecca Ryan
 2. Appoint as Interim General Manager, Mr Ross Earl commencing Monday 9 May 2022 at the negotiated remuneration package plus reasonable rental expenses in Blayney.
 3. Delegate to Mr Ross Earl, Interim General Manager, powers pursuant to section 377 of the Local Government Act (1993) as defined in the Blayney Shire Council Register of Delegations to the General Manager.
- (Somerville/Ewin)
CARRIED

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

The General Manager, Directors and staff left the Chambers.

- 2204/022** **ENGAGEMENT OF RECRUITMENT AGENCY NEW GENERAL MANAGER**
RESOLVED:
1. That Council accept the proposal from Local Government Management Solutions to act as recruitment consultant to assist Council in conducting the recruitment process for a General Manager.
 2. That Council appoint a panel comprising the Mayor, Deputy Mayor, Councillor Pryse Jones and Councillor Ewin (with Councillor Reynolds as alternate) to work with the consultant during the recruitment process, including:
 - a) settling a position description and selection criteria;
 - b) approving an information pack for candidates;
 - c) approving advertising copy;
 - d) conducting first round interviews if necessary; and
 - e) settling a list of suitable candidates for final interview by full Council
- (Pryse Jones/Gosewisch)
CARRIED

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

- 2204/023** **RESOLVED:**
That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.

(Newstead/Reynolds)
CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2204/021
AND 2204/022.**

The Mayor acknowledged the valuable contribution the General Manager Rebecca Ryan has made to the Council and Blayney Shire over her 7½ years with Council.

There being no further business, the meeting concluded at 7.21pm

The Minute Numbers 2204/001 to 2204/023 were confirmed on 16 May 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 19 April 2022.

Cr S Ferguson
MAYOR

Mr R Earl
INTERIM GENERAL MANAGER

02) MEMORANDUM OF UNDERSTANDING: BLAYNEY SHIRE ARTS AND CRAFT COUNCIL INCORPORATED

Department: Executive Services

Author: Manager Tourism and Communications

CSP Link: 3. The Local and Visitor Economy

File No: CS.SV.3

Recommendation:

That Council authorise the Interim General Manager to sign the Memorandum of Understanding with Blayney Shire Arts and Craft Council Incorporated.

Reason for Report:

Due to changes with the NSW Accredited Visitor Information Centre (AVIC) program, Blayney Shire Arts and Craft Council Incorporated (BSACI) can no longer meet the criteria to be an Accredited Visitor Information Centre, requiring an update to their Memorandum of Understanding with Blayney Shire Council.

Report:

The Blayney Shire Visitor Information Centre (VIC) has been operated by Blayney Shire Arts and Craft Council Incorporated (BSACI) with a Memorandum of Understanding (MOU) in place. The MOU states that the aim of the VIC is to be a Level 3 Accredited Visitor Information Centre with Blayney Shire Council to provide the funding support for the operation of the VIC including rates, building maintenance, utilities, internet, smoke alarms etc. and Public Liability Insurance for the BSACI.

Previously there were 3 tiers of accreditation with varying expectations for opening hours however the Accredited Visitor Information Centre Program recently have moved to only 1 level of accreditation. The main challenge for the VIC with 1 level of accreditation is the requirement around opening hours which are: *Open 360 days per year for a minimum of 42 hours per week, with a minimum of 4 hours on Saturdays and 4 hours on Sundays.* The BSACI are unable to satisfy this due to a lack of volunteers.

Based on the accreditation changes, it is proposed the VIC become a Visitor Information Outlet. The main difference being there is no accreditation process or requirements for opening however, the branding utilises a blue and white 'i' as opposed to the yellow and white 'i'.

Council would facilitate and support the Arts Council in this proposal, with the execution of a new MOU which does not stipulate accreditation as a requirement and include operating hours which are agreed upon with the volunteers (Minimum of Monday – Saturday 9am – 12pm).

Council can work more with tourism businesses in the main villages to stock brochures, maps and guides to provide visitor information across the Shire.

Risk/Policy/Legislation Considerations:

The new MOU will ensure that the BSACI are not in breach of their agreement with Blayney Shire Council or with the accreditation requirements.

Budget Implications:

The \$880 fee for accreditation covered under the tourism budget will no longer be applicable. There will be some costs to replace signage and merchandise to the white and blue 'i' branding which will be covered under the General Tourism Budget.

Enclosures (following report)

1 Memorandum of Understanding

2 Pages

Attachments (separate document)

Nil

Memorandum of Understanding between Blayney Shire Council and
Blayney Shire Arts & Craft Council Incorporated

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to outline the general principles for a collaborative approach to the operation of the Blayney Visitor Information Outlet at 97 Adelaide Street, Blayney.

2. DEFINITIONS

In this document the following definitions will apply:

Council: Blayney Shire Council

BSACI: Blayney Shire Arts & Craft Council Incorporated

Cottage: Blayney Visitor Information Outlet, 97 Adelaide Street, Blayney

Community Centre: means the Blayney Shire Community Centre, 41 Church Street, Blayney

3. COMMENCEMENT & PERIOD OF OPERATION

This MOU will commence on the day it is signed by the parties and will continue in force until either party advises in writing that it no longer wishes to participate in the MOU.

4. ACKNOWLEDGEMENTS

- 4.1. The aim of The Cottage Visitor Information Outlet is to be a Visitor Information Outlet servicing the community and visitors as required
- 4.2. This is a shared space with the commercial Café operation, under separate lease agreement with Council

5. GENERAL

- 5.1. The Visitor Information Outlet will aim to operate Monday - Saturday from 9am – 12pm
- 5.2. Any marketing, promotional material or branding of tourist information will be approved by Council
- 5.3. Cleaning of the VIC space used exclusively by BSACI is the responsibility of BSACI
- 5.4. BSACI Volunteers will be inducted and comply with all Blayney Shire Workplace Health and Safety requirements, policies and procedures as directed and supported
- 5.5. Any sale of local arts and crafts, relevant policies and coordination of traders remains the responsibility of BSACI and its members

Memorandum of Understanding between Blayney Shire Council and
Blayney Shire Arts & Craft Council Incorporated

6. FUNDING CONTRIBUTION

- 6.1. Council will provide funding support for the operation of the Cottage including charges associated with rates, sewer, water, building maintenance, utilities, internet, public Wifi, laptop maintenance, smoke alarms and fire equipment.
- 6.2. Council will provide support to facilitate stocks of promotional material, of a general nature e.g. maps, brochures, and information on localities within Blayney Shire, being maintained subject to budgetary constraints.
- 6.3. Council will provide a laptop, printer, internet access, public Wifi and telephone and bear all costs of services associated with this equipment.
- 6.4. Council will provide 100% funding for Public Liability insurance of BSACI which is included as a recurrent annual donation via Council’s Financial Assistance Program
- 6.5. BSACI will ensure Public Liability Insurance is maintained and provide evidence upon renewal of annual premium
- 6.6. Meeting space will be made available in the Community Centre Cadia Room (subject to availability) or the Platform Community Arts Hub Meeting Room (Blayney Train Station) and booked from February to December, the first Tuesday of the month from 1pm – 2:30pm
- 6.7. The cost of meeting room hire at either the Community Centre or Platform Arts Hub will be charged as per Council’s adopted Operational Plan Fees and Charges; and included as a recurrent annual donation via Council’s Financial Assistance Program

7. REVIEW OF MEMORANDUM OF UNDERSTANDING

Through the Memorandum of Understanding, Council and the BSACI agree that the MOU is open to constant review and may be amended when all parties agree that it is required.

Signatures to this memorandum:

Witness:	Signature:	Date
_____	_____	__/__/__
	Ross Earl Interim General Manager Blayney Shire Council	

Witness:	Signature:	Date
_____	_____	__/__/__
	Elizabeth Russ Chairperson Blayney Shire Arts & Craft Council Incorporated	

03) REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2022

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.AU.1

Recommendation:

1. That the report indicating Council's investment position as at 30 April 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

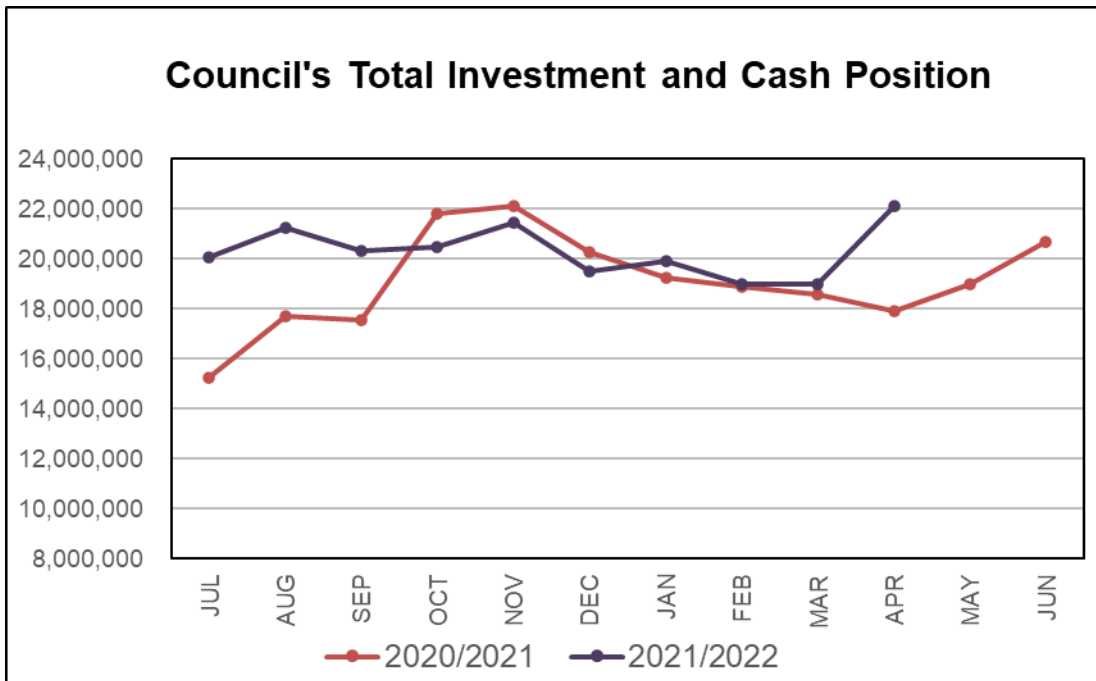
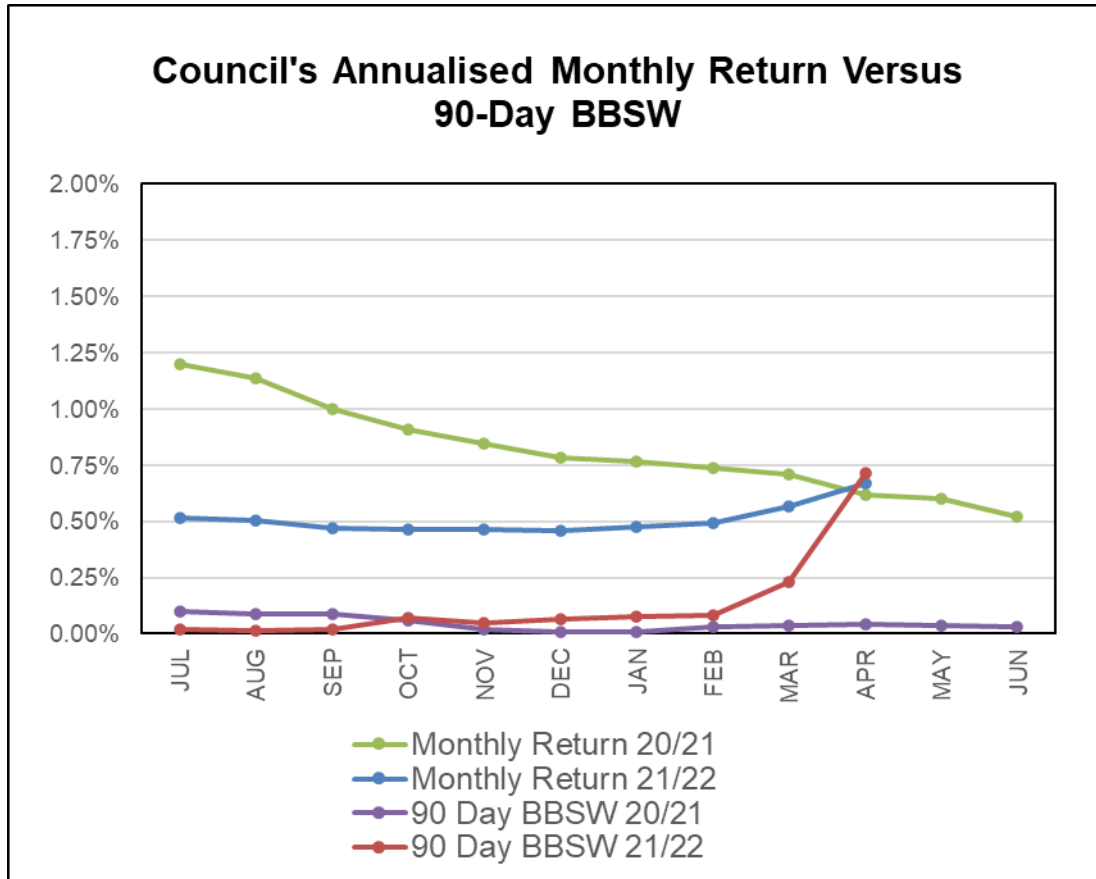
For Council to endorse the Report of Council Investments as at 30 April 2022.

Report:

This report provides details of Council's Investment Portfolio as at 30 April 2022.

Council's total investment and cash position as at 30 April 2022 is \$22,089,523. Investments earned interest of \$8,118.18 for the month of April 2022.

Council's monthly net return on Term Deposits annualised for April was 0.67% which did not outperform the 90 day Bank Bill Swap Rate of 0.71%. During the month of April, the Bank Bill Swap Rate has increased by 0.48%. As a result, the most recent term deposit renewal for 365 days attracted an interest rate of 2.10% up from 0.35%. A number of existing term deposits over the past 12 month period have locked in at significantly lower rates and as these investments reach maturity the annualised monthly rate of interest will increase in line with the Bank Bill Swap Rate.



REGISTER OF INVESTMENTS AND CASH AS AT 30 APRIL 2022					
Institution	Method	Rating	Maturity	Amount \$	Interest
NAB	Direct	A1+/AA-	10/05/2022	500,000	0.350%
NAB	Direct	A1+/AA-	24/05/2022	500,000	0.350%
Westpac	Direct	A1+/AA-	07/06/2022	500,000	0.340%
Westpac	Direct	A1+/AA-	21/06/2022	500,000	0.350%
CBA	Direct	A1+/AA-	05/07/2022	500,000	0.410%
CBA	Direct	A1+/AA-	19/07/2022	500,000	0.410%
ME Bank	IAM	A2/BBB+	02/08/2022	500,000	0.450%
CBA	Direct	A1+/AA-	16/08/2022	500,000	0.450%
NAB	Direct	A1+/AA-	30/08/2022	500,000	0.340%
CBA	Direct	A1+/AA-	13/09/2022	500,000	0.390%
CBA	Direct	A1+/AA-	27/09/2022	500,000	0.410%
Macquarie Bank	Curve	A1/A+	11/10/2022	500,000	0.500%
CBA	Direct	A1+/AA-	18/10/2022	500,000	0.460%
CBA	Direct	A1+/AA-	01/11/2022	500,000	0.700%
NAB	Direct	A1+/AA-	15/11/2022	500,000	0.530%
Reliance Bank	Direct	Unrated	22/11/2022	500,000	0.400%
Macquarie Bank	IAM	A1/A+	29/11/2022	500,000	0.500%
Westpac	Direct	A1+/AA-	29/11/2022	500,000	0.550%
Bank of Queensland	Curve	A2/BBB+	06/12/2022	500,000	0.650%
NAB	Direct	A1+/AA-	06/12/2022	500,000	0.650%
NAB	Direct	A1+/AA-	10/01/2023	500,000	0.770%
CBA	Direct	A1+/AA-	24/01/2023	500,000	0.760%
NAB	Direct	A1+/AA-	07/02/2023	500,000	0.770%
NAB	Direct	A1+/AA-	22/02/2023	500,000	0.850%
ME Bank	IAM	A2/BBB+	14/03/2023	500,000	1.120%
CBA	Direct	A1+/AA-	28/03/2023	500,000	1.300%
Macquarie Bank	IAM	A1/A+	28/03/2023	500,000	1.600%
CBA	Direct	A1+/AA-	11/04/2023	500,000	1.850%
NAB	Direct	A1+/AA-	18/04/2023	500,000	2.100%
NAB	Direct	A1+/AA-	20/06/2023	500,000	0.600%
Westpac	Direct	A1+/AA-	15/08/2023	500,000	0.530%
Westpac	Direct	A1+/AA-	10/10/2023	500,000	0.720%
Total Investments				16,500,000	0.701%
Commonwealth Bank - At Call Account ⁽¹⁾				511,653	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				4,676,620	0.000%
Reliance Bank ⁽¹⁾				201,249	0.000%
TOTAL INVESTMENTS AND CASH				22,089,523	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾		0.712%	
		RBA Cash Rate ⁽¹⁾		0.100%	

1. % Interest rates as at end of reporting period

Summary of Investment Movements - April 2022		
	Investment/(Recall)	
Financial Institution	Amount \$	Commentary
CBA	(502,044)	Term deposit matured 12/04/2022
CBA	500,000	Term deposit matured 12/04/2022
NAB	(501,645)	Term deposit reinvested 26/04/2022
NAB	500,000	Term deposit matured 26/04/2022

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%	76%	12,500,000
A- Category	40%	9%	1,500,000
BBB+ Category	25%	9%	1,500,000
BBB Category	10%	3%	500,000
BBB- Category and below: Local ⁽²⁾ ADI's	5%	3%	500,000
BBB+ / BBB categories combined	25%	15%	N/A
2. ADI's located within the Local Government Area			16,500,000

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

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS		
	Actual 30/06/2021 \$ 000's	Forecast* 30/06/2022 \$ 000's
External Cash Restrictions	12,640	9,633
Internal Cash Restrictions	7,476	5,026
TOTAL RESTRICTED ASSETS	20,116	14,659

*The Forecast 30/06/2022 Restricted Cash and Investments figures are subject to change pending finalisation of the 2021/22 Financial Statement audit.

In late April, Council received advanced payment of 75% of the 2022/23 Financial Assistance Grant totalling 2,396,969. To ensure adequate cash flows for ongoing operations the funds will be invested to coincide with the future instalment payment dates.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, certify that the investments listed in this report have been made in accordance with s625 of the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council Policy.

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 31 March 2022 be received.
2. That the supplementary votes of \$21k (nett) proposed in the Quarterly Budget Review Statement be adopted, resulting in a decrease to capital expenditure of (\$348), an increase to operating expenditure of \$71k and a decrease in income of (\$256k) which includes a decrease of (\$113k) in capital income.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement (QBRS) for the quarter ending 31 March 2022.

Report:

The budget review statement must show, by reference to the estimate of income and expenditure set out in the Operational Plan adopted by Council, a revised estimate of the income and expenditure for the year. The budget review statement must also be accompanied by a report as to whether or not the Responsible Accounting Officer believes that the financial position of the council is satisfactory, having regard to the original estimates of income and expenditure.

A set of minimum requirements have been set for reporting the financial position of Council, to facilitate explanations and major variations and recommend changes to the budget for Council approval. The report as tabled satisfies this minimum disclosure.

The QBRS reports the Council Consolidated position combining General and Sewer Funds and is composed of, but not limited to, the following budget review components:

- A statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRS;
- Summary of Operational, Capital, Net and Restricted cash positions **(QBRS: Part 1)**
- Income and Expenses (Operational) Budget Review Statement in the following formats:
 - o by income and expense type including capital grants and contributions **(QBRS: Part 2)**
 - o by function / activity to align with the operational plan including capital grants and contributions **(QBRS: Part 4)** and further

detailed, excluding capital grants and contributions (**QBRs: Part 4A**)

- Capital Expenditure and Funding Budget Review (**QBRs: Part 3**) and further detailed (**QBRs: Part 5**)
- Recommended changes to revised budget with commentary for Operational Income and Expenditure (**QBRs: Part 6**) and Capital (**QBRs: Part 7**)
- Budget Review Cash and Investments position (**QBRs: Part 8**) and narrative (**QBRs: Part 9**)
- Budget Review Key Performance Indicators (**QBRs: Part 10**)
- Contracts Budget Review Statement (**QBRs: Part 11**) and narrative (**QBRs: Part 12**)
- Consultancy & Legal Expenses Overview (**QBRs: Part 13**)
- Loans summary (**QBRs: Part 14**).

The purpose of the quarterly budget review is to act as a barometer of Council's financial health during the year and disclose Council's overall financial position. It is also a means to ensure Council meets its objectives, targets and outcomes as set out in its Operational Plan.

The attached report provides a detailed review of Council's 2021/22 Budget Review covering the March 2022 quarter.

Risk/Policy/Legislation Considerations:

Clause 203 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council prepare and submit to Council a budget review statement. The format as presented reports on an income and expense type, in a similar format to that included in the annual financial reports, as well as by Council activity and helps to inform Council on the anticipated Income Statement operating result for the financial year. Other information is also disclosed including budgeted capital income and expenditure; restricted cash movements and key performance indicators.

Budget Implications:

Overall, the net variation in Continuing Operations for the quarter of (\$214k) will decrease the projected Net Operating Result before Capital Items to (\$1.32m) forecast deficit.

Operational income variations of (\$256k) include a decrease to Capital Grants and Contributions of (\$113k). Deferral of 50% of the construction of the Belubula River Walk Stage 3 works to 2022/23 totalling (\$252k). An additional \$93k for completion of the Lyndhurst Recreational Ground tennis court lighting project & Redmond Oval cricket nets.

Delays in commissioning of the Recycled Water Treatment Plant have resulted in a reduction of forecast water sales of (\$155k) offset by a reduction in operating costs of (\$84k).

Operational expenditure variations of \$71k include increased road maintenance expenditure of \$61k following extensive rainfall across the Shire over the summer months resulting in additional pothole and road maintenance. Unscheduled maintenance at Blayney Community Centre,

Blayney Tennis Courts, and the Sewerage Treatment Plant totalling \$75k. Increased plant running costs of \$60k following a significant spike in oil prices and a reduction in utility costs at CentrePoint of (\$50k) due to the extended closure of the facility.

Recruitment and associated employee costs to employ a new General Manager of \$43k and an additional \$22k allocation under the Community Financial Assistance Program from prior year unexpended funds.

Deferral of the Millthorpe Settlement Strategy addendum of (\$30k) to 22/23 and a further reduction of (\$18k) in contributions to other Council's required for other cultural activities.

Variations of (\$348k) to capital expenditure include partial deferral (\$336k) of Stage 3 of the Belubula River Walk which is programmed for 2022/23.

Reduction of (\$130k) on the Frape St stormwater project and associated proposed borrowings with final costings lower than forecast.

Inclusion of SCCF4 projects scheduled for completion in 2021/22 for \$111k including the tennis court lighting at Lyndhurst Recreational Ground and cricket net refurbishment at Redmond Oval. Both projects require subsequent contributions from the respective VEP's

Enclosures (following report)

Nil

Attachments (separate document)

1 Quarterly Budget Review Statement 31 March 2022 22 Pages

05) ENDORSEMENT OF RESOURCING STRATEGY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CM.PL.1

Recommendation:

That Council;

1. Endorse the Resourcing Strategy which includes the following documents; Long Term Financial Plan 2023 - 2032, Workforce Management Plan 2022/2026; and
2. That these documents be placed on Public Exhibition for a period of 28 days.

Reason for Report:

This report provides information to Council on the Resourcing Strategy and seeks Council endorsement, to enable public exhibition for 28 days.

Report:

The Resourcing Strategy forms part of the Integrated Planning and Reporting Framework and tests long term community aspirations and goals against financial realities. It helps to inform Council's Delivery Program and Operational Plan.

The Resourcing Strategy for Blayney Shire is comprised of the following 3 components:

- The Long Term Financial Plan. This plan addresses the financial resourcing capacity requirements of our Delivery Program. The Plan covers a 10 year period and includes financial modelling and planning assumptions that have been identified as affecting the financial capacity of the organisation.
- The Workforce Management Plan. This plan addresses the human resource requirements of our Delivery Program. It covers a timeframe of 4 years and includes analysis of our workforce and factors impacting future resourcing.
- Asset Management Planning. These plans cover a 10 year period and identify the assets that are critical to our operations and outlines risk management strategies for these assets. They also contain long-term projections of asset maintenance, renewal and replacement costs. The Asset Management Policy and Strategy is the subject of a separate report.

Long Term Financial Plan

The Draft Long Term Financial Plan has been prepared to identify and communicate Council's financial objectives and forecasts for the planning period to the community and all of Council's stakeholders through the Special

Rate Variation application. It also forms the basis of Council's annual Operational and Delivery Program within the context of long term financial sustainability.

The Long Term Financial Plan spans the next 10 years addressing Council's revenue streams, pricing policy, assumptions, risks and forecasts. A consolidated income statement, balance sheet & cash flow statement is tabled for each of the 4 scenarios shown below as follows:

- Additional Special Rate (ASV)
- Base Case
- SRV plus Increased Development & Mining
- Reduced Mining & Increased CPI

All scenarios simulate Council's current environment using the service levels and resources in accordance with Council's Asset Management Plan and Workforce Management Plan.

Base Case - Additional Special Rate (ASV)

This scenario simulates Council's current environment using the service levels and resources in accordance with Council's Asset Management Plan and Workforce Management Plans. It assumes approval of the ASV, a 2.5% rate peg applied in year 1. It also assumes a conservative increase in revenue from mining should approval for the McPhillamy's Gold Mine be granted. Additional rate revenue is also anticipated through new development but has been modelled conservatively.

Base Case

This scenario simulates Council's current environment using the service levels and resources in accordance with Council's Asset Management Plan and Workforce Management Plans. It applies the 0.7% rate peg as determined by IPART should application for the additional special rate variation not be approved. It assumes a conservative increase in revenue from mining should approval for the McPhillamy's Gold Mine be granted. Additional rate revenue is also anticipated through new development but has been modelled conservatively.

SRV plus Increased Development & Mining

This scenario allows for an increase (special rate variation) in Council's rate income to accommodate Council services with the likely expansion of the mining industry within the Blayney Shire over the next 10 years and the flow on of increased land development as a result.

It also proposed a permanent 5% Special Rate Variation.

Reduced Mining & Freeze Indexation on Financial Assistance Grants

This scenario was modelled to demonstrate the reliance of Council on these income streams. The Mining rating category makes up 49% of Council's rate base and likely to increase. Any significant impact on the valuation of mining would have a considerable impact on Council's Operating Performance. Similarly, the Financial Assistance Grant also makes up around 12% of

Councils income. A freeze on the indexation of financial assistance grants against the increasing cost of fixed expenses such as wages is reflected over the life of the plan. This scenario is modelled on a 25% reduction in mining income from 2024/25 equating to roughly \$11m over the remainder of the plan.

The Long-Term Financial Plan must be publicly exhibited for at least 28 days and submissions received by the council in that period must be accepted and considered before the final Long-Term Financial Plan is adopted.

Workforce Management Planning

The aim of the Workforce Plan is to assist Council meet the priorities identified in the Blayney Shire Council Community Strategic Plan and achieve the objectives and actions identified in the 4 year delivery program. It seeks to provide suitably qualified and highly engaged employees to deliver quality services to our community and customers over the next 4 years.

This Workforce Management Plan has been informed by Council's own corporate sources, staff workshops held in December 2021, and the Price Waterhouse Coopers (PwC) / Local Government Professionals Australian LG Performance Excellence Program (Council Comparative Analysis Tool FY21).

Whilst Council already has a number of initiatives in place to promote Council as a desirable place to work and to promote a healthy work / life balance, it seeks to build further strategies and initiatives that will enhance these strategies.

Asset Management Planning

Council must account for and plan for all of the existing assets under its ownership, and any new asset solutions proposed in its Community Strategic Plan and Delivery Program. The Asset Management Strategy and Asset Management Plans support the Community Strategic Plan and Delivery Program. The Asset Management Plans encompass all the assets under Council's control. They identify asset service standards and contain long term projections of asset maintenance, rehabilitation and replacement costs.

Public exhibition of documents

Following any amendments by Council and endorsement via resolution, the draft Resourcing Strategy documents will be available on Council's website at the following link on Wednesday 18 May. The public exhibition will entail copies being available for viewing at Council administration office, on Council's website in the [Documents On Exhibition](#) page and a link to Council's website on Council's Facebook Page

Public submissions will be invited and advertised for a period of 28 days as per the Local Government Act (1993). Council must consider any comments and public submissions prior to adoption at the 27 June meeting.

Risk/Policy/Legislation Considerations:

The Local Government Act (1993) requires Council to have a long-term strategy, called its Resourcing Strategy, for the provision of resources required to implement the strategies established by the community strategic plan that the Council is responsible. The strategy must include provision for long term financial, workforce and asset management planning.

Budget Implications:

The significant number of forecast operating deficits over the life of the Base Case Long Term Financial Plan are highlighted for the attention of Council. In this regard, Council is scheduled to undertake a strategic financial review to address forecast operating deficits (Net Operating Result before Grants and Contributions for Capital Purposes) reported for years 2022/23 – 2025/26. This is programmed for commencement in June 2022.

The scope of work sought for the Strategic Financial Review is as follows:

- Undertake a desktop review of Council's financial position
- Develop strategies for implementation to assist financial sustainability long term (aside from special rate variations).
- Assist with development of strategies to assist Council meeting Office of Local Government benchmarks with Council's financial performance.
- Assist Council to determine adequate levels of unrestricted cash.
- Provide advice on any risks associated with the current strategies, practices, and management.
- Make recommendations on any actions to improve strategy and operations and to mitigate risk

The Strategic Review will include detailed analysis of:

- current financial statements
- 2021/22 budget
- Long Term Financial Plan & asset management plans. e.g. Does the LTFP address the deficiencies in the infrastructure ratios

The review will also entail engagement of Council and Council's leadership team and is scheduled to be finalised at the end of July 2022. It is also proposed to engage with the Audit, Risk and Improvement Committee on the project and for ongoing monitoring purposes.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|----------|
| 1 | Workforce Management Plan 2022/23 - 2025/26 | 21 Pages |
| 2 | Long Term Financial Plan 2022/23 - 2031/32 | 43 Pages |

06) 2022/23 - 2025/26 DELIVERY PROGRAM AND 2022/23 OPERATIONAL PLAN

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GS.LI.1

Recommendation:

1. That Council endorse the draft 2022/23 - 2025/26 Delivery Program and 2022/23 Operational Plan; and
2. That the draft 2022/23 - 2025/26 Delivery Program and 2022/23 Operational Plan be placed on public exhibition for a period of 28 days.

Reason for Report:

For Council to consider and endorse the draft 2022/23 - 2025/26 Delivery Program and 2022/23 Operational Plan for public exhibition, pursuant to section 405 of the Local Government Act.

Report:

All councils in NSW are required to develop long term, medium term and short term plans as part of the Integrated Planning and Reporting (IP&R) Framework under the *Local Government Amendment (Governance and Planning) Act 2016*.

The Delivery Program details the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy. Council must prepare a new Delivery Program after each ordinary election of councillors to cover the principal activities of the council for a 4 year period and roll it over on an annual basis to maintain this timeframe.

The Operational Plan spells out the individual projects and activities that will be undertaken in the forthcoming year to achieve the commitments made in the Delivery Program. Council must adopt its annual Operational Plan before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program. The Operational Plan must also include a detailed annual budget and include the Statement of Council's Revenue Policy which includes the proposed rates, fees and charges.

The Operational Plan has been reviewed and updated to reflect service delivery for the 2022/23 year. The Operational Plan and the 4 year Delivery Program are presented to Council in one document.

Following any amendments by Council and endorsement via resolution, the draft 2022/23 - 2025/26 Delivery Program and 2022/23 Operational Plan will

be available on Council’s website on Wednesday 18 May 2022. In addition, a hard copy for viewing will be made available at the Council office.

Public submissions must be advertised for a period of 28 days as per the Local Government Act (1993). Council must consider any comments and public submissions prior to adoption at the 27 June 2022 meeting.

Rates Structure

Council has proposed 2 rate structures following the announcement of the Rate Peg of 0.7%. Following correspondence from the Minister for Local Government and as resolved by Council at the March 2022 Council meeting, an application was lodged for an Additional Special Variation of 1.8% - for a total increase to rates income of 2.5%. This percentage increase had been provided for in Council’s prior year 2020/21 – 2023/24 Delivery Plan and updated Long Term Financial Plan. Exhibition of 2 rate structures are shown within the Revenue Policy of the Delivery Program and Operational Plan and is a prudent approach by Council in the event that Council’s ASV is declined by IPART. The following rating structures for 2022/23 are proposed:

Rate Structure with ASV 2.5% increase

Rating Structure for the 2022/23 Rating Year (2.5% increase)						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1,196	\$355	0.00192328	\$225,748,057	\$858,757	49.44%
Sub Category – Blayney & Carcoar	1,373	\$355	0.00430972	\$121,393,400	\$1,010,585	48.23%
Sub Category – Millthorpe	328	\$355	0.00175950	\$71,380,560	\$242,034	48.11%
Business						
Ordinary Rate	93	\$455	0.00416860	\$14,819,620	\$104,092	40.65%
Sub Category - Business Blayney	170	\$455	0.00838138	\$17,011,600	\$219,931	35.17%
Sub Category - Business Millthorpe & Carcoar	57	\$455	0.00565993	\$8,693,600	\$75,140	34.52%
Farmland						
Ordinary Rate	727	\$575	0.00225476	\$838,668,120	\$2,309,019	18.10%
Mining						
Ordinary Rate	1	\$1,120	0.03936400	\$426,000	\$17,889	6.26%
Sub Category - Mining Gold	-	\$1,120	0.04202500			0.00%
Sub Category - Mining Gold / Copper Combined	1	\$1,120	0.04272937	\$110,000,000	\$4,701,351	0.02%
Total Yield	3,946			\$1,408,140,597	\$9,538,797	

In this scenario Council has indexed its overall total rate yield by 2.5% or \$233k. This increase to rate revenue has been applied to the base rate and ad valorem amounts within each rate category to ensure this increase is apportioned evenly across all assessments.

As part of Council's ongoing strategy to deliver equity the following actions to rate categories are proposed:

Farmland

- An increase of the base rate amount by \$15 to \$575 has been applied. The average rate has increased from \$3,080.30 in 2021/22 to \$3,176.09.

Business

- An increase of the base rate amount by \$10 to \$455 has been applied. The average for the Business sub-categories ranges from \$1,119.27 to \$1,318.25. For reference the averages for the 2021/22 year ranged from \$1,086.71 to \$1,286.76.

Residential

- An increase to the base rate amount by \$10 to \$355 has been applied. The average for the Residential sub-categories ranges from \$718.02 to \$737.91. For reference the averages for the 2021/22 year ranged from \$698.38 to \$721.77.

Rate Structure with Rate Peg 0.7% increase

Rating Structure for the 2022/23 Rating Year (0.7% increase)						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1,196	\$350	0.00188280	\$225,748,057	\$843,638	49.62%
Sub Category – Blayney & Carcoar	1,373	\$350	0.00422710	\$121,393,400	\$993,691	48.36%
Sub Category – Millthorpe	328	\$350	0.00172445	\$71,380,560	\$237,892	48.26%
Business						
Ordinary Rate	93	\$455	0.00404506	\$14,819,620	\$102,261	41.38%
Sub Category - Business Blayney	170	\$455	0.00815398	\$17,011,600	\$216,062	35.80%
Sub Category - Business Millthorpe & Carcoar	57	\$455	0.00550790	\$8,693,600	\$73,818	35.13%
Farmland						
Ordinary Rate	727	\$570	0.00221070	\$838,668,120	\$2,268,434	18.27%
Mining						
Ordinary Rate	1	\$1,120	0.03862545	\$426,000	\$17,574	6.37%
Sub Category -						

Mining Gold	-	\$1,120	0.04202500			0.00%
Sub Category - Mining Gold / Copper Combined	1	\$1,120	0.04197760	\$110,000,000	\$4,618,656	0.02%
Total Yield	3,946			\$1,408,140,597	\$9,372,027	

In this scenario Council has indexed its overall total rate yield by the rate peg of 0.7% or \$66k. This increase to rate revenue has been applied to the base rate and ad valorem amounts within each rate category to ensure this increase is apportioned evenly across all assessments.

As part of Council’s ongoing strategy to deliver equity the following actions to rate categories are proposed:

Farmland

- An increase of the base rate amount by \$15 to \$575 has been applied. The average rate has increased from \$3,080.30 in 2021/22 to \$3,120.27.

Business

- An increase of the base rate amount by \$10 to \$455 has been applied. The average for the Business sub-categories ranges from \$1,099.58 to \$1,295.06. For reference the averages for the 2021/22 year ranged from \$1,086.71 to \$1,286.76.

Residential

- An increase to the base rate amount by \$10 to \$355 has been applied. The average for the Residential sub-categories ranges from \$705.38 to \$725.28. For reference the averages for the 2021/22 year ranged from \$698.38 to \$721.77.

Sewerage Charges have been indexed by 5%. The following wastewater (sewerage) service charges for 2022/23 are proposed:

Non Residential						
	Annual Charge (Prior to SDF Factor)	No of Properties	Quarter Charge before SDF applied	Min. quarterly amount charged	TOTAL YIELD	
20mm Water Service	\$616	161	\$154	\$184	\$616	
25mm Water Service	\$940	21	\$235	\$184	\$940	
32mm Water Service	\$1,532	18	\$383	\$184	\$1,532	
40mm Water Service	\$2,400	11	\$600	\$184	\$2,400	
50mm Water Service	\$3,744	24	\$936	\$184	\$3,744	
80mm Water Service	\$9,568	1	\$2,392		\$9,568	
100mm Water Service	\$15,000	6	\$3,750		\$15,000	
150mm Water Service	\$33,752	2	\$8,438		\$33,752	
Vacant/Unmetered	\$380	54			\$380	
Usage Charge (per kl)	\$1.58				\$1.58	
Estimated Total Yield					\$416,850	

Residential			
	Access Charge	No of Properties	Total Yield
Connected	\$736	1,534	\$1,129,024
Vacant/Unmetered	\$380	100	\$38,000
Estimated Total Yield			\$1,167,024

The Future Sewerage Infrastructure Subsidy Charge, introduced in 2020/21, is proposed to increase by \$2. This charge was based on the Sewerage Development Servicing Plan (DSP) which informs Developer Charges to be applied to new development. In the plan Council elected to levy Developer Charges lower than the calculated Developer Charges for the 2 service areas, Blayney and Millthorpe. The Developer Charges have been set in consideration of financial, social and environmental factors to determine a Developer Charge which is balanced, fair and meets Council's objectives.

The cross-subsidy, resulting from capping of Developer Charges, must be disclosed in Council's DSP, annual Operational Plan and Annual Report.

The amount determined per Typical Residential Bill (TRB) is disclosed below and will apply to all assessments within the service areas:

Future Sewerage Infrastructure Subsidy Charge			
	Access Charge	No of Properties	Total Yield
Connected - Residential	\$57	1,445	\$82,365
Connected - Business	\$57	240	\$13,680
Vacant (Unconnected)	\$57	154	\$8,778
Estimated Total Yield			\$104,823

The interest rate charged on overdue rates and charges for 2022/23 determined by the Office of Local Government is 6%.

Included in the 2022/23 Operational Plan is the Schedule of Financial Assistance outlining allocation of proposed funding under the Community Financial Assistance Policy. This schedule has been included to expedite the funding process for recurrent recipients of financial assistance and for greater transparency to the community.

Risk/Policy/Legislation Considerations:

Legislative requirements are disclosed in the report.

Council is to undertake a strategic financial review to address forecast operating deficits (Net Operating Result before Grants and Contributions for Capital Purposes) reported for years 2022/23 – 2025/26. This is programmed for commencement in June 2022 and is forecast to be finalised in July 2022.

Budget Implications:

The financial implications of this report are detailed in the 2022/23 Operational Plan and an overview is provided as follows:

Council's 2022/23 Draft Operational Plan budget proposes an operational deficit forecast of (\$779k) before capital grants and contributions. This consists of a forecast deficit from the General Fund of (\$915k) and a surplus from the Sewer Fund of \$136k.

The major contributors to Council's income in the draft budget for the 2022/23 financial year include the following:

Operational Income

For 2022/23 IPART has released the rate peg index at 0.7% down from 2.0% in the previous financial year. Council had forecast 2.5% which resulting in a decrease of (\$167k). Council has applied for an Additional Special Variation of 2.5% which is subject to approval.

The mining rate continues to contribute a substantial amount to Council's rate base (49.47%). Council should be wary of associated risks of such a position to be heavily reliant on this income to help fund the general operations of Council.

Domestic Waste annual charges are proposed to increase by \$8 to \$348. Commercial (Non-Domestic) Waste annual charges are also proposed to increase by \$8 to \$448. The Waste Management Levy is proposed to increase by \$8 to \$44.

Capital Grants & Contributions

Council was successful in obtaining \$5.03m under Resources for Regions Round 8 of which \$3.64m is budgeted in 2022/23 to fund the following:

- Blayney Shire Active Movement Strategy Projects
- King George Oval Pedestrian Integration Project
- Amenities refurbishments at Heritage & Carrington Parks
- Blayney Shire Road Safety Projects

Council was also successful in obtaining \$795k under Stronger Country Communities Round 4 of which \$703k is budgeted in 2022/23 to fund the following:

- Belubula River Walk Stage 4
- Light it Up Blayney Shire Sports Stage 1 (KGO and Blayney Netball Courts)

Round 3 of the Local Roads & Community Infrastructure will fund \$100k in preliminary works to upgrade the urban drainage and road pavement in Stabback and Unwin Streets in Millthorpe with the construction works to be completed in 2023/24.

Operating Expenditure

Council's operational expenditure for the 2022/23 Financial Year includes provision of a 3.0% increase to wages inclusive of the 2.0% State Award

increase and an additional 1.0% progression based increase on Award entitlement where applicable. A further 0.5% compulsory superannuation guarantee increase has been allowed for.

Council's contribution to Rural Fire Services is forecast to increase by \$130k. Early indication is that the NSW Government will again fund the increase however Council is yet to receive formal advice of the 2022/23 RFS Contribution. The increase has been applied from 2023/24.

Plant running costs including fuel, oil and tyres has increased by \$186k as a result of a spike in oil prices mainly due to supply issues and the global economic recovery.

Following finalisation of the other assets revaluation in 2020/21, depreciation on open space and other recreational assets is budgeted to decrease by (\$206k) as a result of reclassification of a number of assets to non depreciable land improvements. However, this is offset by an increase of \$208k to recognise depreciation on Rural Fire Service Red Fleet assets which is now required under the Local Government Code of Accounting Practice. Whilst Council maintains its position that Council does not have care and control of these assets in accordance with Policy 05G Recognition of Rural Fire Services Assets the required budget adjustment has been allowed.

Capital Expenditure

Budgeted works on Council's buildings and sporting facilities totalling \$1.07m is forecast including \$450k on the amenities refurbishment projects at Heritage & Carrington Parks and \$245k on lighting projects at KGO and Blayney Netball courts.

The Major and Minor Plant renewal program continues with replacements of \$2.09m scheduled to take place in the 2022/23 year including a grader, backhoe, 2 x watercarts and 3 x flail mowers and light vehicle replacements. Road rehabilitation on local roads works totalling \$2.68m including Forest Reefs Rd, Hobbys Yards Road and initial sealing of Coombing and Mendham Lanes in Barry and Harrow Street in Lyndhurst.

Replacement of the culvert over Icely Creek on Belubula Way of \$700k is programmed subject to successful funding under the TfNSW Repair program. A further \$1.86m to fund routine heavy patching, gravel resheeting, reseal and culvert renewal works throughout the shire.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|-----------|
| 1 | 2022/23 - 2025/26 Delivery Program and 2022/23 Operational Plan | 101 Pages |
|---|---|-----------|

07) REQUEST FOR INTEREST FREE LOAN**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** CR.SD.1**Recommendation:**

That Council;

1. Approve the provision of an interest free loan of \$40,000 to Dr. Bonnie McRae pursuant to policy 6C Package for Doctors Incentives for Retention / Attraction.
2. Review policy 6C Package for Doctors Incentives for Retention / Attraction as a priority.

Reason for Report:

To seek Council approval for the provision of an interest free loan pursuant to policy 6C Package for Doctors Incentives for Retention / Attraction.

Report:

At the March Council meeting Council considered an interest free loan by Dr. Bonnie McRae pursuant to policy 6C Package for Doctors Incentives for Retention / Attraction. Council resolved at that time for this matter be deferred to a subsequent meeting.

Council has discussed the policy and this request further at the April Councillor Workshop. As reported, this policy is part of a commitment by Council to the NSW Central West Division of General Practitioners to provide a package for attraction and securing new Doctors to the Blayney Shire. Financial assistance has also been offered by Council since 2003 and there have been 7 loans issued.

A further request by the applicant, with more detailed information, has been received. Dr. Bonnie McRae has indicated that the loan will assist with securing a home within the Blayney Shire and for the Blayney community to have the services of a female Fellowed Doctor on a regular and permanent basis.

Council's policy 6C Package for Doctors Incentives for Retention / Attraction authorises the General Manager to offer an interest free two year loan, of up to \$40,000 to assist with the securing of a new GP to practice in the Blayney Shire.

The template loan agreement between Council and applicant provides for the loan to be repaid six monthly over the duration of the loan. It also provides for interest to be charged at 10% in the event of default.

A copy of the application and loan agreement template are attached for information of Councillors.

Councillors discussed this policy at the May Councillor Workshop and have requested the policy be escalated in the Council's policy review process in the 12 months following Local Government elections.

Risk/Policy/Legislation Considerations:

Policy considerations are outlined in the report. If approved by Council and in the remote event of default, Council will be an unsecured creditor.

Budget Implications:

As this will become an interest free loan, the cash outflow will not affect Council's operational budget result. However, it will reduce unrestricted cash levels over the next two years.

At current rate of return of 2.10% per annum, this would result in a loss of investment interest revenue of approximately \$525 over the two year period.

Enclosures (following report)

- | | | |
|---|-------------------------|---------|
| 1 | Template Loan Agreement | 2 Pages |
|---|-------------------------|---------|

Attachments (separate document)

- | | | |
|---|---|---------|
| 2 | Application for interest free loan - Dr. Bonnie McRae | 2 Pages |
|---|---|---------|
- This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

DATED <month>, 20XX

BLAYNEY SHIRE COUNCIL

WITH

DR XXXXXXXXX

AGREEMENT FOR LOAN

THIS DEED made the day of two thousand and XXXXXX **BETWEEN BLAYNEY SHIRE COUNCIL** of 91 Adelaide Street, Blayney in the State of New South Wales (“the Council”) of one part and **DOCTOR XXXXXXXXXX** of X XXXXXX Street, XXXXXX in the State of New South Wales aforesaid (“Dr XXXXXX”) of the other part.

WHEREAS

- a) The Council is the Local Government Authority exercising its jurisdiction pursuant to the terms of the Local Government Act 1993 for the Shire of Blayney and;
- b) Dr XXXXXX is a registered medical practitioner authorised to conduct a general medical practice in the State of New South Wales.
- c) The Council has resolved to and is desirous of providing certain financial assistance to Dr XXXXXXXX on the terms appearing in this deed.

NOW THIS DEED WITNESSETH

- 1. The Council hereby advances by the way of loan the sum of Forty Thousand Dollars (\$40,000) (“the principal”) to the Dr XXXXXX (the receipt whereof is hereby acknowledged).
- 2. The Principal shall be repayable by Dr XXXXXX to the Council within two years in equal instalments with the following payment deadlines

XX <month> 20XX	\$10,000
XX <month> 20XX	\$10,000
XX <month> 20XX	\$10,000
XX <month> 20XX	\$10,000

In the event of Dr XXXXXX ceasing operation within the Shire, within two years from the date hereof, the principal shall be repayable upon demand being made in writing by the Council.
- 3. Interest is payable on the amount outstanding at the rate of ten per centum (10%) per annum, **PROVIDED THAT** in the event that Dr XXXXXX repays the principal on or before the date the principal is due for repayment pursuant to terms hereof then the principal shall be free of interest.
- 4. In the event that interest is payable on the amount outstanding pursuant to this Deed, payments shall be made monthly in arrears the first of such payments to be made at the expiration of twenty eight (28) days from the due date for the repayment of the principal sum.
- 5. Dr XXXXXX covenants with the Council that she will use his best endeavours to repay the principal within two (2) years from the date hereof.

EXECUTED AS A DEED
SIGNED for and on behalf of
BLAYNEY SHIRE COUNCIL

.....
Print Name

.....
Signature

.....
Name of Witness

.....
Signature of Witness

Signed by the said DR XXXXXXXX

.....
Print Name

.....
Signature

in the presence of:

.....
Print Name

.....
Signature

.....
Address

08) COUNCIL WORKING GROUP - FINANCIAL ASSISTANCE PROGRAM**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** CR.SD.2**Recommendation:**

That Council;

1. Advise Kerrie Adams that there are no vacancies on the Financial Assistance Program committee at present, but that her application will stand (if she agrees) if a vacancy becomes available or if the size of the committee is increased and further community nominations are sought.
2. Fix an amount of \$45,000, for a 3 year period, to be allocated to the Community Financial Assistance Program, with the balance (as indexed) to be held as a restricted asset (as indexed) Developer Contributions for allocation to community infrastructure;
3. Endorse the Community Financial Assistance Policy, as amended, be placed on public exhibition for a period of at least 28 days.
4. Notify these arrangements to Iberdrola for its comments.

Reason for Report:

For Council to consider recommendations of the Council Working Group on amendments to the Community Financial Assistance Policy.

Report:

At the April meeting Council resolved that the Council Working Group include in their review of the Community Financial Assistance Policy (FAP) how the Voluntary Planning Agreement with Iberdrola may facilitate the disbursement of the Community Benefit Fund; representation from Iberdrola and the community and how both Council and community projects that benefit the Shire and around the Flyers Creek Wind Farm area are supported.

The Working Group convened a meeting on 2 May 2022 and meeting notes are shown as follows:

Notes from Working Group Meeting

Date:	2 May 2022 (10.30 – 12.30)
Attending:	Clrs Somerville, Reynolds. Newstead, Pryse-Jones; Mark Dicker (acting GM), Anton Franze (DCS)
The working group has been asked to consider and make recommendations on the following 3 issues in relation to the Community Financial Assistance Program (FAP):	

<p>1</p> <p>Kerrie Adams request to be appointed to committee</p>	<p>The group believes that, as the request was out of time and there are no more vacancies on the committee (in fact, the committee has already been increased by one), that the request should be denied.</p> <p>RECOMMENDED: That Kerrie Adams be advised that there are no vacancies on the committee at present, but that her application will stand (if she agrees) if a vacancy becomes available or if the size of the committee is increased and further community nominations are sought.</p>
<p>2</p> <p>Amendments to existing policy to fund sponsorship of youth programs</p>	<p>The issue is whether programs such as Ten4Ten Leadership Dialogue and the Country Education Foundation should be eligible for one-off financial assistance through the FAP committee. To date these have not been within the scope of the policy and have been decided on a case by case basis by Council resolution. The group felt that including them in the one-off financial assistance category would further erode the funds available for community projects, infrastructure, events and facilities, which are being reduced every year due to increases in recurrent annual donations to community groups approved in the Operational Plan.</p> <p>RECOMMENDED: That such programs be eligible for recurrent annual funding, subject to being included in the annual budget process or otherwise approved by Council. Some amendments would be required to both the objectives of the policy and to the eligibility for annual donations.</p> <p>The group also RECOMMENDS that the special provisions inserted into the policy to expand eligibility to cover overheads during the Covid pandemic be deleted as no longer relevant.</p> <p>Draft amendments were discussed and will be circulated separately.</p>

<p>3</p> <p>Use of the FAP to channel the community benefit component of the Iberdrola Flyers Creek wind farm VPA</p>	<p>The Flyers Creek Wind Farm VPA has an allocation for community programs, currently about \$62,000 pa (indexed). Council has a wide discretion as to how this is allocated. The requirement is to advise Iberdrola and seek its comments before making a decision. The group felt that, as Council already has a well-established and efficient program for funding community groups, it made sense to use this as the channel for the VPA funds. The group thinks that not all funds should be included in the FAP, so that some can be allocated by Council for community projects which may not qualify under the FAP (eg Council owned facilities not otherwise eligible). The other issue is including a mechanism which will make it easy to identify which funding comes from the Cadia SRV moneys and which comes from the Flyers Creek VPA funds.</p> <p>RECOMMENDED: That:</p> <ul style="list-style-type: none"> • a fixed amount of \$45,000 be allocated to the FAP, with the balance (which will increase each year with indexation) falling into Council’s general budget; • a new category of “annual major community project” be added to the FAP policy, with an allocation of up to \$25,000, funded from the VPA moneys, publicly acknowledged as such; • the balance of \$20,000 be available for one-off financial assistance on the same terms as at present, with the first projects funded each year to come from these VPA moneys until fully allocated, and thereafter to come from the Cadia SRV moneys; and • these arrangements be notified to Iberdrola for its comments. These comments may include adding a representative to the FAP committee, but that will be a matter for Iberdrola once they have considered this proposal. <p>Draft amendments to the FAP policy will be drafted and circulated. It is suggested that they not be referred to a Council meeting until we have Iberdrola’s comments. This timing will also affect the amendments under 2 above.</p>
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Risk/Policy/Legislation Considerations:

The recommendations of the Working Group have been encompassed in the draft Community Financial Assistance Policy along with some minor edits following review by Council staff and Financial Assistance Program Committee. The document as attached has amendments italicised and in italics.

For transparency purposes it is proposed for the policy to be exhibited for at least 28 days. This will also enable engagement of stakeholders on proposed policy amendments.

Budget Implications:

Council has an amount of \$100,000 included in the draft 2022/23 Operational Plan, funded from the Cadia Special Rate Variation.

The above report recommends a further \$45,000 to be dedicated from the Voluntary Planning Agreement (VPA) with Iberdrola. This is proposed for an initial 3 year period subject to review at the end of that timeframe. The balance of the VPA is to be retained in General Fund annually. This money is required to be quarantined as restricted cash with Developer Contributions for allocation to community infrastructure as resolved by Council.

Enclosures (following report)

1	Community Financial Assistance Policy	11 Pages
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Attachments (separate document)

Nil



Community Financial Assistance Policy

Policy	31
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Acknowledgement of Country

Here in Blayney Shire, we gather on Wiradjuri country on which members and elders of the local indigenous community and their forebearers have been custodians for many centuries and on which aboriginal people have performed age old ceremonies of celebration, initiation and renewal, we acknowledge their living culture and their unique role in the region.

Community groups representing first nations' people are encouraged to apply for financial assistance under this policy.

Objectives

The primary objective of the Blayney Shire Council's Community Financial Assistance Policy is, through the provision of financial assistance to community organisations, to:

- (a) encourage local participation in the development and maintenance of community projects, infrastructure and facilities for current and future generations;
- (b) foster the social, educational, economic and/or environmental wellbeing of the community;
- (c) support local schools and individuals to recognise academic and sporting achievements of local young citizens and to develop leadership skills; and
- (d) develop and promote the sporting, cultural and tourism potential of the shire through events and activities that support social inclusion and attracts regional attention.

1. LEGISLATION

The Community Financial Assistance Policy has been approved by resolution of Council. It is authorised under section 356 of the *Local Government Act 1993* which permits a Council to contribute money of otherwise grant financial assistance to persons for the purpose of exercising its functions.

2. SOURCE OF FUNDING

Funding of the financial assistance provided under this policy is sourced from:

- (a) The Cadia Special Rate Variation approved by IPART on 26 June 2012 (Cadia Moneys); and
- (b) The Flyers Creek Wind Farm Voluntary Planning Agreement dated xxxx (Iberdrola Moneys).

In each case moneys are payable annually to Council, held in appropriate reserves and then provided by way of financial assistance to community organisations under this policy.

3. ELIGIBLE RECIPIENTS

To receive financial assistance under this policy an applicant must be an eligible community organisation. For the purposes of this policy, an eligible community organisation is a separately constituted legal entity:

- (a) which operates on a "not-for-profit" basis (meaning that any proceeds of its activities and used for the benefit of the organisation and are not available for distribution to its members); and
- (b) the members of which are predominately members of the Blayney Shire community or, if not, which organises an event or function of regional significance which is supported by Council and benefits the Blayney Shire community.

Examples include Village Progress Associations; Town Committees; Trustees of Public Halls; Schools of Arts; Showground and other Reserves; Historical Societies; Show Societies; Community Service Organisations; Educational establishments; Charity Groups; Churches and Religious establishments; Sporting Clubs; Cultural Groups and Societies; Youth Groups and Senior Citizens; CWA branches; RSL Clubs and other groups assisting Council to carry out service functions (as determined by Council).

Financial assistance is provided across a broad range of activities and projects conducted by such organisations.

4. CATEGORIES

Financial assistance to community organisations is provided in two categories:

- (a) **Recurrent Annual Donations.** These are donations made to community organisations on an annual basis to assist financially with specified outgoings (such as public liability insurance), the waiver of Council rates and charges, waiver of Council rental charges, a school activity, the holding of a regular community event or cultural activity ~~or~~ other recurring activity or programs as approved by Council resolution.

Schedule 1 sets out the guidelines for determining the amount of such donations in each case.

The amount of these donations for each organisation or event or program is approved by Council in its annual budget contained in the Operational Plan or by Council resolution. The General Manager may approve other donations to an organisation or event under delegated authority, provided the donation is consistent with the guidelines, within budget and reported to Council via the next available Financial Assistance Program Committee meeting.

The source of funding for recurrent annual donations category is the Cadia Moneys.

- (b) **One-off financial assistance.** This assistance is provided for projects involving the construction, maintenance or repair of

community facilities, the purchase of equipment, or for the organising and conducting of local events and functions or for youth programs that foster leadership or access to tertiary education. In each case having demonstrated broad community benefit and support. Projects must be in accordance with the Community Strategic Plan and the four year Delivery Program.

Under this category community organisations are eligible to receive Council funding via a competitive submission process. There are two (2) funding rounds each year. Applications are called in June May and December November via a public notice published in the local newspaper and on Council's website.

Applications received after the close of business on the due dates will not be considered unless the Financial Assistance Program Committee in its discretion agrees otherwise. Financial assistance will be made available in June and November following determination at an ordinary meeting by Council and subsequent claim by the applicant.

Schedule 2 to sets out guidelines for determining the amount of such donations in each case. Applications are assessed in accordance with the criteria in paragraph clause 8 below.

In addition, on an exceptional basis, financial assistance is available as a contribution towards operational costs during the COVID-19 pandemic. Schedule 3 sets out the guidelines for this assistance. This category of assistance will cease to be available once all Public Health Order COVID-19 restrictions cease to apply.

- (c) **Flagship annual community project.** Each year an amount of \$25,000 will be set aside from the Iberdrola Moneys to provide financial assistance for a major project to be undertaken by a community group. This will usually entail capital works such as ground works, building construction, building repairs, refurbishment or renovation, and/or major equipment purchases. Funding for such a project is non-recurrent and is subject to the applicant entering into a management agreement for the facility with Blayney Shire Council or the Crown with Council's support.

Council assistance may include support for applications for grants made to a government or other public funding organisation. Success in such applications may result in a reduction of Council financial assistance.

[If a suitable major community project is not identified in any year, the funding will be set aside and be available in a subsequent year, when it will be in addition to any project in that year or pooled with that year's allocation to provide additional assistance for a suitable project]

5. AMOUNTS

An annual budget allocation for the Community Financial Assistance Policy is made each year in Council's Operational Plan.

This budget allocation covers both all three categories described above and is sourced from both the Cadia Moneys and the Iberdrola Moneys.

The amount available for the one-off financial assistance category will be

calculated for each round after deducting an estimate for the cost of the recurrent annual donations category, and any prior allocation from the off financial assistance category in that financial year.

The source of funding for the one-off financial assistance category is, firstly, the Iberdrola Moneys and then, once exhausted, the Cadia Moneys.

6. SPECIAL PROJECTS

Subject to funding availability, a higher level of financial assistance may be available for special projects. These usually entail capital works such as ground works, building construction, and/or major equipment purchase. Funding for special projects is non-recurrent and is subject to the applicant entering into a management agreement for the facility with Blayney Shire Council or the Crown with Council's support.

Council assistance may include support for applications for grants made to a government or other public funding organisation. Success in such applications may result in a reduction of Council financial assistance.

7. APPROVAL PROCESS

All applications for one-off financial assistance and for the annual flagship community project are decided by Council upon the recommendation of Council's Financial Assistance Program Committee, which is a section 355 committee of Council.

The Financial Assistance Program Committee is chaired by a Councillor nominated by Council and comprises 2 Councillors including the Chairman, the General Manager of Newcrest Mining or their delegate; a representative nominated by Iberdrola; and a minimum of 4 community representatives appointed by Council. The executive officer is Council's Director of Corporate Services.

Assessment of applications will remain confidential and no appeal is permitted as to any funding allocation decision.

8. ASSESSMENT CRITERIA

Council will use the following general criteria when considering requests for financial assistance:

- (a) activities which address gaps in service or community development;
- (b) activities which promote community development in a multicultural context and seek to address issues of access and equity;
- (c) involvement from volunteers and self-help initiatives which build upon Council's contribution;
- (d) consumer / use participation in management of services / activities
- (e) innovative and creative approaches to identified needs; and
- (f) activities which use Council funding to attract further resources.

Council will give low priority to following types of requests for financial assistance:

- (a) activities/services which do not attempt to become self-supporting where the potential exists through fees or other feasible income-producing activities;
- (b) activities of a purely social nature, which do not address the needs of disadvantaged groups;
- (c) activities which are eligible for support from state-wide or regional parent bodies; and
- (d) organisations, which have not observed accountability requirements for past Council assistance.

9. WHAT IS NOT FUNDED?

One-off financial assistance is not available for:

- (a) projects or organisations wholly outside the shire of Blayney;
- (b) operating or administrative overheads, such as rent, wages, office equipment or utility costs or travel, accommodation and conference costs;
- (c) projects by individuals or that benefit personal business interests;
- (d) projects that duplicate an existing project or service; or
- (e) completed projects.

10. GENERAL CONDITIONS/PAYMENT

Funds approved under the community financial assistance policy are to be claimed by 30 June of the following financial year of approval. In the event that funds are not claimed the applicant shall re-apply, if required, and funds will be returned to the community financial assistance program budget for reallocation.

10.1 Recurrent Annual Donations

- (a) Where Council is providing a contribution for Rates and Sewer charges, this funding will be processed after the Rates Instalment notice has been issued in July.
- (b) For grants for sporting achievement:
 - (i) only the highest level of achievement will be recognised;
 - (ii) participation must be based on merit (not self-selection); and
 - (iii) evidence of participation and a letter of support from the relevant sporting association should be provided.
- (c) For those categorised as Public Liability Insurance or Rental, Council requires a tax invoice prior to payment of financial assistance to be accompanied by the relevant Insurance Policy and Premium notice or proof of payment. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council.

9.2 One-off Financial Assistance and Flagship Annual Community Project

- (a) Projects must be clearly described, illustrate the community benefit that the financial assistance will provide and identify which of Council's vision statements in the Community Strategic Plan will be addressed.
- (b) Council does not offer any guarantee of funding as funding is subject to funds being available and not previously allocated. Also, as not all projects will receive funding, available funds will be allocated for projects that best meet the required community based criteria.
- (c) Applications that match \$ for \$ will be considered favourably. Any matching funding from the applicant or other sources are to be identified on the application.
- (d) Applicants must ensure that necessary approvals such as development applications or licences are considered prior to application lodgement. Evidence to this end in the form of a pre-development application consultation letter or correspondence from the relevant licence authority should accompany the application.
- (e) For projects involving construction / installation of new assets or renewal of existing assets on any Council controlled land, park, oval or recreational facility, consultation with the responsible Council department will be required prior to application lodgement.
- (f) Council reserves the right to manage any project approved on Council controlled land, park, oval or recreational facility as it deems required in consultation with the community organisation.
- (g) All applicants must provide certificates of currency for public liability insurance and the constitution or rules of their organisation where requested.
- (h) Council must be acknowledged in all promotional activities and must be provided with copies of advertising or promotional materials featuring Council for Council's approval prior to use in any promotional activity.
- (i) Any funds unspent at the completion of the project must be returned to Council.
- (j) Council requires a tax invoice prior to payment of financial assistance. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council.
- (k) Applicants who are not registered for GST should consider the applicability of Council's Community Infrastructure Projects Policy (No. 3h) which is intended to assist such groups with projects on Council land by enabling them to recover the GST paid on taxable supplies associated with of the project.
- ~~(l) Council fees and charges incurred in the holding of an event may be deducted before the financial assistance is paid.~~
- (m) For financial assistance of \$10,000 and above, a performance agreement must be completed between Council and the organisation following approval.

In submitting an application, the applicant accepts and acknowledges the general conditions set out in this Policy and in the Guidelines and in particular acknowledges that if unsuccessful it cannot appeal, contest or petition any councillor, staff member or community representative acting on behalf of or for council or its funding partners.

11. APPLICATION FORM

An application on the approved Council form must be submitted for those applicants seeking Council support under this Policy. Letters of request or verbal applications will not be accepted as funding applications.

An application form and Guidelines for applicants is available on Council's website and from Council's offices. These guidelines describe the information that must be included in the application and set out the acquittal and reporting requirements which must be complied with.

**SCHEDULE 1
Guidelines for Annual Donations**

Type of assistance	Amount
Public liability insurance	(i) reimbursement of 100% of the premium up to \$1,000 pa; and (ii) reimbursement of 50% of the premium exceeding \$1,000 up to a maximum grant of \$2,000 pa
Property rates and charges	as per Notice of Assessment
Rental	as per Council invoice
Schools and sporting related donations	(i) for school prizes, \$100 per school per annum (ii) for sporting achievements: (A) \$100 for regional selection; (B) \$300 for state selection; and (C) \$500 for national selection
Community Events/Cultural Activities	Not exceeding \$2,000 except with the approval of Council

**SCHEDULE 2
Guidelines for One-off Financial Assistance**

Type of assistance	Amount
Financial Assistance for community facilities	<u>Up to \$3,000</u> <i>(a) up to \$3,000; or</i> <i>(b) up to \$10,000 in exceptional cases for special projects approved by Council</i>
<u>Special projects enhancing a community facility (see paragraph 6 of the Community Financial Assistance Policy)</u>	<u>Up to \$10,000</u>
<u>Flagship annual community project (see clause 4(c))</u>	<u>Up to \$25,000</u>
Development Applications	The total amount development application costs levied on works to be undertaken on Council-owned facilities

SCHEDULE 3**Guidelines for community hardship and assistance grants****OVERVIEW**

Council recognises that COVID-19 restrictions have impacted the capacity of our community organisations to meet ongoing expenses due to decreased revenue streams such as facility hire, entry fees and other fundraising. Community Hardship and Assistance Grants offer targeted financial assistance to community organisations that have been impacted by COVID-19. The intent of this category of financial assistance is to:

- assist community organisations to meet ongoing costs despite loss of revenue
- support community organisations to keep operating, alter the way they deliver services and maintain connection with each other and with the community

Community groups can apply for a grant from this program, in recognition that these groups were affected by coronavirus (COVID-19) restrictions:

ELIGIBILITY

To be eligible for funding community groups must:

- Operate within the Blayney Shire
- Have not received funding or financial assistance under other COVID-19 funding programs e.g. the Commonwealth Government's JobKeeper Payment
- Be a registered incorporated body
- Hold an Australian Business Number (ABN) and have held that ABN at 1 March 2020
- Rely on fees paid by the public (as distinct from members of the community group) as their primary source of "self-generated" revenue.

WHO CANNOT APPLY

Applications cannot be made by:

- government agencies or departments of local, state or federal government
- educational, religious or medical organisations or groups raising funds for them
- businesses or charitable not for profit organisations that operate a commercial business e.g. nursing home
- individuals

HOW MAY FUNDING BE USED

Grant funds may be used to assist community organisations, for example on:

- Meeting operating and overhead costs, including utilities, insurance or rent;
- Any other supporting activities related to the operations of the organisation.

GRANTS AVAILABLE

How much can I apply for?

Actual substantiated overhead costs up to \$1,000 per annum.

What type of costs can be funded in this category?

- Ongoing operational costs (e.g. electricity, insurance, water, communications)
- Statutory or recurrent maintenance and repairs to maintain the safety, hygiene and integrity of a community facility (e.g., annual safety checks, cleaning, gutter clearing, pest control, solar panel maintenance).

Category Priorities (must address all):

- Demonstrated loss of revenue from public visitations of at least 30% between one month or quarter pre COVID restrictions to the same month or quarter post COVID restrictions
- Have primary responsibility for payment of costs
- Evidence that options to cover these costs through community organisation's own cash reserves or other funding sources have been thoroughly explored.

WHAT IS NOT ELIGIBLE FOR FUNDING

Projects, events or activities for the following purposes are ineligible for funding:

- The core business of educational, religious or medical organisations
- Prize money, prizes or trophies
- Development of privately-owned facilities
- Payment of debt, where the debt was not incurred to due to the COVID-19 impact
- Political activities
- Projects run solely for commercial profit.

Adopted:	15/06/2015	Minute: 1506/010
Last Reviewed:	15/06/2015	1506/010
	16/05/2016	1605/010
	17/12/2018	1812/010
	21/12/2020	2012/010
Next Review:	XX/06/2022	

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

That the Director Infrastructure Services Monthly Report for May 2022 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****Mainstreet Plans**

The Public Exhibition period for the Blayney Mainstreet Masterplan has now closed. No submissions were received from community groups or individuals. Council has received a submission from Transport for NSW, and this will be discussed with Place Design, prior to any changes being made, and a final Masterplan being provided to Council for adoption.

The Millthorpe Village Centre Masterplan was placed on Public Exhibition following the April Council meeting. Council has sought Transport for NSW input. Once this has closed, a report for adoption will be provided to Council. This is anticipated to be in June or July, subject to the level of community input.

Major Contracts**KGO Change Rooms**

Internal walls have been completed in both the southern and northern end change rooms, water proofing has been completed in the southern change rooms, with tiling underway. The northern change rooms will be waterproofed on the 11 May, and then tiling will commence. The internal fit out will commence once the tiling has been completed in both the southern & northern change rooms. Work has also started on the refurbishment of the old change rooms. These will be still fine to be used by players, whilst works are being undertaken. All external stormwater drainage works have been completed. Completion date of the change rooms has been pushed back to mid-June.

Gallymont Road Bridge

Piling works are completed and the abutments constructed. Council have commenced the road approach works. It is expected the works will be complete and the bridge opened in the week of 23rd of May.

Leabeater Street Bridge

Preliminary design for this project has been approved by Council Engineers and work has commenced on the For Construction drawings. Precast concrete components will commence manufacture in June, with establishment occurring in August.

Lucan Road Bridge

Detailed design is currently underway. The current project plan shows precast concrete components commencing manufacture in July with establishment occurring in September.

Boondaroo Road Bridge

Mobilisation is scheduled for July. For Construction drawings have been issued.

Major Works

Panuara Road Reconstruction

All three stages are now sealed. Final works including guardrail terminals, linemarking and guidepost installation remains.

Hobbys Yards Road Repair

The heavy patching work between Barry and Hobbys Yards is now sealed. Linemarking works including some renewals between Blayney & Barry will be completed before the end of financial year.

Stormwater Drainage – Oliver Street to Frog Hollow

All pipes are now installed. Lintel installation, kerb & road reinstatement remains. Some road closures/detours remain in place.

Road Maintenance Works

Road maintenance works including pothole patching, vegetation management, gravel road maintenance and signage works have been undertaken in the Mandurama and Gallymont areas, and on the Neville-Trunkey Road and local Blayney streets.

Gravel Re-sheeting

Some gravelling has been undertaken on Dungeon Road and Nyes Gates Road.

Heavy Patching

Heavy patching on Neville Road is now complete.

Culvert Renewal Program

The Doust Street culvert replacement is due to commence in the coming week. The preliminary & environmental assessment works are complete.

Footpaths

The footpath program for this financial year is complete, with works currently being planned for next financial year.

Assets

Work continues on the revaluation of the Sewer network, with all condition data now updated.

A draft of the Roads Strategy has been completed for review by Councillors. Staff are finalising the preparation of the Roads Strategy, with the output incorporated into the draft Long Term Financial Plan.

Staff have finalised the Draft Asset Management Strategy (Strategic Asset Management Plan) for review and endorsement by Councillors.

Parks and Recreation

Parks and Recreation are continuing routine maintenance such as mowing, tree trimming, and whipper snipping within the open space and sporting oval network.

Smart Hub Lighting & Access Control

Physical installation and point commissioning of all sites has been completed, with the exception of the King George Oval site due to the outstanding changeroom construction works. CWELC lighting, Dakers Oval amenities, and Redmond Oval lighting and access control sites are online with final programming and software deliverables outstanding. Once completed and commissioned, this will enable Council to provide, monitor and control, access and lighting at these sites remotely.

Belubula River Walk – Stage 3

Geotechnical investigations have been completed and a report provided to Council regarding the pedestrian bridge link to “the island”. The report has indicated that piles need to be approx. 12 metres deep, as the subgrade level is very poor. The boardwalk has been marked out to allow for parks and recreation staff to commence tree and bush planting

Neville Multipurpose Court

All works have been completed, except the installation of a basketball hoop. This should be completed by the end of May/early June subject to receipt of materials.

Wastewater**Recycled Water Treatment Plant**

Main process pump motor replacement has been completed. Outstanding works to future proof failure of the motor has been scoped and scheduled with a contractor, with works yet to commence. Validation is yet to occur, and is likely to begin mid- to late-May.

Fleet and Plant

Fleet is currently performing a detailed review of plant recovery rates and planning procurement for next financial year.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) ASSET MANAGEMENT POLICY AND STRATEGIC ASSET MANAGEMENT PLAN

Department: Infrastructure Services

Author: Manager Infrastructure

CSP Link: 1. Public Infrastructure and Services

File No: FM.RG.4

Recommendation:

That Council endorse the Blayney Shire Asset Management Policy and the Blayney Shire Strategic Asset Management Plan and place them on Public Exhibition for a period of not less than 28 days.

Reason for Report:

For Council to endorse the Asset Management Policy and the Strategic Asset Management Plan.

Report:

The Asset Management Policy and the Strategic Asset Management Plan (SAMP – Councils Asset Management Strategy) have been developed in accordance with the NSW Government Integrated Planning and Reporting (IP&R) Framework requirements. They form part of the Resourcing Strategy required under section 403 of the Local Government Act 1993.

The documents assist Council to to meet the objectives identified in the Blayney Shire Council Community Strategic Plan (CSP) and deliver the actions identified in the 4-year delivery program and Long Term Financial Plan.

The Asset Management Policy details Councils asset management responsibilities at a high level, and defines the asset management objectives and principles to ensure:

- Council's infrastructure is maintained in a sustainable manner,
- That strategies are in place to provide the required financial resources to safeguard Council assets,
- Council meets legislative requirements for asset management,
- Resources and operational capabilities are identified, and responsibilities allocated, and
- Transparent and responsible asset management processes that align with best practices.

The SAMP is designed to communicate and inform the community of Councils overall asset management practices, how the Community Strategic Plan is translated into asset management objectives, the levels of service that are provided, and the current and projected performance.

The purpose of the SAMP is to:

- Assist Council to maintain assets in a financially sustainable manner,
- Demonstrate whether Council can maintain the Levels of Service determined through community and stakeholder engagement,
- Show how the asset portfolio will meet the future service delivery needs and demand for assets, by the community over the next 10 years,
- Enable Council's asset management policy to be achieved, and
- Ensure the integration of Council's asset management with its long-term strategic plans.

Based on current data, the SAMP shows that Councils forecast budgets over the next 10 years are sufficient to maintain, and slightly improve the condition of its assets and therefore maintain the current levels of service from these assets.

Risk/Policy/Legislation Considerations:

In endorsing the Asset Management Policy and Strategic Asset Management Plan Council is meeting its obligations under the Local Government Act and IP&R framework.

Budget Implications:

Nil

Enclosures (following report)

1 Draft Asset Management Policy 3 Pages

Attachments (separate document)

2 Draft Strategic Asset Management Plan 32 Pages



Asset Management Policy

Policy	22B
Officer Responsible	Director Infrastructure Services
Last Review Date	16/05/2022

Strategic Policy

OBJECTIVES

To ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's infrastructure is maintained in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Implementing appropriate asset management strategies and providing financial resources required to safeguard Council assets.
- Creating and sustaining an asset management awareness throughout the organisation by way of training and development.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified and responsibilities for asset management are allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

SCOPE

This policy applies to all physical infrastructure assets owned, controlled or managed by Council.

GENERAL**Background**

1. Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
2. Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.
3. Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial Plan objectives.
4. A strategic approach to asset management will ensure that the Council delivers the required levels of service through its assets. This will provide positive impact on:
 - Members of the public and staff,
 - Council's financial sustainability over the medium to long term,
 - The ability to provide expected levels of service and required infrastructure,
 - The political environment in which Council operates, and
 - The legal liabilities of Council.

Principles

1. A consistent Asset Management Strategy (The Strategic Asset Management Plan) must exist for implementing systematic and appropriate asset management best-practice throughout all departments of Council.
2. All relevant legislative requirements and Office of Local Government Long Term Financial Indicators are considered in asset management.
3. Asset management principles will be integrated within existing planning and operational processes.
4. Asset Management Plans will be developed for major asset categories. The plans will be informed by community consultation and financial planning and reporting.
5. An inspection regime will ensure agreed service levels are maintained and to identify asset renewal priorities.
6. Asset renewals required to meet agreed service levels are identified in adopted asset management plans and funded in Councils Long Term Financial Plan.
7. Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
8. Renewal works will use current engineering and construction technology (Modern engineering equivalent), and consider intergenerational equity, current and future population growth and social amenity.
9. Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued, and depreciated in accordance with appropriate best practice and applicable Australian Standards, including Australian Accounting Standards (AASB).
10. Future life cycle costs will be reported and considered in all decisions relating to new services and assets or upgrading of existing assets and services.
11. Future service levels will be determined in consultation with the community.
12. Training in asset and financial management will be provided for Councillors and relevant staff.

RESPONSIBILITY

- **Councillors** are responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets.
- The **General Manager** has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.

End of Policy

	Date	Minute
Adopted:	14/11/2011	1111/018
Last Reviewed:	14/11/2011	1111/018
	12/11/2012	1211/014
	21/05/2018	
	16/05/2022	
Next Review:	8/06/2026	

11) FLOODPLAIN MANAGEMENT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** EM.PL.2**Recommendation:**

1. That Council endorse the Addendum to the Blayney Flood Study (Storm, 2022), and Addendum to the Blayney Floodplain Risk Management Study (Storm, 2022) and place them on Public Exhibition for a period of not less than 28 days.
2. Should no submissions be received during the Public Exhibition period, the Addendums be adopted by Council at the earliest possible meeting.
3. That Council endorse the Blayney Retarding Basins Study – Concept Design Report (Storm, 2022), and place it on Public Exhibition for a period of not less than 42 days.

Reason for Report:

For Council to endorse the: -

- Addendum to the Blayney Flood Study (Storm, 2022),
- Addendum to the Blayney Floodplain Risk Management Study (Storm, 2022), and
- Blayney Retarding Basins Study – Concept Design Report (Storm, 2022)

for Public Exhibition.

Report:

The three identified documents were presented to the Floodplain Risk Management Committee, for its consideration at the 24 March 2022 meeting, and recommended to Council for public exhibition. Minutes of the meeting were received and noted by Council at its April meeting, however the matter related to these key documents was deferred, as the documents had been inadvertently omitted from the Council Business Paper.

The documents are hereby **attached**, for Council consideration, and recommended for endorsement to be placed on Public Exhibition.

Risk/Policy/Legislation Considerations:

The Committee considers risk and policy matters as required.

Budget Implications:

Funding for preparation of the addendum documents and concept design report have been funded (4:1) under a Floodplain Management Grant from the NSW Government. The project remains on budget.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|----------|--|-----------|
| 1 | Blayney Flood Study - 2022 Addendum | 41 Pages |
| 2 | Blayney Floodplain Risk Management Study - 2022 Addendum | 18 Pages |
| 3 | Blayney Retarding Basins Study - Concept Design Report | 159 Pages |

12) DEVELOPMENT APPLICATION 5/2022 - ERECTION OF A DWELLING HOUSE WITH ATTACHED GARAGE - 13 WILLIAM STREET, MILLTHORPE

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1756

Recommendation:

That Council consents to Development Application DA5/2022 for the erection of a dwelling house with attached garage at Lot 23 Section G DP3361, 13 William Street, Millthorpe subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 5/2022 for the erection of a dwelling house with attached garage at 13 William Street, Millthorpe.

The Development Application has been referred to Council for determination on the basis that two submissions were received from notification of the proposed development. The submissions are addressed in Section 4.15(1)(d) of this report.

Report:

EXECUTIVE SUMMARY

Council's consent is sought for the erection of a dwelling house with attached garage at Lot 23 Section G DP3361, 13 William Street, Millthorpe (the 'subject property').

The subject property has a total area of 1012.6m², slopes from east to west towards William Street, is vacant of any built form and contains minimal vegetation. Properties surrounding the subject property comprise of residential development.

The key issue for consideration is, two submissions received during the notification period, as required by the *Blayney Community Participation Plan 2020*. The submissions are addressed in Section 4.15(1)(d) of this report.

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

PROPOSED DEVELOPMENT

Council's consent is sought for the erection of a dwelling house with attached garage at Lot 23 Section G DP3361, 13 William Street, Millthorpe.

The proposed dwelling house with attached garage is a combination single and two storey building constructed of a range of materials, including concrete block, timber and colorbond finishes. The proposed design reflects the site constraints of the sloping property and character of the area with the scale, height and level of excavation accommodating the two levels and three built forms.

ASSESSMENT – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**Section 1.7 – Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

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

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

SECTION 4.15 EVALUATION**Matters for Consideration – General**

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

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument**Blayney Local Environmental Plan 2012****Part 1 – Preliminary****Clause 1.2 Aims of Plan**

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

Clause 1.7 Maps

Land zoning:	RU5 Village
Lot size:	1012.6m ²
Heritage:	Millthorpe Heritage Conservation Area
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water	N/A

catchment:	
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned RU5 Village. A *dwelling house* is permissible in the in the RU5 Village zone and is defined as:

dwelling house means a building containing only one dwelling.

The objectives of the RU5 Village Zone seek to:

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

The development is assessed to be consistent with the forgoing objectives. In particular, the proposed development will make a positive contribution towards

providing opportunities for population and employment growth within the village of Millthorpe.

Part 5 – Miscellaneous provisions

Clause 5.10 – Heritage Conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance. Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area or item, consider the effect of the proposed development on the heritage significance of the area concerned.

The subject property is located in the Millthorpe Heritage Conservation Area and adjoining a Heritage Item at the rear (20 George Street, Millthorpe).

The proposed development has been assessed by Council's Heritage Advisor. A copy of the Heritage Advisors report is attached. The Heritage Advisor recommends that the proposed development is acceptable subject to a minor amendment regarding landscaping, therefore, ensuring the proposed development is reflective of the built form within the immediate area. A condition of consent is recommended to ensure compliance.

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.

A condition of consent will apply requiring that all drainage and plumbing work is to be carried out in accordance with the current Plumbing and Drainage Code of Practice by a licensed plumber. This will ensure that stormwater is directed to the legal point of discharge.

Clause 6.8 Essential services

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

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

State Environmental Planning Policy (Resilience & Hazards) 2021

State Environmental Planning Policy (Resilience & Hazards) 2021 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.

The subject property has historically been identified for residential land use and a site inspection of the subject property did not identify any evidence of a contaminating land use which would warrant any further investigation.

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

Blayney Shire Development Control Plan 2018 (the ‘DCP’)

Part C: Residential Development

C2 Single Dwellings in Urban Areas

C2.1 Dwelling Siting & Setbacks

The proposed development complies with the setback requirements as outlined below:

Front Setback	The front setback complies as it is in line with the adjoining dwelling houses.
Side Setbacks	The side setbacks comply with the minimum 1.5m provision.
Rear Setback	The rear setback complies as it exceeds the 1.5m provision.

C2.2 Site Coverage

The proposed design reflects the site constraints of the sloping property and character of the area with the scale, height and level of excavation accommodating the two levels and three built forms. The proposed development provides sufficient site area for built form, landscaping and private open space, no adverse impacts are assessed.

C2.3 Height & Scale

Sloping Land: *Where there is a steeply sloping site, the proposed building design should not protrude from the landscaping but be staggered or stepped down the natural slope of the land, where possible.*

The proposed development has been designed in regard to the slope of the subject property, with design features including the level of excavation to accommodate the two levels with retaining walls and landscaping to ensure the proposal is stepped down by the natural slope of the land. No adverse impacts are assessed.

Impacts: *Where a dwelling is:*

- a) Greater than two storeys in height (including attics with dormer windows and habitable basements); or*
 - b) Greater than 9m in height (measured from existing ground level to the highest point of the building excluding antennae or chimneys or similar); or*
 - c) Less than the setbacks prescribed above,*
- then the applicant must demonstrate the following:*

- i) How the height and scale of the building fits within the existing and/or desired street character of the area;*
- ii) That it will comply with the visual and acoustic privacy requirements of this Section; and*
- iii) That there is at least 2-3 hours solar access to key living spaces/private open spaces of the proposed/adjacent dwelling(s) at the winter solstice (21 June) between 9am and 3pm (through the provision of Shadow Diagrams).*

The proposed development is a two storey building and the development is appropriate in scale and height to adjoining properties. The proposed traditional pitched roofs located on the north south and east west elevations are appropriate in the setting and complement the surrounding dwelling houses.

The proposed development has been designed to ensure visual privacy to adjoining properties. The design does not include any windows visible to the adjoining property on the south, therefore, eliminating any overlooking. The design on the northern boundary is appropriate via proposed setbacks and landscaping, therefore, limiting overlooking and creating visual privacy.

The proposed development will not impact on the 2 -3 hours' solar access to the key living spaces/private open space of the adjoining properties due to the proposed setbacks and existing setbacks on the adjoining properties, no adverse impacts are assessed.

C2.4 Building Elevations

Blank Walls: *Building facades facing a public road cannot have large areas of blank wall(s) and must incorporate:*

- a) Window(s) to a habitable room facing the street to allow for casual surveillance of any street frontage;*
- b) Variation of materials and/or colours on larger surfaces;*
- c) Variation of building setback and roof lines;*
- d) Any other articulation acceptable to Council.*

The proposed development does not incorporate any blank walls to the street frontage.

Reflectivity: *External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive. Factory pre-coloured non-reflective materials are preferred (or galvanised iron where required by Council).*

The proposed development incorporates low reflective materials; no adverse impacts are assessed.

C2.5 Noise & Visual Privacy

Development that:

- 1) Is greater than one-storey in height (including habitable attic rooms with dormer windows); or*

- 2) *Where there is a risk of overlooking of adjacent properties due to floor and window sill levels higher than fences / adjacent properties; or*
- 3) *That does not meet the minimum building setbacks, must be designed to locate and size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, and primary private open space(s) of adjoining dwellings or demonstrate how overlooking will be minimised.*

The proposed development has been designed to limit the visual privacy to adjoining properties. The design does not include any windows visible to the adjoining property on the south, therefore, eliminating any potential for overlooking. The design on the northern boundary is appropriate via proposed setbacks and landscaping, therefore, limiting overlooking and creating visual privacy.

C2.6 Fencing

The proposed development does not include any fencing.

C2.7 Landscaping & Private Open Space

The submitted Landscaping Plan provides screened private open spaces areas, privacy benefits and reduces the visual impact of the built form on the area. Draft condition 8 requires an amended landscape plan and in particular that will break the continuous concrete block wall on the southern elevation of the proposed dwelling.

Part H: Heritage Conservation

H5 Development within Heritage Conservation Areas

H5.1 Scale and Form

- 1) *The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.*

The proposed development is reflective of the surrounding buildings with the roof pitch and scale reflective of the character of the area.

- 2) *Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area.*

The proposed design reflects the site constraints of the sloping property and character of the area with the scale, height and level of excavation accommodating the two levels and three built forms. The proposed development provides sufficient site area for built form, landscaping and private open space, no adverse impacts are assessed.

- 3) *New development that obscures important views within a heritage conservation area should not be permitted.*

The proposed development will not obscure any views within the village of Millthorpe due to proposed design complementing the sloping property and character of the area.

- 4) *The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.*

The proposed development is reflective of the surrounding buildings with the roof pitch and scale reflective of the character of the area.

5) Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.

Not applicable to this application.

6) The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

Not applicable to this application.

H5.2 Siting

1) The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.

The proposed development complies with the setback requirements.

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

No new structures are built forward of the building line.

H5.3 Materials and Colours

1) Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.

Not applicable to this application.

2) Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.

Not applicable to this application.

3) Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.

The proposed materials and colour scheme has been reviewed by Councils Heritage Advisor and considered appropriate.

4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.

The proposed materials and colour scheme has been reviewed by Councils Heritage Advisor and considered appropriate.

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

The proposed materials and colour scheme has been reviewed by Councils Heritage Advisor and considered appropriate.

H5.4 Doors and Windows

Not applicable to this application.

H5.5 Outbuildings

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

The proposed outbuilding is located behind the building line and is single storey.

H5.6 Fencing

Not applicable to this application.

H5.7 Advertising & Signage

Not applicable to this application.

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

There are no planning agreements relating to the subject property.

Section 4.15(1)(a)(iv) The Regulations**In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**

Not applicable to this application.

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

Not applicable to this application.

Fire safety and other considerations (Clause 93)

Not applicable to this application.

Buildings to be Upgraded (Clause 94)

Not applicable to this application.

BASIX Commitments (Clause 97A)

Not applicable to this application.

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

The likely impacts of the proposed development have been addressed below:

Context and Setting – The subject property has a total area of 1012.6m², slopes to the west towards William Street, is vacant of any built form and contains minimal vegetation. Properties surrounding the subject property comprise of residential development.

The proposed dwelling house with attached garage is a combination of single and two storey construction consisting of a range of materials, including concrete block, timber and colorbond finishes. The proposed design reflects the site constraints of the sloping property and character of the area with the scale, height and level of excavation accommodating the two levels and three built forms. This is evident via the following design features:

- The proposed development is consistent with the *Blayney Local Environmental Plan 2012* and the *Blayney Development Control Plan 2018*.
- The proposed development incorporates traditional pitched roof lines which reflect the existing built form within William Street;
- The proposed development is a two storey dwelling house and is similar in bulk and scale to the adjoining property (15 William Street, Millthorpe);
- The proposed front setback is consistent with the adjoining properties;
- The proposed level of excavation and levels reduces the height and mass within William Street; and
- The proposed landscaping provides relief and privacy within the built form.

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

Heritage - The subject property is located in the Millthorpe Heritage Conservation Area and adjoining a Heritage Item at the rear (20 George Street, Millthorpe).

The proposed development has been assessed by Council's Heritage Advisor. A copy of the Heritage Advisors report is attached. The Heritage Advisor has recommended that the proposed development is acceptable subject a minor amendment regarding landscaping, therefore, ensuring the proposed development is reflective of the built form within the immediate area. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the heritage significance of area or character of the village.

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

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

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

Two submissions have been received from surrounding residential landowners. Copies of the submissions and response from the applicant are attached.

The key issues identified in the submissions include:

Impact on the Heritage Conservation Area (including completed height of the building)

The design of the proposed buildings does not reflect the character of the residential area. In particular, the southern elevation has no windows, a large blank wall and is industrial in design.

Solar Passive Impact on Private Open Space and overshadowing

The proposed building height will impact the adjoining properties private open space, solar passive spaces and will be visible throughout the village of Millthorpe.

The proposed development is a two storey building and is appropriate in scale and height in regard to the surrounding properties. The proposed traditional pitched roofs located on the north south and east west elevations are appropriate in the setting and complement the surrounding dwelling houses.

The proposed development has been designed to ensure visual privacy to adjoining properties. The design does not include any windows visible to the adjoining property on the south, therefore, eliminating any overlooking. The design on the northern boundary is appropriate via proposed setbacks and landscaping, therefore, limiting overlooking and creating visual privacy.

The proposed development has been assessed by Council's Heritage Advisor as outlined in section 4.15(1)(b) who has recommended that the proposed development is acceptable subject a minor amendment regarding landscaping.

The proposed development will not impact on the 2 -3 hours' solar access to the key living spaces/private open space of the adjoining properties due to the proposed setbacks and existing setbacks on the adjoining properties.

It is noted the proposed 1.5m southern boundary setback is the same southern boundary setback as existing 2 storey dwelling at 15 William Street which as a combination of 1.5m setback for the garage and 2m for the dwelling (noting 17 William St then has a driveway directly against this property boundary).

Additionally, image 2 in the applicant's response to submissions dated 22 March 2022, articulates the built form of the proposed dwelling from the street including neighbouring dwellings. Image 2 shows the proposed dwelling contains; a slimmer dwelling width, a lower external wall height and lower roof ridge height which all contribute to maximising solar access for the residents

of 15 William Street. As such no adverse impacts are envisaged in regards to passive solar impact.

Section 4.15(1)(e) The public interest

The proposed development is consistent with the *Blayney Local Environmental Plan 2012* and the *Blayney Development Control Plan 2018*. No adverse impacts are assessed to the public as outlined throughout this report.

Conclusions:

The proposed development complies with the relevant aims, objectives and provisions of *Blayney Local Environmental Plan 2012*. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

Nil

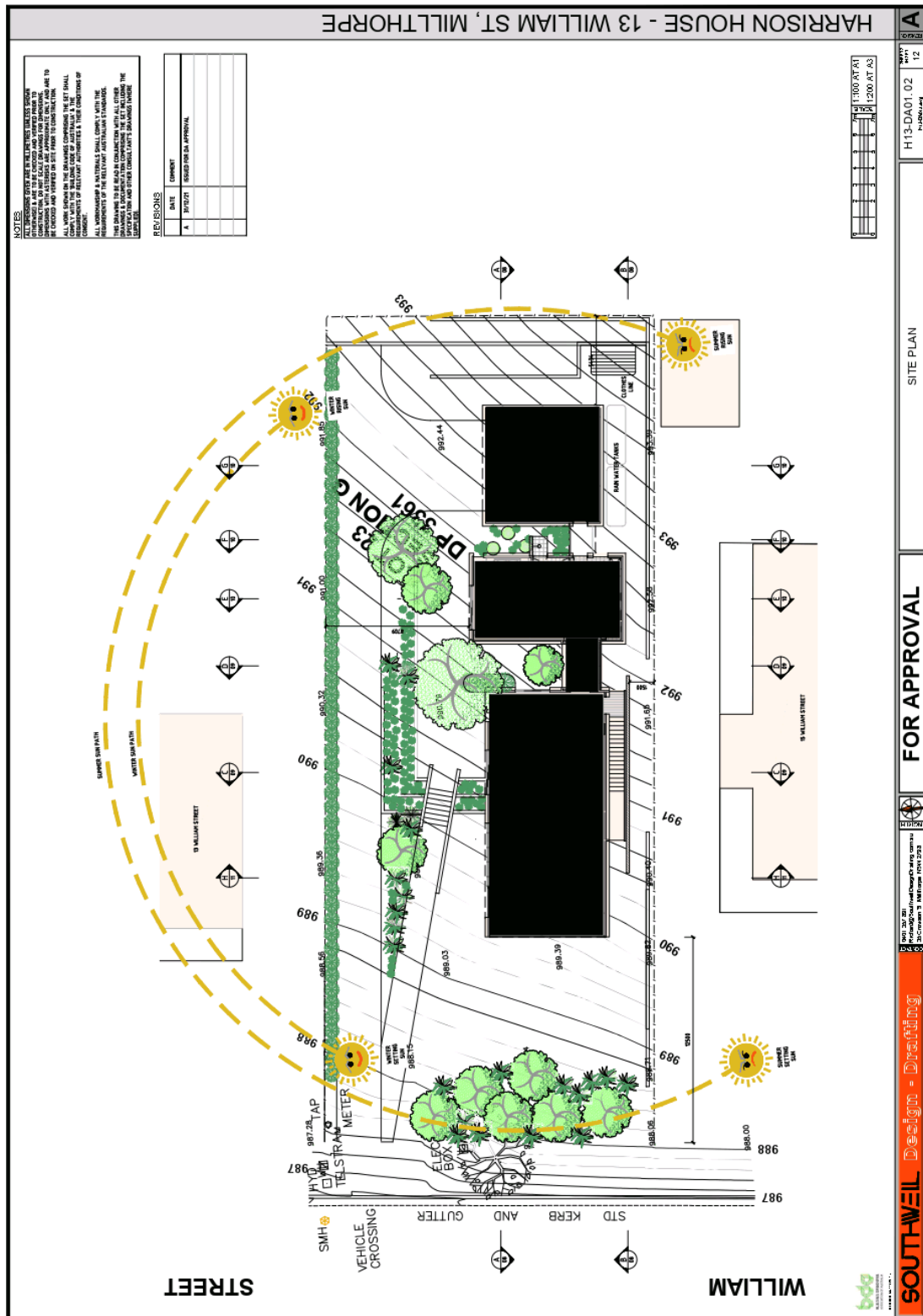
Enclosures (following report)

1	Plans	3 Pages
2	Heritage Advisor Report	6 Pages
3	Response from Applicant	4 Pages
4	Proposed Conditions	6 Pages

Attachments (separate document)

5	Submissions	4 Pages
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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.



NOTES

1. THIS DRAWING IS THE PROPERTY OF SOUTHWEIL DESIGN & DRAFTING AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SOUTHWEIL DESIGN & DRAFTING. ANY UNAUTHORIZED USE OF THIS DRAWING IS PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

2. ALL WORKSHOPS & MATERIALS SHALL COMPLY WITH THE RELEVANT STANDARDS & REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE RELEVANT STANDARDS & REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE RELEVANT STANDARDS & REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE RELEVANT STANDARDS & REGULATIONS.

3. THIS DRAWING IS TO BE USED AS A GUIDE ONLY. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS & APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS & APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS & APPROVALS FROM THE RELEVANT AUTHORITIES.

REVISIONS

NO.	DATE	DESCRIPTION
1		ISSUED FOR APPROVAL

SOUTHWEIL Design - Drafting
FOR APPROVAL
 H13-DA01.02
 12
 11/05/22

HARRISON HOUSE - 13 WILLIAM ST, MILLTHORPE

NOTES

1. ALL WORKSHOPS & MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 AS AMENDED AND NOTIFIED UNDER THE BUILDING ACT 2011. ALL WORKSHOPS & MATERIALS SHALL BE CHECKED AND APPROVED BY THE LOCAL AUTHORITY BEFORE BEING USED ON SITE. APPROVALS SHALL ONLY BE GRANTED AFTER THE LOCAL AUTHORITY HAS CHECKED AND APPROVED THE WORKSHOPS AND MATERIALS. APPROVALS SHALL ONLY BE GRANTED AFTER THE LOCAL AUTHORITY HAS CHECKED AND APPROVED THE WORKSHOPS AND MATERIALS. APPROVALS SHALL ONLY BE GRANTED AFTER THE LOCAL AUTHORITY HAS CHECKED AND APPROVED THE WORKSHOPS AND MATERIALS.

2. THIS DRAWING IS TO BE USED AS A CONSTRUCTION DOCUMENT WITH ALL OTHER DRAWINGS IN THE PROJECT. ANY CHANGES TO THIS DRAWING SHALL BE MADE BY A REGISTERED ARCHITECT OR ARCHITECTURAL DRAFTER.

3. THE CLIENT ACCEPTS THAT THIS DRAWING IS NOT A CONTRACT DOCUMENT AND IS NOT TO BE USED AS A CONTRACT DOCUMENT.

NO.	DATE	REVISION	APPROVED BY

LEGEND

- CD - CONCRETE
- GL - GLASS
- GP - GYPSONUM BOARD
- PC-P - POLYURETHANE INSULATION
- PC-F - POLYURETHANE INSULATION
- PI - POLYURETHANE INSULATION
- PL - POLYURETHANE INSULATION
- WB - WOOD BRICK

WEST ELEVATION

WILLIAM ST WEST ELEVATION

SCALE - 1:200 @ A1 - 1:100 @ A3

NORTH ELEVATION

1:500 @ A1
1:100 @ A3

SOUTHWEIL Design - Drafting

FOR APPROVAL

ELEVATIONS - SHEET 1

H13-DA01.06

12

Blayney Shire Council Heritage Advisory Service

Introduction

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

The relevant statutory control is the Blayney LEP 2012 and the DCP Part H 5.7 (Heritage) and DCP E2.5

4. Pre-DA 13 William Street, Millthorpe

Attention: Dan

Contacts: Richard Southwell – the Harrison House

Significance:

The site is a vacant lot on the upper level of the Millthorpe HCA and is in the vicinity of a heritage item located above and SE of the site.



1. Location plan courtesy Google Maps



2. View from the upper portion of the site. Noting existing remnant shrubs providing privacy between the frontage and adjoining yards.

David Scobie Architects Pty Limited
 ABN 64 079 683 079

December 2021

Blayney Shire Council Heritage Advisory Service



3. View from the site towards the neighbouring site and house to the south. The dwelling on the adjoining site shown above is a new house and erected since the current DCP has been in place. There is a driveway between the timber fence and dwelling but no planting to both sites.



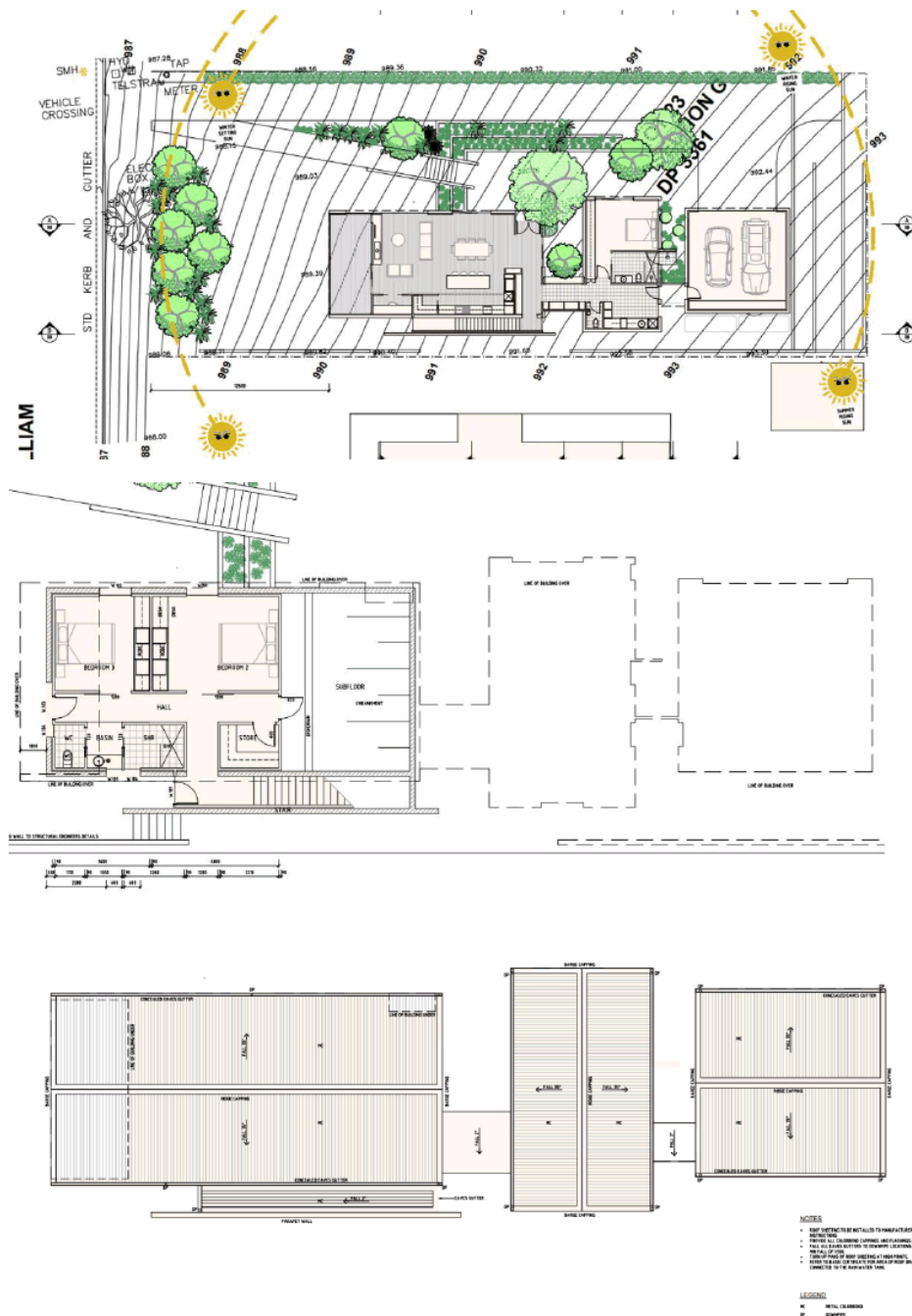
4. View from the street looking East noting minor remnant garden shrubs in frontage.

Proposal drawings: Site & upper Floor Plans

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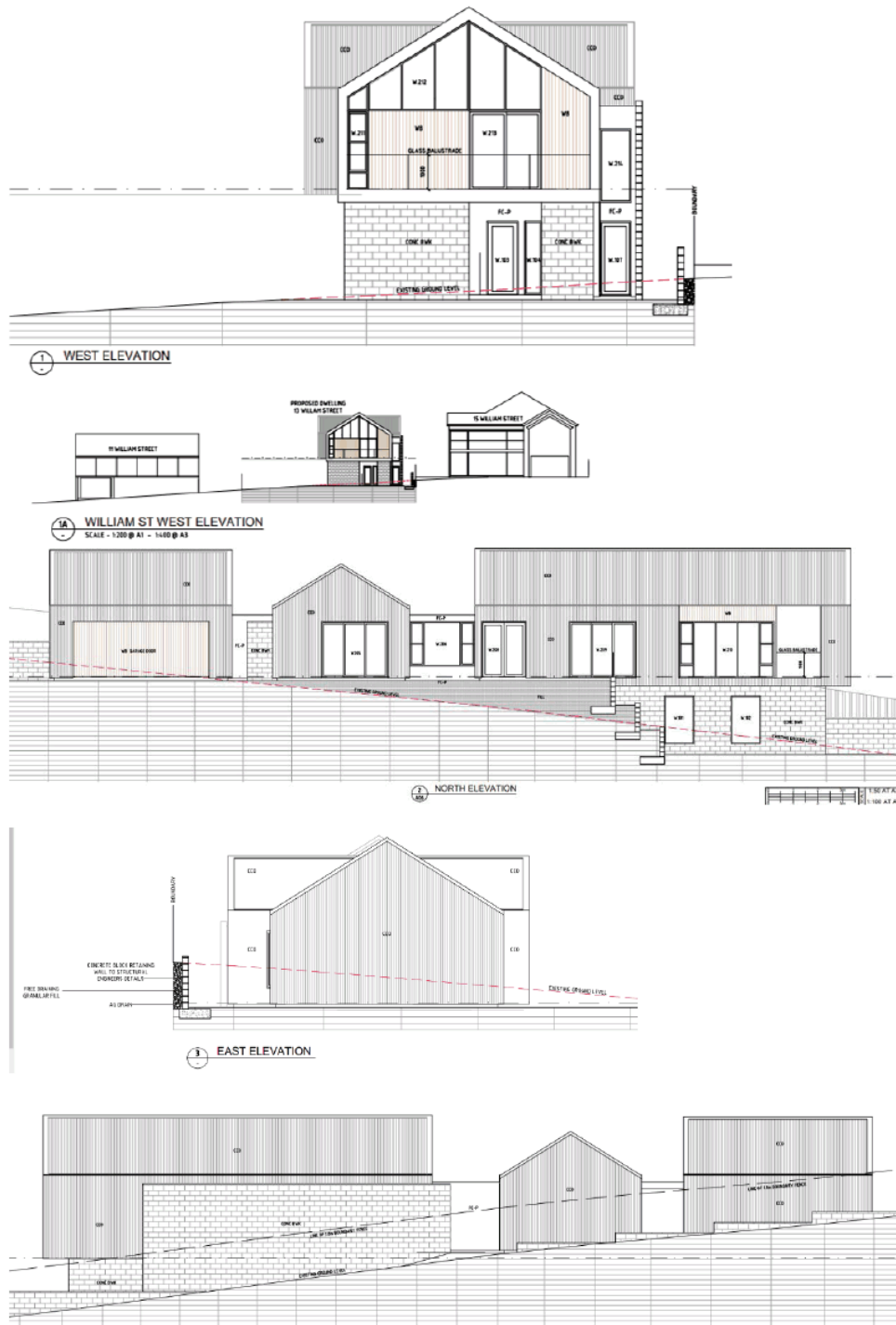


The plan has common / similar setbacks to the frontage with adjoining houses. The northern side has planting to the fence line and a driveway and turning which determines the building footprint.

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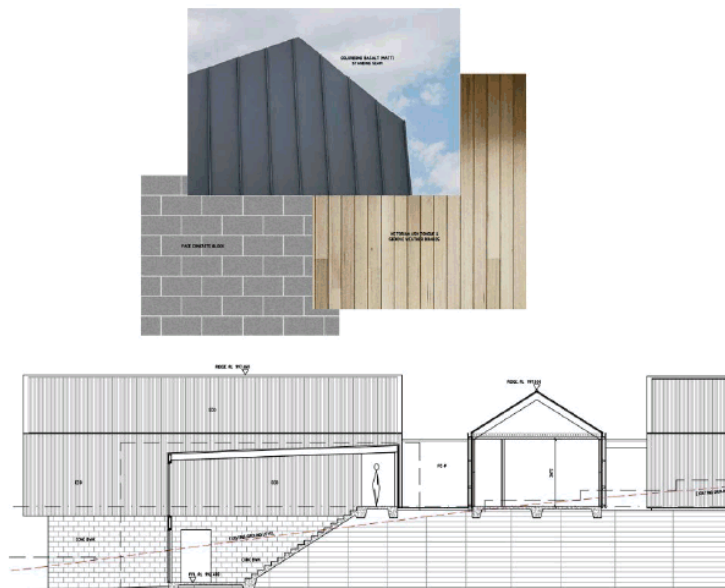
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Assessment, commentary and recommendations

The following are provided as a means of reviewing the impact of the proposal on the heritage significance on the setting and the Millthorpe Heritage Conservation Area. The criteria and guidelines are provided within, NSWHO and RAIA *Design in Context: guidelines for infill development in the historic environment*

Character

- The context in the local setting is two storey contemporary buildings with one single storey traditional listed building located to the rear of the site. The dwellings in the vicinity have traditional pitched and hipped roofs.
- The proposal is a contemporary style with a gabled glazed end facing west with terrace and glazed balustrade and an expressed lower level facing the street. There is an angled pedestrian entry from the street to a northern door in the long side elevation. There appears to be a retention of existing planting and some new planting proposed. Additional planting would be warranted to the South elevation to model and soften the presentation to the adjoining site

Setbacks

- The northern setback is determined by a driveway to the rear, the front setback stands forward of the adjoining house to the house while a common setback line appears to link the three adjoining houses. The three building pavilions include courtyards and a rear setback which may be landscaped.
- Dimensions are to be nominated to the site plan to confirm the setbacks to the boundaries for the north and south elements of the building

Scale

- The proposal adopts conventional building heights and a level of excavation to accommodate the two levels with retaining walls and a stair to the southern side. The nominal 30 degree pitched roof is a traditional slope and the character varied by having the ridges both north south and east west to the two end pavilions. The scale and heights are appropriate in the setting

Bulk

- The bulk is well modelled through the use of two levels and three built forms.

Materials

- The walls are standard grey face concrete block with feature areas of vertical timber boarding on the front western elevation at the first floor, garage door and hamper panels on the north elevation. The walls are specified as colorbond corrugated cladding while roof is noted both as metal cladding and corrugated cladding. The sample image shows standing seam wall cladding in Basalt. Subject to confirmation of the materials, the use of corrugated cladding is

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December 2021

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preferred as it would be one of the few elements on the building to acknowledge the traditional village setting and character. The narrow range of all grey materials are not traditional and very topical at this time. They would be suitable subject to confirmation of the materials and colours with the mitigation of landscape planting to soften and screen the northern and southern elevation. Given the traditional character of the setting and raised presentation of the front elevation an alternate steel rod balustrade is recommended in place of the glass. A shading structure such as a contemporary hood to the first-floor northern glazing and steel pergola are recommended for the north elevation – doors and windows in order to reflect a traditional approach to solar shading and weather protection.

Details

- It is appreciated that the minimalist forms are intended to reflect and interpret the traditional forms of village houses. This is acceptable subject to the sensible traditional issues of weather protection and solar protection are addressed using appropriate details and materials. This is essential in being able to illustrate which elements on the building are considered as being responses to their location in the historic village. The steel balustrade sun/weather hoods to doors and windows, a steel pergola and trellis for planting to the south elevation blockwork are nominated for consideration. It is noted that no solar panels are shown on the roof. These would be acceptable on the north facing roofs of the second and third pavilion buildings

Colour

- The basalt colour would be acceptable for the corrugated cladding on the walls and roof. The standard grey blockwork is acceptable subject to the use of wire or steel mesh for screen planting
- Paint colours are to be specified for the fibre cement sheet or Barestone or similar specified

Landscape

- Additional planting is recommended to the south elevation to model the materials and scale of the building and block wall.
- Planting is recommended to the rear eastern portion of the site to screen the building and complement the setting.
- The planting shown to the north side along the drive is to be specified
- The nominal trees shown on the northern terrace are appreciated in terms of the character and amenity and are to be specified so as to form part of the application and consent.

David Scobie**Heritage Advisor to Blayney Shire Council**

David Scobie Architects Pty Limited
ABN 64 079 683 079

December 2021

Southwell Design & Drafting
35 Crowson St,
Millthorpe NSW, 2798
ABN 38 276 098 048

Blayney Shire Council
Attention Claire Johnstone
PO Box 62
Blayney NSW, 2799
council@blayney.nsw.gov.au
02 63682104

March 22, 2022

Objections to DA5/2022
New dwelling at 13 William St, Millthorpe

Thank you, Claire, for forwarding objections regarding DA5/2022. After consideration we offer the following feedback.

- Consideration and explanation of the appearance of the proposed dwelling are outlined in the Heritage Impact Statement that accompanied the DA application. As long-term residents of the Millthorpe area, the applicants fully appreciate the heritage value of Millthorpe and thus, the proposal has been put forward as a considered response to the requirements of the DCP and heritage conservation zone.
- Development in the Heritage Conservation area does not preclude contemporary design. In fact, contemporary design is encouraged to provide clear distinction from genuine heritage architecture and allow for an accurate reading of future heritage.
- The heritage advisor has provided a report on the proposal. We note that feedback from the Heritage advisor did not find any fault with the scale, bulk or height of the proposed dwelling.
- The height of the proposed dwelling is less than that of the southern adjacent existing dwelling as is clearly identified in the DA drawings.
- The overall height of the proposed dwelling is less than one meter higher above natural ground level at its highest point than the northern neighbours house above natural ground level at its highest point above natural ground level.
- As the natural topography of the land is steep in the vicinity of the subject site, it would be expected that the proposed house would be higher overall than properties located further down the hill.
- Considerable effort was put into the creation of the street view provided in the DA drawings, placing the proposed dwelling in context with the two adjacent dwellings on William St. The street elevation clearly identifies the minimal scale and bulk of the proposed dwelling, particularly in comparison to the two adjacent neighbouring houses.
- Consideration of the privacy and overlooking of the northern neighbours has been addressed. The proposed dwelling has been located as far to the south of the site as possible. This allows for maximum space to be created between the two dwellings. A more 'traditional' approach would have created a dwelling far closer to the northern boundary.

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- Millthorpe was not traditionally the location of large, double level, brick veneer dwellings with double garage doors addressing the street. It would therefore be inappropriate to propose something that reproduced something of the scale, bulk and finish of existing neighbouring buildings.
- The majority housing in William St is not vernacular construction, nor is it consistent. The streetscape character contains substantial variation, so there is no prominent style to conform with.
- On the contrary, Millthorpes built heritage was traditionally humble in scale and rural in character, with sheds interspersed among the homes. The proposed dwelling reflects the true historical heritage of the area. The recognition of the “shed” like appearance of the proposal by the complainants is therefore considered a compliment.
- The use of humble, unadorned ‘rural’ finishes as external finishes continues this appropriate acknowledgement of the rural context of the village.
- The house has been designed to implement contemporary environmental sustainable design techniques. It is no longer 1900, nor is it even 1990. The desire for a comfortable and efficient home that also complies with current government requirements in regard to energy efficiency encourages window to the north and limited glazing to the south. It must therefore be accepted that the look of the house will appear different from homes built during different time periods with minimal concern for the environment or energy efficiency. Unfortunately, this has led to concerns of privacy for the northern neighbour and a lack of window articulation for the southern neighbour.
- The house has been located to the south of the block to allow for northern glazing with connection to northern outdoor living areas, while also protecting privacy for the northern neighbour. These are DCP recommendations and have been complied with.
- This of course creates a house that is located closer to the southern boundary. The setback of the southern boundary does still however comply with DCP requirements. Limited windows on the southern elevation reduce heat loss and protect the privacy of the southern neighbour. There are windows on the southern side of the building but have very deliberately been orientate to the east and west to protect both neighbours from privacy conflicts. If windows were located facing directly south, the southern neighbour would likely (and rightly so) be complaining about privacy concerns. In reality, an elevation is rarely seen from straight on as presented in approval drawings, and the articulation of the southern elevation and its windows will be better appreciated in 3 dimensions.
- The bulk and scale of the proposed dwelling is broken up in form and material to limit the visual bulk impact on the southern neighbour. It is noted from the site plan that each building element of the proposed dwelling is far smaller in scale and bulk than that of recently constructed adjacent dwellings. In particular, I note the scale and bulk of the southern wall of the southern neighbours house, as well as its proximity to its southern boundary. The proposed southern wall details provide articulation, separation of building elements and material interest while preserving the southern neighbours privacy. The proposal is a far more sensitive and effective solution than that of the southern neighbours own southern wall.
- Issue has been raised in regard to overshadowing of the southern neighbours driveway. The proposal will create additional shadow on the driveway but has been designed to protect access to sunlight into the southern neighbours windows. DCP requirements protect sunlight access to living room windows but there is no requirement to protect sunlight access to driveways.
- The current 1.8m high boundary fence would already cast a shadow 2.8 meters long across the driveway in mid-winter, shading the majority of their driveway irrespective of the proposed development.
- It must be expected by the southern neighbour that a dwelling would be constructed on this site at some point and not unreasonable to expect that would cause some additional shading.

H13-Objectios

- It was suggested that the proposed dwelling be moved further north to allow for planting between the proposed house and southern boundary. If planting was proposed, high enough to appear above the existing 1.8m high boundary fence, then this would of course contribute further to overshadowing of the southern neighbour. While we don't feel it is necessary or will ultimately help, we would be happy to provide a landscape plan, detailing planting between the proposed dwelling and southern boundary. Would you suggest low planting that isn't visible behind the fence but doesn't shade the driveway, or high planting that can be seen but compounds their shading concerns.
- In addition, if the house was moved further to the north to allow for landscaping, then the northern neighbour would complain that their privacy was further compromised.



Image 1.

The scale and bulk of proposed building elements in plan, in comparison with adjacent dwellings.

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H13-Objectios



Image 2

William St elevation showing comparative scale and bulk of addressing street elements. The proposed dwelling is clearly lower in overall height than 15 William St and well as being of a reduced bulk than both adjacent dwellings. The height of the proposed dwelling corresponds to the slope of the land.

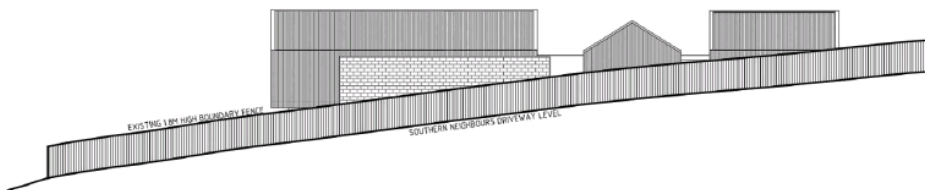


Image 3

The southern elevation as seen from 15 William St. A large portion of the dwelling is below fence height and those elements that are visible are broken up into smaller pods. Each pod is set back a different distance from the boundary with different roof forms to add texture and interest. The use of different materials further contributes to the interest of the elevation. No windows directly addressing the southern neighbour ensures privacy conflicts are negated.

In conclusion, we feel that the proposed dwelling is worthy of approval, having given significant consideration to the impact on neighbours and its contribution to the street and wider village character.

If you have any questions, please don't hesitate to contact me.

Regards



Richard Southwell

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 richard@southwelldesigndrafting.com.au

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Reasons for Decision

1. To comply with legislative statutory requirements.

Approved Plans

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Southwell Design & Drafting	-	31/12/2021
H13-HIS01a	Heritage Impact Statement	Southwell Design & Drafting	-	December 2021
1257875S	BASIX Certificate	Southwell Design & Drafting	-	31/12/2021
H13-DA01.01	Architectural Plans	Southwell Design & Drafting	-	31/12/2021

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

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

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

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

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

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which

the work relates (not being the Council) has given the Council written notice of the following information:

a) in the case of work for which a principal contractor is required to be appointed:

1. The name of the licence number of the principal contractor, and
2. The name of the insurer by which the work is insured under Part 6 of that Act,

b) in the case of work to be done by an owner-builder:

1. The name of the owner-builder, and
2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

6. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate

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

8. An amended Landscaping Plan to the satisfaction of Blayney Shire Councils Department of Planning and Environmental Services. The plan is to specifically include a vine and/or planting along the southern wall of the dwelling house that breaks the appearance of the continuous concrete block wall.

Prior to Works Commencing

9. 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.

10. 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.

11. 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.

12. Prior to commencement of any works, a Construction Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.

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

During Construction

14. 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.

15. The retaining walls on the eastern and southern boundaries shall be constructed immediately after the excavation of the site with the walls completed prior to pouring the floor slab of the dwelling.

16. 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.

17. 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*.

18. All the required commitments shown on BASIX Certificate and on the approved plans, are to be implemented prior to the issue of an Occupation Certificate.

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

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

20. 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.

21. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.

22. 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. 2: Zinalume will be not accepted.

23. 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.

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

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

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

25. All road and inter allotment drainage is to be conveyed to the gutter in William Street.

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

Section 68 Requirements

27. 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.

28. 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.

29. Forty – eight (48) hours' notice shall be given to Council for inspection of the following:

- a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainier shall be on site at the time of the inspection, and the drainage lines shall be charged;
- b) Hot and cold water at rough-in; and
- c) Completion.

30. Prior to the issue of an Occupation Certificate, 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.

Prior to Issue of Occupation Certificate

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

32. That the approved Landscaping Plan be implemented prior to the issue of the Occupation Certificate.

Ongoing Matters

33. 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.

Advisory Notes**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) Housing Provisions: -

- a. The dwelling frame and roof must be designed for a snow load in accordance with AS/NZS 1170.3-2003 in Part 1.4;
- b. The stairs (including slip-resistance), handrails and balustrades must comply with part 3.9; and
- c. The glass balustrades must be designed by a structural engineer in accordance with AS/NZS1170.1.

Notice of Commencement

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

13) DEVELOPMENT APPLICATION 33/2022 - ERECTION OF TWO OUTBUILDINGS (SHEDS) - 57 PITTMAN DRIVE, BROWNS CREEK

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1452

Recommendation:

That Council consents to Development Application DA33/2022 for the erection of two outbuildings (sheds) at Lot 211 in Deposited Plan 1251130, 57 Pittman Drive, Browns Creek, subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 33/2022 for the erection of two outbuildings (sheds) at Lot 211 in Deposited Plan 1251130, 57 Pittman Drive, Browns Creek.

The key issue for consideration is the variation from the *Blayney Shire Development Control Plan 2018, Part C: Residential Development, C3.4 Garage, Carports, Outbuildings & Sheds in large Lot Residential Areas*. The proposed development does not comply with C3.4 as it exceeds the cumulative floor area of 300m². The combined existing and proposed shed floor area on the subject property is 532m².

Report:**EXECUTIVE SUMMARY**

Council's consent is sought 2022 for the erection of two outbuildings (sheds) at Lot 211 in Deposited Plan 1251130, 57 Pittman Drive, Browns Creek (the 'subject property').

The subject property is located within the R5 Large Lot Residential zone and contains an existing dwelling house and three existing outbuildings (existing shed 1 - 48m², existing shed 2 - 36m² and existing shed 3 – 16m², therefore an existing total floor area of 100m²).

The proposed development is seeking development consent for the erection of two sheds (12m x 18m) with a proposed combined floor area of 432m². The purpose of the sheds is for the storage of classic cars and aquaculture tanks for the keeping of koi fish, a hobby of the owners. It is important to note that the proposed aquaculture tanks are not for commercial purposes.

The key issue for consideration is the variation from the *Blayney Shire Development Control Plan 2018, Part C: Residential Development, C3.3 Garage, Carports, Outbuildings & Sheds in large Lot Residential Areas*. The

proposed development does not comply with C3.4 as it exceeds the cumulative floor area of 300m². The combined existing and proposed shed floor area on the subject property is 532m².

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

PROPOSED DEVELOPMENT

Council's consent is sought 2022 for the erection of two outbuildings (sheds) at Lot 211 in Deposited Plan 1251130, 57 Pittman Drive, Browns Creek subject to the recommended conditions of consent.

The proposed development is seeking development consent for the erection of two sheds (12m x 18m) with a proposed combined floor area of 432m². The purpose of the sheds is for the storage of classic cars and aquaculture tanks for the keeping of koi fish, a hobby of the owners. It is important to note that the proposed aquaculture tanks are not for commercial purposes.

ASSESSMENT – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

SECTION 4.15 EVALUATION

Matters for Consideration – General

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

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R5 Large Lot Residential
Lot size:	2.07HA
Heritage:	N/A
Terrestrial biodiversity:	Yes
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 affected by a covenant, Terms and Restrictions of User, however, the proposed development will not impact or vary from the covenant attached to the subject property.

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

The subject property is zoned R5 Large Lot Residential. An *outbuilding* is permissible in the in the R5 Large Lot Residential zone.

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

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development is assessed to be consistent with the forgoing objectives. In particular, the proposed development will make a positive contribution towards providing opportunities for employment growth within the Blayney Shire and will not increase the demand for public services, public facilities or create conflict between land uses.

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.

A condition of consent will apply requiring that all drainage and plumbing work is to be carried out in accordance with the current Plumbing and Drainage Code of Practice by a licensed plumber. This will ensure that stormwater is directed to the legal point of discharge.

Clause 6.8 Essential services

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

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

State Environmental Planning Policy (Resilience & Hazards) 2021

State Environmental Planning Policy (Resilience & Hazards) 2021 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.

The subject property has historically been identified for residential land use and a site inspection of the subject property did not identify any evidence of a contaminating land use which would warrant any further investigation.

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

Not applicable to this application.

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

Blayney Shire Development Control Plan 2018 (DCP)

Part C – Residential

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

C3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas

C3.4 outlines the provisions in a *Zone R5 Large Lot Residential areas where the existing lot size is $\geq 1ha$ in addition to the visual impact/amenity controls above any garages, carports, outbuildings or sheds must not exceed:*

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

The application does not comply with the *DCP, Part C: Residential Development, C3.4*, as it exceeds the cumulative floor area of 300m². The combined existing and proposed shed floor area on the subject property is 532m².

The total cumulative floor area for the existing and proposed sheds is 532m², which exceeds the standard by 232m². As such, the applicant has sought Council's approval for a variation to the acceptable solution.

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

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

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

- The objectives of the relevant controls are to ensure *that outbuildings and garages/carports: a) will not dominate views from the street or key public places; b) will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; c) will integrate with the dwelling design and surrounding landscaping and buildings; d) will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise).*

The proposed development sufficiently addresses the objective through the design and layout of the proposed buildings to ensure that the scale and setting integrates into the existing rural residential landscape, whilst improving the amenity on the surrounding area;

- The proposed outbuildings (sheds) will be located behind the existing dwelling house;
- The owners currently store aquaculture tanks and equipment on the subject property, therefore, the proposed development will have a positive improvement on the amenity of the surrounding area;
- The purpose of the proposed development is for the storage of classic cars and aquaculture tanks for the keeping of koi fish, a hobby of the owners. It is important to note that the proposed aquaculture tanks are not for commercial purposes; and
- Proposed landscaping will provide a screen and buffer between the surrounding land owners.

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

Section 4.15(1)(a)(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

There are no planning agreements relating to the subject property.

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

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

Not applicable to this application.

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

Not applicable to this application.

Fire safety and other considerations (Clause 93)

Not applicable to this application.

Buildings to be Upgraded (Clause 94)

Not applicable to this application.

BASIX Commitments (Clause 97A)

Not applicable to this application.

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

The likely impacts of the proposed development have been considered in the body of this report. Based on this assessment, it is considered that the

proposed development is unlikely to have a significant or detrimental impact and will have a positive improvement on the amenity of the surrounding area.

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

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

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

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

Section 4.15(1)(e) The public interest

The proposed development is consistent with the *Blayney Local Environmental Plan 2012* and the *Blayney Development Control Plan 2018*. No adverse impacts are assessed to the public as outlined throughout this report.

Conclusions:

The proposed development complies with the relevant aims, objectives and provisions of *Blayney Local Environmental Plan 2012*. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

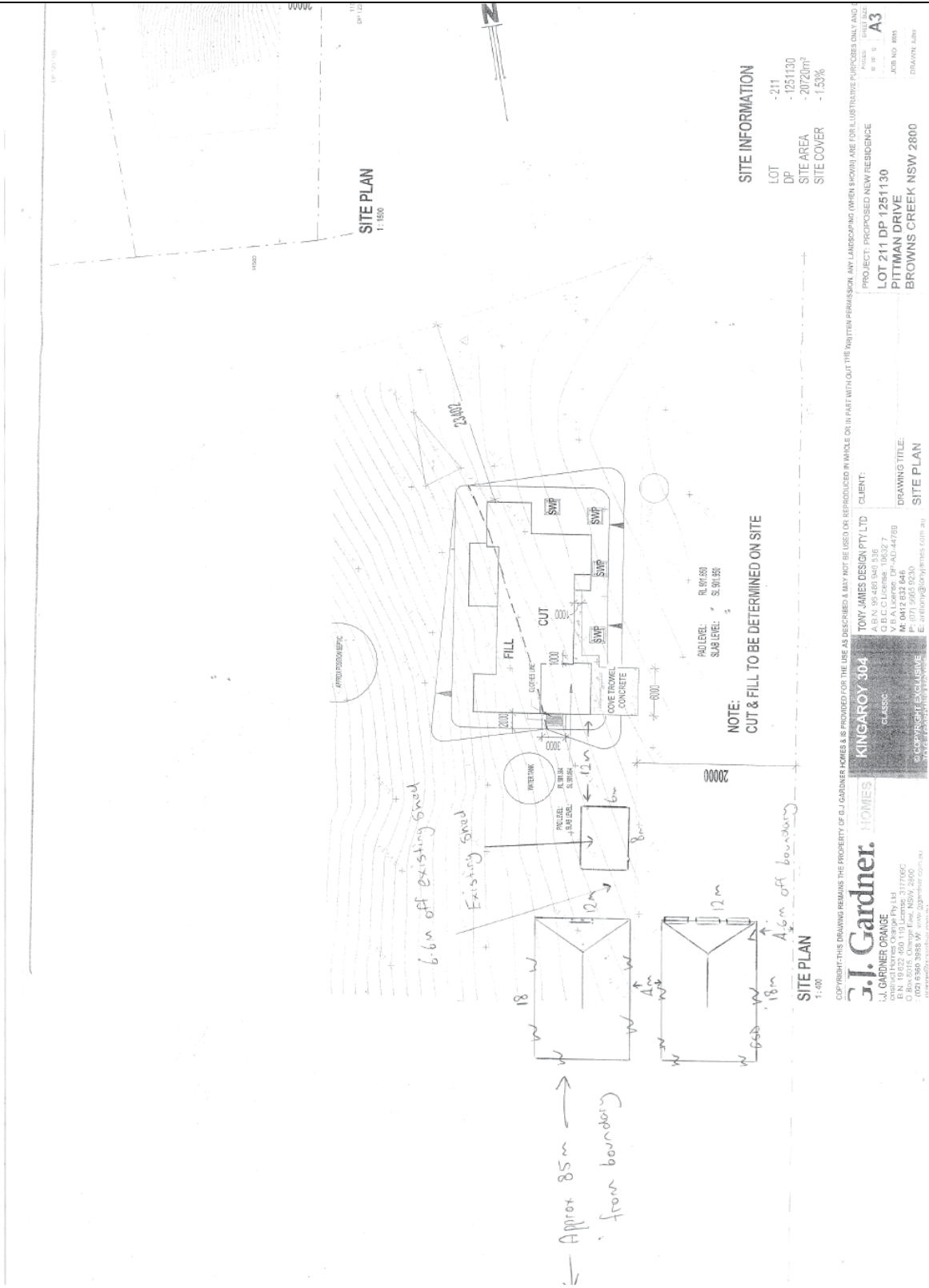
Nil

Enclosures (following report)

- | | | |
|---|---------------------|---------|
| 1 | Plans | 3 Pages |
| 2 | Proposed conditions | 4 Pages |

Attachments (separate document)

- | | | |
|---|-----------------------|---------|
| 3 | Letter from applicant | 6 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.*



SITE INFORMATION

LOT - 211
 DP - 1251130
 SITE AREA - 20720m²
 SITE COVER - 1.53%

PROJECT: PROPOSED NEW RESIDENCE
 LOT 211 DP 1251130
 PITTMAN DRIVE
 BROWNS CREEK NSW 2800

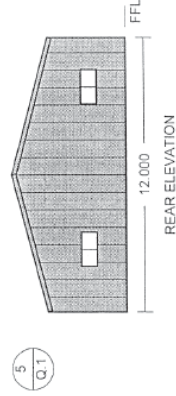
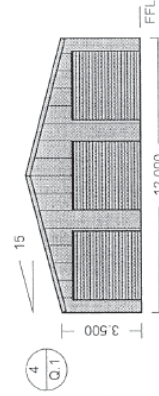
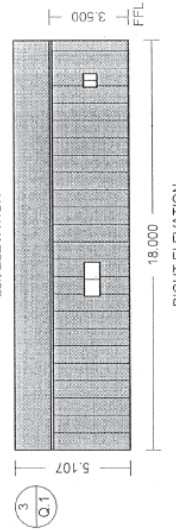
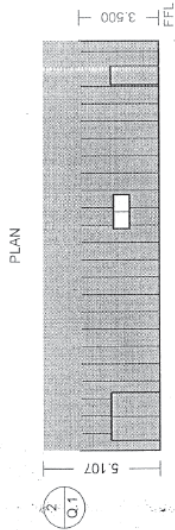
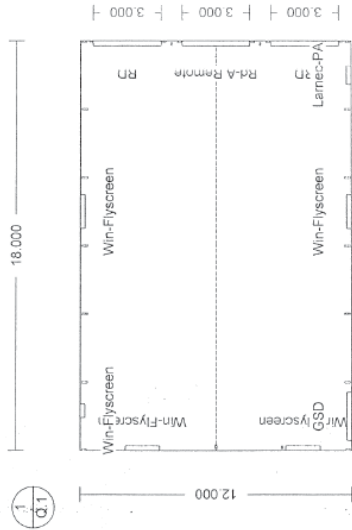
JOB NO. 8093
 DRAWN: ALBY

CLIENT:
 TONY JAMES DESIGN PTY LTD
 A.B.N. 59 480 540 136
 V.P.O. 7
 M: 0412 632 646
 F: (07) 365 0230
 E: tony@tonyjames.com.au

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 151 GARDNER STREET ORANGE NSW 2888
 B.N. 19 822 460 119 Licenses: 317709C
 F: (07) 630 3888 W: www.gardnerhomes.com.au

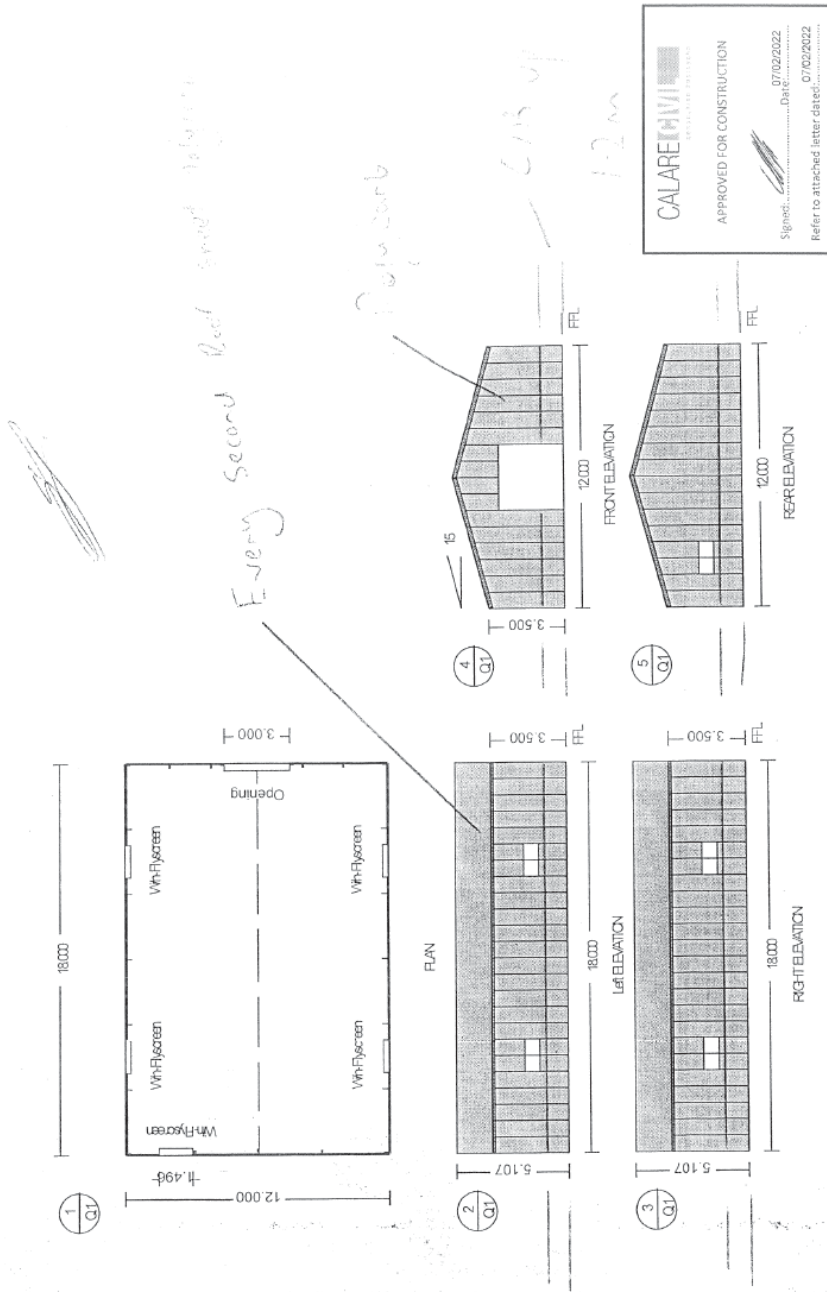
CALAREE
 ARCHITECTURAL SERVICES
 APPROVED FOR CONSTRUCTION
 Signed: [Signature] Date: 07/02/2022
 Refer to attached letter dated: 07/02/2022



CLIENT
 Proposed Shed 12,000 x 18,000 x 3,500 N3
 At TBA, Browns Creek
 For Graham Farnell

DRAWING
 DWGQP1 Ref. 3112011210 Scale: 225:1
ARCHITECTURAL DRAWINGS

1:5 G 43 (Shed Type-21) [ps0012] [psk3v1204-0565830]



CALARET CIVIL
 ARCHITECTS & ENGINEERS
 APPROVED FOR CONSTRUCTION
 Signed: _____ Date: _____ 07/02/2022
 Refer to attached letter dated: 07/02/2022

DRAWING

DWG/CP1	Ref: 31/21/12/6	Scale: 2/21
---------	-----------------	-------------

ARCHITECTURAL DRAWINGS

CLIENT

Proposed Shed 12,000 x 18,000 x 3,500 NG
 At TBA Browns Creek
 For Graham Farrell



Reasons for Decision

1. To comply with legislative statutory requirements.

Approved Plans

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects and Supporting Letter	Graham Fameli	-	-
3112011216	Floor and Elevation Plans	Shed World		7 February 2022
-	Site Plan	Graham Fameli	-	-

As amended in accordance with any conditions of this consent.

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

Prescribed Conditions

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

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

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

- a) in the case of work for which a principal contractor is required to be appointed:

1. The name of the licence number of the principal contractor, and
2. The name of the insurer by which the work is insured under Part 6 of that Act,

- b) in the case of work to be done by an owner-builder:

1. The name of the owner-builder, and
2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

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

Prior to Issue of a Construction Certificate

NIL

Prior to Works Commencing

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

During Construction

7. 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.

8. 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.*

9. 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.

10. 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.

11. 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.

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

Note 1: Sheet metal shall be of factory prefinished (e.g., colorbond or galvanised iron) type material. 2: Zinalume will be not accepted.

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

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

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

Prior to Issue of Occupation Certificate

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

17. That landscaping be implemented along the eastern boundary to provide a screen to the adjoining property.

Ongoing Matters

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

Advisory Notes**Inspection Schedule**

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

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

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

Notice of Commencement

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

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.

14) PROPOSED LAND TRANSFERS - CLARKE STREET

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

15) LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 333 NEWBRIDGE ROAD

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.

16) LAND PURCHASE OPPORTUNITY

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.